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SPECIAL COUNCIL
PUBLIC HEARING
MINUTES

Council Chamber
City Hall
Halifax, Nova Scotia
February 17, 1988
6:20 p.m.

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

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

Present: His Worship Mayor Wallace, Chairman; Deputy Mayor Walker, and Aldermen D. Grant, Cromwell, Downey, Meagher, Dewell, R. Grant, Jeffrey, Leiper, and Hamshaw.

ALSO PRESENT: Mr. D.F. Murphy, City Solicitor; Mr. P. Calda, City Manager; Mr. E.A. Kerr, City Clerk; Ms. Yvonne Macor, Development and Planning Dept.; and other members of City Staff.

Captain Gordon Hawkins introduced Commissionaire Art Body and advised that Commissionaire Body would be on security duty from 4:00 p.m. to 11:00 p.m. from Monday through Thursday and from 4:00 p.m. to 10:00 p.m. on Friday nights at Halifax City Hall.

ADDED ITEMS

The City Clerk advised of the following added items:

1. Lots R-2A and A-3, Knightsridge Subdivision;
2. Canada Steamship Lines Group Inc. (Permission to name vessel M.V. Halifax;
3. Appointment of Returning Officer.

Lots A-2 and A-3, Knightsridge Subdivision

The above item was added to the agenda from the Committee of the Whole Council meeting held earlier this date.

A staff report dated February 11, 1988 was submitted.

Alderman Hamshaw indicated that there was a change in the recommendation which was forwarded from the Committee of the Whole Council and MOVED, seconded by Alderman Leiper that the following be approved:

1. Clause 3 of the draft agreement regarding sanitary sewer services for the new lots be deleted;
2. The application by Clayton Developments Ltd. for an amendment to the Stage II, Schedule "K" development agreement for the Knightsridge, Phases I and II development, to allow a mix of bachelor and two bedroom apartment units in three separate buildings, be approved by City Council, subject to the condition that revisions be made to the site plan for Building #2 (Lot A-7) and Building #3 (Lot A-6), as related to building form, outdoor parking areas, green areas and service connections, and be submitted to City Council for final approval;
3. The amending contract shall be signed within 120 days, or any extension thereof, granted by Council on request of the applicant, from the date of final approval by City Council; otherwise, the approval of the amendment will be void and obligations arising hereunder shall be at an end.

Motion passed.

Alderman D. Grant requested that consideration be given to underground parking. She advised, that it was her understanding from the original plan, that underground parking was to be under the two buildings that had been designed.

Canada Steamship Lines Group Inc. (Permission to name vessel M.V. Halifax)

The above item was added to the agenda from the Committee of the Whole Council meeting held earlier this date.

MOVED by Deputy Mayor Walker, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the Canada Steamship Lines Group Inc. be granted permission to name their vessel the M.V. Halifax.

Motion passed.

Returning Officer Appointment

The above item was added to the agenda from the Committee of the Whole Council meeting held earlier this date.

MOVED by Alderman D. Grant, seconded by Deputy Mayor Walker that, as recommended by the Finance and Executive Committee, Mary Cooley be appointed Returning Officer for the City of Halifax for a term of approximately ten (10) months, at a salary based on an annual amount of \$30,000.

Motion passed.

Neighbourhood Commercial Uses: Proposed Plan and Land Use Bylaw Amendments

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

This matter was last discussed at a Special Council meeting held on January 6, 1988.

Ms. Yvonne Macor, Planner, Development and Planning Dept., outlined the application as illustrated in the January 4, 1988 staff report to consider changing the RC-1 (Neighbourhood Commercial) Zone to permit drug stores to expand to 1400 square feet as provided in Appendix II of the December 16, 1987 staff report. Ms. Macor advised that there was a previous public hearing on this matter in September when consideration was given to permitting all neighbourhood convenient stores (grocery and drug stores) to be somewhat larger. She indicated that drug stores only are being considered.

The following items of correspondence were submitted:

- A letter dated February 1, 1988 from D.M. Casey in support of Mr. Hodder's application;
- A petition containing approximately 750 names in support of the application, a survey of Halifax drug stores, an editorial, and letters from citizens (all submitted by Mr. Iosipescu and distributed to members of Council, dated February 16, 1988);
- The above mentioned petition submitted by Alderman Cromwell.

Mr. Michael Iosipescu, Barrister and Solicitor, addressed Council on behalf of the applicant, Mr. Art Hodder, in support of the proposed amendment to amend the Municipal Plan and the Land Use Bylaw. He indicated that it was his understanding

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that the proposed amendment would result in allowing an increase in the size of the drug store from 1000 sq. ft. to 1400 sq. ft. Mr. Iosipescu went on to justify the need for the amendment by advising that a drug store has different needs than a grocery store or any other type of convenient store. He indicated that the proposal is a result of Alderman Cromwell's request of City Staff to prepare an amendment which would be narrower in scope than a previous amendment and which would allow them to meet the objective without opening up the doors to all convenient stores and without offending the Charter of Rights. Mr. Iosipescu advised that it was his understanding from the City Solicitor that it does accomplish that objective.

Mr. Iosipescu suggested that the amendment would only affect one drug store being Buckley's Drug Store on Jubilee Road. He noted that the only citizens who are directly affected by the proposed amendments are the residents of Alderman Cromwell's Ward. Mr. Iosipescu noted that it was his impression that there was very strong support for the proposal.

Mr. Iosipescu made reference to the petition of more than 750 names endorsing the construction of a slightly larger drug store in their neighbourhood. He also advised that Mr. Hodder had received dozens of letters in support of the application. Mr. Iosipescu went on to read a few of the letters. He displayed a chart which illustrated the immediate Streets in the area and residents nearest Buckley's Drug Store who are in support of the application.

Mr. Walter Fitzgerald, residing at 6236 Shirley Street, addressed Council advising that he lives two blocks to the north of Buckley's Drug Store. Mr. Fitzgerald advised that he is a customer at Buckley's Drug Store and indicated his support in favour of the changes proposed by Alderman Cromwell. He commented that he spoke to many of the neighbors in the district and all have indicated their support for this application. Mr. Fitzgerald suggested that the expansion would give a better service to those people who patronize Buckley's Drug Store.

Ms. Eileen O'Connell, residing at 6424 Vienna Street, addressed Council advising that she resided at 6252 Shirley Street for nine years. Ms. O'Connell commented that was a customer at Buckley's Drug Store the entire time she lived on Shirley Street and was serviced well. She noted that she spoke to 60 people in the neighbourhood who all indicated their support in favour of the application. Ms. O'Connell suggested that planning exists to preserve neighborhoods and she felt it would be sad and ironic if the Plan worked to destroy one.

Mr. Peter Rockman, residing at 1678 Chestnut Street, addressed Council in support of the application and suggested that

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it was the feeling of most of the people in the neighbourhood that Mr. Hodder provides good service for seniors and for people of all incomes and all ages.

A lady, residing at McKeen Manor, addressed Council in support of the application suggesting that it would be an asset to the City of Halifax. The lady indicated that many of the residents of McKeen Manor were in support of the application.

There were no further persons present wishing to address Council.

In responding to a question from Alderman Dewell, Ms. Macor advised that the present amendments being considered would only allow another Drug Store to move in. She further advised that the maximum number of uses in an R-C1 zone is one commercial use.

MOVED by Alderman Cromwell, seconded by Alderman Dewell that this matter be forwarded to Council without recommendation.

Motion passed.

6:50 p.m. The meeting adjourned.

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ADDED ITEMS

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HIS WORSHIP MAYOR RON WALLACE
CHAIRMAN

mmcd

CITY COUNCIL
MINUTES

Council Chamber
City Hall
Halifax, Nova Scotia
February 25, 1988
8:00 P. M.

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

The meeting was called to order with His Worship introducing Father John Hayes and indicating that Father Hayes would lead Council in the Lord's Prayer this evening.

After a few brief comments, Father Hayes led members of Council and those persons present in the Gallery in the recitation of the Lord's Prayer.

PRESENT: His Worship Mayor Ron Wallace, Chairman; Deputy Mayor J. Albert Walker; and Aldermen Deborah Grant, Cromwell, Downey, Meagher, O'Malley, Dewell, Richard Grant, Jeffrey, Leiper, Flynn, and Hamshaw.

ALSO PRESENT: City Manager; City Solicitor; City Clerk; and other members of City staff.

Before moving to the regular agenda, His Worship referred to the presence of two groups in the gallery this evening and requested that members of Council welcome the 26th Halifax Cub Pack from St. Agnes Church and the 44th Halifax North Scouts from the Calvin Presbyterian Church. His Worship thanked the leaders of these groups for the fine work they did with the boys, noting that the training they provided aided the boys involved in adult life.

Presentation of Scroll - Sergeant William Duffy

His Worship indicated that tonight Council was making a very special presentation to Sergeant William Patrick Duffy. His Worship indicated that Sergeant Duffy had been employed as a Commissionaire at City Hall for the last number of years and was now leaving City Hall. His Worship indicated that Council wished to express their appreciation to Sergeant Duffy for the fine service he has provided over the years.

His Worship advised that Sergeant Duffy was a veteran of both World War II and the Korean War. His Worship noted that Sergeant Duffy was the recipient of many medals, one of which was the Ambassador of Peace Award presented to Sergeant Duffy by the Korean Veterans Association.

His Worship then presented Sergeant Duffy with a Scroll marking Sergeant Duffy's connection with City Hall and expressing

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the appreciation of all members of Council for Sergeant Duffy's cooperation and help over the last number of years. His Worship also presented Mr. Duffy with a book on Halifax by Sherman Hines which all members of Council had signed.

In conclusion, His Worship thanked Mr. Duffy for the great job he has done over the last number of years.

Mr. Duffy addressed Council thanking everyone at City Hall for their assistance and cooperation during the time he was employed at City Hall. Mr. Duffy encouraged Council to keep up the good work.

His Worship then indicated Alderman Meagher's son, Christopher, was present in the gallery this evening.

MINUTES

Council were distributed with an Amended Page 100 of the February 11, 1988 City Council minutes.

Minutes of the Regular meeting of Halifax City Council held on February 11, 1988 and of the Special meeting of Halifax City Council held on February 17, 1988 were approved, as circulated, on a Motion by Alderman Hamshaw, seconded by Alderman Jeffrey.

APPROVAL OF THE ORDER OF BUSINESS, ADDITIONS AND DELETIONS

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

- 20.1 Traffic Control at Entrance to Bayers Lake Area, Halifax Industrial Park
- 20.2 Implementation Policy 10
- 20.3 Covered Pedestrian Walkway-Bus & Ferry Terminal Area

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

- 20.4 Springvale/Fairmount Subdivision
- 20.5 17 Skeena Street

At the request of Alderman R. Grant, Council agreed to add:

- 20.6 Remuneration - Boards and Commissions

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

20.7 Nova Scotia Power Corporation Tree Cutting Policy -
Alderman Flynn

20.8 Springvale/Ashburn Golf Course - Water Overflow -
Alderman Flynn

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

20.9 Adsum House - Alderman Downey

DEFERRED ITEMS

Amendments to the Peninsula Centre Secondary Planning Strategy and
Land Use Bylaw (Peninsula Area) Respecting Neighbourhood
Commercial Uses

A public hearing into the above matter was held on
February 17, 1988.

Alderman Cromwell addressed the matter briefly outlining
the matter and MOVED, seconded by Alderman Meagher that Council
approve the following amendments to the Municipal Planning
Strategy and the Land Use Bylaw:

MUNICIPAL PLANNING STRATEGY

Amend Policy 2.1 Section VI to read as follows:

2.1 Neighbourhood convenience stores shall require that a limited
distance be travelled and should be located within a
residential neighbourhood so as to minimize the use of
private automobiles to reach them. They should be located at
the intersection of local streets, and should occupy only the
ground floor of a building. The floor area of grocery stores
shall not exceed 1000 square feet, and the floor area of drug
stores shall not exceed 1400 square feet.

Land Use Bylaw: Peninsula Area

Amend Section 48AA(1)(c) as follows:

"a grocery store or drug store on the ground floor provided
that , the gross commercial floor area is 1000 square feet
for a grocery store and 1400 square feet for a drug store and
a separate access to the exterior of the building is
provided";

Amend Section 48AF as follows:

"the maximum lot coverage shall be 45 percent."

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Motion passed with Aldermen O'Malley and Flynn abstaining due to non-attendance at the Public Hearing.

PETITIONS AND DELEGATIONS

Petition Alderman Downey re: Preservation of 1580 and 1588 Barrington Street

Alderman Downey submitted a petition on behalf of approximately 1,035 citizens of Halifax requesting the Mayor and Council of the City of Halifax to take all possible steps to ensure the retention and restoration of 1580 Barrington Street (the City Club) and 1588 (the Bean Sprout Building) to preserve the heritage and character of downtown Halifax.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on February 17, 1988, as follows:

Development of Educational Centre

Alderman Dewell addressed Council noting that this matter had been discussed at a recent meeting of the School Board. Alderman Dewell noted that the School Board were very pleased with the resolution adopted by the Committee of the Whole and hoped that it would result in better communication between Council and the Board on an overall basis.

Alderman R. Grant addressed the matter indicating that after reviewing the report further he had a number of questions in relation to the report. Alderman R. Grant asked if he would have an opportunity to direct these questions to the staff Committee which would be discussing this matter.

His Worship indicated that it would merely be a matter of addressing any questions to the City Manager.

