

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

Council Chamber
City Hall
Halifax, Nova Scotia
28 June 1990
8:00 P. M.

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

PRESENT: His Worship Mayor Ron Wallace; Deputy Mayor Moira Ducharme; and Aldermen Fitzgerald, Downey, O'Malley, Grant, Hanson, Jeffrey, Flynn, and Stone.

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

The meeting was called to order with Monsignor Richard Murphy of St. Thomas Aquinas Church leading those present in the recitation of the Lord's Prayer.

Special Election Results - Ward One

The City Clerk advised that, in accordance with the provisions of the Municipal Election Act with respect to the election for Alderman for Ward One of the City of Halifax, the following returns apply:

RON CROMWELL	841
LONNY HOLLAND	1,263

Mr. Holland was therefore declared the duly elected Alderman for Ward One for the remainder of the present term.

The Honorable Mr. Justice J. Doane Hallett of the Supreme Court of Nova Scotia then administered the Oath of Allegiance and of Office to Mr. Holland. His Worship Mayor Wallace congratulated Alderman Holland and presented him with the Aldermanic Medal.

Alderman Holland briefly addressed Council, expressing his appreciation to those who had supported him in the recent election and emphasizing his willingness to serve the residents of Ward One to the best of his ability.

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Presentation of Retirement Scrolls: Lieutenant
Kenneth Spears and Captain Howard MacKenzie
(Halifax Fire Department)

On behalf of the members of Halifax City Council His Worship Mayor Wallace presented Lieutenant Kenneth Spears and Captain Howard MacKenzie with the City's Long Service Awards in recognition of their years of outstanding service to the Halifax Fire Department.

MINUTES

Minutes of the regular meeting of Halifax City Council, held on Thursday, 14 June 1990, were approved as circulated on a motion by Alderman Fitzgerald, seconded by Alderman O'Malley.

APPROVAL OF THE ORDER OF BUSINESS, ADDITIONS AND DELETIONS

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

- 20.1 Replacement of Sods (Alderman Meagher)
- 20.2 Tender #90-98: Bloomfield Commons
Building - Renovations
- 20.3 Tex-Park Building - Lease Between the
City of Halifax and Texaco Canada Limited
- 20.4 Captain William Spry Community Centre
- Air Conditioning System
- 20.5 Written Submission to "The Minister's
Task Force on Clean Water"
- 20.6 Halifax-Dartmouth Bridge Commission
- Purchase of Lands (Alderman O'Malley)

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

- 20.7 Contract Negotiations - UPDATE

approved. It was agreed that the agenda, as amended, be

Contract Negotiations - UPDATE

On Mr. Murphy's recommendation, it was agreed that Council would adjourn to receive information regarding ongoing contract negotiations.

8:35 p.m. - The meeting adjourned.

8:55 p.m. - The meeting reconvened with the same members being present together with Aldermen Meagher and Pottie.

DEFERRED ITEMS

Case No. 6060 - Rezoning from R-2 to R-2P, 24-26
Melrose Avenue (Supplementary Report)

This matter had been deferred from a regular meeting of Halifax City Council held on Thursday, 14 June 1990 at which time staff had been directed to meet with the property owner in question to establish an acceptable time frame for reverting the property to its legal use.

A supplementary staff report, dated 22 June 1990, was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Fitzgerald that the matter be deferred, pending completion of staff's negotiations with the property owner.

The motion to defer was put and passed.

Heritage Hearings

(a) 1225 Queen Street

A public hearing regarding this matter had been held on Wednesday, 20 June 1990.

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that Civic No. 1225 Queen Street be designated by the City of Halifax as a registered heritage property.

The motion was put and passed.

(b) 2730 Fuller Terrace - Bloomfield House

A public hearing regarding this matter had been held on Wednesday, 20 June 1990.

On a point of clarification, Alderman O'Malley emphasized that only one of the two buildings (i.e., "Bloomfield House") located on this site is being proposed for heritage designation. She went on to note that the second building is being considered for development and, when plans are finalized, will be submitted as a separate matter for Council's consideration.

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MOVED by Alderman O'Malley, seconded by Alderman Stone that the structure known as "Bloomfield House," located at 2730 Fuller Terrace, be designated by the City of Halifax as a registered heritage property.

The motion was put and passed.

(c) **5657 North Street - North Street Disciple of Christ Church**

A public hearing regarding this matter had been held on Wednesday, 20 June 1990.

MOVED by Alderman Downey, seconded by Alderman Stone that the North Street Disciple of Christ Church, located at 5657 North Street, be designated by the City of Halifax as a registered heritage property.

The motion was put and passed.

(d) **981 Winwick Road - Winwick Place**

A public hearing regarding this matter had been held on Wednesday, 20 June 1990.

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that Civic No. 981 Winwick Road ("Winwick Place") be designated by the City of Halifax as a registered heritage property.

The motion was put and passed.

(e) **Irving Oil Station, 5536 Sackville Street**

A public hearing regarding this matter had been held on Wednesday, 20 June 1990.

A supplementary report, dated 22 June 1990, was submitted.

Responding to a question from His Worship Mayor Wallace, Mr. Alan Hayman, solicitor for the property owner in question, advised that his client would appreciate the opportunity of discussing the matter further with the City's Heritage Advisory Committee.

It was therefore moved by Alderman Downey, seconded by Alderman Jeffrey that the matter be deferred to provide an

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opportunity for further discussion with the owner of the property located at 5536 Sackville Street (Irving Oil Station).
The motion was put and passed.

PETITIONS AND DELEGATIONS

Petition Alderman Fitzgerald Re:
Exemption - Tipping Charges

Alderman Fitzgerald presented a petition from the owners of "The Carlyle," Halifax Co. Condominium Corporation No. 11, urging Halifax City Council to take appropriate action with the Metropolitan Authority to ensure that residential condominium organizations are exempt from tipping charges.

