

eliminate the municipal rebate for the GST.

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

"THAT THE LETTER BE RECEIVED"

Mayor Ball said he would like to point out that the information was sent on to FCM regarding the impact of that change.

MOTION CARRIED

11. Ms. Dempsey Crossman outlined a letter from Brooke Taylor, MLA, in response to one of councils' letters to the education minister concerning the provincial share of funding for school boards.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

12. Ms. Dempsey Crossman outlined a letter from the Nova Scotia Association of Police Boards informing Halifax County of their membership.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT HALIFAX COUNTY NOT TAKE OUT A MEMBERSHIP OR ASSOCIATED MEMBERSHIP"

MOTION CARRIED

Mayor Ball said in the response from Halifax County it should be pointed out that the county sees UNSM as being the body associate that is looking into those particular matters. That Halifax County pays its associate membership dues to that association.

13. Ms. Dempsey Crossman outlined a letter from the Honourable Guy Brown in response to councils' previous correspondence on the housing authority.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

14. Ms. Dempsey Crossman outlined a letter from Canada Post Corporation advising that they are introducing motorized mail couriers within Dartmouth, Bedford and Lower Sackville and also the consolidation of the letter carrier depots in those three areas.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

15. Ms. Dempsey Crossman outlined a letter from the Metropolitan Authority regarding the actual tonnage that has been deposited at the Landfill site between July 1, 1992 and June 30, 1994 and requesting payment.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

'THAT THE LETTER BE REFERRED TO THE SACKVILLE COMMUNITY COUNCIL"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Ms. Dempsey Crossman outlined a letter with respect to the designation of the Stella Maris Church as a Municipal Heritage Property.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

2. Ms. Dempsey Crossman outlined a letter from the Minister of Education with regards to the provincial share of funding for school boards.

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

'THAT THE LETTER BE RECEIVED'

MOTION CARRIED

3. Ms. Dempsey Crossman outlined a letter from the Cole Harbour Rugby Football Club requesting council permission to use the Halifax County crest as part of their club emblem.

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

'THAT THE LETTER BE RECEIVED'

MOTION CARRIED

Mayor Ball said he would like to know if the county is interested in giving them the opportunity to wear the county crest on their uniforms.

Councillor Meade said he is not in favour of it.

Councillor Snow said he thinks it is an honour to wear the county crest. He said he would like it stipulated that the crest be designated as a sleeve crest only.

Councillor Cooper said if there are sports organizations that do travel he sees no problem with them having a small emblem on their uniforms indicating that they come from Halifax County.

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

"THAT THE CLUB BE GIVEN PERMISSION TO WEAR THE COUNTY CREST ON THEIR UNIFORMS"

Councillor Reid said he feels they should be contacted and ask them to come to a committee meeting to indicate what their wish is. He said most sports teams, when referring to a crest, are talking about a chest patch. He said it should be first determined what they want before a decision is made.

Mayor Ball said it could be referred to the Recreation Department to make contact with them and get them to come in and make a presentation at the next council session.

Mover and seconder agreed to withdraw the motion.

Mayor Ball said it also should be identified who is paying for the crest because to his knowledge the county does not have crests available.

4. Ms. Dempsey Crossman outlined a letter from the Minister, Municipal Affairs in response to councils' letter requesting that

lands identified by LRIS 364208 be grandfathered as per the 1982 Sackville Plan. She said the Minster states that it is her understanding that the portion of the property in questioned has been zoned P3 and may be eligible for such a rezoning.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

5. Ms. Dempsey Crossman outlined a letter from the Its Not Garbage Coalition regarding solid waste management and they are requesting an opportunity to address council about their action plan.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

'THAT THEY BE PERMITTED TO SPEAK FOR FIVE MINUTES AT THE SEPTEMBER 6, 1994 COUNCIL SESSION"

MOTION CARRIED

Mayor Ball said before council gets into a discussion of proposals it might be wise to deal on September 6th with regards to where Halifax County is going. He said Mr. Meech will be in contact with the respective groups to put an action plan together.

Council agreed to this.

SEWER CAPACITY - MILLCOVE TREATMENT PLANT

Ms. Dempsey Crossman said this is correspondence from Sackville Community Council requesting a report from the county engineering and works department on the present usage of the Millcove Sewage Treatment plant and also that council go on record as supporting no change in the 35/65 percentage split when the treatment plant is expanded.

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

"THAT THIS REQUEST BE APPROVED AND COUNCIL SUPPORT THE RECOMMENDATION AS OUTLINED IN THE REQUEST"

Councillor Boutilier said he would like to point out that the correspondence from the Community Council was July 15th but the background information indicates that negotiation have been going back and forth that they were not aware of. He said it had been based on the 65/35 premise and in the letter dated April 8th they are requesting 60/40. He said in all the meetings they had to discuss the upgrading of Millcove it was based on the 65/35.

Mr. Meech said under the agreement the county presently has with the Town of Bedford the operational costs are cost shared on the actual usage that is monitored on an annual basis. He said that is adjusted each year based on the actual metre flows. In the agreement it doesn't really talk about amending the contribution towards the capital cost on any other basis than 65/35 which was the original design criteria. However, since it has been going on for some time, maybe the county should be asking Bedford, for the past five years, to make an additional contribution towards the capital component. He said he indicated to them that they should pay this additional sum and it was made clear to them that the county has no intentions of changing the 65/35. He said there is no discussion going on about that. He said because of Bedfords position he has asked the solicitors to see whether there is a way this can be enforced.

MOTION CARRIED

Councillor Merrigan asked Mr. Meech that if they use 41% then they have to pay 41% of the operating costs. Mr. Meech confirmed this. He said the amortization of the debt charges from the past capital expenditures, which is based on the 65/35, the original design criteria or any future major capital expenditures. He said he has asked for clarification with regards to 41%, whether it is 41% of total capacity or 41% of the actual usage.

Councillor Merrigan asked what safeguards where in place to stop the Town of Bedford from going to 45%. Mr. Meech said that is what he is getting looked at to see what mechanism is in place to bring it to a head.

Councillor Merrigan said he feels it should go on record that council should be referring this to the solicitor to take a look at.

