

Council
June 15, 1978

Alderman Lawrence in referring to the unsightly appearance of such areas, suggested that perhaps the matter should be looked into and felt that one of the Foremen could take a day to view such properties.

His Worship advised that staff would look into the matter.

Question Alderman Maley Re: Bicycle Routes

Alderman Maley advised that she has received one or two calls with respect to the possibility of having bicycle routes in some parts of the City and asked if the Recreation Committee could look into the suggestion. Alderman Maley felt it was mainly on a weekend basis and was for the purpose of establishing areas where families could use bicycles in safety.

Question Alderman Maley Re: Exit from Grand Parade

Alderman Maley referred to a difficulty which she has in using the Grand Parade exit during the day in terms of pedestrian safety and suggested that perhaps a type of mirror system which would allow motorists to see pedestrians and which would allow pedestrians to see approaching vehicles, would be helpful.

His Worship advised that staff would look into the matter.

Question Alderman Maley Re: Right-of-ways - North West Arm

Alderman Maley said she would like to have the right-of-ways to the water on the North West Arm identified with a view to having them cleared for the summer. She suggested that one or two of them have become dangerous and have fallen into mis-use and felt they should be open. Alderman Maley said she was aware of some of the right-of-ways but felt that others existed.

The City Manager suggested that such a request could involve large expenditures and Alderman Maley indicated that staff could deal with the ones which she is aware of.

His Worship suggested that perhaps staff could supply a plan and list of the right-of-ways as a start.

Question Alderman Maley Re: Incinerators

Alderman Maley expressed the feeling that over the past few weeks, incinerators in the south end have not been operating properly saying she received a report from the Fire Department on the matter. Alderman Maley requested that when staff is considering the topic of incinerators, the Fire Department look at the matter of developing operating instructions, regular inspection programs, or a permit system for incinerators. and the City Manager advised the suggestion would be covered in the report to be submitted.

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Question Alderman Maley Re: Applications under Schedule "C",
Section 83, Subsections (c) & (d) of the Zoning By-law

Alderman Maley referred to the public hearing which was held with respect to an application under the above noted sections of the Zoning Bylaw for Green Street, and asked if it would be possible to discuss the matter at the next Committee of the Whole meeting rather than at the next regular Council meeting.

His Worship suggested Council should discuss the contract zoning matter saying the item could be placed on the agenda for the Committee of the Whole Council.

Alderman Maley, in referring to the application, noted that Council did not receive a report containing a recommendation because of the way the matter was presented and asked if the staff of the Planning and Development Departments could prepare a report on the matter in order that Council could have a discussion on the whole subject.

The City Manager indicated that such a report may not be completed by next Wednesday and Alderman Maley suggested that perhaps members of staff from the two Departments could be present to respond to questions.

Question Alderman Clarke Re: Lands at Approach Roads
to the A. Murray MacKay Bridge

Alderman Clarke noted he previously asked a question relating to the ownership of the above noted lands and has been informed they are owned by the Bridge Commission. Alderman Clarke said he would like to know which, if any, can be purchased and whether the prices would be determined by market or appraised value. Alderman Clarke said he would also like to know whether such properties would have to be disposed of by tender or advertisement.

Alderman Clarke said it was his understanding a Mr. Simms purchased one of the parcels and would like to know how he was able to buy the property without it going to tender, if that is the process.

His Worship advised that an enquiry could be made of the Commission and a report submitted on the matter. His Worship said that if there is some interest on behalf of a citizen in acquiring a parcel of land, Alderman Sullivan or the Mayor would be glad to convey it, on behalf of any Alderman, to the Commission saying the Commission would presumably ask for market value.

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Question Alderman Wooden Re: Quality of Concrete Streets

Alderman Wooden asked for a report with respect to the quality of concrete streets in the City and referred specifically to Point Pleasant Drive which she suggested appeared to be rough.

The City Manager advised that a report would be submitted on the matter.

Question Alderman Hanson Re: Mounted Patrol

Alderman Hanson asked that the Chief of Police be requested to investigate and comment on the possibility of Police Mounted Patrol in the area of the Dingle and Flemming Park.

ADDED ITEMS

Application for Bill Posters License - Jeanne E. Fraser

The above noted item was dealt with under the Miscellaneous Business section of the agenda.

Tender 78-97 - Demolition - Hilden Heights

A staff report dated June 15, 1978, was submitted.

MOVED by Alderman Wooden, seconded by Alderman Maley that a contract be awarded to the lowest bidder meeting specifications, Paul LaRouche, to remove the buildings and restore the site in accordance with City specifications for the lump sum contract price of \$5,789.00.

Motion passed with Alderman Lawrence against.

City Owned Land - North Ridge Road

The above noted item was added to the agenda at the request of the City Clerk. A staff report dated June 14, 1978, was submitted.

Following a short discussion, it was MOVED by Alderman Sullivan, seconded by Alderman Clarke that Council agree to sell the parcel of land containing approximately 73,605 square feet shown as Lot H on Plan No. 00/13/22959 for \$2.00 per square foot, the actual square footage to be determined by survey, Council authorize the Mayor and City Clerk to sign an option agreement subject to the agreement being approved by the City's Legal Department, all of which is subject to a senior citizens housing project being able to be proceeded with.

Power Rates

The above noted item was added to the agenda at the request of Alderman Meagher.

MOVED by Alderman Meagher, seconded by Alderman Hanson that the matter of increased power rates and the effect which such an increase has on those with lower incomes, be referred to the next regular meeting of the Committee of the Whole Council with a report to be submitted from the Social Planning Department.

Motion passed.

Use of Halifax Forum Commission Lands

The above noted item was added to the agenda at the request of Alderman Meagher who advised that he received a number of complaints concerning the Fair which just vacated the Forum Commission property. Alderman Meagher asked if there is a possibility of locating the Fair in the future at the back of the property rather than at the front where it faces residential properties in the area.

His Worship advised that a report would be received from the Forum Commission on the matter.

Alderman Sullivan referred to the possibility of considering a new exhibition grounds for the City and suggested it was an item members of Council could receive a report on for discussion purposes.

