

if it is done tonight.

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

"THAT THE MOTION TO ENDORSE THE MEMO DATED MARCH 1, 1994 ON WATER SERVICE DISTRICT AMENDMENTS BE RECONSIDERED"

Deputy Mayor Bates said council had suggested that if it came to a public hearing and the developer came and presented information to council then council could go beyond the scope of where it had stood up to that point in time and consider that land for inclusion into the water service districts.

Mr. Crooks said this was correct with further notice relating to that specific amendment.

Deputy Mayor Bates asked if there would be anything wrong with the suggestion of advertising this supplementary to what is being done.

Mr. Crooks said the planning act requires that the provisions of the by-law and the scope of its intended application be identified and defined. He said a notice might be given which would identify the essential proposal and then further indicate that the council has received a request or proposal to approve additional area for inclusion in the serviceable boundary and indicate what that is and indicate that submissions would be received on that as well. He said he thinks it is one thing to receive submissions and on the basis of submissions received identify matters to be addressed pursuant to further public notice. He said it seems to him what has to be done at the outset is to identify the boundaries that are going to be considered either boundaries including Mr. Armoyans lands or excluding them. The purpose of the planning act and the notice provisions be very precise as to where it is going to apply would be undermined to that kind of an approach. He said he has not examined this closely but he would be concerned about that kind of an approach.

Councillor Hendsbee asked if it would be more appropriate to advertise a greater area, have the input come in from developers and the community at large and if the decision of council at the time of the public hearing is to maintain the lines as they presently are then so be it.

MOTION DEFEATED
9 IN FAVOUR
10 AGAINST

IN-CAMERA ITEM

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

"THAT COUNCIL MOVE IN-CAMERA"

MOTION CARRIED

Council agreed to move out of camera.

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

"THAT THE STAFF RECOMMENDATION BE APPROVED WITH THE EXCEPTION OF NUMBER 6 AND 14 TO BE REFERRED BACK TO STAFF FOR FURTHER INFORMATION"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Mitchell:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

COUNCIL SESSION

March 15, 1994

PRESENT WERE: Mayor Lichter
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Deveaux
Deputy Mayor Bates
Councillor Hendsbee
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Barnet
Councillor Harvey
Councillor Sutherland
Councillor Turner
Councillor McInroy
Councillor Cooper

ALSO PRESENT: K. R. Meech, Chief Administrative Officer
Dale Reinhardt, Acting 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 Sutherland, seconded by Councillor Deveaux:

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

APPROVAL OF MINUTES

Councillor Harvey stated that the minutes of the Committee of the Whole of January 17, 1994 had an omission. During that session he had attempted to put on the record what the role of the Sackville Council was in the preparation of the Second Lake Land Use Report and indicate the limits of that role.

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

"THAT THE MINUTES, AS AMENDED, BE ADOPTED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE SPECIAL COUNCIL SESSION OF JANUARY 26, 1994 BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE FEBRUARY 15, 1994 COUNCIL SESSION BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE MARCH 1, 1994 COUNCIL SESSION BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE FEBRUARY 7, 1994 PUBLIC HEARING BE APPROVED"

MOTION CARRIED

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

"THAT THE MINUTES OF THE FEBRUARY 14, 1994 PUBLIC HEARING BE APPROVED"

MOTION CARRIED

LETTERS AND CORRESPONDENCE

1. Mr. Reinhardt outlined a letter from Alderney Consultants with respect to revised municipal planning strategy and land use by law for Sackville.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mayor Lichter said there are several options, council could decide on calling a public hearing on those major amendments as suggested or send it to PAC or to ask the solicitor to give other suggestions.

Councillor Harvey asked if council able to act on this as it stems from a public hearing which had to have the decision delayed to the first session in April.

Mayor Lichter said he believes municipal council could be in the position to call a public hearing if it wanted on separate matters because those major amendments were to be the subject of a separate public hearing anyway.

Mr. Crooks said the council, at large, is empowered to deal with matters such as this to the extent that they are procedural and don't go to the substance of the matter which was heard by the fourteen members of council who heard the planning strategy application on the night in question. To the extent that what is being proposed here could be construed as really two phases of the same hearing. There could be difficulty about having one group of councillors, the fourteen who were present at the public hearing for the bulk of the strategy, in a position of having to deal with that and then some other group, namely the group in attendance at whatever further public hearing is called, in a position to have to deal with some other aspect of the document being considered by the fourteen. He said his recommendation would be that the council deal with the planning strategy on the basis of the document that was before it with whatever minor amendments can be made within the ambit of the notice and then deal with this proposal on the basis of a separate hearing by way of amendment to the planning strategy once the basic document is approved. Another option would be, in the interim, to defer the matter to PAC which council would be in a position to do.

Councillor Brill said the Sackville Community Council had indicated that they did not wish to defer the overall planning strategy any further. He said that should be dealt with and then have an amendment after.

Councillor Harvey said there was a report prepared subsequent to the hearing of the 14th which all councillors received. He said there were six items that would require another public hearing to be held. The Sackville council supports all the minor matters that don't require a hearing. Of the six major ones, the council is not prepared to support a hearing on four of them. Two of them, the council was divided on and this is one of them.

Mayor Lichter said if there is no further action then council will be dealing with the Sackville MPS and Land Use By-law at the

right time and following that any applications for amendments will be considered in due course.

2. Mr. Reinhardt outlined a letter from Alan Mitchell, MLA, with regards to the federal infrastructure program.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

SUPPLEMENTARY LETTERS AND CORRESPONDENCE

1. Mr. Reinhardt outlined a letter from the Eastern Lodge, Cow Bay, requesting council change the service boundary to include their property at 625 Cow Bay Road.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT THE LETTER BE REFERRED TO PAC"

MOTION CARRIED

2. Mr. Reinhardt outlined a letter from the Honourable Sandy Jolly, Minister, Municipal Affairs, with regards to the meeting scheduled with Halifax County Council for Monday, March 21, 1994.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

3. Mr. Reinhardt outlined a letter from the Friends of McNabs Island Society with regards to their meeting with Halifax County council and also noting four requests they would like council to consider.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Councillor Sutherland said he would like to have staff input on the recommendations being made to indicate whether or not they are in reach. He said he would like an overview from a staff perspective.

