

**SPECIAL COUNCIL
PUBLIC HEARING
MINUTES**

Record

Council Chamber
City Hall
Halifax, Nova Scotia
8 March 1989
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, the members of Council attending joined in reciting the Lord's Prayer.

PRESENT: Deputy Mayor Richard Grant, Chairman; and Aldermen Fitzgerald, O'Malley, Pottie, Jeffrey, Leiper, and Stone.

ALSO PRESENT: City Clerk and other members of staff.

Public Hearing - Case No. 5773 - Rezoning - Lots S-1 & S-2, Dakin Drive

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

Mr. Phil Francis, Subdivision Engineer, Development Control Division addressed Council. Mr. Francis outlined the application from Cresthaven Estates to have Lots S-1 and S-2 on Dakin Drive rezoned from R-1 (Single Family Dwelling) Zone to R-2 (Two Family Dwelling) Zone (as illustrated in the staff report dated 18 January 1989).

7:40 p.m. Alderman Deborah Grant enters the meeting.

Mr. Francis responded to a brief questioning from Council.

7:50 p.m. Aldermen Hanson and Downey enter the meeting.

Mr. Shalom Mandaville representing the developer, Cresthaven Estates Limited, addressed Council. Mr. Mandeville explained that they originally wanted to guarantee to the buyers of Cresthaven Estates that their land will never be R-2. Originally, the two lots on Dakin Drive were purchased for the purpose of obtaining easement for services. He added that they now feel they made a mistake in asking for the zoning to R-1 to include all the area it does and that the marketing strategy now dictates that the area should be R-2.

Special Council
Public Hearing
08 March 1989

Mr. Mandaville responded to questions from Council. Alderman Stone asked Mr. Mandeville if these two lots were part of the covenants of Cresthaven Estates when the people looked at the plans. In response to Alderman Stone's question Mr. Mandaville asked Mr. Ralph Fiske to address Council. Mr. Fiske, representing Cresthaven Estates, agreed with Alderman Stone that the covenants do provide for R-1 zoning and the plans of the subdivision show it to be R-1. Mr. Fiske responded to further questions from Council.

8:00 p.m. Alderman Meagher enters the meeting.

As a final comment Mr. Mandaville advised Council that these two lots are owned by Cresthaven Estates Limited but are not part of Cresthaven Estates. They are really part of Dakin Drive and should be considered as a separate part of land.

At this time Alderman Leiper retired from the meeting.

Mr. Ira MacInnis, residing at 30 Grosvenor Road in Cresthaven addressed Council and read his presentation opposing the rezoning (a copy of the presentation is in the official file). Mr. MacInnis advised Council that he was speaking on behalf of the residents of Cresthaven and was including a petition signed by them. On behalf of the residents of Cresthaven Mr. MacInnis asked Council to vote no on the application because it is against all legal and moral covenants given; and reconfirm that, now and for the future, the zoning of Cresthaven Estates subdivision Phases I and II is to be R1. He advised that this will provide consistency with the written and verbal covenants which have been given by the Developer and will provide guidance to City staff on any future applications that are made that no rezonings related to these lots are to take place. Mr. MacInnis added that in his initial discussions with the people of Cresthaven, he was told that the benefit of living there would be that the surrounding lots have single-family homes, the area is already built up and that there would be no construction.

Mr. Rick Barber, residing at 26 Dakin Drive addressed Council and expressed his concern at having the two lots on Dakin Drive rezoned. He submitted to Council a letter with a petition signed by 52 people on Dakin Drive (a copy of which is included in the official file for this meeting) and noted that he was speaking for the majority of people living there. He advised Council that his reasons for opposing the rezoning were, basically, the same as Mr. MacInnis's. Specifically though, he suggested that Cresthaven's primary reason for wanting the area rezoned is because it would be financially beneficial to them. Mr. Barber added that establishing two-family homes on these lots would not

Special Council
Public Hearing
08 March 1989

enhance the rural type atmosphere which presently exists and that the increased traffic would make it a hazardous corner.

Mr. James Wright, residing at 8 Dakin Drive, addressed Council and advised that he is very concerned with increased traffic problems if this area is rezoned. Also, the character of Dakin Drive would not remain the same should these two lots be rezoned.

Ms. Irene Hilchie, residing at 27 Dakin Drive addressed Council and, with the aid of shaded diagrams, outlined her reasons why the proposed area on Dakin Drive should remain as R-1. Ms. Hilchie pointed out that when the former owner of these lots, Helen Stewart, sold the land to Cresthaven Estates, she did so with the understanding that the area would remain R-1. Ms. Hilchie expressed concern over the increased traffic that would result from rezoning and that zoning to R-2 from R-1 would represent an encroachment on an existing R-1 zone.

Mr. Peter Allen, a resident of Cresthaven Estates addressed Council and explained that he would like to point out some of the legal aspects. He read a letter from Stewart, MacKeen & Covert, Barristers and Solicitors, legal council for Cresthaven Estates advising that this letter was to his legal council who handled his purchase and sale agreement and closing. He advised that the letter was confirmation to Mr. Allen that all lots in Phase I and Phase II are zoned and no change shall be made without the prior written consent of the purchaser. Mr. Allen stated that consent has not been requested nor was it granted and that to the best of his knowledge, the lots in question are part of Phase I.

There were no further persons present wishing to address Council.

The following letters opposing the application were received: 4 March 1989, M. C. McKenna, 183 Cresthaven Dr.
4 March 1989, Bill and Patricia Currie, 20 Dakin Dr.

Alderman Stone referred to the number of presentations received at this evening's meeting and indicated that while he had some concerns for the developer, he was also concerned with the residents living in the area. The Alderman suggested that the reason the residents purchased lots in the area was because they were zoned R-1.

MOVED by Alderman Stone, seconded by Alderman D. Grant
that the application to rezone Lots S-1 and S-2 as shown on Plan No. P200/17030 of Case No. 5773, from R-1 (Single Family Dwelling) Zone to R-2 (Two Family Dwelling) Zone, be refused by City Council.

Special Council
Public Hearing
08 March 1989

Alderman Stone requested that staff review the medium-density designation of Dakin Drive and see if it should be changed to a low-density designation.

The motion was put and passed with Alderman Meagher abstaining.

Public Hearing Re: Case No. 5756 - Contract Development, 2714 Robie Street

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

Mr. Fred Haliburton, Planner, Development Control Division addressed Council and outlined the application from Tenneco Canada Inc. for contract development to permit a 24 ft. by 40 ft., two-bay extension to its existing building (Speedy Muffler King) at 2714 Robie Street (as illustrated in the staff report dated 26 January 1989).

Peter Gilbey, Shop Manager of Speedy Muffler on Robie Street addressed Council and indicated that he was representing the applicant and would answer any questions.

There were no further questions.

MOVED by Alderman Meagher, seconded by Alderman Fitzgerald that the application for contract development, lands of Tenneco Canada Inc., 2714 Robie Street, to permit a 24 ft. by 40 ft. (two-bay) extension to the existing building be approved by City Council.

The motion was put and passed.

9:00 p.m. The meeting adjourned.

HEADLINES

Public Hearing - Case No. 5773 - Rezoning - Lots S-1 & S-2, Dakin Drive 147
Public Hearing Re: Case No. 5756 - Contract Development, 2714 Robie Street 150

DEPUTY MAYOR RICHARD GRANT
CHAIRMAN

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**CITY COUNCIL
M I N U T E S**

Council Chamber
City Hall
Halifax, Nova Scotia
15 March 1989
8:00 P.M.

A regular meeting of Halifax City Council was held at this time.

PRESENT: His Worship Mayor Ron Wallace; Chairman; Deputy Mayor Richard Grant; and Aldermen Fitzgerald, Downey, O'Malley, Pottie, Hanson, Jeffrey, Leiper, Flynn, and Stone.

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

The meeting commenced with members of City Council, led by Alderman Patrick Pottie, joining in the recitation of the Lord's Prayer.

Presentation of Retirement Scroll:
Staff Sergeant Lloyd Wilson

His Worship Mayor Wallace, on behalf of members of City Council and of the City of Halifax, presented Staff Sergeant Lloyd Wilson with a Retirement Scroll in recognition of S/Sgt. Wilson's 32 years of dedicated service with the Halifax Police Department.

Presentation of Retirement Scroll:
Sergeant John Conn

His Worship Mayor Wallace, on behalf of the City, commended Sergeant John Conn on his 33 years with the Halifax Police Department and presented him with a Retirement Scroll in recognition of that service. In his remarks, Mayor Wallace noted that Sergeant Conn, in his capacity as supervisor of the Ticket Inspection Office, had handled all of the many complaints made to him in a diplomatic and sympathetic manner, and, because of this, had made a very favorable impression on behalf of the City.

MINUTES

Minutes of the last regular meeting of Halifax City Council, held on Thursday, March 2 1989, were approved on a motion by Alderman O'Malley, seconded by Alderman Pottie.

Council
15 March 1989

APPROVAL OF THE ORDER OF BUSINESS, ADDITIONS & DELETIONS

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

17.2 Appointments

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

14.2 Report - Committee of the Whole Council
Re: Halifax Harbour Clean-Up Agreement

14.3 Report - Committee of the Whole Council
Re: Extension for Setting 1989 Tax
Rates

14.4 Report - Halifax Taxi Commission Re:
Regulation of Limousine Services

14.5 Report - Transit Advisory Committee Re:
Proposed Bus Shelter Locations

20.1 Possible Acquisition: Lands of Waterfront
Development Corporation (Parcel WDC-1)

20.2 Petition Requesting Upgrading of
Titus Street

MOVED by Alderman Fitzgerald, seconded by Alderman
O'Malley that the agenda, as amended, be approved.

DEFERRED ITEMS

Case No. 5221: Contract Development -
5820-30 South Street (Canadian Cancer Society)

A public hearing on this matter had been held on
Wednesday, 22 February 1989. However, a decision on the
matter had been deferred, pending notification from the
Minister of Municipal Affairs regarding previously-submitted
amendments to the Municipal Planning Strategy and Land Use
Bylaw.

The City Clerk advised that the approval necessary
from the Minister of Municipal Affairs had been granted on 10
March 1989.

MOVED by Alderman Fitzgerald, seconded by Deputy
Mayor Richard Grant that City Council approve the entering

Council
15 March 1989

into of a development agreement between the City of Halifax and the Canadian Cancer Society and Her Majesty the Queen in right of the Province of Nova Scotia to permit construction of a mixed residential/office building at 5820-30 South Street and on a portion of the Gorsebrook lands, provided that the development is in substantial conformity with Plans No. P200/15599, 15601, 15604-06 and 16287-89 of Case No. 5221.

The City Clerk advised that Aldermen O'Malley and Flynn had been absent from the 22 February public hearing.

The motion was put and passed with Aldermen O'Malley and Flynn abstaining from the vote.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on 8 March 1989 as follows:

Granville Mall

MOVED by Deputy Mayor Richard Grant, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council:

- (i) encourage the various parties with a long-term interest in the Granville Mall (as well as members of the Barrington Street BIDC) to meet to review the situation and to try to resolve whatever difficulties there may be as amicably as possible (staff is therefore directed to set up the meeting and to advise Council of its outcome);
- (ii) authorize staff, in consultation with the Heritage Advisory Committee (HAC), to prepare design guidelines for the Mall, to ensure that the heritage character of the area is maintained.

The motion was put and passed.

Dairy Festival Shop

This matter had been forwarded to Council without recommendation, pending receipt of information from the City Solicitor's Department.

Council
15 March 1989

A private and confidential report, dated 10 March 1989, was submitted by Mr. D. F. Murphy, Q.C., City Solicitor.

At Alderman Jeffrey's request, it was agreed that this matter be deferred to the next regular meeting of Committee of the Whole Council (scheduled for WEDNESDAY, 5 APRIL 1989) to afford the Alderman an opportunity to discuss the current status of the Dairy Festival Shop with staff of the City's Building Inspection Division and of the Atlantic Health Unit.

Report - Lakes and Waterways Advisory Committee Re:
Draft Bylaw Respecting the Movement of Earth, Alternation of the Grade of Land, and Erosion and Sediment Control

MOVED by Alderman Stone, seconded by Deputy Mayor Richard Grant that, as recommended by the Finance and Executive Committee, Council table the draft Bylaw (dated 6 March 1989) Respecting the Movement of Earth, Alternation of the Grade of Land, and Erosion and Sediment Control (as submitted by the Lakes and Waterways Advisory Committee) in its entirety and that it be referred to staff for review and comment (comments to be returned to the Lakes and Waterways Advisory Committee by 12 May 1989 for incorporation in the final draft to Council).

In seconding this motion, the Deputy Mayor commended the present and former members of this volunteer committee for their diligence and hard work in bringing forward this Bylaw.

The motion was put and passed.

Tender #89-81: Six Harley-Davidson Police Motorcycles

This matter had been forwarded to Council without recommendation, pending receipt of further information from staff.

An Information Report, dated 13 March 1989, was submitted.

MOVED by Alderman Pottie, seconded by Alderman Downey that authority be granted to award Tender #89-91 to Harley Davidson Dartmouth in the amount of \$65,318.00 (funds to be made available from Account Number 126104.B0132, Traffic Motorized Equipment).

The motion was put and passed.

Council
15 March 1989

Terms of Reference - Stipends Committee

MOVED by Deputy Mayor Richard Grant, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee:

- (1) the Stipends Committee review the total remuneration received by the Mayor, the Deputy Mayor and the Aldermen (including both the base salary and the expense allowance portion of the City's remuneration) and, in doing so, it take into consideration that there is already a procedure in place for increases every year based on the incremental increases of staff;
- (2) the Stipends Committee conduct the review in an independent manner;
- (3) the Stipends Committee submit a written report on "stipends" to Council as soon as it is ready;
- (4) the Stipends Committee, upon the presentation of the written report, will have fulfilled its mandate and all its members dismissed;
- (5) Number 5 of the "Suggested Terms of Reference" for the Stipends Committee be deleted;
- (6) Council rescind its motion of 25 August 1988 regarding the hiring of a consultant.

Responding to a question from Alderman Flynn, Deputy Mayor Grant advised that, should any increases be put forward by the Stipends Committee, they will be recommended for implementation retroactive to 1 November 1988. In making this clarification, the Deputy Mayor noted that the Stipends Review had been intended to take place prior to the 1988 municipal election, but, owing to various delays, the Committee had been unable to submit a recommendation prior to that time.

Alderman Flynn advised that while he had no difficulty with the Stipends Committee undertaking a review, he could not support the concept of incumbent Aldermen voting themselves a salary increase, particularly one that had not been specified prior to the last municipal election. An amendment to the motion was therefore moved by Alderman Flynn, seconded by Alderman Fitzgerald that, should an increase or increases be recommended by the Stipends Committee, they not be instituted until 1991 (the date of the next municipal election).

Council
15 March 1989

After some discussion, the amendment to the motion was put and passed.

The motion, as amended, was put and passed.

Cases 5654/5666/5678: Cost-Sharing - Oversize Services,
Clayton Park West

MOVED by Alderman Stone, seconded by Alderman Leiper that, as recommended by the Finance and Executive Committee, City Council agree to cost-share in the construction of services in the Clayton Park West development in the estimated amounts of \$100,670.00 for the oversize street at Ratcliffe Drive; \$22,655.00 for the oversize storm sewer at Chipstone Close; and \$15,574.00 for the oversize storm sewer at Huxley Close, subject to final billings based on the quantities and unit prices of the tender.

The motion was put and passed.

Land Exchange - Lorne Terrace and Connolly Street

MOVED by Alderman Flynn, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, the Mayor and City Clerk be authorized to execute the agreement, attached to the staff report of 23 February 1989, on behalf of the City.

The motion was put and passed.

Halifax Water Commission - Expropriation:
Tomahawk Lake Lands

MOVED by Alderman Hanson, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, the City of Halifax approve the expropriation by the Halifax Water Commission of lands described in the Certificate of Approval attached to the private and confidential staff report of 28 February 1989.

The motion was put and passed.

Fairview United Church - Family Resource Centre

MOVED by Alderman Jeffrey, seconded by Alderman O'Malley that, as recommended by the Finance and Executive Committee, Council authorize the approval of a grant in the

Council
15 March 1989

amount of \$15,000 for the Parent Child Resource Centre in Fairview.

