

Alderman Connolly agreed with Alderman Hogan in that it is ridiculous for Council to hold a public hearing to consider twelve view planes when no-one is prepared to approve them all. He considered it would be an exercise in futility.

After some discussion, His Worship the Mayor stated that he thinks the public hearing should be held to consider the eleven view planes with the C-1 view deleted. He had no objection to the deletion at all.

The City Solicitor said that it would be advisable for Council to consider as many view planes as possible at the public hearing because it was hoped that this would be the final meeting on the matter. He suggested that if only a few were discussed other alternatives might be presented and further public hearings would be necessary.

After further discussion, the motion was put and passed, seven voting for the same and three against it as follows:

For: Aldermen Bell, Connolly, Hogan, Stanbury,  
Stapells, Sullivan and Wentzell 7

Against: Aldermen MacKeen, Meagher and Moir 3

MOVED by Alderman Moir, seconded by Alderman Meagher that January 16, 1974 be set as the date to consider the remaining eleven view planes.

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

For: Aldermen MacKeen, Meagher, Moir and  
Wentzell 4

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

MOVED by Alderman Connolly, seconded by Alderman Hogan that the City Manager's original recommendation of five view planes be the subject of the public hearing on January 16, 1974.

The City Manager pointed out that before the five view planes can go to public hearing, Council would have to decide whether one of the views is to be taken from the roadway or from the ramparts.

After discussion, it was MOVED by Alderman MacKeen, seconded by Alderman Meagher that a public hearing be held on January 16, 1974 to consider the eleven view planes plus the remaining portion of the C-1 view plane that would not be violated by the proposed development at the corner of Barrington and Duke Streets.

The City Clerk advised His Worship the Mayor that

there was a motion already on the floor, moved by Alderman Connolly and seconded by Alderman Hogan relating to five view planes.

His Worship the Mayor stated that he had not accepted that motion.

Alderman MacKeen's motion was then put and passed, seven voting for the same and three against it as follows:

For: Aldermen Hogan, MacKeen, Meagher, Moir,  
Stanbury, Stapells and Wentzell 7

Against: Aldermen Bell, Connolly, Sullivan 3

Proposed Development - Barrington Street - Halifax Developments Limited and Durham Leaseholds Ltd.

No action was taken on this item since it had been referred to Staff for report and evaluation.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on December 5, 1973 with respect to the following matters:

Final Approval of Parcel A-1-1 Convoy Place

MOVED by Alderman Hogan, seconded by Alderman Sullivan that, as recommended by the City Planning Committee, final approval of Parcel A-1-1 Convoy Place, as shown on Plan No. 00-11-20543 of Case No. 2855, be granted. Motion passed.

Application for Resubdivision (Lot Consolidation) - Lands of Arnold J. Klaus, Cor. Agricola and West Streets

MOVED by Alderman Connolly, seconded by Alderman Hogan that, as recommended by the City Planning Committee, the application for resubdivision (lot consolidation) to create Lot A, Lands of Arnold J. Klaus, Corner of Agricola and West Streets, as shown on Plan No. P200/6089 of Case No. 2947, be approved. Motion passed.

Final Subdivision Approval Block J-3, Housing Condominium, Westridge Drive, Clayton Park

MOVED by Alderman Bell, seconded by Alderman Hogan that, as recommended by the City Planning Committee that:

1. Block J-3 Westridge Drive (Hampton Mews) as shown on Plan No. 00-11-20512, be granted final subdivision approval subject to the conditions included in the permit agreement, copy of which is attached to the Staff Report of November 28, 1973;
2. His Worship the Mayor and the City Clerk be authorized to sign the Development Permit Agreement on behalf of the City.

Alderman Hogan stated that the developer had advised Council the trees would remain as a buffer zone between this development and that presently in existence but he noted that the trees have all been removed in two large strips.

The motion was then put and passed with Alderman MacKeen voting against.

Appeal Against the Decision of the Development Officer in Granting a Modification of the Rear Yard and West Side Yard at 145 Rosedale Avenue

MOVED by Alderman Connolly, seconded by Alderman Wentzell that, as recommended by the City Planning Committee, the decision of the Development Officer be upheld. Motion passed with Aldermen Meagher and Stanbury voting against.

Final Approval - Lots A to D Carson Street, Park Projects Limited

MOVED by Alderman Wentzell, seconded by Alderman Bell that, as recommended by the City Planning Committee, the application requesting final approval of Lots A, B, C and D Carson Street, lands presently in the ownership of Park Projects Limited, as shown on Plan No. P200/6091 of Case No. 2990, be approved. Motion passed.

Application for Rezoning Parcel A-1, Lands of Emmanuel Church, Spryfield, from R-2 Zone to C-1 Zone - Date for Hearing - January 9, 1974.

MOVED by Alderman Connolly, seconded by Alderman Meagher that, as recommended by the City Planning Committee, City Council set a date for a public hearing to consider the rezoning of Parcel A-1 Herring Cove Road from R-2 (Two-family Dwelling Zone) to C-1 (Local Business Zone) as shown on Plan No. P200/6086 of Case No. 2953, and that persons living within the suggested area of notification be advised of the public hearing. Motion passed with Alderman Wentzell abstaining.