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

'THAT A STAFF REPORT BE PREPARED ON THE RECOMMENDATIONS AS OUTLINED IN THE LETTER"

MOTION CARRIED

REPORT OF THE MUNICIPAL AND COMMUNITY PLANNING ADVISORY COMMITTEES

Draft Nova Scotia Environment Act

Mr. Reinhardt said this report has been reviewed by the Municipal and Sackville Community Planning Advisory Committees which have recommended that the report be forwarded to the province for consideration. He said he has also been advised that it has been considered by the Cole Harbour Community Council Planning Advisory Committee who also endorse the report.

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

"THAT THE REPORT BE FORWARDED TO THE PROVINCE FOR CONSIDERATION"

MOTION CARRIED

SERVICE STANDARDS COMMITTEE REPORT

Social Services Policy

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

"THAT THE "POLICY" BE APPROVED BY COUNCIL"

Councillor Sutherland said this policy is quite extensive although the summary gives an overview on some of the more important changes in the policy. He informed council that representatives of the Social Services department were in attendance to answer any questions that council members may have.

Councillor Harvey asked if the service exchange takes place this policy will be in effect for a year.

Mayor Lichter said until April 1, 1995.

MOTION CARRIED

Drainage Problems Private Property

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

"THAT, SUBJECT TO \$100,000.00 BEING ALLOCATED TO THE 1994/95 STORM DRAINAGE BUDGET, COUNCIL APPROVE THE PRIORITY LIST"

MOTION CARRIED

MEMORANDUM RE: THE IMPACT OF PROVINCIAL DOWNLOADING ON MUNICIPAL SOCIAL SERVICE EXPENDITURES

Mayor Lichter said with the coming of municipal reform and having information as a result of being involved with UNSM he became concerned over the possibility that downloading is going to take place at a fast pace between the announcement of municipal reform and April 1, 1995 and that the service exchange, that is based on revenue neutrality for the province, is being established at a time when the cupboard is almost bare. He said by this statement he means that back in 1985 the province put a cap on social service cost sharing and the burden became greater. As the burden on the municipality became greater and when you get to the point that its reaching a very high percentage on the property tax payer to propose, at that time, a service exchange that is revenue neutral to the province is not the best proposition. He said he had contacted Mr. Cowcill and asked him to prepare a paper to indicate as to what kind of downloading is going on. What kind of downloading can be foreseen between now and the first of April. What recommendations can they make in order to do what can be done in order to slow it down if not stop it completely. He said after talking with Mr. Cowcill it was decided that the best avenue was to bring it to council and ask council to take a look at it and either give its blessing or give suggestions as to how to activate some of the things that are in the report in the hope that those things do get councils support. He said the key, as he read the report, is that general assistance and administration cost sharing by the province back in 1985 was at the 28% level and by the time April 1, 1995 it can be anticipated to be around 8%. He said this shows the magnitude of downloading.

Mr. Cowcill said his department was requested to look at the issue of downloading so a better perspective could be had as to how it is happening and to try and determine whether it is possible, under the existing legislative framework, for the department or the municipality to do anything about the issues.

He referenced Appendix A of his report which highlights the specific financial impact of the main downloading measure which is the capping of the general assistance and administration expenditures.

He said social service expenditures have continued to escalate for a variety of reasons one of which is population growth. He said the population of Halifax County has grown far faster than other areas in Nova Scotia. Poor economic conditions have resulted in a very substantial increase in the number of recipients in receipt of benefits due to unemployment. Federal program changes to the UIC affecting eligibility have, in turn, resulted in further impacts on their program. Provincial downloading, as a result of legislative provisions, policy changes and certain administrative practices, have impacted further on the actual expenditures incurred by the municipality.

The two main areas of concern are general assistance and administration. He said the province capped its cost sharing for general assistance and social assistance administration in 1985. This has allowed provincial expenditures to remain relatively constant for the past nine years while general assistance expenditures have increased four fold. The rate of cost sharing has declined from 28% in 1985 to a projected 8% in 1993/94. He said the impact is an extra 10.4 million dollars that has had to be picked up by the municipality as the provincial involvement has declined. He said in the case of administration expenditures the effective rate of sharing has declined to 53.9% in 1993/94. He said when the provincial government capped expenditures it also stopped sharing in the office infrastructure expenses associated with social service delivery.

He outlined other areas of concern such as child welfare. He said the cost of apprehensions and the cost of maintain a child in care beyond two years is picked up by the municipality. He overviewed the documentation provided. He said delays in processing family benefit applications also have an effect. He said it should take approximately three months to process but, in practice, they are finding that in many areas the province is taking up to nine months to process these applications. He said this is costing approximately \$500,000. per year.

He said to date the municipality has received the full 75% cost sharing on the co-ordinated home care program but the provincial officials have been advising that, due to their approach to budgeting and guidelines, they are talking about potentially not cost sharing the full salaries for some of the staff because they are not in line with some of the provincial guidelines. He said if they were to pursue this it would result in another sixty thousand dollars of municipal expenditures. He said for this year they have provided the full cost sharing. He said they are

holding it out as a potential draw back from the funding.

He said with the reform of the health system you will likely see later admittance and earlier discharge from health care facilities. He said there will probably be an increased emphasis on community based care and support.

He said the question now is what recourse there is. He said aside from chasing the province on some of the smaller items the only avenue open to the municipality is at the political level because they have set out in legislation the specific provisions which permit them to download expenditures to the municipalities.

He said the basic recommendation is that council has to do what it can do at the political level to avoid further legislative provisions and additional downloading and, in the meantime, the department will have to keep council appraised of any new items on the horizon. He said his letter outlines a number of suggestions, if council supports them, could be made.

Councillor Barnet asked if the provincial policy for general assistance is for them to deal with their clients in a three month time frame and the actual right now is nine months.

Mayor Lichter said it was estimated to be approximately nine months.

Councillor Barnet said this should be looked into. If the provincial policy is three months then that is what it should be and if the county is paying an extra \$500,000 could there be a way that the province could be invoiced. He said it is a cost that is coming back on the municipal tax payers.

Councillor Brill asked what is happening with regards to people moving in from other municipal units and receiving assistance from Halifax County.

Mr. Stropole said there are reciprocal agreements with other municipal units whereby the settlement municipality pays the costs for twelve months after which time they have settlement in the municipality. He said Halifax County pays approximately one quarter million dollars more for settlement per year than it receives back through other municipalities.

