

**SPECIAL CITY COUNCIL
PUBLIC HEARINGS
M I N U T E S**

Council Chamber
Halifax City Hall
04 November 1992
5:10 p.m.

A regular meeting of Special City Council, Public Hearings was held on the above date.

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

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

ALSO PRESENT: Mr. Wayne Anstey, Q.C., City Solicitor; Mr. Edward A. Kerr, City Clerk, and other members of City staff.

**Case No. 6507: Appeal of a Minor Variance Refusal - 1154
Queen Street**

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

A staff report dated 13 October 1992 was submitted.

Mr. Michael Hanusiak, Planner II, addressed Council and, using diagrams, outlined the reasons why the application for minor variances for the lot frontage, lot area and side yard requirements of the land use bylaw for 1154 Queen Street were refused. Mr. Hanusiak advised that the reason for the application was to permit the construction of an addition to the dwelling.

In his remarks, Mr. Hanusiak advised that the reasons for refusing the application were essentially that staff considered the deficiencies were not minor in nature and because of the precedent setting nature of this proposal if approved.

In concluding his remarks, Mr. Hanusiak pointed out that, at an earlier meeting held on this date, Council discussed changes in the Front Yard Parking Bylaw. He

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requested that Council not make a decision on this application tonight in order that he could have an opportunity to study the matter and see if the proposed changes would impact on this application. Mr. Hanusiak advised that he would have a response on the matter by the next regular meeting of City Council, scheduled for Thursday, 12 November 1992.

Mr. Niall Savage, the appellant and resident of 1154 Queen Street, addressed Council and outlined his reasons in support of his application.

In his presentation, Mr. Savage advised that the purpose of his application was to enable him to construct a second story kitchen on the back of his house, over an existing addition. Using a diagram of his home, Mr. Savage explained that the present layout of his home was designed at the turn of the century when people no longer wanted their kitchens in the basement, therefore, they put an addition on the back of the house.

Mr. Savage indicated that he felt he was requesting something quite natural for the house, adding that people need a kitchen by their dining room. Using photographs, he pointed out that his house was virtually the only house on the street which did not have this second story kitchen addition. In this regard, Mr. Savage indicated that he did not believe that approval of his application would become precedent setting.

Mr. Savage suggested that it might be possible to make an argument against the bylaws, noting that there is a provision that if your house is one full story lower than every other building in the immediate vicinity, there is an argument to allow one to build. Referring to the deficiency requirements, Mr. Savage pointed out it would be almost impossible for anyone living in the South End of Halifax to meet the present requirements.

In conclusion, Mr. Savage advised that he had spoken with the immediate neighbours and had letters from them in support of his request.

The Chairman asked that he file the letters with the City Clerk.

On a final point, Mr. Savage referred to Mr. Hanusiak's request for deferral of his application until he examines the front yard parking issue, and noted that his

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application had been ready for public hearing in August, however, it was not able to come to Council until now. Noting that the matter could have been dealt with prior to Council's consideration of changes in front yard parking, Mr. Savage indicated that he hoped the issue would not impact on his application.

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

Alderman Holland addressed the matter and advised that he viewed the site and spoke with the neighbours and believes that what Mr. Savage wants to do is in keeping with the neighbourhood. Noting that there was presently no parking available in front of Mr. Savage's home, the Alderman indicated that he didn't believe the parking issue would present any difficulty with this application.

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

Motion carried.

There being no further business to discuss, the meeting adjourned at 5:25 p.m.

DEPUTY MAYOR FITZGERALD
CHAIRMAN

EDWARD A. KERR, CMC
CITY CLERK
/sm

HEADLINES

Case No. 6507: Appeal of Minor Variance Refusal -
1154 Queen Street 802

HALIFAX CITY COUNCIL MINUTES

Council Chamber
Halifax City Hall
12 November 1992
8:00 P. M.

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

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

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

The meeting was called to order with those present joining with members of Council in the recitation of the Lord's Prayer.

Presentation - Retirement Scrolls - Fire Department

On behalf of members of Council, Her Worship Mayor Ducharme presented the following persons retiring with the Halifax Fire Department with retirement scrolls and thanked them for their dedicated service:

Captain Robert Muggah
Captain Frank Demone
Firefighter Engineer Walter Crawley
Firefighter Clarence O'Hearn
Firefighter George Arnold

Corsages were presented to Mrs. Joy Muggah, Mrs. Shirley Demone, Mrs. Adele Crawley, Mrs. Cecelia O'Hearn, and Mrs. Betty Arnold.

Fire Chief Thomas Power addressed City Council and extended his appreciation to the retirees for their years of service to the Department and wished them many years of health and happiness.

Presentation - Certificates of Recognition (Art Allocation Committee)

Mr. John MacCulloch, Chairman of the Art Allocation Committee, addressed Council and advised that the following

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persons were recipients of the 1992 Certificates of Recognition:

- (1) "PHOENIX FOUNTAIN OF HOPE"
Ms. Jill Burns
Park Lane Developments Limited

Mr. Brad Smith
780 CFDR
- (2) MURALS - THE MICMAC NATIVE FRIENDSHIP CENTRE
Mr. Gordon King, Executive Director
Micmac Native Friendship Centre
- (3) "FIGURE ON A PILLAR"
Mr. John Renouf
General Realty Group

Ms. Elizabeth Jollimore, Vice Chairman of the Art Allocation Committee, then addressed Council and introduced each recipient. In her introduction, Ms. Jollimore also introduced the artist for the "Phoenix Fountain of Hope", Mr. Mike Sneath, and Mr. Eldon MacKeigan, General Sales Manager (CFDR). Mr. David Brooks, accompanied by his wife, was also introduced as the artist for "Murals - The Micmac Native Friendship Society Centre."

Following the introduction of each recipient, Her Worship Mayor Ducharme presented the awards and thanked the Art Allocation Committee for encouraging the placing of art in public places.

Presentation: Canadian Olympic Athletes

Her Worship Mayor Ducharme advised that there were five athletes being honoured tonight. She noted that special Canada Post, which sponsors many community projects, has asked every municipality with athletes travelling to the Olympics in Barcelona this summer to host a special meeting and present them with awards from Canada Post and from their municipality.

The following athletes were presented with awards on behalf of Canada Post and the City of Halifax at this time:

Mr. Glen Gerard, Canoeist
Mr. Stuart Flinn, Yachting,
also representing Philip Gowan and Paul Thompson
Mr. Raymond Downey, Boxing (absent)

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Public Meetings - Halifax Common

Before starting the regular agenda, Her Worship Mayor Ducharme informed Council and members of the public that staff are about to begin public meetings to prepare the study for the Halifax Common. She noted that meetings will be held on November 27th, 28th, and 29th at the Queen Elizabeth High School.

MINUTES

Minutes of the regular meeting of City Council held on Thursday, 29 October 1992 were approved as circulated on a motion by Deputy Mayor Fitzgerald, seconded by Alderman Downey.

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

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

- 2.3 Presentation: Canadian Olympic Athletics
- 20.1 Supplementary Marketing Budget for the Halifax Industrial Commission
- 20.2 Ordinance No. 34 Respecting Children under Sixteen Years of Age being on the Streets of the City at Night - (Alderman O'Malley - at the request of the Concerns of Aging)

At the request of Deputy Mayor Fitzgerald, Council agreed to **add:**

- 20.3 Update - Metropolitan Authority
- 20.4 Cedar Street

It was further agreed that Council deal with **item 15.1** (Case No. 6012: Municipal Development Plan and Land Use Bylaw Amendments Re: Front Yard Parking in Residential Areas) at the beginning of the agenda.

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

Case No. 6012: Municipal Development Plan and Land Use Bylaw Amendments Re: Front Yard Parking in Residential Areas

This item was forwarded to Council without recommendation pending receipt of a staff report based on the

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recommendations made during the November 4th Planning Committee meeting.

A supplementary staff report dated 9 November 1992 was submitted.

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

1. Council adopt the proposed plan and bylaw amendments relating to front yard parking (as contained in Appendix I of the supplementary staff report dated 9 November 1992); and, further, that
2. City Council apply to the Minister of Municipal Affairs for an amendment to the Building Code Act to require doors on all newly constructed garages in the City.

The City Clerk recorded that Aldermen O'Malley and Macdonald should not vote on this item.

Motion passed with Aldermen O'Malley and Macdonald abstaining from the vote.

DEFERRED ITEMS

Case No. 6507: Appeal of Minor Variance Refusal -
1154 Queen Street

A public hearing in respect of this matter was held on Wednesday, 4 November 1992.

A supplementary staff report dated 9 November 1992 was submitted.

Alderman Holland addressed the matter and noted that this item concerns an appeal of a minor variance by the owner of the property at 1154 Queen Street. He advised that the owners are trying to improve the property. Alderman Holland indicated that the applicant has spoken with his immediate neighbours and has received letters from them in support of his request.

MOVED by Alderman Holland, seconded by Deputy Mayor Fitzgerald that City Council uphold the appeal of a minor variance refusal for the property at 1154 Queen Street and overturn the decision of the Development Officer to refuse the minor variance application.

The City Clerk recorded that Aldermen Jeffrey and Macdonald should not participate in the vote on this item.

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Motion passed with Aldermen Jeffrey and Macdonald abstaining from the vote.

MOTIONS OF RESCISSION

Motion Alderman Macdonald - Rescission of City Council Motion of 16 July 1992 Re: Mainland North Traffic - Recommendation No. 2

Alderman Macdonald gave notice of motion at the last regular meeting of City Council held on 29 October 1992 of his intention to introduce a motion of rescission at this time with respect to Council's motion of July 16, pertaining to Mainland North, recommendation 2, which states: "that the Bedford Highway project should proceed (the project should be referred back to the consultant for the preparation of an engineering design as a three-lane facility to include turning lanes and bus lay-bys)."

A letter dated 9 November 1992 from Mr. Rodger K. Middleton, Spokesperson, Rockingham Community Coalition, was submitted.

A letter dated 12 November 1992 from Mark David and Susan David, 115 Bayview Road, was also submitted.

Alderman Macdonald addressed the item and advised that he had some graphic illustrations he wished to present to Council. Before beginning his presentation, Alderman Macdonald referred to Council's motion of July 16th to change the configuration of the Bedford Highway from a two travel lane, with five turning lanes, to a two travel lane and a turning lane four and a half kilometres in length together with sidewalks and curb and gutter. Alderman Macdonald indicated that, in his opinion, this type of construction would do nothing to address the legitimate traffic concerns of the City of Halifax expressed by the City's professional staff and others through the years. He added that the work proposed by this motion would do nothing for Mainland North and would only add to the present traffic woes that presently exist and will worsen as the City continues to grow.

Alderman Macdonald went on to express the belief that the proposed traffic configuration is one which is self-serving to the special interests in the area. He added that, if allowed to stand, it will foreclose any possibilities of improvements being undertaken in the future in this particular area.

Alderman Macdonald proposed that there were other alternatives available for the Bedford Highway. He explained that he intended to review these by using maps of the City

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taken from the back of the City of Halifax Task Force on City Traffic Report.

Alderman Macdonald indicated that he might have available an acceptable alternative to the two travel lane and turning lane proposition as proposed on July 16th. However, noting that he was unqualified to read plot plans or engineering designs, he suggested that it may be of some interest to Council for Mr. Bill Sullivan, Chief Engineer, to explain essentially what these are about. Alderman Macdonald called on Mr. Sullivan at this time to explain the alternatives to the existing proposition and provide further detail.

Alderman Stone questioned whether it was proper to have Mr. Sullivan address Council at this time noting that the item under consideration was a motion of rescission and not a staff recommendation.

Following a short discussion, Council agreed to receive further explanation and review from Mr. Sullivan with respect to the net difference between a three lane and a four lane configuration.

