

Tertiary Treatment

Mr. Butler reviewed the report regarding this submission by Mr. Keith Boutilier and Mrs. Velma Ledwidge. It was the recommendation that Policy P-3 be amended whereby the intent of Council will be to encourage the Department of Health to require tertiary treatment for all new or expanded treatment plants, until a servicing strategy is complete.

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

"THAT Policy P-3 of the proposed MPS and Land Use By-law for Planning Districts 14 & 17 be amended as recommended."
MOTION CARRIED

Councillor MacDonald asked if this amendment will mean the County is committed to tertiary treatment on Lockview Road. Mr. Meech advised that if Halifax County proceeds with a treatment plant before it is determined whether or not tertiary treatment is required, the County will be required to install tertiary treatment. He added that a treatment plant may not even be the best option for Lockview Road; a waste water management district may have to be considered, or the extension of the water to ensure a potable water supply to the residents.

Councillor Snow advised that the main issue during the planning process was environmental and tertiary treatment. He advised that the amendment will correspond with the wishes of the majority of the planning area.

Rezoning Requests by Mr. Robert Grant, on Behalf of Tidewater Construction Company Limited, and Mr. Bruce Spencer

Mr. Butler advised that these two requests are considered together because they were both presented directly to the PAC. He informed that Tidewater has requested an amendment to permit a quarry operation in Waverley. It was the staff recommendation, supported by the PAC, that no amendment be made in this regard.

Mr. Spencer's request was to rezone a parcel of property from R-7 to I-3 in order to permit a commercial venture on his property in the Wellington area. He advised that Policy P-92 of the Plan would permit the consideration of the proposed use, but one of the clauses of the rezoning consideration is that the industrial use not utilize local streets for access. Mr. Spencer's lot would be accessed by Kings Road, which is a local street. Therefore, the use would be considered contrary to the intent of the plan, and staff recommends the rezoning request be denied. He noted that PAC supports this recommendation.

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

"THAT Council approve the staff recommendation against making amendments to permit quarry operation on Tidewater's land in Waverley and a business use on the lands of Bruce Spencer in Wellington."
MOTION CARRIED

Private Roads

Councillor Snow declared a conflict of interest.

Mr. Butler reviewed the staff report, recommending that Policy P-31 be amended to limit development on all private roads in this plan area to a total of ten.

Councillor Boutilier asked how it will be determined who can develop the ten lots. Mr. Butler replied that it would be on a first come, first serve basis.

Councillor Deveaux stated he cannot support the motion because allowing development of ten lots on a first come, first service basis will only confuse the issue. Councillor Fralick also indicated that he would not support the amendment.

Councillor Horne advised that Kings Road is already under application for paper road status, which, if approved, will give Kings Road private roads status; there will be no means to stymie development, which will be without regard to the safety of the road. Councillor Horne stated the proposed amendment will address the problem on Kings Road and any other private road under consideration for paper road status. He stated there have been many comments that there should be no development, but allowing the development of ten lots is a fair compromise until the safety of the road is considered. He felt that allowing ten lots is too much, but people must be given some right to develop their land. He questioned how the ten lots could be fairly divided between landowners, suggested one or two per landowner might be feasible.

Mr. Butler stated the Planning Department will accept applications for approval of the first ten lots, but they are approved the policy will be fulfilled. He stated Kings Road is not the only private road affected by this amendment; although most of the others are owned by one person. Limiting development based on property holdings could be a disadvantage for people on other private roads.

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

"THAT Council approve the staff recommendation to amend Policy P-31 of the proposed MPS and Land Use By-law for Planning Districts 14 and 17 to limit development on private roads to ten lots until further consideration is given to the safety and upgrading of the road."

Councillor Horne added that the safety and upgrading of private roads must be given serious consideration by Halifax County Council.

Councillor Sutherland expressed support for the resolution. He stated the people indicated they would accept some limitation on development, and the amendment may be a good starting point to upgrading of the road.

Councillor MacDonald suggested that ten lots could fill a smaller road. He stated he would rather see development limited according to ownership.

Mr. Butler advised that there have been nine private roads approved since 1985; most of those road are short, and the very best of health conditions may allow for a few more than ten lots. He suggested Kings Road will be the road most affected by the proposed amendment.

Councillor MacDonald suggested that each landowner should be given an opportunity to develop two lots each.

There was a brief discussion regarding the legality of approving a amendment such a that suggested by Councillor MacDonald. Mr. Cragg advised that development on private roads could be limited to two per landowner; the amendment would have to be re-worded accordingly.

Mr. Butler informed that such an amendment would have a negative effect on the other private roads which are entirely owned by one person.

Councillor Ball asked if it would be possible to single out Kings Road to limit development to a maximum of two per lots per landowner and all other private roads in this plan area could be limited to development of ten lots. He stated it is very unfair to allow one person to develop all ten lots.

Mr. Cragg stated such an amendment may cause a landowner fronting on Kings Road to claim discrimination because he is only permitted to develop two lots, but every other landowner on every other private road within this planning area is allowed to develop up to ten lots. He stated it could be considered discriminatory, and if so it is liable to be attached and struck down.

Councillor Ball asked if the uniqueness of Kings Road could not be taken into consideration. Mr. Cragg responded that there is no question that Kings Road is unique, but the question is if uniqueness will override discrimination; he suggested it may not.

Councillor Merrigan inquired about the affect of this amendment on policy P-32. Mr. Butler advised that policy P-32 provides for the indexing of private rights-of-way within Schedule "A" of the Subdivision By-law. He stated it is possible an application could be made to have Kings Road indexed, which would be reviewed by the Department of Transportation and the Planning Department. A public hearing would be required. He stated indexed roads are meant to be those not capable of being upgraded to public standard. If the road is approved as a private road, it cannot be indexed.

Councillor Merrigan clarified that if a lot is indexed, and the development of three lots per year is permitted, a landowner could develop more than ten in five years. Mr. Butler agreed, clarifying that this is only possible if the road is successfully indexed.

Councillor Cooper stated there are two issues: the safety of private roads and developers' rights. He agreed that the suggestion of a number of lots per landowner on Kings Road may be considered discriminatory. He also agreed that Halifax County has some responsibility for safety on private roads within the Municipality. He stated Halifax County has the right and the duty to ensure that these concerns are handled in a manner that will not permit excessive

development which may endanger the safety of private roads. He stated the only this can be achieved is to limit development on private roads until this Council can take a stand on the safety and development standards on private roads. He expressed support for the motion, stating Council can then continue with the development of safety standards for private roads.

Councillor Morgan asked if private roads are now prohibited in the planned areas of Halifax County. Mr. Butler advised that in the urban planned areas, private roads are not permitted, but in the planning strategies recently adopted for the more rural areas there are specific policies controlling private road development. In some plan areas there is a specific designation for private roads and in others there are certain conditions under which a private road is permitted.

Councillor Morgan asked if there is any plan where another Kings Road could be created. Mr. Butler replied that there is. Councillor Morgan suggested the plans for all areas should be consistent in terms of dealing with private roads and prohibiting the creation of another Kings Road. Mr. Butler stated a memorandum circulated to Council on April 24, 1989 includes a policy that indicates that Council will be considering the upgrading of private roads. He also informed that the Subdivision By-law, which is the implementing mechanism for private roads, is now being reviewed by the PAC. He stated it is an opportune time to discuss private roads, County-wide.

Councillor Morgan informed that he cannot support the motion because he does not believe the problem on Kings Road is safety.

Councillor Boutilier indicated difficulty with the motion because it is not fair to approve the first ten lots applied for on a first come, first serve basis.

Councillor Merrigan noted that the Plan will not be retroactive. He inquired about the effect of adopting this Plan on the present application for private road status of Kings Road. Mr. Butler responded that the road will fall under the category of existing private roads by virtue of having the application submitted before the effective date of the Plan. He clarified that the application must include the number of lots for which approval is requested on the private road, and if the road is approved, additional lots can be applied for. He clarified there are only two lots applied for on Kings Road at present.