Neighbourhood Improvement Program

MOVED by Alderman MacKeen, seconded by Alderman Hogan that, as recommended by the City Planning Committee, City Council agree in principle with the concept of a Neighbourhood Improvement Project in the area as outlined in the Staff Report of December 3, 1973, and that:

1. A copy of the report be sent immediately to each of the households or businesses in the area;
2. A Public Hearing be held by Council to explain the provisions of the report to the residents and to initiate action whereby the Citizens Committee of residents of the area can be established;

3. If the Citizens Committee can be established, arrangements should be made for the Committee to meet with appropriate staff officials as often as required to finalize the details of the program; and
4. While the Province has not yet committed itself in detail to Neighbourhood Improvement Programs, an immediate approach should be made to the Province indicating that the City is seriously considering a pilot project and requesting the Province to set aside sufficient funds to assist in its implementation.

Motion passed.

MOTIONS

Motion - Alderman Stanbury Re: Taxation Relief for City Residents 70 Years of Age and Over

MOVED by Alderman Stanbury, seconded by Alderman MacKeen that a feasibility study be undertaken to provide substantial city taxation relief for city residents 70 years of age and over. Eligibility probably should require city residents for at least fifteen years. Residents who are assessed owners of a home in which they live and residents who live in rented quarters - there should be no means test.

Alderman Stanbury briefly spoke to her motion and said that she is of the opinion that there should be some sort of rent control for those elderly citizens living in rented quarters to compare with the possible tax relief for those in their own homes.

Alderman MacKeen congratulated the Alderman on her motion and was pleased to see that those older people living in rented quarters are being included.

Alderman Connolly was concerned about the lack of a means test since he felt that there are a few people of that age who are well able to pay full taxation and he hoped that they would be excluded.

The motion was then put and passed.

Motion - Alderman Stanbury Re: Provincial Cost Sharing - Bubble over Tennis Courts on Commons

MOVED by Alderman Stanbury, seconded by Alderman MacKeen that City Council approach the Provincial Government to substantially cost share in the erection of a bubble over the tennis courts on the commons to provide recreation in this sport during the winter months.

Alderman Stanbury spoke to her motion and urged that it be approved and an approach made to the Provincial Government immediately.

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The City Manager pointed out that there are funds in the Capital Budget for this for 1975 and if the money is expended in 1974 then something else will have to be put off or deleted. He said that the bubble type of coverings are in an experimental stage and City Staff were of the opinion that those presently constructed in the City should be given a fair trial. He was concerned that the location of such a facility is rather vulnerable.

Alderman Stanbury was hopeful that the Provincial Government might agree to pay the entire cost of the bubble. She felt it was worth a try.

His Worship the Mayor suggested that an approach be made and if the Province is agreeable, then funds can be found for the City's share. He did not consider it necessary to allocate funds for this purpose at this time.

Alderman Meagher thought it was too late for this winter season and it would be next Fall before the bubble is built, even if the Province agrees to cost share.

After further discussion, the motion was put and passed with Aldermen Moir, Hogan and Connolly voting against.

Motion - Alderman Moir Re: Amendments to Ordinance No. 131,  
Respecting Buildings and the Adoption of the National  
Building Code

MOVED by Alderman Moir, seconded by Alderman Hogan that this matter be deferred until such time as the amendments have been drafted.

Alderman Moir said that he was aware when he gave Notice of Motion, that there could be some difficulty in drafting the amendments to the Ordinance. He felt that the item should be deferred until the amendments are submitted.

The motion was put and passed.

#### MISCELLANEOUS BUSINESS

##### Capital Budget

MOVED by Alderman Stapells, seconded by Alderman Bell that the Proposed Capital Expenditures 1974-1978, as amended and approved by the Committee of the Whole on November 20, 22 and 28, 1973 be approved and that the following adjustments also be approved:

##### (a) Paving Renewals

CC006 Herring Cove Rd. @ Rotary  
\$60,000 carried over to 1974 Capital Budget  
from the \$67,000 allocated in 1973.

(b) Sewers

Sherwood Park/Rockingham Sewer Construction 1975 - \$150,000; 1976 - \$500,000; 1977 - \$1,000,000.

(c) Pollution Control

DA027 Bedford Highway Interceptor (Design) moved forward to 1974 - \$230,000.

DA043 Bedford Highway Interceptor (Construction) moved to 1975 - \$800,000; 1976 - \$800,000; 1977 - \$800,000; 1978 - \$705,000.

Alderman Hogan was concerned that the improvements to the Bedford Highway to provide a holding lane for left turning traffic at Sherwood Park are included in the Capital Budget.

He was advised that the amount approved by the Committee of the Whole of \$10,000.00 for this purpose is included.

The motion was then put and passed.

