

**SPECIAL CITY COUNCIL
PUBLIC HEARINGS
MINUTES**

Council Chamber
Halifax City Hall
Halifax, N. S.
07 November 1990
7:30 p.m.

A Special Meeting of Halifax City Council, Public Hearings was held on the above date.

After the meeting was called to order, the members of Council attending joined in reciting the Lord's Prayer.

PRESENT: Deputy Mayor Moira Ducharme, Chairman; and Aldermen Fitzgerald, Downey, O'Malley, Pottie, Hanson, Jeffrey, and Stone.

ALSO PRESENT: Ms. Mary Ellen Donovan, representing the City Solicitor, City Clerk, and other members of City staff.

Prior to the start of the meeting, Alderman Downey addressed Council and advised that Dartmouth Mayor John Savage was in the hospital. On the recommendation of Alderman Downey, it was agreed that His Worship Mayor Wallace would forward best wishes to Mayor Savage on behalf of Council.

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

Case No. 5944: Sobeys - Herring Cove Road at Spry Avenue - Amendment to Municipal Planning Strategy and Land Use Bylaw

This item had been forwarded to this meeting from a meeting of the City Planning Committee held earlier on this date (at which time a supplementary staff report, dated 31 October 1990, was submitted).

This matter had been previously discussed at a meeting of Halifax City Council on 11 October 1990 when, at that time, a date for a public hearing had been set for 05 December 1990.

MOVED by Alderman Fitzgerald, seconded by Alderman Hanson that, as recommended by the City Planning Committee, the resolution as attached to the Appendix I and II of the 31 October 1990 staff report be approved.

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Motion carried.

The City Clerk pointed out that Council had previously set **05 December 1990**, 7:30 p.m. in the Council Chamber as the date for the Public Hearing on this matter.

Case No. 6143: Development Agreement - 1466 Carlton Street

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

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the City Planning Committee, Council set a new public hearing date to consider the development agreement application for 1466 Carlton Street.

Motion carried.

The City Clerk advised that the public hearing would be set for **Wednesday, 05 December 1990**, beginning at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Case 6168: Development Agreement - 1468 Carlton Street

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

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the City Planning Committee, Council set a new public hearing date to consider the development agreement application for 1468 Carlton Street.

Motion carried.

The City Clerk advised that the public hearing would be set for **Wednesday, 05 December 1990**, beginning at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Authorization of Debenture Issue

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

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MOVED by Alderman Jeffrey, seconded by Alderman Hanson that the Mayor and City Clerk sign the debenture relating to the Halifax Industrial Park in the amount of \$4,000,000, dated 15 November 1990, on behalf of the City authorizing acceptance of the terms of this issue by the City of Halifax and the agreement as to the repayment terms as detailed in the 17 October 1990 staff report.

Motion carried.

Case No. 6235: Amendment to LUB - Application Fees

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

MOVED by Alderman Fitzgerald, seconded by Alderman O'Malley that, as recommended by the City Planning Committee, a date for a public hearing be set to consider amending Section 12 of the Peninsula portion of the land use bylaw and Section 19A of the Mainland portion of the land use bylaw to adopt new application fees, as set out in Appendix "B" of the staff report dated 24 October 1990 (submitted at the meeting of the Finance and Executive Committee held earlier on this date).

Motion carried.

The City Clerk advised that the date for the public hearing would be set for **Wednesday, 05 December 1990**, at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Case No. 6198: Lounges in Minor and Mixed Residential - Commercial Areas: Proposals for Plan and/or Land Use Bylaw Amendments

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

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the City Planning Committee, this matter be forwarded the Planning Advisory Committee for review and advice.

Motion carried.

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Sewer and Water Installations - Wenlock Grove

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

MOVED by Alderman Hanson, seconded by Alderman Jeffrey that, as recommended by the Works Committee, City Council:

1. approve the installation of drainage relief systems at 23 Wenlock Grove, generally as described as alternative C, subject to negotiation with the property owner,
2. authorize the transfer of \$40,000.00 from Capital Account No. DB012 to DB011, and,
3. authorize staff to negotiate with the property owner of 23 Wenlock Grove, as outlined in the staff report dated 05 November 1990.

Motion carried.

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

For the information of the public attending, the Chairman advised that Case No. 6143: Development Agreement - 1466 Carlton Street and Case No. 6168: Development Agreement - 1468 Carlton Street had been previously advertised for public hearings at this time but, due to advertising errors in the newspaper, these items were removed from tonight's agenda and a new date for public hearings was set for **Wednesday, 05 December 1990, at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

Public Hearing Re: Case No. 6223: Appeal of Minor Variance Refusal - 6924 Armview Avenue

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

A staff report, dated 22 October 1990 was submitted.

Mr. Michael Hanusiak, Planner II, addressed Council and advised that this public hearing was with respect to an appeal of his decision as Acting Development Officer of a minor

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variance of the side yard requirements of the land use bylaw for the property located at 6924 Armview Avenue.

Using diagrams, Mr. Hanusiak outlined the reasons the minor variance was refused, as contained in the 22 October 1990 staff report.

Mr. Hanusiak responded to questions from Council.

Mr. Michael Gross, a resident of 1828 Armview Terrace addressed Council and advised that his property abutted the lot in question, and that he was representing the neighbours of the area.

Mr. Gross indicated that the residents of the area welcomed the idea of this property being developed to fit in with the general ambience of the area, but were concerned with the proposal.

Mr. Gross advised that the residents bought their properties with the idea that they would have access to and enjoyment of the view of the Arm itself, and he was concerned that the addition as proposed by the applicant would restrict, to some extent, the neighbours view of the Arm. On a second point of concern, Mr. Gross suggested that if the development was approved, at some point in the future, the present owner or a new owner of the property may come before Council with a request for additional development.

Mr. Gross then advised that the residents were proposing that they be involved in the designing or planning stage of any developments in such a way that their enjoyment of the view of the Arm would not be too severely restricted. He also proposed that a restricted covenant be placed upon this property in order that no further development be permitted to take place should Council grant approval of the applicant's present plans.

Mr. Gross responded to questions from Council.

Mr. Robert Cragg, the applicant, addressed Council and advised that he and his wife purchased the property in question approximately one week ago.

Mr. Cragg briefly reviewed the history of the home. In his remarks he advised that it was built approximately 22 years ago as a single family residence in conformity with all

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the regulations in existence, and that the zoning regulations implemented in 1982 made the home a nonconforming use.

At 8:00 p.m. Alderman Meagher entered the meeting.

Mr. Cragg indicated that on his property he has a problem with the 30 ft. wide sewer easement, which runs in a west to east direction across the southern portion of the property, because it restricts any meaningful construction either in front or behind the sewer easement. Mr. Cragg advised that the only suitable location for his proposed addition was as shown in the staff report. He pointed out that to put the addition any where else on the property other than where he has proposed would ruin the appearance of the property and would drastically impede the residents view of the Arm.

Mr. Cragg then briefly reviewed his plans for the proposed addition, and he noted that the original plans showed that the distance for the sideyard clearance would be 5.5 ft. from the structure and 4 ft. from the deck. He pointed out that this was incorrect and that the appropriate distance was 9.10 ft. x 10 ft.

Mr. Cragg indicated that the zoning bylaw states that the sideyard clearance is required to be 30 ft. He pointed out that his property was a nonconforming use and was in existence prior to the implementation of the zoning bylaw in 1982, and that it was 14 ft. from the shoreline. Mr. Cragg indicated that what he was really proposing was a further 3.5 feet be added to the present structure and that he was not asking, as staff suggested, a reduction from 30 ft. to 4 ft., but rather he was asking for reduction from 14 ft. to 11 ft. Mr. Cragg added that, as well, he was asking for permission to allow him to construct a garage in front.

Referring to precedent setting aspects, Mr. Cragg noted that a precedent has been set with respect to this matter. He indicated that lots 6 and 7 of the Thornvale subdivision were exempted from the 30 ft. setback provisions in 1982 because of the same sewer easement problem. Mr. Cragg noted that this property had been exempted at that time because the owner/developer brought it to the City's attention and requested it, and that in his opinion, had the owner of his property also approached staff at that time, he to would be exempt from the provisions, as well.

