

COUNCIL SESSION

August 1, 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 Peters
Councillor Merrigan
Councillor Brill
Councillor Hache
Councillor Scratch
Councillor Harvey
Councillor Turner
Deputy Mayor Cooper

ALSO PRESENT: K. R. Meech, Chief Administrative Officer
Dale Reinhardt, Deputy 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. Mr. Reinhardt called roll.

APPOINTMENT OF RECORDING SECRETARY

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

'THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY"

MOTION CARRIED

Mayor Ball read the letter of resignation tendered by Mr. Meech to council.

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

'THAT THE LETTER OF RESIGNATION BE ACCEPTED"

Mayor Ball wished Mr. Meech success in his new position.

MOTION CARRIED

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

"THAT GEORGE MCLELLAN BE APPOINTED AS CHIEF ADMINISTRATIVE OFFICER, EFFECTIVE AUGUST 1, 1995"

MOTION CARRIED

LETTERS AND CORRESPONDENCE

1. Mr. Reinhardt outlined a letter from Mr. Rick Hamilton requesting to address council with regards to the reinstatement of the Grade Six band program.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

'THAT COUNCIL HEAR A PRESENTATION BY MR. HAMILTON"

MOTION CARRIED

Mr. Nick Hamilton made a presentation to council. He said they were asking council's support for their request for the

reinstatement of the grade six band program.

Councillor Brill confirmed with Mr. Hamilton that a petition containing approximately 2500 names had been forwarded to the School Board requesting the reinstatement.

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

'THAT A COMMITTEE OF THE WHOLE MEETING BE HELD WITH THE SCHOOL BOARD AND THE TOWN OF BEDFORD"

Councillor Peters said that if Halifax County contributes additional funds it cannot dictate where these additional funds are spent.

MOTION CARRIED

2. Mr. Reinhardt outlined a letter from Riverland Development Ltd.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Mr. Reinhardt outlined a letter from Councillor Harvey in which he tenders his resignation from Metropolitan Authority, effective September 1, 1995.

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

'THAT THE LETTER OF RESIGNATION BE RECEIVED"

MOTION CARRIED

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

"THAT COUNCILLOR HACHE BE APPOINTED AS REPRESENTATIVE ON METROPOLITAN AUTHORITY, EFFECTIVE SEPTEMBER 1, 1995"

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

'THAT NOMINATIONS CEASE"

MOTION CARRIED

4. Mr. Reinhardt outlined a letter from the Department of Education and Culture informing council of the increased hours of operation of the Public Archives.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

5. Mr. Reinhardt outlined a letter from the Municipality of the County of Queens requesting council's support for a resolution urging the Province of Nova Scotia to protect historic cemeteries and burial sites by means of a Provincial Act.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

6. Mr. Reinhardt outlined a letter from the Community Stakeholder Committee requesting council endorse the Integrated Waste/Resource Management Strategy in it's entirety rather than "in principle".

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

7. Mr. Reinhardt outlined a letter from Canada Remembers requesting the Municipality take initiatives during the summer

and fall to commemorate the 50th anniversary of the end of the Second World War.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT THE LETTER BE REFERRED TO THE CHIEF ADMINISTRATIVE OFFICER"

MOTION CARRIED

8. Mr. Reinhardt outlined a letter from the Municipality of Annapolis County requesting municipal units to take similar action to them with regards to the reduction in general assistance rates.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT A LETTER BE WRITTEN TO THE UNSM EXPRESSING COUNCIL'S CONCERNS WITH REGARDS TO THIS REDUCTION"

MOTION CARRIED

9. Mr. Reinhardt outlined a letter from the Department of Transportation and Communications in response to council's letter regarding a cost-sharing proposal for a joint paving program.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

10. Mr. Reinhardt outlined a letter from Fisheries and Oceans with regards to correspondence that outlines some of the policies respecting the management of groundfish.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

11. Mr. Reinhardt outlined a letter from the Metro Coalition for Harbour Cleanup with attachments concerning the Dartmouth Cove raw sewage.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

12. Mr. Reinhardt outlined a letter from the Department of Community Services advising of the 1995/96 budget allocations for the Municipality's social services programs.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

13. Mr. Reinhardt outlined a memo from the Mayor's Office with regards to the proposed establishment of a commercial gaming operation on the Millbrook lands in Cole Harbour.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

14. Mr. Reinhardt outlined a letter from the Department of Transportation and Communication with respect to the appointment of Max Miller as traffic authority for Halifax County Municipality.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

15. Mr. Reinhardt outlined a letter from the Warden of Annapolis County to the Hon. John MacEachern with regards to the new funding formula for Regional Library Boards.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

16. Mr. Reinhardt outlined a copy of a letter from Halifax County Municipality to the Nova Scotia Utility and Review Board concerning the recent rate application by the City of Dartmouth Water Utility.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

17. Mr. Reinhardt outlined a letter from the Shubenacadie Watershed Environmental Protection Society requesting Halifax County establish a Watershed Advisory Committee.

