

record

SPECIAL CITY COUNCIL
PUBLIC HEARINGS
MINUTES

Council Chamber
City Hall
Halifax, N. S.
January 9, 1974
8:10 P. M.

A special meeting of 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: His Worship the Mayor, Chairman; Deputy Mayor Hogan, Aldermen Stapells, MacKeen, Wentzell, Sullivan, Bell, Meagher, and Connolly.

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

The City Clerk advised the meeting was called as a public hearing to consider the following:

1. Closure of the Portion of Carlton Street north from Spring Garden Road;
2. To alter the Street Lines of a Portion of Penny Avenue north of Layton Road; and
3. Rezoning of Parcel A-1, Herring Cove Road, Lands of Emmanuel Church, from R-2 Zone (Two-Family Dwelling) to C-1 Zone (Local Business).

Public Hearing Re: Closure of the Portion of Carlton Street north from Spring Garden Road

A public hearing was held at this time regarding the above noted matter.

Mr. Dodge of the Development Department, with the aid of maps, outlined what is involved in the closure of the street and advised the City would want to sell the land at market value to a development company who is proposing to place an apartment building on the site. Mr. Dodge said there are problems associated with sewer and water lines located on the site which have been discussed with the proposed developer saying that staff feels these can be eliminated. He said there are other utilities located in the area but said these matters can be solved by the developers themselves.

Mr. Dodge then answered questions put forth by members of Council on the matter.

Council agreed at this time, that a presentation could be made regarding the building which is intended by the proposed developers.

Mr. M. Novac, Vice-President of Trizec Corporation the proposed developers, addressed Council saying that the company would enter into negotiations with the City to acquire the property which is now Carlton Street. He said the reason for this essentially is due to an extensive list of tenants who are trying to enter the two existing apartment buildings which the company owns on Spring Garden Road and suggested they can be accommodated if this third building is erected.

Mr. Novac suggested that the location is ideal and said that the City's traffic counts have been studied and that a community impact study has been carried out by the company, and that meetings have been held with Community groups on the proposed project. Mr. Novac then introduced Mr. Lambros, Architect for the company.

Mr. Lambros then addressed Council saying that the proposed building is a quality building and is to be built by well known developers in the field. Mr. Lambros suggested it is the first totally sprinkled building in the City of Halifax with amenities going well beyond the requirements of the By-law. Mr. Lambros suggested the Spring Garden Road area and immediate vicinity is an ideal location for apartment buildings suggesting the area can sustain a lot of high-rise buildings.

Mr. Lambros then presented Council with a slide presentation which showed such items as the plot plan, the ground floor plan, two levels of underground parking, and the typical floor plan of the building. He also presented slides of the proposed building from various locations surrounding the structure taken from different heights.

Mr. Lambros said that, as was mentioned earlier by Mr. Dodge, the technicalities regarding the closure of Carlton Street have been solved saying the company has no problems regarding the relocation of services etc. He said a new drainage system will be constructed with a new trench for services to Spring Garden Road being built all of which will conform to the standards of the City's By-laws.

Mr. Lambros then answered questions put forth by members of Council on the matter.

There being no further persons wishing to speak in favour of or against the matter, His Worship declared the matter to be before Council.

MOVED by Alderman Connolly, seconded by Alderman Sullivan that the matter of the Closure of the portion of Carlton Street north from Spring Garden Road be sent to the next regular meeting of City Council without recommendation.

Motion passed.

9:03 P. M. - Alderman Moir arrives.

Public Hearing Re: To Alter the Street Lines of a Portion
of Penny Avenue north of Layton Road

A public hearing was held at this time into the above noted matter which was duly advertised.

Mr. C. L. Dodge of the Development Department, with the aid of maps, outlined the proposal for the information of Council.

There being no response to His Worship's question for persons wishing to speak either in favour of or against the matter, His Worship declared the item to be before Council.

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

9:10 P.M. - Alderman Wentzell leaves the meeting.

Public Hearing Re: Rezoning of Parcel A-1, Herring Cove Road,
Lands of Emmanuel Church, from R-2 Zone (Two Family Dwelling)
to C-1 Zone (Local Business)

A public hearing was held at this time into the above noted matter which was duly advertised.

Mr. Pettigrew of the Development Department, with the aid of a map, outlined what is involved in the application and reasons for staff's recommendation of refusal, and was then questioned by Council.

His Worship then called for those wishing to speak in favour.

Mr. Ted Wickwire Solicitor for A & W Food Services of Canada Limited, the applicant, addressed Council on the matter saying that the purchase of the lands in question have been negotiated with Emmanuel Church the present owners, saying the Church wishes to relocate the Rector and his family who are presently living in this commercial area, to a residential area. Mr. Wickwire went on to outline the expenditure proposed by A & W Food Services Limited on the site which is in excess of \$300,000.00. Mr. Wickwire said that technical aspects of the plan can be provided by the area representative of A & W who is present at tonight's meeting.

Mr. Wickwire was then questioned on the matter.

Mr. Ralph McKelvie, a resident of Spryfield and a member of Emmanuel Church, addressed Council in favour of the rezoning advising that the front portion of the land in question is presently zoned C-1. He said that in order to get to the property, it is necessary to cross the C-1 property and suggested it was only reasonable that the property in question be zoned C-1 as well. Mr. McKelvie said the area in question is in the centre of a well established business area and suggested traffic conditions would not be worsened as the increase would occur after the peak traffic hours.

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Mr. McKelvie was then questioned by members of Council.

Mr. Steadman a Warden of Emmanuel Church spoke in favour of the rezoning and concurred with the previous speaker. Mr. Steadman said the area where the Rector is presently living is not suitable for bringing up a young family.

There being no further persons wishing to speak in favour of the proposed rezoning, His Worship called for those wishing to speak against.

There being no persons wishing to speak against, His Worship declared the matter to be before Council.

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

Motion passed.

9:30 P. M. - Meeting adjourned.

HEADLINES

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MAYOR WALTER R. FITZGERALD
CHAIRMAN

R. H. STODDARD
CITY CLERK

Record

PUBLIC HEARING - CITY COUNCIL
RE: "PROPOSED VIEWS BY-LAW"
MINUTES

Gymnasium,
Highland Park School,
Robie & Duffus Streets,
Halifax, N. S.
January 16, 1974
8:00 P.M.

A Public Hearing was held at this time with respect to the "Proposed Views By-law" relating to views from Citadel Hill.

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

Also Present: Acting City Manager, City Solicitor,
City Clerk, Director of Planning and other staff members.

His Worship the Mayor called the meeting to order and advised that Mr. Babb, Director of Planning, would identify the twelve views which are the subject of discussion at this time.

