

he is basically in favour of the shopping centre.

Miss Smith of 15 Lewis Street spoke against the rezoning being concerned about the noise of snow plowing on the parking lot at night and additional traffic in the area which is already congested.

Mrs. Elizabeth Downs of 11½ Spencer Avenue addressed Council and said that she is neither for or against the proposed rezoning, but she expressed her concern that the parking areas of the shopping centre be properly fenced since her property actually faces the parking area. She also was concerned that drainage from the paved parking area might cause flooding problems for the property owners along Spencer Avenue. She said if these matters could be looked at she was not opposed to the rezoning.

No other person indicated a wish to speak on the matter and the Deputy Mayor advised that the matter is now before Council.

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

Public Hearing - Zoning of former portions of Main Avenue and Titus Street to R-4 and C-1 Zones

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

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

Staff briefly explained the purpose of the zoning.

No persons indicated a wish to speak either in favour or against the zoning.

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

10:46 p.m. Council adjourned.

HEADLINES

Rezoning - Public Hearing from C-1 General Business Zone to R-2 General Residential Zone of Properties in the Block bounded by Isleville Street, Stanley Street, Agricola Street and Columbus Street	78
Public Hearing - Rezoning from R-2 Residential Zone to C-2 Commercial Zone, Spryfield Community Shopping Centre	81

Special Council,
February 7, 1973

HEADLINES (continued)

Public Hearing - Zoning of Former Portions
of Main Avenue and Titus Street to R-4 and
C-1 Zones

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DEPUTY MAYOR H. DAVID MACKEN
CHAIRMAN

R. H. STODDARD
CITY CLERK

CITY COUNCIL
MINUTES

Council Chamber,
City Hall,
Halifax, N. S.,
February 15, 1973
8:20 p.m.

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

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

Present: Alderman Meagher, Chairman, Aldermen Bell, Connolly, Hogan, Moir, Stanbury, Stapells, Sullivan and Wentzell.

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

MINUTES

Minutes of the meetings of Council held on January 24, 25, 29, 30 and February 7, 1973 were approved on motion of Alderman Moir, seconded by Alderman Stapells.

APPROVAL OF ORDER OF BUSINESS, ADDITIONS & DELETIONS

The City Clerk advised that there are two items to add to the Order of Business as follows:

- 20(a) Appointments
- 20(b) Proposed Metropolitan Area Planning Commission
(Report dated February 9, 1973)

MOVED by Alderman Moir, seconded by Alderman Sullivan that the items be added to the Order of Business. Motion passed.

MOVED by Alderman Moir, seconded by Alderman Sullivan that the Order of Business, as amended, be approved. Motion passed.

DEFERRED ITEMS

Store Hours

MOVED by Alderman Moir, seconded by Alderman Stanbury that no change be made in the City's Ordinance No. 121, Respecting Store Hours for a 12 month period. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that the City approach the Provincial Government with a request that they enact Provincial Legislation governing store hours.

Alderman Sullivan urged that this approach be made as quickly as possible.

The motion was then put and passed.

Rezoning - Properties in the Block bounded by Isleville Street, Stanley Street, Agricola Street and Columbus Street, from C-2 General Business Zone to R-2 General Residential Zone

MOVED by Alderman Connolly, seconded by Alderman Stapells that the application for the rezoning of properties in the block bounded by Isleville Street, Stanley Street, Agricola Street and Columbus Street from C-2 General Business Zone to R-2 General Residential Zone, be refused. Motion passed with Alderman Stanbury abstaining, not having been present at the Public Hearing.

Rezoning - Herring Cove Road at Spry Avenue from R-2 Residential Zone to C-2 Commercial Zone

A report was submitted from Staff in connection with the above item suggesting that any decision on this matter be deferred until an agreement can be reached with the applicants concerning the location and commitments concerning the Joyce Avenue connector.

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

Zoning - Former Portions of Main Avenue and Titus Street as Parcels "A", "B", "C", "D" and "E" to R-4 Zone and Parcel "F" to C-1 Zone

MOVED by Alderman Hogan, seconded by Alderman Bell that Parcels "A", "B", "C", "D" and "E", former portions of Main Avenue and Titus Street be zoned to R-4 Zone and Parcel "F" to C-1 Zone. Motion passed.

A Formal Resolution was submitted giving effect to the foregoing motion of Council.

MOVED by Alderman Hogan, seconded by Alderman Bell that the Formal Resolution, as submitted, be approved. Motion passed.

Alderman Stanbury abstained from voting.

MOTION OF RECONSIDERATION

Motion - Alderman Stapells to reconsider Resolution of Council, January 29, 1973, re "Offer of Volvo (Canada) Limited"

Alderman Stapells referred to a motion put and lost in Council on January 29, 1973, such motion reading as follows:

"that the City accept the offer made by Volvo Canada Limited as outlined in the City Manager's memorandum of December 20, 1972."

Alderman Stapells went on to say that he felt strongly that the matter should be reconsidered and the offer accepted. MOVED by Alderman Stapells, seconded by Alderman Stanbury that the motion of Council of January 29, 1973 be reconsidered.

Alderman Connolly said that the City Manager has some further information which could be of significance and it was MOVED by Alderman Connolly, seconded by Alderman Sullivan that the matter be referred to the next meeting of the Committee of the Whole Council.

In reply to a question from Alderman Stapells, the City Manager advised that the information may or may not be of significance.

After some discussion, the motion to refer was put and resulted in a tie vote as follows:

For:	Aldermen Bell, Connolly, Hogan and Sullivan	4
Against:	Aldermen Moir, Stanbury, Stapells and Wentzell	4

The Chairman cast his vote in favour of the motion and declared the same passed.

PETITIONS AND DELEGATIONS

Letter from President, Bayers-Westwood Tenants' Association
Re: Location of Bus Shelters and Mobile Library

Alderman Bell submitted a letter he had received from the President of the Bayers-Westwood Tenants Association, Mrs. Sylvia C. Kiteley, which he requested be forwarded to Staff for information and possible action.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on February 7, 1973 with respect to the following matters:

Disposal of Former Fawson Street Lands

MOVED by Alderman Connolly, seconded by Alderman Moir that, as recommended by the Finance and Executive Committee, the City offer for sale the former Fawson Street lands on the following terms:

- (1) offers to be on the basis that the land is free and clear of encumbrances, the existing water line to be removed at the expense of the City following acceptance of an offer;*
- (2) the lands to be developed in accordance with the laws of the City within twenty-four months of acceptance by the City of an offer;

* estimated cost \$6,000

- (3) offers will be considered on the basis of
 - a) the price tendered for the land, and
 - b) the value and general acceptability of the development proposed either on the City land or in combination with the land of others;
- (4) in the event that the offer involves the combining of City land and the land of others, the City will join with the proponent as necessary in any applications for permits, etc., required by the laws of the City;
- (5) the proponent to take possession of the land on execution of an Agreement to Convey and be responsible for normal taxes and rates from that time, actual conveyance of the land to be effected by warranty deed on substantial completion of the approved development;
- (6) bidders to be allowed six months for submission of offers.

Motion passed.

Draft Agreement between City of Halifax, Halifax Forum Commission and Centennial Management Associates Ltd.

This matter had been forwarded to Council without recommendation from the Committee.

MOVED by Alderman Hogan, seconded by Alderman Moir that the matter be referred back to the Committee of the Whole Council for further consideration. Motion passed with Aldermen Connolly and Stapells voting against.

