

# HALIFAX CITY COUNCIL MINUTES

Council Chamber  
Halifax City Hall  
26 March 1992  
8:00 P. M.

A regular meeting of Halifax City Council was held at this time.

The meeting was called to order with Reverend Floyd O'Neill leading those present in the recitation of the Lord's Prayer.

**PRESENT:** Her Worship Mayor Moira Ducharme, Chairman; Deputy Mayor Bill Stone; and Aldermen Holland, Fitzgerald, Downey, Meagher, O'Malley, Pottie, Adams, Hanson, Jeffrey, Macdonald and Crowley.

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

## MINUTES

Minutes of a Special Meeting of Halifax City Council, held on Wednesday, 4 March 1992, and of a regular meeting held on Thursday, 12 March 1992, were approved as circulated on a motion by Alderman O'Malley, seconded by Alderman Fitzgerald.

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

At the request of Her Worship Mayor Ducharme, Council agreed to deal with the following items at the beginning of the agenda:

- 17.1 Waste Management Task Force - Update
- 17.2 Term of Employment - City Manager

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

- 20.1 Appointments
- 20.2 Damage Claim - 127 Evans Avenue (Alderman Macdonald)

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- 20.3 Right-of-Way - 38A Vimy Avenue (Alderman Macdonald)
- 20.4 File #56051 - Purchase of Six (6) Motorola 9100-10 Mobile Data Terminals - Halifax Police Department
- 20.5 Award of Tender 92-73 Microcomputer Equipment
- 20.6 Award of Tender 92-75 - Bulk Waste Removal - Various Locations - Halifax Board of School Commissioners and City of Halifax
- 20.7 Term of Employment - City Manager

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

- 20.8 Racoon Problem - City of Halifax (Alderman Fitzgerald)

The agenda, as amended, was approved on a motion by Alderman Holland, seconded by Alderman Hanson.

**Waste Management Task Force - Update**

Alderman Fitzgerald rose on a point of privilege. He expressed the view that the Rules of Order of Council were not adhered to in respect of Council's motion of March 12th as follows: "MOVED by Alderman Fitzgerald, seconded by Alderman Holland that the City of Halifax Waste Management Task Force provide an open informational session to Council on Thursday, 26 March 1992, beginning at 4:30 p.m. and subsequently provide Council with a plan with respect to how information can be provided to the public."

Alderman Fitzgerald pointed out that the above noted motion was approved unanimously and he therefore expressed the belief that his privileges were violated when this motion was totally disregarded. The Alderman indicated that he wanted a full report as quickly as possible on this matter indicating who was responsible for the cancellation of this meeting.

A debate ensued with the City Manager explaining that it was Council policy, and for a very practical reason, that reports going to Council are not public information until Council has received the report and is able to deal with it. He suggested that it seemed to him only appropriate that Council, in receiving this report, would need some advice and briefing as to its content. To make that presentation public, the City Manager proposed seemed to him to be inconsistent with the practice of what one would normally expect. Therefore, the City Manger advised that, when he was asked as to whether this was to

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be a public meeting or a private meeting, he indicated that of course it would be a private meeting.

**At this time, Her Worship Mayor Ducharme left the Chair and addressed Council from the podium with Deputy Mayor Stone assuming the seat of the Chair.**

Her Worship Mayor Ducharme advised that Council had heard statements of abuse of privilege. She noted that there has been an abuse of privilege of the Council of which Council is unaware. Mayor Ducharme referred to material which was faxed to all of the media Tuesday by a private citizen. She noted that this fax informed the media that City Council would hold a press conference at City Hall on Friday morning at 10:00 a.m. and that the Mayor and City Council would be in attendance to conduct an in-depth briefing to the press. Her Worship pointed out that this information was faxed out without permission from the Mayor or the City Manager and she therefore questioned whether this was an abuse of privilege.

Her Worship Mayor Ducharme advised that the Report of the Waste Management Task Force is to be released to Council and to the media this evening, at the same time, and to the public, and she expressed the opinion that this was a fair system.

**Her Worship Mayor Ducharme returned to the Chair with the Deputy Mayor taking his usual seat on Council.**

The debate continued and it was MOVED by Alderman Fitzgerald, seconded by Alderman O'Malley that a full written report be provided indicating who cancelled the informational session with respect to the Waste Management Task Force, that was to have been held earlier on this date, and the reason(s) for the cancellation of this meeting.

The motion was put and defeated.

Alderman Macdonald addressed the matter and MOVED, seconded by Deputy Mayor Stone that the report entitled "City of Halifax - Review of Waste Management Systems Options", by the City of Halifax Waste Management Task Force dated March 1992, be tabled.

At the invitation of Her Worship Mayor Ducharme, the following gentlemen addressed Council at this time and introduced themselves:

Mr. Jeffrey Morris, Economist with Sound Resource Management Group, project leader for the Report.

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Mr. David Hopper, Angus Environmental Ltd., responsible largely for the evaluation of incineration options and health risks from incineration options.

Mr. Doug Hickman, Angus Environmental Ltd., assisted and helped manage some of the aspects of recycling and industrial waste reduction and recycling.

The motion was put and passed.

**Term of Employment - City Manager**

MOVED by Alderman Downey, seconded by Alderman Macdonald that Mr. Donald F. Murphy, Q.C., be reappointed as City Manager for one year. *AS per under the Retirement Policy of the CITY OF HALIFAX (amended at Council 15 APR/92) M. Soley*

Alderman Jeffrey questioned if the motion meant that the City Manager be reappointed for one year from his last appointment on March 31st.

Her Worship confirmed that the date of reappointment would begin March 31st for one year.

Alderman Fitzgerald indicated that it was his understanding this reappointment was for one year, but that Council would begin its search for a new Manager at the conclusion of budget deliberations.

Her Worship noted that Council had agreed to meet again in June to deal with the matter of the search for a City Manager.

The motion was put and passed.

**DEFERRED ITEMS**

**Case No. 6313: Regatta Point Area - Plan Amendment Request**

A public hearing into this matter was held on 23 March 1992.

Noting that he would like more time to review the information that was received at the public hearing on this matter, it was MOVED by Alderman Hanson, seconded by Alderman Adams that this matter be deferred to the next regular meeting of Halifax City Council to be held on Thursday, 15 April 1992.

Motion passed.

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1673-85 Argyle Street: Designation of Carleton Hotel

A public hearing on this matter was held on 23 March 1992.

Alderman Fitzgerald addressed the matter and advised that many citizens and members of Council would like to see the oldest residential historic building in Halifax retained as an historic building. Alderman Fitzgerald went on to suggest that this matter be deferred for 30 days and that, in the meantime, staff arrange a meeting with the owner of the building to attempt to come to an acceptable solution to save the building. The Alderman further proposed that staff develop a policy for Council's consideration that would deal with situations of this kind in the future. Alderman Fitzgerald reiterated his desire to have this building preserved.

In response to a question from Alderman Downey, the City Solicitor advised that it was permissible for Council to defer this matter.

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that Council defer the decision on de-registering the heritage designation of the Carleton Hotel for 30 days and that staff meet with the owners in the meantime to discuss how the problem might be resolved.

Motion passed.

The following correspondence was received subsequent to the public hearing on this matter:

a letter dated 23 March from Janet Ross / Cathy Bethune, Co-chair of the Board, Ecology Action Centre;

a letter dated 20 March from Kathleen Currie, 16 Braeside Lane, Halifax NS

a letter dated 20 March from Phoebe Ropee, 1648 Larch Street, Halifax NS;

a letter dated 21 March from Joyce and Paul McCulloch, 1597 Dresden Row, Halifax NS;

a letter dated 19 March from Vivian Rodgers;

a letter dated 23 March from Bettie Mitchell, 1144 South Park Street, Halifax NS;

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a letter dated 19 March from Hilary Grant, 17 Borden Street, Bedford NS;

a letter dated 23 March from Audrey E. Stuart, PO Box 3722, Halifax NS;

a letter dated 23 March from Joan M. Morrison, 866 Bridges St., Halifax, N.S.;

a letter dated 22 March from Judith B. Cabrita, 56 Hanover Court, Halifax NS;

a letter dated 23 March from Wallace Jarvis, 5979 Bilton Lane, Halifax NS;

a letter dated 24 March from Jillian McCulloch Price;

a letter dated 24 March from Barbara O'Regan, 1935 Cambridge St, Halifax, NS.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on Monday, 23 March 1992, as follows:

**Junk Dealer's License - Pier 9A, Barrington Street**

MOVED by Alderman O'Malley, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, this matter be deferred, pending receipt of additional information from staff, to the second Committee of the Whole Council meeting in April scheduled for 22 April 1992.

Motion passed.

**Sewer and Water Cost-Sharing - Ragged Lake**

MOVED by Alderman Jeffrey, seconded by Deputy Mayor O'Malley that this matter be deferred to the next Committee of the Whole Council meeting to be held on 8 April 1992 pending receipt of information from the Province of Nova Scotia regarding cost-sharing arrangements.

In the meantime, Alderman Jeffrey requested that a further letter be sent to the Province of Nova Scotia respecting this matter.

The motion to defer was put and passed.

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a letter dated 19 March from Hilary Grant, 17  
Borden Street, Bedford NS;

a letter dated 23 March from Audrey E. Stuart, PO  
Box 3722, Halifax NS;

a letter dated 23 March from Joan M. Morrison,  
866 Bridges St., Halifax, N.S.;

a letter dated 22 March from Judith B. Cabrita,  
56 Hanover Court, Halifax NS;

a letter dated 23 March from Wallace Jarvis, 5979  
Bilton Lane, Halifax NS;

a letter dated 24 March from Jillian McCulloch  
Price;

a letter dated 24 March from Barbara O'Regan,  
1935 Cambridge St, Halifax, NS.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

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Executive Committee from its meeting held on Monday, 23  
March 1992, as follows:

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Pottie that, as recommended by the Finance and Executive  
Committee, this matter be deferred, pending receipt of  
additional information from staff, to the second Committee  
of the Whole Council meeting in April scheduled for 22  
April 1992.

Motion passed.

**Sewer and Water Cost-Sharing - Ragged Lake**

MOVED by Alderman Jeffrey, seconded by Deputy  
Mayor Stone that this matter be deferred to the next  
Committee of the Whole Council meeting to be held on 8  
April 1992 pending receipt of information from the Province  
of Nova Scotia regarding cost-sharing arrangements.

In the meantime, Alderman Jeffrey requested that  
a further letter be sent to the Province of Nova Scotia  
respecting this matter.

The motion to defer was put and passed.

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**St. Andrew's School - Programs**

This matter was forwarded to Council without recommendation.

An information report dated 25 March 1992 was submitted.

Alderman Crowley addressed the matter and noted that a number of presentations had been made at the last Committee of the Whole Council meeting from persons in the community who were using the St. Andrew's School facility. The Alderman commented that many persons were alarmed as a result of the letter that was sent out from the Recreation Department to a number of participants in programs under the jurisdiction of the Recreation Department. Alderman Crowley noted that the presentations regarded the present and the future use of the St. Andrew's Community Centre. She noted that it was quite evident by the presentations that there is a great need in the community for the continuation of these programs.

Alderman Crowley commented that the status of the situation, as she understood it at this time, was that the Recreation Department has conceded to leave the status quo in place with respect to the facility until the end of June.

MOVED by Alderman Crowley, seconded by Alderman Jeffrey that any groups or organizations that have been using St. Andrew's Centre, including the gymnasium, continue under the existing arrangement (in other words maintain the status quo) until City Council has received a staff report with recommendations and Council has rendered a decision.

In seconding the motion, Alderman Jeffrey congratulated Alderman Crowley for taking the initiative to work with the residents in the area and with staff and Council on this matter.

The motion was put and passed.

**Award of Tender No. 911714 - Energy  
Management System Complete Maintenance**

MOVED by Alderman Holland, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, authority be granted to place Tender No. 911714 (Energy Management System Complete Maintenance) with Landis



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& Gyr Powers Ltd. at the three-year tendered price of \$46,717, funds to be made available from Account Number 22902.0600, titled "Energy Management/Outside Contractors) for the current year (funds will be included in the current budget for subsequent years).

Motion passed.

**User Fees**

This matter was forwarded to Council without recommendation, pending receipt of a further report from the City Manager.

A staff report dated 24 March 1992 was submitted.

Mr. Jim Naugler, Chairman of User Pay Committee, and Mr. Doug Quinn, Member of User Pay Committee, addressed Council and responded to various questions from Alderman Adams.

Alderman Adams submitted a copy of a staff report dated 14 February 1992 at this time which he made comparisons to in relation to subsequent staff reports. Referring to the 14 February 1991 report, the Alderman noted that the total amount of money required was \$579,000.00, while the report dated 30 January 1992 presented a range between \$6000.00 and \$7000.00 per field. He added that there were a total of 72 fields which would total \$720,000.00. Alderman Adams explained that if there was \$900,000 in the budget, he could not understand how Council could justify paying more money when there would be a surplus of \$180,000.00.

Mr. Quinn explained that there were so many variables in the cost of doing sports fields maintenance that it made it difficult to be entirely precise. He also noted that the report referred to by Alderman Adams dated 14 February 1991 states that "on average the cost is ..."

Alderman Adams reiterated his question with respect to the inconsistencies in the reports. He went on to propose the possibility of posting a \$250.00 bond for any team that wants to host a tournament in the City of Halifax, refundable upon completion of the tournament depending on weather and on the condition in which the fields are left. The Alderman suggested that a report be provided in this regard.

