

DECISION OF COUNCIL

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

'THAT COUNCIL APPROVE THE DEVELOPMENT AGREEMENT APPLICATION TO PERMIT THE EXPANSION OF AN EXISTING CONSTRUCTION STORAGE YARD THROUGH THE CONSTRUCTION OF A NEW BUILDING ON THE PROPERTY LOCATED AT THE INTERSECTION OF THE OLD HIGHWAY NO. 2 AND SAWLOR ROAD IN WAVERLEY"

Councillor Peters said the property has been improved by Mr. Hilchie and his potential for growth as a business person is tremendous. She said he is well respected in the community.

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved by Councillor Giffin:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

**MINUTES & REPORTS
OF THE
THIRD YEAR MEETINGS
OF THE
FORTY-FOURTH COUNCIL
OF
HALIFAX COUNTY MUNICIPALITY
OCTOBER COUNCIL SESSION
TUESDAY, OCTOBER 4 & 18, 1994
&
PUBLIC HEARINGS
OCTOBER 3 , 1994**

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COUNCIL SESSION

October 4, 1994

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

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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 Sutherland, seconded by Councillor
Cooper:

'THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY"

MOTION CARRIED

PRESENTATION BY ITS NOT GARBAGE COALITION

Mr. David Wemberley and Mr. Peter Kidd made a presentation to
council.

After the presentation there was a brief question period in which
members of council voiced an opinion, expressed a concern or
asked a question with regards to the presentation.

LETTERS AND CORRESPONDENCE

1. Ms. Dempsey Crossman outlined a letter from Ann Birdsall, Assistant to Francene Cosman, MLA, acknowledging receipt of the Mayor's letter on solid waste management.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

2. Ms. Dempsey Crossman outlined a letter from Brooke Taylor, MLA, acknowledging receipt of the Mayor's letter on solid waste management.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Ms. Dempsey Crossman outlined a letter from D.M. Bennett, Municipal Clerk Treasurer, Municipality of the District of West Hants with regards to reports in the media that Halifax County may consider requesting the province to exempt the new landfill from the Planning Act.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

4. Ms. Dempsey Crossman outlined a letter from the Department of Transportation acknowledging receipt of the letter with regards to construction on highway 101.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

5. Ms. Dempsey Crossman outlined a letter from the Department of Transportation with regards to sidewalk construction agreement No. 1-P for sidewalk construction on Skyridge Avenue from Sackville Drive to Kay Street, Lower Sackville.

It was moved by Councillor Boutilier, seconded by Councillor

Brill:

'THAT THE LETTER BE RECEIVED'

MOTION CARRIED

6. Ms. Dempsey Crossman outlined a letter from the Minister of Industry acknowledging receipt of councils letter regarding tourism related infrastructure and a year round visitors centre at Peggy's Cove.

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

'THAT THE LETTER BE RECEIVED'

MOTION CARRIED

7. Ms. Dempsey Crossman outlined a letter from the Department of Transportation acknowledging receipt of councils letter concerning the Prima Facia speed limit.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

8. Ms. Dempsey Crossman outlined a letter from the Department of Environment with regards to the environmental assessment for fill pit development and operation, Riverland Development, Sackville.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Ms. Dempsey Crossman outlined a letter from the Nova Scotia Chiefs of Police Association enclosing a report on the regionalization of policing services in the province.

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

'THAT THE LETTER BE RECEIVED'

MOTION CARRIED

2. Ms. Dempsey Crossman outlined a letter from the Minister Responsible for Aboriginal Affairs asking council to arrange for

recognition of Mi'kmaq History Month.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

'THAT COUNCIL PROCLAIM OCTOBER AS MI'KMAQ HISTORY MONTH"

MOTION CARRIED

3. Ms. Dempsey Crossman outlined a letter from Mayor Kelly, Town of Bedford, requesting a joint meeting between Bedford and Halifax County councils with regards to the request for supplementary funding by the School Board.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mayor Ball said Bedford granted the request by the School Board contingent upon the approval by Halifax County. He said both councils must have a joint session with eighty percent consensus on that.

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

"THAT HALIFAX COUNTY ADVISE THE TOWN OF BEDFORD THAT COUNCIL HAS CONSIDERED THE MATTER AND WOULD NOT BE INTERESTED IN PARTICIPATING WITH ANY ADDITIONAL FUNDING"

MOTION CARRIED

13 IN FAVOUR

9 AGAINST

LESSER SETBACK REQUEST BY EDWARD J. RODGERS, PROSPECT VILLAGE

Ms. Malloy gave the staff report. She said their department has received a building permit application from a Mr. Edward Rodgers to construct a 30 by 24 single unit dwelling on his property. She said he has an existing dwelling but it is wholly contained within the Department of Transportation right-of-way. The house was built back in the 1800's and when the highway went through and took certain rights of way the house ended up completely within the highway right-of-way. Because of when the house was

built and the condition that the house was in, Mr. Rodgers would like to rebuild and have the house located completely within his lot. The existing lot is extremely small, approximately 3800 square feet. Mr. Rodgers is requesting a "0" setback, as a result of the size of this lot, from his front property line. He is also requesting a five foot sideyard which he presently has technically because the house, if it were on his lot, would be five feet. She said under Part 30 of the powers of council of By-law No. 24 council is empowered to grant a relaxation of the required setback where in its judgement the public convenience and welfare will be substantially served and the use of the neighbouring properties will not be adversely affected. She said the Department of Transportation have given their approval and have to no objections. She said the Department of Health has not given their approval, it is going to be going through a Section 39 approval which Mr. Rodgers will deal with once a decision has been made by council.