Alderman O'Malley addressed the matter and noted that he had not intended the motion to preclude Aldermen meeting with the Committee. Alderman O'Malley indicated that, in fact, he would encourage any member of Council to sit in on any of the Committee meetings they wished. Alderman O'Malley requested, in light of his previous comments, that the City Manager advise members of Council when the Committee was to meet.

MOVED by Alderman O'Malley, seconded by Alderman D. Grant that, as recommended by the Finance and Executive Committee,

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staff be authorized to dialogue with the Halifax District School Board concerning a consolidated educational centre, based on the presentation made during the February 17 meeting of the Finance and Executive Committee and further, as a result of this dialogue, that staff come forward with recommendation from which Council could request a more indepth study of the matter, particularly if an expenditure of funds is implied in that recommendation, and that any expenditure of funds in this regard be considered in light of the overall financial position of the City.

Motion passed.

Guardrail - 530 Herring Cove Road - Riverview School

Alderman R. Grant addressed the matter and after briefly reviewing the situation MOVED, seconded by Deputy Mayor Walker that, as recommended by the Finance and Executive Committee, that staff be requested to investigate various inexpensive means of installing a temporary guardrail in front of the Riverview School at 530 Herring Cove Road, and to submit a report (including cost estimates) to Council.

Motion passed.

Alderman R. Grant requested that staff come forward with a report in this regard within the next two months.

Petition Opposing Construction of Stairway from Tartan Avenue to Elizabeth Sutherland School - TO BE TABLED

Alderman R. Grant addressed the matter indicating that the matter of constructing the stairway from Tartan Drive to the Elizabeth Sutherland School has been reviewed by the School Board and the motion in this regard remains unchanged. Alderman R. Grant indicated that City Council had approved a motion some time ago that if the stairway was to be built they would upgrade the easement at that location providing for a walkway; however, should the School Board not decide to construct the stairway the easement would be closed. Alderman R. Grant indicated that the City could take no further action in regard to this matter and must follow through on its previous motion.

MOVED by Alderman R. Grant, seconded by Deputy Mayor Walker that, as recommended by the Finance and Executive Committee, the petition opposing construction of the stairway from Tartan Drive to the Elizabeth Sutherland School (as discussed in the staff report dated January 26, 1988) be tabled.

Motion passed.

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Heritage Day

MOVED by Alderman Hamshaw, seconded by Alderman Leiper that, as recommended by the Finance and Executive Committee Council endorse the aims and objectives of "Heritage Day," as contained in a letter from His Worship Mayor Lawrence Mawhinney of the Town of Lunenburg, Nova Scotia, dated January 22, 1988.

Motion passed.

Heritage Conservation Awards Program

MOVED by Alderman Jeffrey, seconded by Alderman D. Grant that, as recommended by the Finance and Executive Committee, the heritage award program (as outlined in the staff report dated February 5, 1988) be approved for implementation in 1989; that staff be directed to refine the terms of reference for Council approval; and that the Heritage Advisory Committee be asked to suggest appropriate names for the various awards.

Motion passed.

Heritage Resource Conservation Incentives

A supplementary staff report dated February 25, 1988 was submitted.

Alderman Leiper addressed the matter complementing staff on the excellent report submitted in relation to this matter and noting that the supplementary staff report clearly outlined how owners of heritage properties would be informed of the incentives. Alderman Leiper further noted that the staff recommendation regarding assessment goes a long way to addressing the reluctance of some property owners in having their properties registered.

MOVED by Alderman Leiper, seconded by Alderman D. Grant that, as recommended by the Finance and Executive Committee, Council approve the following:

- a) that the guidelines for Heritage Fund loans and grants for registered residential heritage property be tentatively approved, subject to refinement by staff of the details of implementation and administration, and further, subject to confirmation by Council;
- (b) that an approach be made to the Province for amendment of the Assessment Act to permit deferment of the impact of increases in assessment in registered residential heritage property resulting from approved major renovation or restoration;

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- (c) that the guidelines for Heritage Fund grants to churches be approved as proposed;
- (d) that staff continue to examine the need for incentives with respect to development affecting registered heritage property of all classes;
- (e) that Council endorse the various non-monetary "incentives" referred to in respect of provision of technical information.

Deferred Payment of Taxes - Ordinance Number 137

MOVED by Alderman Flynn, seconded by Deputy Mayor Walker that, as recommended by the Finance and Executive Committee, Ordinance Number 137 be amended as regards Sections 2(c), 3(1)(b), 3(2), and 5 to reflect:

- 1) a "Person" being a taxpayer, whose assets other than real property, including household effects, used as his or her residence, do not exceed \$25,000;
- 2) Income, as stated in Section 3(1)(b), not to exceed \$18,000;
- 3) Application by way of sworn affidavit, shall be made on or before the 30th day of June in the year for which the postponement of the payment of taxes is requested;
- 4) the fine for submittal of false information shall be \$1,500 or, for default of payment, 30 days imprisonment.

Motion passed.

Amendment to Ordinance Number 110, the Halifax Deed
Transfer Tax Ordinance

Following is the recommendation of the Finance and Executive Committee:

"That the comments made during the February 17 meeting of the Finance and Executive Committee and the submission received from Ms. Catherine S. Walker, Chairman, Real Estate Subsection of the Canadian Bar Association (dated February 17, 1988) be referred to staff for review and recommendation.

Alderman Leiper noted that the requested staff report has not yet been received and MOVED, seconded by Alderman Cromwell that consideration of this matter be deferred pending receipt of the requested staff report. Motion passed.

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Five-Year Plan For Improved Traffic Flow Within City

MOVED by Alderman Flynn, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, staff be requested to submit a "broad-brush" overview report concerning a five-year traffic improvement strategy which will illustrate planned improvements for the traffic flow in the Halifax area (including possible improvements for transit efficiency and projected improvements in the efficiency of the traffic flow through the installation of the signalization system, as well as any other information/recommendations) so that Council and the public may be fully informed.

Motion passed.

Yearly Meeting Cancellations

His Worship noted that two of the meetings recommended for cancellation were in December of 1988. His Worship noted that these meetings would occur after the October election and suggested that it would be more appropriate to allow the incoming Council to deal with these meetings in whatever manner they wish.

MOVED by Alderman Flynn, seconded by Alderman Leiper that, as recommended by the Finance and Executive Committee:

- 1) City Council cancel its Committee of the Whole Council meeting of August 3, 1988 and the City Council meetings of August 11, 1988;
- 2) City Council reschedule its regular meeting of March 31 to Wednesday, March 30, and the regular meeting of June 30 to June 29 at the usual hour;
- 3) City staff, boards and commissions be informed of the foregoing changes.

Alderman Leiper referred to the meeting of Council scheduled to be held during the March break period and suggested that due to the possible lack of a quorum of Council members it would be appropriate to reschedule this meeting.

A short discussion ensued and it was MOVED in amendment by Alderman Leiper, seconded by Alderman Flynn that the motion be amended to provide that the Thursday, March 17, 1988 meeting of City Council be rescheduled Monday, March 21, 1988.

The amendment to the motion was put and passed.

The motion, as amended, was put and passed.

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Metro Transit Goals

Alderman O'Malley addressed the matter indicating that he would like an opportunity to discuss this matter extensively and MOVED, seconded by Alderman Hamshaw that consideration of this matter be deferred to the next meeting of the Committee of the Whole Council to be held on March 9, 1988.

Alderman Flynn addressed the matter noting that the recommendation of the Finance and Executive Committee had been to refer this matter to the Transit Advisory Committee for review and report to Council. Alderman Flynn noted that he did not wish to suggest that Council should not discuss this matter; however, he felt that a recommendation from the Transit Advisory Committee on this matter would be useful to Council in its discussions. Alderman Flynn indicated that he would like a recommendation from the Transit Advisory Committee before Council undertakes a full discussion on the Transit Goals.

Alderman O'Malley indicated that he had no difficulty with the referral to the Transit Advisory Committee and, with the agreement of the seconder, withdrew his Motion.

MOVED by Alderman Flynn, seconded by Alderman O'Malley that, as recommended by the Finance and Executive Committee, the matter of the Metro Transit Goals be referred to the Transit Advisory Committee for review and comment.

Motion passed.

Proposed Assessment-Based Transit Cost-Sharing Formula

MOVED by Alderman Flynn, seconded by Alderman O'Malley that, as recommended by the Finance and Executive Committee, the matter of the proposed assessment-based transit cost-sharing formula be referred to the Transit Advisory Committee for review and comment.

Alderman O'Malley indicated that he would like the Transit Advisory Committee to review the proposed Assessment-Based Transit Cost-Sharing Formula in light of the Transit Goals. Alderman O'Malley indicated that once Transit Goals have been established the most suitable form of cost-sharing can they be determined.

Motion passed.

Acquisition: 7 Fairview Avenue (Lots 210-B and 210-C)

MOVED by Deputy Mayor Walker, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, the City purchase lots 210-B and 210-C as shown on Plan

TT-17-19983 for the sum of \$8,225, as settlement in full, subject to approval of the 1988 Capital Budget item in the Kline Heights Land Acquisition Account No. EH002.

Motion passed.

Lot 104-A, Woodbank Terrace

MOVED by Alderman Leiper, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, Lot 104-A Woodbank Terrace be declared surplus to City requirements, and subject to the approval of the Minister of Municipal Affairs, sold by public tender with a minimum bid established based on an appraisal report prepared by an independent accredited real estate appraiser, and with the proceeds of such sale being deposited into the Recreation Reserve Account and the Sale of Land Account.

Motion passed.

5781-87 Sarah Street - Parking

MOVED by Alderman Meagher, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council amend Policy 1.7 of the Municipal Planning Strategy to refer to "the area immediately north of Quinpool Road and on the north side of Sarah Street" and accompanying Schedule XI.I to add (g) Civic No. 5785-87 Sarah Street (LRIS No. 151217); and, pursuant to this change, amend the proposed Land Use Bylaw Section 16AE (d) to add subsection (g) as follows: "(g) Civic No. 5785-87 Sarah Street (LRIS No. 151217)."

A brief discussion and questioning of staff ensued and the Motion was put and passed.

Dog Licenses - Guide Dogs

MOVED by Alderman R. Grant, seconded by Deputy Mayor Walker that, as recommended by the Finance and Executive Committee, Ordinance #147, Section 5(2), be amended to exclude owners or users of blind persons' guide dogs from payment of a license fee.

Motion passed.

R. v. Marathon Grill Limited (City Club Demolition)

MOVED by Alderman Leiper, seconded by Alderman D. Grant that, as recommended by the Finance and Executive Committee, Council approve Mr. Veniot's outstanding account in the amount of

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\$14,872.27 plus \$90.00 taxing master fee for a total of \$14,962.27.

Motion passed with Alderman O'Malley voting against the motion.

Solicitor's Account - R. v. Goneau and Donovan

MOVED by Alderman D. Grant, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, Council approve payment of the accounts outlined in the February 9, 1988 report from the City Solicitor in the amount of \$13,663.07.

Alderman Dewell advised that the conflict of interest he declared at the Committee of the Whole has since be resolved.

Motion passed.

Acorn Road Hammerhead and Land Acquisition

Following is the recommendation of the Finance and Executive Committee:

"That staff follow up on the July 25, 1985 Council recommendation and proceed with the process of acquiring the piece of land in question."

Alderman R. Grant addressed the matter reviewing the situation he had described at the Finance and Executive Committee and noting that Council had approved a resolution at the July 31, 1985 meeting of City Council directing the acquisition of the property in question. Alderman R. Grant indicated that very little action has been taken in terms of the acquisition of the property since that time and indicated that it was imperative that immediate action be taken.

MOVED by Alderman R. Grant, seconded by Deputy Mayor Walker that Council reaffirm its resolution of July 31, 1985 and further that city staff come forward with a plan of action, by way of an information report, in relation to this matter within the next two weeks.

Motion passed.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on February 17, 1988 as follows:

Award of Tender #88-38 - Sidewalk Renewals

MOVED by Alderman Meagher, seconded by Alderman Leiper that, as recommended by the Committee on Works:

1. Tender #88-38 for Sidewalk Renewals, as follows, be awarded to G. & R. Kelly Enterprises Ltd. for \$133,684.00 and with a total project cost of \$160,000.00:
 1. Beech Street(E) Oak to Chebucto
Dublin Street (W) Summit to Seaforth
 2. Poplar St. (W) Chebucto to Oak
Poplar St. (E) Chebucto to Oak
2. Funding to be authorized from Account Numbers CB224, CB162, CB197, and CB198.

A short discussion ensued with His Worship noting that although there was a slightly lower bid in relation to this tender, Council was awarding this tender to the higher bidder due to difficulties experienced with the low bidder in terms of performance. His Worship indicated that Council was in effect approving the lowest acceptable tender.

The motion was put and passed.

Award of Tender #88-39 - Sidewalk Renewals

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

1. Tender #88-39 for Sidewalk Renewals be awarded as follows:
 1. Atlantic Street (S) South Bland to MacLean
Victoria Road (S) Inglis to Bland

be awarded to G. & R Kelly for a bid price of \$65,915.25 and a total project cost of \$79,500.00;
 2. Oakland Road(s) Bellevue to Beaufort
Queen Street (W) Victoria Road to Lawtons
Doyle Street (N) Brunswick to Queen

be awarded to Armdale Construction for a bid price of \$99,907.50 and a total project cost of \$120,500.00;and a total combined project cost of \$200,000.00;
2. Funding to be authorized from Account Numbers: CB144, CB205, CB234, CB190, CB158. Motion passed.

