

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

Record

Council Chamber
City Hall
Halifax, Nov Scotia
25 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 His Worship Mayor Wallace, joining in the recitation of the Lord's Prayer.

PRESENT: His Worship Mayor Ron Wallace, Chairman; Deputy Mayor Moira Ducharme; 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.

In his opening remarks, His Worship Mayor Wallace commended the efforts of the many individuals who contribute their time and expertise to cable television networks across the country, and asked that Council join with him in proclaiming the month of February 1990 "Cable Television Month."

MINUTES

Minutes of the last regular meeting of Halifax City Council held on Thursday, 11 January 1990 were approved on a motion by Alderman Fitzgerald, seconded by Alderman O'Malley.

APPROVAL OF THE ORDER OR BUSINESS, ADDITIONS & DELETIONS

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

- 20.1 McCully House - Interim Work
- 20.2 Tender #89-175: Three Quint-type
Fire Fighting Vehicles
- 20.3 Appointments

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The agenda, as amended, was approved on a motion by Deputy Mayor Ducharme, seconded by Alderman Flynn.

DEFERRED ITEMS

Case No. 5997: Proposed Amendment to the R-2 (General Residential) Zone of the Peninsula Section, Land Use Bylaw

A public hearing to consider this matter had been held on Wednesday, 17 January 1990. The following correspondence had been submitted subsequent to that time:

- Letter, dated 24 January 1990, from Ms. Leanne Todd, Burchell, MacAdam & Hayman (solicitors for Atlantic Land Dealers);

- Letter, dated 26 January 1990, from Ms. Theresa Thomas, Development Planner, Cornerstone Consultants, 5663 Cornwallis Street, Halifax.

MOVED by Alderman O'Malley, seconded by Alderman Pottie that Section 37 of the Land Use Bylaw be amended so that three- and four-unit apartment buildings require a minimum lot frontage of 80 feet and a minimum lot area of 8,000 square feet.

Alderman Flynn referred to comments made by residents of R-2 Zones during the 17 January public hearing and expressed the concern that, while Alderman O'Malley's motion represents a practical "first step" in the move to afford R-2 neighborhoods improved protection, Council should immediately investigate other methods of forestalling the intrusion of incompatible construction in this type of residential neighborhoods.

Alderman Flynn suggested that the original intention of the R-2 and R-2A Zones was to permit owners of large residential structures to convert their premises into a number of individual units. He pointed out, however, that as in the case of the South End's R-2A Zones, R-2 Zones in other parts of the City are now being used to enable landlords to construct substantial additions, many of which are inconsistent with the surrounding residential neighborhood. While acknowledging that infill housing is essential if Council wishes to maintain and encourage population on the City's Peninsula, the Alderman emphasized that, in his opinion, steps must be taken to protect stable neighborhoods from this kind of inappropriate construction. He suggested that perhaps landlords who wish to develop their R-2 property by extending their premises should be required to bring their

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application before Council so that it can be scrutinized from the perspective of compatibility with abutting properties.

Aldermen Fitzgerald, Pottie, and Jeffrey spoke in support of the concerns put forward by Alderman Flynn, and urged that staff take immediate action to further protect the City's R-2 neighborhoods from inappropriate development.

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

Recommended Heritage Properties

A public hearing regarding the proposed heritage designation of the following properties was held on Wednesday, 17 January 1990:

(1) 2438 Gottingen Street (Victoria Hall)

MOVED by Alderman Downey, seconded by Alderman Meagher that the property located at 2438 Gottingen Street (Victoria Hall) be registered in the Halifax Registry of Heritage Properties.

The motion was put and passed.

(2) 1260-62-64 Queen Street - Collins Archibald House

MOVED by Alderman Fitzgerald, seconded by Alderman Jeffrey that the property located at 1260-62-64 Queen Street (Collins Archibald House) be registered in the Halifax Registry of Heritage Properties.

The motion was put and passed.

(3) 6305-07 Edinburgh Street (Hamilton Hornsby House)

MOVED by Alderman Pottie, seconded by Alderman Stone that the property located at 6305-07 Edinburgh Street (Hamilton Hornsby House) be registered in the Halifax Registry of Heritage Properties.

The motion was put and passed.

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(4) 5419-25 Portland Place/2085 Maitland Street

Alderman Downey made reference to the objections raised by the owner of these properties during the 17 January public hearing and MOVED, seconded by Alderman Meagher that the properties located at 5419-25 Portland Place and 2085 Maitland Street not be designated as heritage properties.

The motion was put and passed.

(5) 1713 Bedford Row (Old Post Office)

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that the property located at 1713 Bedford Row (Old Post Office) be registered in the Halifax Registry of Heritage Properties.

The motion was put and passed.

L & G Holdings

This matter had been deferred from the last regular meeting of Halifax City Council, held on Thursday, 11 January, pending receipt of a supplementary report from the City Solicitor's Office.

A private and confidential supplementary report, dated 18 January 1990, was submitted from Mr. Wayne Anstey, Q.C., Acting City Solicitor.

MOVED by Alderman Flynn, seconded by Alderman Pottie that Halifax City Council comply with the order of the Municipal Board and rezone the property located at 3326-34 Dutch Village Road from R-2P to R-2AM.

In putting forward this motion, Alderman Flynn made reference to a recent report in one of the local newspapers that the City of Dartmouth has made a motion that they not be responsible to the authority of the Municipal Board in matters pertaining to rezoning and other land use matters. He advised that Dartmouth City Council had offered the opinion that having "come of age," they were now in a position to govern their own affairs. Alderman Flynn (supported by Alderman Jeffrey) asked for information from the City Solicitor's Office as to whether the Dartmouth motion could also be applied to the Halifax situation.

The motion was put and passed with Aldermen Jeffrey and Fitzgerald voting in opposition.

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8:40 p.m. - Alderman Richard Grant enters the meeting.

PUBLIC HEARINGS, HEARINGS, ETC.

Hearing Re: Ruinous Building -
Civic No. 5873 Stairs Street

This matter had last been discussed during a regular meeting of Halifax City Council held on Thursday, 11 January 1990.

A staff report, dated 12 January 1990, was submitted.

Mr. H. A. MacEachern, Manager of Inspection Services, advised members of Council that the property in question constitutes a one-storey, single car garage of wood-frame construction located in the rear yard of 5873 Stairs Street. Mr. MacEachern emphasized that the structure is in an advanced state of decay.