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

'THAT THE SOLICITOR BE REQUESTED TO REVIEW THE AGREEMENT THAT IS IN PLACE'

MOTION CARRIED

VERNON KYNOCK DEVELOPMENT AGREEMENT

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

"THAT THE CORRESPONDENCE FROM ROBERT W. CARMICHAEL OF COX DOWNIE BE ACCEPTED"

MOTION CARRIED

DATE - PUBLIC HEARING - LESSER SETBACK FILE NO. LS-11-93-10

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

"THAT SEPTEMBER 6, 1994 AT 7:00 P.M. BE SET AS THE DATE AND TIME FOR THE PUBLIC HEARING"

MOTION CARRIED

DATE - MINOR VARIANCE APPEAL RE: LOT 40, HERITAGE SUBDIVISION LAND OF CALL CONSTRUCTION LIMITED

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

"THAT SEPTEMBER 6, 1994 AT 7:00 P.M. BE SET AS THE DATE AND TIME FOR THE PUBLIC HEARING"

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

File No. RA-PD5-05-94-05 - Application to rezone the property of Miklos and Judith Huszar at 1300 Sambro Road in Harrietsfield

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

"THAT THE APPLICATION BE APPROVED AND A PUBLIC HEARING BE SCHEDULED FOR AUGUST 22, 1994, AT 6:00 P.M."

MOTION CARRIED

Staff Report - Parkland Policy

Mr. Meech said this puts the county in the position that if some developer wants to go to the extent of actually developing a parkland, the county would be prepared, if it agrees, that if it is right for the area then they could be given credit for that as the county does now for the granting or conveying of land in lieu of the 5% cash donation. He said the developer still has to satisfy the county guidelines and policy before the county would be prepared to accept. He said if the county can get developed land, up front, it is to everybody's benefit.

Councillor Merrigan asked what was meant by the term "in principle" and where it goes from here.

Mr. Meech said he would assume that it would have to come back with a specific amendment to the policy or guidelines that are now a policy of council.

Ms. Sharon Bond said what they are asking for is approval from council of the policy. They haven't written up any administrative procedures to deal with it.

Councillor Merrigan asked if what this was saying is planning is looking for approval from council to say go ahead but we want to see the policy before it is approved. He said he feels it is a good idea but he has some concerns. He said in the interim he would like Service Standards to take a look at this. He said he feels the concept is a good one.

Mayor Ball said that in the subdivision process the whole thing comes back to council each and every time.

Ms. Bond said what they are asking for here is approval to be able to sit down with the developer and propose something which council must approve.

Mayor Ball said this is a planning and land use situation which is in the hands of planning advisory. He said what council would be doing is approving in principle the right for staff to negotiate this kind of developed park scenario. If staff is satisfied it will come back to council with a recommendation to accept on an individual basis.

Mr. Crooks said the use of the words "in principle" is council as he understands it from the report is being asked to approve the concept and on the basis of that approval of concept staff would then develop policies and procedures which would be followed in working up a proposal with a developer and then, in a particular case, where an agreement or tentative agreement is reached with a developer, to come to council for approval under the act. He said it is in principle in the sense that it is approval in concept.

Councillor Merrigan asked if staff was going to come back with a policy whereby they are going to say how they are going to look at that developed park along with the developer and ask council to approve those guidelines or are they going to come back each time there is a developer that comes in with a recommendation and ask council to vote on whether or not to accept that.

Councillor Cooper said the report says that the act provides that council not the development officer must approve the acceptance of a combination of land and cash. He said on reading the

report the local councillor may have even a little bit less to do with this development. He said the report states that the recreation department is responsible for development and ongoing maintenance. He said he would like to see the policy to come back for acceptance that there also be some provision for ensuring that the local councillor is consulted in the process.

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

"THAT COUNCIL ACCEPT IN PRINCIPLE A DEVELOPED PARK AS PAYMENT FOR THE CASH PORTION OF A CASH AND LAND DONATION BE APPROVED BY COUNCIL"

MOTION CARRIED

DESIGNATION OF HERITAGE PROPERTIES PUBLIC HEARING

The Former St. John's Anglican Church, Waverley

Councillor Meade said the Former St. John's Anglican Church, Waverley designated their museum as a municipal heritage property. The Heritage Advisory Committee evaluated the property.

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 Mitchell:

"THAT THE FORMER ST. JOHN'S ANGLICAN CHURCH IN WAVERLEY BE DESIGNATED AS A MUNICIPAL HERITAGE PROPERTY"

MOTION CARRIED

Stella Maris Catholic Church, Fergusons Cove

Councillor Meade said an application had been received to designate the church. A public meeting was held in the community in May and the majority of the residents did not have any difficulty with designating this church as a municipal heritage property. He said correspondence has been received in favour of the designation. He said he had received a letter from the Heritage Trust of Nova Scotia supporting the designation.

SPEAKERS IN FAVOUR

Mr. Derrick Hawes, Halifax, spoke in favour of the designation. He said he attended Stella Maris for a number of years until mass was stopped being held there. He said they have been actively trying to reestablish masses there for quite some time and until they manage to accomplish that the church could be sold or deteriorate. He said the church is 150 years old with a lot of history behind it.

Ms. Heather Watts, President, Mainland South Heritage Society spoke in favour of the designation. She said the Society is in favour of the designation of this church for its age, its delightful architecture, which is an asset to the whole area, and its association with the national historic site at York Redoubt. She said the Society is hoping that in the future they can bring forward other buildings for council's consideration and they would very much like to see this one designated as a heritage property.

Mr. Fred Holtz, Chair, Fergusons Cove Residents Association, spoke in favour of the designation. He said the executive of the Association has met and strongly endorses the heritage designation. The community itself has not spoken at a meeting but there have been many community signatures on a petition that was circulated in June. This is an historic building. In addition to its sense of history, which is an extremely important thing to protect and pass along to future generations, it is a very attractive and beautiful building. He said anyone who has seen this building would want to see it retained as an example of the kind of architectural excellence that does occasionally crop up in the province. It has been restored by people who have continued to care about this building since its being built. Many people in the community took care of the building until the restoration took place in the 1970's. He said this is an indication of the kind of commitment that people have had to this particular building.

Mr. Michael Coglán, Purcell's Cove, spoke in favour of the designation. He said he would like to reiterate what has already been said about the historical nature of the building. It was originally built in 1842. The architecture is quite outstanding and unique for the area. It has a long standing relationship with York Redoubt. The garrison of the fortress had a hand in building and maintaining it over the years. He said this church has also given its name to one of the fishing grounds in the harbour. It is used by local fishermen as a landfall. The church ground is just within the harbour directly between Majors Beach and Stella Maris Church is named for that church and the steeples of that church are used by the local fishermen.

SPEAKERS IN OPPOSITION

Mr. Gary Sullivan, Herring Cove, spoke against the designation. He said he was not speaking for himself personally but through his involvement with the parish council. He said they have been petitioned to throw their support behind the residents of Fergusons Cove and groups that are trying to resurrect the Stella Maris church service. He said they had been told that through discussions with the Archbishop that the matter of support from the Diocese for designation for Heritage property would be left to the residents of the parish. He said they had neither confirmation nor have they had these facts refuted. He said he endeavoured to contact the Archbishop. He read into the record the letter form the Archbishop in which he states he will not give permission for Stella Maris to be designated as a Heritage property.

