

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

Council Chamber
City Hall
Halifax, Nova Scotia
11 April 1990
8:00 p.m.

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

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

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

The meeting was called to order with members of Council joining in the recitation of the Lord's Prayer led by Reverend John Newton, St. Paul's Church.

MINUTES

Minutes of the Special meeting of City Council held on 21 March 1990 and of the Regular meeting held on 29 March 1990 were approved on a motion by Alderman Fitzgerald, seconded by Alderman Pottie.

**APPROVAL OF THE ORDER OF BUSINESS
ADDITIONS AND DELETIONS**

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

20.1 Grand Parade Restoration (Alderman O'Malley)

20.2 Award of Tender 90-02: Sidewalk Renewals

20.3 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) Zone.

20.4 Setting of the 1990 Tax Rate (Council agreed to deal with this item at the start of the agenda)

MOVED by Alderman Meagher seconded by Alderman O'Malley that item 17.1 (the appointment regarding the Halifax-Dartmouth Port Development Commission) be deferred.

Motion defeated.

MOVED by Alderman Flynn, seconded by Alderman Fitzgerald that the agenda as amended be approved.

Motion passed.

Setting of the 1990 Tax Rate

Mr. Bernard G. Smith, Director of Finance, and Mr. Al Leblanc, Budget Officer, addressed Council and submitted a report on the setting of the 1990 Tax Rate and Budget.

A discussion ensued with Alderman Flynn indicating that the School Board Budget was in an amount of \$76,510,876 and that the reason for the increase was due to the \$900,000 retirement allowance.

Responding to Alderman Flynn's comments, Mr. Smith advised that generally what has happened is that the original City cost sharing has been increased significantly to cover the Provincial shortfall and, in order to make provision for adequate payment this year in the teachers' retirement fund, \$900,000 was included in the \$76,510,876.

The City Manager clarified that the figure was originally 1.1 million dollars with the original submission. However, he noted that \$900,000 was removed from the Budget when the School Board projected a 1.6 or 1.8 percent increase. The City Manager advised that the \$900,000 amount has been reinstated resulting in a 1.1 million dollars for the teachers' retirement fund.

The discussion continued with Alderman R. Grant informing Council that the Committee to Review Alternative Sources of Tax Revenue was investigating different ways of finding revenue for the City. Alderman R. Grant indicated that the Committee intended to ask the Director of Finance to review the fees Boards and Commissions charge for the services they render. Secondly, Alderman R. Grant advised that the Committee was looking at areas sensitive to revenue where the City offers services but does not charge any fees. Thirdly, the Alderman advised that the Committee intended to offer to Council recommendations with regard to a strategy for promoting the Industrial Park.

After further discussion, it was MOVED by Alderman Fitzgerald, seconded by Alderman Downey that City Council ratify the decisions of the Committee of the Whole Council with respect to the 1990 Operating Budget, as per the summary of Revenue and Expenditures for 1990 (attached to the report on the Setting of 1990 Tax Rate & Budget).

Motion passed.

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MOVED by Alderman Downey, seconded by Alderman Meagher that the Operating Budget for the Civic year 1990 be fixed at \$233,007,342.

Motion passed.

MOVED by Alderman Flynn, seconded by Alderman Hanson that the gross expenditures for the Halifax District School Board for the Civic year 1990 be set at \$76,510,876. Further, that the reserve for teachers' pre-retirement payments be transferred to the custody of and held by the City of Halifax on behalf of the Halifax District School Board. All funds budgeted in 1990 be placed in the reserve and only be used for payments in accordance with negotiated retirement allowances.

Motion passed.

MOVED by Alderman Meagher, seconded by Alderman Pottie that the interest rate on all reserves for 1990 be fixed at 6%.

Motion passed.

MOVED by Alderman Pottie, seconded by Alderman Downey that City Council ratify the motion of the Committee of the Whole Council with respect to the content and amount of the 1990 Capital Budget as per the summary (attached to the report on the Setting of 1990 Tax Rate & Budget) with a gross of \$18,153,000 and a net of \$9,184,000.

Motion passed.

MOVED by Alderman R. Grant, seconded by Alderman Hanson that City Council approve an increase in interest charged on past due taxes to 24 percent on all taxes outstanding effective September 1st, 1990 and that the increase be publicized in the local press by advertisement.

Motion passed.

MOVED by Alderman Hanson, seconded by Deputy Mayor Ducharme that \$1,496,000 be appropriated for the Cumulative Net Operating Deficit from the 1990 Operating Budget.

Motion passed.

MOVED by Alderman O'Malley, seconded by Alderman R. Grant that the hourly parking meter rate be increased to \$1.00 per hour, to be implemented as soon as possible.

Motion passed.

MOVED by Deputy Mayor Ducharme, seconded by Alderman Hanson that the provisions of Section 41(2) to (9)

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inclusive, of the Assessment Act, shall not apply to the City of Halifax, with the result that there shall be no residential occupancy tax in the City of Halifax for the taxation year 1990.

Motion passed.

MOVED by Alderman Flynn, seconded by Alderman Stone that the tax rate for the year 1990 be set at \$3.4116 per hundred dollars of assessment. This rate shall be applied to:

- (a) The full assessed value of property of a business character and nature; and
37.90 % of a residential character and nature; and
- (b) Occupancy taxes as follows:
 - 1) The tax rate applied to 50% of the assessed value of the property of a business character or nature as determined by the Assessor under Section 7(1) of the Assessment Act.
 - 2) 25% of the assessed value of the properties as set out in Section 7(2)(a) of the Assessment Act, as determined by the Assessor.
 - 3) 75% of the assessed value of the properties as set out in Section 7(2)(b) of the Assessment Act, as determined by the Assessor.

Motion passed.

MOVED by Alderman Stone, seconded by Alderman Fitzgerald that the Fire Protection Rate be set at \$0.046 per hundred for the year 1990.

Motion passed.

ADOPTED RATES:	1989	1990	%Increase
Residential	\$1.3744	\$1.3390	7.17%
Business Occupancy	\$3.6219	\$3.4116	7.10%
Commercial Property	\$3.6729	\$3.4576	7.04%
Fire Protection	\$0.0510	\$0.0460	-9.80%
Split	\$0.3654	\$0.3790	3.72%
Ratio Comm/Res	\$2.6724	\$2.5822	-3.37%

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DEFERRED ITEMS

Case No. 5562: Development Agreement - 6205 Pepperell Street

This item was deferred to this meeting from the meeting of City Council held on 29 March 1990.

Alderman Fitzgerald addressed the matter and indicated that this matter has been deferred because of concerns which have not been settled regarding the parking lot, fencing, and hours of operation. He noted that he would like to add to the agreement.

