

Council Chamber
Halifax City Hall
Halifax, Nova Scotia
18 March 1991
8:00 P. M.

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

Before leading the gathering in a recitation of the Lord's Prayer, His Worship Mayor Wallace expressed Council's very deep sympathy to the family of the late Assistant Fire Chief J. David Starrett, Mr. Starrett having passed away earlier in the day.

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

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

Swearing-In Ceremony: Police Constable Brenda Zima

Introduced to members of Council by Sergeant Frank Beazley (Human Resources Division - HPD), Police Cadet Brenda Zima was administered the Oath by His Worship Mayor Wallace and was subsequently presented with her badge by Deputy Chief David McKinnon.

His Worship welcomed Constable Zima to the Halifax Police Department and, on behalf of all members of Council, wished her well in her new career.

Presentation of Retirement Scroll: Mr. Charles Pelrine

On behalf of all members of Halifax City Council, His Worship Mayor Wallace presented Mr. Charles Pelrine with the City's official Retirement Scroll, and expressed his appreciation for Mr. Pelrine's 31 years of service both to the City's Works Division and to Parks and Grounds.

Mr. Doug Quinn, Superintendent of Parks and Grounds, referred to Mr. Pelrine as an extremely competent employee who, throughout his career, performed his duties quietly and efficiently. Mr. Quinn expressed regret at the loss of such an

able employee, but wished Mr. Pelrine a long and happy retirement.

Introduction: Mr. Todd Leader, Drug Awareness Coordinator

His Worship Mayor Wallace and Mr. Stewart McInnes, Chairman of the Drug Awareness Coordinating Committee, introduced Mr. Todd Leader, the City's new Drug Awareness Coordinator. In his remarks, Mr. McInnes referred to the guidance Mr. Leader will now be able to provide to the Committee, and emphasized that, with Mr. Leader's assistance, the group plans to maintain a very "high profile" throughout the community in the coming months.

Mr. Leader expressed appreciation to the City of Halifax for the opportunity of serving in this capacity and emphasized the importance of both Council and community support in the fight against the use of illicit drugs.

MINUTES

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 28 February, and of a Special Meeting held on Wednesday, 6 February 1991, were approved on a motion by Alderman Flynn, seconded by Alderman Stone.

APPROVAL OF THE ORDER OF BUSINESS,
ADDITIONS AND DELETIONS

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

- 20.1 Tender #91-B-184 and 195:
Sale of EL122 and EL123 (1976
Michigan Loaders)

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

- 15.4 Case No. 6198: Lounges in Minor
and Mixed Residential/Commercial
Areas - Proposals for Plan and/or
LUB Amendments (SET DATE FOR PUBLIC
HEARING)

The agenda, as amended, was approved on a motion by Deputy Mayor O'Malley, seconded by Alderman Meagher.

8:15 p.m. - Alderman Ducharme retires from the meeting.

DEFERRED ITEMS

Case No. 6254: Variance Appeal -
5881 Hillside Avenue

This matter had been deferred from the last regular meeting of Halifax City Council held on Thursday, 28 February 1991 (a public hearing into the matter had been held on Wednesday, 20 February).

A supplementary staff report, dated 12 March 1991, was submitted.

Deputy Mayor O'Malley advised that, since this matter was first introduced, she had discussed it in some detail with the applicant for the minor variance, with the appellant, with staff of the City's Development Control Division, and with various residents of Hillside Avenue and the surrounding area.

In her remarks, the Deputy Mayor emphasized that a common concern appeared to be that the City would consider granting a minor variance to a resident who proceeded with a development project without the required permit. In this context, she noted that, although the applicant may not have had an intentional disregard for existing regulations when the project was commenced, it is difficult to understand why the project was continued when a stop-work order was later issued by the City. The Deputy Mayor also questioned why friends of the applicant would have reconstructed and enlarged a deck in the owner's absence when only a permit to repair the existing deck had been issued.

In conclusion, Deputy Mayor O'Malley noted that the deck in question is now 1.3 feet in violation of the 4 foot side yard requirements as contained in the Land Use Bylaw.

Emphasizing that there is a general perception among area residents that the applicant deliberately disregarded the City's regulations and, in so doing, jeopardized his neighbors' tranquillity, it was moved by Deputy Mayor O'Malley, seconded by Alderman Fitzgerald that the decision of the Development Officer be overturned and that the appeal against the minor variance approval at 5881 Hillside Avenue be allowed.

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

8:25 p.m. - Alderman Ducharme returns to the meeting.

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

This matter had been deferred from the last regular meeting of Halifax City Council held on Thursday, 28 February 1991.

A supplementary staff report, dated 6 March 1991, was submitted.

In his remarks, Alderman Grant emphasized that while the underlying concept of this request for a Plan amendment and rezoning is a reasonably good one, there are very grave concerns about the impact of these revisions on various of the objectives and policies presently contained in the Mainland South Secondary Planning Strategy. He went on to note that further consideration of this request would necessitate a comprehensive policy review by the Planning Advisory Committee which would also be extremely time-consuming for both the PAC and members of staff.

Alderman Grant pointed out that while there are other areas along the east side of the Herring Cove Road which could be considered for the kind of commercial development envisioned by the applicant, the property in question (i.e., 286-290 Herring Cove Road) is associated with or can be incorporated into a Residential Development District (RDD). In this context, the Alderman acknowledged that RDD's can include a certain level of commercial activity. He pointed out, however, that if the application for a "C" Zone were approved, the property owner would then be in a position to request a further rezoning to C-2A, a request which would be extremely difficult for Council to refuse. Alderman Grant emphasized that the C-2A Zone permits multi-unit residential, a use which was bitterly opposed by area residents throughout the adoption of the Mainland South Secondary Planning Strategy.

Taking all these factors into consideration, Alderman Grant therefore suggested that a more appropriate approach would be to have the matter reactivated when the commercial area along the east side of Herring Cove Road becomes more stabilized.

It was therefore moved by Alderman Grant, seconded by Alderman Stone that the request for a redesignation to C (Minor Commercial) and a rezoning to C-2 (General Business Zone) for the site located at 286-290 Herring Cove Road be refused, and that a public hearing into the matter not be scheduled.

The motion was put and passed.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

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

User Fees - (Adults) Recreation Playing Fields

MOVED by Alderman Downey, seconded by Alderman O'Malley that, as recommended by the Finance and Executive Committee, the implementation of user fees be deferred until 1992 and that, in the meantime, the City Manager, the Recreation Committee, and local sports groups meet as soon as possible to develop an acceptable proposal for 1992.

Alderman Grant made reference to the research on this matter undertaken by the Committee on Alternate Sources of Revenue and, as an amendment, MOVED, seconded by Alderman Holland that should the above groups fail to reach agreement on a suitable proposal for 1992, the recommendation previously submitted from the Alternate Sources of Revenue Committee pertaining to user fees be accepted by City Council.

Alderman Fitzgerald spoke in opposition to the amendment, emphasizing that, in his opinion, it would imply a lack of confidence on Council's part in the negotiation process.

Concurring with Alderman Fitzgerald's remarks, His Worship Mayor Wallace suggested that Alderman Grant might more appropriately bring forward his motion, should the meetings between the three groups fail to reach a mutually-acceptable solution to the problem.

Alderman Grant and his seconder, Alderman Holland, subsequently agreed to withdraw the amendment.

The motion was put and passed.

Store on Windsor Street: Night Magic Fashions

During the 6 March meeting of the Finance and Executive Committee, it had been suggested that the neighborhood in question would work with the owner and operator of "Night Magic Fashions" to attempt to resolve the concerns relating to the shop.

A supplementary report, dated 14 March 1991, was submitted from the City Solicitor.

Acknowledging that staff have already visited the shop on two separate occasions, Alderman Meagher asked that representatives from Building Inspection, the Legal Department and the Police Department reinspect the premises, and that a report on the matter be prepared by the City Manager for distribution by Alderman Meagher to area residents.

His Worship Mayor Wallace indicated that Alderman Meagher's request would be acted upon.

Proposal 191-79: Insurance Consultant/Broker

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that, as recommended by the Finance and Executive Committee, authority be granted to appoint Simpson-Hurst Limited as City of Halifax Insurance Consultant/Broker for a five-year period at an annual fee of \$3,500.

The motion was put and passed.

Atlantic Downs

MOVED by Alderman Stone, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, His Worship Mayor Wallace arrange a meeting as quickly as possible with the Honorable Tom McInnis, representatives of Council, the Halifax Industrial Commission, and himself to see what can be done to bring the Atlantic Downs racetrack to the City of Halifax.

The motion was put and passed.

Ordinance No. 165, the Blasting Ordinance

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

- (a) City Council approve in principle Ordinance Number 165 Respecting Blasting and Drilling, as attached to the staff report of 25 February 1991;
- (b) copies of the Ordinance be circulated to the Construction Association of Nova Scotia and local insurance companies for their information and comment;
- (c) after receiving comments in accordance with (b) above, staff arrange for the introduction of Ordinance 165 for final adoption.

In seconding the motion, Alderman Flynn expressed concern relating to the anticipated effectiveness of the proposed ordinance, noting, in particular, that it would not appear to offer the homeowner as much protection as Council might have wished. He also noted that there has been no indication from the Building Inspection Division as to whether, in their opinion, the revised Ordinance would be easier to enforce than its predecessor.

Acknowledging that there were other elements of the Ordinance on which he would prefer to receive additional information (particularly before the proposed text is circulated to the Construction Association), it was moved by Alderman Flynn, seconded by Alderman Stone that the matter be deferred to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 20 March 1991 so that staff of the Building Inspection Division might be in attendance to respond to questions.