In tabling the petition, Alderman Fitzgerald noted that the City Manager had indicated that he would be discussing the matter with Metropolitan Authority representatives, and asked that the matter be placed on the agenda for the next regular meeting of Committee of the Whole Council **scheduled for WEDNESDAY, 4 JULY 1990.**

Petition Alderman O'Malley Re:
Extended Hours - Transfer Station

Alderman O'Malley submitted a petition signed by approximately 44 individuals (collected within a 1 1/2 hour period) which had been presented to her by Mr. Bruce Meagher, a resident of Ward 5 and a regular user of the transfer station. The Alderman noted that the petition recommends the extension of the hours of operation at the transfer station for commercial dumping from 5:00 p.m. to 9:00 p.m. Monday to Friday.

Alderman O'Malley asked to have the petition circulated to all members of Council and also that "Hours of Operation - Transfer Station" be discussed at the 4 July meeting of Committee of the Whole Council in conjunction with the item relating to "Tipping Charges."

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 20 June 1990 as follows:

Extended Store Hours

9:10 p.m. - Alderman Pottie declared a conflict of interest and retired from the meeting.

This matter had last been discussed during a regular meeting of the Finance and Executive Committee held on Monday, 11 June 1990.

Correspondence, received on 28 June 1990, was submitted from Ms. Christine Butler, Bulk Barn, 7071 Bayers Road, Halifax.

Alderman Flynn addressed the matter and emphasized that, in his opinion, the matter of extended store hours had been initiated by the misconception that Halifax shoppers are being ill-served by existing shopping hours and that the City, through its store-opening regulations, is actually encouraging its residents to do their shopping in neighboring municipalities. Referring to the public meeting held in April of this year, the Alderman suggested that, based on the number of consumers present at that time, it would appear that public interest in extended store hours is minimal and that, in reality, it is only the managers of the City's shopping malls who favor amending the present Ordinance to allow longer shopping hours. In this context, Alderman Flynn emphasized that this proposal is opposed not only by the small store owners throughout the City, but in particular by the merchants of Barrington Street, Quinpool Road and Spring Garden Road.

It was therefore moved by Alderman Flynn, seconded by Alderman Meagher that Council direct that the status quo pertaining to store opening hours in the City of Halifax (i.e., those encompassed by Ordinance 121) be maintained.

Alderman Flynn emphasized that the purpose of his motion was to terminate any further discussion of this matter, or at least to defer it until after the 1991 municipal election.

Alderman Fitzgerald spoke in opposition to the motion presently on the floor, urging that before any decisive action is taken on the matter, Council should be supplied with information of a more comprehensive nature on which to base its decision. In this context, the Alderman made reference to his comments during the 11 June meeting of the Finance and Executive Committee, noting that, in his opinion, Council should also look at such issues as the establishment of tourist zones and extended hours in the City's industrial parks as part of its deliberations concerning extended store hours.

It was therefore moved by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Finance

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and Executive Committee, the matter be deferred (and the status quo maintained) until a comprehensive staff report can be prepared concerning the implications of extended hours of operation in the Industrial Park, special Christmas shopping provisions, and the establishment of tourist zones.

With reference to the report requested by the foregoing motion, Alderman Richard Grant asked that staff include information on the investment dollars required for each shopping centre that was and is in the City of Halifax (i.e., the initial investment as well as the continuing investment required to operate those centres).

Alderman Grant further suggested that consideration be given to devising some method by which the public could directly respond to the question of extended hours, perhaps through a newspaper advertisement encouraging a write-in response.

Commenting on Alderman Grant's suggestion with regard to further public input, Alderman Flynn pointed out that Council had already held a public meeting on the matter which had received very little response from Halifax consumers.

Alderman Grant also recommended that staff attempt to obtain some indication as to the new entrepreneurs in the City of Halifax (e.g., franchise owners) who are prepared to expand if the shopping hours were to be extended.

Alderman Grant concluded his remarks by noting that a report had recently been completed by the firm of McArthur, Thompson, and Law for the Halifax Industrial Commission, suggesting that that information may be of assistance to staff in compiling their own report to Council.

The motion to defer was put and passed.

9:25 p.m. - Alderman Pottie returned to the meeting.

**Motion Alderman Richard Grant Re: Proposed
Amendments to Ordinance No. 166, The Signs,
Billboards, and Advertising Structures Ordinance**

This matter had been forwarded without recommendation from the 20 June meeting of the Finance and Executive Committee, pending receipt of further information.

A supplementary staff report, dated 20 June 1990, was submitted.

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dangerous," adding that, in his opinion, City Council continues to frustrate the residents' efforts to retain their neighborhood as a quiet and environmentally healthy subdivision. He concluded his remarks by urging Council to make decisions that will protect "people" and the areas in which they live by guiding vehicular traffic away from residential areas.

Alderman Grant concurred with Mr. Faulkenham's observations, suggesting that, in his opinion, an appropriate alternative would be to install "No Left Turns Between 7:00-9:00 A.M." signs along Lacewood Drive and "No Right Turns Between 4:00 - 7:00 P.M." at Gateway and at Bayview Road. In putting forward this suggestion, the Alderman noted that this solution had been attempted in other parts of the City with some degree of success.

In the discussion which followed, it was emphasized by Alderman Stone that the development in question has already been approved by City Council and that all that remains to be finalized is the amount of cost-sharing for the oversized street associated with the project. It was therefore moved by Alderman Stone, seconded by Alderman Grant that City Council approve:

- a) cost-sharing for the construction of Lacewood Drive between Willett Street and the Nova Scotia Power Corporation power line, which includes:-
 - (i) payment for
 - 63 percent of mass excavation
 - extra length of water hydrant leads
 - engineering services equal to 20 percent of the City's share of street lighting and secondary services costs; and
 - (ii) calculation of the amount of performance bond and inspection fee that Clayton Developments Limited must submit based on Clayton's share of the construction costs (Clayton Developments to pay legitimate inspection fees above that amount);
- b) cost-sharing of services for the 463 feet of Lacewood Drive between Willett Street and Caxton Close in the estimated amounts of \$139,000 for the overside street and engineering services, and \$30,000 for the oversize sewer, subject to final billings based on the quantities and unit prices of the tender approved by staff.

With particular reference to his previous suggestion regarding the possible extension of Lacewood Drive to Bicentennial Drive (and to the new access to Bayers Lake

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Industrial Park), Alderman Grant asked that staff discuss this matter in conjunction both with the developer in question and with the Halifax Industrial Commission so as to coordinate any action taken in this regard.