Kline Heights - Proposed Contract IV

MOVED by Alderman Stapells, seconded by Alderman Wentzell that, as recommended by the Finance and Executive Committee, City Council grant approval to proceed with the Contract IV phase of the Kline Heights Project, as outlined in the Staff Report dated January 18, 1973, subject to the following conditions:

- (1) if assistance is made available under the Federal-Provincial Winter Works Program, tenders will be called immediately with construction to start as soon as possible;
- (2) if assistance is not forthcoming under the Federal-Provincial Winter Works Program, tenders will be called in time for construction to commence on May 14, 1973.

Motion passed.

Possible Acquisition - 53 Mountain Road, Kline Heights

MOVED by Alderman Stapells, seconded by Alderman Sullivan that, as recommended by the Finance and Executive Committee, the property shown as Lots No. 182-B, 182-A-2 and 182A-3 on Plan No. TT-16-19571 be purchased by the City of Halifax and that the owner, Mr. Charles W. Clarke, 1791 Barrington Street, Halifax, N. S., be paid the sum of \$5,680.00 less tax arrears to date of transfer of property and betterment charges in the amount of \$711.20; funds to be made available for this acquisition from Account No. 425-454-DA018. Motion passed.

Possible Acquisition - 2184 Barrington Street

MOVED by Alderman Hogan, seconded by Alderman Wentzell that, as recommended by the Finance and Executive Committee, the property of the Estate of Bernard F. O'Neill, known as Civic No. 2184 Barrington Street, be purchased for \$17,900.00 as settlement in full for all claims, subject to approval of the Minister of Municipal Affairs of withdrawal of the required funds from the Sale of Land Account. Motion passed.

A Formal Resolution was submitted giving effect to the foregoing motion of Council.

MOVED by Alderman Hogan, seconded by Alderman Wentzell that the Formal Resolution, as submitted, be approved. Motion passed.

Local Improvement Tax Rates - 1973

The Finance and Executive Committee recommended approval of the following Local Improvement Tax Rates for 1973:

APPENDIX A
LOCAL IMPROVEMENT TAX RATES 1973

Item	Formula	1972 Abutter's Rates (C)	Est. Cost 1973 (Per Lin. Ft.)	Proposed 1973 Abutter's Rates (C)	Comparison between 1972-73 rates
1. New Concrete or Asphalt Curb and Gutter (Both Sides of Street)	Petitioned or City Initiated with storm sewer and catch basin) City Share @ 33 1/3% Abutter's Share (each side) @ 33 1/3%	C. 6.23 A. 1.41	20.20 4.18	6.73 1.39	Increase .52 Decrease .02
2. New Asphalt Street Paving	Petitioned or City Initiated City share @ 33 1/3% + any extra costs due to widths over standard (30' wide road) Abutter's share 1/3 each side.	10.19	26.34	8.78	Decrease 1.41
3. New Concrete or Asphalt Sidewalk (Both Sides of Street)	City initiated on Arterial, Major and Collector streets City share @ 50% + all extra costs for widths over standard Abutter's share @ 50% of costs of standard Owner Initiated Abutter's share 100%	C. 5.88 A. 1.98 - -	20.20 13.40 - -	Each side 5.05 3.35 C.10.10 A.6.70	Decrease .83 Increase 1.37
4. New Sodding	Petitioned or City Initiated Abutter's share 100%	1.07	1.20	1.20	Increase .13
5. New Tree Planting	Petitioned or City Initiated City Share @ 50% Abutter's share @ 50%	9.32	21.26	10.63	Increase 1.31

6.	New Concrete or Asphalt Sidewalk (one side of Street only)	City Initiated on Arterial, Major and Collector Streets City Share @ 50% + all extra costs over standard	C.5.88 A.1.98			
		Abutter's share on side receiving sidewalk @ 2/3 of 50% of standard		C.10.10	C.3.36 A.2.24	
		Abutter's share on side opposite sidewalk @ 1/3 of 50% of standard		A. 6.70	C.1.69 A.1.11	
7.	Renewal Concrete Sidewalk	Petitioned or City Initiated City share @ 50% + all extra cost over standard Abutter's share @ 50% of standard	Init. 7.21 Other 2.41	10.10	5.05	
8.	Renewal Concrete Curb and Gutter (Granite or Concrete Removal in Commercial areas)	Petitioned or City Initiated City share @ 50% Abutter's share @ 50%	Init 10.05 Other 3.35	14.42	7.21	
9.	Renewal Paving	Petitioned or City Initiated City Share @ 50% + all extra costs over standard width of roadway Abutter's share (each side 25% of standard roadway)	-	25.00	6.25	
10.	New Concrete or Asphalt Curb and Gutter (one side of Street)	City Initiated on Arterial, Major and Collector Street (only when required to provide for a sidewalk on one side of street). The cost of such construction to be prorated on the same basis as the costs of a sidewalk on one side of the street; that is, City share @ 50%	C.6.23 A.1.41			
		Abutter's share on side receiving curb @ 2/3 of 50%		C.10.10	C 3.36 A 2.24	
		Abutter's share on side opposite curb 1/3 of 50%		A. 6.70	C 1.69 A 1.11	

⊗ = per foot of frontage
C. = Concrete
A. = Asphalt
Init = Initiator

Items 6-10: Since new formulas have been approved by Council - comparison would be misleading, therefore, none were made.

At the request of Alderman Sullivan, the Chairman agreed that each recommendation could be dealt with separately.

MOVED by Alderman Moir, seconded by Alderman Hogan that Item No. 1 be approved. Motion passed.

MOVED by Alderman Moir, seconded by Alderman Wentzell that Item No. 2 be approved. Motion passed.

MOVED by Alderman Moir, seconded by Alderman Hogan that Item No. 3 be approved. Motion passed with Alderman Stapells voting against.

MOVED by Alderman Moir, seconded by Alderman Bell that Item No. 4 be approved. Motion passed with Alderman Connolly voting against.

MOVED by Alderman Moir, seconded by Alderman Wentzell that Item No. 5 be approved. Motion passed.

MOVED by Alderman Moir, seconded by Alderman Stapells that Item No. 6 be approved. Motion passed with Alderman Sullivan voting against.

MOVED by Alderman Moir, seconded by Alderman Wentzell that Item No. 7 be approved. Motion passed with Aldermen Stanbury, Sullivan and Stapells voting against.

February 15, 1973

MOVED by Alderman Moir, seconded by Alderman Stapells that Item No. 8 be approved. Motion passed with Alderman Sullivan voting against.

MOVED by Alderman Moir, seconded by Alderman Stapells that Item No. 9 be approved. Motion passed with Aldermen Sullivan and Stanbury voting against.

MOVED by Alderman Moir, seconded by Alderman Bell that Item No. 10 be approved. Motion passed with Aldermen Stanbury, Stapells and Sullivan voting against.

Appointment Council Representatives Annual Conference -
Union of Nova Scotia Municipalities

It was agreed that this item should be dealt with under the Appointments item later on the Order of Business.

Lease - C.N.R. Land for Street Purposes - Vicinity of
Hotel Nova Scotian

MOVED by Alderman Connolly, seconded by Alderman Bell that, as recommended by the Finance and Executive Committee, City Council authorize His Worship the Mayor and the City Clerk to execute the signing of a lease between the City of Halifax and the C.N.R. for the rental, at an annual fee of one dollar, of that parcel of land outlined in red on Plan No. 8-1-783-A of the C.N.R. Motion passed.