Mr. Bill Sullivan, Chief Engineer, addressed Council and noted that Alderman Macdonald had requested that staff do concept drawings of a three lane Bedford Highway including concrete curb and gutter and bus lay-bys, the three lanes being two travel lanes, one in each direction and one turning lane. Mr. Sullivan went on to advise that the drawings before Council are conceptual in nature and are not even preliminary engineering drawings.

Using the overhead monitor, Mr. Sullivan noted that the map shows that the area south of Sherbrooke to Seton Road indicates that the width of the roadway, which is approximately 38 feet of travel way plus the bus lay-bys, plus a concrete curb and gutter and sidewalk on both sides, will basically require land acquisition and will, in fact, take up substantially more than the present travelled way on the Bedford Highway.

Mr. Sullivan presented a second drawing showing the area fronting Mount Saint Vincent University. He explained that this drawing basically shows that, with a three lane configuration plus sidewalks and bus lay-bys, there will be a need to obtain some property at Mount Saint Vincent on the western side of the highway.

Mr. Sullivan referred to another option. He noted that the plan is basically the same as the first one. Mr. Sullivan explained that by eliminating the sidewalk on the eastern side of the Bedford Highway, maintaining the sidewalk on the western side of the Bedford Highway and putting in four lanes (two travel lanes in each direction and the centre

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lanes being used for turning purposes) there will still be an impact on the properties on the west side and, in particular, Mount Saint Vincent. He added that once you pass the Mother of Perpetual Health Church, there is very limited land acquisition and the four lanes can go straight through to the Kearney Lake Road. On the other hand, Mr. Sullivan explained that Council could see from this drawing, that there is approximately 20 feet behind the retaining wall at Mount Saint Vincent in the area of Seton Road. He suggested that, if that sidewalk is relocated onto other lands, four lanes on the Bedford Highway could be constructed within the same right-of-way as would be required for a three lane configuration.

Mr. Sullivan then responded briefly to questions from members of Council.

Following a short discussion, it was MOVED by Alderman Macdonald, seconded by Alderman Holland that Council rescind its motion of July 16, pertaining to Mainland North, recommendation 2, which states "that the Bedford Highway project should proceed (the project should be referred back to the consultant for the preparation of an engineering design as a three-lane facility to include turning lanes and bus lay-bys)" and, further, that this item be returned to staff so that Council may reconsider other more realistic options.

Speaking in support of the motion of rescission, Alderman Holland expressed the concern that, if the arteries coming into the City are choked off, the downtown area of the City will suffer, particularly its commercial activity. He suggested that this would have an adverse impact on taxes on the homeowners. Alderman Holland emphasized that Council should listen to the experts who have been recommending that the four lane option is the way to proceed.

Concurring with the comments made by Alderman Holland, Deputy Mayor Fitzgerald addressed the matter and advised that since 1972 the City has been trying to put together a comprehensive traffic plan for the City of Halifax. Reiterating the comments made by Alderman Holland, the Deputy Mayor expressed the concern that, if the flow of traffic into the City is cut off, it is the taxpayers who will suffer. Deputy Mayor Fitzgerald emphasized that traffic is a City wide issue. He expressed the concern that three lanes on the Bedford Highway will not help the overall traffic situation and that Council should proceed with an overall plan as recommended by its Task Force on City Traffic.

Alderman Stone pointed out that the Task Force Recommendations are nothing more than recommendations. He noted that City Council has considered these recommendations over the last two and a half years and that Council has made

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a decision on more than one occasion to make these improvements to the Bedford Highway. Alderman Stone reminded Council that the Bedford Highway would be improved to four lanes from Bayview to Sherbrooke Drive where the main problem seems to be. He pointed out that the remainder of it would be three lanes with the centre lane as a turning lane.

Alderman Stone went on to note that one of the problems on the Bedford Highway is that there are no turning lanes at some of the intersections which prevents vehicles from getting by because of the backup of the traffic. He added that the buses use this roadway every day and that, for safety reasons, there has to be bus lay-bys. Alderman Stone indicated that he failed to see how four lanes on the Bedford Highway would work when it is used as a truck route. He added that it was always the intention that there only be a sidewalk on the residential side of the highway.

Alderman Stone urged Council to continue with the decisions previously approved by Council and vote against the motion of rescission.

At approximately 9:10 p.m. Deputy Mayor Fitzgerald assumed the seat of the Chair with Her Worship Mayor Ducharme addressing Council from the podium.

Her Worship Mayor Ducharme addressed Council noting that in the Spring of 1988, Council approved a four lane highway for the Bedford Highway. In the Spring of 1989, she noted that Council deferred this decision without ever seeing a Plan. Her Worship suggested that this was not an informed decision made by Council to decide that a Plan was not appropriate without ever looking at the Plan first. Her Worship Mayor Ducharme suggested that Council at least look at the plans that staff drew up and rescind its motion of July 16th. She emphasized that Council should make an informed decision on which is the best plan for the Bedford Highway.

Mayor Ducharme advised that Council had democratically formed a Task Force to advise Council on a transportation plan for the whole City. Her Worship noted that an overall transportation plan was presented to Council that could make the City of Halifax "open for business". Mayor Ducharme urged Council to rescind its motion of July 16th, look at both sets of plans, and make a fair and well-informed and well-advised decision.

In closing the debate, Alderman Macdonald asked Council to keep in mind the growth in the area and the increased capacity which a four lane would permit. He noted that, with respect to the difficulties in the Lacewood Dunbrack Street area, those will be integrated in with solutions that have application for the entire Mainland North area. Alderman Macdonald pointed out that the

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recommendations of the City's Task Force on Traffic would handle both the Bedford Highway and all other areas in Mainland North and the City.

The motion of rescission was put and defeated with four (4) members of Council voting for it and eight (8) members of Council voting against it as follows:

FOR: Deputy Mayor Fitzgerald, and Aldermen Holland, Adams, and Macdonald..... (4)

AGAINST: Aldermen Downey, Meagher, O'Malley, Pottie, Hanson, Jeffrey, Crowley, and Stone..... (8)

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

PUBLIC HEARINGS, HEARINGS, ETC.

Heritage Hearing - Recommended Heritage Property -
1328 Robie Street

A heritage hearing with respect to the property at 1328 Robie Street, Louis Kaye House, was held at this time.

A supplementary staff report dated 9 November 1992 was submitted along with research material and evaluation concerning the property in question.

Responding to a question from Deputy Mayor Fitzgerald, Mr. Dan Norris, Heritage Planner, informed Council that it was the owners who had applied for this heritage designation on their property. He added that the Heritage Advisory Committee are recommending registration of this property as a heritage property.

There not being a representative of the property owner in question, it was therefore MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Holland that the property at 1328 Robie Street, Louis Kaye House, be designated as a registered heritage property.

Motion passed.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on 4 November 1992 as follows:

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Recommendation on Tender 92-115R - Microcomputers

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, City Council award tender 91-115R for microcomputers to **Capital Business Systems.**

Motion passed.

**Heritage Fund Grant - St. David's Church -
1544 Grafton Street**

MOVED by Alderman Downey, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, Council approve a 1992 Heritage Fund Grant of \$8,000 for the exterior restoration of St. David's Presbyterian Church, located at 1544 Grafton Street, Halifax.

Motion passed.

**Heritage Fund Grant - St. George's Church -
2222 Brunswick Street**

MOVED by Alderman Downey, seconded by Alderman O'Malley that, as recommended by the Finance and Executive Committee, Council approve a 1992 Heritage Fund Grant of \$4,104 for the roof cupola restoration of St. George's Anglican Church, located at 2222 Brunswick Street.

Motion passed.

**Report from Advisory Committee on the Concerns of Aging Re:
Proposed Rate Increase by Nova Scotia Power Corporation**

A staff report dated 10 November 1992 was submitted.

MOVED by Alderman O'Malley, seconded by Alderman Hanson that City Council file with the Public Utilities Board a resolution indicating that Halifax City Council is opposed to the proposed electric power rate increase unless it is determined by the Board that the rate increase is strongly warranted.

Motion passed.

**Tax Deductible Status for Halifax Fire Department
Monument Fund**

A report from Mr. John D. MacCulloch, Chairman of the Art Allocation Committee, dated 12 November 1992 was submitted. The report advised that the Art Allocation

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Committee approved a motion earlier on this evening as follows:

"that the monument proposed for installation outside Fire Station No. 6, Lady Hammond Road, be approved as meeting the Art Allocation Committee's objectives for the placement of public art; and further, that the Committee endorse and support the efforts of the Halifax Fire Department in this regard."

MOVED by Alderman O'Malley, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, approval be granted to establish a Halifax Fire Department Monument Committee to accommodate tax deductible status under Revenue Canada's guidelines with the Committee being responsible to the Municipality of the City of Halifax for this purpose.

Motion passed.

Community Care Policy Manual and Comfort Allowance

The Finance and Executive Committee recommended that Halifax City Council approve the Community Care Policy Manual, as attached to the staff report of 23 October 1992, subject to a report from the City Manager on the recommendation with respect to changing the Comfort Allowance rate effective December 1, 1992, rather than January 1, 1993.

Mr. Donald F. Murphy, Q.C., City Manager, provided a verbal report at this time. He noted that staff reviewed the financial position of the Social Planning Department since the Committee of the Whole Council meeting. As a result, Mr. Murphy advised that the request to effect the implementation of this rate 1 December 1992 can be accommodated. He noted that there were sufficient funds to proceed with Alderman Downey's request.

It was therefore MOVED by Alderman Downey, seconded by Alderman O'Malley that Halifax City Council approve the Community Care Policy Manual, as attached to the staff report of 23 October 1992, with the exception that the Comfort Allowance rate become effective December 1, 1992 rather than January 1, 1993.

Motion passed.

Social Assistance Review

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

- 1) staff negotiate with the Province of Nova Scotia for changes to the existing social assistance system which include:
 - i) a single entry point for users into the social assistance stream;
 - ii) uniformity in rates that reflect basic needs.
- 2) the existing Social Assistance Policy be amended to allow for a training allowance available to individuals participating in recognized training programs or in on-the-job programs. (Training allowances will only be provided in those instances where an allowance is not provided by the host organization.) This training allowance would be provided as an alternative to social assistance. If current levels of expenditures remain the same, the provision of training allowances can be accommodated within the department allocated social assistance budget.

Reiterating his comments at the last Committee of the Whole Council meeting, Alderman Adams referred to the training allowance item. He noted that there are many trained individuals available at present who are unemployed. The Alderman went on to suggest that a program be implemented which would provide individuals receiving social assistance an opportunity to work in the City of Halifax or in private companies. Alderman Adams pointed out that it was not his intent to take work away from anyone else, but indicated that he would like to see a set aside type of program. In this regard, he suggested that management and representatives of the Unions be approached to determine whether a set aside work program might be feasible for social service recipients. As an example, Alderman Adams suggested that a number of sportfields could be set aside for these individuals to work on. The Alderman requested a report addressing this matter.

Motion passed.

At approximately 10:00 p.m. Her Worship Mayor Ducharme retired from the meeting with Deputy Mayor Fitzgerald taking the Chair.

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**Supplementary Cost-Sharing
Agreement #46 - Connaught Avenue**

MOVED by Alderman Pottie, seconded by Alderman O'Malley that, as recommended by the Finance and Executive Committee, Council:

- (1) approve the amendment to Cost-Sharing Agreement #46 for Connaught Avenue to include the section between London Street and Almon Street; and
- (2) authorize Her Worship the Mayor and the City Clerk to sign this Supplementary Agreement on behalf of the City.

Motion passed.

Halifax Harbour Clean-Up

MOVED by Alderman Holland, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, the City Manager be asked to submit a report on this matter.

The City Manager advised that he anticipated a report on this matter by the next Committee of the Whole Council meeting to be held on **18 November 1992**.

Motion passed.

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

**Proposed Amendments to Ordinance 170, the Tax
Concession Ordinance (SECOND READING)**

This matter had been given First Reading at a regular meeting of Halifax City Council held on 29 October 1992, and had been further discussed at a meeting of the Finance and Executive Committee held on Wednesday, 4 November 1992.