Mr. Babb, Director of Planning, described the basic reasons for holding the public hearing, briefly reviewed the history of the views matter and indicated to those present material on display relative to the views. He then referred those present to the submission entitled "Views From Citadel Hill: Halifax, N. S. Proposed By-Law, January 1974", copies of which were distributed to those attending. He then called upon Mr. John MacKenzie of the Planning Department to continue staff's presentation.

Mr. John MacKenzie displayed slides and illustrated in detail each of the twelve proposed view planes.

In reply to a question from His Worship the Mayor, the City Solicitor stated that it was his opinion that the view planes being discussed would be capable of some modification but not enlargement without a public hearing being held.

Mr. Bruce S. C. Oland, President, Lindwood Holdings Ltd., submitted and read a brief on behalf of Lindwood Holdings Ltd. A copy of this brief is on file in the office of the City Clerk.

Mr. John Belgrave, Area Superintendent, Historic Sites, Halifax, submitted and read a brief on behalf of Parks Canada - Atlantic Region. A copy of this brief is on file in the office of the City Clerk.

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Mr. Gilbert Hutton, 57 Woodlawn Road, Dartmouth, a representative on and Acting Chairman of the Downtown Committee, submitted and read a brief on behalf of the Downtown Committee. A copy of this brief is on file in the office of the City Clerk.

Mr. John Way, a member of the Downtown Committee, submitted and read a brief, copy of which is on file in the office of the City Clerk.

Mr. F. David McGee, Secretary and company solicitor, submitted and read a brief on behalf of National Sea Products Limited, copy of which is on file in the office of the City Clerk.

Mr. Philip D. Pacey submitted a brief on his own behalf and on behalf of Elizabeth Pacey, entitled "A Cost-Benefit Analysis of New Development". Mr. Pacey, with the aid of slides, presented a summary of the analysis of the 1973 City of Halifax budget. Mr. Pacey then responded to questions from His Worship the Mayor and members of Council re specific aspects of his presentation. A copy of the brief is on file in the office of the City Clerk.

Mr. M. Wright, First Vice-President of the Halifax Board of Trade stated his membership are interested in preserving views consistent with the future development and growth in the downtown area and the Central Business District.

Mr. E. Grant Jarvis, Chairman, Civic Affairs Committee, Halifax Board of Trade, submitted and read a brief, pointing out the highlights of the recommendations and conclusions therein. A copy of the brief is on file in the office of the City Clerk.

The meeting then recessed at 10:10 p.m. for ten minutes.

The meeting reconvened at 10:20 p.m. with the same members in attendance.

Mr. S. Robertson submitted and read a brief on behalf of Maritime Telegraph and Telephone Company Limited. A copy of this brief is on file in the office of the City Clerk.

Virginia Bradford submitted and read a brief on behalf of C.O.S.E.C., copy of which is on file in the office of the City Clerk.

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Phyllis Blakeley, 2160 Connaught Avenue, submitted and read a brief on behalf of the Environment Group of the Halifax University Women's Club, copy of which is on file in the office of the City Clerk.

Mr. Don Lohnes, 5222 Blowers St., addressed Council and stated that Lohnes Restaurant Limited has owned, maintained and paid taxes on a parcel of land affected by the proposed view planes since 1939. He stated that if it is the wish of City Council and the citizens of Halifax to retain proposed views, then it should be the responsibility of City Council and citizens of Halifax to financially compensate the land-owners affected by the view planes through lower taxes or other means. Further, if some means of compensation to property owners affected by view planes is not available, he suggested the elimination of C-3 and B-6 view planes.

Mrs. Helen Stuart, teacher and resident at 1643 Preston St., addressed Council and pointed out the uniqueness of the City of Halifax. She stated there is a responsibility to those living outside Halifax as we are custodians of an historic and scenically beautiful area. She stated that the view planes, in order of priority, in her opinion, are B - 1, B - 3, B - 6, C - 3, C - 5, C - 6, E - 2, and R. She suggested that a City plan is needed.

Mr. Roger O'Neil submitted and read a brief on behalf of the Urban Development Institute of Nova Scotia, copy of which is on file in the office of the City Clerk.

Mr. Alan Ruffman, resident of Herring Cove, addressed Council and suggested that there is a tendency to confuse highest and best use of property. He commented on specific points raised by previous speakers re compensation, access to waterfront and concluded his remarks with several predictions re the future development of the City of Halifax.

Mr. John Davies, 1165 Rockcliffe St., addressed Council as a private citizen and read his own composition in verse, depicting the Citadel's speech for itself.

Mr. Ian McKee, addressed Council as Vice-President of Heritage Trust of Nova Scotia and as a private citizen. He stated that Heritage Trust supports the views of Parks Canada as outlined by Mr. Belgrave and stressed that his organization joins those who request that a views by-law be passed as quickly as possible. As a private citizen, Mr. McKee stated that he personally has done some studies in economics and would agree with the findings presented by Mr. Pacey.

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Mr. L. Collins, Chairman, Halifax Landmarks Commission, spoke in support of the proposals of the Downtown Committee. He hoped that City Council does consider the statements of the Downtown Committee and its policies as pertinent as any brief from developers. He further pointed out that the seal of the City of Halifax has the Citadel as its most prominent feature.

Mr. Jeffrey Marshall, architect, reminding members of Council that 'one picture is worth one thousand words', submitted two pictures, one being a colored view at night from Citadel Hill, the other being a structure in the downtown area that was built up by adding additional stories without demolition of the initial structure.

Mr. C. Campbell, resident of Fairview, congratulated City staff and Council on the plan for view planes which was proposed. He suggested that development and revenue are needed.

BAIRD
Mr. J. Barrett, representing the Ecology Action Centre, referred to a telegram addressed to the Aldermen of the City of Halifax, which was forwarded to the Ecology Action Centre with no further explanation. He read the contents of the telegram which was signed by A. Faulkner, Urban Affairs Consultant. Mr. Barrett stated he could in no way identify the sender nor verify his position. He stated that his organization urges City Council to adopt view planes legislation as proposed. He suggested that the by-law is required not only to protect the tourist industry and interests but also to protect the City of Halifax for the citizens of Halifax. He advised that they support the argument that repudiates that large amounts of development will take tax pressure off residential property owners. He requested that the views by-law be incorporated into the Downtown plan as well as the Municipal Development Plan at the earliest possible date.