The motion to defer was put and passed.

Grant of Easement to the Halifax Water Commission

MOVED by Alderman Stone, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, Easements 7, 8 and 9 (as shown on Plan MLN-1362 attached to the staff report of 25 February 1991) be granted to the Halifax Water Commission for \$17,800.

In seconding the motion, Alderman Fitzgerald asked for information as to why the easement is being requested at this point in time, i.e., very shortly after the City acquired the property.

The motion was subsequently put and passed.

North Branch Library - Reroofing

A supplementary report, dated 13 March 1991, was submitted.

MOVED by Alderman Downey, seconded by Alderman Holland that Halifax City Council authorize an additional expenditure under Section 201(1) of the City Charter, authority to overspend, in the amount of \$69,507.28 to enable the Library to make final payments on the reroofing of the North Branch Library.

In putting forward this motion, Alderman Downey reiterated his recommendation that efforts be made to ascertain whether a portion of the balance from the Halifax Explosion fund could be used for this purpose.

Responding to the Alderman's comments, His Worship Mayor Wallace advised that a letter has already been forwarded to the Federal Government requesting that an actuarial study be undertaken.

Alderman Holland noted that the letter referred to by Mayor Wallace had not asked for information concerning the internal rate of return which was in use with regard to these funds. His Worship thanked the Alderman for bringing this point to his attention, and indicated that the matter would be looked into.

The motion was put and passed.

Design Advisory Committee - Terms of Reference

MOVED by Alderman Ducharme, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, the revised Terms of Reference and Composition of the Design Advisory Committee, as attached to Appendix "A" of the report of the Chairman dated 5 March 1991, be approved and that appointments to the Committee be made on 27 March 1991.

The motion was put and passed.

Winter Parking Ban

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, the 1990-91 Overnight Winter Parking Restrictions be terminated on Friday, 15 March 1991 at 7:00 a.m.

The motion was put and passed.

COMMITTEE ON WORKS

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

Award of Tender 91-02: Underground Wiring - Argyle Street (Prince to Blowers) & Grafton Street (Prince to Sackville)

A letter dated 15 March 1991 from Jack Osmond, L.J. Casavechia Contracting Limited, was submitted.

Alderman Downey questioned whether it was possible for the low tenderer to retain the tender for another year if the project is deferred or whether it would have to be re-tendered another year.

Responding to Alderman Downey's question, the City Manager advised that legally it was possible, but practically very difficult.

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the Committee on works, this project be deferred for one year.

At approximately 9:15 p.m. Alderman Hanson entered the meeting.

A debate ensued and Mr. Peter S. Connell, Director of Engineering and Works, in response to a question from Alderman Flynn, clarified that if Council was to proceed with the procedure suggested by Mr. Osmond in his letter of March 15th, the work could likely be completed before the summer tourism period.

Recognizing that this work has to be done, Alderman Flynn expressed the opinion that Council should give this new method as suggested by Mr. Osmond a chance. The Alderman indicated that he was not in support of the motion indicating that it was his recommendation that Council change the specifications and award the contract and proceed immediately so that the work can be done prior to the tourist season.

Responding to a concern from Alderman Downey, Mr. Connell advised that additives to the concrete and the shrinkable fill were minor changes and would simply allow the contractors to start early and allow them to work at night. He further advised that it was staff's opinion that the unit cost that Casavechia had proposed would be consistent throughout the industry.

The discussion continued and, at the request of the Chair, Mr. Jack Osmond representing L.J. Casavechia Contracting Limited addressed Council and indicated that they could complete the project in eight weeks allowing that the work could proceed with the use of concrete admixtures, unshrinkable fill, and continual hours of operation. Mr. Osmond indicated that they would like the opportunity to work with each and every merchant to coordinate the project.

Alderman Downey expressed concern about the fact that, at the Committee of the Whole Council meeting on March 6th, Council indicated to the merchants who were present that they were going to defer the project for one year. He indicated that he was concerned that Council was now considering something different.

The Chairman suggested that the matter should be deferred to the next Committee of the Whole Council meeting on March 6th and that it could possibly be dealt with at the Special City Council meeting scheduled for later the same date.

Mr. Connell suggested that a letter, similar to the one that was sent previously, be hand delivered and an explanation given on the proposal to the merchants prior to this Wednesday's Committee of the Whole meeting.

Responding to a concern raised by Alderman Ducharme, the City Solicitor advised that it was not unusual, once a low tender is selected, to change some minor aspect of the tender which it is known that it will not put out of balance the type of tenders that have been submitted. The City Solicitor expressed the opinion that the integrity of the City's tendering system would not be affected in this case.

Following a further discussion, it was agreed that this item be deferred to the next Committee of the Whole Council meeting scheduled for Wednesday, 28 March 1991 and that, in the meantime, staff discuss with the merchants the proposal to proceed with the work this year as suggested by Mr. Osmond in his letter of March 15th.

SAFETY COMMITTEE

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

Halifax-Dartmouth Port Development Commission

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that, as recommended by the Safety Committee:

- (1) His Worship the Mayor, on behalf of Halifax City Council, be requested to contact the Coast Guard and Transport Canada with regard to an update on the recent oil spill in Halifax Harbour; and, further, that
- (2) Tourism Halifax, under the direction of Mr. Lew Rogers, arrange a meeting with the Halifax business community (e.g., the Board of Trade; Barrington and Spring Garden BIDC's; and with any other interested organizations) and with the Port Commission to develop a comprehensive plan as to the arrangements which should be made to welcome the approximately 80 cruise ships scheduled to visit the City this summer.

Motion passed.

At approximately 9:50 p.m. His Worship Mayor Wallace retired from the meeting with Deputy Mayor O'Malley assuming the seat of the Chair.

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

**Motion Alderman Downey Re: Proposed Amendments to Ordinance
No. 180, the Streets Ordinance - SECOND READING**

This matter was discussed at the last Committee of the Whole Council meeting held on 6 March 1991.

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that Halifax City Council give SECOND 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).

Motion passed.

Report - Special Committee of the Whole Council Re: Natal Day

A report dated 18 March 1991 was submitted from Mr. Edward A. Kerr, City Clerk.

MOVED by Alderman Grant, seconded by Alderman Holland that City Council approach the City of Dartmouth for the purpose of obtaining its response to the proposition of Halifax holding its 1992 parade on Monday, Halifax Natal Day, as opposed to Saturday.

Motion passed.

REPORT - CITY PLANNING COMMITTEE

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

Case No. 4662: Regatta Point Residential Development

Alderman Meagher indicated that he had no problem supporting the motion from the City Planning Committee, but expressed concern about the tremendous amount of rubble along Purcell's Cove Road. He suggested that the contractor should be requested to remove this pile of rock between the road and the buildings and do some planting of seed or grass.

The City Manager indicated that staff would take Alderman Meagher's suggestion under advisement and discuss it with the contractor.

MOVED by Alderman Hanson, seconded by Alderman Fitzgerald that, as recommended by the City Planning Committee, City Council confirm that the time limit for completion of all buildings within the Regatta Point residential development be extended to three years from the date of approval of this resolution and, further, that the contractor be approached with respect to removing the rubble along Purcell's Cove Road and making the area more presentable.

Motion passed.

Case No. 6266: Proposed Development Agreement -
2502 - 2518 Gottingen St and 2535 Creighton St
(SET DATE FOR PUBLIC HEARING)

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the City Planning Committee, a date be set for a public hearing to consider the application for development agreement to permit construction of a 35 unit apartment building at 2505-2518 Gottingen Street and 2535 Creighton Street.

Motion passed.

The City Clerk advised that the public hearing would be set for Wednesday, 17 April 1991, at 7:30 p.m. in the Council Chamber.

Case No. 6258: Amendment to Development Agreement -
Melville Ridge (SET DATE FOR PUBLIC HEARING)

A supplementary report dated 7 March 1991 was submitted.

MOVED by Alderman Hanson, seconded by Alderman Grant that, as recommended by the City Planning Committee, a date be set for a public hearing to consider an amendment to the development agreement between Melville Ridge Holdings Ltd. and the City of Halifax.

Motion passed.

The City Clerk advised that the public hearing would be set for Wednesday, 17 April 1991, at 7:30 p.m. in the Council Chamber.

Case No. 6198: Lounges in Minor and Mixed Residential -
Commercial Areas: Proposals for Plan and/or LUB Amendments
(SET DATE FOR PUBLIC HEARING)

An information report dated 18 March 1991 was submitted.

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

At approximately 10:00 p.m. His Worship Mayor Wallace returned to the meeting with Deputy Mayor O'Malley taking her usual seat in Council.

QUESTIONS

Question Alderman Ducharme Re: Report on
Healthy Communities Conference

Alderman Ducharme advised that a number of months ago she had referred to a report on the Healthy Communities Conference and asked staff to comment. The Alderman questioned when these comments might be received from staff.

Question Alderman Ducharme Re: International Program
with F.C.M.

Alderman Ducharme advised that Council had agreed to be a member of the International Program with F.C.M. and had requested a certain location. She commented that she was disappointed to read in the latest F.C.M. magazine that that location had been given to a municipality in Ontario. Alderman Ducharme suggested that Council should write to the F.C.M. asking why it had been ignored since the resolution was passed almost a year ago offering the City of Halifax to be a part of their international program.

Question Alderman Ducharme Re: City's Blue Bag
Recycling Program

Alderman Ducharme asked for an update on the City's Blue Bag Recycling Program.

The Chairman advised that the program was scheduled to start on Monday, April 8th, and that every householder will receive, in advance, a limited supply of blue bags with instructions that aluminum cans and glass are to be placed together in the bag and put out on the regular garbage day. He

commented that there will be educational ads in the newspaper with respect to the program.