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 Mitchell, seconded by Councillor Snow:

'THAT THE LESSER SETBACK REQUEST BY EDWARD J. RODGERS,
PROSPECT VILLAGE, BE APPROVED'

MOTION CARRIED

MINOR VARIANCE - MVS-16-94-22

Ms. MacNeil made the staff presentation. She said an application for a minor variance was received August 15th to construct an addition to an existing deck. The property is located at 3 Laurie Drive, Sackville and is zoned R2. The remaining lots on the street are primarily zoned R1. There is an existing two unit dwelling on the lot. She provided pictures of the site for council information. She said that during a site visit it was determined that the existing deck is already encroaching to the left sideyard and is located approximately seven feet, eight inches from the property line. The setback requirement for an existing dwelling zoned R2 is eight feet. This setback requirement applies to the main structure and anything attached to it such as the deck in question. The addition is presently

under construction. She said the Land Use By-law for Sackville just underwent review which increased the setback requirement for new R2 two unit dwellings to ten foot sideyard and rear yards instead of eight. The increase was intended to address the visual impact of these generally larger structures on existing single unit neighbourhoods. The proposed four foot addition will place the deck three feet eight inches from the left side property line. Upon review of this application by the development officer it was determined that the application is not minor. In addition, there is sufficient area to build the addition onto the existing deck at the back of the dwelling. With these things in mind, the application was rejected. Mr. Rudolph was informed and has appealed the development officers decision and therefore the decision now lies with council.

QUESTIONS FROM COUNCIL

Councillor Brill said perhaps ignorance of the law in some cases should be acceptable. He said he feels the county should be making people aware of what the rules are. He said there are many by-laws as well as rules and regulations but the public does not really know about them.

SPEAKERS IN FAVOUR

Mr. Frank Rudolph made a presentation to council. He said he did not realize he needed a building permit when he started the deck. The deck is now completed except for the railing. He said if he had realized he needed or his neighbour had told him he would have ceased his building and torn it down. He said a lot of time and money has been spent. He said they did not want to go to the back where there is a lot of wind. He said there are several houses on the street with sheds and car ports which are within two to four feet. These have been passed. He said if the deck was not completed he would have no objections with tearing it down but it is completed. He said he has worked on it for a month during which time Mr. MacDonald did not say anything up until August 12th when he was given a cease and desist order and stopped working.

Councillor Hendsbee asked if Mr. Rudolph if he would be doing the same thing to the other side.

Mr. Rudolph said there is nothing being done to the other side. He said he is planning to take some down from the back.

Councillor Hendsbee asked what is the purpose for the cement pad in the back.

Mr. Rudolph said it was there when they bought the house. He said he assumed that it used to be a shed but there was nothing but the cement block when he bought the house.

Councillor Hendsbee asked who owns the fence that separates him

from his neighbour.

Mr. Rudolph said Mr. MacDonald does.

Councillor Hendsbee asked if the fence may be elevated at some future date.

Mr. Rudolph said there is no discussion as of now.

SPEAKERS IN OPPOSITION

Mr. Roger MacDonald spoke in opposition to the appeal. He said the addition blocks of access to the back yard as to vehicles. It does not look good from the street. He said he feels the addition may be used for babysitting purposes in the future as a place for children to play. He said his yard had been used by previous owners which resulted in him putting up the fence. He said this addition puts fourteen feet and two bedrooms. He said on the West side of the property there is another deck on the other house.

Councillor Harvey asked why Mr. MacDonald's objection was raised so late, a month after construction had started.

Mr. MacDonald said he had called Planning in Sackville to have a building inspector come out to see if what Mr. Rudolph was doing was legal.

Councillor Harvey asked how long construction had been going on before Mr. MacDonald had made that call to check into its legality. He said the report suggested that it was a month before he had called.

Mr. MacDonald said he does not have those figures.

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

"THAT COUNCIL UPHOLD THE MINOR VARIANCE APPEAL"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE CONTINUED

1. Ms. Dempsey Crossman outlined a letter from the Department of Transportation with regards to the drainage problem on the Chaisson property, Pine "N" Oak Drive, Wellington. They advise that the remedial work is now complete.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

2. Ms. Dempsey Crossman outlined a letter from the East Preston Ratepayers Association advising of the new interim Executive.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Ms. Dempsey Crossman outlined a letter from the Honourable Ross Bragg, Minister, Economic Renewal Agency acknowledging receipt of council's letter with regards to the establishment of one RDA for Halifax County.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

4. Ms. Dempsey Crossman outlined a letter from the Honourable John McEachern, Department of Education, acknowledging receipt of council's letter concerning the addition of alterations to Hammonds Plains Elementary School.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

5. Ms. Dempsey Crossman outlined a letter from the FCM requesting resolutions for consideration at the December, 1994 meeting.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mayor Ball said any resolutions should be brought back to council by the 7th of November.

MUNICIPAL PLANNING ADVISORY COMMITTEE

File No. ZA-EPCB-09-94 - Amendments to the Land Use By-law for Eastern Passage/Cow Bay

It was moved by Councillor Deveaux, seconded by Councillor

Mitchell:

"THAT A PUBLIC HEARING BE SCHEDULED FOR NOVEMBER 7,
1994 AT 6:00 P.M."

MOTION CARRIED

File No. DA-F&S-05-94-17 - Application by William and Moira
Cherrett to enter into a development agreement

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

"THAT A PUBLIC HEARING BE SCHEDULED FOR NOVEMBER 7,
1994 AT 6:00 P.M."

MOTION CARRIED

File No. RA-F&S-10-94-17 - Application by the Municipality to
rezone Lot 41-S of the Schwartzwald Subdivision in Fall River

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

"THAT A PUBLIC HEARING BE SCHEDULED FOR NOVEMBER 7,
1994 AT 6:00 P.M."

MOTION CARRIED

File No. RA-8&9-19-24 - Application to rezone properties on East
Chezzetcook Road in Lower East Chezzetcook

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

"THAT A PUBLIC HEARING BE SCHEDULED FOR NOVEMBER 7,
1994 AT 6:00 P.M."