Tender Call - Addition to Halifax Regional Library

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

MOVED by Alderman Bell, seconded by Alderman Sullivan that City Council approve the calling of tenders for the additions and renovations for the Halifax City Regional Library in order that the City may maximize the potential assistance available from the Winter Capital Projects Fund. Motion passed.

Tender 73-124 (R) - Liquid Asphaltic Materials

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

MOVED by Alderman Connolly, seconded by Alderman Wentzell that the tenders for Liquid Asphaltic Materials be accepted as follows:

Imperial Oil Ltd.

	Non-Returnable Drums F.O.B. Plant <u>Imperoyal, N. S.</u>	Tank Wagon F.O.B. Plant <u>Imperoyal, N. S.</u>
RG70 to 800	42.8¢ gal.	27.8¢ gal.
MC-30	41.7¢ gal.	26.7¢ gal.
SC0	36.6¢ gal.	21.6¢ gal.
SC6	39.7¢ gal.	24.7¢ gal.
Special Primer	41.7¢ gal.	26.7¢ gal.

Flintkote of Canada Ltd.

	<u>Non-Returnable Drums F.O.B. Jobsite</u>	<u>Non-Returnable Drums F.O.B. Plant Burnside</u>	<u>Tank Wagon F.O.B. Jobsite</u>	<u>Tank Wagon F.O.B. Plant</u>
RS-1	0.463¢ gal.	0.450¢ gal.	0.329¢ gal.	0.316¢ gal.
RS-2K			0.352¢ gal.	0.339¢ gal.
SS-KH			0.412¢ gal.	0.399¢ gal.

All prices are subject to escalation upon 15 days prior notice in writing. Motion passed.

Resignation - City Manager

The City Manager's letter of resignation was submitted for formal acceptance.

MOVED by Alderman MacKeen, seconded by Alderman Moir that the City Manager's letter of resignation be accepted with sincere regrets.

His Worship the Mayor thanked the City Manager for his capable management and spoke of the excellent relationship which exists between Council and Staff and he said that all members of Council will miss him very much. He wished the City Manager every success in his new endeavours and hoped that he will come back and visit the City in the future.

The motion was then put and passed unanimously.

Appointments

His Worship the Mayor nominated the following persons for appointment to the Halifax Visitors and Convention Committee:

Alderman Stapells,  
Alderman Sullivan  
Alderman Wentzell  
Mrs. Joanne Thompson  
Mrs. Marie Nightingale  
Mr. Donald LeBlanc  
Mr. Gary MacPherson  
Mr. Peter Hershorn

MOVED by Alderman Moir, seconded by Alderman Meagher that City Council approve the appointments.  
Motion passed.

His Worship the Mayor nominated Mr. David Hyndman as the City's representative on the Board of Directors of Halicon.

MOVED by Alderman Moir, seconded by Alderman Meagher that City Council approve the appointment.  
Motion passed.

Report - Fire Protection Committee Re: Adoption of 1970  
Building Code

MOVED by Alderman Moir, seconded by Alderman MacKeen that, as recommended by the Fire Protection Review Committee, steps be taken immediately to adopt the 2nd Printing of the 5th Edition of the 1970 Building Code, which is dated October, 1972 and includes change Series No. 1, and that Ordinance Number 131 relating to this adoption be amended to include a clause which makes sprinklers mandatory in buildings over 6 storeys in height and if any building is fully sprinklered, the possible elimination of some other safety features required by the Code can be negotiated with the Fire Marshall, the Fire Chief and the Building Inspector. Motion passed.

Sewer Backup

Alderman Hogan referred to sewer blockage and backup which has taken place in his area as a result of people flushing Flush-a-byes down the toilets. He said that the City's Works Department has taken 3/4 of a barrel of these diapers from one manhole and two buckets full from another. He said that he considers the Company is advertising falsely and the very name would lead people to believe that they could be flushed down the toilet when in fact the fine print on the packages says that they should be torn up in small pieces before being flushed away. He asked what can be done.

The Director of Engineering and Works said that these diapers are indeed causing problems and it is more than likely that those people who are flushing them down the toilet will have a sewer blockage and backup into their own homes. He said that they can be wrapped and placed in plastic bags and collected with the normal garbage.

Alderman Stapells could not understand anyone flushing these diapers down the toilets since they are extremely bulky.

After a short discussion, it was agreed that the matter should be referred to the City Solicitor to see whether some legislation can be enacted to prohibit the flushing away of these diapers or the manufacturer be made to print on his packages that they should not be flushed down the toilet.

Declaration of Boxing Day, December 26, 1973

MOVED by Alderman Connolly, seconded by Alderman Bell that City Council declare Wednesday, December 26th, 1973 Boxing Day as a Civic Holiday. Motion passed.

QUESTIONS

Question Alderman Bell Re: Saving of Paper

Alderman Bell asked the City Manager to look into



the possibility of printing Staff Reports on both sides of a sheet of paper which would, in his opinion, be a considerable saving.

Question Alderman Connolly Re: Christmas Garbage Collection

Alderman Connolly referred to an information report from Staff relating to changes in the garbage collection days over the Christmas period and he asked why Staff had not proposed to change the collection for one day only rather than two days. He was concerned that there would be a considerable mix-up.

