

**CITY COUNCIL
MINUTES**

Council Chamber
Halifax City Hall
Halifax, Nova Scotia
14 February 1991
8:00 P. M.

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

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

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

MINUTES

Minutes of the last regular meeting of Halifax City Council held on Thursday, 31 January and of a special meeting held on Wednesday, 23 January 1991 were approved as circulated on a motion by Alderman Fitzgerald, seconded by Alderman Ducharme.

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

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

- 20.1 Case No. 5505: Outdoor Storage
- 20.2 Separation Settlement
- 20.3 Ultramar Station - Corner of Beech
and Chebucto Road (Alderman Meagher)
- 20.4 Hope Cottage (Alderman Meagher)
- 20.5 Petition from Residents on Duncan
and Lawrence Streets Re: Store on
Windsor Street (Alderman Meagher)
- 20.6 Captain William Spry Centre -
Examination of Deficiencies

Also at the request of the City Clerk, Council agreed to defer (to the regular meeting of Council scheduled for 28 February 1991)

5.1 Proposed Heritage Property -
5536 Sackville Street

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

20.7 Halifax Port Corporation

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

Presentation - Retirement Scroll:
Mr. Patrick J. Noddin, Engineering and Works Department

On behalf of the members of Halifax City Council, His Worship Mayor Wallace presented Mr. Patrick J. Noddin, a Fleet Superintendent with the Engineering and Works Department, with a retirement scroll in grateful recognition of Mr. Noddin's 31 years of service with the City of Halifax. In his remarks, His Worship commended Mr. Noddin for his "unassuming excellence" in the conduct of his duties and, through his loyalty and dedication, for setting an outstanding example for his men.

Mr. Peter S. Connell, Director of the Department, also expressed his appreciation to Mr. Noddin for his many years of friendship and service. Mr. Connell referred to a gathering previously held in honor of Mr. Noddin's retirement and spoke of the several commendations which had been received from other municipalities vis a vis Mr. Noddin's assistance to them. Mr. Connell spoke of his former staff member as an exemplary City employee and wished him well in his retirement years.

Alderman Grant presented Mrs. Noddin with a corsage and thanked her for the support given her husband throughout his years of service with the City of Halifax.

DEFERRED ITEMS

Proposed Heritage Property - 5536 Sackville Street

This matter had been deferred during the setting of the meeting's agenda to the next regular meeting of Halifax City Council scheduled for Thursday, 28 February 1991.

Acquisition of 6451 Chebucto Road

This matter had been deferred from a regular meeting of Halifax City Council held on Thursday, 31 January 1991 at the request of Alderman Meagher.

An Information Report, dated 31 January 1991, was submitted.

At the request of Alderman Meagher, it was agreed that this matter would be referred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 20 February 1991) for discussion purposes.

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

A public hearing concerning this matter had been held on Wednesday, 23 January, and had subsequently been deferred at the request of Alderman Meagher from a regular meeting of City Council held on 31 January 1991.

A supplementary report, dated 24 January 1991, was submitted as was correspondence from various property owners on Duncan Street property owners received on 31 January 1991.

Alderman Meagher advised that he had taken the opportunity of discussing this appeal with various neighborhood residents, few of whom had voiced any objection to the proposed conversion. The Alderman also noted that it was his understanding that, should the Peninsula North Secondary Planning Strategy as presently proposed be approved, the appellants would be able to proceed with the requested conversion on an as-of-right basis.

It was therefore moved by Alderman Meagher, seconded by Alderman Fitzgerald that the decision of the Development Officer be overturned and that the appeal of the minor variance refusal concerning 6217 Lawrence Street (Case No. 6225) be granted.

In putting forward this motion, Alderman Meagher sought assurances that, in the process of this conversion, no changes will be made to the exterior of the existing building, nor would parking spaces be created at the rear of the property (i.e., that the parking spaces remain as they are at the front).

The motion was put and passed with Deputy Mayor O'Malley, and Aldermen Pottier, Flynn and Stone abstaining, due to their absence from the 23 January public hearing.

PETITIONS AND DELEGATIONS

Petition Alderman Downey Re: Proposed Underground
Services - Central Business District

Alderman Downey submitted the following correspondence in opposition to various projects concerning underground services proposed for the 1991 budget year:

- Letter, dated 7 February 1991, from Mr. Eric Wood, Duke of Argyle Gallery, 1572 Argyle Street, Halifax, B3J 2B3;

- Letter, dated 7 February 1991, from Mr. David Godfrey, Manager, The Binnacle, 5240 Blowers Street, Halifax, B3J 1J7;

- Letter, dated 8 February 1991, from Mrs. Heather MacEachern, Executive Director, Downtown Halifax BIDC, 1586 Granville Street, Halifax, B3J 1X1;

- Letter, dated 11 February 1991, from Mr. W. A. Sullivan, Chief Engineer (City of Halifax) to Mr. Nicholas Carson, General Manager, Prince George Hotel, 1725 Market Street, Halifax, B3J 3N9.

At the suggestion of the City Manager, it was agreed that this correspondence would be forwarded to the budget review meeting scheduled for **MONDAY, 18 FEBRUARY 1991** for discussion purposes.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 6 February 1991, as follows:

Harbour Clean-Up

Correspondence, dated 12 February 1991, was submitted from Mr. P. Michael Gillham, P.Eng., Vice President, Metro Engineering Inc.

Alderman Fitzgerald reiterated remarks made during the 6 February meeting of the Finance and Executive Committee regarding his personal disappointment with the selection process, and expressed concern that, to date, no member of Council has seen evidence of official Federal Government approval vis a vis the Minister's decision to select Metro Engineering as the engineering consultants for the Harbour Clean-Up project. The Alderman went on to emphasize that, in his opinion and in the interests of strict neutrality, the firms selected for environmental consultancy projects should be

required to report to the President of Halifax Harbour Clean-up Inc., rather than to Metro Engineering.

After some further discussion and questioning of the City Manager, it was moved by Alderman Fitzgerald, seconded by Alderman Meagher that:

- (1) Halifax City Council endorse the selection of Metro Engineering Inc. as an appropriate group to carry out the Harbour Clean-Up project, but that it express its disappointment with the selection process; and that
- (2) a request be made to the appropriate authorities that the environmental consultancy process be reconsidered in that those firms responsible for environmental consultancy projects be required to report directly to the Halifax Harbour Clean-Up Corporation.

Responding to a question from Alderman Meagher, the City Manager advised that, as a result of municipal concerns regarding cost-overruns, a subsequent agreement was entered into by which the Provincial Government will undertake to pick up the Federal share of these overruns. Consequently, the City of Halifax's share in the clean-up project remains as it was before the cost-overruns were incurred.

Mr. Murphy went on to note that, because of the circumstances of the selection process and other related factors, considerable concern has been expressed by Halifax and its sister municipalities that the Harbour clean-up is taking on the appearance of a "Provincial" project, rather than the partnership that was initially anticipated. In this context, the Manager noted that the question has been raised as to whether, if this is indeed the case, the municipalities should still be required to share as per the formula in the original agreement. Mr. Murphy concluded by saying that a further meeting with the Minister to discuss this concern is being considered.

The motion was put and passed.

9:30 p.m. - Alderman Fitzgerald retired from the meeting.

F.C.M. Resolutions

MOVED by Alderman Ducharme, seconded by Alderman Flynn that, as recommended by the Finance and Executive Committee, Council endorse the following resolutions and forward them (together with a copy of the staff report dated 29

January 1991) to the Federation of Canadian Municipalities, to the City of Toronto, and to the other members of the "Big Cities Caucus with a request for their support at the upcoming FCM Conference in June:

1) **Topic: Payment of Family Allowance,
Child Tax Credit, and GST Credit**

WHEREAS the present system of payments make budgeting difficult for the working poor, and;

WHEREAS considerable amounts are paid to companies that buy income tax credit;

BE IT RESOLVED that the Federation of Canadian Municipalities call upon the Federal Government to combine the Family Allowance and Tax Credit System and administer the Child Tax Credit, G.S.T. Credit and Family Allowance through one cheque sent out on a monthly basis.

2) **Topic: Prenatal Supplementation**

WHEREAS the needs of low income pregnant women are so great that any extra money may not be used for nutritional supplement, and;

WHEREAS consultation with a nutritionist and increased consumption of milk through a milk ticket programme, as well as a programme leading to cessation of smoking showed a marked increase in the birth weight of babies born to women in such programmes.

BE IT RESOLVED that the Federation of Canadian Municipalities call upon the Federal Government to make money available through the Canada Assistance Plan to fund Municipal Programmes which would:

1. administer the sale of orange juice and milk tickets and,
2. fund the hiring of a nutritionist for outreach visiting.

In putting forward this motion, Alderman Ducharme described the initiatives in this area taken by the City's Social Planning Department, and commended them for their efforts in this regard.

The motion was put and passed.

Resolution - Town of Antigonish Re:
Goods and Services Tax

MOVED by Alderman Flynn, seconded by Alderman Ducharme that, as recommended by the Finance and Executive Committee, Council write to the Federal Minister of Finance giving its support to the resolution of the Town of Antigonish in respect of the Goods and Services Tax as it relates to recreation programs for those under the age of fourteen (14) years.

The motion was put and passed.

Amendment to Ordinance Number 180, the Streets
Ordinance, Mobile Canteen Site - Grafton Street

MOVED by Alderman Downey, seconded by Deputy Mayor O'Malley that, as recommended by the Finance and Executive Committee, Council approve in principle an amendment to Ordinance 180 to change the location of Mobile Canteen Vending Site Number Three from its present location to one located on the West side of Grafton Street 155 feet north of the stop sign at Spring Garden Road.

The motion was put and passed.

Heritage Fund Grant - St. George's Anglican Church

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

The motion was put and passed.

9:35 p.m. - Alderman Fitzgerald returns to the meeting.

Surplus Schools: Riverview and Titus Smith

An Information Report, dated 7 February 1991, was submitted.

MOVED by Alderman Ducharme, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, Council declare the Riverview School and Titus Smith School sites surplus to City requirements and instruct staff to report back with recommendations for their disposal.

In putting forward this motion, Alderman Ducharme asked that staff give every consideration to securing the former Titus Smith School facility for the use of seniors in Mainland North.

After some discussion, the motion was put and passed.

Use of Archbishop's Residence

MOVED by Alderman Fitzgerald, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, a small ad hoc committee consisting of three or four people be established to determine an approach with respect to the Archbishop's residence.

The motion was put and passed.

Tax Exempt Properties

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, that staff provide a report for Council's consideration and discussion by 1 June 1991 on possible new sources of revenue, and further, that the Committee on Alternate Sources of Revenue also provide a report on the same.

The motion was put and passed.

COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on 6 February 1991 as follows:

Solid Waste Management

This item was discussed at the last Committee on Works meeting held 6 February 1991.

Alderman Flynn addressed the matter and noted that there will be a meeting of the Metropolitan Authority on February 26th to make a final determination with regard to the process and options that have been presented on waste management. He stressed the importance of this issue and the need to proceed with a step by step program. The Alderman noted that His Worship Mayor Wallace on Tuesday of this week made representation to the Metropolitan Authority, on behalf of the consensus of Council, with regard to Council's position on waste management.