It was moved by Councillor Hendsbee, seconded by Peters:

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT THE LETTER BE REFERRED TO THE MUNICIPAL PLANNING ADVISORY COMMITTEE FOR THE PURPOSE OF SETTING UP A SUB COMMITTEE TO ADDRESS THE CONCERNS"

MOTION CARRIED

MINOR VARIANCE REQUEST - RHONDA MACKINNON, 53 ATTWOOD CRESCENT, COLE HARBOUR

Council was informed that the above application had been withdrawn.

MINOR VARIANCE APPLICATION - SCHAFFNER PROPERTY, INGRAMPORT, N.S.

Mr. Bill Butler made the staff presentation. He said this application applied to a property in Planning District 1 and 3. The property in question was recently discharged from a Development Agreement which is still in effect relative to a former marina. He said this particular portion of that property has been discharged therefore it can be considered for minor variance under the provisions of the Land Use By-law for districts 1 and 3. He said the minor variance request is essentially to reduce the 25 foot watercourse setback, required under the land use by-law, to 0 feet. He said the 25 foot setback is not unique to this area and it exists in other plan areas.

The request was reviewed by the Development Officer in light of the general intent of the planning strategy itself as well as with respect to possible mitigating factors which might suggest that the application should be granted. While there is recognition that the concrete foundation, which exists on this site, presents somewhat of a unique site feature it is not staff's opinion that that particular site feature justify a total elimination of the setback such as is being requested.

He said staff also looked at the ownership of the waterline. He said in consultation with this as well as looking at the intent of this watercourse setback itself, the ownership of that particular water lot is not felt to be an overriding factor. He said the application for minor variance was denied and was subsequently appealed to council for a decision.

QUESTIONS FROM COUNCIL

Councillor Hendsbee asked if there is a storm would there be any liabilities against the Municipality if this was granted. He asked if there would be any risk of retribution as a result of council's granting permission to do so or does the applicant build at his own risk.

Mr. Crooks said that it is unlikely that the Municipality could be held responsible under these circumstances. He said if the council and Municipality proceeded to authorize the construction without being satisfied that there was compliance with the requirements of the land use by-law then a court might be sympathetic to a claim. He said he does not feel the Municipality can issue a 100% guarantee that there would be no responsibility particularly if the Municipality acted negligently in approving knowing that it was acting in breach of it's land use by-law.

Councillor Hendsbee asked if there was any way the Municipality could ask for a waiver of responsibility or a disclaimer.

Mr. Crooks said if there is any potential responsibility on the part of the Municipality, a waiver would maybe effect the current property owner but would be very difficult to enforce with respect to successors or people who purchase from the current owners.

Councillor Hendsbee asked if the Municipality would be responsible for any environmental damage that may occur is such a construction is allowed.

Mr. Crooks said this would be doubtful.

Councillor Hendsbee asked if this would be under the Provincial or Federal jurisdiction as it is on salt water.

Mr. Butler said it is his understanding that it is primarily the Coast Guard.

Mr. Crooks the provincial department of the environment may have some jurisdiction.

Councillor Mitchell asked if there had previously been any requests for a 0 foot variance.

Mr. Butler said he is not aware of any.

Councillor Mitchell said if this request is granted it may create a precedent.

Councillor Bates asked if this setback was approved to 0 feet it would mean that the Municipality is in violation of the land use by-law.

Mr. Crooks said council would have to be satisfied that the diminishment of the variance to the extent that is being requested is not contrary to the intent of the land use by-law.

Councillor Bates asked if the setback being requested was five feet from the high water line, would that be any different than the 0 foot being requested in so far as violation of the land use by-law is concerned.

Mr. Crooks the question is whether or not the intention of the land use by-law is being respected by the extent of the variance. He said council can make the judgement that the intention of the land use by-law is preserved.

Deputy Mayor Cooper said there had been two letters received with regards to this application one in favour and one in opposition.

SPEAKERS IN FAVOUR

Mr. Doug Miller and Mr. Richard Sherman made a presentation to council.

Mr. Sherman presented a schematic of the proposed dwelling. He said the property abuts the highway and is not close to any properties. He said there is a steep sloping bank coming down

from the highway and so the access to the property will be by way of an easement across the resort property. He said the Department of Highways has been through and looked at this. He said there is a problem as to how to service this residence. He said they looked at a contour trench towards the filtration bed and it has 115 foot distance from the shoreline as well as a certain setback from the road. The topography of the site is such that there is limited situations in which they can provide access into which dictates them coming in towards the garage.

He said Mr. Shaffner wants to preserve the natural features of the site such as the trees and the landscaping subsequently the location of the building over a massive block of concrete which was an old sawmill. He showed drawings illustration the proposal. He said they have set all of the foundation work back 25 feet from the shoreline. He said where the building sits on the ground is 25 feet back but what projects out over is the remainder of the building. He said the concrete block has been utilized as part of the structure to hold it up and to cantilever the building out over the land. He said the only effect that will take effect is that Mr. Shaffner intends to improve the shoreline so there is a better sea wall than what is presently in existence. He said they are not building right on the water. He said in following the wishes of their client, this is a custom designed beach house. He said the design would incorporate the concrete block. He said they have no watercourses to contend with other than those, in their understanding, affected by Natural Resources under the Provincial Beaches Act and Transport under the Navigable Waters Act. He said the previous approvals associated with the marina and finger piers are related to Fisheries and Oceans and Environment. He said they are interested in seeing this project proceed. The Shaffners are interested in seeing the construction proceed. He said this is a very special circumstance. He said they would like to have some clear direction as to what is considered setback and what is consistent with precedent and policy within the plan. He said it is not clear whether the setback comes from the outside railing of the deck or the outside face of the windows or the outside face of the foundation wall which is 25 feet back or the outside face of new footings which would be 24 feet back or the outside face of the concrete pier which would be 16 feet back. He said they would like to have some direction in order that this development can proceed.