In putting forward this motion, Alderman Jeffrey (on behalf of the Fairview United Church and the Family Resource Centre) expressed his appreciation to Mr. Harold Crowell, Director of the City's Social Planning Department, and his staff for their efforts with regard to the Resource Centre.

The motion was put and passed.

Halifax Farmers Market -- Formation of Committee

On behalf of Alderman Deborah Grant, it was moved by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council approve the establishment of a committee to be composed of staff, the Halifax Farmers Market, and Aldermen Deborah Grant, Downey and O'Malley for the purpose of assisting the Farmers Market Association in finding a location for their Market.

The motion was put and passed.

Tender #89-82: One 1989 Model 4-WD Wheel Drive Truck (Halifax Police Department)

Alderman Flynn declared a possible conflict of interest with regard to this matter, and retired from the Council Chamber.

MOVED by Alderman Leiper, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, Tender #89-82 for one 1989 Model 4-WD Truck (8,600 G.V.W.) for the Halifax Police Department be awarded to Bob McDonald Chev Olds for an amount of \$22,771.00 (funds to be made available in Account Number 126104.X1720.89102, Equipment Replacement).

The motion was put and passed.

8:45 p.m. - Alderman Flynn returned to the meeting.

Quinpool Centre

MOVED by Alderman Fitzgerald, seconded by Deputy Mayor Richard Grant that, as recommended by the Finance and Executive Committee, the Mayor and City Clerk be authorized

Council
15 March 1989

to sign a letter on behalf of the City of Halifax by way of a letter of non-objection and consent to the amalgamation of FS Industries Limited, Clarence Investments Corporation Limited, FS Leased Properties Limited and HKS Investments Limited in the form attached to the staff report of 3 March 1989.

The motion was put and passed.

Petition for Concrete Curb and Gutter in Lieu of Asphalt on Wenlock Grove (Alderman Hanson)

A petition relating to this matter had been submitted by Alderman Hanson during the 8 March meeting of the Finance and Executive Committee.

MOVED by Alderman Hanson, seconded by Deputy Mayor Richard Grant that, as recommended by the Finance and Executive Committee, the petition requesting the installation of concrete curb and gutter on Wenlock Grove be forwarded to staff for review and report.

The motion was put and passed.

Break and Enters (Alderman Fitzgerald)

This matter had been forwarded to Council without recommendation.

Reiterating remarks made during the 8 March meeting of the Finance and Executive Committee, Alderman Fitzgerald spoke of his deep concern for those Haligonians (particularly the senior citizens, and those who live alone) who, because of the recent increases in residential break and enters, are reluctant to leave their homes. While emphasizing that his comments are not in any way meant to reflect poorly on the efforts in crime prevention and detection being made by the Halifax Police Department, Alderman Fitzgerald noted that, in his opinion, Halifax City Council should take a very positive stand by making its concerns known to the Solicitor General.

It was therefore moved by Alderman Fitzgerald, seconded by Alderman Jeffrey that a letter be forwarded by His Worship Mayor Wallace on behalf of Halifax City Council to the Solicitor General requesting that harsher sentences be considered for those found guilty of residential break and enters; and further, that judges hearing those cases be

Council
15 March 1989

encouraged to hand down maximum penalties to those convicted of residential burglaries.

The motion was put and passed.

REPORT - SAFETY COMMITTEE

Council considered the report of the Safety Committee from its meeting held on Wednesday, 8 March 1989 as follows:

Mobile Digital Terminals (MDT's) for Police Vehicles

This matter was forwarded to Council without recommendation, pending receipt of a report from the City Manager with regard to financing arrangements.

A staff report, dated 14 March 1989, was submitted.

MOVED by Alderman Pottie, seconded by Alderman Flynn that an amount of up to \$750,000 be made available from the equipment replacement accounts to provide for purchase of MDT equipment as recommended by the Police Commission; and that repayment to the accounts be made from the Police budgets over five (5) years, commencing in 1990.

The motion was put and passed.

REPORT - COMMITTEE OF THE WHOLE COUNCIL,
BOARDS AND COMMISSIONS

Proposed Amendment to the Membership of the Halifax Police Commission to Add an Additional Council Member -
SECOND READING

This matter had been deferred from a regular meeting of Halifax City Council held on Thursday, 12 January 1989. At that time it had been agreed that, pending completion of a two-month trial period during which regular meetings would be held between members of Council and representatives of the Halifax Police Department, the proposed amendment would be brought back for Council's consideration.

MOVED by Alderman Jeffrey, seconded by Alderman Fitzgerald that the matter be deferred to the next regular

Council
15 March 1989

meeting of Committee of the Whole Council scheduled for
WEDNESDAY, 5 APRIL 1989.

Responding to comments made by Alderman Jeffrey,
Alderman Flynn advised that he would attempt to have a report
with regard to this matter available for the 5 April meeting.

The motion to defer was put and passed.

Report - Committee of the Whole Council Re:
Halifax Harbour Clean-Up Agreement

This matter was last discussed during a special
meeting of Committee of the Whole Council held on Tuesday, 14
March 1989.

MOVED by Alderman Fitzgerald, seconded by Alderman
Hanson that, as recommended by the Committee of the Whole
Council, City Council approve the Agreement for the Halifax
Clean-Up Project, as attached to the supplementary staff
report dated 5 March 1989.

After some discussion, the motion was put and
passed.

Report - Committee of the Whole Council Re: Extension for
Setting the 1989 Tax Rates

This matter was last discussed during a special
meeting of Committee of the Whole Council held on Tuesday, 14
March 1989.

MOVED by Alderman Flynn, seconded by Alderman
Downey that Council request the Minister of Municipal Affairs
to seek, on behalf of the City of Halifax, an Order-in-
Council extending the time within which the City may
establish a tax rate for the 1989 year to 30 APRIL 1989 in
accordance with Sections 189 and 594 of Chapter 52 of the
Statutes of Nova Scotia, 1963, the Halifax City Charter.

The motion was put and passed.

Report - Halifax Taxi Commission Re: Regulation of
Limousine Services

A report, dated 13 March 1989, was submitted from
Alderman T. Jeffrey, Chairman of the Halifax Taxi Commission.

Council
15 March 1989

MOVED by Deputy Mayor Richard Grant, seconded by Alderman Hanson that authorization be granted the Halifax Taxi Commission by City Council to actively pursue an amendment to the Motor Carrier Regulations to enable municipal regulation of limousine vehicles with a seating capacity of eight or more passengers.

The motion was put and passed.

Report - Transit Advisory Committee Re: Proposed Bus Shelter Locations

A report, dated 13 March 1989, was submitted from Mr. J. R. Dexter Kaulbach, Chairman of the Transit Advisory Committee.

MOVED by Alderman Flynn, seconded by Alderman Hanson that the report, dated 13 March 1989, submitted by the Transit Advisory Committee be tabled for further consideration, in conjunction with all other transit-related aspects.

The City Manager noted that Council had previously approved several resolutions affecting the relationship between the City and Metro Transit, adding that these recommendations from the Transit Advisory Committee are intended to be viewed in that light as well.

Referring to the Committee's report, Alderman Leiper noted Recommendation (11) and asked that the bus shelter intended to be installed "on the west side of Berts Drive between Evans Avenue and Main Avenue" be changed to be placed "on Main Avenue adjacent to the Fairview Extend-A-Care."

It was agreed that Alderman Leiper's proposed amendment be incorporated in the original motion.

The motion, as amended, was put and passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on Wednesday, 8 March 1989, as follows:

Resumption of Public Hearing - Minor Variance - 2107 Oxford Street

In the absence of Alderman Meagher, this matter was deferred to later in the meeting.

Council
15 March 1989

Dickson Avenue Rezoning - Case No. 5797

MOVED by Alderman Stone, seconded by Deputy Mayor R. Grant that, as recommended by the City Planning Committee, a date be set for a public hearing to consider the rezoning of Dickson Avenue from R-2 to R-1.

Motion passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 3 MAY 1989**, at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Report - Planning Advisory Committee - Review of the Planning Advisory Committee

MOVED by Alderman Fitzgerald, seconded by Alderman Leiper that an interim report be provided to Council on the progress being made by the Review Committee and an indication of when a final decision can be expected.

Alderman Leiper expressed the need to be hasty in producing this review. She noted that the citizens on the Planning Advisory Committee are repeatedly expressing their concern about not knowing where they stand as members on this Committee.

Motion passed.

Case No. 5717: Development Agreement - 1877-79 Hollis Street for University Purposes

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the City Planning Committee, the Province of Nova Scotia be requested to submit an alternate proposal for the location of the Nova Scotia College of Art and Design propane tanks at 1877-1879 Hollis Street in keeping with this historic setting, while maintaining the safety requirements of the installation.

Motion passed.

MOTIONS

Motion - Alderman Fitzgerald - Committee to Investigate Alternate Sources of Tax Revenue

Notice of Motion concerning this matter was given by Alderman Fitzgerald during a regular meeting of Halifax City Council held on 2 March 1989.

Council
15 March 1989

MOVED by Alderman Fitzgerald, seconded by Alderman Pottie that a Committee of Council be established to investigate alternate sources of tax revenue that might be considered by the City of Halifax. This Committee will not only look at immediate and long-term options that might be available, but would also explore new sources of revenue that have heretofore not been brought forward by staff. This Committee will also urge all citizens to submit any ideas and suggestions that might increase tax revenue.

Motion passed.

MISCELLANEOUS BUSINESS

1989 Legislation - (Superannuation Act Amendments - City Charter Amendments)

A private and confidential staff report dated 10 March 1989 was submitted.

The City Solicitor addressed the matter and briefly reviewed the proposed amendments which provide for the following:

1. Making the City responsible for all of the costs of the management of the Plan, with the exception of the costs of the professional fund managers.
2. Incorporating the provisions of the Pension Benefits Act which provides that the contributions of the City shall cover not less than one-half of the commuted value of the member's pension benefits and on the termination of the member's employment the member shall be reimbursed for any amount by which the member's contributions and the earnings thereon exceed one half of the commuted value of the members's pension benefit.
3. Limiting the amount of the Canada Pension Plan offset to a maximum of 14 percent of the gross pension of a member of the Plan.
4. A provision for locked in vesting of pension benefits after two full years of employment.
5. Limiting the amount of the Canada Pension Plan offset to a maximum of 14 percent of the gross pension of a member's widow.

Council
15 March 1989

6. A provision that the fees of the professional fund managers be paid from the fund of the Plan.

9:15 p.m. Alderman Meagher enters the meeting.

MOVED by Deputy Mayor R. Grant, seconded by Alderman Fitzgerald that the proposed amendments to Chapter 90 of the Acts of 1966, The Superannuation Act, as attached to the private and confidential staff report dated 10 March 1989 be approved.

Motion passed.

With respect to the proposed amendments to the Halifax City Charter, the City Solicitor outlined a further change. The City Solicitor explained that Item #1 starting with "Section 222" of the "Act to Amend Chapter 52 of the Acts of 1963, The Halifax City Charter" should read "Section 2" and each section thereafter should be one higher number. The City Solicitor explained that Council, in the Spring of 1988, adopted a resolution providing that Council members serving on non City Boards were entitled to the remuneration applicable to that Board that paid other members of the Board. The City Solicitor, therefore, advised that Section (1) should read as follows: "Subsection (5) of Section 16 of Chapter 52 of the Acts of 1963 is amended by deleting the words "or other body for which the City provides funds including the Board of School Commissioners for the City" and substituted with the words "of the City". He went on to advise that the Section should read "The remuneration paid to the Mayor, Deputy Mayor and aldermen shall be the full amount paid to them as members of the Council for services in the Council and on any Board, Commission or Committee of the City."

The proposed amendments, in addition to new item #1, provides for the following:

1. Changing reference to the Public Service Commission to the Halifax Water Commission.
2. Enabling Council to provide for a tax concession to handicapped persons of limited income.
3. Enabling Council to establish standards and license burglar alarm systems.
4. Levying of taxes in a Business Improvement District to bring more equity to the system.

Council
15 March 1989

5. Enabling the City to grant to a property owner its interest in a right-of-way for an electric street railway which never will be built.

Following a short discussion, it was MOVED by Deputy Mayor R. Grant, seconded by Alderman Fitzgerald that the proposed amendments to Chapter 52 of the Acts of 1963, The Halifax City Charter, as outlined by the City Solicitor and as attached to the private and confidential staff report of 10 March 1989 be approved.

Motion passed.

The City Solicitor noted that a short Bill was attached to the report dealing with Legislation which could be considered at this time. He noted that the Bill dealt with reimbursement of expenses for the Aldermen.

Deputy Mayor R. Grant addressed the matter and explained that the proposed legislation allows for the Aldermen's office to deal with the procedure with respect to expenses for the Aldermen including travel expenses. Deputy Mayor R. Grant asked that this amendment be included in the package to the Legislature.

MOVED by Deputy Mayor R. Grant, seconded by Alderman Jeffrey that the following be approved:

1. Section 16 of Chapter 52 of the Acts of 1963, the Halifax City Charter, is amended by striking out subsection (5) thereof and substituting the following section:

(5) Notwithstanding any other provision of this Act, an alderman is entitled to reimbursement for travel expenses from a fund, to be known as the aldermanic expense account and established for that purpose, in such a manner as the Council from time to time by administrative order determines.

2. Section 191 of said Chapter 52, as amended by Chapter 91 of the Acts of 1969, Chapter 71 of the Acts of 1972, Chapters 57 and 69 of the Acts of 1975 and Chapter 70 of the Acts of 1983, is further amended by adding immediately following clause (bb) thereof the following clause:

(bc) the aldermanic expense account.

Subsequent to a debate on the matter, Alderman Hanson addressed the matter and advised that it was his understanding the intent of the amendment was to cover the

Council
15 March 1989

expenses of Aldermen attending functions on behalf of the City of Halifax.

MOVED in amendment by Alderman Hanson, seconded by Alderman Pottie that the motion be amended by the adding the words "and that there be a Committee of three Aldermen who would make recommendation to the Mayor for requests for approval under the Administrative Order for funds that are allocated in the approved budget."

Following a further short discussion, the amendment was put and passed.

The original motion, as amended, was put and passed.

His Worship suggested that, with Council's concurrence of the Committee of three making recommendation to the Mayor, nothing further was required. His Worship suggested that understanding existed among Council and that was all that was required.

The above subject was again raised at a later point in the meeting by Alderman Flynn who questioned whether the motion of Council was a procedural motion which could be implemented without going to the legislature.

The Chairman advised that was his understanding and indicated that the matter was only something that required the understanding of Council.

Alderman Fitzgerald also expressed the view that not every detail had to be governed by Legislation and suggested that Council had agreed with the proposal for a Committee of three Aldermen to make recommendation to the Mayor.

In response to a question, the City Solicitor advised that it was possible to implement the motion of Council without proceeding to the Legislature.

Council then agreed that the matter be considered as a procedural motion and that it was not necessary to forward the item to the Legislature.

The subject was again introduced later in the meeting by Deputy Mayor R. Grant under Questions, at which time he referred to deliberations in 1987 and to a report from the City Solicitor dated 6 May 1987. The Deputy Mayor noted that the report recommended that legislation be sought to provide for an administrative order and questioned why the opinion had changed.

Council
15 March 1989

The City Solicitor indicated that in order to respond it would be necessary to review what was written at that time, but indicated that the recommendation was made in the context of events which were taking place at that time. The City Solicitor responded to a further short questioning following which the Chairman noted that it was not necessary to seek legislation on the subject and that further discussion was not required.

His Worship noted that Council was aware that a budget exists for travel, there will be a Committee, and the Mayor's approval is required. His Worship suggested that Council proceed to the next item.

QUESTIONS

Question Alderman Flynn Re: Blasting

Alderman Flynn advised that the matter of blasting within the City limits had been raised in several meetings of Council by a number of Aldermen. He noted that the Aldermen concerned had requested a review of the ordinance. Alderman Flynn questioned whether or not the ordinance had been reviewed by staff.

The City Solicitor advised that, it was his understanding, the report which was being prepared by the Development & Planning Department was in its final form.

Alderman Flynn indicated that it was his hope that the report included parameters as to sizes of charges and the ability to withdraw and remove the permit to blast when operators continued to violate the ordinance.

