

**SPECIAL COUNCIL  
PUBLIC HEARINGS  
MINUTES**

Council Chamber  
Halifax City Hall  
09 January 1991  
7:30 p.m.

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

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

**PRESENT:** His Worship Mayor Wallace, Chairman; Deputy Mayor O'Malley, and Aldermen Holland, Fitzgerald, Downey, Grant, Hanson, Ducharme, and Stone.

**ALSO PRESENT:** Mr. Gerry Goneau, representing the City Solicitor's Department; Ms. Karen Swim, Acting City Clerk; and other members of City staff.

The following item was added to the agenda, being forwarded from a regular meeting of the Committee of the Whole Council held on this date:

**1991 Grand Prix (Proposed Public Meeting)**

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

Moved by Alderman Downey, seconded by Alderman Fitzgerald that a public meeting be scheduled for MONDAY, 21 JANUARY 1991 at 7:30 p.m. in the Council Chamber, Halifax City Hall, to receive public comment on proposals pertaining to the 1991 Moosehead Grand Prix.

Motion carried.

**Public Hearing Re: Case No. 6208: Appeal of Minor Variance Refusal - 1662 Chestnut Street**

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

A staff report dated 20 November 1990 was submitted.

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Mr. Boyd Algee, Development Officer, addressed Council and outlined the application by Mr. Peter Wright for a minor variance of the side yard requirement of the Land Use Bylaw to permit the existing 8 ft. by 8 ft. rear deck at 1662 Chestnut Street to remain in its present location.

Mr. Peter Wright, the applicant, addressed Council and advised that the reason he had an 8 ft. by 8 ft. deck built was a matter of economy. He indicated that he had originally intended to build a 5 ft. by 4 ft. deck but that the carpenter he employed advised him that in order to build a deck of these dimensions, he would have to take an 8 ft. piece of lumber and cut it down to 5 ft. Mr. Wright added that, as a cost-saving measure, he suggested that the carpenter proceed and use the 8 ft. piece of lumber and that he did not realize at the time that he was encroaching into the sideyard.

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

Alderman Fitzgerald addressed the matter and indicated that the applicant appeared to have made an honest mistake in this matter.

It was therefore, moved by Alderman Fitzgerald, seconded by Alderman Holland that the decision of the Development Officer be overturned and that the application for a minor variance of the side yard requirement of the Land Use Bylaw to permit the existing 8 ft. by 8 ft. deck at 1662 Chestnut Street to remain in its present location be approved.

Motion carried.

**At 7:40 Alderman Fitzgerald retired from the meeting.**

**Public Hearing Re: Case No. 6184: Amendment, Development Agreement, Lot K-29, Rockingham Ridge, Stage II, Phase 2A**

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

Mr. Boyd Algee, Development Officer, addressed Council and, using diagrams, outlined the application by Remington Developments Limited for an amendment to the development agreement concerning the Stage II approval of Phase 2A, Rockingham Ridge.

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Mr. Shalom Mandaville addressed Council and advised that he was representing the applicant and was prepared to respond to any questions Council may have.

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

Alderman Stone addressed the matter and advised that he had examined the lot in question as well as the surrounding area, and did not have any difficulty with the proposed amendment to the development agreement.

**At 7:45 Alderman Meagher enters the meeting.**

MOVED by Alderman Stone, seconded by Alderman Grant  
that:

1. City Council grant an amendment to the Stage II, Phase 2A development agreement to permit the construction of six pairs of semi-detached dwellings on Lot K-29, substantially in conformance with Plan No. P200/17973.
2. Council requires that the agreement shall be signed within 120 days or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

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 and Conversion Zone)**

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

Mr. Stephen Feist, Planner II, addressed Council and, with the use of diagrams, outlined the application by Mr. Art Blumsum and Mrs. Margaret 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 reports dated 12 September 1990, 26 April 1990, and 28 March 1990).

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Mr. Feist responded to questions from Council.

In response to a question by Alderman Ducharme regarding whether developments of this nature had been approved in the Fairview area during the two years that staff was considering the Fairview Plan, Mr. Feist advised that he could not respond at this time, but that he would provide a report outlining those developments approved during the two years prior to the Plan approval.

Mrs. Margaret Blumsum, the applicant, addressed Council and read and submitted a presentation concerning her request for a rezoning of the properties at 12 and 14 Vimy Avenue from R2P to R2AM (a copy of this submission may be found in the official file of this meeting).

In her presentation, Mrs. Blumsum reviewed the history of the application, beginning with her first presentation to Council on the matter in January of 1990. She elaborated on the appearance of the area in question, and noted that, previously, she had submitted a petition containing 19 names of residents in the immediate area who supported her request.

Mrs. Blumsum outlined several factors which she considered were unique enough so that a decision in her favour would set a very narrow precedent. In summary, Mrs. Blumsum suggested that any number of the factors should be sufficient to consider her application and that all factors considered together should make her properties and application for rezoning stand on their own without having to bear responsibility for future development in the Fairview area as a whole.

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

The following correspondence was submitted:

A submission dated 9 January 1991 from Art and Margaret Blumsum (applicants).

A letter dated 4 January 1991, opposing the application from Mr. R. Mercer, 9 Bond Street, Halifax, NS.

A letter dated 4 January 1991, opposing the application, from Evelyn M. Mercer and J. Fred Mercer, 16 Vimy Avenue, Halifax, NS.

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MOVED by Alderman Ducharme, seconded by Alderman Holland that this matter be forwarded to Council without recommendation.

Motion carried.

There being no further business to discuss, the meeting adjourned at 8:05 p.m.

HIS WORSHIP MAYOR WALLACE  
CHAIRMAN

/sm

Headlines

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Record Copy

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

Council Chamber  
City Hall  
Halifax, Nova Scotia  
17 January 1991  
8:00 P. M.

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

**PRESENT:** His Worship Mayor Ron Wallace, Chairman; and Aldermen Holland, Fitzgerald, Downey, Pottie, Grant, Hanson, Jeffrey, Ducharme, Flynn, and Stone.

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

His Worship Mayor Wallace opened the meeting by making reference to the many servicemen serving in the Persian Gulf and to their families, and expressed the very sincere hope that the operation will be over quickly with a minimum number of casualties. Members of Council, led by His Worship Mayor Wallace, then joined with those present in the public gallery in the recitation of the Lord's Prayer.

**MINUTES**

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 13 December 1990, were approved as circulated on a motion by Alderman Fitzgerald, seconded by Alderman Hanson.

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

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

- 20.1 Crossing Guard - Cunard Street at Windsor (Alderman Meagher)
- 20.2 Expropriation of Parcel D - 3694 Dutch Village Road

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

**5.1 Case No. 5055: Outdoor Storage**

The agenda, as amended, was approved on a motion by Alderman Downey, seconded by Alderman Ducharme.

**Letter from Ports Canada Police**

Alderman Jeffrey read from a letter, dated 11 January 1991, recently received from Mr. J. S. Peckford, Superintendent, Ports Canada Police, regarding a considerable sum of money which had been discovered by a Halifax taxi driver, Mr. Reginald Beeler, and promptly returned to its owner, a foreign seaman.

The Alderman asked that a copy of this information be distributed to all members of Council, and that a letter be forwarded to Mr. Beeler by His Worship the Mayor, on behalf of Halifax City Council, commending him for his efforts in this regard.

**8:05 p.m. - Alderman Meagher enters the meeting.**

**DEFERRED ITEMS**

**Case No. 5055: Outdoor Storage**

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

**Case No. 6011: Peninsula North  
Secondary Planning Strategy**

This matter had last been discussed during the 13 December meeting of Halifax City Council at which time staff were requested to submit a report concerning the removal of certain industrial and commercial areas from the proposed Peninsula North Plan, thereby retaining their present zoning designations.

Two supplementary reports, dated 10 January and 17 January 1991 respectively, were submitted.

Alderman Flynn expressed concern that he and other members of Council had not had sufficient time to review the contents of the 17 January report. It was therefore moved by Alderman Flynn, seconded by Alderman Fitzgerald that the matter be deferred to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 23 January 1991.

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In seconding this motion, Alderman Fitzgerald made reference to the continued interest in this matter expressed by the owners of Acadian Bus Lines and by Canada Post, and asked that staff make a particular effort to address those concerns.

The motion to defer was put and passed.

**Case No. 6033: 12 and 14 Vimy Avenue - Plan  
Amendments and Rezoning from R-2P to R-2AM**

At the request of Alderman Ducharme, it was agreed that this matter be temporarily deferred pending the arrival of Deputy Mayor O'Malley.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report from the Finance and Executive Committee, based on its meeting held on Wednesday, 9 January 1991, as follows:

**Halifax Day**

A supplementary staff report, dated 14 January 1991, was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Ducharme that, as recommended by the Finance and Executive Committee, Halifax City Council proclaim:

- 1) **Wednesday, 10 April 1991 to be HALIFAX DAY, a day during which all citizens are invited to reflect upon the City's history and future, and the kind of city they want it to become;**

and that Halifax City Council request:

- 2) that the Halifax District School Board ensure that on Halifax Day, 10 April 1991, all schools, through general assembly, individual classes, or other suitable means, make special mention of the City and its history, and encourage pupils to consider and to express the kind of city they want Halifax to be in 1999, the 250th anniversary of its year of founding; and
- 3) that the Nova Scotia House of Assembly arrange for an appropriate recognition of 10 April 1991, as HALIFAX DAY.



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In seconding this motion, Alderman Ducharme requested that the supplementary staff report, dated 14 January 1991, pertaining to the provision of plastic pins (portraying the Halifax flag) to school children, be forwarded to the Halifax District School Board with a request that they consider this project as part of their contribution to Halifax Day.

As an alternative to Alderman Ducharme's request and in deference to the restrictions already placed on the School Board's 1991 budget, Alderman Flynn suggested that funds for these pins might be taken from the official budget allocation for the Halifax Day celebrations. He therefore asked that the report also be forwarded to Mr. Edmund Morris for his consideration.

The motion was put and passed.

Halifax Port Corporation - Access Road  
(Fairview Cove to Richmond Terminals)

It was agreed that this matter be temporarily deferred, pending Deputy Mayor O'Malley's arrival.

Adult Learning Centre

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

- (a) staff continue to advocate for change in the funding formula for students over the age of 21 (presently students registered in daytime educational programmes over the age of 21 are not considered a unit for funding);
- (b) staff continue their efforts in the establishment of an Adult Learning Centre in the City of Halifax, based on the recommendation of the Task Force on Full Employment; and that
- (c) City Council write to the Provincial Government expressing concern about the fact that the Province will not assist the City in the implementation of an Adult Learning Centre.

In putting forward this motion, Alderman Flynn noted that there have been a number of changes over the last two years in both federal and provincial policies with regard to adult education programs, changes which would appear to support Council's argument that an Adult Learning Centre in Halifax is badly needed.

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The Alderman also requested that the City's Social Planning Department review the report submitted in 1988 by the Task Force on Approaches to Full Employment, and, within a reasonable timeframe, provide Council with an update on those recommendations which have been implemented, those that have not (including information as to why they have not), and a summary pertaining to whether any of those recommendations now apply to the new initiatives being developed by the federal and provincial governments.

In concluding his remarks, Alderman Flynn suggested that the Honorable Terence Donahoe be contacted, not only by members of City Council but by all those who had been involved in the work of the Task Force on Full Employment with a request that he use his influence with his provincial colleagues to establish an Adult Education Centre in Halifax.

The motion was put and passed.

Fee Rate Revisions - City Cemeteries

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that, as recommended by the Finance and Executive Committee, the rates/fees charged for the various services at Camp Hill Cemetery and Fairview Cemetery be revised as per Appendix "A" (attached to the staff report of 6 December 1990).

The motion was put and passed.

Expropriation Settlement - Parcel H-165,  
Herring Cove Road

MOVED by Alderman Grant, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, \$35,693.05 be paid in compensation for Parcel H-165, as shown on Plan No. TT-41-29902, to Messrs. Charles Oler, Abraham Jakubovicz and Norbert Kerenyi, less \$13,285.04 already paid plus interest in accordance with the Expropriation Act (funds are available in Account N01 CJ012, the Herring Cove Road Widening Project).

In putting forward this motion, Alderman Grant asked that this expropriation be brought to the attention of Harbour City Homes.

The motion was put and passed.

Yearly Meeting Cancellations/Changes

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

1. City Council cancel its Committee of the Whole Council meeting scheduled for Wednesday, 7 August 1991 and the corresponding City Council meeting scheduled for Thursday, 15 August 1991, representing a summer break.
2. City Council cancel its Committee of the Whole Council meeting scheduled for Wednesday, 18 December 1991 and the corresponding City Council meeting scheduled for Thursday, 26 December 1991, representing a Christmas break.
3. City Council reschedule the City Council meeting of Thursday, 28 March 1991 to Wednesday, 27 March 1991, as the 28th falls on the eve of Good Friday.
4. City Council reschedule the City Council meeting of Thursday, 14 March 1991 which falls during March Break to Monday, 18 March 1991.
5. City staff, Boards and Commissions be informed of the foregoing changes.

The motion was put and passed.

Appointment of Returning Officer

MOVED by Alderman Grant, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, Council continue its normal practice of appointing the City Clerk as Returning Officer for the 1991 Civic Election.

The motion was put and passed.

Parking Meters - Replacement of Locks

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council authorize the purchase of 1840 parking meter security locks from J.J. MacKay Ltd. at a cost of \$31,993, inclusive of G.S.T., with the sum of \$16,000 being transferred from the City Manager's Contingency Account #127902/A0820 to the Special Item Account for meters #D9900/DS279.

The motion was put and passed.

Yearly Meeting Cancellations/Changes

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

1. City Council cancel its Committee of the Whole Council meeting scheduled for Wednesday, 7 August 1991 and the corresponding City Council meeting scheduled for Thursday, 15 August 1991, representing a summer break;
2. City Council cancel its Committee of the Whole Council meeting scheduled for Wednesday, 18 December 1991 and the corresponding City Council meeting scheduled for Thursday, 26 December 1991, representing a Christmas break;
3. City Council reschedule the City Council meeting of Thursday, 28 March 1991 to Wednesday, 27 March 1991, as the 28th falls on the eve of Good Friday;
4. City Council reschedule the City Council meeting of Thursday, 14 March 1991 which falls during March Break to Monday, 18 March 1991;
5. City Council reschedule the Committee of the Whole Council meeting on Wednesday, 18 September 1991 (which falls on the start of the U.N.S.M. Conference) to Monday, 16 September 1991.
6. City staff, Boards and Commissions be informed of the foregoing changes.

The motion was put and passed.

Appointment of Returning Officer

MOVED by Alderman Grant, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, Council continue its normal practice of appointing the City Clerk as Returning Officer for the 1991 Civic Election. The motion was put and passed.

Parking Meters - Replacement of Locks

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council authorize the purchase of 1840 parking meter security locks from J.J. MacKay Ltd. at a cost of \$31,993, inclusive of G.S.T., with the sum of \$16,000 being transferred from the City Manager's Contingency Account #127902/A0820 to the Special Item Account for meters #D9900/DS279. The motion was put and passed.

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Overexpenditure, Contract #90-45, Inverness Avenue New Sidewalk

MOVED by Alderman Hanson, seconded by Alderman Grant that, as recommended by the Finance and Executive Committee, Council approve the additional expenditure of \$16,500.00, and authorize a transfer of funds in the amount of \$16,500.00 from Account #CB400 to Account #CA130 (Inverness Avenue - Colindale to Redwood) for a revised total project cost of \$118,500.00.

Motion passed.

COMMITTEE ON WORKS

Council consider the report of the Committee on Works from its meeting held on 9 January 1991 as follows:

Waste Management Study - Strategy #5

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that, as recommended by the Committee on Works, Council defer making any decision on this matter until such time as the public information sessions have been held.

For the information of Council, Alderman Flynn advised that the Metropolitan Authority had held a meeting subsequent to the last Committee of the Whole Council meeting and have scheduled a public meeting for Wednesday, January 30th, at the McNally Building, St. Mary's University, at 7:00 p.m..

Further to Alderman Flynn's comments, His Worship advised that the motion of the Metropolitan Authority was that there be a public meeting before any decision is made with respect to incineration or waste management. Mayor Wallace indicated that this meeting be well advertised with unbiased objective experts making presentations.

The motion was put and passed.

Feasibility of Committee on Recycling

MOVED by Alderman Fitzgerald, seconded by Alderman Stone that this matter be deferred to the next Committee of the Whole Council meeting scheduled for **Wednesday, January 23rd.**

Motion passed.

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

**Motion Alderman Fitzgerald Re: Proposed Amendments to  
Ordinance Numbers 181 and 182, Respecting the Spring Garden  
Road and Downtown Business Improvement District Commissions  
- SECOND READING**

This matter was discussed at the last Committee of  
the Whole Council meeting held on 9 January 1991.

MOVED by Alderman Fitzgerald, seconded by Alderman  
Downey that City Council give SECOND READING to the amendments  
proposed for Ordinance Numbers 181 and 182, respecting the  
Spring Garden Road and Downtown Business Improvement District  
Commissions (all as contained in Appendices "A" and "B" of the  
City Solicitor's report dated 23 November 1990).

Motion passed.

**REPORT - CITY PLANNING COMMITTEE**

Council considered the report of the City Planning  
Committee from its meeting held on Wednesday, 9 January 1991 as  
follows:

**Case No. 6182: Development Agreement - 2494 Robie Street  
SET DATE FOR PUBLIC HEARING**

MOVED by Alderman Meagher, seconded by Alderman  
Fitzgerald that, as recommended by the City Planning Committee,  
a date be set for a public hearing to consider the application  
for a development agreement at 2494 Robie Street, lands of St.  
Paul's Home, to permit the development of the Lane Community  
Clinic.

Motion passed.

The City Clerk advised that the public hearing date  
would be set for Wednesday, 20 February 1991, at 7:30 p.m. in  
the Council Chamber.

**Case No. 6203: Amendment to Development Agreement -  
Rockingham Ridge Stage II, Phase 2B -  
SET DATE FOR A PUBLIC HEARING**

MOVED by Alderman Stone, seconded by Alderman Flynn  
that, as recommended by the City Planning Committee, a date be  
set for a public hearing to consider the application for an

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amendment to the Stage II approval of Phase II, Rockingham Ridge.

Motion passed.

The City Clerk advised that the public hearing date would be set for Wednesday, 16 February 1991, at 7:00 p.m. in the Council Chamber.

MOTIONS

Motion Alderman Jeffrey Re: Proposed Amendment to Ordinance No. 116, the Taxi and Limousine Ordinance Respecting the Goods and Services Tax - FIRST READING

A report dated 4 January 1991 from the Chairman of the Halifax Taxi and Limousine Commission was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Bassett that Halifax City Council give FIRST READING to the amendment proposed to Ordinance No. 116, the Taxi and Limousine Ordinance, respecting the Goods and Services Tax as outlined in the report from the Taxi and Limousine Commission dated 4 January 1991 and, further, that it be referred to the next Committee of the Whole Council meeting scheduled for 23 January 1991 for consideration and report.

Motion passed.

QUESTIONS

Question Alderman Fitzgerald Re: Tipping Fees

Alderman Fitzgerald asked for a report as soon as possible on tipping fees.

Question Alderman Fitzgerald Re: Bloomfield Complex

Alderman Fitzgerald asked for an update report on the Bloomfield complex. He noted that in the past there was to be renovations and rentals and indicated that he would like a report on what's taking place in this regard.

Question Alderman Fitzgerald Re: Civic Hospital

Noting that he had attended the opening of the Adolescent Rehabilitation Centre, Alderman Fitzgerald indicated

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that he and others were still concerned about the Civic Hospital.

Question Alderman Fitzgerald Re: Assessment

Alderman Fitzgerald advised that it appears from the presentation from the Director of Assessment at the last Committee of the Whole Council meeting that the assessment is down this year. He commented that the Province has dropped the school rate from 40 to 37 cents and questioned the effect of this on the City. Alderman Fitzgerald noted that there seemed to be in the past a bigger increase and suggested that staff should look into this matter.