Mr. Cowcill said it is important to note that Halifax County is sending bills out and other municipalities are sending bills in. He said it may not break out even in a given year.

Councillor Brill said he would like a report on this. He asked to what extent is Halifax County going to be getting a report from the provincial government on their new plans. He said it is his understanding that the blueprint committee has been meeting

and putting a recommendation to government.

Mr. Cowcill said the blueprint committee recently released an early report but at this point in time they have been unable to get any specific information out of the department of health on how the reform of the health care system will change the current arrangements for home care funding. He said they are being told not to look for any additional home care funding in the coming years. He said they have no indication that the province is looking at making any revisions to the cost sharing of social services in advance of the service exchange negotiations. He said they are not clear at this point in time what the province is planning to do with its family benefits program. They have undertaken an eligibility review and implemented a more stringent medical assessment process for clients on family benefits. He said they do not know what additional changes the province may be contemplating in regard to family benefit recipients.

Mayor Lichter said his concern is if between now and April 1, 1995 the province somehow is, as of necessity, going to find that all the municipalities together should pay ten million dollars more in social service payments then come April 1, 1995, the takeover date, in order to make it revenue neutral they say we are taking over what you use to pay for social services it is ten million dollars more than what it use to be a year ago; consequently, you will have to take over some ten million dollar worth of load. In a way the ten million dollar burden was permanently downloaded to the property tax payer. He said that is what his concern is. He said this has been discussed with the minister responsible for community services and it will be discussed with other ministers as well because it can happen in the health care field and elsewhere. He said the report is to alert council to these possibilities.

Councillor Reid said he thought there was a distinct formula in place that determined how the dollars were distributed by the province to the municipality, 50% federal 25% provincial. He asked if there was a formula in place previous to 1985.

Mr. Cowcill said it is his understanding that 78% was the specified cost sharing arrangement for Halifax County Municipality for general assistance in the years prior to 1985. After 1985 what the province did was basically provide the county with 78% of the amount expended in that particular year and then only passed on the federal share of any expenditures made thereafter.

Councillor Reid said he wanted to determine if there was a definite formula in place. He said it is his understanding that this was altered by an act of the legislature.

Mr. Cowcill said he is not sure that it was. He said he believes

that the province interpreted its own authority under the act to specify and approve budgets.

Councillor Reid said he feels it should be Halifax County's position that we demand when the change over of services come that it be done on the basis of the formula that was in effect previous to 1985 and not what is presently in effect now.

Mayor Lichter said that is part of Mr. Cowcills recommendation. He said the year specified is 1993 or earlier. The further back, closer to 1985, the better the situation Halifax County would be facing.

Councillor Fralick said he feels it is very important that formula be continued and stay on course. He said he feels it would be very important that the levels be maintained in social services because it is very hard to control.

MINOR VARIANCE REQUEST - MVC-02-94-06

Mr. Paul Sampson made the staff presentation. He said the application is an application for a minor variance from the requirements of the land use by-law for Eastern Passage/Cow Bay to permit the location of an existing single unit dwelling a distance of 4.5 feet from the right side property line instead of the required eight foot setback which is a requirement of the R-6 zone. The applicants are Lorna and Donald Dahr and the property is located at Lot A1 civic number 1880 Cow Bay Road in Cow Bay.

The situation was brought to the attention of staff in January, 1994 when the property was in the process of being sold by the current owners. He said a letter was received from the solicitor for the perspective purchaser of the property asking for confirmation of the zoning of the property and whether the building met the requirements of the land use by-law. He said a location certificate was attached to the letter which indicated that although the foundation was located eight feet from the side property line the structure was overhanging this foundation a distance of 3.5 feet which resulted in a 4.5 foot setback. In order to respond to this letter the original building permit file from 1988 was examined. After examining the file staff wrote to the solicitor for the purchasers and indicated that the dwelling and property did not meet the requirements of the land use by-law. It was after this that the applicants made the minor variance application on January 24th. Following this a development officer made a decision, notified the applicants that she was rejecting the application and following this an appeal was made of the development officers decision to the municipal clerks department.

In reviewing the application the development officer looked at the planning act under section 86 subsection 3. In this case the

planning act is quite specific in terms of the development officers ability to approve or reject the minor variance application. With respect to clause C in section 86 subsection 3, it was determined by the development officer that this was a clear case of intentional disregard for the requirements of the land use by-law. The original location certificate, which was supplied in 1988 for the purpose of obtaining a building permit for this property, showed that the foundation met the eight foot setback. This was a five sided foundation. In the northwestern corner the foundation wall was angled parallel to the property line in order to meet the eight foot setback. The location certificate which was received in January, 1994 showed that the walls of the structure overhung the foundation wall. In this case it was evident that there was intentional disregard. With respect to clause B, the development officer decided that the difficulty experienced was general to properties in the area. A site visit was conducted on January 25 which revealed no particular physical site features which would restrict development on this property. For these two reasons the development officer decided to reject the application. Since an appeal was made the final decision now rests with council. He showed slides of the property to council for clarification.

Councillor Brill asked what is considered to be the main wall, the foundation or the structure that is on the foundation.

Mr. Sampson said the setback relates to both the foundation wall and the main wall of the structure. The intention was that both would meet the setback requirement.

Councillor Brill asked if the certificates were issued by the county to construct the building.

Mr. Sampson said in 1988 after receiving the location certificate which showed the foundation wall meeting the eight foot setback, the building permit was issued.

Councillor Brill said subsequent to that the building permit was issue.

Mr. Sampson confirmed this. He said the building permit was issued in 1988.

Councillor Brill asked if the building inspector inspects a site from time to time during construction and would he not have seen this at the time.

Mr. Sampson did not have an answer to this.

Councillor Peters asked if Mr. Sampson knew if it was the responsibility of the building inspector to ascertain or to say even though there is a location certificate. She asked if there

were survey markers so that when the inspector goes out to check the footings can they then compare that to the abutting property line and say they are satisfied that the location certificate is as submitted.

Mr. Sampson said at the time the location certificate stated that the foundation met the setback and that was satisfactory for the building inspector at that time to issue the building permit.

Councillor Peters said the foundation in actual fact met the eight foot but when they built the actual structure it created the overhang. This is when the problem arose. She asked if they had put the building the other way around on the foundation there would be no problem.

