

**CITY COUNCIL
MINUTES**

Council Chamber
City Hall
Halifax, NS
25 October 1990
8:00 p.m.

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

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

ALSO PRESENT: City Manager; City Solicitor; Margaret MacDonell, Acting City Clerk; and other members of City staff.

Presentation: Retirement Scroll - Mr. Gerald Alvin Connor

On behalf of Halifax City Council, His Worship Mayor Wallace presented the City's Long Service Award to Mr. Gerald Alvin Connor, in recognition of his 17 years of employment with the City. His Worship thanked Mr. Connor for his many years of faithful service to the City and wished him a happy retirement.

The members of Council then extended their best wishes to Mr. Connor.

Mediacom - Press Conference

His Worship advised that Mediacom held a press conference earlier today in Halifax Hall with the Chairman of the City's Task Force on Drugs, Mr. Stewart McInnis. His Worship indicated that it was a very successful press conference and well attended by Police, R.C.M.P., and school children.

His Worship then introduced Brent Fitzgerald, a grade 9 student at Major Stevens Junior-Springvale Elementary School and advised that Mr. Fitzgerald made a presentation at the press conference on behalf of Halifax students.

At the request of His Worship Mr. Fitzgerald gave a brief presentation to Council.

After a brief discussion, it was moved by Alderman Meagher, seconded by Alderman O'Malley that Council extend its

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appreciation to Mr. George Findley and Mediacom for their involvement in and support of the program on Drug Awareness.

Motion carried.

MINUTES

Minutes of the last regular meeting of Halifax City Council, held on Thursday 11 October 1990, and of a special meeting of City Council held on 19 September 1990 were approved as circulated on a motion moved by Alderman Fitzgerald, seconded by Alderman Downey.

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

The Acting City Clerk advised that Alderman Jeffrey requested the following item be added to the agenda:

20.1 Appointment of Deputy Mayor

Noting that Alderman Holland was not present, Alderman Flynn suggested that this matter be deferred to the following meeting of the Committee of the Whole Council in order that all aldermen would be able to participate in the process.

Alderman Flynn proposed a motion that the matter be deferred to the next Committee of the Whole Council, and that the term of the present Deputy Mayor be extended until this time.

Alderman Jeffrey pointed out that he requested this item be dealt with at this meeting because, traditionally, the Deputy Mayor has always been appointed at the last City Council meeting in October. He expressed concern that if Council was to wait until all Aldermen were present in order to consider the matter, then it may be a long time before it was dealt with.

A discussion ensued.

In reference to Alderman Flynn's proposal to defer the matter, the Chairman pointed out that, at this time, Council was to consider whether it would add the item to the agenda, and that it could not debate the item until it had been added.

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After further discussion, it was moved by Alderman Jeffrey, seconded by Alderman Stone that the item 20.1 Appointment of the Deputy Mayor be added to the agenda.

The motion was put and defeated with six (6) members of Council voting for it and five (5) members voting against it as follows:

FOR: Aldermen Downey, Meagher, O'Malley, Grant,
Jeffrey, and Stone (6)

AGAINST: Deputy Mayor Ducharme, and Aldermen Fitzgerald,
Pottie, Hanson, and Flynn (5)

As a point of clarification, the Chairman advised that a two-thirds consent was required to have an item added to the agenda.

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

20.1 6228 Duncan Street

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

Environmental Assessment

As a point of information, His Worship advised that he had been informed that a recent article in the Ottawa Citizen newspaper demonstrated that in a nation-wide environmental assessment, Halifax ranked second. His Worship added that according to scientific tests of 17 representative cities across Canada, Halifax has the purest drinking water and purest air.

Alderman Fitzgerald addressed that matter and advised that he too was pleased at hearing these results, but felt that there were environmental aspects which the City could significantly improve upon, particularly in the area of hazardous waste disposal. He suggested that this matter be placed on the agenda of the next meeting of Committee of the Whole agenda.

The Chairman indicated that this matter would be on the agenda of the next meeting of the Committee of the Whole Council scheduled for **Wednesday, 7 November 1990.**

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DEFERRED ITEMS

Case No. 5505: Amendment to the Municipal Planning Strategy
and Land Use Bylaw - Outdoor Storage

A public hearing into this matter was held on
Wednesday 17 October 1990.

A supplementary staff report dated 25 October 1990
was submitted.

Alderman Grant addressed the matter of the amendment
to the Municipal Planning Strategy and Land Use Bylaw with
respect to outdoor storage, and advised that he was prepared to
move the recommendation as contained in the supplementary staff
reports of 13 September 1990 and 25 October 1990.

Alderman O'Malley addressed the matter and suggested
that Council required more clarification on this matter. She
advised that although she recognized the need to have zoning to
permit uses such as junkyards, there should be more categories
with a set of parameters. As an example, the Alderman
suggested that there may be a need to have a category to
accommodate recycling operations and that junkyards may require
more selective designations than recycling depots.