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

MOVED by Alderman O'Malley, seconded by Alderman Meagher that the single car garage located at 5873 Stairs Street be ordered demolished and the site cleared.

The motion was put and passed.

PETITIONS AND DELEGATIONS

Petition Alderman Jeffrey Re: Four Way Stop
- Intersection of Coronation Avenue and Alex Streets

Alderman Jeffrey presented a petition signed by approximately 88 residents of the Coronation Avenue/Alex Street neighborhood requesting that consideration be given to the installation of a four-way stop sign at the Coronation/Alex intersection. He noted that residents were particularly concerned about this matter, given the high volume of traffic going in and out of the neighborhood and the large number of school children using the streets.

In submitting this petition (which included a letter, dated 25 January 1990, from Messrs. Tom Gavin and Peter Kidd), Alderman Jeffrey asked that copies be circulated

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to the City Traffic Authority, and the Halifax Police Department as well as to all members of Council.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 17 January 1990 as follows:

Social Assistance Concerns

This matter had been forwarded to Council without recommendation, pending receipt of supplemental information from Mr. H. D. Crowell, Director of Social Planning.

A supplementary Information Report, dated 23 January 1990, was submitted.

After some discussion, it was moved by Alderman O'Malley, seconded by Alderman Downey that the information contained in the supplementary Information Report of 23 January 1990 (as submitted by Mr. H. D. Crowell, Director of Social Planning) be accepted.

The motion was put and passed.

**Report - Committee on Concerns of Aging Re:
Cable Television Connection (Senior Citizen Complexes)**

MOVED by Alderman O'Malley, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, City Council communicate with the Provincial Minister of Housing and the Minister responsible for the Canada Mortgage and Housing Corporation, requesting that consideration be given to a change in policy which would allow the subsidization of cable television connections through the budget of the Halifax Housing Authority.

In putting forward this motion, Alderman O'Malley advised Council that, at the present time, the Housing Authority has stipulated that 67 percent of the residents of any senior manor must indicate their support of cable service in order that the service be supplied to anyone in the building. She added that, under these guidelines, cable has now been installed in the Sir John Thompson Manor and will be supplied in the very near future to residents in Richmond Manor.

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Alderman Hanson made reference to his previous comments on this matter, and requested information as to whether, as an alternate solution, it would be feasible to equip senior citizen complexes with satellite dishes.

The Chairman advised that staff would be requested to investigate this possibility.

The motion was put and passed.

Cost-Sharing - Over-Size Streets

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

- a) approve the principles included in the Policy Statement for Cost-Sharing of Oversize Streets, attached as Appendix II of the staff report dated 12 January 1990;
- b) approve payment to Clayton Developments Limited and Ailsa Construction Limited in the amounts of \$35,737 and \$5,610 respectively for retroactive cost-sharing for Radcliffe Drive and Langbrae Drive (funds for this purpose to come from Account No. CK004);
- c) direct City staff to prepare an Oversize Streets Plan pursuant to Implementation Policy 3.3.3 of the Municipal Planning Strategy, either in house or with consultants;
- d) refer the question regarding land value to staff for a further report.

With particular reference to (d) above, Alderman Grant asked that staff consider the potential impact of over-size streets on abutting residential neighborhoods and, from that perspective, attempt to ensure a certain flexibility of design.

The motion was put and passed.

Local Improvement Rate - 1990

MOVED by Deputy Mayor Ducharme, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, under Section 389 of the City Charter,

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an interest rate of 11.00 be established for any Local Improvement Tax levied in 1990.

The motion was put and passed.

Interest on Unpaid Taxes

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

A staff report, dated 18 January 1990, was submitted from Mr. Wayne Anstey, Q.C., Acting City Solicitor.

MOVED by Alderman Richard Grant, seconded by Alderman Fitzgerald that, commencing on 1 March 1990, interest on unpaid municipal taxes will be charged at a rate of prime plus two (2) percent.

Responding to a question from Alderman Richard Grant, the Director of Finance, Mr. B. G. Smith, advised that, on 14 December 1989, Halifax City Council had directed staff to charge an interest rate of 24 percent on 1989 outstanding taxes, emphasizing that this rate of interest will continue until 1 March 1990. In this context, Mr. Smith noted that because of certain limitations in the City's computer system, staff are unable to charge a higher interest rate with respect to 1990 taxes to those individuals whose 1989 bills remain unpaid. He emphasized, however, that notices of impending tax sales will be going out in the very near future, undoubtedly providing an additional incentive to those with unpaid 1989 balances. Mr. Smith noted, however, that because the City will invariably find itself with a similar amount of outstanding taxes near the end of 1990, staff will be coming back to Council with a request that the interest rate on 1990 taxes be increased.

The Acting City Manager added that the 24 percent interest rate was initially imposed for the purpose of assisting the City to collect its outstanding 1989 taxes by 31 December 1989, rather than to unnecessarily penalize or inconvenience the taxpayer over a long-term period.

Alderman O'Malley made reference to the fact that the current tax bills appear to imply that an interest rate of 24 percent will be charged on outstanding 1990 taxes, noting that this misconception is understandably causing concern for a number of City residents. She therefore strongly recommended that staff prepare an advertisement for the local newspapers advising that, after 1 March 1990,

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unpaid taxes will be subject to an interest rate of prime plus two percent (assuming that the motion presently on the floor is approved).

Mr. Smith indicated that he would pursue the matter.

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

Emergency Funding Criteria

This matter was referred to Council without recommendation, pending receipt of a staff report.

A staff report, dated 23 January 1990, was submitted.

MOVED by Alderman Meagher, seconded by Alderman Downey that the information contained in the staff report, dated 23 January 1990 and entitled "Emergency Funding Criteria," be accepted by City Council.

The motion was put and passed.

Assessment Appeal - Sheraton Hotel

After some discussion, it was moved by Alderman Fitzgerald, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, City Council instruct staff to agree to a settlement of outstanding assessment appeal in respect of the Sheraton Hotel on the basis of a realty assessment of \$17,500,000.00 for the 1986 taxation year and a realty assessment of \$21,000,000.00 for the 1988 and 1989 assessment years with corresponding changes in the business occupancy assessments for 1985, 1986, 1988 and 1989.

The motion was put and passed with Alderman Meagher in opposition.

Banking Services - City of Halifax and Its Boards and Commissions

This matter had been forwarded to Council without recommendation.

