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WALTER R. FITZGERALD
MAYOR AND CHAIRMAN

R.H. STODDARD,
CITY CLERK.

YOUR WORSHIP, MEMBERS OF COUNCIL:

I am appearing on behalf of Randall Park Development Limited.

I have been advised that this matter was discussed at a meeting of the Committee of the Whole last week and that the Proposal for cost sharing was defeated.

I have appeared before the Committee of the Whole and the Council on this matter on several occasions this year and I am surprised and disappointed that it would be discussed, let alone voted on, without the applicant present or being represented.

The Developer was not represented because a commitment was made to us by Staff that the topic would not be on the agenda until September. We had no notice whatsoever that it would be discussed at the meeting last week.

During the spring of 1970 the applicant submitted plans to City Staff for the approval of a subdivision involving certain areas in Fairview. The plan provided for the diversion of a brook to the western boundary of the property and the construction of a 12 inch storm sewer down Apollo Court. Staff required the brook to be funnelled down Apollo Court which would require the construction of a much larger storm sewer, about 42 inches in diameter.

There was a general report current among the public that the City had entered into arrangements with Clayton Park at this time to absorb the excess costs incurred by that developer in installing storm sewers in excess of some unknown diameter and it was anticipated that the MacLaren Report which had not yet been filed would recommend that the City pay the excess costs incurred for all new developments for the construction of sewers in excess

of a certain diameter.

The City further made a commitment that all developers would be treated alike.

In view of the City's commitment with Clayton Park which was known at the time negotiations were carried out and also in view of the statement made by the City that all developers were going to be treated the same way, my client felt it was reasonable to proceed with the construction of the storm sewers and they have done so and have incurred excess costs of approximately \$30,000.00.

Since these negotiations the City has, of course, developed a policy to enter into new cost sharing arrangements with developers for the excess costs incurred. My client falls within the general policy for cost sharing which was enunciated after our proposal was commenced. I suggest to you that it was reasonable for us to proceed on the assumption that the City would enter into a cost sharing agreement with us. If we had been told at the time we entered into the project that we could expect no cost sharing we would not have proceeded. We would have waited until the City's policy had been formally set down, we would have complied with it and we would have received approval and the City would have been cost sharing on this project with us.

As a matter of interest on May 27th, 1971, Council approved contribution of up to \$35,000.00 for cost sharing to Randall Park Development on Sybil Court an adjacent street. Due to the absence of rock on Sybil Court the actual bill to the City will not be \$35,000.00 but only about \$18,000.00 leaving a balance of funds available of \$17,000.00.

All these matters were brought up before Council when I was here about 5 months ago and we were then asked whether or not we would accept 50% of the additional expenses we had incurred. Reluctantly we agreed. We had estimated at that time that our total additional cost was about \$30,000 and we had detail to back this up. Staff however, requested us to present our information in a different form than we had it at that time. Council then asked us to provide Staff with the information in the manner the Staff requested and the inference we took was that Council were going to recommend 50% of the amount approved by Staff - otherwise why ask us if we will take the 50% and why have us to to the trouble of preparing a great deal of information for Staff - and trouble it was - we estimate the cost will be \$3000 to prepare the information in the manner in which Staff requested. We now have met Staff's requirements and you will see the total excess cost is \$30,074.00 one half of which is a little over \$15,000.00 - a figure well within the allowance of \$17,000.00 left over from the Sybil Court authorization.

In the Staff report of April 27th, 1972 you were advised:

"It is conceivable that the Developer either misinterpreted discussions with Staff or in some other way due to the unsettled state of the operating procedures at the time misunderstood the fact that no committment was being made to cost share."

The Developer says a committment was made to him.

Business is carried on in this community on the basis of moral committments. It may well be suggested that the Developer was foolish for proceeding on such reliance - but I don't think that was a proper attitude for this City to adopt. Let me speak frankly-

if you believe Mr. Fiske when he says a committment was made and some of Staff agree that there was a moral committment, I don't see how you can disregard that and vote against a 50% contribution.

Finally you are not creating a precedent nor will you be bothered by a flood of applications if you approve this one- there are no other developers in the same position.

August 31st, 1972.

CITY COUNCIL
SPECIAL MEETING - PUBLIC HEARINGS
MINUTES

Council Chamber,
City Hall,
Halifax, N. S.,
September 6, 1972,
8:10 p.m.

A Special Meeting of the 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, Aldermen Connolly, Hogan, MacKeen, Meagher, Moir, Stanbury, Stapells, Sullivan and Wentzell.

Also Present: Acting City Manager, City Solicitor, City Clerk and other Staff members.