MOVED by Alderman Meagher, seconded by Alderman O'Malley that Halifax City Council give SECOND READING to the amendment proposed for Ordinance 170, the Tax Concession Ordinance, attached as Appendix "A" to the report from the City Solicitor dated 8 October 1992.

The motion was put and passed.

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REPORT - PLANNING COMMITTEE

Council considered the report of the Planning Committee from its meeting held on Wednesday, 4 November 1992, as follows:

**Case No. 6012: Municipal Development Plan and
Land Use Bylaw Amendments Re: Front Yard Parking
in Residential Areas**

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

Regan Report on the Port of Halifax

MOVED by Alderman Holland, seconded by Alderman Meagher that, as recommended by the Planning Committee:

A. Council, through the Mayor's Office, contact:

- (1) the Minister of Transport supporting Task Force recommendations, including tax reductions, to allow Canadian National to reduce costs for container shipments between Halifax and Central Canada. As they were not addressed in the Task Force report, this communication should focus on the financial and other contributions of the City of Halifax towards port development;
- (2) Dartmouth and other area municipalities, explaining both the importance of port activity and the extent of City of Halifax contributions. Other local jurisdictions should be encouraged to contribute financially to port development as does the City of Halifax;
- (3) the Provincial Minister of Transportation and Communications, urging investigation into alternative models for establishing a more autonomous local port authority including the concept of an integrated air and sea port authority;
- (4) the National Transportation Act Review Commission, in support of the submission made by the Halifax Dartmouth Port Development Commission;
and that

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- B. staff be directed to prepare appropriate communication for the Mayor's signature, monitor the results, and continue to coordinate efforts with the Halifax Dartmouth Port Development Commission.

In seconding the motion, Alderman Meagher suggested that a letter of appreciation be forwarded to the former Premier and to his fellow task force members in recognition of a very well-written report.

The motion was put and passed.

MOTIONS

**Motion Alderman Hanson Re: Proposed Amendments to
Ordinance 112, the Encroachment Ordinance
(FIRST READING)**

Notice of Motion regarding this matter was given by Alderman Hanson during a regular meeting of Halifax City Council held on Thursday, 29 October 1992.

A report, dated 26 October 1992, was submitted from the City Solicitor.

MOVED by Alderman Hanson, seconded by Alderman Stone that Halifax City Council give FIRST READING to the amendments attached as Appendix "A" to the City Solicitor's report of 26 October 1992; and further, that the matter be forwarded to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 18 November 1992) for consideration and report.

The motion was put and passed.

QUESTIONS

**Question Alderman Pottie Re:
Street Improvements - Kempt Road**

Alderman Pottie made reference to various street improvements presently underway in the vicinity of the Labor Temple on Kempt Road.

In his remarks, the Alderman acknowledged that, under normal circumstances, when a new curb and gutter installation is undertaken, the City is obligated to return the site to its original condition. However, it was noted that on this particular portion of Kempt Road (covering

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approximately 200-300 feet) there has long been a variety of surface covers ranging from asphalt to grass to loose gravel. Emphasizing that this roadway is heavily travelled by pedestrians, Alderman Pottie suggested that consideration be given to **improving** the original site by ensuring that the surface cover is made uniform. In this context, the Alderman pointed out that these improvements could be made as part of the curb and gutter project, and therefore asked that the City Engineer investigate the matter and report back to him (Alderman Pottie) as quickly as possible.

**Question Alderman Stone Re:
Culvert Cover - Dunbrack Street Area**

Alderman Stone reported that there is a cover missing from a culvert on the sidewalk area approximately 500 feet off Dunbrack Street on Langbrae Avenue in the vicinity of 30 Chipstone Close. The Alderman noted that the culvert is currently covered by a thin piece of plywood, and expressed concern that should it become filled by rain, the situation could become rather dangerous.

Under the circumstances, therefore, Alderman Stone asked that staff investigate the matter as quickly as possible, suggesting that they contact him for the exact location of the culvert.

**Question Alderman Stone Re:
Staff Involvement - Motion of Rescission,
Mainland North Traffic (Recommendation #2)**

Alderman Stone asked that the City Manager report in writing by the next regular meeting of Committee of the Whole (**scheduled for Wednesday, 18 November 1992**) on the involvement of the City Engineer, Mr. W. A. Sullivan, in an activity that, in Alderman Stone's opinion, was contrary to a motion previously approved made by Halifax City Council. Alderman Stone noted that a confidential report would be acceptable to him, if deemed by the Manager to be appropriate in this regard.

**Question Alderman O'Malley Re:
Tag Day Procedures**

Alderman O'Malley indicated that concerns have recently been expressed to her regarding the assignment of tag day licenses by the City of Halifax. In her remarks, the Alderman noted that it would seem under the present process that certain non-profit organizations are traditionally given an entire month in which to solicit, during which time other groups are excluded from doing so. The Alderman emphasized that while some organizations make

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full use of this permit, others fail to do so, a factor which is of particular concern to those groups who have been refused a license for that same period.

Alderman O'Malley therefore asked for a report on the City's policy in the matter of tag day applications, including the method used to determine which organizations will be authorized to solicit during a specific timeframe.

**Question Alderman O'Malley Re:
Indoor Floor Hockey Facilities**

Alderman O'Malley reported that the Ward Five Community Centre is currently looking for a place to hold indoor floor hockey games as they have recently been advised by the Alexander MacKay School that that facility -- or any school facility -- is no longer to be used for that purpose.

The Alderman expressed concern that there are a number of youngsters who have been very interested in the sport but who now have nowhere to play. In this same context, she pointed out that it had been suggested that there **have** been exceptions made to the School Board's apparent policy on this matter.

Alderman O'Malley therefore asked that a report be requested from the Halifax District School Board with regard to the use of their gymnasium facilities for floor hockey and whether or not exceptions can be made in certain instances.

**Question Alderman O'Malley Re:
Pollution Control Account**

Alderman O'Malley noted that on several previous occasions she has requested a report concerning the City's Pollution Control Account. Emphasizing that, to date, she has not received that information, the Alderman indicated that she would appreciate a report from staff as quickly as possible.

**Question Alderman O'Malley Re:
Control of Cats**

Alderman O'Malley made reference to the fact that she had previously asked for information from staff as to the manner in which cats are controlled in other municipalities. Noting that she has yet to receive a response in this regard, the Alderman indicated that she would appreciate hearing from staff as quickly as possible.

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**Question Alderman Hanson Re: New
Speed Restrictions - Purcell's Cove Road**

Alderman Hanson noted that a decision has now been made to impose a uniform speed restriction of 50 kilometres per hour on the Purcell's Cove Road between the Armdale Rotary and the City Limits. In this context, the Alderman noted that there would appear to be some confusion as to the appropriate speed to be used on this roadway, and therefore suggested that an advertisement be inserted in the local newspapers, advising the travelling public of this new restriction and emphasizing that the 50 kph limit is now enforceable.

Question Alderman Adams Re: Flooding - Leiblin Park Area

Alderman Adams observed that on or about 3 November, the water was shut off in Leiblin Park because of a watermain break. He went on to note that, shortly thereafter, property owners who had previously reported a constant stream of water through their sump pumps, noticed that these flows had ceased.

Alderman Adams asked that staff comment on whether, in their view, there was any correlation between these two incidents.

On another but related matter, Alderman Adams made reference to a recent announcement by the Provincial Government that approximately \$22 million will be made available to improve sewer and water infrastructures in various Nova Scotia municipalities. Emphasizing that the flooding problems in Leiblin Park are of some long-standing, the Alderman suggested that staff contact the appropriate Provincial departments by telephone (to be followed up with a written request) to ask that the Leiblin Park area be given due consideration for this type of project.

Question Alderman Adams Re: Vacant Site Near City Limits

Alderman Adams reported that there is a vacant property on County property in the vicinity of a gas station (the latter which is located within the City limits), which is being used as a dump site. The Alderman requested that staff contact the appropriate County department to express concern regarding the condition of this site and to ask for information as to the plans, if any, for the future development of the property.

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**Question Alderman Adams Re:
Plans - Waterfront Development**

Alderman Adams asked for information from staff concerning plans for the new waterfront developments.

**Question Alderman Adams Re:
Crosswalk Safety**

Alderman Adams reported on a recent accident at one of the crosswalks in the Spryfield area where, in the past, there have been several other "close calls."

Emphasizing that there were other crosswalks in the City which had been deemed particularly hazardous, the Alderman asked for information from the Chief of Police as to whether police officers in unmarked cars could be assigned to monitor these sites. In this same context, the Alderman strongly suggested that tickets, rather than warnings, be issued to offenders in order to heighten public awareness.

10:00 p.m. - Her Worship Mayor Ducharme returns to the meeting with Deputy Mayor Fitzgerald assuming his usual seat on Council.

**Question Alderman Meagher Re:
Cutbacks in Coverage - Medication**

Alderman Meagher asked that the City's Committee on the Concerns of Aging be requested to report on what they see as the implications of recent announcements that, effective 1 January 1993, cutbacks will be initiated with regard to medication. The Alderman also suggested that these changes may have repercussions on the City's social assistance budget, and therefore asked that staff of the Social Planning Department also be asked for their comments in this regard.

**Question Alderman Meagher Re:
Overcrowding - Police Department Lock-Up Facility**

Alderman Meagher reported that he had recently heard reports that the Police Department's lock-up facility was severely overcrowded and in need of improvement. He therefore asked that the City's Police Commission be asked to examine the situation to see what, if anything, can be done to improve these conditions.

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**Question Alderman Downey Re:
RCMP Investigations**

Alderman Downey noted that he had recently been given to understand that the Royal Canadian Mounted Police will now be able to invoice municipal police departments for investigative work. The Alderman expressed concern that this change will mean a substantial expenditure for local police forces, and asked for a report from the Chief of Police on this matter.

**Question Alderman Downey Re: Letter of
Condolence - Director of Engineering and Works**

Alderman Downey noted the recent passing of Mr. Peter S. Connell's mother, and asked that a letter of condolence be forwarded to the Director of Engineering and Works on behalf of Her Worship and members of City Council.

**Question Deputy Mayor Fitzgerald Re:
Leaf Collection**

Deputy Mayor Fitzgerald asked for staff comment on his suggestion that Haligonians be encouraged to rake the leaves from their properties onto the curb and gutter of adjacent roadways. In this manner the street vacuum apparatus could easily be used to collect the leaves, which could then be transported to municipal composting facilities without the need for plastic bags and presumably at reduced cost.

Question Deputy Mayor Fitzgerald Re: Noise

Deputy Mayor Fitzgerald reported that his ward has been experiencing what he referred to as "tremendous problems" as a result of noise emanating from parties hosted by students and other young people.

Under the circumstances, therefore, the Deputy Mayor indicated that he would appreciate receiving an update from the Chief of Police on instances in which tickets are issued under certain sections of the Noise Ordinance for disturbing the peace and tranquillity of the community through excessive partying.

**Question Deputy Mayor Fitzgerald
Re: Portable Toilet Facilities for the Homeless**

Deputy Mayor Fitzgerald noted that he has recently been contacted by an individual who is interested in assisting the homeless through the provision of portable

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toilet facilities. The Deputy Mayor asked that this item be placed on the agenda of the next regular meeting of Committee of the Whole Council **scheduled for Wednesday, 18 November**, and that the City Clerk be requested to advise the individual in question of this agenda item.

**Question Deputy Mayor Fitzgerald
Re: Update - City Club/Khyber Building**

Deputy Mayor Fitzgerald asked to be provided with an update on the current status of negotiations regarding the City Club/Khyber Building properties.

**Question Deputy Mayor Fitzgerald Re:
Update - Carleton Hotel**

Deputy Mayor Fitzgerald asked to provided with an update on the current status of negotiations regarding the Carleton Hotel.