Councillor Hendsbee asked if there had been any response from the Department of Natural Resources and Transport with regards to this.

Mr. Sherman said they have had discussions with them. He said the plans for the marina and breakwater have been submitted. He said the Coast Guard has indicated that as they stay above the high water mark it does not affect them.

Councillor Bates confirmed that the surrounding property was owned by Mr. Shaffner. He asked if the concrete slab posed a problem with respect to it's location.

Mr. Sherman said the slab is only 16 feet from the shoreline and the by-law states it is supposed to be 25 feet.

Mr. Butler said the 25 foot setback would be to the exterior which would include the deck. He said decks are included in the required setback.

Councillor Bates asked how high would the proposed building be. Mr. Sherman said it is 18 feet above the high tide.

Councillor Bates asked what was the distance between this structure and the end of the property.

Mr. Sherman said it about 415 feet in a straight line but along the shoreline it would be approximately 600 feet. He said there are no abutting properties. The only neighbour is across the road and up a hill. He said one of the reasons the applicant wants to be on site is to look after the resort.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

Councillor Hendsbee asked if the old foundation would be considered grandfathered because of it's proximity to the watercourse.

Mr. Butler said if there been a variance request with regards to

the high water mark, the foundation would be looked at as a unique feature.

Councillor Hendsbee asked what does the Municipality have with regards to zoning for water lots and their use.

Mr. Butler said the Municipal By-laws all go to the high water mark.

Councillor Hendsbee asked Mr. Butler is he had an estimate of how many water lots there are in the Municipality. Mr. Butler stated that he did not have that information available.

Councillor Meade referenced the letter from the resident located directly across the water from this proposed development and said that he had received four phone calls from people that were also in opposition. He said the Public Participation Committee down in St. Margaret's Bay have dealt many times with this setback from water. He said they had at one time looked at a 100 foot setback. He said the setback from the lakes North of the 103 is 100 feet. He said any new houses that are built are required to be 25 feet from the shore.

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

'THAT THE DECISION OF THE DEVELOPMENT OFFICER BE UPHELD
AND THE MINOR VARIANCE REQUEST BE REJECTED"

Councillor Merrigan asked what the purpose was of the 25 foot setback.

Councillor Meade said it was for runoff.

Councillor Brill said this is a unique situation and he asked how it would become a precedent.

Mr. Butler said although he recognizes the foundation as a unique feature and to approve this with the total elimination down to 0 is not a justifiable action and on that basis he would find it difficult to turn down another application that might come forward.

Councillor Harvey said the report indicates there is no site

constraint that would justify such a variance.

Mr. Crooks said it is for the council to decide to what extent a setback can or should be reduced. He said council can do that to the extent that it satisfies the variance as minor. He said the only circumstance where, in his opinion, there could be liability attached to the Municipality and council arising would be if the variance was approved in error. He said it is the role of the Municipality and council to make the judgement about whether or not a variance is minor. He said it is not a violation of the By-law for council to decide to reduce the setback as this is the purpose of a minor variance.

Councillor Bates said had the setback had been approved to the concrete block it may have been approved by council. He said what is being looked at is the cantilevered portion of the structure and looking at the way it is presented the likelihood of someone else coming to council with a similar proposal is remote. He said the cantilevered portion of the building is not going to create any runoff. He said council has approved similar setbacks in the past and he would not be supporting the motion.

Councillor Deveaux said he is in support of the motion. He said it is a unique situation but there still is a 0 line approval. He said if this was approved he feels it would be opening the door for many other requests along similar lines.

Councillor Merrigan asked if this foundation was 25 feet away from the water and then projected over the high water mark would it then be within the encroachment. Mr. Butler said that height is irrelevant.

Councillor Peters said there is a concrete abutment. She said they kept it and extended it two feet would it then be considered a minor variance because there is an exiting grandfather.

Mr. Butler said incorporating the concrete block within the design, in his opinion, is a reasonable thing to do. He said it is a question of how far beyond one could go.

Councillor Peters asked if the architects had indicated that they had extended it out as far as they did was to make the house more attractive. Mr. Butler said the style they were looking for was

the cantilevered one.

Councillor Peters said if they moved it back to be within the by-laws the house would not be as attractive from the owners perspective.

Councillor Hendsbee said he does not feel that this will have any effect on either the neighbours or the environment. He said it would be adding to a feature that has been there for a number of years and he feels it would enhance the community and the shoreline.