Mr. B. G. Smith, the City's Director of Finance, responded to a question from Alderman Pottie with regard to the feasibility of a tender call for City banking services

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upon completion of the proposed three-year contract with the Bank of Nova Scotia.

An amendment to the staff recommendation was subsequently proposed by Alderman Pottie; i.e., that the final portion of the original motion be revised to read "and that, upon completion of the three-year contract with the Bank of Nova Scotia, staff be authorized to report to Council before the next tender call for City banking services."

MOVED by Deputy Mayor Ducharme, seconded by Alderman Meagher that the Bank of Nova Scotia be re-appointed as the City's banker for a three-year term commencing 1 February 1990 on the pricing basis tendered (as described in the staff report dated 15 January 1990), and that, upon completion of the three-year contract with the Bank of Nova Scotia, staff be authorized to report to Council before the next tender call for City banking services.

The motion was put and passed.

1990 Assessment

This matter had been forwarded to Council without recommendation.

Alderman Jeffrey made reference to the many complaints he and other members of Council have received from constituents concerning the substantial discrepancies between real estate values and their 1990 assessments, and emphasized that, in his opinion, these complaints corroborate his own belief that accurate assessments cannot be achieved without a visual examination of the premises.

In his remarks, the Alderman also made reference to a recent announcement by the Council of Maritime Premiers with regard to the centralization of assessment services in Fredericton, New Brunswick. Alderman Jeffrey expressed grave concerns regarding this relocation, adding that, in his view, the removal of assessment services would not be in the best interests of the citizens of Halifax.

It was subsequently moved by Alderman Jeffrey, seconded by Alderman Fitzgerald that His Worship Mayor Wallace contact the Minister of Municipal Affairs to determine the specifics of the proposed removal of the Assessment Department from Halifax; and further, that Halifax City Council go on record as being opposed to the relocation of assessment services to the City of Fredericton.

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Various members of Council spoke in support of Alderman Jeffrey's comments, with Alderman Pottie also noting that, in his ward, assessments appear to be particularly erratic. Alderman Pottie further advised that he has received a number of complaints concerning the customer service available from the Assessment Department, and concurred with Alderman Jeffrey's observations that, based on the apparent discrepancies in 1990 assessment figures, visual inspections appear to be essential for accurate assessments.

Alderman Hanson emphasized that problems with the 1990 assessment are not confined to the older parts of the City but are, in fact, of overall concern. He also indicated that he would appreciate receiving comments from senior staff as to the possibility and merit of having the assessment function returned from the Province of Nova Scotia to the City of Halifax, and expressed particular concern regarding the proposed relocation of assessment services to Fredericton.

Addressing the motion currently on the floor, Deputy Mayor Ducharme suggested that, in the interests of time, the request for clarification be directed to the Council of Maritime Premiers (rather than to the Minister of Municipal Affairs), and that a copy of the letter forwarded on behalf of Halifax City Council be sent to the Union of Nova Scotia Municipalities. She cautioned, however, that as an initial step, inquiries should be made as to exactly which assessment function is proposed for relocation to Fredericton.

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

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on Wednesday, 17 January 1990, as follows:

Mainland North Traffic

MOVED by Deputy Mayor Ducharme, seconded by Alderman Stone that, as recommended by the Committee on Works:

- 1) Staff be instructed to return the lights on the Bedford Highway to flashing lights **only** at peak hours.

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- 2) Staff be requested to write a report for Council on the feasibility of increasing the fine for trucks using non-truck routes.
- 3) Staff prepare for Council the statistics on trucks that have been stopped and fined for the last two year period;
- 4) Staff meet with the residents of the Bayview Road area and with the Alderman, as soon as possible, with the aim of bringing in recommendations to Council which will serve to alleviate the inconvenience and meet the objectives of the City in order to minimize the detrimental impacts on its citizens and not to make recommendations to ease the flow of traffic through residential streets.

Motion passed.

Historic Properties - Sewer Outfall

Alderman R. Grant addressed the matter and expressed the view that although the matter regarding the sewer outfall at Historic Properties was an urgent one, the City could not afford to proceed with the project at this time unless confirmation was received from the Harbour Cleanup Corporation that cost sharing would be available at the proper amount. He expressed the concern that Council should know before proceeding with the project if it will be an integral part of the final system.

MOVED by Alderman R. Grant, seconded by Alderman Flynn that City Council forward a letter to Mr. Paul Calda, P.Eng., President of the Halifax Harbour Cleanup Corporation, requesting information regarding the overall design for the new regional sewage treatment system and whether the proposed extension at Historic Properties will be an integral part of the final system and, further, whether cost sharing on this project will be available under the Harbour Cleanup Program.

A discussion followed with Deputy Mayor Ducharme emphasising a need for measures to be taken immediately to remove the unsightly view at Historic Properties. She expressed the concern that the new regional sewage treatment system could take many years before it was completed and therefore urged that Council proceed with the extension of the sewer outfall at Historic Properties at this time.

Alderman Meagher also expressed the concern that steps should be taken immediately to clean up the sewer outfall at Historic Properties and suggested that the

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recommendation as contained in the staff report of 5 January 1990 should be approved.

MOVED by Alderman Meagher, seconded by Alderman Downey that this matter be deferred to the next Committee of the Whole Council meeting scheduled for 7 February 1990 at which time the appropriate persons be requested to address the Committee to discuss the topic further.

Motion of deferral passed.

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

Transportation Committee - Alderman Jeffrey

This item was forwarded to Council without recommendation.

Alderman Jeffrey addressed the matter and explained that Council had established a Transportation Committee a few years ago. He noted that the Transportation Committee had made a number of recommendations concerning City owned vehicles. Alderman Jeffrey went on to advise that he had received several calls from persons expressing the concern that the use of some City owned vehicles was being abused. The Alderman requested a report from staff addressing the matter and listing all City owned and leased vehicles, persons possessing these and where they reside.

The Acting City Manager advised that Alderman Jeffrey would receive a response to his request.

REPORT - SAFETY COMMITTEE

Council considered the report of the Safety Committee from its meeting held on Wednesday, 17 January 1990, as follows:

Report - Mr. Douglas Steele - Halifax Natal Day Committee

MOVED by Alderman R. Grant, seconded by Alderman Fitzgerald that the report prepared by Douglas Steele, Chairman of the Natal Day Committee, on the Halifax Natal Day Festival be tabled.