The Director of Engineering and Works said that Staff had considered this and would be prepared to make this change if Council felt it would be of benefit. He advised that the changes would be widely advertised.

After a short discussion, Council agreed that the day of collection for Christmas Day and New Year's Day only should be changed to the previous Saturdays and the Director of Engineering and Works was instructed to prepare public notice accordingly.

Question Alderman MacKeen Re: Car Parking on Vacant Lot  
Corner of Tower Road and Spring Garden Road

Alderman MacKeen referred to the fact that there are a large number of cars being parked on the vacant lot at the corner of Tower Road and Spring Garden Road. He said that the lot is presently zoned Residential and he asked Staff to check into the matter because it is his understanding that if the property is to be used as a parking lot it should be zoned Commercial and assessed accordingly.

Question Alderman MacKeen Re: Land at Barrington and  
Buckingham Streets

Alderman MacKeen asked Staff to make copies available to members of Council of the relevant sections of the Agreement between the City and Halifax Developments Limited relating to the triangular portion of land at the corner of Barrington and Buckingham Streets on which some development is proposed at the present time.

The City Manager advised that this would be done.

NOTICES OF MOTION

No Notices of Motion were given at this time.

ADDED ITEMS

Current Account Borrowing Resolution

A Staff report was submitted relating to the above matter.

MOVED by Alderman Hogan, seconded by Alderman Stapells that City Council authorize His Worship the Mayor and the City Clerk to sign a Current Account Borrowing Resolution in the amount of \$5,000,000, which authorizes the City Treasurer and City Manager or Assistant Treasurer to sign Demand Notes as required on behalf of the Corporation of the City of Halifax to that limit - resolution expiring June 30, 1974. Motion passed.

Non-Union Employees - Vacation Entitlement

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

MOVED by Alderman Connolly, seconded by Alderman Bell that the following be adopted as the City's vacation policy for Non-union Employees, for implementation as of January 1, 1974:

A. Vacation Allowances

1. Commencing from date of employment, one day per month;
2. Upon completion of one year of service,  $1\frac{1}{4}$  days per month;
3. Upon completion of ten years of service,  $1\frac{1}{2}$  days per month;
4. Upon completion of 15 years of service,  $1\frac{2}{3}$  days per month.

B. No vacation shall be taken during the first six months of employment.

C. Employees start earning vacation time at commencement of employment. An earned vacation day shall be taken within 15 months of the month during which it was earned, except for up to 5 vacation days which may be carried forward to allow for a longer than normal vacation at a later date.

D. All vacations shall be subject to prior approval of the employees' immediate supervisor.

Motion passed.

10:40 p.m. Council recessed to discuss the item relating to the Possible Acquisition of Land, Williams Lake Road in camera.

10:50 p.m. Council reconvened, the same members being present.

Possible Acquisition - Vacant Land, William's Lake Road

MOVED by Alderman Wentzell, seconded by Alderman Stapells that Staff negotiate the purchase of Lots H-1 and H-2 of the Havill Subdivision. Motion passed.

10:55 p.m. Council adjourned.

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WALTER R. FITZGERALD  
MAYOR AND CHAIRMAN

R. H. STODDARD  
CITY CLERK

CITY COUNCIL  
MINUTES

Council Chamber,  
City Hall,  
Halifax, N. S.,  
December 27, 1973  
8:08 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, Aldermen Connolly, Hogan, MacKeen, Meagher, Moir, Stanbury, Sullivan and Wentzell.

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

MINUTES

Minutes of the December 13, 1973 meeting of City Council were approved on motion of Alderman Meagher, seconded by Alderman Stanbury.

APPROVAL OF ORDER OF BUSINESS, ADDITIONS AND DELETIONS

The City Clerk advised that the following items are to be added to the Order of Business:

- 20(a) Collective Agreement Renewal - Fire Alarm Employees, Local 268 (I.A.F.F.)
- 20(b) Appointment Acting City Manager

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

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

His Worship the Mayor, at this time, welcomed Mr. A. T. Conrad to his first City Council meeting in his new role as Acting City Manager. On behalf of the entire Council, His Worship the Mayor wished Mr. Conrad every success in his duties.

DEFERRED ITEMS

Rezoning of Land at the Intersection of Cogswell Street and Rainnie Drive from P & I (Park and Institutional) to C-2 Zone (General Business)

This item was placed on the Order of Business having been deferred for a period of one month at the request of the applicant.

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A memorandum was submitted from the City Solicitor marked Private and Confidential relating to the matter.

At the request of Alderman Sullivan, the City Solicitor elaborated on the points contained in his memorandum.

It was MOVED by Alderman MacKeen, seconded by Alderman Moir that the application for the rezoning of land at the intersection of Cogswell Street and Rainnie Drive from P & I (Park and Institutional) to C-2 (General Business) be rejected.

Alderman MacKeen spoke to his motion and was concerned about the possible affect this needle would have on the Citadel and on the nearby residential area. He referred to objections which were made at the public hearing on this item from the residents and contended that this type of structure at this particular location would not be of benefit to the City.