His Worship referred to discussions between the Province and the Atlantic Winter Fair Board and to a letter from the Province to the effect that the City convey to the Province a tentative working idea to resolve the long-standing problem of the Atlantic Winter Fair. His Worship said the Province wrote a letter to the Atlantic Winter Fair setting out circumstances under which it would be prepared to receive a proposal which it wished to be in detail saying he was surprised at the announcement by the Atlantic Winter Fair that it was cutting off all negotiations.

His Worship suggested there may be an opportunity for the City to move on it own on the matter. His Worship noted he was appointed a Director of the Atlantic Winter Fair by Council but that he did not get a notice for a recent meeting and that he has not been to a meeting since being appointed as the Board has only had one for which he did not receive a notice.

10:55 P. M. - Meeting adjourned.

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MAYOR EDMUND L. MORRIS
CHAIRMAN

G. I. Blennerhassett (Mrs.)
City Clerk

Date Approved by City Council: _____

CITY COUNCIL
SPECIAL MEETING
PUBLIC HEARINGS
MINUTES

Council Chamber
City Hall
Halifax, N. S.
June 21, 1978
8:20 P. M.

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

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

Present: His Worship the Mayor, Chairman; Deputy Mayor Shannon, and Aldermen Malsey, Downey, Meagher, Sullivan, Clarke, Wooden, Hanson, Moore, and Lawrence.

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

The meeting was called as a public hearing with respect to the following items:

1. To consider the Rezoning of Lot 2 (Civic No. 6038-6040) Cedar St. from R-2 to R-3;
2. To Consider Amendments to the Peninsula and Mainland Zoning Bylaws;
3. To Consider the Rezoning of Lot M, South Street (Lands of the Workmen's Compensation Board of Nova Scotia), from R-3 to C-2; and
4. To Consider an Application under Schedule "T", Section 83, Subsections (c) and (d) of the Zoning Bylaw for the construction of a 7-storey, 58-unit apartment building proposed to be located at 1389-93 Robie Street in the City of Halifax.

Public Hearing Re: To Consider the Rezoning of Lot 2 (Civic No. 6038-6040) Cedar Street from R-2 to R-3

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

Mr. Boyd Algee of the Development Department, with the aid of maps, outlined the property in question as well as the application as contained in the staff report of March 8, 1978, and responded to questions put forth.

In response to a question relating to possible improvements which may be required to the Cedar Street sewer in terms of who would pay for such costs, Mr. Algee indicated he could not answer the question but advised that he could have an answer prior to the Council meeting.

The Chairman called for persons wishing to speak in favour of the application and Mr. Gordon Gillis addressed Council on behalf of Mr. Strug, the applicant.

Mr. Gillis suggested that one of the things in the proposed rezoning that should be noted is that the construction of the apartment will be on the R-3 land which is not to be rezoned saying the R-2 land is for entrances and exits and for parking. Mr. Gillis proceeded to outline the type of building proposed and indicated the area would be landscaped and an attempt be made to blend it with the surroundings.

Mr. Gillis advised that the proposal before Council will result in a low density building compatible with the neighbourhood saying there is about 33 per cent more open space than the minimum required and the density is also below that required. Mr. Gillis advised that he would indicate to Toulon Construction, the proposed contractor, that they should cooperate with staff with respect to the matter of cost sharing of sewers if it proves necessary. Mr. Gillis then responded to questions put forth by members of Council.

There being no further persons wishing to speak in favour of the application, the Chairman called for those persons wishing to speak against and Mary Burke of 6047 Jubilee Road addressed Council and submitted a petition dated June 13, 1978 containing approximately 152 signatures of residents opposed to the proposed rezoning. Ms. Burke proceeded to present a brief history of the area in question saying there has been controversy over Lot 1 for many years and felt the City owes a responsibility to the residents not to compound mistakes of the past.

Ms. Burke advised the residents feel that no R-3 density housing should be allowed on Lot 1 saying the residents petition Council to reject the proposal as contained in Case No. 3477. She also circulated to members of Council a copy of the area plan showing the response the petition received by residents in the area.

Mr. Emerson King of Henry Street, addressed Council and submitted and read a residents' brief dated June 21, 1978 opposing the rezoning application of 6038-40 Cedar Street (Case No. 3477), a copy of which is in the official file of this meeting. Mr. King then responded to a brief questioning on the matter.

Mr. Hugh Owens of Cedar Street addressed Council in opposition to the proposed rezoning saying he was asked by Cedar Street residents to present their feelings on the proposed building. Mr. Owens noted the applicant proposes to place a 30 unit apartment building in the Ward 2 residential district saying this will cause several inconveniences and problems to the residents of the area.

Mr. Owens spoke against the positioning of the building which will result in the building's frontage abutting the Cedar Street residents' back yards as well as to the positioning of the parking lot and suggested that such a barren structure will be in contrast to the surrounding community and as such, seems as an eye-sore. Mr. Owens also referred to the building on Cedar Street owned by the applicant which is the newest building on the block and suggested that since the applicant has taken possession of the building, he has put minimal effort into its upkeep. Mr. Owens requested that the City uphold the Bylaws and not grant the application. Mr. Owens then circulated photographs of the area.

A former tenant of 6038 Cedar Street, from May 1977 to January 1978, addressed Council saying there had been no plumbing in the building for a period of two weeks and hot water had dissipated in December. She advised that Mr. Strug had been informed of the circumstances but it was felt necessary to vacate the property. She said that during her tenancy the developer made repeated promises of materials to refurbish the property but said those materials were never forthcoming. She also advised that the City inspector visited the site on four occasions and warned of the dangers of the porches, for example, that Mr. Strug had been informed would have to be repaired in the near future. She advised it was necessary to vacate the property as there was no plumbing.

Another speaker addressed the Council in opposition to the application and submitted and read a petition from the residents of the south side of Cherry Street with respect to the proposal, a copy of which is in the official file of this meeting.

