

SPECIAL CITY COUNCIL MEETING
MINUTES

Council Chamber,
City Hall,
Halifax, N.S.
June 21, 1972
8:00 P.M.

A Special meeting of City Council was held on the above date.

After the meeting was called to order, the members of Council attending, led by the City Clerk, joined in reciting the Lord's Prayer.

Present: His Worship the Mayor, Chairman; and Aldermen Bell, Hogan, Meagher, Moir, Stanbury, and Sullivan.

Also present: City Manager, City Solicitor, City Clerk, and other staff members.

The City Clerk advised that the special Council meeting had been called for the following purposes:

1. Public Hearing Re: Rezoning of Civic No. 24 St. Margaret's Bay Road and Civic Nos. 2 and 5 to 7 Balcom's Drive from C-1 Local Business Zone to "M" Motel Zone.
2. Public Hearing Re: Rezoning of Lands of Centennial Properties Ltd., Coburg Road between Henry Street and Vernon Street from R-2, General Residential Zone to R-3, Multiple Dwelling Zone.
3. Public Hearing Re: Rezoning from R-2 Residential Zone to "M" Motel Zone, Lot A-2 Purcell's Cove Road.
4. Public Hearing Re: Repeal of Section 42 - C-1 Zone; Section 49, C-2 Zone; Section 54, I-1 Zone; Section 54, I-2 Zone and Section 59E, "M" Zone of the Mainland Area Zoning By-law.

His Worship the Mayor outlined for the benefit of the citizens attending the Hearings, the procedure followed in such matters.

8:10 - Aldermen Stapells, Connolly, and Wentzell arrived.

PUBLIC HEARING RE: REZONING OF CIVIC NO. 24 ST. MARGARET'S BAY ROAD AND CIVIC NOS. 2 AND 5 TO 7 BALCOM'S DRIVE FROM C-1 LOCAL BUSINESS ZONE TO "M", MOTEL ZONE

A Public Hearing was held at this time into the subject matter.

Mr. E.B. Algee of the Development Control Department displayed a map with the area involved outlined which at the moment consisted of three lots occupied by several dwellings, shops, etc. The proposal was to construct a

nine-storey motel (eight storeys and pent-house).

Mr. Gordon F. Coles, Solicitor for the applicant, Armdale Motel Limited, addressed the Council. He said that Armdale Motel Limited was owned by Mr. Donald Keddy and members of his family, who had lived in the area from the time of Mr. Keddy's grandfather. Mr. Coles pointed out that all the neighbouring lands to the east were also zoned C-1, and it was his contention that a rezoning to M- Motel Zone would be an upgrading, since the C-1 Commercial Zone would permit a variety of uses which could prove most unattractive for the area, whereas the M - Motel Zone permitted construction of a Motel and nothing else. In addition to eight floors and pent-house, Mr. Coles said there would be a floor of underground parking.

Mr. Coles said he felt a lot of the opposition to the motel stemmed from statements made which were inaccurate. For instance, he said, the land was not presently zoned Residential as had been stated at times, but was zoned C-1 Commercial. The proposed construction, he continued, would consist of eight storeys and penthouse and not ten stories. Finally, he added, there were no plans to enlarge the present Armdale Motel by additions to that structure.

Mr. Coles said that the need in the Halifax area for additional motel/hotel accommodation was well known and was resulting in much loss of business for the City.

There being no one else wishing to speak in support of the rezoning, His Worship the Mayor asked if anyone wished to oppose it, whereupon a Mr. W.D. Fowlie, President of the West Armdale Homeowners Association came forward.

Mr. Fowlie had submitted a written statement to members of Council which he now read to them. However, he stated that at the time he had prepared his report he had been under the impression that the applicant for the rezoning had intended to build an additional two storeys on the present motel, and having since been informed this was not so, asked Council members to disregard any comments in the report to that effect.

Mr. Fowlie based his opposition to the rezoning on the following grounds:

- 1 - Multiple type dwellings out of keeping with character of residential area which the present residents were striving to maintain.
- 2 - The proposed structure could place a burden on the pumping plant of approximately 400 to 500 persons in excess of those catered for by the original design, taking into account the persons who might use the motel facilities over and above the actual guests.
- 3 - Resulting chaos on an already overloaded St. Margaret's Bay Road, traffic-wise, the road being nothing more than a winding village street.

Mr. Fowlie concluded by stating that the West Armdale Homeowners Association recognized that development must take place in the City and did not oppose the erection of a Motel on the proposed site; however, what they did oppose was that any such structure be more than three storeys high.

Mr. Gregory A. Lambros of 9 Birchwood Drive was the next speaker to oppose the rezoning. Mr. Lambros, President of Gregory A. Lambros Architects Limited, said he was speaking as a resident of the area. He said that in addition to a rezoning, the applicant would require a modification since the site would be eleven feet short on frontage. He referred to Mr. Cole's statement that the present C-1 zoning would permit apartment or office buildings over which Council would have no control, stating this was not quite true since the applicable regulations governing such structures carried with them quite strict regulations concerning height, density, etc. Concerning density, he felt the proposed Motel would place a very high number of persons in the centre of what was predominantly a residential area. Mr. Lambros said he would not mention the problems already brought forth in Mr. Fowlie's report.

The next person opposing the application was Mr. Edward Kazamel of 39 Melwood Avenue. Mr. Kazamel said he supported the reasons for opposing a structure of the proposed size for the same reasons stated by the previous speakers. He said he had lived in the area since 1952 and had witnessed quite a bit of change in that time, and opposed any further changes which would be detrimental to the residential nature of the area.

Mr. Andrew Harvey was the next person opposing the application. Mr. Harvey said he lived at 19 Balcom Drive and in addition to the reasons brought forth by the other speakers, objected to the fact that the proposed structure would cut off access to the Lake, which was used both winter and summer by the children of the area. He also mentioned the parking and traffic problems which such a structure would create.