Deputy Mayor Ducharme indicated that she was somewhat disappointed to learn that staff were apparently receptive to Alderman Grant's suggestion of extending Lacewood Drive to the entrance of the Industrial Park. In this context, she referred to a resolution approved in June of 1987 in which Council voted to postpone such action until such time as existing traffic problems in the Mainland North area had been adequately addressed. The Deputy Mayor pointed out that Ward 10 residents had consistently opposed further development in their area because of the implications for current traffic volumes, and emphasized that, under the circumstances, she felt obligated to vote in opposition to the motion currently on the floor.

The motion was put and passed with Deputy Mayor Ducharme voting in opposition.

Hogan Lands - Possible Recovery of Costs

Following is the motion from the 20 June regular meeting of the Finance and Executive Committee:-

That staff take the appropriate action to acquire the Hogan Lands with funding as suggested by the City Manager as follows: \$410,000 presently included in the 1990 Capital Budget for the Kearney Lake Playgrounds account; \$80,000 from the sale of the two lots at the end of Laurentian Drive; \$110,000 from the Recreation Reserve Account; \$100,000 which is already included in the 1991 capital account for play grounds in the Kearney Lake area; and an additional \$100,000 from the 1991 capital account.

A supplementary report, dated 28 June 1990, was submitted.

Reiterating remarks made during the 20 June meeting of the Finance and Executive Committee, Alderman Stone emphasized that the residents of Wedgewood Park have expressed a very strong interest in developing a site in their area as a neighborhood park, a project which they regard as "an investment in the future."

The Alderman went on to note that one of the major considerations is that the site for this park be on that side of the road where most Wedgewood Park residents now live and where the majority of future development will take place. In

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this context, he emphasized that the Hogan Lands are located off the Kearney Lake Road and are bordered by the Wedgewood Park Subdivision and the Bicentennial Highway. Alderman Stone went on to note that, in his opinion, the Wedgewood Park area will easily support a sports field and a tennis court area as well as passive recreation. Acknowledging that the major difficulty lies with the cost factor, he emphasized that residents are agreeable to a phased-in concept relevant to the development of this neighborhood park.

With reference to the motion forwarded to Council from the 20 June meeting of the Finance and Executive Committee, Alderman Grant strongly recommended that it be amended to contain the instruction that staff negotiate the best possible price for these lands. Alderman Stone indicated that he concurred with this suggestion.

It was subsequently moved by Alderman Stone, seconded by Alderman Jeffrey that staff take the appropriate action to acquire the Hogan Lands with the funding as recommended by the City Manager as follows: \$400,000 presently included in the 1990 Capital Budget; \$80,000 from the sale of the two lots at the end of Laurentian Drive; \$110,000 from the Recreation Reserve Account; \$100,000 which has already been included in the 1991 Capital Budget; and an additional \$110,000 to be added to the 1991 Capital Budget as a priority in Ward 12; and further, that staff negotiate the best possible price for these lands.

Alderman Flynn expressed dissatisfaction with the motion, pointing out that in order to acquire the five acres of property necessary for the proposed park, the City in actuality is being forced to purchase a total of 21 acres. Making reference to Council's previous deliberations concerning the acquisition of lands necessary for the Mainland North Commons, the Alderman emphasized Council's indignation and concern at that time regarding the purchase price it was being asked to approve. Alderman Flynn suggested that, in its attempts to acquire the Hogan Lands, Council has found itself in very similar circumstances, adding that, according to his calculations, the City is being asked to pay almost 1 1/2 times (per acre) that which was paid for the Mainland North Commons. In putting forward these concerns, he emphasized that while he was not opposed to the acquisition of recreation land which he deemed to be "badly needed" in this area, he did feel that there were a number of unanswered questions concerning the suggested purchase price of the Hogan Lands.

In this context, Alderman Flynn referred to para. 3, p. 2 of the 12 June staff report which indicates that "the appraisal of the 13.5 acre parcel was carried out for the City on the basis of the highest and best use which would have provided for apartment and townhouse development on interior

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lands and commercial uses on the front areas." The Alderman emphasized that it had been his understanding that the City (and the Ward 12 Residents Association) is on record as being opposed to high-rise development on this site, preferring instead either single-family units or townhouse development. Under the circumstances, therefore, he questioned why staff would have an appraisal done on the basis of potential high-rise and commercial uses, adding that, in his opinion, that assumption would have naturally increased the asking price of the property.

On another but related matter, Alderman Flynn referred to a staff report previously prepared on the matter of the acquisition and development of property belonging to the Halifax Industrial Commission, and suggested that the proposal relevant to the development of the Hogan Lands (i.e., either 18 single-family units or 28 townhouses) should also be scrutinized from the following perspectives: the suggested assessment of those properties; the tax return to the City; and the year in which they would begin to turn a profit for the City.

With reference to the concerns raised by Alderman Flynn, the City Manager clarified that while Council had indeed refused to approve an earlier proposal for the site in question, under the provisions of Schedule "K" alternate proposals can still be submitted to Council for its consideration. In this context, Mr. Murphy emphasized that those proposals could include development higher in density than either single-family units or townhouses (e.g., a mix of low-rise apartment buildings and townhouses) which naturally would be assessed at a higher rate.

The City Manager responded to a question from Alderman Fitzgerald concerning the potential of the lands not used for recreation or residential development. In his remarks, Mr. Murphy noted that the site had been inspected by staff of the Parks and Grounds Division who had subsequently advised that, in their opinion, the only viable use of the property would be as an active sports area. He emphasized, however, that staff feel that a large portion of this site would have to remain as park land, with a few nature trails, walkways and open spaces for picnicking, etc.

Deputy Mayor Ducharme concurred with the comments made earlier by Alderman Flynn, and inquired as to whether every effort has been made by staff to acquire only those five acres of land required for recreational use. In this same context, the Deputy Mayor asked for information as to the costs anticipated for the development of these lands, particularly in view of the financial constraints under which the City is presently operating and will undoubtedly continue to operate in the next several years. She pointed out that, in her opinion,

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it would be futile for Council to acquire these lands at this point in time without the means of developing it as quickly as possible for active recreation use.

While acknowledging that the City of Halifax has an insufficient amount both of park land and of recreation facilities, Alderman Holland indicated that he personally could not support a motion which would serve to acquire property for which the City has no immediate use. The Alderman instead suggested that Council should make every attempt to purchase only those five acres of land required for recreational use.