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Mr. Cragg noted that, under normal circumstances, the sideyard clearance would be 5.5 ft. and, with the exception of the shoreline, his property would be double that figure if the minor variance were to be granted. He added that the addition he was proposing would conform with the general good looks and quality of the homes in the area, and that he planned to upgrade the property in conjunction with the new addition.

Mr. Cragg advised that he tried various ways of obtaining the area residents views on his minor variance application but that none of the residents contacted him. In conclusion, Mr. Cragg requested Council's favourable consideration of his application.

Mr. Cragg responded to questions from Council.

Mr. Frank Stalley, a resident of 6910 Armview Avenue, addressed Council and advised that, although his property did not abut Mr. Cragg's, it was within 100 ft. of where the minor variance was requested.

Mr. Stalley advised that the applicant's house had always been referred to as the "boathouse" because the previous owner presumably built it as a boathouse, but had always used it as a summer cottage. Mr. Stalley added that the boathouse burned down and was rebuilt as a permanent family home, and thus, an anomaly was created at that time in the area. Mr. Stalley indicated that the residents primary concern was that this anomaly not become a further problem.

In summary, Mr. Stalley advised that he was prepared to accept Mr. Cragg's proposed Plans, but if Council votes to proceed with Mr. Cragg's request, a proviso be attached so that any further construction, other than Mr. Cragg's present plans, would not be permitted.

Mr. Stalley responded to questions from Council.

Mr. Gerry Brosky, a resident of 6918 Armview Avenue, addressed Council and indicated that he didn't have great objections to the proposed plans of Mr. Cragg, but he was concerned about possible future plans that may be permissible on this property, should Council approve the applicant's minor variance request. He added that he would agree to the proposal as presented tonight if a covenant was introduced so that no further development would be permitted on the property.

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Alderman Pottie requested a legal opinion on Council's ability to put restrictions on the applicant's property if Council decided to approve the minor variance.

Ms. Donovan, representing the City Solicitor, advised that the City cannot place any kind of restrictive covenant on the property, such as the type being suggested. She added that, with respect to Council's ability to place restrictions on the property, should the applicant want additional height, it may be that additional height would require another minor variance approval.

Ms. Donovan indicated that she was not prepared to offer a legal opinion on this matter tonight, and she noted that this was a topic which had been discussed in the past but she was not aware if it has been resolved between the City Solicitor's Department and the Development Department.

In response to a question by Alderman Stone, Ms. Donovan advised that it was possible for the landowner to voluntarily enter into a restrictive covenant agreement with his neighbours.

There were no further persons wishing to address Council.

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

Motion carried.

Public Hearing Re: Case No. 6033: 12 and 14 Vimy Avenue - Plan Amendments and Rezoning from R-2P (General Residential) Zone to R-2AM (General Residential Conversion) Zone

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

Mr. Stephen Feist, Planner II, addressed Council and outlined the request by Mr. and Mrs. Blumsum to consider amendments to the Municipal Development Plan and Land Use Bylaw relevant to the property located at 12 and 14 Vimy Avenue (as outlined in the staff report dated 26 April 1990). Mr. Feist then reviewed the history of this application, as contained in the 28 March 1990 staff report.

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Mrs. Margaret Blumsum, property owner of 12 and 14 Vimy Avenue, addressed Council and indicated that she was requesting Council's support to rezone 12 and 14 Vimy Avenue to R-2AM.

In her remarks, Mrs. Blumsum advised that the plans she submitted and the application to rezone were given a positive recommendation by staff on February 13, 1990, however, on February 15, 1990 the Minister of Municipal Affairs signed the amendment to the Area Plan, and the process under which they had applied was no longer available to them.

Mrs. Blumsum advised that at the March 19, 1990 meeting of City Council, it was indicated that Council could be perceived to have acted unjustly if it decided to prevent the properties from being rezoned to R-2AM, and staff was requested to further report on the matter.

In reference to the character of the neighbourhood, Mrs. Blumsum advised that the area was predominately apartment buildings. She noted that, with respect to apartment buildings, staff recommended rejection of a rezoning of 38 Vimy Avenue because of the nature of the adjacent properties. Mrs. Blumsum advised that, presently, there was a 12-unit apartment building on this property which is located in an area of predominately low-rise residential units.

Mrs. Blumsum then expressed her concern about the declining value of these properties and she pointed out that the two properties were devalued by the assessors office at 15 percent less because of the surrounding buildings. Additionally, she noted that if either of these properties were put on the market today, the selling price would be far below the assessed value. Mrs. Blumsum pointed out that it was not her intent to sell these properties but she was considering her options and without the rezoning she would not have a value option.

In conclusion, Mrs. Blumsum made reference to a petition previously submitted to Council signed by the residents of the area in her support of the rezoning. She added that apartment buildings would not be out of character in the lower end of Vimy Avenue and that a precedent would not be set by granting this request because her application would be the last application to be heard prior to the signing of

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February 15, 1990 Plan amendment by the Minister of Municipal Affairs.

To further illustrate her request, Mr. Bob Blumsum addressed Council and presented a video of the properties in question and the surrounding areas.

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

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

Motion carried.

Appointments

A report from His Worship Mayor Wallace, dated 06 November 1990 was submitted.

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

METROPOLITAN AUTHORITY

Alderman Pat Pottie

Term to be extended to December 31, 1990.

TAXI COMMISSION

Phil Herritt

Kim Turner

Terms to be extended to January 31, 1991.

PLANNING ADVISORY COMMITTEE

Hugh Fraser

Term to expire January 31, 1993.

There being no further business to discuss, the meeting adjourned at 9:00 p.m.

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Headlines for City Council Minutes

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DEPUTY MAYOR DUCHARME
CHAIRMAN

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**CITY COUNCIL
MINUTES**

Council Chamber
City Hall
Halifax, Nova Scotia
15 November 1990
8:25 P.M.

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

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

ALSO PRESENT: City Manager; City Solicitor; City Clerk; and other members of City staff.

MINUTES

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 25 October 1990, and of the Special meeting held on Wednesday 17 October 1990 were approved as circulated on a motion by Alderman Fitzgerald, seconded by Alderman Holland.

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

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

20.1 Deputy Mayor (to be dealt with at the start of the meeting)

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

15.1 Case No. 6187: Appeal of Minor Variance - 5747 Ogilvie Street (Applicant withdrew appeal)

15.8 Case No. 4680: Lot D-1, Langbrae Gardens

15.10 Lot A-1, Langbrae Gardens

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

20.2 Update - Recreation Department

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

20.3 Proposed Race Track at Ragged Lake

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

Deputy Mayor

MOVED by Alderman Jeffrey, seconded by Alderman Grant that Alderman Marie O'Malley be nominated as the Deputy Mayor for 1990-91.

Noting that it has been the tradition of Council to appoint the senior Alderman with the longest number of years of service as the Deputy Mayor, it was MOVED by Alderman Flynn, seconded by Deputy Mayor Ducharme that Alderman Walter Fitzgerald be nominated as the Deputy Mayor for 1990-91.

A discussion followed with respect to proper procedure and tradition and the Chairman ruled that the motion by Alderman Jeffrey was that Alderman O'Malley be appointed as the Deputy Mayor for the 1990-91.

Following a further discussion, the motion was put and passed with (7) voting for it and (5) voting against it as follows:

FOR: Aldermen Downey, Meagher, O'Malley, Pottie, Grant, Jeffrey, and Stone.....(7)

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

His Worship Mayor Wallace declared Alderman Marie O'Malley as the Deputy Mayor for the upcoming year and extended congratulations to her.

His Worship took this opportunity to thank the outgoing Deputy Mayor, Moira Ducharme, for the pleasure of having her as the Deputy Mayor this past year. Speaking on behalf of the City, Mayor Wallace noted that Moira Ducharme has distinguished herself in the position both here in the City and on official occasions outside of the City. He noted that it was a great experience having her as the Deputy Mayor over the past year.

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Alderman Ducharme thanked Council for the honour of serving as Deputy Mayor and advised that it was indeed her pleasure to work with Mayor Wallace and to represent the citizens of Halifax at official functions.

DEFERRED ITEMS

Case No. 6223: Appeal of Minor Variance Refusal -
6924 Armview Avenue

A public hearing on this matter was held on 7 November 1990.

A letter dated 15 November 1990 from the Northwest Arm Heritage Association and a letter dated 13 November 1990 from five homeowners at 1820, 1828, 6910, 6918, 6934 Armview Terrace were submitted.