In addition to the petition, the speaker suggested it was not unreasonable to look at the past record of someone who applies to construct a development in a neighbourhood. He then proceeded to circulate photographs which he said he took himself saying the building, which is the newest on the block, has been neglected and there are abandoned cars and appliances on the property. He said the residents have serious misgivings about the intentions of the developer.

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Mr. Patrick Garriety of Cedar Street addressed Council in opposition to the application and, with the aid of sketches, outlined the various parcels of land in the area and suggested there may be an unclear title in the application. Mr. Garriety suggested the whole area should be surveyed and all the Deeds searched by certified people.

Bernice Jones addressed Council in opposition to the proposal and advised that the Executive of the Ward 2 Residents' Council reviewed the proposed development and discussed it with some of the residents of the area saying the Council is concerned that a soft area may be expanding into a hard area through the proposed rezoning. She said the Council feels the proposed bachelor unit complex is incompatible with the surrounding neighbourhood of family dwellings.

Mrs. Jones said that in order to make sound economic use of existing recreational and school services, development in Ward 2 should provide accommodation suitable for children. She said the Council supports the residents of Cedar, Cherry, Robie, and Henry Streets and Jubilee Road in their request that Council deny the rezoning and lot consolidation requested by the developer.

Mr. Malcolm MacAulay, Chairman of the Detailed Area Planning Committee 2 (Peninsula Center), addressed Council and submitted and spoke to a brief dated June 19, 1978, a copy of which is in the official file of this meeting. Mr. MacAulay advised that DAPC supported the contention of Ward 2 that developments in the area should promote school usage and should include three-bedroom units. Mr. MacAulay recommended that the application for rezoning from R-2 to R-3, consolidation of lots, and modification of lot frontage for the property located at Civic #6038-40 (Lot 1 & Lot 2) Cedar Street, be denied.

The following correspondence was received opposing the proposal:

- Letter from Paul & Nancy Doane of 1732 Henry Street dated June 14, 1978;
- An undated petition signed by approximately 160 residents of the area;
- A letter dated June 7, 1978 from Charles L. Illsley of 6039 Jubilee Road;
- A letter dated May 27, 1978 from Ronald & Ruth Hafter of 6035 Jubilee Road;
- A letter dated June 11, 1978 from Laurier S. Sarty of 1758 Henry Street;
- A letter dated June 4, 1978 from Graeme Bethune, M.D., and Catherine Bethune of 6060 Jubilee Road;

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- A letter dated December 10, 1977 from Albert & Elizabeth McGrath of 1743 Henry Street;
- A letter dated November 27, 1977 from Mr. & Mrs. A. E. King of 1735 Henry Street;
- A letter dated November 18, 1977 from Ms. Ruth Laing of 6050 Cedar Street;
- A letter dated November 17, 1977 from Mr. & Mrs. Tom Dixon of 6054 Cedar Street; and
- A letter dated November 17, 1977 from Ms. Mary J. Burke of 6047 Jubilee Road.

There being no further persons wishing to address Council in opposition, the Chairman declared the matter to be before Council.

MOVED by Deputy Mayor Shannon, seconded by Alderman Lawrence that the subject matter be forwarded to the next regular meeting of City Council without recommendation.

Motion passed.

9:35 P. M. - Aldermen Wooden and Lawrence left the meeting.

Public Hearing Re: To Consider the Rezoning of Lot M, South Street (Lands of Workmen's Compensation Board of Nova Scotia), from R-3 to C-2

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

Mr. Boyd Algee of the Development Department addressed Council and, with the aid of maps, outlined the application as contained in the staff report of March 13, 1978 and responded to questions put forth.

His Worship noted that a letter was received from the Chairman of the NIP 2 Core Committee which was distributed to an area of residences adjoining or adjacent to the Workmen's Compensation Board application which advised that the Nip 2 Core Committee in no way favoured consolidation under current C-2 zoning which would allow additional building on the site with no further review.

His Worship also advised of a letter which he received from the NIP Co-ordinator, copies of which he would have distributed to members of Council, which had attached a copy of the staff report of March 13, 1978 to which the letter from the NIP 2 Core Committee referred. His Worship advised that the letter from the NIP Co-ordinator states that the NIP 2 Core Committee approved the lot consolidation application.

His Worship then called for those persons wishing to speak in favour of the application and Mr. D. J. Matthews, Solicitor for the Workmen's Compensation Board, addressed Council and in relating to the lot consolidation, suggested it was best characterized as a house-keeping matter. He said that when the building was originally erected and rezoned, it was intended that all the properties outside Lot M, be consolidated but for some reason, that was not done. Mr. Matthews advised that now that Lot M has been bought, it was decided this would be the time to consolidate at the time lot M was rezoned.

Mr. Matthews advised that Lot M originally had a garage on it which was demolished and the area has been used for employee parking saying that public parking is located in front of the building. He said it is intended to use Lot M for employee parking and noted there is a difficulty in building on the property in that there is a sewer easement across the property. Mr. Matthews advised that the Board has no intention of enlarging their premises and noted that the Department of Labor is vacating the building which will result in the Board having more than enough space. Mr. Matthews responded to questions put forth on the matter.

His Worship asked whether staff recalled, in the NIP Plan, what contiguous NIP public structures were recommended for inclusion by the NIP II Core Committee in and about the area. His Worship asked whether there was a pocket park coming off Fenwick Street, and Mr. Algee indicated he did not have the answer at this time.

His Worship asked if Council could be informed before the Council meeting what, if any, public infrastructures were to be located according to the NIP Plan for which an application has been made for approval to implement.

There being no further persons wishing to speak in favour of, the Chairman called for those persons wishing to speak against and Mr. Andrews, a resident and joint owner of 1173 South Park Street which directly abuts Lot M, addressed Council. Mr. Andrews referred to a letter dated May 19, 1978 which was previously circulated to members of Council and which was signed by the owner/occupiers of several of the properties abutting, particularly those in the southern end of Lot M.

Mr. Andrews said that Lot M is not used exclusively as a parking lot saying the southern end of the lot is a cherished green space. Mr. Andrews advised that the Workmen's Compensation Board has been a good neighbour saying the building is one that is conformable and the use to which the Board has put Lot M has not disturbed the neighbourhood in any way.