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Beaverbank Water and Sewer Servicing, Phase 1

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

"THAT COUNCIL APPROVE PROCEEDING WITH THE EXTENSION OF
WATER AND SEWER FROM BEAVERBANK ROAD TO MAJESTIC AVENUE
AS OUTLINED IN THE REPORT WITH THE UTILIZATION OF THE
\$300,000 WITHIN THE COMMUNITY"

MOTION CARRIED

Cost of Living Increase - Pensioners, Halifax County Municipality
Full Time Retirement Pension Plan

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

"THAT COUNCIL APPROVE A 1% COST OF LIVING INCREASE RETROACTIVE TO JANUARY 1, 1994, FOR ANY OF THOSE RETIREES RECEIVING A PENSION FROM THE HALIFAX COUNTY MUNICIPALITY FULL TIME PENSION PLANS AS OF JANUARY 1, 1994. THE COST OF THIS IMPROVEMENT IS TO BE COVERED BY THE SURPLUS IN THE FULL TIME PENSION FUND"

MOTION CARRIED

Redistribution of Municipal Districts - Reallocation of District Funds

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

"THAT COUNCIL APPROVE THE REALLOCATION OF THE DISTRICT CAPITAL GRANT, PARKLAND AND SPECIAL ACTIVITY FUNDS AS A RESULT OF THE REDISTRIBUTION FOR EXISTING DISTRICT 6 AND 13. IT IS FURTHER RECOMMENDED THAT THE REDISTRIBUTION OF THE FUNDS SHOULD OCCUR AS OF THE DATE THE NEW COUNCIL IS SWORN IN"

MOTION CARRIED

District #1 Volunteer Fire Department - \$12,000 Loan Request

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

"THAT COUNCIL APPROVE A \$12,000 THREE (3) YEAR LOAN ADVANCE TO THE DISTRICT #1 VOLUNTEER FIRE DEPARTMENT FOR THE PURPOSE OF ACQUIRING COMMUNICATIONS EQUIPMENT. THE LOAN IS REPAYABLE WITH INTEREST AND COUNCIL RESERVES THE RIGHT TO LEVY AN AREA RATE IN DEFAULT OF PRINCIPAL AND/OR INTEREST REPAYMENT"

MOTION CARRIED

Capital Grants Re Cultural and Recreation Facilities

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

"THAT COUNCIL APPROVE THE APPLICATION FOR FUNDING FOR UPGRADING OF THE UPPER HAMMONDS PLAINS COMMUNITY CENTRE UNDER THE CAPITAL GRANT FUNDING POLICY"

MOTION CARRIED

BORROWING RESOLUTIONS

It was moved by Councillor Meade, seconded by Councillor

Mitchell:

"THAT BORROWING RESOLUTION 88-02 - HUBBARDS INDUSTRIAL MALL - \$1,357,000 BE APPROVED"

MOTION CARRIED

Capital Grant Requests

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

'THAT THE FOLLOWING CAPITAL GRANTS BE APPROVED:

General Parkland Grant		\$2,000.00
District Parkland Grant	District #6	\$2,530.00
District Parkland Grant	District #9	\$1,000.00
District Parkland Grant	District #9	\$3,000.00
District Parkland Grant	District #9	\$1,118.91
District Capital Grant	District #20	\$1,958.00
General Parkland Grant		\$1,958.00

MOTION CARRIED

Operating Fund - Financial Report

Mr. Meech said the intent, at the Executive Committee, was that information was presented from staff indicating that the county was at risk with regard to taxation on a number of properties. The Committee felt it should be placed on the agenda so that council was aware of the situation.

SERVICE STANDARDS COMMITTEE REPORT

Domestic Water Service Phase 8A - Kingswood

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

"THAT THE MUNICIPALITY'S CURRENT DESIGN STANDARDS FOR CENTRAL WATER SYSTEMS SERVICING NEW DEVELOPMENTS BE MAINTAINED AND THAT A REQUEST BY THE ARMOYAN GROUP TO INSTALL A DOMESTIC ONLY WATER SUPPLY SYSTEM FOR PHASE 8A OF THE KINGSWOOD-ON-THE-LAKES SUBDIVISION NOT BE APPROVED"

MOTION CARRIED

Transit - Fall River, Waverley and Sackville Areas

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

"THAT COUNCIL APPROVE AN AMOUNT OF \$30,000 FROM THE

GENERAL TRANSIT RATE FOR PARA TRANSIT SERVICE IN THE SACKVILLE AREA. FURTHER COUNCIL APPROVE AN AMOUNT OF \$5,000. FROM THE PARA TRANSIT FUND FOR SERVICE IN THE WAVERELY AREA"

MOTION CARRIED

RESOLUTION RE BANKERS AND SIGNING OFFICERS

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

'THAT THE RESOLUTION RE BANKERS AND SIGNING OFFICERS (HALIFAX COUNTY MUNICIPALITY) BE APPROVED"

MOTION CARRIED

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

"THAT THE RESOLUTION RE BANKERS AND SIGNING OFFICERS (HALIFAX COUNTY REGIONAL REHABILITATION CENTRE RESIDENTS' SAVINGS AND COMFORTS ACCOUNT) BE APPROVED"

MOTION CARRIED

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

"THAT THE RESOLUTION RE BANKERS AND SIGNING OFFICERS (OCEAN VIEW MANOR RESIDENT TRUST) BE APPROVED"

MOTION CARRIED

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

'THAT THE RESOLUTION RE BANKING AND SECURITY (COLE HARBOUR PLACE) BE APPROVED"

MOTION CARRIED

MEMORANDUM RE: MILL COVE CONSTRUCTION MANAGEMENT

Mr. Meech said there is a report which has two components. The first is the recommendation with regards to the awarding of the proposal call for the construction manager for that particular project. The recommendation is that the county go with the most qualified bidder which is Robert McAlpine Ltd.

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

"THAT ROBERT MCALPINE LTD. BE ACCEPTED AS THE

CONSTRUCTION MANAGER FOR THE PROJECT"

MOTION CARRIED

Mr. Meech said they were also looking to have council approve the overall project at the estimated cost of twenty million dollars with the funding as indicated on the summary sheet attached to the report.

It was moved by Councillor Barnet Seconded by Councillor Hendsbee:

"THAT COUNCIL APPROVE THE OVERALL PROJECT AT THE ESTIMATED COST AS OUTLINED"

MOTION CARRIED

MEMORANDUM RE: RECREATIONAL FACILITIES REPORT

Mayor Ball said that staff is in the process of completing a report which will be tabled with the Executive Committee.