REPORT - COMMITTEE ON WORKS

Council considered the report from the meeting of the Committee on Works, held on February 7, 1973, with respect to the following matters:

Portable Illuminated Signs

MOVED by Alderman Moir, seconded by Alderman Hogan that, as recommended by the Committee on Works, City Council approve in principle, subject to the following conditions, the amendment of the Sign Ordinance to permit the placement of portable illuminated signs on properties on which the Zoning By-law allows commercial uses:

- (a) All such signs shall be restricted to locations permitted by the current Zoning By-law.
- (b) Such signs shall be restricted to one per location and the siting shall be on the same site as the commercial activity being advertised.
- (c) The duration of periods between sign placements at the same site shall not be less than the duration of the most recent placement period; but in any case the duration of continuous sign placement shall not exceed four weeks at the same site. In Shopping Centres a "Site" is intended to mean a separate business establishment within that centre.

- (d) The signs shall operate at a maximum electrical voltage of 120 and may only be illuminated during the lessee's hours of business.
- (e) Construction and installation, including electrical components shall be in accordance with the current Sign Ordinance of the City.
- (f) Excluding red symbols which are continuously illuminated, no lights or illumination on such signs shall be in the colours red or green.
- (g) No such signs shall be located within 100 feet of a signalized street intersection or 40 feet of any other street intersection.
- (h) Such sign and supporting structure including trailer shall not encroach upon the street.
- (i) An annual license fee of \$100.00 per sign shall be charged.

Motion passed.

Encroachment on a Street - 97-97½ Herring Cove Road

MOVED by Alderman Hogan, seconded by Alderman Wentzell that, as recommended by the Committee on Works, City Council approve an encroachment license on Herring Cove Road, a City street, by a portion of the dwelling known as Civic Nos. 97-97½ Herring Cove Road at an initial fee of \$25.00 and an annual rental of 25 cents per square foot. The total encroachment is 63.5 square feet and the annual fee would be \$15.87. Motion passed.

Encroachment on a Street - 3412 Albert Street

MOVED by Alderman Sullivan, seconded by Alderman Connolly that, as recommended by the Committee on Works, City Council approve a street encroachment license for a set of concrete steps in front of Civic No. 3412 Albert Street in the amount of six square feet at an initial fee of \$25.00 and an annual rental of \$1.50. Motion passed.

Tender 72-150 One New Vacuum Sweeper and New Truck Chassis

MOVED by Alderman Connolly, seconded by Alderman Wentzell that, as recommended by the Committee on Works, City Council accept the tender of Baxter Equipment, Dartmouth, in the amount of \$31,995.00, being the lowest tender price received, for the purchase of a new vacuum sweeper and new truck chassis. Motion passed.

Street Closure - Barrington Street, Gerrish Street, Gray Street and Elevator Court

MOVED by Alderman Stapells, seconded by Alderman Hogan that, as recommended by the Committee on Works, in

accordance with Section 350 of the City Charter, City Council set a date for a Public Hearing to close Gray Street, Elevator Court and portions of Gerrish Street and Barrington Street, as shown on Plan No. TT-17-20244. Motion passed.

In reply to a question, the City Clerk advised that he expected the Public Hearing will be held on March 21, 1973.

Agreement - Underground Sewer Pipe Crossing Mile 0.10 -
0.29 Deepwater Branch

MOVED by Alderman Hogan, seconded by Alderman Bell that, as recommended by the Committee on Works, "Pipe Crossing Agreement No. A-11581-3" between Canadian National Railway and the City of Halifax relating to the underground sewer pipe crossing Harbour Interceptor sewer calling for an annual fee of \$360.00 to be paid to the Canadian National Railway be approved, and His Worship the Mayor and the City Clerk be authorized to sign the Agreement on behalf of the City of Halifax. Motion passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on February 7, 1973, with respect to the following matters:

Modification of Lot Area Requirement - 7 Melody Drive

MOVED by Alderman Hogan, seconded by Alderman Connolly that, as recommended by the City Planning Committee, the application for modification of the lot area requirement to permit the construction of a 12-foot by 24-foot one-storey addition on the east side of Civic No. 7 Melody Drive, as shown on Plans No. P200/5539 to P200/5542 of Case No. 2815, be approved. Motion passed.

Extension to a Non-conforming Building and Modification of
the Lot Area Requirement - 3531 Leaman Street

MOVED by Alderman Sullivan, seconded by Alderman Connolly that, as recommended by the City Planning Committee, the extension to a non-conforming building and modification of the lot area requirement permitting the construction of a 12-foot by 15-foot addition on the south side of a 3.17-foot by 16-foot addition on the north side of Civic No. 3531 Leaman Street, as shown on Plans No. P200/5525-27 of Case No. 2807, be approved. Motion passed.

Modification of the Lot Frontage Requirement - 49A Mountain
Road

MOVED by Alderman Stapells, seconded by Alderman Connolly that, as recommended by the City Planning Committee, the application for modification of the lot frontage requirement to permit the construction of a two family dwelling on Lot No. 49A Mountain Road, as shown on Plans No. P200/5550 to P200/5552 of Case No. 2819, be approved. Motion passed.

Application - Construction Maritime Telegraph and Telephone
Company Switching Centre - Lot G-1G Reed Court, Clayton
Park

MOVED by Alderman Hogan, seconded by Alderman Connolly that, as recommended by the City Planning Committee, the application to construct a Maritime Telegraph and Telephone Company switching center for the Rockingham area on Lot G-1G Reed Court, Clayton Park, as shown on Plan No. P200/5538 of Case No. 2814, be approved. Motion passed.

Extension to a Non-conforming Building - 7142 Murdoch Avenue

MOVED by Alderman Stapells, seconded by Alderman Connolly that, as recommended by the City Planning Committee, the application for an extension to a non-conforming building to permit the construction of a 12' x 37' one-storey addition at the rear of Civic No. 7142 Murdoch Avenue, as shown on Plans No. P200/5567-69 of Case No. 2825, be approved. Motion passed.

Modification of Lot Area and Frontage Requirement - 109A
Marriott Street

This matter was forwarded to Council without recommendation from Committee with a request that the City Solicitor check into the matter further.

A report was submitted from the City Solicitor which read in part:-

"Interfaith Housing Corporation wish to build a pair of semi-detached dwellings on a lot only fifty feet (50') in width. The question of legality arose because the By-law requires a 30' frontage for a semi-detached dwelling. It appeared that the usual circumstances would be that a pair of semi-detached dwellings would require a 60' frontage to the lot. Because of the wording of Section 25 of the Mainland By-law, it is legally possible to grant the modification even though a contrary intention may have been intended in the Section. It should be pointed out, however, the Interfaith Housing Corporation have indicated they are building semi-detached houses so that the tenants may become the eventual owners of the units. If Council approves of the modification only to accomplish this end, the goal is illusory only. In order to sell the units to the tenants, it will be necessary to subdivide the land. Under the existing law, that subdivision would be impossible, because it would be necessary to create two undersized lots. Council does not have the authority to approve of a subdivision containing undersized lots."

Alderman Stapells said that the Interfaith Housing Corporation was not intending to get into the rental business but in the hope that the By-law might be amended to permit the sale of the dwellings, it would be prepared to rent these units at this time, when they are built.