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Building Sewer Connections

MOVED by Alderman R. Grant, seconded by Deputy Mayor Walker that, as recommended by the Finance and Executive Committee:

1. City Council approve in principle the legislation to remove any liability of the City to install building sewer connections from the street line to the main sewer similar to legislation obtained by the Municipality of the County of Halifax and the Town of Bedford;
2. Such proposed legislation be drafted and included in the City's 1988 legislative package to the Province of Nova Scotia; and
3. The legislation provide that dwellings existing at the time of annexation within the area of the City of Halifax annexed from the County of Halifax be provided a sewer lateral connection from the street line to the main sewer, such policy to be effective for a limited period of time (i.e. five years) and with the owners of such properties being notified of the policy and the expiry date.

Motion passed.

Sewer Services - Woodcrest Avenue, Barclay Avenue, and Wenlock Grove

Following is the recommendation of the Committee on Works:

1. Council declare the project to be essential and without right of petition;
2. Council approve the Local Improvement Rate charge as outlined in the February 11, 1988 staff report; and
3. Council direct staff to issue the tender on the project and to seek additional funding from the Province in an effort to reduce the Local Improvement Rate charge to the abutters.

Alderman R. Grant addressed the matter indicating that he distributed a resolution to members of Council this evening in regard to this matter. Alderman R. Grant advised that he had met with the residents of Barclay and Woodcrest Avenue earlier this week. Alderman R. Grant indicated that the motion he proposed to put forward tonight reflected staff's position in relation to this matter and also addressed certain concerns expressed by the residents of Barclay and Woodcrest Avenue. Alderman R. Grant

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noted that concern had been expressed that installation of sewage and water services would open the lands to the rear of these streets to development. Alderman R. Grant indicated that residents of the area were afraid they would be forced to agree to paving, sidewalks, curb and gutter, etc. after having just been hit with the cost of installing the sewer.

MOVED by Alderman R. Grant, seconded by Deputy Mayor Walker that City Council:

1. approve the construction sewer and water services for Woodcrest Avenue, Barclay Avenue and Wenlock Grove, subject to the award of tenders, without the right of petition by the abutting owners;
2. negotiate additional special assistance from the Province of Nova Scotia to be applied to the abuttor's costs;
3. should the tenders come in lower than estimated by the City, those savings be passed on to the abutting property owners to reduce their local improvement charges;
4. whereas, and in particular, Woodcrest Avenue and Barclay Avenue will allow for increased development in lands abutting that street, that the City investigate a policy which would levy a surcharge on the developers who would connect into these sewer pipes, and that such a surcharge be used to reduce the overall cost of this project, and that such a charge be used as either a reimbursement to the residents of those streets, or incorporated into future improvements required on those streets (i.e. storm, water, curb and gutter, pavement); and
5. approve the Local Improvement Rate charge as outlined in the February 11, 1988 staff report.

A short discussion and questioning ensued and the motion was put and passed.

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REPORT - COMMITTEE OF THE WHOLE COUNCIL, BOARDS AND COMMISSIONS

Amendment to Ordinance Number 172, the No-Smoking Ordinance
- SECOND READING

These amendments were given First Reading at a regular meeting of Halifax City Council held on November 26, 1987, and were discussed in some detail at a meeting of the Finance and Executive Committee held on February 17, 1988.

Indicating that she would appreciate an opportunity to discuss the proposed amendments (before they are given Second Reading) with members of the Restaurant Association, it was moved by Alderman Leiper, seconded by Alderman Dewell that this matter be referred to the next regular meeting of the Committee of the Whole Council scheduled for Wednesday, March 9, 1988.

The motion was put and passed.

Proposed Ordinance Number 183, the Wastewater Discharge Ordinance
- SECOND READING

This matter was given First Reading during a regular meeting of Halifax City Council held on February 11, 1988, and was discussed during a meeting of the Finance and Executive Committee held on February 17, 1988.

MOVED by Alderman Richard Grant, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, Council give SECOND READING to proposed Ordinance Number 183, the Wastewater Discharge Ordinance (in the form attached as Appendix "A" to the January 21, 1988 staff report).

The motion was put and passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on Wednesday, February 17, 1988 as follows:

Municipal Planning Strategy and Land Use Bylaw Amendment:
Registered Heritage Buildings: Contract Ability

MOVED by Alderman Dewell, seconded by Alderman Deborah Grant that, as recommended by the City Planning Committee, Council refer the proposed Municipal Planning Strategy and Land Use Bylaw amendment (outlined in Appendix II of the February 3, 1988 staff

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report) to the Planning Advisory Committee and to the Heritage Advisory Committee, requesting that the Planning Advisory Committee hold a public meeting in this regard and report back to Council.

The motion was put and passed.

Peninsula North Secondary Planning Strategy -
SET DATE FOR PUBLIC HEARING

Correspondence, dated February 25, 1988, was received from Mr. F. B. Wickwire, Q.C., MacInnes, Wilson, Flinn and Wickwire.

MOVED by Alderman Meagher, seconded by Alderman O'Malley that Council set a date for a public hearing to consider the Peninsula North Secondary Planning Strategy and associated Land Use Bylaw amendments as recommended by the Planning Advisory Committee and contained in the Planning Advisory Committee report dated December, 1987, with the following amendments:

1. Amend Policy 1.4.2, Section (ii) to read:

a maximum of eight habitable rooms in which no more than eight occupants shall be accommodated at any time;

and, pursuant to this change, amend proposed Land Use Bylaw Section 16AE(a)(ii) to read:

(ii) a maximum of eight (8) habitable rooms will be permitted in which no more than eight (8) occupants shall be accommodated at any time;

2. Amend Policy 3.5.1, Section (v) to read:

no structure shall exceed 35 feet in height in areas designated "Mixed Use" and "Exclusive Industrial/Commercial" excepting, under contract arrangements, technical devices such as electronic radiation antennae or 65 feet in height for comprehensive development on sites in excess of 1 acre in areas designated "Exclusive Industrial/Commercial;"

3. Amend Policy 1.7 to refer to "the area immediately north of Quinpool Road and on the north side of Sarah Street" and the accompanying Schedule XI.I to add "(g) Civic No. 5785-87 Sarah Street (LRIS No. 151217);"

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and, pursuant to this change, amend proposed Land Use Bylaw Section 16AE(d) to add subsection (g) as follows:

(g) Civic No. 5785-87 Sarah Street
(LRIS No. 151217)

4. Amend the proposed Land Use Bylaw Section 43I to replace the Side Yard requirements now proposed with the following minimum Side Yard:

R-1 Uses	4 ft.
Duplex	5 ft.
Semi-Detached Unit	5 ft.
3 & 4 Unit	6 ft.

The following amendment to the motion presently on the floor was MOVED by Alderman O'Malley, seconded by Alderman Meagher:

That the boundary of Schedule "O," as shown on Map 4 of the Peninsula North Secondary Planning Strategy, be restructured to include all lands on the east side of Creighton Street between Cogswell and Gerrish Street.

With reference to the amendment proposed by Alderman O'Malley, Alderman Dewell suggested that other members of Council would appreciate an opportunity to examine area maps and to review the possible implications of the amendment with staff. On that basis, it was moved by Alderman Dewell, seconded by Alderman Cromwell that the matter of the proposed Peninsula North Secondary Planning Strategy (and, in particular, the amendment proposed by Alderman O'Malley) be deferred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, March 9, 1988) for discussion purposes.

The motion was put and passed.

Case No. 5333 - Development Agreement: 2502-18 Gottingen Street and 2535 Creighton Street, Block G-R-A
- SET DATE FOR PUBLIC HEARING

MOVED by Alderman Leiper, seconded by Alderman Deborah Grant that, as recommended by the City Planning Committee, Council set a date for public hearing to consider an application for contract development pursuant to Schedule "C," Section 83 of the Peninsula portion of the Land Use Bylaw, to permit construction of a seven-storey, 59-unit apartment building, together with a

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reinforced concrete parking structure, at 2502-18 Gottingen Street and 2535 Creighton Street.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, APRIL 6, 1988** at 7:30 p.m. in the Council Chamber, City Hall.

Police Club Property, South Street - Proposed Amendment to the Municipal Planning Strategy

MOVED by Alderman Leiper, seconded by Alderman Deborah Grant that, as recommended by the City Planning Committee, the requested Plan and Bylaw amendments, as follows, be referred to the Planning Advisory Committee for consideration and report:

1. Amend the Generalized Future Land Use Map to redesignate the property on the Northwest Arm south of South Street from "Institutional" to "Medium Density Residential," as shown on Map 1 attached to the February 4, 1988 staff report; and
2. Amend the Land Use Bylaw to rezone the property on the Northwest Arm south of South Street from P (Park and Institutional) to R-1 (Single Family) Zone, as shown on Map 2 attached to the February 4, 1988 staff report.

Motion passed.

South Bland Street

A staff report, dated February 23, 1988, was submitted.

Referring to her comments made during the February 17 meeting of Committee of the Whole Council, Alderman Deborah Grant acknowledged receipt of the February 23 staff report, but emphasized that, in her opinion, it did not adequately address her concerns with regard to changes being made by the Development Officer to Council-approved contract developments.

With particular reference to the contract development at 961 South Bland Street, Alderman Grant offered the opinion that, in order to be kept properly informed, Aldermen should be notified by staff prior to the alteration of that contract so that he or she will have an opportunity to discuss that change with staff, the developer in question, or with area residents. Noting that at present the Development Officer can make changes to development contracts at his discretion (providing they are not considered to be "substantial"), she indicated that, in her opinion, it would be

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extremely useful if a definition of a "substantial change" could be determined.

It was subsequently moved by Alderman Deborah Grant, seconded by Alderman O'Malley that, when contracts are being altered in the City, the Alderman of the area is notified of the alteration prior to the alteration taking place.

Responding to a question from the Chairman, the City Solicitor voiced some concern with regard to the motion, suggesting that its implications might make it more difficult for the Development Officer to carry out the wishes of Council. He noted, however, that he would appreciate an opportunity to review the provisions of the Nova Scotia Planning Act with regard to the authority granted Development Officers.

In light of these concerns, Alderman Grant suggested that the matter be deferred to a meeting of Committee of the Whole Council for further discussion. In making this recommendation, she suggested that a report be submitted at that time as to whether there would be any difficulty in providing information regarding contract changes to members of Council and, in addition, whether a definition of "substantial" could be supplied.

A discussion ensued with questions being raised as to the intent of the motion.

At the request of the Chairman, Alderman Deborah Grant summarized her motion as follows:

"When a contract approved by Council is occurring in an Alderman's ward, that the Alderman be informed and told that there has been a change or an alteration to the contract, or is advised that there could be an alteration or change to the contract."

Alderman O'Malley confirmed that he would again second the motion as summarized by Alderman D. Grant.

Alderman Richard Grant concurred with Alderman D. Grant's request, noting that it is somewhat embarrassing to the Aldermen to be advised by area residents of changes in a development contract that have taken place without his knowledge.

After some further discussion, the City Manager asked for clarification of the motion's intent, advising that while there was no difficulty in supplying members of Council with the requested information subsequent to the change, he foresaw

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problems with notifying Aldermen prior to such approvals being granted.

The Chairman, referring to the revised motion, noted that Alderman Deborah Grant had corrected her original motion so that it now was intended that members of Council receive information on such contract changes after they occur.

The City Manager indicated that there would be no problem in complying with the intent of the motion.

The motion, in its summarized form, was put and passed.

10:10 p.m. - The meeting adjourned for a brief recess.

10:25 p.m. - The meeting reconvened with the same members being present.

MOTIONS

Proposed Amendment to Ordinance Number 121 - The Retail Shop Closing Ordinance - FIRST READING

During a regular meeting of Halifax City Council held on Thursday, February 11, 1988, Alderman Cromwell gave Notice of Motion of his intention to introduce First Reading of an amendment to Ordinance 121, the Retail Shop Closing Ordinance.

A staff report, dated February 8, 1988, was submitted by the City Solicitor.

MOVED by Alderman Jeffrey, seconded by Alderman Richard Grant that City Council give FIRST READING to the amendments proposed for Ordinance Number 121, the Retail Shop Closing Ordinance (attached as Appendix "A" to the staff report dated February 8, 1988); and further, that the said amendments be forwarded to the next regular meeting of Committee of the Whole Council for consideration and report.

The motion was put and passed.

MISCELLANEOUS BUSINESS

Tabling of the 1988 Proposed Operating and Capital Budgets

This matter was last discussed during a regular meeting of City Council on January 28, 1988.

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A document entitled "City of Halifax 1988 Proposed Operating and Capital Budget" (with a memorandum from Mr. Paul Calda, P.Eng., City Manager, dated February 19, 1988) was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Leiper that City Council table the document entitled "City of Halifax 1988 Proposed Operating and Capital Budget."

Responding to a question from Alderman Cromwell, the City Manager advised that the budget documents are released in advance to specific members of the news media (namely, reporters for the two local newspapers) who are required to sign a document signifying that they will not publish any of the information contained in the budget document until it can first be officially distributed to members of Council. However, Mr. Calda emphasized that if members of Council would prefer to see this procedure altered with respect to future budget documents, he would be most pleased to receive their direction.

Alderman O'Malley asked to receive a copy of the statements signed by the newspaper reporters relevant to the 1988 proposed budget document.

After some further discussion, the motion was put and passed.

Award of Tender #88-81: Diesel Fuel Co-Op Tender

A staff report, dated February 22, 1988, was submitted.

MOVED by Alderman Hamshaw, seconded by Alderman Deborah Grant that authority be granted to accept the offer of the lowest bidder, Texaco Canada Inc., and to enter into a supply agreement in accordance with the terms and conditions established in the tender.