Mr. Sampson said the fact that the foundation was a five sided foundation indicated that the intention was to have the wall meet that setback as well.

Councillor Deveaux said it is his understanding, in talking to the building inspector, that there was no indication of any problem.

Deputy Mayor Bates said the location certificate is determined by the surveyor that would have said that the pins are eight feet away and the side clearance is there. He said there are houses that have overhangs. He said it seems to him to be a technical situation but as far as the building inspectors are concerned he does not believe they check for overhang for that particular reason. He said the county would grant the certificate based on a certificate from a surveyor saying it was eight feet away from the wall.

Councillor Harvey asked if there are many applications for building permits for buildings that have five sided foundations.

Mr. Sampson said no there are not.

Councillor Harvey said the five sides would flag for special attention. He said he feels this is premeditated and the consequences are going to have to be faced tonight.

Councillor Cooper said there have been many minor variances arrive at council. He said many cases have come where there has been some dispute as to what was in the building permit or the fact that a surveyor had not done something right or somebody had admitted mistake etc. In this instance it is extremely clear to him that there was an intention to follow the letter of the by-law from the beginning and somewhere in between it got off track. He said there is no justification in the report that there is any circumstance that should ask this municipality to consider the variance. He said this is extremely clear cut and it is time

council has to make a decision.

Mayor Lichter said he wanted to follow up on Councillor Harvey's comments. He said when you have a location certificate that comes in it does not just say that everything is eight feet away from the sideyard line, it shows where it is. It shows that here is a five sided foundation. He asked staff for confirmation.

Mr. Sampson confirmed this.

Mayor Lichter said a staff member looks at it before a building permit is issued. He said the staff member would not say they are going to build a house with five sides. He said the staff member, at that point, knows quite well that it is going to be a rectangular house and it is going to overhang. Whether he thinks about as to will that intrude into the sideyard or not at that point there would have been some obligation on Halifax County to say "if it is your intention to go in here you have to apply now for a lesser sideyard clearance for a minor variance". He said his difficulty is Halifax County can't say to somebody today "cut off that corner from the house or don't sell it". He said there are circumstances in which you have no choice but to be able to sell that house. He said his difficulty is whether or not Halifax County had some responsibility to discover that that five sided foundation was never meant to be anything other than a four sided house.

Councillor McInroy said it is obvious that with a foundation like that it begs a question as to why that corner is cut off. He said it is obviously for a reason and not just to be ignored with the balance of the construction. He said he feels it is evident that from day one what the intention was and what was permissible in terms of construction on that site.

Deputy Mayor Bates said there are many houses built where there are overhangs. He said there must be numerous houses that have a certificate for eight feet from the yard done by the location certificate. The pins are down with the footings which is what you give your permits from but then they construct the house on the basement and they have overhang.

Mr. Sampson said in the land use by-law there are a number of architectural features that are permitted to encroach a maximum of two feet such as sills and gutters but not the main wall of the structure. He said that is also indicated in the land use by-law through the definition of side yard clearance. It indicates that the distance is to be measured from the side property line to the nearest main wall of the structure.

SPEAKERS IN FAVOUR OF THE APPEAL

Mr. Donald Dahr, owner and builder of the house, spoke to

council. He said everyone seems to be under the impression that the foundation was put in and then the house was built. He said the house was 95% completed before they found out that it was too close to the property line. The building permit was taken out three and a half months before they found out about this foundation. Robb's supplied a plot plan to where the foundation had to go for the Bank of Nova Scotia for the county building department and CMHC. It was all approved by everyone who was concerned. He said they were going to get a plumbing inspection and electrical inspection and that is when the building inspector said there is something wrong, don't do anything, stop everything. He said everything was halted for two weeks. He said he came to the engineering department and at that time they gave him two alternatives, one was to go to all the neighbours because it was a square house and get a paper signed or move the foundation 3.5 feet. He said at that point they excavated it, took the ninety degree corner out, took the footing out for the ninety degree corner because this is what the building inspection and engineering of the county said had to be done. A new footing was put back in, a new wall was put back in and then inspected before it was backfilled. The building inspector came out, looked at it and said "that's alright with us, backfill it". He said this was the last he heard until the Friday that the house was supposed to close and he was informed that the house was too close to the property line. He asked what was meant and explained that he had paid \$5,500. to get this thing straightened out and had it re-surveyed again and shows where the corners was set back. He said when this was found out they had to do what they had to do and the building inspection said that as long as you move the foundation back that is alright. He said that is why it has a five sided. The rest of the building was already in place.

Councillor Hendsbee confirmed with Mr. Dahr that the wall was not originally put that way but was done because an error was found with regards to pin placements etc. He said he assume that when Mr. Dahr went down and excavated and put the wall in, the partial walls were already in place above it.

Mr. Dahr said the only thing that wasn't in the house was dry wall and insulation. All the inside petitions, the whole outside structure, siding, windows, doors, roof, etc was already in place. He said the windows were painted.

Councillor Hendsbee asked who surveyed the lot and put the pins in place.

Mr. Dahr said it was done by Ken Robb Engineering. He said they told the building department they could not find the fourth pin so they assumed that the front of the house was 24 feet from the property line. He said the house is only 25 feet deep. The back corner would obviously be eight feet. He said the property goes

on an angle more than straight back.

Councillor Hendsbee asked if there was any intent or purpose why the house was angled such a way to face the road that way.

Mr. Dahr said the direction of the highway is in that direction and they wanted the house to be straight facing the road rather than driving down the highway looking at the side of the house.

Councillor Hendsbee asked there was no reason why there was such a wide side or plan to have an extension to the driveway at the side of the house or the back of the lot for access. He asked if that was why there was such a wide space to one side.

Mr. Dahr said the driveway is in the front of the house.

Councillor Hendsbee said the driveway is at the front but the farthest point from the other property line is at the farthest point.

Mr. Dahr said yes on the other side. The house was put there for the reason that someday maybe he might want to build a garage or something.

Councillor Hendsbee said he would suggest is that perhaps when situations like this happen the surveyor should be penalized and not the home builder or home resident.

Councillor Deveaux asked Mr. Dahr that when the building inspector went out and made the last inspection as far as he was concerned it was approved by the building inspector and was the overhang on the house at that time.