Mayor Ball asked if the parishioners have any objection for that designation. Mr. Sullivan replied no, that from the outset the position of the parish council was that they would support whatever platform the Archdiocese took on the issue. He said the parishioners have never been polled.

Councillor Harvey said it is his understanding that the church is not a functioning church at the moment.

Mayor Ball said the church is vacant and has been vacant for approximately a year.

Councillor Harvey said there is something empty in designating an empty building. In the first instance there was a former church which has been turned into a community purpose and well used and therefore you have a building that is functioning in the community and has historic and architectural importance. He said you have here an historical and architectural importance but it is not functioning as a building other than a structure. He said he also has a feeling that this may be part of an agenda to reactivate it as a church. He said perhaps that is something council, at this point, should not get involved in.

Councillor Meade said he had received a petition with two hundred names on it of people living in the immediate area. He said under the municipal heritage advisory committee they don't have to have permission from the owner of a building to designate it as a heritage property.

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

"THAT THE STELLA MARIS CATHOLIC CHURCH IN FERGUSONS COVE BE DESIGNATED AS A MUNICIPAL HERITAGE PROPERTY"

Councillor Giffin asked where the parishioners from that area go to church.

Mayor Ball said the parishioners from that area have a number of alternatives and can attend St. John the Baptist, St. Pauls in Herring Cove, St. Michaels and also they could go into town to St. Theresa's.

Councillor Cooper said the letter from the Archbishop leaves many things open to interpretation. He said he feels that representations made, on both sides to the Archbishop, regarding this matter. He said although council does not need the concurrence of the owner, he feels it may be prudent to have deferment on this and maybe ask for clarification. He said he is disinclined to take action that seems to be opposed by the owner of the property.

Mayor Ball said the Archbishops letter said he was not in favour of it at this time.

Councillor Cooper asked if it would be appropriate to ask him his views.

Mayor Ball said ultimately one of the questions to be answered is is that particular piece of property warranted to be a heritage designation or not. He said his understanding, from meeting held in the community, was theoretically if this is approved and somebody wished to make changes to that building there is a year deferral to that application of changes to the building and afterwards they have the right to go ahead.

Councillor Meade said there is one year grace.

Councillor Hendsbee asked if a poll of parishioners been done or is the petition of the residents the same thing. He said he would like to have this clarified. He said the reopening of the church for services should be clarified. He said perhaps this facility could be used as another community historic site.

Mayor Ball asked the solicitor that if this was designated as a heritage property does it mean that the county is forcing the diocese to hold church services there.

Mr. Cooks said no.

Mayor Ball said that with the designation all the county is trying to maintain is the physical structure as it is but does not prevent another use.

Councillor Merrigan asked who was going to have to pay for the upkeep of this church if it was designated.

Mayor Ball said there is money through a heritage fund to provide money.

Councillor Meade said there is a two thousand dollar grant available every two years to Municipal Heritage Properties designated churches.

Mr. Derrick Hawes said Archbishop Burke has been made aware of this as well as having a copy of the petition. He said the building is old and the people have said they want it designated as a Heritage Property.

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

"THAT THIS ITEM BE DEFERRED PENDING CLARIFICATION FROM THE ARCHDIOCESE ON THIS MATTER"

Councillor Meade said that if this property is designated a Heritage Property tonight the owner has ninety days in which to appeal and come before council.

MOTION DEFEATED
ORIGINAL MOTION CARRIED

PUBLIC HEARING - LESSER SETBACK REQUEST - LS-01-94-13

The staff presentation stated that on June 24th a lesser setback application was received to construct an addition of a porch and a deck measuring nine feet by twenty nine feet to be located a minimum of 1.6 feet from the left side property line. This property is located in Meaghers Grant, district 13, and is zoned general. The lot is approximately eighteen thousand square feet in area with an existing single unit dwelling. By-law 24 requires that the porch and deck be constructed a minimum of thirty feet from the front property line or any other line abutting a road and eight feet from the side and rear property lines.

This application was received from Glen Cole to allow for a reduction to the minimum setback requirement established under By-law 24. The purpose of this proposal is to permit the deck to be constructed off the kitchen door which is located on the left side of the dwelling. She outlined the provisions by which council is empowered to grant a variance in accordance with By-law 24. She said the existing dwelling is located near the left side property line and the abutting property on the left is also owned by the applicant. The area building inspector has reviewed the proposal and has no objection. All property owners within one hundred feet of this lot have been notified by mail.

She said as it does not appear that the use of the abutting properties will be adversely affected or any safety risk will be imposed by this proposal, it is recommended that council exercise its discretionary power to approve this application. She proceeded to show slides of the property for council's

information.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT THE APPLICATION BE APPROVED"

MOTION CARRIED

MINOR VARIANCE APPEAL MVC-09-94-06

Ms. Kelly Denty made the staff presentation. She said the minor variance is a request to locate the decks to the rear of a semi detached dwelling in Eastern Passage. The building is at 1905 and 1907 Shore Road in Eastern Passage. The request is to locate the deck a distance of two feet from an old Shore Road right of way. Minimum setback of ten feet is required. This application arose as the result of a subdivision application proposing to split the semi detached building. Survey plan accompanying the application showed the deck in the requested locations - two feet from the line. Mr. Morris was asked to remove the decks and to apply for a minor variance approval if he intended to keep them. Survey plans were provided showing the decks were removed but a follow up site visit indicated otherwise. It was at this point that Mr. Morris made application for the minor variance.

In May, 1993 council approved a variance request to locate the main building a distance of ten feet from the old highway right of way. Because of the involvement of Mr. Morris in the process at the time it is reasonable to assume that he is well aware of the setback requirements from the old road boundary. He neglected to seek the necessary permits and approvals before constructing the decks. Accordingly, the application was refused and Mr. Morris opted to disregard the setback requirements and, in doing so, intentionally disregard the by-law requirements. She said the planning act is very clear in that where there is a case of intentional disregard the variance may not be granted.

QUESTIONS FROM COUNCIL

Councillor Hendsbee he referred to the diagram shown in the agenda. He said he would assume that civic lot number 1895 has a dwelling that transcends the old boundary line.

Ms. Denty said this goes back to when the original building was built. She said the old highway boundary only became evident when this footing was put in for this new structure. When civic 1895 was built there was no evidence of the old road being there due to a survey error. The county had no evidence that it was there and the setback could not be enforced at the time.

Councillor Hendsbee said she would assume the old highway is no longer in use and discontinued public access.

Ms. Denty confirmed this.

Councillor Hendsbee said all that may be required is to apply to the Department of Transportation to acquire the land.

Ms. Denty said it is her understanding that this has been done.

Councillor Giffin asked Ms. Denty if the porches are there at the present time.

Ms. Denty said they are there now.

Councillor Giffin asked if this was in defiance of knowing that they should not be there.