Mr. Andrews asked that the lot not be rezoned at the present time and pointed out that the signatures on the previously referred to letter are all resident/owners who have made some effort to maintain some of the older homes on the east side of South Park Street. He suggested the maps which staff have supplied are quite inaccurate in terms of the use of the properties on South Park Street.

Mr. Andrews indicated he recently visited the Council Chamber saying that at that time, he heard Council say that what it wanted to see in the Old South End was contract zoning and suggested the proposal presently before Council, would not allow Council that opportunity in spite of the assurances given by the Solicitor who appeared on behalf of the Board. He suggested there was a possibility of some development taking place on the lot if the rezoning were permitted saying that if Council permits the rezoning, it would abdicate any opportunity it might otherwise have to control the development that might take place, or to write any contract with the Board.

Mr. Andrews suggested there was no reason to rezone the land and requested that Council support the citizens and taxpayers who are appealing to Council and to deny the application which comes from a non-taxpayer of the City.

There being no further persons wishing to speak against the proposal, the Chairman declared the matter to be before Council.

MOVED by Alderman Maley, seconded by Alderman Sullivan that the subject matter be forwarded to the next regular meeting of City Council without recommendation.

Motion passed.

Public Hearing Re: To Consider Amendments to the Peninsula and Mainland Zoning Bylaws

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

His Worship noted the staff report on the matter was dated February 8, 1978 and asked whether it was desired that the report, together with appendices, be read or did Council accept the documentation as the staff report, to which agreement was expressed. His Worship then called for those persons wishing to speak in favour of the application.

Mr. Peter McDonough addressed Council on behalf of Robert Calnen, the applicant, and suggested it was impossible to improve upon the explanation contained in the staff report. Mr. McDonough suggested that a reading of the report makes it quite clear that the situation in the City at the present time is extremely discriminatory. He suggested Council would not change the existing situation unless Council has assurance that doing so, would not result in any negative effect on people who might live next door to a home occupation or the entire neighbourhood in which a home occupation could be located, and went on to suggest that the staff report has dealt with the concern in a most responsible and constructive manner.

Mr. McDonough suggested there are three major elements to ensure that any home occupation would be compatible with existing neighbourhoods and referred to Appendix A to the staff report which sets out ten difficult requirements before one can qualify as a home occupation. He suggested the first stipulation was too rigid.

Mr. McDonough then referred to No. 10 on the list which excludes certain occupations from ever becoming home occupations and said the third safeguard is that home occupations would become licensed and the City could control and effectively stop any violations that would result. Mr. McDonough suggested there are many other people who would support the concept of home occupations.

Mr. McDonough responded to a brief questioning from members of Council on the matter.

Mr. Langmaid addressed Council in support of the matter saying he would like to support the general statements of both the staff report and Mr. McDonough. In terms of protection, he suggested that one of the key factors is the requirement for residence in the property but suggested the inclusion of any employee was a little overly restrictive. Mr. Langmaid felt that careful wording should be used to ensure that partnerships or other principals are not drawn into the property but that a support staff person be permitted.

Mr. Langmaid referred to the list of uses which may be considered as home occupations as outlined in Appendix B of the staff report and requested that Planner and Nova Scotia Land Surveyor be included. On behalf of the local Chapter of the Appraisal Institute of Canada, he requested that Real Estate Appraiser be included in the list. Mr. Langmaid then briefly responded to questions put forth on the matter.

Mr. Algee of the Development Department responded to questions put forth by members of Council and His Worship referred to the Municipal Development Plan which states among its highest purposes, the preservation of neighbourhood character. His Worship suggested it would be possible to have a number of home occupations in an R-1 residential neighbourhood and questioned how the Municipal Development Plan would be interpreted in that context. His Worship asked if the City Manager would look at having the Planning Department look at the matter in terms of the Municipal Development Plan.

A resident of Lower Sackville addressed Council on the matter saying the same problem exists in that community. He advised that upon reviewing the matter, there existed about 100 to 150 small businesses operating from homes in a stretch of an R-1 Zone about 1½ miles long. The speaker urged Council to closely review the proposed amendments as they would have an effect on residents of other areas in addition to the City.

A letter dated June 10, 1978, was submitted from Mr. Frank Fryer in objection to the proposed changes to the Zoning Bylaws.

There being no further persons wishing to speak on the matter, the Chairman declared the matter to be before Council.

MOVED by Alderman Sullivan, seconded by Alderman Clarke that the subject matter be forwarded to the next regular meeting of City Council without recommendation.

Motion passed.

Public Hearing Re: To Consider an Application under Schedule "C", Section 83, Subsections (c) & (d) of the Zoning Bylaw for the construction of a 7-storey, 50-unit apartment building proposed to be located at 1389-93 Robie Street in the City of Halifax

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

Mr. Boyd Algee of the Development Department, with the aid of maps, outlined the application as contained in the staff report of April 20, 1978.

The Chairman then called for those persons wishing to speak in favour of the application and Mr. Rounsefell of Duffus, Romans, Kundzins & Rounsefell Ltd., addressed Council on behalf of the applicant, Michel Zibara.

Mr. Rounsefell outlined the physical appearance of the proposed building and surrounding area and advised it is to be for medium income people who will be able to walk to the universities and hospitals and places of work without much of a problem.

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Mr. Rounsefell referred to the staff recommendation that Council grant approval to the proposed development following a public hearing and enter into a contract with the registered owner of the land specifying: that the project be as per Drawings Nos. P200/8246-8250, subject to compliance with the R-3 Regulations, and Mr. Rounsefell advised that the Regulations would be complied with in the working drawings. He also advised that every effort will be made to preserve as many trees as possible.

Mr. Rounsefell then responded to questions put forth by members of Council as well as did the Solicitor for the applicant.