Mr. Peter S. Connell, Director of Engineering and Works, added that the blue bags will be hand delivered to all the normal refuse pick-up locations a week prior to the actual pick up, and that there will be educational material delivered to schools. He further commented that there will also be radio and newspaper ads describing the program.

Question Alderman Ducharme Re: Coloured Flyers

Alderman Ducharme advised that she has been receiving complaints from residents about the amount of coloured flyers that are delivered in their mailboxes. She noted that other municipalities (i.e. Brantford, Montreal, and Hamilton) have introduced an ordinance which restricts the delivery of coloured flyers. Alderman Ducharme went on to ask for a report from the Legal Department on how the City of Halifax could take action in the way of an ordinance to restrict the amount of flyers which are being delivered to the citizens of Halifax. She noted that these flyers are not recyclable.

Question Alderman Ducharme Re: 1999 Conference

Alderman Ducharme questioned if junior high students could address the 1999 Conference.

His Worship Mayor Wallace advised that they would definitely want to hear from the students during the Conference.

Question Alderman Downey Re: Letter to Past Chairman of the Halifax Housing Authority

Alderman Downey asked that His Worship Mayor Wallace write a letter, on behalf of members of Council, to Dr. Margaret Ellison, past Chairman of the Halifax Housing Authority, thanking her for her excellent job as Chairman of the Board.

His Worship indicated that he would be glad to send a letter in this regard to Dr. Ellison.

Question Alderman Downey Re: Canada Post

Alderman Downey advised that sometime ago he had asked that His Worship Mayor Wallace send a letter to Canada Post concerning a rumour with respect to the closure of the Bedford Row, Dresden Row, and Gottingen Street post offices.

Alderman Downey went on to note that he contacted Canada Post today and was informed that the Dresden Row post office would be closing on April 8th and would be moving into the Bedford Row post office in Founder's Square. The Alderman indicated that he would like the assurance that the Gottingen Street, Prince William Office, will not close. He emphasised the importance of this post office to seniors and to the Gottingen Street area.

Question Alderman Downey Re: Recent Announcement on Health Care

Alderman Downey commented that he had heard a recent announcement from the Minister concerning Health Care. The Alderman requested a full report from Mr. Harold Crowell, Director of Social Planning, concerning this announcement with respect to additional costs for health services. He commented that a number of seniors had called him about this bleak report and are very upset. The Alderman indicated that he would like to know what impact this could have on the City of Halifax and suggested that the report could be provided at a future Committee of the Whole Council meeting.

Question Alderman Fitzgerald Re: Tax Rate

Alderman Fitzgerald questioned when Council had to set the tax rate.

The City Manager advised that Council is required to set the tax rate by the end of March, but that it has for the last several years been granted an extension to the end of April.

Question Alderman Fitzgerald Re: Snow Removal

Alderman Fitzgerald asked for an update report on the cost of snow removal for this year compared to other years.

Question Alderman Fitzgerald Re: Evacuation Routes

Alderman Fitzgerald questioned if the City had evacuation routes (a plan, sirens).

The City Manager advised that there is a plan which would probably have been circulated to Council sometime ago. He indicated that an update could be provided.

Question Alderman Fitzgerald Re: Camp Hill Hospital

Alderman Fitzgerald asked for an update report on outstanding issues with respect to the Adolescent Rehabilitation Centre at the Camp Hill Hospital.

The City Manager advised that he was optimistic that significant steps will be taken to complete the agreement this week and indicated that an update report would be provided.

Question Alderman Flynn Re: Tender 51549, Street Lighting

Alderman Flynn referred to tender #51549, Street Lighting, which was recently awarded to an electrical distributor in Maine. The Alderman noted that Mr. Peter O'Brien, Executive Director for small business associations for the Federation of Canada in the Atlantic Region, has made some comments recently with regard to the impact of Free Trade on small businesses throughout the Atlantic Region. Alderman Flynn asked that this tender be referred to the City's Tendering Practices Committee for review and confirmation that all tendering procedures were followed with respect to this tender.

Alderman Flynn went on to comment that he had noticed that the tenders were received on the last day and questioned if they were received by fax or by mail. He noted that most firms will not accept tenders by fax and that they have to be received by post and, in some instances, either by special delivery or by other means. The Alderman questioned whether all aspects of the City's tendering practices and procedures were in place with regard to the awarding of this tender.

Alderman Flynn submitted a copy of a report indicating the tenders received and asked that the City Clerk submit this to the Tendering Practices Committee.

Question Alderman Hanson Re: Keefe Road

Alderman Hanson asked that staff investigate the possibility of erecting a sign on Keefe Road in the Purcell's Cove area indicating that children play in this area.

Question Alderman Grant Re: Clovis Avenue

Alderman Grant indicated that he would like to know, before the next budget meeting, the status with respect to Clovis Avenue.

Question Deputy Mayor O'Malley Re: Civic Hospital

Deputy Mayor O'Malley noted that at the last meeting of City Council held on February 28th she asked for a status report with respect to a staff member at the Civic Hospital. She commented that she was still waiting for this report from staff.

Question Deputy Mayor O'Malley Re: Patching Program

Deputy Mayor O'Malley questioned when the patching program for City streets might begin. She noted that she has received a number of calls particularly with respect to the poor condition of Robie Street and Barrington Street.

Question Deputy Mayor O'Malley Re: Quonset Huts

Deputy Mayor O'Malley noted that the quonset huts which can be seen as one exits the A. Murray MacKay Bridge are in deplorable condition and in need of a coat of paint. She asked that City staff look at those with a view to getting rid of some of the rust and painting them.

Question Deputy Mayor O'Malley Re:
Emergency Measures Organizations

Deputy Mayor O'Malley questioned how many meetings have been held of the Emergency Measures Organization over the last two years, the dates of those meetings, and whether any are planned for the near future.

Question Alderman Stone Re: Mainland Commons Master Plan

Alderman Stone noted that various consultants have submitted proposals with respect to the Mainland Commons Master Plan and questioned when a consultant might be chosen.

Responding to Alderman Stone's question, the City Manager advised it was decided, because of the length of the agenda for this Wednesday's Committee of the Whole Council meeting, that the matter of the selection of the consultant be on the Committee of the Whole Council agenda in two weeks time, 3 April 1991.

Question Alderman Stone Re: Recreation Director

Responding to a question from Alderman Stone with respect to the search for a new Director of Recreation, the

City Manager advised the job description of the Recreation Director should be finalized this week. He suggested it will take two to three months before a new Director is chosen.

**Question Alderman Pottie Re: Extended Hours of Operation -
Service Stations**

Alderman Pottie referred to the information report received from the City Solicitor dated March 5th regarding the extended hours of the Ultramar Station on Chebucto Road. The Alderman asked that an official request be sent from the City of Halifax to the Public Utilities Board asking that they notify the City of any applications for extended hours of operation for service stations within the City of Halifax.

**Question Alderman Pottie Re: Curb Cut at the Corner of
Almon and Windsor Streets**

Alderman Pottie indicated, in his opinion, that there was an extra long curb cut on the corner of Almon and Windsor Streets at the Irving Oil location. He asked that staff investigate the situation and report back to him.

**Question Alderman Pottie Re: Removal of Tree abutting
Irving Oil at the corner of Almon and Windsor Streets**

Alderman Pottie noted that a building and a massive tree were removed from the property abutting Irving Oil on the corner of Almon and Windsor Streets. The Alderman noted that he would like to know, so that he could inform the neighbours who are inquiring, whether this tree was on City owned land or on private property.

Question Alderman Grant Re: Transit Shelter - 3 Sylvia Avenue

Alderman Grant asked that either Mediacom or the Transit Advisory Committee consider the installation of a transit shelter at the corner of 3 Sylvia Avenue and Herring Cove Road. He noted that he had approached Mediacom a while ago with respect to this location for a shelter but was informed that they could not install one on private property. The Alderman pointed out that 3 Sylvia Avenue is owned by the City.

**Question Alderman Grant Re: Construction Costs for
Sports Fields**

Alderman Grant indicated that he would like to receive information showing the approximate costs of new

construction for various kinds of sports fields i.e. ball fields, rugby fields, soccer fields.

Question Alderman Meagher Re: Patching Program for City Streets

Alderman Meagher referred to the question raised earlier by Deputy Mayor O'Malley with respect to patching and commented that Chebucto Road and Oxford Street (from Oak Street to Quinpool Road) were in dire need of patching as quickly as possible.

ADDED ITEMS

Award of Tender 91-B-184 & 185 - Sale of EL122 and EL123 1976 Michigan Loaders

Alderman Flynn declared a possible conflict of interest with respect to this item and left the Council Chamber.

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

A report dated 13 March 1991 was submitted.

Alderman Fitzgerald addressed the matter and indicated that he did not have any difficulty with awarding tender 91-B-184 (EL122) to W.D. Lawrence Auto Salvage. However, he expressed concern with the second part of staff's recommendation, because of the tie bids, to award tender 91-B-185 (EL123) to the tenderer who submitted the bid first. He expressed the view that whether or not you submit a tender earlier should be of no consequence. Alderman Fitzgerald suggested that there must be another way to determine who should be awarded the tender in a tie situation and asked for a report on the matter.

MOVED by Alderman Fitzgerald, seconded by Alderman Pottie that EL122 (Tender 91-B-184) be sold to W.D. Lawrence Auto Salvage for \$13,187.00.

Motion passed.

Alderman Pottie suggested with respect to the second tender (91-B-185), if it is agreeable between the two bidders, a toss of a coin to determine the awarding of the tender.