Question Deputy Mayor R. Grant Re: Computers

Deputy Mayor R. Grant noted that he was surprised to find out that the proposed computer system that the Halifax School Board was considering could not be accommodated in the City's computer system. The Deputy Mayor asked for an information report on the matter explaining why the School Board's computer needs (for the administration) could not be accommodated in the City's computer system.

The City Manager advised that the City's computer system could accommodate the School Board's needs, but he noted that there may have to be further discussions and some refinement of the School Board system. The City Manager agreed to provide the Alderman with a detailed report on the matter.

Council
15 March 1989

Question Deputy Mayor R. Grant Re: Student Crossing Guards

Deputy Mayor R. Grant noted that some municipalities, i.e. Dartmouth at Wyse Road, establish Grade 6 student crossing guards wearing florescent orange belts at traffic lights. Deputy Mayor R. Grant requested a report from the Traffic Authority on their opinion as to whether or not this system would be functional in the City of Halifax.

Question Deputy Mayor R. Grant Re: Capital Budget

Deputy Mayor R. Grant inquired whether or not the capital budget deliberations were complete or whether or not Council would be deliberating it further.

His Worship Mayor Wallace advised that the Capital Budget would be brought back to Council for further deliberations.

10:05 p.m. His Worship Mayor Wallace retires from the meeting with Deputy Mayor R. Grant assuming the seat of the Chair.

Question Alderman Pottie Re: Public Meeting - Fundy Gypsum Development

Alderman Pottie asked that the City Clerk publicly advertise the public meeting scheduled for 11 April 1989 at 7:30 p.m., St. Steven's School, regarding the Fundy Gypsum Development in the local newspapers. Alderman Pottie extended a welcome to all members to attend the meeting.

Question Alderman Downey Re: City Streets

Alderman Downey expressed concern with regard to the poor condition of the City streets this year.

Mr. Connell addressed the matter and advised that the situation this year is probably one of the most severe freeze-thaw cycle situations in many years. Mr. Connell advised that the problem had been anticipated and, as a result, the department has budgeted for hot mix patching for the spring and summer in an attempt to improve the situation.

Responding to a further question from Alderman Downey concerning damage to cars because of the condition of the streets, Mr. Connell advised that the normal procedure would be for the operator to submit a claim to the City.

Council
15 March 1989

Question Alderman Downey Re: Lights between Brunswick and Uniacke Streets

Alderman Downey advised that over the past three or four weeks the lights between Uniacke and Brunswick Streets are on all day and questioned as to the reason for this.

The Director of Engineering and Works agreed to prepare a report on the matter.

Question Alderman Stone Re: Northcliffe Pool

Alderman Stone advised that the Northcliffe Pool was closed for a period because of repairs to the ceiling. Alderman Stone advised that, it was his understanding, the roof was still causing a problem. Alderman Stone asked that staff review the situation and submit a report on the matter.

Question Alderman Stone Re: Invitation to Tender for Vehicles

Alderman Stone noted that in reviewing minutes he noticed that a comment was made with regard to the fact that the City of Dartmouth does not accept bids from Halifax dealers for vehicles. Alderman Stone questioned whether or not this was a good policy.

The Deputy Mayor responded to Alderman Stone's question advising that the City of Dartmouth invites only a certain select number of people to tender for their vehicles. Deputy Mayor R. Grant further explained the situation and, as a member of the Tendering Committee, indicated that the subject would again be discussed by the Committee.

Question Alderman Jeffrey Re: Blasting

Alderman Jeffrey noted that Alderman Flynn had previously asked for a report with regard to the blasting ordinance. Alderman Jeffrey requested that the Legal Department make reference to the liability and responsibilities for damage that occurs as a result of the blasting in its report.

Question Alderman Jeffrey Re: Bicentennial Motel

Alderman Jeffrey advised that he had raised the problem with respect to tractor trailer trucks parking at the back of the Bicentennial Motel at the last Council meeting.

Council
15 March 1989

Alderman Jeffrey noted that the problem still exists and asked that staff look into the matter immediately.

Question Alderman Leiper Re: Widening of the Bedford Highway

Alderman Leiper advised that a report had been presented to Council in January with regard to the widening of the Bedford Highway. Alderman Leiper went on to advise that a number of residents have indicated a desire to view the design and are requesting an opportunity to make comment. Alderman Leiper asked that the matter be placed on the agenda for the next Committee of the Whole Council meeting scheduled for Wednesday, 5 April 1989.

Question Alderman Leiper Re: Day Care

Alderman Leiper advised that in May 1988 a report had been received in response to a question raised with respect to providing day care for the employees of the City of Halifax. She went on to note that the report recommended that Council undertake planning and development of a day care centre for the use of City employees. Alderman Leiper asked for an up-date on the matter.

Question Alderman Leiper Re: Voting System

Alderman Leiper suggested that the present system of voting can be questioned. She noted that when she attended the FCM meeting recently in Calgary, she attended one of their Council meetings where they have an automatic recorded voting system. Alderman Leiper asked for a report on the feasibility of establishing such a system in the Council Chamber.

The City Manager commented that the system was suggested initially during the design of the audiovisual system and Council, at that time, decided against it. The City Manager suggested that the system could mean an extensive up-grading of the present system, but agreed to prepare a report on the matter.

Question Alderman Leiper Re: Homes for Special Care

Alderman Leiper noted that Council has had discussions on a few occasions about the lack of funding by the Provincial Government for Homes for Special Care. Alderman Leiper referred to a letter dated 27 February 1989 sent to the Minister from the Mayor regarding the funding for Homes for Special Care. Alderman Leiper advised that a response was still pending on whether or not the City was going to receive any compensation for funding from January to

Council
15 March 1989

March. Alderman Leiper asked for an up-date on the matter of where negotiations stand.

The City Manager agreed to prepare a report on the matter.

Question Alderman Fitzgerald Re: Assessments

Alderman Fitzgerald asked that the City Manager inform Council through an information report on what the assessment appeals to date have cost the City of Halifax. The Alderman noted that he wanted to know the lost assessment plus the value in tax dollars.

Question Alderman Fitzgerald Re: Garbage Containers

Alderman Fitzgerald expressed the concern that it would be more logical to locate garbage containers approximately 100 yards away from a store rather than just outside the store. Alderman Fitzgerald asked that staff look into the possibility of selecting more practical locations for garbage containers. He suggested that the select locations could be determined by citizens or by the Aldermen.

Question Alderman Fitzgerald Re: Snow and Ice Removal

Alderman Fitzgerald advised that he was still receiving complaints with regard to snow and ice removal. Alderman Fitzgerald advised that he had discussed the matter with the Snow Committee at which time he suggested an unpolluting die as a way of determining whether or not a person had been reported on for not clearing his or her sidewalk.

The City Manager agreed to determine what the Snow Committee had decided on the matter and report back to the Alderman.

Question Alderman Fitzgerald Re: Payment for Aldermen on Boards & Commissions

Alderman Fitzgerald asked whether or not Aldermen were paid for serving on Boards and Commissions.

Deputy Mayor R. Grant advised that no Alderman received a payment for serving on a totally City controlled Board, Commission or Committee. He noted that Aldermen do receive a payment for serving on some of the boards under provincial legislation i.e. the Chairman of the School Board.

The Chairman further explained the matter and Alderman Fitzgerald questioned whether an aldermanic member

Council
15 March 1989

of the School Board who was Chairman received an amount as Chairman or an amount for being both a member and the Chairman.

Question Alderman Fitzgerald Re: Legislation

Alderman Fitzgerald asked whether or not legislation had to be re-introduced by City Council if a new Council comes in during the time the legislation is sitting with the Province.

The City Solicitor responded to the question advising that he could only recall legislation being re-introduced to a new Council on one occasion prior to 1988. The City Solicitor suggested that Council could request that a piece of legislation be re-submitted if it wished.

Alderman Fitzgerald pointed out that the change made by the City Solicitor (apparently approved by the previous Council) was something that he had never seen, and expressed the view that a more proper procedure would have been for Council to have received a report on the subject.

10:25 p.m. His Worship Mayor Wallace returns to the meeting with Deputy Mayor R. Grant taking his usual seat in Council.

Question Alderman O'Malley Re: Public Meeting on Proposed Gypsum Plant

Alderman O'Malley asked that all members of Council be advised in writing of the public meeting to be held at St. Steven's School on the proposed Gypsum Plant. Alderman O'Malley requested too that the meeting be advertised in the newspaper.

The City Clerk agreed to circulate a notice to all the Aldermen regarding the meeting and also agreed to advertise it in the local newspapers.

Question Alderman O'Malley Re: Condition of the Streets

Alderman O'Malley inquired when some of the streets that are in dreadful condition in Ward 5 might be considered for improvement.

The City Manager indicated that Alderman O'Malley would receive information on her request.

Council
15 March 1989

Question Alderman O'Malley Re: Garbage Container at the
Capital Store on Novelea Drive

Alderman O'Malley expressed concern with regard to the garbage container at the Capital Store on Novelea Drive and the rodent problem as a result of the open top container. Alderman O'Malley noted that she had asked for a report at the last meeting of City Council. Alderman O'Malley further noted that the situation is still as it was one week ago and asked for a report on what action has been taken with regard to the matter.

The City Manager agreed to tend to the matter immediately.

Question Deputy Mayor R. Grant Re: Parking Ban

Deputy Mayor R. Grant noted that he had received inquiries as to when the winter parking ban was to be lifted. The Deputy Mayor asked for an indication of when the ban was to be removed.

The City Manager agreed to report back to the Alderman on the matter.

NOTICES OF MOTION

Notice of Motion Deputy Mayor R. Grant Re: Tax Collection
Ordinance

Deputy Mayor R. Grant gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 13 April 1989**, he proposes to introduce an amendment to the Tax Collection Ordinance to set fees for tax collections through warrants of distraint.

Notice of Motion Deputy Mayor R. Grant Re: Mainland South
Community Centre Corporation

Deputy Mayor R. Grant gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 13 April 1989**, he proposes to introduce a motion that would amend the Community Centre Corporation to increase the membership of the Board of Directors by two (2) members.

Council
15 March 1989

Notice of Motion Deputy Mayor R. Grant Re: Terms of Reference
- Stipends Committee

Deputy Mayor R. Grant gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 13 April 1989**, he proposes to introduce a motion of reconsideration with respect to item 10.5 (Terms of Reference - Stipends Committee).

Notice of Motion Mayor Wallace Re: Policy 1.8 of the
Peninsula Centre Plan

His Worship Mayor Wallace gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 13 April 1989**, he proposes to introduce the following motion:

That Council consider repealing the ability to consider development agreements for townhouses in low density residential development of Peninsula Centre as provided by Policy 1.8 of the Plan and, in accordance with the procedure, that City Council forward this matter to the Planning Advisory Committee for the necessary staff report, public meeting, and recommendation.

Resumption of Public Hearing - Minor Variance - 2107 Oxford
Street

Earlier in the meeting, this matter was set aside until this time.

This matter was forwarded to Council without recommendation.

Alderman Meagher addressed the matter and advised that it was his wish to defer this item until confirmation with respect to the proposed Peninsula North Planning Strategy was received. Alderman Meagher noted that the proposed Detailed Area Plan for Peninsula North would accommodate the minor variance as of right.

The City Solicitor pointed out that Council should be aware that this item deals with illegal construction at 2107 Oxford Street. He went on to advise that any further delay of action on the matter will compromise any chances of obtaining an order to restore the building to its original form.

Council
15 March 1989

Alderman Meagher asked for a written report from the City Solicitor. Alderman Meagher asked that the report address the possibilities which could occur as a result of the approval of the Peninsula North Planning Strategy. The Alderman also asked that the report address the reason why staff had permitted the applicant to proceed with the construction of the addition to the building in the first place.

The City Solicitor agreed to prepare a report on the matter.

MOVED by Alderman Meagher, seconded by Alderman O'Malley that this matter be deferred pending receipt of a staff report.

Motion passed.

ADDED ITEMS

Possible Acquisition Lands of Waterfront Development Corporation (Parcel WDC-1)

A confidential staff report dated 9 March 1989 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Leiper that the City enter into a Purchase and Sales Agreement with the Waterfront Development Corporation to purchase Parcel WDC-1 (Lands of the Waterfront Development Corporation) containing 10,126 square feet for the sum of \$354,000.00 with funds being used from the Sale of Land Account and being subject to the prior approval of the Minister of Municipal Affairs.

Motion passed.

Petition Requesting Upgrading of Titus Street

A staff report dated 10 March 1989 was submitted.

MOVED by Alderman Leiper, seconded by Alderman Hanson that the petition attached to the staff report of 10 March 1989 be tabled and brought forward during the 1989 Capital Budget deliberations.

Motion passed.

Council
15 March 1989

11:00 P.M. There being no further business to discuss, the meeting adjourned.

HIS WORSHIP MAYOR RON WALLACE
AND
DEPUTY MAYOR RICHARD GRANT
CHAIRMEN

EDWARD A. KERR
CITY CLERK

*K/MMD

HEADLINES FOR CITY COUNCIL MINUTES
of 03/15/89

Presentation of Retirement Scroll: Sergeant John Conn	.... 154
Presentation of Retirement Scroll: Staff Sergeant Lloyd Wilson	.... 154
MINUTES	
Minutes	.... 154
DEFERRED ITEMS	
Case No. 5221: Contract Development - 5820-30 South Street (Canadian Cancer Society)	.... 155
REPORT - FINANCE AND EXEC COMM	
Granville Mall	.... 156
Dairy Festival Shop	.... 156
Tender #89-81: Six Harley - Davidson Police Motorcycles	.... 157
Report - Lakes and Waterways Advisory Committee - "Draft Bylaw Respecting the Movement of Earth ..."	.... 157
Terms of Reference - Stipends Committee	.... 158
Fairview United Church - Family Resource Centre	.... 159
Land Exchange - Lorne Terrace & Connolly Street	.... 159
Halifax Water Commission - Expropriation - Tomahawk Lake Lands	.... 159
Cases 5654/5666/5678: Cost Sharing-Oversize Services, Clayton Park West	.... 159
Halifax Farmers Market - Formation of Committee	.... 160
Tender #89-82: One 1989 Model 4 Wheel Drive Truck \$8600. G.V.W. - Halifax Police Department	.... 160
Quinpool Centre	.... 160
Break & Enter - Alderman Fitzgerald	.... 161
Petition for Concrete Curb & Gutter in lieu of Asphalt on Wenlock Grove - Alderman Hanson	.... 161
REPORT - SAFETY COMMITTEE	
Mobile Digital Terminals (MDT'S) for Police Vehicles	.... 162
REP.- COMM. OF WHOLE COUNCIL	
Proposed Amendment to the Membership of the Halifax Police Commission to Add an Additional Council Member	.... 162
Report - Committee of the Whole Council Re: Halifax Harbour Clean-Up Agreement	.... 163
Report - Halifax Taxi Commission Re: Regulation of Limousine Services	.... 163

HEADLINES FOR CITY COUNCIL MINUTES
of 03/15/89

Report - Committee of the Whole Council Re: Extension for Setting the 1989 Tax Rates	.... 163
Report - Transit Advisory Committee Re: Proposed Bus Shelter Locations	.... 164
REPORT - CITY PLANNING COMM.	
Resumption of Public Hearing - Minor Variance - 2107 Oxford Street	.... 164
Dickson Avenue Rezoning - Case No. 5797	.... 165
Case No. 5717: Development Agreement - 1877-79 Hollis Street for University Purposes	.... 165
Report - Planning Advisory Committee - Review of the Planning Advisory Committee	.... 165
MOTIONS	
Motion - Alderman Fitzgerald - Committee to Investigate Alternate Sources of Tax Revenue	.... 165
MISCELLANEOUS BUSINESS	
1989 Legislation - (Superannuation Act Amendments - City Charter Amendments)	.... 166
QUESTIONS	
Question Alderman Flynn Re: Blasting	.... 170
Question Deputy Mayor R. Grant Re: Computers	.... 170
Question Deputy Mayor R. Grant Re: Student Crossing Guards	.... 171
Question Deputy Mayor R. Grant Re: Capital Budget	.... 171
Question Alderman Pottie Re: Public Meeting - Fundy Gypsum Development	.... 171
Question Alderman Downey Re: City Streets	.... 171
Question Alderman Downey Re: Lights between Brunswick and Uniacke Streets	.... 172
Question Alderman Jeffrey Re: Bicentennial Motel	.... 172
Question Alderman Leiper Re: Widening of the Bedford Highway	.... 173
Question Alderman Stone Re: Northcliffe Pool	.... 172
Question Alderman Stone Re: Invitation to Tender for Vehicles	.... 172
Question Alderman Jeffrey Re: Blasting	.... 172
Question Alderman Leiper Re: Day Care	.... 173
Question Alderman Leiper Re: Voting System	.... 173
Question Alderman Leiper Re: Homes for Special Care	.... 173
Question Alderman Fitzgerald Re: Garbage Containers	.... 174

HEADLINES FOR CITY COUNCIL MINUTES
of 03/15/89

Question Alderman Fitzgerald Re: Snow and Ice Removal	.... 174
Question Alderman Fitzgerald Re: Payment for Aldermen on Boards & Commissions	.... 174
Question Alderman Fitzgerald Re: Assessments	.... 174
Question Alderman Fitzgerald Re: Legislation	.... 175
Question Alderman O'Malley Re: Public Meeting on Proposed Gypsum Plant	.... 175
 Question Alderman O'Malley Re: Condition of the Streets	 175
 QUESTIONS	
Question Deputy Mayor R. Grant Re: Parking Ban	.... 176
Question Alderman O'Malley Re: Garbage Container at the Capital Store on Novelea Drive	.... 176
 NOTICE OF MOTIONS	
Notice of Motion Deputy Mayor R. Grant Re: Tax Collection Ordinance	.... 176
Notice of Motion Deputy Mayor R. Grant Re: Mainland South Community Centre Corporation	.... 176
Notice of Motion Deputy Mayor R. Grant Re: Terms of Reference - Stipends Committee	.... 177
Resumption of Public Hearing - Minor Variance - 2107 Oxford Street	.... 177
Notice of Motion Mayor Wallace Re: Policy 1.8 of the Peninsula Centre Plan	.... 177
 ADDED ITEMS	
Petition Requesting Upgrading of Titus Street	.... 178
Possible Acquisition Lands of Waterfront Development Corporation (Parcel WDC-1)	.... 178

Recd.