Referring to the press release on the matter from His Worship, Alderman Flynn noted that incineration was not included as an option in waste management at this time. Alderman Flynn went on to speak in favour of the option supported by Council and MOVED, seconded by Alderman Ducharme that City Council support a revised Strategy #3 on waste management as follows:

STRATEGY #3 (REVISED)

1 percent	hazardous waste
10 percent	commercial diversion
15 percent	recycling
5 percent	backyard and leaf composting
5 percent	organic food waste
5 percent	future additional diversion to dry landfill or land reclaiming
<hr/> 41 percent	
59 percent	landfill with baling

Alderman Ducharme addressed the matter and noted that, as members of Council are aware, she visited the incineration plant in Connecticut which would have been similar to the plant Halifax would have required if it had opted for incineration as part of its waste management system. She indicated that she was impressed with the plant and the fact that the level of emissions were much lower than previous emission levels she had read about. Alderman Ducharme commented that incineration science has come a long way. However, she noted that Halifax still needs a landfill site and should it ever go to incineration as part of its system, that it could acquire either a section of its landfill site or another landfill site to cope with the ash.

Alderman Ducharme advised that one point which concerned her about incineration was the fact that Halifax might not be producing enough burnable garbage for incineration and would have to resort to burning cardboard, Xmas trees, etc., which are recyclable. She indicated that a major concern to her was that recyclable garbage may have to be used in order to produce enough steam to generate the power.

Alderman Fitzgerald commented on the importance of the education component and the need to encourage citizens to recycle.

Following a discussion, the motion was put and passed.

SAFETY COMMITTEE

Council considered the report of the Safety Committee from its meeting held on 6 February 1991 as follows:

Moosehead Grand Prix

Information reports dated 12 & 14 February 1991 were submitted. A letter dated 13 February 1991 from Mr. Harold H. MacKay, President, Grand Prix, was also submitted.

Alderman Downey addressed the matter and noted that a meeting had been held this past Monday with residents in the Cogswell Street area and in the surrounding neighbourhood to hear their concerns on the Grand Prix. He noted that a public meeting had also been held on January 21st on the same. Alderman Downey pointed out that all possibilities to move the route from Cogswell Street had been studied with no success of finding a feasible alternative location. He added that it was unfortunate that part of the route was in a residential area. Alderman Downey expressed the view that Moosehead has made every effort to try and accommodate and alleviate the concerns of the residents.

Alderman Downey specifically requested that the Paddock area behind the Centennial Pool be moved to perhaps the Vocational School or some other location in order to eliminate some of the noise in the Cogswell Street area.

MOVED by Alderman Downey, seconded by Alderman Stone that the Moosehead Grand Prix be approved for one more year on a trial basis for the 13th, 14th, & 15th September 1991 and that the "Paddock" area be moved from the Cogswell Street area to another site.

Alderman Meagher addressed the matter and advised that he would not be supporting the motion. He explained that he had received a number of complaints and concerns from citizens of his Ward that the setting up of the track, etc., caused too much of a burden and disturbance to the people in this area. Alderman Meagher added that although he felt the race was generally accepted by many people in Halifax, he did not think the location was appropriate.

A discussion followed with Alderman Meagher questioning whether or not the City would be in contravention to Ordinance 180 respecting Streets by holding this race, and the City Solicitor advised that the issue was raised last year and there was a report provided that indicated, in the opinion of the Legal Department, there was no violation of any legislation with respect to that aspect.

Alderman Pottie particularly referred to the stipulation in the motion that the Paddock area be moved from

Cogswell Street to another area and indicated that this should definitely be done.

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

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

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

FIRST READING on this matter was given at a meeting of City Council held on 31 January 1991.

MOVED by Alderman Meagher, seconded by Alderman Fitzgerald that City Council give SECOND READING to the amendments proposed for Ordinance 137, the Deferred Payment of Taxes Ordinance, as contained in Appendix "A" of the staff report dated 31 January 1991.

Motion passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on Wednesday, 6 February 1991 as follows:

**Case No. 6202: Proposed Development Agreement -
Kearney Lake Road and Bicentennial Highway**

MOVED by Alderman Stone, seconded by Alderman Ducharme that, as recommended by the City Planning Committee, Council schedule a public hearing to consider a development agreement pertaining to the construction of a commercial plaza and 100-unit motel on Block R-2, located adjacent to the northeast corner of the intersection of Kearney Lake Road and the Bicentennial Highway.

In putting forward this motion, Alderman Stone commented that he has already asked that staff consider the installation of traffic lights at this intersection.

Motion passed.

The City Clerk advised that the recommended date is Wednesday, 20 March 1991, 7:30 p.m. in the Council Chamber.

10:30 p.m. His Worship Mayor Wallace retired from the meeting with Deputy Mayor O'Malley assuming the seat of the Chair.

Presentation - Parkland Plan

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that as recommended by the City Planning Committee, Council review the Plan as outlined in the report "Parkland Plan for Halifax - A Program for Setting Priorities for the Acquisition, Planning and Development of Parkland", and:

1. Approve the program summarized in Annex IV; and
2. Authorize staff to undertake a study of long term park needs and priorities.

Motion passed.

Case No. 6249: South End Plan Area, R-2A (General Residential Conversion and Townhouse) Zone: - Amendment to Section 43AE Land Use Bylaw (Peninsula Area)

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, a date be set for a public hearing to consider an amendment to Section 43AE of the Land Use Bylaw as delineated in the resolution of Appendix II (attached to the staff report of 31 January 1991) and, further, that the matter be referred to the Planning Advisory Committee for advice.

Motion passed.

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

MOTIONS

Motion Alderman Pottie Re: Proposed Amendments to Ordinance Number 103, the Rules of Order Ordinance (FIRST READING)

A staff report dated 1 February 1991 was submitted.

MOVED by Alderman Pottie, seconded by Alderman Ducharme that City Council approve FIRST READING to the amendment to Ordinance 103, the Rules of Order Ordinance, attached as Appendix "A" to the staff report of 1 February 1991 and refer the amendment to the Committee of the Whole Council meeting on 20 February 1991 for consideration and report.

Motion passed.

QUESTIONS

Question Alderman Ducharme Re: Recycling Boxes

Alderman Ducharme questioned when the various departments, in particular the Aldermen's Office, might receive the recycling boxes that were to be provided in February.

Mr. Peter S. Connell, Director of Engineering and Works, indicated that he would obtain that information from Mr. Jim Bauld and provide a report.

Question Alderman Ducharme Re: Report - Task Force on Traffic

Alderman Ducharme questioned when the report of the Task Force on Traffic might be presented to Council and Mr. Peter S. Connell, Director of Engineering and Works, advised that it will likely be presented in early March.

Question Alderman Ducharme Re: Home for Troubled Teenagers

Alderman Ducharme noted that the Province has given a permit for a Home for Troubled Teenagers which is backing on a Day Care Centre in Mainland North. She asked that staff look into the situation commenting that, even though they are both admirable causes, they might not be compatible.

Question Alderman Grant Re: Pedestrian Mall -
Sackville Street area

Alderman Grant questioned if any study had ever been looked at with respect to the closing of Sackville Street between Summer and South Park Streets in order to link with a pedestrian type mall, the Public Gardens, and the Wanderer's Grounds.

The City Manager advised that there was a report on the matter and agreed to have it re-circulated to Council.

Question Alderman Grant Re: Green Area

Alderman Grant noted that past members of Council had discussed green area, in particular, reference to the V.G. Hospital parking lot. He added that there had been discussion with the Province about obtaining that property and extending the South Common to South Street. He questioned whether that had ever been done and, if not, if it will be done.

**Question Alderman Grant Re: Procedures in dealing
with Personnel Matters**

Alderman Grant indicated that he appreciated the report he had received from the Personnel Department about the administration policies with respect to dealing with personnel matters, but indicated that what he really wanted to know was whether there was any policy or approved course of procedures for dealing with personnel matters, in particular individuals, in the public Council forum.

The City Manager advised that he would check the Policy Manual to see if there was anything in writing and that he would subsequently contact the Alderman on the matter.

Question Alderman Flynn Re: Metropolitan Transit Budget

Alderman Flynn questioned whether or not it would be possible to deal with the budget for the Metropolitan Transit at the budget meeting scheduled for Monday, 18 February 1991. He explained that the Metropolitan Authority deferred a decision with respect to a rate increase for buses until after the Authority has dealt with its total budget. Alderman Flynn noted that the budget will be dealt with by the Metropolitan Authority on Wednesday, February 20th at 9:00 a.m. and indicated that he would like some direction from Council, as Council's representative on the Authority, on this matter with respect to the rate increase.

The City Manager advised that he would try to prepare some information on the matter for Council's meeting on Monday, February 18th.

Question Alderman Fitzgerald Re: Queen's Wharf

Alderman Fitzgerald advised that he had received a copy of a letter from Mr. Richard J. Matthews, Director of Development and Planning, to the Architect Engineering Service for Public Works Canada regarding the Queen's Wharf. The Alderman indicated that he had great concern about the decision of Public Works Canada with respect to the "finger piers" in the Harbour and questioned if there was any way the City could thwart that decision. He suggested that perhaps the City could make it an historic wharf.

Question Alderman Fitzgerald Re: Bars - Drinking Establishments

Alderman Fitzgerald commented that he had read in the newspaper that there is a check on bars in Dartmouth and suggested that the same be done in Halifax.

Question Alderman Fitzgerald Re: Halifax International Airport

Alderman Fitzgerald referred to a letter from the His Worship Mayor Wallace with regards to a cost recovery program from the Airports. The Alderman expressed the concern that this is a disastrous program which will put the Halifax International Airport at a competitive disadvantage. He questioned if other steps could be taken to press upon the Province that this should not be done and suggested that perhaps the City Manager could check with the Mayor on this.

Question Alderman Fitzgerald Re: Appointment of Consultants

Alderman Fitzgerald asked for a report as to how consultants are appointed in the City of Halifax.

Question Alderman Stone Re: Walkway/Steps Shovelling

Alderman Stone advised that a resident who lives on the Bedford Highway is unable to find someone to shovel his walkway and steps although he is willing to pay for this work. He noted that he had contacted a School in the area and Spencer House, but had no success in finding someone to do this. The Alderman questioned if there was any other avenue that could be taken in an attempt to accommodate this gentleman.

Question Alderman Stone Re: Traffic Lights on Dunbrack Street

Alderman Stone noted that it was his understanding from talking with Mr. Bill Sullivan, Chief Engineer, that the traffic lights at the intersection on Dunbrack Street were included in this year's capital budget. However, the Alderman noted that the minutes of the capital budget deliberations do not refer to this item. He asked that staff look into the matter.

Question Alderman Holland Re: Tidal Zone North West Arm

Alderman Holland noted that he had asked a question recently about the tidal zone in the North West Arm. He commented that staff acknowledged that maybe there should be concern about the type of fill used in this area. However, the Alderman indicated that he did not think that the point was addressed that, when fill is used of any kind, the environment is affected. Alderman Holland added that the area was very sensitive and asked that staff address the delicate nature of the inter-tidal zone in the North West Arm.

Question Alderman Meagher Re: "Land & Sea"

Alderman Meagher referred to a letter he had received from Mr. Gerry Whelan, C.U.P.E., concerning the loss of jobs as a result of the termination of "Land & Sea" which was one of the programs affected by the CBC cuts in December. Alderman Meagher noted that this many people enjoyed this program and MOVED, seconded by Alderman Hanson that His Worship Mayor Wallace forward a letter on behalf of members of Council to the CBC and to the Federal Government in support of "Land & Sea".

Motion passed.

Question Alderman Hanson Re: Internal Telephone Directory

Alderman Hanson questioned if it would be possible to develop an internal telephone directory, and the City Manager advised that there is one currently being produced.

Question Alderman Hanson Re: Inclusion of Telephone Locals on Staff Reports

Alderman Hanson noted that it would be helpful if telephone locals were marked on staff reports of the person(s) who prepared them.