**Question Alderman Crowley Re:
Debris Left on CN Property**

Alderman Crowley noted that she had received a number of complaints from residents of the Olivet Street area regarding debris that has been left on CN property following recent repairs to the tracks. The Alderman asked that staff be asked to contact CN officials to express these concerns, and to ascertain when this debris is expected to be removed.

**Question Alderman Holland Re:
Request for Crosswalk - Inglis Street**

Alderman Holland reported that there had recently been a traffic accident on Inglis Street in the vicinity of Canadian Martyrs Church in which a young lady had had her leg broken by a bus.

In making this observation, the Alderman pointed out that this particular location is a considerable distance from either the four-way stop at Robie/Inglis or from the intersection at Tower/Inglis. Adding that this portion of Inglis is also heavily travelled by pedestrians, Alderman Holland indicated that on at least two previous occasions he had recommended the installation of a crosswalk at this site.

Under the circumstances, therefore, the Alderman asked for information from the City Traffic Authority as to the criteria which must be met in order that a crosswalk is installed at this location.

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NOTICES OF MOTION

**Notice of Motion Alderman Hanson Re: Public
Presentations - Committee of the Whole Council Meetings**

Alderman Hanson gave Notice of Motion that at the next regular meeting of Halifax City Council, to be held on **Thursday, 26 November 1992**, he proposes to introduce the following motion with regard to public presentations made during regular meetings of Committee of the Whole Council:

That, in order to conduct Committee of the Whole meetings in an efficient and effective manner:

1. presentations by members of the public at Committee of the Whole meetings be restricted to fifteen (15) minutes in duration;
2. the City Clerk advise presenters of this restriction when arrangements are made with the Clerk to address the Committee of the Whole;
3. all presenters be requested by the City Clerk to provide written documentation; the City Clerk will then ensure that copies are circulated to all members of City Council prior to or following the Committee of the Whole meeting, whichever is convenient to the presenter;
4. the Chair remind the presenter of the fifteen-minute restriction after ten minutes;
5. questions from members of City Council follow the fifteen-minute presentation.

In bringing this matter before Council, Alderman Hanson emphasized that the purpose of this time limit is not intended in any way to restrict public input, but rather to provide an orderly and effective process for dealing with all Committee of the Whole agenda items. He further noted that the proposed restriction would apply only to the Committee of the Whole meetings, rather than to public hearings or any other special meeting at which the public have been invited to participate.

**Notice of Motion Alderman Pottie Re:
Work Restrictions - Remembrance Day**

Alderman Pottie gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 26 November 1992**, he proposes to introduce a motion to amend all City of Halifax contracts to state that no work pertaining to those contracts shall be done on 11 November in respect of Remembrance Day.

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ADDED ITEMS

**Supplementary Marketing Budget -
Halifax Industrial Commission**

A report, dated 10 November 1992, was received from Mr. Murray MacIsaac, Chairman of the Halifax Industrial Commission.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Holland that Halifax City Council authorize the expenditure of \$100,000 from the Commission's Capital Budget to cover the cost of marketing to the end of March 1993.

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

**Ordinance 34 Respecting Children Under Sixteen
Years of Age Being on the Streets of the City
at Night (Alderman O'Malley)**

Reporting as a member of the Committee on the Concerns of Aging, Alderman O'Malley noted that seniors are becoming extremely distressed by the increasing reports of groups of teenagers roaming the City's streets and threatening both passerbys and property. The Alderman made reference to City Ordinance Number 34, Respecting "Children Under Sixteen Years of Age Being on the Streets of the City at Night," and suggested that the provisions of this bylaw might somehow be used to combat this problem.

It was therefore moved by Alderman O'Malley, seconded by Alderman Hanson that this matter be placed on the agenda of the next regular meeting of Committee of the Whole (scheduled for Wednesday, 18 November 1992), and that the City Solicitor and the Chief of Police be asked to prepare a report on the feasibility of imposing a City curfew under the provisions of Ordinance 34.

Alderman Pottie presented members of Council with a brief overview of a meeting recently held with members of the Halifax Police Department and other interested parties with regard to the growing incidence of violence and vandalism being perpetrated by young teenagers throughout the City. The Alderman noted that while the problem is a complex one, it is hoped that through this meeting and others of a similar nature methods can be found to alleviate at least some of the difficulties.

After a brief discussion and questioning of the City Solicitor, the motion was put and passed.

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Update - Metropolitan Authority (Deputy Mayor Fitzgerald)

Deputy Mayor Fitzgerald provided members of Council with a brief update with regard to events surrounding the Metropolitan Authority.

The Deputy Mayor made reference to recent reports that the Municipality of the County of Halifax had proposed to guarantee Halifax's share of the cost for the incinerator facility. He emphasized, however, that he had subsequently learned that the County's proposal had pertained only to a **portion** of Halifax's share, with the balance intended to be assumed by the other member municipalities. Deputy Mayor Fitzgerald went on to point out that financial institutions will not loan the necessary funding unless the total amount has been guaranteed; since this is not yet the case, he reported that the proposal is "back on the drawing board."

On another but related matter, the Deputy Mayor advised that the Town of Bedford has recently suggested that the incinerator be located on lands owned by the Metropolitan Authority which are situated within their Town limits. Since this proposal could conceivably represent an annual saving of approximately \$1 million over the next 33 years, it is now under review.

Deputy Mayor Fitzgerald concluded his remarks by noting that a Boston consultant had recently been invited to address the Authority concerning the Ogden Martin proposal, particularly with regard to an incinerator now in operation in Indianapolis, which is supposedly very similar to that proposed for the Halifax-Dartmouth metropolitan area. In his remarks, the Deputy Mayor emphasized that the consultant had acknowledged that there had been a series of problems with the Indianapolis facility, including over 6,000 permit violations, 27 boiler failures, 18-20 pollution control violations and a number of failed emission tests.

Cedar Street (Deputy Mayor Fitzgerald)

This matter had been added to the agenda at the request of Deputy Mayor Fitzgerald, who made reference to a proposal recently submitted to Council regarding a development application for the neighborhood bounded by Jubilee/Henry/Cedar and Robie Streets.

The Deputy Mayor submitted various pieces of information from the developer in question as well as from his solicitor with regard to a proposal which would see this property remain intact. He asked that this material be forwarded to the City Manager and to the City Solicitor with a request that they prepare a report on the matter in time for the next regular meeting of Committee of the Whole Council **scheduled for Wednesday, 18 November 1992.**

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

HER WORSHIP MAYOR MOIRA DUCHARME
AND
DEPUTY MAYOR WALTER FITZGERALD
CHAIRMEN

MS*K

EDWARD A. KERR, CMC
CITY CLERK

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**SPECIAL CITY COUNCIL
PUBLIC HEARINGS
MINUTES**

Council Chamber
Halifax City Hall
18 November 1992
7:30 p.m.

A regular meeting of Special City Council, Public Hearings was held on the above date.

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

PRESENT: Deputy Mayor Walter Fitzgerald, Chairman; and Aldermen Downey, Meagher, O'Malley, Adams, Hanson, Jeffrey, Macdonald, and Stone.

ALSO PRESENT: Ms. Sharon Glynn; representing the City Solicitor's Department; Mrs. Margaret Soley, Acting City Clerk; and other members of City staff.

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

Case No. 6638: Proposed Amendments to Municipal Development Plan and Land Use Bylaw, 9 and 11 Alma Crescent

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

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that, as recommended by the Planning Committee, this matter be forwarded to the Planning Advisory Committee for a public meeting and advice.

Motion carried.

Case No. 6598: Proposed Development Agreement - Superline Fuels Inc., 3451 Barrington Street

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

MOVED by Alderman O'Malley, seconded by Alderman Hanson that, as recommended by the Planning Committee, a public hearing date be set to consider the entering into of a development agreement to permit modifications to the Superline Fuels operation at 3451 Barrington Street.

Motion carried.

The Acting City Clerk advised that the date for the Public Hearing is set for **Wednesday, 9 December 1992** in the Council Chambers, Halifax City Hall.

**Case No. 6530: Proposed Rezoning -
Lot K-9A-1, Stoneybrook Court**

This matter was forwarded to this meeting from a meeting of the Planning Committee held earlier on this date.

MOVED by Alderman Macdonald, seconded by Alderman Jeffrey that, as recommended by the Planning Committee, a date for a public hearing be scheduled to consider a rezoning of Lot K-9A-1, located on Stoneybrook Court, from R-2AM to R-4 Zone, and further, to amend the Land Use Bylaw by imposing a height precinct of 85 feet on the said property.

The Chairman noted that the area of notification would be expanded to include property owners on Laurentide Drive as well as on Laurel Lane, as requested at the Planning Committee meeting by Alderman Macdonald.

The motion was carried.

The Acting City Clerk advised that the date for the Public Hearing is set for **Wednesday, 9 December 1992** in the Council Chambers, Halifax City Hall.

**Case No. 6602: Rezoning - 5576 Fenwick
Street from RC-2 to C-2**

This matter was forwarded to this meeting from a meeting of the Planning Committee held earlier on this date.

MOVED by Alderman Downey, seconded by Alderman Adams that, as recommended by the Planning Committee, a

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public hearing date be scheduled to consider the application to rezone 5676 Fenwick Street from RC-2 (Residential/Minor Commercial Zone) to C-2 (General Business Zone), as set out in Case No. 6602.

The motion carried.

The Acting City Clerk advised that the date for the Public Hearing is set for **Wednesday, 9 December 1992** in the Council Chambers, Halifax City Hall.

Lakes and Waterways Advisory Committee Response to MDP Amendment: Lands Adjacent to Bayers Lake Area

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

MOVED by Alderman Stone, seconded by Alderman Meagher that, as recommended by the Planning Committee, as a first step towards completion of a baseline analysis of the entire Holding Area,

- (1) City Council direct the Halifax Industrial Commission to undertake a limited water quality baseline analysis of Susie Lake as part of its current and ongoing environmental monitoring program;
- (2) that Phase II (i.e., the analysis of the entire Holding Area) be implemented in 1993/94; and further, that
- (3) the matter be forwarded to the Planning Advisory Committee in time for its meeting scheduled for 24 November 1992.

Motion carried.

Proposed Supplementary Budget - Halifax Housing Authority

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

MOVED by Alderman O'Malley, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, approval of a supplementary budget under Section

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201(1) of the City Charter for the Halifax Housing Authority in the amount of \$270,665 be granted.

Motion carried.

Appointment - Metropolitan Authority

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

MOVED by Alderman Macdonald, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, Alderman Lonny Holland's appointment to the Metropolitan Authority be extended for a period of one year, expiring on November 1, 1993.

Motion carried.

User Fees - SET DATE FOR PUBLIC MEETING

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

MOVED by Alderman Adams, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, a date be set for a public meeting on user fees.

Alderman Adams noted that the meeting is on user fees and appropriate alternatives and he requested that the newspaper advertisement state this aspect.

Motion carried.

The Acting City Clerk advised that the date set for the Public Meeting is **Monday, 7 December 1992** at 7:00 p.m. in the Council Chamber, Halifax City Hall.

Recent Announcement by the Minister of Municipal Affairs Re \$40,000,000 for Sewer Upgrading (Alderman Adams)

Alderman Adams addressed Council and advised that this matter was discussed earlier on this date at a meeting of the Works Committee.

The Alderman advised that time was of the essence on this matter and he requested, therefore, that staff

verbally contact the Department of Municipal Affairs tomorrow concerning the \$40,000,000 for sewer and water upgrading.

Council then continued with its regular agenda items as follows:

Public Hearing: Case No. 6593: Appeal of Minor Variance Refusal - 6021 Cunard Street

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

A staff report dated 17 October 1992 was submitted.

A letter dated 16 November 1992 from Mr. Raymond W. Ferguson, R. W. Ferguson Investments Limited, was submitted.