The motion was put and passed.

Appointments

A report, dated February 25, 1988, was submitted from His Worship Mayor Ron Wallace.

MOVED by Alderman Hamshaw, seconded by Deputy Mayor Walker that appointments be made to the following City boards, committees and commissions:

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HALIFAX COURT HOUSE COMMISSION

Jeffrey Morris
Donald Urquhart
William Gorman
(Terms to expire February 28, 1989)

LIBRARY BOARD

Marjorie Willison
John Arneaud
Mary Cooley
Leah O'Neill
(Terms to expire February 28, 1989)

BOARD OF HARBOUR CITY HOMES

Sylvia Hamilton
Rodney J. Padmore
Grant Wanzell
(Terms to expire February 28, 1989)

TOURISM HALIFAX COMMITTEE

Ross Stinson Nick Carson
Peter Andrews Elaine Sibson
Roy Willwerth Nancy Kitchen
Darryl Perry * (One Vacancy) *
(Terms to expire February 28, 1989)

PLANNING ADVISORY COMMITTEE

Walter Nolan
Frank Palermo
(Terms to expire February 28, 1990)

HALIFAX CIVIC HOSPITAL

Lois Avison
Patrick Shaw
Don Peverill
George Findlay
(Terms to expire February 28, 1989)

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POINT PLEASANT PARK

Peter Herschorn
Judy Tulloch
(Terms to expire February 28, 1989)

BOARD OF HEALTH

Peggy Tibbo-Cameron
(Term to expire February 28, 1989)

LAKES AND WATERWAYS

J. G. Ogden	Reinhart Petersmann
D. H. Waller	Colleen Mercer-Clarke
John Murtagh	Heather Bagnell
Richard Addison	Louis Dursi
Graham Read	

(Terms to expire February 28, 1989)

ADVISORY COMMITTEE ON CONCERNS OF AGEING

Ward 1	Archie MacKenzie
Ward 2	Ida Zifkin
Ward 3	Alexander J. Krieger
Ward 5	Joy Keeler
Ward 6	Margaret Neaves
Ward 7	Margaret Cochrane
Ward 8	Stanley Raine
Ward 9	Ron Hanson
Ward 10	Marion Smith
Ward 11	Beryl Keleher
Ward 12	Elliott Robertson
Indep. Chairman:	Margaret Cragg
Citizen-At-Large:	Lucy Riley
Citizen-At-Large:	Rita Creighton
Council of Churches:	Father John Hayes

(Terms to expire February 28, 1989)

TRANSIT ADVISORY COMMITTEE

Alderman Deborah Grant
Alderman Moira Leiper
Alderman Art Flynn
Alderman Richard Grant
Gary Armsworthy

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TRANSIT ADVISORY COMMITTEE (CONT'D)

W. J. (Bill) Phillips
Dexter Kaulback
Rev. David Boston
(Terms to expire February 28, 1989)

The motion was put and passed.

QUESTIONS

Question Alderman Richard Grant Re: Parking - Grand Parade

Referring to a resolution of Council passed during its regular meeting on February 11, 1988, Alderman Richard Grant asked for information as to whether the parking regulations applicable to the Grand Parade area are indeed being enforced as requested and, if so, if advertisements are being published to notify the general public of the situation.

Question Alderman Richard Grant Re: Report on C-2A Zones

Referring to a report concerning C-2A Zone uses prepared by Mr. Schaffenburg of the Development and Planning Department, Alderman Richard Grant questioned the definition of motor vehicle repair facilities (such as muffler shops) as having a "City-wide use." In his remarks, the Alderman asked that the question of such specialty shops be looked at again, this time in the context of serving a residential neighbourhood, compared to the idea that they have a City-wide use.

Question Alderman Richard Grant Re: Administrative Orders

Alderman Richard Grant questioned the response Council has received from staff with respect to the Administrative Orders. Referring to his previous comments on the matter, the Alderman asked that the Auditor General investigate the present status of the Administrative Orders, based on the November 5, 1986 Information Report (which, in turn, he noted, is based on the Auditor General's 1985 Annual Report).

Question Alderman Downey Re: Winter Parking Ban

Referring to the mild weather the City has been experiencing, Alderman Downey asked for information from staff as

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to whether the winter parking ban will be lifted somewhat earlier this year (i.e., during the first week in March).

The City Manager indicated that he would investigate the matter and report back to Council.

Question Alderman Cromwell Re: 1988 Winter Olympics

Referring to the recent bronze medal performance of Tracy Wilson and Robert McCall, Alderman Cromwell recommended that His Worship the Mayor send a telegram to the couple (on behalf of the residents of Halifax and of City Council) congratulating them on their recent success.

Question Alderman Meagher Re: Proposed Peninsula North Secondary Planning Strategy

Referring to a decision made earlier in the meeting to defer this matter to the next regular meeting of Committee of the Whole Council, Alderman Meagher expressed his concern that final approval of this Strategy is being unduly delayed. In making these comments, the Alderman gave notice that he will be requesting that a date for public hearing be set during the Special Meeting of Council scheduled for March 9, 1988.

Question Alderman Leiper Re: Letter - City of Calgary

Alderman Leiper recommended that, in conjunction with the telegram being forwarded to Ms. Wilson and Mr. McCall, a letter should also be sent on behalf of Halifax City Council to the City of Calgary congratulating them on the excellent show they have sponsored on the occasion of the 15th Winter Olympics.

Question Alderman Leiper Re: Mileage Reimbursement Policy

Alderman Leiper made reference to her previous remarks on this matter made during a regular meeting of Council on January 28, 1988). She noted that while she had asked at that time that the mileage reimbursement policy be referred to the Transportation Committee for a report, she had as yet received no response.

In bringing this matter to Council's attention, Alderman Leiper also requested a list of the members of the Transportation Committee.

Alderman Jeffrey advised that the Transportation Committee has already met once regarding this matter, and will be

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meeting again within the next two weeks to discuss information which has been requested from staff.

NOTICES OF MOTION

Notice of Motion Alderman Richard Grant Re: Amendments to Ordinance 147, the Dog Ordinance

Alderman Richard Grant gave Notice of Motion that at the next regular meeting of Halifax City Council scheduled for March 21, 1988 he proposes to introduce First Reading of amendments to Ordinance Number 147, the Dog Ordinance, the purposes of which are to (1) clarify the discount date for licenses under that Ordinance; and (2) to exclude owners or users of blind persons' guide dogs from payment of a license fee.

ADDED ITEMS

Traffic Control at Entrance to Bayers Lake Area, Halifax Industrial Park

A report, dated February 24, 1988, was submitted from George T. H. Cooper, Q.C., Chairman of the Halifax Industrial Commission.

MOVED by Alderman O'Malley, seconded by Deputy Mayor Walker that City Council direct the Chief of Police to provide a police officer to direct traffic between the hours of 4:15 and 5:15 p.m., Monday to Friday, at the entrance to the Bayers Lake Area of the Halifax (as outlined in the report dated February 24, 1988).

The motion was put and passed.

Implementation Policy 10

A supplementary staff report, dated February 18, 1988, was submitted.

MOVED by Alderman Deborah Grant, seconded by Alderman Cromwell that Council refer a proposed amendment to Implementation Policy 10 and the Land Use Bylaw (as outlined in Appendix I of the supplementary staff report, dated February 18, 1988) to the Planning Advisory Committee for consideration.

The Motion was put and passed.

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Covered Pedestrian Walkway -- Bus and Ferry Terminal Area

A staff report, dated February 16, 1988, was submitted.

MOVED by Alderman Downey, seconded by Alderman O'Malley that Council set the date of WEDNESDAY, MARCH 9, 1988 for a public hearing in Council Chambers to consider Mr. Lindthaler's proposal (as outlined in the staff report dated February 16, 1988).

The motion was put and passed.

Springvale/Fairmount Subdivision (Alderman Jeffrey)

This matter was added to the agenda at the request of Alderman Jeffrey who requested a staff report outlining whether City Council has any authority regarding subdivision approvals within the City, in particular with regard to lots and new streets located in the Springvale/Fairmount Subdivision.

17 Skeena Street (Alderman Jeffrey)

This matter was added to the agenda at the request of Alderman Jeffrey who referred to a letter dated February 15, 1988 recently received from a Mr. Driscoll, 17 Skeena Street, concerning a water build-up problem in that gentleman's basement.

In addressing this matter, the Alderman advised that during the summer of 1986 the street abutting Mr. Driscoll's property was upgraded to install new water and sewer drainage. However, during that process an explosion occurred within the sewer system directly opposite 17 Skeena Street which caused a considerable flooding problem in the gentleman's basement. Alderman Jeffrey noted that while the contractor had repaired the damages incurred by Mr. Driscoll at that time, the flooding problem has persisted since that time.

The Alderman further noted that, initially, the lot at 17 Skeena Street was above the street level; since the 1986 upgrading, however, the house is gradually settling with the result that when it rains, there is a continual problem with water seeping into the basement level.

Alderman Jeffrey advised that a staff member of the Engineering Department had inspected the property and had suggested that the flooding is being caused by a runoff both on Mr. Driscoll's property and on that of his neighbor's, a runoff

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which is flowing in the direction of Mr. Driscoll's basement entrance.

The Alderman emphasized that, in his opinion (and as a one-time resident of 17 Skeena Street), the flooding problem is a direct result of the 1986 sewer explosion and urged that staff reexamine the property from this perspective. In making these comments, Alderman Jeffrey suggested that the land should be banked from the house towards the street to prevent any further moisture from seeping into the basement level.

Remuneration - Boards and Commissions (Alderman Richard Grant)

This matter was added to the agenda at the request of Alderman Richard Grant.

Referring to a letter received from the City Solicitor, dated February 16, 1988, it was moved by Alderman Richard Grant, seconded by Alderman Flynn that the City Solicitor draw up the appropriate legislation to repeal Section 16(5) of the Halifax City Charter.

The motion was put and passed.

Nova Scotia Power Corporation Tree-Cutting Policy (Alderman Flynn)

This matter was added to the agenda at the request of Alderman Flynn who referred to his request (made at the last regular meeting of Halifax City Council) for a report on the Nova Scotia Power Corporation's policy on tree trimming, and whether, in staff's opinion, the existing policy is appropriate. He emphasized that while staff had since indicated that the NSPC's tree-trimming exercises are consistent with the Corporation's requirements, it was not his opinion that those requirements were in conformance with the City's policy regarding this matter.

Alderman Flynn further advised that, in his view, there is little need to trim the trees as closely as the Power Corporation is presently doing, emphasizing that, because of this process, the City's trees are being devastated beyond repair. The Alderman suggested that the Corporation should be required to abide by the City's regulations with respect to its trees, and asked that staff take immediate action to prevent any further destruction by NSPC tree-trimming crews. In this context, Alderman Flynn recommended that a "cease and desist" order should be issued until some compromise can be reached.

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Springvale/Ashburn Golf Course - Water Overflow (Alderman Flynn)

Alderman Flynn made reference to last week's tragic accident which occurred in conjunction with the clearing of a CN water access.

In his remarks, the Alderman emphasized that because this access is cleared by CN only (on average) twice a year, there is always considerable property damage (particularly in the downstream areas adjacent to Dutch Village Road and in the Mount Olivet Cemetery) as a result of the subsequent flooding. In addition, Alderman Flynn made reference to the large number of rodents which are flushed out by the torrent, much to the concern of neighbourhood children.

In view of these difficulties, Alderman Flynn asked that something be done to encourage CN to clear this water access on a regular basis.

His Worship Mayor Wallace indicated that the Director of Engineering and Works, Mr. Connell, would be requested to investigate this matter with CN representatives.

Adsum House (Alderman Downey)

This matter was added to the agenda at the request of Alderman Downey who brought to Council's attention that Adsum House has yet to receive the grant awarded it by Council some weeks ago.

The Alderman noted, however, that Mr. Harold Crowell, Director of Social Planning, would be investigating the matter shortly.

11:00 p.m. - There being no further business to be discussed, the meeting was adjourned.

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SPECIAL COUNCIL
PUBLIC HEARING
MINUTES

Council Chamber
City Hall
Halifax, Nova Scotia
March 9, 1988
7:30 p.m.

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

After the meeting was called to order, members of Council joined in the recitation of the Lord's Prayer.

Present: His Worship Mayor Wallace, Chairman; Deputy Mayor Walker; and Aldermen D. Grant, Cromwell, Downey, Meagher, O'Malley, Dewell, R. Grant, Jeffrey, Flynn, and Hamshaw.

Also Present: Mr. M. Hanusiak and Mr. S. McLeod, Development and Planning Department; Mr. W. Anstey, Acting City Solicitor; Mr. E. A. Kerr, City Clerk; and other members of City Staff.

ADDED ITEMS

The City Clerk advised of the following added items:

1. Smith's Field Manor Development Limited v. City of Halifax; S.C.A. No. 01837;
2. 1988 Legislation;
3. Capital Budget - Industrial Commission.

Smith's Field Manor Development Limited v. City of Halifax; S.C.A. No. 01837

The above item was added to the agenda from the Committee of the Whole Council meeting held earlier this date.

MOVED by Alderman R. Grant, seconded by Alderman Dewell that, as recommended by the Finance and Executive Committee, the payment of \$3,311.67 in respect of the taxed costs in this action to Charles D. Lienaux, the Solicitor for Smith's Field Manor Development Limited, be approved, the funds to be taken from Account Number 01837.

Motion passed.