The City Clerk advised that the meeting was called to consider the following:

1. Public Hearing Re: Rezoning of Civic Nos. 226-228 Bedford Highway from C-1 Local Business and R-1 Residential to "M" Motel Zone;
2. Public Hearing Re: Zoning to C-2 General Business, the former Fawson Street, situated between Hollis Street and Lower Water Street;
3. Public Hearing Re: Zoning to C-3 Industrial of a portion of former Merkel Street, situated between Kempt Road and the Robie Street approach road to the A. Murray MacKay Bridge;
4. Public Hearing Re: Zoning to C-2 General Business, the former portion of Salter Street, situated between Lower Water Street and the City Dock (abutting Halifax Harbour).

His Worship the Mayor said that it had been suggested that Nos. 2, 3 and 4 be dealt with first, but he felt that Council should deal with the items in the order set.

Council agreed to deal with the items in order.

Public Hearing Re: Rezoning of Civic Nos. 226-228 Bedford Highway from C-1 Local Business and R-1 Residential to M-Motel Zone.

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

The City Clerk advised that the matter had been duly advertised.

At the request of the Chairman, Mr. Dave Keefe of the Development Department explained the proposal, indicated the area for which rezoning is requested on a sketch map displayed and outlined the reasons why Staff recommended refusal of the application.

His Worship the Mayor asked if anyone wished to speak in favour of the rezoning.

Mr. John Barker of the firm of MacKeigan, Cox, Downie & Mitchell addressed Council on behalf of the developer and urged that favourable consideration be given to the rezoning. He contended that motel accommodation is most urgently needed and that it would not increase the traffic problems on the Bedford Highway to any appreciable extent. He felt that patrons of the motel would not be travelling during peak hours. He explained the siting of the building and said that it would be most attractive with many of the surrounding trees remaining. He understood that the Bedford Highway is to be widened in the future which would help to ease the present traffic problems.

No other persons indicated a wish to speak in favour of the rezoning application.

His Worship the Mayor then asked if anyone present wished to speak against the rezoning.

Mr. William Lee, President of the Ward 10 Community Council addressed Council and opposed the rezoning on two main points, that of the encroachment of commercial development into R-1 zones and that of traffic congestion. He referred to storm sewer problems presently existing in the vicinity of the Bedford Highway and contended that the paving of the rear portion of the property for parking will tend to increase these problems. He disagreed with Mr. Barker that patrons of the motel will not be entering and leaving during peak periods because many of the visitors will be businessmen, adhering to the normal business hours. He concluded by saying that he fully agreed with the recommendation of City Staff that the rezoning should be refused. He referred to the fact that in one of the Staff Reports mention was made of other more suitable sites along the Bedford Highway for such use.

Mr. John D. Brown of 1 Starling Street spoke against the rezoning and fully supported the remarks made by Mr. Lee. He said that in his opinion a motel is not a neighborhood use and that this is not an appropriate location. He was extremely concerned that although the rear strip of land from the property to Wren Street was not to be included in the rezoning at this time, when the traffic situation gets so bad on the Bedford Highway and, as has been suggested certain driveways are restricted, the developer would be back to ask for rezoning of the property to permit access to Wren Street. He concluded by saying that he has not met one person living in his immediate neighbourhood who is in favour of this rezoning.

At this time, since no other person indicated a wish to speak on the matter, the City Clerk advised that letters of objection have been received from the following:

Mrs. J. Brooke, 24 Flamingo Drive
Mr. William P. Melanson
Dr. J. J. Glynn, 32 Flamingo Drive
Mr. & Mrs. R. E. McAskill, 12 Starling Street
Mr. J. A. MacKenzie, 51 Pioneer Avenue
Michael Mezei & Family, 14 Starling Street
Mrs. D. B. Lister, 5 Robin Street
Donald G. Fickes and Mary Lou Fickes, 1 Wren Street
Mr. & Mrs. R. F. Chandler, 8 Robin Street
Mrs. Jean MacMillan, 2 Wren Street
Petition signed by 29 property owners in the area

His Worship the Mayor said that he too had received a number of letters and many telephone calls from persons opposing this rezoning.

It was then MOVED by Alderman Moir, seconded by Alderman Sullivan that the matter be referred to Council without recommendation. Motion passed.

Public Hearing Re: Zoning to C-2 General Business, the former Fawson Street, situated between Hollis Street and Lower Water Street

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

The City Clerk advised that the matter has been duly advertised and that no letters of objection or non-objection have been received.

The Council heard an explanation of the proposed zoning from City Staff.

There was no response to His Worship the Mayor's questions for persons wishing to speak in favour of or against the zoning.

The matter being before Council, it was MOVED by Alderman Connolly, seconded by Alderman Stapells that the matter be forwarded to City Council without recommendation. Motion passed.

Public Hearing Re: Zoning to C-3 Industrial of a portion of former Merkel Street, situated between Kempt Road and the Robie Street approach road to the A. Murray MacKay Bridge

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

The City Clerk advised that the matter has been duly advertised and that no letters of objection or non-objection have been received.

Council heard an explanation of the proposed zoning from City Staff.