Mr. Paul Dunphy, Planner 1, addressed Council and, using diagrams, outlined the reasons why the application for a minor variance of the front yard requirement of the land use bylaw to permit the recently constructed exterior stairway at 6021 Cunard Street to remain in its present location was refused (as contained in the 17 October 1992 staff report).

Mr. Bob Ferguson addressed Council and advised that he resided at 18 Kelvin Grove and he was representing R.W. Ferguson Investments (the appellants) on this matter.

Mr. Ferguson indicated that there was no intentional disregard for the land use bylaw on this matter. He noted that they have owned the properties for over 30 years and when they were selling 6015 Cunard Street this past summer, it came to their attention that the steps of 6021 Cunard were on the lot of the property being sold.

Mr. Ferguson added that it cost \$350 to move the steps and he believed that the steps could be moved without a permit if the cost was under \$1000. Noting that he misunderstood this aspect, he advised that when it came to his attention that a permit was required, he immediately applied for a permit and then subsequently for the minor variance. Mr. Ferguson concluded by requesting Council's approval of his request.

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

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

Motion carried.

Public Hearing: Case No. 6608: Appeal of Minor Variance Refusal - 6164 Charles Street

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

A staff report dated 27 October 1992 was submitted.

Mr. Michael Hanusiak, Planner II, addressed Council and, using diagrams, outlined the reasons why the application for a variance of the lot frontage, lot area and one side yard to allow the building at 6164 Charles Street to remain as a two unit dwelling was refused (as contained in the staff report).

In his remarks, Mr. Hanusiak pointed out that the current owner bought into this situation and that he did not create the illegal second unit.

Mr. James Trites, the appellant, addressed Council and advised that he resided at 4 Harris Court in Bedford, N. S., and that he and his wife owned the property in question.

In his remarks, Mr. Trites advised that he purchased the property this past August with the intention of upgrading it and renting out the two units. He noted that the upgrading was fairly extensive and that many neighbors complimented him on the work and remarked that it actually enhanced the street. Mr. Trites then added that he had signed declarations from the neighbors on either side of the property supporting his application (copies of which may be found in the official file of this meeting).

Mr. Trites elaborated on the character of the neighborhood, adding that he and his wife felt that their plans were in keeping with the neighborhood. To further illustrate his point, he submitted a map of the area and

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pointed out that, of the 42 lots shown, 22 were operated as rented flats, one is a community home for troubled youths, four were multi-unit buildings, and one of the 42 was a religious meeting hall. Mr. Trites advised that of the 42 lots only 12 were single family dwellings so, in his view, the area was a mixed-use. He also noted that the area was a heavily travelled thoroughfare and had a considerable amount of noise.

With respect to concerns raised in the staff report regarding parking and amenity space, Mr. Trites noted that the driveway measured 12 ft. X 55 ft. and he suggested that this was ample room for several cars and was a suitable size for the property. With respect to amenity space, he advised that the backyard has a deck off of the kitchen, the yard was enclosed by trees and shrubs and it measured 600 sq. ft. As well, Mr. Trites pointed out that there was a small shed in the backyard.

In closing, Mr. Trites indicated that his request was simply to continue operating the property as it had been in the past. He added that he understood that, technically, the property does not meet the planning guidelines, however, he did not believe it would have any adverse impact on the neighborhood if it was allowed to operate as two units. Mr. Trites also pointed out that it could result in a financial disaster if he and his wife could not rent out both units.

As a point of information for the appellant, Alderman Jeffrey pointed out that if he purchased the property under the assumption that it was two units and it was advertised as two units, then he could have recourse either through his solicitor or through the vendor of the purchase agreement sale.

Mr. Graham Taylor, a resident of 6761 Charles Street, addressed Council and advised that he lived directly across the street from the property in question.

Mr. Taylor advised that he was not opposed to Mr. Trites request and that, in fact, it appears that the work Mr. Trites has carried out has significantly improved the property. Mr. Taylor indicated that he was concerned about the question of parking. Noting that Charles Street was a very busy street with a lot of on-street parking, he added that he hoped if the application was approved, that the parking facilities would be adequate. Mr. Taylor

pointed out that his driveway was approximately the same size and it could accommodate two cars adequately.

In response to a question by Alderman Meagher, Mr. Hanusiak addressed Council once again and pointed out that it just occurred to him that at the time the staff report on this matter was written, Council was considering the front yard parking issue. He added that one of the requirements was for two-unit buildings to have two parking spaces. Mr. Hanusiak pointed out that last week Council turned down this issue so, therefore, that would have the affect of this application not requiring two parking spaces. In this regard, he advised that Mr. Trites could park back to back and save a portion of his rear yard.

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

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

Motion carried.

Public Hearing: Case No. 6463: Proposed Amendments to Municipal Development Plan and Land Use Bylaw, Development on Private Road.

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

Mr. Michael Hanusiak, Planner II, addressed Council and outlined the application by staff which proposes amendments to the Municipal Development Plan and land use bylaw that will permit development of existing lots on private roads by development agreement (as contained in the staff report dated 5 June 1992).

Mr. Hanusiak responded to questions from Council.

Mr. Chris Millier, a resident of 2088 Maynard Street, addressed Council and advised that he was involved in the development industry.

In his comments, Mr. Millier advised that he felt that dealing with existing lots on private roads through development agreement was a reasonable consideration. He suggested that if Council was going to look into the issue

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of standards it sets for roads, road widths, curbs, etc., it should provide some flexibility so there is something other than a 60 ft. right-of-way for absolutely every street in the City.

Mr. Millier suggested that this application was a good first step, adding that he didn't believe the purpose of the planning strategy was to deal with speculation and/or the real estate market. He advised that he believed the first come first served idea with respect to development on private roads could be problematic. Mr. Millier indicated that, in the long run, Council will have to look at larger tracts of land on the streets that are not subdivided but might be properly subdivided over time. As well, he advised that Council will have to look at how to get these roads into the City system on a more flexible standard that would work to everyone's benefit.

In response to a question by Alderman Meagher, Mr. Hanusiak advised that, with respect to the issue of emergency vehicles accessing the private roads, each road was different and, therefore, a standard cannot be set because of the conditions. He noted that, at a Planning Advisory Committee meeting, this issue was discussed and the representative from the Fire Department advised that, essentially, if the Fire truck could get down the road, then it would be approved.

Mr. Graham Hicks, a resident of 5335 Young Street, addressed Council and, referring to the matter of not permitting any more than one development agreement per private road in a year, suggested that the rules should be adjusted so there is some flexibility to permit more than one development, providing it is justified.

Following further questioning of staff, on a motion MOVED by Alderman Hanson, seconded by Alderman Adams this matter was forwarded to Council without recommendation.

Motion carried.

Public Hearing: Case No. 3745: Amendment to Existing Development Agreement - 2617-19 Windsor Street

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 application to amend the existing development agreement for 2617-19 Windsor Street, Sobeys Food Store, to permit the present air conditioning unit to remain (as contained in the 29 September 1992 staff report). He indicated that the purpose of this hearing is to amend the agreement to authorize the height of the unit as it presently exists.

In his presentation, Mr. Hanusiak noted that there were two issues regarding this matter--acoustics and aesthetics. He added that the issue of acoustics was dealt with by staff in a report in September 1992. He advised that this evening he would deal with the second area of concern of the residents, that being aesthetics. To this end, he advised that Sobeys hired an architect and have put forth a proposal which they hope is acceptable to the residents.

Referring to an architectural rendering, Mr. Hanusiak advised that the architects have proposed a landscaping plan and painting scheme which they hope will soften the effect of the Summit Street elevation of the existing building and improve the entire area and not just the air conditioning unit. Mr. Hanusiak advised that, at the rear of the structure, the area along Summit Street between the street line and the end of the building, is proposed to have a number of deciduous trees (9) planted. He pointed out that it is recommended that these trees be four-inch callipers. Additionally, Mr. Hanusiak advised that large planters would be constructed along the side of the building in two locations. He added that the effect will be to obscure the view of the air conditioning unit along Summit Street.

In concluding, Mr. Hanusiak advised that staff is proposing to the developer that, in exchange for keeping the unit, the area would be landscaped. He added that staff is recommending that the agreement be amended according to the architectural diagram.

Mr. Hanusiak responded to questions from Council.

In response to a question by Alderman Stone, Mr. Hanusiak advised that, according to the acoustical study, the sound emissions are well below industry standards.

Mr. John Emmett addressed Council and advised that he was representing WHW Group, the architectural firm hired by Sobeys regarding this matter.

Mr. Emmett indicated that the proposal was a long term solution which will lend significant improvement to the Summit Street streetscape in the future. Referring to the issue of acoustics, he indicated that he was not prepared to elaborate on this aspect, however, he pointed out that a 4 ft. high unit would make the same noise as an 8 ft. high air conditioning unit.

In response to a question by Alderman Stone, Mr. Emmett advised that, with respect to the growth of the trees, it would probably be 10 to 15 years before the trees are of the same scale as the trees on the other side of the street. He noted that the four inch calliper is the largest tree that can be planted and be expected to survive.

Ms. Betty Newcombe, a resident of 6179 Summit Street, addressed Council and spoke in opposition to the proposed amendment.

In her remarks, Ms. Newcombe questioned why Sobeys was permitted to install the oversized air conditioning unit in the first place, noting that it was double the authorized size permitted by the City. She advised that the residents were more concerned about the noise emanating from the unit rather than the aesthetics and she added that the residents did not request the landscaping.

Ms. Newcombe suggested that the unit could have been installed on Gladstone Street or North Street where there are no houses opposite Sobeys. Ms. Newcombe advised that, even with her windows and doors closed, the noise was bothersome and she noted that for 35 years, with the various businesses in this area, the residents have had to contend with noise.

Mr. Jim Pike, a resident of 2686 Gladstone Street, addressed Council and spoke in opposition to the application by Sobeys.

Mr. Pike advised that his home was at the corner of Gladstone and Summit Street and that his back yard faced Sobeys; consequently, he was the resident most affected by

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the noise from the air conditioning unit. Mr. Pike explained that the unit started up in the spring, ran through the summer and into the fall and that this had made using his backyard impossible. In addition to affecting his quality of life, Mr. Pike added that he believed it was negatively affecting his property value and he requested that the unit be moved.

In concluding his remarks, Mr. Pike indicated that the decibel level of noise was inappropriate for the neighborhood and that the residents were more interested in resolving the noise problem more so than the aesthetic problem.

Ms. Ann Norton, a resident of 6205 Coburg Road addressed Council and advised that she had an interest in this matter because she recently came before Council with the same problem.

Ms. Norton advised that the Lawton's Pharmacy located beside her home has installed a similar unit and the noise was eroding the quality of life for her and her family. She added that she was asking Council not to approve this application until the direct, indirect, and cumulative impact of noise is studied in its entirety and well understood by City staff and Council. Ms. Norton added that a municipal environmental abatement act is needed to be established in regard to noise abatement. She also suggested that there should be City employees trained specifically in this area. As well, Ms. Norton advised that the Development and Planning Department must become proactive in its recommendations to Council and not allow these unacceptable situations to develop over and over again.

Ms. Norton elaborated on the affects of noise pollution citing various statistical studies and she noted how it has been addressed in other areas. She concluded her presentation by requesting that Council not amend the existing agreement.

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

Alderman Meagher addressed the matter and requested a report concerning the acceptable level of noise in a residential area. As well, the Alderman asked how this very large air conditioning unit was installed without

City staff knowing prior to the residents complaints, and he requested that the report include how fast the proposed trees (4 inch calliper) grow. Alderman Meagher asked that this report be provided by the next regular meeting of City Council.

In response, Mr. Hanusiak indicated that he would consult Sobey's and ask for their serious consideration on the acoustics issue.

As a point of clarification, the Chairman advised that the issue the residents are concerned about is the noise issue and not the aesthetics.

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

Motion carried.