Alderman O'Malley indicated that she was concerned
about having junkyards, with a broad interpretation, along the
shores of Bedford Basin and Halifax Harbour, and she advised
that the City would have to reciprocate the changes they were
facing with environmental protection and spinoff industries.
Alderman O'Malley also noted that there may be legislative
implications with provincial statutes which should be
considered. Referring to Section 24 of the Provincial
Environmental Protection Act, Alderman O'Malley suggested that
the City Solicitor's Department review the environmental
implications of this matter.

MOVED by Alderman O'Malley, seconded by Alderman
Grant that the amendment to the Municipal Planning Strategy and
Land Use Bylaw - Outdoor Storage be deferred, and that the City
Solicitor report on the interpretation of Section 24 of the
Provincial Environmental Protection Act and its relationship to
this matter.

Motion carried.

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Phase II: South End Waterfront Lands Study - Supplementary Report

This matter had been deferred from a meeting of Halifax City Council held on 11 January 1990.

A supplementary staff report dated 16 October 1990 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that the Mayor and City Clerk be authorized to enter an agreement with Whitman Benn & Associates Limited Consulting Engineers to carry out the Phase II study to determine the transportation impacts of various land use alternatives in accordance with the terms of reference (attached to the supplementary staff report of 16 October 1990) at a gross cost not to exceed \$80,000 including any applicable Federal Goods and Services Tax (the City will receive a rebate of 52 percent of its portion of any G.S.T. paid). The maximum net City cost of \$10,000 has already been approved and is available in Account A0690, South End Waterfront Lands Study.

and, further, that Council authorize an overexpenditure in the amount of \$70,000 in Account A0690 under Section 201 (1) of the City Charter and a subsequent recovery of \$70,000.

Motion carried.

PETITIONS AND DELEGATIONS

Petition Alderman Downey Re: Grand Prix

Alderman Downey submitted several letters and a petition with 82 signatures concerning the Moosehead Grand Prix Race held on the Thanksgiving weekend. Alderman Downey requested that this be tabled to the Committee studying the Race and be considered in the report being prepared for Council on this matter.

His Worship advised that a thorough review of the Grand Prix Race was being undertaken and that it would be some weeks before a final report was released. He advised that all comments would be considered when the review takes place.

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Petition Alderman O'Malley Re: Purchase of City-owned Land

Alderman O'Malley submitted a petition signed by 21 abutters to a portion of land owned by the City of Halifax abutting Albert, Acadia, Glebe, and Lynch Streets who are interested in purchasing this property from the City.

Alderman O'Malley requested that this matter be referred to Real Estate Division for report.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 17 October 1990.

Award of Tender #910555 - Incandescent and Fluorescent Lamp Annual Order (Stores Inventory)

A letter of concern, dated October 25, 1990, from J. Brian Church, Q.C. was submitted.

MOVED by Alderman Pottic, seconded by Alderman Fitzgerald that as recommended by the Finance and Executive Committee, with regard to Tender #910555, authority be granted to purchase incandescent and fluorescent lamps from Litemore Distributors Limited, the lowest bidder meeting specifications (at a tendered price of \$72,997.12), on an as and when required basis.

Alderman Flynn addressed the matter and indicated that his opinion on this matter has not changed over the past couple of weeks. He advised that he believes it would be less expensive, for the City, if the supplier were to do all the work and the City kept its inventories as low as possible. Alderman Flynn requested that the next time the Tendering Committee meets, it reviews how the tenders are being called and if there is consistency in the way tenders are called, so that the City will benefit from the best possible service as well as the best possible price.

Alderman Grant addressed the matter and indicated that the Tendering Committee would continue to review the City's tendering procedures and practice.

Motion carried.

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Purchase of TAP Building

An information report dated 15 October 1990 was submitted.

A letter dated October 25, 1990 from the Gottingen Street Area Merchants Association was submitted.

His Worship addressed the matter and advised that he, Alderman Downey, the Director of Finance, and the Director of Social Planning held a meeting with a representative of the Canadian Imperial Bank of Commerce concerning the TAP building.

In reference to this meeting, Alderman Downey requested that this matter be deferred and that staff provide a report concerning the meeting.

The Alderman noted that the letter submitted by the Gottingen Street Area Merchants Association contained incorrect figures and he requested that staff respond to this letter in the report.

It was agreed that this matter be deferred pending a further report from staff.

Junk Dealers' License: Civic No. 6428 Lady Hammond Road

A report dated 24 October 1990 was submitted.

A letter dated 23 October 1990 on behalf of Janet Ross, LeMarchant-St., Thomas PTA Recycling; Victoria Mosher, Duc'Anville PTA Recycling; Peter Kidd, Burton Ettinger PTA Recycling, was submitted.

MOVED by Alderman Pettie, seconded by Alderman O'Malley that this matter be deferred to the next meeting of the Committee of the Whole, schedule for Wednesday, 07 November 1990.

Alderman Grant requested a report on whether it was still the intent of the owner of the property to use mobile vehicles in various locations of the City, and would these vehicles be parked in open parking lots to receive merchandise.

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In response to Alderman Flynn, His Worship agreed to respond to the letter dated 23 October 1990, submitted on behalf of four schools.