NOTICES OF MOTION

Notice of Motion Alderman Downey Re: Ordinance Number 180

Alderman Downey gave notice of motion that at the next meeting of Halifax City Council to be held on Thursday, the 28th day of February 1991, he proposes to introduce for FIRST READING an amendment to Ordinance Number 180, the Streets Ordinance. The purpose of the amendment is to change the location of mobile canteen vending site number 3 on Grafton Street.

10:40 p.m. His Worship Mayor Wallace returned to the meeting with Deputy Mayor O'Malley taking her usual seat in Council.

ADDED ITEMS

Separation Settlement

This item was added during the setting of the agenda by the City Clerk.

A private and confidential staff report dated 12 February 1991 was submitted.

MOVED by Alderman Flynn, seconded by Alderman Fitzgerald that Council accept the resignation of Mr. Howard Oehman as Director of Recreation for the City of Halifax and the separation compensation package as outlined by the City Manager.

Motion passed.

Ultramar Station - Corner of Beech Street and Chebucto Road
(Alderman Meagher)

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

Alderman Meagher addressed the matter and advised that just recently he had noticed a sign in front of the Ultramar Station at the corner of Beech Street and Chebucto Road announcing the intent to run a 24 hour operation. The Alderman expressed the concern that this will cause a great inconvenience to the neighbours in this area and MOVED, seconded by Alderman Fitzgerald that the Legal Department contact the Board of Public Utilities to ascertain whether the application has been made and, if it has, that Council object to the 24 hour operation of the service station which is located in a neighbourhood area.

Motion passed.

Alderman Meagher requested, if possible, that this matter be dealt with at the next Committee of the Whole Council meeting scheduled for **Wednesday, 20 February 1991.**

Hope Cottage (Alderman Meagher)

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

Alderman Meagher addressed the matter and, referring to a report from the Society of St. Vincent De Paul, advised that the Hope Cottage cost the Society over \$100,000 in 1989/90 and that over 43,000 meals were served during this period. Alderman Meagher added that there are from 90 to 150 men who are provided with evening meals at Hope Cottage. The Alderman suggested that His Worship Mayor Wallace, on behalf of members of Council, forward a letter to the Society thanking them for their charitable support which they give to the needy in the City of Halifax.

His Worship suggested that a letter also go to all churches of all denominations who are giving this quiet but very important support during the year. Mayor Wallace added that perhaps a record showing all the churches and volunteers involved with this program could be brought to Council.

Alderman Meagher further asked that a letter of recognition and thanks be sent to St. Andrew's Church on Coburg Road who provide the Sunday night program.

**Petition from Residents on Duncan Street and Lawrence Street
Re: Store on Windsor Street (Alderman Meagher)**

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

Alderman Meagher addressed the matter and submitted a petition with approximately 100 signatures of residents in the Lawrence Street and Duncan Street area in opposition to the continued operation of Night Magic Fashions at the corner of Lawrence and Windsor Streets.

Alderman Meagher asked that this item be placed on the agenda for the Committee of the Whole Council meeting scheduled for 6 March 1991. The Alderman also indicated that he would like this matter referred to the City Solicitor's Department, the Building Inspection Division, the Police Department, and the School Board.

Case No. 5505: Outdoor Storage

A supplementary staff report dated 11 February 1991 was submitted.

Deputy Mayor O'Malley addressed the matter and, noting that she had not had the chance to go through the report entirely, requested that the matter be deferred to the next Committee of the Whole Council meeting scheduled for **Wednesday, 20 February 1991, to which Council agreed.**

Captain Wm. Spry Centre - Examination of Deficiencies

A staff report dated 14 February 1991 was submitted.

MOVED by Alderman Grant, seconded by Alderman Stone that an additional \$35,000 be authorized to be expended from the City insurance claims account to permit work to the Captain Wm. Spry Centre to be undertaken.

Motion passed.

The Halifax Port Corporation (Alderman Flynn)

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

Alderman Flynn addressed the matter and noted that Council is fully aware of the alarming situation that the Halifax Port Corporation finds itself in with regard to the competition now from the United States. He went on to note that there has been a lot of publicity in the local media the last couple of days outlining some corrective action that they propose to take hoping to save some of the container lines.

Alderman Flynn also commented that His Worship the Mayor had written to the Canadian National Railway a few weeks ago with regard to double stacking and the up-keep of the rail line between here and Montreal. The Alderman urged that it was important for even more to be done to show Council's support for the Port Commission and questioned when the report with respect to the connecting road between Ceres and the Port will be coming to Council.

The City Manager advised that, if possible, the report would be at the next Committee of the Whole Council meeting scheduled for **Wednesday, 20 February 1991.**

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

K/M

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**SPECIAL COUNCIL
PUBLIC HEARINGS
MINUTES**

Council Chamber
Halifax City Hall
20 February 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: Deputy Mayor Marie O'Malley, Chairman; and Aldermen Holland, Fitzgerald, Downey, Meagher, Hanson, Jeffrey, and Stone.

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

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

**Case No. 6015: Amendment to Development Agreement - 5248
Morris Street**

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

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that a public hearing date be scheduled to consider an amendment to the existing development agreement between the City of Halifax and the Provincial Medical Board (Case No. 6015), to permit the construction of an addition to the existing building for office use and to extend the completion date for the entire agreement one year.

Motion carried.

The City Clerk advised that the public hearing would be scheduled for **WEDNESDAY, 20 MARCH 1991 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

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Pedestrian Safety - Uniacke Square Area and Immediate Environs

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

MOVED by Alderman Downey, seconded by Alderman Jeffrey that

1. Council approve approximately \$60,000 for the installation of the new RA-5 overhead pedestrian crosswalk devices at 3 Gottingen Street locations and reassign this funding from a proposed 1991 project for Spring Garden Road/Dresden Row;
2. Council consider funding in the 1991 Capital Budget for the signalization of Brunswick Street at Cornwallis Street (to be considered at the February 21, 1991 Budget Meeting);
3. Consideration be given at a later date to call for a public hearing to consider the street closure at Brunswick Street and Gerrish Street;
4. The Police Department, the School Board, and the School Principals' Association be asked to consider an education program for Crosswalk Safety Week for all Halifax City schools.

Motion carried.

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

Public Hearing Re: Case No. 6254: Minor Variance Appeal - 5881 Hillside Avenue

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

A staff report dated 29 January 1991 was submitted.

Mr. Boyd Algee, Development Officer, addressed Council and, using diagrams, outlined the application by Mr. H. Maxwell Harvey for a minor variance of the side yard requirement to permit the existing rear deck at 5881 Hillside Avenue to remain in its present location. He advised that on 21 December 1990 the application was approved and on 9 January

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1991, a property owner (Mr. Harris S. Boutilier) appealed his decision.

Mr. Algee responded to questions from Council.

Mr. Harris Boutilier, the appellant, addressed Council and outlined his reasons for appealing this minor variance approval.

In his presentation, Mr. Boutilier advised that the applicant applied for a permit to repair the deck but, in fact, he went further than just repairs and tore off the deck, which was about 10 X 10 feet square and approximately 3 1/2 feet high, and replaced it with a two-level deck, approximately 18 1/2 feet long and 14 feet wide. Mr. Boutilier added that the new deck was too close to his property line and prevented him from carrying on with the proper maintenance of his yard.

Mr. Boutilier advised that the City's building inspection department investigated the matter and notified Mr. Harvey that the work must stop, but the people who were building the deck continued and finished the work. Mr. Boutilier indicated that according to the City regulations the deck was supposed to be four feet from the property line, but in fact, it was only 18 inches from his property line to applicant's deck railing.

Mr. Boutilier also pointed out that the top of the deck railing, in the driveway, measured 7 1/2 feet high. He added that he discussed the matter with Mr. Harvey and Mr. Harvey indicated that he was prepared to move the deck back 20 inches. Mr. Boutilier noted that when Mr. Harvey came to the City to apply for the minor variance he was advised to leave the deck as it was and was told that if no one appealed the minor variance, then he could leave the deck as it was.

Pointing out that the applicant constructed the deck in the way he wanted to, Mr. Boutilier suggested that there was intentional disregard for the Land Use Bylaw with this application.

Mr. Boutilier concluded his presentation by displaying photographs of the applicant's deck in proximity to his property line.

Mr. Algee responded to further questions from Council.

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A letter dated 17 February 1991 from the applicant, Mr. H. Maxwell Harvey, was submitted indicating that, due to the nature of his position in the Navy, he was unable to attend this public hearing.

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

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

Motion carried.

Public Hearing Re: Case No. 6203: Application, Amendment to Development Agreement, Rockingham Ridge, Stage II, Phase 2B

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 for amendment to the Stage II approval of Phase 2B, Rockingham Ridge; specifically, the amendment for Lot K-17 Farnham Gate Road (as contained in the 12 December 1990 staff report).

Mr. Algee responded to questions from Council.

Mr. W. Fares, the applicant, addressed Council and indicated that he would respond after public presentations were heard.

Mr. Michael R. Kent, a resident of 70 Attenborough Court, addressed Council and read and submitted his presentation in opposition to the proposed amendment (a copy of which may be found in the official file of this meeting).

Mr. Kent advised that he was speaking on behalf of the Townhouse owners on Attenborough Court who were as follows:

Raye Billard, 72 Attenborough Court
Warren Grant, 76 Attenborough Court
Judy Allan, 85 Attenborough Court
W. McDougall, 83 Attenborough Court
Maria MacGillivray, 71 Attenborough Court
Bernie Coffin, 75 Attenborough Court

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In his remarks, Mr. Kent advised that he opposed the proposal by the applicant to construct an apartment building on the lot K-17 in lieu of townhouses as previously designated. He added that he purchased his townhouse on the understanding, from the developer, that all these units plus any future units would be sold as family units, and there would be no rental units in this area.

Mr. Kent expressed concern about the instability of the neighbourhood with an increase in rental units as compared to family-owned units. He also noted that homeowners take greater care and pride in their property than do rental tenants. Noting that there were several rental units in his vicinity, he advised that the residents have had to, on several occasions, take action against delinquent tenants with respect to noise levels and the maintenance of the properties.

In conclusion, Mr. Kent advised that he and those he represents were in opposition to this proposed amendment.

Mr. Raman Seth, a resident of 16 Chessvale Close, addressed Council and spoke in opposition to the proposed amendment.

Mr. Seth advised that he owned the townhouses built on lot 16A which was adjacent to the proposed development. He pointed out that lot 17 was at a slightly higher elevation than the surrounding lots, therefore, even if the building was three storeys high, it will infringe on the privacy of the other townhouses. On another point, Mr. Seth advised that the units he constructed were built with the intention of selling to prospective buyers, and he added that if the applicant was permitted to build the proposed apartment building, it would devalue the surrounding properties.

Mr. Seth advised that the original plan for this lot was for townhouses and that was the way it should stay. He indicated that with 32 apartments on this lot it would certainly increase the traffic. He advised that this proposal should be rejected and the lot should only be permitted for townhouse development.

Mr. Greg McGrath, a resident of 81 Attenborough Court addressed Council and advised that he was speaking on behalf of the Board of Directors of Condominium Corporation 145 in which he was Vice President. (Mr. McGrath submitted his presentation and a copy of this may be found in the official file of this meeting).

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Mr. McGrath advised that he was opposed to the proposed amendment because he and others purchased their homes with the understanding that the future development of the adjacent lots would also be townhouses intended to be owner occupied and family oriented. He added that the proposed apartment building was not in keeping with the type of developments existing in the area and he expressed concern about the number of transient people this would attract, and suggested that it would be noisy and devalue the property rates in the surrounding area.