Responding to a question from Alderman Flynn with regard to qualification of voting on this issue, the City Solicitor advised that he had discussed the matter with his colleagues and some members of the Planning staff as to what the practice had been, and on the basis of those discussions he advised that, although the Act is silent on it, he is inclined to be of the opinion that because Council would be dealing in a quasi judicial manner in that it affects the rights of an individual citizen, therefore attendance at the public hearing is a requirement and that those members of Council who were not present should not participate in the vote.

MOVED by Alderman Fitzgerald, seconded by Alderman Stone that the appeal of a minor variance refusal of the side yard requirements of the Land Use Bylaw for the property located at 6924 Armview Avenue be denied and the decision of the Development Officer to refuse the application be upheld.

Alderman Jeffrey advised that he would not be supporting the motion.

Alderman Pottie indicated that it was his impression following the public hearing that the neighbours in the area did not have a great problem with the minor variance in question but were concerned about any future development of the property on the street side of the sewer easement. He noted that the Solicitor at the hearing advised that it was not really within Council's power to try to restrict any other developments with respect to the property. Alderman Pottie went on to refer to a letter dated November 13th signed by five homeowners in the area expressing their opposition totally to the granting of the minor variance. He suggested that, in his opinion, this was somewhat of a contradiction to the comments the residents had made at the public hearing.

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Alderman Pottie also referred to a letter dated November 15th from the Northwest Arm Heritage Association which states that they originally understood that the variance was minor but are now of the opinion that it is major. The Alderman questioned if Council should take into account only the information presented at the public hearing in making their decision.

The Chairman advised that all information received up until the time of the vote taken by Council could be considered.

Alderman Pottie went on to advise that he had visited the property since the public hearing and is of the opinion that Council should grant the minor variance.

Alderman Holland advised that he unfortunately was not at the public hearing but indicated that he was very familiar with the interests of the North West Arm Heritage Association and how valuable their work is to the City.

On a point of order, Alderman Jeffrey noted that Alderman Holland was not in attendance at the public hearing and therefore should not speak on the matter.

The City Solicitor suggested that the more proper course of action is that the Aldermen who are making the decision take part in the debate.

Alderman Stone noted that it was impression from hearing the residents speak at the public hearing that they were trying to accommodate a new family to the neighbourhood. From listening to the debate at the hearing, he noted that it was his impression that the residents really wanted to make sure that there was some goodwill on the part of the person who was developing the land. Alderman Stone advised that it was his understanding that the applicant has not been receptive to the overtures that the neighbourhood was presenting. For that reason, the Alderman noted that the neighbours feel that they must object to the proposed development because it could affect their property values and their site of the North West Arm. Alderman Stone indicated that he was in support of staff's recommendation to refuse the minor variance.

Alderman Fitzgerald noted that the community had tried very diligently to work out a compromise. He advised that he did believe that the applicant, Mr. Cragg, regarded the minor variance as one that would improve the property. The Alderman noted that the neighbours had indicated that they would be prepared to support the minor variance if the upper part of the lot was not developed. However, Alderman Fitzgerald advised that the applicant indicated that he was not prepared to give that commitment.

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The City Clerk advised that His Worship Mayor Wallace, and Aldermen Holland, Grant, and Flynn were not in attendance at the public hearing on this matter.

The motion was put and defeated with Aldermen Holland, Grant, and Flynn abstaining from the vote.

MOVED by Alderman Jeffrey, seconded by Alderman Pottie that the appeal for a minor variance refusal of the side yard requirements of the Land Use Bylaw for the property located at 6924 Armview Avenue be granted and the decision of the Development Officer to refuse the application be overturned.

Alderman Ducharme expressed her disappointment that the North West Arm and the North West Arm Heritage Association's views to preserve the nature and character of the Arm were being disregarded. She indicated that she could not support the motion.

Alderman Fitzgerald spoke in opposition to the motion and suggested that Council should reconsider the original motion and that Council should consider stating for the record that it will not consider any further changes of this nature.

Alderman Hanson also spoke in opposition to the motion and indicated that it was his opinion that the variance was not minor but major.

Responding to a question from Alderman Ducharme, the City Solicitor advised that the decision of Council would be a final and that it could not be appealed to the Municipal Board.

After a further short discussion, the motion was put and passed with Aldermen Holland, Grant, and Flynn abstaining from the vote.

*NOTE: Later in the meeting, a motion of Reconsideration of the foregoing motion was presented which will be considered at the November 29th City Council meeting.

Case No. 6033: 12 and 14 Vimy Avenue - Plan Amendments and Rezoning from R-2P (General Residential) Zone to R-2AM (General Residential Conversion) Zone

A public hearing on this matter was held on 7 November 1990.

A letter dated 15 November 1990 from Patricia Robinson was submitted.

Alderman Ducharme addressed the matter and noted that the video being presented at this time was being shown to

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refresh Council's memory of the property in question and show that the two properties being considered have become blocked in by apartment buildings. She noted that this was a site specific case and that somehow this property had been left out in the original public hearing which requested that the area be rezoned. Alderman Ducharme advised that she had requested that staff provide a site specific amendment to the Plan to rezone these properties in order that they might be developed.

MOVED by Alderman Ducharme, seconded by Alderman Fitzgerald that Council seek the necessary amendment to the Plan to permit the rezoning of 12 and 14 Vimy Avenue in accordance with the request by the applicant.

Alderman Jeffrey addressed the matter and referred to the letter received from Patricia Robinson dated November 15th in opposition to the requested changes. Alderman Jeffrey also referred to various staff reports where staff recommended against the plan amendment for these two properties. The Alderman pointed out that a lot of work had gone into the establishment of the Plan for the Fairview area. If this rezoning is granted, Alderman Jeffrey expressed the view that Council would not be living up to the rules and regulations that had been developed over a number of years for the Fairview Plan. The Alderman asked that Council support staff's recommendation.

In seconding the motion, Alderman Fitzgerald expressed the opinion that developers have already taken control of this particular area. He noted that it was his understanding that the Planning Advisory Committee had recommended that, as a compromise, the site which is completely surrounded by apartment buildings be rezoned. Alderman Fitzgerald noted that across the street from the property in question, a massive high rise will be built and that their view of the Arm will be completely blocked.

The City Clerk advised that Aldermen Holland, Flynn, and Grant were not in attendance at the public hearing.

Following a further short discussion, the motion was put and defeated with Aldermen Holland, Flynn, and Grant abstaining from the vote.

*NOTE: Later in the meeting, a motion of Reconsideration of the foregoing motion was presented which will be considered at the November 29th City Council meeting.

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PETITIONS AND DELEGATIONS

Petition Alderman Flynn Re: SIR JOHN THOMPSON MANOR

Alderman Flynn submitted a petition with an attached list of names from the Sir John Thompson Manor requesting the re-establishment of their previous arrangement of janitorial and security services which was terminated in June 1990.

Alderman Flynn noted that there had been a response to this petition but that he did not have the opportunity to contact the tenants of Sir John Thompson Manor to see if it fulfils their request.

Petition Alderman Flynn Re: 2361 Quinn Street

Alderman Flynn submitted a petition from Mr. and Mrs. Sabowitz dated 14 November 1990 with regard to 2361 Quinn Street and asked that it be submitted to Council members and to the Development Officer as well as the Building Inspector.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 7 November 1990, as follows:

Resolution - City of North York Re: Federal Government Goods and Services Tax

Alderman Flynn addressed the matter and advised that this subject has been before the Canadian public for more than a year and is quite close to being approved even though 80 percent of Canadians oppose the implementation of the Goods and Services Tax. Alderman Flynn encouraged Council to fully endorse the resolution of the City of North York and its recommendation as follows:

WHEREAS the Federal Government is determined to impose its Goods and Services Tax despite the public outcry;

AND WHEREAS it is widely believed that public opinion has swelled to 80% of Canadians opposed to the G.S.T.;

AND WHEREAS Canadian taxpayers feel as though they are being taxed to death;

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AND WHEREAS North York taxpayers and the Corporation of the City of North York will be adversely impacted by the G.S.T.;

AND WHEREAS the Federal Government will be spending over \$260 million in 1990-91 alone for salaries and promotion to implement the G.S.T. which is an outrageous waste of our tax dollars;

AND WHEREAS the Country is on the verge of a serious and deepening financial recession which will be seriously aggravated by this untimely tax;

THEREFORE BE IT RESOLVED that North York Council inform the Federal Government and the Prime Minister's office that it strongly opposes the implementation of the Federal Goods and Services Tax at this time;

AND BE IT FURTHER RESOLVED that the Clerk forward North York Council's Resolution to all 4,400 municipalities in Canada as quickly as possible and urge all municipal councils to endorse our Resolution and voice their concern in the strongest terms possible to the Prime Minister and Federal Members of Parliament;

AND BE IT FURTHER RESOLVED that the Clerk request all the municipalities to provide North York with a copy of their Council's Resolution respecting the G.S.T. and the date on which it was sent to the Federal Government;

AND BE IT FURTHER RESOLVED that the Federal Government be requested to take the necessary action, including the substantial cutting of Government programs, to eliminate the Federal deficit and thereby eliminate the need for this new and burdensome tax.