Alderman Fitzgerald commented about the taxable assessment in the City and the amount of exempt property. He expressed the concern that even though there is two billion dollars of assessment, there is almost a half a billion dollars in exempt properties. He went on to express the opinion that these properties should be paying something towards the upkeep of their properties. The Alderman indicated that the U.N.S.M. has stated clearly that services to people and services to property are two different things and that services to people should not be paid for by the property tax. Alderman Fitzgerald suggested that Mr. B.G. Smith, Director of Finance, prepare some kind of "battle plan" to try and start getting at least some costs from the taxpayers who are paying to help service these half a billion dollars of exempt tax property.

8:40 p.m. Alderman O'Malley entered the meeting.

Question Alderman Fitzgerald Re: Junior High School Consolidations

Alderman Fitzgerald noted that members of the School Board are receiving numerous calls with regards to the Halifax junior high school consolidations. He suggested that the City should make sure that everyone is informed of the dates of the meetings on this subject.

Question Alderman Grant Re: Spring Garden Road Proposals for Re-developments

Alderman Grant noted that a few years ago the City had called for proposals for the Spring Garden Road re-developments. He indicated that it was understanding that the City had even asked people to put money down for the proposals and asked for a report in this regard.



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**Question Alderman Grant Re: Natal Day Committee**

Alderman Grant noted that some members of Council had asked that the Natal Day Committee meet with Council before the end of January. He suggested that it might be more appropriate for them to meet with Council during one of the budget discussions, to which Council agreed.

**Question Alderman Grant Re: Street Closure - Briarwood Crescent**

Alderman Grant presented a picture on the overhead monitor showing the closure of Briarwood Crescent and the six brick posts with iron rails which were used for this closure. He noted that a citizen of his ward had questioned whether or not these posts and iron rails were a bit extravagant noting that in other areas guard rails were used to close off streets i.e. William Hunt Avenue, Mayor Avenue.

**Question Alderman Jeffrey Re: Walkway between Brook Street and Major Stevens Junior High**

Alderman Jeffrey noted that it was his understanding that the walkway between Brook Street and Major Steven's junior high which is City owned property is not being plowed. The Alderman asked for a staff report on the matter.

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

Alderman Jeffrey asked that staff provide him with a report outlining the proposed walkway between Percy Street and the Joseph Howe School which is budgeted for in the 1991 capital budget.

**Question Alderman Jeffrey Re: 120 Sunnybrae Avenue**

Alderman Jeffrey noted that last month the main sewer at 120 Sunnybrae Avenue had broken. He commented that the residents of the area are concerned that the installation of the curb and gutter on Sunnybrae Avenue using heavy equipment might have caused the collapsed sewer and asked that staff investigate the matter.

**Question Alderman Jeffrey Re: Bus Stop at Willett Street and Rosedale Avenue**

Alderman Jeffrey referred to a letter he had received from the Metropolitan Authority pertaining to the bus stop at Willett Street and Rosedale Avenue which they intend to move.

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He noted that it was his understanding that there is a landing pad which has to be installed and indicated that he would like an indication from staff as to when this work is going to be done.

**Question Alderman Jeffrey Re: Major Stevens Junior High**

Alderman Jeffrey referred to a report he had received from the Task Force on Junior High Schools dated January 14th pertaining to options on closing down various schools in the area. He commented that options one and two include the closure of Major Stevens Junior High and indicated that it was his hope that the residents in the area be given ample notice if this is to take place.

At approximately 8:50 p.m. Alderman Jeffrey retired from the meeting.

**Question Deputy Mayor O'Malley Re: Camp Hill Hospital**

Deputy Mayor O'Malley referred to an information report she had received in response to a question she had raised at the last City Council meeting regarding the \$17.00 a day extra billing at the Camp Hill Hospital. She indicated that it was her understanding from reading the report that if a person had ward coverage only and asked for ward accommodation, then he or she would not receive extra billing. But, given the same scenario with ward accommodation only and given that there are only semi private and private rooms, if a person asked for semi private he or she would have to pay the additional costs. The Deputy Mayor asked for a further explanation on this matter.

**Question Deputy Mayor O'Malley Re: Kaye Street**

Deputy Mayor O'Malley asked that the Halifax Police Department carry out selective enforcement during the early morning hours on Kaye Street for truck violations and during the day for parked vehicles.

**Question Deputy Mayor O'Malley Re: Expenditures -  
New Year's Celebrations**

Deputy Mayor O'Malley asked for a report outlining the total expenditures involved with the New Year's celebrations in the Grand Parade i.e. recreation costs, Parks and Grounds, Police, bands, etc. She also asked that the

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report identify any income or sources of revenue gained from the event.

Question Deputy Mayor O'Malley Re: Halifax City Library

Deputy Mayor O'Malley noted that she had received calls over the Christmas holidays from people who wanted to use the services of the Halifax City Library and found that the Library appeared to be closed on Saturday, December 22nd, through to the 27th. She questioned what the policy was for days leading up to and following statutory holidays.

Question Deputy Mayor O'Malley Re: Power Corporation

Deputy Mayor O'Malley advised that people do not understand why the lights are on 24 hours a day on North Ridge Road, Sentinel Square, Stoneham Court, and Devonshire Avenue. She explained that it was her understanding that there is a problem with the relays and that the Power Corporation is aware of it, but noted that people are concerned that this is costing money. She suggested that Council contact the Power Corporation through the City's Electrical Supervisor to encourage them to speed up whatever needs to be replaced in the line of relays.

Question Deputy Mayor O'Malley Re: Vendor - Lower Water Street

Deputy Mayor O'Malley noted that it was her understanding that His Worship Mayor Wallace had agreed to contact Mr. Andrews with respect to his vending proposal on Lower Water Street.

His Worship noted that he had attempted to reach Mr. Andrews with no success and asked that the Deputy Mayor provide him with his telephone number in order for him to contact him to find out exactly what he was proposing to do.

Question Alderman Hanson Re: Junior High Closure Options

In response to a question raised early in the meeting, Alderman Hanson advised that the meetings with respect to Junior High closure options will be held on the following dates and locations: Tuesday, January 29th, at 7:30 p.m. at St. Patrick's High School; Monday, February 4th, 7:30 p.m., at J.L. Isley High, and on Tuesday, February 5th, 7:30 p.m., at Halifax West High.

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Case No. 6033: 12 and 14 Vimy Avenue - Plan  
Amendments and Rezoning from R-2P to R-2AM

NOTE: This matter had been deferred from an earlier portion of the agenda, pending the arrival of Deputy Mayor O'Malley.

A public hearing concerning this matter had been held on Wednesday, 9 January 1991.

An Information Report, dated 15 January 1991, was submitted, together with correspondence (received on 15 January 1991) from Ms. Erma Starratt, 27 Ford Street, Halifax.

Alderman Ducharme noted that, in his absence, Alderman Jeffrey had asked that Council be made aware of a letter which has recently been received from Ms. Patricia Robinson of 3663 Percy Street. Referring to that letter, the Alderman emphasized that Ms. Robinson had discovered that she had originally been misinformed about the rezoning and Plan amendment proposed for 12 and 14 Vimy Avenue, and has now recommended that Council's previous stance on the matter be reconsidered.

Noting that Alderman Jeffrey concurs with Ms. Robinson's request, it was moved by Alderman Ducharme, seconded by Alderman Holland that Halifax City Council approve the Plan and Bylaw amendments proposed for 12 and 14 Vimy Avenue, as contained in the staff report of 26 April 1990 (attached to the supplementary staff report dated 12 September 1990).

Responding to concerns raised by Alderman Grant regarding the number of units proposed for each of the Vimy Avenue lots, Alderman Ducharme advised Council that the two properties in question lie directly in front of two other lots which house a total of 50 units. The Alderman went on to emphasize that, in her opinion, an exception in the case of Mr. and Mrs. Blumsen, the property owners in question, was warranted, since theirs had been the only application for rezoning that had been submitted to the City at the time the Fairview Secondary Planning Strategy was approved.

Following a brief discussion, the City Clerk advised that the following members of Council had been absent from the 9 January public hearing and were therefore ineligible to vote: Aldermen Fitzgerald, Pottie, Jeffrey, and Flynn.

The motion was subsequently put and passed with Aldermen Fitzgerald, Pottie, and Flynn abstaining from the vote, and Alderman Grant voting in opposition.

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Halifax Port Corporation - Access Road:  
Fairview Cove to Richmond Terminals

NOTE: This matter had been deferred from an earlier portion of the agenda, pending the arrival of Deputy Mayor O'Malley.

MOVED by Deputy Mayor O'Malley, seconded by Alderman Grant that, as recommended by the Finance and Executive Committee (on 9 January 1990):

- 1) Council reaffirm its motion of 26 January 1984; namely that Council grant a right-of-way to the Port of Halifax over a parcel of City-owned land for Service Road purposes in and around Seaview Memorial Park, and approve the preliminary roadway alignment (approximately old Barrington Street) of the Service Road;
- 2) that the final design plans be brought back to City Council for review and consideration; and
- 3) that a public meeting be scheduled concerning the final plans before Council makes its final decision on the matter.

With reference to (3) above, Alderman Flynn indicated that it had been his recollection of the 9 January Committee proceedings that Council intended to receive the final plans first, and then decide whether a public meeting on the matter was warranted.

An amendment was subsequently moved by Alderman Flynn, seconded by Alderman Ducharme, namely that the following be substituted for Item (3) of Alderman O'Malley's motion: "that after reviewing the final design plans (to be submitted at a future meeting of Committee of the Whole Council), Council shall then make its decision as to the possible scheduling of a public meeting."

After some discussion, the amendment to the motion was put and passed.

The original motion, as amended, was subsequently put and passed.

NOTICES OF MOTION

Notice of Motion Alderman Meagher Re: Ordinance 137,  
the Deferred Payment of Taxes Ordinance

Alderman Meagher gave notice of motion that at the next regular meeting of City Council to be held on the 31st day of January, 1991, he proposes to introduce a motion respecting

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amendments to Ordinance 137, the Deferred Payment of Taxes Ordinance, the purpose of which will be to:

1. increase the total value of assets other than real property below which a person may qualify for a tax deferral to thirty-five thousand dollars (\$35,000.00) from twenty-five thousand dollars (\$25,000.00) (s.2(c));
2. increase the total annual household income below which a person may qualify for a tax deferral to twenty-five thousand dollars (\$25,000.00) (s.3(1)).

Notice of Motion Alderman Grant Re: Policy Regarding  
Citizen Appointees

Alderman Grant gave notice of motion that at the next Committee of the Whole Council meeting to be held on 23 January 1991 he proposes to introduce an amendment to the policy regarding citizen appointees.

ADDED ITEMS

Crossing Guard - Cunard Street at Windsor Street  
(Alderman Meagher)

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

Alderman Meagher addressed the matter and expressed concern with regard to the crossing at Cunard Street and Windsor Street. He referred to a report dated 14 January 1991 which he received from Mr. B.N. Kennedy, Traffic Authority, and asked that it be circulated to all members of Council.

MOVED by Alderman Meagher, seconded by Alderman Fitzgerald that this matter be deferred to the next Committee of the Whole scheduled for Wednesday, 23 January 1991.

Expropriation of Parcel D - 3694 Dutch Village Road

A supplementary staff report dated 9 January 1991 was submitted.

MOVED by Alderman Ducharme, seconded by Alderman Flynn that Area "D", at 3694 Dutch Village Road (as shown on Plan 00-12-21408) be expropriated, and that compensation of \$85,000 be offered to Fort Massey Realty Limited in accordance with the Expropriation Act.

Motion passed.

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

HIS WORSHIP MAYOR RON WALLACE  
CHAIRMAN

K/M

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*Record*

**SPECIAL COUNCIL  
PUBLIC HEARINGS  
MINUTES**

Council Chamber  
Halifax City Hall  
23 January 1991  
7:40 p.m.

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

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

**PRESENT:** His Worship Mayor Wallace, Chairman; and Aldermen Holland, Fitzgerald, Downey, Meagher, Grant, Hanson, Jeffrey, and Ducharme.

**ALSO PRESENT:** Mr. Barry Allen, representing the City Solicitor's Department; City Clerk; and other members of City staff.

**Public Hearing Re: Case No. 6225: Appeal of Minor Variance  
Refusal - 6217 Lawrence Street**

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

A report dated 18 December 1990 was submitted.

Correspondence, received in the City Clerk's Office on January 22, 1991, from Mr. and Mrs. Gramlewicz, the applicants, was submitted.

Mr. Paul Dunphy, Planner I, addressed Council and, using diagrams, outlined the application from the owners of the property at 6217 Lawrence Street for variances to the lot size and yard requirements of the land use bylaw to permit the conversion of the existing single-family dwelling to two units (as outlined in the 18 December 1990 staff report). Mr. Dunphy indicated that the application, which was reviewed and subsequently refused on 24 October 1990, was being appealed by the applicant.

**At 7:45 p.m. Alderman Stone enters the meeting.**

Mrs. M. G. Gramlewicz, the applicant, addressed Council and, referring to a submission she forwarded to Council

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at an earlier date, outlined her reasons for appealing the minor variance refusal.

Mrs. Gramlewicz referred to comments made by Department staff regarding a building permit that she requested in 1988, and advised that this was not the case, but rather a building reclassification was requested at that time. She pointed that there has been no change in the building itself and that she was not asking for any physical change in the building.

Mrs. Gramlewicz advised that the building was built with all the requirements for a duplex unit, and this was noted by the City Inspection Department. Further to this, she indicated that when it was built, it was with the Peninsula North Planning Strategy in view. Mrs. Gramlewicz suggested that the Development Department has ignored the fact that 6217 Lawrence Street complies completely with duplex requirements under Peninsula North Planning Strategy, and she added that staff was aware of her intention to apply for the duplex status, if and when the Peninsula North Planning Strategy was passed.

Mrs. Gramlewicz advised that there was some reference in the City Assessment of October 18, 1990 of a basement in the building and she noted that there is no basement.

Mrs. Gramlewicz then referred to 6296/98 Allan Street and 6246/48 Yukon Street, and 2144/46 and 2148/50 Monastery Lane and advised that these were glaring examples of discrimination in granting building permits since she had her home constructed. She elaborated further on the discrepancies of these properties and suggested that it seems incomprehensible that these were permitted and she was denied two units.

Mrs. Gramlewicz advised that lack of greenspace was also used as a reason to deny her original application, however, in the above cases, and 2 years after she has built, this concern has been completely ignored. She added that her house was the only house in the neighbourhood with an interior garage, it has the biggest set back and is one of the few properties where greenery is maintained at the back, sides and front yards. Mrs. Gramlewicz also pointed out that No. 6228 Duncan St. was either 2 or 3 units and it is now allowed to add a "dormer", which is actually a very large upper storey, and would appear to bend the rules for a 30 ft. X 90 ft. lot.

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In conclusion, Mrs. Gramlewicz reiterated the point that she was not asking for any external or structural modifications, but that she was asking Council to allow her to re-classify this property from a single-family to a two-unit dwelling, thus, conforming to 75 percent of the neighbourhood buildings.

Mr. Adam Mueller, a resident of 6225 Lawrence Street addressed Council and noted that he lived adjacent to the property in question.

Mr. Mueller advised that several properties have been allowed to expand in this area against the objections of residents in the area. Referring to the applicants, Mr. Mueller indicated that they were exemplary neighbours and that he supported their request. He noted that he was one of the neighbours who objected to the applicants original proposal for a duplex and driveway to the back yard because he was concerned about additional noise and inconvenience. Mr. Mueller added that his fears proved to be unfounded and that he now supports the proposal.

There were no further persons wishing to address Council.

**At 8:00 p.m. Alderman Flynn enters the meeting.**

Alderman Fitzgerald addressed the matter and, referring to discrepancies of the properties as outlined in Mrs. Gramlewicz's report, requested a report on these properties.

Alderman Meagher indicated that he also would like to have a report on those properties which were mentioned in Mrs. Gramlewicz's presentation to Council.

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

Motion carried.

**HERITAGE HEARINGS**

A Heritage Hearing was held at this time to consider the heritage designation of the following properties:

**1317 Dresden Row**

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23 January 1991

6199 Chebucto Road - Chebucto School  
2033-37 Maynard Street  
5254 Kent Street

Heritage Hearing - 1317 Dresden Row

A Heritage Hearing regarding the above property was held at this time.

A supplementary staff report dated 18 January 1991 was submitted.

Mr. Dan Norris, Supervisor, Heritage Policies, addressed Council and, using photographs, reviewed the research material and evaluation sheet (as contained in the supplementary staff report dated 18 January 1991).

Mr. Norris advised that, in its evaluation, 1317 Dresden Row was awarded 47 points and the recommendation of the Heritage Advisory Committee was to register this property. Mr. Norris added that the heritage designation has been requested by the property owner.

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

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

Motion carried.

Heritage Hearing - 6199 Chebucto Road - Chebucto School

A Heritage Hearing regarding the above item was held at this time.

A supplementary staff report dated 18 January 1991 was submitted.

Mr. Dan Norris, Supervisor, Heritage Policies, addressed Council and, using photographs, reviewed the research material and evaluation sheet (as contained in the 18 January 1991 supplementary staff report) for 6199 Chebucto Road.

Mr. Norris advised that, in its evaluation, 6199 Chebucto Road was awarded 46 points and the recommendation of the Heritage Advisory Committee was to register this property.

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Noting that the owners were the Halifax District School Board, Mr. Norris advised that, at a Board meeting on 22 January 1991, a vote was taken and there were no objections by the Board or staff for heritage registration.

Mrs. Janet Kitz, a resident of Halifax, and author of Shattered City addressed Council and provided a presentation concerning the role of Chebucto School during the time of the Halifax Explosion.

With the use of photographs displayed on the overhead monitor, Mrs. Kitz explained that during the time of the Halifax Explosion, Chebucto School was used as a temporary morgue, with offices in the basement, and at one point, a funeral service for 95 victims was held in the school yard, for which approximately 3000 people attended. Mrs. Kitz noted that on December 6, 1990, 2000 people attended a memorial service in the school yard.

Mrs. Kitz indicated that she was pleased to hear that the School was being considered for heritage registration and that she was very much in support of the designation.

Ms. Elizabeth Pacey, representing Heritage Trust, addressed Council and indicated that Heritage Trust was very supportive of the proposal to register Chebucto School as a heritage property.

Ms. Pacey noted that on May 8, 1990 a report was submitted to the City of Halifax on Chebucto School. She advised that the report was a joint project of the Heritage Trust and the Community Planning Association in conjunction with the Environmental Planning School at the Nova Scotia College of Art and Design. Ms. Pacey added that the report was presented to the City in the hopes that Chebucto School would someday be a registered heritage property.

Ms. Patricia Church, President, Music Department Parents' Association, addressed Council and indicated that she supported the registration of Chebucto School as a heritage property.

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

MOVED by Alderman Meagher, seconded by Alderman Grant that 6199 Chebucto Road - Chebucto School be designated by the City of Halifax as a Registered Heritage Property.

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Motion carried.

Alderman Meagher referred to the plaques which are mounted on the registered heritage buildings, and asked that, in addition to the usual plaque which is presented, if another plaque (such as a sub-plaque) could be mounted on Chebucto School which would provide more historical information about the school.

The Chairman indicated that this matter would be followed-up.

Heritage Hearing - 2033-37 Maynard Street

A Heritage Hearing regarding the above item was held at this time.

A supplementary staff report, dated 18 January 1991 was held at this time.

Mr. Dan Norris, Supervisor, Heritage Policies, addressed Council and, using photographs, reviewed the research material and evaluation sheet (as contained in the 18 January 1991 supplementary staff report) for 2033-37 Maynard Street.

Mr. Norris advised that in its evaluation, 2033-37 Maynard Street was awarded 52 points and the recommendation of the Heritage Advisory Committee was to register this property. Mr. Norris pointed out that in a letter to him dated 8 January 1991, the property owner indicated that he supports the recommendation that the house be registered as a heritage property.

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

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

Motion carried.

Heritage Hearing - 5254 Kent Street

A Heritage Hearing regarding the above property was held at this time.

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A supplementary staff report, dated 18 January 1991, was submitted.