Ms. Denty confirmed this. She said the appropriate procedure would have been to apply for the permit first and then build them after.

Councillor Randall asked Ms. Denty to confirm what the minimum setback was.

Ms. Denty said it was ten feet because they approved a variance when the building was built back in May, 1993. She said it really is twenty but a variance to ten had been approved.

SPEAKERS IN FAVOUR

Wendell Morris spoke in favour of the application. He said in May, 1993 when he applied for the earlier variance the decks were on the building at that time. Had he been informed of the requirements prior to applying for that variance he would have changed it to a two foot variance. He said he feels it is a simple matter and it is not an ignorance on his part of not abiding to the rules because when he applied for the last variance the decks were in place. He said there had been inspectors there at that time and nothing was brought to his attention until he went to apply for the subdivision. He said he has pictures of duplexes along that same piece of land where there are no decks showing on the actual plot plans but there are decks in place.

Councillor Hendsbee asked Mr. Morris if he had made application to the Department of Transportation in acquiring the deed to the right of way to this old highway.

Mr. Morris said he has not. He said he has made application and acquired what they called crown land or infilled area.

Councillor Hendsbee asked if Mr. Morris has done work on the properties towards the shoreline.

Mr. Morris said he had done work within two feet of the property line. The patios are on the back of the house.

Councillor Hendsbee said he sees no objections to the application.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT THE MINOR VARIANCE BE GRANTED"

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

Report of the Municipal and Community Planning Advisory Committees regarding Draft Regulations under the Proposed Environment Act

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

"THAT THE REPORT BE FORWARDED ONTO THE MINISTER OF THE ENVIRONMENT"

MOTION CARRIED

Staff Report - Discharge of a Development Agreement (File No. DA-FEN-02-88-18) registered against the property of Paulsen Developments Limited in Lucasville

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

'THAT THE DEVELOPMENT AGREEMENT BE DISCHARGED"

MOTION CARRIED

Staff Report - Subdivision Parkland Dedication - Governor's Glen Subdivision in Timberlea and Morris Lake Estates and Erindale Subdivision in Cole Harbour and Eastern Passage respectively.

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

"THAT THE STAFF RECOMMENDATION TO REJECT THE PROPOSAL TO CREDIT THE 22,104 SQUARE FOOT PARKLAND EXCESS IN THE GOVERNOR'S GLEN SUBDIVISION IN TIMBERLEA TO PARKLAND DEDICATIONS OWING IN THE MORRIS LAKE ESTATES SUBDIVISION IN COLE HARBOUR OR THE ERINDALE SUBDIVISION IN EASTER PASSAGE BE APPROVED BY COUNCIL"

MOTION CARRIED

Staff Report - File No.'s PA-SA-05-88/PA-FEN-06-88/SB-06-93 - Amendments to the Municipal Planning Strategies for Sackville and Planning Districts 15, 18 and 19 and the Subdivision By-law regarding Service Boundary Expansion

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

'THAT THE STAFF RECOMMENDATION BE APPROVED AND A PUBLIC HEARING BE SCHEDULED FOR AUGUST 29, 1994 AT 6:00 P.M."

Councillor Harvey asked for clarification on whether this was a separate service district or boundary from Sackville and not an extension or enlargement of the Sackville one. He asked if it assumed capacity.

Mayor Ball said he believes it assumes a boundary which could be incorporated into servicing in future.

Councillor Barnet said he would not support this recommendation. He said what is being asked is to create a service boundary to eventually service an area in Beaverbank of which there is no capacity to do so. He said there is no confirmed expansion of the Mill Cove Treatment Plant. Sackville Community Council has held off on making any decisions regarding increased servicing boundaries within its jurisdiction. The Mill Cove Treatment Plant, in its current capacity, will not facilitate existing service boundaries within Sackville, particularly in district 19. He said if developing these boundaries is just filling people full of hopes where there is no ability to do that then it is something he cannot support.

Councillor Boutilier said it is his understanding that after the Mill Cove Treatment Plant expansion officially is announced, it would include the possibility of an extension of the Sackville serviceable boundary to include specifically the area of Woodbine. He said his concern is that if this amendment is

passed it includes a larger Beaverbank community and if and when the time comes to approach Sackville to increase their serviceable boundary does that mean, all in one, we have to take the greater Beaverbank community. He said previously council was talking about a smaller piece of the Beaverbank community but now it appears, by this, that council is talking a greater portion of the Beaverbank Community. He said that is okay in itself except, when it comes time to extend the Sackville boundary, are they going to be asked to accept to include that whole thing in the Sackville boundary.

Mr. Meech said there had been a report put together that identified how all the additional capacity should be allocated.

Councillor Boutilier said the Sackville Serviceable Boundary will have to be amended to include Beaverbank service boundary. He said what he is saying is does the municipality extend that boundary to include the greater Beaverbank area boundaries or have them on a smaller scale. He said if Beaverbank community is going to be included for the service boundary and what if the amount allotted for Beaverbank is not capable of servicing that entire serviceable boundary now that is going to be established in Beaverbank what is going to be done then.

Mr. Meech said obviously there is only a certain amount of capacity. He said in the original numbers that were put forward to the community council it took into consideration the capacity that was going to be required for the greater Beaverbank community based on the UMA pollution control study.

Councillor Boutilier said he was not aware that it went out as far as Tucker Lake Road.

Mr. Meech said the study that was commissioned by UMA Engineering did indicate that it went out as far as Tucker Lake Road.

Councillor Boutilier asked what percentage basis of increased capacity is already being assumed for Beaverbank.

Mr. Meech said those figures are available.

Councillor Boutilier said in his opinion council should wait until the announcement is official and know what the capacity is and then find whether they are prepared to extend the serviceable boundary to include a portion of Beaverbank that needs to be serviced.

Mr. Meech said if there is an agreement, tonight, with the recommendations that are before council on this particular issue to designate a specific date for a public hearing then at that time, council supports it by resolution, the serviceable boundary will be adjusted to include that area that had been identified in

the UMA pollution control study as part of the serviceable area.

Mayor Ball asked if it would be fair to say that you are establishing a serviceable boundary but not really allocating sewer capacity.

Mr. Meech said there was originally a connection between the two so, if in effect, you are going to designate this or expand the serviceable area essentially you are making a commitment to allocate capacity.

Councillor Boutilier said it was his understanding that the necessary capacity needed for Woodbine would be guaranteed if and when Mill Cove was upgraded.