Alderman Ducharme expressed concern with the last part of the recommendation that "the Federal Government be requested to take the necessary action, including the substantial cutting of Government programs, to eliminate the Federal deficit and thereby eliminate the need for this new and burdensome tax". She suggested that Council should not recommend the cutting of Government programs.

Alderman Fitzgerald suggested that another resolution be put forth stating that City Council is against the G.S.T. because it will cost the property taxpayers in the City of Halifax and in other municipalities great sums of money and urge the Federal Government to reconsider their action.

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Alderman Flynn agreed that the resolution suggested by Alderman Fitzgerald would more than satisfy the main intent of what Council is trying to do.

It was therefore MOVED by Alderman Flynn, seconded by Alderman Fitzgerald that the City of Halifax go on record stating that it is against the G.S.T. because it will cost the property taxpayers in the City of Halifax and in other municipalities great sums of money and urge the Federal Government to reconsider their action.

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

Authority to Pay Interest on Tax Refunds

MOVED by Alderman Grant, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, Council authorize the City Solicitor's Department to draw up suggested amendments to the Assessment Act which would permit, but not require, Municipal Councils to pay interest on overpayments of tax which have arisen as a result of downward adjustments of tax accounts occasioned by the tax appeal process.

Motion passed.

Acquisition - Tartan Avenue

MOVED by Alderman Hanson, seconded by Alderman Grant that, as recommended by the Finance and Executive Committee, the land as identified on the sketch attached to the staff report of 15 October 1990 be acquired from Thornhill Construction Limited for \$9000 as settlement in full (funds to be available in Account No. CK019, the Sundry Land Acquisition Capital Account).

Motion passed.

Expropriation Settlement - 478 Herring Cove Road,
Parcel H-171 (Plan TT-41-29986)

MOVED by Alderman Grant, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, the expropriation of parcel H-171, as shown on Plan TT-41-29986 of the confidential staff report dated 17 October 1990, be settled for \$3,000 as settlement in full (funds to be made available in account CJ012 the Herring Cove Road Widening account).

Motion passed.

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Award of Tender #90-113-R: Five Harley-Davidson
Police Motorcycles

A supplementary report dated 14 November 1990 was submitted.

MOVED by Alderman Flynn, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, Tender 90-113-R for five Harley Davidson police motorcycles be awarded to Harley Davidson - Dartmouth in the amount of \$62,560.75, plus G.S.T., with delivery to be made on 1 March 1991.

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

CN Railway - Springvale/Fairmount Area

This matter was forwarded to Council without recommendation.

A supplementary staff report dated 15 November 1990 was submitted.

MOVED by Alderman Flynn, seconded by Alderman Hanson that Halifax City Council indicate its desire to have Canadian National cease the blowing of train whistles at the Brook Street crossing (Chester Subdivision, Mileage 1.69) and issue a special instruction which would prohibit the application of TCOR rule 14(L) paragraph 2 at this crossing.

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

10:10 p.m. His Worship Mayor Wallace retired from the meeting with Deputy Mayor O'Malley assuming the seat of the Chair.

Northcliffe Centre - Winter Enclosure of Tennis Courts

This matter was forwarded to Council without recommendation, pending receipt of a supplementary staff report pertaining to the 6 November correspondence recently received from Mr. Holden.

A supplementary staff report dated 9 November 1990 was submitted.

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MOVED by Alderman Stone, seconded by Alderman
Ducharme that:

- (A) Council approve the concept of leasing the area of city-owned park land, as shown on the map as attached to the supplementary staff report dated 9 November 1990, to Mr. Holden's company from mid-October of one year through to the end of April the following year, for the purpose of erecting an air-support structure over the existing tennis courts so that they can be operated by Mr. Holden as a private sports club during the winter months, on the understanding that:-
- (i) the lease will be for an initial period of seven years, with the option to renew for two further periods of five years each, on terms to be negotiated;
 - (ii) the rent will be \$5,000 for the first year of operation, increasing by ten percent per year until the lease expires, at which time the rent will be renegotiated if the lease is renewed;
 - (iii) Mr. Holden's company will undertake all necessary work and assume all costs associated with the supply of the air-support structure, its erection, operation, maintenance, dismantling and storage when not in use, including inflation, heating, power and lighting;
 - (iv) Mr. Holden's company will dismantle the existing chain-link fence around the area, and re-erect it six to eight feet outside its existing line entirely at its own cost, including the supply of all extra materials required because of additional length and modifications to increase security;
 - (v) Mr. Holden's company will be responsible for keeping the area within the chain-link fence clean and tidy while the lease is in effect, including the removal of snow;
 - (vi) all costs arising from the use of the leased area for the purposes outlined above will be borne by Mr. Holden's company.
- (B) Council instruct staff to prepare a lease on the above terms, for execution by the Mayor and City Clerk.

The motion was put and passed.

Acquisition - Lot L-2, Spring Garden Road and Queen Street

MOVED by Alderman Meagher, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Lot L-2, as shown on the sketch and Plan No. 17646 attached to the confidential staff report of 25 October 1990, be acquired from Laconia Gulf Investments Limited for the sum of \$4,600 as settlement in full (funds to be made available from Account No. CK093).

Motion passed.

Encroachment License - Civic No. 5530 Artillery Place

MOVED by Alderman Downey, seconded by Alderman Grant that, as recommended by the Finance and Executive Committee, an encroachment license be approved for the continued encroachment of the building located at Civic Number 5530 Artillery Place over the Artillery Place street line.

Motion passed.

Encroachment License - Case No. 5544: 588 Bedford Highway

MOVED by Alderman Stone, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, City Council approve the encroachment licenses for sewer and water line installation in the area of the Bedford Highway between Kearney Lake Road and 588 Bedford Highway, subject to the terms and conditions stipulated in the draft encroachment licenses attached to the staff report of 29 October 1990.

Motion passed.

Continuing Expenditures in 1991 Social Planning Sundries

MOVED by Alderman Downey, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, Council authorize the expenditure of the regular monthly funds in January and February 1991, or until the 1991 budget is approved, to those agencies (identified in the staff report dated 24 October 1990) normally receiving funding on a monthly basis through Social Planning Sundries Accounts H0210, H0220 and H010.

Alderman Fitzgerald commented that it was his understanding that the Social Planning Department's caseload has "skyrocketed". He went on to question whether it would be possible for Mr. Crowell, Director of Social Planning, to provide Council with an update on the situation. Alderman Fitzgerald noted that he had read a recent report that the

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number of people seeking social assistance and welfare in Dartmouth is growing steadily due to tough times.

The City Manager suggested that a report could be provided at the next Committee of the Whole Council meeting scheduled for **Wednesday, 21 November 1990**.

The motion was put and passed.

Devonshire Rink

The recommendation from the Finance and Executive Committee was that, in accordance with Section 201(1) of the City Charter, Council approve an over-expenditure of \$15,500.00 to undertake work at the Devonshire Rink (as described in the staff report of 31 October 1990).

Alderman Jeffrey addressed the matter and advised that this item was discussed at a recent meeting of the Halifax Recreation Committee. He commented that the Committee discussed the concern that there was no money being derived from the operation of the Devonshire Rink and that approximately \$45,000 to \$50,000 was lost each year. The Alderman advised that he requested at the meeting that staff look into the possibility of transferring the ice time from the Devonshire Rink to either the Centennial Arena, the Civic Rink, or the Halifax Forum. Alderman Jeffrey noted that at the time the Recreation Department became responsible for the rink, the intention was that the rink would be closed and used for some other purpose.