Councillor Deveaux asked if this building can be built on another portion of that land. Mr. Butler said not in the style proposed.

Councillor Hendsbee asked if the applicant would have any recourse for appeal if the decision of the development officer is upheld.

Mr. Crooks said there is no provision for appeal with respect to a minor variance unless the council commits procedural error or unless it is clear that council in approving a variance or not approving a variance has failed to follow the criteria that are set out in the act having to do with whether or not it is minor or what has been requested is general to the properties in the area or whether or not there has been intentional disregard of the by-law. There is no formal appeal but there is potential if council acted outside the ambit of the planning act.

MOTION CARRIED

12 IN FAVOUR

7 AGAINST

LETTERS AND CORRESPONDENCE CONTINUED

18. Mr. Reinhardt outlined a letter from the Halifax International Airport Planning Group Inc. thanking council for it's nomination to the Board of the Airport Authority.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT THE RESOLUTION BE ADOPTED ON BEHALF OF HALIFAX COUNTY AND FURTHER THAT A REPRESENTATIVE FROM THE RDA, APPOINTED BY THE RDA, OF HALIFAX COUNTY BE INCLUDED ON THIS BOARD OTHER THAN A POLITICIAN"

MOTION CARRIED

Councillor Peters said she would like it noted and requested for the recorded that the Geographical entity be continued even though the Government entity will not be continued because there are some concerns specific to the areas represented.

19. Mr. Reinhardt outlined a letter from the National Volunteer Chairman, Help the Aged (Canada) with regards to declaring October 1, 1995 as International Day for the Elderly.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT HALIFAX COUNTY PROCLAIM OCTOBER 1, 1995 AS INTERNATIONAL DAY FOR THE ELDERLY"

MOTION CARRIED

20. Mr. Reinhardt outlined a letter from the FCM with regards resolutions for consideration at the September 1995 meeting of the FCM National Board of Directors.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

COMMITTEE OF THE WHOLE RECOMMENDATIONS

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

"THAT MUNICIPAL COUNCIL ENDORSE THE CONCEPT OF
"SEPTEMBERFEST '95"

MOTION CARRIED

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

"THAT COUNCIL ENDORSE THE MEMORANDUM OF UNDERSTANDING
BETWEEN HALIFAX COUNTY AND THE MIRROR GROUP: SOLID
WASTE/RESOURCE MANAGEMENT SYSTEM AND THE SUGGESTED
STRUCTURE FOR DESIGN PHASE AND CONTRACT TEAMS FOR THE
IMPLEMENTATION OF THE INTEGRATED WASTE/RESOURCE
MANAGEMENT SYSTEM"

MOTION CARRIED UNANIMOUSLY

PLANNING ADVISORY COMMITTEE REPORT

File No. DA-LAW-12-94-09 - Development Agreement to allow for a
change of use within an existing building located at 2045 Highway
No. 207 (Lawrencetown Road) in Upper Lawrencetown

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

"THAT THE APPLICATION BE APPROVED AND THAT A PUBLIC
HEARING BE SCHEDULED FOR AUGUST 28, 1995, AT 6:00 P.M."

MOTION CARRIED

File No. DA-F&S-08-95-14 - Development Agreement to allow for
residential development on designated flood risk lands of the
Shubenacadie River

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

'THAT THE APPLICATION BE APPROVED AND THAT A PUBLIC HEARING BE SCHEDULED FOR AUGUST 28, 1995, AT 6:00 P.M."

MOTION CARRIED

Construction and Demolition Waste Material Management Guidelines

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

"THAT COUNCIL COMMUNICATE ITS SUPPORT TO THE MINISTER OF THE ENVIRONMENT CONCERNING THE PREPARATION AND APPROVAL OF PROVINCIAL REGULATIONS WITH RESPECT TO CONSTRUCTION AND DEMOLITION WASTE"

MOTION CARRIED

File No. PA-CHW-04-95 - Preliminary Assessment Staff Report - Application by Anahid Investments to expand the Cole Harbour/Westphal Service Boundary

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

'THAT A PUBLIC HEARING BE SCHEDULED FOR AUGUST 28, 1995, AT 6:00 P.M."

MOTION CARRIED

Staff Report - Amendments to the Land Use By-law for Planning Districts 15, 18 & 19

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

'THAT THE PROPOSED AMENDMENTS BE REJECTED WITHOUT A PUBLIC HEARING"

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Improvements to Pension Benefits - Halifax County Full-Time

Memorandum



TO: Mayor Ball
County Councillors
Departmental Directors

FROM: George M. McLellan
Chief Administrative Officer

DATE: August 5, 1995

SUBJECT: Corporate Service Department Realignment

A handwritten signature in black ink, appearing to be 'G. McLellan', written over a horizontal line.

As the position of Director of Corporate Services is now vacant, it is necessary that this position be addressed in terms of structuring to deal with those issues that will confront us prior to Amalgamation.

While the ongoing provision of services to residents remains the full focus, we will increasingly see a need to work with our residents and employees, as well as the Regional Unit, to enable an orderly and efficient transition. For us at Halifax County Municipality, this means that we will need to help our taxpayers and employees come through this successfully.