Alderman Pottie requested that the City Clerk notify the applicant and advise him that he could address Council at the next meeting of the Committee of the Whole Council, scheduled for **Wednesday, 07 November 1990**.

The Chairman indicated that this matter would be moved up on the Committee of the Whole agenda.

Motion carried.

Cultural Policy

MOVED by Deputy Mayor Ducharme, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, the report dated September 6, 1990 on the cultural policy for the City of Halifax be tabled and referred to staff for report.

Motion carried.

Task Force on Drug Awareness

An information report dated 24 October 1990 was submitted.

MOVED by Deputy Mayor Ducharme, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, the report be tabled and referred to staff for report.

Motion carried.

Expropriation of Parcel H-28 Oakhill Drive

MOVED by Alderman Stone, seconded by Alderman Flynn that parcel H-28 as shown on plan TT-43-30335 be expropriated from James and Hazel McNab and that, based on an appraisal by At-Tech Appraisal Consultants Limited, \$4,000 be offered as compensation in accordance with the Expropriation Act.

Motion carried.

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Purchase of Mainland North Commons

MOVED by Alderman Stone, seconded by Deputy Mayor Ducharme that:

1. Council approve the setting aside of 38.869 acres of the 158.869 acres of Mainland North Common lands, valued at \$941,766, as inventory for future sale,
2. Council authorize a loan, as required, with interest, from the current fund to the sale of land account to be repaid by sale of the inventoried land, as well as other land sales subject to minimum payment acceptable to the Department of Municipal Affairs, and
3. Council authorize staff to obtain Ministerial approval for withdrawal from the sale of land account of the total purchase price of the Mainland North Commons of \$3,849,273 including acquisition costs of \$9,561.

Alderman Grant addressed the matter and pointed out that one of the major access routes for the Mainland North Common was the Lacewood Connector and he asked when the connector would be completed to the Bicentennial Highway, so that the people coming in the Bicentennial Highway would be able to swing left into the Mainland Common.

In response to Aldermen Grant's question, Alderman Stone advise that the main entrance in the beginning would be Westridge Drive. He noted that there was currently an entrance for Westridge Drive.

The Deputy Mayor pointed out that there was a motion of Council on record that the Lacewood Connector would not be connected to the Bicentennial Highway until it is returned to Council.

Motion carried.

Social Assistance Rate Changes

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

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1. The food rate increases as outlined in the staff report of 5 October 1990 be approved effective 1 December 1990.
2. The cloth diaper program be funded as a part of the social assistance budget for municipal assistance clients upon request and as approved by the Nutritionist.
3. The Social Planning Department pursue funding for a pilot program for new mothers which will focus on the health and well being of the parent and child or children.

Motion carried.

At 9:05 p.m. His Worship retired from the meeting with the Deputy Mayor assuming the Chair.

Report Retirement Committee - Rule of 80

MOVED by Alderman Fitzgerald, seconded by Alderman Flynn that this matter be deferred to a future Committee of the Whole Council meeting, pending a report from staff.

Motion carried.

Living Benefits Agreements - Life Insured Employees

MOVED by Alderman Fitzgerald, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, the City accept the principle of Living Benefits Agreements between its employees and its life insurance carrier and be subject to the terms and conditions of Living Benefits Agreement and, further, that the City Manager be authorized to enter into Living Benefits Agreements on behalf of the City in circumstances deemed appropriate by the City Manager.

Motion carried.

CN Railway - Springvale/Fairmount Area

A supplementary report dated 24 October 1990 was submitted.

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Alderman Jeffrey addressed the matter and referring to the supplementary report expressed his appreciation to the City Solicitor for the report.

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that this matter be placed on the agenda of the next meeting of the Committee of the Whole Council, scheduled for Wednesday, 07 November 1990.

Alderman Flynn addressed the matter and advised that the problem of train whistle blowing also included the areas of the Ashburn Golf Club, Bayer's Road, Dutch Village Road, and Howe Avenue. He advised that trains were now moving early in the morning due to servicing the Industrial Park late at night. Alderman Flynn noted that all of the crossings were equipped with red flashing lights that work automatically, and he requested that these areas be considered, as well, as areas to be exempt from whistle blowing.

The City Solicitor indicated that he would look into Alderman Flynn's request.

Motion carried.

At 9:10 p.m. His Worship Mayor Wallace returned to the meeting with Deputy Mayor Ducharme taking her usual seat in Council.

Award of Tender #90-105: Microcomputer Equipment

A letter dated 23 October 1990 from Jim Haliburton, President of MiniComp Systems Limited was submitted.

A supplementary staff report dated 22 October 1990 was submitted.

Alderman Stone addressed the matter and expressed concern that the staff report of 15 October 1990 recommended the second lowest tender because of a composite bid. The Alderman also indicated that the staff report states that since the tender opening and evaluation, there has been a softening in prices of computers and the prices for the recommended supplier are reduced by 5 percent. Alderman Stone pointed out that the letter submitted by MiniComp Systems, indicates that there is a possible reduction in the microcomputers of up to 15 percent in some cases.

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Alderman Stone suggested that since the letter indicates that there is a perceived unfairness of the procedure, and also, that there could be a large saving to the City, this matter should be deferred to the next meeting of the Committee of the Whole to give staff the opportunity to comment on the letter.