Mr. F. Smith, representing A. M. Smith & Co. stated he has no direct interest in any property affected by the view planes and therefore was addressing Council as a private citizen and businessman. He cautioned Council not to get carried away with emotionalism and to consider the objective of comprehensive redevelopment of the downtown area in the interests of all of the City. He suggested that Council must never lose site of the fact that there must be incentive if Council wants the development of downtown Halifax. He requested that the downtown area be developed in the interests of the City and part of the interests of the City is to save some of the view planes.

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Mrs. M. Rosinski, 5618 Inglis Street, stated she wished to address Council as a property owner re view planes B-6 and C-3, and from the ramparts. She considered the view from George Island, northern part of McNabs Island and Eastern Passage essential to the appreciation of Halifax's history and surroundings. She stated she plans to develop her properties to their full potential but retaining their present scale and character. She submitted that development within the view planes area could comply with height limits without undue loss as the properties involved generally were acquired many years ago. She stated that growth without greed would serve the City best. Mrs. Rosinski stated she supports eleven view planes, the view from the ramparts being redundant if the others are accepted. She congratulated staff on their proposal and urged Council to protect the views by passing an interim by-law and make the initial by-law as inclusive as possible.

Mrs. Elizabeth Pacey pointed out to City Council that the view of Citadel Hill is very impressive and spectacular because it is a panorama and, with the aid of slides, she illustrated the point she wished to impress upon those present.

Mr. G. Hicks, 5335 Young St., pointed out that in his opinion three basic views should be saved, these being (1) north end of the harbour (2) George Island and McNab's Island area and (3) harbour mouth. He suggested that some wording should be included in the by-law to provide Council the opportunity to give the right to developers to infringe upon view planes if it is found that their development is worthy of doing so.

Mr. J. Godfrey, Kings College, stated he is in favour of the view planes as submitted by staff. He presented three questions to council asking if it was not possible to build buildings down, if revitalization of downtown is being achieved, and can the assumption be made that growth is going to continue. He suggested that the Council would be held responsible by future generations for the decisions made now.

Mr. D. Lachapelle, with the aid of slides, illustrated the quality and beauty of the view from the Citadel.

In response to a request from His Worship the Mayor for anyone present who wished to speak, no other persons present responded.

Meeting adjourned - 11:50 P.M.

WALTER R. FITZGERALD
MAYOR & CHAIRMAN

R. H. STODDARD
CITY CLERK

record

Council Chamber,
City Hall,
Halifax, N. S.,
January 17, 1974
8:05 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 Bell, MacKeen, Moir, Stanbury, Stapells, Sullivan and Wentzell.

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

MINUTES

Minutes of meetings of Council held on December 27, 1973 and January 9, 1974 were approved on motion of Alderman Sullivan, seconded by Alderman Moir.

APPROVAL OF ORDER OF BUSINESS, ADDITIONS & DELETIONS

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

- 20(a) Authority to Defend Actions Brought Against the City
- 20(b) Dentith Road Shopping Centre - Cost Estimates Re Road Construction, Lot Consolidation and Subdivision,

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

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

8:10 p.m. Alderman Meagher arrives.

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)

An additional report was submitted from Staff on this item and it recommended that the rezoning of the park preservation area take place as soon as possible.

MOVED by Alderman Stanbury, seconded by Alderman Bell that Hemlock Ravine, Prince's Lodge Preservation Area

be rezoned from R-1 (Single-family Dwelling) Zone and R-2 (Two-family Dwelling) Zone and "G" (General Building) Zone to "P" (Park and Institutional Zone). Motion passed.

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

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

Alderman Stapells had no vote since he was not present at the Public Hearing on this item. Alderman Moir left the meeting at this time.

Closure of the Portion of Carleton Street north from Spring Garden Road

A Public Hearing into the above matter was held on January 9, 1974 and same was referred to Council without recommendation.

MOVED by Alderman Sullivan, seconded by Alderman Stapells that the portion of Carleton Street running north from Spring Garden Road be closed.

8:15 p.m. Alderman Hogan arrives.

Alderman MacKeen referred to the proposed project of an apartment building and felt that such building is unnecessary at this time. He was concerned about squeezing another one in this area. He also spoke of his concern that visitor parking in sufficient quantity is not provided. He said he could not support the motion.

Alderman Meagher said that he has no argument with the design or siting of the building but considered that there are sufficient apartment buildings on Spring Garden Road at the present time.

Alderman Stanbury expressed the view that closure of streets should be considered very carefully and she was opposed to the motion for this reason.

Alderman Hogan advised that the proposed apartment building met all requirements of the Zoning By-law in that each unit had an available parking space and in addition eight or nine spaces were being provided for visitor parking. He reported that this building would be the first such building to be fully sprinklered.

Alderman Sullivan said that he understands that there are a number of people on a waiting list for units in this building and is in favour of the motion.

Alderman Stapells felt that the proposed building is located in an ideal spot and he supported the motion wholeheartedly.

Alderman MacKeen again referred to the lack of visitor parking proposed for the building.

Alderman Hogan contended that if visitor parking is required, then the By-law should be amended to reflect this requirement.

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

For: Aldermen Bell, Hogan, Stapells, Sullivan
and Wentzell 5

Against: Aldermen MacKeen, Meagher and Stanbury 3

Sale of Portion of Carleton Street to Trizec Equities Ltd.

A Confidential staff report dated January 16, 1974 was submitted in connection with this matter.

MOVED by Alderman Connolly, seconded by Alderman Stapells that the agreement be approved on the following terms and conditions:

1. That Council approve in principle the consolidation of the Carleton Street land with the balance of the land to comprise the site for the proposed building.
2. That the portion of Carleton Street shown on Plan TT-18-20593 be sold to Trizec Equities Limited for the sum of \$246,000 subject to the following:-
 - (a) the official closing of the subject portion of Carleton Street;
 - (b) confirmation of the proposed lot consolidation in the event of any appeal;
 - (c) conclusion of an agreement in respect of the following undertakings by Trizec;
 1. To provide from its premises and at its expense a water connection to the Camp Hill area equivalent to that existing.
 2. To provide at its expense for partial re-location of a portion of the 15 inch combined sewer from Carleton Street into the Camp Hill grounds.
 3. To maintain in a clean and tidy state to the City's satisfaction and at Trizec's expense the walk-way area at the east side of Carleton Street over which the City will retain a right-of-way for the purpose of public access to Camp Hill Cemetery.