Mr. Dahr said the overhang on the house at that time was 3.5 feet. It was square when they saw it. The foundation and everything was in.

Councillor Deveaux asked when the building inspector gave his approval for the basement, was the overhang there.

Mr. Dahr said the overhang was there and the building inspector said it was okay but he had to move the foundation. He said his understanding from the engineering department at that time was "we don't care how much the building goes over as long as the foundation is within eight feet". He said it was three months later before he found any of this out.

Councillor Deveaux asked Mr. Dahr to confirm that as far as he was concerned there was no problem until it came time to sell the house.

Mr. Dahr said Ken Robb came out and put the pins in to where the

footings had to go. He said he did know at that point that they could not find the fourth pin so they assumed where there is so much on the front and the depth of the house there should be plenty in the back.

Councillor Hendsbee asked if Mr. Dahr remembered the name of the building inspector.

Mr. Dahr said this was five years ago and he could not remember the name of the inspector. He said CMHC was in agreement with the building inspector.

Councillor Peters asked Mr. Dahr who he was referring to when he said "He couldn't find the pin".

Mr. Dahr said he was referencing the surveyor. He said that three pins were found and when he found out he had to stop development he went to the surveyors office who suggested they would come to the property to resurvey and find the fourth and get a new plot plan to be approved.

Councillor Peters asked Mr. Dahr if he was aware that the surveyor could not find the fourth pin.

Mr. Dahr said when he built the house he did not know the fourth pin had not been found. He did not know this until they stopped construction saying it was too close to the line. He said that was when he went to the surveyors office. He said he paid \$5,500 to fix the problem because he had to have the foundation taken out and put back in. He said he had not gone after the surveyor for this money.

Councillor Cooper asked if the original certificate supplied to the municipality showed a four or five sided foundation.

Mr. Dahr said it showed a four sided. The original one showed four sided and it was approved.

Councillor Cooper asked if it had an eight foot setback at the corner closest to the property line.

Mr. Dahr said it showed, where the corner was cut off, that it was eight feet from the property line.

Councillor Cooper asked who determined that it wasn't eight feet from the lot line.

Mr. Dahr said once he received his permit he had started building, put the foundation in and built the house, partitioned it off, had the electrical and plumbing done and then received a phone call from the building inspector informing him of the problem. He said he was informed that one corner appeared to be

to close to the property line and not to do any more work.

Councillor Cooper asked if the foundation and the footings were inspected.

Mr. Dahr said yes they were inspected by the building inspection department and CMHC. He said the inspectors were there approximately eight times during the whole process. He said there was an inspector from either the county or CMHC there at least once a week. Mr. Dahr said the footings were put in, the foundation was put in.

Councillor Cooper confirmed with Mr. Dahr that there was an inspection done after the footings were put in. He asked if there was an inspection done after the walls were put in and before the superstructure was started.

Mr. Dahr confirmed this. He said there was a plumbing inspection done when the underground plumbing was put in. There were inspections through the whole building process of putting the walls up, siding on, door, windows, etc. There was a rough in inspection done on the plumbing and the electrical on the same day.

Councillor Cooper asked him to confirm that it was not until everything was all backfilled that somebody decided that he was too close to the lot line.

Mr. Dahr said it was all done. It had a square foundation.

Councillor Cooper asked if Mr. Dahr had any idea that after all those inspections who decided to say "I wonder where the property line is".

Mr. Dahr said he did not have any idea.

Councillor Sutherland asked if it was unusual to build that overhang.

Mr. Dahr said no because the overhang that was on it wasn't put there intentionally. It had a square foundation. The building was already there when they took the corner out. He said the corner was taken out then the foundation was repoured and reformed. He said he had to move the corner of the foundation in underneath the building.

Councillor Harvey asked why a variance wasn't applied for before the foundation was changed. He said he might have gotten the variance with the original four sided house.

Mr. Dahr said the reason for this was the place he had previous to this was sold. He said it was on December 20 when he was

informed that he had to move this. He said they had no place to live and it was February of 1989 before they could get the permit for the variance. He said at that point they were told if they move the foundation back they don't need a variance permit. He said they have gone this length of time not knowing they needed a variance permit until the day the house was sold and they were informed by the lawyer that a variance permit was needed.

Councillor Cooper said the report states that the location certificate from 1988 showed a five sided foundation. He asked if that was submitted in 1988.

Mr. Dahr said this the one council has is a revised one showing the five sides.

Councillor Cooper informed Mr. Dahr that the staff report says "the document illustrated a five sided foundation situated a distance 8.1 feet from the northern property line". He said this was back on November 21, 1988. He said according to the report in 1988 the location certificate submitted showed a five sided foundation.

Mr. Dahr said there was one before that, the original one. He said this is the revised one issued when he built the house. He said the house had four sides in 1988 and two months later it had five.

Councillor Cooper said that was in November and the original footing was placed in September. Mr. Dahr confirmed this. Councillor Cooper said between September 16 and November 1. Mr. Dahr said nobody knew anything about this being too close.

Councillor Cooper asked if all the walls of the foundations and the superstructure went in during that time.

Mr. Dahr said it was all in in November which is when they had to change it. He said the foundation was put in on September 31.

Councillor Barnet clarified the sequence of events with Mr. Dahr. He asked if he had hired a surveyor to place the location of the foundation and to draw him up a footings plan. Mr. Dahr confirmed this. He asked if then the foundation contractor put in the walls on top of the footings that were surveyed and received the first survey location certificate with four sides. Mr. Dahr confirmed this. He asked if the building inspector came out and inspected at the backfill stage. Mr. Dahr confirmed this. He asked if he then constructed his house and put in the lumber and roof tight stage. Mr. Dahr confirmed this. He asked if the plumbing inspector inspected the underground plumbing and the roughed in plumbing and the electrical inspector inspected the wiring. Mr. Dahr confirmed this.

Councillor Barnet said that Mr. Dahr had said the building inspector was the one that picked up on this.

Mr. Dahr said he was the one who told him but he did not know how it was picked up.

Councillor Barnet said the thing that concerns him is that the actual construction building inspector would have been there one time which would have been at backfill. He said he would not come back until the vapour barrier and insulation was in which is the next stage of the building inspectors inspection stage. He said what concerns him is all of this time from September until November Mr. Dahr had not had his vapour barrier and insulation in. He asked who thought this was wrong.

