

'THAT COUNCIL APPROVE A \$250,000.00 LOAN ADVANCE TO THE HAMMONDS PLAINS FIRE COMMISSION FOR THE PURPOSE OF ACQUIRING A FIRE VEHICLE; LOAN TO BE REPAYABLE WITH INTEREST OVER A MAXIMUM TEN (10) YEAR TERM; WITH COUNCIL RESERVING THE RIGHT TO LEVY AN AREA RATE IN DEFAULT OF PRINCIPAL AND/OR INTEREST REPAYMENT"

MOTION CARRIED

Grants to Recreational Facilities (One Sixth Funding)

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

"THAT COUNCIL ESTABLISH THE DATE OF JUNE 15, 1995 AS THE DEADLINE DATE FOR RECEIVING REQUESTS FOR ONE-SIXTH CAPITAL FUNDING FOR THE 1995/96 FISCAL PERIOD AND THAT ALL CURRENT REQUESTS BE HELD UNTIL THAT TIME. IT IS INTENDED THAT AFTER THAT DEADLINE DATE, THE EXECUTIVE COMMITTEE WILL CONSIDER ALL REQUESTS FOR ONE-SIXTH FUNDING WITH A SUBSEQUENT RECOMMENDATION BEING FORWARDED TO COUNCIL"

Councillor Merrigan said he feels the date should be extended to the end of June.

Councillor Harvey said he was not in favour of the recommendation and he feels council would be better advised to defeat this motion to allow the projects that have gone through recreation to proceed so communities can move on with their projects.

MOTION DEFEATED

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

"THAT THE ONE SIXTH FUNDING BE GRANTED TO THE FOUR PROJECTS OUTLINED IN THE STAFF REPORT DATED MARCH 10, 1995 FROM THE DIRECTOR OF PARKS AND RECREATION"

MOTION CARRIED

1995/96 Environmental Services Budget

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

"THAT APPROVAL BE GIVEN TO THE 1995/96 ENVIRONMENTAL SERVICES BUDGET"

MOTION CARRIED

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

" THAT THE FIRE HYDRANT PROTECTION RATE BE SET AT \$0.110 PER \$100.00 OF ASSESSMENT"

MOTION CARRIED

Land Acquisition - Twin Oaks

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

'THAT COUNCIL APPROVE THE ACQUISITION OF LAND OF DAVID ROWLINGS AT A COST OF \$20,000.00 WITH THE HALIFAX COUNTY/BEDFORD DISTRICT SCHOOL BOARD PROVIDING REIMBURSEMENT OVER A FIVE YEAR PERIOD"

MOTION CARRIED

Greater Halifax Economic Development Partnership (GHEDP)

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

"THAT COUNCIL APPROVE AN AMENDMENT TO SECTION 11 OF THE PROPOSED MEMORANDUM OF UNDERSTANDING WITH SAID AMENDMENT (WORDING) TO BE AS NOTED IN GEORGE MCLELLAN'S APRIL 24, 1995 MEMO"

MOTION CARRIED

Grant Requests

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

'THAT THE FOLLOWING GRANT REQUESTS BE APPROVED:

District Parkland	District 9	\$5,000.00
District Capital	District 9	\$ 200.00
District Capital	District 9	\$2,000.00
District Capital	District 9	\$2,500.00
District Capital	District 9	\$2,500.00

MOTION CARRIED

SERVICE STANDARDS COMMITTEE REPORT

Servicing of Private Roads

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

"THAT COUNCIL APPROVE THE RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT DATED APRIL 12, 1995 FROM THE DEPARTMENT OF ENGINEERING AND WORKS"

Councillor Merrigan said there is only one private road in Beaver Bank and it has been maintained by the Department of Transportation for a long time.

Mayor Ball said this refers specifically to Lakeside and Eastern Passage.

Councillor Merrigan said the report is indicating to him that the other private roads that do not have an agreement in place are going to be left to fend for themselves. He said he feels there is an implied agreement.

Mr. Crooks said the legislation precludes the expenditure of municipal funds on any of these types of roads in respect of which no agreement existed. He said the legislation does not call for an agreement in writing but there would have to be something to substantiate the existence of an agreement or an understanding between the province and the municipality to justify to provide a basis for the continued expenditure of funds on those roads.

Councillor Merrigan said what he is saying is that there was an agreement between the landowners and the province to have these roads looked after. He said it he feels there should be some responsibility in assuming that responsibility even though there is not a written agreement.

Mr. Meech said there was some communications subsequent to the report that indicates that the Department of Transportation have under consideration as to whether or not they are still prepared to carry on with the service. He said he would caution that there is specific reference to those streets and private roads that can be maintained if they are under an agreement. He said this would indicate that all the others are not within the county's legal ability to maintain. He said legislation was written on the basis that it was only going to cover the ones that the county had a formal agreement on between the municipality and the Department of Transportation. He said there is going to be a need for a change in legislation if one wanted to do anything beyond that.

MOTION CARRIED

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

'THAT STAFF REQUEST THE DEPARTMENT OF TRANSPORTATION PROVIDE THE STATUS OF THOSE PARTICULAR ROADS THAT ARE

NOT UNDER THE CONTRACTUAL AGREEMENT"

MOTION CARRIED

Sidewalk Construction Program

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

"THAT THE 1995/96 SIDEWALK CONSTRUCTION PROGRAM BE FUNDED ON AN AREA TAX REVENUE BASIS"

MOTION CARRIED

12 in favour

9 against

SUPPLEMENTARY SERVICE STANDARDS COMMITTEE REPORT

1995/96 Proposed Transit Budget

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

"THAT COUNCIL APPROVE THE 1995/96 PROPOSED TRANSIT BUDGET AT A RATE OF \$.116 PER \$100 OF ASSESSMENT WITH THE INCLUSION OF THE EXTENDED SERVICE FOR ROUTE 21, TIMBERLEA"

MOTION CARRIED

Drainage Problems Private Property

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

"THAT APPENDIX "B" OF THE STAFF REPORT DATED APRIL 28, 1995 FROM THE DEPARTMENT OF ENGINEERING AND WORKS BE APPROVED AS THE PRIORITY LIST FOR DRAINAGE PROBLEMS PRIVATE PROPERTY'

MOTION CARRIED

Service Exchange - Roads - Listing of Private Roads Other Than Subdivision Roads

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

"THAT COUNCIL APPROVE THE RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT WITH SECTION "B" BEING AMENDED BY DELETING THE WORDS "AND AN ADMINISTRATION CHARGE OF \$200.00 PER PROPERTY ACCOMPANY THE APPLICATION"

Councillor Merrigan said he would like to know the rationale behind this recommendation.

