

Council,
March 15, 1979

The amendment was put and lost, two voting for the same and four voting against as follows:

FOR: Aldermen Sullivan and Meagher
AGAINST: Aldermen Shannon, Clarke, Wooden and Hanson

The motion was put and passed with Alderman Sullivan voting against.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on March 7, 1979 as follows:

Street Closures in Connection with Development of Wanderers Grounds

MOVED by Alderman Shannon, seconded by Alderman Meagher that, as recommended by the Committee on Works, Council approve the resolution attached to the staff report dated February 16, 1979, relating to street closures in connection with development of Wanderers Grounds. Motion passed.

Encroachment - 6386 Quinpool Road

MOVED by Alderman Shannon, seconded by Alderman Meagher that, as recommended by the Committee on Works, an encroachment license be granted to Sun Kee Kee Restaurant Ltd. for the purpose of erecting a mansard roof across the face of the building located at Civic No. 6386 Quinpool Road, as indicated on the plan attached to the staff report dated March 1, 1979. Motion passed.

REPORT - SAFETY COMMITTEE

Council considered the report of the Safety Committee from its meeting held on March 7, 1979 as follows:

Pyramiding of Tickets - Parking Meter Violations

MOVED by Alderman Shannon, seconded by Alderman Wooden that City Council direct City staff to ask the Province to amend the Motor Vehicle Act to allow for the pyramiding of parking tickets for parking meter violations. Motion passed with Alderman Meagher voting against.

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REPORT - COMMITTEE OF THE WHOLE COUNCIL, BOARDS & COMMISSIONS

Motion Alderman Clarke Re: Amendment to Ordinance No. 133,
Emergency Measures Planning - Second Reading

Amendments to Ordinance No. 133 Respecting Emergency Measures Planning, were submitted which were read and passed by the Committee of the Whole Council on March 7, 1979.

MOVED by Alderman Clarke, seconded by Alderman Hanson that the amendments to Ordinance Number 133, Respecting Emergency Measures Planning, be read and passed a Second Time by City Council.

Motion passed.

Motion Alderman Clarke Re: Amendment to Ordinance No. 151
Respecting the Automatic Machines Ordinance - SECOND READING

The above item was referred to tonight's meeting of Council without recommendation from the last regular meeting of the Committee of the Whole Council at which time proposed amendments to Ordinance No. 151, which were read and passed a First Time by Council on March 1, 1979, were submitted.

Alderman Clarke Moved a Motion that the proposed amendments be read and passed a Second Time but there was no seconder to the Motion.

Alderman Meagher indicated he would like to see the item be deferred until Council receives a proposal from staff governing arcades.

Alderman Sullivan noted there are a number of discos opening for people between the ages of 15 and 18 that are not licensed saying he understood there would be automatic vending machines in such establishments. Alderman Sullivan suggested that staff may want to consider including such establishments in the Ordinance.

The City Manager in referring to the proposal to defer, suggested the result will be that the existing fees will remain in effect for another year.

MOVED by Alderman Meagher, seconded by Alderman Shannon that the matter be deferred pending receipt of the requested information.

Motion passed with Alderman Clarke against.

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Report from Retirement Committee Re: Amendment
to Superannuation Act

A report dated March 15, 1979, was submitted from the Secretary of the Retirement Committee which had attached proposed amendments to the Halifax Superannuation Act which the Retirement Committee was recommending be approved by City Council.

Alderman Shannon noted that members of Council only just received the report and suggested it be deferred to the next regular meeting of the Committee of the Whole Council.

Mr. Allen of the Legal Department, for the information of Council members, advised that the matter was considered by the Superannuation Advisory Committee and the Retirement Committee on Tuesday of this week and indicated there was a time constraint involved in presenting the proposal before the Legislature if the changes were to be adopted this year.

MOVED by Alderman Shannon, seconded by Alderman Clarke that the matter be referred to the next regular meeting of the Committee of the Whole Council.

Motion passed.

REPORT - CITY PLANNING COMMITTEE

The City Planning Committee at its meeting held on March 7, 1979, considered various matters of civic business and reports as follows:

Case No. 3657 - Lot Consolidation - Civic # 11-13 Alma Crescent

MOVED by Alderman Hanson, seconded by Alderman Wooden that, as recommended by the City Planning Committee, the application to consolidate Lots 22 and 23 to form Lot X (Civic No. 11-13) Alma Crescent, as shown on Plan No. P200/8730 of Case No. 3657, be approved by City Council.

Motion passed.

Priority No. 3, Area 14, Soft Area Outside the Designated Area for Detailed Planning

The above item was forwarded to City Council without recommendation.

Alderman Sullivan advised that he spoke with the City Solicitor on the matter saying that what he would like to do would be to consider down-zoning the properties on the west side of Isleville Street between Columbus and Young Streets including properties identified as Civic No. 5651 Kaye Street, 5654 Hennessey Street, and 5640 Stairs Street as shown on Map 3, from C-2 to C-1.

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Alderman Sullivan said it was his understanding that in order to take such action, it would be necessary to change a policy of the Municipal Development Plan. Alderman Sullivan advised he would also like Council to give consideration to the other part of the report dated March 14, 1979, as well.

Discussion ensued on the matter and the City Manager suggested that the item be placed on the agenda of the next regular meeting of the Committee of the Whole Council as well in order to discuss the item prior to it being submitted to the Municipal Development Plan Committee and subsequently to Council.

MOVED by Alderman Sullivan, seconded by Alderman Shannon that the matter be referred to the next meeting of the Municipal Development Plan Committee for the purpose of discussing the subject and recommending a change in the policies of the Municipal Development Plan, and the item be placed on the agenda of the next regular meeting of the Committee of the Whole Council as well.

Alderman Sullivan asked if the item could be listed first on the agenda of the Municipal Development Plan Committee meeting and the City Manager advised that the Chairman of the Committee has made such an arrangement.

Motion passed.

MOTIONS

Motion Alderman Maley Re: Amendment to Ordinance No. 168,
the Fire Prevention Ordinance - FIRST READING

Alderman Maley presented a Notice of Motion with respect to the above matter at the March 1, 1979 meeting of City Council.

Alderman Shannon noted that Council has not received the proposed amendment and Moved, seconded by Alderman Meagher that the item be deferred to the next regular meeting of City Council.