MOVED by Alderman Stone, seconded by Alderman Flynn that this matter be deferred to the next regular meeting of the Committee of the Whole Council, scheduled for Wednesday, 07 November 1990, pending a report from staff.

Motion carried.

REPORT - COMMITTEE ON WORKS

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

Award of Tender #90-112: Refuse Collection

This matter was forwarded to City Council without recommendation, pending receipt of a staff report responding to the concerns raised at the 17 October 1990 Committee of the Whole Council meeting.

A supplementary staff report dated 22 October 1990 was submitted. A private and confidential staff report dated 19 October 1990 was also submitted.

The following correspondence was received with respect to this item:

A letter dated 24 October 1990 from Alan R. Abraham Jr., President, Green Waste Systems.

A letter dated 18 October 1990 from David Wooder, District Manager, BFI Waste Systems.

A letter dated 23 October 1990 from Mr. J.C. Halliwell, President, Canadian Construction Association.

A letter dated 24 October 1990 from Mr. J.L. Macdonald, Chairman, Construction Association of Nova Scotia.

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MOVED by Deputy Mayor Ducharme, seconded by Alderman Fitzgerald that staff be authorized to enter into a contract with Browning-Ferris Industries Limited, effective 1 January 1991 for the provision of residential refuse collection services (alternate bid #2, per/tonne as outlined in the staff report of 11 October 1990), for the years 1991, 1992, 1993, 1994 and 1995, and that funding be authorized from the Engineering and Works Department's Operating Budget, Account Number D2605.

Alderman Hanson indicated his support of the motion, but expressed concern over the term of the contract. He suggested that it would be more feasible for the City to enter into a two year contract (rather than a five year one), and reassess it after the two years have expired. Alderman Hanson expressed the view that staff should reconsider the term of the contract.

Alderman O'Malley agreed that the City should support and give growth to local new and existing industry and business, but indicated that she supported the need for the best dollar value for the taxpayer. Making particular reference to the tender before Council at this time, Alderman O'Malley expressed the belief that the amount of the performance bond required is more than excessive. The Alderman asked that, for future tendering processes, the amount of the bond be reviewed in an effort to make them more reasonable and less discriminatory so that the small business industries receive an equitable opportunity to bid on City tenders.

A discussion followed with Alderman Flynn cautioning Council with respect to the suggestion of reducing the term for contracts of this nature because of the capital costs involved for any contractor to acquire the proper equipment. He agreed that the tendering policy should be reviewed and compared to other municipal units and jurisdictions. Alderman Flynn went on to suggest that the City should encourage local people to participate in the business of the City. He indicated that he would be supporting the above motion to award the tender to the lowest bidder.

With respect to the suggestion that the tender be awarded for only two years, the City Solicitor advised that it appears clear that everybody involved with the tender approached the matter on the basis of five years. He noted that it was his understanding that the bidders for the tender in question clearly based their projections on a five year contract.

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The discussion continued with Alderman Fitzgerald referring to the letter received from the Construction Association of Nova Scotia. He noted that this letter states clearly that the Association supports the Open Tender, Low Qualified Bid Contracting policy. Alderman Fitzgerald suggested that if the City was going to make certain things available in a tender, it should be done before the tender call. The Alderman indicated that he did agree that it was advantageous to the City to reassess its tendering policy from time to time. Alderman Fitzgerald expressed his support in favour of the motion.

Referring to his earlier comments with respect to the term of the contract, Alderman Hanson explained that he was suggesting that this matter be taken into consideration for future tendering processes.

At this time, His Worship Mayor Wallace left the seat of the Chair and addressed Council from the podium with the Deputy Mayor assuming the seat of the Chair.

His Worship Mayor Wallace commented on the integrity of the City's tendering policy and expressed the belief that it is one which is respected by developers, suppliers, and other municipalities and Provinces across Canada. His Worship went on to refer to a four page letter which he received from Green Waste Systems. He noted that the message he got from reading the letter was that the City should delay the contract in question and call for tenders. His Worship explained that this would be difficult to do and unfair since bids have already been disclosed. Mayor Wallace expressed the opinion that the intervention by Green Waste Systems is the most flagrant example of an attempt to circumvent an established and respected tendering system. He suggested that this initiative by Green Waste Systems was self-serving and represented a threat to the integrity of the tendering system and could lead to additional costs to the taxpayer.

His Worship Mayor Wallace went on to refer to the letter received from the Canadian Construction Association where it states that "preferential bidding practices, no matter how tempting in the short term, can only lead to counter policies in other cities and provinces, and ultimately to more costly construction for the taxpayers of this nation." Mayor Wallace suggested that the campaign by Green Waste Systems was irresponsible and was using a direct approach to City Council to bypass the tendering system. He expressed the opinion that the behaviour of Green Waste Systems of circulating allegations about the impropriety of the Mayor's participation at the

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Committee of the Whole, and attempt to silence the Mayor by insinuating a personal conflict of interest, was an attempt to insert political manipulation into the City's tendering system.