Councillor Harvey said there had been a number of questions raised at Committee and it was felt that a by-law amendment would be required in order to charge the \$200.00 fee.

Mayor Ball said perhaps this should be referred back to Service Standards for further clarity.

Councillor Harvey said the previous policy was three houses that had been in existence before 1975 and as it is sometimes hard to get documentation it was felt that five occupied houses was more rational in dealing with this.

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

"THAT THE REPORT BE REFERRED TO BACK TO THE SERVICE STANDARDS COMMITTEE FOR FURTHER CLARIFICATION"

Councillor Merrigan said there was a policy in place whereby if there were three houses on a street, pre 1975, the province and the Department of Transportation would construct the road at their cost. He said he would like to know if that policy has been eliminated and he said he would raise the concern at the next Service Standards meeting.

MOTION CARRIED

REPORT - REGIONAL SOLID WASTE MANAGEMENT PROJECT - BACKYARD COMPOSTING PROGRAM

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

"THAT \$150,000 BE ALLOCATED TOWARDS DEVELOPING A REGIONAL BACKYARD COMPOSTING PROGRAM. IT IS FURTHER RECOMMENDED THAT NORSEMAN PLASTICS LTD. BE SELECTED AS DISTRIBUTOR FOR COMPOSTING UNITS TO BE SOLD IN TRUCKLOAD SALES EVENTS DURING THE MONTH OF MAY AND THAT PART OF THE FUNDING BE USED TO PROVIDE A \$10 MUNICIPAL CONTRIBUTION TOWARDS THE PURCHASE PRICE OF INDIVIDUAL COMPOST BINS SOLD DURING THE SALES EVENTS TO A MAXIMUM OF 10,000 UNITS. FINALLY, IT IS RECOMMENDED THAT THE FOUR SUPPLIERS OF COMPOSTING AWARENESS PROGRAMS IDENTIFIED IN THIS REPORT BE INVITED TO SUBMIT REVISED BIDS ON THE DELIVERY OF A COMPOSTING AWARENESS PROGRAM BASED ON A SERIES OF WORKSHOPS, HOT LINE SERVICE AND A FOLLOW-UP STUDY AND THAT SELECTION BE BASED PRIMARILY ON COSTS"

MOTION CARRIED

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

"THAT HALIFAX COUNTY APPLY TO THE RESOURCE RECOVERY FUND FOR FUNDING FOR THE INITIATIVE"

MOTION CARRIED

REPORT RE: BEAVER BANK SERVICING

Councillor Merrigan said last year there was a report on phased in servicing for Beaver Bank. He said he was concerned with the second phase which was the twinning of a line in Sackville. He said he felt those funds would be better spent in putting the service in Beaver Bank.

Mr. Meech said incorporated in the capital program for the next few years is the phasing.

Councillor Merrigan requested that the report be prepared for the next council session and further that the report outline where it stands on the capital project.

Mayor Ball requested that for the next meeting Mr. Wdowiak provide the list of capital projects and the phasing in reference to Beaver Bank.

Mr. Wdowiak said the next phase cannot proceed until the Mill Cove Expansion is completed in 1997.

Councillor Merrigan said the people in his community want to see a proper phasing report.

TAX CERTIFICATES - COUNCILLOR MCINROY

Councillor McInroy said this has to do with the Caldwell Road Storm Sewer Charge and the process of issuing Tax Certificates. He said there are some lawyers who do not acquire a tax certificate prior to closing a property. Some of them get them a few weeks or months after the transaction is closed. He said there have been some situations of betterment charges pending and accounts so coded before a transaction has taken place.

He said the county is very inconsistent. He said he is asking staff to provide a report once things have been finalized with regards to timing when accounts will be coded or a caveat will be posted and what manner is the county proposing to do that.

He said there have been some question as to whether in some cases staff were aware that sewer laterals also apply to storm sewer.

He said he would like to have information on what the county is proposing to do in the future on that. He said it seems to him it might be helpful to advise the barristers society that maybe they should do something to remind solicitors of the importance of this kind of thing.

Mayor Ball said perhaps there could be an update for next session and Mr. Crooks could prepare a notification to the Barristers society on behalf of the Municipality.

SEWER CHARGES - RESERVE LANDS, CALDWELL ROAD - COUNCILLOR MCINROY

Councillor McInroy said he would like to have an update on what the county is going to do with regards to collecting the outstanding amount from the Millbrook Indian Band.

Mayor Ball said if there is an update before the next council session he will provide it to him and members of the Cole Harbour Community Council.

Information Reports

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

'THAT THE REPORTS BE RECEIVED'

MOTION CARRIED

RDA BOARD COMPOSITION

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

"THAT A COMMITTEE OF THE WHOLE BE SCHEDULED TO DISCUSS THE COMPOSITION OF THE RDA BOARD"

MOTION CARRIED

CLARIFICATION RECEIVED FROM THE DEPARTMENT OF THE ENVIRONMENT RE: APPEAL PANEL NOMINATIONS

Ms. Dempsey Crossman said this was dealing with clarification from the Department of the Environment with regards to nominees for the Appeal Panel.

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

'THAT COUNCILLOR DAVID MERRIGAN BE NOMINATED AS THE REPRESENTATIVE FROM COUNCIL'

Mr. Meech said he would follow up on having a staff member from

Planning and Engineering appointed.

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

"THAT LASZLO LICHTER BE NOMINATED AS A MEMBER ON THE APPEAL PANEL"

MOTION CARRIED FOR BOTH NOMINATIONS

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

"THAT HALIFAX COUNTY WRITE A LETTER TO THE MINISTER INDICATING THERE ARE CONCERNS THAT THIS COMMITTEE CAN BE CHOSEN FROM A POOL AND SUGGEST THAT THE COMMITTEE BE A STANDING COMMITTEE"

MOTION CARRIED

FISHING LICENSES - COUNCILLOR GIFFIN

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF FISHERIES, THE PREMIER AND ALL COUNTY MLA'S IMPLORING THE RESCINDMENT OF THE ORDER IN COUNCIL WHICH ENABLED THE CHANGING OF THE LICENSES AS AN ABHORRENT, INSULTING, DISRESPECTFUL AND INSENSITIVE ORDER IN COUNCIL. FURTHER INDICATING THAT COUNCIL WAS ALSO VOICING IT'S OBJECTION TO ANY FUTURE CHANGES WITH RESPECT TO HUNTING LICENSES"

MOTION CARRIED

COUNCILLOR MERRIGAN

Councillor Merrigan said he had looked at the UMA report which indicated a different method of redistribution which included the combination and of a size of an area you have to look at in rural and urban areas.