Alderman Moir concurred with the remarks of Alderman MacKeen and spoke of the monies which are to be expended on the restoration of the Citadel. He was concerned that these monies might be reduced if this structure is built. He felt that the land might well be required in connection with the further development of the Citadel at some future time. He did not think that this type of project would attract visitors to the City and would not blend with the historic Citadel.

Alderman Hogan disagreed with the motion and was of the opinion that the needle would be of benefit to the City and he felt that the old and the new could blend well together. He could not see that this structure would have any detrimental affect on the Citadel at all.

Alderman Meagher suggested that if the project is viable, there are other more preferable locations than the one proposed.

Alderman Stanbury spoke of historic preservation and said that in her opinion the Citadel should be the focal point and a structure of this type in the location proposed should not be permitted. She suggested that a waterfront location would be more acceptable.

His Worship the Mayor said that he has had some contact with the Parks Branch of the Department of Indian and Northern Affairs and they are vitally concerned about this proposed development. He felt that there are other locations for such a structure that would be much more acceptable.

The motion was then put and passed with Aldermen Hogan and Sullivan voting against.

Alderman Connolly was not present at the public hearing so was not permitted to join in the debate or vote on the matter.

Rezoning Hemlock Ravine, Prince's Lodge Preservation Area  
from R-1 (Single Family Dwelling) Zone, R-2 (Two-family  
Dwelling) Zone and "G" (General Building) Zone to P (Park  
and Institutional) Zone

This item had been deferred from the last regular meeting of City Council.

His Worship the Mayor suggested that the item should again be deferred.

MOVED by Alderman Meagher, seconded by Alderman  
Connolly that the item be deferred to the next regular meeting  
of City Council. Motion passed.

PUBLIC HEARINGS AND HEARINGS

Hearing - Appeal Against the Decision of the Building  
Inspector in refusing a Sign at 3670 Kempt Road

Mr. Brian Peodigrew of the Development Department explained that the reasons for the refusal of this application are based on the Minutes of the August 16, 1973 meeting of City Council. At that time, he said, amendments to the Zoning By-law were passed establishing a 20 foot building line in this area. Council also agreed at that time, that no new signs should be erected between the building line and the street line. He said that the application for a new sign would contravene the By-law.

Alderman Stanbury said that she visited the area and understood that the same base and pole would be used for the proposed sign. She could not see that this change would constitute a new sign and referred to the fact that there are many, many other signs in similar locations. She felt that the new illuminated sign would be more attractive.

Alderman Sullivan asked if the same By-law applies to all parts of the City.

Mr. Peodigrew explained that the By-law applies to all streets where a building line has been established and at the present time building lines have been established on streets in the area of the A. Murray MacKay Bridge approaches.

The City Solicitor explained that all the present signs between the building line and the street line on Kempt Road are non-conforming and as such, cannot be replaced but only maintained.

Considerable discussion took place on the matter and the question arose as to whether or not the application should be considered as a new sign.

His Worship the Mayor pointed out that when Council approved the By-law it was hoped that eventually all the signs along the street will be set back 20 feet. He said that anyone who wishes to make structural changes to his sign will not be permitted to do so, since they are all non-conforming.

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Council heard from Mr. K. Carruthers of the Pilkington Glass Company who advised that the proposal is to erect a new top on the existing base and pole. The new illuminated top will replace the present wooden one which is in need of some maintenance. He said the purpose of the illuminated sign is to identify his business more clearly.

In reply to a question from Alderman Meagher, Mr. Carruthers advised that if the sign is permitted, the Company would agree to move it back behind the 20 foot building line at no cost to the City, should street widening take place along that portion of Kempt Road in the future.

After further discussion, His Worship the Mayor said that the City Solicitor should be asked for a legal ruling on the application.

It was then MOVED by Alderman Connolly, seconded by Alderman Moir that the matter be referred to the next meeting of the Committee of the Whole Council for a report from the City Solicitor. Motion passed.

Hearing - Appeal Against the Decision of the Building Inspector in Refusing a Permit for an Apartment Building at 33 Withrod Drive

The City Solicitor advised that this item was also the subject of a Private and Confidential memorandum submitted to Council a short while ago because he had anticipated an appeal being made. He explained that on July 30, 1973 an application was made for the construction of an 18 unit apartment building on the site. On July 31, 1973, Council first dealt with the matter of the rezoning of the land from R-4 to R-2 publicly. At the time of the application for the apartment building, the land was zoned R-4 which would permit the building. Council has since passed a motion to rezone the land to R-2. Since that Council decision, the City has been issued with a Notice of Intended Action to restrain the City from issuing a building permit for this apartment development, such Notice given by a Mr. Farcey, a neighbour of this property. The Building Inspector, as a consequence of this Action and on legal advice withheld the building permit from the applicant. It is this decision, he said that is being appealed. He said that he understands that if the building permit is not issued, legal action will be taken by the applicant.