CROSSWALKS - COUNCILLOR RANKIN

Councillor Rankin said there are three crosswalk:

- 1) A request and petition for a crosswalk at Power Terrace taking into account the factors identified in the petition.
- 2) A request for a crosswalk at Raines Mill Drive in Lakeside taking into account the amount of pedestrian traffic crossing from several apartment complexes at that address.
- 3) A request for a crosswalk at Maplewood Drive at a point where there is a public pathway and where the school children converge.

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

"THAT THE REQUESTS FOR CROSSWALKS AS NOTED IN THE PREAMBLE BE FORWARDED TO THE MINISTER OF TRANSPORTATION WITH A COPY TO JIM WILLIAMS, TRAFFIC ENGINEER AND BRUCE HOLLAND, MLA"

MOTION CARRIED

DOT, LEASIDE DRIVE - COUNCILLOR MEADE

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

"THAT A LETTER, WITH A COPY TO THE HONOURABLE JIM BARKHOUSE, BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION REQUESTING LEASIDE DRIVE IN HEAD OF ST. MARGARETS BAY BE PAVED UNDER THE FIFTEEN YEAR PROGRAM"

MOTION CARRIED

NATURAL RESOURCES - COUNCILLOR RANKIN

Councillor Rankin said council had asked the Minister for consideration to acquire CNR right of way in Lakeside to Timberlea and he responded by saying that the department was considering a policy having regard to the request by members of the public wanting to use the right of way.

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

"THAT A LETTER, WITH A COPY TO THE RECREATION ADVISORY COUNCIL IN THE DISTRICT AND BRUCE HOLLAND, MLA, BE WRITTEN ASKING IF THERE IS ANYTHING THE MUNICIPALITY CAN DO TO FACILITATE A TRANSFER OF THAT LAND TO THE RECREATION ADVISORY COUNCIL IN THE DISTRICT WHICH WAS ORIGINALLY REQUESTED"

MOTION CARRIED

DOT - COUNCILLOR MERRIGAN

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION, WITH A COPY TO MARTIN DELANEY AND BILL MACDONALD, MLA, REQUESTING A SIDEWALK FROM KINSAC CORNER TO LAKERIDGE COVERING THE BALLFIELD RECREATION AREA"

He said he would also like to have it pointed out to the minister that the county has asked on several occasions for this sidewalk to be constructed and again this year there have been some near misses from children using this area. He said he would like to have it put on record that if there is a fatality or accident there the county will have no choice but to lay the blame where it lies with the department who have refused to put this sidewalk in place even though the previous government had promised it.

MOTION CARRIED

RATEPAYERS ASSOCIATIONS/VILLAGE COMMISSIONS - COUNCILLOR HENSBEE

Council agreed the Mr. Crooks would provide his report, on this issue, directly to Councillor Hendsbee with copies being provided for all members of council.

SACKVILLE DIRECT CHARGE CO-OP PROJECT - COUNCILLOR SUTHERLAND

Councillor Sutherland said he wished to bring council up to date on an economic initiative which began in Sackville approximately one year ago. A steering committee of volunteers has been working diligently to establish a direct charge co-op store and

gas bar. He said he would like to announce that the present membership, which is approaching 300, is fifty percent of the six hundred membership target established for June, 1995.

It was moved by Councillor Sutherland, seconded by Snow:

'THAT COUNCIL RECOGNIZE AND SUPPORT THE PROJECT AS WELL AS THE EFFORTS OF THE VOLUNTEERS'

MOTION CARRIED

URGENT AGENDA ITEMS

CN - Councillor Deveaux

Councillor Deveaux said the railway crosses Howard Avenue and there is a lot of concern due to the fact that when the train does cross the roadway there are no lights or warning of any type and in the winter time this could cause problems.

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

'THAT A LETTER BE WRITTEN TO CN REQUESTING THEY CONSIDER PUTTING SOME TYPE OF WARNING SIGNALS AT THE LOWER RAILROAD TRACK ON HOWARD AVENUE'

MOTION CARRIED

DOT - Councillor Deveaux

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

'THAT COUNCIL REQUEST A CROSSWALK AT THE BOTTOM OF HOWARD AVENUE ACROSS THE MAIN HIGHWAY'

MOTION CARRIED

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

"THAT COUNCIL REQUEST A NO PARKING SIGN BE PLACED ON ONE SIDE OF OCEAN LEA DRIVE"

MOTION CARRIED

Councillor Deveaux said he would like to have a copy of each of these letters sent to the MLA.

DOT STUDY ON SACKVILLE - Councillor Brill

Councillor Brill outlined a motion passed by the Sackville Community Council at the September 13th meeting.

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

"THAT A LETTER BE WRITTEN TO THE HONOURABLE RICHIE MANN, MINISTER OF TRANSPORTATION AND COMMUNICATIONS, REQUESTING THAT THE DEPARTMENT CONDUCT A TRANSPORTATION STUDY OF SACKVILLE IN COOPERATION WITH HALIFAX COUNTY MUNICIPALITY AT THE EARLIEST POSSIBLE TIME"

Councillor Brill said the minister would be favourably inclined to carry out such a study and is prepared to cost share the estimated cost of fifty thousand dollars. He said it has been recently determined in the Economic Development Study that a comprehensive transportation study is required to address a number of community concerns. He said senior staff of the Department of Transportation would also like to see such a study completed.

Councillor Reid said he would like to know what the cost sharing formula is.

Mayor Ball said the formula is 80% provincial, 20% municipal. He said he would suggest that before that kind of action is taken the county should at least find out where the ten thousand dollars is coming from from the municipality. He said he would suggest the Mr. Meech come back with a recommendation on the 20%.

Councillor Harvey suggest that a motion of support, in principle, subject to an appropriate financial arrangement being reached through council. He said he would like to see this recommendation approved in principle by council tonight so they can proceed to the more detail stage.