The City Manager suggested that there must be contracts with respect to the use of the rink.

Alderman Jeffrey advised that the Recreation Committee was considering the suggestion of closing the rink, but noted that it was his understanding that it could not be closed this year because of contracts for ice time, etc. However, Alderman Jeffrey expressed concern about spending \$15,000 on the rink at this time.

The City Manager advised that alternatives for the operation of the rink were being considered and suggested that the matter be deferred to the next Committee of the Whole Council meeting scheduled for **Wednesday, 21 November 1990**, to which Council agreed.

Fiscal Year End

MOVED by Alderman Fitzgerald, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, the Mayor and City Clerk be authorized to execute

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amending agreements to the tax agreements identified in the staff report of 31 October 1990, providing for a schedule of tax payments in accordance with the amendments currently proposed for Ordinance 145, the Tax Collection Ordinance.

Motion passed with Alderman Meagher voting against.

10:25 p.m. His Worship Mayor Wallace returned to the meeting with Deputy Mayor O'Malley taking her usual seat in Council.

Halifax 1990 Conference

MOVED by Alderman Fitzgerald, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, Halifax City Council affirm its intent to provide a sum not to exceed \$50,000 in its 1991 Operating Budget to defray costs of preparation and proceedings of the conference net of other revenues to be received from registrants and corporate sponsors, subject to disbursement by the City Manager in accordance with a detailed conference budget being prepared by the Director of Finance.

Motion passed.

Award of Tender #90-138: Reroofing - Bayers Road Fire Station

This matter was forwarded to Council without recommendation.

MOVED by Alderman Flynn, seconded by Alderman Stone that authority be granted to award tender 90-138 to S. & M. Roofing & Contracting Ltd. at a cost of \$38,826.00 (funds to be made available from account number 122402.B0360 titled Building Repairs Fire Department).

Motion passed.

Award of Tender #90-105: Microcomputer Equipment

MOVED by Alderman Fitzgerald, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, authority be granted to purchase the microcomputer equipment identified in Tender #90-105 from Copymatic Limited, the lowest bidder meeting all tender criteria and local systems support.

Motion passed.

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Revenue Committee Request - Sidewalk and Paving Renewals

This matter was forwarded to Council without recommendation, pending receipt of staff comment.

An information report dated 13 November 1990 was submitted.

Alderman Grant addressed the matter and briefly explained that the Committee on Alternate Sources of Revenue reviewed the matter of sidewalk and paving renewals. He noted that the Committee is suggesting that it would serve the City well if Council established the deficiency rating for sidewalk and paving renewals prior to budget time. Alderman Grant commented that staff could then determine the cost of the sidewalk or paving renewal prior to the budget review process and provide Council with the projected costs of the project. The Alderman advised that the Committee is requesting that Council recommend at a future Committee of the Whole Council meeting a deficiency rating they believe would be acceptable.

Responding to a question from Alderman Flynn, Alderman Grant advised that the Committee was reviewing the question as to whether or not the local improvement charges should be re-instituted. He noted that a report would be provided on the matter at a Committee of the Whole Council meeting in January or February.

Alderman Meagher expressed the opinion that a deficiency rating of 75 percent was too high. He suggested that the Committee consider a 60, 65, or 70 percent rating and determine the costs of each level.

Alderman Grant advised that the Committee would also comment on the various rating levels in their report on Local Improvement Charges. He asked that any Alderman with a suggestion on the deficiency rating that they send it to the Committee.

Seasonal Shopping Hours

This matter is forwarded to Council without recommendation, pending receipt of information from the City Solicitor's Department.

A report dated 8 November 1990 was submitted.

Alderman Grant addressed the matter and advised that various store owners had approached him with respect to the extension of the Christmas store hours. He noted that they are requesting that consideration be given to at least extending

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the hours beginning in November so that they could be as competitive as other shopping centres in the metropolitan area.

It was subsequently MOVED by Alderman Grant, seconded by Alderman Fitzgerald that City Council approve in principle the extension of the seasonal shopping hours for the City of Halifax for November and December.

Alderman Flynn expressed concern with regard to the motion advising that many retailers have addressed Council on numerous occasions indicating that they feel there is no need for extending the store hours in the City of Halifax. He went on to suggest that this was not the appropriate time to consider the matter and that it will have no effect in 1990.

Following a discussion, the motion was put and defeated.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on Wednesday, 7 November 1990, as follows:

Condominiums - Garbage Collection and Tipping Fees

MOVED by Alderman Fitzgerald, seconded by Alderman Ducharme that, as recommended by the Committee on Works:

- 1) staff be requested to submit a report as to the most appropriate way for the City to deal with garbage removal from condominiums (that report to include not only the anticipated cost to the City but, in addition, information as to the manner in which this matter is addressed in other municipalities);
- 2) staff be requested to submit a report as to the financial implications to the City of removing tipping fee charges for condominium owners;
- 3) staff be requested to report on the feasibility of deleting "garbage removal" from those services provided by the City as a municipality, and instead instituting a user-pay policy with regard to this program.

In putting forward this motion, Alderman Fitzgerald asked that Recommendation (2) of the above-noted motion be given **special** priority by members of staff.

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Alderman Richard Grant referred to a suggestion made at a previous meeting by His Worship Mayor Ron Wallace with regard to the use of funds obtained by the City from its property taxes. Emphasizing that, theoretically, property tax revenues are to be used only to provide services to property, the Alderman asked staff to comment on whether condominium owners, who are not receiving certain services to their property (namely, garbage removal), should be expected to pay the full amount of their municipal property taxes.

The motion was put and passed.

Herring Cove Road - Traffic Improvements (Phase III)

This matter had been forwarded to Council without recommendation from the 7 November meeting of the Committee on Works.

MOVED by Alderman Grant, seconded by Alderman Hanson that City Council authorize an increase in gross funding for Contract #90-01 and Account No. CJ012 by \$401,000.00 to \$4,164,000.00 with no change to net available funding of \$2,541,000.00.

The motion was put and passed.

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

**Motion Alderman Jeffrey Re: Proposed Amendments to
Ordinance No. 116, the Taxi Ordinance (Rate
Increases) - SECOND READING**

These amendments were given First Reading at a regular meeting of Halifax City Council held on Thursday, 25 October 1990, and were further considered at a regular meeting of Committee of the Whole Council held on Wednesday, 7 November 1990.

MOVED by Alderman Jeffrey, seconded by Alderman Flynn that Halifax City Council give SECOND READING to the following amendments (with regard to the taxi rate schedule) to Ordinance 116, the Halifax Taxi and Limousine Ordinance:

- (1) that the drop rate be increased from \$1.90 to \$2.20 (an increase of 1.58 percent);
- (2) that the mileage rate be increased from \$1.30 to \$1.40 (an increase of 7.7 percent);

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- (3) that "metered waiting time" be increased from \$14.00/hour to \$15.00/hour (an increase of 7.1 percent);
- (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 apiece.

The motion was put and passed.

Motion Alderman Jeffrey Re: Proposed Amendments to Ordinance 116, the Taxi Ordinance (Driver Protection/ Driver Education Course) - SECOND READING

These amendments were given First Reading at a regular meeting of Halifax City Council held on Thursday, 25 October 1990, and were further considered at a regular meeting of Committee of the Whole Council held on Wednesday, 7 November 1990.

MOVED by Alderman Jeffrey, seconded by Alderman Downey that Halifax City Council give SECOND READING to the amendments proposed for Ordinance Number 116, the Halifax 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) asks 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 pay part or all of the fare, or physical injury to himself or to the vehicle.

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- (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.

The motion was put and passed.

Motion Alderman Grant Re: Proposed Amendments to Ordinance 145, the Payment and Collection of Taxes - SECOND READING

These amendments were given First Reading at a regular meeting of Halifax City Council held on Thursday, 25 October 1990, and were further considered at a regular meeting of Committee of the Whole Council held on Wednesday, 7 November 1990.

MOVED by Alderman Grant, seconded by Alderman Flynn that Halifax City Council give SECOND READING to the amendments proposed for Ordinance No. 145, the Tax Collection Ordinance (as attached to the staff report dated 20 September 1990).

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

Motion Alderman Downey Re: Proposed Amendments to Ordinance No. 181, the Spring Garden Road BIDC Ordinance - SECOND READING

These amendments were given First Reading at a regular meeting of Halifax City Council held on Thursday, 25 October 1990, and were further considered at a regular meeting of Committee of the Whole Council held on Wednesday, 7 November 1990.