Alderman Adams also proposed that, if the City does not have enough money for the maintenance of the

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fields, that the possibility of assigning ball diamonds to specific leagues be explored. He noted that the Sackville County Correctional Centre has a couple of hundred persons who may be able to participate in a day work program.

Alderman Downey noted that he would prefer that this matter be deferred until Council has dealt with the Engineering and Works Departmental budget noting that there was some question with respect to the number of manpower that would be approved in the budget. It was, therefore, MOVED by Alderman Downey, seconded by Alderman Pottie that this item be deferred to the next Committee of the Whole Council meeting to be held on 8 April 1992.

The motion to defer was put and defeated.

Alderman Adams proposed a motion that the City of Halifax maintain the status quo and not implement user fees for the upcoming ball season.

A debate ensued with a number of Aldermen expressing the desire for additional information from staff (i.e. addressing the questions raised earlier by Alderman Adams). It was, therefore, MOVED by Alderman Adams, seconded by Alderman Jeffrey that this matter be deferred to the next Committee of the Whole Council meeting to be held on 8 April 1992.

The motion to defer was put and passed.

At approximately 9:30 p.m., Her Worship Mayor Ducharme retired from the meeting with Deputy Mayor Stone taking the seat of the Chair.

**Task Force on Local Government Structure**  
**SET DATE FOR SPECIAL MEETING**

MOVED by Alderman O'Malley, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, a date for a special meeting of Committee of the Whole Council be scheduled as quickly as possible to receive a briefing from the City Manager regarding the Task Force on Local Government Structure.

Motion passed.

It was agreed that the above date be set at the special Committee of the Whole Council meeting (budget) scheduled for Monday, 30 March 1992.

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**Policy Re: Non-Profit Cultural Events**

MOVED by Alderman Downey, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee:

- 1) the City of Halifax adopt a policy for non-profit cultural events in that the City will supply services on the first three occasions of the same event in the following manner:-
  - (a) on the first occasion, the City would subsidize to the extent of 100 percent of the cost of municipal services;
  - (b) to the second event, the City would subsidize to the extent of 50 percent of the cost of municipal services;
  - (c) to the third event, the City would subsidize to the extent of 25 percent of the cost of municipal services;
- 2) the City of Halifax support the International Gospel Festival within the terms of the said policy; and
- 3) a reserve account for this purpose be established and monitored on an annual basis in the budgetary process.

Motion passed.

**Purchase of Building at 2225 Gottingen  
Street (The Tap Building)**

MOVED by Alderman Downey, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee:

- (1) the City of Halifax advance to HRDA from the Rehabilitative Facilities Account (No. 96001) \$265,000 to permit purchase of the building located at 2225 Gottingen Street (the Tap Building) and to assist with renovations;
- (2) this amount of money to be repaid out of any profits generated from the operation of the building; and

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- (3) providing any part of the amount advanced remains unpaid at the time of sale of the property by HRDA, the profits of the sale shall be applied first to the amount outstanding.

Speaking on the motion, Alderman Pottie expressed the concern over the possibility of the City approving the amount of \$265,000 to HRDA and cost sharing not being approved by ACOA or the Province. He noted that the report from HRDA indicates that cost sharing has not been confirmed. Alderman Pottie proposed that staff would make sure that the City's \$265,000 is protected to the point where it would not expend the money unless cost sharing was forthcoming.

Following a short questioning of the City Manager, **it was MOVED in amendment by Alderman Pottie, seconded by Alderman Fitzgerald that the motion be amended by adding the words: "and, further, that this release of funds be subject to the approval of cost sharing from the Province of Nova Scotia as well as ACOA."**

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

The motion, as amended, was put and passed.

**Computer Software**

MOVED by Alderman Fitzgerald, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, City Council approve the purchase of computer software in the amount of \$17,600.32, with a fifty percent (50%) recovery of this amount from the Province of Nova Scotia, (as outlined in the staff report dated 19 March 1992) necessary to improve the Social Planning Information and Control System (funds are available for this purchase from the approved budget of the Management Information Systems Division of the Finance Department).

Motion passed.

**Civic No. 2134 Robie Street**

MOVED by Alderman Meagher, seconded by Alderman Macdonald that, as recommended by the Finance and Executive Committee, the City Solicitor be authorized to apply to the Supreme Court of Nova Scotia for an injunction in respect of the illegal development of the property at Civic No. 2134 Robie Street, Halifax, Nova Scotia, as being contrary to the provisions of the City of Halifax Land Use Bylaw,

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the Planning Act, Ordinance 131, the Building Code, the Building Code Act and the Halifax City Charter.

Motion passed.

**Civic No. 2347 Moran Street**

This matter was forwarded to Council without recommendation.

Alderman Meagher addressed the matter and, in making reference to the report from the City Solicitor dated 11 March 1992, expressed the concern that the City was not being fair to the property owners of 2347 Moran Street. He explained that a City of Halifax tree had destroyed the drain in front of the property at 2347 Moran Street. Alderman Meagher maintained the view that it was the City's responsibility to replace this drain.

MOVED by Alderman Meagher, seconded by Alderman Fitzgerald that this matter be referred back to staff and that the City's insurance adjuster investigate the situation by visiting the property and provide a full report.

Motion passed.

At approximately 9:45 p.m., Her Worship Mayor Ducharme returned to the meeting with the Deputy Mayor taking his usual seat on Council.

**REPORT - COMMITTEE ON WORKS**

Council considered the report of the Committee on Works from its meeting held on Monday, 23 March 1992, as follows:

**Mainland North Traffic - Proposed Solutions**

Alderman Macdonald addressed the matter and MOVED, seconded by Alderman Jeffrey that a date be scheduled for a special Committee of the Whole Council meeting to deal with the proposed solutions relating to Mainland North Traffic.

Alderman Macdonald suggested that the date be set for **Thursday, 16 April 1992 at 2:00 p.m.**

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The Chairman pointed out that April 16th was Holy Thursday and that that was why Council had re-scheduled its meeting on that night.

It was agreed that the City Clerk would circulate proposed dates for the meeting to members of Council for consideration at the special Committee of the Whole Council (budget) meeting on Monday, 30 March 1992.

A discussion ensued and Alderman Fitzgerald proposed an amendment that Council approve the widening of Titus Street and instruct staff to begin planning in this respect. There was no seconder to the amendment.

The motion was put and passed.

**Award of Tender #92-40: Inspection and Testing**

MOVED by Alderman Holland, seconded by Alderman Meagher that, as recommended by the Committee on Works, Tender #92-40 be awarded to Jacques, Whitford & Associates Limited for the bid price of \$46,898.75 for the inspection and testing of materials for 1992.

Motion passed.

**Award of Tender #91-01: Paving Renewal,  
Watermain Renewal and Combined Sewer (Young Street)**

MOVED by Alderman O'Malley, seconded by Alderman Meagher that, as recommended by the Committee on Works, City Council approve the additional expenditure of \$14,000 from Capital Account No. 94010 and increase the total project cost from \$207,000 to \$221,000 for the City's portion of the works in Contract #91-01, Paving Renewal, Watermain Renewal and Combined Sewer (Young Street).

Motion passed.

**Storm Sewer Lateral Restoration - Kearney Lake Road**

MOVED by Deputy Mayor Stone, seconded by Alderman Adams that, as recommended by the Committee on Works, due to the nature of the works and the requirement (pertaining to the Kearney Lake Road storm sewer lateral restoration project), funds be approved and authorized from Capital Account #93002, "Infiltration Reduction Program," in the amount of \$20,489.84.

Motion passed.

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**Bus Stop - Alex and Rosedale Avenue**

This matter was forwarded to Council without recommendation.

Alderman Jeffrey addressed the matter and referred to a letter from Mr. Brian T. Smith, Acting Executive Director of the Metropolitan Authority, with respect to the bus stop at Alex and Rosedale Avenue. Noting that the report indicates that the elimination of the stop in question would create hardship for present users, particularly seniors and others with limited mobility, the Alderman pointed out that he had visited the site with Mr. Kennedy who indicated that the bus stop could be removed completely. Alderman Jeffrey also advised that he did not believe that any seniors used the bus stop in question.

Commenting that the letter suggests a full discussion at the Transit Advisory Committee, it was MOVED by Alderman Jeffrey, seconded by Alderman Pottie that this matter be forwarded to the Transit Advisory Committee for consideration of the removal of this bus stop.

Motion passed.

**REPORT - SAFETY COMMITTEE**

Council considered the report of the Safety Committee from its meeting held on Monday, 23 March 1992 as follows:

**Moosehead Grand Prix**

Following is the motion forwarded from the 23 March meeting of the Safety Committee:

That City Council approve Option "A" in connection with the Moosehead Grand Prix as presented in the proposal by the Atlantic Grand Prix Inc. (dated 5 February 1992) which includes the paving of a section of the Commons; that the pavement across the Common be used primarily for wheelchair sports and other recreational activities, and also that the area be lighted.

Alderman Pottie opened the debate by speaking in opposition to the recommendation forwarded from the Safety

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Committee. In his remarks, the Alderman made reference to the concerns expressed by the previous Council concerning the impact of events such as the Grand Prix on the Halifax Commons, adding that over eight months ago staff had been directed to prepare draft legislation to provide greater protection for this very important part of the City in the future.

Emphasizing that the requested legislation had not yet been received, Alderman Pottie expressed the view that it would be somewhat premature for Council to proceed with the proposal relating to the Moosehead Grand Prix (i.e., to pave a portion of the Commons) at this point in time. He therefore suggested that Council place a moratorium on all development pertaining to the Halifax Commons until such time as that legislation has been received and reviewed.

It was therefore moved by Alderman Pottie, seconded by Alderman Fitzgerald that Halifax City Council approve Option "B" for the Moosehead Grand Prix (i.e., excluding the pavement through the Commons); and further, that Council impose a moratorium on any development that would alter the Commons as it is presently known until Council has had an opportunity to discuss the draft legislation to be submitted from staff and to set protective legislation in place.

Alderman Adams addressed Council in opposition to the motion put forward by Alderman Pottie. In his remarks, the Alderman stated that, in his opinion, the addition of another portion of "pavement" to the Halifax Commons, particularly one that can be used as a recreational facility for the handicapped, does not constitute an infringement on the area's green space. In this context, the Alderman made reference to the tennis courts, the wading pool and other "paved" areas, all of which enhance the public's enjoyment of the Commons.

On another but related matter, Alderman Adams drew Council's attention to an article recently published in one of the local newspapers which, in the Alderman's view, erroneously suggests that the decisions made by Halifax City Council (in this case pertaining to the Moosehead Grand Prix) are influenced by racist thinking. Emphasizing that he had been very deeply offended by these allegations, Alderman Adams advised that he intended to seek an apology from the editor in question, and urged other members of Council to do the same.

Alderman Holland indicated that he would not be supporting Alderman Pottie's motion, pointing out that, in his view, Option "A" affords the City an opportunity to



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acquire an excellent recreational facility for the handicapped at no cost to its taxpayers. In this same context, the Alderman emphasized that the proposed arrangement is intended to be fully assessed in three years' time.

Alderman Crowley spoke in support of the motion put forward by Alderman Pottie, emphasizing that, in her opinion, Council should pay particular attention to the concerns raised by those Aldermen in whose wards the Grand Prix is held. She went on to express the view that the addition of more paved areas to the Halifax Commons was inappropriate and should not be supported.

After some further discussion, the motion was put and resulted in a tie vote, six (6) members of Council supporting the motion and six (6) in opposition as follows:

**FOR:** Aldermen Fitzgerald, Meagher, O'Malley, Pottie, Macdonald and Crowley (6)

**AGAINST:** Aldermen Holland, Downey, Adams, Hanson, and Jeffrey; and Deputy Mayor Stone (6)

Her Worship Mayor Ducharme broke the tie by voting against the motion, and declared the motion to be defeated.

In her remarks, Her Worship pointed out that the Halifax Commons from its inception had been intended for the use of the "common people," emphasizing that the handicapped (who stand to gain a recreational facility in this situation) have expressed concern that they are not always included in that designation. Mayor Ducharme went on to suggest that, in her view, the issue of the pavement on the Commons should more appropriately have been debated **before** Council agreed to enter into a three-year contract with Moosehead Breweries, as it did on 13 February. She concluded her remarks by indicating that, in her opinion (based on information provided by Moosehead Grand Prix representatives), the route included in Option "A" represents the safest possible alternative.

It was subsequently moved by Alderman Jeffrey, seconded by Alderman Hanson that City Council:

- (1) approve the race course layout identified as Option "A" in the proposal dated February 5 1992 from Atlantic Grand Prix Inc. for the Moosehead Grand Prix;
- (2) authorize the construction, at the expense of Atlantic Grand Prix Inc., of a permanent paved

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area across the Halifax Commons as outlined in the said proposal, to be used for various recreational purposes including recreational activities for the handicapped, with the exception of a period immediately prior to, during and after the Moosehead Grand Prix when the area shall be used in conjunction with the race and to accommodate Option "A;" and

- (3) that staff be instructed to prepare a contract for execution by Atlantic Grand Prix Inc. and the City of Halifax in a form similar to the race contract used in past years, with the exception that the contract be for three races, one in each of 1992, 1993 and 1994, and that the Mayor and City Clerk be authorized to execute such agreement on behalf of the City of Halifax.