Motion passed.

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A report dated 25 January 1990 from the Acting City Manager with regard to the Natal Day Committee was submitted.

MOVED by Alderman R. Grant, seconded by Alderman Fitzgerald that no action be taken by Council with regard to funding for the Natal Day Committee until the accounts receivable associated with the Festival have been realized and, further, that the Acting City Manager undertake to investigate the possibility of providing the Natal Day Committee with a small office space complete with its own telephone and telephone answering machine for use all year round and particularly during the months of April, May, June and July (preferably in close proximity to the normal Natal Day Parade route).

The Acting City Manager advised that a report on the matter would be submitted at the next Committee of the Whole Council meeting scheduled for **Wednesday, 7 February 1990.**

The motion was put and passed.

**REPORT - COMMITTEE OF THE WHOLE COUNCIL
BOARDS, AND COMMISSIONS:**

Amendment to Ordinance No. 103, The Rules of Order of Council - For Consideration and Report

Deputy Mayor Ducharme addressed the matter and noted that she had in her possession a copy of the City Charter which is the topic of discussion in this motion. She went on to note that it was a very important document for the City and expressed the view that any change to the Charter should receive the approval of two-thirds of the Council.

MOVED by Deputy Mayor Ducharme, seconded by Alderman Flynn that City Council give SECOND READING to the amendment proposed to Ordinance 103, the Rules of order of Council, to provide that any motion of Council requiring an amendment to the Halifax City Charter must receive the approval of two-thirds of the Council.

Motion defeated with the following members of Council voting FOR:

Alderman Fitzgerald, Alderman Hanson, Deputy Mayor Ducharme, and Alderman Flynn

and AGAINST:

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Alderman Downey, Alderman Meagher, Alderman O'Malley, Alderman Pottie, Alderman R. Grant, Alderman Jeffrey, and Alderman Stone.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on Wednesday, 17 January 1990, as follows:

Case No. 5562: Development Agreement - 6205 Pepperell Street

This matter was forwarded to Council without recommendation.

Noting that additional information was pending on this matter it was MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that the item be deferred to the next meeting of City Council scheduled for 15 February 1990.

Motion passed.

Case No. 5892: Proposed Development Agreement - 1480-84 Carlton Street

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that, as recommended by the City Planning Committee, a date be set for a public hearing to consider the proposed development agreement at 1480-84 Carlton Street.

Motion passed.

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

Case No. 5937: Rezoning - 5760-62 Inglis Street

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the City Planning Committee, a date be set for a public hearing to consider the application received from Kim Lee Realty Co. to rezone 5760-62 Inglis Street from R-1 to R-2A.

Motion passed.

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

MOTIONS:

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

A staff report dated 9 January 1990 was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Fitzgerald that City Council approve FIRST READING of an Ordinance repealing Ordinance 14, Respecting the Regulation of Vehicles Used for Transporting Goods for Hire (attached as Appendix "A" to the staff report of 9 January 1990) and refer the ordinance to the Committee of the Whole Council meeting scheduled for 7 February 1990 for consideration and report.

Motion passed.

MISCELLANEOUS BUSINESS:

**1st Canadian Parachute Battalion Association - Request
Permission for "Sky Hawks" Jump**

A letter dated 22 January 1990 from the Committee Chairman for the 1st Canadian Parachute Battalion Association was submitted requesting permission for the "Sky Hawks" to do a parachute jump on the Halifax Commons.

The Acting City Manager advised that the item was added to the agenda without being processed by staff and, at his suggestion, it was MOVED by Alderman Fitzgerald, seconded by Alderman O'Malley that this matter be deferred to the next Committee of the Whole Council meeting scheduled for **Wednesday, 7 February 1990.**

Motion passed.

QUESTIONS:

**Question Alderman Jeffrey Re: Olympic Bowling
35 Coronation Avenue**

Alderman Jeffrey advised that he had received a number of calls from residents in his Ward concerning the business on Coronation Avenue, Olympic Bowling. He explained that this business was located in an R-1 zone and went on to note that it was his assumption that this operation was a non-conforming use. Alderman Jeffrey noted that it was his

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understanding that the business was disturbing some of the residents in the area and asked staff to report on permitted uses of this property and what can be done to eliminate the problems being experienced by the residents of the area.

Question Alderman Pottie Re: the "Plow Down" Policy

Alderman Pottie noted that a number of residents were questioning why the City trucks have been salting the streets with the plow down when there have been only small amounts of snowfall lately. He referred to the City's "plow down" policy and asked staff to report on whether or not there was necessity to keep the plow on the City's trucks down when there is no snow.

Question Alderman Fitzgerald Re: Senior Citizens Housing

Alderman Fitzgerald noted that he had requested a report some time ago with respect to sites for senior citizens housing. The Alderman noted that he had not yet received that report and went on to ask for a status report with respect to the matter. He further suggested that perhaps the matter could be discussed at the next Committee of the Whole Council meeting depending on whether or not a report was available.

Question Alderman Fitzgerald Re: City Club/Khyber Building

Alderman Fitzgerald asked for a status report with regard to the City Club and the Khyber Building.

10:20 p.m. His Worship Mayor Wallace returned to the meeting with Deputy Mayor Ducharme taking her usual seat in Council.

**Question Alderman Fitzgerald Re: Windows -
Spryfield Fire Hall**

Alderman Fitzgerald displayed photographs for members of Council showing the windows in the Spryfield Fire Hall. The Alderman noted that it was his recollection that staff had recommended that the windows on all four sides be replaced. However, Alderman Fitzgerald explained that because there was a mistake in the tender, only the south and east sides were to be replaced for an amount of \$30,000. He also advised that because the contractor had supplied all the windows, the north and south sides were to be done this year. The Alderman explained that Council could see from the

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photographs displayed that there were no windows on the south side of the building.

Alderman Fitzgerald asked for a staff report on the matter.

Question Alderman O'Malley Re: Farmer's Market

Alderman O'Malley asked for a status report on the Farmer's Market.

Question Alderman O'Malley Re: Fisheries Building - Corner of Robie Street and Normandy Drive

Alderman O'Malley noted that she had asked a question at a previous meeting of City Council with regard to the Department of Fisheries Building at the corner of Robie Street and Normandy Drive. She noted that she had not yet received a report responding to her question on this matter and questioned when she might expect to receive one.