There was no response to His Worship the Mayor's questions for persons wishing to speak in favour of or against the zoning.

The matter being before Council, it was MOVED by Alderman Connolly, seconded by Alderman Hogan that the matter be forwarded to Council without recommendation. Motion passed.

Public Hearing Re: Zoning to C-2 General Business, the former portion of Salter Street, situated between Lower Water Street and the City Dock (abutting Halifax Harbour)

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

The City Clerk advised that the matter has been duly advertised and that no letters of objection or non-objection have been received.

There was no response to His Worship the Mayor's question for persons wishing to speak in favour of the zoning.

His Worship the Mayor then asked if any person present wished to speak against the zoning and Mr. Alan Ruffman indicated a wish to do so.

Mr. Ruffman said that he was not really speaking in favour or against the zoning, but that he wished to bring some matters to the attention of Council. He referred to the Public Hearing that was held prior to the closing of this portion of Salter Street when Council had suggested that the existing right-of-way near Salter Street should be widened to permit public access to the waterfront and to other private lands. He said that Council did not instruct Staff to proceed to negotiate for land to widen this right-of-way and that in fact they have done nothing about it. He agreed that there was no motion of Council passed issuing any instruction in this regard. He said that the views of the Planning Department have not been made known to Council on this matter, nor were they requested. He referred to a major waterfront study which is presently being undertaken under the guidance of the Waterfront Sub-Committee of the Downtown Committee and which should be available to members of Council around September 15, 1972.

At this time some confusion arose as to the Waterfront Sub-Committee and it appeared that the Committee was more commonly known as the Land Use Committee of the Downtown Committee.

Mr. Ruffman went on to say that Council has not

R. H. STUART
CITY CLERK

yet received the policy on views which is presently being prepared by the Planning Department and he felt that the view down Salter Street could be affected by this policy. He contended that the next step which would follow from the zoning of this land would be to put it up for tender or to negotiate with the abutting property owners for its purchase. He strongly urged that the matter be deferred at this time until the Waterfront study and the views policy are available and until his other remarks are considered.

above date.

His Worship the Mayor said that he was quite certain that at the last Public Hearing on the Street Closure, Council stated that if this particular piece of property was sold, an equal amount to that sold would be acquired to preserve access to the Waterfront. He said that at the present time the City has no plans to dispose of the land. He said that the Staff Report on height restrictions and views, he has been told, will be available in the latter part of September.

Alderman Moir felt that the matter could be forwarded to Council at this time, and that Council could defer the item. It was then MOVED by Alderman Moir, seconded by Alderman Hogan that the matter be forwarded to Council without recommendation.

Alderman Stanbury expressed the hope that Council, at its next regular meeting, will consider this matter thoroughly.

The motion was then put and passed.

9:15 p.m. Council adjourned.

HEADLINES

Public Hearing Re: Rezoning of Civic Nos. 226-228 Bedford Highway from C-1 Local Business and R-1 Residential to M-Motel Zone	406
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Public Hearing Re: Zoning to C-3 Industrial of a portion of former Merkel Street, situated between Kempt Road and the Robie Street approach road to the A. Murray MacKay Bridge	408
Public Hearing Re: Zoning to C-2 General Business, the former portion of Salter Street, situated between Lower Water Street and the City Dock (abutting Halifax Harbour)	409

Approval was also given to Alderman MacKay's request for
WALTER R. FITZGERALD
MAYOR AND CHAIRMAN

MOVED by Deputy Mayor Moir, seconded by Alderman
R. H. STODDARD
CITY CLERK

CITY COUNCIL MEETING
MINUTES

September 14, 1972

Council Chamber,
City Hall,
Halifax, N.S.
September 14, 1972
8:00 P.M.

A meeting of the 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.

CITATION TO FIREFIGHTER JOHN EVANS

His Worship the Mayor presented a citation signed by himself on behalf of the Council and citizens of Halifax, to Firefighter John Evans for his prompt and courageous action which resulted in the rescue of a sleeping woman from her apartment during a fire which took place at 5982-5986 Spring Garden Road on August 17, 1972. His Worship the Mayor said that Firefighter Evans' action exemplified the best traditions of the Halifax Fire Department.

MINUTES

Minutes of Council meetings held on August 29, 31 and September 6, 1972 were approved on motion of Deputy Mayor Moir, seconded by Alderman Sullivan.

APPROVAL OF ORDER OF BUSINESS, ADDITIONS AND DELETIONS

The City Clerk advised that Item 9(a) should read "Petition - Ward 3 Residents" and not "Ward 5". Council approved his request to add to the agenda:

- 9 (b) - Petition - Residents of Bayview Road between Lacewood Drive and Briarwood Crescent Re: Paving & Curbs.
- 20 (a) - Tender Call - Cost Sharing for Sewer Construction - Thornhill Park Subdivision.
- (b) - Staff Report - Dree Prcject #20B - Bus Shelters.
- (c) - Collective Agreement - Local #108.