Alderman Pottie addressed the motion currently on the floor, emphasizing that, in his view, Option "A" is particularly inappropriate, given its negative implications for the Halifax Commons. The Alderman went on to suggest that provision of recreational facilities for the handicapped should be the City's responsibility and not that of a private corporation, adding that because of these and the other reasons expressed earlier in the debate, he was in total disagreement with Alderman Jeffrey's motion.

The motion was put and resulted in a tie vote, six (6) members of Council supporting the motion and six (6) in opposition as follows:

- FOR:** Deputy Mayor Stone; and Aldermen Holland, Downey, Adams, Hanson, and Jeffrey (6)
- AGAINST:** Aldermen Fitzgerald, Meagher, O'Malley, Pottie, Macdonald and Crowley (6)

Her Worship Mayor Ducharme broke the tie by voting in support of the motion, and declared the motion to be passed.

Mayor Ducharme subsequently indicated that she had supported Alderman Jeffrey's motion for the same reasons she had given for opposing Alderman Pottie's motion earlier in the debate.

**NOTE:** At a later point in the meeting's agenda, a Notice of Motion of Reconsideration regarding this matter was given by Alderman Pottie.

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**Regulation of Reptiles**

MOVED by Deputy Mayor Stone, seconded by Alderman Meagher that, as recommended by the Safety Committee, City Council approve in principle the form of ordinance attached as Appendix "A" to the report from the City Solicitor dated 12 March 1992, and direct City staff to arrange for the introduction of the said Ordinance for First Reading.

The motion was put and passed.

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

**Proposed Amendment to Ordinance 165, the  
Blasting Ordinance (SECOND READING)**

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 12 March 1992, and had been further considered at a regular meeting of the Finance and Executive Committee held on Monday, 23 March.

MOVED by Deputy Mayor Stone, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, Halifax City Council give Second Reading to an amendment proposed for Ordinance 165, Respecting Blasting and Rock Breaking, by replacing clause 6(m), as set out in Appendix "A" of the staff report dated 24 February 1992.

The motion was put and passed.

**Proposed Amendment to Ordinance 149, the  
Petty Trades Ordinance (SECOND READING)**

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 12 March 1992, and had been further considered at a regular meeting of the Finance and Executive Committee held on Monday, 23 March.

MOVED by Alderman Adams, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, Halifax City Council give Second Reading to an amendment proposed for Ordinance 149, the Petty Trades Ordinance, as outlined in Appendix "A" of the staff report, dated 19 February 1992.

The motion was put and passed.

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**Proposed Amendment to Ordinance 168, the  
Fire Prevention Ordinance (SECOND READING)**

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 12 March 1992, and had been further considered at a regular meeting of the Finance and Executive Committee held on Monday, 23 March.

MOVED by Alderman Hanson, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, Halifax City Council give Second Reading to amendments proposed for Ordinance 168, the Fire Prevention Ordinance, attached as Appendix "A" to the report from the City Solicitor dated 25 February 1992.

The motion was put and passed.

**REPORT - CITY PLANNING COMMITTEE**

Council considered the report of the City Planning Committee from its meeting held on Monday, 23 March 1992 as follows:

**Case No. 4545: Request - Amendment to Stage I,  
Schedule "K" Approval (Langbrae Gardens)**

MOVED by Deputy Mayor Stone, seconded by Alderman Jeffrey that, as recommended by the City Planning Committee, Council schedule a public hearing to consider the following amendments to the Stage I, Schedule "K" approval pertaining to Langbrae Gardens:

- 1) reduction of the number of remaining single-family dwellings from 55 to 34;
- 2) rescission of the Stage II, Schedule "K" approval of Phase 2C, Chelton Woods Lane, dated 31 May 1990;
- 3) amendment to the development agreement for Phase 2B of Rockingham Ridge to allow a 32-unit apartment building on Parcel PK-1;
- 4) approval of a land trade in which Parcel PK-1 (Montgomery Court) be conveyed to the developer in return for equivalent acreage within the Langbrae Gardens Park;
- 5) non-acceptance of the tot lot proposed on Parcel PK-1 as a City park;

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- 6) confirmation of the time limit for completion of the Langbrae Gardens development be extended to three years from the date of approval of this amendment.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 6 MAY 1992 at 7:30 p.m.** in the Council Chamber.

**Sale of City-Owned Land and Request for  
Cost-Sharing: Proposed Subdivision - Pioneer Avenue**

This matter had been recommended for deferral, pending receipt of additional information from staff.

A supplementary staff report, dated 26 March 1992, was submitted.

MOVED by Deputy Mayor Stone, seconded by Alderman Holland that the matter be deferred to the next regular meeting of Committee of the Whole Council (**scheduled for Wednesday, 8 April 1992**) to provide staff an opportunity of concluding their negotiations with the developer.

The motion to defer was put and passed.

**Case No. 6240: Peninsula and Mainland  
Land Use Bylaw - Amendments**

Following is the recommendation from the 23 March meeting of the City Planning Committee:

That a public hearing date be scheduled to consider the amendments to the Peninsula and Mainland Land Use Bylaw as contained in attachments to the 9 March 1992 staff report; and further, that the proposed amendments be forwarded to the Planning Advisory Committee for consideration and advice.

MOVED by Alderman Meagher, seconded by Alderman O'Malley that the proposed amendments to the Peninsula and Mainland Land Use Bylaw, as contained in attachments to the 9 March 1992 staff report, be forwarded to the Planning Advisory Committee for review and recommendation.

The motion was put and passed.

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**Case No. 6451: Titus Smith School**

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that, as recommended by the City Planning Committee, Council refer the matter of Case No. 6451 (Titus Smith School) to the Planning Advisory Committee with a request that a date for a public meeting be set to review the necessary Plan and Bylaw amendments.

In putting forward this motion, Alderman Jeffrey asked that the PAC make every effort to deal with this matter as quickly as possible. In this same context, the Alderman asked that the Committee ensure that the Ward 9/10 Friendship Group, who are extremely interested in this project, be notified as to the date and time of the requested public meeting.

The motion was put and passed.

**100 Leiblin Drive**

This matter had been forwarded without recommendation from the 23 March meeting of the City Planning Committee.

Noting that he would appreciate the opportunity of additional time in which to research this matter, it was moved by Alderman Adams, seconded by Alderman Hanson that the matter be deferred to a future meeting of City Council.

In putting forward this motion of deferral, Alderman Adams indicated that he would advise the City Clerk as to an appropriate time in which to bring the matter forward.

The motion to defer was put and passed.

**Case No. 6283: Knightsridge Subdivision**

Following is the recommendation on this matter from the 23 March City Planning Committee:

That staff be directed to draft an amendment agreement pursuant to Case No. 6283 (Knightsridge Subdivision) for Council's consideration.

A supplementary report, dated 25 March 1992, was submitted from the City Solicitor.

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MOVED by Deputy Mayor Stone, seconded by Alderman Fitzgerald that, in addition to the amenities referred to in the staff report of 10 March 1992, the developer be required to provide a tot lot for the use of the residents of the area, and that staff be directed to draft an amending agreement pursuant to the Planning Act for Council's consideration.

Alderman Holland spoke in opposition to the motion put forward by Deputy Mayor Stone, reiterating that, in his view, the proposed settlement with the developer should be renegotiated.

After some discussion, the motion was put and passed with Alderman Holland voting in opposition.

**Case No. 6370: Oakland Road - Proposed  
Plan and Bylaw Amendment**

MOVED by Alderman Holland, seconded by Alderman Downey that, as recommended by the City Planning Committee, a public hearing date be scheduled to consider amendments to the Municipal Development Plan and Land Use Bylaw relevant to Case No. 6370, Oakland Road, as proposed in the report from the PAC dated 19 March 1992. The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 6 MAY 1992 at 7:30 p.m.** in the Council Chamber.

**Granville Mall: Design Guidelines for  
Registered Heritage Properties**

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the City Planning Committee, City Council approve the establishment of Design Guidelines for the Granville Mall (attached as Appendix "B" to the staff report dated 16 March 1992). The motion was put and passed.

**MOTIONS**

**Motion Alderman Fitzgerald Re: Sidewalk  
Snow Clearance - Amendment to City Charter**

Notice of Motion with regard to this proposed amendment had been given by Alderman Fitzgerald during a

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regular meeting of Halifax City Council held on Thursday,  
12 March 1992.

MOVED by Alderman Fitzgerald, seconded by Alderman Adams that an amendment to the City Charter be drafted by the City Solicitor for Council's consideration which would enable the City, in situations where property owners are consistently negligent in removing snow or ice from their sidewalks, to undertake the work and recoup the costs through a charge against the property owner in question.

After some discussion, the motion was put and passed.

In this same context, Deputy Mayor Stone expressed concern regarding the condition of the sidewalk at the corner of Radcliffe Drive and Barkton Lane. In his remarks, the Deputy Mayor emphasized that this sidewalk has not been cleared since the City's first major snowstorm, and asked that staff investigate the matter as quickly as possible.

**MISCELLANEOUS BUSINESS**

**Waste Management Task Force - UPDATE**

This matter had been dealt with at an earlier point in the meeting's agenda.

**Terms of Employment - City Manager**

This matter had been dealt with at an earlier point in the meeting's agenda.

**QUESTIONS**

**Question Alderman Jeffrey Re:  
Property Abutting 125 School Avenue**

Alderman Jeffrey advised that there is a small piece of City-owned land adjacent to a residential property located at 125 School Avenue and owned by a Mr. Lloyd Rafuse. Mr. Rafuse being interested in acquiring that site, the Alderman submitted various drawings of the property in question and asked that the staff of the City's Real Estate Division contact him (i.e. Mr. Rafuse) to discuss the matter further.



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**Question Alderman Jeffrey Re:  
Proposal to Amalgamate City Departments**

Alderman Jeffrey noted that some years ago a proposal was briefly considered by City Council to amalgamate the Parks and Grounds Division with the Recreation Department. The Alderman went on to note that many other Canadian municipalities have what is referred to as the "Parks and Recreation Department," adding that, in his opinion, such a merger would be an excellent way to reduce costs and avoid a duplication of services.

Alderman Jeffrey therefore asked that the proposal be reactivated, and that the City Manager be requested to bring forward a report on the matter as quickly as possible.

**Question Alderman Pottie Re:  
Request from the Independent Foodstore Association**

Alderman Pottie made reference to the Independent Foodstore Association, which, he advised, is a group of approximately 300 independent business people involved in the operation of grocery, convenience and variety stores. The Alderman went on to emphasize that the Association is extremely concerned with the number of robberies that have recently occurred, and would therefore appreciate the opportunity of meeting with Her Worship Mayor Ducharme and the Chief of Police in order to discuss methods by which they can more appropriately protect themselves.

In that context, Alderman Pottie indicated that he would leave the name and address of the IFA's Secretary with the Mayor's Office.

**Question Alderman Fitzgerald Re: Ramp from  
Northwest Arm Drive to St. Margaret's Bay Road**

Alderman Fitzgerald asked for information as to whether the ramp which has recently been installed from the Northwest Arm Drive to the St. Margaret's Bay Road is intended to be a permanent fixture, noting that a turn-off in this location had been requested some time ago.

**Question Alderman Fitzgerald Re:  
False Alarms - Halifax Fire Department**

Alderman Fitzgerald emphasized that almost 45 percent of the calls to the Halifax Fire Department have been found to be false alarms.

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The Alderman went on to point out that legislation to correct this problem has been requested over three years ago, and asked for a progress report on the matter.

**Question Alderman Fitzgerald Re:  
Incentives for Early Retirement - City of Halifax**

Alderman Fitzgerald noted that many private companies are now offering incentives to their employees with regard to early retirement, and asked if the City of Halifax was considering similar methods as a means of cost reduction.

The City Manager advised that staff are very close to completing a policy on this matter and are merely awaiting receipt of additional information before the proposal can be finalized.

**Question Alderman Fitzgerald Re:  
Peer Review Group - Waste Management Task Force**

Alderman Fitzgerald made reference to concerns expressed by Mr. John Edmonds, Co-Chairman of the City of Halifax Waste Management Task Force in a letter to Her Worship Mayor Ducharme, dated 26 March 1992. In that letter, the Alderman advised that Mr. Edmonds had noted that, although the Peer Review Group was scheduled to meet on Friday, 27 March, they had not yet received an invitation to the public information session on the consultants' report to be held earlier in the day.

Responding to Alderman Fitzgerald's concerns, the City Manager advised that, owing to time constraints, there had not been sufficient time to forward individual invitations to tomorrow's information session; however, he emphasized that everyone was invited to attend.

**Question Alderman Fitzgerald Re:  
Cancellation of 26 March Special Meeting of Council**

Alderman Fitzgerald made reference to the fact that a special meeting of City Council (originally scheduled for 26 March at 4:30 p.m.) had been cancelled, and asked for information from the City Clerk as to the name of the individual who had authorized this cancellation.

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**Question Alderman O'Malley Re:  
Condition of Barrington Street**

Alderman O'Malley made reference to the extremely poor condition of Barrington Street (particularly proceeding south) which, she emphasized, has numerous potholes and instances of broken pavement. Pointing out that this is a very heavily travelled roadway, the Alderman asked for a report from the Engineering and Works Department as to when they would be in a position to initiate some form of repairs.