Question Alderman O'Malley Re: Response Time - Accident at the Corner of Agricola Street and Duffus Street

Alderman O'Malley noted that she had requested a report from Police Chief Jackson with respect to the response time in relation to an accident that occurred on December 22 at the corner of Agricola Street and Dufus Street. The Alderman noted that she had not received this report to date.

Question Alderman R. Grant Re: Marketing Opportunities on City Vehicles

Alderman R. Grant noted that a report had been received with respect to the marketing opportunities on City vehicles. Alderman R. Grant went on to explain that the report did not mention the magnetic signs that can be placed on commercial vehicles. He asked that staff address the possibility of including these magnetic signs also in their report respecting marketing opportunities on City vehicles.

Question Alderman R. Grant Re: Lights - Corner of Williams Lake Road and the Herring Cove Road

Alderman R. Grant asked for a report providing background information relating to the installation of lights at the corner of Cowie Hill and the Herring Cove Road. He

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asked that the report explain how that intersection differs with the one at the corner of the Williams Lake Road and the Herring Cove Road for the implementation of lights.

Question Alderman R. Grant Re: Williams Lake Road

Alderman R. Grant asked that staff review the likelihood of completing the work on the Williams Lake Road to Purcells Cove Road. The Alderman questioned whether or not this was a provincial cost shared highway. He also asked that staff consider the possibility of putting a boulevard down that road.

Question Alderman Flynn Re: Fire Alarm Security Proposal

Alderman Flynn noted that Council had been receiving copies of letters from Mr. Scott Hemming pertaining to the fire alarm security proposal that was submitted to Council in February of 1989. The Alderman asked for an indication as to when the Chief of Police would be submitting a report on the matter.

Question Alderman Flynn Re: R-2 Zones

Alderman Flynn asked for clarification as to whether or not his interpretation of the R-2 zone was correct. Alderman Flynn referred to references contained in the Land Use Bylaw with respect to the R-2 zone. He explained that Section 41(d), page 43, states that "one separately accessible parking space at least 9 feet by 20 feet shall be provided on the lot for each of the two dwelling units exclusive of the area of the front yard and the entrance or driveway". He went on to note that the section goes on to refer to number 10 in the amendment section. Alderman Flynn explained that no reference is made to 41(d) in number 10 of the amendment section pointing out that the book he was quoting from was dated March 2, 1989.

Alderman Flynn pointed out that it was his estimation that, with respect to larger properties, the bylaw does not allow for parking in front of the property. The Alderman questioned, therefore, why parking was approved in front of some larger properties. Alderman Flynn made particular reference to a property located on Rowe Avenue.

The Acting City Manager advised that there was a very comprehensive report that's been studied and developed for a considerable period of time and that, in that interim, a number of things have happened. He agreed that there have

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been a few approvals by City Council for parking in front yards in front of houses on limited lots.

Mr. Murphy advised that a report would be submitted on the matter by the next Committee of the Whole Council meeting scheduled for **Wednesday, 7 February 1990**.

Question Deputy Mayor Ducharme Re: Traffic

Deputy Mayor Ducharme referred to a recent newspaper editorial which reported that the volume of traffic had increased visibly during the past decade particularly because of the traffic originating beyond the City's boundaries. She noted that Council had been recognizing this fact for a long time. Deputy Mayor Ducharme advised that Council had passed a motion last August requesting that a letter be sent to the Minister of Transportation asking that the exit ramp onto the Kearney Lake Road be closed during peak hours. The Deputy Mayor questioned the status of this request.

Question Deputy Mayor Ducharme Re: Community Mailboxes

As a board member of the Federation of Canadian Municipalities (FCM), Deputy Mayor Ducharme advised that she had received a report respecting the visual impact of community mailboxes on streetscapes. Deputy Mayor Ducharme submitted this report and asked that the City Clerk distribute a copy to members of Council.

**Question Deputy Mayor Ducharme Re: Cost Sharing -
Metro Transit**

Deputy Mayor Ducharme asked that the proposal to fund Metro Transit on a cost sharing by assessment basis be placed on the agenda for the next Committee of the Whole Council meeting scheduled for **Wednesday, 7 February 1990**. The Deputy Mayor asked that the Transit Advisory Committee be asked to forward its recommendation on the matter to the 7th February meeting of the Committee of the Whole Council. Deputy Mayor Ducharme submitted information from the Metropolitan Authority concerning transit cost-sharing and asked that it be circulated to all members of Council.

Council
25 January 1990

Question Alderman Meagher Re: Peninsula North Secondary Planning Strategy

Alderman Meagher questioned when the Planning Advisory Committee might be reviewing the Peninsula North Secondary Planning Strategy. Alderman Meagher expressed the concern that the present Planning Advisory Committee should deal with this matter before the composition on the Committee changes.

Question Alderman Meagher Re: Senior Citizens Complex for Ward 4

Alderman Meagher noted that he had requested staff to look into the possibility of establishing a senior citizens accommodation in Ward 4 some time ago. He informed Council that the property at the corner of North and Oxford Streets was a possible site. Alderman Meagher went on to ask about the status of the matter and whether any approach had been made to the Department of Housing and Mr. Arthur Donahoe, MLA.

Question Alderman Meagher Re: Curb Cut - Chebucto Road

Alderman Meagher questioned when he might expect a report responding to the concerns he had raised some time ago in relation to having a curb cut for a gentleman whose property is located on Chebucto Road. He noted that staff was reviewing the matter in an effort to determine a way to solve this gentleman's problem.

Question Alderman Hanson Re: Transit Service to Subdivisions

Alderman Hanson questioned whether or not Metropolitan Transit becomes involved in the process of reviewing the overall design of a subdivision and the roadways that lead to the subdivision. The Alderman referred particularly to the Stanley Park subdivision and questioned whether Metropolitan Transit had been involved in the process of the service that could be available to this subdivision. Alderman Hanson also asked if Metropolitan Transit were involved in the process of establishing lay-bys for buses, etc.

Question Alderman Hanson Re: Trees - New Sidewalks

Alderman Hanson asked for a report explaining the process of having new trees installed in the case of new sidewalk projects.