Motion passed.

MISCELLANEOUS BUSINESS

Ordinance 149 Respecting the Licensing of Persons to Carry on
Certain Businesses or Trades in the City of Halifax

A staff report dated March 8, 1979, was submitted.

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Alderman Shannon referred trucks that sell french fries etc., on the streets but suggested they do not pay a business tax to the City. Alderman Shannon questioned whether such operations should be included in the Ordinance and if so, should the wording be amended to include them. Alderman Shannon noted the operations are regulated by the Board of Health but suggested they are not taxed to do business in the City.

Mr. Allen of the Legal Department advised that he would check into the matter.

Alderman Meagher noted that last year the City rented the canteen facilities at the public gardens the operator of which paid rent plus taxes. Alderman Meagher advised that there then appeared a number of vendors around the fringes of the Gardens who are not required to pay taxes such as the operator of the canteen. Alderman Meagher suggested that situations such as this should be looked into as well.

MOVED by Alderman Shannon, seconded by Alderman Wooden that the matter be deferred until staff can review the points raised and submit further information.

Motion passed.

Tendering Practices - Supplementary Report

A staff report dated March 8, 1979, was submitted.

MOVED by Alderman Shannon, seconded by Alderman Meagher that the item be referred to the next regular meeting of the Committee of the Whole Council.

Motion passed.

QUESTIONS

Question Alderman Meagher Re: Street Sweeper Operators

Alderman Meagher asked if there are normally two street sweeper operators per machine and if so, is one of the operators being trained to operate the machine.

The Director of Engineering & Works advised that there is normally one operator but advised that a group of employees were sent on a training course and they are now being assigned to a machine with an experienced operator in order that they will be ready for the regular summer program.

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Alderman Meagher advised that he recently asked the City Manager to enquire of the Police Department with respect to heavy container traffic on Quinpool Road saying the Police Department informed him that as soon the Water Street improvements are completed which should be shortly, such traffic will be taking its normal route. Alderman Meagher advised that the Police Department was in contact with the various container lines and that they were in agreement with such action.

Question Alderman Shannon Re: Street Lighting

In reply to a question from Alderman Shannon, the City Manager advised as to how the automatic street lighting system operates.

Alderman Shannon advised that she received a complaint that the street lights were not being turned off early enough in the morning, and the City Manager advised that staff have received similar complaints which have been passed on to the Nova Scotia Power Corporation.

Question Alderman Sullivan Re: Summary Statement -
Revenues and Expenditures

In reply to a question from Alderman Sullivan, the City Manager advised that the term Grants in Lieu as contained in the Summary Statement of Revenues and Expenditures represented grants from the Province in lieu of real property taxes for some of their properties, and that the term Provincial Transfers represented cost shared programs.

ADDED ITEMS

Appointment - Halifax Forum Commission

The above item was added to the agenda at the request of the City Clerk.

A memo dated Marcy 14, 1979, was submitted from His Worship the Mayor nominating Donald Flemming for appointment to the Halifax Forum Commission.

MOVED by Alderman Hanson, seconded by Alderman Sullivan that Donald Flemming, 56 Nightingale Drive, Halifax, Nova Scotia, be appointed to the Halifax Forum Commission for a term to expire October 31, 1980.

Motion passed.

9:25 P. M. - Meeting adjourned.

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DEPUTY MAYOR GRAHAM L. DOWNEY
CHAIRMAN

G. I. BLENNERHASSETT (Mrs.)
CITY CLERK

Date Approved by City Council: _____

Record

CITY COUNCIL
MINUTES

Council Chamber
City Hall
Halifax, N. S.
March 29, 1979
8:10 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 Downey, and Aldermen Maley, Shannon, Meagher, Sullivan, Clarke, Wooden, Hanson, Moore, and Hamshaw.

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

Long Service Award - Frederick P. Shortt -
Halifax Fire Department

His Worship paid tribute to Mr. Frederick P. Shortt of the Halifax Fire Department in recognition of his 25 years' service in the employ of the City of Halifax and, Alderman Maley on behalf of members of City Council, and Fire Chief R. Horrocks on behalf of the Fire Department, presented Mr. Shortt with a long service scroll.

M I N U T E S

Minutes of City Council meeting held on March 15, 1979, were approved on Motion of Alderman Wooden, seconded by Alderman Hanson.

APPROVAL OF THE ORDER OF BUSINESS, ADDITIONS & DELETIONS

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

- 9.1 - Lacewood Drive - Petition Against Sidewalk, Curb and Gutter, Sod, and Trees
- 9.2 - Swallow Street - Petition Against Asphalt Paving, Curb and Gutter, and Sodding
- 9.3 - Hartlen Avenue - Petition Against Paving, Curb and Gutter, Sidewalk, Sod, and Trees
- 20.1 - Halifax City Charter - Section 542
- 20.2 - Proposed Municipal Elections Act - TO BE TABLED
- 20.3 - Extension of 1979 Tax Rate

AND, to delete:

- 10.3 - Possible Acquisition and Sale of Land - Leiblin Drive
- 15.1 - Case No. 3595 - Contract Zoning - 2074 Robie Street

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

20.4 - Labour Relations

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

20.5 - Punch Bowl

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

20.6 - Water Rates

At the request of His Worship the Mayor, Council agreed to add:

20.7 - Halifax Industries Limited

20.8 - Ordinance No. 151

The agenda, as amended, was approved.

PETITIONS AND DELEGATIONS

Lacewood Drive - Petition Against Sidewalk, Curb and Gutter, Sod, and Trees

Two petitions, one dated March 1, 1979 and the other dated March 2, 1979, were submitted relating to the above matter.

MOVED by Alderman Hamshaw, seconded by Alderman Moore that the petition be referred to City staff for review and report.

Motion passed.

Swallow Street - Petition Against Asphalt Paving, Curb and Gutter, and Sodding

A petition dated February 26, 1979, was submitted from Terrance Franklin of 11 Swallow Street with respect to the above matter.

MOVED by Alderman Hamshaw, seconded by Alderman Moore that the petition be referred to City staff for review and report.

Motion passed.

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Hartlen Avenue - Petition Against Paving, Curb and
Gutter, Sidewalk, Sod, and Trees

Three petitions under date of March 4, 1979, February 24, 1979, and March 1, 1979, were submitted relating to the above matter.