1988 Legislation

The above item was added to the agenda from the Committee of the Whole Council meeting held earlier this date.

MOVED by Alderman R. Grant, seconded by Alderman Cromwell that, as recommended by the Finance and Executive Committee, the proposed legislation for the City of Halifax for 1988 as attached to the March 7, 1988 Staff Report be approved.

His Worship Mayor Wallace indicated that he wished to register his opposition to the section respecting a separate expense account that is removed from the supervision or authority of the Mayor. He noted that it is a change from a system in place since the incorporation of the City in 1841 and suggested that it will present difficulties.

Alderman Dewell suggested that the motion could be split with the section referred to by His Worship voted on separately.

His Worship advised that the items contained in the proposed 1988 legislation had previously been approved by City Council noting that he is just registering his opposition to the section referred to.

Motion passed.

Capital Budget - Industrial Commission

The above item was added to the agenda from the Committee of the Whole Council meeting held earlier this date.

MOVED by Alderman O'Malley, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, \$2,243,196.00 be approved from the 1988 Capital Budget so that the Halifax Industrial Commission may award tenders for the completion of the roadway within the Industrial Park.

Motion passed.

Case No. 5342 - Contract Development - Brunswick St. - lands of Kidston Glass Company

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

Mr. M. Hanusiak, Planner 11 of the Development and Planning Department, outlined the application for a contract

development to allow a portion of Lots C3 and E; and Lots D and F of the Lands of Kidston Glass Company Ltd. Mr. Hanusiak, in his presentation, made reference to the staff report dated January 13, 1988 and to diagrams displayed.

Mr. Hanusiak advised that City Staff are recommending approval of this application.

Mr. Paul M. Murphy, Q.C., Patterson Kitz, addressed Council on behalf of the applicant advising that they approached the City to purchase small pieces of land that the City owned within this block and also to close off Warners Court. He indicated that they appeared before Council in 1986 at which time City Council approved a street closure for Warners Court. Mr. Murphy went on to advise that they subsequently finished the purchases of the pieces of land together with a portion of Warners Court which involved a fairly complex re-subdivision because the other portions were sold to adjacent property owners. He commented that they attended many of the Planning Advisory Committee meetings for the Peninsula North Detailed Planning Strategy which resulted in the recommendation that these lands be zoned C-2. Mr. Murphy noted that when it was determined that Plan be deferred for a further time, they decided to apply for a rezoning and it was then decided to go to a contract development. He indicated that there is no specific proposal for this land.

There were no further persons present wishing to address Council.

MOVED by Alderman Downey, seconded by Alderman Cromwell that this matter be forwarded to Council without recommendation.

Responding to a question from Alderman Downey, the City Clerk advised that there was no correspondence received in favour of or in opposition to the application.

Motion passed.

Case No. 5194 - Contract Development - 1521 Lower Water Street -
Marine Towers

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

Mr. Hanusiak, with the aid of diagrams, outlined the application for a development agreement under Schedule "G", Section 85 of the Land Use Bylaw, to permit construction of a 13 storey commercial building at 1521 Lower Water Street. Mr. Hanusiak made reference to the staff reports of January 27 and

Special Council
Public Hearing
March 9, 1988

March 3, 1988. A letter dated February 22, 1988 from Mr. F. D. Medjuck was attached to the March 3, 1988 staff report to which Mr. Hanusiak also made reference to.

Mr. Hanusiak indicated that Staff are recommending approval of the project originally proposed in the staff report of January 27, 1988. He further advised that Staff is reluctant to recommend approval of the changes requested by the applicant, contained in the March 3 staff report, other than to increase the time frame for installing the floating dock and possibly the time frame for completing the development as a whole.

Alderman Dewell requested a report with respect to the proposed floating dock i.e. maintenance, storage, and what kind of liability the City would face with respect to having a dock and operating it.

Responding to a question from Alderman D. Grant, Mr. Hanusiak advised that the developer is proposing to use armour rock between the proposed boardwalk and the water's edge mainly because of costs involved. He noted that staff would prefer that the developer construct and maintain a vertical seawall along the perimeter of the site.

Responding to a further question from Alderman D. Grant, Mr. Hanusiak indicated that the 1984 proposal died because of inactivity noting that the contract had expired and the applicant had to come back for a new contract. Mr. Hanusiak advised that they looked at the residential component and, under the Municipal Plan, it is not a mandatory consideration. He suggested that it would be nice to have the residential component, however, he advised that there are developments in the nearby vicinity that have in fact injected a residential component into the CBD area. With respect to the use of Salter Street, Mr. Hanusiak indicated that the Plan is only advisory and it isn't mandatory that Salter Street shall only be used for emergency vehicles. He noted that Salter Street is a confirmed City Street. Mr. Hanusiak pointed out that there are mandatory policies in the Plan with respect to the use of space in the CBD for commercial purposes specifically offices.

Mr. Franklyn D. Medjuck, acting on behalf of the applicant, addressed Council and submitted brochures of the proposed building. A model of the proposed development was displayed. Mr. Medjuck commented that the building was approved and a contract issued in 1984 noting that he had requested, at that time, a five year contract the same as was awarded to Manufacturer's Life to the adjacent site. Mr. Medjuck advised that Council decided to grant two years rather than five years

during the public hearing. He went on to advise that they have been reexamining the design, the site, and the constraints of the down town policies, etc. Mr. Medjuck suggested that the staff report covers the project in depth.

Mr. Medjuck made reference to the supplementary staff report dated March 3, 1988 and his letter of February 22, 1988 requesting several changes to the draft development agreement. He focused on the item regarding completion versus commencement. Mr. Medjuck noted that it takes a year and a half to build the building and before that it will take four or five months of costing and tendering and before that, another five or six months of completing the working drawings. He suggested that there is not enough time to complete the building in two years starting at this time. Mr. Medjuck commented that he, therefore, requested a five year date to complete the building. He further suggested that he would accept three years as well as long as there is a clause for renewal and the project is not materially different.

Mr. Medjuck noted that the other outstanding issue is the question of the size of the building. Referring to the contract issued in 1984, Mr. Medjuck advised that it states that the building may vary by six percent in size. He requested that he would like to repeat that flexibility which would allow the building to be expanded by approximately 20 ft. by 60 ft. per floor. Mr. Medjuck commented that staff does not recommend the requested change because it has not been advertised for this public hearing and it might be too major. Mr. Medjuck agreed that staff is right so he suggested that this item could be eliminated.

With respect to the floating dock, Mr. Medjuck advised that staff has indicated that there are two or three alternatives to work out as to whether the applicant should donate the dock, who would administer it, etc.

Alderman Cromwell expressed concern with respect to public accessibility to the waterfront.

Mr. Medjuck addressed Alderman Cromwell's concern suggesting that the architects have been quite sensitive in keeping the building away from the water.

Responding to a question from Alderman D. Grant, Mr. Medjuck advised that the building will have a typical ground floor office use which will have commercial to serve the building. With respect to the canopy on the Salter Street side, Mr. Medjuck advised that it is there for pedestrian protection as they walk down the sidewalk to the water's edge and soften the building's edge.

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Responding to a further question from Alderman D. Grant, Mr. Medjuck advised that this project is strictly commercial.

Alderman D. Grant inquired if four years would be a reasonable compromise date for completion.

Mr. Medjuck suggested that four years would be a reasonable compromise.

Alderman Dewell suggested that it might be appropriate to have a report from the Legal Department with respect to the interpretation of substantially underway and completion.

The Project Architect representing the firm of Webb Zerafa Menkes Housden addressed Council and addressed a number of questions from Council. In response to a question from Alderman D. Grant, he commented that the proposed development is very much the same character and design vocabulary as used on Block M. As far as relating to the existing building across the street, the Architect pointed out that the Brewery has a park immediately across that site and, since they cannot match with the historical nature of the Brewery and the architectural style of it, they have a setback from it creating a park theme on each side of Lower Water Street.

With respect to the armour rock, the Architect advised that a vertical seawall costs approximately \$1500 to \$1700 per linear foot. He suggested that an armour rock situation would allow basically the slope of the edge to be approximately 45 degrees; however, he suggested that you would not see the armour rock if you had a floating dock.

Responding to a further question from Alderman D. Grant, the Architect advised that they have not determined a final colour for the trim and the glass will be reflective.

Ms. Shirley Marriott addressed Council expressing concern with regard to the height of the proposed building. She suggested that the building was too high for the area and indicated that she would prefer to see a much lower building at this location.

Mr. Alan Ruffman addressed Council advising that he owns the John Taylor Wood water lot which is in fact the water lot on which the City has the small wharf at the end of Salter Street. Mr. Ruffman suggested that Council is wise to put a two year time limit on the proposed building and unwise in putting a five year time limit on the Manulife building. He expressed his uneasiness

with respect to this proposed building. Mr. Ruffman expressed the concern that once cannot gain access to the waterfront beyond the Sheraton.

Mr. Ruffman suggested that the floating dock would not be a very sensible use of the waterfront because the proposed kind of floating dock requires a lot of continuous maintenance as opposed to the type of wall that was put around the ferry terminal or around Historic Properties. Mr. Ruffman suggested that the policy be changed in the future so that the City could demand a proper harbour wall for future developments.

Mr. Ruffman compared the proposed building with the brewery building pointing out that there was a tremendous difference in height and suggested that it was not in character or in scale.

Mr. Ruffman pointed out that Salter Street is not a confirmed City street noting that it had never been passed or approved by the Minister of Municipal Affairs.

Mr. Ruffman pointed out that this is the only public wharf owned by the City of Halifax and suggested that the south side of it be kept available for vessels to tie up on.

Referring to Mr. Medjuck's letter of February 22, 1988, Mr. Ruffman urged that Council put in the best treatment of water's edge as possible and that Council not go to a five year approval.

Responding to a question from Alderman Cromwell, Mr. Medjuck advised that they have no intent to block the wharf at the end of Salter Street.

Alderman Cromwell requested that Staff report on the matter with respect to having a floating dock hooked up to the boardwalk and armour rock at a 45 degree angle.

There were no further persons present wishing to address Council.

MOVED by Alderman Downey, seconded by Alderman Cromwell that this matter be forwarded to Council without recommendation.

Motion passed.

Covered Pedestrian Walkway - Court House - Ferry Terminal Area

A public meeting into the above matter was held at this time.

A confidential staff report dated February 16, 1988 was submitted. A letter dated March 8, 1988 from Mr. Peter B. MacDougall was also submitted.

Mr. Simpson McLeod, Acting Supervisor, Real Estate Division, advised that the proposal before Council is to lease space under the covered pedestrian walkway next to the Court House building for retail use. He noted that the space to be leased is City property.

Mr. McLeod went on to advise that this matter had been before Council previously as a general concept. He noted that it had been discussed in November and December of last year. Mr. McLeod advised that Council had authorized Staff to work with the proponent, Mr. Lindthaler, in developing the general concept into a firm proposal. He further advised that once the firm proposal was arrived at, it was requested that it come back to Council for review and public discussion.

Mr. McLeod displayed a plan of the space that is proposed to be leased on the monitor and orientated Council on the plans.

Mr. McLeod outlined the three phases of the proposal by Mr. Lindthaler as contained in the confidential staff report of February 16, 1988.

Referring to Phase I, Mr. McLeod advised that they had had discussions with the Metro Transit Authority with respect to their views on having the kiosks in the proposed location. He advised that positive comments were received from the Metro Transit Authority noting that Metro Transit wanted to make sure that there was adequate room for passenger circulation and also room for buses to access this location at all times. Mr. McLeod commented that Metro Transit looked at the kiosks very favorably.

Mr. McLeod went on to indicate that City Staff had visited the Court House Commission with sketches and drawings of the proposal. He noted that they received correspondence from the Court House Commission which indicates that they are generally in favour of the proposal. He advised that they were concerned with the type of operation and urged that it be a very high class operation. Mr. McLeod indicated that staff are confident that Mr. Lindthaler's operation will be of a high class nature and assured

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the Court House Commission that they shouldn't have any fears in that direction. With respect to the relocation of the present pedestrian access to the car park, Mr. McLeod noted that the Court House Commission favour that relocation.

In making reference to the two reports before Council, Mr. McLeod advised that the staff report of February 16, 1988 illustrates in very general terms the proposal before Council. He went on to advise that the confidential report dated February 16, 1988 presents a draft development and lease agreement and noted that much of the information in the second report is of a confidential nature and is really not the subject for this hearing.

Mr. McLeod emphasized that this hearing is to discuss the intended use of the space and the impact that it might have on the area and not to hear or go into details on the lease arrangement. He advised that Mr. Lindthaler is most anxious to start the project noting that that is why the second report on the lease is before Council at this time. He further advised that it is Mr. Lindthaler's intention to start Phase 1 as quickly as he can in order to capture this summer's trade and, therefore, would like a decision by Council as soon as possible.

In concluding, Mr. McLeod indicated that it is staff's opinion that the proposed lease agreement is a fair one and is recommending that the City enter into an agreement with Mr. Lindthaler.

Mr. Lindthaler addressed Council and thanked Mr. McLeod for explaining the project. He advised that he had been working on the project for almost a year and had approached the City last Fall with the idea. Mr. Lindthaler went on to note that he tried, in the process of developing the project, to address the need of the waterfront market place. He commented that he has worked and operated in the food and beverage industry on the waterfront for the last 15 years. Mr. Lindthaler suggested that it is well noticed that the fast food area and the convenient food outlets addressing the middle class and middle priced items is missing. He noted that he was very conscious about it and I tried to implement it and work around it to try to provide that in this particular project. Mr. Lindthaler went on to suggest that the location is ideal because of the high foot traffic with the ferry terminal and surroundings areas.