Mr. Dahr said the building inspector called him and told him to stop doing everything until this was straightened out. He said the reason this took two months was because he built the house himself and was doing the construction on his own time.

Councillor Barnet said the building inspector must have reviewed something that did not look correct and then made a second assumption somewhere down the road.

Mr. Dahr said the day he was told to stop was the day he was getting the rough in plumbing inspection and the rough in electrical inspection. He said they met that day with the building inspector and then it was late that afternoon when he called.

Councillor Barnet said he finds this strange because the next stage for the building inspector to actually enter the house would be after insulation and gyproc is on, two months after the first time.

Mr. Dahr said the inspector used to drive by.

Councillor Brill said this seems to be an oversight on the part of the building inspector and CMHC. He said it was four sides and was made five sides to correct a problem which was brought to the owners attention.

Councillor Peters asked if there was any way to have the original four sided and then have the amended. She asked if this was on file. She said staff said their original submission was for five sided and Mr. Dahr is saying it was four sided.

Mayor Lichter asked Mr. Dahr if he had this documentation.

Mr. Dahr said all he was told to bring was the letter he had sent to the county for the appeal and the plot plan.

Mayor Lichter asked Mr. Dahr if he could remember if he had a building permit and approximately what would be the date of the permit.

Mr. Dahr said the building permit would be in September of 1988.

Mayor Lichter said if there is a building permit dated September, 1988 then prior to that there had to be a location certificate other than the one in November. He asked if the building permit could be submitted to him the following day.

Mr. Dahr said he does not have it.

Kelly Denty spoke to council. She said based on what Mr. Dahr has told her she can only conclude that the large portion of the structure was constructed without a building permit. In their files there is no record of a certificate showing the four sided foundation. She said they had a preliminary certificate issued on September 16, 1988. She said preliminary certificates are only for the footing. She said a location certificate is required before the building permit can be issued. She said she can only assume that the inspector was doing inspections without the required permit being issued and somewhere along the way realized there was no permit issued and then requested a certificate. The only location certificate they have on file is dated November 21, 1988 which is also the same date that the building permit was issued.

Mayor Lichter said this information makes it more clearer to council and fairer to the applicant to have that building permit submitted to his office the following day because that would indicate whether there was a location certificate or not. He said there is a great deal of doubt right now as to is there or isn't there.

DECISION OF COUNCIL

Councillor Deveaux said there have been a lot of errors made according to the presentation. He said he does not believe they were made by the applicant. He said apparently the gentleman did what he was supposed to do and was asked to do to meet the requirements. He said the reason why the overhang is so big is because the wall was moved back from being a corner wall to a slanted wall. He said the building inspector indicated to him that he did not feel there was any problem. He said as indicated Mr. Dahr was not aware of any problem until it was time to sell the house. He said he has visited the site and there is no apparent objection from any of the neighbours. He said the houses are spaced far apart.

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

"THAT THE MINOR VARIANCE BE GRANTED"

Councillor Peters said her difficulty in supporting the motion right now is that Mr. Dahr has said that the surveyor surveyed it and then he put in the footings and then he had to do remedial action after he was notified by the building inspector. She said Mr. Dahr had to pay out \$5,500 and yet he has not gone back to the surveyor to recover those costs. She said she is being led to believe that it is the surveyors fault that caused the foundation to be placed inappropriately. If that was the case and Mr. Dahr is convinced that it was the surveyors problem that he is willing to pay out \$5,500. She said she is having a little trouble in giving the benefit of the doubt as to who placed what where and why. If Mr. Dahr had said there are negotiations ongoing or funding was provided then she would understand that the surveyor was in error and she would have an easier time supporting the motion. She said as it stands, because of that information, she is having difficulty supporting the motion.

Councillor Cooper said he would like to have a look at the available documentation.

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

"THAT THIS MOTION BE DEFERRED UNTIL SUCH TIME AS THE LOCATION CERTIFICATES, PRELIMINARY BUILDING PERMITS AND THE FINAL BUILDING PERMITS HAVE BEEN DUPLICATED AND CIRCULATED TO THE FIRST COUNCIL SESSION IN APRIL"

MOTION DEFEATED

Councillor Hendsbee said he would like to speak in favour of the motion. He said the major onus should rest with the surveyor and the building inspectors.

Deputy Mayor Bates said he feels staff should look into this and provide the information that Councillor Cooper has requested but he feels the applicant should not be detained any further and the minor variance should be granted. He said he also agrees with Councillor Peters suggestion that Mr. Dahr look at some action against the surveyor. He said it is not a reason to hold him up from his request this evening.

MOTION CARRIED

17 IN FAVOUR

2 AGAINST

THE IMPACT OF PROVINCIAL DOWNLOADING ON MUNICIPAL SOCIAL SERVICE EXPENDITURES CONTINUED

Mayor Lichter referenced Appendix B and the recommendation outlined.

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

'THAT THE RECOMMENDATIONS OUTLINED IN APPENDIX B OF THE STAFF REPORT BE APPROVED WITH THE RECOMMENDATION THAT 1990 STANDARDS BE USED"

Mr. Cowcill said council may want to go back to 1985. He said the county, from its negotiating position, select the base year that it thinks is going to best serve the county's best interest in that process.

Councillor Barnet said that was the intent of the motion.

Mayor Lichter said that he would suggest that it would read those recommendations and following tonights meeting and perhaps the meeting with the Minister staff would then determine what would be the best possible base year to negotiate for.

Mr. Meech said until the county knows exactly what the province's intention is with regard to what is the base year they are going to use for the service exchange, council really can't identify until some definitive position is received from the province.

Mover and Seconder agreed to the change.

Councillor Sutherland referenced Appendix B and asked Mr. Cowcill if it was a normal occurrence for hospitals to bill municipalities for overstay charges.

Mayor Lichter said to his knowledge it has happened.

Mr. Cowcill said, to date, the municipality has managed to meet the requirements of the hospital act. He said if reform proceeds quickly in the hospital system and if the municipality remains responsible the day could come when the municipality will not be able to move people going from a hospital setting out into a special care home within the prescribed time frame.