Mr. John West of 15 Birchwood Drive spoke and mentioned the capacity of the present pumping station as a good reason for refusing the application. Furthermore he felt the proposal involved a major size hotel and suggested the downtown business core might be a more suitable location than what is primarily a residential district. He said it would also eliminate a road presently used as access to the Lake.

Mr. Bernie Hamm of 40 Crown Drive came forward and stated simply that he was against the whole proposed project.

The question of allowing speakers a second opportunity to address the Council came up, and His Worship the Mayor suggested that Council consider for future policy, allowing speakers a rebuttal time of three minutes, since he felt those persons speaking first could be at a disadvantage.

There being no further persons wishing to speak for or against the proposed rezoning, His Worship the Mayor declared the Public Hearing to be over and the matter before Council for discussion.

MOVED by Alderman Connolly, seconded by Alderman Stapells that the matter be referred to the next regular meeting of the City Council without a recommendation.

Deputy Mayor Moir said that some questions had been raised of a technical nature on which there appeared to be a difference of opinion between staff and the various reports and asked if a staff report could be submitted before the next Council meeting on the technical differences between the nature of C-1 versus M - Motel Zoning.

Alderman Stapells also asked that the City Manager report on the following paragraph (page 2) from Mr. Fowlie's report:

"The Balcombe Drive pumping station was originally designed to service a small built-up area of approximately 10 acres, which was designated mostly R1, but had a small portion allotted to commercial establishments. The design was based on an average of 3½ houses per acre and assumed 3½ persons per house. This would give a total population of 120, or at maximum, 150 persons."

The motion was put and passed.

PUBLIC HEARING RE: REZONING OF LANDS OF CENTENNIAL PROPERTIES LTD.
COBURG ROAD BETWEEN HENRY STREET AND VERNON STREET FROM R-2
GENERAL RESIDENTIAL ZONE TO R-3 MULTIPLE DWELLING ZONE

A Public Hearing was held at this time into the subject matter.

Mr. Algee stated that the Public Hearing was concerned with the rezoning of a small portion of land on Coburg Road between Vernon and Henry Streets, facing on Henry Street, in order that the whole site of which it formed a part would be R-3 Zoning, the small piece of land in question being R-2 at present. He stated that the intention was to build a 10 storey apartment building on the combined land, but the construction of this building was not dependent on the land now under consideration being rezoned, but was in a sense of matter of tidying up matters as it was not desirable to have a lot which comprised of two different zonings.

The City Solicitor then outlined for Council past events which had resulted in the present situation of this small piece of land, which in itself was not big enough to permit construction of anything, being zoned differently than adjacent lands.

His Worship the Mayor asked if there was anyone present wishing to speak in favour of the rezoning and Mr. Fred Dickson came forward and identified himself as

Solicitor for the applicants Centennial Properties Limited. Mr. Dickson repeated the statement made by Mr. Algee that in effect the rezoning of the land under discussion was immaterial to the developer since his plans were not dependent on such a rezoning.

His Worship the Mayor then asked if there was anyone present who wished to speak in opposition to the proposed rezoning. The following persons all spoke in opposition:

Mr. Donald Moors, Vernon Street
Miss Barbara Mann, 1557 Vernon Street
Dorothy Cook, 1553 Vernon Street
Mr. John Dick, 1581 Vernon Street

However, these persons came to oppose the construction of the apartment house, when in fact the rezoning of the small piece of land under discussion at this time did not affect whether or not that construction would be permitted.

Miss Mann commented that the residents of the area should have been advised when the two lots on which the apartment would be built had been resubdivided into one lot; but here again it was stated that even without that resubdivision the building could have been constructed.

Mr. Wilson whose property abutted the piece of land under discussion this evening referred to a remark by the applicant's solicitor Mr. Dickson, that his client had no interest in the land and had even tried to give it away. Mr. Wilson said that he would be more than willing to accept the land.

Another suggestion favoured by several of those opposing the construction of the apartment house was that if nothing could be done at this stage to deny a building permit, the piece of land under discussion this evening be Zoned Park and Institutional and used as a green area, the fear being that if it became part of the R-3 lot it would be utilized for parking.

A final speaker was Mr. Allen Ruffman who said he was speaking neither for or against the proposed rezoning or against the issue of construction of an apartment dwelling, but simply making some general comments. He asked whether the permit for construction could be denied on legal grounds that the entire lot was not the same Zoning, but the City Solicitor again pointed out that the small piece of land was not physically required by the developer and that in fact it was the City which had initiated the rezoning of the land since it was an undersized lot.

Miss Mann spoke again stating that she and others opposing the rezoning had been led to believe from the wording of the advertisement in the newspaper that the question of permitting construction of the apartment house was under consideration this evening. Having now been told by

Council that there was nothing it could do to prevent such a construction, she asked that the residents at least have the opportunity of seeing the plans.

His Worship the Mayor said that he was certain the developer would be prepared at some time to make such plans available at City Hall so that members of the community could look at them.

MOVED by Alderman Hogan, seconded by Alderman Connolly, that the matter be referred to Council without a recommendation. Motion passed.

PUBLIC HEARING RE: REZONING FROM R-2 RESIDENTIAL ZONE TO "M",
MOTEL ZONE, LOT A-2 PURCELL'S COVE ROAD

A Public Hearing was held at this time into the subject matter.

Mr. Boyd Algee outlined the area to be rezoned, Lot A-2 Purcell's Cove Road, from R-2 Residential to M - Motel Zone, to permit construction of a 72-unit motel-restaurant facility with such accessory uses as a tennis court, swimming pool, marina and beach area. Staff recommended approval of the rezoning on the condition that the developer allocated a 40-foot right of way for public use along the waterfront of the property on Melville Cove, and that the parking area along Purcell's Cove Road be suitably enclosed so as not to be seen by anyone driving along that road.