Responding to a question from Alderman Fitzgerald, Mr. Allen, Acting City Solicitor, advised that the particular properties listed in the Municipal Planning Strategy were put there for the specific purpose of allowing them to be developed as parking facilities. He went on to suggest that, if Council refused this development and the developer appealed to the Municipal Board, there was very little chance that the Municipal Board would uphold Council's decision.

Responding to a further question from Alderman Fitzgerald, Mr. Allen suggested that Council, if it wished to do so, should get the process going toward preventing any further lots from being developed.

9:20 p.m. His Worship Mayor Wallace retired from the meeting with Deputy Mayor Ducharme assuming the seat of the Chair.

Mr. Angus Shaffenburg, Planner II, addressed Council and advised that the Planning Advisory Committee was holding a public meeting on April 25th to hear submissions on the parking lot issue. Therefore, he suggested that the process for amending the policy was under way.

Alderman Fitzgerald indicated that he wanted the draft agreement to be amended to allow the hours of operation for any loading or unloading only from 7:30 a.m. to 6:30 p.m. The Alderman also indicated that there should be a stipulation that the parking lot only be used during the day for vehicle parking for staff. With regard to the fence, Alderman Fitzgerald asked that it be extended to the rear of the property adjacent to 6209/11 Pepperell Street (Mrs. Tissington's property) half way out and that the fence to be erected adjacent to the property line of 6201 Pepperell Street (Mrs. Dempsey's property) should be mutually agreed upon between the owner Mrs. Dempsey and Mr. Ramia.

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that the draft development agreement attached to the report of 23 June 1989 be amended by:

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- 1) Adding a new Section 10 that reads "10. The hours of operation of any loading or unloading operation shall be from 7:30 a.m. to 6:30 p.m. excluding Sunday and public holidays." The numbering of the following section would be amended accordingly.
- 2) Requiring that the parking lot be used during the day for vehicular parking for staff only.
- 3) Requiring that the fence be extended to the rear of the property adjacent to 6209/11 Pepperell Street half way out and that the fence to be erected adjacent to the property line of 6201 Pepperell Street be mutually agreed upon between the owner, Mrs. Dempsey, and the applicant, Mr. Ramia.

Responding to a question from Alderman Meagher with respect to a property on the other side of Quinpool Road, Mr. Shaffenburg advised that the parking lot provisions were included in the draft Peninsula North Plan. He noted that the owner of the property which Alderman Meagher was referring to would not be able to do anything with his parking lots that were on Yale Street until those provisions were approved by the Minister of Municipal Affairs. Mr. Shaffenburg confirmed that once the Plan was passed then the owner would be able to apply for a development agreement for a parking lot. At the request of Alderman Meagher, Mr. Shaffenburg agreed that staff would correspond with the owner of that property on this matter.

The motion was put and passed with Alderman O'Malley abstaining.

**Case No. 5973: Appeal of Minor Variance Refusal -
6153 North Street**

This matter was forwarded to Council without recommendation from the Special Meeting of Council held on 4 April 1990.

Alderman Meagher addressed the matter and MOVED, seconded by Alderman O'Malley that this item be forwarded to staff for a further report.

Alderman Meagher noted that some confusion existed between the owner of the property and staff explaining that the owner was of the opinion that the Development Department understood that there was a garage in his backyard. The Alderman further explained that the owner has advised him that he had acquired certain permits. Alderman Meagher went on to ask that staff advise as to whether or not the Planning Department knew there was a garage in the backyard when the permits were issued. The Alderman commented that he also wanted to know what permits were issued and for what

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purpose. Alderman Meagher noted that there seemed to be a great amount of the property covered with building and asked that staff indicate the amount of lot which the building comprised.

Motion passed.

Recommended Heritage Properties:

1675 Bedford Row

A public hearing was held regarding this matter on 4 April 1990.

MOVED by Alderman Downey, seconded by Alderman R. Grant that Council refuse the registration of 1675 Bedford Row as a heritage property.

Motion passed.

1665-1669 Granville Street (Old Auction House)

A public hearing was held regarding this matter on 4 April 1990.

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that Council refuse the registration of 1665-1669 Granville Street (Old Auction House) as a heritage property.

Motion passed.

9:35 p.m. His Worship Mayor Wallace returned to the meeting with Deputy Mayor Ducharme taking her usual seat in Council.

5536 Sackville Street (Irving Oil Station)

A public hearing was held regarding this matter on 4 April 1990.

MOVED by Alderman Downey that Council refuse the registration of 5536 Sackville Street (Irving Oil Station) as a heritage property. There was no seconder to Alderman Downey's motion.

Following a short discussion, it was MOVED by Alderman Meagher, seconded by Alderman Fitzgerald that this matter be deferred pending a presentation at Council from the Solicitor for the owner of this property.

Motion passed.

Alderman Meagher suggested that His Worship Mayor Wallace write a letter to Irving Oil Limited concerning this

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matter and encouraging them to support the heritage designation of their property.

The City Manager indicated that staff would provide a report on the implications of designation and Council's authority in this regard.

**Case No. 6029: Rezoning from R-1 to R-2 -
59 Purcell's Cove Road**

A public hearing on this matter was held 4 April 1990.

Alderman Hanson addressed the matter and advised that there was a point which needed clarification regarding this rezoning. It was, therefore, MOVED by Alderman Hanson, seconded by Alderman R. Grant that this matter be forwarded to staff.

Alderman Hanson asked that staff provide Council with a prompt response so that the matter might be dealt with at the Special Meeting of City Council scheduled for 18 April 1990.

The motion was put and passed with Alderman Pottie abstaining.

PETITIONS AND DELEGATIONS

**Petition Alderman Stone Re: Walkway between Oakhill Drive
and Woodbury Drive**

Alderman Stone submitted a petition containing approximately 137 names in support of the upgrading of the walkway between Oakhill Drive and Woodbury Drive. Alderman Stone also submitted, for distribution to all members of Council, a letter dated 31 March 1990, from the President of the Rockingham Parent School Association in support of the upgrading of this walkway.

ADDED ITEMS

**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) Zone**

At the request of Alderman Hanson, it was agreed that the following item would be addressed at this point in the meeting's agenda.

This matter was discussed at the last meeting of City Council held on 29 March 1990.

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A supplementary staff report dated 9 April 1990 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Hanson that Council adopt the resolutions contained in Appendix 1 (attached to the supplementary staff report of 9 April 1990).

The City Clerk advised that Aldermen R. Grant and Flynn were not in attendance at the public hearing and therefore should not participate in the vote.