4. Either to reimburse the Public Service Commission the undepreciated capital cost (\$5,900) of an existing water main in Carleton Street or to grant the Commission an easement in lieu thereof with no reduction in the City's price for the land.
 5. To relocate at its expense and to the City's satisfaction the entrance to the Cemetery.
 6. To bear the expense of removal, replacement or installation of all curbs, gutters, sidewalk, soddings, etc. associated with closure of Carleton Street, estimated to cost \$6,300.
 7. Not to remove any of the trees on the east side of Carleton Street without the consent of the City.
- (d) the actual development of the proposed apartment building being proceeded with by Trizec Equities.
- (e) retention by the City of walkway and sewer easement areas totalling ± 10,665 sq. ft.
- (f) that the City agree to exchange with Trizec Equities Ltd., at its sole option to be exercised within 2 years after approval of the street closure by the Minister of Municipal Affairs, the lot on which the Camp Hill Maintenance Building is located, for at least an equivalent amount of land at the rear of Embassy Towers lot; the Company, at its own expense to relocate the Maintenance Building and add thereto an additional 160 sq. ft., subject to any necessary subdivision alterations and rezoning.

Motion passed with Aldermen MacKeen and Stanbury voting against.

A Formal Resolution was submitted giving effect to the closure of Carleton Street.

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

Alderman Moir returns to the meeting.

Alteration to Street Lines of a Portion of Penny Avenue
North of Layton Road

The above matter was referred to Council without recommendation from the Public Hearing held on January 9, 1974.

MOVED by Alderman Bell, seconded by Alderman Wentzell that the street lines of a Portion of Penny Avenue, north of Layton Road be altered. Motion passed.

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

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

Rezoning - Parcel "A-1", Herring Cove Road, Lands of Emmanuel Church, from R-2 Zone (Two-family Dwelling) to C-1 Zone (Local Business)

The above matter was referred to Council without recommendation from the Public Hearing held on January 9, 1974.

Staff briefly explained the proposal with the aid of a map displayed.

MOVED by Alderman Hogan, seconded by Alderman Moir that the rezoning be denied.

After some discussion, the motion was put and lost.

MOVED by Alderman Meagher, seconded by Alderman Sullivan that Parcel "A-1", Herring Cove Road, Lands of Emmanuel Church, be rezoned from R-2 Zone (Two-family Dwelling) to C-1 Zone (Local Business). Motion passed with Alderman Hogan voting against.

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

MOVED by Alderman Meagher, seconded by Alderman Sullivan that the Formal Resolution, as submitted, be approved. Motion passed with Alderman Hogan voting against.

Alderman Wentzell returns to the meeting.

Alderman Stanbury had no vote on this item as she was not present for the Public Hearing.

Views By-law - Citadel Hill

His Worship the Mayor referred to the fact that the Public Hearing on this item was only held last night and he suggested that perhaps it should be dealt with at the next meeting of City Council.

Alderman Moir said that he had come prepared to debate the issue this evening but appreciated the fact that all members of Council might not be prepared to do so. He said he would agree to a deferment of the item.

Council concurred with His Worship the Mayor and the item was deferred to the next regular Council Meeting.

Hearing - Appeal Against the Development Officer's Decision
in Approving a Minor Variance of the East and West Side
Yard Requirements - Lot #19, Belmont-on-the-Arm

Two letters appealing the decision of the Development Officer were submitted from the following:

Dr. J. S. Goomar
Mrs. Margaret C. Hicking

An additional letter was received from Mr. W. A. Peter Thompson objecting to the methods followed in permitting a development to get to such an advanced stage before the error was noticed.

A report was submitted from Staff outlining the error that was made and recommending that City Council uphold the Development Officer's decision.

The Building Inspector explained what happened and spoke of some improvements which he proposes to make which will obviate such an error happening again.

MOVED by Alderman Bell, seconded by Alderman Stanbury that the decision of the Development Officer to grant a minor variance for the west and east side yard requirements of Lot 19 Belmont-on-the-Arm from 6 feet to 4 feet and 3.2 feet respectively, as shown on Plan No. P200/6134 of Case No. 2995 be upheld.

Alderman Moir suggested that explanatory letters should be sent to the persons who appealed the decision and to Mr. Thompson.

His Worship the Mayor said he would make certain that the suggested letters are sent.

The motion was then put and passed.

Petition - Residents of Sherwood Park for Sewer and Water Facilities

A Petition signed by thirty-eight persons was submitted requesting the installation of sewer and water facilities to the Sherwood Park area.

Alderman Hogan endorsed the petition.

MOVED by Alderman Hogan, seconded by Alderman Meagher that the Petition be accepted and referred to Staff for Report. Motion passed.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on January 9, 1974 with respect to the following matters:

Interest Charges on Past Due Taxes

MOVED by Alderman Wentzell, seconded by Alderman Moir that, as recommended by the Finance and Executive Committee, effective March 1, 1974, the interest rate on unpaid realty taxes be increased from the present rate of 9% to 10½% per annum and that Clause 5 of Ordinance No. 145 be amended to read as follows:

"Interest on all outstanding taxes shall accrue at such rate as Council may determine from time to time notwithstanding which, the rate shall be reviewed by Council no less frequently than once each year. Interest shall apply from the first day of the month next following the month in which the obligation to pay taxes arises."

Motion passed with Alderman Sullivan voting against.

Renewal of Pound Agreement S.P.C.A.

MOVED by Alderman Stanbury, seconded by Alderman Moir that the Pound Agreement be renewed for a further year on the following basis and that His Worship the Mayor and the City Clerk be authorized to sign such an Agreement on behalf of the City:

- (a) \$3,500.00 grant, payable in quarterly instalments;
- (b) \$1,500.00 to be applied toward the annual salary of the pound-keeper;
- (c) \$500.00 toward the payment of civic taxes for 1974;
- (d) \$2.00 per day for maintenance of an unclaimed animal (not to exceed \$6.00); and
- (e) \$1.50 for the disposal of each unclaimed animal.

Motion passed.

Expenditure from Equipment Reserve - \$415,340.00

This item was forwarded to Council from Committee without recommendation with a request for additional information.

A Further Staff Report was submitted relating to this matter.

MOVED by Alderman Bell, seconded by Alderman Wentzell that City Council approve an expenditure of \$415,340.00 from Equipment Reserve for replacement of heavy equipment for the Engineering and Works Department and for equipment purchases for the Police and Fire Departments, as itemized on the Staff Report of January 2, 1974. Motion passed.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on January 9, 1974 with respect to the following matters:

1974 Proposed Local Improvement Rates

MOVED by Alderman Moir, seconded by Alderman Bell that, as recommended by the Committee on Works, the proposed 1974 Local Improvement Tax Rates, as shown on Appendix "A" attached to the Staff Report of December 20, 1973, be approved. Motion passed.

Policy and Quality Standards - Special Meeting

MOVED by Alderman Stanbury, seconded by Alderman Stapells that, as recommended by the Committee on Works, the document entitled "Policy and Quality Standards" be accepted and that a special meeting be held on the matter at which time staff can explain the material contained therein. Motion passed.