MOTION CARRIED

FILE NO.'S PA-CHW-04-94/PA-EP/CB-04-94/PA-LM-04-94 AND SB-04-94 - AMENDMENTS WITH RESPECT TO THE ESTABLISHMENT OF WATER SERVICE DISTRICTS WITHIN COLE HARBOUR/WESTPHAL; EASTERN PASSAGE/COW BAY; AND NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON

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

"THAT THE PROPOSED AMENDMENTS BE APPROVED (EXCLUDING THE INCLUSION OF THE FULL LANDS OF THE NOVA SCOTIA HOME FOR COLORED CHILDREN) WITH PUBLIC HEARING BE SET FOR AUGUST 29, 1994 AT 6:00 P.M."

Councillor Hendsbee said all the changes of the water service districts are encircling all the properties of the Nova Scotia Colored Home. He said he does not see why this area should be excluded. He said he feels it should be included because, down the road, as these lands are developed, the whole process of public hearings will have to be gone through again. He said why not do the process now.

Councillor Cooper said the original intention of those water service districts was to provide water for those that had difficulties and that is the basis that the original decision was brought to this community.

FILE NO. DA-8&9-11-93-08 - APPLICATION TO ENTER INTO A DEVELOPMENT AGREEMENT TO PERMIT A COMMERCIAL DEVELOPMENT ON THE LANDS OF PATRICIA KEEPING IN LAKE ECHO

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

'THAT THE APPLICATION BE APPROVED AND THAT A PUBLIC

HEARING BE SET FOR AUGUST 22, 1994 AT 6:00 P.M."

MOTION CARRIED

STAFF REPORT - FILE NO. RA-LM-14-94-08 - APPLICATION TO REZONE
THE PROPERTY OF SHAWNA AND SPENCER HILL AT 216 CRANE HILL ROAD IN
LAKE MAJOR

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

"THAT THE APPLICATION BE APPROVED AND A PUBLIC HEARING BE SET FOR AUGUST 22, 1994 AT 6:00 P.M."

MOTION CARRIED

WAIVING OF FEES - AMENDMENT APPLICATION

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

"THAT THE REPORT BE RECEIVED FOR INFORMATION"

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Land Exchange - ASC Halifax County, District 3, St. Margarets
Arena Association

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

'THAT COUNCIL APPROVE THE LAND EXCHANGE"

MOTION CARRIED

Pawn Shop Regulations

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

"THAT COUNCIL GIVE NOTICE OF INTENT TO AMEND BY-LAW #8 THE MISCHIEFS AND NUISANCES BY-LAW AND FURTHER THAT THE FEE BE SET AT \$250.00"

MOTION CARRIED

Amendment to By-law #8 - Air Rifles

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

'THAT COUNCIL GIVE NOTICE OF INTENT TO AMEND BY-LAW #8, THE MISCHIEF AND NUISANCES BY-LAW BY ADDING IMMEDIATELY FOLLOWING SECTION 5 THEREOF THE FOLLOWING SECTION 5A.
 "NOTWITHSTANDING SECTION 5, IT SHALL NOT BE UNLAWFUL IN HALIFAX COUNTY MUNICIPALITY FOR A MEMBER OF A BONA FIDE FUN CLUB TO KEEP AN AIR RIFLE OR AIR GUN FOR USE ON AN APPROVED FIRING RANGE"

MOTION CARRIED

Allen W. Evans School

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

"THAT THE FACILITY BE ACCEPTED BY COUNCIL AND ADVERTISED IN THE LOCAL NEWSPAPER REQUESTING INTERESTS FROM ORGANIZATIONS WITHIN THE COMMUNITY OF LEASING SAME"

MOTION CARRIED

Capital Grant Requests

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

"THAT THE FOLLOWING CAPITAL GRANT REQUESTS BE APPROVED:

General Parkland Grant		\$2,500.
District Parkland Grant	District 4	\$6,475.
General Parkland Grant		\$3,300.
District Parkland Grant	District 4	\$7,500.
District Capital Grant	District 17	\$ 500.
District Capital Grant	District 19	\$1,400.
District Capital Grant	District 25	\$ 950.
General Parkland Grant		\$ 950.

MOTION CARRIED

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

"THAT THE DISTRICT PARKLAND GRANT, DISTRICT 11, IN THE AMOUNT OF \$9,000 BE APPROVED CONDITIONAL THAT IF COUNCILLOR SMILEY HAS ACCESS TO THE GENERAL PARKLAND FUND IT WOULD BE FINANCED 50/50 FROM DISTRICT AND GENERAL PARKLAND FUNDS"

MOTION CARRIED

\$150,000 Loan Request - Highland Park Recreation Property

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

'THAT THE LOAN BE APPROVED WITH THE UNDERSTANDING THAT THE FUNDS WILL NOT BE ADVANCED ON THE CONSTRUCTION OF THE MULTI-PURPOSE COURT UNTIL SUCH TIME AS THE SITE IS IDENTIFIED AND OWNERSHIP OF THE PROPERTY IS TRANSFERRED TO THE MUNICIPALITY"

MOTION CARRIED

Financing - Hubbards Mall

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

'THAT COUNCIL APPROVE AN AMOUNT OF \$136,000 BE COMMITTED FROM THE GENERAL OPERATING FUND BEGINNING WITH THE 1995/96 BUDGET TO REPAY THIS LOAN OVER A TEN (10) YEAR TERM OR UNTIL SUCH TIME AS REVENUES FROM SALES OF THESE UNITS MATERIALIZE AND THAT NET RENTAL INCOME RECEIVED STARTING IN THE 1994/95 FISCAL YEAR BE USED TO REDUCE THE OUTSTANDING LOAN"

MOTION CARRIED

Borrowing Resolution TRB90-05 - Equipment (Computer) - \$140,000

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

'THAT THE BORROWING RESOLUTION BE APPROVED"

MOTION CARRIED

Capital Grants Re: Cultural and Recreation Facilities

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

"THAT THE APPLICATIONS FOR FUNDING IN CONNECTION WITH THE INFRASTRUCTURE PROGRAM AND FUNDING UNDER THE HALIFAX COUNTY CAPITAL GRANT POLICY BE APPROVED FOR THE NATHAN SMITH PARK, EAST CHEZZETCOOK AND THE KINAP ATHLETIC CLUB, PORTER'S LAKE"

MOTION CARRIED

Beaverbank Water and Sewer

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

"THAT THE RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT DATED JULY 25, 1994 BE APPROVED"

MOTION CARRIED

Southshore Regional Rec Centre

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

"THAT COUNCIL ACCEPT AND APPROVE THE TENDER"

MOTION CARRIED

SIDEWALK CONSTRUCTION AGREEMENT NO. 1-M

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

'THAT SIDEWALK CONSTRUCTION AGREEMENT NO. 1-M FOR SIDEWALK CONSTRUCTION ON BEAVERBANK CROSS ROAD AND CAVALIER DRIVE IN SACKVILLE BE APPROVED"

MOTION CARRIED

SIDEWALK CONSTRUCTION AGREEMENT NO. 1-N

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

"THAT SIDEWALK CONSTRUCTION AGREEMENT NO. 1-N FOR THE REMOVAL OF EXISTING ASPHALT CURB AND SIDEWALK ON MONTAGUE ROAD FROM TRUNK 7 TO GANDER AVENUE, AND THE CONSTRUCTION OF CONCRETE CURB, GUTTER AND SIDEWALK BE APPROVED"

MOTION CARRIED

APPOINTMENT - ASSISTANT RETURNING OFFICER

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

"THAT ANNE MCMULLIN BE APPOINTED AS ASSISTANT RETURNING OFFICER"

MOTION CARRIED

APPOINTMENT - ACCESS-A-BUS ADVISORY COMMITTEE

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

"THAT COUNCILLOR RANKIN SERVE AS REPRESENTATIVE ON THE ACCESS-A-BUS ADVISORY COMMITTEE"

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

"THAT NOMINATIONS CEASE"

MOTION CARRIED

Councillor Merrigan gave notice of reconsideration to the end of council session.