Mr. McGrath referred to the current vacancy rate of apartment buildings in Halifax and he suggested that the City did not need another apartment building. Mr. McGrath requested Council's refusal of this amendment.

Mr. W. M. Fares, the applicant, addressed Council and advised that he was co-owner of the townhouses adjacent to the lot K-16B and the potential owner of the proposed lot in question.

Mr. Fares advised that when he initially purchased the two lots it was with the intention of building townhouses. He added the first lot was developed with townhouses, however, the present economical condition of the real estate market has forced him to rent the townhouses. Mr. Fares noted that it was not economically feasible to rent and, therefore, he decided that the best way to proceed would be with the construction of an apartment building.

Mr. Fares noted that the proposed apartment building would contain the same density as proposed for the townhouses; the building, itself, would be smaller than the proposed townhouses; and with respect to height, the building would remain the same as it was for the proposed townhouses.

In reference to property values, Mr. Fares advised that it was not fair to prejudge a development until it was completed and the residents should not automatically assume that it will not be appropriate for the area. He pointed out that with his present investments in this area, he does not want to do anything that would have a negative impact on the area.

Mr. Fares requested Council's approval of this matter.

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Mr. Raman Seth, a resident of 74 Nightingale Drive, addressed Council and indicated that he was part owner of the townhouses on lot 16-A in this area.

Mr. Seth advised that he, also, was unable to sell his townhouses due to the numbers that were available and, therefore, he was forced to rent them. Mr. Seth advised that if Council was to approve this amendment, it would be solving one economic problem but creating many economic problems for others. He added that if this request was approved he would not be able to sell his remaining units because people do not want to buy homes in areas where there are apartment buildings.

Mr. Seth suggested that if Council allows Mr. Fares to build an apartment building, then he would also request Council's help in converting his townhouses into apartments. In conclusion, Mr. Seth requested Council's refusal of this matter.

Mr. Seth responded to questions from Council.

Mr. Hugh Smith, a resident of 1950 Connaught Avenue, addressed Council.

Mr. Smith pointed out that, he as part of the original developers of the site, sold the land and told the buyers what could be built on the land according to City regulations. He pointed out that these lots were originally approved as multi-unit buildings and not townhouses.

Mr. Smith advised that, over the years, what his company has done in accordance with their contract zoning and Municipal Development Plan, was ensure that the density, height, and mass remains the same when they sell their lots. He emphasized that this was not anything new and, in fact, the lot was originally approved for 32 units and it was changed to townhouses. He added that this amendment was a return to the original, approved use.

Mr. Smith pointed out that with respect to the Seth's townhouses, Mr. Fares has townhouses built beside their's and, therefore, the Seth's wouldn't have an apartment building built next to them because Mr. Fares is the immediate adjacent property owner.

Mr. Raman Seth, 16 Chessvale Close, addressed Council once again and addressed Mr. Smith's comments that this area was originally designated for a combination of townhouses and apartment buildings and that it was later changed to

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townhouses. Mr. Seth advised that the area was presented to him and other as being designated, "townhouse development" when they inquired about purchasing the lots. He suggested that Mr. Smith gave a wrong perception when he advised that the area was originally proposed for the townhouse and apartment building mix.

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

The following correspondence was submitted:

A letter dated February 11, 1991 from Raman Seth, 16 Chessvale Close, Halifax, NS, B3M 4C7.

A letter, submitted at the public hearing, dated February 20, 1991 from Greg D. McGrath, Vice President Halifax County Condo. Corp. #145, 81 Attenborough Court, Halifax, NS B3M 4C1.

A letter, submitted at the public hearing, dated February 20, 1991 from Michael R. Kent, 70 Attenborough Court, Halifax, NS, B3M 4C2.

A letter dated February 26, 1991 from Hugh Smith, President, FS Industries Limited, Second Floor, 1870 Upper Water Street, Halifax, N.S.

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

Motion carried.

Public Hearing Re: Case No. 6182: Development Agreement -
2494 Robie Street

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

Mr. Gary Porter, Planner, addressed Council and outlined the application for a development agreement to permit the Lane Community Clinic, a community based psychiatric clinic rehabilitation program, at 2494 Robie Street (as contained in the staff reports of 18 October 1990 and 18 December 1990).

In concluding his remarks, Mr. Porter advised that staff was recommending refusal of this application.

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Mr. Porter responded to questions from Council.

Mr. Jan Grude addressed Council and advised that he was representing the Board of St. Paul's Home which was the owner of the building on Robie Street, and they lease it to Lane Community Clinic. He noted that as the owner of the building they were the applicant.

Mr. Grude provided a history of St. Paul's Home. He advised that they also own other facilities which are community based and provide services to the people in the community as well as outside the immediate neighbourhood. He added that his organization also provides funding on a continuing basis to other organizations which are involved in providing services to the young and other members of society.

Mr. Steve Jensen addressed Council and advised that he was with the Camp Hill Medical Centre.

Mr. Jensen advised that two of the goals of the Camp Hill Medical Centre were to respond to community needs and to make the Medical Centre's programs as accessible as possible. He added that, in meeting these needs, it was their belief that there is an increasing trend to provide programs outside hospital walls. Mr. Jensen advised that the Medical Centre was very supportive of the Lane Community program, and there was an increasing demand for the clinic's service. In conclusion, Mr. Jensen advised that the Clinic has the community support and he requested Council's approval of this request.

Ms. Nancy Beck addressed Council and advised that she worked at the Lane Community Clinic.

Ms. Beck advised that the Clinic was funded through the Department of Health for 21 people. In providing a brief sketch of the program, Ms. Beck advised that it was a rehabilitation program for people with psychiatric disabilities and that it teaches them life skills and work skills so they can go back into the community and carry on with either work or education.

Ms. Beck elaborated further on the program and responded to questions from Council.

Ms. Beck submitted two letters in support of the application.

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Ms. Natalie Kahil, a client of the Lane Community Clinic, addressed Council and briefly related her favourable personal experience with the Lane Community Clinic.

Dr. Michael Teehan addressed Council and advised that he worked as a physician and psychiatrist at the Camp Hill Medical Centre.

Dr. Teehan advised that, in psychiatry, it seems that those most in need tend to have the least amount of available resources directed their way. He advised that the Lane Community Clinic was one such resource and he requested that Council continue to permit this facility.

On another point, Dr. Teehan advised that the words, "institution" and "clinic" have been thrown around and he pointed out that this was not an institution, nor was it a clinic in the sense that people were coming and going through the day. He noted the clients come in the morning and stay throughout the day.

Mr. Jack Langley, a resident of 5248 Harvey Street, addressed Council and advised that he was a client at the Lane Community Clinic.

In his presentation, Mr. Langley indicated that there was a difference in being treated in a hospital and in the community, at a clinic. He advised that as a schizophrenic, the hospital setting was a sterile environment and never seemed a natural place to be, whereas, the community setting of the clinic provided a realistic setting. He added that he has nothing but praise for the Clinic.

Mr. Langley advised that he moved to Harvey Street because it was close to where the clinic was located at that time, which was Tower Road. He suggested that if he was a new client today, for convenience purposes, he would choose to live as close to the Robie Street clinic as possible.

Ms. Mary Petty, a resident of 2579 Creighton Street, addressed Council and advised that she was a social worker on staff at the Lane Community Clinic.

Ms. Petty indicated that she supported this application. She added that she was pleased that it was in this neighbourhood because it lends itself towards breaking the stigma that still exists regarding mental illness.

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Mr. Doug Crossman, a resident of 5545 Macara Street, addressed Council and advised that he was Executive Director of the Canadian Mental Health Association (Nova Scotia Division), and that he was on the newly created Provincial Health Council.

Mr. Crossman advised that he wanted to compliment the Lane Community Clinic and Camp Hill Medical Centre because although the Clinic was part of a hospital complex, the Hospital has seen the wisdom of putting their services in the community where people are best served. He added that he disagreed with a remark in the staff report which said that it was not needed and he advised that it was an essential service to the community.

Mr. Crossman also noted that the Clinic has gone a long way to displace the myths associated with mental illness. He also noted that the staff report says that the clinic was not in a park or institutional zone, and he advised that the "institutional" zone does not suit the new directions that health care was taking and it does little for the stigma associated with mental health or mental illness.

Ms. Joanne Bathurst, a resident of 24 Ridgcrest Avenue, addressed Council and advised that she was representing the Schizophrenia Society of Nova Scotia.

Ms. Bathurst elaborated briefly on the importance of the Clinic to her organization and she strongly requested Council's approval of this application.

Mr. John Annett, a resident of 2395 Clifton Street, addressed Council and indicated that his property bordered the Lane Community Clinic. He indicated that the Clinic was an excellent neighbour and recommended that Council approve their application.

Mr. Chris Files, a resident of 2575 Creighton Street, addressed Council and indicated his support of this application.

Mr. Files advised that this clinic serves a need in the community and that it was important that the clinic be located in the community. He suggested that people with mental illnesses have, in the past, been segregated from society but this clinic, by being in the community, would benefit both those with disabilities and those without disabilities.

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

The following correspondence in support of the application was submitted (at the public hearing):

A letter dated February 18, 1991 from Elizabeth Townsend, a resident of 2384 Clifton Street, Halifax, NS, B3K 4V1.

A letter dated February 18, 1991 from Joan Klein, a resident of 6048 Compton Avenue, Halifax, NS.

Alderman Meagher addressed the matter and indicated that it was evident from the presentations tonight that there was overwhelming approval for this application and he therefore MOVED, seconded by Alderman Jeffrey that the application for a development agreement at 2494 Robie Street, lands of St. Paul's Home to permit "Lane Community Clinic," be approved.

Motion carried.

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

DEPUTY MAYOR MARIE O'MALLEY
CHAIRMAN

/sm

Headlines

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

Council Chamber
Halifax City Hall
Halifax, Nova Scotia
28 February 1991
8:00 P. M.

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

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

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

MINUTES

Minutes of the last regular meeting of Halifax City Council held on Thursday, 14 February 1991, were approved as circulated on a motion by Alderman Fitzgerald, seconded by Deputy Mayor O'Malley.

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

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

20.1 Case No. 6182: Development Agreement -
2494 Robie Street

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

20.2 Queen's Wharf

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

5.1 Proposed Heritage Property - 5536 Sackville St

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

Before starting the regular agenda, His Worship Mayor Wallace, on behalf of members of Council, welcomed the Cub Pack from St. Agnes Church who were present in the Gallery.

**Presentation - Art Allocation Committee's Certificate of Recognition: Purdy's Wharf Developments Limited
Nova Scotia Designer Crafts Council**

Mr. John McCulloch, Chairman, of the Halifax Art Allocation Committee, addressed Council and introduced the recipients of the Art Allocation Committee's Certificate of Recognition: Purdy's Wharf Development Limited, represented by Mr. John Lindsay, Jr., President; and the Nova Scotia Designer Crafts Council represented by Yvonne Lynch, President, and Marie Palmer, Executive Director.

His Worship Mayor Wallace presented the awards on behalf of members of Council to Mr. Lindsay, Purdy's Wharf Development Limited, and Ms. Lynch and Ms. Palmer, Nova Scotia Designer Crafts Council.

DEFERRED ITEMS

Proposed Heritage Property - 5536 Sackville Street

This item was deferred during the setting of the agenda.

Case No. 6254: Variance Appeal - 5881 Hillside Avenue

A public hearing on this matter was held 20 February 1991.

A letter dated 28 February 1991 from H.M. Harvey was submitted.