Mayor Wallace also referred to the letter received from the Construction Association of Nova Scotia where it states that the Association "...is alarmed after reading media coverage of recent City Council proceedings and quotes and ...promotes and supports the philosophy 'All things being equal and qualified; the low bidder in Public Tender should receive the award.'"

In his closing remarks, His Worship indicated his support of staff's recommendation to award the lowest tender.

His Worship returned to the Chair with Deputy Mayor Ducharme taking her usual seat in Council.

In closing the debate, Deputy Mayor Ducharme commented that she made the motion because she believed absolutely in the City's present tendering policy.

The motion was put and passed.

Award of Tender #90-119: Two Brush Clippers

This matter was forwarded to City Council without recommendation, pending receipt of a staff report pertaining to the concerns raised during the October 17th Committee on Works meeting.

A supplementary staff report dated 19 October 1990 was submitted.

MOVED by Alderman Pottie, seconded by Alderman Fitzgerald that tender 90-119 for two brush chippers be awarded to Altec Industry in the amount of \$40,900.00 with delivery 22 November 1990 (funds to be made available from account number 126104.X1710 titled Motor Equipment - Engineering & Works Equipment Reserve).

Alderman Flynn noted that he was not challenging the tendering system with regard to the tender for these items, but indicated that he wanted to make sure that everything had been taken into consideration with regard to the total cost to the City during the life of these machines. The Alderman indicated that it was his hope that when tenders are reviewed by staff that all items with regard to the tender (charges, etc.) are

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taken into consideration and all of the information collected is provided to Council.

Alderman Fitzgerald noted that the Tendering Practices Committee has been ensured time and time again that all factors relating to tenders have been taken into consideration.

The motion was put and passed.

Award of Tender #90-117: Newspaper Recycling

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

- 1) staff be authorized to enter into a contract with the lowest bidder, Enviro-Care Services (effective 1 January 1991), for a total of \$432,000.00 pertaining to the provision of collection and processing of recycled newspaper services for the years 1991 and 1992;
- 2) funding be authorized from the Engineering and Works Department Operating Budget (Account Number D2606, Refuse Recycling).

Responding to a question from Alderman Grant, Mr. Peter Connell, Director of Engineering and Works, advised that the two yellow environmental vehicles on City Field property are vehicles owned by HRDA who are under contract with the City for the City's paper recycling program.

Motion passed.

Award of Tender #90-126: Landscape Restoration -
St. Francis Sports Field

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Committee on Works, authority be granted to award tender #90-126 to Elmsdale Landscaping Limited for a tendered price of \$32,300.00 (funds available in account number D9900.DS318 titled special Items - St. Francis Sportfield (\$26,000.00) plus funds from completed jobs DS316 titled North Commons Walkway Renewal (\$4,300.00), and DS320 titled Duc d'Anville School Playground (\$2,000.00).

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Motion passed.

Williams Lake Cleanup

MOVED by Alderman Meagher, seconded by Alderman Downey that, as recommended by the Committee on Works, permission be granted to the William's Lake Conservation Company to operate a motorboat on William's Lake on six occasions between the dates of November 3rd and 18th in order to complete their clean-up.

Motion passed.

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

**Motion Alderman Meagher Re: Amendments to Ordinance No. 170,
the Tax Concessions Ordinance - SECOND READING**

MOVED by Alderman Meagher, seconded by Alderman Downey that Halifax City Council give SECOND READING to the amendments proposed for Ordinance 170, the Tax Concessions Ordinance (attached as Appendix "A" to the staff report dated 3 October 1990).

Motion passed.

REPORT - CITY PLANNING COMMITTEE

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

**Case No. 6205: Development of North End of block between
Barrington, George, and Granville Streets -the Dennis Building**

MOVED by Alderman Downey, seconded by Alderman Meagher that, as recommended by the City Planning Committee, Council go on record and suggest to Cabinet that the City would prefer to consider a comprehensive development which included the retention of the facades of the Dennis Building, rather than a development which was forced to surround it but that did not include it and, FURTHER, that while recognizing that the Dennis Building is not a protected heritage resource, that it is fitting and appropriate that its facades be retained if at all practical. This request is not to be construed as an

endorsement of the project, which is yet to be presented to City Council for consideration and hearing.

Motion passed.

Case No. 6120: Modification of Lot Frontage - 25 Melody Drive

This item was forwarded to Council without recommendation.

Alderman Stone addressed the matter and advised that staff and the developer had met after the public hearing on this matter and resolved the concerns raised by the residents particularly with regards to drainage.

It was subsequently, MOVED by Alderman Stone, seconded by Alderman Hanson that the application to modify the lot frontage requirement at 25 Melody Drive, lands of Gursharan S. Toor and Gurdip K. Toor as shown on Plan No. P200/18065 of Case No. 6120 (attached to the 3 October 1990 supplementary staff report), to create Lot 22A-1 for the purpose of erecting a duplex dwelling be approved.

Motion passed.