MOVED by Alderman Wooden, seconded by Alderman Hanson that the petitions be referred to City staff for review and report.

Motion passed.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on March 21, 1979, as follows:

Police, Fire, Transit, Works, School Board etc. -
Mobile Radio Systems

A supplementary confidential staff report dated March 27, 1979, was submitted.

Alderman Sullivan noted that about two years ago, Council had discussions with the Chief of Police concerning problems the Department was having with radios in terms of people listening in on calls etc., and the steps the Department was going to take to correct the situation. Alderman Sullivan asked if that matter was taken into consideration in the preparation of the staff reports and if not, when would the matter be considered.

The City Manager indicated that staff could take the matter up again with the Chief of Police as mentioned by Alderman Sullivan.

Alderman Sullivan indicated he would like to receive a report from the Chief of Police on the matter with respect to where the matter stands, what is being proposed by the Department, and whether it is still a problem.

Discussion ensued on the matter and Alderman Sullivan indicated he had no problem in supporting the recommendation at this time but suggested it was an item which Council should discuss with the Chief of Police. Alderman Sullivan noted that a meeting is planned with the Chief and suggested it could be discussed at that time.

His Worship indicated that a further report would be submitted with respect to the question.

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MOVED by Alderman Sullivan, seconded by Alderman Hamshaw that Council approve the extensions of the contracts for a period of two years and provide for any temporary upgrading which may be needed during this period.

Motion passed with Alderman Hanson abstaining.

Sidewalk Renewals in NIP I Area

MOVED by Deputy Mayor Downey, seconded by Alderman Maley that, as recommended by the Finance and Executive Committee, Council authorize, for the NIP I area, the implementation of an additional sidewalk, curb, and gutter renewal program including tree planting and sodding where applicable up to \$220,000 as outlined in the staff report of March 9, 1979; funds available in Account EH003.

Motion passed.

Possible Acquisition and Sale of Land - Leiblin Drive

The above item was deleted from the agenda during the approval of the Order of Business.

Sale of City Property - 14 Parkhill Road

The above item was forwarded to City Council without recommendation.

A supplementary confidential staff report dated March 27, 1979, was submitted.

MOVED by Alderman Hanson, seconded by Alderman Wooden that the subject lot known as Civic No. 14 Parkhill Road be sold to Mr. Ping Fai Seto for the sum of \$12,000 and the proceeds be deposited in the Sale of Land Account.

Motion passed.

Maintenance Agreement No. 23

The following is the recommendation of the Finance and Executive Committee:

"That City Council accept the Cost Sharing Agreement No. 23 as recommended in the letter from the Department of Highways dated December 27, 1978, but express disappointment with the exclusion of the Bayers Road and Chebucto Road systems, and ask that His Worship the Mayor, Deputy Mayor Downey, and Aldermen Sullivan and Clarke represent the City to the Ministry of Highways seeking to express the City'd disappointment and to have the said exclusions re-inserted."

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Alderman Clarke advised he could not support the Maintenance Agreement to remove Bayers Road from Connaught Avenue to Windsor Street. Alderman Clarke indicated he did not mind removing the street from cost sharing if the Province could remove some of the heavy traffic that uses the roadway saying that until he is advised why it is no longer justified for cost sharing, he could not support the agreement.

A short discussion ensued on the matter and in reply to a question, the Director of Engineering and Works advised that action with respect to the proposed agreement could be deferred until after the proposed meeting with the Ministry of Highways.

Council then agreed that His Worship the Mayor, Deputy Mayor Downey, and Aldermen Sullivan and Clarke be asked to represent the City to the Ministry of Highways seeking to express the City's disappointment with the exclusion of the Bayers Road and Chebucto Road systems and to have the said exclusions re-inserted, and that the matter of the Maintenance Agreement No. 23 be deferred until after the meeting.

Report from Retirement Committee Re:
Amendment to Superannuation Act

MOVED by Deputy Mayor Downey, seconded by Alderman Wooden that, as recommended by the Finance and Executive Committee, City Council approve the proposed amendments to the Halifax Superannuation Act as attached to the report from the Secretary of the Retirement Committee dated March 15, 1979.

A discussion and questioning ensued on the matter following which the Motion was put and passed.

Possible Acquisition - 544-46-48 Herring Cove Road

MOVED by Alderman Wooden, seconded by Alderman Hanson that, as recommended by the Finance & Executive Committee, 544-46 Herring Cove Road be purchased from Mr. John Hall for \$61,965 as payment in full for all claims arising from such acquisition, and that acquisition of 548 Herring Cove Road be purchased from Mr. William Safiris for the \$25,500 as payment in full for all claims arising from such acquisition; funds available from Account Number FAA98 AA01 (Mainland South Multi-Purpose).

Following a discussion of the matter and a questioning of staff, the Motion was put and passed with Aldermen Maley, Shannon, and Clarke against.

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REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on March 21, 1979, as follows:

Street Acceptance - Central Portion of Bayview Road

MOVED by Alderman Hanson, seconded by Alderman Moore that, as recommended by the Committee on Works, the central portion of Bayview Road between Trillium Terrace and Woodbank Terrace be accepted as part of the official street system as it fulfills the minimum standards required by the City.

Motion passed.

Award of Tender - Freshwater Brook Sewer Extension -
Supplementary Report

A further supplementary report dated March 28, 1979, with attachments, was submitted.

Alderman Clarke, in referring to information contained in the latest report, noted that area #1 is proposed for completion by May 11 and asked when area #2 would be started and completed.

His Worship indicated that staff would check the matter and advised it was his recollection that area #2 was to be completed by July 29th.

Alderman Sullivan referred to the letter from the Recreation Committee as attached to the latest report, and asked if staff were in communication with the Recreation Committee for their comments prior to drawing up the specifications for the tender and also asked how the matter was taken to the Recreation Committee, to which the Director of Engineering and Works responded.

Alderman Moore also referred to the letter from the Recreation Committee and indicated it was his understanding that Alderman Meagher had previously asked about the timing of the project as to whether or not it could be carried out during last fall and winter saying he thought the response was that the project could be carried out prior to the 1979 outdoor activity season.