Motion passed with Aldermen R. Grant and Flynn abstaining.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee meeting from its meeting held on 4 April 1990 as follows:

Lease - City Office Space - Scotia Square

MOVED by Alderman Downey, seconded by Alderman R. Grant that, as recommended by the Finance and Executive Committee, with reference to the lease of City office space in Scotia Square, Council authorize the Mayor and the City Clerk to sign the Lease Amendment Agreement in the form attached to the staff report of 29 March 1990.

Motion passed.

Program - Halifax Natal Day

This matter was forwarded to Council without recommendation.

Alderman R. Grant advised that he had discussed this matter with the City Manager and with the Chairman of the Halifax Natal Day Committee. As a result, it was MOVED by Alderman R. Grant, seconded by Alderman Flynn that Council:

- 1) Approve the Operating Budget of \$70,000 for Halifax Natal Day;
- 2) Approve the 1989 servicing cost with a 4 percent increase;

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- 3) Require that any other services that may occur be approved by the City Manager before a commitment is made.

Motion passed.

MISCELLANEOUS BUSINESS

Appointments

At the request of Alderman Hanson, it was agreed that the following item would be dealt with at this time.

A report dated 9 April 1990 was submitted from His Worship Mayor Wallace.

(1) MOVED by Alderman Flynn, seconded by Deputy Mayor Ducharme that Mr. Alfred Hamshaw be appointed to the **Halifax-Dartmouth Port Development Commission** for a term to expire 13 April 1992.

Motion passed.

(2) MOVED by Alderman Flynn, seconded by Deputy Mayor Ducharme that Jocelyn Campbell be appointed to the **Halifax Taxi Commission** for a term to expire 31 January 1992.

Motion passed.

9:50 p. m. - Alderman Hanson retires from the meeting.

REPORT - FINANCE AND EXECUTIVE COMMITTEE (CONT'D)

Effect of the G.S.T. on Social Planning Budget

An information report dated 9 April 1990 was submitted.

MOVED by Deputy Mayor Ducharme, seconded by Alderman Flynn that staff continue to keep Council updated on the situation with respect to the G.S.T.

Motion passed.

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- 3) Require that any other services that may occur be approved by the City Manager before a commitment is made.

Motion passed.

MISCELLANEOUS BUSINESS

Appointments

At the request of Alderman Hanson, it was agreed that the following item would be dealt with at this time.

A report dated 9 April 1990 was submitted from His Worship Mayor Wallace.

- (1) MOVED by Alderman Flynn, seconded by Deputy Mayor Ducharme that Mr. Alfred Hamshaw be appointed to the **Halifax-Dartmouth Port Development Commission** for a term to expire 13 April 1992.

Motion passed.

- (2) MOVED by Alderman Flynn, seconded by Deputy Mayor Ducharme that Jocelyn Campbell be appointed to the **Halifax Taxi Commission** for a term to expire 31 January 1992.

Motion passed.

9:50 p. m. - Alderman Hanson retires from the meeting.

REPORT - FINANCE AND EXECUTIVE COMMITTEE (CONT'D)

Effect of the G.S.T. on Social Planning Budget

An information report dated 9 April 1990 was submitted.

MOVED by Deputy Mayor Ducharme, seconded by Alderman Flynn that staff continue to keep Council updated on the situation with respect to the G.S.T.

Motion passed.

Briar Lane (Rear of Halifax YMCA) - SET DATE FOR HEARING

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, Council set a date for a public hearing to consider lifting the street lines (as per the plans attached to the staff report of 15 March 1990) for purposes of entering into a one-year lease (month-to-month thereafter) with the YMCA, on the condition that, if the land is offered for sale at some future date, the Lord Nelson Hotel be given an equal opportunity to negotiate for its purpose along with the YMCA.

Motion passed.

The City Clerk advised that the public hearing would be set for **Wednesday, 23 May 1990**, in the Council Chamber.

Metropolitan Authority - Transit Funding Formula

This matter was forwarded to Council without recommendation.

MOVED by Alderman Flynn, seconded by Alderman Pottie that this matter be forwarded to the next Committee of the Whole Council meeting scheduled for **Wednesday, 18 April 1990** for a full discussion.

Deputy Mayor Ducharme suggested that Mr. Smith of the Metropolitan Authority be invited to attend this Committee of the Whole Council meeting to help with the clarification on the funding, to which Council agreed.

The motion was put and passed.

Guarantee of Borrowing - Metropolitan Authority

This matter was forwarded to Council without recommendation pending receipt of a further report from the Director of Finance. An information report dated 10 April 1990 was submitted.

MOVED by Alderman Fitzgerald, seconded by Deputy Mayor Ducharme that Council authorize a guarantee borrowing resolution by the Metropolitan Authority as follows:

90-02	Solid Waste	\$ 592,800
90-01	Metro Transit	\$ 1,810,000

and authorize the Mayor and the City Clerk to sign same.

Motion passed.

Amendments to Ordinance No. 183, "Respecting the Discharge of Waters and Wastes into Public Sewers," and the City Charter

MOVED by Deputy Mayor Ducharme, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee:

- 1) Council approve in principle the amendments to Ordinance No. 183 and to the City Charter (attached as Appendices "A" and "B" respectively to the staff report of 13 March 1990);
- 2) Council direct staff to arrange for the introduction before the Legislature of the Province of Nova Scotia of the amendments to the City Charter attached as Appendix "B" to the staff report of 13 March 1990; and
- 3) Council direct staff to arrange for the immediate introduction before Council for formal adoption of those amendments to Ordinance No. 183 contained in Appendix "A" of the 13 March staff report which can be adopted without amendments to the City Charter; and arrange for the introduction before Council for the formal adoption of the remaining amendments to Ordinance No. 183 when the Charter amendments have been approved by the Provincial Legislature.

Motion passed.

Private Meetings of Council and Meetings of Aldermen

His Worship Mayor Wallace addressed the matter and advised that there has been some misunderstanding with regard to the particular item and referred to an editorial entitled "Opening Closed Doors". Mayor Wallace assured the members of the media and the public that there have been no private meetings of Halifax City Council since 1980 with the exception of matters dealing with personnel, labour contracts, legal advice which might give an advantage to someone opposing the City, contract negotiations, and intergovernmental relations. His Worship advised that any direction given at any one of these classes of meetings proceeds to Council where the discussion and/or decision is made in public. Mayor Wallace noted that the question under consideration was whether members of Council could gather informally for general discussion and whether there could be no interaction between members of Council without the media and public present. As the media is aware, Mayor Wallace advised that Council and Committee of the Whole meetings are structured and that the opportunity for "free-wheeling" discussion, that can take place in an informal relaxed

atmosphere, does not exist. As a result, Mayor Wallace urged that references not be made to secret or closed meetings of Halifax City Council by the media.