Public Hearing: Case No. 6551: Development Agreement for Senior Citizens Apartment Building - Ford Street and Main Avenue, Former Titus Smith School Site.

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

Mr. Paul Dunphy, Planner I, addressed Council and, using diagrams, outlined the application for a 56-unit senior citizens apartment building to be constructed on a portion of the former Titus Smith School site by the Nova Scotia Department of Housing and Consumer Affairs (as contained in the 7 October 1992 staff report).

Mr. Dunphy responded to questions from Council.

Alderman Jeffrey advised that he believed the land the development will sit on is zoned R-3 and the remainder of the lot was zoned R-2. In this regard, he requested a report by the next regular meeting of City Council on whether this was the case.

Alderman Jeffrey referred to the proposed community centre in the building, noting that its construction was dependent on the ability to find an organization to be responsible for it, and he pointed out that he would very much like to see this aspect remain in

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the project. Alderman Jeffrey added that he would attempt to get the various groups in the area organized on this matter.

Mr. Chris Millier addressed Council and advised that he was representing the Department of Housing and Consumer Affairs on this issue.

In his comments, Mr. Millier pointed out that the project complies with the bylaw regarding density and, with respect to parking, he noted that, of the 34 spaces on the site, only 20 are necessary, so there will be a surplus of parking spaces for occasional use and visitor parking.

Referring to Alderman Jeffrey's concern about the community centre, Mr. Millier noted that his Department is funded on a per unit basis, adding that they don't build on a building basis. Therefore, he advised if they cannot occupy the space with units then that area does not get built or whatever occupies that space makes the contribution in lieu of the units being there. He added that the Department is willing to make the space available if some other agency is willing to take responsibility for organizing it. In conclusion, he advised that construction will start in the spring and the project will take nine or ten months with occupancy expected in January 1994.

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

Alderman Jeffrey addressed the matter once again and advised that he would like staff to provide Council with the dollar figure on the cost of the community centre.

Alderman Jeffrey also pointed out that some of the residents have concerns with respect to snow clearing and problems that the development may cause in this regard, and he requested that staff provide a report on whether the proposed development would initiate any such problems.

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

Motion carried.

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There being no further business to discuss, the meeting adjourned at 9:40 p.m.

DEPUTY MAYOR WALTER FITZGERALD
CHAIRMAN

/sm

HEADLINES

ADDED ITEMS:

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Case No. 6598: Proposed Development Agreement - Superline Fuels Inc., 3451 Barrington Street	832
Case No. 6530: Proposed Rezoning - Lot K-9A-1, Stoneybrook Court	833
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User Fees - DATE FOR PUBLIC MEETING	835
Recent Announcement by the Minister of Municipal Affairs Re \$40,000,000 for Sewer Upgrading (Alderman Adams)	835

PUBLIC HEARINGS:

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Public Hearing: Case No. 6608: Appeal of Minor Variance Refusal - 6164 Charles Street	837
Public Hearing: Case No. 6463: Proposed Amendments to Municipal Development Plan and Land Use Bylaw, Development on Private Road	839
Public Hearing: Case No. 3745: Amendment to Existing Development Agreement - 2617-19 Windsor Street	840
Public Hearing: Case No. 6551: Development Agreement for Senior Citizens Apartment Building - Ford Street and Main Avenue, Former Titus Smith School Site	844

HALIFAX CITY COUNCIL MINUTES

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

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

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

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

The meeting was called to order and those present in the public gallery joined with Her Worship the Mayor and members of City Council in the recitation of the Lord's Prayer.

A moment of silence was observed in respect for Mr. E. A. Kerr, City Clerk, whose brother-in-law had passed away while hunting over a week ago; and for Mr. M. Paris, a staff member of the Development and Planning Department, whose mother had passed away earlier in the week.

Proclamation - National Day of Remembrance

The following proclamation was read by Her Worship Mayor Ducharme:

WHEREAS many women are forced to leave their homes to seek a safer place for themselves and/or their children in one of Nova Scotia's transition houses; and

WHEREAS women who experience the many forms of violence seek the support of Nova Scotia's women's centres; and

WHEREAS women die as a result of violence against them,

NOW, THEREFORE, I, MOIRA DUCHARME, MAYOR OF THE CITY OF HALIFAX, DO HEREBY PROCLAIM DECEMBER 6, 1992, A DAY OF REFLECTION ON VIOLENCE AGAINST

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WOMEN AND A DAY OF RENEWAL REGARDING THIS COMMUNITY'S COMMITMENT TO THE FUNDING OF AGENCIES WORKING TO CREATE A SAFE ENVIRONMENT FOR ALL WOMEN AND CHILDREN.

MINUTES

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 12 November 1992, were approved on a motion by Deputy Mayor Fitzgerald, seconded by Alderman Downey.

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

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

- 20.1 Possible Change of Date - Public Meeting
Re: User Fees
- 20.2 Resolution of Support to District of
Columbia Council Member William P.
Lightfoot
- 20.3 10th Anniversary - Twinning with City of
Hakodate, Japan

At the request of the City Clerk (speaking on behalf of Alderman Pottie), Council agreed to defer **Item 10.4**, "Acquisition of Civic No. 6437 and 6419 Lady Hammond Road," to the next regular meeting of the Committee of the Whole Council, scheduled for Wednesday, 9 December 1992.

At the request of Deputy Mayor Fitzgerald, Council agreed to add:

- 20.4 Metropolitan Authority
- 20.5 Carleton Hotel
- 20.6 Welfare for Students

At the request of Alderman Adams, it was agreed that an item be included on the agenda of the **next special meeting of Halifax City Council** relating to a personnel matter.

At the request of Alderman O'Malley, Council agreed to add:

- 20.7 Moment of Silence - Halifax Explosion
(75th Anniversary)

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

- 20.8 6437 North Street
- 20.9 2347 Moran Street

MOVED by Alderman Downey, seconded by Alderman Meagher that the agenda, as amended, be approved.

The motion was put and passed.

DEFERRED ITEMS

**Case No. 6593: Appeal of Minor Variance
Refusal - 6021 Cunard Street**

A public hearing into this matter was held on Wednesday, 18 November 1992.

MOVED by Alderman Meagher, seconded by Alderman Downey that City Council uphold the appeal of a minor variance refusal regarding the property at 6021 Cunard Street and, in so doing, overturn the decision of the Development Officer in this matter.

The City Clerk advised that Aldermen Holland and Crowley were ineligible to vote owing to their absence from the 18 November public hearing.

The motion was put and passed with Aldermen Holland and Crowley abstaining.

**Case No. 6608: Appeal of Minor Variance
Refusal - 6164 Charles Street**

A public hearing into this matter was held on Wednesday, 18 November 1992.

MOVED by Alderman Meagher, seconded by Alderman O'Malley that City Council uphold the appeal of a minor variance refusal regarding the property at 6164 Charles Street and, in so doing, overturn the decision of the Development Officer in this matter.

The City Clerk advised that Aldermen Holland and Crowley were ineligible to vote owing to their absence from the 18 November public hearing.

The motion was put and passed with Aldermen Holland and Crowley abstaining.

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**Case No. 6463: Proposed Amendments to
Municipal Development Plan and Land Use
Bylaw (Development on Private Roads)**

A public hearing into this matter was held on Wednesday, 18 November 1992.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Hanson that City Council amend the Municipal Development Plan and Land Use Bylaw in accordance with Appendix "B" of the staff report, dated 5 June 1992, for the purpose of permitting the development of existing lots on private roads by development agreement.

The City Clerk advised that Aldermen Holland and Crowley were ineligible to vote owing to their absence from the 18 November public hearing.

The motion was put and passed with Aldermen Holland and Crowley abstaining.

**Case No. 3745: Amendment to Existing Development
Agreement - 2617-19 Windsor Street**

A public hearing into this matter was held on Wednesday, 18 November 1992.

A supplementary staff report, dated 24 November 1992, was submitted.

MOVED by Alderman Meagher, seconded by Deputy Mayor Fitzgerald that the matter be deferred to the next regular meeting of Halifax City Council, scheduled for Thursday, 17 December 1992, pending receipt of further information from staff.

The motion to defer was put and passed.

**Case No. 6551: Development Agreement for Senior
Citizens Apartment Building - Ford Street and
Main Avenue (Former Titus Smith School Site)**

A public hearing into this matter was held on Wednesday, 18 November 1992.

A supplementary staff report, dated 24 November 1992, was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Macdonald that:

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- 1) City Council enter into a development agreement with the Nova Scotia Department of Housing and Consumer Affairs to permit construction of a seniors apartment building on a portion of the former Titus Smith School site;
- 2) Council require that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council and any other bodies as necessary, whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

In putting forward this motion, Alderman Jeffrey expressed concern that the remainder of the site in question is currently rezoned R-3, pointing out that area residents were anxious that the property **not** be used for the development of additional high-rise apartment buildings. The Alderman strongly recommended that a process to downzone the rest of the Titus Smith School site (i.e., that not proposed for the development of a senior citizens apartment building) to R-2 be commenced as quickly as possible.

Referring to the concerns put forward by Alderman Jeffrey, Alderman Macdonald agreed that the area should not be subjected to further high-rise development, particularly given the traffic problems which already exist in this portion of Fairview. The Alderman went on to express his appreciation to Alderman Jeffrey who had guided this application through its planning and public consultation stages in his (Alderman Macdonald's) absence during the summer months.

The City Clerk advised that Aldermen Holland and Crowley were ineligible to vote owing to their absence from the 18 November public hearing.

The motion was put and passed with Aldermen Holland and Crowley abstaining.

**Moment of Silence - Halifax Explosion
(75th Anniversary)**

A moment of silence was observed in memory of those who lost their lives or were injured as a result of the Halifax Explosion on 6 December, 1917.

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PETITIONS AND DELEGATIONS

**Petition Alderman Meagher Re:
Crossing Guard - Chebucto Road/Harvard Street**

Alderman Meagher submitted a petition organized by Ms. Ashley Moran, a Grade 6 student at Oxford Street School and signed by approximately 170 individuals, asking that the crossing guard formerly assigned to the Chebucto Road/Harvard Street intersection be reinstated.

The Alderman commended Ms. Moran for her initiative in this regard, and asked that the petition be forwarded to the Halifax Police Department for consideration.

**Petition Deputy Mayor Fitzgerald
Re: Opposition to Book Acquisition
by the Halifax Regional Library**

Deputy Mayor Fitzgerald submitted a petition, signed by approximately 125 individuals, in opposition to the Halifax Regional Library's decision to acquire the book entitled "Sex" by Madonna and any other book which promotes "the abuse and degradation of women and one's self."

Speaking in support of the petition, Alderman Holland expressed concern that taxpayers' money was being spent in this manner and suggested that greater direction should be given to the Library Board in such matters.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 18 November 1992 as follows:

**Application for the Placement of Public Art
- Canadian Merchant Navy Association Inc.**

Following is the recommendation from the 18 November meeting of the Finance and Executive Committee:

That a Review Committee be appointed to consider and make recommendation on the application for the placement of public art as submitted by the Canadian Merchant Navy Association Inc.; and further, that the City Manager be requested to make suggestions as to

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the composition of that Review Committee prior to the 26 November City Council meeting.

The City Clerk advised that Captain Earl Wagner, representing the Canadian Merchant Navy Association, has requested the opportunity of making a presentation to the next regular meeting of Committee of the Whole Council.

It was therefore moved by Alderman Downey, seconded by Alderman Holland that the matter be deferred to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 9 December 1992.

The motion to defer was put and passed.

**Application for the Placement of Public Art -
Mr. John D. Macnab**

Following is the recommendation from the 18 November 1992 meeting of the Finance and Executive Committee:

That a Review Committee be appointed to consider and make recommendation on the application for the placement of public art as submitted by Mr. John D. Macnab; and further, that the City Manager be requested to make suggestions as to the composition of that Review Committee prior to the 26 November City Council meeting.