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

'THAT THE REDISTRIBUTION COMMITTEE BE REQUESTED TO LOOK AT THE UMA REPORT TAKING THIS INTO CONSIDERATION"

MOTION CARRIED

COMMITTEE OF THE WHOLE RECOMMENDATION

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

"THAT COUNCIL APPROVE THE 1995/96 OPERATING BUDGET WITH THE FOLLOWING CHANGES: SUPPLEMENTARY EDUCATION FUNDING APPROVED FOR AN ADDITIONAL 3% AS A RESULT OF THE PROVINCIAL WAGE RESTRAIN CLAWBACK. FURTHER IT IS RECOMMENDED THAT \$20,000 OF THE \$80,000 FROM MT&T BE ALLOCATED TO THE OPERATING GRANTS FUND WITH THE EXECUTIVE COMMITTEE MAKING RECOMMENDATIONS, INCLUSIVE OF ALL REQUESTS, TO COUNCIL. THE REMAINING \$60,000 TO BE ALLOCATED AS FOLLOWS: \$10,000 TO THE G-7 SUMMIT PROMOTIONS AND \$50,000 TO ECONOMIC DEVELOPMENT FOR PROMOTION OF AEROTECH PARK"

MOTION CARRIED

ADDITION OF ITEMS FOR NEXT COUNCIL SESSION

Councillor Merrigan - Beaver Bank Servicing
Councillor Fralick - Department of Fisheries
Councillor Dooks - District 10 Sub Office

RECONSIDERATION OF MOTION RE: UNSM MEMBERSHIP

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

"THAT COUNCIL RECONSIDER THE MOTION RESPECTING HALIFAX COUNTY'S MEMBERSHIP IN THE UNION OF NOVA SCOTIA MUNICIPALITIES"

MOTION DEFEATED

9 in favour
11 against

PRESENTATION - LAW AMENDMENTS COMMITTEE

Mayor Ball circulated the document he would be presenting to the Law Amendments Committee and informed councillors that any suggested changes could be given so that the final draft could be ready.

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

'THAT THE DRAFT DOCUMENT, AS CIRCULATED, BE APPROVED"

Councillor Harvey referenced the agreement for the Mill Cove Treatment Plant.

Mayor Ball suggested that something could be put forward in the presentation that says that the Mill Cove Treatment Plant service agreement with the Town of Bedford be assigned to the regional

municipality with all the rights therein. He said the solicitor has informed that the regional municipality has successor rights.

Mr. Crooks putting this in would do what the legislation already does in a general way.

Mayor Ball said the way the legislation is written the protection is already there.

Mr. Meech said in order to do this a request would have to be made to the legislature to incorporate those allocated capacities in the legislation.

Councillor Harvey said he feels that protection should be put in.

Council agreed to this being included.

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Reid:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

COUNCIL SESSION

May 16, 1995

PRESENT WERE: Mayor Ball
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Deveaux
Councillor Bates
Councillor Hendsbee
Councillor Levy
Councillor Dooks
Councillor Smiley
Councillor Reid
Councillor Naugle
Councillor Merrigan
Councillor Snow
Councillor Giffin
Councillor Scratch
Councillor Harvey
Councillor Sutherland
Councillor Turner
Councillor McInroy
Deputy Mayor 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 Fralick, seconded by Councillor
Giffin:

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY"

MOTION CARRIED

APPROVAL OF MINUTES

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

'THAT THE MINUTES OF THE APRIL 18, 1995 COUNCIL SESSION
BE APPROVED"

MOTION CARRIED

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

'THAT THE MINUTES OF THE APRIL 24, 1995 PUBLIC HEARING BE APPROVED"

MOTION CARRIED

LETTERS AND CORRESPONDENCE

1. Ms. Dempsey Crossman outlined a letter from the Town of Bedford requesting a joint meeting to discuss additional supplementary funding for the School Board.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

'THAT A MEETING BE HELD"

MOTION DEFEATED

6 in favour
14 against

Mayor Ball said the Town of Bedford should be notified of the method by which Halifax County has provided supplementary funding and as a result does not see the necessity of holding a joint council session.

2. Ms. Dempsey Crossman outlined a letter from the Nova Scotia Resource Recovery Fund advising that \$4,900.00 in financial assistance has been allocated for the recovery and recycling of 196 derelict vehicles in Halifax County.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Ms. Dempsey Crossman outlined a letter from Brooke Taylor, MLA, Colchester - Musquodoboit Valley, acknowledging receipt of a copy of council's correspondence.

It was moved by Councillor Dooks, seconded by Councillor

Mitchell:

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

4. Ms. Dempsey Crossman outlined a letter from the Honourable Jean Charest acknowledging receipt of council's correspondence regarding free votes in parliament.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

5. Ms. Dempsey Crossman outlined a letter the Minister of Education acknowledging receipt of council's correspondence and responding to the concerns with regards to the Gordon Bell Building.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

6. Ms. Dempsey Crossman outlined a letter from the Minister of Indian Affairs and Northern Development acknowledging receipt of council's correspondence concerning Hammonds Plains Elementary School.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

7. Ms. Dempsey Crossman outlined a letter from Peter A. Lewis in regards to listing and improvement of a section of Kings Road.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Ms. Dempsey Crossman outlined a letter from George Armoyan

requesting an opportunity to address council in regards to an application to include land on the South side within the Servicing Boundary for Cole Harbour/Westphal.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

'THAT MR. ARMOYAN BE GIVEN AN OPPORTUNITY TO ADDRESS COUNCIL"

MOTION CARRIED

Mr. George Armoyn addressed council. He said they had an application to rezone a piece of property and the application had gone to the Cole Harbour/Westphal Planning Advisory Committee, from there to the Community Council and from there to Municipal Planning Advisory Committee. He said at that time it was recommended that a public hearing be held. He said it had come before council, to his knowledge, in June, 1994 and at that time it was deferred for further studies until the first meeting of 1995 pending some studies that were requested to be undertaken. He said it is his understanding that the application is back with the Cole Harbour/Westphal Planning Advisory committee which has directed the application to the Ratepayers Association of Eastern Passage. He said this application has been pending for over two years and he would like to have some kind of an answer with respect to this application. He said he would like to ask that a recommendation be made to hold a public hearing some time in the next month or two and then, at that public hearing, people will be given the opportunity to speak.