Councillor Deveaux stated he cannot support the motion because it not fair to allow one developer to apply for approval of all ten lots. He stated landowners must have more development rights. Councillor Deveaux asked if Kings Road was declared unique and separated from all other lanes and roads, if the Plan would not be approved by the Minister of Municipal Affairs. Mr. Cragg advised that he cannot attempt to guess the Minister's actions, if the County tried to deal with Kings Road separately. He agreed, however, that he cannot say the Minister would not approve the Plan if Kings Road is dealt with separately.

Mr. Butler noted that the problem with the motion is multiple lot owners, and he asked Mr. Cragg if the motion could be re-worded so that if a private road

crosses three or more parcels of land, there would be a stipulation that approval would be on a parcel by parcel basis. Mr. Cragg suggested such wording would deal with the uniqueness of Kings Road and any discrimination attached to Halifax County for only allowing certain development on Kings Road.

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

"THAT the aforementioned resolution be amended whereby when a private road crosses three or more parcels of land, approval will be based on two lots per property owner, to a maximum of 14 lots."

There was some discussion about property owners with much acreage who could subdivide under different companies, and the effect of permitting subdivision based on two lots per owner.

Councillor Horne maintained that limiting development to ten lots is reasonable, and if the landowners want to develop more lots, they will have to give more consideration to upgrading the road. He suggested a moratorium on all development may be appropriate; certainly no more than ten lots can be approved because the road is not safe.

Councillor Morgan stated the affect of such a policy on landowners on other roads much also be taken into consideration. Councillor Morgan suggested there may be 30 to 40 landowners, perhaps 20 to 30 with sufficient frontage to subdivide, and ten approved lots cannot be shared amongst those numbers.

Councillor Merrigan asked if there is more than one private road in this plan area. Mr. Butler responded that there are nine roads with paper road status, and there are two other applications now on file. He clarified that some of those roads have potential for additional lots; except for the first part of Kings Road, none of the private roads have the potential for ten lots.

Councillor Poirier expressed difficulty with the motion. She clarified that private roads can be built off other private roads, leading to more and more development. Mr. Butler stated that existing applications can be approved; otherwise, no additional private roads can be considered in this plan area.

Councillor Ball asked how many existing private roads have the ability to develop an additional ten lots. Mr. Butler responded that only the initial part of Kings Road is capable of being subdivided into an additional ten lots in this plan area. Councillor Ball clarified that no additional private roads can be created, if this Plan is adopted. Mr. Butler agreed. Councillor Ball suggested a total of 14 additional lots be incorporated into the motion so there will still be a maximum, although the intent to be fair remains.

Councillor Horne indicated that he cannot agree to the amendment; he stated ten is the maximum number of lots he can support on private roads. On Kings Road 25 acre parcels are being sold, which will permit more and more development. He stated the amendment will permit unlimited development on an unsafe road. He suggested there is a need for a moratorium on development until the safety standards of the road are considered.

Councillor Deveaux clarified that the amendment does not allow for repeated subdivision, but a maximum of 14 lots - two per landowner.

There was a brief discussion regarding the number of landowners with access and frontage on Kings Road.

Councillor Cooper suggested consideration be given to limiting development according to the length of the road. He felt limiting development according to the number of property owners will bypass the objective of trying to do something about private roads as they exist.

Councillor Morgan stated there is no significant difference between 10 and 14 lots. He questioned if Council is starting to consider responsibility for this road, and if Council will also assume responsibility for Department of Transportation roads that are unsafe.

There was a brief discussion regarding the point of this issue, and if Councillor Morgan's comments are pertinent to the issue. It was agreed that public roads are not relevant to this issue, and discussion should only be with regard to private roads.

Councillor Morgan next inquired asked if the rationale for limiting the number of lots for approval to 14 is because there are seven landowners. Deputy Warden McInroy suggested this is the reason for limiting development on private roads to a total of 14 lots.

Councillor Horne advised that one of the landowners indicated at the public hearing that he would be satisfied with limiting development to ten lots for the entire road. He added that some 25 acre parcels of land have already been sold, which might be considered additional landowners. If the amendment passes, two or more additional lots will be approved. He stated the amendment seems to be unclear in terms of how many lots will eventually be approved on Kings Road.

It was noted that planning staff are searching for information with regard to the number of landowners on Kings Road.

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

"THAT Council recess for five minutes."
MOTION CARRIED

Deputy Warden McInroy re-called the meeting to order at 7:40 p.m.

Mr. Cragg advised that his understanding of the amendment is that two lots per property owner may be approved on any private road to a maximum of 14 lots. He was prepared to suggest that the amendment be changed to refer to two lots per parcel; however, staff has advised that there may be as many as 20 parcels capable of subdivision along Kings Road, and the motion would allow the approval of 40 new lots.

Deputy Warden McInroy clarified that the advice of the solicitor is that Council should not limit development per owner, but per parcel; although it has been disclosed that there are approximately 20 parcels on Kings Road.

Councillor Deveaux and Councillor MacDonald agreed to withdraw the amendment.

MOTION CARRIED 10 FOR
 7 AGAINST

Councillor Reid asked if the majority of the whole of Council is required to approve this change to the proposed Plan. Mr. Cragg responded that the Planning Act provides that the Planning Strategy shall be adopted by a majority of the whole Council; however, Council is not voting on the Strategy at this point; Council is only considering the proposals to amend the strategy. When the Strategy is voted on for adoption, the majority vote of the whole Council will be required.

Council Snow rejoined the meeting.

Keith Boutilier Submission

Mr. Butler reviewed the staff report regarding the zoning of the Lockview Road area and the Oakfield Golf Course, and the reference to Lake Fletcher, whereas it should be Fletcher's Lake.

Mr. Butler advised that staff have verified with the Ratepayers Association that the proposed zoning for the Lockview Road and area is satisfactory, and no further changes are recommended in this regard.

With regard to the zoning of the Oakfield Golf Course, Mr. Butler informed that the existing golf course is considered a permitted use, and no amendment is required.

With regard to reference to Lake Fletcher, Mr. Butler advised that staff have no objection to making the appropriate changes to reflect Fletcher's Lake, as opposed to Lake Fletcher.

Councillor Sutherland inquired about the permitted uses in a R-1A Zone. Mr. Butler informed that permitted uses include single unit dwellings, offices in conjunction with permitted dwellings, day care facilities for no more than 14 children, schools, churches, parks, and playgrounds.

Councillor Snow inquired about the effect of the R-1A Zone on apartment building on Lockview Road. Mr. Butler informed that the apartment building will be permitted to the extent at which it presently exists.

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

"THAT appropriate map changes be made to reflect the correct name of Fletchers Lake, as recommended in the staff report regarding the submission by Mr. Keith Boutilier."

MOTION CARRIED

Harold Dillon, re Bed & Breakfast Uses

Mr. Butler advised that Mr. Dillon requested amendment to permit bed & breakfast establishments that conform to provincial requirements within the residential zones within the Village of Waverley by right. He advised that at present such uses are only permitted in the C-2 zone under the commercial designation. He advised that staff supports the request to locate bed & breakfast uses outside of the commercial designation, although they do not recommend that they be permitted by right within all residential zones because they are commercial uses which would be intrusive by reason of noise, traffic, hours of operation, etc. It was the staff recommendation that bed & breakfast uses be considered by development agreement. He advised that if Council wishes to permit bed & breakfast operations by right, the amendment would only apply to the R1-B Zone because the other are more stringent.

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

"THAT the necessary amendments be adopted in order that bed & breakfast operations in the residential area within the Village of Waverley can be considered by development agreement."

MOTION CARRIED

Charles L. McDonald Sportspark, Waverley

Mr. Butler informed that this request was that a small parcel of land be rezoned from R1-B (Suburban Residential) Zone to P-2 (Community Facility) Zone to be utilized for the sportspark facility. He recommended that the request be approved.

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

"THAT the proposed Plan be amended to rezone the property of the Charles L. McDonald Sportspark from R1-B to P-2 as noted in the staff report."