With the constraint that it makes sense only to hire or contract with new employees in extreme and clearly justifiable circumstances, it may be most appropriate to not fill this position. Coupled with the fact that most of the pressing issues going forward to Amalgamation, will involve human resource and financial first hand knowledge, I am suggesting that the Corporate Service areas of Human Resources, Finance and Accounting and Information Services report directly through to me as the Acting Chief Administrative Officer. The Tax Department would now fall directly under Information Services.

In this regard, I am asking that Gary Smith be made the Acting Director of Finance since this position has a statutory implication as regards to some Board memberships. I am also requesting that Gary, Percy Fawson and Daya Pillay attend the weekly Agenda Management meetings. At each of these it would be expected that Percy Fawson will give Senior Management a weekly update on Human Resource issues with regard to the Amalgamation as well as internal (HCM) issues. This is intended to heighten this issue so that we, as Senior Management, are clearly placing a priority on our people. With regard to the Tax Department, this is currently the focus of a project headed by John Skinner of Information Services. It is anticipated that the activities of the Project Committee will continue to direct much of the new activity in this area in conjunction with Lois Slaunwhite. For this reason it would be best to align this area under Information Services for its reporting procedures to Senior Management.

Corporate Service Department Realignment - continued

September 5, 1995

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Action Items: By copy of this memo it is requested that Executive Committee consider the appointment of Gary Smith as Acting Director of Finance. It is also requested that Senior Management notify members of their staff of these changes which I suggest be made effective August 14, 1995.

GMM:ndb

cc: Ken R. Meech, C.A.O., Halifax Regional Municipality



Halifax County Municipality

Corporate Secretariat
Municipal Clerk's Office

Administration Centre

2750 Dutch Village Road
Halifax, Nova Scotia B3L 4E5
Tel: 902-453-7564
Fax: 902-453-7764

August 30, 1995

Mr. William Hayward
Metro Amalgamation Coordinator
2776 Dutch Village Road
Halifax, Nova Scotia
B3L 4E5

Dear Mr. Hayward:

At the August 28, 1995 Executive Committee meeting it was recommended that Council approve 11 (eleven) police officers (RCMP) for the 1996/97 fiscal year. The cost of these eleven additional officers, at \$75,000.000 per officer, would be \$825,000.00.

The Committee was advised that your approval may be a necessary part of this recommendation and; therefore, it would be appreciated if your comments and/or approval of the recommendation be provided for the upcoming Council session scheduled for September 5, 1995.

Any comment or recommendation can be forwarded to my attention for distribution to members of council.

Yours truly,

Julia Horncastle
Recording Secretary

cc: Mayor Randy Ball
George McLellan
Gary Smith

Retirement Pension Plan

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

'THAT COUNCIL APPROVE THE RECOMMENDATIONS AS OUTLINED IN THE MEMORANDUM, DATED MAY 25, 1995, FROM GEORGE MCLELLAN, DIRECTOR OF CORPORATE SERVICES"

MOTION CARRIED

Proposed Deferment of Betterment Charges

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

'THAT BETTERMENT CHARGES BE INCLUDED UNDER THE EXISTING TAX RELIEF PROGRAM AND BE FORGIVEN AS PROPERTY TAXES ARE UNDER THIS PROGRAM"

MOTION CARRIED

Memorandum Re: By-law No. 51, "A By-law Respecting Tax Exemption" - Request from the Porter's Lake and Myra Road Wilderness Area Association

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

'THAT COUNCIL APPROVE THE REQUEST BY THE ASSOCIATION"

MOTION CARRIED

Report Re: Sludge Vacuum Truck

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

'THAT COUNCIL APPROVE THE FIRM OF PRESVAC SYSTEMS (BURLINGTON) LIMITED BE AWARDED THIS ORDER IN THE AMOUNT OF \$188,106.00 LESS THE CHARGES OF SHIPPING AS HALIFAX COUNTY WILL BE ACCEPTING THIS VEHICLE AT THE PRESVAC FACTORY"

MOTION CARRIED

Capital Budget - 1995/96 - 1197/98

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

"THAT THE CAPITAL BUDGET BE APPROVED. IT IS FURTHER RECOMMENDED THAT STAFF BE REQUESTED TO PROCEED WITH AN EVALUATION REPORT WITH REGARDS TO THE HERRING COVE WATER PROJECT AND THAT FUNDING APPROVAL BE SOUGHT FROM BOTH MR. HAYWARD AND THE PROVINCIAL GOVERNMENT"

Councillor Hendsbee said one of the concerns with respect to the Little Salmon River was with regards to risk to public health. He said there are 83 of the 89 homes were tested and out of that 83 homes, 23% are over the arsenic safety level. He said another 19% of the homes are within the arsenic caution level. He said there are levels of coliform bacteria in the homes who had their water tested. He said there is a problem in this area and he would like to have this project given a higher priority so that it can be dealt with immediately if possible.

Councillor Merrigan said he would like to see the phase of Beaver Bank Servicing from Tucker Lake Road brought up to current or sent back to Executive.