Deputy Mayor Cooper said the Cole Harbour/Westphal Planning Advisory Committee is asking for input from Eastern Passage and they feel it would not be appropriate to make a decision without getting that input.

Mayor Ball said as there was not a staff report or recommendation at this time council cannot make any decision until this comes to the Municipal Planning Advisory Committee. He asked if there could be something before council, to make a recommendation with or without a public hearing, on June 20th.

Mr. Morgan said it may be possible.

Councillor Bates said there are a number of land owners in that

particular area that would like to have their land a part of the serviceable boundary if Eastern Passage wanted to give up some of their allotment. He said it is not a simple as just dealing with this one individual applicant. He said before it comes to a public hearing he would suggest that it goes through the process again. If the Eastern Passage Ratepayers indicate that they are willing to allocate some of their serviceable capacity to Cole Harbour then it should come back to the Cole Harbour community to see if other individuals may wish to make presentation to the community PAC and to the Community Council before coming to public hearing at the municipal level.

Councillor Turner asked if it has to go through the process of going through Community PAC or is there any way that the Community Council can set a date.

Mayor Ball said the question is whether or not council should do something in isolation of seeing any form of a report. He said the Community Council can make a recommendation if they so desire.

Deputy Mayor Cooper said if the application was just for new capacity to go to Cole Harbour/Westphal then to do that would be going against everything that has been done in council.

Mayor Ball asked Mr. Crooks if the Planning Act required a public participation session.

Mr. Crooks said the Planning Act requires the council to have in place a process for public participation which council has. He said that is a statutory mandated process. He said there are some legal constraints and there would be some legal concerns if the council directed a public hearing to take place at some date and did not allow completion of the normal process.

It was moved by Deputy Mayor Cooper,

"THAT THE MUNICIPAL COUNCIL ENDORSE THE PROCEDURES THAT HAVE BEEN USED IN DEALING WITH THESE TYPES OF APPLICATIONS"

Councillor Naugle said he would not be able to support any kind of transfer without public participation.

It was moved by Councillor Merrigan,

'THAT THE ITEM BE REFERRED TO PLANNING ADVISORY COMMITTEE"

Mayor Ball said when this was brought forward in 1992 council said that before it could attempt to do anything a flow monitoring study was requested and that study is now with the

Community PAC.

Councillor Bates said it took several months for the Engineering Department to do their flow monitoring study and nothing could be done until that report was completed. He said it was known that that report would take a long time and a lot of work. He said now it should go back to the normal process - Community PAC and Community Council.

2. Ms. Dempsey Crossman outlined a letter from the Office of Francene Cosman, MLA, acknowledging receipt of council's correspondence regarding the charge to seniors for sport fishing licenses.

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

'THAT THE LETTER BE RECEIVED'

MOTION CARRIED

3. Ms. Dempsey Crossman outlined a letter from the Department of Transportation and Communications with regards to council's correspondence concerning the issue of litter along the roadways in the Western Region of Halifax County.

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

'THAT THE LETTER BE RECEIVED'

MOTION CARRIED

4. Ms. Dempsey Crossman outlined a letter from the Department of Fisheries acknowledging receipt of a copy of council's correspondence with regards to the sport fishing licensing fee.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

5. Ms. Dempsey Crossman outlined a letter from the Minister of Municipal Affairs advising of the standard expenditures per dwelling unit for the purposes of calculating the equalization grant that have been revised as well as advising of the level of operating capital grants for the fiscal year 1995/96.

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

'THAT THE LETTER BE RECEIVED'

MOTION CARRIED

6. Ms. Dempsey Crossman outlined a letter from Canada Post Corporation advising that they are converting mailing addresses to civic addresses in various parts of Halifax County.

Deputy Mayor Cooper said that Halifax County is supplying the civic numbers but the Post Office will not provide the new address to the municipality for the purpose of tax billings.

Mayor Ball said it is the 911 project that was done by Oldham Engineering and MT&T has the record of it. He said they are asking if the 911 addressing coincides with the addresses they have.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Deputy Mayor Cooper referenced the previous letter and asked if it was to be interpreted that the municipality was not receiving any equalization grants this year. Mr. Meech confirmed this.

Deputy Mayor Cooper asked if all municipalities were now considered Class 4. Mr. Meech said it is his understanding that what was Class 5 now becomes Class 4 and the Municipality's respective areas would either be in Class 2 or 3. He said Class 1, 2, and 3 is mainly based on population and there are some areas that may meet the criteria for Class 2.

Councillor Hendsbee asked if there would be an allocations to the District Capital Grants this year. Mr. Meech said the Municipality is receiving some capital money.

Mayor Ball said perhaps this could be referred to staff for more clarity for the next council session.

7. Ms. Dempsey Crossman outlined a memo from Revenue Services Support with respect to the interim tax billing.

Council agreed to receive the memo for information.

8. Ms. Dempsey Crossman outlined a letter from Mayor McCluskey with regards to the UNSM Regional Meeting requesting the nomination of five voting delegates.

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

"THAT THE LETTER BE RECEIVED AND FURTHER THAT THE MAYOR BE AUTHORIZED TO CHOOSE THE DELEGATES"

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

1. Report from the Heritage Advisory Committee

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

"THAT A PUBLIC HEARING BE HELD ON JUNE 20, 1995 AT 7:00 P.M. FOR DESIGNATION OF ST. PETER'S ANGLICAN CHURCH, HACKETT'S COVE AND ST. JAMES UNITED CHURCH, SPRY BAY"

MOTION CARRIED

2. File No. CDD-EPCB-01-95-06-A3 - Application by Anahid Investments Ltd.

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

"THAT COUNCIL ENDORSE THE RECOMMENDATION OF MUNICIPAL PLANNING ADVISORY COMMITTEE FOR REJECTION OF THIS APPLICATION"

MOTION CARRIED

3. File No. RA-F&S-04-95-14 - Application by Andrew Lynds to rezone the property at 6638 Highway 2 in Enfield

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

"THAT THE APPLICATION BE APPROVED AND THAT A PUBLIC HEARING BE SCHEDULED FOR JUNE 19, 1995, AT 6:00 P.M."