Mr. Lindthaler commented that he chose this area because he felt that the shelter was oversized, under-utilized, misused, and abused by different individuals. He noted that he intends to solve this problem for the pedestrians in this area and for the

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City through managing and renovating the area so that this will become an area that citizens will enjoy.

Mr. Lindthaler advised that Phase 1 will start as soon as he receives permission and Phase 2 will start as soon as 80% of the space is leased out. He indicated that he had received an indication of interest from different business operators in the City who are very anxious to lease space. Mr. Lindthaler further noted that he had not made any arrangements or agreements with those people but suggested that there is a great deal of interest for this space.

In concluding Mr. Lindthaler advised that he had over 25 years of experience in the food and beverage industry.

Mr. Alan Ruffman addressed Council inquiring what the hearing was on.

Responding to Mr. Ruffman's question, Mr. McLeod advised that Council had requested Staff to work with Mr. Lindthaler to develop a firm proposal and, before considering entering into any lease, receive public input on it.

Mr. Ruffman advised that making use of this space is going to be advantageous to the City. He noted that Council is moving in the right direction. Mr. Ruffman expressed concern with regard to the Court House entrance and inquired if any consideration was given to developing a more pleasant entrance.

Mr. Ruffman suggested that City Staff explore with the Court House Commission moving that entrance possibly to ground level rather than going through the dripping parking area. He also inquired about the sidewalk.

Mr. Lindthaler advised that they would be widening the sidewalk.

Mr. Ruffman went on to suggest that this design study has to be inter-phased with the study that the City is just now commissioning because this is a critical area of the City.

Mr. Bill Mont addressed Council and asked what the rental to the City would be and how many years the lease is proposed for.

His Worship advised that the information asked by Mr. Mont is contained in the second report to Council, but is marked confidential.

His Worship advised that the lease in the recommendation is for 35 years.

A discussion ensued with respect to whether the information requested is confidential.

Mr. Anstey, Acting City Solicitor, expressed the view that the Legal Department has great difficulty with matters like this being discussed in a confidential manner. He advised that public property is being discussed. However, he noted that the report is marked confidential. He suggested that the applicant presumably was led to believe that it would be confidential and so he would certainly be affected by it.

His Worship suggested that a report be prepared with respect to the public aspect of the proposal.

Mr. Mont advised that the general public does not know too much about this proposal and suggested that a 35 year lease is a long time. He stated that he does have other businessmen that are willing to put in a proposal for an international boutique for the area and he inquired if Council would entertain other proposals.

His Worship advised that this is an unusual situation. He went on to note that Mr. Lindthaler recognized this possibility and when he came before City Council with his proposal, he asked if it could be confidential because he was making a considerable investment. His Worship suggested that Council did not think it would be fair, after Mr. Lindthaler made this investment, to have other people come in and take advantage of the work he has done and the initiative he has shown.

Responding to Mr. Mont's comments, Alderman Flynn advised that this just didn't happen. Alderman Flynn indicated that he had raised question in November 1987 with regard to the total project of Chebucto Landing and the proposals put to Council. He further indicated that it was at that time that Council did delay any decision with respect to this matter pending public input. Alderman Flynn noted that this project was discussed again in December 1987 and, after a three month period and no public response, staff proceeded with Mr. Lindthaler to try to develop something that the City could benefit from and work out a reasonable proposal with the proponent.

Alderman Flynn commented that he had no hesitation in continuing the proposal with Mr. Lindthaler and there has been more than adequate time for anyone to make a presentation to Council.

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Mr. Mont advised that this is not the first time he had raised this noting that he had asked questions in the Development Office and received little cooperation or information.

Alderman O'Malley agreed too if this idea had not originated with one person, it may never have originated and the facility may have gone unused forever. He went on to suggest that there has to be some latitude for the City to work in those situations where somebody can see an opportunity for the good of the City and work on it as a concept and an idea and develop it and give us an opportunity to ensure that the City is getting a good deal.

Alderman D. Grant pointed out that Mr. Mont had called her several months ago with respect to this matter. She noted that she suggested to Mr. Mont that his ideas could be addressed through staff to Council. Alderman D. Grant suggested that it would appear that no proposal had been made.

Mr. Mont reiterated that he met with City Staff and received no encouragement with respect to presenting a proposal.

Alderman D. Grant requested a staff report with respect to this matter.

Mr. Mont concluded by asking whether other proposals could be entertained.

Alderman Flynn suggested that the lease would be discussed when this matter goes to Council.

His Worship indicated that a report would be coming forth from the Legal Department and further that staff would be in contact with Mr. Mont in the meantime.

Mr. Doug Ridgewell addressed Council advising that he operates and owns Ridgewell's Clothing and operated it for the last ten years noting that it is within one block of the proposed development. He advised that he had looked at this proposal and suggested that it has merit. He went on to advise that the structure of the existing building, because of its design, has become a dirt and dust and paper collector for all of downtown Halifax and suggested that this type of development would get rid of that problem and enhance the appearance of a fairly unsightly situation. Mr. Ridgewell further commented that, from a security point of view, especially in the late evening, it will be much safer for bus users to be in that area after the close of regular businesses. Mr. Ridgewell suggested that the nature of the

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development is going to attract service retail operations which are desperately needed in that area i.e. dry cleaning facilities, shoe repair, and various other service type businesses.

Mr. Ridgewell commented that he has known Mr. Lindthaler for the past 15 years and suggested that the development would be of the very highest quality.

Responding to Mr. Mont's situation, Mr. Ridgewell indicated that if he had nurtured and developed an idea on his own, he would be disappointed if at this late stage City Council saw fit to call in more proposals to capitalize on his idea.

Ms. Shirley Marriott addressed Council in support of the development and suggested that it would enhance the area. She further suggested that she could not see Council asking for other proposals at this stage.

There were no further persons present wishing to address Council.

MOVED by Alderman O'Malley, seconded by Alderman D. Grant that this matter be forwarded to Council without recommendation.

Motion passed.

Alderman Meagher requested that the Planning Advisory Committee be asked to add to its March 22, 1988 agenda, the Detailed Area Planning Strategy for Peninsula North.

10:00 p.m. The meeting adjourned.

HIS WORSHIP MAYOR WALLACE
DEPUTY MAYOR WALKER
CHAIRMEN

/mmd

HEADLINES FOR CITY COUNCIL MINUTES
of 03/09/88

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Record

CITY COUNCIL
MINUTES

Council Chamber
City Hall
Halifax, Nova Scotia
March 21, 1988
8:00 P. M.

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

The meeting was called to order with Alderman Gerald O'Malley leading those present in the recitation of the Lord's Prayer.

PRESENT: His Worship Mayor Ron Wallace, Chairman; Deputy Mayor J. Albert Walker; and Aldermen Deborah Grant, Cromwell, Downey, Meagher, O'Malley, Dewell, Jeffrey, and Flynn.

ALSO PRESENT: R. J. Matthews, Acting City Manager; W. Anstey representing the City Solicitor; City Clerk; and other members of City staff.

His Worship Mayor Wallace extended a welcome on behalf of Halifax City Council to a delegation from China, here in Canada on a one-year work-exchange program.

MINUTES

Minutes of the regular meeting of Halifax City Council held on February 25, 1988 and of a special meeting held on March 9, 1988 were approved on a motion by Alderman Jeffrey, seconded by Deputy Mayor Walker.

APPROVAL OF THE ORDER OF BUSINESS, ADDITIONS & DELETIONS

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

- 20.1 Section 445A - Halifax City Charter
- 20.2 Amendment to the Act of Incorporation -
Halifax Industrial Commission

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

- 20.3 Nova Scotia Power Corporation Tree-
Cutting Policy

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

20.4 Manpower Office - Gottingen Street

MOVED by Alderman Cromwell, seconded by Alderman Meagher
that the agenda, as amended, be approved.

Motion carried.

DEFERRED ITEMS

Case No. 5342 - Contract Development: Brunswick Street
(Lands of Kidston Glass Company)

A public hearing on this matter was held on Wednesday,
March 9, 1988.

MOVED by Alderman Downey, seconded by Alderman O'Malley
that City Council approve the entering into of a development
agreement to permit a portion of Lots C3 and E, and Lots D and F
of the lands of Kidston Glass Company Limited, to be developed in
accordance with the provisions of the C-2-V (General Business -
View Plane) Zone (the said lands being identified on Sketch 1 of
the staff report dated January 13, 1988).

The motion was put and passed.

8:10 p.m. - Alderman Richard Grant enters the meeting.

Case No. 5194 - Contract Development: 1521 Lower Water
Street (Marine Towers)

A public hearing concerning this matter was held on
Wednesday, March 9, 1988.

A supplementary staff report, dated March 17, 1988, was
submitted.

At the request of the Acting City Manager, it was moved
by Alderman Downey, seconded by Alderman Deborah Grant that the
matter be deferred to the next regular meeting of Halifax City
Council (scheduled for March 30, 1988), pending receipt of
additional information from staff.

The motion to defer was put and passed.

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Covered Pedestrian Walkway - Court House/
Ferry Terminal Area

A public hearing regarding this matter was held on Wednesday, March 9, 1988.

A supplementary staff report, dated March 11, 1988, together with an Information Report, dated March 17, 1988 (the latter from W. Anstey, Acting City Solicitor) were submitted.

Correspondence, dated March 21, 1988, from Mr. William Mont, President, Imperial Investments Limited, was also distributed.

At the request of the Acting City Manager, it was moved by Alderman O'Malley, seconded by Alderman Flynn that the matter be deferred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, March 23, 1988), pending receipt of additional information from staff.

The motion to defer was put and passed.

It was further agreed that the City Clerk be authorized to schedule a special meeting of City Council following the March 23 meeting of the Committee of the Whole Council in order to finalize Council's deliberations on this matter.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on March 9, 1988 as follows:

Restoration - Old Burying Ground and
Welsford Parker Monument

Following is the recommendation from the March 9 meeting of the Finance and Executive Committee:

"That the report submitted by the Old Burying Ground Foundation be referred to staff, the Heritage Advisory Committee, and to the Tax Concessions and Grants Committee for review and recommendation."

Alderman O'Malley offered the suggestion that the requested funding should be obtained from the City's heritage fund, particularly in view of the fact that, in his opinion, the restoration of the Old Burying Ground is a viable use for these monies.

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After some discussion, it was moved by Alderman Downey, seconded by Alderman Deborah Grant that the matter be deferred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, March 23, 1988), and that a staff recommendation on the feasibility of using funds from the City's Heritage Fund be submitted at that time.

In seconding the motion, Alderman Deborah Grant recommended that, if possible, comments be received from the Heritage Advisory Committee relevant to this matter.

The motion to defer was put and passed.

Letter - Access Off Kearney Lake Road Interchange

In Alderman Leiper's absence, it was moved by Alderman Flynn, seconded by Alderman O'Malley that, as recommended by the Finance and Executive Committee, another letter be forwarded to the Minister of Transportation asking if he would meet with Council to specifically address the request that the Kearney Lake Road exit from the Bicentennial Highway be closed between 7:00 a.m. - 9:00 a.m. in order that the amount of traffic entering the City from outside its boundaries (and adding to the traffic problems in Mainland North) be restricted.

With reference to this motion, Alderman Richard Grant made mention of a method use in other municipalities, that of collecting from developers \$1,000 for each new dwelling, such funds to be used to defray the costs to the municipality of constructing or upgrading the transportation network to accommodate the increased traffic emanating from such developments. He suggested that this is an option the City of Halifax may wish to explore, emphasizing that, in his opinion, the City's transportation situation as a whole should be studied, rather than attacking the problem on a piecemeal basis.

Alderman Jeffrey indicated that it was his understanding that Dunbrack Street is under-utilized, and requested a report from the Traffic Authority as to whether changes could be made so that this roadway would attract an increased number of vehicles presently accumulating in the Clayton Park/Fairview area.

The motion was put and passed, with Alderman Richard Grant voting in opposition.

Tender #88-80, Sale of Lot H-1, Castle Hill Drive and Civic Number 14 Pinewood Terrace

In Alderman Hamshaw's absence, it was moved by Alderman Flynn, seconded by Alderman Walker that, as recommended by the

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Finance and Executive Committee, Lot H-1, Castle Hill Drive, be sold to Robert Vaughan for \$44,200, and that Civic No. 14 Pinewood Terrace be sold to the highest bidder, Richard Deviller, for \$35,010 (proceeds from the sale of Lot H-1 and the City's portion of 14 Pinewood Terrace, which is jointly owned by the Halifax Water Commission and the City, to be deposited in the Sale of Land Account).

The motion was put and passed.

Award of Contract - Open Space Study

A letter, dated March 18, 1988, to Mr. E. Michael Bryne (Dumaresq & Bryne Limited) was distributed by the Office of the Mayor.

Following is the motion from the March 9 meeting of the Finance and Executive Committee:

"That the Mayor and the City Clerk be authorized to execute a contract with Gordon Ratcliffe in association with Barrie and Langille Ltd. for the preparation of "An Open Space Design Study, Lower George Street - Waterfront Area," for a maximum cost of \$60,000, of which the City's share is to be \$20,000 (funds to be made available from Account Number 222304-Z0330-CK051, Barrington Mains' Meet)."

In addressing this matter, Alderman Meagher indicated that, in his opinion, additional information was required before the contract could be officially awarded.