His Worship the Mayor then asked if there was anyone present who wished to speak in favour of the rezoning and Mr. George Piercey came forward.

Mr. Piercey said he was Solicitor for the applicants, Cadillac Developments Ltd. and said that his client was prepared to meet the two conditions on which staff had based their approval, and were prepared to work out the details of enclosing the park area with staff. Referring to opposition to a motel based on water/sewer problems in the area, Mr. Piercey suggested that the requirements of a 72-unit motel would be less than if the land were developed to its full potential under the R-2 Zoning. In support of the proposal, Mr. Piercey also referred to the well-published figures on a shortage of motel/hotel accommodation in the Halifax area.

Father Pepper spoke next, on behalf of the Roman Catholic Episcopal Corporation, present owners of the land under discussion. He said a parish meeting had been held the previous Sunday evening, and no objection had been raised to the sale of the land for the proposed purposes. Father Pepper felt that the proposed use of the land would in fact represent an up-grading of its present condition.

There being no further presentations in support of the rezoning, His Worship the Mayor asked to hear from those opposing it.

A Mrs. Stanford of 3 Milton Drive, Jollimore spoke next. Mrs. Stanford said she represented the North-West

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Arm Community Planning Association which was devoted to maintaining or improving the quality of life for residents of the area. She said that spot-rezoning was a narrow means for promoting development as it did not take into consideration the requirements of the people. She asked that Council place a moratorium on development of the area pending an ecological study of the Egan property with a view to establishing a park, and the carrying out of a detailed study of the effects of a motel on the sewer system of the area.

Mrs. Stanford rejected the statement that the area was presently unsightly and submitted photographs to support her contention. She said all that was needed was to clean up some of the debris that had been dumped on the ground.

The next speaker in opposition was Mr. Richard McBride of 14 Braeburn Road, Armdale. Mr. McBride said that his main concern was that once Council approved a rezoning to "M" Motel Zone, it lost subsequent control over development of the land and he did not feel that the regulations of the Zoning by-law offered sufficient protection. Mr. McBride felt that strict control should be maintained with regard to maximum height of building, regulations concerning illuminated lighting, and the design of any structure placed on the land. He also felt that the 40-foot allowance for public use was only "minimum" and not enough.

A Mrs. Joselyn Raymond of Boulderwood spoke next in opposition, stating that she was against any form of commercialization of the North-West Arm area and favoured its development for individual homes.

Mr. Gerald Stanford a resident of Jollimore addressed the Council opposed the construction of a motel on this land and asked that a moratorium be placed on such development pending a study of what could be done with the area. He did not feel that a 40 foot strip of land would be sufficient to be of any use to the public and doubted very much if the parking area as proposed could be shielded from the view of passers-by.

Mr. Allen Ruffman spoke next and asked three questions of the Council. (1) Did they have a policy with regard to acquisition of shoreline property; (2) Was there a policy with regard to the cutting of trees; and (3) Did Council have any plan as to where a badly needed public marina would be built; Mr. Ruffman suggested that the land under discussion would be an ideal site for such a marina.

A Mr. Mercer of 23 Purcell's Cove Road spoke next and felt that there was already sufficient development of new motel/hotel accommodation in the Halifax area without the present one. Mr. Mercer also posed some questions about the Edmonds and Egan properties originally being given in the form of a grant to those families and whether or not taxes had been paid on the properties.

12:25 A.M. - Aldermen Hogan and Sullivan left meeting, after being advised that in so doing they would not be permitted to take part in the vote on the matter at Council.

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Mr. Bernard Hamm said that there was no doubt in his mind that the Motel would be built, but he only asked that some restrictions be put on the development such as had been suggested by a previous speaker.

Mr. Joseph Hattie of 41 Purcell's Cove Road said that he preferred a Motel to an apartment complex, although the land utilized as a Park area was much preferable to the Motel. He expressed concern over lack of control on the height of such a motel and restrictions with regard to illuminating signs. He also felt the location would result in traffic problems for automobiles entering and exiting the motel.

Kathleen Finlay of Jollimore stated that the idea of neon signs along the Arm was a terrible prospect, and said that the residents of the area lived in constant terror of what could happen to their area.

Mr. Fowlie was the final speaker stating that for years whilst the area was part of the County the residents saw land put to the wrong uses, and he asked that now they were part of the City, Council show more sensitivity than the County did to the needs of those living in the suburbs of the City.

There being no further presentations for or against the rezoning, His Worship the Mayor declared the matter to be before the Council.

MOVED by Alderman Connolly, seconded by Alderman Bell that the matter be sent to the next regular meeting of City Council without a recommendation. Motion passed.

PUBLIC HEARING RE: REPEAL OF SECTION 42, C-1 Zone; Section 49, C-2 Zone; Section 54, I-1 Zone, Section 54, I-2 Zone and Section 59E, "M" Zone of the Mainland Area Zoning By-law

A Public Hearing was held into the subject matter. There being no persons present wishing to speak for or against the proposed repeal of certain sections of the Mainland Area Zoning by-law the matter was declared before the Council for decision.

MOVED by Alderman Meagher, seconded by Deputy Mayor Moir, that the matter be referred to the next regular meeting of City Council without a recommendation. Motion passed.

12:40 A.M. - Meeting adjourned.