Correspondence dated 15 January 1991 from Mr. Peter J. McDonough, McInnes Cooper & Robertson was submitted.

Mr. Dan Norris, Supervisor, Heritage Policies, addressed Council and, using photographs, reviewed the research material and evaluation sheet (as contained in the 18 January 1991 report) for 5254 Kent Street.

Mr. Norris advised that in its evaluation, 5254 Kent Street was awarded 50 points and the recommendation of the Heritage Advisory Committee was to recommend this property.

Mr. Norris referred to a letter dated 15 January 1991 from the solicitor of the property owner and advised that the property owner was opposing the heritage designation.

Alderman Flynn addressed the matter and expressed concern about designating homes as heritage properties when they are in need of repair and he asked if there was any compensation for the owners in order to restore the building. He added that this was an extra burden put on property owners when their building is designated. Alderman Flynn also noted that this was the only objection at tonight's heritage hearings and it was based on the prohibitive expenses that this building has to undergo.

A brief discussion ensued and Alderman Flynn requested a report regarding what incentives were available and what assistance can be given to the owner when the property is designated a heritage property.

Alderman Holland pointed out that one of the founders of industrial finance in Canada and who also founded Royal Securities had very strong historical ties to Nova Scotia and owned the property at one time.

A discussion ensued with respect to the points awarded to prospective buildings.

In response to a question, Mr. Norris advised that he could not comment at this time on what would be considered the "average" awarding of points, but that he would provide this information at a later date.

After further discussion, and there being no persons wishing to address Council on this matter, it was MOVED by

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

Motion carried.

**At 8:35 p.m. His Worship Mayor Wallace retired from the meeting with Alderman Holland assuming the Chair.**

**Public Hearing Re: Case No. 6130: Development Agreement -  
1563 Granville Street**

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

Mr. Paul Dunphy, Planner I, addressed Council, and using diagrams, outlined the application by Pelican Properties Ltd. to enter into a development agreement to permit construction of a six storey commercial building at 1563 Granville Street (as outlined in the staff report dated 26 November 1990).

Mr. Dunphy responded to questions from Council.

Mr. Michael McTague, on behalf of the applicant, Pelican Properties, addressed Council in support of the application and indicated that he would respond to any questions Council had.

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

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

Motion carried.

**At 8:40 p.m. His Worship returned to the meeting and Alderman Holland assumed his usual seat in Council.**

**At 8:40 p.m. Alderman Hanson retires from the meeting.**

**Public Hearing Re: Case No 6205: Proposed Development Agreement - Barrington, George and Granville Streets**

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



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Correspondence dated 21 January 1991 from Terence R. B. Donahoe, Q. C., Minister of Government Services, was submitted.

Mr. Michael Hanusiak, Planner II, addressed Council and, with the use of architectural drawings and diagrams, outlined the application for development agreement involving the properties at 1731-41 Barrington Street and 1728-40 Granville Street (as illustrated in the 17 December 1990 staff report).

**At 8:50 p.m. Alderman Hanson returns to the meeting.**

Mr. Hanusiak concluded his presentation responded to questions from Council.

Mr. Robert Stapells, President, The Canterbury Group (the applicant), addressed Council and provided background information on the various developments in the downtown area that his company has been involved in.

Referring to the letter by the Minister of Government Services (dated 21 January 1991), Mr. Stapells expressed his appreciation to City staff and City Council for their assistance in his request that the Dennis Building, through a sale by public tender, be made available for this project. He indicated that he considers the restoration of the Dennis Building to be very important.

Mr. Stapells advised that Mr. Andy Lynch, the architect of the project would address Council and provide more specific details of the project.

Mr. Lynch addressed Council and referring to Policy 7.2.1 (heritage policy) advised that it became the important policy that shaped the design of the development.

Mr. Lynch then elaborated on the various aspects of the project such as design, detailing, window design, and masonry.

Mr. Kenny Vaughan, property owner of 1725/27 Barrington Street, addressed Council and advised that his building was two doors away from the proposed development and that it was a registered heritage building.

Mr. Vaughan advised that when he initially learned of the proposed development he was apprehensive, but after viewing

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the proposal he was pleased with it and felt that it would add to the value of his property. Mr. Vaughan extended his congratulations to Mr. Stapells for the project and encouraged City Council to approve the development.

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

MOVED by Alderman Downey, seconded by Alderman Holland that this matter be forwarded to Council without recommendation.

There being no further business to discuss, the meeting adjourned at 9:20 p.m.

HIS WORSHIP MAYOR WALLACE  
ALDERMAN HOLLAND  
CHAIRMEN

/sm

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

Council Chamber  
City Hall  
Halifax, Nova Scotia  
31 January 1991  
8:00 P. M.

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

**PRESENT:** His Worship Mayor Ron Wallace, Chairman; and Aldermen Holland, Fitzgerald, Downey, Meagher, Pottie, Grant, Hanson, Jeffrey, Flynn, and Stone.

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

**Swearing in Ceremony - Police Recruit, Timothy Sowers**

Police Chief Vincent MacDonald, Sergeant Beazley, Inspector Meisner, and Police Recruit Timothy Sowers addressed City Council.

Police Recruit, Timothy Sowers, took the Oath of Office for the Halifax Police Department at this time. His Worship Mayor Wallace welcomed Constable Sowers as a new member with the Police Department and wished him every success with this very important role with the City.

Police Chief Vincent MacDonald presented Constable Sowers with the Badge of Office.

**MINUTES**

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 17 January 1991, and of the special meeting held on 9 January 1991 were approved as circulated on a motion by Alderman Jeffrey, seconded by Alderman Downey.

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

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

- 20.1 Captain William Spry Centre -  
Examination of Deficiencies
- 20.2 Metropolitan Authority - Capital Program

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20.3 Appointments

20.4 Tabling of the 1991-92 Operating Budget

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

20.5 Metropolitan Authority - Solid Waste Management

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

20.6 Strike - Transfer Station

16.2 Amendment to Ordinance Number 105, the  
Establishment of Standing Committees of Council  
FIRST READING

At the request of Alderman Meagher, Council agreed to  
defer to the next regular City Council meeting:

5.1 Case No. 6225: Appeal of Minor Variance Refusal  
- 6217 Lawrence Street

DEFERRED ITEMS

Case No. 6225: Appeal of Minor Variance Refusal -  
6217 Lawrence Street

This item was deferred during the setting of the  
agenda to the next regular meeting of City Council to be held  
on 14 February 1991.

Recommended Heritage Properties: 1317 Dresden Row;  
2033-37 Maynard Street; 5254 Kent Street

A supplementary staff report dated 29 January 1991  
was submitted.

A public hearing with respect to the following  
properties was held on 23 January 1991.

**1317 Dresden Row**

MOVED by Alderman Downey, seconded by Alderman Hanson  
that the property at 1317 Dresden Row be registered in the  
Halifax Registry of Heritage Property.

The City Clerk advised that Alderman Pottie was not  
in attendance at the Public Hearing on this matter and  
therefore should not participate in the vote.

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The motion was put and passed with Alderman Pottie abstaining.

**2033-37 Maynard Street**

MOVED by Alderman Downey, seconded by Alderman Stone that the property at 2033-37 Maynard Street be registered in the Halifax Registry of Heritage Property.

The City Clerk advised that Alderman Pottie was not in attendance at the Public Hearing on this matter and therefore should not participate in the vote.

The motion was put and passed with Alderman Pottie abstaining.

**5254 Kent Street**

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that the property at 5254 Kent Street be registered in the Halifax Registry of Heritage Property.

Alderman Flynn addressed the matter and indicated that he could not support the motion primarily because Council has in the past, where there has been objection from an owner who has realistically put forth reasons as to why he or she feels that their property does not qualify, regarded the wishes of the owner. Referring to the letter from McInnes Cooper & Robertson dated 15 January 1991, Alderman Flynn noted that the fourth paragraph states that "...a window and cornices have been added to the building since it was constructed...this would lead one to conclude that it should only get 10 points in category 4 rather than the 15 points it was allocated". In view of this, and in view of the fact there was no financial assistance available to the owners of registered heritage properties to help maintain them, Alderman Flynn indicated that he could not support the proposed heritage designation.

Alderman Jeffrey spoke in support of the comments made by Alderman Flynn. He indicated that he could not support the designation of a heritage property when it goes against the wishes of the owner.

MOVED by Alderman Flynn, seconded by Alderman Downey that this matter be deferred to allow staff an opportunity to try and work out a compromise with the owner with respect to the designation and that the owner be given the chance to address Council.

The City Clerk advised that Alderman Pottie was not in attendance at the Public Hearing on this matter and therefore should not participate in the vote.

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The motion was put and passed with Alderman Pottie abstaining.

**Case No. 6130: Development Agreement - 1563 Granville Street**

A public hearing on this matter was held 23 January 1991.

MOVED by Alderman Downey, seconded by Alderman Meagher that:

1. City Council enter into a development agreement with Pelican Properties Ltd. to permit construction of a six storey commercial building at 1563 Granville Street.
2. Council requires that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council and any other bodies as necessary, whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

The City Clerk advised that Alderman Pottie was not in attendance at the Public Hearing on this matter and therefore should not participate in the vote.

The motion was put and passed with Alderman Pottie abstaining.

**Case No. 6205: Proposed Development Agreement -  
Barrington, George, and Granville Streets**

A public hearing on this matter was held on 23 January 1991.

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that City Council approve the entering into of a development agreement to permit construction of a mixed commercial building on the south side of George Street, between Barrington Street and Granville Street, provided that the development is in keeping with Plan No. P200/18134-40 of Case 6205 (attached to the staff report of 17 December 1990).

Responding to a question from Alderman Flynn, the City Solicitor advised that under the Planning Act Council can approve the development for a property which the developer does not own. However, he advised that before the developer can

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enter into the agreement with respect to the property that he does not own, he will have to acquire it.

The City Clerk advised that Aldermen Pottie and Hanson were not in attendance at the Public Hearing on this matter and therefore should not participate in the vote.

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

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

At the request of the applicant, Council agreed to defer this item to the meeting of City Council to be held on 28 February 1991.

**PETITIONS AND DELEGATIONS**

**Petition Alderman Stone Re: Waste Management**

Alderman Stone presented a petition on behalf of the Ward Twelve Community Association dated 30 January 1991 concerning the meeting which took place on Waste Management at St. Mary's University.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 23 January 1991, as follows:

**Resolution - City of Toronto**

A staff report dated 29 January 1991 was submitted.

Noting that he had not received a copy of the staff report, it was MOVED by Alderman Fitzgerald, seconded by Alderman Flynn that this matter be deferred to the next Committee of the Whole Council meeting to be held on Wednesday, 6 February 1991.

Motion passed.

**Local Improvement Interest Rate 1991**

MOVED by Alderman Flynn, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, under Section 389 of the City Charter, an interest rate of

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11.25¢ be established for any Local Improvement Tax levied in 1991.

Motion passed.

Amendments to City Charter and Ordinance 182 to Permit an Increase in Membership on the Downtown Halifax BID Commission Board

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, City Council approve in principle an amendment to Section 532 of the City Charter as attached in Appendix "A" to the staff report of 10 January 1991, which will permit Council to amend Ordinance 182, and that, further, the proposed amendment be presented to the next sitting of the Legislature.

Motion passed.

Land Exchange - Portion of Kempt Road (Parcel KR)

MOVED by Alderman Fitzgerald, seconded by Alderman Pottic that, as recommended by the Finance and Executive Committee, Parcel "KR" on Plan TT-40-29588 (as attached to the staff report of 8 January 1991) and compensation of \$10,000 be exchanged for lands owned by CNR identified as Parcels "B" and "F" on Plan 11132-47 (funds to be made available from the Sundry Land Acquisition Account CK019).

Motion passed.

Acquisition of Civic No. 6451 Chebucto Road

Alderman Meagher addressed the matter and proposed a motion that Council not purchase this property because a message will go out to the community that the City is going to start widening Chebucto Road. He noted that the City cannot afford the widening of Chebucto Road nor would it want to destroy the property in that area.

The Chairman suggested that the matter be referred to staff for more information.

It was, therefore, MOVED by Alderman Meagher, seconded by Alderman Jeffrey that this matter be deferred pending receipt of information in respect of the concerns raised by Alderman Meagher.

Motion passed.



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Acquisition of Parcel H-206B, 408 Herring Cove Road

MOVED by Alderman Grant, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, Parcel H-206B be acquired from Mrs. Shirley Hartien Brown for \$5,078 (funds to be made available in Account No. CJ012, the Herring Cove Road account).

Alderman Grant suggested that a letter of thanks be sent to Mrs. Brown in recognition of her help and cooperation with the City, to which the Chairman agreed.

The motion was put and passed.

Heritage Fund Grant - St. David's Presbyterian Church

MOVED by Alderman Downey, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, Council approve a Heritage Fund Grant of \$8,000 for St. David's Presbyterian Church.

Motion passed.

Funeral Rates/Cemetery Charges

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

- 1) The Social Assistance rate for funerals be increased as outlined in the staff report of 14 January 1991
- 2) The City of Halifax pay the rates for burials charged by the Catholic Cemeteries Commission.

Alderman Pottie noted that on January 18th a letter was sent to all the Funeral Homes in the City of Halifax stating that the revised rates will become effective on Monday January 28, 1991. He indicated that he was curious to know why the letter went out on the 18th while Council was still considering the item.

Alderman Pottie went on to note that some of the funeral home owners have a concern with respect to the schedule of fees which had been sent to them. He commented that it is their request that with respect to number 2, item (e) "winter premium \$485.00", the words winter premium be changed to read optional winter interment rate. The Alderman indicated that he was in support of this request.

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Mr. Crowell, Director of Social Planning addressed Council and advised that staff had hoped to have a report to City Council in December on this matter. However, because of the cancelled Council meeting, he noted that it did not get on the agenda until this point. Mr. Crowell noted that the letter likely had gone out because staff had planned that it would have been effective by this time.

Mr. Crowell indicated that he would follow up on Alderman Pottie's request with respect to changing the item on winter premium to optional winter interment rate.

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

Downtown Business Improvement District Commission -  
Budget, Goals and Objectives

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, Council approve the 1991-92 operating budget for the Downtown Halifax BIDC as attached to the staff report of 4 January 1991.

Motion passed.

Order of Business - City Council Agenda

Alderman Flynn addressed that matter and, referring to the discussion of this item at the Committee of the Whole on January 23th, indicated that the point he was trying to make was to try and shorten and to be more concise with regard to Question Period.

After a discussion, it was MOVED by Alderman Pottie, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee every Alderman be restricted to a maximum of three minutes to present questions during "Question Period".

Motion passed.

Harbour Clean-Up

A supplementary staff report dated 31 January 1991 was submitted.

The following correspondence was submitted in relation to this item subsequent to the last Finance and Executive Committee meeting on January 23rd:

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- A letter dated 25 January 1991 from P. Michael Gillham, P.Eng., Vice President, Metro Engineering Inc.

- A letter dated 31 January 1991 from Joel R. Matheson, Q.C., Minister responsible for the Halifax Harbour Cleanup Inc.

The Chairman suggested that the matter should be deferred in order to give members of Council an opportunity to review all the material received.

Alderman Grant expressed the view that the whole process respecting the Harbour Clean-up has been delayed long enough and MOVED that Council affirm Metro Engineering Inc. to do the project but to disagree with the process.

There was no seconder to Alderman Grant's motion.

MOVED by Alderman Jeffrey, seconded by Alderman Meagher that this matter be deferred to the next Committee of the Whole Council meeting scheduled for **Wednesday, 6 February 1991.**

Alderman Jeffrey noted that the third paragraph of the letter from the Honorable Joel Matheson stated that "...in a meeting I held with the Board of the Halifax Harbour Cleanup Inc. and with yourself, Mayor Savage and Warden Lichter, I clearly stated the intention of the Executive Council of Nova Scotia to ensure that a Nova Scotia consortium would be chosen for the predesign work of the Halifax Harbour Cleanup." Alderman Grant commented that it was his impression from this section of the letter that the Honorable Minister was saying that His Worship Mayor Wallace was quite aware of what was going to happen. The Alderman indicated that he wanted to make sure that Mayor Wallace was given the opportunity to respond to this comment.

The motion to defer was put and passed.

**Proposed Option on Land for Golf  
Course in Ragged Lake Area, Halifax Business Park**

A supplementary staff report dated 24 January 1991 was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, Council authorize the City to enter into an option agreement for the amount of one dollar to purchase approximately 250 acres of land, approximately 130 acres for one dollar, and approximately 120 acres for \$6,700 per acre (the option agreement to run from the date of the approval by Council to the end of November 1991).

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Alderman Flynn commented that he had asked the question, at the last Committee of the Whole Council meeting, as to whether or not Council had the legal right to sell this portion of the land for a dollar. In response to his question, Alderman Flynn noted that a report was received from the City Solicitor (supplementary report of 24 January 1991) outlining the fact that because of the circumstances, the City does have the right to sell the land for one dollar.

The motion was put and passed.

**Round Table on the Environment and the Economy -  
Terms of Reference**

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that the following committee be struck to bring forward recommended terms of reference for the Round Table on Environment and the Economy:

His Worship the Mayor  
Two (2) Aldermen  
Director of Engineering (or his designate)  
Director of Dev. & Planning (or his designate)  
City Solicitor (or his designate)

Motion passed.

**REPORT - COMMITTEE ON WORKS**

Council considered the report of the Committee on Works from its meeting held on Wednesday, 23 January 1991, as follows:

**Feasibility of Committee on Recycling**

MOVED by Alderman Fitzgerald, seconded by Alderman Jeffrey that, as recommended by the Committee on Works, the four volunteer recycling coordinators (from LeMarchant/St. Thomas, Sir Charles Tupper, Duc D'Anville, and Burton Ettinger Schools) be used as a consultative group to evaluate, review, and work with staff to ensure that the second phase of the City's recycling program is a success.

The motion was put and passed.

**MISCELLANEOUS BUSINESS**

**Black History Month**

His Worship made reference to the press conference held earlier today for the purpose of publicizing February 1991

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as "Black History Month" in the City of Halifax. The following proclamation was read at that time:

The municipality of the City of Halifax is committed to celebrating the cultural heritage of all citizens. February is recognized internationally as "Black History Month," a time to recognize and salute the many contributions and ongoing achievements of black people all over the world. "Black History Month" is a celebration of history, culture and the achievement of black people in Nova Scotia, Canada and the rest of the world.

Now, therefore, be it recognized that I, Ron Wallace, Mayor of the City of Halifax, do hereby proclaim February 1991 as "Black History Month" in Halifax, Nova Scotia.

Mayor Wallace went on to note that copies of this proclamation as well as other information and a schedule of events taking place during Black History Month have been distributed to all City schools. In this context, he encouraged members of Council to attend as many of these events as possible.

**REPORT - SAFETY COMMITTEE**

Council considered the report of the Safety Committee from its meeting held on Wednesday, 23 January 1991, as follows:

**Crossing Guard - Cunard Street at Windsor Street**

During the 23 January meeting of the Safety Committee, the Halifax Police Department was requested to investigate the crossing at Cunard and Windsor Streets, and, based on those findings, to consider placing a crossing guard at this intersection.

An Information Report, dated 30 January 1991, was submitted from Chief Vincent J. Macdonald, Halifax Police Department, indicating that, at the present time, no funds are available to provide a crossing guard at the Cunard/Windsor Street location.

MOVED by Alderman Meagher, seconded by Alderman Downey that the matter be referred to Council's review of the Police Department's proposed 1991 Operating Budget.

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In putting forward this motion, Alderman Meagher suggested that Council might also wish to consider placing a crossing guard at the corner of North and Maynard Streets.

The motion to defer was put and passed.

REPORT - COMMITTEE OF THE WHOLE COUNCIL,  
BOARDS AND COMMISSIONS

Motion Alderman Jeffrey Re: Proposed Amendment to  
Ordinance 116, the Taxi and Limousine Ordinance  
(Respecting the Goods and Services Tax) - SECOND READING

This matter was given First Reading during a regular meeting of Halifax City Council held on Thursday, 17 January 1991, and was further considered during a regular meeting of the Finance and Executive Committee held on Wednesday, 23 January 1991.