Mr. M. A. MacAulay, Chairman of the Detailed Area Planning Committee 2 (Peninsula Center), addressed Council in support of the application and submitted a letter dated June 21, 1978. Mr. MacAulay indicated that the main issue relates to the process which the Committee is involved in saying the Committee is prepared to support the development as long as it is understood it has not completed the process and should not constitute a precedent in respect to height particularly.

Mr. MacAulay suggested that in view of the surrounding buildings, the proposed development is not out of character with the west end of the block but advised that if it were to be located on the east end, the Committee would not support it. Mr. MacAulay noted the development will be the first one to proceed under contract zoning and suggested the developer should have a stiff penalty imposed, through the contract, in the event he fails to perform.

Mr. Langmaid addressed Council saying he felt generally supportive of the application and advised he would like to learn whether assistance from the Federal Government is available under the assisted rental program for the project. He indicated it was his understanding there is a moratorium on such financing.

Mr. Zibara advised he was in possession of letters of support from C.M.H.C. supporting the project when funds are available. He said it is true there is a moratorium on the assisted rental program but advised there are other programs such as the ensured loans program which guarantees 90 per cent financing which is the program his company is following. Mr. Zibara further responded to questions put forth by members of Council.

Deputy Mayor Shannon requested that a memo from Mr. Porter to Mr. Algee of the Development Department in which information was supplied which she requested relating to 2074 Robie Street, be circulated to members of Council. The Deputy Mayor suggested that if there are corrections to be made, perhaps they could be included.

11:10 P. M. - Meeting adjourned.

H E A D L I N E S

| | |
|--|-----|
| Public Hearing Re: To Consider the Rezoning of Lot 2 (Civic No. 6038-6040) Cedar Street from R-2 to R-3 | 307 |
| Public Hearing Re: To Consider the Rezoning of Lot M, South Street (Lands of Workmen's Compensation Board of Nova Scotia), from R-3 to C-2 | 311 |
| Public Hearing Re: To Consider Amendments to the Peninsula and Mainland Zoning Bylaws | 313 |
| Public Hearing Re: To Consider an Application under Schedule "C", Section 83, Subsections (c) & (d) of the Zoning Bylaw for the construction of a 7-storey, 50-unit apartment building proposed to be located at 1389-93 Robie Street in the City of Halifax | 315 |

MAYOR EDMUND L. MORRIS
CHAIRMAN

G. I. BLENNERHASSETT (Mrs.)
CITY CLERK

Date approved by City Council: _____

- 20(a) - Windsor 78-02, Windsor Street/William Street Sewers
- 20(b) - 228 Herring Cove Road
- 20(c) - appointments
- 20(d) - Payment

At the request of Alderman Meagher, Council
agreed to add:

- 20(a) - Congratulations

Alderman Woodan, Lawrence, and Meagher advised
that they wished to present petitions under Item 23 - "Petitions
and Delegations".

At the request of the City Clerk, Council agreed
to delete:

- 13(a) - Proposed NO-Smoking Ordinance

CITY COUNCIL
MINUTES

Council Chamber
City Hall
Halifax, N. S.
June 29, 1978
8:00 P. M.

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

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

Present: His Worship the Mayor, Chairman; Deputy Mayor Shannon, and Aldermen Maley, Downey, Meagher, Sullivan, Clarke, Hanson, and Lawrence.

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

MINUTES

Minutes of City Council meetings held on June 14, 15, & 21, 1978, were approved on Motion of Alderman Lawrence, seconded by Alderman Downey.

8:05 P. M. - Aldermen Wooden and Moore arrived.

APPROVAL OF ORDER OF BUSINESS, ADDITIONS AND DELETIONS

At the request of the City Clerk, Council agreed to add:

- 20(a) - Tender 78-02, Windsor Street/William Street Sewers
- 20(b) - 186 Herring Cove Road
- 20(c) - Appointments
- 20(d) - Fairmount

At the request of Alderman Meagher, Council agreed to add:

- 20(e) - Congratulations

Aldermen Wooden, Lawrence, and Meagher advised that they wished to present petitions under Item #9 - "Petitions and Delegations".

At the request of the City Clerk, Council agreed to delete:

- 13(a) - Proposed No-Smoking Ordinance

Council
June 29, 1978

DEFERRED ITEMS

To Lay Down and Confirm a Portion of the Western Street
Line of Hillcrest Street and to Lay Down and Confirm a
Portion of the Eastern Street Line of Hillcrest Street

A public hearing was held with respect to the above noted matter on June 14, 1978.

The Chairman noted that it has been suggested the item be deferred as Council is awaiting a further staff report but following a short discussion and questioning of staff, it was determined that Council could deal with the matter of the Street Lines and deal with the subject of the requested staff report at a later date.

MOVED by Alderman Moore, seconded by Alderman Hanson that City Council approve the matter of Official Street Lines as follows:

"Lay down and confirm a portion of the western street line of Hillcrest Street in Fairview from the northern street line of Frederick Avenue to the southern street line of Coronation Avenue; and

Lay down and confirm a portion of the eastern street line of Hillcrest Street from the northern street line of Frederick Avenue to the southern street line of Rufus Avenue";

all as shown on Section 55-D of the Official City Plan.

Motion passed.

To Consider the Rezoning of Lot 2 (Civic No. 6038-6040 Cedar Street) from R-2 to R-3

A public hearing was held with respect to the above noted matter on June 21, 1978.

A supplementary staff report dated June 28, 1978, was submitted.

Deputy Mayor Shannon spoke to the matter and MOVED, seconded by Alderman Lawrence that City Council refuse:

1. The application to rezone Lot 2, 6038-40 Cedar Street, from R-2 to R-3;
2. The consolidation of Lots 1 and 2 to form Lot T, as shown on Plan No. P200/8065 of Case No. 3477; and
3. The modification to the Zoning Bylaw (lot frontage) to permit the construction of an apartment building as shown on Plan No. P200/8065 of Case No. 3477.

Following a short discussion, the Motion was put and passed.

City Council
June 29, 1978

To Consider Amendments to the Peninsula & Mainland Zoning Bylaws

A public hearing was held with respect to the above noted matter on June 21, 1978.