Mayor Ball said it can be approved, in principle, subject to the CAO's report on funding.

Councillor McInroy said he does not feel comfortable approving something in principle.

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

'THAT THE MOTION BE DEFERRED UNTIL MR. MEECH HAS HAD AN OPPORTUNITY TO ADEQUATELY ADDRESS IT AND COUNCIL HAS TIME TO CONSIDER IT"

MOTION DEFEATED

Mayor Ball said the main motion would be approved, in principle, subject to the CAO's report, at the next council session, as to the source of funding and council's approval of that funding.

MAIN MOTION CARRIED

Councillor Bayers he would like to bring up the issue of the public being invited to find a new landfill site. He said he does not know what the shareholders committee comprises of and what their agenda may be. He said the public invitation was in the paper today and he feels it is an oversight that it would go to the press before it comes to council.

Mr. Meech said the resolution passed by council the previous week made it very clear that the municipality was to move forward in implementing that program. He said he can prepare a written response and provide specific information and detail. He said as soon as the proposal is fine tuned to a degree that it can be put forward to council, there will be an orientation session for the full council on the whole process so that council will understand what the steps will be over the next number of months. He said it will be consistent with what was in the proposal adopted and put forward to the other units. Mr. Meech said the intent is that anybody who is interested in being part of the stake holders group will be given an opportunity to participate. He said there are no restrictions on the numbers.

Councillor Cooper said that Mr. Meech indicated that one of the people from the LURA Group will be chairing the committee.

Mr. Meech said Ken Donolly, the consultant that was before council and one of the consultants that had been retained to put together and develop the model for it.

Councillor Cooper said he feels that if there is going to be a citizens committee then he feels it should not be predetermining who is going to be chairing the committee. He said council should be looking very carefully at who is going to be included in the committee. He said the municipality is here for the purpose of having citizen participation not necessarily industry participation in setting up a site within this municipality. He said he would like to have further definition of the makeup of the committee before it is finally put in place. He said he would request that some guidelines etc. be prepared and distributed to council in next week so that council can have an understanding and be able to advise residents.

Mr. Meech said that is the intention. He said what is intended by the particular position of chair is to have somebody who will facilitate the process, i.e. a facilitator as opposed to a chair with the expectation that the group will reach a consensus with the assistance of the facilitator. He said there is the intent to have an orientation session with council before the process begins. He said the extent of the representation would have to be identified. He said criteria and a database would be developed. He said there is to be a meeting with the consultants and they hope to come forward with a proposal as to how the whole process is to work.

ADDITION OF ITEMS TO OCTOBER 18, 1994 COUNCIL SESSION

Councillor McInroy - Reduction in Paper Usage within the Municipality.

Councillor Brill - Notification through Water Utility.

ADJOURNMENT

It was moved by Councillor Merrigan:

'THAT THE MEETING BE ADJOURNED'

MOTION CARRIED

COUNCIL SESSION

October 18, 1994

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

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

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

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

LETTERS AND CORRESPONDENCE

1. Ms. Dempsey Crossman outlined a letter from the office of the Minister of Supply and Services in response to council's letter with regard to the lack of tourism infrastructure in Peggy's Cove.

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

'THAT THE LETTER BE RECEIVED'

MOTION CARRIED

2. Ms. Dempsey Crossman outlined a letter from the Department of Education in response to council's request for emergency capital funding for a pedway between the Timberlea Elementary and Junior High Schools.

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

'THAT THE LETTER BE RECEIVED'

MOTION CARRIED

3. Ms. Dempsey Crossman outlined a letter from the Department of Transportation in response to council's letter with regards to the Prima Facia Speed Limits and posted speed limits of 30 km/hr from 8:00 a.m. to 5:00 p.m. in school zones.

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

'THAT THE LETTER BE RECEIVED'

MOTION CARRIED

4. Ms. Dempsey Crossman outlined a letter from the Halifax County-Bedford District School Board in response to council's correspondence concerning community use of schools.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Councillor Cooper said he feels that in the Cole Harbour area caretakers have been removed for some buildings and put in other buildings which means one building has no use while other buildings have extra use. He said they are trying to, through the school board, to have these available to the community and are not receiving much cooperation. He said there seems to be inequities in some areas in Westphal/Cole Harbour with regard to community use of schools at night time. This has resulted from caretakers being moved from some buildings and going to other buildings therefore; as a result, parts of the community can have activities until ten o'clock at night or later while others are cut off at six thirty or seven o'clock.

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

"THAT A LETTER BE WRITTEN TO THE SCHOOL BOARD ASKING FOR INFORMATION ON SCHOOLS THAT HAVE LOST EVENING CARETAKERS, WHETHER THE CARETAKERS FOR THESE BUILDINGS HAVE BEEN TRANSFERRED TO OTHER SCHOOLS AND BY THIS WHETHER SOME SCHOOLS ARE ALLOWED TO REMAIN OPEN LONGER THAN OTHERS"

MOTION CARRIED

4. Ms. Dempsey Crossman outlined a letter from Canada Safety Council on the request for a proclamation of National Community Safety and Crime Prevention Week from November 1 to 7, 1994.

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

"THAT COUNCIL RECEIVE THE LETTER AND DECLARE NOVEMBER 1 TO 7, 1994 AS NATIONAL COMMUNITY SAFETY AND CRIME PREVENTION WEEK"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Ms. Dempsey Crossman outlined a letter from Brooke Taylor, MLA, Colchester-Musquodoboit Valley requesting that the county endorse his request to the Department of Transportation for the paving of the Sibley Road from Route 224 to the transfer station.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

2. Ms. Dempsey Crossman outlined a letter from the District of Lunenburg stating a motion that was passed their council on September 28, 1994 with regards to the matter of Municipal Reform and Exchange of Services.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT THIS COUNCIL SEND A LETTER TO THE UNION, WITH COPIES TO THE MLA'S FOR HALIFAX COUNTY, WITH REGARDS TO THE FACT THAT HALIFAX COUNTY WILL BE DEALING ON A ONE TO ONE BASIS WITH THE GOVERNMENT ON THE EXCHANGES AND HOW THAT WILL AFFECT THE MUNICIPALITY"