Council
25 January 1990

**Question Alderman Stone Re: Entrance to the
Mainland North Common**

Alderman Stone advised that the residents of Westridge Drive and Covington Way have expressed some concerns about the new entrance to the Mainland Commons. He explained that a rough road goes into that area now and that, at one time, there was a barrier made up of rocks to keep it closed. Alderman Stone went on to explain that the area, at the moment, was being used for undesirable uses and that the residents in the area would like for some type of barrier to be erected that would keep it blocked until the Common was opened.

NOTICES OF MOTION:

**Notice of Motion Alderman R. Grant Re: Ordinance 166
Respecting Signs, Billboards and Advertising Structures**

Alderman R. Grant gave Notice of Motion that at the next regular meeting of Halifax City Council scheduled for Thursday, 15 February 1990, he proposes to introduce a motion to amend City of Halifax Ordinance 166, Signs, Billboards and Advertising Structures by increasing the permitted height of signs on lands that are zoned I-3 under the City's Land Use Bylaw.

**Notice of Motion Alderman Flynn Re: Ordinance 149
The Petty Trades Ordinance**

Alderman Flynn gave Notice of Motion that at the next regular meeting of Halifax City Council scheduled for 15 February 1990 he proposed to move First Reading of an amendment to Ordinance No. 149, the Petty Trades Ordinance, the purpose of which is to enable recipients of tickets for violations under that Ordinance to make voluntary payment directly to the Halifax Police Department.

ADDED ITEMS:

McCully House - Interim Work

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

A staff report dated 18 January 1990 was submitted.

Council
25 January 1990

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that Council authorize the second and final payment of \$13,649.69 to Mac Construction Services for work on the exterior restoration of McCully House, the funds to be drawn from the Heritage Fund.

Motion passed.

Tender 89-175: Three Quint Type Fire Fighting Vehicles

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

A staff report dated 25 January 1990 was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Fitzgerald that authority be granted to purchase the three quint type fire fighting vehicles from Pierre Thibault Inc. at a lot price of \$1,377,690.00 in accordance with the specifications and other tender details, funds available in the equipment replacement account, and FURTHER that Council approve the sale of one aerial and two pumpers at the higher of the prices offered by Pierre Thibault Inc. or those obtained by subsequent tender to sell.

Following a short questioning of staff, Mr. Smith, Director of Finance, advised that he would provide a full explanation on the equipment replacement account for members of Council.

The motion was put and passed.

Appointments

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

MOVED by Deputy Mayor Ducharme, seconded by Alderman Fitzgerald that appointments to Boards and Commissions be deferred to the Special Meeting of City Council scheduled for **February 7** and that the present appointments be extended to February 15.

The Chairman advised that the Special Meeting on February 7 would be held at 5:00 p.m.

The motion was put and passed.

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25 January 1990

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HIS WORSHIP MAYOR WALLACE
and
DEPUTY MAYOR DUCHARME
CHAIRMEN

EDWARD A. KERR
CITY CLERK

K*MMD

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

Council Chamber
City Hall
Halifax, Nova Scotia
31 January 1990
7:00 p.m.

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

The meeting was called to order with members of Council, led by His Worship Mayor Wallace, joining in the recitation of the Lord's Prayer.

PRESENT: His Worship Mayor Wallace; and Aldermen Downey, O'Malley, Pottie, R. Grant, Hanson, Flynn, and Stone.

ALSO PRESENT: Mr. D.F. Murphy, Q.C., Acting City Manager; and other members of City staff.

**Case No. 5484 - Amending a Development Agreement -
1546 Barrington Street**

A staff report dated 30 January 1990 was submitted.

Mr. Murphy, Acting City Manager, addressed the matter and explained that a request was received from the developer for an extension to an existing development agreement at 1546 Barrington Street. Mr. Murphy noted that the existing agreement expired 5 February 1990. He explained if the agreement was not extended at this time, that the developer would have to go through the public hearing process, etc., again. Mr. Murphy noted that staff are recommending that the extension be granted.

MOVED by Alderman Downey, seconded by Alderman Pottie that:

- 1) City Council enter into an amending agreement with Barrington Street Historical Development Limited thereby amending the existing development agreement known to the City of Halifax as Case No. 5484 and registered at the Registry of Deeds in Book 4548 at Pages 859-862, to extend the completion date for the development for a further two years.
- 2) the amending agreement be signed within 120 days, or any extension thereof by Council upon 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.

Motion passed.

Special Council
31 January 1990

7:05 p.m. There being no further business to discuss, the meeting adjourned.

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HIS WORSHIP MAYOR WALLACE
CHAIRMAN

/MMD

**SPECIAL COUNCIL
PUBLIC HEARINGS
MINUTES**

Council Chamber
Halifax City Hall
07 February 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: His Worship Mayor Wallace, Chairman; Deputy Mayor M. Ducharme, and Aldermen W. Fitzgerald, G. Downey, N. Meagher, M. O'Malley, P. Pottie, R. Grant, R. Hanson, T. Jeffrey, A. Flynn, and B. Stone.

ALSO PRESENT: Mr. Barry Allen, Acting City Solicitor; City Clerk, and other members of City staff.

Appointments

A report dated February 7, 1990 from His Worship Mayor Wallace was submitted.

MOVED by Deputy Mayor Ducharme, seconded by Alderman Flynn that appointments to boards, committees, and commissions, as outlined in the report dated February 7, 1990 be approved as follows:

ADVISORY COMMITTEE ON CONCERNS OF AGEING

Ward 4	Arnold Grantham
Ward 6	Ray Coolen
Ward 11	Kenneth Walker
Independent Chairman	Ida Zifkin