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Proposed Community Mediation Centre

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

"THAT COUNCIL APPROVE, IN PRINCIPLE, THE FORMATION AND IMPLEMENTATION OF A COMMUNITY MEDIATION CENTRE AND FURTHERMORE, THAT MARK JAMIESON, BY-LAW ENFORCEMENT OFFICER, BE APPOINTED AS HALIFAX COUNTY'S REPRESENTATIVE ON THE COMMUNITY MEDIATION CENTRE'S INTERIM BOARD"

MOTION CARRIED

Capital Grant Requests

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

"THAT THE FOLLOWING CAPITAL GRANTS BE APPROVED:

District Parkland Grant	District 1	\$2,800.00
General Parkland Grant		\$2,800.00
District Capital Grant	District 2	\$1,500.00
General Parkland Grant		\$1,500.00
District Capital Grant	District 9	\$ 230.00
District Parkland Grant	District 9	\$ 350.00
District Capital Grant	District 13	\$2,750.00
General Parkland Grant		\$2,000.00
District Parkland Grant	District 13	\$1,500.00

MOTION CARRIED

Proposed 1995/96 Water Utility Operating Budget and Rate Increase Proposal

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

"THAT THE PROPOSED 1995/96 OPERATING BUDGET AND PROPOSAL RE: RATE INCREASE BE RATIFIED BY MUNICIPAL COUNCIL"

MOTION CARRIED

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Release of Easement Hirandale Drive, District 7

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

"THAT COUNCIL APPROVE THE RELEASE OF EASEMENTS OVER LANDS OWNED BY THE NOVA SCOTIA HOUSING COMMISSION, KNOWN AS THE FOREST HILLS SCHOOL, ON HIRANDALE CRESCENT, COLE HARBOUR"

MOTION CARRIED

Capital Grant Requests

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

"THAT THE FOLLOWING CAPITAL GRANTS BE APPROVED:

General Parkland Grant	\$1,331.31
District Parkland Grant, District 5,	\$1,331.31
District Capital Grant, District 8,	\$2,300.00
General Parkland Grant	\$2,300.00
District Parkland Grant, District 8,	\$2,300.00
District Capital Grant, District 8,	\$2,200.00
General Parkland Grant	\$2,200.00
District Capital Grant, District 10,	\$7,500.00
General Parkland Grant	\$7,500.00
General Parkland Grant	\$1,500.00

MOTION CARRIED

Borrowing Resolutions

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

"THAT BORROWING RESOLUTION TBR95/96-01, MUNICIPAL BUILDING (FORMER ACADIA SCHOOL), IN THE AMOUNT OF \$2,500,000 BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION TBR95/96-02, WATER (LUCASVILLE), IN THE AMOUNT OF \$3,043,000 BE APPROVED"

MOTION CARRIED

Capital Grants Re Cultural and Recreational Facilities

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

"THAT COUNCIL APPROVE FUNDING, UNDER THE CAPITAL GRANT POLICY, AS OUTLINED IN THE STAFF REPORT DATED MAY 11, 1995, FOR THE FOLLOWING:

- Herring Cove Ratepayers Association
- Harrietsfield-Williamswood Ratepayers Association
- Springfield Lake Recreation Centre
- Ferguson Cove Residents Association"

MOTION CARRIED

AEROTECH SERVICE RATES

It was moved by Deputy Mayor Cooper, seconded by Councillor Reid:

'THAT WATER AND SEWER RATES AT AEROTECH PARK BE INCREASED BY \$0.35/1000 GAL. EFFECTIVE APRIL 1, 1995. IT IS RECOMMENDED THAT SLUDGE TIPPING FEES BE INCREASED BY 10% TO \$.022/1000 GAL., AND THAT FIRE PROTECTION CHARGES BE INCREASED BY 10% TO \$176,000 EFFECTIVE APRIL 1, 1996"

MOTION CARRIED

Grants to Organizations

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

"THAT COUNCIL APPROVE THE ALLOCATION OF FUNDS AS OUTLINED IN THE STAFF REPORT OF MAY 11, 1995 AND FURTHER THAT THE \$20,000.00 PORTION OF THE MT&T GRANT, ALLOCATED TO GRANTS TO ORGANIZATIONS, BE USED TO OFFSET THE INCREASE IN REVENUES NEEDED TO BALANCE THE BUDGET"

Councillor Merrigan said he would like to see this money used for Para Transit.

Councillor Reid said it was his understanding the requests for Para Transit funding was made on an individual proposal basis.

Councillor Merrigan said at his request it had gone to Service Standards and Council for the provision of funds for Para Transit.

Motion Withdrawn

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

"THAT COUNCIL APPROVE THE ALLOCATION OF FUNDS AS OUTLINED IN THE STAFF REPORT OF MAY 11, 1995 AND FURTHER THAT THE \$20,000.00 PORTION OF THE MT&T GRANT ALLOCATED TO GRANTS TO ORGANIZATIONS BE ADDED BACK UNDER AREA OPERATING GRANTS UNDER SECTION 4 "OTHER" FOR PARA TRANSIT"

MOTION CARRIED

Amendments to the 1995/96 General Operating Budget

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

"THAT THE AMENDMENTS TO THE 1995/96 GENERAL OPERATING BUDGET AS OUTLINED IN THE MAY 16, 1995 MEMORANDUM FROM

THE DIRECTOR OF CORPORATE SERVICES BE APPROVED BY COUNCIL"

MOTION CARRIED

SERVICE STANDARDS COMMITTEE REPORT

Municipal Service Systems General Specifications

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

"THAT COUNCIL APPROVE, BY RECORDED RESOLUTION, THAT THE PROPOSED REVISIONS TO THE MUNICIPAL SERVICE SYSTEMS GENERAL SPECIFICATION BE ADOPTED AS REVISED AS OUTLINED IN THE STAFF REPORT DATED MAY 9, 1995 FROM THE DEPARTMENT OF ENGINEERING AND WORKS"

Mr. Ring said the document covers municipal service systems sanitary water and storm run off. It was presented to service standards in draft form on March 20th and subsequent to that a public hearing was held for submissions. He said as a result of submissions the revised document was sent to the Service Standards Committee for adoption.

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

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

Mayor Ball said if this was deferred it would be the responsibility of individual councillors to ask Mr. Ring for clarification before next council session.