MOVED by Alderman Jeffrey, seconded by Alderman Stone that Halifax City Council give SECOND READING to the amendment proposed to Ordinance Number 116, the Taxi and Limousine Ordinance, respecting the Goods and Services Tax, as outlined in the report from the Taxi and Limousine Commission dated 4 January 1991.

The motion was put and passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on Wednesday, 23 January 1991, as follows:

Publicly-Owned Land - Gottingen  
Street/Haitland Street Area

This matter had been forwarded to Council without recommendation.

Correspondence, dated 28 January 1991, was submitted from Mr. Paul Donovan, Salter Street Films Limited.

Referring to the proposal put forward by Mr. Paul Donovan (Salter Street Films Limited) in his letter, dated 20 January 1991, it was moved by Alderman Downey, seconded by Alderman Jeffrey that the matter be deferred to the 20 February meeting of Committee of the Whole Council, to provide an opportunity for staff to negotiate a workable arrangement pertaining to these lands with both Mr. Donovan (Salter Street Films Limited) and with Mr. Richard Pearson (Cornwallis Court Developments Limited).

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In this same context, Alderman Downey suggested that His Worship the Mayor consider writing to the Treasury Board, requesting that they give the proposal submitted by Mr. Pearson their earliest consideration.

The motion to defer was put and passed.

Case No. 6011: Peninsula North Secondary Planning Strategy

A supplementary report, dated 31 January 1991, was submitted.

MOVED by Alderman Meagher, seconded by Alderman Fitzgerald that, as recommended by the City Planning Committee, Council consider the extension of the commercial designation and C-2 (General Business) zoning, presently given to that portion of Young Street between Robie and Windsor Streets, to the lands occupied by Piercey's Limited, MacLellan Lincoln Mercury Sales Limited, Canada Post, and Acadian Lines; and, further that the matter be referred to staff for report and subsequent referral to the Planning Advisory Committee.

The motion was put and passed.

9:30 p.m. - Alderman Ducharme enters the meeting.

Report - Planning Advisory Committee Re: City of Halifax Charter Amendments Regarding Noise and Property Maintenance

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that, as recommended by the City Planning Committee, Council approve the proposed amendments to Sections 596A and 363 of the City of Halifax Charter, attached as Appendices I and III to the Planning Advisory Committee Report, dated 19 December 1990.

Reiterating comments made during the 23 January meeting of the City Planning Committee, Alderman Fitzgerald emphasized that these amendments were not intended to detract from the rights of the individual, but rather to foster pride in the Halifax community and an appreciation of the rights of neighborhoods as a whole.

Alderman Grant made reference to a situation in his ward involving an automobile in a state of disrepair which had been left on a residential property for over a year. Responding to comments made by the City Solicitor, the Alderman suggested that efforts be made to refine the definition of "unsightly" so that incidents like this could be more satisfactorily addressed.

After some discussion, the motion was put and passed.

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L and G Holdings

This matter was last discussed during the 23 January meeting of the City Planning Committee at which time Alderman Jeffrey had asked that appropriate staff members investigate the construction underway at 3326-3334 Dutch Village Road.

An Information Report, dated 29 January 1991, was submitted.

Making reference to the 29 January Information Report, Alderman Jeffrey indicated that his primary concern with regard to this property had pertained to the position of the driveway which, at the present time, lies to the south. The Alderman went on to note that it had been his initial understanding that the driveway was to be on the north side of the building, adding that in its present location the noise and disruption to the abutting property owners (caused by heavy trucks) have been considerable.

Alderman Jeffrey therefore requested that staff review the approved plans for this development and submit a further report on the matter.

MOTIONS

**Motion Alderman Meagher Re: Ordinance Number 137, the  
Deferred Payment of Taxes Ordinance - FIRST READING**

Notice of Motion with regard to this proposed amendment had been given by Alderman Meagher during a regular meeting of Halifax City Council held on Thursday, 17 January 1991.

A staff report, dated 31 January 1991, was submitted from the City Solicitor.

MOVED by Alderman Meagher, seconded by Alderman Downey that Halifax City Council give FIRST READING to the amendments proposed for Ordinance 137, the Deferred Payment of Taxes Ordinance, contained in Appendix "A" attached to the staff report of 31 January 1991; and further, that these amendments be forwarded to the next regular meeting of the Committee of the Whole Council (scheduled for Wednesday, 6 February 1991) for consideration and report.

The motion was put and passed.



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**Motion Alderman Fitzgerald Re: Amendments to  
Ordinance Number 105, the Establishment of  
Standing Committees of Council - FIRST READING**

Notice of Motion with regard to these proposed amendments were given by Alderman Fitzgerald during a regular meeting of Halifax City Council held on Thursday, 25 October 1990.

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that City Council give FIRST READING to the following amendments proposed to Ordinance Number 105, the Establishment of Standing Committees of Council:

(1) Subsection 10 of Section 16 of Ordinance 105 is repealed and the following substituted therefor:

The objectives of the Halifax Recreation Committee shall be to recommend to Council:

- (a) objectives, priorities and policies concerning recreation for the citizens of Halifax;
- (b) the promotion of healthful recreation among the citizens of Halifax.

(2) Subsections (11), (12), (13), and (14) of Section 16 are repealed;

and further, that the matter be forwarded to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 6 February 1991) for consideration and report.

In supporting the motion, Alderman Stone suggested that **complete** copies of Ordinance 105 be available for Council's perusal on 6 February.

The motion was put and passed.

**QUESTIONS**

**Question Alderman Jeffrey Re: Titus Smith School**

Alderman Jeffrey advised that he has recently received a number of calls with regard to frozen pipes at the Titus Smith School, and asked for information from staff as to the present situation at that facility.

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Question Alderman Jeffrey Re: 85 Melrose Avenue

Alderman Jeffrey noted that he has recently been contacted by a Mrs. Thompson of 85 Melrose Avenue whose sewer had recently backed up into her basement, presumably because of a brick found lodged in the main sewer line. The Alderman asked for information from staff as to whether the City is liable in this instance for the damage done to Mrs. Thompson's property.

Question Alderman Jeffrey Re: Crosswalk  
- Frederick Avenue/Alex Street

Referring to comments made at a previous meeting of Halifax City Council, Alderman Jeffrey indicated that he had asked for information from the Traffic Authority regarding the feasibility of establishing a crosswalk at the intersection of Frederick Avenue and Alex Street. In this context, the Alderman observed that the report subsequently received merely addressed the issue of traffic lights, and did not comment on the possibility of a crosswalk at this location. Alderman Jeffrey therefore asked for a further report on this matter.

On this same matter, Alderman Jeffrey emphasized that residents of the Alex Street/Frederick Avenue area are extremely anxious to have a crosswalk installed at this location. He therefore requested that, pending receipt of the report from the Traffic Authority, staff arrange a meeting with these individuals, particularly those associated with the Burton Ettinger School.

Question Alderman Stone Re: Blasting Ordinance

Alderman Stone made reference to the blasting activity now underway in Ward 12 in conjunction with work underway by the Halifax Water Commission. The Alderman noted that Council has not yet received proposals for changes to the City's blasting ordinance, and asked for information from the City Manager as to when they might be expected.

Mr. Murphy advised that it was his understanding that the final meeting between City staff and Provincial representatives had been held on 31 January, and that Council could anticipate receipt of the requested report within the next several weeks.

9:50 p.m. - His Worship Mayor Wallace retires from the meeting, with Alderman Nicholas Meagher assuming the Chair.

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Question Alderman Downey Re: Restructuring -  
Halifax Police Department

Alderman Downey made reference to a confidential memorandum recently received from the City Manager in which members of Council were advised of various structural changes now in effect at the Halifax Police Department. In his remarks, the Alderman drew attention to the fact that, under this revised organizational plan, there will now be three deputy chiefs, and expressed concern that the Department is becoming too "top heavy." Alderman Downey went on to express his surprise that Council was not informed of these changes in advance, and indicated that, in his opinion, the money should have been more appropriately spent to acquire more junior officers.

In response to Alderman Downey's expressed concerns, the City Manager advised that the creation of two additional deputy chiefs and various other changes which will be made shortly are intended to address specific problems within the Police Department. He emphasized that all these changes are being undertaken at some savings to the City.

Question Alderman Downey Re: Letter from  
Principal - St. Pat's/Alexander School

Alderman Downey made reference to a letter from the Principal of the St. Patrick's/Alexander School regarding an item in the Capital Budget (and subsequently forwarded by the Alderman to the City Manager), and asked for a report from staff on the feasibility of addressing this matter during the current fiscal year.

Question Alderman Fitzgerald Re:  
Task Force on Water

Alderman Fitzgerald asked for information as to whether the City of Halifax has made any representation to the Minister with regard to the Task Force on Water.

Question Alderman Fitzgerald Re: Oil Recycling Depot

Alderman Fitzgerald asked for information as to whether there is a depot in the City of Halifax for recyclable oil (not of the "hazardous waste" variety).

Question Alderman Fitzgerald Re: Archbishop's Property

Alderman Fitzgerald asked for information from staff as to the progress being made with regard to the Archbishop's property, particularly with regard to the proposal to establish a citizen's committee to review appropriate uses for the site.

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Question Alderman Fitzgerald Re:  
Fence on Summer Street

Alderman Fitzgerald made reference to the fence on Summer Street adjacent to the Camp Hill Hospital property originally put in place when construction of a new hospital facility was being planned. The Alderman pointed out that that project has now been cancelled, and asked for information from staff as to whether the fence in question will be removed.

Question Alderman Fitzgerald Re: Taxable Properties

Alderman Fitzgerald asked for information from the Director of Finance as to the amount of taxable property (such as universities and hospitals) that should be taxed for business occupancy but which is exempt at the present time.

NOTICES OF MOTION

Notice of Motion Alderman Pottie Re: Proposed Amendments  
to Ordinance Number 103, the Rules of Order Ordinance

Alderman Pottie Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 14 February 1991**, he proposes to introduce a motion to amend City of Halifax Ordinance Number 103, the Rules of Order Ordinance, in order to limit the total time in any City Council meeting which any alderman may devote to questions.

ADDED ITEMS

Captain William Spry Centre - Examination of Deficiencies

A staff report, dated 24 January 1991, was submitted.

MOVED by Alderman Grant, seconded by Alderman Hanson that staff be authorized to retain the services of Cowie Engineering Limited to open, investigate and report upon the Captain William Spry Centre roof leaks at an amount not to exceed \$20,000, with funds to be paid from the City insurance claims account on the understanding that this will be recovered from the responsible party.

The motion was put and passed.

10:05 p.m. - His Worship Mayor Wallace returns to the meeting, with Alderman Meagher resuming his usual seat on Council.

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Metropolitan Authority - Capital Program

This matter had been forwarded from a special meeting of Committee of the Whole Council held on Wednesday, 30 January 1991.

MOVED by Alderman Fitzgerald, seconded by Alderman Pottie that:

- (1) the Metropolitan Authority not proceed with any major project unless and until Halifax City Council has had an opportunity to fully debate and endorse the proposal; and that
- (2) staff be requested to submit a report containing their recommendations as to (a) possible alternate methods of payment for these types of new and ambitious programs; and (b) the means by which Halifax City Council can ensure that it maintains control over major commitments of funds at the Metropolitan Authority level.

While supporting the motion, Alderman Flynn made reference to the recent public meeting on the incineration issue, and (referring to **Added Item 20.5 - Metropolitan Authority: Solid Waste Management**) asked for information as to whether Halifax City Council will be discussing this matter in detail, particularly from the perspective of providing guidance to the Halifax Council representatives on the Metropolitan Authority.

His Worship Mayor Wallace advised that this matter will be placed on the agenda for the next regular meeting of Committee of the Whole Council (**scheduled for Wednesday, 6 February**) for an indepth discussion.

The motion was put and passed.

Appointments

A memorandum, dated 31 January 1991, was submitted from His Worship Mayor Ron Wallace. In bringing this matter forward, His Worship advised that appointments to the Halifax Industrial Commission will be deferred until Wednesday, 6 February.

MOVED by Alderman Fitzgerald, seconded by Alderman Stone that Halifax City Council approve the following appointments:

**ADVISORY COMMITTEE ON CONCERNS OF AGEING**  
Ward 1 - Connie M. Redmond  
Ward 3 - Gerry Tobin

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**ADVISORY COMMITTEE ON CONCERNS OF AGEING (CONT'D)**

Ward 5 - Francis Christian  
Ward 8 - Daisy Goodall  
Ward 9 - Marion Roberts  
Ward 10 - Fred Hall  
Ward 12 - Mary Burey  
Citizen at Large - Deborah Morgan Downey  
(Terms to expire 31 January 1993)

**ART ALLOCATION COMMITTEE**

John MacCulloch  
Dan MacKenzie  
Joyce Helen Gray  
(Terms to expire 31 January 1993)

**BOARD OF HEALTH**

James Bowden  
(Term to expire 31 January 1993)

**BOARD OF HARBOUR CITY HOMES**

Maxine Trynor  
Daniel H. Ray  
(Terms to expire 31 January 1993)

**DOWNTOWN HALIFAX BIDC**

Rakesh Jain  
Maurice E. Lloyd  
David Garrett  
Fiona Fitzgerald  
(Terms to expire 31 January 1993)

**HALIFAX FORUM COMMISSION**

Terry Gallagher  
Frank Matheson  
Fred Terrio  
(Terms to expire 31 January 1993)

**HALIFAX-HAKODATE COMMITTEE**

Shirley Mosher  
Gordon Giacommi  
(Terms to expire 31 January 1993)

**HALIFAX WATER COMMISSION**

Brenda Shannon  
William Hayward  
(Terms to expire 31 January 1993)

**HERITAGE ADVISORY COMMITTEE**

Allan Adams  
Andrew Ritcey  
Stephen Townsend  
(Terms to expire 31 January 1993)

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**LAKES & WATERWAYS COMMITTEE**

John Carter  
Donald Roy  
Kate Dickie  
Allan MacKinnon  
Dwight Grant

(Terms to expire 31 January 1993)

**HALIFAX CITY REGIONAL LIBRARY BOARD**

Phillip Vaughan  
Doris Steeves  
Judith K. Roy

(Terms to expire 31 January 1993)

**MAINLAND SOUTH COMMUNITY CENTRE CORPORATION**

Brett Woodbury

(Terms to expire 31 January 1993)

**POINT PLEASANT PARK COMMISSION**

R. Stewart Hattie  
H. C. Still

(Terms to expire 31 January 1993)

**HALIFAX RECREATION COMMITTEE**

Bruce Marriott  
Don Wheeler  
Heather Bagnell

(Terms to expire 31 January 1993)

**SPRING GARDEN ROAD BIDC**

J. Brian Church  
Ray Ginsberg  
Elliott Hayes  
Heather MacLellan  
Peter Klynstra

(Terms to expire 31 January 1993)

**HALIFAX TAXI COMMISSION**

John Rollings  
John Nisbet  
Michael Edwards  
Kim Turner

(Terms to expire 31 January 1993)

**TOURISM HALIFAX**

Nick Carson  
Judith Cabrera  
Graham Sweett

(Terms to expire 31 January 1993)

**HALIFAX NATAL DAY COMMITTEE**

Doug Steele  
Vincent Walsh  
Diane MacLean

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**HALIFAX NATAL DAY COMMITTEE (CONT'D)**

Nancy Battis  
Mark Bursey  
Catherine Eisenhauer  
Blair Parker  
Larry Laing

(Terms to expire 31 January 1993)

The motion was put and passed.

**Tabling of the 1991-92 Operating Budget**

A document entitled "City of Halifax 1991/92 Proposed Operating and Capital Budget" was submitted. A memorandum, dated 31 January 1991, was submitted by His Worship Mayor Wallace pertaining to suggested meeting dates relevant to the review of the current and capital budgets.

MOVED by Alderman Flynn, seconded by Alderman Pottie that the document entitled "City of Halifax 1991/92 Proposed Operating and Capital Budget" be tabled by Halifax City Council.

The motion was put and passed.

It was further agreed that one or two afternoon meetings (beginning at 3:00 p.m.) would be scheduled in February and in March, preferably on those Wednesday afternoons not reserved for Committee of the Whole Council.

**Metropolitan Authority - Solid Waste Management (Alderman Flynn)**

This matter had been previously discussed in conjunction with Agenda Item 20.3 - Metropolitan Authority: Capital Program.

**Strike at the Transfer Station (Alderman Fitzgerald)**

This matter had been added to the agenda at the request of Alderman Fitzgerald. Correspondence, dated 31 January 1991, was submitted from Mr. Charles A. MacDougall, President, Halifax Civic Workers Union (Local 108).

Alderman Fitzgerald indicated that he, like other members of Council, is deeply concerned about the amount of money that the strike currently underway at the Transfer Station is costing the City of Halifax. The Alderman recommended that the Metropolitan Authority be made aware of the City's concerns in this regard and of its hope that



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negotiations will be successfully concluded as quickly as possible.

Alderman Fitzgerald asked that a complete update regarding this matter be provided, if possible in time for the next regular meeting of Committee of the Whole Council **scheduled for Wednesday, 6 February.** The Alderman indicated that in that report he would appreciate having included details as to what the strike is costing the City of Halifax, who is picking up the extra costs, and whether everything possible is being done to negotiate a settlement. In conclusion, Alderman Fitzgerald asked that a copy of Mr. MacDougall's 31 January letter be forwarded to the Metropolitan Authority.

There being no further business to be discussed, the meeting was adjourned at approximately 10:35 p.m.

HIS WORSHIP MAYOR RON WALLACE  
AND  
ALDERMAN NICHOLAS MEAGHER  
CHAIRMEN

mmd\*K

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**SPECIAL COUNCIL  
PUBLIC HEARINGS  
MINUTES**

Council Chamber  
Halifax City Hall  
6 February 1991  
7:40 p.m.

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

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

**PRESENT:** His Worship Mayor Wallace, Chairman; and Aldermen Holland, Fitzgerald, Downey, Meagher, Pottier, Grant, Hanson, Ducharme, Flynn, and Stone.

**ALSO PRESENT:** City Manager; Mr. Barry Allen, representing the City Solicitor; City Clerk, and other members of City staff.

At the request of the City Clerk, the following items were added to the agenda:

**Appointments**

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

**HALIFAX INDUSTRIAL COMMISSION**

Allan Conrod  
James Dickie  
Daniel Gallivan  
David Read  
John Riley

Terms to expire January 31, 1993

**ADVISORY COMMITTEE ON THE CONCERNS OF AGEING**

Agatha Cooley (representative for Ward 2)

Term to expire January 31, 1993

Motion carried.

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U.N.S.M. Resolution - Police & Social Service Costs

This matter was forwarded to this meeting from the meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Ducharme, seconded by Alderman Downey that the City correspond with all municipalities directly and alert them to the City's objections and the fact that in this City's view, a reasonable position would be something less than full protection for the losing municipalities' in the first year.

After a short discussion on the matter, the motion was carried with Aldermen Flynn and Holland voting against.

Council then continued with the regular scheduled agenda as follows:

Public Hearing Re: Case No. 5621: Development Agreement - Lands of Brenhold Development Limited - Spring Garden Road and Summer Street

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

Mr. J. Michael Hanusiak, Planner II, addressed Council and, using diagrams, outlined the application by Brenhold Limited for a development agreement to permit construction of a mixed-use development adjacent to the northwest corner of the intersection of Spring Garden Road and Summer Street, provided same is in substantial compliance with Plans No. P200/17951-56, 17960-62, and 17995 of Case No. 5621 (as outlined in the staff reports of 27 August 1990 and 12 December 1990).

Mr. Ted Wickwire, MacInnis Wilson Flinn & Wickwire, addressed Council and advised that he was solicitor and the principal representative for the applicant, although others were involved and would be making presentations. He added that the complexity of the proposal was such that a comprehensive review of the application was necessary and, therefore, during the course of his presentation he would be introducing key individuals to address specific areas of the development proposal.

Mr. Wickwire circulated to Council a four-volume report dated January 1991 containing the following:

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- Volume I - Executive Summary
- Volume II - Engineering Report on Garden Crest Apartments
- Volume III - Shadow and Environmental Effects in the Public Gardens
- Volume IV - Visitor Survey and User Impact Study

In his initial remarks, Mr. Wickwire provided a brief history of the application, noting the various processes which the application has had to go through in order to reach the stage of the public hearing process.