HEADLINES

PUBLIC HEARINGS RE:

- (1) Rezoning of Civic No. 24 St. Margaret's Bay Road and Civic Nos. 2 and 5 to 7 Balcom's Drive from C-1 Local Business to "M" Motel Zone..... 281
- (2) Rezoning of Lands of Centennial Properties Ltd. Coburg Road between Henry Street and Vernon Street from R-2 General Residential Zone to R-3 Multiple Dwelling Zone 284
- (3) Rezoning from R-2 Residential Zone to "M", Motel Zone, Lot A-2 Purcell's Cove Road 286
- (4) Repeal of Section 42, C1 Zone; Section 49, C-2 Zone; Section 54 I+1 Zone; Section 54 I-2 Zone; and Section 59E "M" Zone of the Mainland Area Zoning By-law.... 288

MINUTES

Minutes of June 8, and 15, 1972, were approved on motion of Alderman Meacher, seconded by Alderman Bell.

APPROVAL OF ORDER OF RESOLUTIONS
WALTER R. FITZGERALD
MAYOR AND CHAIRMAN

Council approved the City Clerk's request to add:

R.H. STODDARD
CITY CLERK.

Staff report - Senior Citizen's Housing

and correct the wording of 5(d) to read Mainland Area Zoning By-law rather than Maitland Area Zoning By-law.

Council approved Alderman Connolly's request to add:

20 (b) - Agreement - Forum Commission & Centennial Management Properties Ltd. - Authorization for Mayor and Clerk to sign subject to clearance by the City Solicitor.

Alderman Macken requested that Item 17(a) be moved up on the agenda to become Item 10 (n).

MOVED by Alderman Connolly, seconded by Alderman Bell, that the agenda, as amended, be approved. Motion passed.

DEFERRED ITEMS

CLOSING OF FANSON STREET FROM BOLLIS STREET TO LOWER WATER STREET

A Public Hearing was held into this matter on May 3rd, 1972, at which time a decision by Council was deferred.

CITY COUNCIL MEETING
MINUTES

Council Chamber,
City Hall,
Halifax, N.S.
June 29, 1972
8:00 P.M.

A meeting of City Council was held on the above date.

After the meeting was called to order, the members of Council attending, led by the City Clerk, joined in reciting the Lord's Prayer.

Present: His Worship the Mayor, Chairman; and Aldermen Bell, Connolly, Hogan, MacKeen, Meagher, Moir, Stanbury, Stapells, Sullivan, and Wentzell.

Also present: City Manager, City Solicitor, City Clerk, and other staff members.

MINUTES

Minutes of June 8, and 15, 1972, were approved on Motion of Alderman Meagher, seconded by Alderman Bell.

APPROVAL OF ORDER OF BUSINESS, ADDITIONS & DELETIONS

Council approved the City Clerk's request to add:

20 (a) - Staff report - Senior Citizen's Housing

and correct the wording of 5(f) to read Mainland Area Zoning By-law rather than Maitland Area Zoning By-law.

Council approved Alderman Connolly's request to add:

20 (b) - Agreement - Forum Commission & Centennial Management Properties Ltd. - Authorization for Mayor and Clerk to sign subject to clearance by the City Solicitor.

Alderman MacKeen requested that Item 17(a) be moved up on the agenda to become Item 10 (n).

MOVED by Alderman Connolly, seconded by Alderman Bell, that the agenda, as amended, be approved. Motion passed.

DEFERRED ITEMS

CLOSING OF FAWSON STREET FROM HOLLIS STREET TO LOWER WATER STREET

A Public Hearing was held into this matter on May 3rd, 1972, at which time a decision by Council was deferred.

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The matter was deferred in order that the Developer could meet with the adjoining property owners to discuss the closing of the street. However, a letter dated June 29th, 1972 was submitted on behalf of the Cornwallis Hotel Limited, in which it was stated that the Hotel still stood in opposition to the proposed closure of Fawson Street.

After a short discussion it was MOVED by Alderman Moir, seconded by Alderman Sullivan that approval be given to the closing of Fawson Street from Hollis Street to Lower Water Street, as shown on Plan No. TT-16-19714. Motion passed with Alderman Stanbury against, and Aldermen Stapells and Hogan abstaining since they had not been in attendance at the Public Hearing.

A formal resolution was submitted giving effect to the foregoing motion of Council.

MOVED by Deputy Mayor Moir, seconded by Alderman Sullivan that the formal resolution, as submitted, be approved. Motion passed with Alderman Stanbury against, and Aldermen Stapells and Hogan abstaining.

CLOSURE OF SALTER STREET FROM LOWER WATER STREET TO THE HARBOUR

A Public Hearing was held into this matter on May 3rd, 1972 at which time a decision by Council was deferred.

MOVED by Deputy Mayor Moir, seconded by Alderman MacKeen that approval be given to the closure of Salter Street from Lower Water Street to the Harbour as shown on Plan No. TT-16-19714. Motion passed with Alderman Stanbury against and Aldermen Stapells and Hogan abstaining since they had not been in attendance at the Public Hearing.

A formal resolution was submitted giving effect to the foregoing motion of City Council.

MOVED by Alderman Sullivan, seconded by Alderman Connolly that the formal resolution as submitted, be approved. Motion passed with Alderman Stanbury against and Aldermen Stapells and Hogan abstaining.

TO ALTER THE EASTERN STREET LINE OF LOWER WATER STREET BETWEEN PRINCE STREET AND SALTER STREET

A Public Hearing was held into this matter on May 3rd, 1972 at which time a decision by Council was deferred.

MOVED by Deputy Mayor Moir, seconded by Alderman Connolly that approval be given to alter the eastern street line of Lower Water Street between Prince Street and Salter Street, as shown on official City Plan No. 18-G. Motion passed with Alderman Stapells and Hogan abstaining since they had not been in attendance at the Public Hearing.

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A formal resolution was submitted giving effect to the foregoing motion of City Council.

MOVED by Deputy Mayor Moir, seconded by Alderman MacKeen, that the formal resolution, as submitted, be approved. Motion passed with Aldermen Stapells and Hogan abstaining.