Further discussion ensued and it was MOVED by Alderman Clarke that the City start Area #1 on April 3, 1979 and that Area #2 be deferred to the Committee of the Whole Council meeting in order for staff to advise when the project will be completed if it is commenced in April or in September, and the extra costs involved.

Following a further short discussion, Alderman Clarke withdrew his Motion.

MOVED by Alderman Maley, seconded by Alderman
Wooden that, as recommended by the Committee on Works:

1. Tender 78-164 for the Freshwater Brook Sewer Extension be awarded to the lowest bidder, L. J. Casavechia Contracting Limited for the unit prices quoted;
2. Authorization be granted for the total project cost of \$780,000 from Capital Account DA003; and
3. Staff be authorized to formally apply to the Province for eligible cost sharing under the Water Act upon completion of this project, and any other applicable cost-sharing program.

Alderman Moore asked when the Wanderers Grounds would be ready again and the City Manager indicated that he did not have the answer but advised he would have it for the Committee of the Whole Council meeting. Alderman Shannon noted she was to receive a report on future facilities for soccer in the City and suggested that perhaps she could receive such a report at the Committee of the Whole Council meeting as well.

The City Manager indicated that the Recreation Department and Committee are working on the matter but questioned whether a report would be ready by next Wednesday. The City Manager advised that an update report would be submitted.

Alderman Sullivan said he would like to receive a further report on the subject matter saying he would like to know how the item was originally advanced to the Recreation Department. Alderman Sullivan said he would also like the figures checked as contained in the letter received from the Recreation Committee as well as to receive information as to whether the matter was discussed with the Recreation Committee at some point during the last nine months.

Alderman Maley requested that staff ask the contractor to make an effort to finish the project in time for the Canada Games.

Further discussion ensued and the Motion was put and passed.

Award of Tender 79-01 - Main Avenue Storm Sewer -
Dunbrack Street to NSPC Right-of-way

MOVED by Alderman Hamshaw, seconded by Alderman
Moore that, as recommended by the Committee on Works:

1. Tender No. 79-01 for the project be awarded to Cameron Contracting Limited for the unit prices quoted;
2. Project funds be authorized from Capital Account No. DA016;
3. Funding Transfers be approved as shown in the staff report dated March 9, 1979.

Motion passed.

Award of Tender 79-14 - Sidewalk Renewal

MOVED by Deputy Mayor Downey, seconded by
Alderman Wooden that, as recommended by the Committee on Works:

1. Tender No. 79-14 for projects listed in Appendix "A" attached to the staff report dated March 8, 1979, be awarded to G. & R. Kelly Enterprises Ltd. for the unit prices quoted;
2. Project funds be authorized from Capital Accounts CB034, CB036, CB039, CB040, CB050, EH003, CB058, CB060 in total amount of \$197,000; and
3. Funding transfers be approved as shown in Appendix "A".

Motion passed.

Award of Tender 79-13 - Sidewalk Renewal

MOVED by Deputy Mayor Downey, seconded by Alderman Meagher that, as recommended by the Committee on Works:

1. Tender No. 79-13 for the projects listed in Appendix "A" attached to the staff report dated March 12, 1979, be awarded to Steed & Evans Ltd. for the unit prices quoted;
2. Project funds be authorized from Capital Account Nos. CB032, CB033, CB048, CB057, CB076, EH003 in total amount of \$197,000; and
3. Funding transfers be approved as shown in Appendix "A" to the staff report of March 12, 1979.

Motion passed.

Award of Tender 79-02 - South Street Sewer Construction;
Birch Street and Windsor Street Sewer Renewals

MOVED by Alderman Maley, seconded by Alderman Hamshaw that, as recommended by the Committee on Works:

1. Tender No. 79-02 for projects listed in Appendix "A" attached to the staff report dated March 9, 1979, be awarded as follows:

Birch Street - Cameron Contracting Limited for the unit prices quoted;

South Street and Windsor Street - P. A. Wournell Contracting Limited for the unit prices quoted;

2. Project funds be authorized from Capital Accounts DA012, DA027, and DA044, for a total of \$110,000.00;
3. Funding transfers be approved as shown in Appendix "A".

Alderman Maley noted that there are major road works taking place at the intersection of University Ave. and Robie Street and asked if it would be possible to complete one project before commencing the other.

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The Director of Engineering and Works advised that staff would check into the matter to see if such action is possible and staff would be in contact with Alderman Maley on the matter.

Motion passed.

Willett Street - Petition Against Sidewalk, Sod, and Trees

MOVED by Alderman Moore, seconded by Alderman Wooden that, as recommended by the Committee on Works, City Council approve the installation of concrete sidewalk, sod and trees on the southwest side of Willett Street between Melrose Avenue and Main Avenue as a local improvement project.

Motion passed.

Hillcrest Street - Petition Against Sidewalk, Sod, and Trees

MOVED by Alderman Moore, seconded by Alderman Hamshaw that, as recommended by the Committee on Works, the petitions be accepted and that the installation of concrete sidewalk, sod and trees on the southwest side of Hillcrest Street between (a) Melrose Avenue to Frederick and (b) Coronation Avenue to Main Avenue, be deleted from the Capital Budget.

Motion passed.

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REPORT - CITY PLANNING COMMITTEE

City Council considered the report of the City Planning Committee from its meeting held on March 21, 1979 as follows:

Case No. 3595 - Contract Zoning - 2074 Robie Street

This item was deleted at the request of the City Clerk.

Case No. 3651 - Contract Zoning - 1151 Tower Road

MOVED by Alderman Maley, seconded by Alderman Moore that, as recommended by the City Planning Committee, the public hearing scheduled for April 4, 1979 re the foregoing matter be deferred pending a response from the applicant. Motion passed.

MOTIONS

Motion Alderman Maley re: Amendment to Ordinance No. 168, the Fire Prevention Ordinance - FIRST READING

MOVED by Alderman Maley, seconded by Alderman Shannon that amendments to the Fire Prevention Ordinance No. 168, as submitted, be now read and passed a First Time. Motion passed.

MISCELLANEOUS ITEMS

Tender 79-38 - Spring and Fall Police Jackets

A staff report dated March 21, 1979 was submitted.

MOVED by Alderman Sullivan, seconded by Alderman Clarke that City Council approve the purchase of jackets from Outdoor Outfits, 372 Richmond Street West, Toronto, Ontario for a total cost of \$17,937.50. Motion passed.