MOTION CARRIED

Guy Walsh, Silverside Subdivision

Mr. Butler advised that Mr. Walsh's present property lacks approximately 7.5 percent of the frontage required for subdivision. He advised that this situation is covered by Section 98 of the Planning Act which permits the Development Officer to consider relaxing minimum frontage and lot area requirements for not more than two lots by up to 10 percent. However, in order to eliminate any confusion, it is the staff recommendation that the By-law be amended according to Appendix "A" of this staff report.

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

"THAT the Land Use By-law for Planning Districts 14 & 17 be amended by inserting the clause outlined in Appendix "A" of the staff report to ensure clarity with regard to the matter of relaxing minimum frontage and area requirements."

MOTION CARRIED

Harold and Norma Currie

Mr. Butler advised that this request is for a rezoning from the proposed R-1B Zone to C-2 (Community Commercial) Zone. This property was previously zoned C-1 under By-law No. 24, and the applicants wish this rezoning to accommodate the possibility of commercial development. He stated the property is in proximity to existing commercial uses, and access may be gained by Highway No. 2; therefore, staff recommends an amendment to accommodate this request.

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

"THAT the property of Harold and Norma Currie be amended from R-1B to C-2 in the proposed Land Use By-law."
MOTION CARRIED

Dennis LeTarte, 390 Windsor Junction Road

Mr. Butler advised that this request is for the rezoning of two lots to C-2 to accommodate an existing custom drapery business and the expansion of the drapery business on the undeveloped lot. Mr. Butler advised that since the requested expansion would not be on the existing site, it could not be considered according to Policy P-76. However, some existing businesses have been given a C-2 Zone, although they are not in the residential designation. He recommended that such a zone be applied to Mr. LeTarte's property on the basis of his previous commercial history and the fact that the expanded area will be adjacent to a property presently proposed for an I-3 zone.

Councillor Snow inquired about permitted uses on the County parkland behind Mr. LeTarte's property. Mr. Butler advised that parkland is permitted use within the R1-B zone; no parkland parcels have been specifically zoned P-2.

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

"THAT the LeTarte property, as shown on the map attached to the staff report, be zone C-2 (Community Commercial) Zone."
MOTION CARRIED

R. Pickrem

Mr. Butler advised that Mr. Pickrem is requesting an amendment to the C-2 Zone to accommodate existing services stations. He informed that at present, new service stations are only permitted within the C-4 zone, although there are four or five existing service stations which were given a C-2 zone. Staff supports the requested amendment to the C-2 Zone to permit existing service stations, the expansion of such, and changes to other commercial uses by right.

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

"THAT the C-2 (Community Commercial) Zone be amended to accommodate existing service stations, as outlined in Appendix "A" of this staff report."
MOTION CARRIED

Scotia Speedworld

Mr. Butler reviewed the staff report regarding the request to amend the AE-4 zone to accommodate several specific uses, as outlined in the report. It was the staff recommendation that the Land Use By-law be amended to allow the track to be used for flea markets, concerns and other activities and event. Staff further recommended no change with regard to outdoor commercial recreation uses and campgrounds. It was also suggested that Council may wish to extend development options for commercial recreation facilities in the watershed designation by development agreement.

Councillor Deveaux inquired about the procedure for Scotia Speedworld to apply for a plan amendment in the future to allow these uses. Mr. Butler advised that if the environmental concerns relative to the harness track are satisfied, those types of temporary uses would also be compatible with the land use, and can be approved tonight. He informed that the proposed playing field is a permitted use. Mr. Butler further informed that at present commercial recreation uses can be considered by development agreement within the industrial designation, but there is no such provision in existence within the watershed designation, which is where most of the harness track lands are located. Therefore, if Council decides to provide for the option to consider commercial recreation facilities by development agreement, Appendices "B" and "C" outline the necessary amendments.

Councillor Snow asked if a plan amendment is necessary is the environmental concerns have been addressed. Mr. Butler informed that the development agreement option can be pursued, if the environmental concerns are addressed. Councillor Snow questioned what it meant by environmental concerns. Mr. Butler advised that the lands in question are within the watershed designation, and water will flow towards Benery Lake; if there is not proper site preparation, the runoff will eventually get to Benery Lake, from which a water plant is operated. If the runoff is not environmental safe, water treatment could become more expensive. Mr. Butler added that the area is underlaid by pyritic slates, which could lead to very significant acid runoff, which created many environmental problems after the airport was built.

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

"THAT the Land Use By-law be amended to allow all proposed uses in the watershed and industrial designations by right."

Councillor Morgan inquired about the number of people living in this area, as staff has responded to the wishes of the residents with regard to other requests; he asked if the residents' wishes have been considered for this application. Mr. Butler responded that the report suggests that the campground and theme park within the watershed designation at the proposed location near the airport may not be appropriate. Councillor Morgan asked why a campground is not desirable, while a harness racing track is acceptable. Mr. Butler stated the campground and theme park create concerns different from those of the harness racing track. He suggested the harness racing facility will be better taken care of than an amusement/theme park. He stated adjacent uses to the Aerotech Business Park must also be considered.

Councillor Morgan referred to Expo, noting that it was a major theme park, entirely surrounded by water. He suggested that is no different than this proposed situation, stating there are theme parks in other environmentally sensitive areas.

Mr. Butler stated a theme park can now be considered within the Industrial designation, and Council can now consider the opportunity for a theme park within the watershed designation, although it should be by development agreement because of the environmental concerns and the potential impact on the airport. He concluded that the desirability is subject to some interpretation, but he was not aware of any residents objecting to the proposed use.

Mr. Meech clarified that it is not being suggested that this development will not be permitted in this area, but Council should have the opportunity to examine it in detail, by development agreement, before it is approved. Councillor Morgan responded that business does not have the luxury of the bureaucrats to deal with matters over a period of two to five years; sometimes money is better spent in other areas, which is perhaps why there is not much commercial development in the County of Halifax. He stated business often find it easier to establish in Hants County and Dartmouth because there are not as many regulations, and it does not take as long to get established. He stated a development agreement is another way to delaying the process, which could be speeded up if development were allowed by right.

Councillor Snow clarified that the motion is to permit all uses in watershed lands and industrial lands by right. He stated the Departments of the Environment and Health do a fine job of protection against pollution of the water systems. He questioned why there is so much concern about Benery Lake, when the Shubenacadie Canal system is polluted every day.

Councillor Cooper expressed difficulty with the wording of Appendix "A". He stated there is difficulty in separating the effects of concerts and assemblies from the effects of amusement, novelty rides, and sport/recreation entertainment. He questioned the difference in effects if each use is to draw 4,000 to 5,000 people, and he stated the suggested wording does not indicate what the concerns are. He asked if Council has the ability to handle all concerns upfront when they are ready to start development, and if the concerns are not addressed, development can be ceased by Council. He stated the wording of the amendment does not provide sufficient reason for excluding many of the proposed uses.

Councillor Cooper also expressed difficulty with the recommendation that no change be made to the manner by which outdoor commercial recreation uses or campgrounds are dealt with; he questioned if the characteristics and effects of such development can be known before the uses are in place. He felt those activities should also be dealt with by development agreement if the Provincial and Federal Departments of the Environment agree.

Councillor Sutherland expressed concern about development in the watershed area. He asked if the same provisions outlined in this report will also extend to Mr. MacDonald's property within the watershed designation. Mr. Butler informed that it will.

Councillor Deveaux agreed with Councillor Morgan and Councillor Snow that Halifax County may be over-cautious when it comes to approving commercial development. He stated Halifax County has been losing to adjacent municipalities because of the strick regulations, and he suggested that in some instances these restrictions should be eased.

Deputy Warden McInroy clarified that the motion is to permit all uses requested by Scotia Speedworld by right in the industrial zone and the watershed designation.