Deputy Mayor O'Malley advised that staff are having discussions with the two property owners involved and therefore MOVED, seconded by Alderman Jeffrey that this matter be deferred to the next meeting of City Council scheduled for 18 March 1991 to give staff an opportunity make a further attempt to have this matter resolved between the two parties and involved.

Motion passed.

Alderman Ducharme retired briefly from the meeting at this time.

Case No. 6203: Application, Amendment to Development Agreement,
Rockingham Ridge, Stage II, Phase 2B

A public hearing on this matter was held 20 February 1991.

Alderman Stone addressed the matter and advised that a number of area residents who live at Attenborough Court and own townhouses have some strong objections to the proposed amendment. He explained that when these people bought their townhouses, they bought them with the understanding that the immediate area to them would be townhouses and that they expected family orientated dwellings rather than people who would be more transient. Alderman Stone advised that the applicant, at the public hearing, indicated that he owned townhouses adjacent to the area which he was unable to sell as owner occupied because of the market at the time and that this was his reason for the amendment.

Alderman Stone indicated that the abutting property owners are concerned that apartments would destroy the stability and compatibility of the immediate area.

MOVED by Alderman Stone, seconded by Alderman Holland
that City Council refuse the requested amendment to allow the construction of a 32-unit apartment building on Lot K-17 Farnham Gate Road.

The City Clerk advised that Aldermen Pottie, Grant, and Flynn 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, Grant, and Flynn abstaining.

Alderman Ducharme returned to the meeting.

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

This item was deferred from the meeting of City Council held on 31 January 1991.

Alderman Grant addressed the matter and noted that a couple of questions had arose from some residents and were referred to staff for a response. The Alderman commented that he had a question with respect to procedure which he would like addressed in a written report from staff. Alderman Grant asked whether this particular plan amendment should be forwarded to the Planning Advisory Committee (PAC) before a date is set for a public hearing, and whether the PAC's report should be

included in any information regarding a decision to set a date for a public hearing.

MOVED by Alderman Grant, seconded by Alderman Hanson that this matter be deferred to the next meeting of City Council scheduled for 18 March 1991 pending a report from staff.

Motion passed.

Alderman Jeffrey retired from the meeting at this time.

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

Public Hearings on this matter were held February 6th, 7th, and 19th, 1991.

A supplementary staff report dated 28 February 1991 was submitted.

Mr. Michael J. Hanusiak, Planner II, addressed Council and advised, as explained in the supplementary staff report of 28 February 1991, that members of Council received a letter from the developer's solicitor, Mr. Ted Wickwire, dated 27 February 1991, outlining three proposed amendments to the Agreement which accompanies staff's original report in August 1990. Mr. Hanusiak noted that the developer had noticed an error in the letter of February 27th from his Solicitor and has supplied another letter dated 28 February 1991. Mr. Hanusiak went on to review the proposed amendments as outlined in the supplementary report of 28 February 1991.

Alderman Fitzgerald, also a member of the Planning Advisory Committee and the Heritage Advisory Committee, addressed the matter and advised that he had participated in many debates and discussions regarding the proposed development. He went on to point out that there is only one Public Gardens which is used, appreciated, and loved and should be protected at all costs. Alderman Fitzgerald added that the property in question was a prime one, and a very valuable and central one. He commented that the developer worked extremely hard to come forward with a viable proposal. However, Alderman Fitzgerald expressed the concern that the height of the proposed development was a little too high and that the historic Garden Crest Apartments should be preserved.

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that the application 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, as shown on Plans No. P200/17951-56, 17960-62 and 17995 of Case 5621, be refused.

In giving reasons for his motion of refusal, Alderman Fitzgerald referred to heritage Policy 6.8 where it states "that any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value." Alderman Fitzgerald expressed the opinion that the historic value of the building would be altered if only the front facade of the building was saved and the rest torn down. The Alderman went on to refer to part 2 of the same policy where it states "that any development must maintain the integrity of any registered heritage property, streetscape or conservation area" and suggested that the proposal goes against this particular policy as well.

Referring to shadow policies, with respect to a minimum of shadows, Alderman Fitzgerald expressed the view that the shadows are an influence. He commented on the fact that people enjoy to sit in the sun. Alderman Fitzgerald also referred to policy 8.1.2 where it states that any proposed development should not cast a significant amount of shadow on the Public Gardens during the time of year in which the Gardens are open. For these reasons, Alderman Fitzgerald advised that his motion was for refusal of the proposed development.

Following a debate, a recorded vote was requested, and the City Clerk advised that Deputy Mayor O'Malley was not in attendance at the public hearings on this matter and therefore should refrain from the vote.

The motion was put and defeated with Deputy Mayor O'Malley abstaining from the vote and four (4) voting for and six (6) voting against the motion as follows:

FOR: Aldermen Fitzgerald, Downey, Meagher, and
Ducharme.(4)

AGAINST: Aldermen Holland, Pottie, Grant, Hanson, Flynn,
and Stone.....(6)

MOVED by Alderman Flynn, seconded by Alderman Holland
that:

- 1) City Council approve the entering into of a development agreement for the 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 Plan Nos. P200/17951-56, 17960-62 and 17995 of Case No. 5621;

2) The development agreement be consistent with the form provided in the staff report of 27 August 1990 with the exception of the following changes:

(i) The first subclause of article 3 is revised to read:

- restoration and reconstruction of 1538-48 Summer Street (Garden Crest Apartments) for use as residential dwelling units only.

(ii) That the following provision be added to article 3:

Where the developer can show to the satisfaction of the City that either market conditions or negotiations with the Province of Nova Scotia militate against the exclusive use of the Garden Crest apartments for residential purposes, the Council may at the request of the developer and without an amendment to this agreement, permit the building to be used for either offices or a combination of offices and residential dwelling units.

(iii) Article 9 is amended to read:

The "development" shall be commenced (commenced meaning the pouring of footings and foundations for the restored Garden Crest Apartments, the three storey commercial building and either the 11 or 12 storey residential building) within 5 years from the date of final approval by Halifax City Council or any board or court of appeal as necessary, whichever approval is later; including all applicable appeal periods. Furthermore, the development shall be completed in its entirety within 10 years of said approvals, otherwise this agreement will terminate unless specifically extended, upon request of the applicant, by resolution of City Council and all rights and obligations arising hereunder shall be at an end.

(iv) Add to the agreement the following provision:

The developer undertakes to expend its best efforts in the salvaging and

safekeeping of worthwhile artifacts of heritage interest within the Garden Crest Apartments which are not reincorporated into the building and to deliver such salvaged artifacts to heritage organizations or causes who display an interest in such artifacts, free of cost.

- 3. 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.

The motion was put and passed with Deputy Mayor O'Malley abstaining from the vote and six (6) voting for and four (4) voting against the motion as follows:

FOR: Aldermen Holland, Pottie, Grant, Hanson, Flynn, and Stone.....(6)

AGAINST: Aldermen Fitzgerald, Downey, Meagher, and Ducharme(4)

The following submissions in opposition to the proposed developed and not recorded in the public hearing minutes were received subsequent to the public hearing held 13 February 1991:

A letter dated 26 February 1991 from Adah Gruver, 156 Brook St., Halifax, N.S. B3N 2B2;

A letter dated 24 February 1991 from E.D. Horlock, 1510 Lilac St., Halifax, N.S. B3H 3W3;

A letter dated 24 February 1991 from Heather Danskin, 6026 Cedar St., Halifax, N.S. B3H 2J3;

A letter dated 22 February 1991 from Karen Koppernaes, 2076 Kline St., Halifax, N.S.;

A letter dated 25 February 1991 from Bruce Blakemore, Blanche, N.S.;

A letter dated 22 February 1991 from Lesley Armstrong, 25 Battery Drive, Halifax, N.S. B3P 2G9;

A letter dated 25 February 1991 from Marjorie Austin, Friends of the Public Gardens, 1119 Tower Road, Halifax, N.S. B3H 4H5;

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A letter dated 24 February 1991 from Majory Whitelaw, 6941 Tupper Grove, Halifax, N.S. B3H 2M7;

A letter dated 26 February 1991 from Sjaw Kuper-Shaw, 13 Battery Drive, Halifax, N.S.;

A letter dated 21 February 1991 from Anthony E. Edwards, 8 Sullivan's Hill, Bedford, N.S. B4A 1N8

A letter dated 20 February 1991 from Victoria Grant, 6026 Cedar Street, Halifax, N.S. B3H 2J3;

A letter dated 22 February 1991 from Margaret Campbell, 6435 Edinburg St., Halifax, N.S. B3L 1W6;

A letter dated 25 February 1991 from Garry D. Shutlak, 6016 University Ave, Halifax, N.S. B3H 1W4;

A letter dated 26 February 1991 from Betty Moore for Friends of the Public Gardens with enclosed letters;

A letter dated 25 February 1991 from Mary Tomlinson, 1471 Carlton St, Halifax, N.S. B3H 3B8;

A letter dated 26 February 1991 from Barbara Patton, 6303 Payzant Ave, Halifax, N.S. B3H 2B2;

A letter dated 13 February 1991 from Donald C.F. Moors, 1565 Vernon St, Halifax, N.S.;

A letter dated 26 February 1991 from Geraldine Donovan, 1465 Carlton St, Halifax, N.S., B3H 3B8;

A letter dated 21 February 1991 from Gail D. Judge;

A letter dated 26 February 1991 from Wendy L. Thorpe, 5466 Inglis St, Unit 2, Halifax, N.S., B3H 1J7;

A letter dated 24 February 1991 signed by Mildred Millar, 6153 Murray Pl.; Barbara J. Christie, 1132 Waterloo St; Michael Chandler, 1555 LeMarchant St; Pauline E. Hillis, 1143 Studley St; Valerie Monsoon, 6166 Murray Pl; Mary S. McDonald, 6180 Murray Pl; Lynn Rotini, 1131 Studley Ave;

A letter dated 26 February 1991 from Budge Wilson, Apt. 11, 5254 Green St, Halifax, N.S. B3H 1N7;

A letter dated 19 February 1991 from Judith, Paul, Sara, and Rachel Brodie, 6215 Coburg Rd, Halifax, N.S. B3H 1Z8;

A letter received 26 February 1991 from Allan and Nancy O'Brien, 5667 Fenwick St, Halifax, N.S.;

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A letter dated 26 February 1991 from Elizabeth Pacy,
President, Heritage Trust of Nova Scotia;

A letter dated 24 February 1991 from Dorothy M.
Sutherland, P.O. Box 8148, Halifax, N.S. B3K 4L8;

A letter dated 23 February 1991 from Mary E. Cameron, Apt.
602, 5959 Spring Garden Road, Halifax, N.S. B3H 1Y5;

A letter dated 22 February 1991 from Margaret Milbury,
Apt. 16, 1078 Tower Road, Halifax, N.S. B3H 2Y5;

A letter dated 25 February 1991 from Bernice Miller, 1333
South Park St., Halifax, N.S. B3J 2K9;

A letter received 26 February 1991 from Jessie G.
Mitchell, Apt. 1203, 211 Willett St., Halifax, N.S. B3M 3C7;

A letter dated 23 February 1991 from Douglas R. Price, 940
Marlborough Avenue, Halifax, N.S. B3H 3G8;

A letter dated 25 February 1991 from Jean E. Brady, 1938
Oxford St, Halifax, N.S. B3H 4A2;

A letter dated 24 February 1991 from Bonita Price, 2157
Connaught Ave, Halifax, N.S. B3L 2Z2;

A letter dated 21 February 1991 from Clara Giffen, Apt.
618, 5885 Spring Garden Road, Halifax, N.S. B3H 1Y3;