**SPECIAL COUNCIL
PUBLIC HEARING
MINUTES**

Council Chamber
City Hall
Halifax, Nova Scotia
5 April 1989
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, the members of Council attending joined in reciting the Lord's Prayer.

PRESENT: His Worship Mayor Wallace, Chairman; Deputy Mayor R. Grant; and Aldermen D. Grant, Fitzgerald, Downey, O'Malley, Hanson, Jeffrey, and Stone.

ALSO PRESENT: Mr. G. Goneau, Acting City Solicitor; Mr. D. Murphy, Acting City Manager, City Clerk and other members of staff.

At the request of the City Clerk the following two items were added to tonight's agenda which were referred from today's Finance and Executive Committee meeting:

- (1) Legislation on expropriation
- (2) Setting the local improvement interest rate

Legislation

The above item was referred to this meeting from a meeting of the Finance and Executive Committee held earlier this date.

MOVED by Deputy Mayor R. Grant, seconded by Alderman Downey that Council approve of the proposed Sections 406 and 417 of the City Charter attached to the report from the City Solicitor dated 28 March 1989 as recommended by the Finance and Executive Committee.

The motion was put and passed .

Local Improvement Interest Rate 1989

The above item was referred to this meeting from a meeting of the Finance and Executive Committee held earlier this date.

Special Council
Public Hearing
05 April 1989

MOVED by Deputy Mayor R. Grant, seconded by Alderman Downey that under Section 389 of the City Charter, an interest rate of 11.75% be established for any Local Improvement Tax levied in 1989 as recommended by the Finance and Executive Committee.

The motion was put and passed.

Public Hearing Re: Case No. 5729: Rezoning - 3326-34 Dutch Village Road

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

Chris Reddy, Planner, addressed Council and outlined with the aid of a video the application to rezone two large lots at 3326 and 3334 Dutch Village Road from R-2P (General Residential) Zone to R-2AM (General Residential Conversion and Townhouse) Zone which staff were recommending approval of. The Applicant intends to demolish the existing structures, consolidate the lots and construct a 14 unit apartment building.

Mr. Reddy noted that the Planning Advisory Committee had not yet submitted their report on this matter.

Alderman Meagher enters the meeting.

In response to a question by Alderman Jeffrey the City Clerk informed Council that the following letters opposing the application had been received:

15 March 1989, Patricia Taylor, 5 Melrose Avenue
31 March 1989, Patricia Taylor, 5 Melrose Avenue
(petition signed by 20 people)

Mr. Paul Dube, President of the Fairview Residents Association addressed Council and indicated that Mrs. Taylor was unable to attend tonight's meeting and he was appearing on her behalf. Mr. Dube proceeded by reading three letters of opposition Mrs. Taylor had submitted to the following people all of which are in the official file of this meeting:

2 March 1989, submitted to His Worship the Mayor, Aldermen, and the Chairman of the Planning Advisory Committee

Alderman Flynn enters meeting.

29 November 1988, presentation to the Chairman of the Planning Advisory Committee at a public meeting held at Halifax West High School.

Special Council
Public Hearing
05 April 1989

15 March 1989, submitted to His Worship the Mayor and Aldermen of the City of Halifax.

Mr. Dube advised that he has come before Council in the past and made application to stop the rezoning of lands in the Fairview area for construction of 14 unit apartment buildings. He indicated that within the last year, ten to twelve 14 unit apartment buildings have been built in this area and the homeowners are very concerned. Mr. Dube added that in speaking on behalf of these residents he strongly opposes this application.

8:00 p.m. Acting City Manager enters meeting.

Mr. Anthony Robinson, Solicitor for the Developer addressed Council and suggested that a report from Planning Advisory of July, 1988 indicated that this was an appropriate area for an apartment building of this type and that the proposal his client is making is consistent with what is designated for this area. He then referred to an artist's sketch of the proposed development and summarized a report from his client (a copy of which is in the official file for this meeting) outlining the proposed development. Mr. Robinson suggested the planning strategy contemplated the type of development being proposed and advised that the developer intends to carry out a quality development. He requested Council's approval of the application.

Mrs. Anna St. Clair, Vice President of the Fairview Residents Association addressed Council and suggested that one of the problems existing in the Fairview area is the large number of apartment buildings that exist and the traffic congestion. She suggested that when an area is being developed, the people of the area should be asked what they desire. She suggested that City Council may be putting aside the interests of the people for the source of tax revenue that would be received if this apartment building was built.

There were no further persons present wishing to address Council.

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that the matter be moved to Council without recommendation.

The motion was put and passed.

Public Hearing Re: Case No. 5734: Rezoning - 3-5 Alma Crescent

Special Council
Public Hearing
05 April 1989

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

Mr. Gary Porter, Planning Technician, addressed Council and with the aid of a video presentation outlined the application to rezone 3 and 5 Alma Crescent from R-2P (General Residential) Zone, to R-2AM (General Residential Conversion and Town house) Zone, to permit construction of a 14 unit apartment building which staff recommended approval of.

Mr. Porter then responded to questions from Council.

The following letter opposing the application was received:

30 March 1989, Mr. James Stevens, 3762 Dutch Village Road

Mr. Paul Dube, President of the Fairview Residents Association addressed Council and advised that there are increasingly more apartment buildings being built in Fairview. He added that the homeowners are getting more concerned and frustrated with this development because the apartment buildings are crowding out the single family homes and in some cases apartment buildings are built around these homes. Mr. Dube suggested that this is creating an undesirable neighborhood for these homeowners as well as devaluing their property. Mr. Dube indicated that Council should put a moratorium on the area until the rezoning laws can be changed to prevent any more 14 unit apartment complexes from being built.

In response to a question by Alderman Flynn Mr. Dube indicated that keeping the area zoned R2-P is satisfactory to him.

Ms. Pat Robinson, 3663 Percy Street addressed Council and expressed her concern on the proposed rezoning. She suggested that continuing to allow apartment buildings to build in this area is not in keeping with the character of the area. She added that apartment building owners don't take care of their buildings the same way the homeowners look after their homes and this has lead to problems such as strewn garbage around the property, sidewalks that aren't shovelled in the winter, as well as increased noise in the area. Ms Robinson suggested that apartment buildings are constructed but that no one takes responsibility for what takes place in the buildings once they are completed. She referred to the problems which high density creates and suggested that one only had to look around the City and one can see the same problems in areas of high density. Ms.

Special Council
Public Hearing
05 April 1989

Robinson suggested that either Council or the developer had to take responsibility for what is being allowed to be created.

Mr. W. Fares, representing W. M. Fares and Associates addressed Council and suggested that most of the apartment buildings in this area were built approximately 20 years ago when the area was zoned medium-density. He added that the homeowners of the property in question left not because of their proposed apartment building but rather because of the medium-density zoning. He advised that to reject this application is just delaying the development.

In response to a question to Alderman Jeffrey, Mr. Fares agreed that the zoning on the property in question is R-2P medium density.

Mrs. Anna St. Clair, Vice President of the Fairview Residents Association addressed Council and expressed her concern of the increased traffic which would result if a 14 unit apartment complex was built. She advised that there is already traffic congestion problems in this area and that another apartment building would only add to the traffic problems. Mrs. St. Clair made a request to Council for information on rezoning in the Fairview area over the past five years. After some discussion, His Worship advised Mrs. St. Clair to call her Alderman or the Planning Information Office and they would give her direction on this matter.

Mr. Cliff Leighton, a resident of lower Fairview addressed Council and expressed his concerns of another apartment building being built in his area. He informed Council that the existing apartment buildings contribute to a lot of unwanted noise and excessive garbage, and in the winter time the owners neglect to shovel the snow from the sidewalks. Mr. Leighton indicated to Council that the apartment building in back of his home had been sold to three different owners in the last two years. He added that this suggested to him that the owners priorities were not in helping to enhance the area but rather in their own financial gain.

There were no further persons wishing to address Council.

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that this matter be forwarded to Council without recommendation.

The motion was put and passed.

Special Council
Public Hearing
05 April 1989

Public Hearing Re: Minor Variance Appeal - 6924-26 Mumford Road

Alderman Flynn addressed Council and advised that the applicant for the appeal was out of town for approximately two weeks. Alderman Flynn asked for guidance from Council on the appropriate way to deal with this matter. A discussion ensued and it was agreed that a reapplication for appeal would have to be made but the legal proceedings would continue. Alderman Flynn proposed a motion of deferral for four weeks.

A discussion ensued and His Worship suggested that as the appellant or his representative were not in attendance, the hearing would be terminated and a new appeal made. Alderman Flynn noted the Legal proceedings were still continuing.

MOVED by Alderman Flynn, seconded by Alderman Stone that the hearing in connection with the Minor Variance Appeal at 6924-26 Mumford Road be terminated.

The motion was put and passed.

9:00 p.m. The meeting adjourned.

HEADLINES

Added Items:	
Legislation	183
Local Improvement Interest Rate	183
Public Hearing Re: Case No. 5729	
Rezoning 3326-34 Dutch Village Road	184
Public Hearing Re: Case No. 5734	
Rezoning - 3-5 Alma Crescent	185
Public Hearing Re:	
Minor Variance Appeal - 6924-26 Mumford Road	188

HIS WORSHIP MAYOR WALLACE
CHAIRMAN

/sm

**CITY COUNCIL
M I N U T E S**

Council Chamber
City Hall
Halifax, Nova Scotia
13 April 1989
8:20 P. M.

A regular meeting of Halifax City Council was held at this time.

PRESENT: His Worship Mayor Ron Wallace, Chairman; Deputy Mayor Richard Grant; and Aldermen Deborah Grant, Fitzgerald, Downey, Meagher, O'Malley, Pottie, Hanson, Jeffrey, Leiper, Flynn, and Stone.

ALSO PRESENT: Mr. D. F. Murphy, Q.C., Acting City Manager; Mr. Barry S. Allen, representing the City Solicitor; City Clerk; and other members of City staff.

The meeting commenced with members of City Council, led by His Worship Mayor Wallace, joining in the recitation of the Lord's Prayer.

MINUTES

Minutes of the last regular meeting of Halifax City Council, held on 15 March 1989, as well as those from two special Council meetings (held on 8 March and 5 April respectively) were approved as circulated on a motion by Alderman Fitzgerald, seconded by Alderman Leiper.

APPROVAL OF THE ORDER OF BUSINESS, ADDITIONS & DELETIONS

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

- 10.1(A) Setting of the 1989 Tax Rate
- 20.1 Proposed Development Agreement:
Clayton Park Shopping Centre
- 20.2 Offences Under the Liquor
Control Act
- 20.3 Tender #89-86 - Furnishings:
North Branch Library

Council
13 April 1989

Moved by Alderman Flynn, seconded by Alderman Stone
that the agenda, as amended, be approved.

The motion was put and passed.

8:35 p.m. - Alderman Pottie retires from the meeting.

DEFERRED ITEMS

Case No. 5729: Rezoning - 3326-34 Dutch Village Road

A public hearing regarding this matter had been held on Wednesday, 5 April 1989. Correspondence, dated 10 April 1989, was subsequently received from Mr. K. H. Anthony Robinson of Crowe, Thompson (solicitor for the applicant in question).

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that Case No. 5729, the proposed rezoning of 3326-34 Dutch Village Road from R-2P (General Residential) to R-2AM (General Residential Conversion and Townhouse), be denied.

In putting forward this motion, Alderman Jeffrey noted that, should the request for rezoning be approved, the applicant proposes to build a complex consisting of 14 two-bedroom and 2 three-bedroom units in a neighborhood which, at this point in time, is largely composed of single- and two-family dwelling units. The Alderman also made reference to the fact that the portion of Dutch Village Road in question is a principal street, providing access to and from the Bicentennial Highway only 100-200 yards away.

Alderman Jeffrey referred to Policy 1.3 of the Fairview Secondary Planning Strategy which provides for the preservation of the low-rise character of the area and permits only limited infill. He emphasized that while Ward 9 residents are not unopposed to development, they very strongly feel that any projects approved for their area should be of the type which will not detract from the quality of life to which they have become accustomed. In this context, the Alderman noted the petition which had previously been submitted to Council from all abutting property owners, and indicated that, in his opinion, Council has received a very clear indication of the neighborhood's opposition to the requested rezoning and development proposal.

Council
13 April 1989

Moved by Alderman Flynn, seconded by Alderman Stone
that the agenda, as amended, be approved.

The motion was put and passed.

8:35 p.m. - Alderman Pottie retires from the meeting.

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Council
13 April 1989

The City Clerk advised that Aldermen Leiper and Flynn had been absent from the 5 April public hearing on this matter.

The motion was put and passed with Aldermen Leiper and Flynn abstaining from the vote.

8:45 p.m. - Alderman Pottie returns to the meeting.

Case No. 5734: Rezoning - 3-5 Alma Crescent

A public hearing regarding this matter had been held on Wednesday, 5 April 1989.

Alderman Jeffrey noted that, should the request for rezoning be approved, the applicant proposes to consolidate the lots at 3-5 Alma Crescent and to construct a 14-unit apartment building. The Alderman emphasized that Policy 1.3 of the Fairview Secondary Planning Strategy provides for the preservation of the existing low-rise character of the neighborhood in question while allowing "limited" infill, and suggested that "limited" in this context implies only those uses permitted by the R-2P Zone (i.e., 1-4 units). Alderman Jeffrey drew Council's attention to the fact that the quality of life in this area has already been threatened by the intrusion of several high-density uses, and emphasized that residents are extremely unhappy with infill proposals of this magnitude, feeling that they will result in the complete deterioration of the R-1 and R-2 zones. He also advised that traffic is already of some concern, owing to the narrowness of the streets in the area and the heavy concentration of school children who use these routes to access both the Titus Street Elementary School and the Halifax West High School.

It was subsequently moved by Alderman Jeffrey, seconded by Alderman Hanson that Case No. 5734, the proposed rezoning of 3-5 Alma Crescent from R-2P (General Residential) to R-2AM (General Residential Conversion and Townhouse), be denied.

The City Clerk advised that Aldermen Pottie and Leiper had been absent from the 5 April public hearing.

The motion was put and passed with Alderman Pottie and Leiper abstaining from the vote.