Councillor MacDonald noted that one year ago there was concern about the proposed uses at the Aerotech Business Park, and the effect of such development on the water service. Mr. Meech agreed that if the Park had developed to the extent originally assumed, the expansion of the water service may have had to be advanced by four or five years. Councillor MacDonald felt the area should be developed as much as possible in order to cover costs, which also means supporting development across the road.

Councillor Ball expressed concern about allowing the proposed development by right. He stated Halifax County has invested much money in the Aerotech Park, and it must be protected. He stated allowing all development by right will mean Halifax County will lose any say and control in that development. Mr. Butler clarified that Halifax County will still have control over the uses in the proposed zone, but in terms of site preparation and environmental control, the County issues the permit and the control of those aspects are left to other agencies.

Councillor Ball stated he is concerned because it appears more and more has been added to this proposal, and the development agreement approach would be a better means to control development by Halifax County Council.

Councillor Eisenhower reminded that \$5 million of taxpayers dollars have been invested into the Aerotech Park, and it appears that the development of Scotia Speedworld lands appears to be a competition based the amount of money Halifax County puts into this. He stated commercial bingos have taken away from volunteer organizations, and such concerns must also be given consideration. He stated Halifax County provided sewer and water services to the site, and Halifax County is also fully aware of the funding for this business. He stated he is fully aware of how other business obtain their funding.

Councillor Snow stated Halifax County should not stop progress because of problems in other areas. He stated this development must be allowed to proceed and make some dollars. Councillor Snow informed that he has known about the entire proposal at the Scotia Speedworld lands for four or five years now, and it is not true that different aspects are being added to the proposal over time.

Councillor Merrigan clarified that the staff recommendation is to permit commercial recreation facilities by development agreement. He then questioned the difference between the concerns of the amusement park and the harness racing facility, and why one is permitted by right and the other is recommended for development by agreement.

Mr. Butler informed that staff knows no specifics about the proposal for the theme park in order to evaluate how it might be controlled to limit hazards to the airport, etc. He stated if the harness racing facility is built to standards, perhaps flea markets and auctions can be permitted on a temporary basis, but to suggest that an amusement park or campground be permitted, it not the same.

Councillor Merrigan asked if Halifax County will have the ability to control people staying overnight at the racing tracks in order to be with their horses and/or cars. Mr. Butler stated that it not a campground. He was of the understanding that representatives were requesting a commercial campground.

Councillor Fralick asked if Scotia Speedworld/Scotia Downs are in agreement with the staff recommendation. Mr. Butler advised that the staff report has not be reviewed with the applicant.

MOTION DEFEATED 7 - FOR
 10 - AGAINST

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

"THAT the Land Use By-law be amended to allow the harness racing track to be used for flea markets, concerts, and other activities and events, as outlined in Appendix "A" of the staff report;

ALSO THAT the Plan and By-law be amended as outlined in Appendices "A" and "B" of the staff report to permit development of commercial recreation facilities in the watershed designation by development agreement."

Councillor Sutherland clarified that the motion will permit two of the requested uses by right and the others by development agreement. Deputy Warden McInroy agreed.

MOTION CARRIED

Mr. Butler advised that the following amendments are those suggested by staff in order to provide clarification or to reflect changes in recently approved Plans and By-laws. He referred to an addendum with respect to Policy P-135, whereby the word "prohibit" should be replaced with the word "permit". He advised that the last matter is the Subdivision By-law amendments which were presented to Council prior to the Public Hearing.

Councillor Horne asked why the request by Mr. Shields to have his property rezoned from C-2 to C-4 has not been addressed. Mr. Butler informed that no official submission was received from Mr. Shields, although staff was aware of the request. He suggested that Council cannot consider the request because there was no official submission in this regard. The procedure for Mr. Shields would be to apply for a rezoning once the Plan and By-law are approved by the Minister of Municipal Affairs.

Councillor Horne next asked about the letter from Mr. Bernie MacDonald. Mr. Butler advised that he has received a copy of Mr. MacDonald's request and have discussed it with Mr. Cragg. Mr. Cragg informed that the Municipal Act states that Council can only consider submissions received at the public hearing, and Council can only adopt the Plan and By-law after consideration of any submissions received pursuant to Section 42, which states Council can only consider submissions received at the public hearing. He stated all submissions received at the public hearing must be forwarded to the Minister of Municipal Affairs, and the submission by Mr. MacDonald was after the public hearing was closed; therefore, Council cannot deal with this request.

Mr. Meech added that although this request cannot be dealt with and considered now, the matter can be referred to the PAC for a report and recommendation to be considered by Council at a more appropriate date. Mr. Cragg agreed, stating it must be after the Plan and By-law are approved by the Minister of Municipal Affairs.

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

"THAT the requests from Jack Shields and Bernie MacDonald be referred to the Planning Advisory Committee for consideration once the Plan and By-law for Planning Districts 14 and 17 are approved by the Minister of Municipal Affairs."
MOTION CARRIED

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

"THAT the Municipal Planning Strategy for Planning Districts 14 and 17 be adopted by Halifax County Council, as amended at this meeting, and forwarded to the Minister of Municipal Affairs for approval."
MOTION CARRIED

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

"THAT the Land Use By-law for Planning Districts 14 and 17 be adopted by Halifax County Council, as amended at this meeting, and forwarded to the Minister of Municipal Affairs for approval."
MOTION CARRIED

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

"THAT the Subdivision By-law amendments, as outlined in the staff report, be adopted by Halifax County Council and forwarded to the Minister of Municipal Affairs for approval."
MOTION CARRIED

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

"THAT Council recess for five minutes."
MOTION CARRIED

Warden Lichter reconvened the meeting at 8:50 p.m.

Members of Council agreed to discuss the location of a new high school for the eastern sub-system.

LOCATION FOR A NEW HIGH SCHOOL, EASTERN SUBSECTION - COUNCILLOR BATES

Councillor Bates advised that this matter was brought to the last Session of Council, including a motion regarding the location of a proposed new high school and the integration policy. He advised that since that time there has been wide-spread media coverage, which the five area Councillors are pleased to see because the objective is to get representations from all communities involved. A public meeting has been scheduled for May 9, 1989.

Councillor Bates informed that the objective of a newsletter sent to the residents of Districts 6, 7, 8, 9, and 25 was to make the residents aware of the possibility of a major change in the eastern sub-section integration policy now in existence. He stated there is not a move to locate a school on Caldwell Road which would be out of reasonable reach for the black communities. He stated it is important that all people concerned be aware of this and the public meeting regarding this matter.

Councillor Bates clarified that the authors of the newsletter were willing to send it to Districts 23 and 25, as well, but those Councillors had their own views and were not supportive of the bulletin. The residents of Districts 23 and 24 were not left out, but it was the wishes of the Councillors for those districts that the bulletin not be sent to their residents.

Councillor Bates continued that the people from Cole Harbour and area are knowledgeable of the bulletin, although not all received it. They sent letters to the schools in the area for distribution to children. That letter misquoted the proposed motion, and it did not fairly represent that which was proposed at the last Council Session. He stated the request that the integration policy of the School Board and the Municipal Development Plan for Cole Harbour/Westphal be respected was not mentioned.

Councillor Bates stated it was the understanding of the authors of the bulletin that the majority of the residents in Districts 6, 7, 8, 9 and 25 were represented, although the letter sent to parents indicated that the bulletin stated all communities involved were represented. He stated the motion contained in the letter clearly did not state that which was proposed at the last Council Session, he would not support it on that basis.

Councillor Bates stated the people of Colby Village and area do not know what the issue is all about, although the bulletin succeeded in informing the residents of the other affected areas. He agreed that this matter should be deferred pending the public meeting regarding the location of a new school for the Eastern sub-section; the main concern is whether or not the area will remain integrated. The main objective at this time is to have all people aware of the issue.

Deputy Warden McInroy clarified that he cannot be responsible for the content of the bulletin sent to the residents of Districts 6, 7, 8, 9, and 25 because

he did not sign it. However, he stated the motion clearly refers to the majority of the residents of the affected communities. He stated he did not agree with the content of the bulletin which was sent, and he did not sign, but he did not ask that it not be distributed in District 24. He informed that the letters circulated to Members of Council are from the three districts representing Cole Harbour. He stated there are many other geographic areas in Cole Harbour other than Colby Village, and this should be remembered by Members of Council.