A supplementary staff report dated June 27, 1978, was submitted.

Alderman Sullivan spoke to the matter and MOVED, seconded by Deputy Mayor Shannon that City Council refuse the application made by Robert F. Calnen Photography Limited to expand the present definition of professional in the Zoning Bylaw, to include photographer, planner, and land surveyor, and to refuse amendments to the Peninsula and Mainland Zoning Bylaws to permit home occupations as outlined in the staff report of February 8, 1978.

The City Solicitor advised that those who were not in attendance at the public hearing, could vote on the Motion.

Following a discussion of the matter, the Motion was put and passed.

To Consider the Rezoning of Lot M, South Street (Lands of the Workmen's Compensation Board of Nova Scotia), from R-3 to C-2

A public hearing was held with respect to the above noted matter on June 21, 1978.

A supplementary staff report dated June 27, 1978, was submitted.

Alderman Maley noted Council has been informed the proposed rezoning is for the purpose of tidying up the holdings of the Workmen's Compensation Board and questioned whether the land could be rezoned to P & I which would have the effect of achieving their goal but which would leave the land open if it were to change ownership in the future. Alderman Maley suggested the local residents would have an opportunity of being made aware of a change in zoning by way of a public hearing.

The City Solicitor indicated that Council would have to either approve the rezoning as advertised or refuse it saying the applicant could come back and ask for a different zoning.

Council
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MOVED by Alderman Maley, seconded by Deputy Mayor Shannon that:

1. The application to rezone Lot M from R-3 Multiple Dwelling Zone to C-2 General Business Zone, as shown on Plan No. P200/8251 of Case No. 3456, be refused by City Council, and
2. The application for consolidation of Lots 1, M, 4, 5, 16, and 17 as shown on Plan No. P200/8251 of Case No. 3456, to create Lot (Block) W, be refused by City Council.

Alderman Hanson suggested that if the Motion were approved, employees of the Board would not be permitted to park on the land in question which was the purpose of the application, and Alderman Maley questioned whether parking would be permitted under the P & I zoning.

His Worship pointed out it is not to be assumed that parking, if illegal, would not be prosecuted and noted that Council recently rezoned a property which was being used for parking in order to allow it to be used as such.

Alderman Maley, in referring to the subject property, questioned whether parking would be permitted under P & I Zoning and the City Solicitor suggested that such would be the case if it were concluded a Government building was a P & I use. Mr. Murphy indicated he would like to defer to the Development Department to ascertain what the policy has been with respect to such buildings but indicated it was his recollection that they were not one of the enumerated uses in the P & I Zone.

His Worship suggested staff would want to have a careful look at the P & I zone in terms of what constitutes an Institution and Alderman Maley asked if information could be supplied on the matter at the Committee of the Whole meeting.

Further discussion ensued on the matter and the City Clerk advised that Aldermen Wooden and Lawrence were not in attendance at the public hearing.

The Motion was put and Lost with Aldermen Downey, Meagher, Sullivan, Clarke, Hanson, and Moore against and Aldermen Wooden and Lawrence abstaining.

It was then MOVED by Alderman Hanson, seconded by Alderman Moore that:

1. The application to rezone Lot M from R-3 Multiple Dwelling Zone to C-2 General Business Zone, as shown on Plan No. P200/8251 of Case No. 3456, be approved by City Council, and

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June 29, 1978

2. The application for Consolidation of Lots 1, M, 4, 5, 16, and 17 as shown on Plan No. P200/8251 of Case No. 3456, to create Lot (Block) W, be approved by City Council.

The Motion was put and passed with Deputy Mayor Shannon and Alderman Maley against and Aldermen Wooden and Lawrence abstaining.

His Worship, in referring to Alderman Maley's previous question, indicated that information should be provided relating to provisions for P & I parking.

To Consider an Application under Schedule "C", Section 83, Subsections (c) and (d) of the Zoning Bylaw for the Construction of a 7-storey, 50 unit apartment Building Proposed to be located at 1389-93 Robie Street in the City of Halifax

A public hearing was held with respect to the above noted matter on June 21, 1978.

MOVED by Deputy Mayor Shannon, seconded by Alderman Maley that when final detailed drawings are available to staff, staff be authorized and instructed to enter into a contract with the registered owner of 1389-93 Robie Street for the construction of a 7-storey, 32 one-bedroom 18 bachelor apartment building having a brick exterior, and

1. The City inspect the site and specify which trees, if any, shall be saved,
2. The contract be entered into provided that the Development Officer approves the resubdivision resulting in the creation of Lots 3A & C, and Parcels X & Y,
3. The building on Lot 3A on Spring Garden Road will remain and the house on Lot C, 1392 Robie Street, is to be removed to make way for the apartment building,
4. The registered owner be required to deposit with the City, a personal bond of \$75,000 when the building permit is issued to be repaid with interest when the project is completed to the City's satisfaction and all the requirements of the contract are met.

Discussion ensued on the matter and it was MOVED in Amendment by Alderman Moore, seconded by Alderman Hanson that the word "personal", be deleted from Item #4 of the Motion.

The City Clerk advised that Aldermen Wooden and Lawrence were not in attendance at the public hearing held on the matter.

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The Motion in Amendment was put and passed with Deputy Mayor Shannon and Aldermen Maley and Meagher against, and Aldermen Wooden and Lawrence abstaining.

The Motion, as Amended, was then put and passed with Deputy Mayor Shannon and Alderman Maley against, and Aldermen Wooden and Lawrence abstaining.

PETITIONS AND DELEGATIONS

Petition, Alderman Meagher Re: Oxford Street School -
Parent/Teacher Association

A petition dated June 12, 1978 was submitted from the Oxford Parent-Teacher Association which Alderman Meagher advised he would like referred to staff and the matter be brought back with a staff recommendation. Alderman Meagher requested that Messrs. Moignard and Bailly be contacted by the Clerk's office to the effect that the matter will not be discussed at the next Committee of the Whole meeting.

Council agreed that the matter be referred to staff for review and report.