Council
13 April 1989

MOTIONS OF RECONSIDERATION

Motion - Deputy Mayor R. Grant: Reconsideration of City
Council Resolution of 15 March 1989 Re: Terms of
Reference - Stipends Committee

Notice of Motion with regard to the Motion of
Reconsideration had been given by Deputy Mayor Richard Grant
during a regular meeting of Halifax City Council on 15 March
1989.

MOVED by Deputy Mayor Richard Grant, seconded by
Alderman Meagher that the matter be deferred to the next
regular meeting of Halifax City Council scheduled for
Thursday, 27 April 1989.

The motion to defer was put and passed.

PETITIONS AND DELEGATIONS

Petition Alderman Pottie Re: Proposal by
Fundy Gypsum Company Limited

Alderman Pottie submitted a petition on behalf of
approximately 426 residents of Wards 5 and 6 in opposition to
the proposal by Fundy Gypsum Company Limited to construct a
plant at the Fairview Cove Industrial Site.

In tabling this petition, however, the Alderman
drew Council's attention to correspondence, dated 13 April
1989, received from Mr. G. C. Raymond, President and Plant
Manager, which indicates that Fundy Gypsum Company are
withdrawing their proposal with regard to this site.

Petition Alderman O'Malley Re: Proposal by
Fundy Gypsum Company Limited

Alderman Marie O'Malley submitted a petition on
behalf of Mrs. Veronica J. Boam (containing the signatures of
9 other residents of Ward 5 and dated 5 April 1989) in
opposition to the proposal to construct a gypsum plant at
Fairview Cove.

Council
13 April 1989

Petition Alderman O'Malley Re: Request for Rezoning
from R-3 to R-2 (Area Generally Bounded by Fuller Terrace,
Bloomfield Street, Northwood Terrace and North Street

Alderman Marie O'Malley submitted a petition on behalf of approximately 16 City residents, requesting that the R-3 zoning designation of the area generally bounded by Fuller Terrace, Bloomfield Street, Northwood Terrace and North Street, be changed to R-2. In bringing forward this petition, Alderman O'Malley requested that a staff report be prepared on this matter as quickly as possible.

Petition Alderman Downey Re: Request for Rezoning
from R-3 to R-2 (Area Generally Bounded by Fuller Terrace,
Bloomfield Street, Northwood Terrace and North Street

In conjunction with that submitted earlier by Alderman Marie O'Malley, Alderman Graham Downey submitted a petition on behalf of approximately 14 City residents (requesting that the R-3 zoning designation of the area generally bounded by Fuller Terrace, Bloomfield Street, Northwood Terrace and North Street, be changed to R-2), and asked that a staff report be prepared on the matter.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meetings held on 5 April and 13 April as follows:

Setting of the 1989 Tax Rate

This matter had been referred to Council from a special meeting of Committee of the Whole Council held earlier in the day.

A document entitled "Setting of 1989 Tax Rate & Budget" (containing a total of 12 specific resolutions on this matter) was submitted by Mr. B. G. Smith, Director of Finance.

Resolution #6

MOVED by Alderman Fitzgerald, seconded by Alderman Deborah Grant that City Council approve an amendment to the interest formula agreed on 28 March 1985 to a rate 2% above the prime bank loan rate of the City's banker, adjustable monthly, with a temporary increase of 6% above the prime bank loan rate from 1 November to 28 February; and further, that the increase of 6% be publicized in the local press by advertisement.

Council
13 April 1989

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Council
13 April 1989

Responding to a question from Alderman Hanson, the Director of Finance, Mr. B. G. Smith, advised that staff will undertake to notify taxpayers of this increase in interest rates at a time immediately preceding its commencement date. In addition, he noted that an Information Report on this increase will simultaneously be submitted to Council in order to further publicize the matter.

The motion was put and passed with the following votes being recorded:

FOR: Deputy Mayor Richard Grant; and Aldermen D. Grant, Fitzgerald, Pottie, Hanson, Jeffrey, Leiper, Flynn, and Stone (9)

AGAINST: Aldermen Downey, Meagher and O'Malley (3)

On the recommendation of Alderman Fitzgerald, it was subsequently agreed that, with the exception of Resolution #11, none of the votes on the following resolutions would be recorded.

Resolution #1

MOVED by Alderman Jeffrey, seconded by Alderman Pottie that City Council ratify the decisions of the Committee of the Whole Council with respect to the 1989 Operating Budget (as per the summary of Revenue and Expenditures for 1989 attached to the document entitled "Setting of 1989 Tax Rate & Budget").

The motion was put and passed.

Resolution #2

MOVED by Alderman Fitzgerald, seconded by Deputy Mayor Richard Grant that the Operating Budget for the civic year 1989 be fixed at \$216,014,406.

The motion was put and passed.

Resolution #3

MOVED by Alderman Deborah Grant, seconded by Alderman Hanson that the gross expenditures for the Halifax District School Board for the civic year 1989 be set at \$72,802,960.

Council
13 April 1989

Alderman Flynn, Chairman of the Halifax District School Board, expressed very deep concern regarding the reductions made in the budget originally submitted by the Board and moved an amendment to the original motion, seconded by Alderman Jeffrey that an additional \$100,000 be added.

The amendment was put and lost.

The original motion was put and passed.

Resolution #4

MOVED by Alderman Hanson, seconded by Alderman Pottie that the interest rate on all reserves for 1989 be fixed at 5.0%.

The motion was put and passed.

Resolution #5

MOVED by Deputy Mayor Richard Grant, seconded by Alderman Stone that City Council ratify the motion of the Committee of the Whole Council with respect to the content and amount of the 1989 Capital Budget (as per the summary attached to the document entitled "Setting of 1989 Tax Rate & Budget) with a gross of \$25,186,000 and a net of \$14,310,000.

The motion was put and passed.

Resolution #7

MOVED by Alderman Fitzgerald, seconded by Alderman Leiper that Council adopt a policy that would allow funds from the social assistance budget to be used for training or job creation for people in need of assistance, providing such funds are cost-shared at a rate that is not less than the current Provincial cost-sharing formula for social assistance payments.

The motion was put and passed.

Resolution #8

MOVED by Alderman Fitzgerald, seconded by Deputy Mayor Richard Grant that \$2,820,000 be appropriated from Capital surplus to the 1989 Revenue Budget. The motion was put and passed.

Council
13 April 1989

Resolution #9

MOVED by Alderman Fitzgerald, seconded by Alderman Leiper that \$3,862,506 be appropriated for the Cumulative Net Operating Deficit from the 1989 Operating Budget.

The motion was put and passed.

Resolution #10

MOVED by Deputy Mayor Richard Grant, seconded by Alderman Pottie that the provisions of Section 41(2) to (9) inclusive of the Assessment Act shall not apply to the City of Halifax, with the result that there shall be no residential occupancy tax in the City of Halifax for the taxation year 1989.

The motion was put and passed.

Resolution #11

MOVED by Deputy Mayor Richard Grant, seconded by Alderman Hanson that the tax rate for the year 1989 be set at \$3.6219 per hundred dollars of assessment. This rate shall be applied to:

- (a) the full assessed value of property of a business character and nature;
- (b) 36.54% of a residential character and nature; and
- (c) occupancy taxes as follows:
 - (1) the tax rate applied to 50% of the assessed value of the property of a business character or nature, as determined by the Assessor under Section 7(1) of the Assessment Act;
 - (2) 25% of the assessed value of the properties as set out in Section 7(2)(a) of the Assessment Act, as determined by the Assessor;
 - (3) 75% of the assessed value of the properties as set out in Section 7(2)(b) of the Assessment Act, as determined by the Assessor.

The motion was put and passed with the following votes being recorded:

Council
13 April 1989

FOR: Deputy Mayor Richard Grant; and Aldermen Deborah Grant, Pottie, Hanson, Jeffrey, Leiper, Flynn and Stone (8)

AGAINST: Aldermen Fitzgerald, Downey, Meagher, and O'Malley (4)

Resolution #12

MOVED by Deputy Mayor Richard Grant, seconded by Alderman Deborah Grant that the Fire Protection Rate be set at \$0.051 per hundred dollars of assessment for the year 1989.

The motion was put and passed.

ADOPTED RATES

	<u>1988</u>	<u>1989</u>	<u>% Increase</u>
Residential	\$1.2770	\$1.3744	7.63%
Business Occupancy	\$3.3645	\$3.6219	7.65%
Commercial Property	\$3.4135	\$3.6729	7.60%
Fire Protection	\$0.0490	\$0.0510	4.08%
Split	0.3650	0.3654	0.11%
Ratio Comm/Res.	2.6731	2.6724	- 0.03%

10:00 p.m. - The meeting was adjourned for a brief recess.

10:15 p.m. - The meeting reconvened with the same members being present with the exception of Alderman T. Jeffrey.

Presentation - Canadian Cancer Society

MOVED by Alderman Flynn, seconded by Alderman Leiper that, as recommended by the Finance and Executive Committee, City Council endorse the request of the Canadian Cancer Society for a capital donation of \$150,000 (to be spread over a ten-year period beginning in 1990), and that staff be instructed to submit a report as to how this request can best be accommodated.

The motion was put and passed.

Council
13 April 1989

Akins Cottage - Apex Developments Limited

MOVED by Alderman Downey, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, the City advise the estate of Peter Mettam that it has no interest in exercising its right of first refusal to re-purchase the Akins Cottage.

The motion was put and passed.

Nathan Greene Square

This matter had been forwarded to Council without recommendation, pending receipt of a supplementary staff report.

A supplementary staff report, dated 10 April 1989, was submitted. Correspondence was also received from Ms. Jennifer Tilley, 6147 Cedar Street (dated 10 April 1989) and from Lucy and Brian Donovan, P. O. Box 284, Armdale (dated 11 April).

MOVED by Deputy Mayor Richard Grant, seconded by Alderman Deborah Grant that Council affirm its position concerning the use of Nathan Green Square as a "park," and that the appropriate bodies (e.g., City staff and/or the Planning Advisory Committee) be asked to make recommendation to Council concerning the rezoning of this area from "Commercial" to "Park and Institutional;" and further, that the proposal put forward by Mr. Gerard Murphy for this site be denied.

In putting forward this motion, the Deputy Mayor noted that, as part of the rezoning process, a public hearing will be convened to receive further public input on the matter.

Speaking in support of the motion, Alderman Hanson asked that the kiosk presently located in the Square be considered for an alternate use such as the sale of food stuffs.

Responding to Alderman Hanson's request, His Worship indicated that staff would be asked to address this recommendation in their forthcoming report.

Alderman Flynn, speaking in opposition to the motion, noted that there would appear to be a false impression that the present park-like atmosphere of the Square would be negatively affected by the changes proposed

Council
13 April 1989

by Mr. Murphy. He emphasized that, in reality, Mr. Murphy is suggesting the removal of only two trees as well as permission to locate kiosks in the Square on a temporary basis (i.e., throughout the summer season). Alderman Flynn went on to indicate that, in his opinion, Mr. Murphy was merely attempting to provide a much-needed service to the City in terms of control and maintenance, and made reference to the litter and confusion caused by the street vendors who have located on this site, particularly during previous Buskers Festivals.

With reference to Alderman Flynn's concerns, Alderman Pottie suggested that the City review Nathan Greene Square in conjunction with the recently-amended provisions of Ordinance 180 to ensure that appropriate controls are established for the street vendors wishing to locate on this site.

Concurring with Alderman Pottie's remarks, the Deputy Mayor further clarified that his motion was intended to prohibit the establishment of permanent kiosks or other such structures in Nathan Greene Square.

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

Motion Alderman Flynn Re: Reconsideration of City Council Resolution of 16 February 1989 (Solomon & Nassin)

This matter was forwarded to Council without recommendation.

Alderman Flynn addressed the matter and noted that the Provincial Director of Assessment will be attending the Committee of the Whole Council meeting scheduled for 3 May 1989 and, therefore, MOVED, seconded by Deputy Mayor R. Grant that this matter be deferred to the Committee of the Whole Council meeting scheduled for 3 May 1989.

Motion passed.

Dairy Festival Shop

This matter was forwarded to Council without recommendation.

In the absence of Alderman Jeffrey it was MOVED by Alderman Hanson, seconded by Alderman D. Grant that this matter be deleted from the agenda at this time.

Motion passed.

Proposed Amendment to the Membership of the Halifax Police Commission to Add an Additional Council Member

This matter was forwarded to Council without recommendation.

Council
13 April 1989

MOVED by Alderman Hanson, seconded by Alderman Leiper that this matter be deferred to the next regular meeting of the Committee of the Whole Council scheduled for WEDNESDAY, 19 APRIL 1989.

Motion passed.

Acquisition of Service Easement - Forest Hill Dr.

This matter was forwarded to Council without recommendation.

MOVED by Alderman Stone, seconded by Alderman Fitzgerald that Service Easement M-1 as shown on Plan #TT-42-30034 be acquired from Ada and Hickman Munden for the sum of \$4,850 as settlement in full. Funds can be made available from Capital Account No. DB014, the Forest Hill Storm Sewer Project.

Motion passed.

Expropriation Settlement - Service Easement SE-C Civic #218 Bedford Highway

This matter was forwarded to Council without recommendation.

MOVED by Alderman Stone, seconded by Alderman Leiper that the expropriation of Service Easement SE-C as shown on Plan #TT-42-29948 be settled with the owner, Mr. Roland E. Comeau, for \$18,569.85. Funds are available in Account No. DB014, the Capital Account for the project.

Motion passed.

Lease of City Land to Ashburn Golf Club

This matter was forwarded to Council without recommendation.

MOVED by Alderman Hanson, seconded by Alderman Leiper that this matter be deferred to the next regular meeting of the Committee of the Whole Council scheduled for WEDNESDAY, 19 APRIL 1989.

Motion passed.

Ecology Action Centre Request Backyard Composting Project

This matter was forwarded to Council without recommendation.

MOVED by Alderman Leiper, seconded by Alderman D. Grant that, subject to the Ecology Action Centre receiving approval from Environment Canada for a backyard composting

Council
13 April 1989

project, \$659.20 be made available from D2606 Recycling in the 1989 Proposed Operating Budget.

Alderman Leiper advised that she had heard recently where another municipality was partaking in a similar project. She advised that the suggestion was made that a receiving centre be set up by the Parks and Grounds Division for any residents living in apartment buildings and interested in participating in such a project. Alderman Leiper asked that the City's Parks and Grounds Division address the possibility of the City of Halifax initiating such a program for residents who live in apartment buildings.

Motion passed.

Mainland South Community Centre - Board of Directors

This matter was forwarded to Council without recommendation.

Deputy Mayor R. Grant addressed the matter and advised that he had originally intended to give notice of motion that would amend the Community Centre Corporation to increase the membership of the Board of Directors by two (2) members but, on the advise of the City Solicitor, wished to withdraw that motion. He explained that the City Solicitor suggested that only a letter to the Province was required.

It was MOVED by Deputy Mayor R. Grant, seconded by Alderman Hanson that a letter be forwarded to the Province asking that the membership of the Board of Directors for the Community Centre Corporation be increased by two (2) members (to provide for a provincial and a City appointee).

Motion passed.

Hotel Association of Halifax - Marketing Proposal

MOVED by Alderman D. Grant, seconded by Alderman Fitzgerald that, as recommend by the Finance and Executive Committee, City Council support the proposal to introduce a room/night charge in certain of the local hotels (as outlined in the 5 April 1989 staff report) by providing approval in principle.

Alderman D. Grant congratulated the Hotel Association for coming together collectively in this excellent way to find dollars to promote the City of Halifax.

Alderman Flynn noted that the motion primarily gives Council's support for the Hotel Association to approach

Council
13 April 1989

the provincial government to acquire the necessary legislation in order to levy this tax.

Motion passed.

Meetings - MLA's

This matter was forwarded to Council without recommendation.

Alderman Leiper addressed the matter and advised that a number of concerns have been raised recently with respect to the lack of communication with the Province. Alderman Leiper emphasized the need for another meeting with the MLA's.

The Chairman advised that he had spoken with the Speaker of the House earlier on this date who has agreed to arrange the meeting before the end of April.

MOVED by Alderman Leiper, seconded by Alderman Fitzgerald that members of Council meet with the MLA's representing the Government in power and that a further meeting be arranged with those representing the opposition.

Motion passed.

Employee Day Care

This matter was forwarded to Council without recommendation.

Alderman Leiper addressed the matter and advised that it is becoming more and more the trend for employers to provide a day care for its employees. Alderman Leiper referred to the staff report submitted at the last Finance and Executive Committee meeting dated 29 March 1989 which she noted indicates that Bloomfield School would be an excellent location for a day care centre for staff. Alderman Leiper suggested that this site would prove very beneficial to both seniors and children alike as well as the City's employees who are in need of day care services.

MOVED by Alderman Leiper, seconded by Alderman Flynn that staff address the possibility of establishing a day care for municipal employees in the Bloomfield School.

Motion passed.

Council
13 April 1989

VIA Rail

This matter was forwarded to Council without recommendation.

Deputy Mayor R. Grant addressed the matter and emphasized the need to inform the Federal Government that the existing main via rail link was an appropriate way to travel across this Country and that the service was very important to the citizens of Halifax.

It was noted that a motion was not required as a letter has already been forwarded.

Mobile Street Vendors - Tendering

This item was forwarded to Council without recommendation.

Alderman Flynn addressed the matter and questioned when the tenders were being called for the mobile street vendors.

The Alderman was informed that the call for tenders was in today's newspaper.

REPORT - COMMITTEE ON WORKS

Council considered the report of the City Planning Committee from its meeting held on 5 April 1989 as follows:

Building - North East corner of Bilby and Agricola Streets

This matter was forwarded to Council without recommendation.

Alderman O'Malley addressed the matter and advised that she was very concerned about the condition of the building located at the north east corner of Bilby and Agricola Streets. Alderman O'Malley advised that she had received a number of calls during the winter months with regard to the fact that there wasn't any snow shovelling or clearing of ice on the property. The Alderman went on to advise that the building was boarded up and that a large Federal election sign still existed on the building. Alderman O'Malley expressed the concern that the building was unsightly and asked that she be provided with a written report from Mr. MacEachern, Building Inspector, with an indication of the property's owner and the future plans for the building.

Council
13 April 1989

The Acting City Manager suggested that a report may be forthcoming by the next regular meeting of the Committee of the Whole Council scheduled for Wednesday, 19 April 1989.

Widening of the Bedford Highway

MOVED by Alderman Stone, seconded by Alderman Flynn that, as recommended the Committee on Works, the action taken during the 4 April Capital Budget discussions (as follows) be affirmed:

THAT the project regarding the widening of the Bedford Highway be deferred until such time as staff have explored alternatives both to the Bedford Highway situation in particular (none to include a four-lane system) and for the traffic problems throughout the City as a whole AND FURTHER, that the services of the consulting firm (presently under contract to the City with regard to the widening of the Bedford Highway) be terminated.

Alderman Leiper addressed the matter and submitted a report entitled "Task Force on City Traffic".

Alderman Leiper noted that she had raised the concern in the past about the need for public input on the overall traffic situation. The Alderman urged that public input be received before any further action is taken on road improvements.

Alderman Leiper proposed a motion that a Task Force on City Traffic be struck as soon as possible consisting of the following: a transportation engineer, a representative from the Planning Department, two aldermen, a representative from the Provincial Department of Transportation, a representative from Metro Transit, the Director of Engineering and Works, a representative of the Downtown Business District, a representative from the Spring Garden Road Business District, and possibly a representative from the Department of Municipal Affairs.

Alderman Downey asked that the Gottingen Street Merchants Association also be involved in the Task Force.

Deputy Mayor R. Grant suggested that a further review of the present data gathered with respect to traffic should be undertaken before establishing a task force. The Deputy Mayor further suggested that only the areas with major traffic problems be reviewed rather than concentrating on the whole of the City.

Council
13 April 1989

Alderman D. Grant addressed the matter and advised that she was supportive of a task force and emphasized a need to review the traffic problems in Mainland North. Alderman D. Grant expressed concern with regard to the composition of the task force and suggested that a representative from the Board of Trade and the Canadian National should also be included on the Task Force. Alderman D. Grant further suggested that perhaps three or four aldermen sit on the task force rather than two.

Alderman Leiper indicated that she had no problem with the composition of the task force being altered to include the suggestions put forth by Alderman Downey and Alderman D. Grant.

MOVED in amendment by Alderman Leiper, seconded by Alderman Fitzgerald that a Task Force on City Traffic be struck as soon as possible consisting of the following: a transportation engineer, a representative from the Planning Department, three or four aldermen, a representative from the Provincial Department of Transportation, a representative from Metro Transit, the Director of Engineering and Works, a representative of the Downtown Business District, a representative from the Spring Garden Road Business District, possibly a representative from the Department of Municipal Affairs, a representative from the Gottingen Street Merchants Association, a representative from the Board of Trade, and a representative of the Canadian National.

Following a short discussion, Alderman Leiper responded to a question raised by Alderman D. Grant and suggested that the Task Force could bring their first report to Council before the end of the year.

Amendment passed.

The original motion was put and passed as amended.

Renumbering - Brook Street

This matter was forwarded to Council without recommendation with a request from Alderman Jeffrey to the Director of Engineering and Works that a staff report be submitted pertaining to the possible renumbering of Brook Street.

A staff report dated 11 April 1989 was submitted.

Council
13 April 1989

MOVED by Alderman Hanson, seconded by Deputy Mayor R. Grant that City Council, in accordance with Section 352 of the City Charter, authorize the renumbering of Brook Street as shown on the sketch attached to the staff report of 10 March 1989.

Motion passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on 5 April 1989 as follows:

Report - Planning Advisory Committee - Accommodation for Extended Households

MOVED by Alderman Hanson, seconded by Alderman Fitzgerald that as recommended by the City Planning Committee information be requested from staff concerning the amendments necessary to legalize the extended household usage, as described during the City Planning Committee on 5 April and in the report dated 26 February 1989 from the Planning Advisory Committee.

Motion passed.

11:20 p.m. His Worship Mayor Wallace retires from the meeting with Deputy Mayor R. Grant assuming the seat of the Chair.

Case No. 5753: Amendment to Modification Agreement - 2650 Dublin Street

This matter was forwarded to Council without recommendation.

MOVED by Alderman Meagher, seconded by Alderman Downey that City Council set a date for a Public Hearing to consider an amendment to Paragraph 2 of the development agreement approved by Council on 27 August 1981 for the property located at 2650 Dublin Street (also known as 6333-37 Seaforth Street).

Motion passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 17 MAY 1989 AT 7:30 P.M.** in the Council Chamber, Halifax City Hall.

Council
13 April 1989

Case No. 5774: Amendment to Existing Development Agreement -
Schedule "K", 185 Farnham Gate Road

This matter was forwarded to Council without recommendation.

MOVED by Alderman Stone, seconded by Alderman Leiper that City Council set a date for a Public Hearing to consider an amendment to the existing development agreement for Rockingham Ridge as it applies to 185 Farnham Gate Road to permit the creation of a day care centre in the first floor of an apartment building which is now under construction.

Alderman Stone noted that meetings had been held regarding day care centres and a request had been made for a staff report on the matter of signs, fences, numbers, etc. The Alderman indicated that no report had been received to date. The Chairman advised that the matter was on the next Committee of the Whole Council meeting scheduled for 19 April 1989.

Motion passed.

The City Clerk advised that the requested public hearing would be scheduled for WEDNESDAY, 17 MAY 1989 at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Case No. 4747: Lots A-6 and A-7 Knightsridge Subdivision

This matter was forwarded to Council without recommendation.

MOVED by Alderman Stone, seconded by Alderman Pottie that, in accordance with the Stage II, Schedule "K" agreement for Lots A-6 and A-7, Knightsridge Subdivision, City Council grant approval to final site plans for the lots as shown on Plan No. P200/17102 attached to the staff report of 20 March 1989.

11:25 p.m. His Worship Mayor Wallace returns to the meeting with Deputy Mayor R. Grant taking his usual seat in Council.

Motion passed.

Civic #5780 West Street

This matter was forwarded to Council without recommendation.

Council
13 April 1989

Alderman Meagher addressed the matter and referred to a report he received from Mr. H.A. MacEachern, Manager of Inspection Services, regarding the building located at Civic No. 5780 West Street. Alderman Meagher noted that Mr. MacEachern indicates in his report that the subject property was being converted from an (8) unit apartment building to a (30) unit rooming house. Alderman Meagher expressed the concern that the property was located in an C-2/R-3 zone and the fact that the building was raised 10 feet. The Alderman suggested that, with addition of another storey, the building was raised to its maximum height level. He went on to advise that the interior of the building had been completely renovated. Alderman Meagher further noted that the rumours exist that the building was not only going to be a (30) unit rooming house but that it was going to be used as a hotel during the summer months. The Alderman also expressed concern with regard to the fact that a provision had not been made for parking or fire protection for this building.

Alderman Meagher asked that this matter be placed on the agenda for the next Committee of the Whole Council meeting and that a written report be submitted addressing his concerns. The Alderman suggested that perhaps Mr. MacEachern could attend the meeting to address the item. In addition to the above concerns, Alderman Meagher indicated that he would also like the report to address whether or not the building would be supervised, washroom facilities, eating facilities, why the area is zoned C2-R3, and whether or not the building was attached to any other buildings.

MOVED by Alderman Meagher, seconded by Alderman Downey that this matter be forwarded to the next regular meeting of the Committee of the Whole Council scheduled for Wednesday, 19 April 1989, pending receipt of a staff report.

Motion passed.

MOTIONS

Motion - His Worship Mayor Wallace Re: Employment Equity

His Worship Mayor Wallace addressed the matter and advised that Ms. Linda Parker, the authority on employment equity working in Ottawa, will be in Halifax this coming week on various assignments. Mayor Wallace noted that Ms. Parker has agreed to meet with the Management Committee on Tuesday and with the Committee of the Whole Council on Wednesday, 19 April 1989. His Worship indicated that the session with Ms. Parker at the Committee of the Whole Council meeting will help him in his preparation of a report and

Council
13 April 1989

program on employment equity for the following Council meeting.

MOVED by Alderman Fitzgerald, seconded by Alderman D. Grant that this matter be deferred to the next regular meeting of the Committee of the Whole Council scheduled for Wednesday, 19 April 1989.

Motion passed.

Motion - Deputy Mayor R. Grant Re: Tax Collection Ordinance - FIRST READING

Notice of Motion concerning this matter was given by Deputy Mayor R. Grant during a regular meeting of Halifax City Council held on 15 March 1989.

MOVED by Deputy Mayor R. Grant, seconded by Alderman Fitzgerald that Council give FIRST READING to an amendment to the Tax Collection Ordinance, being City of Halifax Ordinance 145, as enacted and approved by the Minister of Municipal Affairs on 1 March 1978 as amended, by adding the following section:

6. An officer executing a warrant issued under the authority of the Assessment Act is entitled to a fee of \$30.00 plus 2.25% of the outstanding taxes to a maximum of \$500.00 plus any actual expenses incurred in lieu of those fees set out in subsection 128(5) of the Assessment Act.

Motion passed.

Motion - Deputy Mayor R. Grant Re: Mainland South Community Centre Corporation

This matter was dealt with earlier in the meeting under agenda item 10.11.

Motion - Mayor Wallace Re: Policy 1.8 of the Peninsula Centre Plan

Notice of Motion concerning this matter was given by His Worship Mayor Wallace during a regular meeting of Halifax City Council held on 15 March 1989.

MOVED by Alderman Fitzgerald, seconded by Alderman D. Grant that this matter be deferred to the next regular meeting of the Committee of the Whole Council scheduled for WEDNESDAY, 19 APRIL 1989.

Motion passed.

Amended

Council
13 April 1989

MISCELLANEOUS BUSINESS

Appointments

MOVED by Alderman Fitzgerald, seconded by Alderman D. Grant that George Mitchell, Q.C., be appointed to the Halifax Police Commission with a term to expire 31 January 1989.

Motion passed.

MOVED by Alderman D. Grant, seconded by Alderman Fitzgerald that the following appointments be approved:

Lakes and Waterways Advisory Committee

Allan MacKinnon - Term to expire 31 January 1990

Election Procedures Committee

Deputy Mayor Richard Grant

Alderman Graham Downey

Alderman Walter Fitzgerald

Alderman Bill Stone

- Terms to expire upon completion of mandate

Committee to Investigate Alternate Sources of Tax Revenue

Alderman Walter Fitzgerald

Alderman Deborah Grant

Deputy Mayor Richard Grant

Alderman Ron Hanson

- Terms to expire upon completion of mandate

Motion passed.

MOVED by Alderman Meagher, seconded by Deputy Mayor R. Grant that Alfred Hamshaw be appointed to the Halifax-Dartmouth Port Development Commission for a period of one year.

Motion passed.

City of Halifax Day - Art Gallery

A memorandum from His Worship Mayor Wallace dated 10 April 1989 was submitted.

Referring to the report submitted, Alderman Flynn suggested that Council had, at a previous meeting, endorsed the naming of the Halifax Salon within the Art Gallery complex "The Elizabeth S. Nutt Gallery".

Record

* AMENDED PAGE *

Council
13 April 1989

MISCELLANEOUS BUSINESS

Appointments

MOVED by Alderman Fitzgerald, seconded by Alderman D. Grant that George Mitchell, Q.C., be appointed to the Halifax Police Commission with a term to expire 31 January * 1991 *.

Motion passed.

MOVED by Alderman D. Grant, seconded by Alderman Fitzgerald that the following appointments be approved:

Lakes and Waterways Advisory Committee

Allan MacKinnon - Term to expire 31 January 1990

Election Procedures Committee

Deputy Mayor Richard Grant

Alderman Graham Downey

Alderman Walter Fitzgerald

Alderman Bill Stone

- Terms to expire upon completion of mandate

Committee to Investigate Alternate Sources of Tax Revenue

Alderman Walter Fitzgerald

Alderman Deborah Grant

Deputy Mayor Richard Grant

Alderman Ron Hanson

- Terms to expire upon completion of mandate

Motion passed.

MOVED by Alderman Meagher, seconded by Deputy Mayor R. Grant that Alfred Hamshaw be appointed to the Halifax-Dartmouth Port Development Commission for a period of one year.

Motion passed.

City of Halifax Day - Art Gallery

A memorandum from His Worship Mayor Wallace dated 10 April 1989 was submitted.

Referring to the report submitted, Alderman Flynn suggested that Council had, at a previous meeting, endorsed the naming of the Halifax Salon within the Art Gallery complex "The Elizabeth S. Nutt Gallery".

Council
13 April 1989

Staff confirmed that Council had previously approved the naming of the Halifax salon in the Art Gallery as "The Elizabeth S. Nutt Gallery".

MOVED by Alderman D. Grant, seconded by Alderman Stone that Sunday, 30 April 1989 be declared CITY OF HALIFAX DAY at the Art Gallery.

Motion passed.

QUESTIONS

Question Alderman Fitzgerald Re: Proposed National Aquarium

Alderman Fitzgerald advised that he had heard a rumour that a national aquarium was proposed for the waterfront. Alderman Fitzgerald indicated that he was unsure of the City's role with respect to this major development. The Alderman asked for a report on the matter with an indication of what the City could do, if anything, to acquire such a facility and Federal funding.

Question Alderman Fitzgerald Re: Assessment Loss

Alderman Fitzgerald expressed the concern that the City has experienced an approximately \$10,000,000.00 assessment loss over the last few years. Alderman Fitzgerald suggested that a message be sent to the Province indicating that the City is concerned about the loss in assessments and is determined to have the problem rectified. The Alderman suggested that perhaps the Province should be responsible for the losses rather than the City.

His Worship Mayor Wallace advised that a letter will be circulated to members of Council from Mayor Savage suggesting that the four municipalities meet and dialogue with the Province concerning this matter.

Question Alderman Fitzgerald Re: Synchronized Lighting System

Alderman Fitzgerald asked for a report on the proposed installation of a synchronized traffic lighting system. The Alderman asked that the report be circulated to all members of Council.

Council
13 April 1989

Question Alderman Pottie Re: Blasting

Alderman Pottie read a letter on behalf of Alderman Jeffrey from a citizen concerning blasting at the Bayers Industrial Park. The letter expressed the concern that the blasting in this area was of a loud sound magnitude and was causing problems. Alderman Pottie asked that staff look into the matter and report back to Alderman Jeffrey.

Question Alderman Pottie Re: Canadian Red Cross Society

Alderman Pottie read a letter on behalf of Alderman Jeffrey with regards to the storage space for the Red Cross Society's sick room equipment and loan service. The letter stated that the Society required a secure but accessible space of about 1000 sq. feet. Alderman Pottie asked that staff investigate the matter.

Question Alderman Pottie Re: 3300 Oxford Street

Alderman Pottie advised that a tender had been awarded for the removal of the building located at 3300 Oxford Street. Alderman Pottie noted that, unfortunately, the foundation still remained and a dangerous situation existed as a result. The Alderman asked that staff investigate the matter and provide him with a report.

Question Alderman Hanson Re: Condition of Williams Lake

Alderman Hanson advised that representation had been made to him in relation to the condition of the waters of Williams Lake. Alderman Hanson went on to explain that the impetus behind the concern was caused by the fact that the area, in front of the Cunard Junior High School and the roadway going into the Pine Bluff subdivision, resulted in the creation of a couple of culverts to allow the waters to interchange. However, Alderman Hanson explained that the residents are concerned that the pond in front of the Pine Bluff subdivision and in front of the Cunard Junior High School is isolated. He went on to advise that the suggestion has been made that a better connection between that pond of water and the main body of water in Williams Lake was needed.

Alderman Hanson asked that the matter be referred to the Halifax Lakes and Waterways Advisory Committee for a review of the situation and report, to which the Committee agreed.

Council
13 April 1989

Question Alderman O'Malley Re: Pay Increase for Crossing Guards

Alderman O'Malley advised that she had received several phone calls from crossing guards wondering when they might expect their pay increase. The Alderman asked for a report from the Chief of Police indicating when the crossing guards might expect their back time as well as their increase.

Question Alderman O'Malley Re: Mercury Level - Seaveiw Park

Alderman O'Malley referred to an article in today's newspaper headed "Mercury Level Surge". The Alderman advised that the article indicated that record high concentrations of lead had been found in the Seaview Park area. Alderman O'Malley asked that staff investigate the matter and provide her with a report.

Question Alderman D. Grant Re: Tourism Halifax

Alderman D. Grant asked that the City Manager investigate the possibility of having Tourism Halifax assume the responsibility for culture within the City of Halifax and report back to Council following his investigation.

Alderman Flynn Re: Special Olympics

Alderman Flynn noted that Halifax had recently received another gold medal in skating during the special olympics. Alderman Flynn questioned whether a special presentation would be made to the gold medalist, Julie Stanhope, and her coach Mary Anne Crowley.

The Chairman advised that a presentation would be made at the next meeting of City Council.

Alderman Flynn suggested that a letter of congratulations should be forwarded to the other Maritimers who received medals at this event.

Question Alderman Flynn Re: Proposed Meeting with Soccer Representatives

Alderman Flynn advised that staff had been instructed at a meeting of the Finance and Executive Committee held 22 February 1989 to dialogue with soccer representatives. The Alderman noted that the meeting had not yet occurred and requested an indication of when it would take place.

Council
13 April 1989

Question Alderman Leiper Re: Appointment of Ms. Susan Holtz

Alderman Leiper advised that Ms. Susan Holtz, who she noted was involved with the Metropolitan Authority's recycling program, had recently been named by the Federal Government to the newly formed round table on the Protection of the Environment. Alderman Leiper asked that a letter be forwarded to Ms. Holtz on behalf of the members of Council congratulating her on that appointment.

Question Alderman Leiper Re: U.N.S.M. Resolutions

Alderman Leiper advised that the U.N.S.M. regional meetings are being held in May this year which she noted are earlier than usual. Alderman Leiper advised that resolutions are requested by the end of this month and asked that the matter be placed on the agenda for the next regular meeting of the Committee of the Whole Council scheduled for **Wednesday, 19 April 1989**. In the meantime, Alderman Leiper suggested that Council give some thought to resolutions.

Alderman Fitzgerald asked to be provided with an indication of how many resolutions had been previously sent to the U.N.S.M. and how many of them were successful.

Alderman Leiper indicated that she would try and obtain the information to Alderman Fitzgerald's question.

Question Deputy Mayor R. Grant Re: Computer Advisory Committee

Deputy Mayor R. Grant noted that he had requested information in November 1987 about a computer advisory committee. In response to that request, the Deputy Mayor noted that he was informed that a staff computer advisory committee existed. However, Deputy Mayor R. Grant advised that during the discussions on this subject, Council passed a resolution that a computer advisory committee be established. He suggested that it was his understanding that the proposed committee was to consist of persons in the community familiar in the field of computers. The Deputy Mayor asked to be provided with a report indicating the status of this committee.

Question Deputy Mayor R. Grant Re: Approved Budget for Municipal Awareness Week

Deputy Mayor R. Grant asked that the Director of Finance provide him with the actual amount of money approved for Municipal Awareness Week. He indicated that he would like to receive this information by Monday, 17 April 1989.

Council
13 April 1989

Question Deputy Mayor R. Grant Re: Bicycles Paths in Point Pleasant Park

Deputy Mayor R. Grant addressed the matter of bicycles paths in Point Pleasant Park. He noted that bicycles are not allowed in the Park on the weekend or on holidays but are allowed during the week. The Deputy Mayor asked that the Point Pleasant Park Commission consider designating some of the Park trails specifically for bicycles. He noted that it has been suggested that perhaps Young Avenue be used as the entrance for the bicycle paths.

Question Alderman Stone Re: Traffic - Kearney Lake Beach

Alderman Stone advised that a problem with parking has existed at Kearney Lake Beach for a number of years particularly in the Hamshaw Drive area. Alderman Stone asked that staff investigate the situation and make every effort to alleviate the traffic problem and increase parking in the Kearney Lake Beach area.

NOTICES OF MOTION

Notice of Motion Alderman Flynn Re: Administrative Order #120

Alderman Flynn gave Notice of Motion that at the next regular meeting of Halifax City Council, scheduled for 27 April 1989, he proposes to move First Reading of Administrative Order #20, the Emergency Measures Administrative Order, which sets out the functions, duties and responsibilities of the Emergency Measures Organization Department.

Notice of Motion Alderman Flynn Re: Ordinance 133

Alderman Flynn gave Notice of Motion that at the next regular meeting of Halifax City Council to be held on Thursday, 27 April 1989, he proposes to move First Reading of an amendment to Ordinance 133, The Emergency Measures Organization Ordinance, the purpose of which is to clarify the functions, duties and responsibilities of the Emergency Measures Organization Department with those set out in the ordinance.

Notice of Motion Alderman Hanson Re: the Taxi Bylaw

Alderman Hanson gave Notice of Motion that at the next regular meeting of Halifax City Council scheduled for Thursday, 27 April 1989, Alderman Jeffrey proposes to introduce a motion to amend City of Halifax Ordinance 116, the Taxi Bylaw, to change the license renewal requirements

Council
13 April 1989

for taxi operators, as well as to revise the title on the "Schedule of Rates."

Notice of Motion Alderman Fitzgerald Re: NS Housing Authority

Alderman Fitzgerald gave Notice of Motion that at the next regular meeting of Halifax City Council scheduled for Thursday, 27 April 1989, he proposes to introduce a motion to request the Nova Scotia Housing Authority to conduct a study to determine the needs of senior citizen housing in the City of Halifax.

Notice of Motion Alderman Meagher Re: Ordinance Number 137

Alderman Meagher gave Notice of Motion that at the next meeting of Halifax City Council to be held on Thursday, 27 April 1989, he proposes to introduce for first reading an amendment to Ordinance Number 137, the Deferred Payment of Taxes Ordinance. The purpose of the amendment is to increase the level of total household income below which a taxpayer will qualify for tax deferral to Eighteen Thousand, Seven Hundred and Fifty Dollars from Eighteen Thousand Dollars.

ADDED ITEMS

Proposed Development Agreement - Clayton Park Shopping Centre

A staff report dated 10 April 1989 was submitted.

MOVED by Alderman Stone, seconded by Alderman Fitzgerald that City Council set a date for a public hearing to consider an application for contract development to permit construction of a 7,500 sq.ft. "Jumbo Video" store at the Clayton Park Shopping Centre.

Motion passed.

The City Clerk advised that the date for the requested public hearing was scheduled for WEDNESDAY, 3 MAY 1989, in the Council Chamber, Halifax City Hall.

Offenses Under the Liquor Control Act

A staff report dated 29 March 1989 was submitted.

MOVED by Alderman Leiper, seconded by Alderman Flynn that Council pass a resolution calling upon the Union of Nova Scotia Municipalities to support a review being undertaken of the Liquor Control Act, to set a more realistic fee under Section 163, whereby the Municipalities would be

Council
13 April 1989

more adequately compensated with the costs of incarceration of persons under the clause of the Act.

Alderman Leiper suggested that the resolution be forwarded to the regional meetings in May.

Motion passed.

Tender #89-86 - Furnishings North Branch Library

A staff report dated 23 March 1989 was submitted.

MOVED by Alderman Flynn, seconded by Alderman Stone that authority be granted purchase furnishings for the North Branch Library from the low bidder meeting specifications as follows: Colonial Scientific, \$29,255.00; Seaman Cross Ltd., \$56,958.00; and Halifax Office Products, \$24,427.00.

Motion passed.

There being no further business to be discussed, the meeting was adjourned at 12:00 midnight.

HEADLINES FOR CITY COUNCIL MINUTES
of 09/13/89

04

MINUTES	.... 189
APPROVAL OF ORDER OF BUSINESS	.... 189
DEFERRED ITEMS	
Case No. 5729: Rezoning - 3326-34 Dutch Village Road	.... 190
Case No. 5734: Rezoning - 3-5 Alma Crescent	.... 190
MOTIONS OF RECONSIDERATION	
Motion, Deputy Mayor R. Grant - Reconsideration of City Council Resolution of 15 March 1989 Re: Stipends Committee	.... 192
PETITIONS AND DELEGATIONS	
Petition Alderman O'Malley Re: Proposal by Fundy Gypsum Company Limited	.... 192
Petition Alderman Pottie Re: Proposal by Fundy Gypsum Company Limited	.... 192
Petition Ald. O'Malley Re: Request for Rezoning from R-3 to R-2 (Fuller Terrace, Bloomfield St., Northwood Terrace...)	.... 193
Petition Alderman Downey Re: Request for Rezoning from R-3 to R-2 (Fuller Terrace, Bloomfield St., Northwood Terrace)	.... 193
REPORT - FINANCE AND EXEC COMM	
Setting of the Tax Rate	.... 193
Presentation - Canadian Cancer Society	.... 197
Akins Cottage - Apex Developments Limited	.... 198
Nathan Greene Square	.... 198
Motion Alderman Flynn Re: Reconsideration of CC Resolution of 16 February 1989 Re: Solomon & Nassim Ghosn Dairy Festival Shop	.... 199

HEADLINES FOR CITY COUNCIL MINUTES
of ~~89~~⁰⁴/13/89

Proposed Amendment to the Membership of the Hfx Police Comm to add an additional Council Member	.... 199
Acquisition of Service Easement - Forest Hill Dr.	.... 200
Expropriation Settlement - Service Easement SE-C Civic #218 Bedford Highway	.... 200
Lease of City Land to Ashburn Golf Club	.... 200
Ecology Action Centre Request Backyard Composting Project	.... 200
Hotel Association of Halifax - Marketing Proposal	.... 201
Mainland South Community Centre - Board of Directors	.... 201
Meetings - MLA's	.... 202
Employee Daycare	.... 202
Mobile Street Vendors - Tendering	.... 203
VIA Rail	.... 203
REPORT - COMMITTEE ON WORKS	
Building - North East corner of Bilby and Agricola Street	.... 203
Widening of the Bedford Highway	.... 203
Renumbering - Brook Street	.... 205
REPORT - CITY PLANNING COMM.	
Report - Planning Advisory Committee - Accommodation for Extended Households	.... 206
Case No. 5753: Amendment to Modification Agreement - 2650 Dublin Street	.... 206
Case No. 4747: Lots A-6 and A-7 Knightsridge Subdivision	.... 207
Civic #5780 West Street	.... 207
Case No. 5774: Amendment to Existing Development Agreement Schedule "K", 185 Farnham Gate Road	.... 207
MOTIONS	
Motion - His Worship Mayor Wallace Re: Employment Equity	.... 208
Motion - Deputy Mayor R. Grant Re: Tax Collection Ordinance - FIRST READING	.... 209
Motion - Deputy Mayor R. Grant Re: Mainland South Community Centre Corporation	.... 209

HEADLINES FOR CITY COUNCIL MINUTES
of 09/13/89

Motion - Mayor Wallace Re: Policy 1.8 of the Peninsula Centre Plan	.... 209
MISCELLANEOUS BUSINESS	
City of Halifax Day - Art Gallery	.... 210
 Appointments	 210
QUESTIONS	
Question Alderman Fitzgerald Re: Assessment Loss	.... 211
 Question Alderman Fitzgerald Re: Synchronized Lighting System	 211
Question Alderman Fitzgerald Re: Proposed National Aquarium	.... 211
Question Alderman Pottie Re: Canadian Red Cross Society	.... 212
Question Alderman Pottie Re: 3300 Oxford Street	.... 212
Question Alderman Hanson Re: Condition of Williams Lake	.... 212
Question Alderman Pottie Re: Blasting	.... 212
Question Alderman D. Grant Re: Tourism Halifax	.... 213
Alderman Flynn Re: Special Olympics	.... 213
Question Alderman O'Malley Re: Pay Increase for Crossing Guards	.... 213
Question Alderman Flynn Re: Proposed Meeting with Soccer Representatives	.... 213
Question Alderman O'Malley Re: Mercury Level - Seaview Pk	.... 213
Question Alderman Leiper Re: Appointment of Ms. Susan Holtz	.... 214
Question Alderman Leiper Re: U.N.S.M. Resolutions	.... 214
Question Deputy Mayor R. Grant Re: Computer Advisory Comm.	.... 214
Question Deputy Mayor R. Grant Re: Approved Budget for Municipal Awareness Week	.... 214
Question Alderman Stone Re: Traffic - Kearney Lake Beach	.... 215
Question Deputy Mayor R. Grant Re: Bicycle Paths in Point Pleasant Park	.... 215

HEADLINES FOR CITY COUNCIL MINUTES
of 09/13/89

NOTICE OF MOTIONS

Notice of Motion Alderman Hanson Re: The Taxi Bylaw	.... 215
Notice of Motion Alderman Flynn Re: Admin. Order #120	.... 215
Notice of Motion Alderman Flynn Re: Ordinance 133	.... 215
Notice of Motion Alderman Meagher Re: Ordinance Number 137	.... 216
Notice of Motion Alderman Fitzgerald Re: Nova Scotia Housing Authority	.... 216

ADDED ITEMS

Proposed Development Agreement - Clayton Park Shopping Centre	.... 216
Offenses Under the Liquor Control Act	.... 216
Tender #89-86 - Furnishings North Branch Library	.... 217

**SPECIAL COUNCIL
PUBLIC HEARING
MINUTES**

Council Chamber
City Hall
Halifax, Nova Scotia
19 April 1989
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, the members of Council attending joined in reciting the Lord's Prayer.

PRESENT: His Worship Mayor Wallace, Chairman; Deputy Mayor R. Grant; and Aldermen D. Grant, Fitzgerald, Downey, Meagher, O'Malley, Pottie, Hanson, Jeffrey, and Flynn.

ALSO PRESENT: Ms. Mildred M. Royer, Acting City Manager; Mr. Barry S. Allen, Acting City Solicitor; City Clerk; and other members of staff.

Public Hearing Re: Appeal Minor Variance - 6551-53 London Street

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

A staff report, dated 28 February 1989, was submitted.

Mr. J. Michael Hanusiak, Acting Development Officer, addressed Council and outlined the reasons why the application for a minor variance of the lot frontage, lot area, and one side yard for the property located at 6551-53 London Street was refused (as illustrated in the staff report dated 28 February 1989).