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

"THAT this matter be deferred to the next Session of Council."
MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

Application No. RA-CH/W-19-88-24 - Application by Edwin Wile to Rezone Lands on the West Side of the Caldwell Road

Mr. Kelly reviewed the report and recommendation of the PAC regarding this application.

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

"THAT Application No. RA-CH/W-19-88-24 be approved and that a public hearing be scheduled for May 29, 1989 at 7 p.m."
MOTION CARRIED

Application No. RA-TLB-03-88-02 - Application by Armoyan Group Ltd.- Governor's Glen Subdivision, Phase III

Mr. Kelly reviewed the report.

Councillor Poirier informed that she was opposed to this proposed development because she felt there should be two entrances to the subdivision. She advised that Mr. Ron Hiltz of the Armoyan has recently agreed to purchase more land to accommodate a second entrance to this subdivision; therefore, she is now in agreement with the proposal.

It was moved by Councillor Poirier, seconded by Councillor Poirier:

"THAT Application No. RA-TLB-03-88-02 be deferred to the next Session of Council when further information will be available."
MOTION CARRIED

SUPPLEMENTARY BUILDING INSPECTOR'S REPORT

Brian Gray, Prospect Road, White's Lake

Mr. Kelly reviewed the report.

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

"THAT Council approve a lesser setback of 12 feet for applicant Brian Gray, at Prospect Road, White's Lake."

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Requests for Grants

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

"THAT the following grants be approved by Halifax County Council:

a) District Capital Grant. District 10 in the amount of \$760 for the construction of dugouts at the Musquodoboit Harbour Ballfield (County-owned); and

b) District Capital Grants, Districts 8, 9, 10, and 11 in the amount of \$1,000 each to replace a vaporizer at the Eastern Shore Community Arena."

MOTION CARRIED

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Application for Amusement Arcade, Colby Plaza

Mr. Kelly reviewed the Executive Committee report regarding this matter.

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

"THAT the resolution of April 4, 1989, whereby formal objection was expressed to the Department of Consumer Affairs regarding the issuance of a license for an amusement arcade at Colby Plaza, Cole Harbour, be rescinded."

Councillor Boutilier asked why Council is now being asked to support this application. Warden Lichter advised that after the Executive Committee and Council originally dealt with this application, the operators of the proposed amusement arcade called him and asked if more information could be provided to the area Councillors. He advised that the operators then flew to Halifax from Ontario, and further discussed the proposal with the area Councillors.

MOTION CARRIED

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

"THAT the Department of Consumer Affairs be advised that Halifax County Council has rescinded the resolution of April 4, 1989, regarding the application for an amusement arcade at Colby Plaza, Cole Harbour and is now supportive of this application."

Councillor Richards advised that the owner of Funworld Amusement Arcades, Tim O'Riley, asked the area Councillors if they would review material describing their arcade; they also requested that the Councillors for the area visit a similar operation in Yarmouth, so he and Councillor Cooper took the opportunity to visit the site. He informed that the arcade operated in Yarmouth is completely family oriented, designed for the young as well as teenagers. He advised that their conditions of operation include hours not to exceed 9:30 p.m., not to be open on Sunday, no students during school hours unless accompanied by an adult, etc. He stated the arcade in Yarmouth is a very good operation, and adjacent businesses in the community gave much praise to the operation, which has been there for over one year. Councillor Richards informed that based on this information, he and Councillor Cooper agreed to support the application.

Councillor Cooper added that he was most attracted by the interest of other businesses surrounding this operation, and he was impressed by the operation.

MOTION CARRIED

Provincial Legislation, re Retirement Allowance for Warden, Halifax County Municipality

Warden Lichter declared a conflict of interest; Deputy Warden McInroy took the chair. Mr. Kelly reviewed the Executive Committee report regarding this matter.

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

"THAT the draft legislation regarding a retirement allowance for the Warden of Halifax County Municipality be endorsed by Halifax County Council for presentation to the Provincial Legislature."

Councillor Deveaux asked if this legislation is to apply to one specific past Warden. Deputy Warden McInroy advised that it is his understanding that this legislation will apply to former Warden MacKenzie.

Councillor Deveaux asked if the Executive Committee is considering a pension for Councillors. Councillor Merrigan advised that a sub-committee was formed to study the possibility of a pension for the Warden and Councillors. He advised that Councillors will soon have the opportunity to join the part time pension plan for employees, although Mr. Cragg has advised that the two issues should be dealt with separately; a pension for Councillors will be forthcoming.

Mr. Meech suggested appropriate wording for this motion; Councillor Richards and Councillor Merrigan agreed to change the motion accordingly:

"Halifax County Council, after due consideration, hereby requests that the Province of Nova Scotia enact special legislation, enabling the Municipality of the County of Halifax to pass a by-law providing an allowance for a retired Warden of the said Municipality."

Councillor Boutilier advised that he is not opposed to the motion, but he felt the information should have been made available to Council for consideration before this meeting. Mr. Meech explained that this matter was placed on the supplementary agenda because if the resolution is supported, it will have to be introduced to the House by an MLA, and there is not much time before the House will adjourn. Mr. Meech informed that he will approach the Hon. Tom McInnis to introduce this to the House on behalf of Halifax County.

Councillor Morgan asked if all of the stipulations in the legislation will have to be met for a Warden to qualify for this allowance. Mr. Meech informed that all conditions must be met.

Councillor Morgan next asked how many past Wardens will qualify for this allowance. Deputy Warden McInroy informed that it is his understanding that this legislation is intended for one Warden, and the option to join the part time employee's pension plan will be made available to current and subsequent Wardens and Councillors in the near future.

Councillor Merrigan clarified that once this legislation is approved by the Province, Halifax County will have to adopt a by-law to provide for the intent of the legislation.

Councillor Bayers asked if the money for this allowance is contained within the 1989 budget. Mr. Meech informed it is not. Councillor Bayers next inquired about the effective date. Mr. Meech responded that it will be effective when a by-law is approved. Councillor Bayers stated the 1989 budget was approved only two weeks ago, and at this Council Session \$39,000 is being approved for items not included in the budget. He stated if this continues, Halifax County will be in the same position as they were in 1988 at the end of 1989. He stated he will not support the motion on that basis.

Councillor Cooper inquired about subsection 3, paragraph 2. Mr. Cragg advised that this section was placed in the legislation at the assistance of the Legislative Counsel's Office in an effort to ensure that if Halifax County secures the special legislation, it will be restrictive in that only those persons enumerated here and qualifying would be entitled to this allowance; he advised it is protection against expansion by by-law of what is provided in this legislation.

Councillor Cooper next inquired about the criteria for determining that 15 years of service is required before one is eligible for this allowance. He asked if this is 15 consecutive years. Councillor Merrigan suggested the criteria is 15 years, whether or not it is consecutive. Councillor Cooper advised that other bodies stipulate consecutive service; he agreed that dedicated service should be recognized by this allowance, but he felt that one who has joined Council and left a number of times has not provided a dedicated service.

There was further explanation and discussion regarding this retirement allowance. It was noted that Councillors are not yet entitled to join the part time pension plan for employees, but the legislation in this regard will be forthcoming. It was also clarified that once one joins the pension plan, they

must remain a member; also, at the end of a Councillor's term, he is disqualified from the pension plan. Mr. Meech clarified that this is all subject to a by-law that will have to be approved by Council.

MOTION CARRIED - 1 NO

Warden Lichter rejoined the meeting and took the chair.

BOARD OF HEALTH REPORT

Harrietsfield/Williamswood Water and Sewer Study

Warden Lichter reviewed the report of the Board of Health regarding this matter. He questioned where the funds for this project will come from in 1989.