It was subsequently moved by Alderman Meagher, seconded by Alderman Flynn that those firms having made submission concerning this contract be asked to make a presentation to Council; and further, that staff submit a confidential report outlining their rationale for recommending the award of this contract to Gordon Ratcliffe, Landscape Architect.

Responding to a question from Alderman Flynn, Alderman Meagher suggested that, if at all possible, these presentations be made during the March 23 meeting of Committee of the Whole Council; however, if this could not be arranged, he indicated that the matter should be added to the agenda of the Committee's meeting scheduled for Wednesday, April 6.

The motion was put and passed.

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Spring Garden Road Parking Lots Operation

MOVED by Alderman Downey, seconded by Alderman Meagher
that, as recommended by the Finance and Executive Committee,
Council:

- 1) authorize a change in the operators of the Spring Garden Parking Lot to the Spring Garden Business Improvement Commission;
- 2) authorize the Mayor and City Clerk to execute the agreement on behalf of the City in the form as attached in Appendix "A" of the staff report dated February 25, 1988.

The motion was put and passed.

Construction of Four Units, 2020 Maynard Street
(Housing Demonstration Program/Tender #87-92)

MOVED by Alderman Downey, seconded by Alderman Meagher
that, as recommended by the Finance and Executive Committee,
Council authorize an additional borrowing authority for
Demonstration Project 2020 Maynard Street of \$30,000 (this amount
will be added to the mortgage and recovered over the life of the
20-year mortgage).

The motion was put and passed.

Rental Subsidy: Non-Profit Housing

MOVED by Alderman Downey, seconded by Alderman Jeffrey
that, as recommended by the Finance and Executive Committee,
Halifax City Council officially request the Provincial Department
of Housing to open negotiations with Mr. Stewart McInnes, M.P. for
Halifax and Federal Minister of Housing, to develop ways and
means to provide rental subsidies or other strategies to secure
affordable housing for this City's lower-income residents.

The motion was put and passed.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on Wednesday, March 9, 1988 as follows:

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Award of Tender #88-02: Trunk Sewer Installation -
Rockingstone Road to Herring Cove Road

MOVED by Alderman Richard Grant, seconded by Deputy Mayor Walker that, as recommended by the Committee on Works, Tender #88-02 for a trunk sewer installation (Rockingstone Road to Herring Cove Road) at a total project cost of \$251,000.00 and a total bid price of \$208,919.00 be awarded to B. H. Fancy Construction Limited (funding to be authorized from Account Number DA008).

In making this motion, Alderman Richard Grant reiterated his request that staff investigate the feasibility of making a driveway bed on top of the trunk sewer installation in order that a "loop" into the community centre can be created.

The motion was put and passed.

Award of Tender #88-11: Churchill Drive Retaining Wall
(Phase II)

MOVED by Alderman Flynn, seconded by Alderman Jeffrey that, as recommended by the Committee on Works, Tender #88-11 pertaining to the Churchill Drive Retaining Wall (Phase II) at an estimated total project cost of \$35,000.00 and a total bid price of \$26,800.00 be awarded to P. A. Wournell Contracting Limited (funds to be authorized from Account Number CK073).

The motion was put and passed.

Award of Tender #88-25: New Sidewalk (Old Sambro Road)

MOVED by Alderman Richard Grant, seconded by Deputy Mayor Walker that, as recommended by the Committee on Works, Tender #88-25 for a new sidewalk on Old Sambro Road (Rockingstone Road to City Limits) at an estimated total project cost of \$117,000.00 and a total bid price of \$97,220.00 be awarded to Municipal Contracting Limited (funding to be authorized from Account Number CA014).

The motion was put and passed.

Appointment of Consultant - Site Supervision and Inspection
Services (Contract #87-158)

MOVED by Alderman Jeffrey, seconded by Alderman Flynn that, as recommended by the Committee on Works, Council approve the appointment of Interprovincial Engineering Limited to provide

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site supervision and inspection services during construction of the Northwest Interceptor Sewer, Phase 5.

The motion was put and passed.

REPORT - COMMITTEE OF THE WHOLE COUNCIL, BOARDS AND COMMISSIONS

Amendments to Ordinance Number 121 - The Retail Shop Closing Ordinance (SECOND READING)

This matter was given First Reading during a regular meeting of Halifax City Council held on February 25, 1988 and was considered in some detail at a meeting of the Finance and Executive Committee held on Wednesday, March 9, 1988.

MOVED by Alderman Richard Grant, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, Council give SECOND READING to the amendments proposed to Ordinance Number 121, the Retail Shop Closing Ordinance, attached as Appendix "A" to the staff report dated February 8, 1988 and as follows:

1. Section 2 of said Ordinance 121 is amended by adding immediately following Clause (d) thereof the following clause:
 - (e) "Net floor area" means the total area of floor space of a building (exclusive of living accommodation) measured along the interior surface of the exterior walls of the building, excluding the areas occupied by walls and partitions, storage areas, offices, utility rooms, washrooms, and all exits and service access spaces, being and intended to be all the space of the building devoted to the sale of products including but but without limiting the generality of the foregoing, counter space, aisle space, cooler and freezer space and shelving space.
2. Section 4 of said Ordinance 121 is repealed and the following substituted therefor:
 4. All shops and all classes of shops within the City of Halifax shall, notwithstanding Section 3 of this Ordinance, close and remain closed during the whole of Halifax Natal Day, being the first Monday in August in each year, and remain closed until five o'clock in the forenoon of the day next following.

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3. Clause (m) of Section 5 of said Ordinance 121 is repealed and the following substituted therefor:
- (m) a grocery store shop having a net floor area of one thousand five hundred square feet (1500 sq. ft.) or less, provided, however, that a shop under this clause shall close at 11:59 o'clock in the afternoon and remain closed until 5:00 o'clock in the forenoon of the day next following.

The motion was put and passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on March 17, 1988, as follows:

Peninsula North Secondary Planning Strategy

Correspondence dated March 21, 1988 from F. B. Wickwire, MacInnes Wilson Flinn Wickwire, Barristers and Solicitors, was submitted.

Alderman O'Malley addressed the matter, indicating that he would be proposing a motion to send this matter back to the Planning Advisory Committee for restudy. Alderman O'Malley noted that this item dealt with concerns expressed by Council regarding height limitations in the Q Zone.

MOVED by Alderman O'Malley, seconded by Alderman Meagher that, as recommended by the City Planning Committee, the matter of the proposed Peninsula North Secondary Planning Strategy be referred back to the Planning Advisory Committee for restudy.

Motion passed.

Grace Maternity Hospital - Building Height at Lot Line

MOVED by Alderman Cromwell, seconded by Alderman D. Grant that, as recommended by the City Planning Committee, pursuant to Section 47(2)(e) of the Land Use Bylaw, Council enter into an agreement to permit the proposed Services Link building to exceed the height limit at the property line where it abuts the Halifax Civic Hospital property line, generally as shown on Plan Nos. P200/16317 to 16319.

3. Clause (m) of Section 5 of said Ordinance 121 is repealed and the following substituted therefor:

- (m) a grocery store shop having a net floor area of one thousand five hundred square feet (1500 sq. ft.) or less, provided, however, that a shop under this clause shall close at 11:59 o'clock in the afternoon and remain closed until 5:00 o'clock in the forenoon of the day next following.

The motion was put and passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on March 17, 1988, as follows:

Peninsula North Secondary Planning Strategy

Correspondence dated March 21, 1988 from F. B. Wickwire, MacInnes Wilson Flinn Wickwire, Barristers and Solicitors, was submitted.

Alderman O'Malley addressed the matter, indicating that he would be proposing a motion to send this matter back to the Planning Advisory Committee for restudy. Alderman O'Malley noted that this item dealt with concerns expressed by Council regarding height limitations in the Q Zone.

MOVED by Alderman O'Malley, seconded by Alderman Meagher that, as recommended by the City Planning Committee, the matter of the proposed Peninsula North Secondary Planning Strategy be referred back to the Planning Advisory Committee for restudy.

Motion passed.

Grace Maternity Hospital - Building Height at Lot Line

MOVED by Alderman Cromwell, seconded by Alderman D. Grant that, as recommended by the City Planning Committee, pursuant to Section 47(2)(e) of the Land Use Bylaw, Council enter into an agreement to permit the proposed Services Link building to exceed the height limit at the property line where it abuts the Halifax Civic Hospital property line, generally as shown on Plan Nos. P200/16317 to 16319.

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A brief discussion ensued and the Motion was put and passed.

Case Nos. 5555 and 3906 - Contract Development 5837-39 Sullivan Street

MOVED by Alderman O'Malley, seconded by Alderman Jeffrey that, as recommended by the City Planning Committee, City Council rescind its motion of January 29, 1981 concerning contract development approval for 5837-39 Sullivan Street, as contained in Case No. 3906.

Motion passed.

Case No. 5478 - Rezoning: 368 Bedford Highway and 5 Dakin Drive - SET DATE FOR PUBLIC HEARING

MOVED by Alderman Flynn, seconded by Alderman Jeffrey that, as recommended by the City Planning Committee, a public hearing be scheduled to consider the proposed rezoning of:

- 1) the small portion of Lot 21C at 386 Bedford Highway from R-2, Two-Family Dwelling Zone, to C-2B, Highway Commercial Zone; and
- 2) the small portion of Lot 21D at 5 1/2 Dakin Drive from C-2B, Highway Commercial Zone, to R-2, Two-Family Dwelling Zone.

Motion passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, APRIL 20, 1988 at 5:00 p.m.** in the Council Chamber, Halifax City Hall.

Amendment to Municipal Planning Strategy: 588 Bedford Highway

MOVED by Alderman Meagher, seconded by Alderman Deborah Grant that, as recommended by the City Planning Committee, the proposal to amend the Municipal Development Plan and the Zoning Map 2M-16) for the property at 588 Bedford Highway, and for adjacent properties at 592 and 596 Bedford Highway be referred to the Planning Advisory Committee for its review and recommendation to Council and a subsequent more detailed staff report.

Motion passed.

MOTIONS

Motion Alderman R. Grant re: Amendments to Ordinance Number
147 - The Dog Ordinance - FIRST READING

Alderman R. Grant gave Notice of Motion of his intention to introduce First Reading of amendments to Ordinance Number 147, The Dog Ordinance at the February 25, 1988 meeting of City Council. The purpose of these amendments are to (1) clarify the discount date for licenses under that Ordinance and (2) to exclude owners or users of blind persons' guide dogs from payment of a license fee.

MOVED by Alderman R. Grant, seconded by Deputy Mayor Walker that City Council give First Reading to the amendments to Ordinance 147, the Dog Ordinance, as follows, and refer the said amendments to the Committee of the Whole Council for consideration and report:

BE IT ENACTED by the City Council of the City of Halifax that Ordinance 147, the Dog Ordinance be amended as follows:

(2) Subsection (2a) of Section 5 of said Ordinance 147 is repealed and the following subsection substituted therefore:

(2a) If the license prescribed by subsection (2) is paid within 30 days of the last date on which the dog is required to be licensed, the license fee shall be:

(i) if a spayed female or a neutered male dog,
..... \$15.00

(ii) if an unspayed female or an unneutered male dog, \$25.00

(3) Section 5 of said Ordinance 147 is further amended by adding immediately following subsection (6) thereof, the following subsection:

(7) This Section shall not apply to any owner of a dog who produces a certificate from the Canadian National Institute for the Blind showing that the dog is being used as a guide dog for a blind person.

Motion passed.

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QUESTIONS

Question Alderman Jeffrey re: Permission to Cut Trees
During Moving of House

Alderman Jeffrey referred to the relocation of a house situation on Main Avenue and noted that during the process of moving the house it has been determined that the house was too wide for the street. Alderman Jeffrey noted that as a result the people involved with moving the house had cut a number of branches off trees lining the street and had even cut a tree located on private property. Alderman Jeffrey asked whether or not permission had been granted to cut the branches off the trees and, if so, from whom was the permission received.

Question Alderman Jeffrey re: Report regarding City Property

Alderman Jeffrey referred to a report he had requested some time ago regarding city property. Alderman Jeffrey indicated that he had requested a listing of all city owned property within the City. Alderman Jeffrey went on to note that he did not believe that he had received this report and would like staff to prepare such a report. Alderman Jeffrey indicated that he would like a report detailing all available city owned property. Alderman Jeffrey noted that none of this land was generating taxes and suggested that it should all be sold by public tender. Alderman Jeffrey indicated that he would like all lands included noting that smaller pieces could be sold to abutting property owners.

Question Alderman Flynn re: Voting Delegates to FCM Conference

Alderman Flynn referred to the upcoming FCM Conference and requested that the matter of attendance at the conference be placed on the next meeting of the Committee of the Whole Council. Alderman Flynn noted that Council must also choose four voting delegates to the conference and requested that this decision be made at the next meeting of the Committee of the Whole Council.

Question Alderman R. Grant re: Specialty Automobile Shops in
C-2A Zone

Alderman R. Grant referred to the report he had received regarding the location of specialty automobile shops in the C-2A zone and noted that he had requested that the report include the legal definition of 'service station'. Alderman R. Grant suggested that the term 'service station' should be redefined to allow for specialty automobile shops in the C-2A zone. Alderman R. Grant noted that staff has indicated that service stations were

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permitted in the C-2A zone as they provided a neighbourhood service and that specialty shops served the city as a whole. Alderman R. Grant suggested that muffler, car radio, car glass, brake shops all provided a neighbourhood service as well. Alderman R. Grant requested a report which would outline the feasibility of redefining the term service station to include all those shops he had previously mentioned.

His Worship leaves the Chamber and Deputy Mayor Walker assumes the Chair.