Mr. Wickwire advised that as a way of "getting to know" the applicant, Mr. Grant Brennen, Manager of Brenhold Limited would provide a brief presentation on his family, and his family's interest in the development site.

Mr. Brennen addressed Council and provided background information concerning his family's history with the property in question. In his remarks, Mr. Brennen referred to the Municipal and Provincial heritage designations of the Garden Crest Apartments, and advised that the development plan has had a lot of limiting factors, but through discussions and negotiations, they have worked through this and were very proud of the end result.

In conclusion, Mr. Brennen advised that he believed that Brenhold has come up with a sensitive plan which has addressed the concerns of the community. He indicated that in deliberations over the development, Brenhold has given up substantial development potential, and he indicated that Brenhold was not asking for more than they really want.

Mr. Wickwire then spoke on the essential characteristics of the two neighbourhoods of which the development site forms a part of, that being, Spring Garden Road from Robie Street to Summer Street; and the area around the Public Gardens.

With respect to the area of Robie Street to Summer Street, Mr. Wickwire referred to the high density residential development in this area and advised that the proposed development "completes the piece" in this high-density residential neighbourhood. In reference to the area

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surrounding the Public Gardens, Mr. Wickwire emphasized that the proposal would not begin a ring of real estate development around the Gardens. He pointed out that the green land, which is around the Gardens, is in the public domain and he suggested that it was inconceivable that this would be given up for any kind of development that could trouble anyone who was concerned about their enjoyment of the public gardens.

Mr. Wickwire noted that, for some time, the property in question had been zoned R-3, high density residential, and that in 1981-82, as a result of the detailed area planning process, the Peninsula Centre area was divided into sub areas, one of which was the Spring Garden Sub Area. Mr. Wickwire indicated that it was uncommon to see a particular provision in detailed area planning processes, but that the provision, 8.1.2, appears to be specifically designed for the Brenhold property.

Mr. Wickwire advised that the provision read, "Council shall consider an application for development agreement above the 45 ft. by-right height limit as long as Council is satisfied that there is no significant shadowing". He indicated that the wording was notable because if Council wanted to prohibit any shadowing whatsoever it would have been a very easy matter to do. Mr. Wickwire pointed out that, in addition to this, Council approved as part of the amendment to the Plan and the bylaw, a residential/commercial use for the 100 or so feet on Spring Garden Road.

In reference to the Summer Gardens project of the mid 1980's, Mr. Wickwire advised that the applicant was not asking for any changes, but they were simply asking to apply the Brenhold provision as it was approved in 1982.

Mr. Wickwire then outlined the events leading up to Brenhold's purchase the Garden Crest Apartments and he spoke briefly on the structural evaluation of the building as carried out by W. G. Campbell Engineering Limited. He indicated that the report concluded that it would make no practical sense to attempt a restoration of the building, so in May of 1988 Brenhold made its first application for the property which was for a clean condominium site, featuring only two condominium buildings on site. Mr. Wickwire advised that when the application was made, the Minister of Tourism and Culture intervened and commenced a process of heritage provincial registration. He added that after meeting and viewing the property with the Provincial Heritage Committee, it was decided that a joint engineering team, consisting of engineers appointed by the Provincial Heritage Committee and the

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engineers working for Brenhold would work together to see what could be devised with respect to Garden Crest.

Mr. Wickwire advised that the report dated September 25, by the joint engineering team concluded that it makes no sense at all to endeavour, as a practical matter, to restore anything further than the front facade of the building. He added that this report was forwarded to the Provincial Heritage Committee and has met with its approval.

Mr. Wickwire also indicated that the proposed development of his client was an influential factor on the Minister introducing Bill 93, a Bill, which he pointed out, took away development opportunities of the Brenhold provision.

Mr. Wickwire then introduced Mr. William Lydon, of Lydon Lynch Associates Limited, one of the architects of the project.

Mr. Lydon addressed Council and, using a slide presentation, provided background information on the design issues that the architects faced with this project. Mr. Lydon pointed out that the proposed design package was almost a fourth or fifth generation design. He added that Brenhold started with a more ambitious project but through negotiations and discussions over the past three years it has been scaled down as presented in order to address various concerns.

Mr. Lydon then elaborated on the design and detailing of the buildings and the landscaping. He advised that the buildings occupy 35 percent of the land, and the remaining 65 percent nonbuilding was almost entirely devoted to landscaping. He also noted that there were 130 underground parking spaces.

In reference to the height of the condominium towers, Mr. Lydon advised that the 11 story tower was 106 ft. in height in comparison with the Lord Nelson Hotel which is 104 ft. in height. He also noted that the condominium towers were twice the distance away from the Public Gardens as the Lord Nelson Hotel.

Mr. Lydon concluded his presentation and, at 9:25 p.m. Council agreed to recess.

At 9:40 p.m., the meeting reconvened with the following members present:



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His Worship Mayor Wallace, Chairman; and Aldermen, Holland, Fitzgerald, Downey, Meagher, Pottier, Grant, Hanson, Ducharme, Flynn, and Stone.

Also present was the City Clerk and Mr. Barry Allen, representing the City Solicitor.

Mr. Wickwire addressed Council and advised that Brenhold Limited hired Mr. Roger G. S. Bidwell, Ph.D. (Atlantic Research Associated Ltd.) to conduct a study on shadow and environmental effects in the Public Gardens.

Mr. Bidwell addressed Council and, with the use of slides, outlined his report which studied shadow and environmental effects in the public gardens that may result from the construction by Brenhold Limited of a development at the corner of Spring Garden Road and Summer Street, dated July 1990 (as contained in Volume III of the Brenhold Limited submission dated January 1991).

Mr. Bidwell began his presentation by advising Council that his study centred around the question of, "will the proposed development cause a significant amount of shadow on the Public Gardens during the part of year when the Gardens are open to the Public". He pointed out that it was felt that the study had to be extended through the winter because the consequences of shadow and other possible environmental effects of the buildings on the plants during the winter had to be considered because they could also impinge on the behaviour of the plants in the summer time.

Mr. Bidwell then outlined his report in detail using photographs and shadow maps in his slide presentation. In concluding his presentation, Mr. Bidwell outlined the specific results of the study and he advised that generally speaking, the report concluded that the shadows of the proposed development would not have any significant effect on the plant life or the people who enjoy the Public Gardens.

Mr. Wickwire advised that another aspect Brenhold considered in their proposal was wind tunnel studies. He indicated that throughout the Planning Advisory Committee process, it did not seem to be an issue so it was decided not to forgo the expense of bringing their spokespersons, i.e. Rowan Williams Davies & Irwin Inc, down from Guelph, Ontario. He noted that if they were mistaken on this assumption then it could easily be rectified.

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Mr. Wickwire briefly reviewed the procedure used to complete the wind tunnel analysis and advised that it was concluded that there would be no adverse affects on the community, plant life, or pedestrians with the development. He referred to a UMA Engineering report which analyzed the impact of the development on municipal services and advised there was nothing that could not be readily changed to accommodate storm water, sanitary sewer, and any such municipal utilities that were required, and he indicated that all costs would be borne by the developer.

Mr. Wickwire advised that Mr. Wesley G. Campbell, of W. G. Campbell Engineering Limited, would provide a video presentation to Council outlining the structural condition of the Garden Crest Apartments.

Mr. Campbell addressed Council and narrated a video presentation illustrating the interior and exterior of Garden Crest Apartments. In his presentation, Mr. Campbell pointed out that the water damage, dry rot, rubble wall, earthen floors, sloping floors and deflection of doorways have all contributed to making the building structurally unsound.

Mr. Lydon, using slides, pointed out that the original architect of the building never intended to extend the character of the building to the back or the sides of the building and he added that the quality of the existing condition of the building does not lend itself to any renovations other than demolition and reconstruction. Mr. Lydon noted that the Provincial Heritage Advisory Council visited the site in the fall and appointed their own architect to work with them on the most reasonable approach to retaining what was good about Garden Crest. He advised that, basically, the drawings he was presenting tonight were submitted and accepted by the Provincial Heritage Advisory Committee and recommended to the Minister of Tourism and Culture. Mr. Lydon elaborated on the proposed plans for the Garden Crest building and, in conclusion, he indicated that it was an acceptable and proper approach for Council to consider.

Mr. Ted Wickwire addressed Council and spoke briefly about the plans for the Garden Crest building. He indicated that on another aspect of the proposal, the developer requested Ron Van Houton, Ph.D, Psychology, and J.E. Louis Malenfant, Ph.D. Psychology, to carry out a study on the ecopsychological impact of the proposed Brenhold development project on the Halifax Public Gardens.

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Mr. Ron Van Houton, Ph.D. addressed Council and summarized the report (as contained in Volume IV) of the Brenhold January 1991 submission) which deals with the psychological impact of the buildings surrounding the Public Gardens on the enjoyment of the visitors to the public Gardens.

Mr. Van Houton elaborated on the purpose, method, and results of the study. In reviewing the results, Mr. Van Houton advised that 13 percent of individuals surveyed while visiting the Gardens were aware of activities outside the Public Gardens and 87 percent were not aware of activities outside the gardens. He noted that, when asked further, those respondents indicated that they were aware of noise outside the Public Gardens.

Mr. Van Houton further elaborated on the report. He advised that 76 percent of total visitors visiting the gardens indicated that they didn't notice the buildings outside the Gardens, 21 percent noticed the buildings and 3 percent noticed and were bothered by existing buildings surrounding the garden.

In summary, Mr. Van Houton indicated that the results of the study show that the present buildings surrounding the gardens do not interfere with visitors enjoyment of the Public Gardens. He added that most respondents report not noticing the buildings and those reporting noticing the buildings, were not affected by the presence of the buildings. Mr. Van Houton advised that the study concluded that the construction of the proposed Brenhold Development should have little impact on visitors' enjoyment based on the impact of the present buildings.

Mr. Wickwire addressed Council and concluded his presentation.

In summation, Mr. Wickwire advised that the report Brenhold submitted included analysis and calculations by the firm Deloitte & Touche which indicated that the construction of the Brenhold would have long term financial benefits for the City, yielding over a 30 year period, tax and related revenues of \$45 million dollars. He added that it also states that on the debit side of the ledger, there were no direct expenditures by the City that are conceivable as a result of the development.

Mr. Wickwire advised that the application met the policies and objectives of the Municipal Development Plan which was amended to provide for the Brenhold provision in 1981-82 and this was amended more recently to provide for the Heritage

Policy Amendment 6.8 and the four conditions of that amendment. Mr. Wickwire advised that Brenhold maintains that in every respect its revised, modified development application meets these standards and, in referring to the staff report, advised that it meets City staff's standards.

Due to the late hour, Council agreed to adjourn the meeting until 7 February 1991 at 7:30, when at that time, the public would have the opportunity to address Council.

Mr. Wickwire requested that after Council has heard all public presentations, that he be given the opportunity for rebuttal.

On a motion moved by alderman Flynn, seconded by Alderman Fitzgerald the meeting adjourned at 11:00 p.m. to be reconvened at 7:30 p.m. on Thursday, 7 February 1991 in the Council Chamber.

#### ADJOURNED PUBLIC HEARING

Council Chamber  
Halifax City Hall  
07 February 1991  
7:45 p.m.

The meeting of Halifax City Council, Public Hearings was on 06 February 1991 was adjourned to this date.

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

**PRESENT:** His Worship Mayor Wallace, Chairman; and Aldermen Holland, Fitzgerald, Downey, Meagher, Pottie, Grant, Hanson, Ducharme, Flynn, and Stone.

**ALSO PRESENT:** City Clerk, and Ms. Mary Ellen Donovan representing the City Solicitor.

The Chairman advised that this meeting was a continuation of the adjourned public hearing of the 6 February 1991 Special Council Meeting concerning **Case No. 5621: Development Agreement - Lands of Brenhold Development Limited - Spring Garden Road and Summer Street.**

Ms. Kenna Manos, a resident of 1633 Chestnut Street addressed Council, read and submitted a presentation opposing

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the proposed Brenhold Development (a copy may be found in the official file of this meeting).

In her presentation, Ms. Manos referred to comments she made at a Council meeting 10 years ago concerning the Municipal Planning Strategy and advised that with this proposal in mind, she still has the same or stronger concerns about contravention of the MPS.

Ms. Manos suggested that it was ironic that it was the very presence of a heritage building on this site that allowed the developer to apply for so many concessions. In reference to Policy 6.8 of the Plan she indicated that in order for the Plan to be workable there has to be exceptions, and yet the Plan provides clear rules for those exception.

Ms. Manos pointed out that Policy 8.1.2 was equally clear when it stipulates that the City shall require that any proposed development shall not cause a significant amount of shadow on the Public Gardens. She suggested that retaining only the facade of a heritage building clearly violates Policy 6.8.1 and that Policy 8.1.1, which calls for a height restriction of 45 feet in the vicinity of the Public Gardens was also violated with the proposal. Ms. Manos advised that other policies which were violated were Policy 6.8.iv, concerning "that any development comply in particular with the objectives and policies as they relate to heritage resources"; Policy 6.1, calling for the preservation, rehabilitation, and/or restoration of these areas, sites, streetscapes, and/or conditions which impart to Halifax a sense of its heritage.

Ms. Manos added that Policy 6.4, concerning the maintenance of heritage resources through sensitive and complementary architecture in their immediate environs, was violated as well as policies 8.3 concerning compatibility between new developments and desirable aspects or characteristics of the surrounding man-made and natural environment and Policy 2.2. She added that Policy 2.2 stipulated that the integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood.

Ms. Manos advised that Policy 2.4 which involves the retention of residential character of predominately stable neighbourhoods was violated, and Policy 2.7 concerning the redevelopment of portions of existing neighbourhoods only at a scale compatible with these neighbourhoods was also violated.

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Ms. Manos indicated that the proposed new building to be attached to the facade of Garden Crest looks to be less than two-thirds of original depth. She noted that the video presented by the developer dealt only with the basement and did not show the rest of the interior. In conclusion Ms. Manos advised that City planning should result from an act of faith in Halifax's future, and should not result from circumventing those very policies which were designed to guarantee that future.

Mr. Norvall Collins addressed Council and advised that he was a Planner and Environmental Consultant, and member of the Board of Community Planning Association. Mr. Collins indicated that he hoped in the future that the planning decisions could be more objective, more open, and more fair. He suggested that, in his opinion, the key question is whether this proposal was good enough for the highly prized site it will be situated on.

Mr. Collins noted that the policy concerning shadows on the Public Gardens concerns the time when people are in the Gardens and he indicated that this appeared to be avoided and that the detailed presentations by the applicant concentrated on plants and not people. Mr. Collins suggested that this is the aspect that Council should consider and that the development should not be approved if it significantly affects people's enjoyment of the Gardens. Mr. Collins questioned a comment in the staff report that states that whether people are bothered by shadows in the Gardens is a matter of conjecture. He noted that this issue was the critical issue.

On another point, Mr. Collins suggested that the applicant's proposal had a lot of reference to set back and height around the Gardens and as an example, the height of the Lord Nelson Hotel was cited. He advised that planning was not intended to protect the status quo and that it was intended to be progressive.

Mr. Collins referred to a sketch he presented on the overhead monitor and advised that the sketch demonstrates the proposal intrudes on the Public Gardens. He advised that the point of intersection of where there would be no affect would be 66 ft. in height. Noting that the proposed condominium tower would be 115 ft., Mr. Collins advised that this was significant and he suggested that it was Council's decision to decide whether or not the difference between 66 ft. and 115 ft. was significant.

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Mr. Collins responded to questions from Council.

Ms. Margaret Conrad addressed Council and advised that she was a professor of history at Acadia University and that she was speaking on behalf of the Historic Sites and Monuments Board of Canada. Ms. Conrad read and submitted her presentation (a copy of which may be found in the official file of this meeting).

Ms. Conrad provided an overview of the Historic Sites and Monuments Board of Canada and noted that the Public Gardens has received a commemoration from the Board. She advised that, as the Nova Scotia member of the Historic Sites and Monuments Board, she was asked to convey to City Council the Board's concern over the Brenhold development on Summer Street because they view it as a threat to the Public Gardens.

Ms. Conrad then outlined the national and international significance of the Public Gardens from the perspective of the Historic Sites and Monuments Board. In general, Ms. Conrad advised that because of the integrity of the Victorian Gardenesque design, the Public Gardens are considered unique in North America and are renown world-wide in heritage circles. She advised that the Gardens are known well enough internationally that plans are presently in the works to nominate the Gardens to UNESCO as a World Heritage Site, and she suggested that the nomination would be in jeopardy if proper height restrictions around the Gardens to protect the heritage character and the vistas were not implemented.

Ms. Conrad added that when the Board learned of the project, at a February 1989 meeting it expressed concern that the planned development would, in all likelihood, result in shadows and create wind tunnels that would threaten the atmosphere, popularity, and continued survival of the Gardens' more exotic plantings. She then referred to a letter from the then Minister of the Environment, Lucien Bouchard, to His Worship conveying these concerns. Ms. Conrad also advised that at the same February meeting, the Board recommended that "the Program, as a priority approach the City of Halifax and determine its interest in entering into a cost-sharing agreement in order to restore selected man-made decorative elements within the Gardens, such as the 1887 bandstand or gazebo, the statuary, fountains and period fencing". She indicated that in times of financial restraint, it illustrates the significance of the Public Gardens that it was accorded top priority for such funding.

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Upon referring to the historical aspects of Halifax, Ms. Conrad advised that it was the Board's view that it would be better if the City of Halifax extended the exceptional ambience of the Public Gardens into the surrounding area, rather than confining them by unsympathetic modern developments. Ms. Conrad advised that the Board was of the opinion that it is essential to preserve what is left of the low-rise residential character of the neighbourhood, and especially heritage buildings such as the Garden Crest Apartments, in order to derive the full historical and cultural benefit from the City's heritage sites.

In closing, Ms. Conrad advised that the best for all concerned would be to follow the directions already laid down in the City's Municipal Plan. She added that the Municipal Plan recognizes the fundamental importance of maintaining historical buildings, generally (6.8) and preserving the ambience of the Spring Garden Road area in particular (8.1). She strongly urged Council to respect their Plan which is categorical in its statement that heritage buildings such as the Garden Crest Apartments "not be altered in any way to diminish its heritage value," and that height restrictions be established in the vicinity of the Public Gardens so that any proposed development "not cast a significant amount of shadow."

Ms. Conrad advised that if financial considerations were the chief reason for compromising the Plan, ought not some attempt be made to determine the returns from a heritage approach to development before forging ahead.

Mr. Thomas Creighton, a resident of 2623 Fuller Terrace, addressed Council and spoke in opposition to the proposed Brenhold development.

In his remarks, Mr. Creighton suggested that the site in question was a very sensitive part of the area around the Gardens and he indicated that City staff has accepted doubling the heights of the buildings and increasing the use of the land in excess of 10 percent density, all behind the shield of a promise to retain a heritage site.

With respect to the Garden Crest apartments, Mr. Creighton advised that the Plan did not intend to have the retention of a facade as a trade off for heritage properties. Mr. Creighton expressed concern about the term "facadism" and, noting that the City did not choose it for Historic Properties, he advised that the City should not choose it for this property. He pointed out that Toronto and Winnipeg were cities that have established policies for the retention of the entire



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heritage buildings. He suggested that there appears to be nothing but contempt for the Plan with this application, and it has the support of staff.

In conclusion Mr. Creighton indicated that the City has ignored its Plan with several developments in the past and he advised that this was not a reason to ignore it again.

Mr. Alvin Comiter, a resident of 1262 Queen Street, addressed Council and read and submitted his presentation (with photographs) in opposition to the proposed Brenhold Development (a copy of this presentation may be found in the official file of this meeting).

Mr. Comiter advised that he was on the faculty at the Nova Scotia College of Art and Design where he teaches photography. He added that although his presentation dealt primarily about the Public Gardens he wanted it noted that he was equally concerned about the disastrous effect that the Brenhold proposal would have on the heritage value of the Garden Crest Building and suggested that the destruction of the interior of Garden Crest was reason enough to turn down the proposal.