Appointments

Memoranda dated March 26, 1979 and March 29, 1979 were submitted by His Worship the Mayor.

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MOVED by Alderman Moore, seconded by Alderman Hanson that Mr. S. S. Jacobson be appointed to the Board of the Halifax Public Service Commission for a further three-year term to expire April 30, 1982. Motion passed.

MOVED by Alderman Meagher, seconded by Deputy Mayor Downey that Alderman Terrence Sullivan and Mr. Harold Crowell be appointed to the Board of COMSERV, for terms to expire October 31, 1980. Motion passed.

QUESTIONS

Question Alderman Maley re: Scaffolding Around the Toronto-Dominion Bank Building

Alderman Maley asked why scaffolding remains around the Toronto-Dominion Bank building on Barrington Street.

The City Manager advised that some mouldings on the building became loose and cannot be repaired until the temperatures are more favourable. He stated that the scaffolding was erected by the developer to ensure the safety of the public using the walkways and, as soon as the weather permits, repairs will be made.

Question Alderman Maley re: Appointees to Boards and Commissions

Alderman Maley requested a list of all appointments made by City Council to Boards and Commissions and asked how many of the appointees are female. She requested that, in view of the Provincial Government's recent statement that a certain percentage of appointees to Boards and Commissions should be female, this fact be borne in mind when nominations are being made.

His Worship stated that his office would be delighted to have any further nominations at any time.

Question Alderman Meagher re: Clean-Up Week

Alderman Meagher asked when clean-up week is scheduled.

The City Manager advised that it is slated for the first week in May as usual and a staff report will be submitted on whether it should be held later in the year.

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Question Alderman Meagher re: Nova Scotia Power Rate
Increase

Alderman Meagher asked what effect the proposed Nova Scotia Power Commission rate increase will have on the City of Halifax budget.

The City Manager advised that the City has considered the matter and have decided not to speculate on what the ruling of the Public Utilities Board will be. He stated that a preliminary check has been made and an increase of 6% to 10% should not have too much of an effect on the budget as it is hoped to gain some savings in the energy management field. He advised that as soon as a decision is made by the Public Utilities Board, a staff report will be submitted to City Council outlining the effects.

Question Alderman Sullivan re: Interceptor Sewer - Duffus
Street - Odour Problem

Alderman Sullivan asked when some results would be evident re the odour problem with the interceptor sewer at the foot of Duffus Street.

Mr. Connell, Director of Engineering and Works, advised that five pumps are now operational, the sixth pump is presently being installed, and the consultant is now doing his monitoring on the first proposal, that is, to check it at full capacity to determine if the problem can be solved in that manner.

Mr. Connell further advised that a decision will be reached in approximately two weeks and at that time it will be known if the larger expenditure approach is necessary.

Question Alderman Sullivan re: Animal Control - S.P.C.

Alderman Sullivan stated that at the time City Council considered a report on the takeover of animal control in the City by the S.P.C., there was some mention in a staff report of a situation re the general control of dogs. He asked if there has been any further action by staff on that particular matter and whether a report will be submitted to City Council.

The City Manager advised that the matter is on the agenda of the next regular meeting of Committee of the Whole Council.

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Question Alderman Shannon re: Smoke Detectors

Alderman Shannon requested a report from the Fire Department re the installation of smoke detectors in rooming houses, how many buildings have been covered, how many buildings are left, how many people have been taken to court, if any.

Question Alderman Shannon re: Taxes re Dalhousie Heating Tunnels

Alderman Shannon asked if Dalhousie are being charged for the use of space under the streets for their heating tunnels.

The City Manager advised that they have an encroachment license. The City Solicitor advised that Dalhousie also pays an annual fee based on the number of square feet that the pipe would occupy.

Alderman Shannon further asked if they are on schedule to complete the construction by June 1979. The City Manager advised that staff will inquire and a report will be submitted to City Council.

Question Alderman Shannon re: Cleaning of Sidestreets

Alderman Shannon commended staff for their efforts in cleaning the main routes in the City but stated there are still a number of sidestreets which have not been cleaned and asked if they would be done before the winter parking ban is removed on March 31.

Mr. Connell advised that concentration is on the major routes first and there are many secondary streets which will not be done until the regular sweeping program commences in April.

The City Manager stated that members of City Council should bring to the attention of the Director any streets they feel are in dire need of cleaning.

Question Alderman Moore re: Sewage Treatment Plants

Alderman Moore requested that staff prepare a report considering the location, establishment and construction of a number of small sewage treatment plants within the City. He asked whether it would be feasible, worthy of consideration, and whether it would bring closer

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to realization treatment of sewage in the City.

Question Alderman Moore re: Metro Centre Acoustics

Alderman Moore referred to an information report from the City Manager re an update of the Metro Centre acoustics and asked if a completion date has been set for the installation, is one indicated, and if there is a penalty clause in the agreement if it is not met.

The City Manager advised that an installation date is not set, the indicated date is June 28, 1979 at the latest, and he does not know if there is a penalty clause as he has not seen the specifications but, as in any other contract, there will be some provision for a deadline and corresponding penalty clause.

Alderman Moore stated that anything that the City Manager could do to expedite the work would be appreciated by the Metro Centre Commission.

Question Alderman Moore re: Detox Centre on South Park St.

Alderman Moore referred to the staff report with respect to the Detox Centre on South Park Street and asked if the Centre is being advanced in conjunction with the Home for Transient Men that City Council has been dealing with, is it a separate facility and, if so, what is the status of the establishment of a Home for Transient Men.

The City Manager stated that the Detox Centre is not related to the Home for Transient Men and a report on the matter will be received by members of City Council tomorrow, and, if it is Council's wish, it can be added to the agenda of Committee of the Whole Council for more detailed discussion.

Question Alderman Clarke re: School Board - Issuance of
Transit Tickets to Students

Alderman Clarke requested a report from the School Board re the issuance of transit tickets to students, the ages, the distance factor, and the rules followed re such issuance.

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Question Alderman Clarke re: Plans for the Nova Scotia
Arts and Convention Place

Alderman Clarke asked when City Council will get to see the plans for the Nova Scotia Arts and Convention Place.