Question Alderman R. Grant re: Membership - Halifax Foundation

Alderman R. Grant referred to the change in the membership of the Halifax Foundation due to the recent death of former Mayor Charles Vaughan. Alderman R. Grant suggested that this vacancy should be filled by an Alderman. Alderman R. Grant noted that the Mayor served on the Foundation as an ex-officio member; however, he felt that it would be appropriate for an Alderman to serve on the Halifax Foundation. Alderman R. Grant indicated that he understood that this would probably mean a change in the wording of the legislation establishing the Foundation and requested a report outlining the process of achieving this change.

The Acting Chairman indicated that the Legal Department would provide such a report.

Question Alderman D. Grant re: Policing of Underground Parking

Alderman D. Grant referred to a number of calls she had received regarding the parking problems being experienced in the downtown area. Alderman D. Grant asked what policing was done in the underground parking garages such as Scotia Square during the evening hours. Alderman D. Grant noted that individuals were uncomfortable parking in these underground parking garages. Alderman D. Grant asked if it was feasible to increase policing in these underground parking garages and asked that the Police Chief report with regard to providing additional policing in these garages, particularly Scotia Square.

Question Alderman Cromwell re: Letter of Condolence

Alderman Cromwell referred to the recent death of Mrs. D. McInnes and asked that His Worship forward a letter of condolence to Mr. Stewart McInnes in relation to the recent death of his mother.

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Question Alderman Cromwell re: Recreation Committee

Alderman Cromwell noted that during the budget discussions it had come to his attention that the Recreation Committee has the authority to act on recommendations forwarded from that Committee to Council if Council does not respond within two months. Alderman Cromwell indicated that he had requested that this matter be placed on the agenda of the next meeting of the Committee of the Whole. Alderman Cromwell requested that the City Clerk place this matter on the agenda for the next meeting of the Committee of the Whole and further requested that the Ordinance pertaining to this matter be circulated to members of Council.

Question Alderman O'Malley re: Report for Budget Meeting re
Capital Debt

Referring to the notice of budget meetings and the reminder regarding setting of the tax rate circulated this evening to members of Council, Alderman O'Malley requested a report including the following: (1) A breakdown of all those to whom the City owes capital debt (where the city's total capital debt is owed); (2) How much of the capital debt is internal and how much is external; (3) The rates of interest on all of the components of the capital debt.

Alderman O'Malley indicated that he would like this added to the report he had requested at the last budget meeting in relation to General Government.

His Worship returns to the meeting and the Deputy Mayor takes his seat in Council.

Question Alderman Cromwell re: Scheduling of Budget Meetings

Alderman Cromwell referred to the budget meetings set for March 28 and 29, 1988 and asked, given the urgency to set a tax rate, why a meeting had not been called for this week.

His Worship advised that unfortunately two Aldermen were away and would not be returning until next Monday.

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NOTICES OF MOTION

Notice of Motion Alderman Meagher re: Amendments to Ordinance
Number 137

Alderman Meagher gave Notice of Motion that at the next regular meeting of Halifax City Council to be held on March 30, 1988 he proposes to introduce First Reading of amendments to Ordinance 137, the Deferred Payment of Taxes Ordinance. Alderman Meagher advised that the purpose of these amendments will be:

- (1) to set the level of assets and total household income to qualify for eligibility for tax deferral at Twenty-Five Thousand Dollars and Eighteen Thousand Dollars respectively;
- (2) to extend the date for filing an application to June 30th from April 30th in any year; and
- (3) to increase the fine for submitting false information pursuant to the Ordinance from One Thousand to Fifteen Hundred Dollars.

Notice of Motion Alderman Dewell re: Amendment to Ordinance
Number 116

Alderman Dewell gave Notice of Motion that at the next regular meeting of Halifax City Council to be held on March 30, 1988 he proposes to introduce First Reading of an amendment to Ordinance 116, the Taxi Ordinance. Alderman Dewell indicated that the purpose of this amendment is to effect various changes in the Schedule of Rates for all taxi vehicles operating in the City of Halifax.

ADDED ITEMS

Section 445A - Halifax City Charter

A report from D. F. Murphy, City Solicitor, dated March 15, 1988 was submitted.

MOVED by Alderman Meagher, seconded by Alderman Cromwell that Council seek from the Province an amendment to Section 445A of the City Charter to ensure that the Nova Scotia Supreme Court, Trial Division has the power to impose a penalty for a breach of a City Bylaw or the City Charter, where in the opinion of the court such a penalty is deemed necessary.

Motion passed.

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Amendment to Act of Incorporation - Halifax Industrial Commission

The above item was added to the agenda at the request of the City Clerk. A report, dated March 21, 1988, was submitted from the Chairman of the Halifax Industrial Commission.

MOVED by Alderman Gerald O'Malley, seconded by Alderman Arthur Flynn that the Act of Incorporation of the Halifax Industrial Commission, Section 16, be amended to read as follows:

- Authority to Contract 16(1) Where the amount of the expenditure involved does not exceed in any one case seven thousand five hundred dollars, the Manager shall have the power to make all the usual contracts, purchases, or other obligations necessary for carrying on the day to day business of the Commission.
- When Consent Required 16(2) Subject to Subsection (3), where the contracts, purchase, or other obligations exceeds seven thousand five hundred dollars, the Manager is required to have prior consent of the Commission.
- Urgencies 16(3) Where the urgency of the matter prevents the calling of a meeting of the Commission, the Chairman may authorize the Manager to make an expenditure up to twenty-five thousand dollars.

Motion passed.

Nova Scotia Power Corporation Tree Cutting Policy - Alderman Flynn

This matter was added to the agenda at the request of Alderman Flynn.

Alderman Flynn addressed the matter referring to the tree trimming carried out by the contractor for Nova Scotia Power Corporation on Point Pleasant Park Drive. Alderman Flynn, having brought an actual example of the size of branch the contractor is removing from the trees, indicated that these branches were main branches of the trees. Alderman Flynn went on to note that in his estimation Nova Scotia Power was merely trying to ensure that they did not have to trim the trees every three years.

Alderman Flynn went on to note that he had received calls from the residents of Point Pleasant Park Drive concerning the tree cutting. Alderman Flynn noted that the residents are very disturbed with this situation. Alderman Flynn indicated that

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he cannot understand why the Power Corporation would continue with this destruction of the City's trees and asked if the City could do anything to stop this from happening.

Alderman Flynn went on to note that staff have indicated that they agree with the actions of the Power Corporation and noted that the meetings held between City staff and staff of the Power Corporation had not accomplished anything. Alderman Flynn went on to note that the specifications being followed by the Power Corporation were specifications developed for the Ontario backwoods and not a residential city which prides itself on its trees. Alderman Flynn further suggested that when a chain saw was involved in the trimming of a tree it was no longer trimming but, cutting.

Alderman Flynn indicated that after cutting so much of the trees away the Power Corporation was not even treating the tree. Alderman Flynn noted that the trees were being cut and no protective spraying was being applied to ensure the trees would not become diseased. Alderman Flynn suggested that this was adding insult to injury and noted that he felt the Power Corporation was ensuring that tree trimming would be unnecessary for the next 10 years.

Alderman Flynn noted that he worked in the electrical field and was aware of the hazards and dangers involved. Alderman Flynn indicated, however, that he felt the Power Corporation should have a little more discretion in trimming the trees. Alderman Flynn noted that nothing had been done in relation to this matter since he last complained about Nova Scotia Power's tree trimming practices. Alderman Flynn indicated that something must be done to stop the devastation of the city's trees.

His Worship suggested that the appropriate members of staff attend the next meeting of the Committee to respond to Council's concerns.

Alderman Cromwell addressed the matter agreeing with Alderman Flynn's statement that something must be done to stop this destruction of the City's trees. Alderman Cromwell went on to note that what he found most amazing was the lack of response from the Parks and Grounds staff. Alderman Cromwell further noted that the trees were city trees, however, it appeared that the city was powerless to stop the destruction. Alderman Cromwell indicated that he felt stronger action was required than merely having city staff come to the next meeting of the Committee of the Whole. Alderman Cromwell suggested that the City should be able to issue a cease and desist order until such time as a resolution to the problem has been found.

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His Worship then suggested that a representative from the Power Corporation be requested to attend the next meeting of Committee of the Whole in regards to this matter.

A further short discussion ensued with Alderman R. Grant noting that he put forward a proposal that the City develop a policy regarding trees. Alderman R. Grant indicated that he suggested that City trees be assessed continually. Alderman R. Grant indicated that this assessment would include growth rate, height of trees, what is done to City trees and any diseases suffered by city trees. Alderman R. Grant further indicated that he had envisioned that the policy would set up a schedule for the replacement of city trees and the selective cutting of the older trees in the City. Alderman R. Grant noted that staff had felt such a policy was unnecessary at the time.

Alderman R. Grant noted that subsequently two older trees in the city have blown over and all the trees on certain streets in the city have been lost through disease. Alderman Flynn noted that he understood that the City would have more mature trees to plant once the Cowie Hill project has been completed. Alderman R. Grant noted, however, if a policy relating to trees was in place at this time, the present situation would not have developed. Alderman R. Grant requested that staff look into the development of a reforestation program including an assessment policy.

Alderman D. Grant addressed the matter noting that she had forwarded a letter to the president of the Nova Scotia Power Corporation regarding this matter, however, she advised that she had not received a response to date. Alderman D. Grant asked if the City had any power or authority to control or stop the cutting of city trees. Alderman D. Grant asked if the City had the authority to stop Nova Scotia Power from cutting city trees if Council decides it does not wish this to continue. Alderman D. Grant indicated that she would like a report before the next meeting of the Committee of the Whole in this regard. Alderman D. Grant indicated that she would like this report prior to meeting with Nova Scotia Power and city staff to determine if there is any type of control the City can administer.

Alderman O'Malley addressed the matter noting that he hadn't seen the trees in question but, would like to have an engineering report from the Nova Scotia Power Corporation justifying the diameter of the hole being cut through which the conductors are flowing. Alderman O'Malley indicated that he didn't know the voltages on the conductors involved, however, he noted that he did know something about the electrical theory associated with a conductor.

Alderman O'Malley noted that he was aware of the potential dangers in terms of fire and the grave danger when

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dealing with high potentials. Alderman O'Malley indicated that he did not have any idea of the potentials in this situation. Alderman O'Malley asked if Council could be provided if we could get an engineering report from Nova Scotia Power in this regard. Alderman O'Malley went on to note that he did not think that the theory was so difficult that Council would not understand the contents of the report.

Alderman O'Malley indicated that the report take into consideration all of the factors Nova Scotia Power takes into consideration when determining the diameter of the necessary cut. Alderman O'Malley noted that this would include the sway of the wires, the sway of the branches under highest wind conditions, the dielectric strength of the atmosphere in this area of salt polluted air and at what voltage the dielectric strength of that will break down and cause an arc to form. Alderman O'Malley suggested that would give Council a better idea of the magnitude of the damage that is or is not being done.

In conclusion, Alderman O'Malley suggested that the Nova Scotia Power Corporation provide Council with a diagram and a very simplistic engineering report indicating whether indeed the severity of tree cutting is necessary from an electrical point of view. Alderman O'Malley further suggested that if it were not, the City could surely do something to ensure that it be restricted to that which is necessary.

Manpower Office on Gottingen Street

This matter was added to the agenda at the request of Alderman Downey.

Alderman Downey referred to a news report that indicated that the manpower office on Gottingen Street would be moved to the Terminal Road Offices as early as April 1, 1988. Alderman Downey noted that this manpower office dealt primarily with casual workers. Alderman Downey requested that the Mayor write to the Minister of Public Works requesting that this office not be moved to Terminal Road. Alderman Downey noted that moving this office would place a great hardship on a great number of people using the office.

Alderman Downey indicated that he was surprised that the Minister was proposing to close out this office in light of the fact that concerns expressed by Council regarding the Federal site have not yet received a response. Alderman Downey noted that moving the only federal office located on Gottingen Street would be disastrous for the street. Alderman Downey requested that His Worship contact the Minister as soon as possible, verify that the office is to be moved to Terminal Road and express Council's opposition to this move.

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Alderman Flynn addressed the matter noting that he could not understand why the Federal Government would move this office to Terminal Road. Alderman Flynn noted that it was apparent that there were people in the area who wanted to work and the room provided in the Manpower Office for those waiting for work was extremely successful. Alderman Flynn noted that the news report had indicated that individuals would be contacted by phone, however, he indicated that some of the people using that program had advised they did not have phones. Alderman Flynn went on to note the number of complaints one hears regarding the lack of people available to odd jobs and noted that this facility provided such a service. Alderman Flynn indicated that he did not understand the reasoning behind closing this office.

A short discussion ensued with Alderman O'Malley suggesting that a stronger pitch must be made to the Federal Government. Alderman O'Malley indicated that it appeared to him that this was a matter of consolidating Federal government offices and suggested that the Federal Government should be encouraged to consolidate their offices on Gottingen Street. Alderman O'Malley noted that he did not understand the philosophy of taking a service to the public out of a centrally located area to the far extremity of the City. Alderman O'Malley suggested that Council should recommend to the Federal Government that if consolidation is desirable, they construct facilities on Gottingen Street for this purpose rather than consolidating at their Terminal Road facilities.

9:40 p.m. There being no further business, the meeting adjourned.

HIS WORSHIP MAYOR RON WALLACE
AND
DEPUTY MAYOR J. A. WALKER
CHAIRMEN

*K/sh

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of 03/21/88

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