Alderman Grant noted that it was his assumption that both companies are located in the same municipality pointing out that the City's regulations require that, if there is a tie, local bid preference be given to the City taxpayer.

It was agreed that Tender 91-B-185 (sale of EL123) be deferred to the next Committee of the Whole Council meeting scheduled for **Wednesday, 20 March 1991**, pending receipt of a staff report addressing the above comments.

10:30 p.m. the meeting adjourned.

HIS WORSHIP MAYOR WALLACE
AND
DEPUTY MAYOR O'MALLEY
CHAIRMEN

K/M

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10:30 p.m. the meeting adjourned.

HIS WORSHIP MAYOR WALLACE
AND
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**SPECIAL COUNCIL
PUBLIC HEARINGS
MINUTES**

Council Chamber
Halifax City Hall
28 March 1991
7:45 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, Grant, Hanson, Jeffrey, Ducharme, and Stone.

ALSO PRESENT: Ms. Nadine Smiley, representing the City Solicitor; City Clerk, and other members of City staff.

At the request of the City Clerk the following item was added to the agenda:

Costs of County Students in Halifax Schools

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

MOVED by Alderman Grant, seconded by Alderman Fitzgerald that:

1. Council instruct the Halifax City School Board to strongly protest to the County of Halifax at the apparent reluctance to pay for the children of its citizens; further, to protest the attempt to pass the cost of educating these children on to the City of Halifax taxpayers in the strongest possible terms.
2. If this does not result in acceptance of the property cost for educating these children by the County, and that if the County is not prepared to accept this cost, then steps be taken to terminate the education of these children within the Halifax City system.

Motion carried.

Public Hearings
28 March 1991

Council then continued with the regularly scheduled items as follows:

Public Hearing Re: Case No. 6177: Appeal of Minor Variance Refusal - 374 Herring Cove Road

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

A staff report dated 8 February 1991 was submitted.

Mr. Michael Hanusiak, Planner II, addressed Council and, using diagrams, outlined the appeal against his decision as Acting Development Officer to grant a minor variance of the right side yard for the property located at 374 Herring Cove Road.

Mr. Hanusiak responded to questions.

Mr. W. M. Fares, the appellant, addressed Council and advised that he was available to respond to any questions Council or the public may have concerning this application.

There were no further persons wishing to speak on this matter.

Alderman Grant addressed the matter and advised that it appears that this matter came to light through no fault of the property owners and that it was a discrepancy that had just recently been noticed.

MOVED by Alderman Grant, seconded by Alderman Jeffrey that the decision of the Acting Development Officer be overturned, and the minor variance of the right side yard for the property located at 374 Herring Cove Road be granted.

Motion carried.

At 7:55 Alderman Grant retired from the meeting.

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

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

Public Hearings
28 March 1991

Mr. Stephen Feist, Planner II, addressed Council and outlined the proposed amendment to Section 43AE of the Land Use Bylaw as contained in the staff report dated 31 January 1991.

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

The following letter opposing the proposed amendment was submitted:

A letter dated 28 March 1991 from Mr. Paul N. Pittson, Canadian Realty Investments Ltd., 1336 Queen Street, Halifax, NS.

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

Motion carried.

Public Hearing Re: Case No. 6015: Amendment to Development Agreement - 5248 Morris Street

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

A report from the Heritage Advisory Committee dated 19 March 1991 was submitted.

Mr. Paul Dunphy, Planner I, addressed Council and, using diagrams and photographs, outlined the application for an amendment to a development agreement to alter a registered City heritage property (5248 Morris Street) by constructing an addition on the rear of the building (as illustrated in the 31 January 1991 staff report).

In his remarks, Mr. Dunphy advised that the Heritage Advisory Committee reviewed this application and was recommending approval. He added that the Committee also recommended that certain details be referred to staff at the time of the building permit application (as contained in the 19 March 1991 report of the Heritage Advisory Committee).

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

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that:

- 1) City Council enter into an amending agreement with the Provincial Medical Board, thereby amending the existing development agreement known to the City of Halifax as Case No. 6015 and registered at the Registry of Deeds in Book 4954 at Pages 812-816, to permit construction of an addition to the existing building for office use and to extend the completion date for the entire agreement one year.
- 2) City Council requires that the amending agreement shall be signed within 120 days, or any extension thereof by Council upon request of the applicant, from the date of final approval by Halifax City Council; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

Motion carried.

Public Hearing Re: Case No. 6202: Proposed Development Agreement - Kearney Lake Road and Bicentennial Highway

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

Mr. Michael Hanusiak, Planner II, addressed Council and, using diagrams, outlined the application by Realco Management Limited for the entering into of a development agreement to permit construction of a commercial plaza and a 100 unit motel on Block R-2, located adjacent to the northeast corner of the intersection of Kearney Lake Road and the Bicentennial Highway (as contained in the 22 January 1991 staff report).

Mr. Hanusiak responded to questions from Council.

Mr. Peter McInroy of Boyne Clarke Barristers & Solicitors, addressed Council and advised that he was representing the applicant, Realco Management Limited.

Mr. McInroy advised that Realco Management Limited has attempted to carry on open discussions with everyone involved with this development. He noted that the applicant has been in contact with the Ward 12 Community Association and endeavoured to respond to their concerns.

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20 March 1991

Mr. McInroy pointed out that the main concerns that have been expressed dealt with the environment and the traffic lights.

With respect to environmental concerns and noting that this property had been previously attempted to be developed by Rocca Construction Ltd., Mr. McInroy indicated that the applicant was as committed to environmental controls as was the previous owner of this property. Further to this Mr. McInroy advised that the applicant even suggested to the Ward 12 Community Association that it would even agree to a change in clauses if it seemed to be necessary. He added that in subsequent discussions with staff and in reviewing the earlier environmental study prepared for the Rocca proposal, the applicant believes that he is obligated to the environmental controls that were suggested in the earlier report, including erosion control and storm water management during construction and that these aspects were covered in Clauses 2 and 4 of the Agreement.

In reference to the concerns of traffic lights, Mr. McInroy advised that the developer has agreed to cost share in the installation of those traffic lights and have advised the Ward 12 Community Association that the developer would honor that commitment at the earliest possible stage.

Mr. McInroy advised that the developer has also contacted Sobey's concerning this proposal because Sobey's owns a triangular parcel of land between Realco lands and the bicentennial highway. He noted that these lands were proposed to be incorporated in the previous Rocca proposal but that Sobey's had eventually elected to go elsewhere. Mr. McInroy advised that the land owned by Sobey's would be landlocked if it did not have access through the Realco lands and, therefore, at the direction of City staff, Realco has provided a right-of-way available for Sobey's. In addition to this, Mr. McInroy pointed out that Mr. P. Ryan, the President of Realco contacted Sobey's at the earliest possible stage of this matter and indicated his willingness to cooperate on the issue of the lands and that, to date, Sobey's has not responded.

In conclusion, Mr. McInroy advised that the developer has been very open with all parties concerned and that in looking at the Plan Policies, he feels that the proposal fits all the requirements.

Mr. McInroy indicated that this application has taken considerable time to get to this stage, and he requested that, if at all possible, Council deal with the matter tonight.

Mr. McInroy responded to questions.

Mr. Peter Ryan, President of Realco, addressed Council and advised that, if this proposal was granted approval, then he would attempt to start part of the project this year but pointed out that a lot would depend on market conditions. He added that with declining interest rates the market situation was starting to look encouraging for development.

In response to a question by Alderman Stone, Mr. Ryan advised that he did not have prospective tenants for the development at this time. He noted that without a development agreement in place, it was difficult to encourage prospective businesses to become tenants.

In response to further questioning by Alderman Stone, Mr. Ryan pointed out that, if approval is granted, then his first priority is to clean the site immediately making it look more like a development site, and this would help entice potential tenants.

Mr. Paul Skerry, the Project Architect, addressed Council and briefly described the appearance and architecture of the proposed development.

In his comments, Mr. Skerry noted that there was a strong possibility of a pedestrian link between the proposed residential portion, which is another phase of this development, through to the bus link and to service the commercial component.

Mr. Skerry advised that the appearance of the buildings have been purposely designed to give it a more residential look and that it was designed towards more smaller shops rather than housing typical anchor stores. Further to this he advised that the "jogged" design and other aspects have been incorporated into the project to try and downscale the size and make it more fitting to the residential area.

Mr. Skerry responded to questions from Council.

Mrs. Ann MacMillan, representing the Ward 12 Community Association addressed Council and indicated that she had various concerns about the proposed development.

Mrs. MacMillan advised that she was pleased that the developer has included so many of the positive aspects of the

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28 March 1991

previous Rocca proposal of 1988. She added that the major concerns at that time were still the same and that they relate to the commercial aspects and residential components.

With respect to the commercial aspect Mrs. MacMillan indicated that it could be broken down into three items: 1. child safety, 2. environmental protection in relation to Kearney Lake and Hemlock Ravine, and 3. the enhancement of the community.

Mrs. MacMillan noted that the Resident's Association have had many of their major concerns addressed by staff and the developer.

On the first point, regarding the installation of traffic lights, Mrs. MacMillan requested that the pedestrian push button signal be installed at the beginning of construction.

Secondly, Mrs. MacMillan added that with respect to the environmental protection of Kearney Lake and Hemlock Ravine Park the previous developer had hired Mr. Peter Jacobs, a professor of Landscape and Environmental Studies at the University of Montreal and a visiting professor at Harvard University to assess this site. She advised that as a result of this assessment, two important clauses were written into that 1988 agreement which were not included in the 1991 staff report. Mrs. MacMillan suggested that these clauses were important and she requested that they be written into the present agreement.