APPLICATION INFRASTRUCTURE PROGRAM

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

"THAT AN APPLICATION FOR FIRE WATER SUPPLY IMPROVEMENTS IN DISTRICT 10 BE SUBMITTED ON BEHALF OF HALIFAX COUNTY MUNICIPALITY FOR INCLUSION UNDER THE INFRASTRUCTURE PROGRAM"

MOTION CARRIED

REPORT RE: HALIFAX COUNTY RDA

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

"THAT THE HALIFAX COUNTY POLICY COMMITTEE SUPPORTS THE HALIFAX COUNTY REGIONAL DEVELOPMENT ASSOCIATION STEERING COMMITTEE WHICH RECOMMENDS THE CREATION OF TWO REGIONAL DEVELOPMENT AGENCIES WITHIN THE BOUNDARIES OF HALIFAX COUNTY MUNICIPALITY"

MOTION CARRIED

Councillor Reid said the facilitator that has been hired to lead this process has submitted an estimate of what their charges would be in relation to developing the full proposal. He said the amount is approximately \$15,000. He said that does not include the costs associated with the facilities, any meals that would have to be provided for the participants and any travelling costs. He said under the cooperation agreement that was signed by the provincial and federal governments some months ago funds for processes such as what the county is going through at the present time are eligible for one third funding. He said applications for that money have to be received by August 4th and the decisions as to how the money is to be allocated is to be

made on August 11th. He said Halifax County has to get an application together and in, in the amount of \$20,000, within the next few days.

Mr. Meech to contact Mr. Roberts with regards to putting in such an application.

RATIFICATION OF APPROVED DISTRICT CAPITAL GRANTS

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

"THAT COUNCIL RATIFY THE APPROVED CAPITAL GRANTS"

MOTION CARRIED

DEPARTMENT OF TRANSPORTATION - COUNCILLOR FRALICK

Councillor Fralick said this is to deal with the intersection of highway 3 and 333 at Tantallon. He said there have been numerous individual letters and petitions and engineer recommendations for street lights and upgrading of that intersection and still funding has not been approved. He said he would like a letter written to the Minister of Transportation informing them of the urgency of this intersection especially with the increase in tourist traffic. He said there is also maintenance being done on exit 5 and the traffic is congested.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION RESPECT TO THE ABOVE NOTED REQUEST"

MOTION CARRIED

DEPARTMENT OF TRANSPORTATION - COUNCILLOR BOUTILIER

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

"THAT A THREE WAY STOP SIGN BE INSTALLED ON CHANDLER DRIVE AND NELSON DRIVE AND CHANDLER DRIVE AND MCGEE DRIVE. FURTHER A CROSSWALK BE INSTALLED ON METROPOLITAN DRIVE AND POLARA DRIVE AND FURTHER THAT THE LETTER INDICATE THAT A CROSSWALK GUARD BE HIRED FOR SCHOOL HOURS"

MOTION CARRIED

DEPARTMENT OF TRANSPORTATION - COUNCILLOR GIFFIN

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

"THAT A LETTER BE WRITTEN TO MR. MARTIN DELANEY ON HIS PROMPT ATTENTION AND REMOVAL OF THE TRAFFIC/SAFETY HAZARD AT THE CORNER OF HAMMONDS PLAINS ROAD AND KEARNEY LAKE"

MOTION CARRIED

DEPARTMENT OF TRANSPORTATION - COUNCILLOR GIFFIN

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION REQUESTING THAT THE EXTENSION OF WINDSOR DRIVE AND THOSE PARTS OF HALBURTON HEIGHTS, WHICH ARE NOW GRAVELLED, BE PAVED BECAUSE ANY FUTURE DEVELOPMENT IN THIS SUBDIVISION WILL INCLUDE PAVING OF ROADS BY THE DEVELOPER"

MOTION CARRIED

URGENT AGENDA ITEMS

Hammonds Plains - Councillor Giffin

Councillor Giffin said he would like to express his extreme displeasure with the Department of Education for its handling of a ten year problem and a commitment to the Hammonds Plains people. He said there is a school in Hammonds Plains that was built to house 250 to 275 children. He said it is now housing over 500. He said there are four mobile classrooms and six new classrooms were supposed to be built. It was supposed to start in 1994 to be entered into in 1995. He said now they are being told it won't be 1995 but 1996. He said there is a growth increase in Hammonds Plains. He said he would like to send a resolution to the Department of Education stating that they are breaking faith with the children of Hammonds Plains.

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

'THAT A LETTER BE WRITTEN TO THE MINISTER, DEPARTMENT OF EDUCATION, EXPRESSING HIS CONCERNS"

MOTION CARRIED

Department of Transportation - Councillor Rankin

Councillor Rankin said his motion was in regards to the Greenwood Heights, Maplewood Subdivision second exit. He said he would like a copy of the letter to be sent to Bruce Holland, MLA.

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

"WHEREAS THE RESIDENTS OF THIS VERY LARGE SUBDIVISION HAVE CONTINUALLY PRESSED FOR A NEEDED SECOND EXIT IN THIS SUBDIVISION;

WHEREAS PRESENTLY THERE IS CONTINUING RESIDENTIAL GROWTH MAKING A BAD SITUATION WORSE;

WHEREAS CNR NOW ABANDONED THE RAILWAY IN THIS AREA WHICH PREVIOUSLY CONSTITUTED A SUBSTANTIAL OBSTACLE TO PROVIDE SUCH AN EXIT AND;

WHEREAS THERE YET REMAINS AN OPPORTUNITY FOR LAND ACQUISITION AT THE BOTTOM OF MAPLEWOOD TO PROVIDE FOR A FIFTY FOOT EXIT;

BE IT THEREFORE RESOLVED THAT THE DEPARTMENT NOW CONSIDER MOVING AHEAD WITH THIS VERY WORTHY PROJECT"

MOTION CARRIED

Metro Transit - Councillor Rankin

Councillor Rankin said this was in regards to Metro Transit bus route #21 and he would like the resolution forwarded to Mr. Brian Smith, Manager, Metro Transit.