MOTIONS

Motion Alderman Jeffrey Re: Proposed Amendments to Ordinance No. 116, the Taxi Ordinance, (a) Proposed Rate Increases; (b) Driver Protection and Driver Education Course - FIRST READING

* (a) A report from Alderman Tom Jeffrey, Chairman of the Halifax Taxi and Limousine Commission, dated 12 October 1990 was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Flynn that City of Halifax give FIRST READING to the proposed amendments to Ordinance 116, the Taxi Ordinance, as follows:

- (1) that the drop rate be increased from \$1.90 to \$2.20 (an increase of 15.8%)
- (2) that the mileage rate be increased from \$1.30 to \$1.40 (an increase of 7.7%)
- (3) that "metered waiting time" be increased from \$14.00/hour to \$15.00/hour (an increase of 7.1%)
- (4) that "extras" (the charge for each additional passenger and for each piece of luggage handled by the driver) be increased from \$.25 to \$.50 a piece.

Motion passed.

(b) A report from Alderman Tom Jeffrey, Chairman of the Halifax Taxi and Limousine Commission, dated 9 October 1990 was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Flynn
that City of Halifax give FIRST READING to the proposed
amendments to Ordinance 116, the Taxi and Limousine Ordinance,
by adding the following:

- (1) No taxi or limousine driver shall refuse to serve the first person requesting service except where the passenger
 - (a) is indebted for a previous fare or service;
 - (b) has an excessive number of items that will not fit within the vehicle;
 - (c) refuses to disclose his destination immediately upon entering the vehicle;
 - (d) asked to be driven to any place or under any condition that the driver reasonably considers to be unsafe;
 - (e) is in possession of an animal other than a seeing-eye dog; or
 - (f) is obnoxious or abusive, or acts or uses language in a manner which reasonably leads the driver to anticipate such behaviour or refusal to any part or all of the fare, or physical injury to himself or to the vehicle.

- (2) while the number of lecture series offered by the Halifax Taxi and Limousine Commission as part of its Driver Education Course will remain at three per year, all applicants for a Halifax taxi or limousine license will be restricted to enrolment in only one lecture series, one initial examination and one make-up examination in any given calendar year.

and, further, that this matter be forwarded to the next regular meeting of the **Committee of the Whole Council** meeting scheduled for 7 November 1990.

Motion passed.

Motion Alderman Grant Re: Proposed Amendments to Ordinance No. 145, the Payment and Collection of Taxes - FIRST READING

A staff report dated 20 September 1990 was submitted.

MOVED by Alderman Grant, seconded by Alderman Hanson
that Halifax City Council give FIRST READING to the amendments to Ordinance 145, the Tax Collection Ordinance (as attached to the staff report of 20 September 1990) and, further, that this

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matter be forwarded to the next regular meeting of the Committee of the Whole Council meeting scheduled for 7 November 1990.

Motion passed.

Motion Alderman Downey Re: Proposed Amendments to Ordinance No. 181, the Spring Garden Road Business Improvement District Commission Ordinance - FIRST READING

A staff report dated 2 October 1990 was submitted.

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that City Council approve FIRST READING of the amendments to Ordinance 181 attached as Appendix "A" to the staff report of 2 October 1990 and, further, forward this matter to the next regular meeting of the Committee of the Whole Council scheduled for 7 November 1990.

Motion passed.

QUESTIONS

Question Alderman Flynn Re: Immigration - ESL Program

Alderman Flynn asked that His Worship Mayor Wallace send a letter on behalf of City Council to the Federation of Canadian Municipalities (FCM) requesting them to intercede on behalf of the City of Halifax with the Honourable Barbara MacDougall, Minister of Employment and Immigration Canada, pertaining to the increase in the number of immigrants coming to Canada and the education component for the ESL "English as a Second Language" program. Alderman Flynn expressed the concern that a recent press report indicated that there will be no funding for the education component of this program.

Question Alderman O'Malley Re: McCully Street

Alderman O'Malley noted that there was a great deal of activity from protesters and media on McCully Street this past week. She noted that numerous residents had telephoned

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her concerning the activity. Alderman O'Malley advised that she had discussed the situation with Superintendent David MacKinnon who verbally addressed her concerns and queries. The Alderman went on to ask for a written report from Superintendent MacKinnon outlining the situation as far as the rights of the residents on the street are concerned and how much leeway the demonstrators have.

Question Alderman Grant Re: Halifax City Map Publication

In response to a question raised by Alderman Grant, the Chairman advised that the Halifax City Map publication was part of the approved budget item totalling \$24,894.88.

Alderman Grant commented that Leahyville was not included on this map.

Question Alderman Jeffrey Re: Walkway between Percy Street and Joseph Howe Drive

Alderman Jeffrey noted that he had received a staff report in response to the question he raised at the October 11th City Council meeting concerning the walkway between Percy Street and Joseph Howe Drive. He noted that staff have confirmed that funds for the completion of this walkway have not been budgeted for in this year's Capital Budget. Alderman Jeffrey went on to advise that this walkway was in a dangerous state as it presently exists and asked that staff investigate the situation and take the necessary steps to make the area safer.