TO ALTER THE WESTERN OFFICIAL STREET LINE OF LOWER WATER STREET FROM SALTER STREET TO TWO HUNDRED AND FIFTY FEET MORE OR LESS NORTHWARDLY

A Public Hearing was held into this matter on May 3rd, 1972, at which time Council deferred its decision.

MOVED by Deputy Mayor Moir, seconded by Alderman Connolly that approval be given to alter the western official street line of Lower Water Street from Salter Street to two hundred and fifty feet more or less northwardly, as shown on Plan No. 18-G dated April 7, 1972. Motion passed with Aldermen Stapells and Hogan abstaining since they had not been in attendance at the Public Hearing.

A formal resolution was submitted giving effect to the foregoing motion of Council.

MOVED by Alderman Sullivan, seconded by Alderman Bell that the formal resolution, as submitted, be approved. Motion passed with Aldermen Stapells and Hogan abstaining, since they had not been in attendance at the Public Hearing.

TO ALTER THE WESTERN OFFICIAL STREET LINE OF LOWER WATER STREET BETWEEN TERMINAL ROAD AND MORRIS STREET

A Public Hearing was held into this matter on May 3rd, 1972, at which time Council deferred its decision.

MOVED by Alderman Wentzell, seconded by Alderman MacKeen that approval be given to alter the Western Official Street Line of Lower Water Street between Terminal Road and Morris Street as shown on City Plan 18-G, dated April 7, 1972. Motion passed with Aldermen Stapells and Hogan abstaining since they had not been in attendance at the Public Hearing.

A formal resolution was submitted giving effect to the foregoing motion of Council.

MOVED by Alderman Connolly, seconded by Alderman Bell that the formal resolution, as submitted, be approved. Motion passed with Aldermen Hogan and Stapells abstaining.

REZONING OF CIVIC NO. 24 ST. MARGARET'S BAY ROAD AND CIVIC NOS. 2 AND 5 TO 7 BALCOM'S DRIVE FROM C-1 LOCAL BUSINESS ZONE TO "M" MOTEL ZONE

A Public Hearing was held into this matter on June 21, 1972 at which Council deferred its decision.

REZONING OF LANDS OF MOVED by Alderman Connolly, seconded by Alderman Wentzell that approval be given to the rezoning of Civic No. 24 St. Margaret's Bay Road and Civic Nos. 2 and Nos. 5 to 7 Balcom's Drive from C-1 Local Business to M - Motel Zone, as shown on Official Plan No. P200/5058-5067.

During the discussion that followed several Aldermen stated they would go along with the rezoning if some stipulation could be placed on the height of the motel to be built, since at the Public Hearing the residents of the area had not been against a Motel as such, but rather were against one of the proposed height of ten floors.

The City Solicitor pointed out that if the motion on the floor were passed and lost, the applicant would not be able to bring the matter of rezoning up again, even though he might revise his plans of the building to be constructed on the land, until one year had passed, and suggested that if it was the desire to give the applicant an opportunity to revise his plans, the matter would be better deferred at this time.

MOVED by Alderman Stapells, seconded by Alderman Stanbury, that a decision in the matter be deferred.

The motion to defer was put and lost, four voting for the same and five against it, as follows:

- For - Aldermen Hogan, Moir, Stanbury, and Stapells 4
- Against - Aldermen Bell, Connolly, Meagher, and Wentzell 5

The main motion was then put and passed, five voting for the same, and four against it, as follows:

- For - Aldermen Bell, Connolly, Meagher, Sullivan and Wentzell 5
- Against - Aldermen Hogan, Moir, Stanbury, and Stapells.. 4

Alderman MacKeen abstained from the voting, since he had not been in attendance at the Public Hearing.

A formal resolution was submitted, giving effect to the foregoing motion of City Council.

MOVED by Alderman Sullivan, seconded by Alderman Meagher that the formal resolution, as submitted, be approved. Motion passed with Aldermen Hogan, Moir, Stanbury and Stapells against, and Alderman MacKeen abstaining since he had not been in attendance at the Public Hearing.

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REZONING OF LANDS OF CENTENNIAL PROPERTIES LIMITED, COBURG ROAD
BETWEEN HENRY STREET AND VERNON STREET FROM R-2, GENERAL
RESIDENTIAL ZONE TO R-3, MULTIPLE DWELLING ZONE

A Public Hearing was held into this matter on June 21, 1972 at which time Council deferred its decision.

MOVED by Alderman Connolly, seconded by Alderman Sullivan that the lands of Centennial Properties Limited, Coburg Road between Henry Street and Vernon Street, as shown on Plan No. P200.5013, be rezoned from R-2 (General Residential Zone) to R-3 (Multiple Dwelling Zone).

Deputy Mayor Moir suggested referring the matter back to the Committee of the Whole, possibly with the view that another Public Hearing be held into the matter, because of a letter he had received from a Mr. N.R.M. Lee of 1573 Vernon Street, stating that he had not received written notification of the June 21 Public Hearing.

The City Solicitor advised that under the new Planning Act the sending out of individual notices was not required, but was done as a matter of courtesy, the only requirement under the Planning Act being with regard to public notices in the newspaper. Deputy Mayor Moir suggested a further reason for deferring a decision at this time would be to see if the proposed development fell within the proposed RM Zoning concept. The City Manager replied that from his recollection of the preliminary draft of the proposed RM Zoning, the development would fall within the requirements of that Zoning.

After further discussion, it was MOVED by Deputy Mayor Moir, seconded by Alderman Meagher that the matter be referred back to the Committee of the Whole to determine if the developer is prepared to have the land rezoned Park and Institutional and convey same to the City of Halifax for \$1.00.

The motion to refer was put and lost.

The main motion was put and passed with Deputy Mayor Moir against, and Alderman MacKeen abstaining.