A letter dated 22 February 1991 from Gary Wilson, 1056
Lucknow St, Halifax, N.S. B3H 2T5;

A letter received 26 February 1991 from Chris Nielhen,
6320 York St, Halifax, N.S.;

A letter dated 22 February 1991 from R. Bean, c/o 5163
Duke St, Halifax, N.S., B3J 3J6;

A letter dated 21 February 1991 from Robert Young, 6169
Lawrence St, Halifax, N.S., B3L 1J7;

A letter dated 24 February 1991 from Bruce Greenfield,
6224 North Street, Halifax, N.S., B3L 1P5;

A letter dated 22 February 1991 from Alvin Comiter, 1262
Queen St, Halifax, N.S. B3J 2H4;

A letter dated 21 February 1991 from Susan MacLeod, 2243
Maynard St, Halifax, N.S. B3K 3T6;

A letter dated 21 February 1991 from Darlene M. Burne;

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- A letter dated 21 February 1991 from Philip L. Hartling, 6016 University Avenue, Halifax, N.S. B3H 1W4;
- A letter dated 21 February 1991 from John MacLoed, 15 Lawnsdale Drive, Dartmouth, N.S.;
- A letter dated 25 February 1991 from Barbara A. Hinds, 6135 Allen Street, Halifax, N.S. B3L 1G7;
- A letter dated 21 February 1991 from Mildren H. Rogers, Halifax, N.S.;
- A letter dated 21 February 1991 from Claudia Gillis, 1333 South Park St, #1408, Halifax, N.S. B3J 2K9;
- A letter dated 21 February 1991 from Bernice and Ray Bignell, 115 Williams Lake Rd, Halifax, N.S. B3P 1T5;
- A letter dated 21 February 1991 from Marjorie Austin, Halifax, N.S.;
- A letter received 25 February 1991 from M. Lawrence, 5885 Cunard St, Apt. 303, Halifax, N.S. B3K 1E3;
- A letter received 25 February 1991 from Hilary Grant, Beech House, Borden Street, Bedford, N.S. B4A 1W1;
- A received 25 February 1991 from Jean MacKay, 1078 Tower Road, Halifax, N.S. B3H 2Y5;
- A letter dated 21 February 1991 from Danella MacKay, 5361 Vestry St, Halifax, N.S.;
- A letter dated 21 February 1991 from Hazel McKay, Apt. 111, 1585 Oxford St, Halifax, N.S. B3H 3Z3;
- A letter dated 21 February 1991 from Phyllis MacEachern, 29 Ocean View Drive, Halifax, N.S. B3P 2H4;
- A letter received 25 February 1991 from Mary Stirling, 1958 Oxford St, Halifax, N.S.;
- A letter dated 21 February 1991 from Mary V. Lutwick;
- A letter received 25 February 1991 from Rita Connell;
- A letter dated 21 February 1991 from Doris J. Baker, Apt. 4, 5977 College St, Halifax, N.S. B3H 1X6;
- A letter dated 21 February 1991 from Carol D. Snair;
- A letter dated 13 February 1991 from Arthur Carter, 2354 Clifton St, Halifax, N.S. B3K 4V1;

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- A letter dated 26 February 1991 from David Carter & Judy Kelly-Carter, 6144 North St, Halifax, N.S. B3K 1P3;
- A letter dated 25 February 1991 from Pauline Carter, R.R.#2 Brookfield, Colchester Co., N.S.;
- A letter dated 27 February 1991 from Graham C. Read, President, Waldean Square Holdings Limited, 2053 Gottingen St, Halifax, N.S. B3K 3B2;
- A letter dated 28 February 1991 from Roger Smith, 102 Williams Lake Road, Halifax, N.S. B3P 1T3;
- A letter dated 27 February 1991 from Kathryn L. Thomson, 1739 Chestnut St., Halifax, N.S. B3H 3T5;
- A letter dated 23 February 1991 from Christine Carter, 2830 Agricola St, Halifax, N.S. B3H 4E4;
- A letter dated 25 February 1991 from Lorraine and John Baxter, 6284 Seaforth St, Halifax, N.S. B3L 1P9;
- A letter dated 27 February 1991 from Rose Harlen, 2830 Agricola St, Halifax, N.S. B3K 4E4;
- A letter dated 25 February 1991, 5455 Young St, Halifax, N.S. B3K 1Z6;
- A note dated 28 February 1991 from Nita Graham;
- A letter dated 27 February 1991 from Lynn Slaunwhite, R.R.#7 Site 12, Box 17, Armdale, Halifax Co, N.S. B3L 4R7;
- A letter dated 27 February 1991 from Kathleen J. Hall, 11 Hall's Road, Halifax, N.S. B3P 1P4;
- A letter dated 28 February 1991 from Rita A. Creighton, 1721 Cambridge St, Halifax, N.S. B3H 4A8;
- A letter dated 28 February 1991 from Susan Bagley, Box 26, Site 35, R.R.#2, Tantallon, N.S. BOJ 3J0;
- A letter dated 26 February 1991 from Margaret Vigneault, 5476 Clyde St, Halifax, N.S. B3J 1E1;
- A letter dated 28 February 1991 from D. Antony Gillis, 6352 Summit St, Halifax, N.S. B3L 1R9

The following correspondence in support of the proposed development and not recorded in the public hearing minutes was submitted subsequent to the public hearing on 13 February 1991:

A letter dated January 1991 from Melanie Mader, 1689
Preston St, Halifax, N.S. B3H 3V2;

A letter dated 21 February 1991 from Barbara Brossard,
5930 Pinehill Drive, Halifax, N.S. B3H 1E5;

A letter dated January 1991 from Donna Denney, 3789
Newbery St, Halifax, N.S. B3K 3L7;

A letter dated January 1991 from K. Elizabeth Lammond, 436
Auburn Dr, Dartmouth;

The following submissions were received from the
Solicitor and Applicant subsequent to the public hearing on 13
February 1991:

A letter dated 27 February 1991 from F. B. Wickwire,
MacInnes Wilson Flinn Wickwire Barristers and Solicitors;

A letter dated 28 February 1991 from W.J. Grant Brennan,
Managing Director, Brenhold Limited.

Alderman Jeffrey returned to the meeting at this time.

PETITIONS AND DELEGATIONS

Petition Alderman Stone Re: Clayton Park West

Alderman Stone submitted a petition with 36
signatures of the residents of Clayton Park West requesting the
expeditious installation of traffic lights at the Dunbrack-
Ratcliffe interesection.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and
Executive Committee from its meeting held on 20 February 1991
as follows:

Acquisition of 6451 Chebucto Road

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

A supplementary staff report dated 25 February 1991
was submitted.

MOVED by Alderman Meagher, seconded by Alderman Pottie that this matter be deferred to the meeting of the Committee of the Whole Council to be held on 20 March 1991 in order that staff may determine the status of the conditional Agreement of Purchase and Sale and the wishes of the owner with respect to the property.

Motion passed.

Ultramar Station - Corner of Beech Street and Chebucto Road

This matter was forwarded to Council without recommendation, pending receipt from staff as to the criteria used by the Public Utilities Board to permit the operation of 24-hour gas stations.

An information report dated 21 February 1991 was submitted.

Alderman Meagher advised that he had forwarded a letter to the Chairman of the Public Utilities Board with a copy to His Worship Mayor Wallace on this matter.

Responding to a question from Alderman Meagher, the Acting City Manager advised that the inquiries staff have made have indicated that the hearing in respect of this matter was held some time ago and was apparently advertised in the papers. He added that the public hearing was held and the matter was approved. The Acting City Manager therefore suggested that as far as the Public Utilities Board is concerned, the matter is completed.

Alderman Meagher expressed the concern that a Public Utilities Board's ad in the newspaper would not sufficiently inform the citizens in the area of the hearing. He asked that staff continue to pursue the matter with the Board and suggested that perhaps even another hearing should be held.

The Chairman suggested that staff would provide Alderman Meagher with a report covering the question of what is the authority of Council and what is the routine and policy of the Public Utilities Board when they make these decisions.

Alderman Grant questioned why the Public Utilities Board do not have to give the same kind of notifications to the adjacent neighbours as the City does in a planning situation. He suggested that this would be the most appropriate thing for them to have to do. The Chairman indicated that this was the type of information that could be included in the report to be submitted.

It was agreed that a staff report addressing the different responsibilities and roles be submitted.

Halifax-Dartmouth Port Development Commission

This matter was forwarded to Council without recommendation.

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

Motion passed.

Tender #90-159: Shirts -
Police and Fire Departments

MOVED by Alderman Hanson, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, authority be granted to award Tender #90-169 (Shirts - Police and Fire Departments) to Continentale Shirt Inc. (at the prices indicated in the staff report dated 11 February 1991), being the lowest bidder meeting specifications (funds to be made available for this requirement in departmental budgets).

Motion passed.

Tender #90-160: Uniform Clothing (Police Department)

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, authority be granted to purchase uniform clothing requirements for the Halifax Police Department (Tender #90-160) from the lowest bidder meeting specifications, Town Tailor, at unit prices as indicated in the staff report, dated 11 February 1991 (funds to be made available for this requirement in the departmental budget).

Motion passed.

Resolution - City of Nepean Re:
Recycling of Bell Canada Telephone Books

MOVED by Alderman Ducharme, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, the following resolution as put forward by the City of Nepean be endorsed by Halifax City Council:

WHEREAS municipalities across Canada are incurring increased costs for environmental programs including in particular the costs of recycling programs;

AND WHEREAS the "after markets" for many items which are recyclable through Blue Box programs have not materialized or are highly unstable, resulting in municipalities assuming the burden of these increased costs of operating Blue Box programs;

AND WHEREAS Bell Canada, through its association with OMMRI is encouraging municipalities to collect its telephone directories in Blue Boxes and otherwise for recycling;

AND WHEREAS corporations like Bell Canada who profit from the delivery of a service or produce must take responsibility for the full costs associated with these services and product under the environmental concept of "cradle to grave;"

BE IT RESOLVED THAT the City of Nepean hereby requests the support of the Federation of Canadian Municipalities to demand that Bell Canada and their sister telephone companies across Canada assume the full costs of collecting, handling, and recycling of their used telephone directories, and to seek the involvement of the CRTC in requiring such a commitment from Bell Canada for the 1992 telephone directory distribution;

and further, that information pertaining to Maritime Tel and Tel's recycling program be forwarded to the City of Nepean for reference purposes.

Motion passed.

**Encroachment License: Civic No. 5523 Spring
Garden Road (City Centre Atlantic)**

MOVED by Alderman Downey, seconded by Alderman Holland that, as recommended by the Finance and Executive Committee, an encroachment license be approved for the construction of 56 encroaching canopies on the building known as City Centre Atlantic (Civic No. 5523 Spring Garden Road).

Motion passed.

Annual Technical Support - SUN IV 32 Users Unix:
Finance Department (GIS)

MOVED by Alderman Holland, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, authority be granted to commit \$15,749.99 with Oracle Corporation Canada Inc. relating to annual technical support for SUN IV 32 Users Mix (funds to be made available in Account Number 122603.A0447, "Data Processing Equipment Rental - GIS").

Motion passed.

Metropolitan Authority - Financial Control

Following is the motion which was forwarded from the 20 February meeting of the Finance and Executive Committee:

That:

- (1) staff be asked to submit to Council a plan that will enable the City to regain financial control of our taxpayers' money that is being committed and spent in the name of regional cooperation, mainly by the Metropolitan Authority (the purpose of this plan will be to ensure that no money is committed or spent by any organization, regardless of previous commitments unless approved by the City); and that
- (2) year to year current expenses are to receive Managerial input.