In reply to a question, the City Solicitor understood that the initial application was made for a building permit by the person who was intending to purchase the land if an indication from the City was favourable that such permit would be issued. On being advised by the City that a building permit would be forthcoming, the land was purchased. Subsequently the building permit was refused.

His Worship the Mayor was of the opinion that the building permit should not be issued until the matter is resolved by the Courts.



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December 27, 1973

The City Solicitor said that if Council feels that a building permit should be issued, it might agree to issue it if no legal action is taken by Mr. Farcey within a certain period of time.

It was MOVED by Alderman Connolly that a building permit be issued as of January 15, 1974 unless the City receives Notice that some legal action has been commenced by Mr. Farcey.

His Worship the Mayor said that he could not accept this motion since it is customary for the applicant, or a representative, to address Council in support of the appeal.

Mr. J. D. MacIsaac, solicitor for the developer, addressed the meeting. He first advised that Mr. Farcey is not a neighbour of the property and lives on Mountain Road some distance away from the site. He also pointed out that although Council approved the rezoning of the land to R-2, it does in effect remain R-4 until such time as the Appeal before the Provincial Planning Appeal Board is resolved. He briefly reviewed the history of the application that was made on July 30, 1973. He said that site and plot plans were requested by City Staff and were submitted on August 30, 1973. On September 19, 1973 he advised that a letter was received from the City indicating that a building permit would be issued and that the land was zoned R-4 and suitable for the proposed use. Mr. MacIsaac said that his client relied upon that letter and proceeded with the purchase of the land. He urged Council to authorize the Building Inspector to immediately issue a building permit.

The City Solicitor said that when he contacted the Provincial Planning Appeal Board on November 30, 1973 he was advised that there were no appeals before it relating to the Kline Heights rezoning. He noted that Mr. MacIsaac had been informed of an Appeal.

In reply to a question, Mr. MacIsaac advised that the letter received by his client from the City advising that a building permit would be issued, dated September 19, 1973, was signed by R. B. Grant, Director of Development.

Mr. MacIsaac further advised that he has ascertained that to this date no Legal Action has been commenced by Mr. Farcey.

The City Solicitor expressed some concern about discussing this item publicly since it seems likely that it will go to Court.

His Worship the Mayor could not visualize Council passing a motion to issue a building permit after making a decision by majority vote to rezone the lands to R-2. He felt that the Court should decide whether the City is right or not.

Some members of Council were concerned that they

had not been acquainted with all of the facts when the rezoning of the land was considered.

Mr. MacIsaac said that his client has spent a great deal of money in preparing plans, etc. after receiving the letter from the City indicating that a building permit would be issued.

Alderman Sullivan was of the opinion that Council cannot make a decision until the appeal before the Provincial Planning Appeal Board is resolved.

Alderman Connolly said that when he voted on the rezoning, he was of the understanding that the apartment building would be permitted to proceed since the application had been made prior to any discussion of rezoning.

After considerable discussion, it was MOVED by Alderman Connolly, seconded by Alderman MacKeen that a building permit be issued as of January 15, 1974 unless the City receives Notice that some legal action has been commenced by Mr. Farcey.

His Worship the Mayor ruled the motion out of order since he could not see how Council can permit an 18-unit apartment building on R-2 land, if the Provincial Planning Appeals Board upholds the Council decision. He suggested that any Council decision should await the outcome of the appeal.

Some discussion took place as to whether or not there actually is an appeal before the Provincial Planning Appeal Board since conflicting information has been given.

His Worship the Mayor suggested that the City Solicitor make certain as quickly as possible.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that the matter be referred to the next meeting of the Committee of the Whole Council.

His Worship the Mayor hoped that the City Solicitor can ascertain whether an appeal is in existence prior to the Committee of the Whole meeting.

The motion was put and passed with Aldermen Moir and Connolly voting against.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on December 19, 1973 as follows:

Write-Off of Bad Debts

MOVED by Alderman Moir, seconded by Alderman Meagher that, as recommended by the Finance & Executive Committee, City Council under Section 184 of the City Charter 1963, excuse the Treasurer from collecting the monies due the City, as listed below, and authorize the write-off of \$93,992.74:

	PRINCIPAL	INTEREST
1. Business Taxes	\$24,506.72	
2. Real Estate Taxes - Leased Property	7,837.26	
3. Real Estate Taxes - General	6,833.77	\$411.80
4. Local Improvements	159.49	32.01
5. Private Work - General	31.61	
6. Private Work - Car Accidents	132.50	
7. Sign License Fees	46.99	
8. Repairs to Landlord's Property	594.15	
9. Hospital - Children's	9,786.01	
10. Hospital - Victoria General	6,511.77	
11. Hospital - Eyeglasses	3,731.50	
12. Rents	16,830.66	
13. Settlement Billings - Welfare Assistance	16,546.50	
	<u>\$93,548.93</u>	<u>\$443.81</u>

Motion passed.