Mr. Bernard Moe, Planner II with the City's Development and Planning Department, responded to questions from members of Council.

After some discussion, it was moved by Deputy Mayor Ducharme, seconded by Alderman Fitzgerald that the matter be deferred to the next regular meeting of Committee of the Whole Council so that the questions raised during tonight's discussion can be answered.

The motion to defer was put and lost.

11:00 p.m. - Deputy Mayor Ducharme assumed the Chair with His Worship Mayor Wallace addressing Council from the podium.

In his remarks, His Worship emphasized that Council has a responsibility to ensure that recreation facilities are provided in appropriate areas of the City and that they are acquired at a cost acceptable to Halifax taxpayers. He went on to suggest that while no one on Council is opposed to the provision of recreational facilities in the Wedgewood Park area, there are some legitimate concerns which should be addressed before a decision is made on the matter.

In this context, Mayor Wallace pointed out that it was his understanding that the developed price of the required five acres would be in the vicinity of \$200,000/acre and questioned whether, under the circumstances, a decision to acquire the property at that price would find favor with the majority of Haligonians. He also expressed concern with regard to the embankment which leads to the proposed playing field and to the 20 foot access to the property itself, problems for which no solution has yet been put forward. His Worship further noted that Mr. Hogan plans to retain a certain portion of his property for future development, development which will eventually surround the proposed playing field.

It was noted, in addition, that the City already has a deficit in its Land Account which should necessitate, in the Mayor's opinion, that Council think very carefully about any

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further land purchases. His Worship also pointed out that, as yet, the City has no guarantee that the Province of Nova Scotia will agree to cost-share in this proposal and emphasized that, in his view, a commitment to that effect should be achieved before proceeding any further.

In conclusion, Mayor Wallace emphasized that while he personally was in favor of the concept of additional recreational facilities in this portion of the City, he would not be prepared to support the motion presently on the floor until the concerns put forward during tonight's discussion are adequately addressed.

11:10 p.m. - His Worship Mayor Wallace returns to the Chair with Deputy Mayor Ducharme assuming her usual seat on Council.

Alderman Stone concluded the discussion by emphasizing that, as the site for a proposed neighborhood park, the Hogan Lands are far more appropriate than any of the other options previously suggested. He went on to note that, in his opinion and that of the Wedgewood Park residents, the problems pertaining to the site in question can be successfully overcome and urged that the Hogan Lands be acquired as quickly as possible to prevent their being purchased by someone else. Acknowledging that only 5 acres of the Lands are required for recreational use, Alderman Stone advised that it was his understanding that Ward 12 residents would not object to the City's calling for proposals relevant to the remaining property, nor would they oppose its designation for either R-1 or R-2 usage. He concluded his remarks by emphasizing that, should the financing scheme contained in his motion not prove adequate, he would be willing to rearrange his other budgetary priorities so as to provide the necessary funds.

Responding to a question from His Worship Mayor Wallace, Alderman Stone reiterated that, owing to the length of time that has already been taken to develop a recommendation on this matter, he would not be prepared to have the issue deferred for a further two-month period.

The motion was put and passed with nine (9) members of Council voting for it and three (3) voting against it as follows:

FOR: Aldermen Downey, Meagher, O'Malley, Pottie, Grant,
Hanson, Jeffrey, Flynn and Stone (9)

AGAINST: Deputy Mayor Ducharme; and Aldermen Holland and
Fitzgerald (3)

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Saint Mary's University: Huskies Stadium Contract

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

1. City Council authorize the Mayor and City Clerk to sign the contract with Saint Mary's University for up to nine hundred and sixty (960) hours of facility time at a cost of sixty dollars per hour (\$60.00 per hour);
2. payment of twenty-eight thousand eight hundred dollars (\$28,800.00) be paid 1 July 1990 and the remaining balance, up to an amount of twenty-eight thousand eight hundred dollars (\$28,800.00) be paid on 1 December 1990 with funds being available in Account Number 122606-J0132-ZA327 (Recreation - Sport and Subsidies).

The motion was put and passed.

School Board Funding

MOVED by Alderman Flynn, seconded by that Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, Council seek the School Boards' support for a joint review of school operations, such review to include members of the City of Halifax's Finance Department, as well as those of the School Board's Finance Department; the review to culminate in a comprehensive report to be presented to Council no later than August 1990.

Motion passed.

Tipping Charges/Hours of Operation at Transfer Station

Alderman Fitzgerald addressed the matter and expressed concern with respect to the hours of operation at the Transfer Station noting that the closure of the dump at 5:00 p.m. is an inconvenience to the citizens of Halifax. The Alderman pointed out that the citizens want the hours extended to 9:00 p.m. Alderman Fitzgerald went on to advise that it was his intention to recommend that the hours of operation at the Transfer Station be extended from 5:00 p.m. to 9:00 p.m., Monday to Saturday, for a two month trial period beginning Tuesday, 3 July 1990, and that the City pay for any losses as a result of this extension.

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The Chairman suggested that the proposed motion should be in the form of a strong recommendation to the Metropolitan Authority for consideration with a request that they respond immediately.

Alderman Fitzgerald expressed frustration that nothing has been done in the past with regard to requests that the Metropolitan Authority consider extending the hours of operation at the Transfer Station. He therefore suggested that Council should demand that the hours be extended.

At approximately 12:00 midnight, His Worship Mayor Wallace retired from the meeting with Deputy Mayor Ducharme assuming the seat of the Chair.

A discussion ensued with the City Solicitor commenting on the proposed motion. He advised that while the City owns the building, it has been leased to the Metropolitan Authority and, therefore, the City is not entitled to possession of the building as long as the Authority is living up to the terms of the lease. Mr. Anstey noted that the Board of Management of the Metropolitan Authority has the authority to make the rules.

MOVED by Alderman Fitzgerald, seconded by Alderman O'Malley that the Mayor contact the Chairman of Metropolitan Authority tomorrow asking for an emergency meeting on the subject of tipping charges and hours of operation at the Transfer Station, and that members of the various Councils be invited to attend.