MOVED by Alderman Stapells, seconded by Alderman Bell that the application for modification of the lot area and frontage requirements to permit the construction of a semi-detached dwelling on Lot 109A, Marriott Street, as shown on Plans No. P200/5546-48 of Case No. 2818, be approved. Motion passed.

Application for Resubdivision (Lot Consolidation) Lands of Cadillac Developments Limited, Sylvia Avenue

MOVED by Alderman Bell, seconded by Alderman Wentzell that, as recommended by the City Planning Committee, the application for resubdivision (consolidation) to create Lot A, as shown on Plan No. P200/5575 of Case No. 2822, be approved, subject to the submission of a revised survey plan and, that Lot A-1, as shown on Plan No. P200/5575 of Case No. 2822, be approved as a walkway. Motion passed.

Application for Sign (Non-illuminated) - 2505 Oxford Street

MOVED by Alderman Hogan, seconded by Alderman Sullivan that, as recommended by the City Planning Committee, City Council approve the erection of a non-illuminated fascia sign 8-feet wide and 2-feet high, on the front of 2505 Oxford Street.

After a short discussion, the motion was put and passed.

Scotia Square Northern Office Tower

MOVED by Alderman Hogan, seconded by Alderman Moir that, as recommended by the City Planning Committee, City Council approve in principle the proposed 14-storey north office tower with the understanding that detailed working drawings are to be prepared for the approval of the City Inspector who will ensure that the construction follows the existing codes and regulations, and that City Staff and Halifax Developments Limited begin a reassessment of Scotia Square with respect to traffic, parking and pedestrian linkages with the view to identifying and heading off any potential problems. Motion passed.

National Park - Watershed Lands

MOVED by Alderman Moir, seconded by Alderman Bell that a special committee of Council be formed (with Federal, Provincial and County representation) to consider the possibility of a park on a portion of the Watershed Lands; the special committee to be nominated by His Worship the Mayor.

Alderman Moir explained that he has not designated the park to be either National, Provincial or Municipal in his motion in order that the scope of the committee can remain quite broad.

After some discussion, the motion was put and passed.

Rezoning of Lands Located between the Purcell's Cove Road
and the North West Arm - Deadman's Island - From R-4
Residential Zone to R-2 Residential Zone

MOVED by Alderman Connolly, seconded by Alderman Hogan that, as recommended by the City Planning Committee, the rezoning of lands located between the Purcell's Cove Road and the North West Arm - Deadman's Island - from R-4 Residential to R-2 Residential, as shown in Case No. 2760, be refused and that no public hearing be held.

After a short discussion, the motion was put and passed with Alderman Stanbury voting against.

MISCELLANEOUS BUSINESS

Interest Rate - Area Rates with Respect to Sewer Charges -
Armdale and Fairview

A report was submitted from Staff relating to the above matter and recommending that interest at the rate of 9% per annum be levied from April 1, 1973 on all outstanding accounts.

MOVED by Alderman Bell, seconded by Alderman Stapells that interest at the rate of 9% per annum be levied from June 1, 1973 on all outstanding accounts.

After some discussion, the motion was put and passed.

Tender - #73-04 - Monitoring System for Pumping Stations

A report was submitted from Staff relating to the above matter.

MOVED by Alderman Moir, seconded by Alderman Wentzell that the bid of Seaman Cross Ltd, being the lowest meeting specifications, be accepted at a net cost of \$20,296.00, for the supply and installation of an electronic monitoring system to monitor failures at satellite pumping stations. Motion passed.

Expropriation - East side of Barrington Street

A Staff report was submitted relating to the above matter.

Formal Expropriation Resolutions, Descriptions and Plans were submitted relating to the following properties:

2299 Barrington Street	Dino & Goldie Vlahos	\$16,500
2337-39 Barrington Street Est.	of Juraj (George) Cik	52,500

MOVED by Alderman Moir, seconded by Alderman Stapells that the Formal Expropriation Resolutions, Descriptions and Plans, as submitted, be approved and the City Clerk

directed to file same in the Registry of Deeds. Motion passed.

Resolution - Dartmouth City Council Re MOVE

A letter was submitted from the City of Dartmouth requesting the support of Halifax City Council with respect to the following resolution:

RESOLVED that the Federal Government be asked to examine the nature of the recipients of L. I. P. Grants, in particular, any grants made to MOVE, so that these monies will not be wasted on middle-class hate mongers, such as evidenced in the MOVE editorial, Bulletin Vol. 2, No. 4, dated Jan 31/73, but rather that these monies be made available to help poor people in real need.

MOVED by Alderman Moir, seconded by Alderman Wentzell that the Resolution of the City of Dartmouth be tabled, at this time.

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

For:	Aldermen Bell, Connolly, Hogan, Moir and Wentzell	5
Against:	Aldermen Stanbury, Stapells and Sullivan	3

Legislation - 1973

Legislation - Items 1 to 15 - were submitted for the approval of Council before being forwarded to the Provincial Legislature. (Copy attached to the Official Minutes)

The City Solicitor explained each piece of legislation and the items were dealt with as follows:

MOVED by Alderman Moir, seconded by Alderman Sullivan that Items Nos. 1 and 2 be approved. Motion passed with Aldermen Stanbury and Sullivan voting against.

MOVED by Alderman Hogan, seconded by Alderman Stapells that Item No. 3 be approved. Motion passed.

MOVED by Alderman Moir, seconded by Alderman Hogan that Item No. 4 be approved. Motion passed.

MOVED by Alderman Wentzell, seconded by Alderman Connolly that Item No. 5 be approved. Motion passed.

MOVED by Alderman Connolly, seconded by Alderman Bell that Items 6 and 7 be approved. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Connolly that Item No. 8 be approved. Motion passed.

MOVED by Alderman Connolly, seconded by Alderman Hogan that Item No. 9 be approved. Motion passed.

MOVED by Alderman Moir, seconded by Alderman Hogan that Item No. 10 be approved. Motion passed.

MOVED by Alderman Moir, seconded by Alderman Hogan that Item No. 11 be approved.

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

For:	Aldermen Hogan, Moir and Wentzell	3
Against:	Aldermen Bell, Connolly, Stanbury, Stapells and Sullivan	5

It was agreed that this legislation should await a further report from Staff.

MOVED by Alderman Hogan, seconded by Alderman Sullivan that Item No. 12 be approved. Motion passed, Alderman Stapells voting against.

MOVED by Alderman Hogan, seconded by Alderman Connolly that Item No. 13 be approved. Motion passed.

MOVED by Alderman Stapells, seconded by Alderman Stanbury that Item No. 14 be approved. Motion passed.

MOVED by Alderman Connolly, seconded by Alderman Stanbury that Item No. 15 be approved. Motion passed.

Another piece of legislation was submitted for approval entitled "An Act Respecting Areas Annexed to the City of Halifax".

The City Solicitor advised that an additional section should be added reading as follows:

"The cost of the project shall be levied on the properties affected by the local improvement charge on the basis of the 1973 assessed value of the individual properties affected by the Charge."

Considerable discussion ensued on this item and it was agreed that the matter be deferred to the end of the meeting.

QUESTIONS

Question - Alderman Bell - Parked Cars Impeding Work of Snow Clearance Crews

Alderman Bell asked that the Police Department make an extra effort to have cars parked at the sides of the street during snow storms removed more quickly, because they appear to be impeding the work of the snow clearance crews who are unable to clear catchpits in some cases.