Alderman Fitzgerald suggested that Council announce to the media and to the public when it is going to hold a confidential meeting to discuss any one of the five areas outlined by the Acting City Solicitor, in his report of 23 March 1990.

MOVED by Alderman Fitzgerald, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, Council endorse the report from the Acting City Solicitor, dated 23 March 1990, as the basis for future guidelines to be developed with regard to private meetings of City Council.

Motion passed.

Blasting Ordinance: Seismic Research

MOVED by Alderman Flynn, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, the Nova Scotia Research Foundation Corporation be commissioned to carry out a study to determine appropriate criteria for blasting regulations for the City of Halifax for a maximum fee of \$20,000 (funds to be made available from Account No. A0820.122304).

Motion passed.

Tender #90-60: Inspection and Testing

MOVED by Alderman Richard Grant, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, Tender #90-60 be awarded to Jacques, Whitford & Associates Limited (in the amount of \$47,185.00) for the inspection and testing of materials for 1990.

The motion was put and passed.

Tender #90-77: Supply of Hot Dense Graded Asphaltic Material (Engineering & Works Department)

MOVED by Alderman Fitzgerald, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, Tender #90-77 (for the purchase of hot dense graded asphaltic material) be awarded to Municipal Contracting Limited, the lowest bidder meeting

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specifications, for a price per tonne of \$44.50 on an as and when required basis.

The motion was put and passed.

Change of Meeting Date Re: Committee of the Whole Meeting (6 June 1990) and Change in Time (9 May 1990 Public Hearings)

MOVED by Deputy Mayor Ducharme, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, that Council consider revising the date of the presently scheduled **6 June** meeting of Committee of the Whole Council; and further, that the Special Meeting of City Council (Public Hearings) now scheduled for 7:30 p.m. on Wednesday, **9 May** be changed to **5:00 p.m.**

The motion was put and passed.

The City Clerk advised that the revised date for the **6 June** meeting of Committee of the Whole Council would be **MONDAY, 11 JUNE 1990** commencing at **2:00 p.m.**

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting on Wednesday, 4 April 1990, as follows:

Sidewalk Renewals

This matter had been forwarded to Council without recommendation.

On the recommendation of the City Manager, it was agreed that the matter be deferred to the next regular meeting of Committee of the Whole Council **scheduled for Wednesday, 18 April 1990.**

REPORT - SAFETY COMMITTEE

Council considered the report of the Safety Committee from its meeting held on Wednesday, 4 April 1990, as follows:

Edward Arab Avenue Residents -
Halifax Shopping Centre

Following is the recommendation forwarded from the 4 April meeting of the Safety Committee:

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That a letter be written to Trilea requesting that the President or Vice President meet with Alderman Flynn, Alderman Fitzgerald, Alderman Pottie, a resident of Edward Arab Avenue, and a senior staff person to discuss the concerns of the residents and to report back to Council.

In reference to the presentation made to Committee of the Whole Council by Mr. Tim Allen of Edward Arab Avenue on 4 April, Alderman Flynn emphasized that area residents are extremely concerned that, with the renovations to the Halifax Shopping Centre nearing completion, no action has yet been taken to address their difficulties.

The Alderman further noted that he had been present at several public meetings held before the renovations had commenced at which a Trilea representative had recommended that a sound absorbing material be placed around the wall and the fence along the eastern perimeter roadway in order to minimize the noise. He emphasized that, not only has this not been undertaken, the individual who had originally offered the suggestion is no longer associated with the company.

Alderman Flynn went on to point out that at a recent meeting of the Transit Advisory Committee, Transit representatives had indicated that they would look at removing the early morning and late evening buses from this roadway in an effort to reduce some degree of noise. He emphasized, however, that no changes have been made to date.

It was therefore moved by Alderman Flynn, seconded by Alderman Stone that a special staff committee (consisting primarily of representatives of the City's Legal Department and of the Development and Planning Department) be struck to meet with the developers in question (Trilea Centres Inc.) to review the entire development agreement in an attempt to address the residents' concerns.

In putting forward this motion, Alderman Flynn asked that Mr. Michael Hanusiak be named as "coordinator" of this special committee.

Alderman Flynn also noted that no decision has yet been made with regard to the Romans Avenue exit, and requested that consideration be given to this matter as well. The motion was put and passed.

Container Terminal Spill

MOVED by Alderman O'Malley, seconded by Alderman Pottie that, as recommended by the Safety Committee, His Worship the Mayor, on behalf of members of Halifax City

Council, write a letter to the Halifax Port Corporation requesting assurance that adequate and proper procedures are in place at our port to deal immediately and effectively with any type of cargo that has any potential for danger to persons or the environment.

The motion was put and passed.

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

**Motion Alderman Flynn Re: Proposed Amendments to
Ordinance No. 130, Respecting Wiring and the
Use of Electrical Energy - SECOND READING**

This matter was given first reading at a regular meeting of Halifax City Council held on Thursday, 29 March, and was further considered during a meeting of the Finance and Executive Committee held on Wednesday, 4 April 1990.

MOVED by Alderman Flynn, seconded by Alderman Stone that Halifax City Council give SECOND READING to the amendments proposed for Ordinance No. 130, Respecting Wiring and the Use of Electrical Energy, as follows:

Clause (b) of Section 1.2.1 is repealed and the following substituted therefor:

- (b) "Canadian Electrical Code" means the 16th edition of CSA, C22.1EP-1990, the Canadian Electrical Code, Part I, published in January, 1990 by the Canadian Standards Association, and any amendments thereto;

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, 4 April 1990, as follows:

**Hogan Lands (Kearney Lake Road
near the Bicentennial Highway)**

MOVED by Alderman Stone, seconded by Alderman Fitzgerald that, as recommended by the City Planning Committee, staff be requested to provide information on the

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best way to acquire the Hogan Lands if Council were to approve the acquisition of this property.

The motion was put and passed.

**Case No. 6053: Rezoning from R-2 to C-1, 6456-58 Chebucto Road; and Rezoning - C-2A to C-1, 6466-70 Chebucto Road
(SET DATE FOR PUBLIC HEARING)**

This matter had been forwarded to Council without recommendation.