Offer of Sale - Anderson Square to Provincial Government

MOVED by Alderman Meagher, seconded by Alderman Sullivan that, as recommended by the Finance & Executive Committee, provided there are no serious objections from the Anglican Church authorities, the City offer to sell Anderson Square to the Province of Nova Scotia as a future site for a health related facility or for some other public use deemed to meet a social need of the Halifax community and that such sale be completed within a period of six (6) months. Motion passed.

Halifax Housing Authority Budget - 1974

MOVED by Alderman MacKeen, seconded by Alderman Stanbury that, as recommended by the Finance and Executive Committee, the 1974 proposed budget of the Halifax Housing Authority be approved by City Council and His Worship the Mayor and the City Clerk be authorized to sign the approval on behalf of the City.

Alderman MacKeen referred to a recent robbery at Ahern Manor and said the Authority should take into consideration the installing of a buzzer system for the entrance doors of the apartment buildings.

Alderman MacKeen noted that privately owned buildings do have such a system and felt people living in the Housing Authority buildings should be entitled to the same protection. Alderman MacKeen expressed doubt as to whether sufficient funds were contained in the budget to institute this system, and it was suggested by His Worship the Mayor that the Authority could be advised of this suggestion in the letter which is sent advising that the budget has been approved.

Alderman MacKeen felt that if the Housing Authority were to require a supplementary budget for this item, they should advise Council accordingly to which there was general agreement.

The Motion was then put and passed.

Possible Acquisition - Vacant Land - Williams Lake Road

MOVED by Alderman Hogan, seconded by Alderman Wentzell that, as recommended by the Finance and Executive Committee, the lands of the Estate of Walter Havill, shown as Lots H-1 and H-2 on the sketch attached to the staff report of December 18, 1973, be purchased by the City of Halifax for \$11,500.00 as settlement in full for all claims, subject to the approval of the Minister of Municipal Affairs of the withdrawal of the required funds from the Sale of Land Account.

Motion passed with Alderman Connolly against.

Furnishings - New Police Headquarters

MOVED by Alderman Moir, seconded by Alderman MacKeen that, as recommended by the Finance and Executive Committee, the low bid of Seaman-Cross Limited be accepted for furnishings for the new Police Headquarters in an amount of \$8,792.00 and that additional funds of \$4,560.76 be allocated for this purpose.

Motion passed with Alderman Connolly against.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on December 19, 1973 as follows:

Delegation of Authority - Hearings - Dilapidated Buildings

MOVED by Alderman Connolly, seconded by Alderman Meagher that, as recommended by the Committee on Works, under authority of Section 438 of the City Charter, Council delegate its authority to conduct hearings and make orders with respect to dilapidated buildings or structures to the Committee of the Whole Council.

Motion passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on December 19, 1973 as follows:

Application for Final Approval of Lots 16A & 16B, Subdivision  
Lands of Gerald Miller, Rocky Hill Drive & Tremont Drive

MOVED by Alderman Hogan, seconded by Alderman Wentzell that, as recommended by the City Planning Committee, the application for final approval of Lots 16A and 16B as shown on Plan No. P200/6043 of Case No. 2976, be granted by City Council. Motion passed.

Application for Final Approval - Lot G-3 Lands of Kathleen P.  
Stevens, Bedford Highway

MOVED by Alderman Wentzell, seconded by Alderman Stanbury that, as recommended by the City Planning Committee, the application for final approval of Lot G-3 as shown on Plan No. P200/6123 of Case No. 2080, be granted by City Council.

Motion passed.

Final Subdivision Approval of Lot A-1 Kidston Road, Spryfield

MOVED by Alderman Wentzell, seconded by Alderman Connolly that, as recommended by the City Planning Committee, the application for final approval of Lot A-1 Kidston Road as shown on Plan No. P200/6126 of Case No. 2986, be refused by City Council.

Motion passed with Alderman Sullivan against.

Subdivision Application for Preliminary Approval  
"Maplewood" Francklyn Street

The following is the recommendation of the City Planning Committee:

"That the matter be referred to City Council without recommendation with a staff report to be submitted dealing with moral, legal, and other issues."

A supplementary staff report dated December 27, 1973 was submitted on the matter which advised in part that as a result of subsequent negotiations between the applicant and staff, Lot 15 has been mutually accepted as land designated as 5 per cent open space dedication. The report recommended that the application be approved.

MOVED by Alderman Connolly, seconded by Alderman Moir that the application for preliminary subdivision approval of "Maplewood" as shown on Plan No. P200/6128 of Case No. 2988 be approved by City Council subject to Lot 15 being designated as the 5 per cent open space dedication.

Motion passed with Alderman MacKeen abstaining.

MISCELLANEOUS BUSINESS

Consolidation of Lots A and B Purcell's Cove Road

MOVED by Alderman Wentzell, seconded by Alderman Stanbury that, as recommended by the City Planning Committee at its meeting held on December 5, 1973, the application for consolidation of Lots A and B to create a new Lot "C" as shown on Plan No. P200/6122 of Case No. 2980, be approved by City Council. Motion passed.

Tender 73-146 - Sale of 1957 Hough Loader

A staff report dated December 17, 1973 was submitted on the above noted matter.