MOTION CARRIED

3. Ms. Dempsey Crossman outlined a copy of a letter from the Minister of Economic Renewal to the Minister of Industry with regards to the closure of the Ultramar Refinery located in Halifax County.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

'THAT A LETTER BE WRITTEN TO THE HONOURABLE JOHN MANLY, WITH COPIES TO THE MP FOR DARTMOUTH, AND THE PREMIER OF NOVA SCOTIA, ASKING HIM TO CONVINCED THE ULTRAMAR TO DELAY THE CLOSURE OF THE PLANT UNTIL A DECISION HAS BEEN BROUGHT FORWARD FROM OTTAWA AND FURTHER TO ASK HIM TO CONVINCED THEM TO SIT DOWN AND NEGOTIATE WITH POTENTIAL BUYERS WITH THE HOPE THAT PERHAPS IT WILL BE PURCHASED AND CONTINUE TO OPERATE"

MOTION CARRIED

4. Ms. Dempsey Crossman outlined a letter from the Department of Transportation with regards to asphalt concrete paving of Spryfield Lake Road, Ashley Drive, Lakecrest Drive, Cedar Court and Elmwood Court in Fenerty Subdivision, Middle Sackville.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

5. Ms. Dempsey Crossman outlined a letter from the Department of Transportation concerning the installation of a crosswalk at the intersection of Hebridean/Oceanview and St. Paul's Avenue in Herring Cove.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

6. Ms. Dempsey Crossman outlined a letter from the Department of Transportation with regards to supplementary paving on Terry Court and the intersection to Myra Road and Davidson Road.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

7. Ms. Dempsey Crossman outlined a letter from Patricia Stevens requesting reconsideration of council's decision not to meet with the Town of Bedford to discuss educational funding.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

8. Ms. Dempsey Crossman outlined a request for recognizing November, 1994 as CPR Awareness Month.

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

"THAT COUNCIL RECEIVE THE CORRESPONDENCE AND DECLARE NOVEMBER, 1994 AS CPR AWARENESS MONTH"

MOTION CARRIED

DOT - COUNCILLOR PETERS

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

"THAT A LETTER BE WRITTEN TO THE MINISTER TO CONFIRM THAT A WATER SURVEY OF FLOW PATTERNS IS BEING CONDUCTED ON GRAND LAKE VILLAGE AND SUNNYLEA ROAD, AS PER DISCUSSIONS WITH PAUL O'BRIEN, ENGINEER AND, AS SOON AS POSSIBLE, A COPY OF THAT BE FORWARDED TO MLA FRANCENE COSSMAN AND HERSELF AS COUNCILLOR"

MOTION CARRIED

CN - COUNCILLOR PETERS

Councillor Peters said that CN frequently cuts the brush on the sides of the road and this has happened three years in a row. They cut the brush and leave it there. It is creating a fire hazard and she would like to have it removed from along the tracks in the whole area predominantly in the Wellington area.

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

'THAT A LETTER BE WRITTEN REQUESTING THAT THE BRUSH ON THE SIDES OF THE TRACKS BE REMOVED THROUGHOUT THE DISTRICT AS IT IS CRATING A FIRE HAZARD"

MOTION CARRIED

NOTIFICATION THROUGH WATER UTILITY - COUNCILLOR BRILL

Councillor Brill said he feels it is incumbent upon council to advise the public in some way of some of changes in Halifax County. He said the more urban communities could be advised on the Water Utility bill and for the larger group a brochure could be enclosed in the power bill.

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

'THAT STAFF LOOK INTO THE FEASIBILITY OF USING EITHER OR OF THE ABOVE NOTED BILLS FOR NOTIFICATION PURPOSES"

MOTION CARRIED

URGENT AGENDA ITEMS

Councillor Fralick - DOT

Councillor Fralick said they have just had highway 3 and 333 intersection into Tantallon and they were under the impression that they were going to get traffic lights. He said he has been informed they will not be receiving traffic lights because it was not in the contract.

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

'THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION ASKING THAT THEY WOULD RECONSIDER THEIR DECISION"

MOTION CARRIED

Councillor Smiley

Councillor Smiley said the Ecum Secum West Breakwater Wharf was recently designated as a hazard and a barrier has been erected to

keep off heavy weight truck traffic. She said the fishermen are upset. She said the Ecum Secum West Port Committee has written to the Minister asking that the repairs be considered a priority and emergency and to be started early in the new year.

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

'THAT A LETTER BE WRITTEN TO THE HONOURABLE BRIAN TOBIN, WITH A COPY TO ROSEANNE SKOKES, REQUESTING THAT THIS EMERGENCY SITUATION BE LOOKED AT IMMEDIATELY"

MOTION CARRIED

ADDITION OF ITEMS TO NOVEMBER 1, 1994 COUNCIL SESSION

Councillor Fralick - Natural Resources
Councillor Peter - Department of Transportation (3 items)
Councillor McInroy - Dartmouth Water Utility
Councillor Rankin - Metro Transit

MEMORANDUM RE: DISSOLUTION OF MAPC

Mr. Meech said there is still the existence of the Metropolitan Area Planning Commission which hasn't functioned for a number of years. He said this resolution provides for the dissolution of MAPC. He said the only impact is that an amount of money will be redistributed to the four Municipal Units based on assessment.

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

'THAT COUNCIL APPROVE THE SIGNING OF THE RESOLUTION"

MOTION CARRIED

REPORT RE: COW BAY SERVICING

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

'THAT COUNCIL APPROVE THE TENDER FOR THE COW BAY ROAD WATER, STORM AND SANITARY SEWER EXTENSION BE AWARDED TO THE LOW TENDERER, OCEAN CONTRACTORS LIMITED FOR \$1,440,000.00"

Councillor Cooper said he has concerns with regards to pipe sizing and what long term impact the downsizing will mean on the servicing of the area.