MOVED by Alderman Meagher, seconded by Alderman Downey that a public hearing be scheduled to consider the application to rezone 6456-58 Chebucto Road from R-2 (General Residential) Zone, to C-1 (Local Business) Zone; and 6466-70 Chebucto Road from C-2A (Minor Commercial) Zone to C-1 (Local Business) Zone.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 20 JUNE 1990 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

**Case No. 4055: Discharge of Agreement
- 1120 Queen Street**

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the City Planning Committee, City Council discharge the agreement dated 3 March 1982 and the amending agreement dated 20 October 1982 between Sobey's Leased Properties Limited and the City of Halifax, filed at the Registry of Deeds in Book 3560, Page 898, and Book 3620, Page 164 respectively, upon approval of a subdivision of 1120 Queen Street to place each building on its own lot and upon Sobey's entering into a license agreement respecting the removal and replacement of the refuse compactor and container pad partially located on the City of Halifax Fresh Water Brook Sewer easement, and upon provision of a sewer easement to the owners of 5515 Victoria Road (as outlined by the draft discharging agreement attached as Appendix "B" to the staff report dated 26 March 1990).

The motion was put and passed.

**Case No. 5275: Amendments to Development Agreement -
Spring Garden Place, Phase II (SET DATE FOR
PUBLIC HEARING)**

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the City Planning Committee, a public hearing be scheduled to consider the following amendments proposed for the Spring Garden Place (Phase II) development agreement:

- 1) permit construction of an additional mix-use condominium along Brenton Street;
- 2) permit commercial occupancy of the condominiums at or below grade along Clyde Street;
- 3) permit commercial occupancy throughout the Dresden Row condominium units; and
- 4) exempt the Bank of Nova Scotia component from Article 4(c) of the existing agreement to the extent that the Development Officer may authorize the issuance of an occupancy permit where, in his opinion, the parking garage is substantially complete.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 23 MAY 1990** commencing at 7:30 p.m. in the Council Chamber, Halifax City Hall.

MOTIONS

**Motion Deputy Mayor Ducharme Re: Amendment to the
Metro Transit Bylaw Replacing References to
Cost-Sharing**

Notice of Motion with regard to this matter was given by Deputy Mayor Ducharme during a regular meeting of Halifax City Council held on Thursday, 29 March 1990.

After some discussion and questioning of the Acting City Solicitor, it was agreed that this matter be deferred, pending discussion of a related issue at the 18 April meeting of Committee of the Whole Council.

MISCELLANEOUS BUSINESS

Appointments

This matter was dealt with earlier in the meeting.

QUESTIONS

Question Deputy Mayor Ducharme Re:
Deferred Items

Deputy Mayor Ducharme noted that several matters (including the report from the PAC Review Committee and the staff report concerning parking in front yards) had been deferred pending completion of the budget review exercise. She urged that, the budget now having been approved, these matters be brought forward for Council's consideration as quickly as possible.

Question Deputy Mayor Ducharme Re:
Meetings with Halifax MLA's

Deputy Mayor Ducharme suggested that perhaps it is now time for Council to attempt to arrange meetings with those MLA's representing the City of Halifax in an effort to clarify the communication lines between the two levels of government.

Question Alderman Downey Re: Federal Government
Property - Gottingen Street

Alderman Downey noted that, some time ago, a letter had been sent at his request by His Worship Mayor Wallace to the Minister of Public Works concerning the Federal Government site on Gottingen Street. The Alderman indicated that it had been his impression at the time that the Minister had agreed that no action would be taken unless the City was first notified and given an opportunity to acquire the site.

In this context, Alderman Downey referred to a recent article in one of the local newspapers which advised that the Gottingen Street property will be put up for auction, and asked that His Worship contact the Minister a second time and remind him of his earlier assurances.

Mayor Wallace indicated that he would take the matter up once more with the Minister of Public Works.

Question Alderman Downey Re:
Call-Back of Part-Time Employees

Alderman Downey asked for a staff report as quickly as possible (perhaps in time for the 18 April meeting of Committee of the Whole Council) as to when part-time employees will be called back to work by the City. In making this request, the Alderman made reference to the poor condition of many of the City's streets and indicated that, in his opinion, every effort should be made to call these individuals back as soon as possible.

The City Manager advised that the information requested by Alderman Downey might not be available by 18 April but in any event would be supplied as quickly as possible.

Question Alderman O'Malley Re: Streets Committee

Alderman O'Malley noted that a resident from Ward 5 had written a letter to the Streets Committee several months ago but to date has received no reply.

His Worship Mayor Wallace thanked the Alderman for bringing this matter to his attention, noting that the letter in question had been mislaid but emphasizing that he would now contact the individual as quickly as possible. In this context, Mayor Wallace asked the Alderman to provide him with the name and address of the individual in question.

Question Alderman O'Malley Re: Installation of Parking Meters

Alderman O'Malley asked that the Traffic Authority be requested to investigate the possibility of installing parking meters (those of the 3-4 hour variety) along Ahearn Avenue and Trollope Street where cars normally park all day long. The Alderman suggested that these meters may represent an additional source of revenue for the City, and asked that a report be brought forward to Council on this matter as quickly as possible.

Question Alderman Fitzgerald Re: Comments Made by Premier Buchanan Re: Halifax District School Board Funding

Alderman Fitzgerald made reference to a recent CBC program during which Mr. David MacAdam had responded to various statements made by Premier Buchanan. While complimenting Mr. MacAdam on his remarks, the Alderman emphasized that several of the comments put forward by the Premier appeared to be erroneous. He therefore asked that

His Worship Mayor Wallace obtain a copy of the questions put to Mr. MacAdam and his responses, and reiterate to Premier Buchanan that several of his (the Premier's) remarks were in error.

**Question Alderman Fitzgerald Re: Development
Proposal for Mitchell Property**

Alderman Fitzgerald referred to Minutes from a recent meeting of the Advisory Committee on the Concerns of Ageing which made reference to a presentation made to that Committee concerning a development proposal for the Mitchell property.

The Alderman requested that staff provide an update on what, if anything, is being planned for that property.

**Question Alderman Fitzgerald Re: Provincial
Cutback in Planning Funds**

Alderman Fitzgerald made reference to the fact that the Province has decreased its funding to the City's Planning Department by approximately \$53,000 and asked that a letter be written by His Worship Mayor Wallace expressing the City's disappointment in this regard.

Question Alderman Fitzgerald Re: Gardencrest Apartments

Alderman Fitzgerald asked for information from staff as to when this matter will be coming back to Council for debate.

Question Alderman Fitzgerald Re: Recycling

Alderman Fitzgerald made reference to two letters recently received (one from a Ms. Joanne Light, the other from a plastic company) as well as to comments made by His Worship Mayor Wallace with regard to toxic waste. The Alderman emphasized the extreme urgency of the recycling project and urged that every effort be made to keep the program moving.