MOVED by Alderman Downey, seconded by Alderman Holland that Halifax City Council give Second Reading to the amendments proposed for Ordinance 181, the Spring Garden Road Business Improvement District Commission Ordinance, attached as Appendix "A" to the staff report dated 2 October 1990.

The motion was put and passed.

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REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on Wednesday, 7 November 1990, as follows:

Case No. 6187 - Appeal of Minor Variance:
5747 Ogilvie Street

This matter was deleted during the setting of the meeting's agenda at the request of the applicant in question who has withdrawn his appeal.

Junk Dealer's License: 6420 Lady Hammond Road

An Information Report, dated 14 November 1990, was submitted in response to questions raised during the 7 November meeting of the City Planning Committee.

MOVED by Alderman Pottie, seconded by Alderman Ducharme that, as recommended by the City Planning Committee, a Junk Dealer's License be granted to Twin City Recycling Limited to carry on the business of a junk dealer at Civic No. 6420 Lady Hammond Road.

The motion was put and passed.

Case No. 6140: 286-290 Herring Cove Road
- Request for Plan Amendment and Rezoning

Following is the recommendation approved by the City Planning Committee during its meeting of 7 November 1990:

That the request for a redesignation to "C" (Minor Commercial) and a rezoning to C-2 (General Business Zone) for the site located at 286-290 Herring Cove Road be refused.

Alderman Grant advised that the developer in question has requested that further deliberations regarding this matter be deferred in order to provide an opportunity for meetings to be held with residents of the affected area.

It was therefore moved by Alderman Grant, seconded by Alderman Flynn that the matter be deferred to the last regular meeting of Halifax City Council scheduled for January 1991; namely, THURSDAY, 31 JANUARY 1991.

The motion to defer was put and passed.

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2361 Quinn Street

This matter had been forwarded to Council without recommendation.

An Information Report, dated 14 November 1990, was submitted.

Asking that staff continue to pursue this matter with area residents, Alderman Flynn moved, seconded by Alderman Stone that the matter be deferred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 21 November 1990), at which time staff is requested to provide Council with a written update on the situation as well as a recommendation as to what further action, if any, should be taken.

Alderman Pottie submitted a copy of material filed with the Registry of Deeds on 24 November 1945 pertaining to the Arm Crescent Subdivision and with specific regard to the erection of fences and/or walls in that subdivision. The Alderman asked to have this information forwarded to the City Solicitor for his comment as to whether the guidelines contained therein might have any bearing on the matter presently before Council.

The motion to defer was put and passed.

Case No. 6182: Development Agreement
- 2494 Robie Street

This matter was forwarded to Council without recommendation.

While acknowledging that clinics such as the one being proposed for 2494 Robie Street are badly needed by the Halifax community, Alderman Meagher expressed certain reservations pertaining to the potential impact of this facility on the Robie Street neighborhood. The Alderman referred in particular to the fact that the clinic will undoubtedly create a considerable amount of vehicular traffic, noting, in this context, that, in addition to a possible 18 program enrollees, there will also be seven staff members employed at the facility.

In addition, Alderman Meagher asked that staff comment on the feasibility of including in the proposed development agreement a clause to ensure that, should the clinic facility be discontinued at some point in time, the property will revert to its original residential use.

Concurring with Alderman Meagher's remarks on the subject, Alderman Fitzgerald also suggested that the proposed

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contract development be designed to preserve as much as possible the existing characteristics of the surrounding neighborhood.

It was subsequently moved by Alderman Meagher, seconded by Alderman Fitzgerald that the matter be referred back to staff for further review and report.

The motion was put and passed.

Environmental Report Card

MOVED by Alderman Fitzgerald, seconded by Alderman Stone that, as recommended by the City Planning Committee, the article referred to as the "Environmental Report Card" (excerpted from the Ottawa Citizen, 20 October 1990) be tabled by Halifax City Council.

In putting forward this motion, Alderman Fitzgerald expressed the hope that the City will make every effort to improve those areas in which deficiencies have been identified.

The motion to table was put and passed.

Case No. 6184: Amendment - Development Agreement, Lot K-29, Rockingham Ridge (Stage II, Phase 2A)

MOVED by Alderman Stone, seconded by Alderman Flynn that, as recommended by the City Planning Committee, a public hearing date be set to consider the application from Remington Developments Limited for an amendment to the development agreement concerning the Stage II approval of Phase 2A, Rockingham Ridge.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 9 JANUARY 1991** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Case No. 4680: Lot D-1, Langbrae Gardens

This matter was deleted by the City Clerk during the setting of the meeting's agenda.

6228 Duncan Street

An Information Report, dated 9 November 1990, was submitted, together with an Information Report, dated 14

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November 1990, from Chief Thomas M. Power of the Halifax Fire Department.

While acknowledging receipt of the two Information Reports previously noted, Alderman Meagher emphasized that he continues to be extremely dissatisfied with the work that has been done relative to the conversion of the dwelling unit at 6228 Duncan Street. The Alderman referred, in particular, to the negative impact the third-storey addition has had on the privacy of abutting property owners and emphasized that, in his opinion, the alterations made to this structure have been of such major proportions that the character of the dwelling unit has been entirely changed.

Alderman Meagher reiterated that it had always been his understanding that "conversions" pertained merely to internal alterations of a minor nature, and not to the kind of large-scale changes which have been implemented at the Duncan Street site.

Alderman Meagher noted his intention to initiate a review of the City's policies with regard to conversions, particularly from the perspective of requiring that notification of such conversions be distributed to property owners within a certain radius of the dwelling unit for which the alterations are slated.

It was therefore moved by Alderman Meagher, seconded by Alderman O'Malley that the matter be deferred to the next regular meeting of the City Planning Committee scheduled for Wednesday, 21 November 1990.

The motion to defer was put and passed.

Lot A-1, Langbrae Gardens

This matter was deleted by the City Clerk during the setting of the meeting's agenda.

MOTIONS

Motion Alderman Jeffrey Re: Amendment to Ordinance 116, the Taxi and Limousine Ordinance (Commission Membership Requirements) - FIRST READING

Notice of Motion with regard to the proposed amendment was given by Alderman Jeffrey during a regular meeting of Halifax City Council held on Thursday, 25 October 1990.

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A report, dated 19 October 1990, from Alderman Tom Jeffrey, Chairman of the Halifax Taxi and Limousine Commission, was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Ducharme that Halifax City Council give FIRST READING to the following amendments proposed for Ordinance 116, the Taxi and Limousine Ordinance, with regard to Commission membership requirements; and further, that the matter be forwarded to the next regular meeting of Committee of Whole Council (scheduled for Wednesday, 21 November 1990) for consideration and report:

- (1) Subsection (3) of Section 3 is amended by deleting the word "annually" in the second line thereof;
- (2) Section 3 is further amended by adding thereto the following subsection:

(3A) A member shall be appointed for a three-year term, but no member shall serve for more than two consecutive terms except on the recommendation of the Taxi and Limousine Commission where the Commission feels that, due to unusual circumstances, the best interests of the Commission would be served by the extension of the appointment for a further term.

The motion was put and passed.

Motion Alderman Jeffrey Re: Amendment to Ordinance 116,
the Taxi and Limousine Ordinance (Qualifications for
Limousine Drivers) - FIRST READING

Notice of Motion with regard to amendments proposed for City Ordinance 116, the Halifax Taxi and Limousine Ordinance, was given by Alderman Jeffrey during a regular meeting of Halifax City Council held on Thursday, 25 October 1990.

A report, dated 17 October 1990, was submitted from Alderman Tom Jeffrey, Chairman of the Halifax Taxi and Limousine Commission.

MOVED by Alderman Jeffrey, seconded by Alderman Stone that Halifax City Council give FIRST READING to the amendments proposed for City Ordinance 116, the Taxi and Limousine Ordinance (with regard to qualifications for limousine drivers) attached as Appendix "A" to the report dated 17 October 1990 received from the Taxi and Limousine Commission; and further,

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that this matter be forwarded to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 21 November 1990) for consideration and report.

The motion was put and passed.