MOTION OF DEFERRAL DEFEATED
ORIGINAL MOTION CARRIED

Driveway Entrance to Municipal Streets

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

"THAT COUNCIL APPROVE, BY RECORDED RESOLUTION, ADOPTION OF THE POLICY WITH THE AMENDMENT THAT IN THE CASE OF NON-PROFIT ORGANIZATIONS SUCH AS FIRE HALLS, CHURCHES, SERVICE CLUBS, ETC., THE MUNICIPALITY WOULD SUPPLY THE PIPE MATERIAL FREE OF CHARGE TO THE ORGANIZATION. THIS IS IN KEEPING WITH THE CURRENT POLICY OF DEPARTMENT OF TRANSPORTATION"

MOTION CARRIED

Permit Requirements for Municipal Streets

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

'THAT COUNCIL PRESCRIBE, BY RECORDED RESOLUTION, THE TERMS AND CONDITIONS UPON WHICH A PERMIT FOR BREAKING SOIL OF MUNICIPAL HIGHWAYS MAY BE GRANTED WITH THE AMENDMENT THAT THE CERTIFIED CHEQUE SHOULD BE HELD FOR ONE YEAR"

MOTION CARRIED

It was moved by Councillor Bates, seconded by Councillor Scratch:

"THAT COUNCIL PRESCRIBE, BY RECORDED RESOLUTION, THE TERMS AND CONDITIONS UPON WHICH A PERMIT FOR USE OF MUNICIPAL HIGHWAYS FOR UTILITY POLE LINES MAY BE GRANTED WITH THE UNDERSTANDING THAT THE MUNICIPAL SOLICITOR WILL BE ASKED TO INVESTIGATE WHETHER OR NOT IT WOULD BE POSSIBLE FOR ENGINEERING DEPARTMENT STAFF TO SIGN THE PERMIT RATHER THAN THE MUNICIPAL CLERK"

MOTION CARRIED

County Involvement in the Fire Service

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

"THAT COUNCIL APPROVE THE PROPOSED RECORDED RESOLUTION AS OUTLINED IN THE FIRE SERVICE OFFICE STAFF REPORT DATED MAY 4, 1995 WITH THE FIRE SERVICE RESEARCH AND DEVELOPMENT OFFICER BEING A NON-VOTING MEMBER"

MOTION CARRIED

SACKVILLE COMMUNITY COUNCIL REPORT

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

'THAT COUNCIL APPROVE THE PROPOSED LAND PURCHASE OF 35 +/- ACRES IN UPPER SACKVILLE CONTINGENT UPON THE MUNICIPALITY RECEIVING CLEAR TITLE TO THE PROPERTY"

MOTION CARRIED

DRAFT RESOLUTION RE: HALIFAX INTERNATIONAL AIRPORT AUTHORITY

Mayor Ball said a privatization authority is being established to look at the eventuality of the airport being taken over by the local airport authority. He said this was a draft resolution.

He said he is suggesting that former Mayor Lichter be appointed to the committee.

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

"THAT COUNCIL APPROVE THE DRAFT RESOLUTION AND APPOINT FORMER MAYOR LASZLO LICHTER AS THE REPRESENTATIVE ON THE COMMITTEE"

MOTION CARRIED

ATLANTIC WINTER FAIR LANDS AND NOTICE OF INTENT TO AMEND BY-LAW NO. 60 - ATLANTIC WINTER FAIR TAX EXEMPTION BY-LAW

Ms. Dempsey Crossman said there is a letter from Cox Downie and a draft by-law to amend the by-law. She said it is to support the current treatment the municipality gives this property for the exemption of the lands from general rates as well as business occupancy taxes and area rates.

Mayor Ball said this is a notice of intent for First Reading at the next council session.

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

'THAT THE MEMORANDUM BE RECEIVED"

MOTION CARRIED

STAFF REPORT - SOLID WASTE DISPOSAL

Council agreed to received the report for information purposes.

Deputy Mayor Cooper said council had asked for a report and itemization of the chronology with regards to notice for the Municipality etc.

Mayor Ball said that based on tonnage reports there does not seem to be anything significant in the allegations.

Deputy Mayor Cooper said he had specifically asked when this came before council to have a chronological report made as to what happened.

Mayor Ball said he would ask Mr. Newman to give council a report as to exactly when they found out about the alleged problem.

UPDATE ON G-7 SUMMIT - COUNCILLOR MITCHELL

Councillor Mitchell gave council an update with respect to the planning for the G-7 Summit.

REDISTRIBUTION COMMITTEE REPORT - COUNCILLOR RANKIN

Councillor Rankin updated council with respect to Redistribution relative to the UMA report.

Deputy Mayor Cooper asked if the UMA report was looking at a re-drawing of boundaries.

Councillor Rankin said there would be changes in boundaries if council accepted the principles contained in that report. He said they are not taking a position on that proposal until they see a possible map showing the tentative distribution of districts.

CHANGES TO BILL NO. 3 RE: IN-CAMERA ITEMS - COUNCILLOR DEVEAUX

Councillor Deveaux referenced proposed amendments to Bill No. 3 as it relates to in-camera issues.

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

'THAT A LETTER BE WRITTEN TO THE MINISTER INDICATING COUNCIL'S CONCERNS REGARDING THE PROPOSED AMENDMENT AND REQUEST THAT SHE RECONSIDER AND WITHDRAW BILL NO. 3"

Mayor Ball said council has in-camera sessions at the present time. He said he feels every council should have that right on certain issues. He said there are certain issues of a sensitive nature that have to be addressed that he feels should be held in-camera.

Councillor Deveaux asked if the solicitor could provide clarification on what was intended by the amendment brought forward by the Minister. He asked if there were any drastic changes to the procedure that is employed at the present time.

Mr. Crooks said the extent of the change in language relates to the acquisition, sale, lease and security of property. He said in the interest of residents council would want to have the ability to proceed in-camera. He said the second is with respect to labour relations.

Motion Withdrawn with the agreement of mover and seconder

SECOND AND THIRD READING - A BY-LAW TO AMEND BY-LAW NO. 40, THE TOPSOIL BY-LAW

Mayor Ball outlined the procedure he would follow for the hearing of the Second and Third Reading of the By-law.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

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

"THAT SECOND READING BE GIVEN TO A BY-LAW TO AMEND BY-LAW NO. 40, THE TOPSOIL BY-LAW"

Councillor Harvey asked if the By-law itself was under review at this time because there appears to be problems addressing erosion and run off particularly in the areas near watercourses and areas with steep slopes etc. He said it limits the protectiveness in some areas i.e the Little Sackville River. He said the change relates to Development Agreements superseding the By-law.

Mr. Morgan said the amendment being put forward doesn't deal with some of the concerns that were raised by the Sackville Advisory Committee particularly with regards to watercourses. He said staff is preparing a report to deal with that matter as well as the possibility of allowing for certain debris material possibly being used as fill materials as well. He said this only deals with an allowance for the requirements where the matter of turf movement has been dealt with through a Development Agreement. The exemption would apply to agreements where the council allowed for exemptions and were satisfied that the matter dealing with erosion and sedimentation was dealt with.