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

At approximately 12:10 p.m. His Worship Mayor Wallace returned to the meeting with Deputy Mayor Ducharme taking her usual seat in Council.

REPORT - COMMITTEE ON WORKS

Council considered the Report of the Committee on Works from its meeting held on 20 June 1990 as follows:

Award of Tender #90-26: Sidewalk Renewals

MOVED by Alderman Flynn, seconded by Deputy Mayor Ducharme that, as recommended by the Committee on Works, Tender #90-26 (sidewalk renewals) be awarded for a total combined cost of \$234,000.00 as follows:

- 1(a). Melton Avenue (E) - Lexington to Morningside
(funds to be made available from Account #CB586)

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- (b). Spruce Avenue (S) - Joseph Howe Drive to Ashburn
(funds to be made available from Account #CB613)
- (c). Joseph Howe Drive (E) - Scot to Bayers
(funds to be made available from Account #CB579)

TO King Nova Contracting at a tender price of \$94,522.50 and a total project cost of \$114,000.00.

- 2(a). Agricola Street (E) - Woodhill to Cunard
(funds to be made available from Account #CB635)
- (b). McLean Street (W) - Atlantic to End
(funds to be made available from Account #CB585)
- (c). South Street (S) - Queen to Barrington
(funds to be made available from Account #CB612)

TO Municipal Contracting Limited for a tender price of \$99,000.00 and a total project cost of \$120,000.00.

Motion passed.

Award of Tender #90-72: Filter Room Addition
- Northcliffe Centre

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

- 1) Tender #90-72, Northcliffe Pool - Filtration Room Addition, be awarded to Blunden Construction Limited at a bid price of \$268,100.00 and a total project cost of \$295,000.00;
- 2) funding authorization be approved from Account Number FA102; and
- 3) \$155,000.00 be transferred to Account Number FA102 from Account Number FA082 (Centennial Pool).

Motion passed.

Award of Tender #90-84: Centennial Pool
- Revisions to Air Handling System

MOVED by Alderman Downey, seconded by Alderman O'Malley that, as recommended by the Committee on Works, Tender #90-84 (revision to Air Handling System at the Centennial Pool) be awarded to Steen Contractors Limited for a tender price of

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\$88,410.00 and a total project cost of \$97,500.00 (funds to be made available from Account Number Z0600-FA082).

Motion passed.

Mainland North Traffic - Response from the Honorable
Joel R. Matheson, Minister of Advanced Education and
Training (Deputy Mayor Ducharme)

Deputy Mayor Ducharme addressed the matter and noted that she raised this item at the last Committee of the Whole Council meeting because of the frustration which had been caused from reading the letter from the Honorable Joel R. Matheson, Minister of Advanced Education and Job Training, concerning traffic problems in Mainland North.

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

- (a) a further letter be forwarded to the Minister of Transportation asking him to address the concerns of the citizens of Halifax in requesting the closure of the Kearney Lake Road ramp, and asking that he consult with the Provincial Traffic Authority for his recommendation on the matter;
- (b) a letter be sent to the Honorable Joel Matheson (1) asking him to list his "numerous suggestions" respecting the flow of traffic in and out of the City which he has made over the last number of years; (2) enclosing a copy of the recent traffic counts relevant to Bayview Road to emphasize to Mr. Matheson that there has been a substantial increase in traffic since 1978; and (3) asking Mr. Matheson for the findings of the task force established some 28 months ago by the Department of Transportation which was to bring in recommendations by January 1990 as to how the traffic problems in the Halifax-Dartmouth area were to be addressed.

and, further, that:

- 1) the City of Halifax request the Provincial Department of Transportation to initiate and to finance an action plan (complete with time frames) intended to resolve the traffic problems in Mainland North; and that that traffic study include greater access to Barrington Street from the Bicentennial Highway, Dunbrack Street, Bedford Highway and the Bridge, as well as an improved traffic system over the Fairview Overpass;

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- 2) the City of Halifax formally request that the MLA for the area in question (the Honorable Joel R. Matheson) work on the City's behalf to have this matter resolved.

In addition to the above, the Deputy Mayor asked that the Chairman of the Task Force on Traffic appear before City Council at a future Committee of the Whole Council meeting (prior to Council's summer break) and give an update on the progress to dated of the Task Force.

Deputy Mayor Ducharme indicated that Mr. Matheson was correct to an extent in stating that the City had not carried through with any recommendations to try to alleviate the traffic problems in Mainland North. She pointed out that Council has not supported many of the solutions which have been proposed by the residents of Mainland North and specifically in Bayview when they have requested various road widenings and no left turns. Deputy Mayor Ducharme went on to emphasize the fact that some Council members have worked very hard toward trying to solve the traffic problems. She expressed the concern that the Province has indicated a willingness to share the cost of some of the proposed solutions, but no willingness to come up with any viable solutions to solving the problems.

In response to a question raised by Alderman Fitzgerald asking what the City has done to eliminate the major traffic problems in the City, Alderman Flynn questioned whether it was Alderman Fitzgerald's intention to bring back the following items for reconsideration: the widening of the Bedford Highway, the connector regarding Dunbrack Street, and the widening of Dutch Village Road at Titus Street.

Alderman Fitzgerald commented that the City should review the traffic problems for the entire City and possible solutions to those problems.

Alderman Flynn noted that Council has already struck a Task Force on Traffic to review the traffic problems in the City. He agreed that Council should hear from the Task Force on City Traffic before reviewing the matter further.

The motion was put and passed.

REPORT - SAFETY COMMITTEE

Council considered the report of the Safety Committee from its meeting held on 20 June 1990 as follows:

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Mutual Aid Agreements

MOVED by Alderman Fitzgerald, seconded by that Alderman Hanson that, as recommended by the Safety Committee, in order to eliminate the uncertainty and resulting delays in responding to requests for mutual aid between area fire departments, the City of Halifax enter into written mutual aid agreements with area municipalities, as well as with the Department of National Defence (Dockyard Fire Service), in accordance with the acceptable agreement attached to the staff report of 11 June 1990.

Motion passed.

REPORT - COMMITTEE OF THE WHOLE COUNCIL
BOARDS, AND COMMISSIONS

Motion Alderman Flynn Re: Proposed Amendments to Ordinance 180, The Streets Ordinance (Sidewalk Vending) - SECOND READING

FIRST READING on this matter was given at a regular meeting of City Council held on Thursday, 31 May 1990.