**Motion Alderman Grant Re: Increase in Various Fees
- City of Halifax Ordinances (FIRST READING)**

Notice of Motion with regard to proposed amendments to various City Ordinances (to enable increases in license and permits fees) was given by Alderman Richard Grant at a regular meeting of Halifax City Council held on Thursday, 25 October 1990.

A report, dated 8 November 1990, was submitted from the City Solicitor.

MOVED by Alderman Grant, seconded by Alderman Hanson that Halifax City Council give FIRST READING to amendments proposed for various City Ordinances (to enable increases in license and permit fees), attached as Appendix "A" to the City Solicitor's report of 8 November 1990; and further, that the matter be forwarded to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 21 November 1990) for consideration and report.

The motion was put and passed.

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

Notice of Motion with regard to this matter had been given by Alderman Fitzgerald during a regular meeting of Halifax City Council held on Thursday, 25 October 1990.

Alderman Fitzgerald noted that there have been a number of charges made recently concerning the management and operating practices of the Recreation Department. The Alderman went on to emphasize that while he in no way wished to criticize the efforts of the volunteer members of the Recreation Committee, he felt it important that Council not turn what he labelled "a blind eye" to practices in one department which might have been inconsistent with established City policy. In this context, he suggested that the current difficulties could perhaps have been avoided if the Recreation Department (like all other City departments) had been placed under the direct administrative control of the City Manager.

Alderman Fitzgerald went on to note that while he had been encouraged by the fact that the problems identified in the Recreation Department were now under review by the City

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Manager, he was also of the opinion that, based on the findings of that review, a motion should be made to repeal Section 16, subsection 10 of Ordinance 105 in order to reconstitute the Recreation Committee as an advisory body to Council, with Council responsible for making the policy and the City Manager responsible for ensuring that that policy is implemented. The Alderman emphasized that, in his view, Council has a major obligation not only to the citizens of Halifax but to the employees of the Recreation Department to put things right, particularly since the problems which have recently come to the surface appear to be of some long standing.

A motion was therefore proposed by Alderman Fitzgerald that the City Manager be instructed to bring in a full report (based on the consultant's findings) on changes that are necessary in the Recreation Department so that Council can make an informed decision on its future.

With reference to Alderman Fitzgerald's comments, the City Manager clarified that the consultant in question had been authorized to review the situation in the Recreation Department only from the perspective of developing a work plan to which both the Director of Recreation and Mr. Murphy could agree and which would rectify certain of the identified deficiencies. He went on to emphasize that the consultant's work in that Department could not be described as a "fact-finding mission" vis a vis specific instances, but instead was more of an "operational audit," designed to establish a reasonable operating policy and good business practices.

It was subsequently moved by Alderman Fitzgerald, seconded by Alderman Ducharme that subsection 10 of Section 16 of Ordinance 105 be repealed and the following substituted therefor:

The objectives of the Halifax Recreation Committee shall be to recommend to Council objectives, priorities and policies concerning recreation for the citizens of Halifax, and the promotion of health and recreation among the citizens of Halifax;

and further, that subsections 11, 12, 13 and 14 of Section 16 be repealed.

In the discussion that ensued, Alderman Ducharme emphasized that there have also been allegations concerning sexual harassment and mis-use of funds in the Recreation Department, and asked for a written report as to what action will be taken (either by the City Manager or by the City's Auditor General) to address these charges.

Responding to comments made by Alderman Pottie, the City Manager advised that he is expecting the consultant's

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report on his research into the operation of the Recreation Department very shortly and emphasized that, once those findings are made available, steps will be taken to address departmental deficiencies in a meaningful and direct manner.

With reference to concerns raised by Alderman Downey with regard to the impact of these allegations on the members of the Recreation Committee, the City Manager emphasized that he has already initiated discussions with the Committee's Chairman to review the situation. He added that, once the consultant's report has been completed, he hoped to discuss those findings with the Committee in order to foster a better understanding of their respective roles and to improve communication with regard to areas of joint responsibility.

After some further discussion, it was moved by Alderman Stone, seconded by Alderman Flynn that the matter be deferred, pending receipt of the City Manager's report.

The motion to defer was put and passed.

MISCELLANEOUS BUSINESS

Cultural Policy

This matter had last been discussed during a regular meeting of Halifax City Council held on 25 October 1990 at which time it had been referred to staff for a report.

A report, dated 5 November 1990, was submitted by the City Manager.

MOVED by Alderman Ducharme, seconded by Alderman Flynn that the report dated 5 November 1990 received from the City Manager be tabled by Halifax City Council, and that the matter be referred to the City's Cultural Policy Committee for consideration.

The motion was put and passed.

Appointments

A report, dated 15 November 1990, was submitted from His Worship Mayor Wallace.

MOVED by Alderman Meagher, seconded by Alderman Flynn that Halifax City Council approve the following appointments to the City's COORDINATING COMMITTEE ON DRUG AWARENESS:

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Mr. Stewart McInnes, Q.C., Chairman
Mr. Rick Clarke
(President, N.S. Federation of Labor)
Mr. Fred MacGillivray
(President/General Manager, Boland's Limited)
Mr. Don MacKinnon
(Vice President, Farmers Dairy)
Mr. David Platt
(Administrator, N.S. Assoc. of Health Organizations)
Mr. Bill Robinson
(Executive Director, N.S. Sport Heritage Centre)
Ms. Pam Stonehouse
(St. Mary's University Student Counselling Centre)
Mr. Frank vanSchaayk
(CEO, Bens Limited)

In seconding this motion, Alderman Flynn strongly recommended that consideration be given by the Coordinating Committee to including a representative of the Halifax District School Board, either as a member of their own group or on one of the subcommittees which will undoubtedly be established.

Concurring with Alderman Flynn's suggestion, His Worship Mayor Wallace indicated that this matter would be brought to the attention of the Coordinating Committee during its initial meeting presently scheduled for Monday, 19 November.

The motion was put and passed.

QUESTIONS

Question Alderman Flynn Re: Blasting Ordinance

Alderman Flynn noted that amendments to the City's Blasting Ordinance have now been postponed for several months, pending receipt of information from a Provincial Government consultant. The Alderman expressed concern that blasting-related incidents will undoubtedly continue to be a source of difficulty for members of Council, and asked for an update on the matter from the Manager of Inspection Services, Mr. Hugh MacEachern.

Question Alderman Flynn Re: Crosswalk

Alderman Flynn advised that he had recently received a number of letters asking that consideration be given to the establishment of a crosswalk at the intersection of Chebucto Road and Roosevelt Street (adjacent to Simpson's). He therefore asked that the Traffic Authority be requested to

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examine the area to see if a more appropriate location for the existing crosswalk at Philip Street might be found.

Question Alderman Downey Re: Access-A-Bus Contract

Alderman Downey noted that he has received a number of calls from concerned senior citizens in his constituency regarding the Metropolitan Authority's decision to give the Access-A-Bus contract to a company other than Yellow Cab Limited.

The Alderman acknowledged that a Motion of Reconsideration on this matter will be dealt with by the Authority at its next regular meeting, and expressed the very fervent hope that the original decision will be reversed.

Question Alderman Downey Re: Moosehead Grand Prix

Responding to a question from Alderman Downey, His Worship Mayor Wallace advised that once sufficient information has been obtained from interested members of the public, a meeting will be scheduled with Moosehead representatives concerning the feasibility of a 1991 Grand Prix event. His Worship went on to note that an information report to Council will be submitted prior to that meeting.

Question Alderman Stone Re: Shooting Incident (Sheridan Place)

Alderman Stone observed that he has received numerous phone calls regarding the recent shooting incident involving a member of the Halifax Police Department and a resident of 52 Sheridan Place. Referring to the extensive coverage given the incident by the local news media, the Alderman expressed the hope that the official inquiry into this matter would be completed as quickly as possible so that accurate information can be made available.

Question Alderman Stone Re: Bus Stop

Alderman Stone referred to the fact that a garbage container, placed at the bus stop at the corner of Willett Street and Chadwick Place, has now been removed, and asked that staff take steps to ensure that it is replaced as quickly as possible.

Question Alderman Stone Re: Dumping Area

Alderman Stone referred to an area located off Main Street (behind Mandaville Court and Birkdale Crescent), noting

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that individuals have taken to using the site as a place to dump refuse and, in particular, old appliances.

The Alderman expressed concern regarding this practice and asked that staff attempt to ascertain where this refuse is coming from and, in addition, to have it removed. He further asked that steps be taken to block the area off so that vehicular access is prevented.