His Worship advised that, upon invitation of members of the Provincial Government, he was shown within the past several hours, plans of the Nova Scotia Arts and Convention Centre Limited. He stated that he advised that the Council of the City awaits a public presentation of details in order that it may make a decision as quickly as possible re the sound amplification side of the total treatment of Metro Centre. He stated that there is no intended invasion of any view plane of the City of Halifax and he was assured that there was no intention to exercise the power to act without recourse to Municipal bylaws.

Question Alderman Clarke re: Yield Signs - Halifax Shopping
Centre

Alderman Clarke referred to the location of traffic yield signs at the Halifax Shopping Centre and suggested that they are contrary to what he believes to be good driving practices. He asked if they are governed by the Motor Vehicle Act or by general rules of safety.

The City Solicitor advised that an information report will be submitted by the next regular meeting of Committee of the Whole Council if possible.

Question Alderman Hamshaw re: Obstacle - Melody Drive

Alderman Hamshaw referred to the Bridgeview storm sewer installation and stated Melody Drive will have to be used as an alternative route. He asked that staff report as soon as possible re the removal of the obstacle at the foot of Melody Drive.

Question Alderman Hamshaw re: Access to Dunbrack Street

Alderman Hamshaw asked how soon can an access route to Dunbrack Street be realized.

The City Manager advised that a report will be submitted to Committee of the Whole Council meeting of April 18, 1979.

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Question Deputy Mayor Downey re: Appointments to the
Halifax Housing Authority

Deputy Mayor Downey asked if all appointments have been made to the Halifax Housing Authority, suggesting that, due to illness, one appointee is unable to accept the nomination.

His Worship stated that it is his understanding that all appointments were filled and had not been informed of the vacancy.

Question Deputy Mayor Downey re: Letters from Halifax
Housing Authority in Response to Applications
for Accommodations

Deputy Mayor Downey referred to letters being received from the Halifax Housing Authority in response to their applications for accommodations and asked for a report on why the letters are being issued in such form.

Question Alderman Wooden re: Centre Door of Mainland South
Fire Station

Alderman Wooden requested that the Fire Department advise when the centre door of the Mainland South Fire Station will be replaced.

Question Alderman Wooden re: Street Cleaning - Business
District of the Herring Cove Road

Alderman Wooden requested a staff report re when street cleaning will commence along the business district of the Herring Cove Road.

Question Alderman Wooden re: Lands in Mainland South
Declared Surplus by the School Board

Alderman Wooden stated that it is her understanding that the School Board has declared surplus some school lands in Mainland South. She requested a detailed map of each school site, an overall map of City-owned land in Ward 7, the stated policy of the Council re surplus schools and buildings, and, further, she requested that she be informed before such decisions are made regarding changes as such within Ward 7.

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Alderman Hanson advised that although the land was declared surplus by the School Board, it remains as City property.

The City Manager advised that as soon as he is informed of the surplus lands, it will be brought to City Council's attention for possible uses.

Alderman Wooden stated she wished to have the requested maps.

NOTICES OF MOTION

Notice of Motion Alderman Hanson re: Amendments to Ordinance No. 147, the Dog Ordinance

Alderman Hanson gave notice that at the next regular meeting of the City Council of the City of Halifax, to be held on Thursday, the 12th day of April, A.D., 1979, he proposes to introduce amendments to Ordinance Number 147, the Dog Ordinance.

He stated that the purpose of the amendments is:

1. to constitute the failure to remove dog defecation a legal nuisance and an offence under the Ordinance;
2. to provide for the appointment of by-law enforcement officers under the Police Act;
3. to define the word "owner" to assist in the enforcement of the Ordinance;
4. to redefine the phrase "running at large" to assist in enforcement;
5. to authorize pound keepers to destroy dogs for humane reasons and to charge veterinary fees back to the owner;
6. to redefine offences dealing with biting, disturbances, chasing and damage to property and to create a new enforcement procedure regarding these offences;
7. to establish larger penalties.

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Notice of Motion Alderman Shannon re: Amendment to
Ordinance No. 149, the Petty Trades
Ordinance

Alderman Shannon gave notice at at the next regular meeting of the City Council of the City of Halifax to be held on Thursday, April 12, 1979, she proposes to introduce an amendment to Ordinance Number 149, the Petty Trades Ordinance.

She stated the purpose of the Ordinance is to clarify the provision regarding licensing of sidewalk vendors.

ADDED ITEMS

Halifax City Charter - Section 542

A report dated March 26, 1979 was submitted by the City Solicitor.

MOVED by Alderman Shannon, seconded by Alderman Maley that amendments to section 542(2) of the Halifax City Charter, as attached to the staff report dated March 26, 1979, be approved. Motion passed.

Proposed Municipal Elections Act - TO BE TABLED

Copies of the Proposed Municipal Elections Act were circulated to members of City Council.

Alderman Moore stated that it is the opinion of the Election Procedures Committee the draft legislation should be referred to staff for review and input in time for the next regular meeting of Committee of the Whole Council.

MOVED by Alderman Moore, seconded by Alderman Hamshaw that the draft legislation re the Municipal Elections Act be tabled, referred to staff for review and input, and placed on the agenda for the next regular meeting of Committee of the Whole Council.

Alderman Moore stated that his intention in referring the matter to staff for a report is to obtain a comparison with present legislation rather than direction to City Council on what should or should not be done.

The motion was put and passed.

AMENDED SHEET

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Extension of the 1979 Tax Setting Date

A staff report dated March 29, 1979, was submitted.

MOVED by Alderman Clarke, seconded by Alderman Sullivan that to show concurrence, the resolution of February 15, 1979 setting the date for the 1979 tax rate to March 31, 1979, be amended to read April 30, 1979. Motion passed.

Labour Relations - Alderman Moore

Alderman Moore commented upon the decision of the Council of the City of Dartmouth with respect to the prohibition of the right to strike in essential services, particularly as it applies to the public sector, stating his remarks were made after some consideration and deliberation.

Alderman Moore referred to the affects of strikes on the national economy as well as on individual household budgets and stated his belief that it is time some action be taken to ensure that a person who wants to work is given every opportunity to preserve and sustain that desire. Alderman Moore advised that he believed that Council must bring forward legislation providing for a citizen's right to work, and that such legislation should include in its provisions, that a citizen need not join a union if he does not wish to, and that a citizen should not be prevented from entering and working at his place of employment during any strike whether legal or otherwise. Alderman Moore advised that such legislation is presently in effect in many States in the United States of America.