Terms to expire January 31, 1992

ART ALLOCATION COMMITTEE

Ted Cavanagh
Mern O'Brien
Kathleen Shaw
Harold Rennie
Nancy Stevens

Terms to expire January 31, 1992

DOWNTOWN HALIFAX BIDC

Ed Raymond
Robert Younker
Christopher Huck
Brian Boyden
Virginia Veinot

Terms to expire January 31, 1992

BOARD OF HEALTH

Don McNaughton
Kimberley Morris

Terms to expire January 31, 1992

BOARD OF HARBOUR CITY HOMES

John Bassett
Cheryl Downton
Howard Epstein
Charles Campbell

Terms to expire January 31, 1992

COURT HOUSE COMMISSION

Don Presse
Shirley Lee
Ronald Sabiston

Terms to expire January 31, 1992

POINT PLEASANT PARK

Sheila Haliburton

Term to expire January 31, 1992

HALIFAX-HAKODATE COMMITTEE

Michael Larsen
Robert Miller
Kevin McNamara

Terms to expire January 31, 1992

HALFIAX RECREATION COMMITTEE

Marjorie Ferguson
Jerry Blumenthal

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07 February 1990

Sheila MacLeod
Pat Shaw

Terms to expire January 31, 1992

HALIFAX WATER COMMISSION

Ken Crawford

Term to expire January 31, 1992

HALIFAX INDUSTRIAL COMMISSION

Murray McIsaac
H. G. Rounsefell
David Hyndman
Stephen Murphy

Terms to expire January 31, 1992

George Cooper

Term to expire May 31, 1990

HALIFAX REGIONAL LIBRARY BOARD

Mark Ludman
Bob Vaison

Terms to expire May 31, 1992

HERITAGE ADVISORY COMMITTEE

Graham Duffus
Paul Erickson
Margaret White
Ann Shaftel
Art Conrod

Terms to expire January 31, 1992

MAINLAND SOUTH COMMUNITY CENTRE CORPORATION

Stephen Sutherland
Sylvia Hamilton

Terms to expire January 31, 1992

SPRING GARDEN ROAD BIDC

Michael Wilkes
J. Brian Church

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H. Wayne Miller
Marla Dorward

Terms to expire January 31, 1992

TAXI COMMISSION

Rudolf Vodica
Donita Boyd

Terms to expire January 31, 1992

Robert MacLintock
Phil Herritt
Kim Turner

Terms to expire July 31, 1990

Shirley Comeau to replace Robert MacLintock on
July 31, 1990, for a term to expire January 31,
1992.

TOURISM HALIFAX COMMITTEE

Judith Lake
Peter Green
Albert Walker
Fannie Louise Nathanson
Johannes Hanscap

Terms to expire January 31, 1992

TRANSIT ADVISORY COMMITTEE

Dexter Kaulback
David Boston
W. J. Phillips
John Gratwick

Terms to expire January 31, 1992

CIVIC HOSPITAL BOARD

Alan Riches
Aaron Zive
Donald Peverill
Karl Perry
Diane Gorman

Terms to be extended until the future of the Civic
Hospital is determined.

DESIGN ADVISORY PANEL

A. M. McCrae
Professor O. Biskaps
Leighton Davis
Gordon Ratcliffe
Essy Baniassad
Jean B. Weir

Terms (extended 60 days) to Expire March 31, 1990.

Alderman Fitzgerald addressed the matter and advised that Alderman D. Grant had expressed concern with respect to the terms of the Tourism Halifax Committee. He added that since Alderman D. Grant was not present to discuss this, he was requesting that the appointments be deferred at this time until the matter was settled.

A brief discussion ensued and the motion was carried with Alderman Fitzgerald voting against.

Public Hearing Re: Case No. 5947: Development Agreement -
6163 Lawrence Street

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

Mr. Boyd Algee, Development Officer, addressed Council and outlined the application by Mr. D. Mahar for a development agreement, pursuant to Section 83 of the Land Use Bylaw, for the property at 6163 Lawrence Street to allow a subdivision creating Lots 30A and 30B as shown on survey Plan No. P200/17396, and allow the construction of a single family dwelling on Lot 30B in accordance with Plan No. P200/17397 (as illustrated in the staff report dated 21 November 1989).

In concluding his presentation, Mr. Algee pointed out that the Peninsula North Secondary Planning Strategy, which was currently being reviewed by Council, would permit this type of development and subdivision as-of-right.

Mr. D. Mahar, the applicant, addressed Council and advised that he did not wish to make a formal presentation but that he would answer any questions Council had.

In response to concern by Alderman Meagher regarding trees on the property in question, Mr. Mahar assured Council that it was his hope that the trees could be maintained.

Public Hearings
07 February 1990

In response to a question by Alderman Meagher regarding residents concerns about the proposed dwelling obstructing sunlight, Mr. B. Algee advised that there may be some sunlight blocked but that the proposed building is appropriately set back according to the Land Use Bylaw.

At 7:50 Alderman D. Grant enters the meeting.

Mr. John Yeur, a resident of 6153 Lawrence Street, addressed Council and expressed concern with respect to the proposed application.

Mr. Yeur advised that he was a member and owner of O.V.O. Housing Co-operative and that he was concerned about the design of the proposed dwelling and the negative effect it would have on property values and his enjoyment of amenities.

Mr. Yeur added that the extension to the rear of the proposed dwelling was a breakfast nook and this would obstruct their view and limit the amount of sunlight they would receive. He advised that he considered this extension to be an amenity and that he did not want to lose his amenity in favour of someone else's. Mr. Yeur proposed that the dwelling be shortened in order that he could retain his view.

In summary, Mr. Yeur advised that he did not object entirely to Mr. Mahar's application but that there were alterations they considered necessary and requested Council's consideration of them.

Alderman Meagher questioned whether City Council would have the power to alter the design of the proposed building.

In response to Alderman Meagher's question, the Acting City Solicitor advised that, generally speaking, Council does have the ability to make changes but suggested that this case required individual examination.

A discussion ensued and it was agreed that Mr. B. Algee would contact the applicant and the other party to discuss whether alterations could be made to the proposed dwelling which would be satisfactory to both the applicant and the residents of the area.

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

The following correspondence had been submitted:

**Public Hearings
07 February 1990**

A letter opposing the application; received 06 February 1990, from Mr. Alan Kell, President O.V.O. Housing Co-operative, 2514, Windsor Street, Halifax, NS, B3K 5C1.

A letter of concern; received 06 February 1990, from Ms. Julia Creighton, 6160 Duncan Street, Halifax, NS, B3L 1K2.

A letter of concern; received 07 February 1990, from Mr. David Murdoch, 6162 Duncan Street, Halifax, NS, B3L 1K2.

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

Motion carried.

Public Hearing Re: Case No 5050: Amendment to Development Agreement - 961 South Bland Street

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

Mr. Boyd Algee, Development Officer, addressed Council and outlined the application by Mr. Simon Spatz, for City Council to enter into 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 (as illustrated in the staff report dated 18 December 1989).

Mr. Simon Spatz, the applicant, addressed Council and requested Council's approval of this application.

Mr. Spatz explained that his reason for the amendment was that he wanted to create a bachelor apartment so that his assistant superintendent could live in the apartment building. Mr. Spatz pointed out the difficulties he encountered of not having an assistant superintendent living on the premises, and advised that approval of the amendment would be a benefit to him, the assistant superintendent, and the residents of the building.