Petition, Alderman Lawrence Re: Extension of Lacewood Drive
to Connect with Dunbrack Street - Residents of Willett
Street, Glenforest Drive, Southhill Drive, and
Hillwood Crescent Area

Alderman Lawrence submitted a petition relating to the above noted matter.

Council agreed that the matter be referred to City staff for review and report.

Petition, Alderman Wooden Re: Parking of Vehicles on
Bromley Road

Alderman Wooden submitted a petition dated June 27, 1978, signed by a number of residents of Bromley Road with respect to parking on that street.

Council agreed that the matter be referred to City staff for review and report.

REPORT - FINANCE & EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on June 21, 1978, as follows:

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Dartmouth Ferry Terminal

MOVED by Deputy Mayor Shannon, seconded by Alderman Maley that, as recommended by the Finance & Executive Committee, staff be instructed to investigate with the City of Dartmouth the possibility of charging rent in respect of the sites used for the Ferry operation.

Discussion ensued on the matter following which Deputy Mayor Shannon, with the agreement of the Seconder, withdrew her Motion.

Further discussion ensued and reference was made to the possibility of rental of the top floor of the facility and the feeling was expressed that any lease entered into should include a provision that rental of such space be confined to a Municipal or Regional Authority purpose and His Worship suggested that provision should be made for the possibility of the Waterfront Development Corporation to rent such space.

MOVED by Alderman Lawrence, seconded by Alderman Hanson that staff be authorized to negotiate a renewable lease for the land and water lots as indicated in the staff report of June 8, 1978, on the understanding that it will be without rent, provided that, it is used continuously and uninterruptedly for purposes of Regional Transit involving the ferry services and additionally, that no regional activity be charged rent by any municipality, and that staff return with the draft lease including any consideration for any of the circumstances that should apply in the event of the lease of any space.

Motion passed.

Sublease - Harbour Walk (Waterfront Development Corporation)

MOVED by Deputy Mayor Shannon, seconded by Alderman Maley that, as recommended by the Finance and Executive Committee, His Worship the Mayor and the City Clerk be authorized to execute the sub-lease with respect to the Harbour Walk, Waterfront Development Corporation, at such time as survey plans and as-built drawings are available for attachment thereto.

Motion passed.

Council
June 29, 1978

Tender #78-15, New Paving and Traffic Improvements

MOVED by Alderman Hanson, seconded by Alderman Downey that, as recommended by the Finance & Executive Committee, Tender #78-15 be awarded as follows:

1. The projects for Forward Avenue (Alternative #1) Cook Avenue cul-de-sac; and Barrington Street at Duffus Street, be awarded to Standard Paving Maritime Ltd. for the unit prices quoted;
2. Project funds be authorized from Capital Accounts CBA49, CEA82, and 1B060; and
3. Funding transfers be approved as outlined above and as shown in Appendix "A" attached to the staff report of June 7, 1978.

Motion passed.

Taxation Status/Dalhousie University 1976, 1977 and Proposed Course of Action for 1978

The above noted item was forwarded to City Council without recommendation.

Two information reports, both dated June 27, 1978, were submitted on the matter.

MOVED by Alderman Maley, seconded by Alderman Hanson that Council ratify the settlements made to date as outlined in the staff report of June 8, 1978, and authorize staff to proceed with appropriate legal action in 1978.

Following a questioning of staff, the Motion was put and passed.

Dutch Village Road - New Sidewalks

MOVED by Alderman Moore, seconded by Alderman Hanson that, as recommended by the Finance & Executive Committee, the Dutch Village Road sidewalk project be postponed indefinitely until an overpass reconstruction agreement has been finalized between the three levels of government, the Federal, Provincial and City of Halifax.

Motion passed.

Current Borrowing Resolution

MOVED by Alderman Sullivan, seconded by Alderman Lawrence that, as recommended by the Finance and Executive Committee, City Council authorize His Worship the Mayor and City Clerk to sign a Current Borrowing Resolution covering the period July 1, 1978 to December 31, 1978, in the amount of \$8,000,000.

Motion passed.

2413 Barrington Street

MOVED by Alderman Downey, seconded by Alderman Sullivan that, as recommended by the Finance and Executive Committee, staff be advised to continue the practice of double appraisals and conversations and negotiations utilizing the results of the said appraisals in the case of 2413 Barrington Street, and to report back to Council.

Motion passed.

Settlement Automobile Insurance Claim - Police
Patrol Car #7

MOVED by Alderman Lawrence, seconded by Alderman Moore that, as recommended by the Finance & Executive Committee, City Council accept the amount of \$5,700 as settlement with respect to the matter of the Automobile Insurance Claim - Police Patrol Car #7.

Motion passed.

Call for Proposals - City-owned Land

MOVED by Alderman Sullivan, seconded by Alderman Clarke that, as recommended by the Finance and Executive Committee, the matter be tabled for 90 days at which time the item be returned to the Committee of the Whole Council together with a staff report.

Motion passed.

Statement of Revenue and Expenditures - Period
Ending May 31, 1978

MOVED by Alderman Wooden, seconded by Alderman Hanson that, as recommended by the Finance & Executive Committee, the Statement of Revenue and Expenditures for the period ending May 31, 1978 be tabled and referred to the sub-group on revenues and the sub-group on expenditures.

Motion passed.

Council,
June 29, 1978

Land Acquisition for Recreation Purposes 544, 546 and
548 Herring Cove Road

MOVED by Alderman Wooden, seconded by Alderman
Hanson that, as recommended by the Finance and Executive
Committee:

- (a) Staff be authorized to undertake appropriate investigations to confirm the physical suitabilities of the site at 544, 546 and 548 Herring Cove Road; and
- (b) Staff be authorized to commence detailed negotiations toward the purchase of all or part of the land at 544, 546 and 548 Herring Cove Road.

Alderman Wooden requested that staff investigate and submit a report on whether or not the City owns approximately ten acres of land in the Holly Drive school area.

His Worship requested that staff determine what lands are located behind the site under discussion.

Motion passed.