MOVED by Alderman Flynn, seconded by Alderman Fitzgerald that City Council give SECOND READING to the amendments proposed for Ordinance 180, the Streets Ordinance, attached as Schedule "A" to the staff report of 17 May 1990.

Motion passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on 20 June 1990 as follows:

Case No. 5419: Stanley Park Residential Development
(a) Staff Report; (b) Lakes & Waterways Advisory
Committee Report

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

A supplementary staff report dated 25 June 1990 was submitted.

Referring to the numerous staff reports which had been submitted on this item, Alderman Hanson noted that staff have negotiated with the developer and that there has been

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extensive public input with regard to the environment, access into the development, blasting, etc.

MOVED by Alderman Hanson, seconded by Alderman Grant

that:

1. The application by North American Real Estate Limited for approval of a development agreement for the Stanley Park Residential Development pursuant to Section 62(b)(1) of the Land Use Bylaw, Mainland Area, be approved by City Council.
2. That the proposed street names be rejected and that alternative names be presented to Council for approval.
3. That funds be brought forward in the Capital Budget for the upgrading of Osborne Street to coincide with the construction of Phase Two of the development.
4. That the parcel of lands required to complete the connection of existing and proposed extension of Osborne Street be purchased by the City and that the construction of the street over this parcel be done by the developer at his cost subject to cost sharing for the oversize portion of the street.
5. Council requires that the agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council or any other bodies as required; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

The City Clerk advised that Aldermen Pottie and Jeffrey should not participate in the vote since they were not in attendance at the public hearing on this matter.

The motion was put and passed with Aldermen Pottie and Jeffrey abstaining.

MISCELLANEOUS BUSINESS

Insurance Renewals - 1990/91

A staff report dated 27 June 1990 and an information report dated 12 June 1990 were submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that Simpson Hurst Ltd. be authorized to place 1990/91

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insurance coverages with the Royal Insurance Company at a cost of \$247,685.00 and then bind "Umbrella Excess" coverages.

Motion passed.

Annual Report - City Auditor General

The City of Halifax City Auditor General Annual Report 1989 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Flynn that the City of Halifax City Auditor General Annual Report 1989 be tabled.

Motion passed.

Ruinous Building - Civic No. 5873 Stairs Street

A Staff report dated 18 June 1990 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman O'Malley that the City proceed with the demolition of the building located at 5873 Stairs Street and that the cost of such demolition be paid by the owner.

Motion passed.

Appointments

A report from His Worship Mayor Wallace dated 28 June 1990 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that the following appointments be approved:

Alderman Lonny Holland

Alternate Sources of Revenue Committee
Arts and Culture Policy Committee
Halifax-Hakodate Committee
Heritage Advisory Committee
Tourism Committee

Term to expire 4 November 1991

Deputy Mayor Ducharme

Lew Rogers, Director, Tourism Halifax

Corporation Committee

Terms to expire upon completion of mandate

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**Award of Tender 90-89: Acquisition of
1800 Parking Meter Mechanisms**

A staff report dated 20 June 1990 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that authority be granted to purchase 1700 reconditioned parking meter mechanisms (Option I of the staff report dated 20 June 1990) at a net cost of \$70.00 or \$119,000.00 with five years warranty on labour and materials from J.J. MacKay Canada Limited, New Glasgow, Nova Scotia, the Company which totally meets or exceeds all tender criteria and specifications (funds to be provided in account 122902.D9900.DS279 titled Parking Meter Replacement).

Motion passed.

**Shearwater International Air Show -
Permission to Overfly City**

A letter dated 21 June 1990 was submitted.

MOVED by Alderman Flynn, seconded by Alderman Hanson that permission be granted for various flying performers to overfly the City during the Shearwater International Airshow for the period 13 to 17 September 1990 and that all military and Ministry of Transport safety regulations be strictly adhered to.

Motion passed.

QUESTIONS

Question Deputy Mayor Ducharme Re: Briarwood Crescent

Deputy Mayor Ducharme asked for a report from staff indicating when they plan to tender for the permanent closure of Briarwood Crescent.

Question Deputy Mayor Ducharme Re: item 10.4 "Hogan Lands"

Deputy Mayor Ducharme asked that staff review the minutes pertaining to agenda item 10.4 "Hogan Lands" and ensure that all the questions raised are answered before final prices are negotiated.

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Question Alderman Fitzgerald Re: Task Force on Drugs

Alderman Fitzgerald advised that it was his understanding that the Mayor's Task Force on Drugs would be finishing their report shortly. However, the Alderman expressed the concern that he had heard that the report would not be made public for some time.

His Worship Mayor Wallace advised that the Task Force had just recently met and still had some additional work to do. He informed Council that they were planning on releasing the report the first of September.

Question Alderman Fitzgerald Re: Cruise Ships

Alderman Fitzgerald advised that he had recently read a newspaper article with respect to the visit of a number of cruise ships to Halifax the end of August and first of September. The Alderman expressed the concern that mostly everything would be closed because of the Labour Day weekend holiday. Alderman Fitzgerald suggested that events should be planned in relation to the visit of these cruise ships and asked that the matter be referred to Tourism Halifax.

Question Alderman Meagher Re: Halifax Civic Hospital

Alderman Meagher advised that, at a recent meeting of the Civic Hospital Board, two matters were discussed which he would like directed to the City Manager. Alderman Meagher noted that the Board was concerned that the City would lose \$11,000 if the panasonic copier from the hospital was returned to the company. He also noted that the Bloomfield Seniors would like to acquire the hot table that was used at the Halifax Civic Hospital.

Question Alderman Meagher Re: Peninsula North Secondary Planning Strategy

Responding to a question from Alderman Meagher, the Chairman advised that a report on the Peninsula North Secondary Planning Strategy would be submitted at the next Committee of the Whole Council meeting scheduled for Wednesday, 4 July 1990.

Question Alderman O'Malley Re: Vending Locations

Alderman O'Malley questioned whether a date had been set for a meeting of the Streets Committee to deal with the two proposed vending sites on Lower Water Street.