REPORT - SAFETY COMMITTEE

Council considered the report of the Safety Committee from its meeting held on January 9, 1974 with respect to the following matters:

Proposed Increase - Taxi Fares - Amendments to Ordinance No. 116

MOVED by Alderman MacKeen, seconded by Alderman Bell that, as recommended by the Safety Committee, the following amendments be made to Ordinance No. 116:

1. the proposed tariffs be approved as follows:

Tariff No. 1 - 70¢ initial charge
(5 cent Unit) 5¢ each 1/10 mile
5¢ each 45 seconds waiting time
25¢ each additional passenger

Tariff No. 2 - 70¢ initial charge
(10¢ Unit) 10¢ each additional 2/10 mile
10¢ each 90 sec. waiting time
25¢ each additional passenger

2. the charges for hand luggage, parcel or bag of groceries be clarified;
3. Ordinance No. 116 Respecting The Regulation of Vehicles Transporting Passengers for Hire be amended accordingly and submitted to the Minister of Municipal Affairs for approval; and

Council,
January 17, 1974

4. staff submit a report only if same is deemed necessary.

Alderman Moir said that he is prepared to give a Notice of Motion which is required as a first step to amend the Ordinance. He pointed out that it is necessary to give Notice of Motion, then follows at the next Council meeting the First Reading of the Amended Ordinance, after which the item is dealt with in Committee of the Whole and Second Reading is given, then on to City Council for Second Reading, after which it is forwarded to the Minister of Municipal Affairs for his approval.

Alderman Stanbury referred to a telephone call she had received from a woman who has recently moved to the City and who was very complimentary to the taxi drivers in the City saying they are extremely courteous and she would agree that the rates should be increased.

Mr. James Cowan, solicitor for the Taxi Association, said that he has some additional amendments to be put forward and he asked when they should be submitted.

He was informed that these other amendments can be introduced when the Ordinance is discussed in Committee of the Whole prior to Second Reading.

Alderman Stanbury hoped the matter could be dealt with as quickly as possible.

Alderman Sullivan asked what charge is made for wheelchairs.

One of the taxi drivers present at the meeting advised that no charge is made for Wheelchairs or Baby-carriages.

His Worship the Mayor advised Mr. Cowan that he could introduce any further amendments to Committee of the Whole Council when the Ordinance is discussed prior to Second Reading being given.

Mr. Cowan advised that this is quite acceptable and he would follow this procedure.

The motion was then put and passed unanimously

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on January 9, 1974 with respect to the following matters:

Permit for Sign at 3670 Kempt Road

MOVED by Alderman Stanbury, seconded by Alderman Hogan that, as recommended by the City Planning Committee, the recommendation of the Building Inspector to approve the sign at 3670 Kempt Road, be accepted. Motion passed.

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

This matter was forwarded to City Council from the City Planning Committee without recommendation.

At the suggestion of Alderman Stapells, the City Solicitor brought Council up to date on the status of this item.

Alderman Stapells outlined the facts of the case and was of the opinion that there are extenuating circumstances which apply in this instance.

Alderman Moir tended to feel that a permit should be issued for the construction of an apartment building.

Considerable discussion ensued on the matter.

It was MOVED by Alderman MacKeen, seconded by Alderman Moir that City Council instruct the Building Inspector to issue a building permit for the apartment building at 33 Withrod Drive immediately.

Further discussion took place and His Worship the Mayor made a suggestion that the City might consider purchasing the land from the present owner and developing it to R-2 density.

It was pointed out that before any approval is given by City Council to purchase the property, a recommendation would have to come from the City Manager.

After further discussion, it was MOVED by Alderman MacKeen, seconded by Alderman Moir that the matter be referred back to the Committee of the Whole Council and that Staff in the interim period discuss the matter of the possible acquisition of the land by the City with the applicants to see if an acceptable solution can be found.

The Motion to Refer was put and passed.

Lot Consolidation of Parcels F, G, H and N Kempt Road,
Lands Presently Owned by Halliday Craftsmen Limited
into New Lot N.

MOVED by Alderman Bell, seconded by Alderman Stanbury that, as recommended by the City Planning Committee, the application for lot consolidation of Parcels F, G, H and N, Lands presently in the ownership of Halliday Craftsmen Limited, forming a new Lot N, as shown on Plan No. P200/6143 of Case No. 2997, be approved. Motion passed.

Application for Final Approval of Lots H-4A and H-4B -
Subdivision Lands of Hemlock Investments Limited,
Princeton Avenue

MOVED by Alderman Wentzell, seconded by Alderman Meagher that, as recommended by the City Planning Committee, the application for final approval of Lots H-4A and H-4B, as shown on Plan No. P200/5909 of Case No. 2933 be granted by City Council, subject to:

- (a) When a dwelling is to be constructed on Lot H-4A, the City sewer is to be used; and
- (b) At such time the existing septic tank in Lot H-4B malfunctions, this lot will also be connected into the City sanitary sewer.

Motion passed.

Amendment to the Zoning By-law - R-2 Zone - Date for Hearing

MOVED by Alderman Meagher, seconded by Alderman Sullivan that, as recommended by the City Planning Committee, a date be set for a public hearing to consider the following proposed amendment to the Zoning By-law:

Section 23 shall be amended by

- (1) deleting Section 23 within the R-2 Residential zone and substituting therefore:

"Section 23(1) No person shall erect, alter, repair, maintain, or use any building in whole or in part, or use any land in an R-2 Zone for any other purpose than one of the following uses; namely,

- (a) all R-1 zone uses;
- (b) a semidetached dwelling;
- (c) a duplex dwelling;
- (d) a basement apartment;
- (e) any use other than a privy accessory to any of the uses in (a), (b), (c) and (d).

- (2) Notwithstanding Section (1) herein, a basement apartment shall only be permitted in a single-family dwelling.

Motion passed. Public Hearing to be held February 20, 1974.

Consolidation of Parcels of Land C, L, M and G with
Parcel D, Kempt Road

MOVED by Alderman Wentzell, seconded by Alderman Hogan that, as recommended by the City Planning Committee, the Minutes of the meeting of the City Council of November 29, 1973, be amended to read "Plan No. P200/6152 of Case No. 2985..." Motion passed.

Tentative Approval - Phase I - Cresthaven Park Subdivision
off Bedford Highway

The recommendation from the Committee reads as follows:

"It is recommended that Tentative Approval of the First Phase of the Cresthaven Park Subdivision, as shown on Plan "B", be given in principle."

The Assistant Director of Development advised that all necessary documents have not yet been received by City Staff and he suggested that tentative approval should not be given in principle at this time.