Councillor Deveaux said if this project is not approved tonight council is looking at another month before construction can begin. He said it is his understanding that the downsizing is

not going to have any major effect in the immediate future. He said this water and sewer line will be at the end of the serviceable area.

Mr. Wdowiak said the sixteen inch line was projected with the intent, if there was ever any question of extending down the Cow Bay Road, to service a larger district. He said because of the dollar implications they looked at what was the requirements to service adequately the whole serviceable area that has been presently identified.

MOTION CARRIED

MEMORANDUM RE: LESSER SETBACK REQUEST - LS-11-94-10, EAST PETPESWICK

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

'THAT THE LESSER SETBACK REQUEST BE APPROVED'

MOTION CARRIED

MEMORANDUM RE: APPOINTMENT TO THE MUNICIPAL PLANNING ADVISORY COMMITTEE

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

"THAT ANN MERRITT BE APPOINTED TO FILL THE INTERIM VACANCY LEFT BY THE RESIGNATION OF RICK GRAHAM FROM THE MUNICIPAL PLANNING ADVISORY COMMITTEE"

MOTION CARRIED

WATER - SIR JOHN A. MACDONALD - COUNCILLOR GIFFIN

Councillor Giffin said the lands in the area of "Junky Jims" near Five Island Lake was heavily contaminated with PCB's and other substances. He said this eventually got into the ground and the ground water; consequently, council approve a small water system. He said there is a fear with regards to the water at the school. He said he has been assured that the water does not pose a health risk but there is a taste to the water.

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

"THAT THE ENGINEERING DEPARTMENT BRING BACK A REPORT ON THE FEASIBILITY AND COST OF THE COUNTY TAPPING, JUST FOR THE HIGH SCHOOL, INTO THE SYSTEM THAT WAS PUT IN FOR FIVE ISLAND LAKE"

MOTION CARRIED

CNR RIGHT OF WAY - COUNCILLOR MEADE

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

"THAT A LETTER BE WRITTEN, WITH A COPY TO THE HONOURABLE JIM BARKHOUSE, TO THE HONOURABLE DON DOWNE, MINISTER, NATURAL RESOURCES REQUESTING INFORMATION ON WHEN THE PROVINCE WILL BE TAKING OVER OWNERSHIP OF THE CNR RIGHT OF WAYS ALONG THE SOUTH SHORE"

MOTION CARRIED

NEW PAVING - OLD POST ROAD - COUNCILLOR MEADE

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

'THAT A LETTER BE WRITTEN, WITH A COPY TO THE HONOURABLE JIM BARKHOUSE, TO THE MINISTER OF TRANSPORTATION REQUESTING THAT THE OLD POST ROAD IN HUBBARDS BE CONSIDERED FOR PAVING"

MOTION CARRIED

MINOR VARIANCE - LOT 42, LAWRENCETOWN LAKE ESTATES

Mr. Sampson, Cole Harbour Planning, made the staff presentation. He said the application is to locate a single unit dwelling unit a distance of forty one feet from Lawrencetown Lake, instead of the required one hundred feet. He said applications for permits were received on July 20th of this year. The preliminary certificate, which allows for the placement of footing only, was issued on August 4, 1994. On August 16th the building inspector, upon noticing that the foundation had been constructed without the necessary permit being issued placed a stop order. A location certificate was then submitted for the purpose of obtaining the building permit. This certificate showed the footings to be located approximately forty feet from Lawrencetown Lake. The required setback from this lake is one hundred feet. On September 1, 1994 the Development Officer notified the applicant, by letter, that the request for minor variance had been refused and accordingly an appeal of this decision was made to the municipal clerks department.

In reviewing this application the Development Officer concluded that the variance was not minor. A site visit by staff revealed no physical site specific features which would prevent the building from being positioned within all of the required yard clearances.

QUESTIONS FROM COUNCIL

Councillor Cooper said with appeals there seems to be questions as to the what is permitted or perceived to be permitted under the permit. He asked what did the permits for this construction indicate.

Mr. Sampson said a Municipal Building permit states a one hundred foot setback from Lawrencetown Lake. He said there was one location on the permit that stated that fifty foot setback from watercourses such as brooks and streams.

Councillor Cooper asked if it was possible for there to be misinterpretation with regards to the figures.

Mr. Sampson said it is possible but the one hundred foot setback did state from Lawrencetown Lake.

Deputy Mayor Bates said he noticed in the report that there was a municipal development permit allowing the excavation of placement of footings.

Councillor Hendsbee said he would hope that future development in that area would comply with setbacks.

Mr. Sampson said all properties created after the by-law came into effect require that one hundred foot setbacks from Lawrencetown Lake on any new development.

SPEAKERS IN FAVOUR

Mr. Phil Oakley spoke in favour of the appeal. He said he was not informed properly as to the one hundred foot setback when he took out the preliminary permits for the footings. He said no one he spoke to in either the county building or the Cole Harbour office brought that to his attention. He said the foundation was passed and it was never brought to his attention that it was too close to the lake.

Councillor Hendsbee said he hopes that in future setback requirements would be adhered to. He said he has no problem permitting the first one but afterwards forewarned is foretold.

Mr. Vern Conrad spoke in favour of the appeal. He said the property is approximately 60 feet from the waterfront generally speaking so it's about twice what the normal is for the County but only half of what is now required. He said there is no problems getting the one hundred foot setback for the next three lots. He said putting the house on the lot at one hundred foot setback would mean putting the house down in a low spot and it would cost extra for foundation costs. He said the septic field would have to be moved and an excavated well would have to go up on the hill where the house actually should go. He said everyone, including the Department of Health, says the house

should go on the high land. He said they have been assured that this is the first lot developed under the new registration on Lawrencetown Lake so it is a simple mistake. He said this is a family thing and they are not trying to profiteer, just to develop the property.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

Councillor Randall said he believes that the applicant was not fully aware of the requirements for the hundred foot setback. He said there is also a possibility that there was confusion between the hundred foot setback that is required for major waterways and the fifty foot for watercourses. He said to his knowledge and knowing of the Conrod's he has no doubt that they will maintain the required setbacks on any further development.