A formal resolution was submitted giving effect to the foregoing motion of City Council.

MOVED by Alderman Hogan, seconded by Alderman Connolly that the formal resolution, as submitted, be approved. Motion passed, Deputy Mayor Moir against and Alderman MacKeen abstaining since he had not been in attendance at the Public Hearing.

REZONING FROM R-2 RESIDENTIAL ZONE TO "M" MOTEL ZONE - LOT A-2
PURCELL'S COVE ROAD

A Public Hearing was held into this matter on June 21, at which time Council deferred a decision.

Alderman Connolly MOVED that the rezoning be approved, but there was no Secunder to his motion.

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MOVED by Deputy Mayor Moir, seconded by Alderman Wentzell, that the application to rezone Lot A-2, Purcell's Cove Road from R-2 Residential Zone to "M" Motel Zone be denied.

The question arose at this time as to whether Alderman Hogan who had been present for most of the debate at the Public Hearing, but had left just before the matter was placed before Council, should be allowed to take part in the vote tonight.

9:05 P.M. - Council adjourned in order that the City Solicitor could advise them in private on this point.

9:10 P.M. - Council reconvened, it being agreed that Aldermen Hogan and Sullivan who left the Public Hearing just prior to the matter being placed before the Council, would not participate in the vote this evening.

Alderman Connolly said he supported the rezoning since the developer had agreed to deed the City a 40 foot strip of water front land for public use, and also because he felt that a motel would probably be preferable to other uses which the land could be put to under its present R-2 Zoning.

After further discussion, the motion was put and passed, Alderman Connolly voting against, and Aldermen MacKeen, Hogan, and Sullivan abstaining, not having been present when Council considered the matter following the Public Hearing.

REPEAL OF SECTION 42, C-1 ZONE; SECTION 54, I-1 ZONE; SECTION 54, I-2 ZONE AND SECTION 59E, "M" ZONE OF THE MAINLAND AREA ZONING BY-LAW

A Public Hearing was held into this matter on June 21, 1972, at which time Council deferred its decision.

MOVED by Deputy Mayor Moir, Seconded by Alderman Meagher that approval be given to the repeal of the following sections of the Zoning By-law of the Municipality of the County of Halifax, being Zoning By-law No. 24, which amendments apply only to the area annexed by the City of Halifax on the 1st day of January, A.D., 1969:

1. Section 42, respecting C-1 Zone (Local Business Zone)
2. Section 49, respecting C-2 Zone (General Business Zone)
3. Section 54, respecting I-1 Zone (General Industrial Zone)
4. Section 54, respecting I-2 Zone (Radio Transmitter Zone)
5. Section 59E, respecting M Zone (Motel Zone)

Motion passed with Alderman MacKeen, Sullivan, and Hogan abstaining, not having been present at the Public Hearing when the matter was considered by Council.

A formal resolution was submitted giving effect to the foregoing motion of City Council.

MOVED by Alderman Meagher, seconded by Alderman Bell that the formal resolution, as submitted, be approved. Motion passed with Alderman MacKeen, Sullivan, and Hogan abstaining.

MOTIONS OF RESCISSION

Motion - Alderman Sullivan Re: Reconsideration and Rescission of Motion of Council, May 29, 1972 - Extension to Nursing Home at 3585 Acadia Street

The motion in question which was considered at the adjourned Council held on May 31, 1972 was to permit extension to a nursing home at 3585 Acadia Street, and was defeated by a 7 to 2 vote against. Alderman Sullivan said that Council was aware of the circumstances whereby he had not been present for the discussion on this item, and he felt this should be taken into consideration.

MOVED by Alderman Sullivan, seconded by Alderman Stanbury that that motion to permit extension to a nursing home at 3585 Acadia Street which was lost at the Council meeting held on May 31, 1972 be rescinded.

Alderman Sullivan said he felt very strongly about this application being approved, in view of the high reputation the applicant had gathered over the years of operating a nursing home and the extreme shortage of such facilities in the City.

Alderman Stanbury said that a previous Council had given the applicant the permission to carry out the extension but for monetary reasons she had been unable to do the work, and therefore she could see no reason for withholding permission now that the money was available.

Deputy Mayor Moir said that the problem was that while one could sympathize with the applicant, the law could not apply only to specific cases **but must** be applied generally, which would require an amendment to the zoning by-law, and might not be desirable.

Alderman MacKeen, however, felt that if under the law the applicant was not able to do something which could only be considered favourably, than there was something wrong with the law and the Council had it in its power to do something about such a situation.

After further discussion of the matter, the motion to rescind was put and lost, three voting for the same and seven against it, as follows:

For - Aldermen MacKeen, Stanbury, Sullivan 3
Against - Aldermen Bell, Connolly, Hogan, Meagher,
Moir, Stapells, and Wentzell 7

Council,
June 29, 1972

PUBLIC HEARINGS AND HEARINGS

Hearing of an Appeal against Development Officer's Decision Re:
Case No. 2671 - 14 Flint Street

MOVED by Alderman Connolly, seconded by Alderman Bell, that this matter be deferred to the next meeting of the Committee of the Whole. Motion passed.

PETITIONS AND DELEGATIONS

Petition & Letters, Residents of W/S of Dutch Village Road between
Walton Drive and Rockwood Re: Sidewalk

A petition was submitted signed by residents of Dutch Village Road protesting the proposed sidewalk construction on the west side of Dutch Village Road between Walton Drive and Rockwood.

MOVED by Alderman Bell, seconded by Alderman Connolly, that the petition be referred to the Committee of the Whole for a staff report. Motion passed.

Council also agreed to a suggestion from the City Manager that in cases like the petition under consideration, the petitions be sent first to staff for submission to Council with a report, and that pending submission to Council no work would be done on the proposed projects.