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

Lots 1-26 inclusive, Lands Presently in the Ownership of
Park Projects Limited

MOVED by Alderman Wentzell, seconded by Alderman Sullivan that, as recommended by the City Planning Committee, preliminary approval be not granted for the subdivision of Lot G and that the City proceed to acquire this land either through negotiation or expropriation. Motion passed.

9:45 p.m. Alderman Connolly arrives.

MOTIONS

Motion - Alderman Hogan Re: Amendment to Trade Union Act.

MOVED by Alderman Hogan that the City apply to the Provincial Government for an amendment to the Trade Union Act. The specific request would be to amend the definition of "employee" by deleting therefrom police and firemen. The purpose of the amendment would be to have police and firemen submit all contract disputes to compulsory arbitration.

Alderman Connolly seconded the motion.

Alderman Hogan spoke to his motion saying that he feels very strongly about this matter and is proposing the amendment because at no time should these essential services be withdrawn. He could not understand why the Attorney

General of the Province would in 1969 give policemen and firemen this right to strike. He referred to other places where these essential services were withdrawn and said that the results were pretty terrifying. He felt that the compulsory arbitration clause would ensure that in any collective bargaining these employees would receive just consideration. He pointed out that compulsory arbitration would be just as binding on the City as on the Unions. He contended that the right to strike is held as a weapon during bargaining negotiations. He felt that there are means other than the right to strike that can be used to ensure that during collective bargaining the employees are treated fairly.

Alderman MacKeen was vehemently opposed to the motion and suggested that by removing the right to strike from these groups, their collective bargaining position is severely damaged. He contended that it would be completely contrary to the essence of fair bargaining.

His Worship the Mayor made a comment that during this discussion some consideration should be given to what levels of rank the right to strike should be given, so that minimal service would continue.

Alderman Moir did not think that the point raised by His Worship the Mayor should be considered at this time. He said that the continuance of services by the officer ranks would certainly lessen the effectiveness of a strike. He could see the merits of Alderman Hogan's motion but said he would have to agree with Alderman MacKeen and would vote against the motion.

Alderman Hogan stressed the fact that many citizens greatly feared the possibility of a strike by these essential services and he said that he could not envisage firemen watching a burning building without doing something to help. He suggested that there are other procedures that can be included in the Act to replace the right to strike which would not weaken the Union's position at the bargaining table.

Alderman Moir said that the only motion he would be prepared to support would be one which suggested the formation of a committee of Council along with representatives of the police and fire unions and possibly the Attorney General's department to fully discuss the issue.

Alderman Stanbury could not understand why this group of employees are being picked on, she felt that there are other essential services such as nurses and teachers.

Alderman Bell said that he cannot support the motion because there are no acceptable alternatives available in this Province. He said that the machinery is not in existence in this area to deal with compulsory arbitration.

10:00 p.m. Alderman Meagher retires.

Council,
January 17, 1974

Alderman Connolly spoke to the motion and concurred with the remarks of Alderman Hogan. He asked the question "What price a life?". He could not agree with the statement of Alderman MacKeen that the bargaining position of these groups would be weakened if an acceptable alternative such as compulsory arbitration is included in the Act.

After further discussion, Alderman Sullivan asked if the City has the right to ask the Province to amend Provincial legislation for a particular municipal unit.

His Worship the Mayor advised that if the Provincial Legislation was changed it would have application throughout the Province.

The motion was then put and lost.

Alderman Moir asked His Worship the Mayor to think about his suggestion that a committee of Council, representatives of the police and fire unions sit down and discuss the whole matter.

His Worship the Mayor said that he would consider this suggestion and he thought that any discussions should also touch on the point he raised earlier as to whether or not the senior ranks who do not have the right to strike would be able to continue providing reduced service in the event of a strike.

Motion - Alderman MacKeen Re: Introduction of Ordinance No. 162 respecting "The Design, Construction and Operation of a Regional Solid Waste Management System" First Reading

MOVED by Alderman MacKeen, seconded by Alderman Moir that Ordinance No. 162, respecting "The Design, Construction and Operation of a Regional Solid Waste Management System" be read and passed a First Time. Motion passed.

MISCELLANEOUS BUSINESS

Appointments

Atlantic Winter Fair, Board of Directors

His Worship the Mayor nominated Mr. Don J. Oland to the above board for a 2-year term, expiring December 31, 1975.

MOVED by Alderman Sullivan, seconded by Alderman Bell that the nomination of His Worship the Mayor be approved. Motion passed.

Halifax Housing Authority

At the request of Alderman MacKeen these appoint-

ments were deferred at this time.

Court of Assessment Appeal

His Worship the Mayor nominated for re-appointment to the Appeal Court the following:

Mr. J. G. DeWolf
Mr. J. H. Vaughan

MOVED by Alderman Stapells, seconded by Alderman MacKeen that the appointments, as recommended by His Worship the Mayor, be approved.

Alderman Stanbury suggested that in future years consideration might be given to the appointment of a builder or contractor or someone knowledgeable of building construction.

The motion was then put and passed.

Roof Repairs - Public Gardens Bandstand

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

The Director of Engineering and Works answered several questions from members of Council.

MOVED by Alderman Stapells, seconded by Alderman Stanbury that authority be given to award the tender for repairs to the roof of the bandstand in the Public Gardens to Guildfords Ltd. at a total cost of \$18,315.00.
Motion passed with Alderman Connolly voting against.

QUESTIONS

Question Alderman Bell Re: Difficulties in Snow Plowing as a Result of Cars being Parked on Streets

Alderman Bell asked if the City's Works Department has encountered any difficulty in snow plowing because of cars parked on streets.

The Director of Engineering and Works advised that no difficulty has been encountered to date mainly because there has been little snow.

Alderman Bell noted that some streets are plowed only down the centre and there is approximately 8 feet of ice alongside each curb. He felt that these icy areas are a hazard to motorists and greater effort should be made to have the streets plowed more thoroughly.

Question Alderman Connolly Re: Lacrosse Box - Gorsebrook

Alderman Connolly asked what the starting date is with respect to the ice mat for the Lacrosse Box on Gorsebrook.

His Worship the Mayor said that he is intending to discuss this matter with the City Manager but he understands that some authorization must be obtained for funds, since those collected from the community fall short of the required amount.

Question Alderman MacKeen Re: Copy of Extract of Agreement between City of Halifax and Halifax Developments Ltd.

Alderman MacKeen referred to a question which he had asked previously that he be supplied with extracts from the Agreement between the City of Halifax and Halifax Developments Limited relating to the land at the corner of Barrington and Buckingham Streets on which the Third Phase of the Durham Leasehold's proposal is to be constructed.