Thirdly, Mrs. MacMillan requested that the development be completed within the three year clause of this contract. She also requested that all footings be poured within two years of the final approval or the agreement be terminated. Mrs. MacMillan advised that this was a great concern because the residents do not want to have a development start and not be finished.

In reference to the type of businesses proposed for the development, Mrs. MacMillan advised that Mr. Ryan suggested that there might be businesses of a discount commercial nature. She indicated that this was a concern because it would bring in a larger element of traffic than what was currently estimated.

On a final point, Mrs. MacMillan addressed the residential component of this development and indicated that she understood that there would be a public hearing relative to proposed changes in this aspect of the development. She added

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that she was very concerned that the entrance to the development is proposed to be a driveway rather than a City street because of the difficulties that may arise in the event of a major fire, particularly in relation to the residents of Hemlock Ravine. Mrs. MacMillan indicated that she hoped that staff would look at this in detail in relation to the staff report for that particular public hearing.

In closing, Mrs. MacMillan expressed her appreciation to staff and the developer for the excellent job they have done in working with the community on this matter.

Mrs. MacMillan responded to questions from Council.

In reference to Mrs. MacMillan's concerns, Alderman Stone asked if staff would comment.

Mr. Hanusiak addressed Council and advised that he wrote the agreement for the Rocca proposal in 1988. Mr. Hanusiak then elaborated on the significant aspects of the previous agreement and how it related to the present agreement. In summary, Mr. Hanusiak advised that, having written both agreements, he believed that the agreement, as it stands, provides the necessary assurance. Further to this, Mr. Hanusiak advised that the present agreement is at par with what was previously proposed under the Rocca proposal, and in some areas it was stronger because he wrote into the agreement aspects of plan preparation and plan presentation at the building permit stage.

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

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

Motion carried.

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

DEPUTY MAYOR MARIE M. O'MALLEY
CHAIRMAN

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Development Agreement - Kearney Lake Road
and Bicentennial Highway 191



**CITY COUNCIL
MINUTES**

Council Chamber
Halifax City Hall
Halifax, Nova Scotia
27 March 1991
8:00 P. M.

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

Members of Council, led by His Worship Mayor Wallace, joined in the recitation of the Lord's Prayer.

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

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

Before starting the regular agenda, His Worship Mayor Wallace welcomed the presence of the 3rd Rockingham and 1st Clayton Park Cub Packs.

MINUTES

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 18 March 1991, were approved on a motion by Alderman Stone, seconded by Alderman Flynn.

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

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

- 20.1 Extension for setting the Tax Rate
- 20.2 Award of Tender 91-006: (91-86) - Number 2D Diesel Fuel

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

**CITY COUNCIL
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Halifax City Hall
Halifax, Nova Scotia
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ALSO PRESENT: City Manager; City Solicitor; City Clerk; and other members of City staff.

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

DEFERRED ITEMS

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

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

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that Section 43A of the Land Use Bylaw be amended as delineated in the resolution of Appendix II (attached to the staff report of 31 January 1991).

The City Clerk recorded that Aldermen Pottie and Flynn were not in attendance at the public hearing on this matter and therefore should refrain from participating in the vote.

Motion passed with Aldermen Pottie and Flynn abstaining.

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

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

MOVED by Alderman Stone, seconded by Alderman Jeffrey that City Council approve the entering into of a development agreement to permit 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 Bicentennial Highway.

The City Clerk recorded that Aldermen Pottie and Flynn were not in attendance at the public hearing on this matter and therefore should refrain from participating in the vote.

Motion passed with Aldermen Pottie and Flynn abstaining

Case No. 6198: Lounges in Minor and Mixed Residential/ Commercial Areas - Proposals for Plan and/or LUB Amendments (SET DATE FOR PUBLIC HEARING)

A supplementary staff report dated 21 March 1991 was submitted.

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that a date be set for a public hearing to consider Plan and Land Use Bylaw amendments to permit lounges in Mixed Residential-Commercial Areas.

Motion passed.

The City Clerk advised that the public hearing date would be set for Wednesday, 8 May 1990, at 7:30 p.m. in the Council Chamber.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

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

Renovation/Restoration: Saint Vincent's Guest House

This matter was forwarded to City Council pending a report from staff.

A supplementary staff report dated 25 March 1991 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Jeffrey that City Council forward a resolution to the NS Minister of Community Services endorsing the plan for the renovation and expansion of Saint Vincent's Guest House and agreeing to the inclusion in their per diem rate of the financing costs of the project.

Motion passed.

**Landlocked Parcel of City-Owned Land
Between Acadia Street and Glebe Street**

MOVED by Deputy Mayor O'Malley, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, the proposal put forward by area residents to purchase the landlocked parcel of City-owned land between Acadia and Glebe Streets be referred to staff for review and recommendation to Council.

Motion passed.

Agreement No. 43 - Computerized Signal System

MOVED by Alderman Fitzgerald, seconded by Alderman Ducharme that, as recommended by the Finance and Executive Committee, the Mayor and City Clerk be authorized to sign Construction Agreement No. 43, dated the 18th day of February A.D. 1991, concerning the installation of computerized traffic signals on various shareable streets.

Motion passed.

Proposal #89-126 - Computer Networking

MOVED by Alderman Ducharme, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, Council authorize the payment of \$11,130.50 to Maritime Telephone and Telegraph Co. Ltd. with regard to the City's computer networking system (funds to be made available from Account Number X1917.NC003 - Computer Acquisition Account).

Motion passed.

Acquisition - Civic No. 224 Herring Cove Road

MOVED by Alderman Hanson, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, Mrs. Effie Flander be paid \$85,648.58 as settlement in full for the acquisition of Civic No. 224 Herring Cove Road (funds to be provided in Account No. CJ012, the Herring Cove Road Widening Account).

Motion passed.

Illegal Occupancy - 5A and 5B Withrod Drive

This matter was forwarded to Council without recommendation.

MOVED by Alderman Hanson, seconded by Alderman Stone that the City Solicitor's Department be given authority to make an application to the Supreme Court of Nova Scotia to apply for an injunction to compel the owner of 5A and 5B Withrod Drive to comply with relevant provisions of the Land Use Bylaw, City of Halifax Ordinance 131, the Building Code Act, the Planning Act and the Halifax City Charter.

Motion passed.

Streets Committee

This matter was forwarded to Council without recommendation.

Deputy Mayor O'Malley addressed the matter and advised that Mr. Ben Andrews has been attempting since the Spring of 1989 to have a mobile vending site identified in the Lower Water Street area between George and Duke Streets. The Deputy Mayor expressed concern about the time it has taken to have this matter adequately addressed noting that she has raised the matter at various meetings of City Council.

The Deputy Mayor went on to advise that she had had a meeting with the Traffic Authority and Mr. Andrews in the Lower Water Street area. She noted that Mr. Lou Coutinho, Traffic Division, has been very helpful in identifying what maybe an acceptable alternative as well as explaining to Mr. Andrews why some of his recommendations were not feasible.

Deputy Mayor O'Malley indicated that she had received a report from the Traffic Authority subsequent to their meeting which she will circulate to members of Council and members of the Streets Committee.

MOVED by Deputy Mayor O'Malley, seconded by Alderman Holland that His Worship Mayor Wallace call a meeting of the Streets Committee before the next City Council meeting to be held 11 April 1991 and bring forward a recommendation based on the staff report from the Traffic Authority.

Deputy Mayor O'Malley commented that it was her hope that if such proposal was approved that the space would be available for this coming tourist season.

The motion was put and passed.

COMMITTEE ON WORKS

City Council considered the report of the Committee on Works from its meeting held on 28 March 1991 as follows:

Alderman Grant retired from the meeting at this time.

Award of Tender #91-92: Underground Wiring -
Argyle Street (Prince to Blowers) and Grafton Street
(Prince to Sackville)

A letter dated 26 March 1991 from Mrs. Heather MacEachern, Executive Director of the Downtown Halifax Business Improvement district Commission, was submitted which indicated that five of the six people who had complained earlier now wish

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to express their encouragement to have the construction on Argyle Street completed in the very near future.

A letter dated 27 March 1991 from Jack Osmond, L.J. Casavechia Contracting Limited, was also submitted.

MOVED by Alderman Downey, seconded by Alderman Jeffrey that, as recommended by the Committee on Works, the underground wiring project on Argyle and Grafton Streets (Tender #91-02) be deferred to 1992.

A discussion followed, and Alderman Flynn recognizing the initiatives of Casavechia Contracting Limited to minimize the interruption to the businesses in the area, and noting that the presentation made by Heather MacEachern (Downtown Halifax Business Improvement District Commission) at the Committee of the Whole did not give a strong indication as to whether the business Committee was in favour of or opposed to the construction of project this year, expressed the view that the project should proceed.

Alderman Flynn also commented that the construction industry was experiencing tough economic times and that a number of people would be employed with this project. The Alderman reiterated the comment that Mr. Casavechia has gone out of his way to work with the business people to try and minimize the disruption the project could cause. He went on to indicate that Council should get a clearer understanding as to the exact reasons why some of the businesses are objecting to the construction of the project. Alderman Flynn commented that it appeared that there was now only one objection.

MOVED by Alderman Flynn, seconded by Alderman Pottie that this matter be deferred to the next Committee of the Whole Council meeting to be held 3 April 1991 and that a poll or survey be conducted in order to get a better understanding as to what the objections from the business community really are with respect to the minor disruptions of this particular construction.

The motion of deferral was put and resulted in a tie vote. The Chairman broke the tie by voting in favour of the deferral and declared the motion of deferral passed.