MOTION CARRIED

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

"THAT THIRD READING BE GIVEN TO A BY-LAW TO AMEND BY-LAW NO. 40, THE TOPSOIL BY-LAW"

MOTION CARRIED

SIDEWALKS - COUNCILLOR SNOW

Councillor Snow asked if the county was in a process of developing a policy were the Municipality can continue to do some sidewalks on a small scale.

Mr. Meech said there was a recommendation from the Service Standards Committee with regards to sidewalk construction. He said it will essentially remain the same - local communities will be 100% responsible for the cost. He said the Municipality is not responsible for sidewalk construction and any sidewalk

constructed has the full cost charged back to the area where the construction of the sidewalk takes place.

Councillor Snow asked if the standard could be reduced.

Mr. Meech said the standard will become that of the Municipality. It will be the Municipality's jurisdiction to determine what that standard is. He said in his opinion in the Subdivision By-law there should be a requirement that, in the areas where it makes sense, it should be the developers responsibility to put sidewalks in at the time of the subdivision development.

DEPARTMENT OF FISHERIES - COUNCILLOR FRALICK

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

'THAT A LETTER BE WRITTEN TO THE FEDERAL MINISTER OF FISHERIES REQUESTING THE QUOTAS, FOR THIS FISCAL YEAR, FOR GROUND FISHERIES FOR THE PART TIME FISHERMEN AND THE FULL TIME FISHERMEN'

MOTION CARRIED

SUB OFFICE - COUNCILLOR DOOKS

Councillor Dooks said he would like to have an update on the sub office for his district.

Mr. Meech said there would be a staff report coming forward at the next council session.

STREET NAMING - COUNCILLOR DOOKS

Councillor Dooks said there is a problem with the civic numbers in District 10 off the Number 7 highway. He said they have been numbered wrong and with the implementation of 911 they would like to rectify this situation. He said there is a road one half of which is known as the West Jeddore Road and the other half known as the Lower West Jeddore Road. He said he was requesting that the road be renamed giving it one name - West Jeddore Road. He said there is a road called the Beech Hill Road in Lake Charlotte with approximately four or five houses on it which has no name. He said they would like to establish the name of Beech Hill Road for the road.

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

"THAT A LETTER BE WRITTEN TO THE APPROPRIATE DEPARTMENT(S) REQUESTING THIS CHANGE"

MOTION CARRIED

SCHOOL BOARD - COUNCILLOR DOOKS

Councillor Dooks said that people in his district have been calling him with regards to the privatization of school buses. He said he has contacted the school board which has confirmed that there are proposals out on the feasibility of privatization of school buses.

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

"THAT COUNCIL RECOMMEND TO THE SCHOOL BOARD THAT IF PRIVATIZATION DOES GO THROUGH THAT THE BUS DRIVERS ALREADY IN PLACE BE HIRED BY THE NEW COMPANY MAINTAINING THEIR WAGES AND WHATEVER BENEFITS THEY HAVE"

MOTION CARRIED

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

"THAT COUNCIL WRITE A LETTER TO THE SCHOOL BOARD REQUESTING THEIR POLICY ON STORM DAYS"

MOTION CARRIED

URGENT AGENDA ITEMS

No urgent agenda items.

SOLID WASTE MANAGEMENT

Mayor Ball said a special session of council is required to deal with the strategy.

Council agreed to hold a Special Council Session on Tuesday, May 23, 1995 at 3:00 p.m.

Mayor Ball brought council's attention to his memorandum, dated May 16, 1995, wherein information was provided relating to Bill No. 3 respecting Solid Waste Legislation and Taxation.

ADDITION OF ITEMS TO JUNE 6, 1995 COUNCIL SESSION

Beaver Bank - Councillor Merrigan
Sub Office District 10 - Councillor Dooks
Department of Indian Affairs - Councillor Giffin

ADJOURNMENT

It was moved by Councillor Meade:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

May 8, 1995

PRESENT WERE:

Mayor Ball
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Hendsbee
Councillor Levy
Councillor Dooks
Councillor Smiley
Councillor Reid
Councillor Merrigan
Councillor Snow
Councillor Giffin
Councillor Hache
Councillor Scratch
Councillor Harvey
Councillor Sutherland
Councillor McInroy

ALSO PRESENT:

Nancy Dempsey Crossman, Municipal Clerk
Julia Horncastle, Recording Secretary
Alan Dickson, 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.

Mayor Ball outlined the procedure followed for a public hearing.

DA-LAW-14-94-09 - APPLICATION BY FRANCES AND REG BELLEFONTAINE TO ENTER INTO A DEVELOPMENT AGREEMENT FOR A DAY CARE CENTRE AT 2287 LAWRENCETOWN ROAD IN UPPER LAWRENCETOWN

Staff report was presented by Mitch Dickey. He said the applicants would like to convert the existing four unit apartment building to day care facility for up to forty children. The property is currently zoned R-1 which permits day care facilities for up to fourteen children. He said municipal permits have been issued for a day care for fourteen children. He said larger day cares are considered to be community facility use under the Land Use By-law for Lawrencetown and they may be only be established through a Development Agreement process. The applicants currently operated under the name Busy Bee Daycare in Porters Lake and Lake Echo.

He said the property is a four unit single story apartment building with approximately 2,000 square feet of floor area. He

said the property is within the Lawrencetown designation and the Planning Strategy seeks to protect the semi rural environment with respect to it's land uses. He said it is recognized that if Lawrencetown continues to grow as a community there will be a greater need for community facility uses such as daycares. He said these uses could create negative impacts on private properties. He said there have been concerns expressed with regards to overall appearance, noise, environmental impacts and traffic. The Development Agreement process is intended to address these concerns and reduce any impacts.

He said this property is located on the main highway into the community and is well suited for large scale daycare use. He said the property is neat and well maintained and no exterior alterations will be required to convert the building into a daycare. The daycare will be entirely within the building except for the playground. He said there is a fence between the playground and the abutting property. He said there is a shed on the abutting property which provides screening.

He said that due to the size of the play area the provincial community services will require a second playground once a certain level of enrolment is achieved. He said the applicants do not know at the present time where they will establish the second playground and provision can be made for approval of that play area by resolution of council when the applicants know they need a second play area. He said once the second play area is needed the applicants will submit a site plan which will be brought to council with a staff report. He said at that time it can be approved by council without the necessity for holding a second public hearing.