Mr. Comiter advised that this past September and October he spent a considerable amount of time in the Public Gardens researching two things, the first being, claims by the applicant that the areas in the Gardens which would be in shade as a result of the proposed construction are already heavily shaded; and secondly, would the proposed buildings have a substantial affect on the quality of light in the Gardens.

Illustrating, using his own photographs with the applicant's shadow maps on the back, Mr. Comitor advised that Brenhold's shadow study was extremely misleading. He added that areas the applicant says are in shade are filled with light and what the applicant calls heavy shade is what most people would call filtered light. Mr. Comitor suggested that filtered sunlight is characteristic of a garden, and is what attracts people to those places and he considers it to be essential to the character of the Public Gardens. He advised that the shadows cast by the proposed buildings would do significant harm to the Gardens and would represent a tremendous loss to the City.

Mr. Comitor referred to the October 21 shadow map by the applicant and indicated that this was not accurate because the City had a very late mild autumn and the leaves stayed on the trees longer. He added that with a typical autumn there

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would be more sunlight in the Gardens because there would be less leaves on the trees.

Mr. Comitor advised that during the time he spent in the Gardens he noticed that shadows influence the way in which people use the Gardens due to the reduction in temperature and the shade. He added that he noticed that the proposed towers would have an additional affect on the City that the Bidwell report ignored. He added that the shadow maps in the report don't extend beyond the West or South boundaries of the Gardens, but that the real shadows will.

Mr. Comitor advised that the late afternoon times that the report concerns itself with are the times of day when pedestrian traffic on Spring Garden Road is at its peak. He added that if the proposed development was allowed, enormous shadows would fall on the Spring Garden Road sidewalk on the South side of the Gardens, in violation of city-wide Policy 8.6 of the Municipal Development Plan which guards against adverse shadow effects and he noted that all pedestrians would be robbed of the sunlight on their walk home.

Noting that Halifax does not receive a lot of sunlight, Mr. Comitor suggested that the Gardens needs every bit of light it can get and that nothing should be allowed to deteriorate the beauty, accessibility, and viability of the Public Gardens.

In conclusion, Mr. Comitor advised that his photographs clearly show that the proposed construction would cast significant shadows on the Gardens and would do serious, permanent damage to the City and he requested Councils refusal of the proposal.

Ms. Susan Shaw addressed Council and advised that she was a Professor of Recreation and Leisure Studies at Dalhousie University.

Ms. Shaw advised that she was very concerned about the loss of heritage value of the proposed development. She added that as a professional and an individual she was concerned about the recreational opportunities and the recreational environment of the City. Ms. Shaw advised that because of this concern, she reviewed the plans of the Brenhold Development and its impact on the Public Gardens.

Referring to the Bidwell report, Ms. Shaw advised that she was struck by the overwhelming emphasis on plant biology and the very little emphasis on people. Ms. Shaw

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advised that the second thing that struck her about the report was, although it talks about a small amount of incremental shadows, her readings of the maps suggested otherwise and it shows that the shadow was more than incremental shadow. She noted there would be large chunks of shadows from the buildings and these areas of shade would be the areas where the public will be walking and enjoying the Public Gardens.

Ms. Shaw advised that from studies of recreation and leisure activities it is evident that a number of factors affect these activities--not just what people are doing, but rather the total environment and physical environment is important as well. She pointed out that if the environment changes from sun to shade it can dramatically change the enjoyment of that situation. She added that other studies show the importance of sunlight to the general sense of well being and she suggested that this was so evident that people will move to be in the sunlight.

Ms. Shaw advised that in her opinion, what all this means is that any increase of shade in the gardens, especially shade from buildings, can have a dramatic and significant affect on peoples' enjoyment of the Gardens.

Ms. Shaw addressed the user survey completed by the psychologist hired by the applicant and she advised that as a social psychologist she questioned the objectivity and neutrality of some aspects of the research, particularly because the interviewers were told to face respondents in a certain direction--to put them with their backs towards buildings so that they are facing away from the buildings and then they were asked if they were aware of anything outside the Gardens, such as buildings. Ms. Shaw indicated that more importantly than this, it was a poor study if the purpose was to find out people's opinions of the high rise buildings around the Gardens and their opinions of the shadows that will be cast by the buildings because these questions were not asked. She pointed out that two related questions were asked and that the wording was vague. Ms. Shaw advised that if someone doing a study wanted people's opinions of buildings and shadows, then the study should ask specific questions about buildings and shadows.

In conclusion, Ms. Shaw suggested that the solution of this matter would be to uphold the Municipal Development Plan and she requested that Council uphold the Plan and not act to take away any of the benefits and recreation environment that presently is being enjoyed in the Public Gardens.

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Ms. Elizabeth Pacey, representing Heritage Trust of Nova Scotia, addressed Council and advised that, as well as herself speaking, she would introduce two other people who would also be speaking on behalf of Heritage Trust.

Ms. Pacey began her presentation by providing background information on Heritage Trust (a copy of this presentation may be found in the official file of this meeting).

Ms. Pacey, referring to a wall display of the buildings in question, advised that Heritage Trust was fighting to protect the Public Gardens from shadowing from high rise towers and to protect the historic Garden Crest Building across from the Gardens from demolition.

Referring to a photograph of the Gardens on the overhead monitor, she advised that she went to the Public Gardens childrens' playground and noted that the Bidwell report says that the whole public lawn area would be in shade from trees at 4:00 p.m. in late October. She advised that on October 17 she visited this area at 4:00 p.m. and there was sun shining through the trees, contrary to Mr. Bidwell's report. Mrs. Pacey suggested that this study was not scientific because Dr. Bidwell is not an expert on shadows cast by trees or on the effect of shadows on people. She added that the study does not deal with the effect of shadows on people and that she believes that the shadows cast from the proposed towers would be significant and that the total shadow cast would be 21,000 sq. ft.

With respect to the Van Houton study submitted by the applicant, Ms. Pacey questioned the objectivity of the study, and suggested that the interviewers were over instructed. Ms. Pacey reviewed the instructions given to the interviewers and suggested that this was not scientific. She also suggested that this report was irrelevant since it does not deal with shadows.

Ms. Pacey reviewed the history of the Brenhold application and pointed out that Garden Crest was designated heritage in December 1986 and that in February 1988, Brenhold purchased the Garden Crest building for the purpose of demolishing it. She suggested that this was an unusual thing to do because the vast majority of developers do not buy heritage buildings to tear them down.

Referring to Mr. Lydon's description of the building, Ms. Pacey suggested that the derogatory terms he used shows a

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132 spaces and was referred to by staff as being marginally adequate. Mr. Jost advised that if the garage proceeds, that is, from border to border of the entire property, then the preservation of the Garden Crest becomes a technical nightmare if the applicant is trying to build a parking garage underneath it. Mr. Jost pointed out that a reduction in the scale of the proposed condominiums would reduce parking requirements. In reference to 6.8.2 of the Municipal Development Plan, he noted that this ensured that the integrity of the building was preserved and he emphasized that 35 of the 57 heritage evaluation points awarded to the Garden Crest was for its integrity.

Mr. Jost, in reference to Policy 6.8 of the MDP, suggested Council has the opportunity to maintain a building of significant heritage value, and he noted that it was one of only 110 provincially registered buildings. He added that it could be preserved for its original use.

With respect to economics of the development, Mr. Jost noted that the ProMan Consultant Report, commissioned by the applicant in 1986, states that the major repairs of the Garden Crest Building could be done for \$37,000 and this would be 1-2 percent of the 2.3 million the applicant has currently allotted for it.

Mr. Jost showed before and after photographs of a building in Shelburne which was renovated for \$185,000 which was approximately \$50 a square foot, \$70 a square foot less than could be expended on the Garden Crest Apts. He suggested that with a renovated building the applicant would be in a position to charge higher rent.

Mr. Jost indicated that he did not believe that any of the reports to date showed a fair balance in their assessments of the Garden Crest Apartments, nor do they totally address its preservation. He pointed out that an economic as well as a heritage argument could be used to support the retention and provide the developer with a heritage property. He then commented on the video presentation by the applicant, and advised that he fully agreed with Mr. Campbell's concerns about structural problems and the basement, and he noted that in the ProMan report, to correct the fireplace support, basement repair, replacement of fallen and collapsed brick to this fireplace to prevent structural collapse, it advised that the cost would be \$5000. Mr. Jost noted that what he saw in the video, he believes would cost more than \$5000 to repair, but it would not cost \$2.3 million.

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Mr. Jost responded to questions from Council.

Ms. Valerie MacKenzie, Legal Council on behalf of Heritage Trust addressed Council.

Ms. MacKenzie referred to Clause 16 AE(a) of the Zoning By-law and advised that compliance with Policy 6.8 is mandatory in dealing with the heritage resource policies which incorporate 6.8. She added that the objective is to preserve and enhance the aspects in Halifax which reflect the City's past, historically and architecturally. Ms. MacKenzie noted that the broad intent of this heritage resource policy was outlined in policy 6.1. and she pointed out that the Garden Crest was a perfect example of the kind of property and structure that the City intends to protect with its heritage resource policies.

In referring to Policy 6.8 (i), Ms. MacKenzie indicated that the Garden Crest should not be altered in anyway to diminish its heritage value. She advised that the policy was mandatory and that Brenhold proposes to demolish most of the Garden Crest, so the proposal must be rejected.

With respect to Policy 6.8 (ii), Ms. MacKenzie advised that it deals with the integrity of the building. She suggested that one has to consider the integrity of the building and then the integrity of the area surrounding the building. She advised that the structural integrity will be destroyed with the Brenhold proposal.

With respect to Policy 6.8 (iii) regarding adjacent uses, and particularly residential, Ms. MacKenzie advised that adjacent uses are not to be unduly disrupted because of traffic generation, noise, hours of operation, parking requirements, and other land use impacts as may be required by the development. She pointed out that the closest adjacent use is the public gardens, and it will be clearly disrupted.

Ms. MacKenzie advised that section (iv) of Policy 6.8 states that any development must substantially comply with the policies of the Plan in general, meaning the Municipal Development Plan. She referred to two other policies--the shadow policies, 8.1.1 and 8.1.2. and advised that size and height of the proposed condominiums would affect not only the Garden Crest but also the public gardens. Ms. MacKenzie advised that when the applicant referred to Policy 8.1.2 as being the Brenhold policy (in his presentation), she found this to be a bold statement because the application of that policy

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extends from Summer St. to Robie St., beyond the Brenhold property.

With respect to Policies 8.1.1 and 8.1.2, Ms. MacKenzie advised that Heritage Trust's position on the Brenhold proposal is that a significant amount of shadow is clearly cast by the proposed buildings and, for that reason, it should be disallowed.

In conclusion, Ms. MacKenzie advised that Brenhold is exploiting the use of the registered heritage property of Garden Crest to promote a development which violates numerous policies of both the Land Use Bylaw and the Municipal Development Plan. She added that this reduces Policy 6.8, which was introduced with high ideals and goals, to a vehicle for the exploitation of registered heritage properties. Ms. MacKenzie advised that, due to the numerous violations of 6.8 as well as other policies by the Brenhold proposal, Council must reject this proposal.

At 9:50 Council retired for a brief recess.

At 10:00 p.m. the meeting reconvened with the same members present.

Dr. Colin Howell addressed Council and advised that he was a professor of History and Atlantic Canada Studies at Saint Mary's University, and presently, he was the editor of the Canadian Historical Review. Dr. Howell read and submitted his presentation (a copy may be found in the official file of this meeting).

In his presentation, Dr. Howell advised that the historic heritage is always an important component of the character of our living city and is essential to the present and future commercial vitality. In reference to this, he noted that five years ago he took 15 students in Atlantic Studies program to Edmonton as part of an exchange program with the University of Alberta and advised that the thing that stood out in the minds of these students was that Halifax was a city with a history and Edmonton was without a history. He noted that the Edmonton students were struck with the sense of identity that Halifax had. He advised that Edmonton's chief attraction was its gigantic mall but Halifax's attractions were those things protected by federal, provincial, and municipal authorities and which served public needs rather than private ends--one of which was the public gardens.

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Reviewing policies 6.8 and 8.1, Dr. Howell advised that these policies clearly and unequivocally protect registered heritage buildings and the Public Gardens from inappropriate development. He added that to set aside these protections to serve an immediate or pragmatic objective is thus not modernization, rather it is myopia. He added that the proposed Brenhold project was in serious violation of municipal development plan policies and that the integrity of the Garden Crest apartments as a registered heritage site would be destroyed. In addition to this, he advised that the destruction of the Smith, Taylor, and Belcher houses is in violation of the City's neighbourhood protection policies. Dr. Howell also noted that any further shadowing of the Gardens would significantly detract from the public's enjoyment of the Gardens.

Dr. Howell expressed concern about the wind effects of the proposed development. He advised that the first pedestrian level wind study of April 10, 1989 done by Rowan Williams Davies and Irwin suggested that there would be increases in wind in some locations, but it concluded that there would be decreases elsewhere. Dr. Howell noted that in an updated letter of March 14, 1990 by Rowan Williams Davies and Irwin, it calls for additional landscaping to reduce the effect of northwesterly winds deflecting off the towers and flowing back towards Spring Garden Terrace. He added that these recommendations in the updated letter for further landscaping seem curiously at odds with the conclusion in the original report that "there are no significant changes in wind speed in the Public gardens."

In conclusion, Dr. Howell advised that he wasn't arguing against development and that he was only suggesting that any development that occurs should be in keeping with the Municipal Plan and one that ensures the integrity of the gardens and surrounding heritage properties, and for these reasons, this development should be rejected.

Ms. Shari Gallant, a resident of 1326 Lower Water Street, addressed Council and spoke in support of the proposed Brenhold Development.

Ms. Gallant advised that after thoroughly reviewing this proposal she has learned that there are two very strong opposition groups against Brenhold Limited and that she was very angry about the way these groups are making their presentations and using it to represent the people of Halifax. Ms. Gallant advised that, in her opinion, the Brennens have gone out of their way to compromise with these groups with



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major revisions to their plans, which were very costly and by providing impressive studies by reputable people.

In reference to a comment by a speaker that public interest is compromised for the private sector, Ms. Gallant indicated that she questioned this because the majority of people she has dealt with supported the proposal. In conclusion, Ms. Gallant advised that she thinks this will be a beautiful addition to the area, and hoped that Council would approve it.

Mr. Alan Ruffman, a resident of Ferguson Cove addressed Council and spoke in opposition to the proposed Development. Mr. Ruffman read and submitted his presentation (a copy of which may be found in the official file of this meeting).

Mr. Ruffman advised that he was recommending that the full development be turned down in its entirety because it contravenes the Municipal Development Strategy, and at the very least, the policies governing the reuse of a heritage structure and policies with respect to casting significant shadows on the Public Garden, especially in the Fall.

Mr. Ruffman advised that because it was such a special site, it deserved a better proposal. He noted that Brenhold purchased the Garden Crest building after it was designated a heritage building. He suggested that the applicant knew what they were getting into and now that their attempt to deregistered it in order to tear it down has failed, and the applicant was now trying to come in the back door and tear down everything but the facade.

With respect to the heritage aspects, Mr. Ruffman suggested that leaders on heritage designation have consistently come from the citizens of the City, and so often has not come from staff or City Council. He noted that on one occasion, Council designated a heritage building against the wishes of the owner and this was the Garden Crest building, and in his view, this was the first and only time Council has done this.

Mr. Ruffman noted that the Campbell video totally ignored the interior of the Garden Crest Building. He added that the building obviously has problems, but that they could be dealt with.

Mr. Ruffman noted that the staff report says that the use of the Garden Crest for professional reasons was not the

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first choice of staff but in the draft development agreement, it recommends that it contain words which would permit it to be used for commercial offices. Mr. Ruffman advised that staff's own recommendation should be in the draft contract.

Mr. Ruffman advised that he did not support this proposal, but if Council decided to approve it, then it should change item 3 on page 2 of the development agreement to read, "the development shall consist of the following elements:

restoration and reconstruction of the full designated heritage site at 1538-48, Garden Crest Apartments, for use as a residential building."

Mr. Ruffman emphasized that this is what staff recommended but it was not put in the development agreement.

With respect to shadows, Mr. Ruffman advised that it is very clear that the resulting shadows would have a significant effect on the Gardens. He also noted that the development agreement is a proposed 10 year agreement and he suggested that this is in serious contrast to other proposals that have come before other Councils. Mr. Ruffman indicated that to give it 10 years would not be appropriate. He suggested that the applicant wants the approval now and they will build when the market is ready. Mr. Ruffman recommended that the development agreement be for 5 years rather than 10.

On a final point, Mr. Ruffman noted that the proposal will put further shadows on the Camp Hill Cemetery. In conclusion, Mr. Ruffman advised that although he opposed the proposed development, if Council was going to approve it, it should make sure the Garden Crest building stays as a residential building, and that Council should change the development agreement to 5 years from 10 years.

Alderman Flynn, in referring to comments by Mr. Ruffman with respect to all heritage designations being initiated by citizens, requested a report from staff regarding the number of heritage properties that have been initiated by staff and approved by City Council.

Mr. Alex Simpson, a resident of the Bayview Road, Halifax, addressed Council and spoke in support of the proposal.

Mr. Simpson indicated that all the speakers thus far have spoken on the negative aspects and have not addressed any positive aspects to the City of the proposed development. He

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indicated that the number of shadow reports have left him very confused as to what is right. With respect to the Garden Crest Apartments, Mr. Simpson suggested that "beauty is in the eye of the beholder", and that where one person sees a beautiful heritage building, he sees a building resembling an old army barracks. On another point, Mr. Simpson advised that this project would not benefit just the people who live in this area of Halifax but it would benefit all the taxpayers of Halifax and, as well, it would provide the opportunity for people currently living outside the downtown area to someday move to the centre of the City.

Mr. Friedemann Brauer, a resident of 1471 Carlton Street, Halifax, addressed Council and read and submitted a presentation (a copy of which may be found in the official file of this meeting).

Mr. Brauer, noting that his house was part of a heritage streetscape, advised that this makes it a very enjoyable neighbourhood in which to live. He advised that there were nice looking homes in the vicinity of the proposed development but they were not designated heritage buildings. He added though that the Municipal Development Strategy also applies in that it explicitly recommends the retention of existing housing and compatible infill. Mr. Brauer pointed out that the proposed development was contrary to this recommendation.

Mr. Brauer advised that the proposed high rise towers would cast significant shadows on the Public Gardens and this would be in violation of sub-area policy 8.1.2. He suggested that the developer's shadow study goes to great lengths to make the amount of additional shadow appear insignificant and he also suggested that the staff report of 27 August 1990 exaggerated these conclusions. Mr. Brauer elaborated on effect of the shadows and how they violate the Plan policies.

In conclusion, Mr. Brauer advised that policy 8.1.2 allows some shadow, as caused by development within the existing 45 ft. height limit and he added that any shadow more than that would be considered significant. He suggested this gives a clearly defined height limit for buildings exceeding 45 ft., depending on the location on the property (i.e. higher if farther away from the Gardens), which was fully consistent with policy 8.1.2.

Ms. Judith Geale Cabrita, Chairperson of the Friends of the Public Gardens, addressed Council and read her presentation opposing the proposed Brenhold Development.

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Ms. Cabrita provided background information on the Friends of the Public Gardens and the activities they are involved with. She noted that the Friends helped to bring about the designation of the Gardens as a National Historic Site.

In reference to the upcoming conference named HALIFAX 1999 and the various areas it will address, Ms. Cabrita advised that the Public Gardens could be considered in each of these areas which will be discussed. Noting that the developer was asking 10 years to build the project, she suggested that perhaps this decision is premature and should wait until the conference when, at that time, the citizens of Halifax will have the opportunity to say what kind of City they want.

Ms. Cabrita emphasized the importance of the Public Gardens and she indicated that Council should be asking the owner of these properties to maintain and preserve buildings that now complement the Gardens, as they were designed to do. She added that by protecting the Gardens as was intended in the Municipal Development Plan by ensuring that the Heritage value was not diminished, Council could ensure that this world class attraction will forever be enjoyed by Nova Scotia and will continue to draw others to Halifax and the Province.