It was moved by Alderman Holland, seconded by Alderman Downey that this matter be deferred to the next regular meeting of Committee of the Whole Council, scheduled for Wednesday, 9 December 1992.

The motion to defer was put and passed.

Parking Ticket Study

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, City Council authorize the City Manager to proceed with the subject study at a cost of \$25,644 payable to the Province of Nova Scotia (funds to be made available for the study from the Finance Department Account Number 0040.22304).

Although supporting the motion in principle, Alderman Downey indicated that, in his view, a more

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appropriate solution (one which would not involve the City of Halifax in an expenditure of money) could be found to the problem of outstanding parking tickets.

Concurring with Alderman Downey's concerns, Alderman Meagher queried whether the bulk of the outstanding tickets belonged to individuals living **outside** the City of Halifax, indicating that, in his view, if this indeed were the case, it is unfortunate that the City alone is being asked to fund this study.

After some discussion and questioning of the City Manager, the motion was put and passed with Aldermen Downey and Meagher voting in opposition.

**Acquisition of Civic No. 6437
and 6419 Lady Hammond Road**

An Information Report, dated 25 November 1992, was submitted.

At the request of the City Clerk, it was moved by Alderman Stone, seconded by Alderman O'Malley that the matter be deferred to the next regular meeting of Committee of the Whole Council (**scheduled for Wednesday, 9 December 1992**) so that Alderman Pottie could be in attendance.

The motion to defer was put and passed.

**Report - Halifax Industrial Commission Proposal
Re: Youth News Network (YNN), Halifax Business
Park/Ragged Lake Area (Lease/Option to Purchase Agreement)**

Following is the recommendation from the 18 November 1992 meeting of the Finance and Executive Committee:

That, subject to a report from staff, City Council recommend:

- 1) that City staff and Commission staff be hereby authorized to finalize all negotiations and discussions necessary with YNN and the Province of Nova Scotia to secure the YNN Project for the Halifax Business Park/Ragged Lake Area, on the terms and conditions outlined in the report from the Halifax Industrial Commission dated 12 November 1992 and acceptable to the City of Halifax;

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- 2) that, subject to City staff and Commission staff completing acceptable negotiations with YNN and the Province of Nova Scotia on terms and conditions acceptable to the City of Halifax, that Halifax City Council shall formally approve and endorse the YNN project, and that the City will borrow the necessary capital to construct the YNN facility in the Halifax Business Park/Ragged Lake area, and that the City will enter into the Lease/Option to Purchase Agreement with YNN.

The following submissions were received:-

- Correspondence, dated 9 November 1992, from Ms. Ruth Woodcock, Media Awareness, the Ontario Federation of Home and School Associations, Inc.
- Memorandum, dated 18 November 1992, from Ms. Anne White, President, Nova Scotia Federation of Home and School Associations
- Correspondence, dated 24 November 1992, from Ms. Kristine Anderson, Executive Director, Nova Scotia Public Interest Research Group (PIRG)
- Memorandum, dated 23 November 1992, from Ms. Pat Kipping, 5659 Merkel Street, Halifax, B3K 2J1; and from Mr. Chris Henkelmann, #7, 1274 Barrington Street, Halifax, B3J 1Y5
- Correspondence, dated 25 November 1992, from Mr. Wm. L. Hyde, MRAIC, President, Fowler, Bauld & Mitchell Ltd., Architects
- Correspondence, dated 26 November 1992, from Ms. Sylvia Hamilton, 630 Purcell's Cove Road, Halifax, B3P 2G5
- Correspondence, dated 26 November 1992, from Mr. E. T. (Ted) Marriott, Chairman, Halifax District School Board
- Brief, dated 26 November 1992, and presented by Ms. Anne White, President, Nova Scotia Federation of Home and School Associations

Her Worship advised that, as a result of an oversight, Ms. Pat Kipping and Mr. Chris Henkelmann had been unable to address the 18 November meeting of Committee of the Whole Council. She therefore asked (and it was so agreed) that these individuals be given an opportunity to make a presentation during this evening's meeting.

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Ms. Pat Kipping of the Association for Media Literacy and the Canadian Association of Media Education Organizations, addressed Council in opposition to the YNN project proposal.

In her remarks, Ms. Kipping emphasized that she personally considers the development of media literacy and critical thinking skills an essential part of all education activity at all levels. However, she expressed her very deep concern with regard to the YNN proposal, its impact on the classroom, and the criticisms that have been levelled against YNN's counterpart (Channel One) in the United States. In this context, Ms. Kipping also made reference to the questions many people have about the composition and accountability of YNN's Educational Advisory Board, and about what she termed "the long-term implications of allowing profit-making corporations to determine curriculum."

Ms. Kipping concluded her presentation by emphasizing that, in her view, any decision to invest in the YNN proposal would be a bad business investment, especially in light of the fact that YNN has apparently undertaken little or no research as to the marketability of its product. She went on to refer to the number of organizations and groups that are on record as being opposed to the YNN concept, and suggested that, on that basis, "the YNN's intended target market may not be as receptive to this product as they [YNN] would like us to believe." Ms. Kipping therefore called on City Council to delay its decision on this matter until appropriate market research has been completed and until extensive consultation with various education groups can be undertaken.

Mr. Chris Henkelmann, also a member of the Association for Media Literacy, spoke in opposition to the YNN proposal, urging that the project not be evaluated merely on its merits as a revenue-generator. Concurring with the remarks made by the previous speaker, Mr. Henkelmann urged Council to delay its decision until a more extensive investigation of the YNN proposal had been undertaken.

Ms. Anne White, President of the Nova Scotia Federation of Home and School Associations, addressed Council, reading from a brief dated 26 November 1992. Speaking in opposition to the YNN proposal, Ms. White made reference to the reservations which have been raised recently and in the past concerning YNN programming, and emphasized that City Council, in making its decision on this matter, should consider the integrity of this venture as well as its fiscal benefits.

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Mr. Rod MacDonald, a principal shareholder in YNN, briefly addressed Council, expressing his reservations at least at this point in time about engaging in a debate about the educational merits of the YNN programme. Mr. MacDonald did, however, make reference to the claims made by the previous speakers that YNN has been seriously criticized by various education groups across the country, and strongly recommended that Council investigate these allegations for themselves.

After some discussion, Alderman O'Malley pointed out that, during the 18 November meeting of Committee of the Whole Council, a further report from City staff had been promised. Noting that that information had not yet been submitted, it was moved by Alderman O'Malley, seconded by Alderman Meagher that the matter be deferred, pending receipt of a report from the City Manager.

While acknowledging that comments from the City Manager are essential in this regard, Deputy Mayor Fitzgerald urged that this information be made available to Council as quickly as possible, preferably in time for the next regular meeting of Committee of the Whole Council **scheduled for Wednesday, 9 December 1992.**

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

REPORT - COMMITTEE ON WORKS

Council considered the report of its Committee on Works from a meeting held on Wednesday, 18 November 1992, as follows:

**Underground Wiring Project, Granville Street
(Prince to Sackville)**

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the Committee on Works, City Council approve the additional expenditure of \$48,000 from account number 91613 for the Underground Wiring Project, Granville Street (Prince - Sackville).

Motion passed.

**Construction Agreement No.47 - Preparation of
Detailed Design for Upgrading of Bedford Highway
and Kearney Lake Road**

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

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- (a) approve the Construction Agreement #47, as attached to the 9 November 1992 staff report, between the City and the Nova Scotia Department of Transportation and Communications to prepare tender plans and specifications for the upgrading of Bedford Highway/Kearney Lake Road from Bayview Road to Dunbrack Street, and,
- (b) authorize Her Worship the Mayor and City Clerk to sign this Agreement on behalf of the City.

Speaking in opposition to the motion, Alderman Macdonald expressed the concern that the proposed design of the Bedford Highway, two travel lanes and one turning lane, does nothing to address the traffic issues for the City of Halifax. He indicated that he had difficulty with authorizing a \$300,000.00 consultant design expenditure, in addition to the \$200,000.00 which was previously spent, for a total commitment for design purposes only of half a million dollars.

Alderman Macdonald went on to read from excerpts of a letter dated 15 June 1989 addressed to the former Mayor, from the former Minister of the NS Department of Transportation, Mr. George Moody. The Alderman noted that Mr. Moody, in his letter, stated that he was disappointed to learn that Halifax City Council had approved a motion to defer the widening of the Bedford Highway and that his Department had approved the widening of the Bedford Highway to four lanes and had viewed it as a positive step by the City of Halifax. He noted that this letter goes on to state that, in view of the deferment of the construction of the Bedford Highway project, he had no objections to the termination of the consultant services at this time. The letter added that, however, considering that they have jointly expended \$200,000 in the preparation of preliminary drawings, he was strongly recommending that the City of Halifax maintain the drawings and field survey information so that the design may be quickly completed if the four lane project is approved at some time in the future. Alderman Macdonald commented that he did not believe that these drawings were ever properly presented to City Council.

Alderman Macdonald went on to refer to various newspaper clippings which suggest that good transportation systems are necessary.

Reference was also made by Alderman Macdonald to the letters from Joel R. Matheson, Q.C., M.L.A., Halifax-Bedford Basin dated 24 November 1992 and the letter from the Minister of Transportation and Communications, Ken Streach, dated 23 November 1992 (copies of which are

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contained in the official file for this meeting). Quoting from the letter from the Honourable Ken Streach, Alderman Macdonald noted that the Minister stated, in part, that the construction of the Bedford Highway should be done in conjunction with a collector roadway as originally proposed some months ago. The Alderman also quoted from other parts of the letters submitted.

Alderman Macdonald proposed an amendment to the motion that Construction Agreement No. 47 for the Bedford Highway be referred to staff, and that staff bring to Council a recommendation for the design and construction together with a cost estimate to include provision for a collector roadway between the Dunbrack Lacewood area and the Bedford Highway within the context of the City of Halifax Task Force on Traffic Report already approved by Council.

The Chairman suggested that the Alderman's proposed motion would be a motion of deferral or referral rather than an amendment to the actual motion.

It was therefore MOVED by Alderman Macdonald, seconded by Alderman Holland that any decision with respect to Construction Agreement No. 47 for the Bedford Highway be deferred, and that the matter be referred to staff with the request that staff bring to Council a recommendation for the design and construction together with a cost estimate to include provision for a collector roadway between the Dunbrack Lacewood area and the Bedford Highway within the context of the City of Halifax Task Force on Traffic Report already approved by Council.

The motion to defer was put and defeated.

Following a debate, the main motion by Alderman Stone was put and passed.

At approximately 10:15 p.m. Her Worship Mayor Ducharme retired from the meeting with Deputy mayor Fitzgerald assuming the Chair.

Halifax Harbour Clean-Up

MOVED by Alderman Holland, seconded by Alderman Downey that, as recommended by the Committee on Works, City Council endorse the work of the Halifax Harbour Cleanup Corporation and urge the Corporation to do what is necessary to get the project underway.

Motion passed.

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

**Proposed Amendments to Ordinance #112,
The Encroachment Ordinance - SECOND READING**

Consideration and Report with respect to this matter was given at the last Committee of the Whole Council meeting held on 18 November 1992.

MOVED by Alderman Hanson, seconded by Alderman O'Malley that City Council approve SECOND READING of the amendments to Ordinance 112, the Encroachment Ordinance, attached as Appendix "A" to the City Solicitor's report of 26 October 1992.

Motion carried.

REPORT - PLANNING COMMITTEE

Council considered the report of its Planning Committee from a meeting held on Wednesday, 18 November 1992, as follows:

**Civic No. 2132-2134 Robie Street
(Assessed Owner - Mr. Peter J. Nicholson)**

MOVED by Alderman Meagher, seconded by Alderman O'Malley that, as recommended by the Planning 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 2132-34 Robie Street, Halifax, Nova Scotia, pursuant to section 445a of the Halifax City Charter, as being contrary to provisions of the City of Halifax Land Use Bylaw, the Planning Act, Ordinance 131, the Building Code, the Building Code Act, and the Halifax City Charter.