Approval was also given to Alderman MacKeen's request to add:

- 20 (d) - Evictions - Uniacke Square.

MOVED by Deputy Mayor Moir, seconded by Alderman Sullivan that the agenda, as amended, be approved. Motion passed.

PRESENTATION TO REPRESENTATIVES FROM ORDER OF UNITED COMMERCIAL
TRAVELLERS OF AMERICA

His Worship the Mayor presented a copy of the book entitled "HALIFAX - WARDEN OF THE NORTH" to Mr. Doral E. Irwin, Treasurer of the Order of United Commercial Travellers of America, and Mr. Philip Dauphinee, Grand Councillor of the Order from Truro, who were visiting Halifax.

DEFERRED ITEMS

Motion - Alderman MacKeen to Reconsider Resolution of Council July 13, 1972 Re: Appointment of Consultants - Maintenance System - Vehicle Maintenance Procedure.

Alderman MacKeen set forth his reasons for moving reconsideration of the July 13, 1972 motion of Council which appointed Consultants to work out a maintenance management system and vehicle maintenance procedure in conjunction with City staff at a cost not to exceed \$60,000: (1) He believed it could be accomplished equally as well at less cost; (2) During discussions on the matter, a number of things had come up which he felt had not received examination; and (3) He reminded Council members that in voting in favour of reconsideration, they were not voting against the motion of July 13, 1972 but merely allowing for more discussion on the matter, following which they might or might not change their original stand with regard to appointment of Consultants.

MOVED by Alderman MacKeen, seconded by Alderman Meagher, that reconsideration be given to the following motion which was passed by Council at its meeting held on July 13, 1972:

- "1. That the firm of Roy Jorgenson Associates be appointed to work out a maintenance Management System and Vehicle Maintenance Procedures in conjunction with City staff at a cost of not more than the budgetary allocation of \$60,000.00 provided in the 1972 current budget;
- "2. His Worship the Mayor appoint two Aldermen to take part in the Committee working on levels of service."

The City Solicitor advised that under the rules of Order there would be no debate on the matter at this time.

The motion was then put and resulted in a tie vote, five Aldermen voting for the same and five against it, as follows:

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

His Worship the Mayor then voted against, and the motion to reconsider was lost.

Council,
September 14, 1972

REZONING OF CIVIC NOS. 226-228 BEDFORD HIGHWAY FROM C-1 LOCAL
BUSINESS & R-1 RESIDENTIAL TO "M" MOTEL ZONE

A Public Hearing was held into this matter on September 6, 1972, following which the matter was referred to Council without a recommendation.

MOVED by Alderman Hogan, seconded by Alderman Stanbury, that the application to rezone Civic Nos. 226-228 Bedford Highway from C-1 Local Business and R-1 Residential to M-Motel Zone as shown on Plan Nos. P200/5109-5112 of Case No. 2653 be refused.

Alderman Hogan said the proposed motel was at a location where traffic already was impossible. Also, he said, there would be no buffer zone between the motel and the R-1 dwellings, so he felt it would be an infringement on the residents, since there was bound to be a certain amount of late hour noise connected with the motel.

The motion was put and passed, Alderman Sullivan against, and Alderman Bell abstaining, not having attended the Public Hearing.

ZONING TO C-2, GENERAL BUSINESS, FORMER FAWSON STREET, SITUATED
BETWEEN HOLLIS STREET & LOWER WATER STREET

A Public Hearing was held into this matter on September 6, 1972, at which time the matter was referred to Council without a recommendation.

MOVED by Alderman Connolly, seconded by Alderman Meagher, that former Fawson Street, between Hollis Street and Lower Water Street, as shown bordered in red on Plan No. TT-19689 dated April 7, 1972, be zoned C-2 General Business. Motion passed, Aldermen Bell abstaining not having attended the Public Hearing.

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

MOVED by Alderman Stanbury, seconded by Alderman Sullivan that the formal resolution, as submitted, be approved. Motion passed.

ZONING TO C-3, INDUSTRIAL ZONE OF A PORTION OF FORMER MERKEL STREET,
SITUATED BETWEEN KEMPT ROAD AND THE ROBIE STREET APPROACH
ROAD TO A. MURRAY MACKAY BRIDGE.

A Public Hearing was held into this matter on September 6, 1972, at which time the matter was referred to Council without a recommendation.

MOVED by Alderman Moir, seconded by Alderman Connolly, that approval be given to zoning to C-3 Industrial of a

portion of former Merkel Street situated between Kempt Road and the Robie Street approach road to the A. Murray MacKay Bridge as shown on Plan No. P200/5326 of case No. 2722. Motion passed with Aldermen Bell abstaining, not having attended the Public Hearing.