Mayor Ball said that this issue can be dealt with at the next Executive meeting and a recommendation can be made to council to have this item put on the priority A list. He said it is all going to be subject to any financing that will be available from the provincial government. He said staff would be asked to provide the costing for the next Executive.

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

'THAT THE MOTION BE AMENDED TO INCLUDE THAT THE TANTALLON LIBRARY BE MOVED UP TO THE YEAR 1997/98"

AMENDMENT APPROVED

MAIN MOTION CARRIED

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

'THAT A COSTING ANALYSIS BE DONE ON THE LITTLE SALMON RIVER PROJECT"

MOTION CARRIED

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

'THAT EXECUTIVE BE REQUESTED TO LOOK AT THE PHASING OF BEAVER BANK AND ASK STAFF HOW THE COUNTY CAN UNDERTAKE THE PHASES IN BEAVER BANK"

MOTION CARRIED

CAPITAL GRANT REQUESTS

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

"THAT THE FOLLOWING CAPITAL GRANT REQUESTS BE APPROVED:

a)	District Capital Grant	District 1	
		District 3	
		District 18	\$1,500.00
	General Parkland Grant		\$ 500.00
b)	District Capital Grant	District 3	\$ 300.00
c)	General Parkland Grant		\$1,300.00
	District Parkland Grant	District 4	\$1,300.00
d)	General Parkland Grant		\$3,500.00
	District Parkland Grant	District 4	\$3,500.00
e)	District Capital Grant	District 4	\$1,421.31
	General Parkland Grant		\$1,421.31
f)	District Parkland Grant	District 4	\$ 705.00
g)	District Capital Grant	District 7	\$1,000.00
h)	District Capital Grant	District 7	\$2,500.00
	District Parkland Grant	District 7	\$2,500.00

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i)	General Parkland Grant		\$1,625.00
	District Parkland Grant	District 9	\$1,625.00
j)	General Parkland Grant		\$1,600.00
k)	District Capital Grant	District 10	\$1,000.00
l)	General Parkland Grant		\$3,000.00
	District Parkland Grant	District 18	\$3,000.00
m)	District Parkland Grant	District 17	\$ 500.00
n)	District Parkland Grant	District 3	\$12,000.00

MOTION CARRIED

Capital Grants Re: Cultural and Recreational Facilities - Cole Harbour Community Centre

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

'THAT THE CAPITAL GRANT RE RECREATIONAL AND CULTURAL FACILITIES, IN THE AMOUNT OF \$50,000, FOR THE COLE HARBOUR COMMUNITY CENTRE BE APPROVED"

MOTION CARRIED

Withdrawal from Special Reserve

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

'THAT COUNCIL APPROVE THE WITHDRAWAL FROM SPECIAL RESERVE WSR95/96-02 - SEWER (MUSQUODOBOIT HARBOUR) IN THE AMOUNT OF \$20,600"

MOTION CARRIED

Borrowing Resolution - TBR95/96-03 - Recreation Centre (East Preston) - \$1,100,000

It was moved by Councillor Bates, seconded by Councillor

Mitchell:

'THAT THE BORROWING RESOLUTION TBR95/96-03, RECREATION CENTRE (EAST PRESTON) IN THE AMOUNT OF \$1,100,000 PENDING WRITTEN CONFIRMATION THAT THE AGREEMENT BETWEEN EAST PRESTON RECREATION ASSOCIATION AND THE TWO FUNDING PARTIES WILL BE CHANGED TO INCLUDE THE CLAUSE AS OUTLINED IN MR. MCLELLAN'S LETTER OF JULY 17, 1995 BE APPROVED"

Councillor Hendsbee said he would like to have it noted for the record that he had objections to the approval of this recommendation.

MOTION CARRIED

Stop Dated Accounts

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

'THAT COUNCIL AUTHORIZE THE WRITE OFF OF THE UNCOLLECTIBLE TAXES FOR THE STOP DATED ACCOUNTS IN THE AMOUNT OF \$80,949.20"

MOTION CARRIED

Councillor Peters said there are problems whereby addresses cannot be obtained from Canada Post. She said if the address is not changed on the Assessment Roll then these people cannot be located.

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

"THAT A LETTER BE WRITTEN TO THE PRIME MINISTER AND THE MINISTER RESPONSIBLE FOR CANADA POST STATING THAT THE COUNTY CANNOT LOCATE THESE PEOPLE, IT IS COSTING MUNICIPAL LEVELS OF GOVERNMENT AND THE COUNTY WOULD LIKE TO HAVE IT MADE MANDATORY THAT CANADA POST BE REQUIRED TO SHARE IT'S INFORMATION WITH LEVELS OF GOVERNMENTS SPECIFICALLY FOR GOVERNMENT USE"

MOTION CARRIED

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

'THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF THE GOVERNMENT DEALING WITH ELECTIONS LISTS ADVISING THAT ENUMERATIONS LISTS, THAT HAVE BEEN FILED BY THE ELECTIONS OFFICE ON ANY GIVEN ELECTION, BE SHARED WITH LEVELS OF GOVERNMENT TO KEEP THEIR DATA AND ASSESSMENT RECORDS UP TO DATE"