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The Chairman advised that staff had determined that the proposed site for vending at the Chebucto Landing was not available because of the construction and because Mr. Michel Lindthaler (Perk's) has the authority to approve it as a vending location. He advised that the City Solicitor was reviewing the other site (proposed for under the overpass on the east side of the Bank of Montreal Building) with the Traffic Authority and will be bringing forth a report possibly by the next Committee of the Whole Council meeting scheduled for 4 July 1990.

**Question Alderman O'Malley Re: Soot Problem -
Oland Breweries Limited**

Alderman O'Malley asked that City staff investigate the re-occurring problem with respect to soot from the Oland Brewery in the area of McCara Street and provide her with a report back on the matter.

Question Alderman O'Malley Re: Farmers' Market

Alderman O'Malley advised that she, as Chairman of the Farmers' Market Committee, received correspondence from the Chairman of the Market at the Brewery.

The Alderman asked that this item be placed on the agenda for the next Committee of the Whole Council meeting scheduled for Wednesday, 4 July 1990.

Question Alderman Downey Re: Overhead Crosswalk Signs

Alderman Downey noted that he had asked a question sometime ago concerning the use of overhead crosswalk signs. He advised that a report was still pending from the Province concerning the matter.

The Chairman advised that staff would attempt to determine the status of this report.

**Question Alderman Downey Re:
Development on Spring Garden Road**

Alderman Downey advised that he had received some calls from people on Spring Garden Road concerning the development taking place which has caused the closure of Brenton Street. He asked that consideration be given to deferring this work to later on in the evening rather than during noon time.

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Question Alderman Grant Re: Industrial Commission
Legislation

Alderman Grant referred to the legislation which was turned down by the Province from the Industrial Commission. He explained that the Industrial Commission and City Council came up with an innovative way of overcoming a difficulty and expressed the concern that it was turned down because it was felt that it would possibly cause unfair competition and stimulate a price war.

Alderman Grant asked that the following question be forwarded to the Province for a response: "Whereas the innovative methods that City Council and the Industrial Commission have come up with have been turned down, does this then mean that the Province of Nova Scotia is willing to become a financial participant in the City's Industrial Park be that it is the only Industrial Park in Nova Scotia that it is not a financial participant in".

Question Alderman Grant Re: Halifax Foundation

Alderman Grant referred to the information report he received from the City Solicitor dated 26 June 1990 in response to a question he had raised concerning the Halifax Foundation. The Alderman indicated that he would like to know the dates when the newspaper ads (referred to in the information report of 26 June 1990) were circulated.

Mayor Wallace advised that newspaper advertisements are a requirement for the Foundation although he did not believe that any had been inserted in the past. However, His Worship advised that the Foundation was undergoing a revival and that requirements, such as the insertion of these ads, will be done in the future.

Question Alderman Grant Re: MAPC

Alderman Grant referred to the April 17th minutes of the MAPC where His Worship Mayor Wallace suggested that "a regional strategy for water, tourism, and industrial parks would be useful".

Mayor Wallace advised that the minutes did not reflect his thinking and that the remark was taken out of context.

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Question Alderman Stone Re: Service to Committees

Alderman Stone asked for an update from the City Clerk regarding the problems posed by the various committees because of the lack of secretarial help. He noted that some of the committees which he was a member of, i.e. Transit Advisory and Lakes and Waterways, were expressing concern about the loss of secretarial service. Alderman Stone noted that it was also his understanding that the Task Force on City Traffic was not meeting because their secretarial help was removed.

The Chairman advised that the problem with respect to the Task Force on City Traffic has been corrected. He also advised that service to some of the other committees referred to by Alderman Stone was being reconsidered.

Alderman Stone commented that the Chairman of the Concerns of the Aging spoke to him and indicated that the seniors are having trouble recording their minutes.

Question Alderman Stone Re: Recycling

Alderman Stone advised that he had visited the Duc d'Anville School Recycling Depot and was amazed at the number of people using this depot. He went on to suggest that because of the heavy use of this depot, the City should provide some aid.

The Chairman advised that Mr. Allan O'Brien, Task Force on Management on Waste (which includes a program on recycling), is to submit a report within the next ten days.

Along the same lines, Alderman Stone referred to a recent newspaper article about a blue box project receiving \$56,200 from the Federal Government. The Alderman suggested that the City should look into a similar project for the City.

NOTICE OF MOTION

Notice of Motion - Alderman Grant -
Amendments to Ordinance 180

Alderman Grant gave notice of motion that at the next regular meeting of Halifax City Council to be held on Thursday, 12 July 1990, he proposes to introduce for first reading amendments to Ordinance Number 180, the Streets Ordinance. The purpose of the amendments are to permit the sale of souvenirs and other merchandise on the sidewalks of the City by the organizers of Special events in the City.

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ADDED ITEMS

Replacement of Sods (Alderman Meagher)

This item was added to the agenda at the request of Alderman Meagher.

MOVED by Alderman Meagher, seconded by Alderman O'Malley that the City of Halifax replace the sods at Civic Nos. 6108 and 6112 Willow Street.

The motion was put resulting in a tie vote.

The Chairman voted against the motion and declared the motion to be lost.

Tender 90-98: Bloomfield Commons Building - Renovations

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

A staff report dated 22 June 1990 was submitted.

MOVED by Alderman O'Malley, seconded by Alderman Fitzgerald that:

1. tender #90-98, Bloomfield School - Commons Building Renovations, be awarded to Gem Construction Specialist Ltd. at a bid price of \$166,900.00 and a total project cost of \$192,000.00;
2. funding authorization be approved from Account Number CK091;
3. funds in the amount of \$50,000.00 be transferred from account AA002 to CK091;
4. the refundable P.S.T. be applied to account CK091.

Motion passed.

Tex-Park Building - Lease Between the City of Halifax & Texaco Canada Limited

A staff report dated 27 June 1990 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that the City Solicitor be authorized to consent to the

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assignment of the agreement as requested by the solicitors for Texaco Canada Limited.

Motion passed.

Captain William Spry Community Centre -
Air Conditioning System

A staff report dated 25 June 1990 was submitted.

MOVED by Alderman Hanson, seconded by Alderman Stone that Council approve a loan up to \$16,500.00, at 12% for five years, to the Captain William Spry Community Centre Corporation, funds available from account #246213 - Major Repairs Captain Spry Community Centre.