Alderman Fitzgerald reiterated his concerns regarding the City's lack of control over what he termed its "financial destiny," particularly given the fact that the Metropolitan Authority is currently able to overspend its budget with little or no input from its primary contributor, the City of Halifax. The Alderman went on to emphasize that, in his opinion, this problem could be at least partially addressed by ensuring that the Chief Executive Officers from all four municipalities are given an opportunity to discuss the Authority's budget with Authority management, and that the proposed budget is submitted to each council for review and recommendation before it is finalized.

It was therefore moved by Alderman Fitzgerald, seconded by Alderman Holland that a greater liaison be developed between the Metropolitan Authority and the Chief Executive Officers, and that before any budgets are set by the Authority, they are discussed with the CEO's of the four member

municipalities so that a more realistic approach to the budgeting process can be taken.

On another but related matter, Alderman Stone made reference to correspondence recently received which indicates that the Authority has decided to expand the Dartmouth transit garage, rather than to locate a new facility in Halifax. The Alderman pointed out that this is yet another expenditure in which the City of Halifax has had little input, and strongly recommended that the Authority rethink its plans.

After some further discussion, the motion was put and passed.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on Wednesday, 20 February 1991, as follows:

Tipping Fees

10:35 p.m. - Alderman Flynn retires from the meeting.

Following is the motion from the 20 February meeting of Committee of the Whole Council:

That staff provide a report on ways in which the City could rebate condominium owners 50 percent of their tipping fees for 1991.

Alderman Fitzgerald opened the discussion by emphasizing that the application of tipping fees to condominium owners is a source of some considerable concern to all members of Council, particularly since it would appear that these homeowners are being treated rather differently than are the owners of other types of residential properties.

Alderman Fitzgerald pointed out that, contrary to what had been previously suggested by the City Manager, he had been advised that the BFI vehicles who collect garbage from residential properties (other than condominiums) do not pay tipping charges. On that basis, therefore, he argued that not only do condominium owners have to pay for garbage pick-up, they must also pay the tipping charges that are subsequently applied. Alderman Fitzgerald expressed the view that this was particularly unfair since condominiums are essentially identical to other single-family units, in that they are both residential in nature and are individually owned. He added that, in his opinion, if the City chooses not to "tax" all homeowners (i.e., force everyone to pay tipping charges), it

should not apply the tax to only a certain segment of the residential population.

In an effort to address this problem, a motion was proposed by Alderman Fitzgerald; namely that until such time as all household residents are required to pay a tipping fee, beginning on 1 October 1991, condominium units be treated in the same fashion as all other residential housing units; and furthermore, that the City's recycling programs be extended to include all condominium and apartment units.

Alderman Fitzgerald emphasized that his intention was to officially acknowledge that the current policy of requiring condominium owners to pay tipping charges is unfair, and that between now and 1 October either the Metropolitan Authority could agree to drop this uncalled for charge against these residential taxpayers or the City can devise a way in which these fees could be rebated to condominium owners. He added that the 1 October timeframe was intended to provide an opportunity for the City Manager and his staff to develop an appropriate proposal designed to meet this objective.

His Worship reminded Council that it cannot consider a proposal involving the expenditure of funds without a recommendation from the City Manager. He also went on to note that, according to advice recently received from the Provincial Director of Assessment, any relief for condominium owners (in terms of an exemption from tipping charges) will result in an increase in their assessment.

A motion was therefore moved by Alderman Fitzgerald, seconded by Deputy Mayor O'Malley that staff be requested to develop a report for Council's consideration concerning the manner in which tipping charges, as they pertain to condominium owners, can be abolished by 1 October 1991.

In seconding Alderman Fitzgerald's motion, Deputy Mayor O'Malley noted that despite the fact that staff had previously been requested to gather material as to how other municipalities are dealing with this problem, this information has not yet been received. The Deputy Mayor emphasized that, in her opinion, such information would be extremely helpful to Council, particularly if it constituted an overall assessment of municipalities who are coping with this problem.

His Worship Mayor Wallace agreed with the Deputy Mayor's suggestion, and indicated that staff would be requested to include this information in their forthcoming report.

On another but related matter, Deputy Mayor O'Malley pointed out that many condominium owners and residents of high-rise apartment buildings are extremely upset because it is their impression that they will be excluded from the City's "Blue Box" recycling program. Reiterating her request made at

Committee of the Whole Council, the Deputy Mayor asked that this matter be addressed and, if indeed these residents are to be excluded, suggested that staff indicate whether anything can be done to allow these individuals to participate.

Commenting on the motion presently on the floor, the Acting City Manager pointed out that at the present time there is no mechanism under the City Charter to permit payments of this nature (i.e., rebates pertaining to tipping fees) to Halifax residents. Consequently, he suggested that the motion be considered as an "expression of intent" on the part of Halifax City Council, and that it include a request to staff for a report on the ways and means of implementation. Mr. Anstey went on to point out that, using this approach, the City Manager could then generate a report which not only would include an overview of the policies in place in other municipalities, but might also contain suggestions that Council might find more appropriate to the Halifax situation than that put forward by Alderman Fitzgerald.

Concurring with Mr. Anstey's remarks, His Worship pointed out that another difficulty with the rebate proposal is that the revenues collected through tipping fees belong to the Metropolitan Authority, not to the City of Halifax.

Alderman Flynn addressed the matter and asked that an estimate of the total cost to the City, should the rebate proposal be ultimately approved, be included in the report requested from the City Manager.

Alderman Ducharme put forward the suggestion that the City might consider compensating condominium owners for their unfair treatment vis a vis tipping fees by contributing money to establish recycling depots specifically for the use of these individuals, thereby reducing the amount of garbage to be collected and also allowing this segment of the City's residential population to participate in the recycling program.

Prior to the vote being taken, His Worship clarified that staff would be requested to bring in a complete report on the matter of tipping charges as they relate to condominium owners, including a comparison of practices in other municipalities and addressing the matter of including condominium and high-rise apartment dwellers in the City's recycling programs.

The motion was put and passed.

11:05 p.m. - Alderman Flynn returns to the meeting.

Grand Parade - Tabling of Report

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that, as recommended by the Committee on Works, the Plan as presented by staff on the Grand Parade be tabled which could be brought back before a Council of the day for review, and that the Plan be referred to the Halifax Foundation as a possible project for them to become involved with in planning for the 250th birthday celebration of the City.

In putting forward this motion, Alderman Jeffrey clarified that Council was not preapproving the expenditure of money for this purpose.

The motion was put and passed.

Installation of Underground Conduit - Grafton Street (at Spring Garden Road)

MOVED by Alderman Downey, seconded by Alderman Meagher that, as recommended by the Committee on Works:

- 1) Council approve funding for the installation of NSPC electrical conduit and the City street light and fire alarm conduit on Grafton Street, with funding authorized from Capital Account Number CK026, Underground Wiring CBD Area, estimated at \$15,000.00;
- 2) Council approve payment to Maritime Tel & Tel, upon completion, for the installation of NSPC underground conduit and City street light and fire alarm conduit on Grafton Street, at a cost estimated at \$15,000.00.

The motion was put and passed.

11:10 p.m. - His Worship Mayor Wallace retires from the meeting, with Deputy Mayor O'Malley assuming the Chair.

REPORT - SAFETY COMMITTEE

Council considered the report of the Safety Committee from its meeting held on Wednesday, 20 February 1991, as

New Overhead Upgraded Crosswalk Controls:
RA-5 Installation Criteria

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that, as recommended by the Safety Committee, City Council approve both Part I and Part II of attachment "B" to

the staff report of 4 February 1991 as installation criteria for the use of Type I RA-5 crosswalk controls in Halifax, which will be in effect until such time that a Province-wide installation standard is developed.

The motion was put and passed.

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

**Motion Alderman Pottie Re: Proposed Amendment to
Ordinance No. 103, the Rules of Order Ordinance
- SECOND READING**

This amendment had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 14 February 1991, and had been further considered during a regular meeting of the Finance and Executive Committee held on Wednesday, 20 February.

MOVED by Alderman Pottie, seconded by Alderman Flynn that City Council give SECOND and final reading to the amendment proposed for Ordinance Number 103, the Rules of Order Ordinance (attached as Appendix "A" to the staff report of 1 February 1991), the purpose of which is to limit questions raised during Question Period at regular meetings of City Council to a maximum of three minutes per Alderman.

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, 20 February 1991, as follows:

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

This matter had been forwarded to Council without recommendation.

Based on the contents of the staff report dated 13 February, 1991, it was moved by Alderman Meagher, seconded by Alderman Jeffrey that staff be requested to generate the necessary reports with reference to the following amendments proposed for the Municipal Planning Strategy and to the Land Use Bylaw:

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- (1) 2080, 2086 and 2094 Windsor Street (St. Vincent's Guest House). That each of the three properties be zoned as R-3 with Schedule "C" being retained to permit flexible redevelopment, through contract, for the entire site;
- (2) 6032-6034 Compton Avenue. That the site be rezoned from R-2 to R-2A to reflect its current use;
- (3) 2024-2046 Robie Street (Cruikshanks Funeral Home). That the site be rezoned to reflect the current use of the property, and also that 2046 Robie Street be rezoned to allow it to be used as a parking lot in conjunction with the funeral home.

In putting forward this motion, Alderman Meagher noted that the proposed changes are intended to result in zoning classifications which are in greater conformance with the public's wishes concerning these properties.

On a point of clarification, the Acting City Manager noted that there were two methods of accomplishing this objective: (1) to deal with the above-mentioned areas by requesting staff to change the text of the proposed Peninsula North Plan so that, eventually, a further public hearing can be held to consider the amended Plan in its entirety; or (2) to address each of the areas separately, taking each through the approval process independently (i.e., to the Planning Advisory Committee and to a public hearing).

Alderman Meagher indicated that his motion intended that Option (2) be adopted, and that these and other such properties that might be brought forward in the future be dealt with as separate entities.

Responding to a question from Alderman Pottie, the Acting City Manager indicated that, in his opinion, the Planning Advisory Committee would be compelled to hold further public meetings concerning these properties, but added that since they were now being dealt with as individual components of the Peninsula North Area, the proceedings should proceed on a more straightforward and less controversial basis.

After some further discussion, the motion was put and passed.

Case No. 6117: Lot Modification - 2575-81 Creighton Street (SET DATE FOR PUBLIC HEARING)

MOVED by Alderman Downey, seconded by Alderman Meagher that, as recommended by the City Planning Committee, a public hearing be scheduled to consider a development agreement with Kopek Company to permit the subdivision of 2575-81 Creighton Street into two lots.

AMENDED

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- (1) **2080, 2086 and 2094 Windsor Street (St. Vincent's Guest House).** That each of the three properties be zoned as R-3 with Schedule "C" being retained to permit flexible redevelopment, through contract, for the entire site;
- (2) **6032-6034 Compton Avenue.** That the site be rezoned from R-2 to R-2A to reflect its current use;
- (3) **2024-2046 Robie Street (Cruikshanks Funeral Home).** That the site be rezoned to reflect the current use of the property, and also that 2046 Robie Street be rezoned to allow it to be used as a parking lot in conjunction with the funeral home.

In putting forward this motion, Alderman Meagher noted that the proposed changes are intended to result in zoning classifications which are in greater conformance with the public's wishes concerning these properties.

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Alderman Meagher indicated that his motion intended that Option (2) be adopted, and that these and other such properties that might be brought forward in the future be dealt with as separate entities.