Question Alderman Jeffrey Re: Walton Drive

Alderman Jeffrey referred to a letter he received from Mr. Douglas Day, residing on Walton Drive, concerning problems relating to a contractor in the area. Noting that a copy of this letter was forwarded to Mr. Peter S. Connell, Director of Engineering and Works, Alderman Jeffrey asked that Mr. Connell respond to Mr. Day's concerns and ensure that the rest of the residents of Rockwood Avenue and Walton Drive are advised of what is taking place.

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Question Alderman Jeffrey Re: 39 Evans Avenue

Alderman Jeffrey referred to a telephone call he received from a lady residing at 39 Evans Avenue concerning the BFI containers on this street. He explained that the containers are not closed properly and that they are overflowing with garbage. As a result, Alderman Jeffrey noted that the lady at 39 Evans Avenue has had rats on her property. The Alderman asked that the Rodent Control Officer visit the area and inspect the containers to make sure they are located properly and are of the proper size.

Question Alderman Jeffrey Re: Director of Recreation

Alderman Jeffrey referred to a letter received by all members of Council from the City Manager concerning a request from the Director of Recreation to appear before Council. Alderman Jeffrey expressed the opinion that Mr. Howard Oehman, Recreation Director, should be given the opportunity to address Council as soon as possible.

Question Alderman Downey Re: Grafton Street

Alderman Downey noted that a number of businesses have suffered because of the underground wiring project on Grafton Street. He went on to ask for a report informing him whether or not the City could be liable for any of the disruption to the businesses in this area.

Question Alderman Downey Re: Mr. Richard Pearson's Proposal

Alderman Downey advised that it was his understanding that staff would be bringing a report to the next Committee of the Whole Council meeting scheduled for 7 November 1990 on the Gottingen Street proposal by Richard Pearson.

The Chairman noted that the City Solicitor has indicated that staff was presently compiling a report and that it might be submitted at the next Committee of the Whole Council meeting.

Question Alderman Downey Re: Winter Parking Ban

Alderman Downey noted that the City Solicitor had been looking at some changes to the Motor Vehicle Act last year

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with respect to the overnight winter parking ban and questioned whether any changes had taken place.

The City Manager advised that staff would report on any changes with regard to the overnight winter parking ban possibly at the next Committee of the Whole Council meeting scheduled for 7 November 1990.

Alderman Downey asked that staff also report on when the parking ban will be coming into effect.

Question Alderman Stone Re: Vimy Avenue Overpass

Alderman Stone advised that he had asked staff to consider the inclusion of a Vimy Avenue Overpass in the 1990/91 capital budget. He noted that the overpass was presented as a possible solution to the traffic problems in mainland north during a recent presentation to the Task Force on City Traffic. Alderman Stone advised that staff had informed him that there was no indepth study taking place with respect to the overpass. Alderman Stone went on to ask that staff prepare a report commenting on the possibility of the construction of an overpass at Vimy Avenue as a solution to the traffic problems in Mainland North.

Question Alderman Stone Re: Pizza Establishment -
Willett Street area

Alderman Stone advised that the residents in the vicinity of 210 Willett Street have expressed concern about a pizza establishment opening up in the lower section of a large apartment building in the area. In checking with City staff, the Alderman noted that he was informed that the establishment was legal. However, Alderman Stone noted that there was an illegal sign in front of the establishment which was removed from the property but returned. The Alderman asked staff to investigate the situation.

Question Alderman Fitzgerald Re: Condominium Fees

Alderman Fitzgerald indicated that he had received a number of calls and letters concerning tipping fees for condominiums. The Alderman advised that it was his understanding that this matter will be included on the agenda

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for the next Committee of the Whole Council meeting scheduled for 7 November 1990 for discussion.

The City Manager confirmed that it was his intention to have a report at the next Committee of the Whole Council on the matter.

Question Alderman Fitzgerald Re: Environmental Report Card

In response to a question from Alderman Fitzgerald, the City Manager advised that the item with respect to the Environmental Report Card will be discussed at the next Committee of the Whole Council meeting scheduled for 7 November 1990.

Question Alderman Fitzgerald Re: Public Gardens

Alderman Fitzgerald noted that Dr. Bidwell, a consultant for Brenhold Limited, made a number of comments concerning the shadows on the Public Gardens and the proposed Brenhold Development. The Alderman advised that Dr. Bidwell stated very clearly in his report that the Gardens are in serious danger. Alderman Fitzgerald went on to ask that staff provide a report on the matter possibly at the next Committee of the Whole Council meeting scheduled for 7 November 1990.

Question Alderman Fitzgerald Re: Business Disruption

Alderman Fitzgerald noted that the procedure was not clear with respect to who initiates action with regard to business disruption. Referring particularly to two businesses on Quinpool Road, Alderman Fitzgerald noted that the owners of these businesses were not sure what to do about the disruption caused to their businesses because of construction. The Alderman asked that staff provide clarification on this matter.

Question Alderman Fitzgerald Re: Halifax Civic Hospital

Alderman Fitzgerald commented that the sign was still up at the Civic Hospital and questioned the status with respect to the Director.

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The City Manager advised that there are two matters outstanding with respect to the Hospital. He noted that matter of the lease was still outstanding and also that matter with respect to the employment of the Director was still not settled. The City Manager advised that he was in touch with the Department of Health concerning both matters.