Mr. Spatz noted that the room in question was originally designated as an entertainment room for the use of the tenants of the building. He advised that, to date, no one has requested the use of the room and, therefore, he would not be inconveniencing anyone if the room was converted to a bachelor apartment.

Public Hearings
07 February 1990

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

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

Motion carried.

Public Hearing Re: Amendment to the Land Use Bylaw - Height Definition South End and Peninsula Centre

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

Mr. Stephen Feist, Planner II, addressed Council and, referring to the staff report dated 15 November 1989, advised that on November 22, 1989 Council held a public hearing on this matter at which time a second option was introduced in the staff report for Council's consideration. He noted that, at that time, Council was informed that they could not deal with option 2, and therefore, a second public hearing was required to consider option 2. Mr. Feist indicated that this public hearing was for consideration of option 2 which read as follows:

"Height South End and Peninsula Centre Areas" shall be the height shown on ZM-17, Height Map, said height being the vertical distance of the highest point of the roof above the man grade of the finished ground adjoining the building between the building and the fronting street. Further, the permitted height may extend through the maximum height permitted to accommodate the roof of the building provided that no additional habitable space is created."

Note: Underlined portion to be added.

Mr. Feist used diagrams and explained that, basically, the current height precinct definition permits an extra floor to be added to a building. He advised that the reason staff did not recommend the first option as outlined in the November 15, 1989 staff report was because it would encourage development of flat roofs and would not allow design flexibility to the roof level.

Mr. Feist advised that option 2 was formulated to allow non-habitable space above the height precinct, and this would also allow design flexibility at the roof level while

Public Hearings
07 February 1990

at the same time reducing the level of height of the building.

Mr. Feist responded to questions from Council.

Alderman Jeffrey addressed the matter and pointed out that the report does not indicate that the proposed amendment pertains to the Mainland. He advised that when this matter was initially brought up, he requested a report as it pertained to the Mainland.

In response to Alderman Jeffrey's question, Mr. Feist advised that staff had considered this request to be a separate issue and that they were currently working on the report for the R-1 and R-2 zones of the Mainland.

Alderman Fitzgerald addressed the matter and questioned the effect that this amendment, if approved, would have on the Mitchell property.

Mr. Feist responded that under the existing bylaw the developers could add an extra floor, but if option 2 was approved then the extra floor would not be permitted.

At 8:15 Alderman Ducharme retired from the meeting.

Mr. Robert Grant, solicitor for the Mitchell family, addressed Council and expressed concern about the proposed amendment.

Mr. Grant pointed out that this proposal, if approved, would have the same impact on the R-3 portion of the Mitchell Property as the proposal of the November 22, 1990 public hearing on this matter. Mr. Grant advised that the appropriate height for development on the R-3 portion of the Mitchell property was studied extensively by Council, and on October 12, 1989 Council approved an application to amend the Height Precinct Map as it applies to the Mitchell Property from 35 feet to 90 feet in the centre of the property, 55 feet in the band around the center of the property and 35 feet along the perimeter of the property.

Mr. Grant suggested that, in approving this amendment, Council well understood that the amendment would permit the owner to construct buildings, the habitable space of which had a height of up to 100 feet, 60 feet and 45 feet in the appropriate areas. In conclusion, Mr. Grant advised that, in his view, it would be inappropriate now for Council to alter the height provisions respecting the R-3 portion of the Mitchell property, and that Council must effectively eliminate the amendment for the Mitchell property.

Public Hearings
07 February 1990

Ann West, representing the Ward 1 Residents Association addressed Council and read a statement in support of the proposed amendment.

In her statement, Ms. West advised that she supported the proposed amendment and suggested that the current definition of height for the South End and Peninsula Centre Areas has enabled developers to circumvent the intention of the Land Use Bylaw. She added that this has led to a number of developments in the South End where additions to existing buildings were out of proportion to those buildings and in many cases towered over them.

Deputy Mayor Ducharme returned to the meeting.

Alderman Fitzgerald addressed the matter and indicated that although he agreed with the amendment as proposed, he was concerned about the impact it would have on the Mitchell property. Alderman Fitzgerald, referred to Council's previous approval for development of the Mitchell property, and asked for staff's opinion as to whether Council had the ability to approve this amendment and exclude the Mitchell property.

In response to the Alderman's question, Mr. Bill Campbell, Senior Planner, advised that, technically, exceptions of this type could be made, but that the Mitchell property situation would require further investigating and suggested that the City Solicitor's Office may wish to respond to the question as well. He pointed out that this amendment affects all properties within the Peninsula Centre and South End and not just the R-3 zones. Mr. Campbell suggested that if an exception was made for the R-3 zone of the Mitchell property, then it would be reasonable to expect that all owners of R-3 property in the area would want to be exempted from the amendment as well.

In response to a question by Alderman Stone, Mr. B. Campbell suggested that one way the Mitchell property could be excluded from this proposed amendment would be through an amendment to the Land Use Bylaw and Height Definition. He added that this would require a separate public hearing and the public hearing would have to be initiated by Council or the property owner.

A discussion ensued on this matter and it was agreed that staff would provide a report on Council's ability to exclude the Mitchell property from the proposed amendment to the definition of height in the South End and Peninsula Centre Areas of the Land Use Bylaw.

Public Hearings
07 February 1990

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

The following correspondence was submitted:

A letter in opposition; received on February 1, 1990 from Mr. Robert Grant, Stewart MacKeen & Covert, Purdy's Wharf Tower one, Halifax, NS.

A letter in support; received on February 2, 1990 from J. L. Schaffner, 1168 Wellington Street, Halifax, NS, B3H 2Z8.

A letter in support; received on February 7, 1990 from Elizabeth Pacey, President, Heritage Trust of Nova Scotia, 1657 Barrington Street, #522, Halifax, NS, B3J 2A1.

A letter in support; received on February 7, 1990 from Janet O'Dor 1181 South Park Street, Halifax, NS, B3H 2W9.

A letter in support; received on February 6, 1990, from Beverly W. Miller, 6182 South Street, Halifax, NS, B3H 1T5.

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

Motion carried.

There being no further business to discuss, the meeting adjourned at 8:30 p.m.

HIS WORSHIP MAYOR WALLACE
CHAIRMAN

/sm

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of 02/07/90

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