ADDED ITEMS

Grand Parade Restoration (Alderman O'Malley)

Alderman O'Malley made reference to several telephone calls received by her with regard to comments made during a recent meeting of the Halifax Homeowners

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Association. She noted that those in attendance had apparently been given the impression that City Council intends to proceed with the renovations to the Grand Parade, and that the necessary funds had been allocated in the 1990 budget at an amount of \$3,500,000. Alderman O'Malley also noted that a letter had been received from Mrs. Elizabeth Pacey, President of Heritage Trust, expressing these same concerns.

The Alderman indicated that she had been very disturbed by these allegations, particularly since she understood herself to be on record as being in opposition to the restoration proposal as it was presented to Council in October of 1989 and also because it had been her impression that the matter had merely been tabled.

His Worship Mayor Wallace concurred that the matter, when it was initially presented to Council late last year, had been tabled, but would be brought back within the next several weeks for further discussion.

With reference to the Mayor's remarks, Alderman O'Malley noted that CAP-53 of the City Budget document refers to an allotment for this project (to be made in future years). She therefore asked for a written explanation from staff as to why this item had been included as well as an indication of what is being planned for the site.

In conclusion, Alderman O'Malley asked that it be officially recorded that the Grand Parade restoration project has not been provided for in the City's 1990 Budget, and expressed concern that this misinformation had been circulated at the Homeowners meeting.

Award of Tender #90-02: Sidewalk Renewals

A staff report, dated 8 March 1990, was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that Tender #90-02 for the following sidewalk renewals be awarded to Armdale Construction Limited at a tender price of \$124,715.00 and at a total combined project cost of \$150,000:

- 1) Jubilee Road (S) - Beech to Pryor: \$73,315.00
(funds to be taken from Account Nos. CB580 and CB581);
- 2) Edward Street (E) - Bliss to Coburg: \$16,425.00
(funds to be taken from Account No. CB569);
- 3) Cambridge Street (W) - Jubilee to Norwood: \$34,975.00

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(funds to be taken from Account No. CB553).

The motion was put and passed.

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) Zone

This matter had been dealt with earlier in the
meeting's agenda.

There being no further business to be discussed,
the meeting was adjourned at approximately 10:30 p.m.

HIS WORSHIP MAYOR RON WALLACE
AND
DEPUTY MAYOR MOIRA DUCHARME
CHAIRMEN

EDWARD A. KERR
CITY CLERK

mmd*K

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**SPECIAL COUNCIL
PUBLIC HEARINGS
MINUTES**

Council Chamber
Halifax City Hall
18 April 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; and Alderman Fitzgerald, Alderman Downey, Alderman Meagher, Alderman Pottie, Alderman Grant, Alderman Hanson, and Alderman Flynn.

ALSO PRESENT: Mr. B. G. Smith, Acting City Manager, Mr. B. Allen, Acting City Solicitor, City Clerk and other members of City staff.

At the request of the City Clerk, the following item was added to the agenda:

Case No. 6029 Rezoning from R-1 to R-2, 59 Purcell's Cove Road

A supplementary report, dated 12 April 1990, was submitted.

Alderman Hanson addressed Council and indicated that he did an assessment of the area in question, and it was his opinion that the area was not predominately R-1 zoning and he noted that the land directly to the rear of this property was zoned R-2 and suggested that, for these reasons, the application be approved.

MOVED by Alderman Hanson, seconded by Alderman Grant that the application to rezone 59 Purcell's Cove Road (Lot M-1) from R-1 (Single Family Dwelling Zone) to R-2 (Two Family Dwelling Zone) be approved.

The City Clerk advised that Alderman Pottie was not in attendance at the public hearing and therefore should not participate in the vote.

Motion carried with Alderman Pottie abstaining.

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The following items were added to the agenda, being deferred from a regular meeting of the Committee of the Whole Council held on this date:

Award of Tender #90-03: Sidewalk Renewal

This item had been forwarded to this meeting from a meeting of the Committee on Works held earlier on this date.

MOVED by Alderman Pottie, seconded by Alderman Fitzgerald that Tender 90-03 for the project, materials and services listed and for the unit prices quoted at a total bid price of \$164,851 and a total project cost of \$198,000 be awarded to Armdale Construction Ltd.

Motion carried.

Award of Tender #90-04: Sidewalk Renewal

This item had been forwarded to this meeting from a meeting of the Committee on Works held earlier on this date.

MOVED by Alderman Pottie, seconded by Alderman Fitzgerald that Tender 90-04 for the projects, materials and services listed for the unit prices quoted at a bid price of \$139,455 and a total project cost of \$167,000 be awarded to Standard Paving Maritime Limited.

Motion carried.

Award of Tender #90-05: Sidewalk Renewal

This item had been forwarded to this meeting from a meeting of the Committee on Works held earlier on this date.

MOVED by Alderman Pottie, seconded by Alderman Fitzgerald that Tender 90-05 for the project, materials and services listed for the unit prices quoted at a bid price of \$188,510 and a total project cost of \$226,000 be awarded to Municipal Contracting Ltd.

Motion carried.

Award of Tender #90-06: Sidewalk Renewal

This item had been forwarded to this meeting from a meeting of the Committee on Works held earlier on this date.

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MOVED by Alderman Pottie, seconded by Alderman Fitzgerald that Tender 90-06 for the projects, materials and services listed for the unit prices quoted at a tender price of \$148,433.50 and a total project cost of \$178,000 be awarded to Armdale Construction.

Motion carried.

Award of Tender #90-07: Sidewalk Renewal

This item had been forwarded to this meeting from a meeting of the Committee on Works held earlier on this date.

MOVED by Alderman Pottie, seconded by Alderman Fitzgerald that Tender 90-07 for Item 1, 2, and 3 for the project, materials and services listed and for the unit prices quoted at a total bid price of \$191,862.10 and a total project cost of \$231,000 be awarded to Armdale Construction Ltd.

Motion carried.

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

Public Hearing Re: Development Agreement - 5657 North Street

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

Mr. Paul Dunphy, Planner, addressed Council, and using photographs and diagrams, outlined the application by Moisson Investments Co. Ltd. to enter into a development agreement with the City to permit use of 5657 North Street for any of the following uses: art gallery, artists' studios, auditorium, church, cinematographic studio, or dwelling units (as illustrated in the staff report dated 9 February 1990).

Alderman Flynn addressed the matter and pointed out that 5657 North Street had been an item on the agenda of the City Planning Committee meeting held earlier on this date. He added that it was on the agenda as a recommended heritage designation and questioned whether the applicant was aware of this.