Question Alderman MacKeen Re: Brunswick Towers - Illegal Occupancy

Alderman MacKeen referred to the illegal occupancy of Brunswick Towers and asked why the minimum penalty only was requested, being \$20.00.

The City Solicitor said he would look at this matter and report back to the Alderman.

Question Alderman Moir Re: Maxi-Provincial or Mini-Federal/ Provincial Park

Alderman Moir referred to the fact that the issue of the Eastern Shore National Park has now been resolved and there will not be a National Park in that area. He asked if the Park Report dated February 1973 can be brought forward now for further consideration.

His Worship the Mayor said that this matter is already in hand.

Question Alderman Stapells Re: LIP Projects

Alderman Stapells asked who it is that decides which LIP applications are submitted for approval to the Federal Government.

The Acting City Manager advised that a committee nominated by the Local member of Parliament deals with these applications.

Alderman Stapells referred to a recent Staff Report and asked why a programme of street re-numbering in the Annexed Area would be included as in his opinion it is totally unnecessary.

His Worship the Mayor pointed out that the list of projects in the Staff Report which the Alderman is reading, are projects which have been refused and therefore

no re-numbering will be undertaken in the Annexed Area.

NOTICE OF MOTION

Notice of Motion - Alderman Moir - Amendments to Ordinance
No. 116 - the "Taxi Ordinance"

Alderman Moir gave notice that, at the next regular meeting of the City Council, to be held on January 31, 1974, he will move that Ordinance No. 116, the "Taxi Ordinance", be amended to reflect the increased rates approved by Council at this meeting.

ADDED ITEMS

Authority to Defend Actions Brought Against the City

A report was submitted from the City Solicitor relating to the above matter.

MOVED by Alderman Stapells, seconded by Alderman Sullivan that the City Solicitor be authorized to defend the actions against the City on behalf of the City of Halifax, as listed in the Staff Report dated January 17, 1974.

Alderman Moir noted the heavy workload of this Department and he suggested that the City Solicitor should be given the freedom to secure outside assistance if he considers it necessary. He noted also that many of the listed actions could be very time consuming.

The City Solicitor thanked the Alderman for his concern and he said that where possible the actions are defended by members of his Staff although he stated that Council has always granted him permission to obtain outside assistance if required. He said that only recently one of the senior members of his Staff has resigned to teach at the Dalhousie Law School.

Alderman Moir asked the City Solicitor to consider the possibility of an amendment to the City Charter which would authorize him to defend any action against the City automatically.

The City Solicitor said he would consider this suggestion but has some reservations.

The motion was then put and passed.

Dentith Road Shopping Centre - Cost Estimates Re Road
Construction, Lot Consolidation and Subdivision

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

The Assistant Director of Development explained the situation and elaborated on the Appendices attached to

the Staff Report. He said that Staff recommends approval of the Lot Consolidation and approval of Appendix A. After this approval is given, he said that notices will be sent out to the affected persons with respect to the local improvements. He said that unfortunately the cost to the City will be in the order of \$119,535.00 and this sum is not included in the Capital Budget.

After some discussion, it was MOVED by Alderman Moir, seconded by Alderman Sullivan that the resubdivision of Lot 7 and the combination of Lots 1-6 with a portion of Lot 7 be approved for the Dentith Road Shopping Centre and that the cost estimates as set out on Appendix A to the Staff Report of January 17, 1974 be accepted provided the funds can be secured and recommended by the City Manager.

Alderman Wentzell was concerned at the high cost to some of the property owners in the area and it was pointed out that these people will have the right to appeal or petition against certain of the improvements.

After further discussion, the motion was put and passed.

10:55 p.m. Alderman Moir retires.

Closure - Carleton Street

His Worship the Mayor referred to the above item which had been dealt with earlier in the meeting and asked Council to amend the motion to clarify it for Staff.

The amended motion is included in the portion of the Minutes which deal with the item.

10:57 p.m. Council adjourned.

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WALTER R. FITZGERALD
MAYOR AND CHAIRMAN

R. H. STODDARD
CITY CLERK

CITY COUNCIL - PUBLIC HEARING
STORE HOURS
MINUTES

Record

Council Chamber,
City Hall,
Halifax, N. S.,
January 23, 1974
8:00 p.m.

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

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

The City Clerk advised that the meeting was especially called as a Public Hearing to consider the question of Store Hours.

His Worship the Mayor introduced the subject and said that he would just ask for persons to speak on the matter without separating those for and against the regulation of Store Hours in the City of Halifax.

Mr. Ted Wickwire addressed Council on behalf of the Spring Garden Road Merchants Association and the Downtown Merchants Association with a combined total of 120 member businesses. He read a brief which supported the regulation of Store Hours on a Provincial basis. He submitted a draft of a proposed Business Hours Act which had been put before the Union of Nova Scotia Municipalities for consideration prior to being forwarded to the Provincial Government. He noted that the Provincial Government is not apparently interested in approving any Provincial Regulation on this matter. He stated that while the groups he is representing do not favour any change in the present Ordinance, they would go along with an amendment which would permit night opening on a Wednesday. (A Copy of the Draft Legislation referred to is attached to the Official Minutes of this meeting.)

Mr. Harry Paton submitted and read a brief prepared by the Halifax Board of Trade which recommended an amendment to the Ordinance to permit the opening of stores on Wednesday night until 10:00 p.m. (A Copy of this Brief is attached to the Official Minutes of this meeting.)

Some discussion took place with respect to those businesses which are located in large Shopping Centres and which are required to abide by a contract with the Shopping Centre owners and open on every night possible.

Norma Horne, Lecturer in Home Economics at Mount St. Vincent's University addressed the meeting and recommended that the Ordinance be change to provide some flexibility in shopping hours for the consumer. She was of the opinion that stores should open at times convenient to the consumer and that the consumer should be able to shop when he or she wishes.

Mrs. Janet Murray spoke on behalf of the Halifax County Branch of the Consumers' Association and suggested that the Ordinance should be either repealed or permit much more flexibility in the hours. She suggested that stores be permitted to choose whether they open at 9:00 a.m. or 10:00 a.m. or even later and whether they close at 6:00 p.m., 7:00 p.m. or later. She also suggested that they might be permitted to choose which nights during a week they remain open. She spoke on behalf of the consumer who should have the opportunity to shop when he or she wishes, not only during the hours of opening permitted under the Ordinance.

Some discussion took place with respect to the pleasure of shopping or whether this pleasure has now been taken away.