Petition Re: Erection of signs on Robert Allen Drive reading "Caution,
Children Playing"

A petition containing fifteen signatures and dated June 20th, 1972 was submitted, concerning a hazard to children using Robert Allen Drive to play ball on. The petition requested that signs be erected warning motorists that children were at play.

MOVED by Alderman Hogan, seconded by Alderman
Wentzell, that the petition be referred to staff for a report.
Motion passed.

The City Manager said that the petition should be referred to the Traffic Authority since it was a matter which fell within his jurisdiction.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on June 21, 1972, with respect to the following matters:

Release of Covenants - Lands of Children's Hospital

MOVED by Alderman Bell, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, no action be taken at this time concerning the request of the Izaak Walton Killam Hospital for Children that the City waive its rights in the land upon which the new Children's Hospital is constructed and grant a restricted form of Release which would permit the mortgagee, in the event of default of payment by the Hospital, to sell the land for any purpose. Motion passed with Alderman Moir voting against.

Tax Concessions - Parking Garages

MOVED by Alderman Moir, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, staff be authorized to negotiate agreements with those operators of parking garages who seek and qualify for a tax concession, said agreement or agreements to be for an indefinite period of time, limited only to change in Council policy or a change in the status of the parking facility which would prohibit the operator from qualifying under the agreement policy. Motion passed.

Maintenance Management System - Vehicle Maintenance Procedures

The above matter was referred to Council without a recommendation from the Committee.

MOVED by Alderman Meagher, seconded by Alderman Stanbury that the matter be deferred and considered at the next meeting of the Committee of the Whole Council.

Alderman Meagher, in speaking to his motion, felt that the whole matter requires some further discussion before a decision is made.

The motion to defer was put and lost, four voting for the same and six against it as follows:

For: Aldermen MacKeen, Meagher, Stanbury
and Wentzell 4

Against: Aldermen Bell, Connolly, Hogan, Moir,
Stapells and Sullivan 6

MOVED by Alderman Moir, seconded by Alderman Stapells that the Staff Report of June 27, 1972 be approved and the Management Maintenance System be proceeded with, as outlined by the Director of Engineering and Works.

Alderman MacKeen felt that he could not vote on the matter at this time, since he did not receive notice of the meeting of Council when the System was explained. He said that he would have to vote against the motion as he did not know the answers to many questions.

Alderman Meagher explained that his motion to defer was made in order to permit Council members to learn more about the proposal and to permit them to ask all kinds of questions. He said that he too would vote against the motion.

Alderman Stapells said that he felt the matter was of paramount importance and that he would rather change his mind and consider deferral of the matter than have it defeated.

Alderman Sullivan felt that there have been far too many consultant studies done in the City and was of the opinion that there are sufficient well qualified men on Staff to carry out the work.

It was then MOVED by Alderman Moir, seconded by Alderman Stapells that the matter be referred back to the City Manager for a report to be submitted to a Special Meeting of the Committee of the Whole Council within the next 30 days.

The motion to refer was put and passed.

Borrowing - Uniacke Square Redevelopment Project

MOVED by Alderman Hogan, seconded by Alderman Wentzell that, as recommended by the Finance and Executive Committee, in accordance with the agreement between the City and Central Mortgage and Housing Corporation, City Council approve a temporary borrowing authorization in the amount of \$690,000 for the purpose of completing the Uniacke Square acquisition, clearance and redevelopment program. Motion passed with Aldermen Meagher and Sullivan voting against.

Construction Agreement No. 14 - City of Halifax and Province of Nova Scotia Re: Cost Sharing

MOVED by Alderman Hogan, seconded by Alderman Moir that, as recommended by the Finance and Executive Committee, City Council authorize the Mayor and the City Clerk to sign Construction Agreement No. 14 on behalf of the City of Halifax, said agreement being between the City and the Department of Highways, Nova Scotia, to establish cost-sharing for road projects at 6 locations in Halifax, for an overall cost of \$170,000, as follows:

1. Purcell's Cove Road at Herring Cove Road
2. Water Street from Duke Street to George Street
3. Herring Cove Road at Old Sambro Road

4. Barrington Street at Devonshire Avenue
5. Howe Avenue at Dutch Village Road (North)
6. Bayers Road from Dutch Village Road to Howe Avenue

Motion passed.

Possible Acquisition - 47 Mountain Road - Kline Heights
(Part Taking)

MOVED by Alderman Moir, seconded by Alderman Bell that, as recommended by the Finance and Executive Committee, the land designated as Lot #179B on Plan No. TT-16-19568 and containing 89 square feet, be purchased by the City of Halifax and that the owners of the property be paid the sum of \$42.25 as compensation in full for all claims arising from this acquisition; funds to be made available from Account No. 54-33. Motion passed.

Possible Acquisition - 32 Withrod Drive - Kline Heights
(Part Taking)

MOVED by Alderman Connolly, seconded by Alderman Wentzell that, as recommended by the Finance and Executive Committee, the property designated as Lot #65-A-2 on Plan No. TT-14-19137 be purchased by the City of Halifax and that the sum of \$93.60 be paid to the owners as compensation in full for all claims arising from this acquisition; funds to be made available from Account No. 54-33. Motion passed with Alderman MacKeen voting against.

Possible Acquisition - 51 Mountain Road, Kline Heights
(Part Taking)

MOVED by Alderman Meagher, seconded by Alderman Bell that, as recommended by the Finance and Executive Committee, the property designated as Lot No. 181-B on Plan No. TT-16-19570 and containing 181 square feet, be purchased by the City of Halifax and that the owner of the property be paid the sum of \$85.25 as compensation in full for all claims arising from this acquisition; funds to be made available from Account No. 54-33. Motion passed.