Mr. Meech suggested that Council consider this project in terms of other priority projects. He recommended that Council authorize \$75,000 from the general capital grant fund to develop sufficient information identify the specifics on location, size, and cost of systems for the required areas. He advised that when an area has been identified as having a serious health problem, Council usually authorizes funds to do a pollution control study to determine the estimated cost of the project, where the system will be located, and cost-sharing for the project. A pollution control study has already been done for this area, but because this is a Wastewater Management District, additional detailed survey work must be carried out. Council will then be in a position to consider the total project with sufficient facts, and it will then be necessary to hold a plebescite within the designated Wastewater Management District. Therefore, Mr. Meech recommended that Council allocate \$75,000 from the General Capital Grant fund for this detailed study, and upon completion of the study, this project will have to come back to Council for consideration with other capital projects.

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

"THAT Halifax County Council approve a \$75,000 expenditure from the General Capital Grant Fund to study a Wastewater Management District in the Harrietsfield/Williamswood area."

Councillor Ball advised that there has been an on-going health problem in this area, and a study was done a number of years ago, although it did not proceed any further. He stated the communities of Harrietsfield/Williamswood deserve the opportunity to address this problem. The conventional method of addressing water and sewer problems in this area would amount to approximately \$40 million, which is ludicrous in terms of the money and the number of people involved. The Wastewater Management District is a \$1 million option, and it will address the problem in the entire area. He stated Council may be taking a gamble by spending this money because the plebescite may determine not to proceed with the project, but the issue will then be put to rest, and the community will have had its opportunity.

Councillor Morgan asked if this money is included in the budget. Warden Lichter advised that this money is not in the operating budget, but the funds will come from the capital grant fund. Mr. Meech agreed.

Councillor Morgan clarified that if this money is spent, Mr. Wdowiak will not come back stating a commitment has been made. Mr. Meech agreed. He stated the only thing being considered by Council at this time is the expenditure for the study. He stated the capital grant fund is now committed until 1991; therefore, at this time there are no funds available to commit to this project for Harrietsfield/Williamswood. There are also other projects forthcoming.

Councillor Morgan next stated that Council has agreed not to make any decisions that will impact the 1990 budget, and he inquired about the impact of this study on the 1990 budget. Mr. Meech informed that once the study is complete, and it is agreed to proceed with the project, this \$75,000 should be part of the total cost of the project. This money will be accessed from the capital grant fund, which partially comes from the Deed Transfer Tax.

Councillor Morgan stated the full impact on the operating budget must be known. Mr. Meech informed that the \$75,000 will have no impact on the operating budget and the general tax rate. Councillor Morgan stated this project will not have an impact, but he questioned how many times such a study will be agreed to before they will have an impact on the tax rate.

Councillor Meade asked if this expenditure will be used to hire consultants. Mr. Meech informed that it will. Councillor Meade asked if Council will approve the consultants for this project. Mr. Meech informed that the pollution control study has been completed by Vaughn & Associates, and the intent is to continue to retain them to complete this work. He clarified that a specific work program will have to be developed, and \$75,000 is only an estimate of what will be required to develop the final details.

Councillor Ball clarified that the \$75,000 will pay for everything up to the plebescite, and if the communities of Harrietsfield/Williamswood then agree to the Wastewater Management District, the project will be brought back to Council for consideration with the other capital projects. The \$1 million will then be recoverable as it is when central services are installed.

Councillor Ball and Councillor Meade agreed to amend the motion to read:

"THAT Halifax County Council approve a \$75,000 expenditure from the General Capital Grant Fund to study a Wastewater Management District in the Harrietsfield/Williamswood area, and that the firm of J. Philip Vaughn Engineering Associates Ltd. be retained to do this study."

MOTION CARRIED

SUPPLEMENTARY AGENDA

Mainstreet Program

Warden Lichter advised that this matter was earlier deferred until the budget was finalized.

It was moved by Councillor Adams, seconded by Councillor Morgan:

"THAT the proposed changes to the Mainstreet Program, as outlined in the staff report, be adopted by Halifax County Council."

Councillor MacDonald expressed objection to the adoption of these changes. He felt the Managing Director of Mainstreet should not be working from her home; if she is working for Halifax County, she should be working in the municipal offices. He asked if there is still a need for a full time Mainstreet Coordinator in Sackville. Mr. Meech responded that in Sackville the emphasis is now on the promotion of Sackville; the major anchor projects have been completed.

Councillor MacDonald asked what will be promoted in Sackville. Mr. Meech informed that the commercial area within the Mainstreet area will be promoted.

Councillor MacDonald asked if there has been any results from the work of the Mainstreet staff. Mr. Meech responded that the best result is to look at the viability of the businesses located in the Mainstreet area, and whether or not things have been improving.

Councillor Morgan explained that the Mainstreet Program began in Sackville about eight years ago, and it was largely promoted by former Councillor Wiseman. He commended the areas of Musquodoboit Harbour, Sheet Harbour, and Eastern Passage for getting the services of Karen Schellinck; he stated her efforts concentrated in those areas will be of tremendous benefit to those communities. He stated Ms. Schellinck's efforts did help the people of Sackville, and he expressed hope that Ms. Frizzel will be able to continue as Ms. Schellinck did.

Councillor Morgan continued that there is much more to be done in Sackville, although the anchor projects are complete. There is a need for on-going promotion in Sackville, and other areas need greater emphasis. Therefore, he stated he will support the motion. Councillor Morgan stated that Ms. Schellinck's salary will be reduced as a result of her taking office in her own home, and not having to provide her with an office will also be of some merit.

Councillor Boutilier inquired about the salary for the position of Promotions Officer. Mr. Meech informed that it is approximately \$24,000. Councillor Boutilier next inquired about the qualification for this position. Mr. Meech informed that he is not sure of the specific qualifications of the person presently in the job, but she has gained her qualifications under the direction of Ms. Schellinck.

Councillor MacDonald asked if the position of Promotions Officer will be full time. Mr. Meech informed it is more effective to hire a full time person. He stated the arrangement is more effective in terms of better value for our dollar. He stated Ms. Schellinck will be hired on a contract basis, and she will be responsible for her own overhead and expenses. The total compensation package now being considered is approximately \$24,000, including mileage, etc. He added that the contract will contain a three month termination clause, which can be utilized if the arrangement is not satisfactory for either party.

Councillor Meade asked if the \$100,000 projected for this program is included in the budget. Mr. Meech informed that it is.

Councillor Meade next asked how a community can get involved with Mainstreet. Mr. Meech advised that the program is administered through the Department of Small Business Development, and there is certain criteria to be met for the regular Mainstreet Program and the new Village Square Program. He suggested there are probably a number of communities in Halifax County that would qualify for this program.

Councillor Morgan gave more details about the benefits of the Mainstreet Program, including the facade improvement program. He stated \$100,000 is a very small amount to return to the business community in comparison to what they contribute to the Municipality through taxes.

Councillor Bayers expressed support for the administrative changes. He stated Sackville will be losing a well qualified person, although Ms. Frizzel has learned her job well. He stated the changes will save dollars for the Municipality. He stated the program is open to anyone meeting a certain criteria, and it is well worth the dollars spent.

MOTION CARRIED

There was a brief discussion about deferring a number of the items on the agenda, but Warden Lichter informed that deferring them will only make the next Council agenda lengthy.

Members of Council joined Councillor Poirier in expressing congratulations to Warden Lichter on the birth of his first granddaughter this afternoon.

1989 AREA RATES

Warden Lichter stated the tax bills cannot be sent out until the area rates for 1989 are set; therefore, it is essential that the rates be set at this meeting.

Councillor Deveaux and Councillor Horne indicated that they would like to hold the rates subject to approval of their Ratepayers Associations', which will be meeting within the next week.

It was moved by Councillor Morgan, seconded by Councillor MacDonald:

"THAT the 1989 area rates be approved as presented subject to the approval of several ratepayers associations' pending their ratepayers' meetings."

Councillor Ball noted that one fire department in his district has not submitted a balanced budget, and there has been no budget meeting since March, when the Chief was instructed to balance the budget. He clarified that the fire rate for that area will be 19 cents, and the department will have to budget accordingly.