Mr. Lloyd Newman asked the City Solicitor whether the law could be so written so as to permit those businesses who are under contract with a large shopping centre can have the option of opening or not on an extra night.

The City Solicitor was of the opinion that this would not be possible as the contract is a private arrangement between the business owner and the shopping centre owner.

Mr. Newman asked the City Solicitor to consider this question further to see if there is any way such legislation can be written to accommodate the small business owner located within a shopping centre complex. He went on to say that he is vehemently opposed to any change in the present Ordinance but since it appears that an amendment will be made to permit Wednesday night opening, he would accept that reluctantly.

Mrs. Shirley Gillebard addressed the meeting as being in favour of an additional night opening and she concurred with the suggestion that hours might be staggered.

Mr. John Goldberg spoke on behalf of his Father and he was opposed to any regulation respecting Store Hours. He contended that the retail business is a competitive one and stores should be permitted to open as and when they please, even if they wish to open on Sundays. He was concerned that Halifax will lose its go-ahead appeal if it remains stodgy on this issue. He said that if the Ordinance is amended to permit Wednesday night opening it is only offering "half a loaf" to those businesses who are really keen to compete with others and who are prepared to work to that end.

Mr. Ken Butler spoke as owner of the Bayers Road Shopping Centre and concurred with the remarks of Mr. Goldberg. He favoured the repeal of the Ordinance so that Halifax could compete Regionally. He was concerned that any restrictions should be imposed on a regional basis. He referred to a number of shopping centres which are locating in Dartmouth and the County and was certain that the present Ordinance is a deterrent to those who might consider locating in the City of Halifax. He said that the Penhorn Shopping Mall is opening shortly as is a centre in Bedford and even one in Sackville. He stressed the fact that some form of regional regulation is necessary.

In response to a request from His Worship the Mayor, no other person indicated a wish to speak on the subject.

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

9:30 p.m. Council adjourned.

WALTER R. FITZGERALD
MAYOR AND CHAIRMAN

R. H. STODDARD
CITY CLERK

P.O. Box 577
Halifax
Nova Scotia
Phone 422-6447

HALIFAX BOARD OF TRADE



SUBMISSION TO THE MAYOR AND CITY COUNCIL
FOR PUBLIC HEARING ON STORE HOURS
SCHEDULED FOR WEDNESDAY, JANUARY 23RD, 1974

JANUARY, 1974
HALIFAX BOARD OF TRADE

The question of store hours and the early closing bylaw in force in the City of Halifax has been a continuing sore point with many of the merchants of the City of Halifax.

Merchandising methods are constantly changing with the times; and Halifax's store hours regulations are now in need of modernization. The Halifax Board of Trade in endeavouring to determine just what its members desired with respect to store hours legislation set up a special task force which handed down a Report in September of 1973.

This special task force examined the whole problem in detail and received input from the various merchants associations in the City of Halifax and reported as follows:

It would first appear that since we have a free enterprise system there should be no regulation of store hours by any governmental authority leaving each merchant free to choose his hours of operation with no interference and making each merchant compete in the market place for his share of business. A closer examination revealed that the smaller merchants could very easily be driven out of business if there were no regulation of store hours due to increased overhead brought about by longer hours. Such increased overhead may be more easily absorbed by large chain and department stores.

The Halifax Board of Trade is the voice of business in the City of Halifax and this voice is the voice of small business as well as that of big business. The City Council must also take careful consideration of the plight of the small merchant in not making it impossible for him to do business by doing away with all regulatory legislation.

In view of this, the task force took a broad look at the whole situation and attempted to come up with a workable solution which, while not pleasing everybody, would please the majority of the merchants and permit them to compete with the merchants of Dartmouth and the suburban shopping areas.

As we are all well aware the new Dartmouth shopping centres and the suburban shopping centres can and will have the effect of drawing off a large number of customers and will undoubtedly have the effect of changing established shopping patterns. This could result in a very significant loss to the merchants of the City of Halifax.

The task force also examined the situation in the other Provinces of Canada and discovered that only the Province of Quebec has provincial legislation regulating store hours. There is no definite pattern throughout the other Provinces as to hours permitted for stores even though many cities have regulatory legislation permitting two, three and four nights per week of operation.

A number of merchants in this City are seeking Provincial legislation for the regulation of store hours. However, to date, they have been informed by the Provincial Government that they are not prepared to consider such legislation at this time. The problem being, that the Government would be forced to legislate province wide store hours and what may be good for Halifax may not be good for Sydney, Antigonish, Yarmouth and every other provincial centre. With Provincial legislation pretty well ruled out for the foreseeable future the question that had to be examined was the question of proper regulation for the City of Halifax. At the present time the bylaw for the City of Halifax provides for two open nights per week, namely Thursday and Friday nights.

The majority of the merchants, both independent and large chain department stores seem to be in favour of a third open night, namely Wednesday night. This would give them the opportunity of competing favourably with the merchants in the City of Dartmouth shopping centres and those in the suburbs. Monday and Tuesday have traditionally been poor shopping nights in the City of Halifax and little if anything can be gained by being open on these nights in any event.

The Halifax Board of Trade favours the addition of Wednesday night shopping on a permissive basis in that those merchants who wish to be open on Wednesday evening could do so and any who felt that their overhead would be increased out of proportion could remain closed.

It is a complete fallacy that the more open hours the more money there is to be made. Very often increased hours have just the opposite effect and the existing business is just spread out over a longer period of time. It is quite obvious that a happy medium has to be arrived at and it is the submission of the Halifax Board of Trade that this can be accomplished by permitting a third open night per week. Council should also realize that the public obviously appears to desire increased shopping hours and since the merchants are in the business of serving the public we feel that they should provide such services as the public demands.

The Board's approach has been backed by the Spring Garden Road Merchants Association, the Downtown Business Association, Simpsons, The Retail Grocers Association, The Bayers Road Shopping Centre Merchants Association, The Halifax Shopping Centre Merchants Association, The Gottingen Street Merchants Association, The Scotia Square Merchants Association and Eatons. With this in mind, the Halifax Board of Trade passed the following resolution:

RESOLVED THAT

"The Halifax Board of Trade request from the City of Halifax an amendment to its early closing bylaws to permit the opening of stores on Wednesday night until 10:00 p.m."

The Halifax Board of Trade represents the majority of retailers both large and small in this City. The Board's policy on store hours as presented to you this evening has not been arrived at lightly. It is the result of many months of study and effort. The Board feels that a solution acceptable to the large majority of merchants has been arrived at and we respectfully urge City Council to give serious consideration to the amendment of its bylaw to permit one additional open night, namely Wednesday night.

RESPECTFULLY SUBMITTED,
HALIFAX BOARD OF TRADE