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

\$240,000 Loan Advance - Eastern Passage And District Volunteer Fire Department

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

"THAT COUNCIL APPROVE A \$240,000. TEN YEAR LOAN ADVANCE TO THE EASTERN PASSAGE AND DISTRICT FIRE DEPARTMENT FOR THE PURPOSE OF ACQUIRING A PUMPER FIRE VEHICLE.

FURTHER THE LOAN IS REPAYABLE WITH INTEREST AND COUNCIL RESERVES THE RIGHT TO LEVY AN AREA RATE IN DEFAULT OF PRINCIPAL AND/OR INTEREST REPAYMENT"

MOTION CARRIED

Sale of Aerial Truck - Lakeside Fire Department

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

"THAT COUNCIL APPROVE THE AGREEMENT NEGOTIATED WITH THE CORPORATION OF THE TOWN OF HANOVER FOR THE SALE OF THE 1987 MACK/THIBAUT 75' TELESQUIRT FOR THE AMOUNT OF \$235,000.00"

MOTION CARRIED

Capital Grant Requests

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

"THAT THE FOLLOWING CAPITAL GRANT REQUESTS BE APPROVED:

- (A) DISTRICT CAPITAL GRANT, DISTRICT 8, IN THE AMOUNT OF \$927.66 AND
- (B) DISTRICT CAPITAL GRANT, DISTRICT 11, IN THE AMOUNT OF \$500"

MOTION CARRIED

Borrowing Resolution - Operating Fund

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

'THAT THE BORROWING RESOLUTION - OPERATING FUND IN THE AMOUNT OF \$10,000,000 FOR THE FISCAL YEAR 1994/95 BE APPROVED"

MOTION CARRIED

Borrowing Resolutions

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

"THAT BORROWING RESOLUTION TBR88-06 - RECREATION FACILITIES IN THE AMOUNT OF \$1,500,000 BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION TBR89-01 - COLE HARBOUR PLACE LEASEHOLDS IN THE AMOUNT OF \$54,000 BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION TBR92-02 - WATER (BEAVERBANK ROAD) IN THE AMOUNT OF \$47,000 BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION TBR92-03 - SEWER (BEAVERBANK ROAD) IN THE AMOUNT OF \$50,000 BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION TBR92-05 - STORM SEWER (CALDWELL ROAD) IN THE AMOUNT OF \$1,250,000 BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION TBR92-06 - WATER (CHERRY BROOK - PHASE II) IN THE AMOUNT OF \$800,000 BE APPROVED"

MOTION CARRIED

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

'THAT BORROWING RESOLUTION TBR92-07 - WATER (OLD WINDSOR ROAD) IN THE AMOUNT OF \$20,000 BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION TBR92-08 - SEWER (OLD

WINDSOR ROAD) IN THE AMOUNT OF \$25,000 BE APPROVED"

MOTION CARRIED

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

'THAT BORROWING RESOLUTION TBR92-09 - WATER (FIVE ISLAND LAKE) IN THE AMOUNT OF \$250,000 BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION TBR92-10 - SEWAGE TREATMENT PLANT (MILL COVE) IN THE AMOUNT OF \$500,000 BE APPROVED"

MOTION CARRIED

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

"THAT BORROWING RESOLUTION TBR92-11 - WATER (BEDFORD WATERMAIN BY-PASS) IN THE AMOUNT OF \$5,700,000 BE APPROVED"

MOTION CARRIED

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

'THAT BORROWING RESOLUTION TBR92-12 - BUILDINGS (COLE HARBOUR PLACE ADDITION) IN THE AMOUNT OF \$430,000 BE APPROVED"

MOTION CARRIED

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

'THAT BORROWING RESOLUTION TBR92-13 - SCHOOLS (TALLAHASSEE SCHOOL ADDITION) IN THE AMOUNT OF \$1,770,000 BE APPROVED"

MOTION CARRIED

RECORDED RESOLUTION - APPOINTMENT OF BUILDING INSPECTORS

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

"THAT COUNCIL APPROVE THE RECORDED RESOLUTION -

APPOINTMENT OF BUILDING INSPECTORS"

Councillor Hendsbee said he would suggest that this be tabled until the report is forthcoming with regards to the minor variance.

Mayor Lichter asked the solicitor if deferring this would, in any way, interfere with them carrying out their duty. He said the way he reads the resolution is that there is a need for the resolution.

Mr. Crooks said he would have to check with staff to see what term the building inspectors had been appointed and whether or not that would expire.

Councillor Harvey asked if it can be determined which of the inspectors were with Halifax County in 1988.

Mr. Reinhardt said the reason this was put on the agenda was that when they went to court they have to be appointed. He said it could not be determined from the records when the people were appointed or if some of the new ones were actually appointed. He said it was suggested by legal staff that they should be appointed under the Charter by recorded resolution.

Mr. Meech said that what happened with regards to the minor variance was that someone was given a permit back in 1988. He said the building inspector may have interpreted the by-law to mean that in effect as long as it met the location certificate or whatever. He said what has obviously happened is that when someone has come back now and asked for the certificate on the zoning somebody has very diligently looked at the by-law and wouldn't issue the certificate because they came to the conclusion that not only is it the foundation but its the wall. He said what it may have been is that building inspectors and others may have been interpreting, for a number of years, that in fact as long as the location certificate, as it relates to the foundation, was within the eight foot allowance then that was acceptable. He said it may be just simply that somebody has now become very diligent and looked at it in a very technical way in the interpretation of the by-law and was not prepared to sign the paper to say it was a legitimately placed building. He said that may be the explanation that will result from the background information.

Councillor Reid said he feels it would be very unfair to judge all the inspectors the same not even knowing that someone made a mistake knowingly. He said if it is determined in the future that there is a major problem then deal with it internally.

Councillor Deveaux said he does not feel that all building inspectors should be penalized.

Councillor Cooper said he agrees that the inspectors should be certified but he does not agree that there might have been a simple explanation. He said municipal development policies and plans were in place in 1988 and the department was aware of what the interpretation of setback was.

Mr. Meech said these kinds of situations are the types that get looked upon to try and get a staff person to take an interpretation that would allow you to accommodate the situation.

Councillor Cooper said he does not feel the county should be looking for ways to make accommodations. He said if it is done right the first time then there would be no need to make accommodations.

Councillor Hendsbee said he has trouble ratifying these people because he does not know the degree of expertise of these inspectors.