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

"WHEREAS THE RESIDENTS OF BEECHVILLE/LAKESIDE/TIMBERLEA AREA MET AT THE PUBLIC MEETING ON JULY 26TH TO DEPLORE THE EXTENT AND THE NUMBER OF ADVERSE BUS TRIPS, ARRIVALS AND DEPARTURES ASSOCIATED WITH THE RECENT SHIFT OF THE METRO TRANSIT ROUTE 21 TO THE LACEWOOD TERMINAL FROM THE WEST END MALL TERMINAL;

BE IT THEREFORE RESOLVED THAT METRO TRANSIT BE REQUESTED TO RESTORE THE PREVIOUS SITUATION AND THIS TO BE DONE AS SOON AS POSSIBLE"

MOTION CARRIED

Western Community Committee Resolutions

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

"THAT A LETTER BE WRITTEN, WITH COPIES TO THE PRIME MINISTER, MINISTER OF EXTERNAL AFFAIRS, MINISTER OF INDUSTRY AND TRADE, MINISTER OF PUBLIC WORKS, MP GEOFF

REGAN, THE MINISTER OF TOURISM FOR NOVA SCOTIA, PREMIER SAVAGE, THE MLA HOLLAND AND BARKHOUSE AND MATA, TO THE FEDERAL MINISTER RESPONSIBLE FOR TOURISM ADDRESSING THE FOLLOWING RESOLUTION:

BE IT RESOLVED TO SEIZE THE OPPORTUNITY TAKING INTO ACCOUNT THE UPCOMING G7 CONFERENCE TO ENCOURAGE THE FEDERAL GOVERNMENT TO LOOK NOW AT OPPORTUNITIES TO BRING ABOUT IMMEDIATE INFRASTRUCTURE IN PEGGY'S COVE AND SURROUNDING AREA - SUCH INFRASTRUCTURE TO INCLUDE A NEW, YEAR ROUND, TOURIST VISITORS BUREAU AND ALSO REQUEST THAT A SENIOR FEDERAL GOVERNMENT STAFF MEET WITH THE WESTERN DISTRICT COUNCIL TO EXPLORE OTHER OPPORTUNITIES"

MOTION CARRIED

Government Wharves

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

"THAT THE INDIAN HARBOUR, HERRING COVE AND TERRENCE BAY GOVERNMENT WHARVES NEED IMMEDIATE PRIORITY AND THAT THE PROVINCIAL FISHERIES MINISTER BE REQUESTED TO SET UP A MEETING WITH THE FEDERAL MINISTER, THE HONOURABLE BRIAN TOBIN, THE HONOURABLE DAVID DINGWALL AND ALSO ASK FOR THE SUPPORT OF THE MP, REGAN AND HAVE THE REPAIR WORK DONE ON BOTH THESE GOVERNMENT WHARVES AS SOON AS POSSIBLE"

MOTION CARRIED

Taylor's Head Beach

Councillor Smiley said Taylor's Head Beach is a tourist attraction in her area. She said there had been an incident of children playing with an inflated toy which can be used as a swimming device and the tides started to take the child out to sea. She said the mother was not able to swim out to the child and there were no safety devices which she could use. She said there were tourists on the beach and one of them was able to bring the child back to safety.

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

"THAT A LETTER, WITH A COPY TO THE MLA, KEITH COLWELL, BE WRITTEN TO THE MINISTER OF NATURAL RESOURCES ASKING FOR HIS DEPARTMENT TO DO AN ASSESSMENT OF EMERGENCY NEEDS FOR THE BEACH AND FURTHER THAT A LETTER GO FROM THE MAYOR THANKING THE YOUNG MAN FOR HIS BRAVE ACT IN SAVING THE LIFE OF THE LITTLE CHILD"

MOTION CARRIED

W-5 - Councillor Hendsbee

Councillor Hendsbee outlined the process that has taken place, to this point, with regards to the Incubator Mall in East Preston. He requested council's indulgence in allowing Mr. Wendell Thomas, President, East Preston Ratepayers Association to address council.

Mayor Ball said that direction had been given to Mr. Meech to deal with this and he would suggest that under the auspices that was given, Mr. Meech to proceed as directed. He said that council, through Executive, dealt with the process for making presentations to council.

Council agreed that this item would be addressed at the next Executive Committee meeting.

Flaring - Councillor Barnet

Councillor Barnet said a gas flaring system was supposed to be installed at the landfill over twelve months ago. The Metropolitan Authority, through their chairman, promised him, over a period of months that the system would be installed. He said it is not up an running to date.

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

"THAT A LETTER BE WRITTEN URGING THEM TO TAKE EVERY POSSIBLE STEP TO FACILITATE THE START UP OF THE FLARING DEVICE ON THAT PARTICULAR SITE"

MOTION CARRIED

Traffic Lights, Prospect Road - Councillor Mitchell

Councillor Mitchell said there have been a large number of bad accidents on the Prospect Road in the last three weeks. He said it is at the intersection to Brookside.

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

'THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION WITH REGARDS TO THE INSTALLATION OF TRAFFIC LIGHTS AND TO MAKE AN APPOINTMENT TO MEET WITH RITCHIE MANN"

MOTION CARRIED

COMMITTEE OF THE WHOLE RECOMMENDATION

Resolution Re: Solid Waste Management

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

"THAT THE RESOLUTION BE PASSED"

MOTION CARRIED

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

'THAT COUNCIL RATIFY THAT THE AGREEMENT GO FORWARD WITH MR. MEECH AND BE TABLED WITH THE APPROPRIATE AUTHORITIES"

MOTION CARRIED

ADDITION OF ITEMS TO SEPTEMBER 6, 1994 COUNCIL SESSION

Water - Councillor Giffin.

MOTION OF RECONSIDERATION

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

"THAT MOTION OF RECONSIDERATION BE GIVEN WITH RESPECT TO AIR RIFLE BY-LAW"

MOTION DEFEATED

8 IN FAVOUR

9 AGAINST

ADJOURNMENT

It was moved by Councillor Meade:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

August 10, 1994

PRESENT WERE: Mayor Ball
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Deveaux
Councillor Hendsbee
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Peters
Councillor Barnet
Councillor Harvey
Councillor Sutherland
Councillor Cooper

ALSO PRESENT: Nancy Dempsey Crossman, Municipal Clerk
Robert Carmichael, Municipal Solicitor

=====
The meeting was called to order at 6:00 p.m.

Mayor Ball outlined the procedure followed for a public hearing.