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

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

ZONING TO C-2, GENERAL BUSINESS, THE FORMER PORTION OF SALTER STREET, SITUATED BETWEEN LOWER WATER STREET AND CITY DOCK (ABUTTING HALIFAX HARBOUR)

A Public Hearing was held into this matter on September 6, 1972, at which time the matter was referred to Council without recommendation.

MOVED by Alderman Connolly, seconded by Alderman Sullivan, that approval be given to zoning to C-2 General Business, the former portion of Salter Street, situated between Lower Water Street and the City Dock (abutting Halifax Harbour) as shown on Plan No. TT-16-19689 of Case No. 2720.

Alderman Meagher said that persons had expressed concern about the City maintaining public access to the waterfront in the area under discussion. The City Manager said he could not be specific on what would happen at this time as it would depend on an interest of a developer or developers to carry out some particular project. He said the City's desire in the area was more concerned with public access along the waterfront rather than the specific width of the access road leading to the waterfront.

The motion was put and passed, Alderman Bell abstaining, not having attended the Public Hearing.

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

MOVED by Alderman MacKeen, seconded by Alderman Stapells, that the formal resolution, as submitted, be approved. Motion passed.

MOTIONS OF RESCISSION

Motion - Alderman Stanbury Rescission of Resolution of City Council - August 17, 1972 - Resubdivision, Corner Oxford Street and Coburg Road

MOVED by Alderman Stanbury, seconded by Alderman Hogan, that the following motion, passed by Council on August 17, 1972, be rescinded:

"THAT as recommended by the City Planning Committee, the application for resubdivision to create Lot X, as shown on Plan No. P200/5311 of Case No. 2676, Lands of Herman Newman and Doctors O'Brien and Rafuse, Coburg Road, be approved, subject to two of the three existing residential buildings being removed from the site and that staff negotiate with the developer for the 10' x 10' cutback required on the northwest corner of Larch Street and Coburg Road and the northeast corner of Oxford Street and Coburg Road."

Alderman Stanbury felt that Council owed an explanation for their action in approving the subdivision in light of the petition submitted containing over 200 signatures of home owners in the area opposing same.

Deputy Mayor Moir said to avoid confusion in the matter, it should be made clear that the issue before Council concerned consolidation of lots and not rezoning, since the lots were already zoned R-3 and as such permitted construction of apartment dwellings. He said that after discussing the matter with the residents of the area, the vast majority of them indicated they would prefer to take their chances on what could be developed without consolidation, rather than approve the resubdivision of the three existing lots.

Alderman Connolly then spoke at some length on the matter. He took exception to the statements which the Mail-Star had made, erroneously referring to the matter as one of rezoning, which it was not, and giving the impression that since the residents in the area did not want this particular project, it should not be proceeded with. Alderman Connolly felt this latter point raised a moral issue - should Council agree with the majority, even if the minority rights are being refused? He also placed emphasis on the fact that Council was dealing with a request for resubdivision, which in this case was lot consolidation, and not rezoning. He said the land was already zoned R-3 and at the present time without coming to Council at all, the developer could construct three different apartment buildings, two 11-storey and one 9-storey building on the land. Alderman Connolly said it was his opinion that consolidation of the lots would result in a much better building being constructed, one more in keeping with the neighbourhood, than if three buildings were put on the land, as could presently be done without any permission being sought of the Council.

Alderman Connolly said that he would fight as hard as any alderman to protect R-1 and R-2 residential areas, as he felt that people should be able to live in R-1 single family dwellings without the fear of being encroached upon by major apartment complexes; but he repeated, that this was not the issue Council was dealing with this evening. He said in all conscience, he would have to vote against the motion to rescind.

Alderman MacKeen said that some argument had been put forth in favour of a high rise in terms of taxes that would accrue to the City; he suggested that without consolidation of the lots they might yield an even higher tax revenue than if one building is placed on them. He said he did not deny the developer his right to do whatever was possible with the land under its

present status, but saw no reason to grant anything additional.

Alderman Sullivan said he was concerned with the drastic shortage of housing in the City, and felt that the proposed building could house many persons displaced from the area because of Dalhousie University, who wanted to return to the neighbourhood where they had lived so long.

Alderman Stapells said it had never been the City's practice to date to try and control land use by means of the subdivision or resubdivision segments of the by-law, this was done by means of the zoning by-law, and as the land under discussion was already zoned R-3 and the resubdivision represented a means to make the best use of the land under the R-3 regulations, he would have to oppose the motion to rescind.

After further discussion the motion to rescind was put and lost, four voting for the same and six against it as follows:

For	-	Aldermen Hogan, MacKeen, Moir, and Stanbury	4
Against	-	Aldermen Bell, Connolly, Meagher, Stapells, Sullivan, and Wentzell ...	6

PETITIONS AND DELEGATIONS

Petition - Residents Ward 3 Re; Construction of Harbour Drive

Petitions containing about twenty-two signatures were submitted opposing demolition of houses for the purpose of Harbour Drive.