He said the existing parking area does not require any expansion. He said the Department of Transportation has checked the driveway and they have advised that it meets all of their requirements for stopping safe distance. He said most traffic to the property will be in the morning and peak traffic periods. He said the agreement requires that the building, landscaping and property will continue to be well maintained. Provisions made for one addition of five hundred square feet to the building should it be required. The agreement establishes the terms and conditions under which the extended daycare can operate and limits the permitted operating hours.

He said the area public health inspector inspected the existing septic system and advised that it is suitable for a daycare for no more than forty children. The daycare services division of the Provincial Department of Community Services has also inspected the property and have advised that the proposal put forward by the applicants would be in their licensing criteria.

He said no other matters of concern are identified. He said it

is recommended that council enter into the development agreement.

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 Levy, seconded by Councillor Hendsbee:

'THAT THE APPLICATION BE APPROVED'

MOTION CARRIED

RA-F&S-03-95-14 - APPLICATION BY HALIFAX COUNTY MUNICIPALITY TO REZONE A PORTION OF THE LOTS 9A AND 10A AS SHOWN ON A SUBDIVISION PLAN OF THE LANDS OF KINGLANDS DEVELOPMENT LTD. FROM P-2 (COMMUNITY FACILITY) ZONE TO R-6 (RURAL RESIDENTIAL) ZONE

Ms. Maureen Ryan made the staff presentation. She said these lots are now dual zoned and this situation came about when the lots were created in 1989. She said Mrs. Mood obtained a building permit and constructed a single unit dwelling on lot 10A and sold lot 9A to Keith Jones. The waterfront lands were never rezoned and the Department of Planning and Development recently discovered that it had inadvertently allowed Mrs. Mood to construct a single unit dwelling in the P-2 zone portion of the property.

The existing single unit dwelling is set back from Grand Lake by approximately seventy five feet. Mrs. Mood has maintained a tree cover between the dwellings. She said lot 9A is 1.8 acres in size. The backland portion is an open field. The waterfront portion is currently covered with trees and is located in a low lying area. Access is provided to lot 10A from the Old Kings Road. She said access can also be provided directly to Kings Road from either of these lots but the lands beyond Old Kings Road are presently maintained as an open field.

The properties are situated within the mixed residential designation under the Municipal Planning Strategy for districts 14 and 17. The majority of the privately owned lands within this designation are zoned R-6 and as such the subject properties can be rezoned. She said both lots have been approved for single

unit dwelling development under the subdivision approval process and can accommodate an on site septic disposal system.

She said that in order to protect the lake, the R-6 zone also requires that all buildings must be set back a minimum of six feet from the lake. She said Mrs. Mood has exceeded this requirement by setting her house back seventy five feet. Rezoning the lands to an R-6 zone is considered consistent with the intent of the MPS. She said it is recommended that the lands be rezoned.

QUESTIONS FROM COUNCIL

Councillor Sutherland asked if the land, indicated as vacant property, is still owned by the Department of Natural Resources.

Ms. Ryan confirmed this.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

'THAT THE APPLICATION BE APPROVED'

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Fralick:

'THAT THE MEETING BE ADJOURNED'

MOTION CARRIED

PUBLIC HEARING

May 29, 1995

PRESENT WERE: Mayor Ball
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Bates
Councillor Hendsbee
Councillor Levy
Councillor Dooks
Councillor Smiley
Councillor Reid
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Hache
Councillor Scratch
Councillor Harvey
Councillor Sutherland
Deputy Mayor Cooper

ALSO PRESENT: Nancy Dempsey Crossman, Municipal Clerk
Karen Fitzner, Municipal Solicitor
Julia Horncastle, Recording Secretary

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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.

Mayor Ball outlined the procedure to be followed for a public
hearing.

FILE NO. DA-F&S-12-94-14 - DEVELOPMENT AGREEMENT TO ALLOW FOR THE
DEVELOPMENT OF A 15 UNIT APARTMENT BUILDING ON THE LANDS OF
GEORGE TSIMIKLIS AT FLETCHERS LAKE

Mr. Jan Skora made the staff presentation. He said a request has
been received to allow construction of an apartment building on
the property in Lake Fletcher. He said the property presently
consists of two lots. He said one lot contains a 21 unit
bachelor apartment building. The other lot contains eight
bachelor units. He said the developer wants to put in a third
building which will contain 15 one bedroom units.

The property was formerly occupied by the Fort Scenic Hotel, a
business which included a cabaret style drinking establishment
and hotel rooms. He said it was serviced by on site sewage
treatment plant. He said, last year, Mr. Tsimiklis undertook a

number of renovations and improvements on this property. He said he also retained a licensed operator to maintain the treatment plant located on the property. He showed slides of the property for the information of council.

He said this property is located within the Community Centre Designation which allows for small scale commercial type of operation. The property is zoned C-2 which allows for commercial uses up to 10,000 square feet by right. The abutting properties are zoned according to R-1; however, they have the option to go to commercial by rezoning. Multiple dwelling units in this designation are not permitted; however, Policy P-68 makes the provision for properties which are serviced by existing on site sewer treatment, prior to the adoption of the plan.

He said Policy P-68 outlines the conditions which have to be met in order to consider development. The first one is the means by which solid and liquid waste will be treated. He said the treatment plant was originally designed to service the Fort Scenic operation and has a maximum effluent loading of 7,500 gallons per day. He said the treatment plant operates on one third it's capacity at the present time. The applicant was requested to undertake a sampling and testing program of effluent and over the fall and winter months the quality of the effluent improved so that it meets the requirements which are established by the Department of the Environment. As a result of the analysis the Department of the Environment agree that any development of the site can proceed. He said Clause 4.1(b) of the agreement says that any future development on the property may proceed only when the Department of the Environment are satisfied with the performance of the treatment plan.

He said provision "b" of Policy P-68 talks about the provisions for the continuing maintenance of the proposed development and for this reason the municipality has requested an agreement that a garbage bin be located on the property and the existing treatment plant fence be replaced with a new one. He said the developer will be responsible to retain the services of a sewage treatment plant operator on a permanent basis to assure the quality of the effluent.

He said provision "c" of Policy P-68 states that the architectural design and scale of any building(s) will be compatible with nearby uses. The developer is committed to construct design a building which will be compatible in colour and design to the existing buildings. He said this provision is also put into the agreement under clause 7.1.1.

He said the landscaping provision pertains to the maintenance of a buffer zone, which at the present time does not exist, of forty feet between the property and the treatment plant to the abutting property to the North. He said a twelve foot easement will be