Motion passed.

Written Submission to "The Minister's Task Force on
Clean Water"

A staff report dated 25 June 1990 was submitted.

MOVED by Deputy Mayor Ducharme, seconded by Alderman Flynn that Council approve the final draft of the submission titled "The Management of Water Resources in the Urban context, A Brief Prepared and Submitted by the City of Halifax" to be presented to the Minister's Task Force on clean Water on behalf of the City of Halifax.

Motion passed.

Halifax-Dartmouth Bridge Commission -
Purchase of Lands (Alderman O'Malley)

This item was added to the agenda at the request of Alderman O'Malley.

MOVED by Alderman O'Malley, seconded by Alderman Fitzgerald that this item be placed on the agenda for the next Committee of the Whole Council meeting scheduled for 4 July 1990.

Motion passed.

There being no further business to discuss, the meeting adjourned at 1:00 p.m.

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**SPECIAL COUNCIL
PUBLIC HEARINGS
MINUTES**

Council Chamber
Halifax City Hall
04 July 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 Aldermen Holland, Downey, Meagher, O'Malley, Hanson, and Jeffrey.

ALSO PRESENT: Ms. Beatrice Renton, representing the City Solicitor's Office, City Clerk, and other members of City Staff.

**Public Hearing Re: Case No. 6039: Appeal of Minor Variance
Refusal - 6140 Allan Street**

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

A staff report dated, 15 May 1990, was submitted.

Mr. Boyd Algee, Development Officer, addressed Council and, using diagrams, outlined the reasons for refusal of an application for a minor variance of the lot frontage, lot area, and side yard requirements of the Land Use Bylaw to allow a two storey addition to and conversion of the semi-detached dwelling at 6140 Allan Street to two units (as illustrated in the 15 May 1990 staff report).

Mr. Graham Collins, co-owner of the property, addressed Council and suggested that the severity of the variance was questionable because the neighbourhood already had some large apartment developments, which were located behind his house, and adjacent to his property, there was a four-unit dwelling on approximately 60 ft. of frontage. Mr. Collins also pointed out that the proposed addition would be an aesthetic improvement to the house, and he requested Council's support of his appeal.

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

The following correspondence opposing the appeal was submitted:

A letter dated July 3, 1990 from Ms. Barbara Richman, a resident of 6138 Allan Street, Halifax, NS, B3L 1G6.

A letter dated July 3, 1990 from Ms. Suzanne MacLaren, a resident of 6145 Allan Street, Halifax, NS, B3L 1G7.

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

Motion carried.

Public Hearing Re: Case No. 6031: Appeal of Minor Variance Refusal - 3564 Barrington Street

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

A staff report dated, 24 April 1990, was submitted.

Mr. Boyd Algee, Development Control Officer, addressed Council and, using diagrams, outlined the reasons for refusal of an application for a minor variance of the lot area and the north side yard requirement of the Land Use Bylaw for the property at 3564 Barrington Street (as illustrated in the 24 April 1990 staff report).

Mr. Arthur Theuerkauf, Solicitor for the appellants, addressed Council and reviewed his clients history of the application.

Mr. Theuerkauf advised that his clients, Mr. J. Scott and Mr. Newton purchased the property in 1985, and at that time, their solicitor had determined that the building was assessed as a three-unit building and that the rents for all three units were registered and approved by the Residential Tenancies Board, but the solicitor had neglected to make inquires concerning occupancy permits. Mr. Theuerkauf noted that, based on the solicitor's information, his clients assumed that there were three occupancy permits.

Mr. Theuerkauf advised that, in the fall of 1989, his clients decided to sell the property and had secured buyers of the property. He added that it was at this time that his clients became aware that the City had only two occupancy permits for the building.

Mr. Theuerkauf advised that an application was then made for the third occupancy permit on December 5, 1989. Mr. Theuerkauf suggested that prior to this, his client's previous solicitor, on November 16, 1989, had made inquiries to the Development office and was informed that the building was in an R-2 zone and the lot size requirements for three-unit buildings in R-2 zones had been increased to 8000 sq ft. from 6000 sq. ft. as of October 20, 1989. Mr. Theuerkauf noted, from reading the staff report of 24 April 1990, that it was only the notice of the proposed change that was given on October 20th, and that Council only approved it in January and that it became effective in late February. He pointed out that this amendment was not in effect on November 16, 1989 when the solicitor made his inquiry.

Mr. Theuerkauf reviewed the sequence of events involved with the minor variance application as well as the proposed Bylaw amendment, and while he indicated there was no strong evidence to support it, questioned whether there was a possibility that his client was being asked to make improvements which would put the time for dealing with the minor variance past the date of the Bylaw approval.

Mr. Theuerkauf pointed out that this matter has caused extensive financial hardship to his clients, and he noted that one of the clients may be forced into bankruptcy. He also noted that his clients have had to renew their mortgage twice and have incurred other expenses along with this. Mr. Theuerkauf advised that, in addition to this, his clients have been informed that the City intends to prosecute them for illegal occupancy and he suggested that this was unjust since his clients were completely unaware of this fact up to the point of when they went to sell their property.

In summary, Mr. Theuerkauf advised that, had his clients been aware that a third occupancy was required, they would have applied for the permit a long time ago, and he noted that if his clients had applied for the permit a short time earlier, the matter would have fallen within a minor variance.

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He pointed out that the City has benefitted from collecting the taxes of this building as a three-unit and not a two-unit building. On a final note, Mr. Theuerkauf added that his clients were not asking for something new, but rather, they were asking Council to recognize what has been in existence for at least, the last 12 years.

Mr. Theuerkauf responded to questions from Council.

Alderman O'Malley addressed the matter and advised that she had recently received a telephone call from a property owner of the neighbourhood in question, and this individual requested that the minor variance refusal be upheld.

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

A submission by Mr. Arthur Theuerkauf, Solicitor of the appellants, in support of the appeal, was received in the City Clerk's Office 04 July 1990 and circulated to members of Council.

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

Motion carried.

There being no further business to discuss, the meeting adjourned at 8:10 p.m.

HIS WORSHIP MAYOR WALLACE
CHAIRMAN

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