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

"THAT THE APPEAL BE GRANTED"

Councillor McInroy said he has concerns with the fact that within Halifax County there are varying requirements for setbacks and side yard clearances, etc. He said some steps have to be taken to minimize that type of thing happening. He said if there are exceptions then some system of generating this information should be established.

Councillor Cooper said over the last few years there have been difficulties with this type of appeal; one is the type of information going out and making sure it is clearly understood and maybe the county should consider the first inspections to be when they place the siting of the house so people don't have to go through the problem of putting the foundation down into footings and then staff come along, approve it and all of a sudden later something has happened.

Deputy Mayor Bates said in this case a permit has been issued to put footings in and people are not going to want to put in footings if they are not going to be able to put the building on it. He said there should be some system in place so that when those permits are issued for the footings the county knows then that the contractor or developer is going to be alright to go ahead and put the dwelling there. He said they are forty one feet from the watercourse so he sees no problem with this.

MOTION CARRIED

COUNCIL SESSION

12

OCTOBER 18, 1994

Councillor Randall, Boutilier and Barnet addressed council.

ADJOURNMENT

It was moved by Councillor Meade:

'THAT THE MEETING BE ADJOURNED'

MOTION CARRIED

PUBLIC HEARING

October 3, 1994

PRESENT WERE: Mayor Ball
Councillor Meade
Councillor Rankin
Councillor Fralick
Deputy Mayor Bates
Councillor Randall
Councillor Smiley
Councillor Snow
Councillor Giffin
Councillor Barnet
Councillor Brill
Councillor Sutherland
Councillor Turner
Councillor McInroy
Councillor Cooper

ALSO PRESENT: Fred Crooks, Municipal Solicitor
Dale Reinhardt, Deputy Municipal Clerk

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

APPOINTMENT OF RECORDING SECRETARY

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

'THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY'

MOTION CARRIED

Mayor Ball outlined the procedure followed for a public hearing.

FILE NO.'S PA-FEN-05-94 AND ZAP-FEN-05-94 - AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW FOR PLANNING DISTRICTS 15, 18 & 19 WHICH WOULD PERMIT C-2 USES UP TO 2000 SQUARE FEET WITHIN THE I-1 (MIXED INDUSTRIAL) ZONE, THE SAME AS WHAT IS PERMITTED IN THE MU-1 (MIXED USE 1) ZONE

Mr. Paul Morgan made the staff presentation. He said the application is to amend the provision of the light industrial zone within the 15, 18 and 19 plan area to allow for limited scale commercial uses. The application came about as the result of an individual request from a property owner that being Vernon Kynock. He said Mr. Kynock has a property zoned for light industrial uses. He had formerly used that as his base for a trucking operation. He has since relocated from this property.

He said under the present provisions of the Planning Strategy and this light industrial zone commercial uses are only permitted in association with industrial uses. The essence of the amendments are to allow for commercial uses stand alone. The amendments are presented in Appendix A and B of the staff report.

Appendix A outlines the change in the policy to the Planning Strategy and reflects the intent to allow for limited scale general commercial uses instead of commercial uses accessory to permitted industrial uses.

Appendix B is replacement of part 19 of the By-law for the mixed industrial zone. What is changed here is under 19.1 the provision for commercial uses permitted under 16.1 of the By-law. He said that is general commercial uses in the C-2 zone. The restriction staff has made here is that the total floor area of any of these uses would be a maximum of 2,000 square feet. He said what would be given to Mr. Kynock or any other property owner zoned I-1 is the same development rights as essentially any of those properties around him. He said most of the lands on the Hammonds Plains Road are zoned mixed use 1 zone. He said that is the base zone for this area. He said anyone in that Mixed Use 1 zone is entitled to have general commercial uses of up to 2,000 square feet by right. This would seem within the context of the area.

He said through this amendment there has been some cleaning up of the standards for that zone. The essence of them haven't changed. The wording is just clearer to reflect the standards which council intends to impose. He said with this provision it would not allow for outdoor storage or display of materials such as car lots, etc.

Councillor Giffin read into the record the uses permitted - retail stores, food stores, service and personal service shops, offices, commercial schools, banks and financial institutions, full service and take out restaurants, funeral establishments, theatres and cinemas except drive in theatres, parking lots, welding, plumbing and heating, electrical and other special trade contracting services and shops, bakeries, single or two unit dwellings and institutional uses.

Mr. Morgan said this property is only 22,000 square feet in area.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT THE APPLICATION BE APPROVED"

MOTION CARRIED
16 IN FAVOUR

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

'THAT APPENDIX B BE APPROVED"

MOTION CARRIED
16 IN FAVOUR

FILE NO. PA-F&S-08-94 AND SB-07-94 - PRELIMINARY ASSESSMENT STAFF REPORT - REQUESTS BY CAPILANO ESTATES AND MILLER DEVELOPMENT LTD. FOR INCLUSION OF THEIR LANDS IN A WATER SERVICE DISTRICT

Mr. Butler, Planning and Development, made the staff presentation. He said the application is to consider the expansion of a water service district boundary in the general Windsor Junction area. He said what is before council are two separate applications by two separate landowners for inclusion of their lands within a water service district. Capilano Estates is requesting inclusion of 361 acres and Miller Development Ltd. is requesting the approval of 171 acres in two separate parcels. He said staff has combined those two applications together for consideration at the same time.

He said these are the first expansions to water service districts to be considered by council pursuant to the policy that was approved earlier in the year which require that the planning, environmental, engineering and financial aspects of extending water service districts and; therefore, central water. He said he will deal with planning and environmental issues and Mr. Wdowiak will speak to the engineering and financial issues.

The applications by the two landowners in question would essentially permit the continuation of central water services within their developments. Both developers currently have the first phases of their development serviced by central water so these are essentially extensions of that service. He said they have concluded, in looking at the two separate applications and their location, that it would be beneficial to include an additional 165 acres within the water service district should council give it positive approval because it essentially completes that entire triangle leaving out the 165 acres. He said the 165 acres is situated between the two land holdings and