MOTION CARRIED

Provincial Grant Re: Branch Library Maintenance

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

'THAT COUNCIL ENDORSE THE RECOMMENDATION AS OUTLINED IN THE STAFF REPORT DATED JUNE 26, 1995 FROM GARY M. SMITH, FINANCIAL CONTROLLER"

MOTION CARRIED

STAFF REPORT - STREET PAVING PROGRAM

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

'THAT THE STREETS LISTED ON THE STREET PAVING LIST, DATED AUGUST 1, 1995, BE APPROVED FOR PAVING SUBJECT TO SUCCESSFUL PETITIONING AS REQUIRED UNDER THE STREET IMPROVEMENT BY-LAW AND WITHIN THE FUNDING LIMITS APPROVED BY COUNCIL APRIL 4, 1995'

MOTION CARRIED

SACKVILLE COMMUNITY COUNCIL REPORT

The report was received for information.

MEMORANDUM RE: APPOINTMENT TO MUNICIPAL PLANNING ADVISORY COMMITTEE

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

'THAT BERIT PITTMAN BE APPOINTED TO THE MUNICIPAL
PLANNING ADVISORY COMMITTEE"

MOTION CARRIED

RATIFICATION OF APPROVED DISTRICT CAPITAL GRANTS

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

'THAT THE APPROVED DISTRICT CAPITAL GRANTS BE RATIFIED
BY COUNCIL"

MOTION CARRIED

NORTH PRESTON RECREATION CENTRE - ACQUISITION AND RENOVATIONS -
COUNCILLOR HENDSBEE

Councillor Hendsbee requested that this item be referred to the
Executive Committee.

DEPARTMENT OF TRANSPORTATION - COUNCILLOR PETERS

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

"THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF
TRANSPORTATION AND COMMUNICATIONS REQUESTING THAT ROAD
SIGNS BE INSTALLED AT INTERVALS ON HIGHWAY #2 BECAUSE
TOURISTS TRAVELLING ON THE SCENIC ROUTE HAVE NO WAY OF
KNOWING WHICH HIGHWAY THEY ARE ON BECAUSE THERE ARE NO
HIGHWAY #2 SIGNS ALONG THE ROAD"

MOTION CARRIED

Councillor Peters said the community of Grand Lake is one of the
founding communities and at one time was a train station for the
local area. She said the residents are concerned that there are
no signs on the 100 series highway to indicate that they even
exist.

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

'THAT A LETTER BE WRITTEN, WITH A COPY TO THE MLA, TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS REQUESTING THAT THE NAME "GRAND LAKE" BE ADDED TO THE EXISTING ROAD SIGNS ON HIGHWAY 102 AND 118"

MOTION CARRIED

VIDEO MACHINES AND BINGOS ON NATIVE RESERVES - COUNCILLOR DEVEAUX

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

'THAT A LETTER BE WRITTEN TO THE PREMIER, WITH A COPY TO THE FINANCE MINISTER, ASKING THEM TO RECONSIDER THEIR INTENT TO ALLOW VIDEO GAMBLING MACHINES TO BE OPERATED ON THE RESERVES IN VIEW OF THE FACT THAT THEY WERE TAKEN OUT OF CORNER STORES. FURTHER THAT THE PROVINCE TAKE STEPS TO ENSURE THAT ANY BINGO OPERATIONS ON NATIVE LANDS MEET THE SAME REQUIREMENTS AS OTHER BINGO OPERATORS ARE REQUIRED TO DO IN THE PROVINCE OF NOVA SCOTIA"

MOTION CARRIED

DATE - LESSER SETBACK REQUEST - SEPTEMBER 5, 1995 - 7:00 P.M

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

"THAT THE HEARING BE SCHEDULED FOR SEPTEMBER 5, 1995 AT 7:00 P.M."

MOTION CARRIED

SACKVILLE PUMPER

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

'THAT COUNCIL APPROVE THE PURCHASE FROM FORT GARY TRUCKS, STOCK #5437, AT A PRICE OF \$226,106.00 PLUS REQUESTED OPTIONAL EQUIPMENT AT A COST OF \$11,949.00 FOR A TOTAL PRICE OF \$238,055.00"

MOTION CARRIED

\$170,000 LOAN REQUEST - SACKVILLE FIRE DEPARTMENT

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

'THAT COUNCIL APPROVE A \$170,000 LOAN REQUEST FOR THE SACKVILLE FIRE DEPARTMENT"

MOTION CARRIED

SACKVILLE TRUNK SEWER

Council agreed to receive the report for information.

SERVICE STANDARDS COMMITTEE REPORT

Burning By-law

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

'THAT COUNCIL ADOPT THE BURNING BY-LAW AS PROPOSED AND THAT THIS BE ACCEPTED AS NOTICE OF INTENT AND FIRST READING BE GIVEN AT THE SEPTEMBER 5, 1995 COUNCIL SESSION"

MOTION CARRIED

Utility Permits

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

'THAT COUNCIL DELEGATE THEIR AUTHORITY TO ISSUE OR REFUSE UTILITY POLE PERMITS TO THE ENGINEER OF HALIFAX COUNTY MUNICIPALITY SUBJECT TO THE CONDITIONS OF THE RECORDED RESOLUTION"

MOTION CARRIED

Councillor Rankin said he was bringing forward this item on behalf of Councillor Giffin. It was regarding the Flood Plain at the Little Sackville River. He said there had been a 1:100 year flood situation as a result of heavy rains but there had not been any flooding as a result of these rains.