Question Alderman Fitzgerald Re: Greenbelt Proposal

Alderman Fitzgerald advised that Council had discussed a greenbelt proposal some time ago. He noted that it was suggested in the 70's that the greenbelt stretch from Herring Cove to the Hemlock Ravine. The Alderman advised that it was his understanding that staff was going to prepare a generalized policy with respect to the matter.

Question Alderman Fitzgerald Re: Radon Gas

Alderman Fitzgerald noted that the water rates were increasing. The Alderman went on to advise that he had been informed of an individual having a problem with radon gas. He noted that a recent newspaper article stated that there was no conclusive evidence in this regard. However, Alderman Fitzgerald advised that someone had reported high levels of radon gas in the City and questioned whether any places in the City had been tested and who would be the proper agency to contact about this concern.

Question Alderman Flynn Re: Resodding

Alderman Flynn expressed concern with respect to the quality of sods used to replace sods which have been removed because of new sidewalks or sidewalk renewals. Alderman Flynn asked for an indication as to what the City's policy is with respect to the replacement of sods and whether there was any way that citizens could have grass sods instead of ones with weeds used to replace their old ones.

Question Alderman Meagher Re: Halifax Civic Hospital

Alderman Meagher questioned the status with respect to the two appointments which are to be made to the Board of the Halifax Civic Hospital.

The City Manager advised that the matter was presently being dealt with.

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Question Alderman Meagher Re: Task Force on City Traffic

Alderman Meagher suggested that a meeting should be arranged with the Task Force on City Traffic to discuss the traffic problems in the centre part of the City. He expressed the concern about persons cutting through side streets rather than using the main streets. The Alderman suggested that this meeting could take place at the Queen Elizabeth High School.

The Chairman indicated that staff would discuss the matter with Dexter Kaulback, Chairman of the Task Force on City Traffic.

NOTICES OF MOTION

Notice of Motion Alderman Hanson Re: Ordinance 116,
The Halifax Taxi and Limousine Ordinance

On behalf of Alderman Jeffrey, Alderman Hanson gave notice of motion that at the next regular meeting of City Council, to be held on **Thursday, 15 November 1998**, he intends to introduce a motion to amend Ordinance Number 116, the Halifax Taxi and Limousine Ordinance, with regard to the qualifications for limousine drivers.

Notice of Motion Alderman Hanson Re: Ordinance 116,
The Halifax Taxi and Limousine Ordinance

On behalf of Alderman Jeffrey, Alderman Hanson gave notice of motion that at the next regular meeting of Halifax City Council, to be held on **Thursday, 15 November 1998**, he intends to introduce a motion to amend Ordinance Number 116, The Halifax Taxi and Limousine Ordinance, with regard to the Commission's membership requirements.

Notice of Motion Alderman Grant Re: Increase in Various Fees

Alderman Grant gave notice of motion that at the next regular meeting of Halifax City Council, to be held on

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Thursday, 15 November 1990, he intends to introduce for FIRST READING amendments to various City of Halifax Ordinances, the purpose of which is to provide for the increase in various fees approved in principle by Halifax City Council on 11 October 1990.

**Notice of Motion Alderman Fitzgerald Re:
Review of the Recreation Committee**

Alderman Fitzgerald gave notice of motion that at the next regular meeting of Halifax City Council, to be held on Thursday, 15 November 1990, he intends to introduce for FIRST READING a motion to ask for review of the Recreation Committee in an attempt to strengthen the administrative structure.

ADDED ITEMS

6228 Duncan Street (Alderman Meagher)

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

Alderman Meagher addressed the matter and noted that he had asked for a staff report at the last meeting of City Council on October 11th concerning the property at 6228 Duncan Street. Alderman Meagher described the structure in question explaining that originally there was to be two dormers on either side of the building. Instead of the dormers, Alderman Meagher explained that there is a wall approximately eight feet high and thirty six feet long. He went on to explain that the developer has removed the back steps in order to increase the size of the building and that the steps leading to the second and third floors are located on the exterior of the building.

Alderman Meagher also explained that the building was going to consist of four units. He noted that because there was no room to park four cars on the property, the developer intends to cut down all the trees in the backyard which the neighbours enjoy. Another concern noted by Alderman Meagher was with respect to the use of the driveway to enter and exit the second and third floors of the building. Alderman Meagher noted that the developer only owns three or four feet of this driveway and that the neighbouring property owner owns the other five feet. As a result, the Alderman expressed the concern that this driveway was going to become a City street.

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Alderman Meagher asked for a report by the next Committee of the Whole Council meeting scheduled for 7 November 1990 addressing all of the above concerns particularly with respect to, the steps, the parking, safety, and privacy of neighbouring properties. Alderman Meagher asked that the City Solicitor determine a system whereby citizens could be notified in advance when changes of this nature are to occur to a property.

11:00 p.m. there being no further business to discuss, the matter adjourned.

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HIS WORSHIP MAYOR RON WALLACE
AND
DEPUTY MAYOR MOIRA DUCHARME
CHAIRMEN

SME/MMD