Responding to a question from Alderman Pottie, the Acting City Manager indicated that, in his opinion, the Planning Advisory Committee would be compelled to hold further public meetings concerning these properties, but added that since they were now being dealt with as individual components of the Peninsula North Area, the proceedings should proceed on a more straightforward and less controversial basis.

After some further discussion, the motion was put and passed.

Case No. 6117: Lot Modification - 2571-81 Creighton Street (SET DATE FOR PUBLIC HEARING)

MOVED by Alderman Downey, seconded by Alderman Meagher that, as recommended by the City Planning Committee, public hearing be scheduled to consider a development agreement with Kopek Company to permit the subdivision of 2575-81 Creighton Street into two lots.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 3 APRIL 1991 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

**Case No. 6154: Development Agreement -
1677-79 Preston Street (SET DATE FOR PUBLIC HEARING)**

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that, as recommended by the City Planning Committee, a public hearing be scheduled to consider a development agreement with Sunder Lal and Tej Kumari Sharma to permit the use of 1677-79 Preston Street as a four dwelling unit building and its conversion to three dwelling units within two years (to be effective 1 June 1993).

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 3 APRIL 1991 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

Case No. 6178: Police Association Property (South Street)

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that, as recommended by the City Planning Committee, staff submit a report concerning the City's policy of taking land instead of cash, particularly with regard to waterfront properties.

The motion was put and passed.

MOTIONS

**Motion Alderman Downey Re: Proposed Amendment to
Ordinance 180, the Streets Ordinance - FIRST READING**

Notice of Motion with regard to this proposed amendment was given by Alderman Downey during a regular meeting of Halifax City Council held on Thursday, 14 February 1991.

A report, dated 15 February 1991, was submitted from the City Solicitor.

MOVED by Alderman Downey, seconded by Alderman Hanson that Halifax City Council give **FIRST READING** to an amendment proposed for Ordinance Number 180, the Streets Ordinance, attached as Appendix "A" to the report, dated 15 February 1991 from the City Solicitor and relating to the relocation of mobile canteen vending site Number 3 (Grafton Street); and further, that the matter be forwarded to the next regular

meeting of Committee of the Whole Council, scheduled for Wednesday, 6 March 1991, for consideration and report.

The motion was put and passed.

MISCELLANEOUS BUSINESS

Appointments

MOVED by Alderman Meagher, seconded by Alderman Stone that DORIS STEEVES be the Library representative on the Mainland South Community Centre Corporation (term to expire on 31 January 1993).

The motion was put and passed.

11:25 p.m. - His Worship Mayor Wallace returns to the meeting, with Deputy Mayor O'Malley resuming her usual seat on Council.

Dynalect Testing of City Streets by the Nova Scotia Department of Transportation and Communications

A staff report, dated 22 February 1991, was submitted.

MOVED by Alderman Grant, seconded by Alderman Hanson that City Council approve the payment of \$30,000.00 to the Nova Scotia Department of Transportation and Communications for Dynalect Testing of City streets for the total cost of \$60,000.00 (funds to be authorized from Account No. D1626).

The motion was put and passed.

QUESTIONS

Question Alderman Grant Re: Road Improvements - Micmac Boulevard (Dartmouth)

Alderman Grant asked that, if at all possible, staff provide information concerning the funding arrangements vis a vis the major road improvements which have been undertaken on Micmac Boulevard in the vicinity of the entrance to the Micmac Mall (Dartmouth).

**Question Alderman Grant Re: Leasing
Arrangements - City of Halifax Facilities**

Alderman Grant asked for information as to whether there is any City-owned space, other than the Bloomfield School facility, where the leasing arrangements are not administered by the City's Real Estate Division, but rather by a City-appointed board or commission.

**Question Alderman Jeffrey Re: Bus
Stop - 51 Rosedale Avenue**

Alderman Jeffrey made reference to the bus stop located adjacent to a dwelling at 51 Rosedale Avenue, and noted that the property owner in question has experienced a number of break-ins. Based on a recommendation received from the Halifax Police Department, the Alderman asked that Metro Transit be requested to take steps to have the bus stop removed from this location.

**Question Alderman Jeffrey Re: Use of
City-Owned and Private Vehicles by City Employees**

Alderman Jeffrey made reference to a matter raised recently in the local media regarding the practice of permitting certain City employees, who live outside Halifax, to take City-owned vehicles home at night. The Alderman indicated that he would appreciate having the Auditor General look into this matter and to provide information concerning the justification, if any, for this practice.

On another but related matter, Alderman Jeffrey noted that, in other instances, City employees are paid on a monthly basis for the mileage they accumulate on their private vehicles in the course of carrying out City business. The Alderman asked for information from the Auditor General as to the mileage formula used, the monthly amount being paid to each individual, and whether, in the opinion of the Auditor, this policy is being abused.

Question Alderman Jeffrey Re: Arbitration Hearings

Alderman Jeffrey made reference to the firing (approximately six months ago) of a City Field employee, namely Mr. Robert Ivey, noting that, prior to that time, Mr. Ivey had won an arbitration against the City.

The Alderman asked that the Auditor General provide members of Council as quickly as possible with information regarding the cost to the City of the initial arbitration hearing, the reasons underlying Mr. Ivey's termination of employment and the person directly responsible for his firing,

and an estimate of the costs which will accrue to the City as a result of the second request for arbitration subsequently filed. In this same context, Alderman Jeffrey asked to be advised as to the date when this current request for arbitration will be heard.

Question Alderman Downey Re: Winter Parking Ban

Alderman Downey asked for a report (in time for the next regular meeting of Committee of the Whole Council **scheduled for Wednesday, 6 March 1991**) from the Traffic Authority as to whether, in view of the relatively mild weather conditions the City is currently experiencing, consideration could be given to lifting the winter parking ban somewhat earlier than 31 March.

Question Alderman Downey Re: Supermailboxes

Alderman Downey made reference to an Information Report concerning Supermailboxes, dated 26 February 1991, in which it was noted that the unit located adjacent to two houses in Hamilton Lane is not accessible by wheelchair. In this context, the Alderman asked that staff undertake to see that the necessary curb cuts are made as quickly as possible.

Question Alderman Flynn Re: Licensing of Dogs

Alderman Flynn made reference to a telephone call he had recently received regarding an elderly dog whose activities have been extremely limited by age. In this context, the Alderman asked for information from staff as to whether consideration could be given to applying an age restriction to the licensing of dogs so that older animals, whose exposure to the outdoors is minimal, might be exempt.

Question Alderman Stone Re: Rosebushes - Dunbrack Street

Alderman Stone made reference to the Dunbrack Street rosebushes, and asked that Parks and Grounds staff be requested to trim these shrubs as early as possible this year, particularly at the intersections and along the sidewalks so that pedestrians can be easily seen.

Question Alderman Stone Re: Crows

Alderman Stone advised that various parts of Ward 12 are experiencing a problem with crows getting into garbage bags placed along the street for collection, and strewing it about. Emphasizing that the City's garbage collectors do not pick up waste material if it is not in bags, the Alderman asked for information as to who is considered to be responsible for

collecting this litter (i.e., the City or the abutting property owner), once the crows have thrown it about.

Question Alderman Ducharme Re: Recycling Boxes

Alderman Ducharme complimented staff on the information received with regard to the City's recycling boxes (Information Report, dated 21 February 1991), and strongly recommended that the logo, "Metro Recycles," be considered for use in the Blue Bag program as well.

Question Alderman Ducharme Re: Local Economy

Alderman Ducharme made reference to a report recently received concerning the local economy in which the City Manager had indicated that a verbal/graphic report could be provided, should Council so desire. The Alderman noted that, in her opinion, an update of this nature would be useful to Council and asked that one be scheduled for some point in the future.

Question Alderman Ducharme Re: Regional Facility for Women

Alderman Ducharme asked for further information regarding the criteria for siting which was used in the City's application for the regional facility for federally-sentenced women.

His Worship Mayor Wallace indicated that he would circulate this material to all members of Council.

Question Deputy Mayor O'Malley Re: New Year's Eve Countdown

Deputy Mayor O'Malley noted that, some weeks previously, she had requested a report pertaining to the expenditures involved in the New Year's Eve Countdown in the Grand Parade, and emphasized that she has yet to receive this information.

His Worship Mayor Wallace advised that final figures had only recently been received, adding that a report would be distributed shortly.

Question Deputy Mayor O'Malley Re: Civic Hospital

Deputy Mayor O'Malley indicated that she would appreciate receiving an update from the City Manager as to the status of the one remaining staff person (namely, the Executive Director) at the Civic Hospital, and whether, in fact, he has been successfully placed in a comparable position.

Question Alderman Hanson Re: Street Lights

Alderman Hanson indicated that he has frequently noted what would appear to be an inordinate number of street lights out, particularly in the area of Purcell's Cove Road as well as along Quinpool Road. In this context, the Alderman asked for information as to whether, in staff's opinion, the City is getting full value on its investment, especially with regard to the cost of the replacement bulbs themselves and on the labor required to make the repairs.

Question Alderman Hanson Re: Flooding

Alderman Hanson asked for information from staff as to whether the City Works Division has ever considered amassing a supply of sand bags which might be used on an interim basis (instead of snow barriers) in instances of flooding.

Question Alderman Fitzgerald Re: Transfer Payments

Alderman Fitzgerald made reference to the recent announcement regarding Federal transfer payments, and asked for information from staff as to how they predict these changes will impact on the City's social services budget.

Question Alderman Fitzgerald Re: Cruise Ships

Alderman Fitzgerald made reference to the growing number of cruise ships expected to dock in Halifax this year, and asked that His Worship Mayor Wallace ensure that everything possible is being done to accommodate these visitors.

Question Alderman Fitzgerald Re: Oil Recycling Depots

Alderman Fitzgerald asked for information from staff as to how the existence of oil recycling depots might be more appropriately advertised.

Question Alderman Fitzgerald Re: Get Well Cards

Alderman Fitzgerald brought to Council's attention that two senior members of staff are currently in hospital undergoing serious heart operations, and asked that His Worship Mayor Wallace forward get well cards to these individuals on behalf of all members of Council.

ADDED ITEMS

Case No. 6182: Development Agreement
2494 Robie Street

This matter was last discussed during a special meeting of Halifax City Council held on Wednesday, 20 February 1991.

A supplementary staff report, dated 22 February 1991, was approved.

MOVED by Alderman Meagher, seconded by Alderman Fitzgerald that the draft agreement pursuant to the application for the proposed Lane Community Clinic at 2492 Robie Street (attached as Appendix "A" to the 22 February supplementary staff report) be approved by Halifax City Council.

The motion was put and passed with Aldermen Pottie, Grant, Ducharme and Flynn abstaining owing to their absence from the 20 February public hearing.

Queen's Wharf (Alderman Fitzgerald)

This matter had been added to the agenda at the request of Alderman Fitzgerald, who made reference to an Information Report, dated 21 February 1991, previously distributed to members of Council.

In his remarks, the Alderman noted that the Heritage Advisory Committee is particularly interested in looking into the matter of the proposed demolition of Queen's Wharf, and pointed out that various policies of the Halifax Municipal Development Plan encourage the preservation of such structures.

On that basis, therefore, it was moved by Alderman Fitzgerald, seconded by Alderman Holland that a letter be forwarded by His Worship the Mayor on behalf of Halifax City Council to the appropriate Federal Minister, asking that the demolition of Queen's Wharf be postponed until the matter can be reviewed both by the Heritage Advisory Committee and by Halifax City Council.

The motion was put and passed.

There being no further business to be discussed, the meeting was adjourned at approximately 11:45 p.m.

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

EDWARD A. KERR, CMC
CITY CLERK

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