**Question Alderman O'Malley Re: Removal  
of Trees - Devonshire Avenue**

Alderman O'Malley noted that staff had recently removed a number of dead and diseased trees on Devonshire Avenue. While acknowledging the logic underlying this action, the Alderman emphasized that the removal of these trees had drastically altered the streetscape along Devonshire Avenue and had caused area residents considerable concern, particularly since they had received no prior warning.

Alderman O'Malley therefore urged that when a major project such as this is planned in future, the Alderman for the ward in question be notified in advance so that he/she will be able to respond to questions from their constituents.

In this same context, Alderman O'Malley emphasized that, with the removal of these trees, the streetscape on Devonshire Avenue is extremely barren. The Alderman went on to point out that if young trees are planted to replace the originals, it will take over 50 years for them to mature and to restore the street to its former "green" condition. Alderman O'Malley therefore asked for a report from staff as to whether there are other methods which could be used to beautify this area.

**Question Alderman Hanson Re: Ramp from  
Northwest Arm Drive to St. Margaret's Bay Road**

Referring to a question posed earlier in the meeting by Alderman Fitzgerald, Alderman Hanson advised that he had received information to indicate that the ramp recently installed between the Northwest Arm Drive and the St. Margaret's Bay Road was only a temporary installation, scheduled to be removed in approximately 16 weeks' time.

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Alderman Hanson emphasized the convenience to motorists provided by a ramp at this location, and urged that representation be made to the Province of Nova Scotia that the structure be made a permanent installation.

**Question Alderman Adams Re: City Policy -  
Interest Payments on Overdue Accounts**

Alderman Adams indicated that it was his understanding that, while the City of Halifax charges interest on overdue accounts, it does not itself pay such interest fees. The Alderman went on to suggest that, in his opinion, the City should "lead by example" in these situations, making particular reference to one vendor to whom payment is now approximately nine months' overdue.

**Question Alderman Adams Re:  
Unsanitary Premises - Ward Seven**

Alderman Adams noted that a refrigerator had been abandoned on the sidewalk abutting the Old Sambro Road in front of a residential property. As well, the Alderman made reference to a burned-out vehicle left in the Emmanuel Church parking lot.

Alderman Adams emphasized that both of the above-noted situations had been ongoing for a considerable length of time, and asked for a report from staff as to what action could be taken by the City to address these problems.

**Question Deputy Mayor Stone Re:  
Manager - Management Information System**

Deputy Mayor Stone asked for a status report (including the process that is being used) regarding the search for a new manager of the City's Management Information System.

**Question Deputy Mayor Stone Re: Reduction of Ground  
Radar Control (Halifax International Airport)**

Deputy Mayor Stone noted that he had previously raised concerns regarding the reduction of ground radar control at the Halifax International Airport, but as yet had received no response from staff. In this context, the Deputy Mayor pointed out that he was extremely concerned about the implications this reduction in service might have

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on the facility's status as an international airport, and asked for a report from staff as quickly as possible.

11:35 p.m. - Her Worship Mayor Ducharme retires from the meeting with Deputy Mayor Stone assuming the Chair.

**Question Alderman Crowley Re:  
Flooding Problems - Olivet Street**

Alderman Crowley made reference to information received from staff on 2 March 1992, and asked for a status report pertaining to staff's review and investigation of the feasibility of improving the inlet structure so that the potential for blockage and flooding on Olivet Street can be reduced.

**Question Alderman Meagher Re:  
Letter of Commendation - Halifax Fire Department**

Alderman Meagher made reference to a recent fire which had recently broken out on Agricola Street, and asked that a letter of commendation be forwarded by Her Worship the Mayor, on behalf of Halifax City Council, to the Halifax Fire Department for their efforts in containing that blaze.

**Question Alderman Meagher Re:  
Replacement of Driveways**

Alderman Meagher made reference to a report recently received from staff regarding the replacement of driveways which, in staff's opinion, is the responsibility of the homeowner.

Alderman Meagher emphasized that he did not agree with that philosophy and asked that the matter be reviewed once again.

**Question Alderman Meagher Re:  
Removal of Winter Parking Ban**

Alderman Meagher made reference to the fact that the annual winter parking ban is scheduled to be lifted on 31 March. The Alderman expressed concern that many of the City's residential streets are still covered in snow, a situation which will be exacerbated by the removal of the parking ban.

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**Question Alderman Holland Re:  
Construction Project - College Street**

Alderman Holland made reference to the fact that over the last several weeks there have been a series of heavy trucks hauling dirt and fill from a construction site on College Street to the bottom of South Street on the Northwest Arm. The Alderman pointed out that a considerable amount of dirt is falling out of these trucks onto the street, causing great concern to pedestrians. Alderman Holland therefore inquired as to whether anything can be done by the City to control this situation.

**NOTICES OF MOTION**

**Notice of Motion of Reconsideration - Alderman  
Pottie: Council Resolution of 26 March 1992 Re:  
Agenda Item 12.1 (Moosehead Grand Prix)**

Alderman Pottie gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Wednesday, 15 April 1992**, he will present a Motion of Reconsideration with respect to Council's motion of 26 March 1992 regarding Agenda Item 12.1 (Moosehead Grand Prix).

**11:50 p.m. - Her Worship Mayor Ducharme returns to the meeting, with Deputy Mayor Stone assuming his usual seat on Council.**

**ADDED ITEMS**

**Appointments**

A memorandum, dated 26 March 1992, was submitted by Her Worship Mayor Ducharme.

**MOVED by Alderman Downey, seconded by Alderman Holland that the following appointments be approved by Halifax City Council:**

**Advisory Committee on Concerns of Aging  
Mr. J. Dusty Miller  
(representing the Seniors Manors)  
Term to expire 31 January 1994**

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**Election Procedures Task Force**

Mrs. Eve Wickwire

Term to expire upon completion of mandate.

The motion was put and passed.

**Damage Claim - 127 Evans Avenue (Alderman Macdonald)**

This matter had been added to the agenda at the request of Alderman Macdonald, who made reference to a letter dated 7 February 1992 received from Mr. Vincent B. MacDonald of 127 Evans Avenue representing an insurance claim against the City of Halifax.

While noting that this claim had previously been rejected by the City, Alderman Macdonald asked that a full report on this matter be made available for Council's consideration at the next regular meeting of Committee of the Whole Council.

At Alderman Macdonald's request, therefore, it was agreed that this matter be deferred to the next regular meeting of the Finance and Executive Committee **scheduled for Wednesday, 8 April 1992**, pending receipt of a staff report.

**Right-of-Way: 38A Vimy Avenue (Alderman Macdonald)**

At the request of Alderman Macdonald, it was agreed that this matter be deferred to the next regular meeting of Committee of the Whole Council (**scheduled for Wednesday, 8 April 1992**).

In requesting this deferral, the Alderman indicated that he had reason to believe that the matter may be settled by staff before the date of the next meeting.

**File #56051 - Purchase of Six (6) Motorola  
9100-10 Mobile Data Terminals (Halifax Police Department)**

A staff report, dated 19 March 1992, was submitted.

MOVED by Alderman Pottie, seconded by Alderman Hanson that Halifax City Council approve the purchase of six (6) Motorola 9100-10 Mobile Data Terminals as back-up units at a cost of \$40,494.00 (funds to be made available in the current budget Account Number 22504.0212, titled "RAPID Maintenance").

The motion was put and passed.

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**Award of Tender #92-73: Microcomputer Equipment**

A staff report, dated 24 March 1992, was submitted.

MOVED by Alderman Pottie, seconded by Alderman Hanson that authority be granted to award Tender #92-73 to the lowest bidder, **Capital Business Systems**, for the supply and installation of approximately 45 computer workstations (as listed below) on an as and when required basis for a period of six months at a fixed cost per workstation configuration (funds to be made available from various account numbers):

Workstation "A":	\$1,730.19
Workstation "B":	\$2,179.59
Workstation "C":	\$3,427.21

Mr. B. G. Smith, Director of Finance, responded to questions from Alderman Pottie, indicating that he would provide an estimate of the total contract price at a future point in time.

The motion was put and passed.

**Award of Tender #92-75: Bulk Waste Removal  
- Various Locations (Halifax Board of School  
Commissioners and the City of Halifax)**

A staff report, dated 24 March 1992, was submitted.

MOVED by Alderman Holland, seconded by Alderman Jeffrey that authority be granted to award Tender #92-75 for bulk waste removal at various locations owned by the Halifax Board of School Commissioners and the City of Halifax to **Green Waste Systems**, the lowest bidder meeting tender criteria, for the following prices:

Year 1	Year 2	TOTAL
\$46,131.20	\$46,131.20	\$92,262.40

(fund to be made available from various account numbers).

The motion was put and passed.

**Cornwallis Court Development**

A staff report, dated 26 March 1992, was submitted.



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MOVED by Alderman Downey, seconded by Alderman Jeffrey that staff be instructed to draw up an agreement between Cornwallis Court Development Limited and the City of Halifax (as generally outlined in the staff report of 26 March 1992) for execution by the Mayor and City Clerk; and further, that staff be instructed to initiate the development application process relevant to this project as quickly as possible.

In putting forward this motion, Alderman Downey expressed his appreciation to the City Manager, Mr. R. J. Matthews, Director of Development and Planning, and to Mr. Simpson McLeod, Supervisor of Real Estate, for their efforts in this regard.

The motion was put and passed.

**Raccoon Problem**

This matter had been added to the agenda at the request of Alderman Fitzgerald, who made reference to concerns raised by Alderman Holland at previous meetings of Halifax City Council with regard to the numerous raccoons which are now making their presence felt throughout the City.

In his remarks, Alderman Fitzgerald noted that he had recently been in contact with the Provincial Department of Natural Resources, who have advised that the number of raccoons sighted in the City has now reached such proportions that they are at a loss to advise what action should be taken. In this context, the Alderman emphasized that, in the opinion of that Provincial Department, the responsibility for resolving this problem belongs to the City of Halifax.

Alderman Fitzgerald went on to describe the damage that is being done by the raccoons to lawns and gardens, as well as the danger that is posed to children who feed these animals. He emphasized that, in his view, the City must devise an effective means of addressing this problem and suggested that, at the very least, a notice should be inserted in local newspapers containing advice from the Provincial Department of Natural Resources as to how best to deal with these animals. The Alderman further asked for information from staff as to the number of traps which had been purchased by the City for use in the control of raccoons.

Her Worship advised that staff would be asked to research this matter, and submit a report.

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There being no further business to be discussed, the meeting was adjourned at approximately 12:05 a.m.

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HER WORSHIP MAYOR MOIRA DUCHARME  
AND  
DEPUTY MAYOR BILL STONE  
CHAIRMEN

E. A. KERR, CMC  
CITY CLERK

MAS\*K

**SPECIAL MEETING  
HALIFAX CITY COUNCIL  
MINUTES**

Council Chamber  
Halifax City Hall  
6 April 1992  
7:00 P. M.

A Special Meeting of Halifax City Council was convened at this time.

The meeting was called to order with those present joining Deputy Mayor William Stone in the recitation of the Lord's Prayer.

**PRESENT:** Deputy Mayor Stone, Chairman; and Aldermen Holland, Fitzgerald, Downey, O'Malley, Hanson, Jeffrey, Macdonald, and Crowley.

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

**Price Club Development**

The City Manager brought to Council's attention what he described as a "potential problem" with regard to the Price Club development proposed for the City's Industrial Park. In his remarks, Mr. Murphy indicated that there would appear to be some question as to whether the provisions of the Shopping Centre Act can legally be applied to this development, adding that should the matter be pursued through the courts, the development of the Price Club could be delayed for up to two years.

Under the circumstances, therefore, the City Manager advised that staff are suggesting another alternative; namely, that of requesting that the Province revise the boundaries of its Regional Development Plan to coincide with the access road and the City Boundary in the area of the Bayers Lake Business Park and the Highway 102 Interchange.

Mr. R. J. Matthews, Director of Development and Planning, distributed copies of material entitled "Background Information" and, with the aid of a map, elaborated on the recommendation put forward by the City Manager.

**SPECIAL MEETING  
HALIFAX CITY COUNCIL  
6 APRIL 1992**

After some discussion and questioning of staff, it was moved by Alderman Jeffrey, seconded by Alderman Fitzgerald that the City of Halifax request that the Regional Development Boundary in the Halifax-Dartmouth Regional Development Plan be made to coincide with the access road and the City Boundary in the area of the Bayers Lake Business Park and the Highway 102 Interchange (as shown on the map attached to the material entitled "Background Information"), and that all new lands thereby contained by designated "Industrial Park."

The motion was put and passed.

**Smoking Policy - City of Halifax Offices**

This item was placed on the agenda at the request of Alderman Jeffrey, who advised that it was his understanding that the Director of Recreation is currently in the process of preparing a report pertaining to a City smoking policy. The Alderman went on to ask that if this was indeed the case, the matter be brought before City Council before any policy of this nature is approved.

The City Manager indicated that Alderman Jeffrey's information was essentially correct, adding that the matter had been initiated by a request received from the City's Health and Committee concerning the feasibility of a no-smoking policy for City offices. Mr. Murphy went on to note that 1 July had been set as a tentative deadline for input from appropriate City departments on the proposal, adding that Council will be receiving a formal report on this issue at a later date.

There being no further business to be discussed, the meeting was adjourned at approximately 7:20 p.m.