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

'THAT THE FLOOD PLAIN AT THE LITTLE SACKVILLE RIVER BE DROPPED"

MOTION DEFEATED

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

'THAT A LETTER BE WRITTEN TO THE APPROPRIATE INDIVIDUAL AT THE CHRONICLE HERALD REQUESTING THAT THE METRO EDITION OF THE PAPER BE EXTENDED OUT AS FAR AS ECUM SECUM"

MOTION CARRIED

ADDITION OF ITEMS FOR SEPTEMBER 5, 1995

- Councillor Peters - Department of Environment
- Department of Natural Resources
- Municipal Parkland

IN-CAMERA

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

'THAT COUNCIL MOVE IN-CAMERA"

MOTION CARRIED

Council agreed to move out of camera.

Pat Quinn Property, 161 Beaver Bank Cross Road, Lower Sackville

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

'THAT HALIFAX COUNTY WITHOUT PREJUDICE REIMBURSE MS. QUINN OF 161 BEAVER BANK CROSSROAD, LOWER SACKVILLE FOR THE MONEY SHE HAS SPENT ON THE PROBLEM AT THEIR PROPERTY"

MOTION CARRIED

Land Acquisition - Lot 27ABX Bruce Drive, Lower Sackville

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

'THAT COUNCIL APPROVE THE LAND ACQUISITION WITH RESPECT TO LOT 27ABX BRUCE, DRIVE, LOWER SACKVILLE SUBJECT TO RECEIVING CLEAR TITLE AND ACCEPTING THE RESTRICTIVE CONVENANCES AS OUTLINED IN THE JULY 14, 1995 LETTER FROM ROBERT CARMICHAEL OF COX DOWNIE"

MOTION CARRIED

Ocean View Manor

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

"THAT HALIFAX COUNTY COUNCIL REQUEST THAT THE BOARD OF MANAGEMENT, OCEAN VIEW MANOR, REACH A CONSENSUS DECISION ON WHAT ACTION SHOULD BE TAKEN WITH THE OCEAN VIEW MANOR PROPERTY AND THAT A COMMITTEE OF THE WHOLE WILL BE ARRANGED FOR MID SEPTEMBER TO REVIEW THEIR RECOMMENDATIONS"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Merrigan:

'THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

COMMITTEE OF THE WHOLE

August 9, 1995

PRESENT WERE: Mayor Ball
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Deveaux
Councillor Bates
Councillor Hendsbee
Councillor Levy
Councillor Reid
Councillor Peters
Councillor Merrigan
Councillor Snow
Councillor Giffin
Councillor Hache
Councillor Scratch
Councillor Harvey
Councillor Sutherland
Councillor Turner
Councillor McInroy
Deputy Mayor Cooper

ALSO PRESENT: Dale Reinhardt, Deputy Municipal Clerk
Julia Horncastle, Recording Secretary

=====
The meeting was called to order at 3:00 p.m. by Mayor Ball who welcomed Mayor Kelly and councillors from the Town of Bedford as well as Mrs. Norma Kennedy of the School Board.

He informed those present that the purpose of the meeting was to hear representation from the School Board with respect to the instrumental music program and a request for funding, over and above the budgeted amount, in order to reinstate the program for the 1995/96 school year.

A representative of the band parents made a presentation to council. He said they were concerned with the possibility of the program being dropped at a higher level if it is allowed to be dropped at the grade 6 level now.

Mrs. Kennedy made a presentation to council.

After deliberation and discussion by council:

It was moved by Mayor Kelly, seconded by Councillor Goucher:

'THAT THE TWO COUNCIL'S AGREE TO FUND THE PROGRAM FOR
AN AMOUNT OF \$90,000.00 AS PER THE FUNDING FORMULA"

MOTION DEFEATED

6 IN FAVOUR

19 AGAINST

ADJOURNMENT

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

'THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

MINUTES & REPORTS
OF THE
FIRST YEAR MEETINGS
OF THE
FORTY-FIFTH COUNCIL
OF
HALIFAX COUNTY MUNICIPALITY
SEPTEMBER COUNCIL SESSION
TUESDAY, SEPTEMBER 5 & 19, 1995
&
PUBLIC HEARINGS
SEPTEMBER 25, 1995

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COUNCIL SESSION

September 5, 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 Peters
Councillor Merrigan
Councillor Brill
Councillor Snow
Councillor Giffin
Councillor Scratch
Councillor Harvey
Councillor Turner
Councillor McInroy
Deputy Mayor Cooper

ALSO PRESENT: Dale Reinhardt, Deputy Municipal Clerk
Alan Dickson, Municipal Solicitor
George McLellan, Chief Administrative Officer

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 Mitchell, seconded by Councillor Giffin:

“THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY”