

**SPECIAL COUNCIL
PUBLIC HEARINGS
MINUTES**

Rec'd

Council Chamber
City Hall
Halifax, NS
03 January 1990
7:30 p.m.

A special meeting of City Council, Public Hearings, 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; Aldermen Fitzgerald, Downey, Meagher, O'Malley, Pottie, R. Grant, Hanson, Jeffrey, Flynn, and Stone.

ALSO PRESENT: Mr. Wayne Anstey, representing the City Solicitor's Office; City Clerk, and other members of staff.

ADDED ITEM

At the request of the City Clerk the following item was added to the agenda being referred from a meeting of the Committee of the Whole Council held earlier this day:

Case No. 5050: Amendment to Development Agreement - 961 South Bland Street

This matter had been forwarded to this meeting from a meeting of the City Planning Committee held earlier on this date.

MOVED by Alderman R. Grant, seconded by Alderman Hanson that, as recommended by the City Planning Committee, Council set a date for a public hearing to consider the entering into of an agreement, thereby amending the existing agreement known to the City of Halifax as Case No. 5050 and registered at the Registry of Deeds in Book 4419 at Page 917, to permit an additional unit in the existing 74 unit apartment building at 961 South Bland Street.

Motion passed.

The City Clerk advised that the date for the public hearing would be scheduled for **Wednesday, 07 February 1990**, beginning at 7:30 p.m. in the Council Chamber, Halifax City Hall.

**Public Hearing Re: Case No. 5911: Main Offices and Works -
Halifax Water Commission**

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

Mr. W. H. Gates, General Manager, Halifax Water Commission, addressed Council and, using diagrams, outlined the application to permit the proposed new offices and works of the Halifax Water Commission at a site at the top of Cowie Hill adjacent to the existing Halifax Water Commission water reservoir, south of the Cowie Hill connector road and east of Northwest Arm Drive (as illustrated in the staff report of 30 October 1989).

Mr. Gates advised that in addition to the Water Commission's request to build on the site, the Halifax Water Commission were also requesting that approval be granted for the agreement to extend for five years and not three years as was outlined in the draft agreement attached to the staff report of 30 October 1990.

Mr. Gates then responded to questions from Council.

Alderman Hanson addressed the matter requested staff to consider, as a future capital project, negotiations with property owners for another access/egress at the Top of the Mountain complex.

Mr. Roy Gillis, a resident of 63 Abbey Road, and a member of the Board of Directors of the Condominium Corporation No. 10, addressed Council and expressed concern about blasting which could occur with the construction phase of this project. He noted that if the Water Commission found it necessary to blast, he was requesting that they use jackhammers to break the rock rather than blasting.

In response to Mr. Gillis' concern, Mr. Gates advised that there may be some minor blasting to level off the ground but he did not anticipate any major blasting would be required. He added that the blasting would be in accordance with the City of Halifax's regulations and that a pre-blast survey would be conducted within the radius of the project.

Mr. Bob Beckwith, a resident of 69 Ridgevalley Road, addressed Council and advised he was representing Corporation No. 2. Mr. Beckwith indicated that he was concerned about the blasting which could occur with the proposed project. Mr. Beckwith also expressed concern about the change to the RDD concept which would occur if the proposal was approved, and he requested Council, in

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considering this proposal, to keep in mind whether or not fire equipment could easily access the roads.

There were no further persons wishing to speak on this matter.

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

Motion passed.

Public Hearing Re: Case No. 5961: Amendment to Land Use Bylaw - Home Occupations

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

A report, dated 02 January 1990, from the Planning Advisory Committee was submitted.

Mr. Gary Porter, Planner, addressed Council and outlined the proposal to amend the Land Use Bylaw, Peninsula and Mainland areas, as set out in Appendix "B" of the staff report of 26 October 1989 to exclude adult entertainment uses as home occupations.

Mr. Porter responded to questions from Council.

Ms. Irene Grenkow of 2760 Robie Street addressed Council and indicated her opposition to the proposed amendment.

Ms. Grenkow advised that she was the owner of Gail's Erotic Aerobics and Metro Taxi and Limousine service. Ms. Grenkow pointed out that, within the past year, an amendment had been made to Ordinance 116 and, presently, it was no longer illegal to operate a taxi service from a person's place of residence. She expressed concern of the effect that the proposed amendment, if approved, would have on her other business, Gail's Erotic Aerobics. Ms. Grenkow suggested that it was unjust to prohibit one type of business from operating out of a person's place of residence while, at the same time, permitting other types of businesses to operate out of residential homes.

In closing, Ms. Grenkow advised that she has been involved with the implementation of the current regulations with respect to the taxi and limousine service. She suggested that she would be willing to assist City Council in

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developing regulations for home businesses but that she strongly opposed implementing any kind of a ban on them.

There were no further persons wishing to address Council.

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

Motion passed.

There being no further business to discuss the meeting adjourned at 8:05 p.m.

HIS WORSHIP MAYOR WALLACE
CHAIRMAN

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HEADLINES

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- 961 South Bland Street 816

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Use Bylaw - Home Occupations 818

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

Council Chamber
City Hall
Halifax, N.S.
11 January 1990
8:00 p.m.

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

The meeting was called to order with members of Council, led by Alderman Stone, joining in the recitation of the Lord's Prayer.

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

ALSO PRESENT: Mr. Donald F. Murphy, Q.C., Acting City Manager; Mr. Wayne Anstey, Q.C., Acting City Solicitor; City Clerk; and other members of City staff.

Before starting the regular agenda, His Worship Mayor Wallace recognized the presence of Ron Cromwell, past Alderman and Deputy Mayor.

His Worship Mayor Wallace also recognized and welcomed the first representation of the Spryfield Scout Troop with their leader, John Dunn, who were present in the gallery.

MINUTES

Minutes of the last regular meeting of Halifax City Council, held 14 December 1989, and of the Special Meeting, held 3 January 1990, were approved on a motion by Alderman Hanson, seconded by Alderman Stone.

APPROVAL OF THE ORDER OF BUSINESS, ADDITIONS AND DELETIONS

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

20.1 A. Murray MacKay Bridge Approach (Alderman O'Malley);

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20.2 Mainland North Common -Lands of Airway
Broadcasting;

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

20.3 Metro Transit - Halifax Shopping Centre

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

20.4 Refuse - Extra Charge - Transfer Station

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

20.5 Emergency Funding Criteria

The agenda, as amended, was approved on a motion
moved by Alderman Flynn, seconded by Alderman Hanson.

DEFERRED ITEMS

Case No. 5903: Mainland South Holding Zone

A public hearing regarding this matter was held on
Wednesday, 22 November 1989.

This matter was deferred to this meeting from the
meeting of City Council held on 14 December 1989.

Alderman Hanson addressed the matter and advised
that Alderman R. Grant wanted him to convey to Council a
question with respect to the upgrading of roads. He noted
that the Alderman was questioning whether, if there were
roads for egress and access to the project, if the contract
could require that the developer upgrade the existing roads
to City standards in relation to paving, curb and gutter,
sewer and water, etc.

Following a short discussion, Mr. Murphy confirmed
that the matter was one of negotiation between the City and
the developer at the time of the development which he noted
would be brought back to City Council.

MOVED by Alderman Hanson, seconded by Alderman
Fitzgerald that Council rezone from "Holding" to "Residential

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Development District" those properties located east of Herring Cove Road and west of the McIntosh Run (as indicated on Map 2 of the staff report dated 11 December 1989) and amend Zoning Maps ZM-4 and ZM-6 accordingly.

Motion passed with Aldermen Jeffrey and Flynn abstaining due to non attendance at the public hearing.

The motion was put and passed.

Case No. 5822: Chebucto/North/Elm: Future Land Use Bylaw

This matter was deferred to this meeting from the meeting of City Council held on 14 December 1989.

A supplementary staff report dated 3 January 1990 was submitted.

MOVED by Alderman Meagher, seconded by Alderman Jeffrey that a date be set for a Public Hearing to consider adopting the Plan amendments in Appendix I attached to the staff report of 3 January 1990.

Motion passed.

The City Clerk advised that the hearing would be set for **Wednesday, 21 March 1990, at 7:30 p.m.** in the Council Chamber.

Case No. 5829: Petition to Rezone an Area Between South Bland Street and Young Avenue from R-2A (General Residential Conversion and Townhouse) Zone to R-2 (General Residential)

This matter was deferred to this meeting from the meeting of City Council held on 14 December 1989.

A supplementary staff report dated 5 January 1990 was submitted.

Alderman Fitzgerald addressed the matter and advised that the spokesperson for the residents of the area concerned has indicated that they want to go ahead with the public hearing to consider Option 3 (appendix C) of the staff report dated 5 January 1990.

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MOVED by Alderman Fitzgerald, seconded by Alderman Jeffrey that a date be set for a Public Hearing to consider Option 3 (Appendix C) as outlined in the staff report of 5 January 1990.

Motion passed.

The City Clerk advised that the hearing would be set for Wednesday, 21 March 1990, at 7:30 p.m. in the Council Chamber.

Case No. 5911: Main Offices and Works - Halifax Water Comm.

A public hearing on this matter was held on 3 January 1990.

Alderman Hanson addressed the matter and noted that the General Manager of the Water Commission was requesting that approval be granted for the agreement to extend over a five year term rather than a three year term of completion.

It was, therefore, MOVED by Alderman Hanson, seconded, seconded by Alderman Jeffrey that:

1. The application by the Halifax Water Commission for approval of a development agreement to allow the main offices and works of the Commission pursuant to Section 70 of the Land Use Bylaw - Mainland area be approved;
2. That funds be placed in the Capital Budget for the construction of the extension of Cowie Hill Road, to be cost shared on a 50/50 basis with the developer;
3. Council require that the agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council; otherwise, this approval will be void and obligations arising hereunder shall be at an end.
4. and, further, that the draft agreement attached to the staff report of 30 October 1989 be amended to provide for a five year completion term rather than a three year completion term.

Motion passed.

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Case No. 5961: Amendment to Land Use Bylaw - Home Occupations

A public hearing on this matter was held on 3 January 1990.

A letter dated 10 January 1990 from Ralph Richard was submitted.

MOVED by Alderman Pottie, seconded by Alderman Stone that the Land use Bylaw, Peninsula and Mainland areas, be amended as set out in appendix "B" of the staff report dated 26 October 1989 to exclude adult entertainment uses as home occupations.

In moving the motion, Alderman Pottie explained that City Council had dealt with adult entertainment uses in 1979 and had approved the establishment of a new zone, C-6 zone, to allow such uses.

Alderman Jeffrey addressed the matter and advised that he had received a number of calls over the weekend concerning this matter. The Alderman went on to refer to section (6) of Appendix "A" of the Land Use Bylaw (attached to the staff report of 26 October 1989) which states that "The home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence, and the home occupation shall be conducted entirely within the dwelling unit". Alderman Jeffrey questioned whether or not the proposed bylaw would permit the construction of signs on dwellings that are used for home occupations.

Responding to Alderman Jeffrey's question, Mr. Porter with the Development and Planning Department, advised that a sign of one square foot was permitted.

A discussion followed with Alderman Jeffrey going on to refer to other sections of the report and questioned how one would determine if a person was in violation to the bylaw. Alderman Jeffrey expressed the concern that there could be difficulty with respect to the enforcement of the bylaw.

Mr. Murphy recognized that problems of prosecution do arise. He explained, for example, that an inspector rarely sees money passing hands when people are operating garages from residential properties, but indicated that they have succeeded in the past in obtaining convictions. He agreed that there could be problems with respect to

prosecution with the proposed bylaw, but noted that it was a technical problem in which the prosecutors and inspectors face in the enforcement of almost every part of the zoning bylaw.

Alderman Jeffrey reiterated his concern that it would be very difficult to enforce the proposed amendment to the bylaw.

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

MOTIONS OF RESCISSION

Motion Alderman Jeffrey - Rescission of City Council Resolution of 28 April 1983 Re: Procedure for Hiring of City Manager

This matter was last discussed at the meeting of City Council held on 14 December 1989.

MOVED by Alderman Jeffrey, seconded by Alderman O'Malley that the 28 April 1983 Motion of City Council as follows be rescinded:

"Moved by Alderman O'Malley, seconded by Alderman Nolan, as recommended by the Committee of the Whole Council, that when required to select candidates to fill the position of the City Manager, Council appoint a special search committee of Council, composed of the Mayor and three Aldermen. Alderman Grant addressed the matter and suggested that the special search Committee refer the three candidates for the position to be considered by all Council members."

Motion passed.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on 3 January 1990 as follows:

Report - Stipends Committee

A letter dated 8 January 1990 from a concerned citizen was received.

The Finance and Executive Committee recommended at their last meeting that the 1990 Report of the Stipends Committee be tabled.

Alderman Pottie addressed the matter and personally thanked Mr. Doehler, Chairman, and the other members of the Stipends Committee for their report. The Alderman noted that the report recommends an increase to the Aldermen's, the Deputy Mayor's, and the Mayor's stipends and expense allowances effective 1 November 1989. Alderman Pottie expressed the view that the increases should come into effect 1 November 1991 rather than 1 November 1989. He noted that November 1991 was a new election year and expressed the opinion that a pay increase should not be effected during the Council's elected term.

MOVED by Alderman Pottie, seconded by Alderman Flynn that the following be approved by City Council:

- a) Effective November 1, 1991 the following annual amounts be paid:

	<u>Stipend</u>	<u>Expense Allowance</u>	<u>Total</u>
Alderman	\$16,000	\$ 8,000	\$24,000
Deputy Mayor	19,200	9,600	28,800
Mayor	48,000	24,000	72,000

- b) Every November 1 the above amounts be increased by the lesser of 3% or inflation.
- c) All stipends and/or honorariums paid to Council members by any board, commission or committee for which the City is responsible for making appointments, be paid into the general revenues of the City.
- d) No additional expense allowance be given to the Aldermen or Mayor.

Motion passed with Alderman Meagher voting in opposition.

His Worship Mayor Wallace, on behalf of members of Council, expressed appreciation to the members of the Stipends Committee (Peter Aucoin, Ph.D; Murray Doehler, C.A.,

P.Eng., Chair; William Hayward, F.C.A.; and Mr. George Mitchell, Q.C.) for their excellent report.

**Proposed Operating Budget for 1990 - Spring Garden Road
Business Improvement District Commission (Ord. No. 181)**

MOVED by Alderman Downey, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, City Council approve the proposed 1990 operating budget for the Spring Garden Road Business Improvement District Commission as outlined in their report of 6 December 1989.

Following a short discussion and questioning of staff, the motion was put and passed.

**Proposed Operating Budget for 1990 - Downtown Halifax
Business Improvement District Commission (Ord. No. 182)**

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the proposed 1990 operating budget for the Downtown Halifax Business Improvement District Commission as attached to the staff report of 12 December 1989 be approved.

Alderman Flynn pointed out, for the explanation of the public, that neither the Downtown Halifax Business Improvement District Commission's or the Spring Garden Road Business Improvement District Commission's Budget would reflect on the tax rate.

The motion was put and passed.

Tax Exemption and Deferral

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

1. Under Section 227 of the City Charter, \$328.00 be set as the exemption sum for 1989, if household income does not exceed \$19,690.00 in 1989, but that such exemption shall not reduce the taxation to less than \$100.00.

2. Ordinance #137, Section 3(1), be amended to reflect an income figure of \$19,690.00.

Alderman Meagher questioned why the word "household" should remain in the above clause.

Mr. Murphy advised that staff would address Alderman Meagher's question in a future report.

Alderman O'Malley questioned whether or not a person receiving disability income had to declare it on his or her income tax statement.

Mr. Murphy advised that Alderman O'Malley's question would be addressed in the same report addressing Alderman Meagher's question.

The motion was put and passed.

Halifax Industrial Commission - Audit

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, the City Auditor General, and other appropriate Finance staff, meet to discuss this matter and make recommendation and report to Council.

Motion passed.

Tax Deed - 47 Purcell's Cove Road

MOVED by Alderman Hanson, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, the City of Halifax give a quit claim deed to C.A. Baker in respect of the lands shown as owned by the Estate of Gabriel Edmonds in the plan annexed to the confidential staff report dated 11 December 1989 as Appendix "A", which were acquired by C.A. Baker at a City tax sale held on 9 November 1987 to eliminate any possible outstanding interests which the City may legally have in the said property, provided that Mr. Baker convey to the City of Halifax a strip of the property approximately 25 feet in depth along the Herring Cove Road frontage of the property for street widening purposes.

Motion passed.

Statement of Principle on Environmentally Sound Purchasing

Alderman Fitzgerald addressed the matter and complimented staff for bringing forward this statement of Principle on Environmentally Sound Purchasing.

MOVED by Alderman Fitzgerald, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, City Council adopt the following policy:

That in order to increase the development and awareness of Environmentally Sound Products all departments, in conjunction with Purchasing and Supply staff, review their contracts and tender specifications for goods and services to ensure that, wherever possible and economical, specifications are amended to provide for expanded use of products and services that contain the maximum level of post-consumer recyclable waste and/or recyclable content, without significantly affecting the intended use of the products or service, and that it is recognized that cost analysis is required in order to ensure that the products are made available at competitive prices.

and, further, that staff inform Council of the impact of decisions from a cost point of view when the City is tendering on environmental items.

Motion passed.

Local Improvement Projects - 1990

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

1. Council designate the approved Capital Projects for new sidewalk installations on Inverness Avenue (Redwood - End) and Old Sambro Road as approved Local Improvement Projects without the right of petition, in accordance with Section 391 of the City Charter. The limits of the project for the Old Sambro Road would be Herring Cove Road - North West Arm Drive;
2. Council designate the approved Capital Projects for traffic improvements on Lacewood Drive and Herring

Cove Road as approved Local Improvement Projects without the right of petition in accordance with Section 391 of the City Charter;

3. Council designate the approved Capital Project for new curb and gutter, sodding and trees, on Sunnybrae Avenue as an approved Local Improvement Project with the right of petition.

Motion passed.

Provincial-City Cost-Sharing Agreement #41

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

- a) approve the Cost-Sharing Agreement #41, as attached to the 11 December 1989 staff report;
- b) authorize His Worship the Mayor and City Clerk to sign this agreement on behalf of the City;
- c) approve the installation of concrete curb and gutter and sidewalks on both sides of Herring Cove Road within the limits of this project under Section 391 of the City Charter.

Motion passed.

Stormwater Management Study - Mainland South

MOVED by Alderman Hanson, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, Council approve the additional payment to the consultant, Porter Dillon Limited, in an amount of \$30,000.00, and that the funds be authorized from Capital Account #DA053.

Motion passed.

Overexpenditure Contract #89-34: Upgrading of Streets (Resurfacing) - Account #D1626

MOVED by Alderman Flynn, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, Council authorize final billings for the "streets

resurfacing" category of the Streets Upgrading Program at a total cost of \$501,400.00.

Motion passed.

Acquisition of Parcel H-166, Civic No. 507 Herring Cove Road,
Plan No. TT-41-29903

MOVED by Alderman Hanson, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, Parcel H-166 as shown on Plan No. TT-41-29903 (attached to the confidential staff report of 14 December 1989) be acquired from Mr. Vernon and Mrs. Peggy Fralick for \$2,950 as settlement in full.

Motion passed.

Acquisition of Parcel H-213, Civic No. 386 Herring Cove Road,
Plan No. TT-41-29938

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, Parcel H-213 as shown on Plan No. TT-41-29938 (attached to the confidential staff report of 14 December 1989) be acquired from Mr. Peter Gamoulakos for \$5,090 as settlement in full.

Motion passed.

Land Exchange - 28A Parkhill Road (Flemming Park)

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

- 1) staff be authorized to petition the legislature for permissive legislation to allow the conveyance of Parcel P-1, Parkhill Road, to the abutting owner; and
- 2) upon obtaining such legislation, Parcel P-1, Parkhill Road, be conveyed to the owner of Civic Nos. 28A and 28 Parkhill Road in exchange for Parcel P, as shown on Plan No. P200/17349.

Motion passed.

St. Mary's Boat Club

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, Council approve the hiring of George Brandys and Associates Limited to design a new structural support system for the St. Mary's Boat Club at a fee not to exceed \$30,000.00 (funds to be made available from Account Number FA118-20600).

Alderman Flynn raised a question with respect to the ownership of St. Mary's Boat Club and the type of lease the City had with the owner. The Alderman noted that the City did not usually make major renovations to a project it does not own.

Responding to Alderman Flynn question, Mayor Wallace advised that there were about 15 years remaining on the lease.

Mr. Murphy added that, under the provisions of the lease, the City was required to maintain the property.

Alderman Fitzgerald noted that the Heritage Advisory Committee reviewed the building in question and recommended that it be designated a heritage property. He also noted, for the information of Council, that he had made contact with the provincial government to cost share in the renovation of the building. Alderman Fitzgerald advised that he had met with the officials of the Recreation Department and instructed that an application for the cost sharing be forwarded to the City so that it could be signed and submitted to the Province.

The motion was put and passed.

Tender #89-172R - Lockers (Northcliffe Pool)

A supplementary staff report dated 8 January 1990 was submitted.

MOVED by Alderman Stone, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, authority be granted to purchase the units referred to in Tender #89-172R (Lockers - Northcliffe Pool) from the Canadian Locker Company for an amount of \$47,377.00 (funds to be made available from Account Number 126106.20600.FA103, "Fixed Equipment").

Motion passed.

Expropriation of Parcel H-131, Civic No. 469 Herring Cove
Road, Plan No. TT-37-28575

MOVED by Alderman Jeffrey, seconded by Alderman
Hanson that, as recommended by the Finance and Executive
Committee, Parcel H-131, shown on Plan No. TT-37-28575
(attached to the confidential staff report of 27 December
1989) be expropriated and that \$4,700 be offered as
compensation.

Motion passed.

Mediation Service Account - Local 108

MOVED by Alderman Stone, seconded by Alderman Flynn
that, as recommended by the Finance and Executive Committee,
Council authorize the payment of \$17,893.00 with respect to
arbitration services rendered by Green Veniot Parish, with
respect to the Local 108 Mediation.

Motion passed.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on
Works from its meeting held on Wednesday, 3 January 1990 as
follows:

Blasting Ordinance (No. 165)

MOVED by Alderman Flynn, seconded by Alderman
Jeffrey that, as recommended by the Committee on Works, the
matter be referred back to staff for further study,
particularly with regard to the concerns raised during the 3
January 1990 meeting of the Committee on Works.

In putting forward this motion, Alderman Flynn
reiterated that, in terms of a blasting ordinance, Council is
seeking more definitive requirements with regard to decibel
readings, pre-blast inspections, and potential insurance
claims.

The motion was put and passed.

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Civic No. 5873 Stairs Street -
Dilapidated Building (Demolition)

This matter had been forwarded to Council without recommendation.

A staff report, dated 2 January 1990, was submitted.

MOVED by Alderman O'Malley, seconded by Alderman Meagher that the date of 25 January 1990 be set as the date for a hearing with the assessed owner with a view to issuing an order that the owner demolish the building and clean the site.

The motion was put and passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on Wednesday, 3 January 1990 as follows:

Case No. 5741: Amendment to Development Agreement
- 16 Dentith Road

MOVED by Alderman Flynn, seconded by Alderman Meagher that, as recommended by the City Planning Committee, Council authorize staff to issue a development permit for a 5,500 sq. ft. addition to the west end of the mall (Capitol Store area), provided that the development complies in all other respects to the agreement dated 31 July 1981 between Rocca Group Limited and the City of Halifax.

The motion was put and passed.

South End Halifax Waterfront Lands: Impact
Assessment Design for Development Scenarios

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that, as recommended by the City Planning Committee, Council authorize the expenditure of up to \$10,000.00 for the Transportation Impact Assessment portion of Phase II of the South End Waterfront Lands study, conditional on acquiring cost-sharing from the provincial and federal governments.

The motion was put and passed.

MOTIONS

Motion Alderman Jeffrey Re: Hiring Procedure
for City Manager

MOVED by Alderman Jeffrey, seconded by Alderman
O'Malley that Council establish the following procedure for
the hiring of a new City Manager:

1. the Acting City Manager prepare and administer a call for proposals from Management Consultants responsible for executive recruiting;
2. City Council choose a Management Consultant to assist with the recruiting of a new City Manager;
3. the contracted Management Consultant consult directly with City Council collectively throughout the process of recruiting a new City Manager.

Responding to concerns raised by Alderman Fitzgerald and by Alderman Flynn, Alderman Jeffrey clarified that the intent of his motion was that the Management Consultant, once selected, would meet collectively with members of Council to establish an acceptable terms of reference for the City Manager's position as well as to determine the criteria for the selection process. He also suggested that, during that consultation period, Council could decide on an appropriate method for its own interviews with candidates (i.e., whether it will meet will all applicants or merely with those on a "short list" to be developed by the Management Consultant).

Alderman Meagher indicated that, in his opinion, existing senior staff should be interviewed, and recommended that this also be a topic which should be raised during Council's discussions with the Management Consultant.

The motion was put and passed.

MISCELLANEOUS BUSINESS

L & G Holdings

An Information Report, dated 2 January 1990, was submitted from Mr. Wayne Anstey, Q.C., Acting City Solicitor.

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Alderman Jeffrey expressed his extreme dissatisfaction with the July 1989 ruling of the Municipal Board on this matter (namely, to overturn Council's decision not to rezone the property located at 3326-34 Dutch Village Road from R-2P to R-2AM).

It was therefore moved by Alderman Jeffrey, seconded by Alderman Fitzgerald that City Council refuse to comply with the decision of the Nova Scotia Municipal Board with regard to the rezoning of the property located at 3326-34 Dutch Village Road from R-2P to R-2AM.

Speaking in support of the motion, Alderman Fitzgerald noted that, in the interests of consistency, it would not seem appropriate to move to rezone a property which remains the subject of a case (involving an alleged illegal use) currently before the courts. So saying, the Alderman strongly recommended that the rezoning be delayed until the court's decision has been made.

On another but related matter, Alderman Fitzgerald reminded Council of the comments made during the public hearing on this matter and the considerable public support Council's refusal to rezone had received. He emphasized that the use intended for this site is not compatible with the surrounding neighbourhood and stated that, in his opinion, it is time that Council took a stand against those decisions of the Municipal Board which are so clearly in opposition to the public's wishes.

At the request of the Acting City Manager, it was moved by Alderman Jeffrey, seconded by Alderman Fitzgerald that the matter be deferred to the next regular meeting of City Council (scheduled for Thursday, 25 January 1990) pending receipt of a supplementary report from the City Solicitor's Office.

The motion to defer was put and passed.

Task Force on Drug Awareness

An Information Report, dated 3 January 1990, was submitted.

MOVED by Alderman Flynn, seconded by Alderman Stone that the grant of \$5,000.00 (\$4,235 U.S. currency) from the Gannett Foundation, Inc. intended for use by the City of Halifax Task Force on Drug Awareness be acknowledged with

deep appreciation by Halifax City Council together with Council's assurance that it will comply with all terms of the agreement; and further, that a letter of appreciation for his assistance in this matter be forwarded to Mr. George C. Findlay of Mediacom Inc.

The motion was put and passed.

Appointments

A report, dated 11 January 1990, was submitted from His Worship Mayor Wallace.

1. MOVED by Alderman Flynn, seconded by Alderman Stone that Ms. Betty Malo (representing Ward One) be appointed to the Advisory Committee on Concerns of Ageing for a term to expire on 31 January 1991.

It was noted that Ms. Malo will serve as a replacement completing the term of a previous appointee.

The motion was put and passed.

2. MOVED by Alderman Downey, seconded by Alderman Meagher that Mr. Alexander J. Krieger (representing Ward 3) be appointed to the Advisory Committee on Concerns of Ageing for a term to expire on 31 January 1991.

It was noted that Mr. Krieger will serve as a replacement completing the term of a previous appointee.

The motion was put and passed.

Tender #89-83R Window Replacement - Spryfield Fire Station

A staff report, dated 2 January 1990, was submitted.

MOVED by Alderman Hanson, seconded by Alderman Jeffrey that the balance of Tender #89-83R (Window Replacement - Spryfield Fire Station) for the north and west elevations be awarded to Blunden Construction at the total tender price of \$57,092.00 and a total project cost of \$63,000.00.

The motion was put and passed.

QUESTIONS

Question Alderman Jeffrey Re:
Garbage Collection - Maxwell Avenue/Ashton Street

Alderman Jeffrey advised that he had recently received a number of complaints regarding garbage collection, stemming from the fact that residents of Ashton Street have been placing their garbage for pick-up on Maxwell Avenue.

Mr. Peter Connell, Director of Engineering and Works, indicated that at the present time refuse is not collected from Ashton Street because, officially speaking, it is not an accepted City street. He added, however, that, owing primarily to health considerations, he will take steps to have this garbage collected by the City's contractor. Mr. Connell emphasized, however, that this decision should not be construed as indicating that in future the City will be providing snow clearing or any other form of street maintenance for Ashton Street.

9:40 a.m. - His Worship Mayor Wallace retires from the meeting, with Alderman Meagher assuming the Chair.

Question Alderman Jeffrey Re: Expropriation
3694 Dutch Village Road

Alderman Jeffrey made reference to an expropriation approved some time ago by City Council relevant to the property located at 3694 Dutch Village Road. In his remarks, the Alderman referred to a staff report he had subsequently received on 18 September 1988 which indicated that the expropriation had been delayed owing to "the complex nature of the appraisal problem and the lack of cooperation on the part of the owner."

Alderman Jeffrey asked for an update on this matter as well as for recommendations from staff as to what could be done to expedite this expropriation procedure.

Question Alderman Jeffrey Re: Litter

Noting that he has recently received a number of calls with regard to litter, Alderman Jeffrey asked for information as to when the City's last anti-litter campaign had been undertaken, the minimum and maximum fines for littering, and when these fines were last reviewed. The Alderman offered the opinion that the fines should be

increased so as to offer a greater deterrent to loiterers, and asked for staff's comments on the matter.

**Question Alderman Jeffrey Re: Drainage
Problems - Melrose Avenue/Alex Street**

Alderman Jeffrey made reference to a drainage difficulty of some long standing at the corner of Alex Street and Melrose Avenue which has caused considerable and frequent flooding problems for area residents.

In his remarks, the Alderman advised that these problems are alleged to have commenced during the summer of 1976 when Maritime Tel & Tel and the City of Halifax undertook some service and road improvements in the area. He further noted that the residents have themselves constructed a drain which presently runs from the bottom of Melrose Avenue almost to the top of Gesner Street; however, the drain empties at the corner of Alex and Melrose, thereby creating the flooding problems previously mentioned.

Alderman Jeffrey asked for a report from staff as to the costs involved in linking this drainage system (a distance of approximately 10 feet) to the City's storm sewer, adding that he would appreciate staff's comments as to whether the City would be amenable to providing this linkage.

**Question Alderman Jeffrey Re: Truck
Traffic - Central Avenue**

With reference to the problem of truck traffic currently experienced by residents of Central Avenue, Alderman Jeffrey referred to a report, dated 26 October 1989, received from the City Solicitor which advised: "the only course of action which might alleviate the situation on Central Avenue is for the neighbors to cooperate with our prosecutors to see if enough evidence can be generated to prove that a business is being conducted at that particular address in violation of our bylaw."

Alderman Jeffrey advised that he had since met with the neighbors in question, adding that they are now willing to cooperate with the City Solicitor's Office in this matter. He therefore urged the City's Legal Department to immediately commence whatever action is necessary to resolve these problems as quickly as possible.

**Question Alderman Downey Re:
Social Assistance Cost-Sharing**

Alderman Downey asked for information as to when a report might be expected from the City's Social Planning Department concerning the amount of welfare funds the City can expect to obtain from the Province of Nova Scotia.

The Acting City Manager indicated that he would research the matter and advise the Alderman as quickly as possible.

**Question Alderman Downey Re: Promotion
Procedure - Halifax Police Department**

Alderman Downey made reference to a recent report released by the Halifax Police Department announcing the promotion of four police officers. He noted that he had since received a number of complaints from various police constables who had expressed concern that many of the officers promoted in recent years have been with the Department for only a short period of time and that men with a longer employment history have been overlooked.

Under the circumstances, therefore, Alderman Downey indicated that he would appreciate receiving a comprehensive report concerning the promotion procedures utilized by the Halifax Police Department.

**Question Alderman Downey Re: Refuse -
Extra Charge (Transfer Station)**

Alderman Downey noted that he had received a number of calls from constituents concerning the payment for refuse being deposited at the transfer station, and asked for clarification from the Director of Engineering.

Mr. Peter S. Connell, Director of Engineering and Works, advised that as of 1 January 1990 a charge (per ton) is being levied by the transfer station under direction of the Metropolitan Authority. He added that exemptions have been made to include refuse originating with residential uses (collected either in-house or by contract), cars, mini-vans, station wagons, and those 1/2 ton pick-ups used by a resident transferring refuse from his home.

Mr. Connell emphasized, however, that most of the complaints appear to be stemming from the fact that any 1/2 ton truck picking up garbage from a commercial operation or

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a business is subject to this charge, and added that, owing to this change in policy, the Engineering and Works Department has been forced to add an amount of \$60,000 to its budget to cover the refuse collected by City crews not involved in residential refuse removal.

It was subsequently agreed that this matter be deferred to the next regular meeting of Committee of the Whole Council (scheduled for 17 January 1990), and further, that a representative of the Metropolitan Authority be asked to participate in the discussion at that time.

Question Alderman Stone Re: Quarry

Alderman Stone noted that one of the major concerns in his ward (from the perspective of blasting disturbances and damage) emanate from the quarry operation located off the Kearney Lake Road.

In this context, the Alderman indicated that he would appreciate receiving a staff report concerning some of the specifics of this quarry operation; namely, the zoning for the area, the amount of land included in the quarry, whether the quarry can expand its operation at that location as of right, how long the quarry expects to be in operation, and whether it has had any impacts on Quarry Lake.

Question Alderman Stone Re: Litter

Concurring with earlier remarks concerning the amount of litter now in evidence, Alderman Stone asked for staff comment as to whether there are sufficient litter baskets in place along the City streets. He noted, in particular, Dunbrack Street, and asked if baskets could perhaps be placed at reasonable intervals along that street as well as in the Willett Street area between Lacewood and Dunbrack.

Question Alderman Fitzgerald Re:
Camp Hill Cemetery

Alderman Fitzgerald advised that he has received a number of complaints from citizens regarding opening hours for the Camp Hill Cemetery. In his remarks, the Alderman noted that it was his understanding that the gates have remained closed as late as 9:30 - 9:45 a.m., and asked that the Acting City Manager investigate the situation.

**Question Alderman Fitzgerald Re:
Interest Rate on Unpaid Taxes**

Alderman Fitzgerald asked that "interest rate on unpaid taxes" be added to the agenda of the next regular meeting of Committee of the Whole Council scheduled for **Wednesday, 17 January 1990**.

**Question Alderman Fitzgerald Re:
Report on False Alarms**

Alderman Fitzgerald asked for information from the Acting City Manager as to the status of the previously-submitted report on false alarms.

**Question Alderman Fitzgerald Re:
Selling of Cigarettes to Minors**

Alderman Fitzgerald noted that he has received a number of complaints concerning the matter of small stores selling cigarettes to minors. The Alderman asked for information as to the agency responsible for enforcing the regulations in this regard.

**Question Alderman Fitzgerald Re:
Permission to Hold Sidewalk Sales**

Alderman Fitzgerald made reference to a request previously received from the Downtown Business Improvement District regarding sidewalk sales, adding that Council had voted unanimously to allow this practice on a trial basis in June, July, August and September.

Responding to a question from Alderman Fitzgerald in this regard, the Acting City Manager advised that a report on this matter will be coming to Council in the very near future.

**Question Alderman Fitzgerald Re:
Fire Department Vehicle (Harrietsfield)**

With reference to a question from Alderman Fitzgerald concerning the matter of the tendering of a fire department vehicle for Harrietsfield, the Acting City Manager advised that a report will be coming to Council in the very near future, possibly in time for the 17 January Committee of the Whole Council.

**Question Alderman Fitzgerald Re:
Snow Removal Regulations**

Alderman Fitzgerald made reference to recent City advertisements concerning the removal of snow and ice from sidewalks. He noted, however, that the ads do not mention whether those who do not comply with these regulations will be fined, and therefore asked for clarification from the Director of Engineering and Works on this point.

Question Alderman Fitzgerald Re: Manholes

Alderman Fitzgerald made reference to the considerable amount expended annually by the City to repair manholes that have either receded or risen owing to adverse weather conditions. In his remarks, the Alderman emphasized that, in his opinion, a final solution to the problem should be found, and asked for staff comment on the matter.

10:00 p.m. - His Worship Mayor Wallace returns to the meeting, with Alderman Meagher assuming his normal seat on Council.

**Question Alderman O'Malley Re:
Icing/Drainage (Albert Street)**

Alderman O'Malley made reference to concerns raised during the 3 January 1990 meeting of the Committee on Works pertaining to icing and drainage difficulties on Albert Street. The Alderman emphasized that she continues to receive complaints concerning this situation, and urged that the previously-requested report on this matter be submitted from staff as quickly as possible.

The Acting City Manager advised that the report in question would be circulated on Friday, 12 January.

**Question Alderman O'Malley Re:
Federal Building (Corner of Robie/Normandy Drive)**

Alderman O'Malley advised that it was her understanding that the Department of Fisheries is soon to vacate the federally-owned building at the corner of Robie Street and Normandy Drive, and that another federal department will be moving in.

The Alderman asked if staff could provide her with information as to whom the new tenant might be as well as

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whether anything can be done to encourage whoever that might be to repair the rather dilapidated condition of the building's exterior.

Question Alderman O'Malley Re:
Warning Sign - Robie Street

Alderman O'Malley made reference to the traffic speeds on Robie Street and requested that the City's Traffic Authority be asked to comment on the feasibility of installing warning signs at the approaches of the crosswalk located at the intersection of Robie and Welsford Streets.

Question Alderman Hanson Re:
Case No. 5903: Mainland South Holding Zone

Referring to Council's deliberations on this matter during the opening stages of this evening's meeting, Alderman Hanson asked that staff be requested to negotiate with the property owners the access and egress from the top of the mountain to Dunbrack Street. He also asked that every precaution be taken to ensure that blasting is kept to a minimum and that other alternatives be considered for land excavation.

Question Alderman Flynn Re:
Line-Ups at Transfer Station

Alderman Flynn noted that it was his understanding that there are considerable line-ups at the Transfer Station because of the weighing-in procedure or the chits that are distributed to truckers. The Alderman expressed concern that these "bottlenecks" are occurring at a time when business at the transfer station is at its lowest level, emphasizing that the situation will be far worse during the summer months during the peak season.

Alderman Flynn therefore asked that the Metropolitan Authority review these procedures as quickly as possible.

Question Alderman Flynn Re: Letter from
Hall's Harbor District Volunteer Fire Department

Alderman Flynn made reference to a letter dated 29 December received from the Hall's Harbor District Volunteer Fire Department requesting surplus equipment from the Halifax

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Fire Department. The Alderman urged that staff give this letter every consideration and that, if surplus equipment become available, the City could use it to assist the Hall's Harbour group.

**Question Alderman Meagher Re:
Walking Trails - Point Pleasant Park**

Alderman Meagher made reference to a complaint received from a woman who had recently fallen on one of the walking paths in Point Pleasant Park. In this context, the Alderman asked for information as to whether it is customary for Park staff to salt these walkways to prevent incidents of this nature.

**Question Alderman Meagher Re:
Interest on Unpaid Taxes**

Responding to a question from Alderman Meagher regarding the progress being made vis a vis collection of unpaid taxes, the Acting City Manager drew Council's attention to an Information Report, dated 11 January 1990, which had been distributed earlier in the evening.

NOTICES OF MOTION

**Notice of Motion Alderman Jeffrey Re: Repeal of
Ordinance 14, Respecting the Regulation of Vehicles
Used for Transporting Goods for Hire**

Alderman Jeffrey gave Notice of Motion that at the next regular meeting of City Council (scheduled for Thursday, 25 January 1990) he proposes to introduce a motion, the purpose of which is to repeal Ordinance Number 14, Respecting the Regulation of Vehicles Used for Transporting Goods for Hire.

ADDED ITEMS

**A. Murray MacKay Bridge Approach
(Alderman O'Malley)**

This matter had been added to the agenda at the request of Alderman O'Malley who noted that she and Alderman Downey had recently attended a meeting of the Policy and Planning Committee of the Halifax-Dartmouth Bridge Commission during which construction of the K-ramp to the A. Murray MacKay Bridge was discussed.

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The Alderman emphasized that this project constitutes a major undertaking for the Bridge Commission, and that, in order to proceed with it in February, information is required pertaining to the CNR spur line. She noted that it was her understanding that negotiations and discussions have been ongoing between the City, the Port Corporation and the CNR, and, in this context, urged that a written report concerning the spur line be made available to her and Alderman Downey as quickly as possible.

Mainland North Common - Lands Of Airway Broadcasting

This matter was added to the agenda at the request of the City Clerk.

A staff report, dated 10 January 1990, was submitted.

MOVED by Alderman Stone, seconded by Alderman Jeffrey that the City acquire 39.329 acres from Airway Broadcasting for total compensation of \$948,523.00 to be paid in five annual instalments of \$189,704.60.

The motion was put and passed.

Metro Transit Services - Halifax Shopping Centre

Alderman Flynn expressed concern regarding the excessive number of buses (upwards of 200 vehicles) using the newly-created access past the Halifax Shopping Centre on a daily basis. He added that the buses are in operation almost 20 hours a day, seven days a week, and are causing extensive problems in terms of pollution and noise to abutting property owners.

The Alderman emphasized that the roadway is now being used almost as a City street and that even out-of-service buses use it as a short-cut through the Shopping Centre. He further noted that buses are frequently parked in this area in the early morning hours (approximately 4:00-5:00 a.m.) with their motors running; consequently, abutters get little or no relief from this situation.

Alderman Flynn strongly recommended that this matter be referred to the City's Transit Advisory Committee with a request that they meet with area residents, representatives of the Halifax Shopping Centre, and with Metro Transit to try and resolve this unfortunate situation.

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In making this request, the Alderman emphasized that he and any of the area residents would be eager to consult with the TAC during their deliberation of this matter.

Alderman Flynn referred to a letter, dated 2 January 1990, from Mr. C. H. Prentice, Manager of Metro Transit (which was later submitted to the City Clerk for circulation) which indicated that, in Mr. Prentice's view, the impact of these buses on adjoining homes does not justify re-routing of transit service around the Shopping Centre.

**Refuse - Extra Charge:
Transfer Station (Alderman Downey)**

This matter had been added to the agenda at the request of Alderman Downey; however, it had been dealt with during the "Question Period" portion of the meeting.

Emergency Funding Criteria

This matter had been added to the agenda at the request of Alderman Meagher who asked that it be placed on the agenda for the next regular meeting of Committee of the Whole Council (**scheduled for 17 January 1990**), pending receipt of a report from the City Manager.

There being no further business to be discussed, the meeting was adjourned at approximately 10:15 p.m.

HIS WORSHIP MAYOR RON WALLACE
AND
ALDERMAN NICHOLAS MEAGHER
CHAIRMEN

EDWARD A. KERR
CITY CLERK

.mmd*K

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**SPECIAL COUNCIL
PUBLIC HEARINGS
M I N U T E S**

Council Chamber
Halifax City Hall
17 January 1990
7:30 p.m.

A special meeting of Halifax City Council, Public Hearings 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 Ducharme, Chairman; and Aldermen Fitzgerald, Downey, O'Malley, Pottie, Hanson, Jeffrey, Flynn, and Stone.

ALSO PRESENT: Ms. Beatrice Renton, representing the City Solicitor; City Clerk, and other members of City staff.

At the request of the City Clerk, the following items were added to the agenda being referred from a meeting of the Committee of the Whole Council held earlier this day:

R.A.P.I.D. Disk Expansion

This matter had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Fitzgerald, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, approval be given to the Halifax Police Department to purchase the requested disk drives at a cost of \$120,000 with the appropriate amounts being recovered from the other participating municipalities.

Motion carried.

Case No. 5949: Proposed Development Agreement - Parcel "L" Corner of Dunbrack Street and Lacewood Drive

This matter had been forwarded to this meeting from a meeting of the City Planning Committee held earlier on this date.

MOVED by Alderman Stone, seconded by Alderman Hanson that, as recommended by the City Planning Committee, Council set a date for a public hearing to consider the entering into of a development agreement between the City of

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Halifax and Clayton Developments Ltd., to permit construction of a shopping plaza on Parcel "L" of the lands of Clayton Developments Ltd., provided that the development is in substantial conformance with Plans No. P200/17611-15 of Case No. 5949.

Motion carried.

The City Clerk advised that the date for the public hearing would be scheduled for **Wednesday, 21 February 1990**, beginning at 7:30 p.m. in the Council Chamber.

Council then considered the regularly scheduled items on the agenda, as follows:

Public Hearing Re: Case 5997 Proposed Amendment to the R-2 (General Residential) Zone of the Peninsula Section of the Land Use Bylaw

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

A report, dated 17 January 1990, from the Planning Advisory Committee was submitted.

Mr. Stephen Feist, Planner II, addressed Council and outlined the proposal to amend the R-2 (General Residential) Zone of the Peninsula section of the Land Use Bylaw by amending section 37 so that three and four-unit apartment buildings require a minimum lot frontage of 80 ft. and a minimum lot area of 8,000 sq. ft., as opposed to the current 60 feet and 6,000 square feet (as illustrated in the staff report dated 12 January 1990).

Mr. Feist advised that staff was not recommending approval of this amendment. He indicated that, should Council approve the amendment then a number of buildings in the area would become nonconforming and the infill development potential would be reduced and residential development would continue to be redirected to the mainland of Halifax or outside of Halifax. He also noted that consideration must be given to the effect on tax revenue if development leaves Halifax. Mr. Feist expressed concern over the traffic flow problems which would result if development was redirected to the mainland and, as well, he pointed out that the population decline on the Peninsula would make it difficult for the City to continue to provide municipal services.

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Mr. Feist noted that should Council decide to proceed, staff is recommending that they review the current land use designations and zoning throughout the Peninsula to identify those areas where more intensive residential development would be desirable.

Mr. Feist then responded to questions from Council.

At 7:45 p.m. Alderman Meagher enters the meeting.

Alderman O'Malley addressed the matter and advised that she was concerned with the current regulations and that, in proposing the amendment, she hoped to ensure that new development in R-2 Zones outside the Peninsula Centre Area would be compatible with and retain the characteristics of existing neighborhoods.

Alderman O'Malley then presented slides of three and four-unit buildings which were constructed under the present regulations and were deemed compatible with the neighborhood in question. Alderman O'Malley pointed out that these buildings were surrounded mostly by single-family housing and that they were not compatible with the character of the neighborhood.

Mr. Gerald O'Malley, a resident of 3738 High Street addressed Council and advised that he was in support of the proposed amendment as an interim measure.

Mr. O'Malley referred to excerpts from the MDP which state that residential development should be compatible with the existing neighborhoods and that the integrity of the existing residential neighborhoods shall be maintained by requiring any new development which would differ in use or intensity of use from the present neighborhood development pattern be related to the needs and characteristics of the neighborhood. Mr. O'Malley suggested that the slide presentation illustrated that these three and four-unit apartments were not compatible with the neighborhoods.

Mr. O'Malley advised that he disagreed with staff's view that infill development was good on the Peninsula to maintain acceptable traffic patterns. He suggested that by increasing the density in the Peninsula, this increases the amount of traffic.

Mr. O'Malley addressed the issue of three and four apartment building becoming nonconforming and suggested that these lots could be rezoned to an R-2(4) zone, thus, giving them a conforming pattern.

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Mr. O'Malley noted that he supported this amendment as an interim measure only, because by expanding the lot requirement as outlined in the proposal, it would increase the size of the building and result in larger apartment buildings. He suggested that Council consider eliminating four-unit apartment buildings in R-2 zones across the city.

Mr. Jack Morrison, a resident of 3735 Bright Street, addressed Council and indicated that he supported the proposed amendment to the R-2 Residential zone of the Land Use Bylaw.

Mr. Morrison advised that when he bought his present home two years ago, he did so with the presumption that the neighborhood was predominately a single family residential area. Mr. Morrison expressed concern that the lot adjacent to his was recently purchased by a developer and developed into rental units. He advised that he was also concerned about the architectural continuity and integrity of the neighborhoods if three and four-unit buildings continue to be developed in R-2 zones.

Mr. Gerald Blackmore, a resident of 21 Dipper Crescent addressed Council and expressed concern of this issue. He referred to the Municipal Development Plan which deals with the continuity of the characteristics of the neighborhoods and suggested that this policy was loose and subjective. Mr. Blackmore requested information as to who reviewed the aesthetic aspects of the three and four-unit buildings in the area and pointed out that there were no real controls over this.

In response to Mr. Blackmore's question, Mr. W. B. Campbell, Senior Planner advised that the City does not have specific design control over such developments. He suggested that Council could, if it wished to do so, adopt measures to control design but pointed out that most municipalities across Canada which are low-density residential areas do not invoke design standards because it would be too costly to enforce and administer such standards.

Mr. George Doucet, a resident of 2532 Sherwood Street addressed Council and expressed concern of the current regulations which permit four-unit buildings to be built in R-2 zones.

Mr. Doucet advised Council of a situation on Sherwood street where a developer, who had a permit to build a four-unit apartment building, constructed a six-unit apartment building. Mr. Doucet indicated that the residents took action on this matter and the developer was required to comply with the original regulations. He added that after

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this matter was settled the residents of the street were informed that the same developer had been issued a permit to construct six balconies on the building. Mr. Doucet noted that once again the residents took action on this matter and after a considerable amount of time the issue was resolved.

In summary, Mr. Doucet in referring to the difficulty with respect to parking, suggested that Council consider implementing restrictions regarding the number of four-unit apartment buildings permitted on a particular street in an R-2 zone.

Ms. Clair MacIntosh, a resident of 6291 Duncan Street, addressed Council and advised that she was in support of the proposed amendment.

Ms. MacIntosh indicated that staff's objective in this situation seems to be maintaining and increasing the population in the area by increasing the number of units. She suggested that rather than increase the number of rental properties, more single-family homes should be constructed. In summary, Ms. MacIntosh pointed out that increasing rental units in this area will not be of benefit to the population and would only compel the residents of single-family units to move out of the area.

Ms. Ann Thompson, a resident of 2529 Sherwood Street addressed Council and indicated that she owned the property at 2523 Sherwood Street, a four-unit apartment building.

Ms. Thompson advised that she considered her property to be an asset to Sherwood street, pointing out that she was very selective in choosing her tenants and providing services such as parking, recreational area, and storage area.

Ms. Thompson suggested that the problem appears to her to be loose design controls and noted that tight design criteria with respect to compatibility with other buildings on the street would address this problem. She also suggested that contract development of these buildings would be another alternative Council could consider.

In summary, Ms. Thompson advised that her personal concern of this matter was the nonconforming use that her building would be in should Council approve the amendment.

Ms. Leanne Todd, of the law firm Burchill MacAdam & Hayman, addressed Council and advised that she was representing Atlantic Land Dealers.

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Ms. Todd advised that Atlantic Land Dealers owns several properties in the area in question and were concerned about the economical viability of developing their properties which are not multi-unit facilities, should Council approve the amendment. She advised that her client was also concerned with the matter of their current buildings becoming nonconforming should the amendment be approved and that the proposal would undermine the market value of the properties.

Ms. Todd suggested that, in her opinion, the problem appeared to be more of a design problem rather than a density problem, noting that this amendment would not alter the design of the buildings.

In summary, Ms. Todd suggested that staff should be given an opportunity to define, in more specific terms, the problem, and that they also be given the opportunity to find an appropriate solution.

Mr. Graham Hicks, a resident of 5335 Young Street, addressed Council with respect to this public hearing. He suggested that Council consider contract zoning, or something similar to this, for construction of buildings greater than two units in R-2 zones.

Mr. Peter Barr, a resident of MacDonald Street, addressed Council and indicated that it seemed inappropriate for developers, who apparently feel they have a lot of money at stake in this matter, to send a representative on their behalf or do not show at all to express their concerns.

Mr. Ron MacNeil, a resident of 3015 Oxford Street, addressed Council and expressed concern of a development block in his area. He advised that this development was approximately one and one half stories above any other building in the neighborhood and was not compatible with the neighborhood. Mr. MacNeil suggested that developers, unlike residents, do not have any difficulties in obtaining permits from the City. In conclusion, Mr. MacNeil requested that Council do their utmost to discourage this type of development in residential areas.

Mr. Michael Burn, a resident of Oakland Road, addressed Council and advised that he would speak in support of the intent of the proposed amendment. He suggested that the health of the City depends upon the growth factor of the City and he recommended that the amendment, as presently proposed, not be adopted but rather Council devise a mechanism, whereby, when changes occur in a neighborhood that the residents of the affected area be given a voice in the

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matter in determining whether proposed developments are acceptable.

There were no further persons wishing to address Council on this matter.

The following correspondence concerning the proposed amendment was submitted:

15 January 1990, Sharon Ann Bak, 2346 Quinn Street, Halifax, NS, B3L 3E7

12 January 1990, Claude & Judith MacAskill, 3398 Rowe Ave., Halifax, NS, B3L 4C7.

17 January 1990, Mike Berrigan, President, Ward Five Homeowner Assoc.

17 January 1990, Alderman M. O'Malley.

17 January 1990, William & Loretta Ryan, 2541 Sherwood Street, Halifax, NS, B3J 3A5; George & Virginia Doucet, 2532 Sherwood Street, Halifax, NS, B3J 3A5.

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

Motion carried.

Heritage Hearing - Recommended Properties:

2438 Gottingen Street - Victoria Hall
1260 Queen Street - Collins/Archibald House
6305-07 Edinburg Street - Hamilton/Hornsby House
5419-25 Portland Place
2085 Maitland Street
1713 Bedford Row - Old Post Office
1641 Fairfield Road - St. Mary's Boat Club

A staff report, dated 10 January 1989 was submitted.

A heritage hearing, with respect to the above properties, was held at this time.

Mr. Dan Norris, City of Halifax, Heritage Planner, addressed Council and reviewed the recommended Heritage Properties as outlined in the staff report.

Mr. Norris responded to questions from Council.

2438 Gottingen Street - Victoria Hall

Mr. Daniel M. Campbell, Chairman of the Board of Trustees of Victoria Hall addressed Council and indicated that he did not object the recommended heritage designation.

There were no further persons wishing to address Council on this matter.

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

Motion carried.

1260 Queen Street - Collins/Archibald House

There were no persons wishing to address Council on this matter.

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

Motion carried.

6305-07 Edinburg Street - Hamilton/Hornsby House

There were no persons wishing to address Council on this matter

Mr. Norris advised Council that the owner of the property did not object to the heritage designation.

MOVED by Alderman Pottie, seconded by Alderman Fitzgerald that this matter be forwarded to Council without recommendation.

Motion carried.

5419-25 Portland Place

2085 Maitland Street

Mr. Paul D. Murphy addressed Council and advised that he was representing Mr. Gerald Blom of Warner's Court Realty Ltd., with respect to the following recommended heritage designations:

5419-25 Portland Place
2085 Maitland Street

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Mr. Murphy advised that both properties were owned by the same owner and, as such, his comments would be applicable to both properties.

Mr. Murphy advised that he was objecting to the recommended heritage designation of 5419-25 Portland Place and 2085 Maitland Street. He indicated that Mr. Blom purchased the properties as a businessman, with the intention of expanding his business and to designate them as heritage properties would frustrate Mr. Blom's intention of expanding. Mr. Murphy, referring to the process of determining possible heritage properties, suggested that this was a very subjective decision making process. He pointed out that the area in which the properties were located in was mainly a mix of small manufacturing businesses and that Mr. Blom's properties were not in good physical condition and any heritage restoration work would be very expensive and not in accordance with Mr. Blom's business plans.

In summary, Mr. Murphy requested Council to reject these heritage designations in order that his client could continue with his original plans for expansion of his business.

There were no further persons wishing to address Council on this matter.

MOVED by Alderman Downey, seconded by Alderman Meagher that these items be forwarded to Council without recommendation.

Motion carried.

1713 Bedford Row - Old Post Office

Mr. Dan Norris addressed Council and advised that he had received a letter from Canada Post indicating that they do not reject the recommended heritage designation but that they do not recognize municipal designations.

There were no persons wishing to address Council on this matter.

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

Motion carried.

1641 Fairfield Road - St. Mary's Boat Club

A supplementary report, dated 15 January 1989, from the Acting City Manager was submitted.

A letter, dated 15 January 1989, from the solicitor for the Roman Catholic Episcopal Corporation was submitted.

Mr. Dan Norris advised that the Roman Catholic Episcopal Corporation has requested a deferral on this matter.

There were no persons wishing to address Council on this matter.

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that this matter be deferred until such a time as the solicitor for the owner can attend.

Motion carried.

Public Hearing Re: Case No. 5780: R-2AM Zone Review
Fairview Plan Area - Proposed MDP & LUB Amendments

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

Mr. Stephen Feist, Planner II addressed Council and outlined the proposed amendments to the Municipal Development Plan and the Land Use Bylaw to maintain the current housing mix with no intensive redevelopment in the R-2AM zone of the Fairview Plan Area (as illustrated in the staff reports of 16 November 1989 and 14 September 1989; and the Planning Advisory Committee report of 08 November 1989).

Mr. Feist responded to questions from Council.

Mr. Paul Dube, a resident of 32 Main Avenue addressed Council and indicated his support for the proposed amendments.

Mr. Dube expressed concern with the length of time it taken for this matter to be brought before Council's attention. He indicated that the Municipal Planning Board did not give residents a fair chance at fighting rezonings.

Mr. Dube requested Council's approval on the proposed amendment and, further, that Council take whatever action is necessary in the future to prevent any more 14-unit apartment buildings from being developed in the Fairview area.

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Mr. James Lai, a resident of 9 McFatridge Road addressed Council and indicated his support for the proposed amendments and expressed concern with the number of apartment buildings being built in his neighborhood. He advised that parking and traffic flow problems currently exist in this area and to permit more apartment buildings to be built would only exacerbate the problem.

Mr. Lai pointed out that he moved to his present address because of the residential neighborhood, and in the four years he has lived at this address, three apartment buildings have been built in his neighborhood and this has become an increasing concern to him. Mr. Lai advised that he recently learned that a developer applied for a permit to construct an apartment building which, if approved, would be approximately 10 feet from his back yard. He noted that the developer applied for the permit one day prior to public notification of this hearing. Mr. Lai suggested that, therefore, Council should approve the proposed amendments and make it retroactive to two years.

Alderman Jeffrey addressed the matter and asked whether it would be possible for Council to make these amendments retroactive.

In response to Alderman Jeffrey's question, Ms. B. Renton, representing the City Solicitor, advised that due to the process involved it would not be possible to make the amendments retroactive.

Mr. Bob Blumson addressed Council and advised that he was representing his parents, Arthur Blumson and Margaret Blumson, who own the properties of 12 and 14 Vimy Avenue.

Mr. Blumson advised that the two properties, 12 and 14 Vimy Avenue were residential homes and were surrounded by R-2AM zoning, and as such, his parents have not been able to sell the properties and have had to rent them. Mr. Blumson pointed out that his parents wish to sell the properties and, consequently, since no one wants to buy the properties as single-family residences, his parents feel they have no alternative but to sell to a developer. Mr. Blumson advised that his parents have applied for a rezoning of these properties to R-2AM, and he requested that Council keep this matter in mind when the matter is addressed.

In summary, Mr. Blumson added that he was very disappointed to see the way that Fairview was transformed from a primarily single-family residential area to an area of mainly apartment buildings over the past 20 years. He noted that his parents request to rezone their properties to R-2AM

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will merely conform to the existing high and medium density apartments around them.

Mrs. Pat Robertson, a resident of 3663 Percy Street addressed Council and advised that she supported the proposed amendments.

Mrs. Robertson expressed concern over the length of time this matter has taken to come before Council and the lack of input that the Fairview residents have had concerning apartment developments in the area. She pointed out that, with the increasing amount of apartment buildings being built, the quality of life in the area has significantly deteriorated and that this has not happened in any other part of the City.

In summary, Mrs. Robertson suggested that the decisions which have been made in the past have ultimately favored the developers and, in her opinion, this was morally wrong. She added that she was getting increasingly frustrated in trying to maintain decent living conditions.

Mr. Thomas Bell, a resident of 35 McFatriidge Road addressed council and advised that he supported the proposed amendments.

Mr. Bell advised that, in the past eight years, six 14-unit apartment buildings have been constructed in the area in which he lived. He advised that the character of the area was once primarily single-family residences, but this changed significantly. He added that if the trend continues, then he, like many other residents, will be forced to move out of the area. In conclusion, Mr. Bell requested Council's approval of this matter.

There were no further persons wishing to speak on this matter.

The following correspondence was submitted:

A letter dated, 11 January 1990, from W. Arthur and Margaret Blumsum, P. O. Box 333, Porters Lake, NS, B0J 2S0.

MOVED by Alderman Jeffrey, seconded by Alderman Fitzgerald that City Council approve the amendments to the Fairview Secondary Planning Strategy as outlined in Alternative B in the supplementary staff report dated 16 November 1989.

Motion carried.

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There being no further business to discuss, the meeting adjourned at 10:50 p.m.

DEPUTY MAYOR DUCARME
CHAIRMAN

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