Mayor Lichter said council has no jurisdiction over staff appointment or dismissal anywhere below department head level. He said Mr. Meech has and if it is his recommendation that these people be appointed then it is his recommendation that council follows.

MOTION CARRIED

RECORDED RESOLUTION - AMENDMENTS TO THE HALIFAX COUNTY CHARTER

Mayor Lichter declared a Conflict of Interest and left chambers.

Deputy Mayor Bates took the chair.

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

"THAT THE RECORDED RESOLUTION - AMENDMENTS TO THE
HALIFAX COUNTY CHARTER BE APPROVED"

Mr. Crooks said the procedure being followed here is that draft amendments were approved in January and forwarded to legislative council. The council to the house of assembly for drafting in the sense of putting it in the form of a bill which would go before the house. That has been done. There have been some minor changes in form but not in substance to those changes that were approved and the legislative council and the house of assembly requires that the council, by resolution, actually adopt the form of bill which has been prepared by the legislative council. The procedure now would be to forward a copy of the resolution together with the bill, which has been prepared by legislative council, to the legislative council and to have a member of the house of assembly, on the government side, take responsibility for sponsoring the introduction of the legislation

into the house.

Councillor Peters referenced clause number seven with regards to area rates. She asked if council could levy these without a community meeting.

Mr. Crooks said this is consistent with the procedure that exists now under legislation. He said council is authorized to levy an area rate of its own motion and on its own accord. It is not required to conduct a prior meeting of ratepayers nor is its authority dependent on a vote of ratepayers though that is often done in practice. He said this is consistent with the other area rate provisions.

Councillor Peters referenced clause eight section a. She asked if this clause now in any way affected the situation with the Atlantic Winter Fair and monies owing and possible area rates.

Mr. Crooks said his understanding is that this legislative provision would, in effect, implement an agreement which has been reached between the municipality and the directors of the Atlantic Winter Fair. The agreement is in place and the only step remaining to be completed to accomplish what is provided for in the agreement is the enactment of this legislation.

Mr. Meech said the municipality is now implementing the agreement and necessary change to the Charter was needed to give the municipality the clear legal authority to enter into the agreement.

Councillor Harvey said there was to be an amendment enabling the council, if it chose, to create a by-law which restricted smoking. He asked what the status of this change was.

Mr. Crooks said that proposed amendment together with another amendment relating to community councils is about to be forwarded to the Executive Committee for consideration. A draft exists and if it gets through the process in time, they would seek to have it added to the amendments that are being proposed by this bill.

Councillor Harvey said he would hope that a pace could be kept where that would be possible.

Councillor Hendsbee asked if there would be anything in the charter that would allow for a drainage by-law to be put into effect.

Mr. Crooks said there is now in the Charter extensive authority in the council to make by-laws relating to storm drainage. He said most of the items currently under discussion with respect to storm drainage can be accomplished by by-law under existing legislation.

Councillor Deveaux asked for clarification on section 11, 1(a) and 1(b).

Mr. Crooks said there was some uncertainty under the current legislation as to whether or not the charter requires a person in the office of mayor to turn age 65 while in office to qualify for any annuity under the charter. This is intended to clarify that that is not the intention. He said, for example, in the case of someone in the office of mayor who reaches age 65, finishes his or her office, and then reaches age 65 the annuity entitlement is there but it becomes effective when the individual reaches the age 65. The way it is worded under the current legislation there is some concern that it might be interpreted to mean, if you are not age 65 when you are in the office there is no entitlement to an annuity. This is intended to clarify that.

MOTION CARRIED

SEWER TAX BY-LAW

Mr. Meech said the only contentious issue was with regards to the Caldwell Road Storm Charge. He said council had gone through this process before and there were a number of people who intervened to challenge the proposed rates. He said if there is an agreement to go with what is being proposed then it could be prepared for the proper notice of motion. He said this was for undeveloped land and the county was going to charge \$0.79 per square foot. He said the developer of the land along Caldwell Road had taken issue that this was going to constitute approximately \$8,000 per lot because these particular lots are in the area outside the serviceable boundary. He said they have to be approximately two acres to get the approval of the department of health. He said an application had been made by the developer to have the serviceable boundary amended so that these lands could be included in the serviceable boundary. It was decided not to proceed with the proposed by-law at that time and ask that it be taken another look at and, as a result of a further examination, what is now being suggested is that it be at the rate of \$1,500 per lot with the proviso that if the land could be further subdivided then the \$0.79 square foot would kick in and any previous payments would be deducted off.

Councillor Cooper asked where this proposal had originated.

Mr. Meech said that is a staff recommendation as a result of the fact that council had asked staff to go back and take another look it.

Councillor Cooper asked why this recommendation was not referred to the Cole Harbour Community Council.

Mr. Meech said it was council who was dealing with the issue at

that time and had asked staff to go back and take another look at it and come back with a recommendation. He said it can be tabled and council can refer it to the community council for input and advise.

Councillor Cooper said it has been a long process and one which affects the residents of all the municipality and it costs a fair amount of money to the taxpayers. He said the process has always involved the community council and many of these recommendations originated there.

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

"THAT THIS BE REFERRED TO THE COLE HARBOUR/WESTPHAL COMMUNITY COUNCIL"

Councillor Peters said she is concerned with expediency and if it is referred to the community council can they be asked to respond with all due haste so that this can be sent for first reading.

MOTION CARRIED

NOTICE OF INTENTION TO CONSIDER A BY-LAW RESPECTING THE OPERATION OF A FERRY SERVICE

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

"THAT NOTICE BE GIVEN FOR FIRST READING FOR THE APRIL 5, 1994 COUNCIL SESSION OF A BY-LAW RESPECTING THE OPERATION OF A FERRY SERVICE"

MOTION CARRIED

MEMORANDUM RE: ECONOMIC DEVELOPMENT, HALIFAX COUNTY

Councillor Peters said she is asking council to support a working committee of the areas recommended in the memo plus staff to work and bring back suggestions on economic development policy.

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

"THAT A WORKING GROUP BE FORMED TO REVIEW ECONOMIC POLICY AND STRATEGY FOR HALIFAX COUNTY MUNICIPALITY"

Councillor Cooper said he would like to have those named to the committee include representative from the combined area of district 6, 23, 24, 25 and 7.

Mover and Seconder agreed to have a representative from the districts outlined.