Question - Alderman Connolly Re: Commendation to Works
Department Personnel - Snow Clearance

Alderman Connolly commended personnel of the Works Department on the snow clearance that was carried out after the last heavy snow storm. He felt that an excellent job was done.

Question - Alderman Hogan Re: Cavorting in the Nude -
Criminal Offense

Alderman Hogan questioned whether the public entertainment which is advertised in certain establishments around the City, which allows persons to cavort in the nude, is an offense under the Criminal Code.

The City Solicitor advised that it is not contrary to laws of the City of Halifax, but he suspected that it was contrary to the Criminal Code and is a matter of enforcement.

Question - Alderman Moir - Personnel for Volunteer Services

Alderman Moir reported that the Volunteer Services group on College Street is in urgent need of assistance and he asked if the Social Planning Department might make available some assistance on an occasional basis.

Question - Alderman Moir - Congratulations to Alderman and
Mrs. Stapells - Birth of Baby Boy on Valentine's Day

Alderman Moir congratulated Alderman Stapells on behalf of City Council and he asked if a name has been decided upon.

Question - Alderman Stanbury Re: Snow Plowing towards
Boulevards

Alderman Stanbury asked if there is any way that the snow can be plowed towards boulevards or towards vacant ground rather than up on sidewalks.

The Director of Engineering and Works advised that it can be done in certain areas but at greater cost.

Alderman Stanbury asked that the possibility be investigated along with the removal of high piles of snow at certain intersections where visibility is greatly reduced.

The Director of Engineering and Works said that the Transit Drivers, Police and Fire Departments do notify City Field of any hazardous intersections on a continuing basis.

Question - Alderman Stapells - Snow Plowing

Alderman Stapells suggested that perhaps some snow

plow operators do not appear to be using much sense when they plow snow up on to narrow sidewalks when on the other side of the street there are no sidewalks or no houses fronting the street. He asked that some study be made as part of the Maintenance Management program into more acceptable methods of snow plowing.

The Director of Engineering and Works said that there are many new operators of snow equipment each season and that perhaps they did not show or use discretion in all cases.

Question - Alderman Stapells Re: Interest on Overdraft

Alderman Stapells asked if the City is required to pay 12% interest on any overdraft from the Bank.

The City Manager said that City does pay overdraft charges but at a lesser figure than 12%, usually the prime rate.

Reply to Alderman Moir - Alderman Stapells

Alderman Stapells said that, subject to change, he expects to name his baby boy, Ryan Arthur Stapells.

Question - Alderman Sullivan Re: Snow Removal Plan

Alderman Sullivan said that he used to have a plan of snow plowing programmes when the City was divided up into zones and he asked if there was still such a plan being used and if so, whether or not he could receive a copy.

The Director of Engineering and Works advised that an information report was distributed to all members of Council this evening with respect to this very matter.

Question - Alderman Sullivan Re: Use of Boulevards in Snow Clearance Operations

Alderman Sullivan hoped that something can be worked out with respect to the utilization of boulevards when streets are plowed. He said that he has received many complaints on this very matter.

Question - Alderman Wentzell Re: Water Problems - Hilden Drive - Property of Kidston Estates

Alderman Wentzell asked Staff to look into flooding problems which are threatening some of the properties on Hilden Drive since development has been taking place on Kidston Estates holdings. He said that the people were hard pressed to keep water out of basements and basement apartments where there has not been flooding previously.

The Director of Engineering and Works said he would look into this and report back.

NOTICES OF MOTION

Notice of Motion - Alderman Stanbury Re: Public Relations
Department - Police Department

Alderman Stanbury gave notice that at the next regular meeting of City Council, to be held on March 1, 1973, she will move that the Chief of Police be requested to form a Public Relations Department to deal with the young people of the City and that he bring back a report with a recommendation for a Public Relations Officer.

Notice of Motion - Alderman Stanbury Re: Amendment to
Ordinance No. 147, Respecting the Licensing of Dogs

Alderman Stanbury gave notice that, at the next regular meeting of City Council, to be held on March 1, 1973, she will introduce an Amendment to Ordinance Number 147 respecting the licensing of dogs, the effect of which amendment will be to increase the fines for allowing a dog to run loose in the City and to charge the owner for the costs of caring for his dog while in the pound.

Notice of Motion - Alderman Wentzell Re: Amendments to
Ordinance No. 143, Respecting Mobile Home Parks

Alderman Wentzell gave notice that, at the next regular meeting of City Council, to be held on March 1, 1973, he will introduce an amendment to Ordinance Number 143, Respecting Mobile Home Parks, the effect of which amendment will be to increase the monthly license fee from \$10.00 to \$15.00 for each occupied mobile home in a mobile home park.

ADDED ITEMS

Appointments

Union of Nova Scotia Municipalities - General Committee for
Making Plans for the 1973 Annual Conference, to be held
in Halifax from September 12th to 15th

MOVED by Alderman Hogan, seconded by Alderman Connolly that the following be appointed to the above-noted Committee, as nominated by His Worship the Mayor:

Alderman L. E. Moir
Alderman Margaret Stanbury
Alderman Darrell E. Wentzell

Motion passed.

Recreation Committee

MOVED by Alderman Stapells, seconded by Alderman Wentzell that the following be appointed to the above-named Committee, as nominated by His Worship the Mayor:

Council
February 15, 1973

Mr. Cameron Grout
Mrs. Murray M. Ferguson
Mr. R. W. Aldhelm-White Motion passed.

Fire Protection Review Committee

MOVED by Alderman Stanbury, seconded by Alderman Hogan that the following persons be appointed to the above-named committee, as nominated by His Worship the Mayor:

Mr. Frank V. Fryer
Mr. Maurice MacGillivray

Motion passed with Alderman Stapells voting against.

Proposed Metropolitan Area Planning Commission

Council's attention was drawn to the Staff Report on the above matter dated February 9, 1973.

Alderman Moir spoke at some length on this matter and urged Council to approve the recommendations contained in the Staff Report.

MOVED by Alderman Moir, seconded by Alderman Stanbury that the following recommendations be approved:

- (1) That the Council agree to the establishment, by means of Ministerial Order, of a District Planning Commission embracing the Cities of Halifax and Dartmouth and the urbanized portion of the County of Halifax, this Commission to be known as the Metropolitan Area Planning Commission.

The Commission's membership would consist of the following:

The Mayor and one Alderman from the City of Halifax.

The Mayor and one Alderman from the City of Dartmouth.

The Warden and one Councillor from the County of Halifax.

The Minister of Municipal Affairs and possibly one other Minister.

Each member would have a vote and a sixty per cent majority would be required for the adoption of any motion.

- (2) That the Municipal share of the estimated costs (about \$35,000) be pro rated to the two Cities and the County on the basis of the Joint Estimates formula.

FOR 1973

Halifax City	60.32%
Dartmouth	23.15%
County	16.53%

and that the City of Halifax include in its estimated expenditures for 1973 the sum of \$21,000.00.

Considerable discussion ensued on this matter and some conflicting viewpoints expressed.

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

For: Aldermen Hogan, Moir, Stanbury,
Stapells and Wentzell 5

Against: Aldermen Bell, Connolly and Sullivan 3

Legislation - 1973

The legislation entitled "An Act Respecting Areas Annexed to the City of Halifax" had been deferred earlier in the meeting for action at this time.