File No. RA-FEN-19-93-18 - Application by the Municipality to
rezone Phase 4 and future phases of the Haliburton Hills
Subdivision in Upper Tantallon

Ms. Maureen Ryan made the staff presentation. The application before council is to permit the rezoning of Phase 4 and future phases of the Haliburton Hills Subdivision from an MU-1 to an MR-1 zone. Haliburton Hills is a suburban style residential area located North East of the Highway 103 and Hammonds Plains Road intersection in Upper Tantallon. Phase 4 of this subdivision has already been developed and Skyview Homes is currently in the process of developing additional 187 lots. This development may proceed under the current zoning as planned. The residents and the developer wish to have an R1 zone applied to this area in order to prevent the development of commercial and industrial land uses which are permitted within the mixed use zone. The proposal is consistent with the intent of the planning strategy and meets the criteria for rezoning. It is therefore recommended that the application to be rezoned be approved on the lands as illustrated on map 3 page 7 of the report.

QUESTIONS FROM COUNCIL

No questions from council.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

'THAT THE APPLICATION BY THE MUNICIPALITY TO REZONE PHASE 4 AND FUTURE PHASES OF THE HALIBURTON HILLS SUBDIVISION IN UPPER TANTALLON FROM MU-1 (MIXED USE) TO R-1 (SINGLE UNIT DWELLING) ZONE BE APPROVED BY COUNCIL"

MOTION CARRIED

File No. CDD-TLB-02-94-02 - Comprehensive Development District Agreement application proposal by the Armoyan Group Limited for its land holdings in Timberlea

Mr. Paul Morgan made the staff presentation. He said this was an application by the Armoyan Group Limited to have some of their land holdings in Timberlea rezoned to a comprehensive development district pursuant to provision in the Municipal Planning Strategy to enter into a development agreement for the subdivision development of these lands. He said page 3 of the staff report shows an illustration of the land holdings. There are 66 acres and the lands are bounded by Half Mile Lake, the 103 highway, existing portions of what is referred to as Glengarry Estates Subdivision. He said pages 4 to 7 show outlays showing the subdivision design and the housing types envisioned. He proceeded to show council slides of the property in question.

He said there are a number of policy criteria which council is required to consider. These are outlined in the staff report of June 6th and July 18th. He said what is being proposed is a residential subdivision of single unit dwellings and semi detached housing. He said page 2 of the staff report gives an outline of the various lot categories and type of houses that would fit on these. He said in terms of deviation from the Land Use By-law and Subdivision By-law requirements, there are a couple of features. There are lots proposed on standard R-1 sized lots. There are also a category C lot where single unit dwellings would be built on 4,000 square foot lots with forty foot frontages. That comprises roughly a quarter of the total housing units. There are also semi detached housing; a total of 144 units. There is a category E lot with single unit dwellings. There are four such lots. He said as you come in the James

Street Extension lots are being proposed with no frontage on the public road but essentially serviced by a common driveway. They would each have central services within an easement under the driveway. The lot sizes would be a minimum of 8,000 sq. ft. and anyone wishing to purchase a lot there would have to work with their neighbours in making sure they kept it shovelled out. The municipality nor the Department of Transportation would not take any responsibility for such. He said that is stipulated in the agreement.

Most of the standard size lots have been left abutting the existing neighbourhood. This was done to allow for a good transition between the standard sized lots and the more intensive development proposed within this subdivision. Along Charles Road and Dickson Court is where the forty foot lots are proposed and semi detached housing would be concentrated on Dickson Court. Most of them would be located along Charles Road.

He said it is the opinion of staff that this is reasonably consistent with policies. One of the objectives of the plan is to allow for a variety of housing types to suit the needs of various income and demographic needs. He said what is being proposed is not radically different from the existing neighbourhood and staff would suggest that the neighbours have a reasonable degree of protection in that there would not be any expectation that these housing units would detract from the character of the street scapes. Most of the traffic from this would be expected to exit along James Street out to the St. Margaret's Bay Road. He said the subdivision design will also allow for road access to the school without having to go out onto the No. 3 highway.

He said one of the benefits to the developer is that the company will be able develop more development than that which would otherwise has been achieved as of right under R-1 zoning. He said, for the municipality, in addition to providing for alternative housing types there are benefits. He said the applicant is prepared to do things that will not be required under the Subdivision By-law or the Land Use By-law. He said one of these is to provide for a sidewalk which would extend from the driveway entrance to the school along the James Street extension and go down as far as Darrell Court. There would be a community mail box site developed near the end of the subdivision on James Street. He said staff felt it would be better to have this site decided on initially. He said the street will be widened to allow for three cars to park in front of the mail boxes at any one time.

He said it is the feeling of staff that the lands have a lot of potential for both open space, recreation uses, trails, etc. and the possibility for a small playground. He said staff would like to have seen an improvement with regards to more frontage along the public road. Under the agreement, this frontage would be a

minimum of one hundred feet which complies with the policy for parkland acquisition under the Planning Strategy. It does say a minimum. Staff feels that if this was opened up more it would make the park more visible. He said the applicant is prepared to grant thirty dollars for each lot which receives an endorsement of approval which will be collected by the municipality and which would be used to develop this piece of parkland. He said this would total approximately nine thousand dollars. He said the municipality is hoping to allow the residents of both this and the neighbouring subdivision to decide how they would like to develop that parkland.

He said the applicant is proposing a central booster station up on the water reservoir site. It would provide adequate pressures for domestic consumption and for fire flow purposes to service this subdivision. There is a provision in the agreement that the municipality could enter into cost sharing with the Armoyn Group to upgrade the size of the pump and do whatever work necessary to possibly improve the situation for some of the residents on Charles Road, Ashdale and some of the other surrounding streets which are experiencing problems. He said the additional cost incurred would be the responsibility of the municipality. He said the applicant, in this situation, has no responsibility to accept existing problems.

QUESTIONS FROM COUNCIL

Councillor Hendsbee referenced the intersection of James and Charles and Forest Glen Drive. He asked if it is proposed that there be a four way stop sign erected or would that be the Department of Highways responsibility.

Mr. Morgan said that would be decided on by the Department of Transportation.

Councillor Hendsbee said that there may be a traffic flow problem and perhaps there should be stop signs erected immediately to correct that flow of traffic problem. He asked if any backfilling is to occur in the water areas in order to have adequate drainage of lots and if the Department of the Environment has any concerns.

Mr. Morgan said the Department of Environment has not addressed any concerns. He said most of the storm water will be discharged through an outfall in the Charles Road area. Given the extent of this land there is the possibility that a retention area could be developed reasonably cheap which could allow for some of the pollutants to be filtered out before they hit the lake. He said this is something that council might want to consider. He said he has spoken with the consultants and they are prepared to look at that and work with the Municipality on trying to develop an alternative. He said at the present time the outfall would be