DEPUTY MAYOR BILL STONE  
CHAIRMAN

**HEADLINES**

Price Club Development ..... 257A  
Smoking Policy - City of Halifax Offices ..... 257B

**SPECIAL COUNCIL  
PUBLIC HEARINGS  
MINUTES**

Council Chamber  
Halifax City Hall  
08 April 1992  
7:30 p.m.

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

**PRESENT:** Deputy Mayor Bill Stone, Chairman; and Aldermen Fitzgerald, Downey, Meagher, O'Malley, Adams, Hanson, and Crowley.

**ALSO PRESENT:** Mr. Gerry Goneau, representing the City Solicitor's Office; Mr. Edward Kerr, City Clerk; and other members of City staff.

**HERITAGE HEARINGS**

**Heritage Hearing Re: 5696 College Street**

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

A supplementary staff report dated 2 April 1992 was submitted.

A letter dated 8 April 1992 from Austin Park was submitted.

Mr. Dan Norris, Heritage Planner, addressed Council and, with the use of a photograph of the property in question, reviewed the reasons why the Heritage Advisory Committee was recommending this property be designated a Heritage Property (as outlined in the 2 April 1992 supplementary staff report).

Mr. Norris added that the owner, Greystone Developments, Ltd., originally requested a deferral for 60 days. However, referring to the submitted letter of 8 April 1992 by Greystone Construction Ltd., Mr. Norris advised that the owner was no longer requesting the deferral and was asking to proceed with the registration.

There was no one in attendance wishing to speak on the matter.



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08 April 1992

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

Motion carried.

Heritage Hearing Re: 2575-2577-2579-2581 Creighton Street

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

A supplementary staff report dated 2 April 1992 was submitted.

Mr. Dan Norris, Heritage Planner, addressed Council and, using a photograph of the property in question, outlined the reasons why the Heritage Advisory Committee, in its evaluation of the property, awarded it 52 points and was recommending it for heritage registration (as outlined in the 2 April 1992 supplementary staff report).

Mr. Norris noted that the property had three owners, all of whom were in favour of the registration. He added that they have indicated they would not be present at this hearing.

There was no one in attendance wishing to speak on this matter.

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

Motion carried.

Heritage Hearing Re: 2120 Gottingen Street - Casino Theatre

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

A supplementary staff report dated 2 April 1992 was submitted.

A letter dated 31 March 1992 from Mr. Stuart G. Fraser, President, Empire Theatres Limited was submitted.

Mr. Dan Norris, Heritage Planner, addressed Council and, using a photograph of the property in

**Public Hearings  
08 April 1992**

question, outlined the reasons why the Heritage Advisory Committee was recommending heritage registration of the property, noting that the H.A.C. awarded it 62 points in the evaluation.

Mr. Norris, referring to the submitted letter dated 31 March 1992 from the property owner, advised that the owner was opposed to the proposed registration and was requesting City Council to refuse the proposal.

There was no one in attendance wishing to speak on this matter.

Alderman Downey addressed the matter and indicated that he found it difficult to approve a heritage registration when the owner was in opposition. He added that if Council approves this item, then it may create financial difficulties for the owners with respect to the kinds of repairs which would have to be made to the building.

Alderman Downey advised that, rather than designate it a heritage property, he would prefer if City staff would approach the owner and ask if they could make repairs to the building.

MOVED by Alderman Downey, seconded by Alderman Adams that the proposal to register 2120 Gottingen Street - Casino Theatre as a heritage property be refused.

Motion carried.

At 7:45 p.m. Alderman Macdonald entered the meeting.

Heritage Hearing Re: 1284 Hollis Street

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

A supplementary staff report dated 2 April 1992 was submitted.

Mr. Dan Norris, Heritage Planner, addressed Council and, using a photograph of the property in question, outlined the reasons why the Heritage Advisory Committee was recommending this building for heritage

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08 April 1992

registration, noting that the H.A.C. awarded the property 52 points in its evaluation.

Mr. Norris advised that the owner, Hollis Real Estate Limited, has requested the heritage registration.

Mr. Ian Thompson addressed Council and advised that he was speaking on behalf of the owners, Hollis Real Estate Limited. In his remarks, Mr. Thompson indicated that the idea of registering the property came about through the owner's attempts at expanding their property. He added that, in discussions with City staff they found out that, due to the zoning of the area, any expansion they were to attempt would have to be residential in use. Indicating that this would not be conducive to his business, Mr. Thompson advised that it was then that the issue of heritage registration was raised and discussed and, subsequently, the owner's felt that, even though they couldn't expand their business, the heritage registration would be fitting for their type of business.

Mr. Thompson, noting that the nature of his business was such that he was not inclined to relocate to a downtown office tower, suggested that the zoning bylaw of the area should be changed to support his type of business.

In closing, Mr. Thompson advised that the owners support the designation because they feel it will be consistent with their style of operation and believe it will be good for their business.

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

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

Motion carried.

PUBLIC HEARINGS

Public Hearing: Case No. 6418: No. 6262 - 64 Chebucto Road  
- Appeal of Minor Variance Refusal

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

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Mr. Michael Hanusiak, Planner II, addressed Council and, using diagrams, outlined the reasons why the application for a minor variance of the lot frontage, lot area and side yard requirements of the land use bylaw to legalize the existing four unit apartment building at 6262-64 Chebucto Road was refused.

Mr. Hanusiak advised that the application was refused on 19 December 1992 and on 10 February 1992, a letter of appeal was received from the applicant's lawyer.

Ms. Carol Kosendowski, a resident of 6248 Chebucto Road, addressed Council and spoke in opposition to the appeal.

In her presentation, Ms. Kosendowski indicated that although she sympathized with the appellant, she felt there were long term issues that needed to be considered. She pointed out that first, the variance requested was not minor, noting that the property has one half or less of the required measurements. Secondly, Ms. Kosendowski indicated that even though the owner has advised of his intention to live in the building for a long time, plans can change and, if so, the neighbourhood would be left with a legal apartment building which may not be monitored in terms of who is occupying it. She added that thirdly, and most important, if this was approved, Council would be sending a message encouraging all those in similar situations to convert existing flats into multiple units and attempt to have it legalized afterwards.

In concluding her remarks, Ms. Kosendowski pointed out that, if approved, in the neighbourhood there was the potential for 13 buildings to be converted this way and, thus, there is the potential of a significant disruption to the neighbourhood and a decrease in the value of single dwelling units.

Mr. Gavin Giles, Solicitor with Spencer and Company, addressed Council and advised that he was representing the appellant, Mr. and Mrs. Short.

In his presentation, Mr. Giles advised that he was not convinced staff has portrayed the full picture with respect to this property and the plight of its owner. He indicated that he has seen incidents in the past where the minor variance procedure was open to broad interpretations and was used to cure development ills, and he added that

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this was all the appellants were requesting. Mr. Giles pointed out that, in the Planning Act, the issue of what is minor in nature is not defined, suggesting that what could be minor in one context could be different in another context.

Mr. Giles then provided a photograph of what the property looked like when it was purchased by Mr. and Mrs. Short in May 1991 and he elaborated briefly on the history of the property.

Mr. Giles then submitted information material for Council's consideration, noting that it included a petition signed by 74 residents of the neighbourhood in support of the minor variance request, and approximately six letters from residents in the area, one of whom is directly abutting the appellant (a copy of this information may be found in the official file of this meeting).

Mr. Giles went on to add that the property in question has been in its present configuration for, at least, 20 years. Mr. Giles then circulated a letter dated January 6, 1987 from City staff to the property owner at that time, Mr. MacGraw, and advised that the letter clearly shows that staff knew that this was an illegal use in late 1986-87. He suggested that if City staff was diligent in this matter five years ago, the matter would not be on tonight's agenda.

Mr. Giles then provided a photograph of the property in its present condition, indicating that the obvious improvement to the property illustrates that Mr. and Mrs. Short spent a significant amount of time and money rejuvenating the building.

Mr. Giles suggested that it would be fair to conclude that the concern about sideyard deficiency was not significant. He pointed out that it involved a four foot deficiency and that it was on the abutting side of one of Mr. and Mrs. Short's prime supporters on this issue, Mr. Kelly. Further to this, Mr. Giles suggested that the property should be viewed in the context of the neighbourhood, noting that it was not comprised mainly of single-family residential dwellings. He referred to a diagram on the overhead monitor and pointed out the multi-unit buildings in the area and suggested that they would be deficient in the square foot requirements as well.

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In concluding his presentation, Mr. Giles advised that Mr. and Mrs. Short will have limited options if Council does not grant their appeal. He added that if they do nothing, then the City will take legal action against them. He noted that they cannot afford to commence legal proceedings against the lawyer who advised them when they initially purchased the property. Mr. Giles advised that the third option, which is to convert the building at any cost, was also not feasible, not only in light of the construction costs that would be involved, but also in lost revenue.

Mr. Giles pointed out that the appellants were ordinary people with ordinary jobs who cannot afford to make the conversion, and who have ended up in this situation through no fault of their own. He added that they were simply seeking some curative provisions, of which Council has seen fit to apply in past occasions and in similar circumstances. Mr. Giles advised that the only option available to them, if there is a negative decision by Council, would be to obtain a trustee with respect to bankruptcy. He noted that the revenue with respect to the property permits Mr. and Mrs. Short to own a home because the rent they receive is assigned as security for their mortgage.

Mr. Clarence Short, the appellant addressed Council and, noting that he had one objection from a neighbour with respect to the petition he circulated, he advised that he attempted to contact as many neighbours as he could and provide them with an accurate description as possible of what he wanted to do. He indicated they were in agreement and added that he does not intend to change the building in any way.

Mr. Short advised that he and his wife bought this house because, as an income property, it allowed them to own a house in the City which was close to work. He pointed out that, without the rental units, he could no longer afford to own the house.

In conclusion, Mr. Short emphasized that if Council approves his appeal, there will be no changes to the building in any way but, if it is not approved, then the building will have to go up for sale.

Ms. Deborah Patterson, a resident of Willow Street addressed Council and spoke in support of the appellant.

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Ms. Patterson advised that she has driven by the property in question on her way to work for the past six years and is very impressed at how well the building has been fixed up. Ms. Patterson suggested that the human element has to be considered in this matter, pointing out that the appellants were ordinary people trying to do their best at making a life for themselves.

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

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

Motion carried.

Public Hearing: Case No. 6396: Rezoning R-1 and R-2 -  
2 Quarry Road

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

Mr. Michael Hanusiak, Planner II, addressed Council and, using diagrams, outlined the application to rezone 2 Quarry Road and an adjacent vacant lot from R-1 (Single Family Dwelling Zone) to R-2 (Two Family Dwelling Zone) for the purpose of adding a second dwelling unit to the existing house on Lot "A" (as outlined in the staff report dated 24 February 1992)

In concluding his presentation, Mr. Hanusiak advised that staff was recommending approval of this application.

Ms. Beverley Johnson, the applicant, addressed Council and advised that, to the best of her knowledge, the apartment in her basement has been approved since 1961 and it was when she tried to build two bedrooms above the living room that she found out the house, which was a two-family dwelling, should be a single-family dwelling. Referring to lot "B", Ms. Johnson pointed out that she was not interested in developing this into any sort of apartment building, and that her real purpose for the application was to permit her to build the addition to the house.

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

Alderman Hanson addressed the matter and noting that the area of notification was quite extensive, questioned if there were any letters of objection in the official file.

In response to Alderman Hanson, the City Clerk advised that there were no letters of objection in the official file.

In view of this, Alderman Hanson indicated that he was prepared to move a motion at this time approving the application.

MOVED by Alderman Hanson, seconded by Alderman Fitzgerald that the application to rezone Lots "A" and "B" at 2 Quarry Road from R-1 (Single Family Dwelling Zone) to R-2 (Two family Dwelling Zone) be approved.

Motion carried.

Public Hearing Re: Case No. 6425: Rezoning, Civic Nos. 115-25 (Lots 258-A, 259-A and 260-A) Flamingo Drive

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 to rezone 119-121 Flamingo Drive from R-1, Single Family Dwelling zone to R-2, Two Family Dwelling zone as well as the abutting properties (115-117 and 123-125 Flamingo Drive) (as outlined in the 10 February 1992 staff report).

In concluding his presentation, Mr. Hanusiak advised that staff was recommending approval of this application.

There was no one in attendance in the public gallery wishing to speak on this matter.

At 8:40 Deputy Mayor Stone stepped down from the Chair to take his usual seat in Council, and Alderman Crowley assumed the Chair.

Deputy Mayor Stone addressed the matter and noted that for 23 years the houses in question have been duplexes



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and it only came to light that there was a problem when one of the applicants tried to sell one side of a duplex and found out that it was not possible because there was not individual ownership.

Pointing out that there has been no disregard for any City bylaws, and that the application would not undermine the character and stability of the neighbourhood, Deputy Mayor Stone advised that he felt it was simply an oversight that the lots were not made R-2 as are existing in that area. Noting that he has not received any complaints or concerns on the issue and that the only letter he was aware of was from one of the applicants stating that the purpose of this application was **not** for the operation of a day-nursery, the Deputy Mayor questioned if any letters of opposition were submitted.

In response to the Deputy Mayor, the City Clerk advised that there were no letters of objection in the official file.

Deputy Mayor Stone advised that he was prepared to move a motion at this time approving the application.