Ms. Cabrita then elaborated on the impact of the Public Gardens on tourism. She noted that it was one of the three most visited sites in the Province. Ms. Cabrita indicated that any further encroachment on the Gardens would have long-term effects on tourism and on the benefits that would accrue and increase if the Gardens are declared a World Heritage Site.

Ms. Cabrita advised that the Friends of the Public Gardens believe that the preservation of the Gardens and its environs, and the upholding of the Municipal Development Plan are necessary to provide a living example of early Victorian Art.

In conclusion, Ms. Cabrita advised Council to recommend against this proposal. She indicated that with this development the Gardens experience will be changed and their character will be significantly changed.

Ms. Betty Moore, a resident of 1728 Robie Street, and a member of the Friends of the Public Gardens addressed Council and, reading from her presentation, spoke in opposition to the proposed Brenhold Development.

In her presentation, Ms. Moore advised that the Friends of the Public Gardens believe that the Brenhold proposal is highly detrimental both to the Public Gardens and to the heritage properties around it. Ms. Moore advised that the area in question was not a high-rise district but that it is the Public Gardens District, and that a true appraisal of any development proposed for the area must be based on an understanding of the nature and needs of the Public Gardens.

Ms. Moore then elaborated on the character of the Gardens, noting that they have been carefully maintained by the City as a formal Victorian Public Garden. She added that the International Committee on Sites and Monuments is interested in nominating the Halifax Public Gardens as a World Heritage Site and advised that there was a good chance the Gardens would be designated. She pointed out that designation as a World Heritage Site would be possible only if the Victorian character of the Gardens and their environs were preserved.

Ms. Moore advised that context was especially important in the case of a Victorian public garden. She added that the authenticity of the Gardens depends upon what borders it as well as what is inside. With respect to the three houses on the Brenhold site, Ms. Moore advised that these are historical buildings compatible in scale and style with the Gardens and form a protective border which helps maintain the fragile atmosphere of the Gardens. Ms. Moore advised that these historic buildings could not be demolished and the Gardens surrounded with modern high-rise buildings and still preserve the character of the Public Gardens as a Victorian garden. She also pointed out that the view over the trees of the gardens was an essential part of the concept of the Gardens.

Ms. Moore indicated that the Brenhold development violates the Municipal Development Plan. She advised that it completely disregards the welfare of the Public Gardens and the heritage buildings around it. She then elaborated on the policies which would be violated. She advised that the serious violations of the Plan are the violations of Policies VI, 8.1.1, 8.1.2 and II, 7.1. concerning shadows. She displayed a list of times when there would be incremental shadows according to Dr. Bidwell's report and indicated that the 11 and 12 storey towers would cause a significant affect on the Gardens. She suggested that the shadows would cover large parts of the southern half of the Gardens at a time of day when sunlight is especially important to people. Ms. Moore advised that areas the developer says are already shaded by trees is very

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misleading because in late afternoon, the trees do not blanket the area with shade as indicated on his diagrams.

In conclusion, Ms. Moore advised that the area around the Gardens is governed by three Detailed Area Plans and each Plan includes policies to restrict the height of developments in order to protect the Public Gardens and they should not be exceeded.

Ms. Moore added that the Municipal Development Plan's intent to preserve the character of the Gardens and protect the Gardens from shadows and the visual impact of tall buildings was clear. She advised that what she was asking was that the intent of the Plan be upheld and she urged Council to reject this inappropriate development proposal, which is so detrimental to the Public Gardens.

Due to the late hour, Council decided to adjourn the meeting until 13 February 1991, at 7:30 p.m. in the Council Chamber, Halifax City Hall, when at that time further public presentations would be heard.

At 11:00 p.m. the meeting adjourned to 13 February 1991.

**ADJOURNED PUBLIC HEARING**

**13 February 1991**

This meeting was the continuation of the Public Hearing which was adjourned on 7 February 1991.

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

**PRESENT:** His Worship Mayor Wallace, Chairman; and Aldermen Holland, Fitzgerald, Downey, Meagher, Pottie, Grant, Hanson, Ducharme, Flynn, and Stone.

**ALSO PRESENT:** City Solicitor, City Clerk, and other members of City staff.

The Chairman advised that this meeting was a continuation of the 7 February 1991 Public Hearing concerning Case No. 5621: Development Agreement - Lands of Brenhold Development Limited - Spring Garden Road and Summer Street.

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The Chairman then requested any members of the public wishing to speak, to come forward and provide their presentation to Council.

Ms. Victoria Grant, a resident of 6026 Ceder Street addressed Council and spoke in opposition to the proposed Brenhold Development. Ms. Grant advised that she was also speaking on behalf of Susan MacLeod, Anita Trask, and Heather Danskin who were unable to attend this meeting.

In her presentation, Ms. Grant suggested that Halifax's heritage and charm sets it apart from many other cities, and the proposed development would take away its uniqueness. She noted that other towns and cities across the country were putting Victorian details on their buildings in an attempt to give them a more historical look, whereas, Halifax already has the real thing. Ms. Grant advised that to permit the proposed development would be to destroy the formula which works for Halifax.

Ms. Grant indicated that by considering this proposal it was, essentially, selling off one of the City's most important resources, i.e. the Public Gardens. Further to this, she suggested that this proposal would become precedent setting and, as a result, more and more shadows would be cast on the Gardens and other surrounding areas.

Ms. Grant noted that there was presently an economic downturn in condominium sales and the renting of retail space, and she advised that it did not seem appropriate to tear down heritage buildings and jeopardize the beauty of the Public Gardens for something the City obviously doesn't need. Ms. Grant pointed out that the developer was asking for a 10 year agreement and was looking for approval as soon as possible because he was aware of the public opposition. In closing, Ms. Grant urged Council to refuse the proposed Brenhold development.

Ms. Judith Murray, a resident of 1528 Summer Street, addressed Council and read her presentation opposing the proposed Brenhold Development (a copy of which may be found in the official file of this meeting).

In her presentation, Ms. Murray advised that from her apartment she could view the Public Gardens. She added that she was surprised to read in the staff report that the affected areas of the Gardens were already in deep shadows from existing trees and that the shadows from the proposal would have no detrimental affect on light levels. Referring to photographs

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on the overhead monitor that she took of the Gardens on October 20 and 21 at 4:00 p.m. and 5:00 p.m. respectively, Ms. Murray noted that substantial sunlight did filter through the areas the developer said were already totally shaded. She further elaborated on the photographs and suggested that they disprove the developers whole analysis of shading.

Ms. Murray advised that the Bidwell study seems to be based on some kind of theoretical calculations and it does not conform to what is actually observed in the Gardens, and she added that the proposal would violate Policy 8.1.2 of the Municipal Development Plan regarding significant shadows. In reference to the three heritage buildings and the Garden Crest Building on the Brenhold site, Ms. Murray also indicated that Policy 6.8, which was written to assist those who want to retain heritage buildings, was being violated. She noted that the Municipal Development Plan provides the protection citizens want for their Public Gardens and its historic environs.

As a nurse, Ms. Murray advised that she was aware that people appreciate the impact which their environment has on their health and well being. She noted that the Public Gardens was a place which provides much needed solace and comfort to those who need it and she suggested that if the boundary is changed, then the Gardens will change and it will lose its ability to provide for those needs.

In summary, Ms. Murray advised that the citizens are demanding a greater influence in the shape of their communities in all areas which affect their lives and will no longer tolerate having decisions made by someone else against their wishes. She added that the City has policies which are based on healthy lifestyles and caring for our fellow citizens, and the citizens expect their representatives to uphold those policies when they are in place.

At this point, Mr. Ted Wickwire submitted a letter in support of the proposed Brenhold Development from Mr. Don Fraser, a resident of 6215 Jubilee Road. Mr. Wickwire pointed out that Mr. Fraser attended the past two meetings on this matter, but due to business commitments outside the country, he was unable to attend this meeting.

Mr. Cliff White, Director of Community Planning Association of Canada addressed Council and advised that CPAC opposed the proposed Brenhold Development.

Mr. White emphasized that CPAC was not anti-development but that an important part of their mandate, as set



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out in their bylaws, was to facilitate public participation in the planning process. He added that CPAC's idea of public participation was more than just airing their views, and that the public must feel that their participation is meaningful, that their ideas carry weight, and that by speaking out they have the possibility of affecting change.

With respect to the Public Gardens, Mr. White advised that the vast majority have stated that they want the integrity of the Public Gardens and their immediate environment maintained. He advised that it was the opinion of CPAC that the Brenhold proposal does not meet this requirement.

Mr. White advised that the development of the Municipal Development Plan was an example of the planning process. With respect to the Brenhold proposal, Mr. White suggested that there has been little "give and take", and that the developer was asking for much and in return was giving back little. He added that it appears that there is more concern for the needs of the developers and that little weight is given to the concerns of the citizens.

In conclusion, Mr. White requested City Council to reject the Brenhold proposal in its present form.

Mr. Trevor Parsons, 2550 Agricola Street, addressed Council and spoke in support of the proposed Brenhold Development.

Mr. Parsons advised that, in his opinion, all the negotiations and discussions have resulted in an excellent project.

With respect to the opposition to the project, Mr. Parsons noted that some of the speakers were entirely negative and were not willing to compromise whatsoever, unlike the applicant who has made many concessions. Mr. Parsons expressed concern about the way some of the presenters have attacked, both personally and professionally, the various experts and consultants hired by Brenhold, and he suggested that these attacks have, at times, bordered on being libelous.

Mr. Parsons added that, in his view, there appeared to be a very well organized lobby group against this proposal and he concluded his presentation with two questions: 1. Who gave these groups the mandate; and 2. Do they think that in the future, taking into account all the attacks against Brenhold, that any developer would want to deal with them on a give and take basis.

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Dr. Benjamin Doane, a resident of Vernon Street, addressed Council and read a presentation concerning the proposed Brenhold Development (a copy of which may be found in the official file of this meeting).

In his presentation, Dr. Doane pointed out that this matter involved two issues--one being, a development proposal that contains a number of attractive features, including architectural and landscape designs that have merit, and the second being the case for prevention of a provincially designated heritage building and three other buildings that would be eligible for heritage designation and, as well, the argument for prevention of encroachment upon the Public Gardens.

Dr. Doane then reviewed a summary of the arguments presented for the development, the heritage architecture, the Public Gardens, as well as additional arguments.

Dr. Doane advised that there were two simple questions which may be derived from two "frames of reference" which City Council may choose from in order to reach a decision. He added that one question was, "do you like the proposal"?, or in different words, "which set of arguments do you like better"; and the second question, "is it right or is it wrong to either accept or reject the proposal, all arguments taken into consideration"?

Dr. Doane advised that in his own view there is a moral issue with this proposal and that the presentations have established the following two major points:

1. The proposed changes to the Garden Crest building do violate the word and intent of the Heritage Act and,
2. The commissioned shadow study cannot be taken at face value because it is misleading in that it is open to contradiction and thereby it simply does not satisfy the concerns of those who are opposed to further shadow encroachment on the Gardens.

Dr. Doane advised that it is not just an issue of which side of the argument one likes better, it seems to him that acceptance of this proposal would be an injustice and would be morally and ethically wrong.

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Dr. Doane then reviewed both the positive and negative consequences of rejection of this proposal and he indicated that, if rejected, justice will have been served.

Dr. Doug Eisner, a resident of 6503 Jubilee Road, addressed Council and spoke in favour of the proposed Brenhold proposal.

In his presentation, Dr. Eisner advised that, through his work, his education at Dalhousie University and, as a long standing resident of Halifax, he has an excellent knowledge of the area being considered at this hearing.

Dr. Eisner indicated that he was aware and sensitive to the impact of shadows on the Public Gardens, but after listening to numerous presentations on this matter, he was not convinced that the proposal would have a significant impact on the Gardens. Dr. Eisner referred to the tax revenue it would generate for the City and indicated that this, in turn, would benefit all citizens. Secondly, Dr. Eisner advised that this project would create much needed work for the construction force, and thirdly, it would provide a facility to those who wished to live near the centre of the City.

In conclusion, Dr. Eisner advised that he supported the project and he requested that Council give its favourable consideration to this matter.

Mr. Fern Tardif, Vice President of the Mainland Nova Scotia Building and Trades Council, addressed Council and spoke in support of the proposed Brenhold Development.

Mr. Tardif, referring to the current low employment statistics in the construction trades, advised that he supported this project. He noted that even though this would provide badly needed jobs, he wanted it noted that the Nova Scotia Building and Trades Council does not support the building of any development at any cost. Mr. Tardif added that their position was that if all City and Provincial guidelines and regulations are met, then they endorse this project.

Mr. Donald C. F. Moores addressed Council and spoke in opposition to the proposed Brenhold Development.

Mr. Moores referred to Mr. Wickwire's comments that the property in question is the "last piece" and noted that this was not the last piece. Mr. Moores advised that with school populations dropping off, the Sacred Heart School may well be the next piece of land being considered for

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development. Mr. Moores also suggested that the Wanderers grounds may also be considered for development in the future.

In conclusion, Mr. Moores advised that the potential for substantial lost sunlight with this proposed development should be Council's main priority.

Mr. Blair Beed, a resident of 5510 Spring Garden Road, addressed Council and spoke in opposition to the Brenhold proposal.

Mr. Beed advised that he would address areas where he believed there are still difficulties with the proposal. He noted that he attended two Planning Advisory Committee meetings on this matter and he still had a number of outstanding concerns.

In his remarks, Mr. Beed noted that there seems to be some question on the definition of the phrase "significant shadow" and he advised that there was no documentation of what was agreed to, with respect to "significant", when this provision was made. He also noted that he personally did not agree with the height of the proposal.

Mr. Beed indicated that he disagreed with the change of use for the Garden Crest Apartments and advised that he has been puzzled with why the project ends up with another three storey retail office building. He advised that it comes out as an extra which, in turn, contributes to the deficiencies of this project.

Mr. Beed suggested that the description of the proposed plans of the Garden Crest are misleading because it implies that the developer is going to restore the entire building. He added that the application also makes it sound like the Garden Crest won't be entirely demolished and he suggested that this type of description should have been clarified at the outset of the report.

Mr. Beed referred to the companion building and questioned the idea that it fits in with the theme of the area. He advised that it was stated that there was potential for an outdoor cafe, and that, in his opinion, this was trying to sell the public on more commercial space. Mr. Beed suggested that if there is potential for an outdoor cafe, then there was also potential for a fish and chip takeout, a donut shop, or a corner store.

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Mr. Beed noted that the application has a shortfall of 6300 sq. ft. of open space, which is almost a 10 percent shortfall. He added that he has not heard if this is a typical shortfall for small or large projects in Halifax. He pointed out that some of the landscaping proposed included the driveway and he questioned whether the deficiencies in open space was appropriate.

Mr. Beed advised that the staff report did not clarify what the deficiencies would be if the lot was subdivided into extra lots. On another point, he indicated that there are 132 parking spots proposed for 100 condominium units. He suggested that if the Garden Crest is converted to offices, then the increased traffic will take away from the availability of spaces on Summer Street and this, in turn, will prevent some people from visiting the Public Gardens because they will not be able to obtain parking which is convenient to the Gardens.

Mr. Beed noted that the staff report stated that the Garden Crest has few redeeming features. He questioned why the building was registered heritage in the first place if, according to staff, it has such few redeeming features. Mr. Beed advised that after viewing the pictures of the basement, and walking through the building, he was not distressed by its current structural condition and suggested that there was much potential for the building.

On other points of concern, Mr. Beed suggested that the proposed circular driveway will affect the residents of Spring Garden Terrace and would have an effect on what is going on in the Public Gardens. He also suggested that the Commercial occupancy mix should face Spring Garden Road.

Mr. Beed questioned the 10 year agreement for the proposal and indicated that it gives the applicant a long time to decide to build. He also expressed concern about the Bidwell report and the wind study analysis, and the possibility of increased taxes as a result of this development.

In closing, Mr. Beed advised that there were three points that annoyed him about this whole process. First, he pointed out that, at the PAC meetings he attended, he heard many of his tourism colleagues express their support of the project because of their personal opinion of Dan Brennen and his input into tourism. Mr. Beed noted that this was not a good reason to approve this project. Secondly, Mr. Beed advised that he was concerned about the landscaping for this project, and thirdly, Mr. Beed advised that he was bothered

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that the developer referred to the Garden Crest Building as a quirky building.

Mr. Beed advised that, as far as he was concerned, there would be better general public participation if the public got a better response from City Hall and were provided with more detailed reports. He added that if there were going to be Planning Advisory Committee meetings to ask citizens for input, it would be nice to have responses to some of the questions asked by the Public. In line with this, Mr. Beed noted that he never had any response to his question about the impact of the proposed commercial space on Summer Street.

Mr. Don MacGrath, 6262 Chebucto Road, addressed Council and indicated his support for the proposed development.

Mr. MacGrath pointed out that at a PAC meeting he attended, an architect said that it would cost \$67 a square foot to renovate the Garden Crest building. Noting that he has experience in renovating Halifax buildings, Mr. MacGrath advised that, in his opinion it would cost substantially more than \$67 a square foot to renovate the Garden Crest.

Referring to the structural condition of the apartments, Mr. MacGrath suggested that the Garden Crest building was an accident waiting to happen.

In conclusion, Mr. MacGrath advised that he did not believe there would be any significant impact on the Public Gardens from this development and that he sees the potential of many jobs and spinoff effects as a result of it. He requested Council's approval of the proposal as presented.

Mr. Bill Owen, a resident of 1226 Barrington Street, addressed Council and spoke in opposition to the proposed Development.

Mr. Owen advised that the one area of the Gardens where there is no question that there is going to be shade is the only lawn area of the Gardens the public is permitted to walk on. Mr. Owen, on a second point, indicated that it was unfair to suggest, as one speaker did, that critical comments of the consultants were almost libelous. He added that it was very disconcerting that an individual couldn't make comments without the word "liable" being mentioned.

Mr. Owen expressed concern about the manner in which the developer presents his proposal. He noted that the architects drawings are deliberately attractive, and this is

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certainly permitted, but that it does not give a lay person a realistic idea of what the proposal will look like.

Mr. Owen advised that the botanical report was mainly theoretical and a complex report to understand, and that in his view the report does not give straight facts.

In conclusion, Mr. Owen advised that the Public Gardens should not become the front yard for the people who will buy the proposed condominium, and that the City's Municipal Development Plan should not be overturned.

Ms. Gwen Davies, a resident of 6152 Duncan Street, addressed Council and spoke in opposition to the proposed development.

Ms. Davies advised that she, and her neighbours along Duncan and Lawrence Streets have talked about this proposal and have some serious concerns. She added that they were not against development but they were against using the Public Gardens for development unnecessarily. Ms. Davies advised that there was room to put this development other places in the City.

Ms. Anne West addressed Council and suggested that her views of the history of Halifax were well known and therefore she would not elaborate on her views but rather she would present the views of another individual.

Ms. West then read a letter from Ms. Olive Blair, a resident of Spring Garden Terrace, and a frequent user of the Public Gardens. Ms. Blair strongly opposed the proposed Brenhold Development.

Mr. Robert Sime, a resident of 5691 Inglis Street, addressed Council and, read his letter submitted to Council, dated February 6, 1991, (a copy of which may be found in the official file of this meeting).

In his presentation, Mr. Sime indicated his support for the proposed Brenhold Development and advised that the project should be approved based on the following two facts:

1. The Medjuck project has set precedent and has proven to be non-damaging to the surrounding environment and
2. If the heritage and Public Garden elements are permitted to eliminate proposals, then the bottom line is that they should be prepared to: A. At their own expense, present a

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financially viable proposal to the developers that would give the return on the investment that is expected, or B. Failing any reconciliation, pay fair market value to the developers for their property in order to protect what they believe in. Mr. Sime added that these alternatives should only be considered after all else has failed.