MOVED by Alderman MacKeen, seconded by Alderman Stanbury, that a representative for the petitioners be permitted to address the Council.

His Worship the Mayor suggested that it might be more appropriate to hear from the petitioners at the special meeting to be held regarding Harbour Drive, at which time Council members would have some information before them on the subject.

The motion was put and lost.

MOVED by Deputy Mayor Moir, seconded by Alderman Bell, that the petition be referred to the special meeting of the Committee of the Whole at which Harbour Drive would be discussed in full. Motion passed.

Petition - Residents of Bayview Road between Lacewood Drive and Briarwood Crescent Re: Paving and Curbs

A petition requesting that paving and curbing be completed on Bayview Road, containing about thirteen signatures, was submitted. A staff report dated September 14th addressed to the next meeting of the Committee of the Whole was also submitted.

MOVED by Alderman Bell, seconded by Alderman Wentzell that the petition be referred to the next meeting of the Committee of the Whole. Motion passed.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on September 6 and 7, 1972, with respect to the following:

Assignment - Tex-Park Limited - Agreement & Lease to
Texaco Canada Limited

MOVED by Alderman Hogan, seconded by Alderman Connolly that, as recommended by the Finance and Executive Committee, Council consent to the assignment by Tex-Park Limited to Texaco Canada Limited of:-

1. memorandum of agreement dated September 1, 1961 between Tex-Park Limited and the City of Halifax; and
2. the indenture of lease dated September 1, 1961 between the City of Halifax and Tex-Park Limited.

Motion passed.

Possible Acquisition - 17 Sunset Avenue, Kline Heights -
Part Taking

MOVED by Alderman Stapells, seconded by Alderman Bell that, as recommended by the Finance and Executive Committee, the property designated as Lot #117B on Plan No. TT-14-19139 and containing 72 square feet, be purchased by the City of Halifax for the purpose of the installation of utilities and the establishing of a 40' right-of-way on Sunset Avenue, and that the owner, Lionel R. Welsh of 17 Sunset Avenue, be paid the sum of \$38.00 as compensation in full for all claims arising from this acquisition; funds to be made available from Account #425-454-DA018. Motion passed.

Possible Acquisition - 25 Sunset Avenue, Kline Heights -
Part Taking

MOVED by Alderman Stapells, seconded by Alderman Hogan that, as recommended by the Finance and Executive Committee, the property designated as Lot #121B on Plan No. TT-14-19142 and containing 555 square feet, be purchased by the City of Halifax for the purpose of the installation of utilities and the establishing of a 40' right-of-way on Sunset Avenue, and that the owner of the property, Mrs. Rita E. Comeau of 25 Sunset Avenue, be paid the sum of \$338.75 as compensation in full for all claims arising from this acquisition; funds to be made available from Account No. 425-454-DA018. Motion passed.

Possible Expropriation Settlement - 38 Margaret Road,
Kline Heights

MOVED by Alderman Moir, seconded by Alderman Wentzell that, as recommended by the Finance and Executive Committee, the expropriation of the property at 38 Margaret

Road, as shown as Lot 31B on Plan No. TT-13-18888, be settled and that the owners, Walter D. and Dorothy M. Lane, be paid an additional sum of \$398.00 as compensation in full for all claims arising from this expropriation; funds to be made available from Account #54-33. Motion passed.

Possible Acquisition - 3403 Dutch Village Road (Part)

The recommendation of the Committee reads as follows:

"It is recommended that the City of Halifax proceed to expropriate the property of the Rector, Wardens and Vestry of the Parish of St. John's, shown on Plan TT-16-19865 as Parcel "A" required for the widening of Bayers Road in connection with the Bicentennial Drive approaches." Alderman Moir voted against.

A further Staff Report was submitted relating to this matter.

MOVED by Alderman Connolly, seconded by Alderman Hogan that the matter be referred back to the next meeting of the Committee of the Whole Council. Motion passed.

Sale of City-owned Land - Former Portion of Merkel Street

The above matter was forwarded to Council without recommendation from Committee.

MOVED by Alderman Hogan, seconded by Alderman Wentzell that Staff be authorized to negotiate an Agreement of Purchase and Sale with Canfor Limited for the entire closed portion of Merkel Street, subject to the company submitting acceptable plans for the development of the site. Motion passed with Alderman Sullivan voting against.

REPORT - COMMITTEE OF THE WHOLE COUNCIL, BOARDS & COMMISSIONS

Amendments to Ordinance No. 105 - Establishment of Recreation Committee - SECOND READING

MOVED by Alderman Stapells, seconded by Alderman Wentzell that the Amendments to Ordinance No. 105, Respecting the Establishment of Standing Committees of Council, which will establish a Recreation Committee, be read and passed a Second Time. Motion passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on September 6, 1972 with respect to the following matters:

Resubdivision - Creating New Lot Z and an Extension to
a Non-conforming Building - Civic No. 5282-92 Kent
Street and Civic No. 5275 Green Street

This matter was forwarded to Council without recommendation from Committee.