MOVED by Deputy Mayor Stone, seconded by Alderman O'Malley that the application to rezone 115-117, 119-121 and 123-125 Flamingo Drive, shown as Lot 258-A on Plan No. P200/2667, and Lots 259-A and 260-A on Plan No. P200/3419, from R-1, Single Family Dwelling zone to R-2, Two Family Dwelling Zone be approved.

Motion carried.

There being no further business to discuss, the meeting adjourned at 8:45 p.m.

DEPUTY MAYOR BILL STONE  
ALDERMAN CROWLEY  
CHAIRMEN

/sm

Edward A. Kerr, CMC  
City Clerk

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# HALIFAX CITY COUNCIL MINUTES

Council Chamber  
Halifax City Hall  
15 April 1992  
8:00 P.M.

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

The meeting was called to order and members of City Council and those in attendance in the public gallery joined in a recitation of the Lord's Prayer.

**PRESENT:** Her Worship Mayor Ducharme, Chairman; Deputy Mayor Bill Stone; and Aldermen Holland, Fitzgerald, Downey, Meagher, O'Malley, Pottie, Adams, Hanson, Jeffrey, and Crowley.

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

## Presentation - Retirement Scroll - Mr. Gordon Hamlin

Her Worship left the Chair and approached the podium to make a presentation to Mr. Gordon Hamlin on his retirement after 37 years of service to the City of Halifax.

In her remarks, Her Worship pointed out that Mr. Hamlin began with the City in 1954 in the Stores Division of the Finance Department and moved up through a number of positions until 1969 when he assumed the position of Data Processing Supervisor of the Management Information Systems from which he retired. In addition to his contribution to the City as an employee, Her Worship noted that Mr. Hamlin had contributed significantly to sports in Nova Scotia through his involvement.

Her Worship then presented Mr. Hamlin with his retirement Scroll and, on behalf of City Council, she thanked him for his many years of service to the City and as well, for the many years he has devoted to the athletes of the City and the Province.

In accepting his scroll, Mr. Hamlin expressed his appreciation to City Council and his fellow employees, advising that his 37 years with the City were very good years.

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Alderman Pottie then presented Mrs. Hamlin with a corsage and on behalf of City Council offered her and Mr. Hamlin congratulations.

**MINUTES**

Alderman Downey referred to the City Council Minutes of 26 March 1992 and the item, "Term of Employment - City Manager" and advised that the proper procedure to reappoint Donald F. Murphy would be to reappoint him under the Retirement Policy of the City, and he asked that the minutes be amended to reflect this.

MOVED by Alderman Downey, seconded by Alderman Holland that page 225 of the City Council Minutes dated 26 March 1992 respecting the motion on "Term of Employment - City Manager" be amended as follows:

"that Mr. Donald F. Murphy, Q.C., be reappointed as City Manager, **as per under the Retirement Policy of the City of Halifax.**"

Motion carried.

MOVED by Alderman Fitzgerald, seconded by Alderman Hanson that the City Council minutes of 26 March 1992, as amended, be approved.

Motion carried.

**ADDITIONS/DELETIONS**

At the request of the Acting City Clerk, Council agreed to add following items to the agenda:

- 20.1 City Club and Khyber Building
- 20.2 Coat of Arms - City of Halifax

At the request of the Acting City Clerk, Council agreed to delete the following item from the agenda:

- 17.1 Appointments

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

**DEFERRED ITEMS**

Dilapidated Building - Civic No. 2368 Creighton Street

This item had been deferred from the 12 March 1992 meeting of City Council.

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A supplementary staff report dated 2 April 1992 was submitted.

Referring to the supplementary staff report, Alderman Downey indicated that since staff was satisfied with the property owner's plans and specification for the rehabilitation of the building, he was prepared to move a motion approving the recommendation of staff.

Alderman Downey questioned if the matter would come back to Council if there were going to be additional units to the building.

In response, the City Manager advised that if there wasn't anything as-of-right, the matter would come back to Council.

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that a building permit be issued for Civic #2368 Creighton Street for the rehabilitation of the subject building.

Motion carried.

Case No. 6313: Regatta Point Area - Plan Amendment

This matter had been deferred from the 26 March 1992 meeting of City Council.

A letter dated 7 April 1992 from John Ramia, a resident of 30 Herring Cove Road, Halifax, NS, B3N 1P5, was submitted.

Alderman Hanson addressed the matter and thanked all those who provided input to this application. He advised that having had the opportunity to review the matter since the public hearing, he now finds that he supports the position of the Planning Advisory Committee.

MOVED by Alderman Hanson, seconded by Alderman Adams that the request for an amendment to the Municipal Development Plan and Land Use Bylaw for Lot RP-1 on Purcell's Cove Road between Anchor and Spinnaker Drives be refused, and the developer be encouraged to develop the property as residential as previously approved.

The Acting City Clerk advised that Alderman Pottie and Deputy Mayor Stone were not in attendance at the public hearing on this matter.

Motion carried with Alderman Pottie and Deputy Mayor Stone abstaining from the vote.

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Heritage Hearing - 5969 College Street

A heritage hearing into the above matter was held on 8 April 1992.

Alderman Fitzgerald addressed the matter and advised that since there were no objections raised to the proposed designation and because the owner was in favour, he was prepared to move a motion of approval.

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that City Council approve the registration of 5969 College Street as a heritage property.

The Acting City Clerk advised that Aldermen Holland, Pottie, and Jeffrey were not in attendance at the heritage hearing.

Motion carried with Aldermen Holland, Pottie, and Jeffrey abstaining from the vote.

Heritage Hearing - 2575-2577-2579-2581 Creighton Street

A heritage hearing into the above matter was held on 8 April 1992.

Alderman Downey indicated that, in light of the fact the owner was in favour of the heritage designation and there were no objections, he was prepared to move a motion of approval on the matter.

MOVED by Alderman Downey, seconded by Deputy Mayor Stone that City Council approve the registration of 2575-2577-2579-2581 Creighton Street as a heritage property.

The Acting City Clerk advised that Aldermen Holland, Pottie, and Jeffrey, were not in attendance at the heritage hearing.

Motion carried with Aldermen Holland, Pottie, and Jeffrey abstaining from the vote.

Heritage Hearing - 1284 Hollis Street

A heritage hearing into the above matter was held on 8 April 1992.

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that City Council approve the registration of 1284 Hollis Street as a heritage property.

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The Acting City Clerk advised that Aldermen Holland, Pottie, and Jeffrey were not in attendance at the Heritage Hearing.

Motion carried with Aldermen Holland, Pottie, and Jeffrey abstaining from the vote.

**Case No. 6418: No. 6262-64 Chebucto Road -  
Appeal of Minor Variance Refusal**

A public hearing into the above matter was held on 8 April 1992.

A letter dated 9 April 1992 from Carol Kosendowski was submitted.

Alderman Meagher addressed the matter and indicated that, although the property in question has major deficiencies, the owners have carried out significant improvements since taking it over and have made it a credit to the neighborhood. Alderman Meagher added that he believed if Council did not grant the owner's minor variance application, it would cause him great financial losses, of which he may not be able to recover.

Referring to the Municipal Development Plan, Alderman Meagher advised that it contained policies relevant to this application, such that it encourages people living on the peninsula to rehabilitate these homes, and to maintain and redevelop the properties so that they fit in with the needs and character of the neighborhood. The Alderman indicated that the work Mr. and Mrs. Short have carried out was compatible with both of these policies.

Alderman Meagher went on to add that he felt the owners were victims of neglect on someone's part because if property had been properly researched in the past, Mr. and Mrs. Short would not be in this predicament. He noted that when Mr. and Mrs. Short purchased the property, their sources did not indicate that there were any problems with the property.

In closing, Alderman Meagher indicated that he believed Mr. and Mrs. Short were sincere people who were simply trying to establish a satisfactory life for themselves. The Alderman advised that he would not want to put the owners in jeopardy of losing their home and therefore he was prepared to move a motion in support of their request.

MOVED by Alderman Meagher, seconded by Alderman O'Malley that the decision of the Development Officer be overturned and the appeal of the minor variance refusal of

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the lot frontage, lot area and side yard requirements of the land use bylaw to legalize the existing four-unit apartment building at 6262-64 Chebucto Road be granted.

The Acting City Clerk advised that Aldermen Holland, Pottie, and Jeffrey were not in attendance at the public hearing on this matter.

Alderman Meagher referred to the submitted letter and advised that the individual who wrote the letter appeared at the public hearing in opposition to granting the appeal. However, he added that, in her letter, she states that she would not be opposed if she could be assured that this situation was unique and would not open the door to the further similar cases.

Alderman Meagher pointed out that he spoke with City staff and they have advised him that they do not believe there were similar cases in the neighborhood, and therefore, further cases would not be coming before Council.

Motion carried with Aldermen Holland, Pottie, and Jeffrey abstaining from the vote.

**MOTIONS OF RECONSIDERATION**

**Motion - Alderman Pottie - Reconsideration of Council  
Resolution of 26 March 1992 Re: Moosehead Grand Prix**

The Chairman advised that there have been a number of calls on the two motions presented by Alderman Pottie at the 26 March 1992 City Council meeting on this matter which indicate that there was some confusion by the public as to what was being proposed that evening. She added that some citizens believed the first motion was to remove the Grand Prix from the Commons and, this being defeated, the second motion was to put the Grand Prix back on the Commons.

The Chairman pointed out that both motions presented that evening entailed having the Grand Prix on the Commons, and the matter that was in question was the Grand Prix route.

Alderman Pottie addressed the matter and, noting that Alderman Macdonald was not in attendance, advised that he was informed that the Alderman was at a community meeting and, therefore, he was requesting this item be deferred to later in the meeting when the Alderman would be present.



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A discussion ensued as to whether Council could legally defer the item to later in the meeting after the order of business was already set.

The City Solicitor noted that, in similar instances, such a deferral would require the unanimous consent of Council. However, he noted that there were no specific rules regarding this matter.

After further discussion, **it was agreed** that the item would be deferred to later in the meeting.

**PETITIONS AND DELEGATIONS**

**Submission - Alderman Hanson Re:  
Paving Mountain Road, 1992**

Alderman Hanson submitted a petition with approximately 115 signatures concerning the paving of the Mountain Road area.

In submitting the petition, Alderman Hanson asked that it be forwarded to staff for report.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 8 April 1992, as follows:

**Sewer and Water Cost-Sharing (Ragged Lake)**

This matter had been forwarded to Council without recommendation.

Alderman Jeffrey referred to the item and advised that, at a 28 November 1991 meeting of City Council, Council approved a motion requesting the Province to cost share on a 50/50 basis the installation of sewer and water services from the existing services from Ragged Lake. He indicated that the services would be utilized by a proposed harness racing track. The Alderman went on to add that he understands the Province has agreed to the idea, however, it has some conditions attached to the proposal, some of which staff find questionable.

Alderman Jeffrey advised that Mr. Doug Corkum of the Halifax Industrial Commission indicated that the contractor responsible for the proposed race track will be in Halifax in a couple to weeks to sign an agreement. In this regard, Alderman Jeffrey advised that, if the City of

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Halifax had a letter from the Province advising of its intention to cost share in the Ragged Lake sewer and water prior to the contractor arriving, it would assist in the signing of the agreement.

Alderman Jeffrey suggested that Council urge the Province to forward this letter as soon as possible, adding that he hoped to have the letter, at the latest, by the end of next week.

MOVED by Alderman Jeffrey, seconded by Alderman Fitzgerald that this matter be deferred pending receipt of the letter from the Province of Nova Scotia.

Motion carried.

**Damage Claim - 127 Evans Avenue**

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

An information report dated 2 April 1992 was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that with respect to the damage claim - 127 Evans Avenue, full settlement of the claim be approved.

Motion carried.

**Local Improvement Interest Rate (1992)**

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that, as recommended by the Finance and Executive Committee, under Section 389 of the City Charter, an interest rate of 10.00% be established for any Local Improvement Tax levied in the tax year ended March 31, 1993.

Alderman Adams addressed the matter and advised that it was his understanding that, although the City charges its citizens interest, the City has a policy of not paying interest and he did not believe this to be fair.

The Alderman went on to note that he had seen an invoice in which the City was 246 days late and paid no interest and he emphasized again that he did not think this was fair and that the City should pay interest if it was charging interest.

A brief discussion ensued and the Chairman advised that Alderman Adam's concern would be forwarded to staff for report.

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Alderman Fitzgerald asked that the report be circulated to all members of Council.

The motion was carried with Alderman Adams voting against.

**Date For Public Information Meeting  
Re: Conference 1999**

MOVED by Alderman Fitzgerald, seconded by Deputy Mayor Stone that, as recommended by the Finance and Executive Committee, a public information meeting be held on MONDAY, 4 MAY 1992 at 7:00 p.m. to provide a progress report on Conference recommendations, and to hear comments from the public.

The motion was put and passed.

**Street Closure - Purcell's Cove Road**

A staff report, dated 1 April 1992, was submitted.

MOVED by Alderman Hanson, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, a date be set for a public hearing to consider the closure of a portion of Purcell's Cove Road as shown on Plan TT-45-31041.

The motion was put and passed.

The Acting City Clerk advised that the date for the public hearing would be **Wednesday, 20 May 1992 at 7:30 p.m. in the Council Chamber, Halifax City Hall.**

**Lease: 5711 Sackville Street**

MOVED by Alderman Downey, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, the Mayor and City Clerk be authorized to execute a lease substantially in accordance with that attached as Schedule "B" to the staff report of 24 March 1992.