In summary, Mr. Sime recommended that Council approve the project with concessions as made; or, present a plan to the Brennans at the expense of the concerned citizens that will accommodate a financially viable and historical preservation project; or, purchase the property from Brenhold Limited at fair market value; and finally, it should be published, as part of the bylaws for all future developers, the unreasonable right of concerned citizens' groups to terminate projects that the Planning Advisory Committee and City Council have approved.

In conclusion, Mr. Sime indicated that in his opinion, some of the comments have been innuendos and attacks on the developer. Mr. Sime advised that this has disturbed him and that it was not in good taste or adds to these speaker's professionalism.

Mr. Graham Reid, a resident of 5 Herring Cove Road, addressed Council and indicated that he opposed the proposed development (a copy of this presentation may be found in the official file of this meeting).

Mr. Reid elaborated on his enjoyment in visiting the Public Gardens as a young child. He suggested that the strategic location of trees and shrubs around the border of the Gardens has enabled the Gardens to block out, to some degree, the activities outside the Public Gardens. He added that in recent years, the high rise development around the Gardens has defined its borders, and that if this project was permitted it would further intrude on the Gardens.

Mr. Reid expressed concern about condominiums overlooking the Public Gardens and he suggested that these buildings be built in an area of Halifax which requires development, such as Maynard or Gottingen Streets. He added that rather than make changes to the rules to allow for redevelopment, the City should redirect this development to the areas of the City that need some help.

Mr. Reid pointed out that he was also Vice President of the Northwest Arm Heritage Association, and currently its Acting President. He advised that although a poll of its members on this issue was not taken, he was quite sure that



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they were very concerned about it and if it is permitted, they will be concerned about the ability of the Municipal Planning Strategy to protect the Northwest Arm.

In conclusion, Mr. Reid advised that the Planning Act gives the citizens the mandate to have a say in the development of their City and if that right is denied, many citizens will be upset and many of them will turn to the provisions of the Planning Act for redress. He pointed out that since the last battle over the Public Gardens, five years ago, there have been changes to the Planing Act which opened up the process of appeal to the Municipal Board.

Ms. Barbara Hines, a resident of Halifax, addressed Council and noted that she served as a member of the Halifax Landmark Commission.

Ms. Hines suggested that if staff adhered to the City's Municipal Development Plan, then there would not be the dispute of Brenhold's high rise towers being erected to the West side of the Public Gardens. She advised that these towers would cast shadows on the Gardens, thus, interfering with people's enjoyment of the Gardens, and this is a significant factor. She added that cool temperatures as a result of the shade will force people to move to other areas of the Gardens. Further to this, Ms. Hines advised that this proposed development would cast shadows on the Gardens during the time when people are in the Gardens.

With respect to the Garden Crest Building, Ms. Hines pointed out that it is a registered heritage building and not a registered facade, and that the idea of permitting demolition of all but the facade of Garden Crest should not be considered.

Mr. Allan O'Brian addressed Council and referred to the upcoming 1999 Conference concerning the future planning for the City in which Council is requesting the citizens of Halifax to become involved, and he suggested that it was time to draw the line and forbid any more shadows on the Public Gardens.

Ms. Charmine Wood, a resident of 2656 Belle Aire Terrace, addressed Council and advised that as a concerned citizen she was interested in the direction being taken on the City's development.

Ms. Wood advise that with this proposal, there does not seem to be any concern about the other houses on the Brenhold property. She noted that the City's Heritage Advisory

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Committee recommended that these houses be registered and she questioned why Council refused this.

Ms. Wood suggested that the Smith and Taylor houses could be incorporated into some kind of low rise development and indicated that these houses have more grace and style than what was intended to replace them. She noted that the Public Gardens was being considered for a World Heritage site, and she suggested that the surrounding area will be a determining factor of whether or not it receives the designation.

Ms. Wood suggested that if Council accepts the development in its present form, it indicates that Council does not truly appreciate the historical character of the City.

Ms. Wood advised that the only people who would benefit from this proposal would be the developer, the contractor who would build it, and the few people who could afford to live in it, whereas, the Public Gardens could be enjoyed by everyone. In reference to the Summer Gardens and Hart House, Ms. Wood suggested that it appears that City planning was done by the developers in Halifax.

Ms. Leslie Armstrong, a resident of 25 Battery Drive addressed Council, and spoke in opposition to the proposed development.

Ms. Armstrong advised that this development would have a negative impact on the Public Gardens and the public's enjoyment of the Gardens, and she suggested that it was not in keeping with the Gardens or the Municipal Development Plan. Ms. Armstrong requested that Council continue to allow the Public Gardens to thrive in a setting which is fitting to it and refuse this proposal.

There were no further presentations from the public.

Mr. Ted Wickwire, representing the applicant, addressed Council and advised that he would briefly comment on various points that were raised by some speakers.

Mr. Wickwire advised that Ms. Margaret Conrad, who represented the Historic Sites and Monuments Board of Canada, did not mention the Brenhold proposal at all in her presentation except for one comment in page 4 of her submission, where she states that the Board had expressed concern about possible development to the West of the Gardens and the negative affects it would have on the Gardens. He added that her presentation continued by saying that the then

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Minister of the Environment, Lucien Bouchard, wrote a letter to his Worship in February 1989 expressing this concern.

Mr. Wickwire advised that in February 1989, the only application that came before Council was the original submission, i.e., the clean site with the two condominium buildings set at a 45 degree angle from the perpendicular. He pointed out that, at that time none of the technical, environmental, or other reports were on file.

Mr. Wickwire advised that his point was that the whole representation made by this Historic Board of Canada was based on material that is not now relevant, and therefore, Council should give light weight to anything this institution had made by way of submission.

With respect to the two photographic studies presented, Mr. Wickwire emphasized that Dr. Bidwell did not mean nor was it the applicant's submission that no shadows would ever be allowed into the gardens as a result of the development. He added that all the applicant was saying was that there would not be significant shadows.

In reference to the two presentations in which photographs were displayed, Mr. Wickwire suggested that the most amateur of photographers could take pictures of the photographic effect they wanted to portray. Mr. Wickwire added that he was aware that the NASCAD photographer took painstaking photographic studies of the dapple effect he wanted to illustrate. Mr. Wickwire noted that, curiously, there were no people were around. Mr. Wickwire advised that the same was true with the other photographs presented. He added that at 4:30 and 4:45 p.m., utilization of the Gardens was not the same as during the midday. He advised that the applicant's view on this matter was that there will be some dapple sunlight getting through but, taken on balance, and over the eight month period that the Gardens is open, this was not significant shadowing.

In reference to Dr. Bidwell's report, Mr. Wickwire indicated that although Dr. Bidwell concentrated on plant life, in no way was he saying that if it was alright for plant life then it was alright for people. Mr. Wickwire emphasized that Dr. Bidwell does not say this in his report and he added that, to be fair, one must read all of the report and not just extract the points that highlight a particular argument.

With respect to the psychological study submitted by the applicant, Mr. Wickwire advised that there were accusations that the study manipulated the 305 respondents of the study

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With respect to the psychological study submitted by the applicant, Mr. Wickwire advised that there were accusations that the study manipulated the 305 respondents of the study

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which was carried out in the Gardens. Mr. Wickwire pointed out that the study was done by preinstruction to the interviewers to ensure objectivity. He advised that the objective was to ask the innocuous but objective question of what bothered them about outside activity, monuments, and developments. Mr. Wickwire pointed out that this question was put to all of the 305 respondents and the idea behind it was to have them respond on what bothers them psychologically, by outside development, while they are visitors to the Gardens.

Mr. Wickwire advised that another point that was raised which concerned him was the suggestion that the developer has been exploiting Policy 6.8. of the Municipal Development Plan. He advised that 6.8 was only one of a number of policies in the MDP, and he added that the people knowledgeable of Planning law will advise that the Board of appeal on decisions on this type of issue will maintain that, in respect of development applications like this, the entirety of the Municipal Development Plan must be read and taken into account.

Mr. Wickwire indicated that there was undue emphasis on Policy 6.8. in the public presentations. Further to this, Mr. Wickwire advised that the applicant was not aware of Policy 6.8 until the spring of 1989 when the City's senior planning and development staff brought it to their attention as a possible avenue that Brenhold might have recourse to in order to effect some saving of the heritage interests. He added that the applicant gave serious consideration to taking this route and, ultimately, choose to use this route, but it was an avenue pursued in the greatest of good faith by the developer at the invitation of senior City staff.

In conclusion, Mr. Wickwire advised the present proposed development was superior to what had been originally proposed. With respect to the Garden Crest building, he suggested that the preservation of the front facade was most meaningful. He showed a slide portraying the back and sides of the building and advised these parts of the building lacked any redeeming heritage merit and were not worthy of preservation. Mr. Wickwire noted that although this was the developer's opinion, he suggested that if one looks at the objective reports by City staff, the City's Heritage Advisory Committee, and the Provincial Heritage Advisory Committee, then one would will have to resolve this issue in favour of the developer.

Ms. Betty Moore addressed Council and advised that Mr. Howard Epstein had intended to make a presentation at this

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meeting but was unable to attend. She noted the Mr. Epstein would submit his comments in writing.

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, without recommendation, to the 28 February 1991 meeting of City Council.

Motion carried.

HIS WORSHIP MAYOR WALLACE  
CHAIRMAN

/sm

#### CORRESPONDENCE

The following correspondence in support of the proposed development agreement was submitted:

A letter dated October 19, 1990 from Mr.D. A. Eisner, 6503 Jubilee Road, Halifax, NS, B3H 2H5.

A letter dated October 19, 1990 from A. W. Garson, 5959 Spring Garden Road, Halifax, NS, B3H 1Y5.

A letter dated October 26, 1990 from C. F. Reardon 5735 College Street, Halifax, NS, B3H 1X4.

A letter dated November 5, 1990 from Joseph Simon 6093 Belmont Road, Halifax, NS, B3H 1N3.

A letter dated November 20, 1990 from G. Michael Owen, Suite 401, One Sackville Place, 5121 Sackville Street, Halifax, NS, B3J 1K1.

A letter dated November 22, 1990 from Fern Dunn, 4 Collins Grove Ridge, Dartmouth, NS, B2W 5Y2.

Form letters, dated January 1991, supporting the proposal, were submitted by 84 people.

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A letter dated January 25, 1991 from D. A. Eisner, 6503 Jubilee Road, Halifax, NS, B3H 2H5.

A letter dated January 31, 1991 from A. W. Garson, 5959 Spring Garden Road, Halifax.

A letter dated February 5, 1991 from Michael Wilkes, Chairman, Spring Garden Road B.I.D. Commission, Suite 104, Spring Garden Road, Halifax, NS, B3J 1G1.

A letter dated February 6, 1991 from Robert C. Sime, 5691 Inglis Street, Halifax, NS.

A letter dated February 5, 1991 from Flona Kunz, Manager, Snippers Hairstyling Ltd. 5853 Spring Garden Road, Halifax, NS.

A letter dated February 7, 1991 from Shari Gallant, 1326 Lower Water Street, Apt. 308, Halifax, NS.

A letter dated February 7, 1991 from Joanne Weatherby, a resident of Halifax, NS.

A FAX received in the City Clerk's Office on February 12, 1991 from Simon J. Gillis, Construction Manager, CBCL Limited, 1489 Hollis Street, Halifax, NS.

A letter dated February 6, 1991 from a resident of 6293 Jennings Street, Halifax, NS, B3H 2L3.

A letter dated February 6, 1991 from Earle Arnold, a resident of 1174 Wellington Street, Halifax, NS, B3H 2Z8.

A letter received in the City Clerk's Office on February 12, 1991 from David Campbell, 1256 Queen Street, Halifax, NS, B3J 2H3.

A letter dated 11 February 1991 from Donald A. Fraser, 6215 Jubilee Road, Halifax, NS, B3H 2G3.

A letter dated February 18, 1991 from Bryde E. Warner of 6351 York Street, Halifax, NS, B3H 2K6.

**The following correspondence opposing the proposed development agreement was submitted:**

A letter dated August 6, 1990 from Lois MacLeod, 7165 Quinpool Road, Halifax, NS, B3L 1C7.

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A letter dated August 8, 1990 from Margaret Bowman, 1063 Tower Road, Halifax, NS, B3H 2Y5.

A letter dated August 7, 1990 from Mrs. Richard R. John, 1064 Bland Street, Halifax, NS B3H 2S8.

A letter dated August 8, 1990 from Maud E. C. Godfrey, 1119 Tower Road, Apt. 808, Halifax, NS, B3H 4H5.

A letter dated August 10, 1990 from Thomas Creighton, 2623 Fuller Terrace, Halifax, NS.

A letter dated August 10, 1990 from Mrs. M. Van Gorp, 3119 Hemlock Avenue, Halifax, NS, B3L 4B5.

A letter dated August 14, 1990 from Margaret Boyd, 856 Bridges Street, Halifax, NS, B3H 2Z7.

A letter dated August 10, 1990 from Peter Wallace and Carolyn Wallace, 5672 Woodill Street, Halifax, B3K 1G9.

A letter dated August 15, 1990 from Charlotte H. Myhre, 101-1055 Lucknow Street, Halifax, NS B3H 2T3.

A letter dated August 18, 1990 from Shirley A. Blakeley, 2160 Connaught Avenue, Halifax, NS, B3L 2Z3.

A letter dated September 10, 1990 from Carol MacLennan-Young, 89 Gloria Avenue, Lower Sackville, NS, B4E 1X2.

A letter dated August 7, 1990 from Bill Humphries, 3704 Highland Avenue, Halifax, NS, B3K 4J8.

A letter dated August 21, 1990 from C. E. Gesner, a resident of Halifax.

A letter dated September 26, 1990 from Paul Donovan, 5606 Morris Street, Halifax, NS, B3J 1C2.

A letter dated October 19, 1990 from Margaret Ross, Mrs. C. H. Nicholson, Mrs. Flora Lacey, Beatrice W. Ross, Mary A. Ross.

A letter received in the City Clerk's Office on January 31, 1991 from Ann Giffin Lichter, Embassy Towers, 5959 Spring Garden Road, Suite 1603, Halifax, NS.



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A letter dated January 30, 1991 from Charlotte H. Myhre, 101-1055 Lucknow Street, Halifax, NS.

A letter dated January 30, 1991 from Helen Robb, 406-1200 Tower Road, Halifax, NS, B3H 4K6.

A letter dated February 3, 1990 from Rosemary Eaton, Secretary for Directors Cole Harbour Rural Heritage Society, 828 Bissett Road, R.R. 1 Dartmouth, NS, B2W 3X7.

A letter dated January 31, 1991 from K. T. Leffek and Janet M. Leffek.

A letter dated January 31, 1991 from Bernard and Ruby Dyer, 29 Clayton Park Drive, Halifax, NS, B3M 1L5.

A letter dated January 31, 1991 from Jocelyn Raymond, Boscobel Avenue, Halifax, NS, B3P 2J2.

A letter received in City Clerk's Office, dated February 4, 1991 from Evelyn N. Denton, 1065 Tower Road, Halifax, NS.

A letter dated February 2, 1991 from Helen F. Lovett, 6212 South Street, Halifax, NS, B3H 1T8.

A letter dated February 4, 1991 from Arleen MacIntosh, 6369 Coburg Road, #1202, Halifax, NS, B3H 4J7.

A letter dated February 2, 1991 from Carolyn Wallace.

A letter dated February 5, 1991 from Marjorie MacDonald, 406-5885 Spring Garden Road, Halifax, NS, B3H 1Y3.

A letter dated February 6, 1991 from Ellen P. Webster, 5885 Spring Garden Road, Apt. 419, Halifax, NS, B3H 1Y3.

A FAX message received in the City Clerk's Office on February 6, 1991 from a resident of 912 W. 22nd Avenue, Vancouver, BC.

A submission dated February 6, 1991 from Elizabeth C. Ross, Executive Director, Federation of Nova Scotia Heritage, 5516 Spring Garden Road, Suite 305, Halifax, NS, B3J 1G6.

A presentation submitted at the February 7, 1991 Public Hearing by Dr. Colin Howell, Professor of history and Atlantic Canada Studies, Saint Mary's University.

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A presentation submitted at the February 7, 1991 Public Hearing by Judith Geale Cabrita, Chairperson of the Friends of the Public Gardens.

A presentation submitted at the February 7, 1991 Public Hearing by Margaret Conrad, on behalf of the Historic Sites and Monuments Board of Canada.

A presentation submitted at the February 7, 1991 Public Hearing by Kenna Manos, 1633 Chestnut Street, Halifax, NS.

A presentation submitted at the February 7, 1991 Public Hearing by Mr. Alan Ruffman, a resident of Ferguson Cove.

A letter received in the City Clerk's Office on February 12, 1991 from Nancy Norwood, The Narrows, RR2 Mahone Bay, NS B0J 2E0.

A submission dated February 7, 1991 from Elizabeth Pacey on behalf of Heritage Trust of Nova Scotia, 1657 Barrington Street, #522, Halifax, NS, B3J 2A1.

A letter dated February 10, 1991 from Mary Sparling, 6030 Jubilee Road, Halifax, NS, B3H 2E4.

A letter dated February 12, 1991 from Joyce M. McCulloch, 1597 Dresden Row, Halifax, NS.

A FAX received in the City Clerk's Office February 13, 1991 from A. Winston Churchill, Musquodoboit Harbour, NS, member, Board of Governors, Heritage Canada.

A FAX received in the City Clerk's Office on February 13, 1991 from Jacques Dalibard Executive Director, Heritage Canada, P. O. Box 1358, Stn. B. Ottawa, ON K1P 5R4.

A letter dated February 5, 1991 from J. M. Stoddard, a member of Heritage Trust, 2554 Oxford Street, Halifax, NS.

A presentation submitted at the February 7, 1991 Public Hearing from Judith Murray, 1528 Summer Street, Halifax, NS.

A presentation submitted at the February 7, 1991 Public Hearing from Dr. Benjamin K. Doane, 1682 Vernon Street, Halifax, NS, B3H 3N1.

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A letter dated February 12, 1991 from Beverly W. Miller, 6182 South Street, Halifax, NS, B3H 1T5.

A letter dated February 14, 1991 from M. R. Hinman, 1110-1333 South Park Street, Halifax, NS.

A letter dated February 13, 1991 from Charmaine Wood, 2656 Belle Aire Terrace, Halifax, NS.

A presentation submitted at the February 7, 1991 Public Hearing from Mr. Friedemann Brauer, 1471 Carlton Street, Halifax, NS, B3H 3B8.

A letter dated February 17, 1991 from Caroline P. Scott, 1206-1470 Summer Street, Halifax, NS, B3H 3A3.

A letter dated February 17, 1991 from Ellen P. Webster, 5885 Spring Garden Road, Apt. 419, Halifax, NS, B3H 1Y3.

A letter dated February 18, 1991 from Michael Bradfield, 6324 Cornwall Street, Halifax, NS.

A letter dated February 19, 1991 from Patricia A. Cunningham and Murray Cunningham, 6299 Payzant Avenue, Halifax, NS, B3H 2B2.

A letter dated February 20, 1991 from Howard Epstein, 2396 Clifton Street, Halifax, NS, B3K 4V1.

A FAX received in the City Clerk's Office on February 21, 1991 from Judith A. Lake, 6089 Jubilee Road, Halifax, NS, B3H 2E6.

A presentation submitted at the February 7, 1991 Public Hearing from Alvin Comiter, 1262 Queen Street, Halifax, NS.

**Other correspondance submitted as follows:**

A letter dated September 12, 1990 from Mr. F. B. Wickwire, MacInnes Wilson Flinn Wickwire, Barristers and Solicitors, 2100 Central Guaranty Tower, 1801 Hollis Street, Halifax, NS.

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A letter dated February 19, 1991 from Alan J. Stern, Blois, Nickerson, Palmeto & Bryson, Barristers and Solicitors, 1568 Hollis Street, Halifax, NS.

A letter dated February 20, 1991 from F. B. Wickwire, MacInnes Wilson Flinn Wickwire, Barristers and Solicitors, 2100 Central Guaranty Trust Tower, 1801 Hollis Street, Halifax, NS.

Headlines

Public Hearing Re: Case No. 5621: Development  
Agreement - Lands of Brenhold Development  
Limited - Spring Garden Road and Summer St. .... 59-101.5