MOTION CARRIED

SUPPLEMENTARY AGENDAAppointment of Representative to the Halifax Harbour Clean-up Corporation

Warden Lichter advised that the agreement for the Halifax Harbour Clean-up indicates that the representative to this corporation must be a non-elected, municipal official. He advised that following discussion with the Province, it is his recommendation that Mr. Meech be appointed to this corporation.

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

"THAT Mr. Meech, Chief Administrative Officer, be appointed to represent Halifax County Municipality on the Halifax Harbour Clean-up Corporation."

Councillor Ball asked that Mr. Meech attempt to get a modification to the Board of Directors so as to incorporate members of the public on the Board. If this cannot be achieved, he asked that Mr. Meech attempt to have the meetings of the corporation held in public, and if that is not possible, he asked that Mr. Meech attempt to have the minutes of those meetings made available to the public.

MOTION CARRIED

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

"THAT Mr. Meech, in representing Halifax County Municipality on the Halifax Harbour Clean-up Corporation, try to expand the corporation to include members of the public representing each of the municipalities involved (to expand the corporation from 9 to 12 members); and if that cannot be achieved that Mr. Meech encourage the meetings of the corporation to be held in public; and if that cannot be achieved, that the minutes of the meetings of the Corporation be made available to the public."

Councillor Deveaux inquired about the municipalities involved in this corporation. Councillor Ball advised that the Cities of Halifax and Dartmouth and the County of Halifax are involved in the Halifax Harbour clean-up project.

MOTION CARRIED

RESOLUTION, RE MILL COVE SEWAGE TREATMENT PLANT OPERATIONS

Warden Lichter suggested that this item of correspondence be received and referred to the Sackville Community Committee, and also that the Town of Bedford be requested to clarify the intended make-up of the Committee to discuss the Mill Cove Sewage Treatment Plant operations.

Members of Council agreed with Warden Lichter's recommendation.

BEAVERBANK SEWERAGE

Warden Lichter advised that the agenda contains a staff report regarding this matter, and the supplementary correspondence also included a letter from Mr. Margeson in this regard.

Councillor Merrigan noted that the report indicates it will cost \$3,375,000 to service approximately 1,460 homes and mobiles in the Beaverbank area. He asked if the 700 mobile homes alone were to be considered, if there would be much difference in the projected cost. Mr. Wdowiak informed that it would be much less, although he was not sure of the exact figures.

Councillor Merrigan next asked if the proposed plant could be built as indicated without dealing with areas outside of the mobile home park at this point; he asked if they would be able to hook into the system later. Mr. Wdowiak informed that a plant to service Woodbine Mobile Home Park alone could be constructed.

Councillor Merrigan stated it does not make much economical sense to construct such an expensive plant to service only the mobile home park, when it could also service many other problems in the area for an additional \$850,000. He stated that his major concern at this time is the problem at Woodbine Mobile Home Park, but he would like to expand upon that later to service other parts of the community. It is staff's opinion that the only way to deal with the problem at the mobile home park is to build a new plant and have it operated by Halifax County; therefore, he is trying to consider a cost efficient way for the County to deal with this problem and to consider other problems in the area in the long term.

Mr. Wdowiak stated a treatment plant cannot be built to accommodate Woodbine Mobile Home Park and additional areas of Beaverbank at a later date without knowing exactly what areas will be served.

Councillor Ball asked if the trailer court is the problem area that must be dealt with immediately. He suggested the problem is similar to that in Harrietsfield/Williamstown. Mr. Wdowiak informed that Woodbine Mobile Home Park is a piped system, as opposed to Harrietsfield/Williamstown where there are individual septic systems.

Councillor Merrigan advised that a Wastewater Management Study would not be a good solution for the Beaverbank area; the only real good solution is to hook into the sewage treatment plant at Mill Cove or to build a new plant. However, it must be determined how a new plant will be paid for.

Warden Lichter advised he and Mr. Meech discussed this situation earlier, and it is their suggestion that Council request a pollution control study to consider all options and concerns.

Councillor Merrigan asked what area would be studied. Mr. Meech suggested the larger part of the community of Beaverbank would be considered under this study. Councillor Merrigan stated a pollution control study was completed in Beaverbank last year, and the preliminary estimates indicate that 40 percent of the systems in the area are malfunctioning. The end results will be tabulated

this summer, and the final results will be known. Therefore, Councillor Merrigan stated it makes no sense to build a plant for the mobile home park alone when another expenditure of \$800,000 may take care of the problem for the entire community. Mr. Meech stated more details are required to build a new plant, including the cost and if there is a better way of achieving this service.

Councillor Merrigan stated raw sewage is running into and polluting many water ways, and he expressed difficulty that the Departments of the Environment and Health have given the mobile home park owner (Mr. Havill) a joint certificate to install a holding system and to expand the park, which will compound the problem. He questioned how long this pollution will have to continue before this problem can be solved.

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

"THAT Halifax County Council approve in principal the construction of a sewage treatment plant to take care of the sewage problems at Woodbine Mobile Home Park to be operated by Halifax County;

AND THAT Halifax County undertake a pollution control study to determine what other areas should be hooked into the aforementioned sewage treatment plant."

Councillor Boutilier stated it is not the responsibility of the Municipality to build a sewage treatment plant for the mobile home park; he felt Mr. Havill should be solving this problem himself.

Mr. Meech stated the difficulty with this motion will be the source of dollars to design and construction of a plant that will accommodate the mobile home park in the initial stages and other problem areas in the future.

Councillor Deveaux questioned how it can be known what capacity the plant will be required to treat in the future before the pollution control study for the remainder of the area is complete. Mr. Meech stated such projections will have to be part of the study.

Councillor Deveaux asked if Mr. Havill will be required to pay for any part of this plant. Mr. Meech suggested that Councillor Merrigan's assumption is that Mr. Havill will be making a capital contribution; however, the difficulty is that the Mr. Havill was given a joint certificate to rebuild the existing sewage treatment plant serving the mobile home park, and as long as there is some thought given to another option, Mr. Havill will in the position to defer this solution until there is a final decision.

Councillor Deveaux inquired about proposed sources of funding. Mr. Meech replied that costs and funds will have to be identified. He stated assistance can be sought from the Province, although there are never any guarantees.

Councillor MacDonald felt such a motion cannot be supported until more details are known, including cost estimates. He stated if a plant is built for this mobile home park, others will be seeking the same assistance.

Councillor Morgan stated the situation in Woodbine Mobile Home Park needs to be corrected, but it should be the responsibility of Mr. Havill. He stated the residents of Woodbine pay the highest lot rentals than any other mobile home park in the Municipality, and he asked if the users of the system will be responsible for recovery of the Municipality's contribution to such a system. Warden Lichter advised that the users will pay, but in the mobile home park there is not frontage charge to those who rent lots; that will be the responsibility of the park owner. Outside of the mobile home park, residents will be required to pay a per foot frontage charge.

Councillor Morgan stated if a treatment plant is to be built, it should be within the confines of Beaverbank because it will no less than the expand the Mill Cove sewage treatment plant, which is almost at capacity. He expressed difficulty with the staff report. He advised that information was circulated at a public meeting in Sackville that indicated there are times when capacity required at Woodbine Mobile Home Park exceeds 1 million gallons per day, but this staff report only shows a capacity of 1 million gallons per day. He asked if costing is included to make the improvement to Woodbine Mobile Home Park to get it down to 200,000 gallons. Mr. Wdowiak informed that costing is not included, but the system at Woodbine will have to undergo improvements. He stated the difficulty with the existing piping at Woodbine is during wet weather flows, as determined by the Department of the Environment two years ago.

Councillor Morgan next asked how long the treatment plant at Woodbine Mobile Home Park has been there. Mr. Wdowiak suggested it has been there in excess of 15 years; there has been nothing new constructed there since 1968. Councillor Morgan next inquired about the life expectancy of treatment plants. Mr. Wdowiak suggested the plant such as that at Woodbine has a life expectancy of approximately 20 years.