Land Acquisition for Recreation Purposes - Purcell's Cove
Road

MOVED by Alderman Wooden, seconded by Alderman
Lawrence that staff be authorized to commence negotiations
toward the purchase of the subject property and also to
commence negotiations for the possible lease of other lands
in and about the area of Flat Lake. Motion passed.

Ordinance Number 151 - The Regulation and Licensing of
Automatic Vending and Amusement Machines -
DATE FOR PUBLIC MEETING

MOVED by Alderman Meagher, seconded by Alderman
Lawrence that a public meeting re the Regulation and
Licensing of Automatic Vending and Amusement Machines,
Ordinance Number 151, be held on Monday, September 18, 1978
at 7:30 p.m. in the Council Chamber.

Alderman Meagher requested that copies of the report be circulated to the major vending machine companies in the area.

His Worship suggested that a newspaper advertisement be published now re the date of the said public meeting and that copies of the report are available at the City Clerk's office.

Motion passed.

Council,
June 29, 1978

Deputy Mayor Shannon asked that staff give some thought to circulating the report to groups who work with youth in the City if staff are considering lifting the age regulation.

Fairview Cove Container Pier Lease and Negro Point Park

A supplementary staff report dated June 27, 1978, was submitted.

Alderman Clarke referred to recent statements in the press attributed to His Worship the Mayor and stated that he took exception to such statements as the records and minutes of City Council clearly establish that the Aldermen have pursued the matter with diligence. He asked that if the boundaries were ready on May 17, 1978, at which time related information was sought, that he be informed why it was not brought to the Aldermen's attention at that time and why it was not until approximately four weeks later, on June 12, 1978, that City Council received the documents.

His Worship stated that he was quoted accurately in the press and the said statements reflect his personal opinion. He stated that he would now like to get on with the essence of the matter.

Alderman Clarke asked the City Manager why, in fact, he was not informed on May 17, 1978, when he asked the question, if the boundaries had been set. The City Manager stated he would have to check the records of the May 17th meeting to determine what was asked and what replies were given.

Alderman Maley asked for replies to her questions asked in November 1977 relating to the quality of the water and what effect the tides would have on the proposed park.

Alderman Sullivan stated that he wished to reaffirm his previous remarks and concurred with the remarks made by Alderman Clarke.

MOVED by Alderman Sullivan, seconded by Alderman Clarke that the staff recommendation of June 27, 1978 be rejected and that staff be directed to negotiate a new western boundary for the Fairview Cove Container Pier based on Option "B" as shown in the attachment to the staff report dated June 27, 1978.

Alderman Sullivan suggested that if the foregoing motion is passed, it would indicate that the lease in its present form is unacceptable to the majority of City Council.

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His Worship suggested that the mover of the motion intended to state "eastern boundary" rather than "western boundary".

The City Solicitor stated that he has had conversation with an official of the Provincial Government and it has been indicated to him that the entire proposal is on the agenda of the Treasury Board at this time, placed there by the National Harbours Board on a request for funds, and it is the entire proposal, Phases I and II, that is before the Board. He stated that the official further indicated that unless there was a full proposal that could be accepted by the Treasury Board, approval of federal funding may not be given at this time.

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

FOR: Aldermen Sullivan, Clarke, Downey and Meagher
AGAINST: Deputy Mayor Shannon, Aldermen Maley, Wooden, Hanson, Moore and Lawrence

MOVED by Alderman Lawrence, seconded by Alderman Hanson that:

- (1) the Mayor and City Clerk be authorized to sign the proposed lease and sub-lease between the City of Halifax and the Province of Nova Scotia for the City lands which will be used in the development of a container pier site at Fairview Cove;
- (2) City Council approve the area between the easternmost boundary of the Container Pier and the pier of the A. Murray MacKay Bridge to be known as "Negro Point Park", and that City staff be asked to present a conceptual design of said park to Council including possible infilling in adjacent water lot(s) and public access routes, together with cost estimates, within four months, with a view to consideration for inclusion in the preliminary 1979 Capital Budget.

Alderman Clarke asked if the second recommendation means that the park is being named at the present time. His Worship stated that the name does not have to be the one indicated.

The motion was put and passed with Aldermen Clarke, Sullivan, Meagher and Downey voting against.

Council,
June 29, 1978

Tender #517276 - Street Lighting Fixtures

MOVED by Alderman Hanson, seconded by Alderman Moore that, as recommended by the Finance and Executive Committee, authority be granted to award tender to the lowest bidder meeting specifications, McGraw Edison, C/O D. C. Keddy Limited, 2900 Isleville Street, Halifax, N.S., for the bid amount of \$12,264.00. Motion passed.

Tender #517276 - Street Lighting Lamps and Mounting Brackets

MOVED by Alderman Lawrence, seconded by Alderman Moore that, as recommended by the Finance and Executive Committee, authority be granted to award tender to the lowest bidder meeting specifications, Nedco (1975) Limited, 3609 Howe Avenue, Halifax, N. S., for the bid amount of \$8,568.00. Motion passed.

Request for City of Halifax Flag - Historic Properties Ltd.

MOVED by Alderman Hanson, seconded by Alderman Wooden that, as recommended by the Finance and Executive Committee, Council grant permission to Historic Properties Limited to fly the flag of the City of Halifax from their main flag mast during the summer months of 1978, such permission to be granted under Section 12 of Ordinance No. 101, the "Seals, Arms, and Flag Ordinance". Motion passed.

Aerial Fly Past over City of Halifax

It was agreed that, as recommended by the Finance and Executive Committee, no objection be recorded by City Council to the aerial fly past and short demonstration of Canadian Forces aircraft from CFB Shearwater of Halifax Harbour and the vicinity of Halifax City on Sunday, June 24, 1978, subject to the approval of appropriate authority and in compliance with Federal regulations.

Metro Centre - Acoustics and Promotion

Alderman Moore stated that the Commission has placed a public call for proposals in connection with the installation of a full public address system and improvement to the acoustics in the premises.

His Worship requested that the City Manager embark upon conversations with the management of Metro Centre at this point as he is getting concerned about Council control of Metro Centre expenditures. He asked