The motion was put and passed.

**Encroachment License -  
Civic No. 6107 Willow Street**

MOVED by Alderman Meagher, seconded by Alderman O'Malley that, as recommended by the Finance and Executive

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Committee, an encroachment license be approved for the existing front verandah and steps at Civic No. 6107 Willow Street.

The motion was put and passed.

**Report of the Select Committee on Education Re:  
The Establishment of Supplementary Funding Committees**

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council endorse the views of the UNSM on the issue of the establishment of Supplementary Funding Committees (as proposed under the Education Act), and instruct staff to convey such endorsement to the Minister of Education and to the Halifax MLA's.

The motion was put and passed.

**Pollution Control Charge -  
Extension for Setting Rate**

MOVED by Alderman O'Malley, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, Council request the Minister of Municipal Affairs to authorize a delay in setting the Pollution Control Rate for 1992 until July 1, 1992, while authorizing a continuation of the 1991 rate until that date.

The motion was put and passed.

**Payment of Grants to Community Agencies**

MOVED by Alderman Downey, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, City Council authorize monthly payment to the Community Agencies listed in the staff report of 25 March 1992, based on the 1991/92 approvals until the 1992/93 budget has been approved.

The motion was put and passed.

**Cruise Ship Docking - UPDATE**

This matter was forwarded to Council without recommendation.

An information report dated 10 April 1992 was submitted.

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Alderman Fitzgerald addressed the matter and, noting that the report indicated that discussions were ongoing and progress was being made, suggested that Council accept the report and wait for further updates.

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that City Council accept the report of 10 April 1992 and be updated on the matter in the future.

Alderman Holland addressed the matter advising that cruise ships were a great opportunity to bring tourists to the City and he indicated that he strongly supported the idea.

Motion carried.

**REPORT - COMMITTEE ON WORKS**

Council considered the report of the Committee on Works from its meeting held on Wednesday, 8 April 1992, as follows:

**Rehabilitation of C.N. Bridge at Mumford Road**

MOVED by Alderman Crowley, seconded by Alderman O'Malley that, as recommended by the Committee on Works, Council approve cost-sharing of \$47,463.60 as the City's share of the costs for the C.N. Bridge rehabilitation of Mumford Road and authorize a transfer of \$17,463.60 from Account #91699 to Account #91521 to facilitate this cost-sharing.

Motion passed.

**Cremation Gardens - Fairview Cemetery**

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

- a) implementation of a Cremation Garden at Fairview Cemetery be approved as per concept plan entitled Cremation Garden Fairview Cemetery dated March/91.
- b) Ordinance 12A be amended as follows:

"Subsection (8) of Section 7 of Ordinance 12A is amended by designating the paragraph commencing with the words "any stone" as clause (a), and by designating the paragraph commencing with the

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words "The section" as clause (b) and by adding as clause (c) the following;

The section of the Cemetery bounded on the north by the Cemetery work shed and compound yard, on the west by Cedar Avenue and on the east and south by section 3 shall be known as section 9 or the Cremation Gardens on the permanent plans and records of the Cemetery. In this section, lots shall be two(2) feet by three(3) feet in maximum dimensions. There shall be placed upon each lot no more than one marker installed level with the ground made of granite or bronze, with dimensions not exceeding 22 inches by 12 inches, and overall thickness between 4 inches and 6 inches, installed on standard foundation permitted in the Cemetery. In this section no trees, shrubs or flowers shall be planted except by cemetery staff in keeping with the overall design of section 9 as it appears on the plans in the cemetery office."

- c) staff be directed to prepare a report giving Notice of Motion to change Ordinance 12A as indicated above.

Motion passed.

Flooding - Civic No. 2 Keystone Court

At the 15 April 1992 meeting of the Works Committee, Alderman Jeffrey suggested that staff investigate the flooding problem at Civic No. 2 Keystone Road and submit a report in time for the 15 April City Council meeting.

Alderman Jeffrey addressed the matter and advised that he has not yet received a report on the matter. He added that the flooding was caused by a storm sewer under the provincial highway which was not only causing damage to the property of 2 Keystone Court, but the water was flowing through this property onto the City sidewalk and street and was causing damage.

Alderman Jeffrey requested a report from staff by the next regular meeting of the Works Committee on how the situation could be rectified.

MOVED by Alderman Jeffrey, seconded by Alderman Adams that this matter be deferred to the next regular meeting of the Works Committee, scheduled for Wednesday, 22 April 1992, pending receipt of a staff report.

Motion carried.

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**REPORT - SAFETY COMMITTEE**

Council considered the report of the Safety Committee from its meeting held on Wednesday, 8 April 1992, as follows:

**Report from Peer Review Group Re:  
Waste Management Systems Options (TO BE TABLED)**

An Executive Summary of the City of Halifax Waste Management Task Force Review Committee dated 12 April 1992 was submitted.

Alderman Fitzgerald addressed the matter and, noting that at the last Safety Committee meeting he suggested that Council prepare a course of action, he circulated a proposed motion to members of Council, dated 15 April 1992, Re "Review of Waste Management Systems Options" for Council's consideration.

Alderman Fitzgerald reviewed the proposed motion and indicated that he was prepared to move the motion that City Council take the following action:

- 2.1 Reject the incineration option currently proposed by the Metropolitan Authority.
- 2.2 Adopt the six recommendations of the Sound Resource Management Group Report (as outlined in Attachment B of the report)
- 2.3 Publicly encourage other municipalities and firms throughout the Province to consider how Sound Resource Management Group's "Option 1" could be extended to create a major element of a provincial waste management system.
- 2.4 Request the Citizens' Committee, that played a key role in the commissioning of the Sound Resource Management Group study, to consider taking responsibility for the public information program. (Recommendation 4)

The Chairman pointed out that at yesterday's meeting of the Metropolitan Authority, Halifax presented a non-incineration option and asked the other municipalities consider joining us in this option. She added that they were asked to reply in two weeks and, to date, they have not responded. In this regard, the Chairman suggested that this matter be deferred until the next meeting of the Metropolitan Authority.

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Following a discussion, it was MOVED by Alderman Fitzgerald, seconded by Alderman Crowley that the proposed motion Re "Review of Waste Management Systems Options" dated 15 April 1992 by Alderman Walter Fitzgerald be deferred to the Committee of the Whole Council meeting of 6 May 1992, pending receipt of a report from staff.

Motion carried.

**Sackville Landfill Closeout  
- Committee Presentation**

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

A staff report dated 15 April 1992 was submitted.

MOVED by Alderman Adams, seconded by Alderman Jeffrey that the report of the Sackville Landfill Committee matter be deferred until the Committee of the Whole Council meeting of 6 May 1992.

Motion carried.

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

**1992 Recipients - Art Allocation Committee's  
"Certificates of Recognition"**

A report, dated 20 March 1992, was submitted from Mr. J. D. MacCulloch, Chairman of the City's Art Allocation Committee.

MOVED by Alderman Meagher, seconded by Alderman Downey that, as recommended by the Art Allocation Committee, Certificates of Recognition be awarded to Park Lane and CFDR (for their "Phoenix Fountain of Hope") and to the Micmac Native Friendship Centre (for the murals on the Gottingen Street facade of their facility).

The motion was put and passed.

**REPORT - CITY PLANNING COMMITTEE**

Council considered the report of the City Planning Committee from its meeting held on Wednesday, 8 April 1992 as follows:



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**Planning Advisory Committee Review of  
Lot Standards for All Residential Lands**

This matter had been forwarded to Council without recommendation.

MOVED by Alderman Meagher, seconded by Alderman Fitzgerald that the matter be referred to the Planning Advisory Committee for a further report.

The motion was put and passed.

**Sale of City-Owned Land and Request for  
Cost-Sharing: Proposed Subdivision - Pioneer Avenue**

This matter had been forwarded to Council without recommendation, pending receipt of additional information from staff.

A supplementary staff report, dated 14 April 1992, was submitted.

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

- 1) cost-sharing be authorized to a maximum of \$105,000 on a 50-50 basis for the upgrading (street construction) of Pioneer Avenue and Oriole Street, and that this amount be placed in the 1992 Capital Budget;
- 2) subject to the agreement of cost-sharing of the street construction and subject to a purchase and sale agreement to guarantee development, Council authorize the sale of the City's surplus property on Pioneer Avenue at the appraised value of \$60,000; and
- 3) proceeds of the sale of the City's surplus property be allocated to the project account.

In putting forward this motion, Deputy Mayor Stone reiterated comments made during the 23 March meeting of the City Planning Committee, pointing out that, in his opinion, the development project proposed for this area would be severely jeopardized if cost-sharing (pertaining to street construction) could not be arranged on a 50-50 basis between the City and the developer.

After some discussion and questioning of the City Manager, the motion was put and passed.

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9:10 p.m. - Alderman Macdonald enters the meeting.

**Case No. 6347: Development Agreement  
- 2037 Parker Street**

This matter had been forwarded to Council without recommendation.

MOVED by Alderman Meagher, seconded by Alderman Downey that the matter be referred to the Planning Advisory Committee for review and recommendation.

In putting forward this motion, Alderman Meagher noted that the PAC is currently reviewing this portion of the City in conjunction with deliberations concerning the Peninsula North Detailed Area Plan.

The motion was put and passed.

**Application for Demolition of a Registered  
Heritage Property - 1546 Barrington Street**

Following is the recommendation forwarded from the 8 April meeting of the City Planning Committee:

That City Council approve the application for the demolition of the registered heritage property located at 1546 Barrington Street because of the poor structural integrity of the building and the concern for public safety.

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that the matter be deferred to the next regular meeting of Committee of the Whole Council **scheduled for Wednesday, 22 April 1992**, pending receipt of a staff report detailing the costs involved in rendering the building safe and secure.

In putting forward this motion, Alderman Downey also asked for information from the City's Heritage Planner as to when the Heritage Act was last updated.

Responding to a suggestion put forward by Alderman Holland, Alderman Fitzgerald noted that, in conjunction with deliberations concerning the Carleton Hotel, staff had indicated that they would attempt to develop a policy for Council's consideration whereby the City would be able to offer some form of assistance or incentives to the owners of heritage property with regard to the preservation of those structures. The Alderman added that it was his understanding that a draft of this

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policy would be submitted to Council within the next 2-3 weeks.

The motion to defer was put and passed.

The following documents were submitted:

- ♦ Correspondence, dated 13 April 1992, from Mr. Donald Patton (President) and Mrs. Elizabeth Pacey (Research Director), Heritage Trust of Nova Scotia;
- ♦ Correspondence, dated 14 April 1992, from Mr. Alvin Comiter, 1262 Queen Street, Halifax, B3J 2H4.

**Case No. 6461: Proposed Development Agreement -  
1956-58 Rosebank Avenue - SET DATE FOR PUBLIC HEARING**

MOVED by Alderman Fitzgerald, seconded by Deputy Mayor Stone that, as recommended by the City Planning Committee, a public hearing date be scheduled to consider the application for a development agreement to permit construction of a sun room at the rear of the two-unit dwelling at 1956-58 Rosebank Avenue, provided the addition is substantially in accordance with Plan Nos. P200/18727-8 of Case 6461 (as outlined in the staff report of 2 April 1992).

The motion was put and passed.

The Acting City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 20 MAY 1992 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

**MOTIONS OF RECONSIDERATION**

**Motion - Alderman Pottie: Reconsideration of Council  
Resolution of 26 March 1992 Re: Moosehead Grand Prix**

A Notice of Motion of Reconsideration had been given regarding this matter by Alderman Pottie during a regular meeting of Halifax City Council held on 26 March 1992.

Alderman Pottie began his remarks by referring to the considerable amount of interest and discussion this topic has generated in recent weeks, and distributed for Council's reference a package of newspaper reports on the matter. The Alderman further noted that he would make available to members of Council a 100-page document which not only recorded the development of the Halifax Commons

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between 1749 and 1979, but also emphasized the continued significance of this property to all Haligonians.

Alderman Pottie indicated that during previous Council deliberations on this matter, it had been alleged that Option "A" (i.e., incorporating the paved strip on the Halifax Commons) was, in fact, safer than Option "B." The Alderman emphasized that, in his opinion, that was not the case, and pointed out that Moosehead representatives had advised that, in terms of insurance coverage for race participants, **either** option was acceptable.

On another but related matter, Alderman Pottie indicated that he found it difficult to accept that Council would undertake to pave a portion of heritage property merely to provide a private company (i.e., Moosehead) with a more convenient place to store equipment. The Alderman further suggested that, in agreeing to pave this portion of the Commons for a three-year period, the City was, in reality, saving Moosehead the expense of having to install, then remove this facility each time the Grand Prix was held.

On a final note, Alderman Pottie made reference to the suggestion that the paved strip would provide a badly needed recreational area for handicapped individuals. In this context, the Alderman referred to comments recently made in the news media by a representative of the Canadian Paraplegic Association who had strongly recommended that Council judge the matter before it "on its own merits," rather than on the "perceived needs" of the disabled.

It was therefore moved by Alderman Pottie, seconded by Alderman Fitzgerald that Halifax City Council reconsider its motion of 26 March 1992 concerning the approval of Option "A" in conjunction with the Moosehead Grand Prix.