After a short discussion, it was MOVED by Alderman Moir, seconded by Alderman Connolly that the Legislation, as submitted, be approved. Motion passed.

10:30 p.m. Council adjourned.

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ALDERMAN N. P. MEAGHER
CHAIRMAN

R. H. STODDARD
CITY CLERK

DRAFT LEGISLATION - 1973 SESSION

AMENDMENTS TO HALIFAX CITY CHARTER

1 Clause (e) of subsection (1) of Section 17 of Chapter 52 of the Acts of 1963, the Halifax City Charter, as that clause is amended by Section 2 of Chapter 91 of the Acts of 1970, is further amended by inserting immediately following the word "he" in the first line thereof the words "has obtained from the City Collector a certificate stating".

2 Form 5 in the Schedule of said Chapter 52, as amended by Section 30 of Chapter 79 of the Acts of 1968 and Section 4 of Chapter 6 of the Acts of 1970-71, is further amended by adding to Section 4 under "Candidate's Acceptance" the words "and a certificate of the City Collector to this effect is attached hereto;".

EXPLANATORY NOTE: The two above amendments would ensure that a person is qualified to accept nomination as a candidate for Mayor or alderman, insofar as indebtedness for taxes is concerned, and thus avoid the potentiality of the election of a disqualified candidate.

3 Subsection (1) of Section 314 of said Chapter 52 is amended by deleting the words "in red ink" in the eleventh line thereof.

EXPLANATORY NOTE: The Charter at present provides that the City Assessor shall note "in red ink" on any list of properties which are subject to sale for taxes any change in ownership of the property. With the use of a computer this provision is not workable, and should therefore be deleted.

4 Subsection (3) of Section 329 of said Chapter 52 is repealed and the following substituted therefor:

(3) A copy of the certificate filed with the registrar of deeds shall be kept in the office of the collector, where it may be inspected by any person.

EXPLANATORY NOTE: The subsection provides for the amount to be paid the registrar of deeds for the registration of a certificate of sale of land for taxes. This fee is provided in the Costs and Fees Act and reference to an amount is being deleted from the Charter.

EXPLANATORY NOTE:

5 Section 341 of said Chapter 52, as that Section is amended by Section 8 of Chapter 71 of the Acts of 1972, is further amended by adding thereto the following clause:

- (k) prohibiting or regulating the firing of guns or other firearms.

EXPLANATORY NOTE: Since Annexation the physical character of the City has changed, and we now have wooded areas in which indiscriminate shooting of guns takes place. On one occasion last year this resulted in the wounding of a small child within a couple hundred yards of his home. This amendment would permit the City, by ordinance, to prohibit or regulate the firing of guns.

6 (1) Section 350 of said Chapter 52 is amended by inserting the figure and symbols "(1)" immediately following the Section number.

(2) Section 350 is further amended by adding thereto the following subsection:

(2) Upon the closing of a street or portion of a street to public use, the land comprising such former street or portion of street shall be zoned as follows:

(a) Where the use zone of the abutting lands are the same, the land comprising the former street shall have the same zoning as the abutting lands;

(b) Where the use zone of abutting lands are different, the centre line of the former street shall be the boundary line and the lands on either side of the boundary line shall have the same zone as the abutting lands.

EXPLANATORY NOTE: This additional provision is being sought simply to simplify existing procedure. Under the present method two public hearings are required and often very small parcels of land are involved.

7 (1) Subsections (2) and (3) of Section 358 of said Chapter 52, are renumbered as subsections (3) and (4) respectively.

(2) Section 358 is further amended by inserting the following subsection:

(2) Upon the relocation of a street line, the land which formerly formed part of the street, shall become part of the use zone of the land which it abuts.

EXPLANATORY NOTE: Same as item 6 above.

8 Subsection (2) of Section 361 of said Chapter 52 is repealed and the following substituted therefor:

(2) When the City Manager or his agent designated for this purpose is satisfied that a vehicle has been left standing on property for one hour or more in violation of subsection (1), he may remove the same and detain it until the expense of removal and detention are paid.

EXPLANATORY NOTE: Responsibility for City property rests with the City Manager and it seems consistent with this principle that he should decide when a car ought to be removed from City property.

9 Clause (c) of subsection (4) of Section 363 of said Chapter 52 as that Section is enacted by Section 40 of Chapter 91 of the Acts of 1969, is amended by striking out the words "forty-eight" in the fifth line and substituting therefor the words "twenty-four".

EXPLANATORY NOTE: At the present time an owner or occupier of real property has forty-eight hours within which to remove snow and ice from the abutting sidewalk, following a request to do so. The proposed legislation would shorten this to a twenty-four hour period.

10 Subsection (2) of Section 366 of Chapter 52 is amended by striking out the word "fifty" in the seventh line thereof and substituting therefor the words "five hundred".

EXPLANATORY NOTE: The payment of a \$50.00 fine has proved inadequate in compelling a contractor to obtain a permit and pay the fee for opening a city street, which fee is quite often more than the amount of the fine.

11 Clause (c) of Section 402 of said Chapter 52 is amended by adding thereto the following words:

"and if it appears to Council it is in the best interest of the City to acquire a larger quantity of land than is required for its immediate purpose, Council may acquire such larger quantity of land;"

EXPLANATORY NOTE: This amendment will bring the expropriation Sections of the Charter in line with many other statutes. It may be that the City already has this authority, but the amendment is being sought to prevent any question of its authority to do so from arising.

12 Chapter 52 is amended by inserting therein following Section 376B, the following Section:

376C (1) Notwithstanding the provisions of this Act or any other Act or Acts, the Council may by ordinance impose a trunk sewer tax of an amount as Council shall from time to time determine,

(a) on each lot in a new subdivision upon final approval of the subdivision;

(b) on each lot in an existing subdivision when the lot is capable of being serviced by a sanitary sewer or a storm sewer in a street on which the lot is located.

(2) The proceeds of the tax authorized by the ordinance shall be paid into an account called the Sewer Rehabilitation and Trunk Sewer Account and shall be used for sewer rehabilitation and the City's share of the cost of trunk sewer construction purposes.

(3) The trunk sewer tax shall be payable in the same manner as provided for a local improvement tax and shall constitute a lien upon the property in respect of which the tax is levied.

EXPLANATORY NOTE: An ordinance under this Section would replace the existing trunk sewer tax legislation. It will enable the City to make a more realistic charge consistent with today's higher sewer installation costs. It will also enable the City to place the charge on a new subdivision at a time when the charge can form part of the development costs of the land and be paid for over the lifetime of the mortgage associated with each lot in the subdivision.

13 Section 435 of said Chapter 52, as amended by Section 14 of Chapter 91 of the Acts of 1970, Section 29 of Chapter 79 of the Acts of 1970-71, and Section 12 of Chapter 71 of the Acts of 1972, is further amended by adding thereto the following clause:

(s) regulating the construction of swimming pools and requiring the owners to erect and maintain fences and gates around such swimming pools, and prescribing the height and type of fences and gates to be erected.

EXPLANATORY NOTE: A near fatality in a pool without adequate protection indicated the desirability for this amendment to the Charter.

14 (1) Clause (b) of Section 522 of said Chapter 52 is repealed and the following substituted therefor:

(b) an indemnity or compensation for services for each commissioner as shall, with the approval of the Council, be determined from time to time by the Board;

(2) This Section shall be read and construed and shall be given effect as if it had been enacted on the 1st day of January, 1972.