In response to the Alderman's question, Mr. Dunphy advised that the applicant was aware of this matter and that

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it was the applicant who applied for the heritage designation.

Mr. Normand Bernier, representing the applicant, Moisson Investments Co. Ltd., addressed Council and requested Council's approval on this matter. Also, Mr. Bernier indicated that he hoped that Council would look favourably upon the recommended heritage designation of 5657 North Street when considering that matter.

Mr. Tom Creighton, a resident of 2623 Fuller Terrace, addressed Council and advised that he was in support of the applicant's request.

Mr. Creighton advised that Mr. Bernier did an excellent job in the restoration of the building and he indicated that he spoke to a number of the immediate neighbours and they were also in support of the applicant's request.

A resident of the area in question addressed Council and indicated her support of the application. She advised that Mr. Bernier and the Church have provided artistic and cultural activities for this area and that the church was a valuable addition to the neighbourhood.

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

The following correspondence supporting the application was submitted:

A letter dated April 10, 1990, from Tom Creighton, a resident of 2623 Fuller Terrace, Halifax, NS, B3K 3V8.

A letter dated April 12, 1990, from Peter Lavell and Nancy Campbell, residents of 2628 Belle Aire Terrace, Halifax, NS, B3K 3W8.

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

Motion carried.

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Public Hearing Re: Amendments to Section (ff) of the
Peninsula Portion and 2(tt) of the Mainland Portion of the
Land Use Bylaw

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

Mr. Gary Porter, Planner, addressed Council and outlined the application to amend the Land Use Bylaw to repeal the definition of professional person; and to repeal the "office of a professional person" as a permitted use in the R-1 and H Zones; and add home occupation as a permitted use in the H Zone. Mr. Porter pointed out that the reason for the amendment was to have uniform standards apply to all persons operating businesses from their homes.

Mr. Porter then responded to questions from Council.

Mr. Denis Mahon of Mahon Architects Ltd., 2166 Windsor Street, addressed Council and spoke in opposition to the proposed amendment.

Mr. Mahon outlined his reasons for opposing the proposed amendment. Mr. Mahon advised that he did not see any necessary reason for the proposed amendment other than it being a housekeeping matter and suggested that this was not an appropriate reason to approve the amendment. He also noted that the staff report did not indicate that there were objections from residents in R-1 zones to offices of professional people.

Mr. Mahon advised that his second reason for objecting to the proposed amendment was with respect to comments in the staff report which advised that compatibility must be based upon the elements of the business rather than the proprietor's qualifications. Mr. Mahon suggested that this was a mistaken notion because the qualifications of the professional person say something about the elements of the business, such that, the business is very likely to be low-key and small in nature.

Mr. Mahon pointed out that his primary reason for opposing the proposed amendment was because it goes from one extreme to another, and he suggested that consideration should be given to finding a midway point between the extremes. Mr. Mahon advised that if the point of the proposed amendment has been to reduce the size of practices out of homes, then he suggested that there could have been

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other options chosen to address this, such as to tone down the current definition of an office professional person to something more limited, or to loosen up the home occupation definition. In summary, Mr. Mahon recommended that staff review the City of Dartmouth's definition of home occupation, suggesting that it was more flexible in nature.

Mr. Ted Wickwire, Solicitor, addressed Council and advised that he was representing Doug and Jackie Eisner, residents of 6503 Jubilee Road.

Mr. Wickwire advised that in a conversation with the Development Officer this afternoon, he was told that if these proposals resulted in amendments, then his clients property on Jubilee Road, which is an orthodontics practice, would become a nonconforming use. He indicated that he was confused about this aspect because this was contrary to what Mr. Porter said in his presentation. Mr. Wickwire advised that he understood Mr. Porter's comments to say that it would not become a nonconforming situation and he requested clarification on this matter.

In response Mr. Wickwire's comments, Mr. Porter addressed the matter and advised that the offices which already exist will not become nonconforming uses but they will be nonconforming to the standards.

Mr. Porter responded to further questions from Council.

Alderman Grant questioned the regulations which would apply in the situation where the home and place of business burned down and the owners intended to rebuild and continue their practice out of their home.

Mr. Porter advised that, it was his opinion, that the owners would not be subject to the 75 percent rule that applies to nonconforming uses so, therefore, the owners could rebuild to, substantially, the same as it was before it was destroyed.

Alderman Grant requested that further information on this matter be provided and Mr. Porter indicated that a supplementary report could be provided for Council.

Alderman Flynn addressed the matter and noted that the proposed amendment, if approved, would prohibit those professionals who work out of their homes from hiring additional employees who were not residents of the house. In

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reference to this aspect, Alderman Flynn questioned how this would be controlled.

In response to the Alderman's question, Mr. Porter advised that it would be a very difficult situation to regulate.

Mr. Porter responded to further questions from Council.

Alderman Flynn then suggested that, due to the questions and concerns expressed, Council may require more than a week to consider this matter and that a supplementary staff report may be appropriate before a decision was made.

Mr. Porter advised that a supplementary staff report would be provided.

Mr. Wickwire then continued with his presentation to Council.

Mr. Wickwire then reviewed and submitted letters (copies of these documents may be found in the official file of this meeting) pertaining to his client's initial acquisition of their property. Mr. Wickwire pointed out that the letters, which dated between 1971 and 1975, from City staff and his client's legal representation at that time, advised that the zoning by-law permitted Mr. Eisner to locate his office at 6503 Jubilee Road providing that the premise was also used as his private residence. Upon reviewing the documents, Mr. Wickwire advised that they illustrate that professional offices in a residential districts of the City of Halifax date back as far as 1929.

Mr. Wickwire suggested that, in his opinion, staff's attempt to stamp out discrimination by implementing the proposed amendment would result in the creation of further problems. He noted that there were implications of establishing a medical office with less than 400 square feet and suggested that it would dramatically impact on any further health services occupations to be located in homes.

In summary, Mr. Wickwire pointed out that there has not been a public outcry for amendments on this matter and he requested Council's refusal of this initiative.

Mr. Howard Epstein, Executive Director of the Medical Society of Nova Scotia, addressed Council and indicated his concern about the proposed amendment.

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Mr. Epstein pointed out that doctors were not asking for any special privileges but they were requesting reasonable treatment. He added that the problem with the home occupation bylaw, at this time, was that it was too restrictive as to space and numbers of people and suggested that staff consider making changes to the home occupation definition.

Mr. Philip Cyr addressed Council and advised that he was a dentist and a member of the Nova Scotia Dental Association.