Possible Acquisition - Lot No. 10, Blk. No. 7 Kline Heights
Subdivision - Mountain Road (Part Taking)

MOVED by Alderman Stapells, seconded by Alderman Stanbury that, as recommended by the Finance and Executive Committee, the land designated as Lot #186-B on Plan No. TT-16-19574 and containing 268 square feet, be purchased by the City of Halifax and that the owner of the property be paid the sum of \$87.00 as compensation in full for all claims arising from this acquisition; funds to be made available from Account No. 54-33. Motion passed.

Possible Acquisition - 57 Mountain Road - Kline Heights
(Part Taking)

MOVED by Alderman Stanbury, seconded by Alderman

Bell that, as recommended by the Finance and Executive Committee, the land designated as Lot #184-B on Plan No. TT-16-19573 and containing 356 square feet, be purchased by the City of Halifax and that the owner be paid the sum of \$129.00 as compensation in full for all claims arising from this acquisition; funds to be made available from Account No. 54-33. Motion passed.

Possible Acquisition - 55 Mountain Road - Kline Heights
(Part Taking)

MOVED by Alderman Stapells, seconded by Alderman Wentzell that, as recommended by the Finance and Executive Committee, the land designated as Lot #183-B on Plan No. TT-16-19572 and containing 310 square feet, be purchased by the City of Halifax and that the owner be paid the sum of \$180.50 as compensation in full for all claims arising from this acquisition; funds to be made available from Account No. 54-33. Motion passed.

Possible Acquisition - 5186 Gerrish Street

MOVED by Alderman Bell, seconded by Alderman MacKeen that, as recommended by the Finance and Executive Committee, the property of Mr. & Mrs. Carlton, known as Civic No. 5186 Gerrish Street be purchased for \$8,200 as settlement in full for all claims, the property being required to permit the construction of Phase II of Harbour Drive, and more particularly, the temporary diversion of a section of Barrington Street; funds to be made available from Account No. 850-726. Motion passed with Aldermen Connolly, Meagher and Stanbury voting against.

Appointment - Independent Auditors - 1972

MOVED by Alderman Meagher, seconded by Alderman Moir that, as recommended by the Finance and Executive Committee, City Council approve the re-appointment of H. R. Doane and Company as Independent Auditors for the City of Halifax for the year 1972. Motion passed.

Resolution - Senior Citizens' Re: Increase in Old Age
Pensions

Alderman MacKeen said that he had attended a meeting held at Northwood Manor recently where two resolutions were passed and forwarded to City Council for consideration. He suggested that Council hear from Mr. Robert Verge or Mr. Edward Roach on the matter with further details.

His Worship the Mayor suggested that Council members hear from either Mr. Verge or Mr. Roach or both and then refer the matter to the City's Social Planner and the City Manager for a report and recommendation.

Council agreed with His Worship the Mayor's suggestion.

Mr. Robert Verge addressed Council and advised that the following two resolutions were passed at the meeting held in Northwood Manor:

1. That the Northwood Senior Citizens' Tenant Society request that the comfort allowance be increased to \$20.00 from the present \$15.00 per month;
2. That the Northwood Senior Citizens' Tenant Society request that the \$1,000 maximum be allowed for persons qualifying for placement in our various homes and institutions in Halifax.

Alderman MacKeen asked that copies of the report and recommendations, when prepared, be forwarded to both Mr. Verge and Mr. Roach for information.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on June 21, 1972, with respect to the following matters:

Street Closure and Official Street Lines - Kempt Road - Date for Hearing

MOVED by Alderman Hogan, seconded by Alderman Meagher that, as recommended by the Committee on Works, in accordance with Sections 350 and 357 respectively, City Council set a date for a Public Hearing to effect the closure of a portion of Kempt Road, as shown on Plan No. TT-16-19830, and confirm the official street lines, as shown on Section 7N of the Official City Plan. Motion passed.

The City Clerk advised that the Public Hearing will be held on August 9, 1972.

Encroachment License - The Herring Choker

MOVED by Alderman Meagher, seconded by Alderman Wentzell that, as recommended by the Committee on Works, the proposal to use City land (street allowance) beneath the Cogswell Street elevated leg of the Cogswell Street Interchange for the construction of improvements to make it suitable for use as a licensed restaurant and lounge on a semi-permanent basis, be approved, subject to the conditions set out in the Staff Report.

Alderman MacKeen vehemently opposed the motion and referred to complaints he has received from the tenants of a nearby apartment building with respect to the noise.

In reply to a question from Alderman Moir, the City Manager said that he did not consider that this encroachment would set a precedent for other such uses.

Alderman Moir said that he considered Halifax Developments have ways in which they can curb the noise from this facility and he was not concerned from that aspect.

Alderman Hogan spoke against the motion and said that when the original permission was granted it was for an open air type restaurant not for a closed in permanent facility.

Some discussion ensued on the traffic aspect of the matter, particularly relating to the servicing of the Herring Choker.

Alderman Stapells spoke in favour of the motion and felt that the Herring Choker is of benefit to the City for residents and visitors alike. He said that he personally had not received any complaints of noise.

Alderman MacKeen said that if Council had required a petition from the residents of the apartment building he could have obtained one, but he reiterated that he had received many complaints.

After further discussion, the motion was put and passed Aldermen Hogan and MacKeen voting against.

MOVED by Alderman Sullivan, seconded by Alderman Stanbury that City Council adjourn until 9:30 a.m., Tuesday, July 4, 1972.

The motion to adjourn was put and passed, seven voting for the same and three against it as follows:

For:	Aldermen Bell, Hogan, MacKeen, Meagher, Stanbury, Sullivan and Wentzell	7
Against:	Aldermen Connolly, Moir and Stapells	3

11:05 p.m. Council adjourned to 9:30 a.m. July 4, 1972.

HEADLINES

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