Award of Tender #91-62: Two Leaf Collectors

This matter was forwarded to Council without recommendation.

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27 MARCH 1991

MOVED by Alderman Fitzgerald, seconded by Deputy Mayor O'Malley that authority be granted to award tender 91-62 for two leaf collectors to G.C. Duke Equipment Ltd. for \$41,516 (funds to be provided in account number 126104.X1710).

Motion passed.

Award of Tender #91-65: One Tractor-Loader-Backhoe

This matter was forwarded to Council without recommendation.

MOVED by Deputy Mayor Ducharme, seconded by Alderman Hanson that authority be granted to award tender 91-65 for one tractor-loader-backhoe to Northeast Tractor Ltd. for \$64,115.79 (funds to be provided in account number 126104.X1710).

Motion passed.

Award of Tender #91-68: Two 1991 Model Stake/Dump Trucks (10,000 G.V.W.)

This matter was forwarded to Council without recommendation.

MOVED by Alderman Fitzgerald, seconded by Alderman Hanson that authority be granted to award tender 91-68 for two 1991 model stake/dump trucks to MacLellan Lincoln Mercury for \$41,862.00 (funds to be provided in account number 126104.X1710 titled Motor Equipment (Fixed Assets - Works Vehicles)).

Motion passed.

Award of Tender #91-74: One 1991 Model 4x4 Dump Truck Complete with C/W Plow (10,500 G.V.W.)

This matter was forwarded to Council without recommendation.

MOVED by Alderman Stone, seconded by Alderman Flynn that tender 91-74 for one 1991 model 4X4 Dump Truck C/W Plow be awarded to Bob McDonald Chev Olds for \$39,548.27 (funds to be provided in account number 126104.X1710 titled Motor Equipment (Fixed Assets) - Works Vehicles).

Motion passed.

Alderman Grant returned to the meeting at approximately this time.

Award of Tender #91-76: One 1991 Model Tandem Truck
Chassis with Combination Dump Body and One-Way
Plow with Wing

This matter was forwarded to Council without recommendation.

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that tender 91-76 for Chassis only be granted to Burnside International for \$85,929.56 and that tender 91-76 for Side Dump Body be granted to Scotia Equipment for \$41,178.95 (funds to be provided in account number 126104.X1710 titled Motor Equipment (Fixed Assets) - Works Vehicles).

Motion passed.

Award of Tender #91-77: Two Front End Loaders

This matter was forwarded to Council without recommendation.

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that tender 91-77 for two front end loaders be granted to LaHave Equipment Ltd. at a cost of \$213,304.50 (funds to be provided in account number 126104.X1710 titled Motor Equipment/Fixed Assets/Works - Vehicles).

Motion passed.

Award of Tender #91-B-185 - Sale of
EL123 1976 Michigan Loader

This matter was forwarded to Council without recommendation.

MOVED by Alderman Fitzgerald, seconded by Alderman Grant that tender 91-B-185 (sale of EL-123) be awarded to Atlantic Colas for \$16,200.00.

Motion passed.

Award of Tender #91-51: Inspection and Testing Services

This matter was forwarded to Council without recommendation.

MOVED by Alderman Fitzgerald, seconded by Alderman Flynn that tender 91-51 for inspection and testing services be awarded to Nolan Davis & Associates (NS) Ltd. for the year 1991 in the amount of \$46,575.00 (costs of this service to be charged to the appropriated capital project).

Motion passed.

Award of Tender #91-78: Two New Model 4WD
Articulated Municipal Tractors

This matter was forwarded to Council without recommendation.

MOVED by Alderman Flynn, seconded by Alderman Hanson
that tender 91-78 for two new model 4WD articulated municipal tractors be granted to Saunders Equipment in the amount of \$134,345.00 (funds to be provided in account 126104.X1710).

Motion passed.

Award of Tender #91-69: One 1991 Model Truck
with Compressor (14,000 G.V.W.)

This matter was forwarded to Council without recommendation.

MOVED by Alderman Stone, seconded by Alderman Flynn
that tender 11.11 for one 1991 model truck with compressor be awarded to McLellan Lincoln Mercury Sales in the amount of \$37,218.00 (funds to be provided in account number 126104.X1710 titled Motor Equipment (Fixed Assets) - Works Vehicles).

Motion passed.

REPORT - SAFETY COMMITTEE

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

Award of Tender #91-85:
Police Department Towing Services

An Information Report, dated 26 March 1991, was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Stone
that, as recommended by the Safety Committee, Tender #91-85 for Police Department Towing Services be awarded to **Ace Towing Ltd.** at the rates outlined in the staff report dated 12 March 1991.

The motion was put and passed.

REPORT - COMMITTEE OF THE WHOLE,
BOARDS AND COMMISSIONS

Motion Alderman Fitzgerald Re: Amendment to Ordinance 105,
the Establishment of Committees of Council (Recreation
Committee) - SECOND READING

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 31 January 1991, and had been subsequently considered at a meeting of the Finance and Executive Committee held on Wednesday, 20 March.

A supplementary report, dated 25 March 1991, was submitted by Mr. Wayne Anstey, Q.C., City Solicitor, together with an Information Report of the same date from the City Manager. Correspondence, dated 25 March 1991, was also received from Mrs. Anne MacMillan, President of the Ward Twelve Community Association.

Following is the recommendation from the 20 March meeting of the Finance and Executive Committee:

That Ordinance 105 be amended as follows:

- (1) the words "subject to the approval of City Council" be inserted after the word "Policies" in subsection 10(a) of Section 16 of the Ordinance;
- (2) subsection 11 of Section 16 be repealed;
- (3) subsection 14(ii) of Section 16 be repealed;
and
- (4) subsection 14(d) of Section be repealed;

and that the above amendments be forwarded to Halifax City Council for Second Reading; and further, that Item (5) of the 11 March report pertaining to aldermanic representation be added to the agenda of the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 3 April 1991).

Alderman Fitzgerald noted that, after months of debate, there would appear to be only two possible solutions to the problems posed by the manner in which the Recreation Committee is currently operated: either to abolish the committee altogether or to reconstitute it as an advisory committee to Halifax City Council. He went on to emphasize that, owing to the very considerable assistance the Committee

has been able to provide Council in the past specifically with regard to the development of recreation programs, it would be his personal preference that the Committee be permitted to continue albeit in an **advisory** capacity. Alderman Fitzgerald pointed out that this opinion was shared by the consultant who, in his recently released report, identified the dangers that could develop unless committees are clearly identified as being advisory to Council and therefore under the supervision of only one "boss."

Alderman Fitzgerald went on to express his personal support of the Council/City Manager system, and suggested that the present situation has created an ideal opportunity to correct the administrative problems relevant to the Recreation Committee that have plagued other City Councils and other City Managers for the last number of years. The Alderman concluded his remarks by making reference to a letter of support recently received from the Ward Twelve Community Association, and indicated that he had received a telephone call from the President of the Halifax Homeowners Association advising that his members also supported the sentiments expressed by the Ward 12 group.

It was therefore moved by Alderman Fitzgerald,
seconded by Alderman Holland that the amendments proposed for Ordinance 105, the Standing Committee Ordinance, as outlined in Appendix "A" of the staff report dated 25 March 1991, be given SECOND READING, and that the Recreation Committee become an advisory committee to Halifax City Council.

Alderman Pottie made reference to the motion put forward during the 20 March meeting of the Finance and Executive Committee (and subsequently approved), emphasizing that he would not be prepared to support Alderman Fitzgerald's motion unless and until the City Manager could discuss the "advisory" aspect of the proposed amendments once again with the Recreation Committee.

Alderman Pottie went on to point out that Council had previously recommended that the City Manager and the Recreation Committee jointly attempt to rectify the Committee's current problems, and MOVED, seconded by Alderman Grant that the matter be deferred to a future meeting of Committee of the Whole Council to provide an opportunity for the City Manager and the Recreation Committee to discuss the matter once more.

At the request of the City Manager, Council agreed that the item not be returned until the meeting of Committee of the Whole Council scheduled for Wednesday, 17 April 1991, or, failing that, to the earliest possible Committee meeting.

The motion to defer was put and passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on Wednesday, 20 March 1991 as follows:

Case No. 5742: Land Use Bylaw Consolidation

Following is the recommendation forwarded from the City Planning Committee of Wednesday, 20 March 1991:

That Council:

- (1) endorse the standards of 40 ft. frontage (25 ft. on the outer side of a curve) and 4,000 sq. ft. for R-1 uses in the Mainland area;
- (2) endorse the zone identification system as set out in Appendix "8" of the staff report dated 13 February 1991; and further,
- (3) instruct staff to update the consolidation to include all recent amendments and return the document to Council to set a date for a public hearing.

Alderman Grant noted that, because he had been unable to be present during the 20 March meeting, he had various points which he would like to have addressed by staff as quickly as possible. He began his remarks by referring to p. 2 of the 13 February staff report pertaining to lot size and asked for information as to whether, in their review of the RDD Zones, staff had considered the possibility of lot size with respect to development on slab. Alderman Grant pointed out that while experience has shown that there are various rock formations (particularly in Mainland North and Mainland South) which should not be disturbed, the City could still promote development by allowing larger lot sizes than normally permitted. He added that property owners could use the additional space for accessory buildings to compensate for the fact that basements for their structures would prove impossible in these areas.

Alderman Grant also asked for information as to whether the proposed lot sizes have been based on possible building dimensions. In this regard, the Alderman expressed concern that these suggested lot sizes might impact negatively on the consistency of development, particularly with respect to future subdivisions.