**Question Alderman Jeffrey Re: Metro Transit Changes
- Routes #4 (Fairview) and #31 (Main)**

Alderman Jeffrey submitted correspondence, dated 12 November 1990, from Mr. Donald C. Thomas, a resident of 144 Frederick Avenue, concerning the changes Metro Transit is currently proposing to implement with regard to transit service in the Fairview area.

The Alderman asked that Mr. Thomas' letter be distributed to all members of Council, and that the matter be placed on the agenda for discussion at the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 21 November 1990.

**Question Alderman Jeffrey Re:
Resident of Park Haven Seniors Complex**

Alderman Jeffrey indicated that he had been of the understanding that residents of the Park Haven complex were to receive an amount of money (roughly \$80-85) on a monthly basis. He noted that he had received a call from the husband of one of the Park Haven residents in which concern was expressed that the lady in question has not yet received this allowance, despite the fact that she has been living at the complex for over a year.

The Alderman asked for a report on this matter from Mr. H. D. Crowell, the City's Director of Social Planning.

Question Alderman Jeffrey Re: Replacement of Sod

Alderman Jeffrey advised that since the installation of a new curb and gutter and new sidewalks on Central Avenue approximately two years ago, the grass directly adjacent to Civic No. 92 Central Avenue has refused to grow, despite the fact that contractors have replaced the sods on 3-4 occasions. Noting that, in his opinion, the steepness of the site's embankment was at the root of the problem, the Alderman asked to have this situation officially noted, adding that he intends to raise the matter again at some point in the future.

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Question Alderman Jeffrey Re: 12 Rosedale Avenue

Alderman Jeffrey noted that he has received a number of calls from residents concerning a fence (approximately 6-7 feet in height) which has been erected directly adjacent to the sidewalk around the property located at 12 Rosedale Avenue. The Alderman went on to note that residents regard the fence as an "eyesore," adding that there would also appear to be several derelict vehicles in the yard. He therefore requested that staff visit the site to ascertain that the City's regulations have been met.

On another but related matter, Alderman Jeffrey advised that the owner of this same property has commenced an addition to the structure located at 12 Rosedale Avenue. The Alderman emphasized that this individual had previously run into difficulties with the City of Halifax concerning his properties on Coronation Avenue and Davison Street, and, on that basis, suggested that staff investigate this addition to ensure that all necessary permits had been issued.

Question Alderman Fitzgerald Re:
Overexpenditures - Committee Budgets

Alderman Fitzgerald asked for a written report as to the steps which are taken to ensure that large overexpenditures do not occur with regard to Committee budgets, as well as the process which would ensue should overspending occur.

Question Alderman Fitzgerald Re:
Secretaries - Council Committees

Alderman Fitzgerald made reference to Council's previous decision (in view of current fiscal restraints) to withdraw the services of Committee Clerks from various of the Council's committees. Emphasizing that, in his opinion, the role of the "secretary" is vital to these groups, Alderman Fitzgerald suggested that, in the City's annual advertisement for citizen participation in boards and commissions, a request also be made for "volunteer secretaries."

His Worship Mayor Wallace commended the Alderman on his suggestion, and indicated that the matter would be given every consideration.

Question Alderman Fitzgerald Re:
False Alarms - Halifax Fire Department

Alderman Fitzgerald made reference to Council's previous discussions with regard to the feasibility of fines for false alarms, adding that a Mr. Hemming had submitted some suggestions pertaining to alarm systems some time ago.

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The Alderman asked for a report on the progress being made in this regard.

Question Alderman Fitzgerald Re:
Incident Involving a Local Bus

Alderman Fitzgerald advised that former Alderman Albert Walker had spoken to him with regard to a recent situation in which a bus driver had refused to allow his passengers to exit the vehicle until police arrived to investigate an incident of public mischief. The Alderman emphasized that the parents of many of the children on that bus had expressed concern (particularly in light of the fact that, because of the driver's actions, some of the children had missed appointments and another could have suffered an asthmatic attack), and asked that the matter be investigated.

Question Alderman Fitzgerald Re:
Fire at the Willow Tree

Alderman Fitzgerald asked for a brief report from the Halifax Fire Department concerning the recent fire at the property adjacent to the Holiday Inn at the Willow Tree Intersection.

Question Alderman Fitzgerald Re:
Halifax Forum Annex

Alderman Fitzgerald asked for a report (including a financial statement) concerning the operation of the Halifax Forum Annex.

Question Alderman Fitzgerald Re:
Executive Assistant - Aldermanic Office

Alderman Fitzgerald asked for information in the form of a written report as to the procedure that was followed in the hiring of the Executive Assistant for the Aldermanic Office, so that members of Council would have this material as a matter of record.

Question Deputy Mayor O'Malley Re: Metro Transit Route Changes

Deputy Mayor O'Malley referred to changes recently proposed for Transit Routes #7 and 9, adding that many of her constituents are extremely concerned about their impact. The Deputy Mayor requested a written report from Metro Transit staff (to be distributed to all members of Council) as to the date and time of any meetings which will be scheduled at which members of the public will have an opportunity to voice their concerns.

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Question Alderman Meagher Re: Changes - Access-A-Bus Service

Alderman Meagher noted that many of his senior constituents have called to express their concern regarding the proposed change in Access-A-Bus service. The Alderman indicated that seniors have great confidence in the company currently operating Access-A-Bus, emphasizing that the matter should be given serious consideration before any changes are made.

Question Alderman Meagher Re: Garbage Container

Alderman Meagher made reference to a previous request for the placement of a garbage container at the bus stop on the corner of Oak and Oxford Streets directly adjacent to Cleveland Industries. The Alderman noted that, despite the fact this is a particularly well-used transit stop, he has to date been unsuccessful in obtaining the container. He therefore asked that his request be conveyed to the appropriate staff members as quickly as possible.

NOTICES OF MOTION

Notice of Motion of Reconsideration Alderman
Ducharme Re: Council Item 5.1 - Case No. 6223,
6924 Armyview Avenue

Alderman Ducharme gave Notice of Motion that at the next regular meeting of Halifax City Council (to be held on Thursday, 29 November 1990) she will introduce a Motion of Reconsideration pertaining to Council Item 5.1 - Case No. 6223, Appeal of Minor Variance Refusal - 6924 Armyview Avenue.

Notice of Motion of Reconsideration Alderman
Ducharme Re: Council Item 5.2 - Case No. 6033,
12 and 14 Vimy Avenue

Alderman Ducharme gave Notice of Motion that at the next regular meeting of Halifax City Council (to be held on Thursday, 29 November 1990) she will introduce a Motion of Reconsideration pertaining to Council Item 5.2 - Case No. 6033: Plan Amendments and Rezoning from R-2P to R-2AM, 12 and 14 Vimy Avenue.

With reference to the foregoing Notices of Motion, it was further moved by Alderman Ducharme, seconded by Alderman Fitzgerald that a stay of proceedings be effected until Council has an opportunity to consider the Motions of Reconsideration.

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The motion was put and lost with Aldermen Holland, Grant and Flynn abstaining from the vote.

ADDED ITEMS

Selection of the Deputy Mayor

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

Recreation Department - UPDATE (Alderman Downey)

This matter was added to the agenda at the request of Alderman Downey, and was dealt with in conjunction with Item 16.4, "Motion Alderman Fitzgerald Re: Review of the Recreation Committee."

Proposed Race Track - Ragged Lake (Alderman Jeffrey)

This matter was added to the agenda at the request of Alderman Jeffrey, who expressed concern at the remarks recently attributed by the local media to Industry, Trade and Technology Minister Donald Cameron regarding the proposed race track at Ragged Lake.

It was subsequently moved by Alderman Jeffrey, seconded by Alderman Fitzgerald that a letter be forwarded by His Worship the Mayor on behalf of Halifax City Council urging Halifax MLA'S and Members of Parliament to lend their support to the construction of the proposed race track at Ragged Lake.

While supporting this motion, Alderman Ducharme asked that a request be made to the Halifax Industrial Commission to ensure that an environmental impact study relevant to this project is carried out.

The motion was put and passed with unanimous support.

There being no further business to be discussed, the meeting was adjourned at approximately 1:00 a.m.

HIS WORSHIP MAYOR RON WALLACE
AND
DEPUTY MAYOR MARIE O'MALLEY
CHAIRMEN

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