MOVED by Alderman Hogan, seconded by Alderman Connolly that the application for resubdivision of Civic Nos. 5282-5292 Kent Street and Civic No. 5275 Green Street forming new Lot "Z" and, secondly, the application for an extension to a non-conforming building whereby the applicant will be granted permission to construct a two-storey addition to the west side of the Peoples Gospel Hour, as shown on Plans No. P200/4970 and P200/5340-5352 of Case No. 2606 be approved and a public hearing waived. Motion passed.

Rezoning - Lots 1-A, 1-B, 2-A and 2-B, Herring Cove Road
from R-2 Residential to C-2 General Business

MOVED by Alderman Wentzell, seconded by Alderman Hogan that, as recommended by the City Planning Committee, the rezoning of Lots 1-A, 1-B, 2-A and 2-B Herring Cove Road from R-2 Residential to C-2 General Business, as shown on Plan No. P200/5296, to permit construction of a new two-bay service station, be refused. Motion passed with Alderman Sullivan voting against.

Subdivision - Lands of the Estate of Walter Havill, St.
Margaret's Bay Road and Crown Drive - Final Approval

MOVED by Alderman Connolly, seconded by Alderman Bell that, as recommended by the City Planning Committee, the application for Final Approval of Lots A-1 and A-2, Lands of the Estate of Walter Havill, St. Margaret's Bay Road and Crown Drive, as shown on Plan No. P200/5339 of Case No. 2729, be approved. Motion passed.

Street Acceptance - Upper Randall Park

MOVED by Alderman Hogan, seconded by Alderman Moir that, as recommended by the City Planning Committee, Council accept the following streets:

- (1) Sybyl Court - entire length
- (2) Willett Street - Main Avenue to the Clayton Park boundary
- (3) Dunbrack Street - from Main Avenue to the Clayton Park boundary
- (4) Apollo Court - entire length
- (5) Mandaville Court - entire length.

Motion passed.

Rezoning - General Building Zone to R-2 Residential Zone -
Lots Numbers 1-33 Inclusive - Ocean View Drive - Date for
Hearing

MOVED by Alderman Connolly, seconded by Alderman

Wentzell that, as recommended by the City Planning Committee:

1. a public hearing be held into the matter of rezoning from General Building Zone to R-1 Residential zone, Lots Nos. 1-33, Civic Nos. 1-33 inclusive, Ocean View Drive, as shown on Plan No. P200/4333 of Case No. 2339; and
2. the persons in the area affected as indicated on the sketch attached to the Staff Report be notified of the date of the public hearing.

Motion passed.

In reply to a question, the City Clerk advised that the public hearing will be held on October 18, 1972.

Cost Sharing - Sewer Installation - Apollo Court

MOVED by Alderman Moir, seconded by Alderman MacKeen that, as recommended by the City Planning Committee, the City cost-share 50%, up to a maximum amount of \$15,000, of the extra cost involved in installing a 42" diameter sewer over a 24" diameter sewer at Apollo Court.

Alderman Connolly considered that the developer did not proceed in accordance with the City's cost sharing formula and spoke strongly against the motion.

Alderman MacKeen felt that the motion is a compromise since there does appear to have been some misunderstandings on both the developer's and staff's part.

Alderman Moir said that Council has heard points on both sides and he considers that the motion is an equitable solution to a difficult problem.

Alderman Hogan said that it has become apparent that the developer genuinely feels that he is entitled to cost-sharing on this sewer.

At this time, His Worship the Mayor asked the Deputy Mayor to assume the Chair as he wished to speak on this matter.

His Worship the Mayor explained the situation as he understood it and on a diagram displayed indicated the location of the sewer that has been installed and for which cost-sharing is requested by the developer. He spoke somewhat vehemently against the motion and said that Staff have recommended that the City not cost-share on this sewer.

10:05 p.m. His Worship the Mayor resumed the Chair.

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

For: Aldermen Bell, Hogan, MacKeen, Meagher,
Moir, Stapells and Sullivan 7

Against: Aldermen Connolly, Stanbury and Wentzell 3

Preliminary Approval - St. Michael's Avenue Development
Spryfield

MOVED by Alderman Hogan, seconded by Alderman MacKeen that, as recommended by the City Planning Committee, Council grant Preliminary Approval to St. Michael's Avenue Development, subject to:

No development taking place within 600 feet of the southern boundary of the project until alternative plans have been prepared and reviewed in terms of the flood plain, existing services and grades.

Motion passed.