Alderman Grant made reference to the proposal that the lot size requirement for the Mainland area be reduced from 5,000 sq. ft. to 4,000 sq. ft., and asked for information as to how, under the definition of "major" and "minor" variances, this 1,000 ft. reduction would be classified.

Alderman Grant also referred to Appendix "B" of the 13 February report, and asked for clarification as to whether all of the proposed zones listed under the R-2 category (i.e., R-2.1, R-2.2, etc.) are intended to provide for four or more units.

It was agreed that the matter be deferred, pending staff response to the questions posed by Alderman Grant.

Additions and Changes to Non-Conforming Uses

Moved by Alderman Jeffrey, seconded by Alderman Jeffrey that, as recommended by the City Planning Committee, the staff report dated 22 February 1991 be forwarded to the Planning Advisory Committee for review and a public meeting.

Alderman Grant made reference to the many existing non-conforming uses which pose a consistent problem to their surrounding neighborhoods and which are the source of repeated complaints by area residents, and asked if the Planning Advisory Committee could be requested to research these properties. The Alderman pointed out that if this type of information were obtained, an argument could then be made against allowing the owners of such properties to make requests for changes or against permitting them to continue in R-1 and R-2 Zones. In this context, Alderman Grant indicated that he would provide staff with the civic numbers for various of these contentious non-conforming uses.

Concurring with Alderman Grant's remarks, Alderman Stone emphasized that, in implementing changes to the provisions concerning non-conforming uses, Council must be mindful of their responsibility to protect the neighborhoods in which these uses exist, as well as of their responsibility to the non-conforming use itself.

His Worship Mayor Wallace indicated that the PAC would be asked to include their response to Alderman Grant's concerns in their forthcoming report.

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

Hull's Port Corporation: Re: Proposed Service Road -
Bayview Cove to Richmond Terminal

This item was forwarded to Council without recommendation pending receipt of further information from staff.

A supplementary staff report dated 22 March 1991 was submitted.

MOVED by Deputy Mayor O'Malley, seconded by Alderman Pottle that subject to the final design of the access road from Bayview Cove to Richmond Terminal being approved, that:

- 1a) the cost of the relocation of the playground be part of the contractual agreement to be absorbed by the Port Corporation;
 - b) the cost of an appropriate fence installation be part of the contractual agreement to be absorbed by the Port Corporation;
 - c) cost of the tree line installation be part of the contractual agreement to be absorbed by the Port Corporation;
2. there be a pedestrian access from Novalea Drive;
 3. a public meeting be held to discuss the proposed service road and the intermodal facility prior to approval of either proposal.

Deputy Mayor O'Malley went on to comment on each part of the recommendation and urged members of Council to support her motion. In referring to the proposed fence installation, Deputy Mayor O'Malley presented pictures of various types of barriers that are located in the City. The Deputy Mayor made particular reference to the barrier at Briarwood and Bayview noting that it was aesthetically pleasing and suggested, if there was going to be a new fence at Seaview Park, that this was the type she would desire.

The City Manager indicated that there were a couple of points which he should bring to Council's attention before dealing with the motion which relate basically to the overpass. He noted that this roadway was basically a reconstruction of old Barrington Street and indicated that an overpass or a pedestrian access from Novalea Drive to the Park was something that had never been negotiated with the Port Corporation to his knowledge. The City Manager suggested that this item was not required by this development and commented that it would seem to him that this would be more properly a part of the CN development.

A discussion and debate followed and Alderman Flynn MOVED IN AMENDMENT, seconded by Alderman Fitzgerald that the first part of the motion be substituted with the words:

"City Council approve the proposed service road for the Halifax Port Corporation and that:

- 1a) the cost of the relocation of the playground be part of the contractual agreement to be absorbed by the Port Corporation;
- b) the cost of an appropriate fence installation be part of the contractual agreement to be absorbed by the Port Corporation;
- c) cost of the treeline installation be part of the contractual agreement to be absorbed by the Port Corporation."

Deputy Mayor O'Malley expressed the concern that the amendment was changing the intent of her motion and the Chairman agreed and ruled the amendment out of order.

Following a further discussion and debate on the motion, at the request of Council, Deputy Mayor O'Malley agreed to divide her motion and deal with part 1a, b, and c separately as follows:

- "(1) subject to the final design of the access road from Fairview Cove to Richmond Terminal being approved that:
 - a) the cost of the relocation of the playground be part of the contractual agreement to be absorbed by the Port Corporation;
 - b) the cost of an appropriate fence installation be part of the contractual agreement to be absorbed by the Port Corporation;
 - c) the cost of the treeline installation be part of the contractual agreement to be absorbed by the Port Corporation."

Motion passed.

Council next considered part (2) of the motion as follows:

"(2) there be a pedestrian access from Novalea Drive"

A discussion followed and Alderman Flynn commented that there was a pedestrian access from Barrington Street which

is the original roadway. Therefore, Alderman Flynn suggested that the motion to provide a pedestrian access is a redundant one because an access already exists. He went on to suggest that the purpose of the motion was to try and tie the project in with the CNR proposal which are two separate items.

The discussion continued and the Chairman indicated that there was a problem with the motion with respect to who would pay for the access. Deputy Mayor O'Malley noted that the access related to part 3 of the motion which is to hold a public meeting to deal with the access and the CNR proposals at the same time. The Chairman pointed out that Council was not dealing with the CNR proposal at this time and, therefore, ruled part (2) of the motion out of order.

Deputy Mayor O'Malley challenged the ruling of the Chairman which resulted in the ruling being upheld with eight (8) voting for and (3) voting against as follows:

FOR: Aldermen Holland, Fitzgerald, Downey, Pottie, Hanson, Ducharme, Flynn, and Stone.....(8)

AGAINST: Deputy Mayor O'Malley, and Aldermen Grant and Jeffrey.....(3)

Council then considered the third part of the motion as follows:

- "3. a public meeting be held to discuss the proposed service road and the intermodal facility prior to approval of either proposal."

The motion was put and defeated with three (3) members of Council voting for it and eight (8) voting against it as follows:

FOR: Deputy Mayor O'Malley, and Aldermen Pottie, and Jeffrey.....(3)

AGAINST: Aldermen Holland, Fitzgerald, Downey, Grant, Hanson, Ducharme, Flynn, Stone.....(8)

It was then MOVED by Alderman Flynn, seconded by Alderman Fitzgerald that:

- (1) City Council approve the final design plans for the proposed service road based on the following conditions:
- a) the cost of the relocation of the playground be part of the contractual agreement to be absorbed by the Port Corporation;

- b) the cost of an appropriate fence installation be part of the contractual agreement to be absorbed by the Port Corporation;
- c) the cost of the treeline installation be part of the contractual agreement to be absorbed by the Port Corporation.

(2) City Council approve the maintenance by the City of the roadway once it is constructed.

A debate followed and it was MOVED by Deputy Mayor O'Malley, seconded by Alderman Pottie that the motion be deferred pending the holding of a public meeting to discuss the proposed service road plans prior to being approved by Council.

Motion of deferral defeated.

The previous motion by Alderman Flynn was put and passed with eight (8) voting for it and (3) voting against it as follows:

FOR: Aldermen Holland, Fitzgerald, Downey, Grant, Hanson, Ducharme, Flynn, and Stone.....(8)

AGAINST: Deputy Mayor O'Malley, and Aldermen Pottie and Jeffrey.....(3)

Case No. 5194: Extension of Development Agreement - 1521 Lower Water Street

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the City Planning Committee, City Council authorize an extension to the development agreement governing Block "M," 1521 Lower Water Street, being the same agreement registered at the Registry of Deeds in Book 4612, Pages 45052-57 inclusive, on the condition that the development be commenced within two years of Council's approval and completed within four years of said approval.

The motion was put and passed.

MISCELLANEOUS BUSINESS

Appointments

A memorandum, dated 25 March 1991, was submitted from His Worship Mayor Wallace.

MOVED by Alderman Grant, seconded by Alderman Stone
that MR. LEONARD KITZ be appointed to the Heritage Advisory
Committee for a term to expire 31 January 1993.

The motion was put and passed.

Electoral Divisions and Advance Poll

A report, dated 25 March 1991, was submitted from Mr. Edward A. Kerr, Returning Officer for the City of Halifax. In accordance with Section 9(1) of the Municipal Elections Act, the Electoral Polling Divisions proposed for the 1991 municipal election were appended.

Alderman Holland and Alderman Fitzgerald spoke in opposition to the scheduling of both advance polls and regular elections on Saturdays, pointing out that, for many, Saturday is considered to be a sabbath. Alderman Fitzgerald pointed out that although one of the advance polls has been scheduled for a Tuesday, voters must show cause as to why they wish to vote at that time rather than during the regular Election Day; he therefore strongly urged that there should be two regular Election Days, only one being held on a Saturday. It was acknowledged, however, that the current provisions are mandated by Provincial statute.

It was subsequently moved by Alderman Grant, seconded by Alderman Fitzgerald that Saturday, 12 October 1991, be set as the other day for the advance poll, but that, in addition, Council request the Provincial Government to look into the matter of permitting a second regular Election Day (other than a Saturday) in order to accommodate those voters whose sabbath falls on that day of the week.

The motion was put and passed.

His Worship Mayor Wallace retired from the meeting, with Deputy Mayor O'Malley assuming the Chair.

QUESTIONS

Question Alderman Jeffrey Re:
Asphalt Curb - Hillcrest and Central Avenues

Alderman Jeffrey indicated that he had received a number of complaints that the asphalt curbs on both Hillcrest and Central Avenues have again been torn off. Under the circumstances, the Alderman asked that staff of the Engineering

and Works Department investigate the matter and report on the feasibility of the curbs' replacement.