Mr. Peter McInroy, from the law firm Boyne Clarke addressed Council and advised that he was representing the applicant, Mr. Paul Branny. Mr. McInroy indicated that he wanted to emphasize to Council Mr. Hanusiak's point that when Mr. Branny purchased the property in 1981 it was already a 3 unit apartment house, and therefore, Mr. Branny cannot be held responsible for this violation of the Land Use Bylaw. Mr. McInroy then addressed Section 79(3)(a) of the Planning Act (No variance shall be granted where: (a) the variance is not minor in that it violates the intent of the Land Use Bylaw) and suggested that as far as he was aware of, no Nova Scotia courts have yet given an interpretation of this. He added that, in Ontario minor variances have been granted that were 50 percent and more deficient. Mr. McInroy suggested that the differences in interpretation show that it is not necessarily the percentage that matters. He added that

Special Council
Public Hearing
19 April 1989

Council should address the question of whether or not this minor variance violates the intent of the Land Use Bylaw, rather than focus on the percentage. Mr. McInroy advised that on a second point, he is suggesting that his client has a unique difficulty, and that it is not common to the area as Staff has suggested. He added that in a previous conversation with Mr. Hanusiak, Mr. Hanusiak confirmed that there is no definite percentage that is used as a guideline and that it is Staff's own recommendation that 29 percent is too high.

Mr. McInroy presented a diagram outlining the area in question and pointed out to Council that of the 20 properties surrounding Mr. Branny's property, 11 are in favour of Mr. Branny's application, 7 oppose for various reasons, and 2 remain neutral; therefore, it is a minority who are in opposition. Mr. McInroy then addressed some of the complaints the people opposing the minor variance had. Mr. McInroy advised that his client was not aware of the problem with garbage and that there is a clause in the tenant's lease stating that it is the tenant's responsibility to put the garbage out, and, he added, Mr. Branny has informed him that he plans to keep a closer watch on this. Mr. McInroy pointed out that another complaint was of noisy children. He added that this is not a serious enough complaint in which to base a decision, because noisy children can be from a single-family dwelling as much as from a three-unit dwelling.

Alderman Leiper entered the meeting.

Mr. McInvoy and Mr. Hanusiak then responded to questions from Council.

Deputy Mayor Grant addressed Council and advised that the fact that the R-2 zoning for Peninsular Halifax is not as effective as the R-2 zoning for Mainland South Halifax has been an issue which previously came before Council. He asked Mr. Hanusiak if Staff is reviewing the idea of making the R-2 zoning for Peninsular Halifax more consistent with the Mainland.

In response to this, Mr. Hanusiak suggested that it is being reviewed but, to the best of his knowledge, there is no solid movement to have this changed.

In response to a question by Deputy Mayor Grant, Mr. Hanusiak confirmed that if Council were to strictly adhere to R-2 zoning, a property such as Mr. Branny's would be regarded as a nonconforming use if it was granted a minor variance.

Special Council
Public Hearing
19 April 1989

In response to a question by Alderman Fitzgerald, Mr. Hanusiak agreed that the R-2 zoning in Peninsular Halifax is dependent upon certain stipulations, like lot frontage and lot coverage.

Mr. Joe Johnson, a resident of the area in question addressed Council and informed that he has been a resident of this area for 43 years. Mr. Johnson advised that he has not noticed or had any problems with the tenants of this property. He also advised that the house in question was raised and a basement put in approximately 12 years ago and up until this time, no one has complained about it.

Ms. Betty Ann Lohnes, 6560 London Street, addressed Council and advised that she has been a resident at this property for 27 years. She indicated that when the house in question was raised for a basement, Mr. Young's (the former owner) original plan was to make a triplex with a duplex permit. Ms. Lohnes advised that when the City became aware of what he was doing, Mr. Young was advised that he wasn't permitted to do this, so he then constructed an in-law suite, which was permitted. Ms. Lohnes pointed out that this building went under a Sheriff's sale and Mr. Branny bought it at this time. Ms. Lohnes advised that since Mr. Branny has bought the house the neighbourhood has put up with loud parties and when she tried to complain about the noise, she was unable to locate the owner. She further added that in the past few years the property has been increasingly neglected, noting that there has been strewn garbage and the lawn was not mowed. Ms. Lohnes indicated that the reason that other neighbors have not complained is because many of them are seniors and they simply do not hear the loud parties. She expressed her concern of the signatures Mr. Branny had on a paper in support of his application. Ms. Lohnes advised that three times Mr. Branny approached her teenage daughter and asked her to sign the paper. Ms. Lohnes concluded by saying that she would like the area to remain 1 and 2 family homes, and that there isn't enough square footage for parking or otherwise to allow for a third unit.

Mr. Paul Branny, the applicant, addressed Council and advised that he has owned the property in question for eight years. Mr. Branny indicated that when choosing tenants for occupancy in his building he screens them thoroughly as he can and beyond that, he suggested, there is no way he can determine if they are going to have loud parties. Mr. Branny also added that many of the residents he has spoken to did not have complaints of noisy parties as Ms. Lohnes did. Mr. Branny advised that he wanted to address Ms. Lohnes concern of signatures on his paper. He informed Council that every

Special Council
Public Hearing
19 April 1989

signature on the paper is the signature of a homeowner in that area, and that it was not his intention to have a teenager's signature on the paper. Mr. Branny further added that although he is currently trying to sell the property, he wanted to reassure the neighbors that he will maintain the property.

In response to a question by Alderman Flynn, Mr. Branny advised that when he bought the building it was already divided into three self-contained units.

Alderman Pottie addressed Council and advised that he wanted to remind Council of a letter which was submitted today (a copy of which is in the official file for this hearing) from Lisa Bechard and Tom Anstey, 6554 Liverpool Street stating their opposition to this request for a minor variance.

Elmer Young, 6548 Liverpool Street, addressed Council and advised that he has lived at this address for eight years and that the back of his property borders Mr. Branny's property. Mr. Young added that when he bought his house he was under the impression that Mr. Branny's building was a duplex, but shortly after he moved in he realized that there were three apartments, not two. Mr. Young indicated that for the past eight years he has put up with loud parties and garbage strewn around his area. Mr. Young then expressed his concern that the value of his own property will decrease as long as Mr. Branny continues to neglect his property.

Ms. Lohnes addressed Council again and indicated that she wanted to make a clarification. She advised that some construction did take place after Mr. Branny purchased the building and that the construction was in the lower apartment. The apartment was only one room and the tenant received permission from the landlord to partition off another room.

Alderman Pottie addressed Council and informed that he had received letters from residents opposing the application for a minor variance. The letters (copies of which are in the official file for this hearing) were from the following:

Mrs. Doris MacKey, 6548 London Street,
19 April 1989

Mrs. Florence Cullen, 6555 London
Street, 19 April 1989

There were no further persons wishing to address
Council.

Special Council
Public Hearing
19 April 1989

MOVED by Alderman Pottie, seconded by Deputy Mayor R. Grant that this matter be forwarded to Council without recommendation.

The motion was passed and put.

Aldermen Pottie and Jeffrey retire from the meeting.

Public Hearing Re: Amend MPS & LUB - Auto Specialty Shops in Mainland South

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

A staff report, dated 14 April 1989 was submitted.

Mr. Angus Schaffenburg, Planner II, addressed Council and outlined proposed amendments to the Municipal Development Plan and Land Use Bylaw (Mainland Area) to permit motor vehicle repair shops in the minor commercial zone.

Mr. Wayne Howard, a lawyer with Burchell MacAdam & Hayman addressed Council and advised he was representing Herring Cove Management Ltd. He advised that he had three points he would like to Council to note. He suggested that, first, these proposed amendments, if passed, would benefit the residents of the area in question, allowing them to get work done to their cars that otherwise they would have to go elsewhere for. Second, he suggested, these amendments would benefit the businessmen in the area. Mr. Howard added that the businesses are in favour of these amendments because they believe it will lead to further jobs and patronage of their own businesses. Mr. Howard suggested that there would be few concerns the residents would have because the amendments would apply only to those areas already zoned commercial so that the new uses being allowed would be kept in general character with the area now.

Alderman Deborah Grant retired from the meeting.

Mr. Fred O'Hearn, a representative of the Spryfield and District Business Association addressed Council and advised that he was speaking on behalf of the business group in the area affected by the proposed amendments. Mr. O'Hearn added that they are in full support of the amendment and believe it would be very beneficial to the business district of Herring Cove Road.

Special Council
Public Hearing
19 April 1989

Lionel Welch, 4 Cherry Lane, addressed Council and expressed his concerns regarding this application. Mr. Welch advised that he owns a couple of vehicle repair shops in this area and he is concerned of the effect that this amendment will have on his business under a nonconforming situation. He added that he was here tonight to inform Council and His Worship that he opposes these amendments to the Municipal Development Plan and Land Use Bylaw.

Alderman Deborah Grant returns to the meeting.

Deputy Mayor Grant addressed Council and advised that these amendments will apply only to new uses on Herring Cove Road and won't affect nonconforming properties which already exist.

There were no further persons present wishing to address Council.

MOVED by Deputy Mayor R. Grant, seconded by Alderman Hanson that this matter be forwarded to Council without recommendation.

The motion was put and passed.

Alderman Leiper retires from the meeting.

**Proposed Rezoning--Lands in the Vicinity of
Purcell's Cove Road**

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

A staff report, dated 24 January 1989, was submitted.

Mr. Michael Hanusiak, Planner II addressed Council and outlined the application of Ms. Gay Silverman to rezone Parcel "A" of the lands located on the Purcell's Cove Road from R-1 (Single Family Dwelling) Zone to H (Holding) Zone. The purpose of the rezoning is to allow the property to be subdivided and developed with single family dwellings with on-site services (as illustrated in the staff report dated 24 January 1989).

His Worship retired from the meeting with Deputy Mayor Richard Grant assuming the Chair.

Special Council
Public Hearing
19 April 1989

Mr. Hanusiak then informed that since this last report there has been a couple of changes. First, he advised that staff has learned that additional Provincial funding has been approved to provide for the installation of water and sewer services along a portion of Purcell's Cove Road between Wenlock Grove and Litchfield Crescent. City Council approved the tender for same on 15 December 1988 (as illustrated in the staff report dated 25 January 1988). Mr. Hanusiak then advised that today he was informed that Mrs. Silverman's property is now eligible for development under the R-1 zone and because of the proximity her property now has to the water and sewer line, she can, at her own expense, hook up to municipal water and sewer lines. Mr. Hanusiak concluded by saying that now Mrs. Silverman's property does not require it to be zoned Holding in order to allow development to occur. Mr. Hanusiak added that Staff now believes there is a larger issue that Council needs to address and that is to consider a rezoning to H (Holding) Zone of lands designated "Low Density Residential", located in the vicinity of the Purcell's Cove Road, being south of Albion Road and extending to (but not including) the Royal Nova Scotia Yacht Squadron" (as illustrated in the staff report dated 25 January 1989).

His Worship returns to the meeting with Deputy Mayor Richard Grant assuming his usual seat on Council.

Mr. Hanusiak then pointed out to Council the reasons why a rezoning of this area to H (Holding) should be given serious consideration (as illustrated in the staff report dated 25 January 1989).

Three letters objecting to the proposed rezoning were submitted from:

Thomas P. Hum, General Manager, The Saraguay Club, 19 April 1989.

Denis Bigras, General Manager, Royal Nova Scotia Yacht Squadron, 19 April 1989.

Richard B. Goldbloom, O.C., M.D.,
F.R.C.P.C , 324 Purcell's Cove Road,
18 April 1989.

Mr. Hanusiak responded to questions by Council.

In response to a question by Alderman Fitzgerald, Mr. Hanusiak informed that they are recommending the Nova Scotia Yacht Squadron be exempted from the Holding zone and

Special Council
Public Hearing
19 April 1989

that the Saraguay Club, which is a nonconforming use, be kept a nonconforming use.

Mr. Hanusiak then responded to further questions by Council.

Mr. Denis Bigras, General Manager, Royal Nova Scotia Yacht Squadron, addressed Council and advised that he had concerns regarding the proposed rezoning. He advised that if the area in question is rezoned then the Yacht Squadron properties will be under different zoning laws. Mr. Bigras added that they are concerned because their long range plans include expansion of their facilities and they feel that difficulties would arise if their properties were zoned differently. Mr. Bigras also expressed his concern of why the Saraguay Club, who is a neighbor of the Yacht Squadron, is zoned differently although they provide the same type of service.

Mr. Bill Ritchie, 316 Purcells Cove Road (a resident at this address for 19 years), addressed Council and advised he was appearing on his own behalf and that he was generally familiar with the applications for contract development that have come before Council over the past few years regarding the area in question.

Mr. Ritchie expressed his surprise at staff's recommendation for rezoning and wanted to record his opposition to this. Mr. Ritchie advised that the land in question is extremely difficult because it is rocky with very little topsoil, and the water supply is spotty, erratic, and, at times, saline. He added that most of the property surrounding the Silverman property including the Silverman residence regularly experience low water, the loss of water, salt water or all of the above at various times of the year.

Mr. Ritchie emphasized that he was not appearing in an obstructionist way, and that development will continue to with the further development of the extension of services along the Purcell's Cove Road or with individual contract development. Mr. Ritchie added that he felt this was an unnecessary way and the long way around to accommodate one developer or applicant. Mr. Ritchie advised that there is considerable discussion going on regarding water, sewer, and sewage treatment plants, and he suggested that Council take the results of these discussions into consideration before a decision is made. Mr. Ritchie suggested that Council ask Staff to review the Mont case of a few years ago. He added that under similar circumstances staff argued that a consolidation and single-family dwelling should not be permitted under contract development, and Council overruled

Special Council
Public Hearing
19 April 1989

that recommendation. Mr. Ritchie added that staff is now recommending a change that will permit, by right, the building of houses using on-site services for the area.

In summary, Mr. Ritchie indicated that there is no immediate need for the change -- contract development is available for individual cases, the environment is fragile along that whole strip, and water and sewage for that whole area and Purcell's Cove road is an ongoing subject. Mr. Ritchie further added that he would like Council to delay the application in question.

In response to a question by Alderman Hanson, Mr. Hanusiak advised that there is no contract capability in this area. He informed that there was, at one time, contract capability but that was extinguished when the Mainland South Plan was adopted.

Mr. Jim Sykes addressed Council and advised that his property is behind and beside Mrs. Silverman's property. He expressed his concern of the rezoning, noting that his property would be in the same situation of the Yacht Squadron--zoned partly R-1 and partly Holding. He advised that he finds the situation confusing and before making a decision of whether he supports or opposes the rezoning, he asked that the situation be cleared up.

Alderman Leiper returns to the meeting.

In response to this, Mr. Hanusiak advised that if the Sykes were to build a house within 150 ft. of the road they would be required to hook up to Municipal Water and Sewer, and therefore, that area would be zoned R-1. Mr. Hanusiak added that if a house was built beyond 150 ft. from the road then the property owners are not required to hook up (due to the expense which the owner would incur) to Municipal Water and Sewer, and the area would be zoned Holding.

Mr. Hanusiak answered further questions.

Mrs. Gay Silverman addressed Council and advised that when she initially investigated the idea of selling her land two years ago, it was because of financial reasons. She added that in March of 1987 it was indicated to her that staff of the Planning Department were aware of the inequities of zoning in that area and would be looking into that situation of rezoning to "Holding." Mrs. Silverman advised that in the spring of 1988 when she became aware of water and sewer going into Wenlock, she was very pleased because she has had problems with her water. She added that at this time

Special Council
Public Hearing
19 April 1989

she started a petition to have the services extended further on down the Purcell's Cove Road. Mrs. Silverman indicated that when she found out that once the water lines went through, the residents would be required to hook into it, she dropped her plans for the petition. Mrs. Silverman pointed out that today she has made the decision to hook up to municipal water and sewer but remains apprehensive because she doesn't have all her cost figures in hand and sees this as a financial risk.

She added that she made the decision for two reasons -- first, another well won't be drilled in that area, and that is important to her; and second, since her house is located 500 ft. from Purcell's Cove Road the only way she could get water is to bring a line through her property and if she brings a line through her Purcell's Cove property then she feels that at some point in the future she will be able to bring the water line down to her house. Mrs. Silverman concluded by saying that she has no plans to develop the rest of the land but is selling this part of the property to relieve her own financial situation.

There were no further persons wishing to address Council.

Alderman Hanson addressed Council and advised that he had received correspondence today from a property owner in the area in question expressing their views on the subject. He suggested that this be forwarded to staff as well as to the City Clerk.

MOVED by Alderman Hanson, seconded by Deputy Mayor Grant that this be forwarded to Council without recommendation.

The motion was put and passed.

There being no further business to discuss, the meeting adjourned at 9:55.

HIS WORSHIP MAYOR WALLACE
AND
DEPUTY MAYOR R. GRANT

/SM