MOVED by Alderman Moore, seconded by Alderman Clarke that the City Council of the City of Halifax endorse the principle of the right to work and the City Clerk be instructed to convey, in writing, that principle to the Minister of Labour of the Province of Nova Scotia and urge the Minister to bring forward as quickly as possible, legislation providing for same.

Alderman Clarke stated that he seconded the Motion for purposes of discussion but he is not certain as to what the boundaries of the right to work entail. He suggested that the matter be deferred to the next regular meeting of the Committee of the Whole Council for discussion.

After some discussion, the Motion was put and lost, one voting for the same and nine voting against.

Punch Bowl Lake - Alderman Wooden

Alderman Wooden stated that residents of the area have been concerned over the past couple of years about the condition of Punch Bowl Lake and its shoreline. She advised that the Department of the Environment has accepted the responsibility and infilling of the waterway comes under their jurisdiction. She advised that infilling of the lake continues after repeated assurances from the

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Department that no further permits will be authorized.

Alderman Wooden requested that City staff again pursue the matter of infilling of the Punch Bowl with the Department of the Environment and bring it to a resolution. She further requested that the City's engineering staff make a site inspection of the two 30-inch water pipes and the 24-inch outfall pipes. She stated that it seems that because the 24-inch outfall pipe is too high, basements of surrounding property owners are often flooded during wet periods.

The City Manager advised that the matter would be pursued with the Department of the Environment and a staff report will be issued.

Alderman Wooden advised that the emergency number given by the Department of the Environment is absolutely useless as the phone is not answered at any time.

Water Rates - Alderman Sullivan

Alderman Sullivan referred to the report circulated by His Worship the Mayor to members of City Council this date and asked if it is correct that the Public Service Commission has delayed the issuance of water bills pending the approval of the rate increase.

His Worship advised that the Board of Commissioners of Public Utilities for the Province ruled upon the matter and in their decision stated that the rate schedule approved would be effective for bills rendered on and after March 23, 1979, for a period commencing January 1, 1979.

His Worship responded to further questions from members of City Council re the document circulated.

Halifax Industries Limited - His Worship the Mayor

His Worship reported in detail to City Council on a visit he made to Halifax Industries Limited on March 23, 1979. During his remarks, His Worship distributed to members of City Council a graph given to him by Management depicting the salaried and hourly work force up to the week of March 23, 1979. His Worship further circulated an artist's conception of the Panamax drydock.

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His Worship suggested it would be helpful if, at the next regular meeting of Committee of the Whole Council, a resolution was passed authorizing the City of Halifax to encourage the Federal Government to maximize the local construction quotion in the Panamax.

Ordinance No. 151, the Automatic Machines Ordinance
-- His Worship the Mayor

This matter was considered for Second Reading at a regular meeting of City Council held on March 15, 1979 at which time it was deferred pending receipt of requested information.

His Worship stated that his concern in raising the matter is that the City Clerk is required to collect fees in this regard.

MOVED by Alderman Clarke, seconded by Alderman Hanson that amendments to Ordinance No. 151, the Automatic Machines Ordinance, as submitted, be now read and passed a Second Time. Motion passed with Aldermen Maley, Shannon and Wooden voting against.

NOTICE OF MOTION

Notice of Motion Alderman Meagher re: Amendment to Ordinance No. 151, the Automatic Machines Ordinance

Alderman Meagher gave notice that at the next regular meeting of City Council of the City of Halifax to be held on Thursday, the 12th day of April, 1979, he proposes to introduce an amendment to Ordinance Number 151, the Automatic Machines Ordinance.

He stated that the purpose of the amendment is to regulate the number of pinball machines allowed at given locations within the City.

Meeting adjourned - 12:10 a.m.

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MAYOR EDMUND L. MORRIS
CHAIRMAN

G. I. BLENNERHASSETT (Mrs.)
CITY CLERK

Date Approved by City Council: _____

PUBLIC MEETING
MINUTES

*Record
C.O.W.*

Council Chamber
City Hall
Halifax, N. S.
April 2, 1979
7:30 P. M.

A public meeting respecting store hours and Sunday openings was held on the above date.

Present: His Worship the Mayor, Chairman; Deputy Mayor Downey, and Aldermen Maley, Shannon, Meagher, Wooden, Hanson, Moore, and Hamshaw.

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

The public meeting was called for the purpose of considering:

Store Hours and Sunday Openings

His Worship briefly presented some history with respect to store hours and Sunday openings in the City and advised of various amendments made to both Ordinance No. 109, the Lord's Day Ordinance, and Ordinance No. 121, The Retail Shop Closing Ordinance.

His Worship proceeded to outline events leading to the calling of the public meeting saying that last September, the Atlantic Seven-Eleven Limited and Southland Corporation approached Council with a suggestion it would like to consider the possibility of commencing the operation of Seven-Eleven stores but that it felt it required 2,400 square feet in area and a seven-day operation. His Worship advised that the representatives suggested they would like to have the Ordinance amended to permit consideration for the Seven-Eleven stores which led to setting the date for a public meeting to consider possible amendments to City Ordinances.

His Worship also noted that subsequent to that, the City of Dartmouth amended its Ordinance to permit Lord's Day operations of grocery stores having square footage not in excess of 1,800 square feet not including space used for storage purposes. His Worship also outlined other differences between the City's Ordinance and those of the City of Dartmouth and the County of Halifax.

His Worship advised that the purpose of the meeting was to exchange views and to have the opportunity of citizens' views concerning store hours and Sunday openings in the City of Halifax.

Mr. Loring Wilmot representing Seven-Eleven Limited, addressed the meeting and advised he did not have a formal presentation to make at this time and noted that a presentation was previously made on the matter. Mr. Wilmot pointed out the Company defines its stores as convenience stores versus grocery stores and suggested that they do serve a purpose.

Mr. Wilmot advised of stores which it presently operates in New Brunswick and Nova Scotia some of which, he advised, are in close proximity to churches which has not resulted in problems. He advised that the Company desires a 24-hour operation, seven days a week and informed the meeting that the 11 p.m. to 7 a.m. shift represents about 20 per cent of the dollar sales suggesting there is a need for the shift.