EXPLANATORY NOTE: The amendment removed the limitation formerly imposed by the Section and gives the Board of School Commissioners a degree of flexibility in dealing with the matter of honorarium paid to members of the Board.

15 The City may pay to Mrs. Eve Galley a sum not exceeding one thousand one hundred dollars and to Mr. Clyde William Perry a sum not exceeding nine hundred dollars, as compensation for damages and legal costs incurred as a result of a court action against Police Constable Francis Gorman for false arrest and imprisonment.

EXPLANATORY NOTE:

(c) ... the ...
voters and ...
and such other ...
placette is properly held

An Act Respecting Areas Annexed to
the City of Halifax

BE IT ENACTED by the Governor and Assembly as follows:

1/ In this Act,

- (a) "City" means the City of Halifax;
- (b) "Clerk" means the City Clerk of the City;
- (c) "Council" means the City Council of the City.

2/ Notwithstanding the provisions of Chapter 68 of the Acts of Nova Scotia, 1968, An Act Respecting Areas Annexed to the City of Halifax, and an Order of the Board of Commissioners of Public Utilities dated the 16th day of May, 1968, the Council may levy a local improvement tax on the properties in the areas annexed to the City on the 1st day of January, 1969 in respect of which area rates for sewer installations were being charged prior to annexation.

3/ The cost of the sewer installation project shall be the bonded debt as of January 1, 1969 in respect of the sewer installations, less the amount of area rates billed by the City since that date.

4/ Prior to the imposition of a local improvement tax, the Council shall conduct a plebescite to determine whether the owners of properties affected by the area rates wish to convert to the local improvement tax method of payment of the indebtedness.

5/ The plebescite will be held not less than seven days nor more than forty-five days after Council has by resolution adopted the question which will be resolved by the plebescite.

6/ The Clerk shall conduct the plebescite for the Council and shall

- (a) fix the date and place at which the plebescite is to be held and the hours during which voting shall take place;
- (b) appoint a presiding officer and a poll clerk for the taking of the plebescite;
- (c) have printed the ballot papers containing the question to be submitted to the voters, and seal these with the seal of the City;
- (d) prepare a list of those entitled to vote on the plebescite;
- (e) provide the presiding officer with the list of voters and the necessary ballot papers, books and records; and such other declarations as will ensure that the plebescite is properly held;

(f) advertise the plebescite by notice in a newspaper circulated in the area by at least two insertions during the week preceding the holding of the plebescite, and by posting the notice in five conspicuous places in the area affected.

7/ The procedure with respect to the conducting of the poll, the counting of the ballots, and reporting to the Council, shall be the same as set out in the Halifax City Charter for civic elections.

8/ The local improvement tax may be paid in twelve annual instalments.

9/ The provisions of the Halifax City Charter with respect to the collection of taxes, provision for interest, and liens, shall apply to the properties affected by the local improvement tax.

To: His Worship the Mayor
and Members of City Council

From: C. McC. Henderson, City Manager

Date: February 9, 1973

Subject: Proposed Metropolitan Area Planning Commission

On August 17th, 1972, Council approved the following resolution:

"THAT Council indicate non-objection to the establishment of a Planning Region which would embrace the cities of Dartmouth and Halifax and the County of Halifax, on one condition, and only on the condition that representation and voting authority on the Board of that region be proportionate to the population within the local government units making up that region."

At a joint meeting of the elected and appointed officials involved in the MAPC process held Tuesday morning, the Honourable Fraser Mooney outlined the structure of the proposed Metropolitan Area Tri-level Committee and indicated the Government's intention to create a District Planning Commission pursuant to Section 23 of the Planning Act. (For your information, a copy of Part IV of the Planning Act, in which are set forth the provisions related to District Planning Commissions, is attached as Appendix "A".)

It is proposed that the membership of MAPC II (the new MAPC) will consist of the members of the old MAPC and the Federal Minister of State for Urban Affairs. (The attendance of the Federal Minister at all regular meetings of MAPC II is, of course, not expected. It is, however, hoped that he might be represented - possibly by his Parliamentary Assistant - at most, if not all, of those meetings.)

MAPC II would be supported by CORE Group II (a new, expanded CORE Group, to consist of three representatives from the Provincial Government - one from the Community Planning Division, one from the Development Department and one from the Executive Council - the three chief administrators of the local governments involved and three Federal representatives - two from Urban Affairs and one from DREE).

It was suggested that MAPC II would influence, and in due course perhaps directly control, the Regional Authority. This latter vehicle might at the same time be converted into an implementing agency for functions and purposes other than and in addition to those for which it is now responsible. (The other agency to be considered, of course - for water supply and pollution control and possibly even solid waste disposal, all of which logically might best be dealt with on a regional basis - is the Public Service Commission.)

At the meeting held on Tuesday morning, it was agreed by the elected officials present that a recommendation would

be put before each of the elected Councils for their consideration and approval. This recommendation is that the Councils agree to the establishment by means of Ministerial Order of a District Planning Commission embracing the Cities of Halifax and Dartmouth and the urbanized portion of the County of Halifax, this Commission to be known as the Metropolitan Area Planning Commission.

The Commission's membership would consist of the following:

The Mayor and one Alderman from the City of Halifax,

The Mayor and one Alderman from the City of Dartmouth

The Warden and one Councillor from the County of Halifax

The Minister of Municipal Affairs and possibly one other Minister.

Each member would have a vote and a sixty per cent majority would be required for the adoption of any motion.

The Minister would vote on all issues where there was not unanimity on the part of the representatives of local government. For a quorum, at least one representative from each of the two Cities and the County would have to be in attendance and provision would be made for the right of reconsideration of controversial matters dealt with at a meeting at which not all members were present.

It was the feeling of the elected representatives present that subject to the inclusion of appropriate safeguards such as those indicated above a principle of one vote to one member should be accepted by the Councils involved.

With respect to the expenditures of the proposed District Planning Commission, the Minister advised that the Province would share to the extent of fifty per cent and the other fifty per cent would have to be assumed by the Municipalities.

It was further agreed that the Municipalities involved would not be responsible for any costs incurred prior to April 1st, 1973.

For the balance of 1973, it is recommended that the Municipal share of the estimated costs (about \$35,000) be pro rated to the two Cities and the County on the basis of the Joint Estimates formula. For 1973 this pro ration is as follows:

Halifax City	60.32%
Dartmouth	23.15%
County	16.53%

On this basis, the City should add to its estimated expenditures for this year some \$21,000.

It is clear that the area must undertake some effective regional planning for its own good, and specifically if we are to expect to receive any substantial degree of financial assistance from the Federal Government through DREE or otherwise.

The opportunity for MAPC II and CORE Committee II to meet on a relatively regular basis should be welcomed, in that there will now be a chance for an exchange of views between all levels of government instead of the City's and the Federal Government's views having to be funnelled through the Provincial Government, with all the delays and potential misunderstandings which can result.

Council's consideration and endorsement of the above cited recommendations is requested.



C. McC. Henderson
City Manager

CMcCH/H
Attachment

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APPENDIX A

14 18 Eliz. II. CHAPTER 16 1969

tee shall be council members who shall hold office for a period of one year; and the others shall hold office for a period of two years from the date of their appointment.