The motion was put and resulted in a tie vote, six (6) members of Council supporting the motion and six (6) in opposition as follows:

**FOR:** Aldermen Fitzgerald, Meagher, O'Malley, Pottie, Macdonald and Crowley (6)

**AGAINST:** Deputy Mayor Stone; and Aldermen Holland, Downey, Adams, Hanson, and Jeffrey (6)

Her Worship Mayor Ducharme broke the tie by voting in favor of the motion, and declared the motion to be passed.

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that City Council:

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- (1) approve the race course layout identified as Option "A" in the proposal dated February 5 1992 from Atlantic Grand Prix Inc. for the Moosehead Grand Prix;
- (2) authorize the construction, at the expense of Atlantic Grand Prix Inc., of a permanent paved area across the Halifax Commons as outlined in the said proposal, to be used for various recreational purposes including recreational activities for the handicapped, with the exception of a period immediately prior to, during and after the Moosehead Grand Prix when the area shall be used in conjunction with the race and to accommodate Option "A;" and
- (3) that staff be instructed to prepare a contract for execution by Atlantic Grand Prix Inc. and the City of Halifax in a form similar to the race contract used in past years, with the exception that the contract be for three races, one in each of 1992, 1993 and 1994, and that the Mayor and City Clerk be authorized to execute such agreement on behalf of the City of Halifax.

Alderman Pottie spoke in opposition to the motion, urging Council to prohibit any further "erosion" of the Commons until staff can prepare appropriate legislation to protect and preserve this very valuable part of the City's heritage.

In seconding the motion, Alderman Hanson emphasized that he personally does not believe that paving this extremely small portion of land will in any way constitute a detriment to the overall value of the Halifax Commons. In this context, he made reference to recent newspaper articles which appear to suggest that, as a result of Council's stance on this issue, large pieces of the Commons will be covered in asphalt. The Alderman called these articles "extremely misleading," pointing out that the size of the pavement (in comparison to, for instance, the Egg Pond or the tennis courts) is actually very small.

Alderman Hanson concluded his remarks by emphasizing that the portion of pavement in question will assist event organizers to set up and take down in a much shorter timeframe, thereby diminishing the impact on nearby residents. In addition, it will provide a much-needed recreational facility at a time when the City itself is operating under considerable fiscal restraints.

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Alderman Downey spoke in support of the motion presently on the floor, pointing out that it had been the practice many years ago to hold horse races on the Commons. In this same context, the Alderman made reference to the abundance of asphalt walkways, tennis courts, and other recreational facilities which, technically speaking, have diminished the area's "green space," and emphasized that the City had never been criticized for its decision to have these amenities installed.

Responding to a question from Alderman Pottie regarding the use of the term "permanent" in Item (2) of Alderman Jeffrey's motion, the City Manager suggested this was merely a matter of semantics, adding that once the City's three-year contract with Moosehead had been completed, the future use of this portion of the Commons would be returned to City Council for further consideration.

After a lengthy discussion, the motion was put and resulted in a tie vote, six (6) members of Council supporting the motion and six (6) in opposition as follows:

**FOR:** Deputy Mayor Stone; and Aldermen Holland, Downey, Adams, Hanson, Jeffrey (6)

**AGAINST:** Aldermen Fitzgerald, Meagher, O'Malley, Pottie Macdonald, and Crowley (6)

Her Worship Mayor Ducharme broke the tie by voting in favor of the motion, and declared the motion to be passed.

In her remarks, Mayor Ducharme emphasized that she was supporting the motion because, in her view, Option "A" would eliminate the need for the race course to protrude into Robie Street, thereby jeopardizing the public safety. She went on to note that she had been assured by Moosehead representatives that the temporary use of this extremely small portion of the Commons would enable race-related equipment to be installed and taken away much more quickly than would be afforded by Option "B." In this context, Mayor Ducharme pointed out that she considered this advantage of primary importance, given the complaints received in previous years from area residents who had been considerably inconvenienced by the work undertaken immediately before and after the Grand Prix event.

The following material was submitted:

- ◆ Correspondence, dated 9 March 1992, from Ms. Anne Dunsworth, 2064 Brunswick Street, Halifax, B3K 2Y7

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- ◆ Correspondence, dated 28 March 1992, from Reverend M. MacDonald, Apartment #1, 5228 North Street, Halifax, B3K 1M6
- ◆ Correspondence, dated 30 March 1992, from Mr. Peter G. Green, Q.C., 1401 Purdy's Wharf Tower II, Halifax, B3J 2X1
- ◆ Correspondence, dated 30 March 1992, from Ms. Margie Macdonald, 2033 Maynard Street, Halifax, B3K 3T1
- ◆ Correspondence, dated 2 April 1992, from Mr. Laughie Rutt, Executive Director, Canadian Paraplegic Association (Nova Scotia)
- ◆ Correspondence, dated 2 April 1992, from Ms. Mary Dykstra, 2024 Creighton Street, Halifax B3K 3R2
- ◆ Correspondence, dated 6 April 1992, from Mr. Rod Taylor, 3194 Albert Street, Halifax, B3K 3M9
- ◆ Correspondence, dated 6 April 1992, from Roger and Barbara Jollimore, 2077 Kline Street, Halifax, B3L 2X4
- ◆ Correspondence, dated 7 April 1992, from Ms. Marilyn Bond, Apartment #21, 5250 Vestry Street, Halifax, B3K 2N9
- ◆ Correspondence, dated 7 April 1992, from John and Heather Gillis, 2536 MacDonald Street, Halifax
- ◆ Correspondence, dated 8 April 1992, from Mr. Graham D. Taylor, 6167 Charles Street, Halifax, B3K 1L5
- ◆ Correspondence, dated 8 April 1992, from Mr. Barry Cowling, 1166 Waterloo Street, Halifax, B3H 3L4
- ◆ Correspondence, dated 8 April 1992, from M. Gilroy
- ◆ Correspondence, dated 8 April 1992, from Terry Waterfield, 6220 Pepperell Street, Halifax, B3K 2N9
- ◆ Correspondence, dated 9 April 1992, from Ms. Lorretta J. Smith, 5371 Albert Place, Halifax, B3K 2P6
- ◆ Correspondence, dated 9 April 1992, from Mr. Alan Ruffman, President, Geomarine Associates Limited
- ◆ Correspondence, dated 10 April 1992, from Ms. Sheilagh Hunt, 1171 Waterloo Street, Halifax, B3H 3L6
- ◆ Correspondence, dated 10 April 1992, from Ms. Sara Parsons, 6254 Shirley Street, Halifax, B3H 2N6

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- ◆ Memorandum, dated 10 April 1992, from Mr. Louis W. Collins
- ◆ Correspondence, dated 11 April 1992, from Penny and Len Moxon, 51 Doull Avenue, Halifax, B3N 1Y8
- ◆ Correspondence, dated 12 April 1992, from M. H. Reynolds, 2360 Newton Avenue, Halifax, B3L 3C3
- ◆ Correspondence, dated 13 April 1992, from Mrs. Pat Langmaid, 2016 Bauer Street, Halifax, B3K 3W3
- ◆ Correspondence, dated 13 April 1992, from W. J. Phillips, 9 Crestview Drive, Halifax, B3P 1G1
- ◆ Correspondence, dated 13 April 1992, from Mr. G. MacLaine, Acrafab Ltd., P. O. Box 48008, Bedford
- ◆ Correspondence, dated 13 April 1992, from Ms. Cheryl Roth, 5460 Victoria Road, Halifax, B3H 1M5
- ◆ Correspondence, dated 13 April 1992, from Mr. Scott Robson, 2331 Maynard Street, Halifax, B3K 3T8
- ◆ Correspondence, dated 14 April 1992, from Leslie Paradis, 91 Rosedale Avenue, Halifax, B3N 2J4
- ◆ Memorandum, dated 15 April 1992, from Her Worship Mayor Moira Ducharme
- ◆ Correspondence, dated 15 April 1992, from Ms. Patricia Betts, 8 Simcoe Place, Halifax, B3M 1H3

**NOTICES OF MOTION**

**Notice of Motion Deputy Mayor Stone Re:  
Ordinance 184, the Reptiles Ordinance**

Deputy Mayor Stone gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 30 April 1992**, he proposes to introduce for First Reading Ordinance 184, the Reptiles Ordinance.

The Deputy Mayor went on to advise that the purpose of this proposed ordinance is to prohibit owners from having their snakes in public places such as streets, sidewalks or parks, or on any private property without the consent of the owner of that property unless the snake is concealed from view in an escape-proof container.

**10:20 p.m. - Deputy Mayor Stone retires from the meeting.**



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**MISCELLANEOUS BUSINESS**

**Appointments**

This matter had been deleted during the setting of the agenda at the request of Her Worship Mayor Ducharme.

**Settlement of Claims - Flooding:  
70 Thornhill Drive/72 Thornhill Drive**

A private and confidential report, dated 8 April 1992, was submitted by the City Solicitor.

Mr. Anstey briefly addressed the matter, pointing out various typographical errors in his 8 April report and responding to questions from Alderman Adams.

MOVED by Alderman Adams, seconded by Alderman Hanson that City Council authorize the Legal Department to finalize the settlement of the claims of the owners of Civic Numbers 70 and 72 Thornhill Drive as outlined in the private and confidential report dated 8 April 1992 for the sums of \$19,953.39 and \$5,374.18 respectively.

The motion was put and passed.

**QUESTIONS**

**Question Alderman Jeffrey Re: Letter  
from Mrs. D. Power, 29 Rockwood Avenue**

Alderman Jeffrey made reference to a letter dated 7 April 1992 forwarded by a Mrs. D. Power of 29 Rockwood Avenue to Mr. Wayne Yogis, Operations Manager, Engineering and Works Department, concerning the City's snow removal process and, in particular, the damage done to property in the Rockwood Avenue area.

The Alderman asked that Mr. Yogis respond to Mrs. Power's letter as quickly as possible, adding that if Mr. Yogis has already done so, he (Alderman Jeffrey) would appreciate receiving a copy of that reply.

**Question Alderman Jeffrey Re:  
Blasting - Halifax Industrial Park**

Alderman Jeffrey made reference to the blasting currently underway in the City's Industrial Park area, and asked that every effort be made to minimize the impact of this construction on property owners in Wards 9, 10 and 12.

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**Question Alderman Jeffrey Re:  
Construction of Four-Unit Residential Structures**

Alderman Jeffrey reported that there has been a dramatic increase in the number of four-unit residences being built in Ward 9 in recent months, adding that he is concerned that some of these units may not have met City standards in terms of such things as lot size. In this context, the Alderman asked for information from staff as to whether problems had been encountered with any of these units, or whether, in fact, they had all been constructed as-of-right.

**Question Alderman Jeffrey Re:  
Amalgamation - City Departments**

Alderman Jeffrey made reference to a question raised several weeks ago regarding the proposed amalgamation of the City's Parks and Grounds Division with its Recreation Department, adding that, to date, he had not yet received the requested report.

The City Manager advised that preparation of the report requested by Alderman Jeffrey will be commenced approximately 1 May and should be submitted for Council's consideration in approximately two months' time.

**Question Alderman Holland Re:  
Recycling Procedures**

Alderman Holland made reference to the large number of telephone calls he has received from Haligonians anxious to participate in the City's recycling efforts but uncertain as to the process. He therefore asked that consideration be given to continuing the advertising and public education program pertaining to the recycling program so that as many as possible will be encouraged to participate.

**10:25 p.m. - Her Worship Mayor Ducharme retires from the meeting, with Alderman Holland assuming the Chair.**

**Question Alderman Adams Re:  
Flooding Problems - Ward 7**

Alderman Adams made reference to the extensive flooding problems experienced by property owners in Leiblin Park and, in particular, by residents of Guildwood Crescent.

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In his remarks, the Alderman pointed out that because of the continual build-up of silt and gravel in the ditches adjacent to roadways in this area, the situation has now deteriorated to the point where between one-third and one-half of residences in this neighborhood experience basement flooding on a regular basis. Alderman Adams went on to emphasize that while the construction of a storm sewer had initially been proposed for the Leiblin Park area as far back as 1983, the project is continually pushed back farther and farther into the future. In this context, he pointed out that since the Province has refused to cost-share in this effort, it is his view that it is the City's responsibility to take remedial action.

Alderman Adams therefore asked for information as to whether staff could be directed to repair the ditches in question so as to facilitate the free flow of water which will, in turn, correct some of the flooding difficulties in this area.

**Question Alderman Adams Re:  
Proposed Amendment - City's Noise Ordinance**

Alderman Adams reported that residents of the Leiblin Drive area have been considerably inconvenienced by the number of heavy trucks which begin using this roadway as early as 7:00 in the morning.

In this context, the Alderman asked for information from staff as to the feasibility of amending the City's Noise Ordinance to prohibit heavy trucks from using streets in densely-populated residential areas at such an early hour of the day.

**Question Alderman Adams Re:  
Infilling - Graves-Oakley Park**

Alderman Adams expressed concern regarding the kinds of material that is currently being used to infill the Graves-Oakley Park. Noting that he has witnessed refrigerators, oil drums and logs at the site, the Alderman asked that infilling be discontinued until the Provincial Department of the Environment and/or City staff can ensure that only "clean" infill, which will not affect the area's water table, will be utilized in future.

**Question Alderman O'Malley Re:  
Illegal Parking - Kaye Street**

Alderman O'Malley noted that she has received a number of calls regarding illegal parking on Kaye Street,