7:50 P. M. - Alderman Clarke arrived.

Mr. Wilmot then responded to questions put forth by members of Council.

Mr. Peter McLellan, Solicitor for Dominion Stores Limited, addressed the meeting and noted that a letter dated March 27, 1979, was submitted from the District Manager of Dominion Stores Limited indicating that the matter had been thoroughly canvassed more than one year ago and that Dominion Stores was quite satisfied with the hours and size of stores which had been arrived at by Council after long and careful deliberation. He advised that the present views of Dominion Stores are basically the same as presented to Council at that time.

Mr. McLellan suggested that moving beyond the 1,500 square foot figure, the stores are becoming Supermarkets or Mini-Supermarkets and direct competitors of the larger retail grocery chains. He suggested that such action is not required by the public and that it would force the larger grocery stores to enter into an area which has been properly left to others.

Mr. McLellan further spoke on the matter saying it is also Dominion's position there is no requirement for a change in Ordinance No. 121 as they have found they have been able to meet the needs of the public with the three nights of the week they have been permitted to remain open. Mr. McLellan requested that if Council does proceed further, it not consider any changes in either of the two Ordinances. Mr. McLellan then responded to a short questioning from Council on the matter.

Mr. Jim Youden, Corporate Counsel for Sobeys Stores Limited, addressed the meeting and registered Sobeys Stores Limited's objection to any increase to the square footage for grocery stores on Sundays. He advised it has never been Sobeys policy to open on Sundays but said the larger food chains have a responsibility to their shareholders and to the profit motive to look at competitors to see whether one competitor is obtaining an unfair competitive advantage.

Mr. Youden suggested that if the Bylaw is changed to allow for 2,400 square foot food operations, it seems clear it is a mini-supermarket being envisaged and suggested that all the large chain stores would have to consider some alternative mode of operation on Sunday, whereas they presently avoid it as a result of the Bylaw. He advised that the strength of a Bylaw and whether it is enforced or not is important to the large food chains saying Sobeys Stores would like to go on record to indicate same. Mr. Youden then responded to questions put forth by members of Council.

Jean M. Newton, Chairman of the Mothers' Union of the Diocese of Nova Scotia, addressed the meeting and submitted and read a brief dated April 2, 1979 opposed to the opening of stores for business on Sunday. A copy of the brief is in the official file of this meeting. The speaker then responded to questions put forth by Council on the matter.

Mr. Porter representing the Halifax Presbytery of the United Church of Canada, addressed the meeting advising that the Presbytery is the governing body of the United Church for Halifax and Dartmouth and includes the area from Sheet Harbour to Glen Margaret representing about thirty congregations across the area.

Mr. Porter advised that recently, increasing concerns are being raised about the issue before the meeting saying the note sounded is concern for families, and especially for those members required to be absent from their families because of businesses being open on Sunday. He advised that during the past few months, letters have been received from about one-third of the congregations. Mr. Porter then proceeded to read from some of the letters received on the matter.

At the request of the Chairman, Mr. Porter submitted copies of some of the letters for distribution to members of Council, copies of which are in the official file of this meeting.

Reverend Cannon C. R. Elliott of St. John's Anglican Church in Fairview, addressed the meeting and submitted and read a brief dated April 2, 1979, a copy of which is in the official file of this meeting. The brief concluded by urging Council to reject the request to extend open hours and to adopt a positive approach towards weekends as periods of freedom and renewal for citizens.

Mr. Norman Newman addressed the meeting on behalf of Capitol Stores advising that he did not have another written submission but would refer to the presentation made by Capitol Stores previously. He advised that their position has not changed substantially from the previous submission. Mr. Newman advised that Capitol Stores are presently living with 1,500 sq. ft. in Halifax and in Dartmouth, with 1,800 sq. ft. net and expressed the feeling there is no real strain being imposed by the competitive position in Dartmouth. He suggested that both sizes appear to be satisfying the public.

Mr. Newman then made reference to the two stores owned by Capitol Stores on Coburg Road and Oxford Street and suggested these stores would be permitted to remain open if the Bylaw were changed to 2,400 square feet net.

Mr. Newman pointed out that in the history of retail grocery operations in North America, stores of 2,400 square feet have tended to pose a serious threat to the supermarket business saying in some cases in the U. S., one can see 2,400 sq. ft., 7-days a week, full size supermarkets operated. Mr. Newman suggested the supermarkets were forced into this position because of the fact that 2,400 net sq. ft. stores were beginning to seriously slice into their market.

Mr. Newman went on to suggest what action the larger chain stores would take if stores such as their Coburg Road and Oxford Street stores were permitted to remain open and expressed the feeling this would lead to considerable pressure from the retail sector to enlarge Sunday opening and, as a spin-off, there would be a push for more liberal night-time openings. Mr. Newman further spoke to the matter following which he responded to questions put forth by members of Council.

Reverend William Moore of St. Margarets of Scotland Church, addressed the meeting and suggested that if the larger chain stores were permitted to remain open on Sundays and for extended hours, it would not generate additional revenues for the City. Reverend Moore advised that a public meeting was held yesterday by the Halifax-Dartmouth Council of Churches in order for people to express their feelings about the matter.

Reverend Moore advised there were four panelists one being a Baptist Minister from the Bedford-Sackville area, a representative of the Halifax Business Association, a representative of labour in the area, and Judge Dubenski, President of the Halifax-Dartmouth Council of Churches. Reverend Moore advised that all four panelists were very much opposed to any kind of extension and also advised that if anyone at the meeting was opposed to that view, no one spoke up.

Reverend Moore then responded to questions put forth and a short discussion ensued.

Patricia Whitman addressed the meeting on behalf of the Retail Committee of the Halifax Board of Trade and submitted a letter dated April 2, 1979 which had attached the results of a survey by the Board of Trade on the matter. Ms. Whitman advised that the Board of Trade has not been able to come to a consensus of opinion regarding store hours suggesting the members were divided among themselves.

Ms. Whitman noted the submitted survey concerned holidays and which indicated the majority of merchants wanted to be closed on holidays while a minority wanted to be open. She advised that the Committee was not ready to make a firm recommendation to the City at this point.