MOVED by Alderman Hogan, seconded by Alderman Wentzell that the high bid of Lawrence Auto Salvage in the amount of \$3,177.00, be accepted for the sale of one surplus 1957 Hough Loader. Motion passed.

Appointment

His Worship recommended the appointment of Alderman Stanbury to the Board of School Commissioners. His Worship advised that Alderman Stanbury has consented to the appointment.

MOVED by Alderman Connolly, seconded by Alderman Sullivan that Alderman Stanbury be appointed to the Board of School Commissioners for a term expiring December 31, 1976.

Motion passed.

QUESTIONS

Question Alderman MacKeen Re: Building Permit - Shed attached to the Miller & Johnson Building, Gottingen Street

Alderman MacKeen said this is the subject of a previous question which he asked and said he has not as yet heard from the Building Inspection Department regarding the issuance of a Building Permit for a shed which is attached to the Miller & Johnson building on Gottingen Street. Alderman MacKeen asked that he be informed on this matter.

Question Alderman Stanbury Re: Cost Study regarding the removal of snow from driveways resulting from the plowing of streets

Alderman Stanbury advised that she has just been handed a note questioning whether a cost study could be made regarding the removal of snow from the street at the end of driveways which results from the plowing of streets. Alderman Stanbury went on to read the note which referred to the problems which older people have in clearing the snow which is left by the snowplow as it is heavily packed.

His Worship advised that this matter would be referred to the Engineering & Works Department.

Question Alderman Sullivan Re: Vandalism of Street Lights

Alderman Sullivan said it is his understanding that the N.S. Power Corporation installs street lights and carries out the normal replacement of bulbs but if they are vandalized, the City must make the repairs. Alderman Sullivan then questioned whether there are instances when the lights are damaged as a result of storms, etc., suggesting it may be difficult to determine whether damage resulted from vandalism or say storm damage.

The Director of Works replied that it is usually quite obvious if damage is caused from articles being thrown at the lights or whether it is a result of storm damage.

Question Alderman Connolly Re: Letter from Minister of Municipal Affairs regarding Amendments to Ordinance No. 128.

Alderman Connolly referred to the above noted letter and said it should be made known that the Province has refused to allow amendments to Ordinance No. 128 which would allow the City to tax Universities.

Question Alderman MacKeen Re: Fire Hazard, Building at the Corner of Duke Street and Granville Street

Alderman MacKeen advised he is of the understanding that some 55 fires have been located in a building at the corner of Duke and Granville Streets and questioned where this matter stands now. Alderman MacKeen said he asked the question of the Fire Chief saying he is not aware of any action being taken.

His Worship advised that the Acting City Manager would report at an early date on the matter.

NOTICE OF MOTION

Notice of Motion Alderman Hogan Re: Amendment to Trade Union Act

Alderman Hogan gave Notice that at the next regular meeting of City Council to be held on Thursday, the 17th day of January, 1974, he proposes to introduce a Motion that the City apply to the Provincial Government for an amendment to the Trade Union Act. Alderman Hogan advised that the specific request would be to amend the definition of "employee" by deleting therefrom police and firemen, and said the purpose of the amendment would be to have police and firemen submit all contract disputes to compulsory arbitration.

Notice of Motion Alderman MacKeen Re: Introduction of Ordinance No. 162 respecting the Design, Construction and Operation of a Regional Solid Waste Management System

Alderman MacKeen gave notice that at the next regular meeting of City Council of the City of Halifax to be held on the 17th day of January, A.D., 1974, he proposes to introduce Ordinance Number 162 respecting the Design, Construction and Operation of a Regional Solid Waste Management System.

Alderman MacKeen advised that the purpose of the Ordinance is to join with the County of Halifax and the City of Dartmouth in conferring the responsibility for a Regional Solid Waste Management System upon the Halifax-Dartmouth Regional Authority.

ADDED ITEMS

Collective Agreement Renewal - Fire Alarm Employees,  
Local 268 (I.A.F.F.)

A staff report dated December 21, 1973 was submitted relating to the above noted matter.

Following a short questioning of staff, it was MOVED by Alderman Moir, seconded by Alderman Connolly that the Collective Agreement Renewal between Fire Alarm Employees, Local 268 (I.A.F.F.), and the City of Halifax as outlined in the staff report of December 21, 1973, be accepted, and His Worship the Mayor and City Clerk be authorized to execute the Agreement on behalf of the City. Motion passed.

Appointment - Acting City Manager

His Worship the Mayor advised that the previous City Manager appointed Mr. Arthur Conrad as Acting City Manager until the end of 1973. His Worship said that Council must appoint an Acting City Manager from January 1, 1974 until such time as a new Manager is found.

MOVED by Alderman Connolly, seconded by Alderman Stanbury that Mr. Arthur Conrad be appointed Acting City Manager from January 1, 1974 until a new City Manager has been appointed.

Motion passed.

10:00 P. M. - Meeting adjourned.

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WALTER R. FITZGERALD  
MAYOR AND CHAIRMAN

R. H. STODDARD  
CITY CLERK