Question Alderman Jeffrey Re:
Liming of Various Playing Fields

Alderman Jeffrey noted that when the liming of various playing fields was last done, inappropriate equipment was used which tended to blow the lime throughout adjacent neighborhoods. The Alderman noted that this problem had arisen in particular with regard to Piercey Field, the Burton Ettinger Field, and also to the field in Springvale/Fairmount adjacent to the junior high school). Under the circumstances, Alderman Jeffrey asked that the proper equipment be employed by City Field this year in order that the problem be kept to a minimum.

Question Alderman Jeffrey Re:
Fence - Burton Ettinger School

Alderman Jeffrey made reference to the safety hazards posed by children playing in the unenclosed grounds of the Burton Ettinger School, and noted that he had previously asked that the provision of a fence be included in this year's budget. Noting that this item appears to have been omitted, the Alderman emphasized that he is willing to reallocate funds from other Ward 9 projects for this purpose. He therefore requested that staff prepare a report as quickly as possible regarding the supply and installation of a fence on the Central Avenue side of the Burton Ettinger ball field.

Question Alderman Jeffrey Re:
Halifax City Council - Rules of Order

Alderman Jeffrey indicated that on several occasions he has noted that the Deputy Mayor has not been asked to assume the Chair on those occasions when His Worship the Mayor finds it necessary to leave the Council Chamber. The Alderman made reference to Council's official Rules of Order in this regard and asked that they be more closely observed in the future.

Question Alderman Jeffrey Re:
Coins Removed from Halifax City Hall Cornerstone

Alderman Jeffrey made reference to the coins and other miscellaneous items which had previously been removed from the cornerstone of Halifax City Hall and had been scheduled for public display. The Alderman noted that he has recently received a number of calls from residents eager to

view these artifacts and asked for information as to when a display will be arranged.

The City Manager indicated that it was his understanding that the collection is presently in storage at the Halifax Police Department, but added that he would investigate the matter further in response to Alderman Jeffrey's request.

His Worship Mayor Wallace returned to the meeting, with Deputy Mayor O'Malley assuming her usual seat on Council.

Question Alderman Holland Re:
Director of Education

Alderman Holland made reference to a matter which he had previously raised in Council concerning the lack of response he has received to letters written to the City's Director of Education.

The Alderman asked for information from those Aldermen representing City Council on the Halifax District School Board as to the salary range for the Director of Education.

Question Alderman Grant Re:
Acquisition of Civic No. 224 Berring Cove Road

Alderman Grant made reference to an item discussed earlier in the Council's agenda, emphasizing that during the 20 March meeting of the Committee of the Whole, he had requested that "should the City be successful in acquiring this property, it take immediate steps either to issue a call for proposals or to ensure that the site is developed to the highest residential use permitted by the R-2P Zone."

Alderman Grant asked for information as to whether, now that the City has officially moved to acquire this property, his request could be pursued.

The City Manager indicated that, in his opinion, there would be no difficulty in acceding to Alderman Grant's suggestions in this matter.

Question Alderman Grant Re:
City Representatives - Board of the Camp Hill Hospital

Alderman Grant indicated that it had been his understanding that Halifax City Council had previously moved to

recommend that two Halifax representatives (rather than one) be appointed to the Board of the Camp Hill Hospital. The Alderman strongly urged that before the final papers are signed concerning the Civic Hospital, Council through the City Solicitor's Department should ensure that it will have two representatives on the Camp Hill Board (as the appropriate vacancies occur) and that these representatives be those specifically recommended by Council. In this context, Alderman Grant emphasized that those individuals in question had been intended to be members of the former Halifax Civic Hospital Board.

His Worship Mayor Wallace advised that he had just recently circulated a letter from the Minister advising that a vacancy on the Camp Hill Board is expected within the next 12 months. He emphasized, however, that according to Provincial policy regarding its boards and commissions, outside agencies (including municipalities) are not permitted to appoint representatives, but merely to nominate. He went on to suggest that, regardless of the number of representatives Council wishes to have on this Board, vacancies will not be purposely created to accommodate the City of Halifax. Mayor Wallace indicated, however, that Alderman Grant's concerns in this matter could be conveyed to the Province.

**Question Alderman Stone Re: Proposed
Closure/Consolidation - Ward 12 Junior High Schools**

Alderman Stone advised that he has received a very large number of calls from Ward 12 residents (particularly members of the Ward 12 Community Association) expressing concern regarding the Halifax District School Board's proposal to close both the Grosvenor Wentworth and Rockingham Junior High Schools. The Alderman emphasized that Ward 12 is in a slightly different position from that of the rest of the City in that it is an area specifically targeted for residential growth, a factor which renders the continuance of neighborhood schools essential.

On another but related matter, Alderman Stone advised that, should the recommendation to close these schools be ultimately approved, Ward 12 residents are concerned that their children will have to walk considerable distances to reach schools outside their immediate neighborhood. They are therefore requesting that consideration be given to the provision of appropriate bus transportation for these students, should the amalgamations proceed.

Alderman Stone concluded his remarks by requesting that Council representatives on the Halifax School Board bring these concerns to the attention of the full membership.

**Question Alderman Stone Re:
Civic No. 8 Skylark Avenue**

Alderman Stone advised that he has received a number of complaints regarding the existence of what he believes to be an illegal apartment unit in the dwelling located at Civic No. 8 Skylark Avenue (at the corner of Skylark and Armada Drive). The Alderman added that while he understands that the City's Inspection Services Division had previously investigated the matter, the problem has become one of continual concern. Under the circumstances, therefore, he requested that staff provide him with an update on the matter, specifically as to what is being done to have the apartment unit removed.

On the same matter, Alderman Stone suggested that if the removal of the unit is anticipated to take a considerable period of time, the Traffic Authority be asked to consider the feasibility of erecting "No Parking" signs in this area. In this context, he emphasized that Skylark is a narrow, dead-end street, a situation which is exacerbated by the additional cars generated by the illegal apartment unit.

**Question Alderman Flynn:
Summer Employment with the City of Halifax**

Alderman Flynn noted that in previous years there has been considerable confusion among students and other individuals looking for summer employment with the City of Halifax in that there would appear to be uncertainty as to whether application is made directly to the City of Halifax or whether instead job applications are handled through one of the Canada Employment Centres.

The Alderman therefore requested that clarification on the matter be made available from the appropriate City department, and that this material be distributed to all members of staff as well as to Council so that the correct information can be given out to callers.

**Question Alderman Fitzgerald Re:
"Blue Bag" Recycling Project**

Alderman Fitzgerald noted that the City's "Blue Bag" recycling project is due to commence on Monday, 8 April, and emphasized that he has received numerous calls from residents of apartment buildings and condominiums who are eager to participate. In this context, the Alderman asked for information from staff as to what efforts are being made to include those individuals in this recycling project.

**Question Alderman Fitzgerald Re:
Garbage Collection/Tipping Fees**

Alderman Fitzgerald noted that it had been his understanding that the matter of tipping fees (as they are currently applied to condominium owners) was to be addressed prior to the approval of the City's 1991 budget. So saying, the Alderman asked for information as to when this matter was to be again deliberated.

The City Manager indicated that he had understood that staff had been directed to obtain information regarding this problem from other municipalities and had been unaware that a report had been expected prior to the conclusion of budget deliberations. Mr. Murphy added, however, that he would look into the matter further and respond to Alderman Fitzgerald's concerns.

NOTICES OF MOTION

**Notice of Motion Alderman Fitzgerald Re:
Tipping Fees - Condominium Corporations**

Alderman Fitzgerald gave Notice of Motion that at the next regular meeting of Halifax City Council, scheduled for Thursday, 11 April 1991, he will propose a motion to remove tipping fees from condominium corporations.

**Notice of Motion Deputy Mayor O'Malley Re:
Motion of Reconsideration: Agenda Item 15.3,
Halifax Port Corporation Re: Proposed Service Road
- Fairview Cove to Richmond Terminal**

Deputy Mayor O'Malley gave Notice that at the next regular meeting of Halifax City Council, scheduled for Thursday, 11 April 1991, she proposes to introduce a Motion of Reconsideration with regard to Agenda Item 15.3, "Halifax Port Corporation Re: Proposed Service Road - Fairview Cove to Richmond Terminal," which had been debated by Council earlier in tonight's (27 March) meeting.

ADDED ITEMS

Tender #91-006 (91-86) Number 2D Diesel Fuel

A staff report, dated 25 March 1991, was submitted.

MOVED by Fitzgerald, seconded by Deputy Mayor O'Malley that authority be granted to award the Number 2D portion of Tender #91-006 (91-86) to Wilson Fuels Ltd. at the current price indicated in the 25 March report, subject to all terms and conditions of the tender specifications.

The motion was put and passed.

Extension for Setting the 1991 Tax Rate

A staff report, dated 26 March 1991, was submitted.

MOVED by Alderman Hanson, seconded by Alderman Downey that Council approve a resolution which requests the Minister of Municipal Affairs to seek, on behalf of the City of Halifax, an Order-in-Council extending the time within which the City may establish a tax rate for the 1991 year to 15 April 1991, in accordance with Sections 189 and 594 of Chapter 52 of the Statutes of Nova Scotia, 1963, the Halifax City Charter.

The motion was put and passed.

Interest on Past-Due Taxes

Alderman Downey requested that a report be prepared in time for the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 3 April 1991) concerning the possibility of reducing the City's interest rates on past-due taxes, particularly in light of the fact that bank rates are continuing to drop.

There being no further business to be discussed, the meeting was adjourned at approximately 11:30 p.m.

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

mmd/*K

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