Mr. Cyr pointed out that one of the recommendations of the report of the Nova Scotia Royal Commission on Health Care was that the decentralization of health care be a mandate for all health care services in the future and sent to the community where primary health care would be easily accessible to the patient population. He advised that he has not heard of any complaints by patients regarding the current bylaw and suggested that it appears there is not a problem, and therefore, to approve the amendment would only create problems.

In summary, Mr. Cyr noted that, if the amendments were approved, it would be the residents of Halifax affected by any negative impact.

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

The following correspondence was submitted:

A letter in opposition to the proposed amendments, dated April 17, 1990, by D. V. Pamenter, C.A.E., Executive Director, Nova Scotia Dental Association.

MOVED by Alderman Grant, seconded by Alderman Hanson that this matter be deferred until such a time as staff has prepared a report addressing the questions and concerns expressed at this hearing.

Motion carried.

At 8:50 p.m. the meeting adjourned for a brief recess.

At 9:00 p.m. the meeting reconvened with the same members in attendance.

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Public Hearing Re: Proposed Amendments to the Municipal
Development Plan, Peninsula Centre plan, and Land Use Bylaw
Re:

- (a) Police Club Property (6680 South Street)
 - (b) Policy 1.8
 - (c) Policy 8.2.3
-

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 14 February 1990,
outlined the application for proposed amendments to the
Municipal Development Plan, Peninsula Centre Area Plan and
Land Use Bylaw with respect to:

- a) Police Club Property, 6680 South Street
- b) Policy 1.8
- c) Policy 8.2.3

Mr. Feist advised that the recommendation of staff
was to:

- 1) amend the Plan and Land Use Bylaw to allow single
family development by right on the Police Club
property;
- 2) the Plan be amended to exclude the ability to
consider townhousing by agreement in the Northwest
Arm sub-Area as shown in Appendix IV: and
- 3) no steps be taken to acquire or otherwise secure
the Police Club property for only recreational use.

Mr. Graham Higgs addressed Council and advised that
he was representing the applicant, South Street Properties
Reality Inc.

Mr. Higgs advised that his client had been before
Council in the past regarding his client's intention of
providing low-density condominium development on this
property and that this application had been refused by
Council. He added that after much consideration his client
has decided that the most appropriate way to develop the
property is to rezone the property to R-1 and develop the
lots with single family dwellings. Mr. Higgs indicated that

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this type of development would be consistent with the neighbourhood and development along the Northwest Arm and he added that he believed his client had the overwhelming support of the neighbours on this issue. He noted that the Planning Advisory Committee and City staff were recommending approval of this application.

Referring to Policy 8.2.3., Mr. Higgs advised that the issue of the City purchasing the land was considered in the previous application and there was strong direction against this. He emphasized that the present zoning is Park and Institutional and that as-of-right there were numerous uses that could be implemented that were not recreational in nature. On another note, Mr. Higgs advised that in his opinion there was little support from the citizens of Halifax or the residents of the area in question for a park or recreational area in this vicinity. He added that the size of the property was small and that 53 percent of the Arm had public access.

In summary, Mr. Higgs advised that to refuse the application and maintain the zoning as institutional would be contrary to the neighbourhood and the Northwest Arm Subplan. He suggested that the only reasonable alternative would be the development of single-family homes and he requested Council's support on this matter.

Mr. Lonny Holland, President of the Northwest Arm Heritage Association addressed Council and indicated his concern about the proposed amendments.

Mr. Holland advised that the City does not own any water based facilities on the Peninsula side of the North West Arm and he suggested that some funds dealing with Northwest Heritage Association, specifically, \$292,000 regarding Horseshoe Island be diverted to the start of purchasing this property and keeping the present zoning.

Mr. Holland, referring to sections of the Municipal Development Plan, suggested that the proposed application is taking from the public what has been available access through open membership for many years and giving the public nothing in return. In conclusion, Mr. Holland added that if Council does not have the will to maintain and implement the policies of the Municipal Development Plan in the manner that it suggests, then alternatively, R-1 zoning within the section of 8.2.1 would then be the least offensive but would not be a substitute. Mr. Holland also noted that this must not be a

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contract and must follow the bylaw of 34 (F) (1) with all its implications, road access, and lot size.

Mr. John Meagher, a resident of Armshore Drive addressed Council and indicated his opposition to the proposed amendment.

Mr. Meagher advised that at the previous public hearing on this matter the public presented the following recommendations for Council's consideration:

1. that the North West Arm Police Club be left Park and Residential.
2. that the City of Halifax, if possible, acquire the land.

Mr. Meagher advised that there was no apparent reasonable answer why the recommendations couldn't be implemented and he questioned the motive of holding public meetings to gain public input if the public could not be given a reasonable answer to their requests. He then provided the following two suggestions for Council's consideration:

1. Council not give away the P and I zoning, and at least obtain a dollar option to acquire a right-of-way for a boardwalk on this property at some future period of time. Mr. Meagher noted that a boardwalk is not needed at this time, but it may be necessary in 50 or 100 years.
2. The City should start building a fund for the acquisition of park lands in the future.

Mr. Graham Reid addressed Council and advised that he was a resident of the head of the Northwest Arm.

Mr. Reid referred to Policy 8.2.3 and advised that the suggestion that it only applies to City-owned property was argued extensively at the previous public hearing on this matter. He suggested that the general population would interpret this as applying to all properties and not just City-owned properties. Mr. Reid pointed out that his own view on this policy was that it was implemented, specifically, to ensure that private clubs along the Arm, which benefit from concessions from the City, would not disappear or the land or the utility be lost to the City should those clubs suffer financial hardship.

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Mr. Reid referred to a comment by a previous speaker that 53 percent of the Arm was available to the public for access and he pointed out that it should be considered where this is located. He noted that the North West Arm Sub Area, on the Peninsula side, only has point-location access where the streets meets the Arm.

In summary, Mr. Reid indicated that, if the application was approved then the City would be losing a potential recreation area. He pointed out that the City of Halifax has no public recreational water-based facility on the Arm and suggested that the funds that were allotted to acquire Horseshoe Island could have been used to acquire the Police Club.

A resident of Webster Terrace addressed Council and questioned whether the developer would be able to request a provision for contract development for townhouse development if the property in question was rezoned to single-family dwellings.

In response to the resident's question, the Acting City Solicitor advised that there wouldn't be contract provision on the site.

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

A letter of concern was submitted, dated April 18, 1990, from Hector McInnes, of McInnes Cooper & Robertson, Barristers & Solicitors, representing the Unitholders of The Jubilee on the North West Arm Condominium Development.

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

Motion carried.

There being no further business to discuss, the meeting adjourned at 9:30 p.m.

HIS WORSHIP MAYOR WALLACE
CHAIRMAN

/sm

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of 04/18/90

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