MISCELLANEOUS BUSINESS

Notice of Hearing - Board of Commissioners of Public Utilities Re: Abandonment of Public Passenger Service between Halifax and Herring Cove via Armdale and Spryfield - Acadian Lines Ltd.

Council received for information the Notice of a Hearing of the Board of Commissioners of Public Utilities of the Province of Nova Scotia, to be held on Wednesday, September 27th, 1972, at 5516 Spring Garden Road, Halifax, N. S., at the hour of 10:00 a.m., with respect to the above mentioned matter.

QUESTIONS

Question Alderman Hogan Re: Appearance of the City and Enforcement of Law Against Littering

Alderman Hogan remarked on the improved appearance of the City in recent days and expressed his pleasure at the work done by the City's Works Department in conjunction with some apparent assistance from the citizens. He asked if now the Police Department could be requested to enforce more strictly the law against littering so that this improvement can be maintained.

His Worship the Mayor said that a letter was forwarded to the Police Department from the Visitors and Convention Committee requesting this same action and it was advised that the Police Department intends to enforce the law to the best of its ability.

Question Alderman Moir Re: Garbage on Streets

Alderman Moir noted that a number of apartment buildings around the City are tending to put out their garbage in cardboard boxes for collection which is contrary to the Garbage Regulations and thus not picked up and left

sitting on the side of the street for some days. He asked if it is possible for City Staff to make enquiries to ascertain who is violating the Regulations.

Question Alderman MacKeen Re: Extension of Cornwallis Street Baptist Church

Alderman MacKeen stated that the Cornwallis Street Baptist Church applied for a permit to extend their building in October 1970 and he asked for an immediate answer as to why this matter has not yet been considered.

Question Alderman MacKeen Re: 2447 Barrington Street

Alderman MacKeen referred to the above mentioned property and asked if it is now inhabited and if the power has been cut off. He asked further that if the property is occupied would immediate steps be taken to have the power restored forthwith.

Question Alderman Wentzell Re: Garbage Regulations

Alderman Wentzell said that he understood that the Garbage Regulations are being studied and amendments considered and he asked when a report might be available on this matter. He referred to the fact that he had asked a question some months ago requesting that some consideration be given to amendments particularly relating to thickness of garbage bags and the timing for setting out garbage on the street for collection.

The City Manager said that the work is presently under way on these points and he expects a report to be available shortly.

Question Alderman Wentzell Re: Traffic Conditions - Intersection of Old Sambro Road and Herring Cove Road

Alderman Wentzell reported that he had waited seven minutes for an opportunity to turn from the Old Sambro Road on to Herring Cove Road because of the traffic situation. He said that approval was given during the budget discussions to an amount for traffic lights at this location and he asked when the lights might be installed.

Question Alderman Sullivan Re: Crosswalks on Gottingen Street

Alderman Sullivan asked if it is possible for the Traffic Authority to consider installing a couple of crosswalks on Gottingen Street between Young Street and Duffus Street. He said that now school has started again there are great numbers of children crossing this section of Street.

Alderman Moir asked that the Traffic Authority consider the installation of a crosswalk at the intersection of Edward and Henry Streets.

Question Alderman Sullivan Re: Safety of Wall along
Barrington Street

Alderman Sullivan referred to a question he had raised at the last meeting of Council and he asked if Staff have surveyed the wall along the railway cut from North Street to Russell Street along Barrington Street. He was most concerned about its safety particularly as small portions of it have recently been patched up.

Question Alderman Stapells Re: Opinions Expressed in
Publication - Nova Scotia Liberal

Alderman Stapells asked the City Manager how much money in cost sharing has the City authorized during budget discussions for the latest study of the North West Arm Bridge.

The City Manager replied that no money has been authorized.

Alderman Stapells asked if it is the intention of the Provincial Government to carry out this study.

The City Manager said that consultants have been appointed and he understood that the study is underway.

Alderman Stapells asked the City's Information Officer to get in touch with the Provincial Government to see whose opinions are expressed in the latest edition of the publication Nova Scotia Liberal, which speaks out against the construction of a North West Arm Bridge. He was particularly concerned that the views expressed are those of the Government of Nova Scotia.

Question Alderman Stanbury Re: Children Crossing Connaught
Avenue at Almon Street

Alderman Stanbury said that the Police Department has been very co-operative in some of the difficulties that have arisen lately where children have problems crossing some streets on their way to school and she referred to a particular problem that needs special attention, that at the intersection of Almon Street and Connaught Avenue where the flashing green lights with different phases are causing concern to parents whose children are not quite sure when they are safe to cross the street. She said that some of the children previously attending Ardmore School are now going to Westmount School thus necessitating this crossing.

Question Alderman Connolly Re: 5282-5292 Kent Street and
5275 Green Street

Alderman Connolly referred to the resolution passed by Council earlier in the meeting with respect to the above mentioned properties and he said that in the recommendation to Council the applicant was requested to submit