Re-appoint-
ments
(3) Any person appointed to the committee may be re-appointed.

Public hearings
(4) The committee may hold public hearings at such times and in such manner as the council may decide.

Resolution
of committee
(5) The council may in the resolution establishing the committee:

(a) fix the remuneration if any to be paid members of the committee;

(b) establish the procedure of the committee;

(c) provide for the appointment of a chairman and other officers of the committee.

PART IV

DISTRICT PLANNING COMMISSIONS

District
Planning
Commission
23 (1) The Minister may by order establish a District Planning Commission.

Contents of
order for
establishment
(2) An order establishing a commission may specify:

(a) the name of the commission;

(b) the area with respect to which a commission shall exercise its powers;

(c) the municipalities, hereinafter referred to as the 'participating municipalities';

1969 CHAPTER 16 18 Eliz. II. 15

ties', which shall be represented on the commission;

(d) the number of members to be appointed to the commission by each participating municipality;

(e) the term of office of members and conditions under which they cease to be members;

(f) the proportions in which each of the participating municipalities shall contribute to provide the funds required to meet the expenses of the commission, or a method by which the proportions are to be fixed;

(g) the officers and organization of the commission and how and when its meetings are to be held and its business transacted;

(h) the public agencies, boards or commissions, if any, which shall refer to the commission plans, schemes, studies or project proposals which may affect the planning and orderly development of the district, for the advice and assistance of the commission;

(i) such other matters as are necessary to carry into effect the intent of this Act.

(3) An order made pursuant to this Section may from time to time be varied, amended or repealed by the Minister.

(4) No participating municipality may withdraw from a commission without the approval of the Minister.

Changes in
order

Approval to
withdraw

Member of
council

(5) A member of a commission who is a member of the council of a participating municipality shall cease to be a member of the commission when he ceases to be a member of the council unless his membership on the commission is affirmed by the council of the municipality.

Vacancies

(6) If for any reason a member is unable to act, the council he represents may appoint another for the balance of his term and if the council fails to appoint such a member the Minister may appoint one.

Cost sharing
agreement

24 The Minister may enter into an agreement with a commission to share in the costs and expenses of the commission but any such agreement shall provide that the Minister shall pay,

(a) such proportion as the Minister may determine of the costs of the assistance provided to the Minister under clause (a) of subsection (1) of Section 25 and subsection (3) of Section 25;

(b) fifty per cent of all other costs of the commission including cost of services supplied under this Act to participating municipalities.

25 (1) A commission shall:

(a) assist the Minister in the preparation of a regional development plan for the area;

(b) advise and assist the council of any participating municipality in matters affecting planning generally;

(c) advise and assist the council of any participating municipality in the prep-

Powers and
functions of
commission

aration, amendment or revision of a municipal development plan, a zoning by-law under any such plan, or a subdivision by-law;

(d) exercise such rights and powers and perform such duties as may be vested in it by the Minister pursuant to this or any other Act or may be delegated to it by a council of a participating municipality.

(2) A commission may:

Powers of
commission

(a) expend its funds for any of the purposes of the commission;

(b) promote public interest in the planning and orderly development of the area;

(c) perform on behalf of any participating municipality such administrative functions in relation to planning as the municipalities may from time to time delegate with the approval of the Minister;

(d) engage such community planners, consultants, clerks and others as may be necessary for the purposes of the commission and determine their salaries and other remuneration;

(e) employ a development officer;

(f) do all such other matters and things as may be necessary for or incidental or conducive to the attainment of the foregoing.

(3) The development officer of a commission may, where the Minister has approved the exercise of such power, issue regional development

Authority of
development
officer

permits for all or part of the area with respect to which the commission exercises its powers.

26 (1) Every commission shall not later than the thirty-first day of January in each year submit to the Minister and to the council of each of the participating municipalities a financial report for the preceding year acceptable to the Minister and signed by the auditor for one of the participating municipalities; if the members of the commission are unable to agree upon an auditor, the Minister may appoint one.

(2) Where any expenditure included in a financial report under subsection (1) was not included in the estimate submitted for that year under subsection (1) of Section 27 or is in excess of the estimated expenditure, the expenses of the commission for the purposes of any payments under an agreement made pursuant to Section 24 may be reduced by the Minister by the amount of the expenditure or the amount of the excess.

(3) The commission shall also make an annual report to the Minister and to the councils of the participating municipalities setting out its activities for the preceding year.

27 (1) Every commission shall not later than the fifteenth day of October in each year submit to the Minister and to the clerk of each of the participating municipalities an estimate of its expenditures for the next year after adding thereto any anticipated deficit for the present year or deducting therefrom any anticipated surplus from the present year.

(2) Where any expense included in an estimate under subsection (1) is in the opinion of the Minister unreasonable or unnecessary he may so notify the commission and if after such notice any such expense is incurred by the commission it shall not

included in the expenses of the commission for the purposes of an agreement made pursuant to Section 24.

(3) If the council or the mayor or the warden of any of the participating municipalities is dissatisfied with the amount of the said estimate then within ten days after the estimate has been delivered to the clerk of the participating municipality, it or he may require the arbitration committees referred to in Sections 114 and 115 of the Assessment Act to determine and report the amount which in their opinion should be provided for the commission; and the said arbitration committees shall report thereon within ten days thereafter; if a board, commission or other committee performs the duties of the arbitration committees for that area then it shall determine and report such amount.

(4) The council of each of the participating municipalities shall include in its annual estimate of expenditures its proportion of the estimate referred to in subsection (1), or if a report has been filed pursuant to subsection (2) its proportion of the amount set out in such report.

(5) The sums required by the councils of the municipalities under this Section shall be held to be sums required for the ordinary lawful purposes of the municipalities and may be raised, levied and collected in the same manner and in all respects as other sums required for the ordinary lawful purposes of the municipalities are raised, levied and collected.

28 The commission may from time to time prepare supplementary estimates and the provisions of Sections 26 and 27 shall apply *mutatis mutandis*.

29 The council of each of the participating municipalities shall on a requisition signed by the

Financial reports of commission

Reduction of expenses by Minister

Annual report

Estimate of expenditures by commission

Exclusion of certain expenses

Reference of estimates to arbitration

Municipal contributions

Source of municipal contributions

Supplementary estimates

Payment by councils on requisition

chairman of the commission pay over to the commission all or such part of the amount included in its estimates under Section 27.

Incorporation of commission

30 (1) Every commission established under this Act shall be a body corporate under the name of the District Planning Commission of conditions agreed to by the Commissions.

Joint officers and staff

(2) A person may be an officer or member of the staff of two or more commissions upon conditions agreed to by the Commissions.

PART V

TRANSITIONAL PROVISIONS

Continuance of zoning by-laws and official town plans

31 (1) Subject to this Act a zoning by-law or an official town plan passed under any former Town Planning Act which by-law or plan was in force immediately before the coming into force of this Act shall continue to be in force, except for such provisions thereof as may be inconsistent with a regional development plan, for a period of two years.

Period of continuance

(2) A zoning by-law or official town plan in force as a result of subsection (1) shall remain in force for a further period of two years, or such longer period as the Minister may from time to time order, from the date the municipality begins to prepare a municipal development plan.

Determination of period

(3) For the purposes of subsection (2) a municipality begins to prepare a municipal development plan on the date:

- (a) of the coming into force of a regional development plan in which the municipality is required to prepare a municipal development plan; or