Councillor Morgan stated a responsible business person would have included in the lot rent some capital provision for the replacement of this plant some 20 years after it was put into the ground. Mr. Wdowiak agreed.

Councillor Morgan concluded that Mr. Havill charges the highest lot rent in Halifax County, and he has the money to refurbish the plant at Woodbine Mobile Home Park, and he should be made to do so.

Councillor Randall concurred with the comments of Councillor Morgan and Councillor Boutilier. He stated before any decisions are made, Council must know if Mr. Havill is prepared to contribute to the cost of this system, and how much. He stated it was his understanding at one time that Mr. Havill was prepared to either upgrade the existing system or install a new one, and he would have to meet the necessary standards in doing so.

Warden Lichter explained that as long as Halifax County debates a proposed system to serve the mobile home park, Mr. Havill will not proceed with the improvements.

Councillor Bates asked if there is any means for the County to proceed with the work to remedy this problem and then collect revenues from the mobile home park

to cover these costs. Warden Lichter advised that Mr. Havill is willing to do the work, although it may not be the best solution. If somebody is unwilling to do the work, the Board of Health has the power to remedy the situation and order all rental money to be paid to the Municipality to cover those costs. He clarified that Mr. Havill has been issued a joint certificate from the Province to install a new plant, although it may not be to everybody's satisfaction because the water body that will receive the treated effluent is not the proper kind of water body that should be expected to carry treated effluent. Warden Lichter felt the work of Mr. Havill in this regard would be an improvement over the existing situation, although others feel it is not as good as it should be.

Councillor Bates asked who's opinion will prevail in terms of the type of treatment required. Warden Lichter advised that a joint certificate has already been issued, which is between the Departments of Health and the Environment; in their opinion that remedy by Mr. Havill will be acceptable.

Councillor Merrigan stated Halifax County Council is on record as stating they will not accept anything less than a new sewage treatment plant for Woodbine, but the Province refused staff's suggestion that a new plant is required. However, the joint certificate is for a new holding tank, and not a new system. Councillor Merrigan informed that he requested Council's support to ask staff to determine what it would cost to build a new plant. He stated if Halifax County is to build a new plant and operate it, it should be for built large enough to service the entire community. He stated this staff report under discussion includes the preliminary costs for such a system, although the outside areas are not defined.

Councillor Merrigan stated Mr. Havill cannot be forced to build a new plant because he has a joint certificate to construct a new holding tank. He stated the residents of the mobile home park also pay taxes, and they are entitled to the same treatment as other areas that receive these services. He stated Mr. Havill is currently constructing his makeshift holding tank, which is not acceptable, but the residents are concerned that something more must be done.

Councillor Bates asked if Mr. Havill has been directed to construct a new sewage treatment plant to service his mobile home park. Mr. Wdowiak informed that Council supported the staff recommendation that Mr. Havill construct a new treatment plant to replace the existing one, which is to be operated by Halifax County. He advised that the recommendation was forwarded to the Departments of Health and the Environment, but they issued a joint certificate for improvements to the existing plant to equalize the flow and provide some holding; the certificate was certainly not for the work recommended by Halifax County staff and supported by Council. The regulatory agencies are responsible for giving the directives, and they have agreed to this action, and if it proven to be ineffective, further direction will be given.

Councillor Bates asked if a communication has been sent to the Departments of Health and the Environment, indicating that Halifax County is not satisfied with the issuance of the joint certificate for improvements to the existing treatment plant at Woodbine Mobile Home Park. Mr. Wdowiak informed that such action has been taken.

Councillor Horne stated some resolve to this problem is needed immediately. He suggested that the mobile home park could hook into the treatment plant at Mill Cove temporarily until some other resolve is found. Warden Lichter advised that it would be as costly to hook the mobile home park into the Mill Cove sewage treatment plant temporarily as it would be permanently. He added that the Sackville Councillors are not willing to support such action.

Councillor Merrigan stated the Departments of Health and the Environment have let Halifax County down, and Halifax County is not being asked to support a new sewage treatment plant for the area. He stated it will cost \$2.5 million to build a plant for Woodbine alone, but if \$3.3 million is spent the plant will accommodate twice as many residents. He advised that he is only asking approval in principle at this time because all of the figures are not known.

Warden Lichter stated the only problem with the proposal is determining how the money will be provided. He expressed difficulty in approving something in principle and then having it brought back as a commitment.

Councillor Merrigan and Councillor Horne agreed to change the motion to read:

"THAT Halifax County Council approve in principal the construction of a sewage treatment plant to take care of the sewage problems at Woodbine Mobile Home Park to be operated by Halifax County subject to Mr. Meech indicating how this project can be financed;

AND THAT Halifax County undertake a pollution control study to determine what other areas should be hooked into the aforementioned sewage treatment plant."

Councillor Poirier expressed concern about approving anything in principle without knowing any of the details, including funding.

Councillor Eisenhauer maintained that until a pollution control study is done, there is no sense in building a treatment plant because by the time the studies are done, the finished treatment plant will be outdated.

Councillor Bates expressed support for the motion, stating it is not unreasonable; it only directs Mr. Meech to look at the feasibility of this project.

Warden Lichter suggested he could support the motion, if it were coupled with a couple of others, including a direction to make serious objection to the Departments of Health and the Environment for the issuance of the joint certificate to improve the existing system. He stated Mr. Havill should also be directed to build a new plant, as recommended by Council in the past. Warden Lichter stated he cannot support the motion in principle, as it gives Mr. Havill the idea that the taxpayers will be paying for a new sewage treatment plant of this mobile home park.

Councillor Merrigan stated a letter has already been written to the regulatory agencies as suggested by Warden Lichter. However, there is nothing holding Mr. Havill from starting the improvements to the existing plant. He stated the

residents of the mobile home park are being charged for proper treatment through their lot rent, and Mr. Havill should be paying fair share for the cost of this plant.

MOTION DEFEATED

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

"THAT Mr. Havill be requested to hook into the Mill Cove sewage treatment plant at his own cost, and based on the conditions outlined in the staff report dated February 16, 1988."

Councillor Boutilier expressed strong objection to the motion, stating it has been explained to all why Sackville cannot pursue this option. He stated there are on-going negotiations for the operation of this sewage treatment plant, and it is underhanded to bring this motion forward at this time.

Councillor Morgan also expressed objection to the motion, stating such action would give the Town of Bedford ammunition to cut Halifax County off from the use of the Mill Cove sewage treatment plant. He stated the motion is untimely, given the hour and the absence of several Councillors. He stated there is an agreement for the use of the Mill Cove sewage treatment plant, and there is no way to pay for the hook-up of Woodbine Mobile Home Park to the Mill Cove sewage treatment plant because frontage charges do not apply to mobile home parks. Mr. Havill will recover any charges to him by increasing lot rent, although those residents already pay the highest lot rent in Halifax County. He stated it is unfair to propose this motion at this time.

Warden Lichter advised that to proceed as the motion directs will require plan amendments to the Plans and By-laws for Sackville and for Planning Districts 15/18/19, and a public participation meeting must be held before such a public hearing is scheduled. He questioned if anything will be achieved by this motion.

Councillor Merrigan advised that he met with the Sackville Community Council, and it was suggested at that meeting that the only solution besides hooking into the Mill Cove sewage treatment plant is to build a new treatment plant. The Sackville Community Council supported the proposal for a new treatment plant, so he pursued that route because he felt he had the support of the Sackville Councillors, even though he felt it is not the best alternative.

Councillor Merrigan and Councillor Horne agreed to withdraw the motion.

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

"THAT Halifax County reiterate its concern to the Departments of Health and the Environment about the issuance of the joint certificate to Mr. Havill and requesting that Mr. Havill be instructed to build a new plant at Woodbine Mobile Home Park;

ALSO THAT staff be instructed to undertake a pollution control study to determine the costs and areas that should be served by a sewage treatment plant and how this project can be financed."