Motion passed.

MOTIONS

**Notice of Motion Alderman Hanson Re: Public
Presentations - Committee of the Whole Council Meetings**

Notice of Motion with respect to this matter was given at the last meeting of City Council held on 12 November 1992.

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MOVED by Alderman Hanson, seconded by Alderman O'Malley that, in order to conduct Committee of the Whole meetings in an efficient and effective manner:

1. presentations by members of the public at Committee of the Whole meetings be restricted to fifteen (15) minutes in duration;
2. the City Clerk advise presenters of this restriction when arrangements are made with the Clerk to address the Committee of the Whole;
3. all presenters be requested by the City Clerk to provide written documentation; the City Clerk will then ensure that copies are circulated to all members of City Council prior to or following the Committee of the Whole meeting, whichever is convenient to the presenter;
4. the Chair remind the presenter of the fifteen-minute restriction after ten minutes;
5. questions from members of City Council follow the fifteen-minute presentation.

Reiterating his comments at the last Committee of the Whole Council meeting, Alderman Hanson emphasized that the purpose of this motion is not intended in any way to restrict public input, but rather to conduct Committee of the Whole Council meetings in a more efficient and effective manner.

In order to be consistent, Alderman O'Malley suggested that the same rule with respect to the fifteen minute restriction after ten minutes should apply to public hearings.

The Chairman suggested that this was something that the City Solicitor could report back on.

Alderman Stone spoke in support of a ten minute time limit restriction noting that, for various situations, this limit could be extended at the discretion of Council. The Alderman also spoke in support of having all presenters submitting written documentation to the City Clerk for circulation prior to the meeting. On another point, Alderman Stone noted that often there are too many presentations some Committee of the Whole Council meetings. He suggested that this was one area that should be reviewed. The Alderman also expressed a preference to deal with presentations at 5:00 p.m. rather than at the beginning of Committee of the Whole Council agendas. However, he agreed that there should be some flexibility in this regard.

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

**Notice of Motion Alderman Pottie Re:
Work Restrictions - Remembrance Day**

Notice of Motion with respect to this matter was given at the last meeting of City Council held on 12 November 1992.

In the absence of Alderman Pottie, it was MOVED by Alderman Stone, seconded by Alderman Meagher that this matter be deferred to the next meeting of City Council to be held on 17 December 1992.

Motion passed.

MISCELLANEOUS BUSINESS

Encroachment License - University Avenue

A staff report dated 18 November 1992 was submitted.

MOVED by Alderman Holland, seconded by Alderman Downey that an encroachment license be approved for the construction of an encroaching underground duct bank, in the median, along University Avenue, between the Sir Charles Tupper building and the Nova Scotia Rehabilitation Centre building.

Motion passed.

At approximately 10:30 p.m. Her Worship returned to the meeting with Deputy Mayor Fitzgerald taking his usual seat on Council.

QUESTIONS

**Question Alderman Adams Re:
Flashing Lights at Dentith Road**

Alderman Adams raised a question regarding the flashing lights at Dentith Road and the Old Sambro Road. He noted that these lights have been flashing for some time and questioned whether they are going to be made operational and what the criteria is for them to become operational or not operational.

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**Question Alderman Adams Re:
Local Improvement Charges**

Alderman Adams raised a question regarding local improvement charges and individuals who are on fixed incomes, senior citizens and widows. He questioned whether there are provisions made for reduction in the local improvement charges for these individuals. The Alderman indicated that he was concerned with one particular case noting that he would submit the name of the resident who is concerned with to the City Clerk. Alderman Adams asked for information in this regard.

**Question Alderman Adams Re:
Signage and Names of Areas**

Alderman Adams raised a question regarding signage and names of areas throughout the City. He referred to the off ramp from the Bay Road onto Dunbrack and the Northwest Arm Drive noting that there is an arrow at this location pointing to Spryfield and also to Fairview and Armdale. The Alderman questioned whether it might be possible to erect signs such as these throughout the City of Halifax designating the different suburbs.

Alderman Adams also made reference to the Ward system in the City. He suggested that consideration be given to renaming each Ward by each geographical area: e.g. Ward 7 would become Spryfield; Ward 8, Armdale; Ward 9, Fairview; etc. The Alderman expressed the view that this system would be more indicative of the area each Ward is representative of rather than just having a number.

**Question Alderman Jeffrey Re:
Fence - Fairview Heights School**

Alderman Jeffrey referred to a letter he received from the Vice-Principal of the Fairview Heights School, Ms. Carol E. Chandler, dated 12 November 1992. The Alderman noted that he had raised this item a couple of months ago and is still awaiting a report. He advised that the matter concerns the Northwest Arm Drive and the concern for the safety of the children coming from the Fairview Heights School and crossing this double highway.

Alderman Jeffrey requested that staff investigate the possibility of erecting a chain-link fence along the Northwest Arm Drive so that the children coming out of the Fairview Heights School will have to go to the lights in order to cross the highway. He submitted a copy of the letter noted above and asked that the Engineering and Works Department investigate the situation and respond as quickly

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as possible to the Alderman and to the Fairview Height School Vice-Principal.

**Question Alderman Stone Re:
Culvert Cover on Dunbrack Street**

Alderman Stone advised that at the last Council meeting he raised a question with regard to a culvert cover on Dunbrack Street. Noting that no action has been taken to date, Alderman Stone asked that staff investigate the situation. He explained that the culvert in question is only covered by a small piece of plywood.

Question Alderman Stone Re: Information Report

Alderman Stone indicated that it was his understanding an information report is ready in response to a question he had raised at Council. The Alderman asked that this report be circulated to all members of Council

Question Alderman Stone Re: Silt in the Area of the Inter Supply Cement Company at the Kearney Lake Road

Alderman Stone noted that he had raised a question on a previous occasion concerning the silt coming down the hill at the Inter-Supply Cement Company at the Kearney Lake Road. He commented that he had received a reply from the City's Environmental Health Engineer indicating that the matter was forwarded to the Province for investigation. Alderman Stone advised that he would like to know the status of this reply and, as well, requested that staff too investigate the situation in order to provide two opinions.

Question Alderman O'Malley Re: Fence - Fort Needham

Alderman O'Malley noted that the fence that had surrounded Fort Needham for many years has been removed. She went on to express the concern that since this Fort Needham site has always been a great tobogganing site for children, danger will exist for the children if they were to toboggan at this location this winter. The Alderman explained that there is nothing to prevent children from tobogganing out onto Novalea Drive. Alderman O'Malley added that the residents are concerned about this situation and questioned whether the City would be liable if a serious accident occurred as a result of the removal of the fence and the fact that the hill is still an allurements to young people.

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Alderman O'Malley asked that this situation be investigated and, if possible, as an interim solution, a snow fence be placed at the location in question. She requested that this matter be placed on the next Committee of the Whole Council meeting agenda for **9 December 1992** pending a report from staff.

**Question Alderman O'Malley Re:
Increase in Fees for Seniors - Needham Pool**

Alderman O'Malley expressed concern about the increase in fees for seniors using the Needham Pool. She noted that it was her assumption that this increase is City wide. The Alderman explained that some seniors who participate in aquatic exercises do so on the advice and recommendation of their doctors and use the facility up to five days a week. Noting that they have been informed that their fees are going to be increased by 25 percent, she expressed the concern that a pass for the aquatic program which had cost \$32.10 will now cost \$48.00.

The Alderman pointed out that this will cause a great deal of hardship for many seniors who are on fixed incomes. She asked that this matter be reviewed and placed on the next Committee of the Whole Council meeting agenda for **9 December 1992** pending a report from staff.

Question Alderman O'Malley Re: Waste Management Costs

Alderman O'Malley requested a report on all the costs that have been incurred by the City of Halifax associated with the various waste management options that have been pursued. As well, the Alderman asked that the report include the costs associated with the legal proceedings that have just terminated in the court system.

Question Alderman O'Malley Re: Pollution Control Charge

Alderman O'Malley questioned why she has not yet received a response to a question she has raised on several occasions with respect to pollution control.

The City Manager advised that he recalled the question was asked whether the present charges were sufficient to meet the projected increased costs of the harbour clean-up. He noted that it was his recollection that the Finance Department have reported that until it is known what the final figure is going to be, they could not state definitively what cash flow is necessary to meet that obligation without borrowing.

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Alderman O'Malley requested that this information be provided to her in a written report.

Question Alderman Downey Re: School Crossing Guards

Alderman Downey noted that he has learned that the City of Dartmouth has increased the rates paid to their School Crossing guards. He expressed the view that the Crossing Guards in the City of Halifax should be given the same rate as Dartmouth noting that this was one of his concerns when Pinkerton Security took the service over. Alderman Downey asked for a report on whether Halifax will be increasing their rates to balance out with the City of Dartmouth's increase in rates.

Question Alderman Downey Re: Winter Parking Ban

Alderman Downey questioned when the advertisements on the Winter Parking Ban will appear in the newspapers.

**Question Alderman Meagher Re:
Connaught Avenue/Third Street Intersection**

Alderman Meagher reported that it has been brought to his attention that the intersection at the corner of Connaught Avenue and Third Street has been dug up on at least three occasions. The Alderman wondered if this activity was the result of a sewer problem of some type, and asked for information from the Director of Engineering and Works.

Mr. Peter S. Connell, Director of Engineering and Works, indicated that he would contact Alderman Meagher in this regard on Friday, 27 November.

**Question Alderman Meagher Re:
Returnable Bottles**

Alderman Meagher expressed his appreciation to Her Worship Mayor Ducharme for her previous letter to the Honorable Terry Donahoe, adding that it would appear that the Province will be implementing a returnable bottle program in the Spring of 1993.

**Question Alderman Meagher Re:
Remuneration - Crossing Guards**

Alderman Meagher made reference to the fact that he, together with Alderman Downey, had voted against contracting with Pinkerton's for the school crossing guard

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service, adding that, at the time, he had felt uncomfortable about the remuneration the guards would now receive.

The Alderman went on to point out that because the crossing guards have a very responsible job to perform, it was his view that the matter of their remuneration should be reconsidered.

Her Worship indicated that the matter would be looked into.

**Question Alderman Meagher Re:
Halifax District School Board**

Alderman Meagher advised that, as a member of the Audit Committee, he received a letter from Mr. Bernard G. Smith, Director of Finance, concerning the School Board. He noted that it would appear from Mr. Smith's letter that the School Board is going to try and go in another direction from the City with respect to audit services. Alderman Meagher expressed the view that the City of Halifax, the School Board and all Boards and Commissions should have the same external auditors.

Alderman Meagher requested that Mr. Smith provide a report at the next Committee of the Whole Council meeting to be held on **9 December 1992** concerning this matter. He suggested that this will afford Council the opportunity to review the matter prior to the School Board making a commitment to hire an external auditor. Alderman Meagher reiterated the view that it was very important that all City Boards and Commissions have the same external auditors.

**Question Alderman Macdonald Re:
Curb - Deepwood Crescent**

Alderman Macdonald made reference to a partial curb which has been installed in front of 11 Deepwood Crescent in Clayton Park and which is considerably higher than the older installation.

Noting that the curb is rather unsightly, the Alderman asked for information from staff as to whether steps could be taken to rectify the situation.

**Question Alderman Macdonald Re:
Status - Park Drive Application**

Alderman Macdonald requested information regarding the status of the environment assessment process

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vis a vis Park Drive. In particular, the Alderman asked whether the City's application has been returned to the Province and, if so, as to whether there has been any response.

**Question Alderman Macdonald Re:
Leaves - Park Walkway**

Alderman Macdonald reported that leaves have accumulated to a considerable extent on the walkway, which connects the small park area between Plymouth Street and Evans Avenue, to Evans Avenue. Noting that such an accumulation can prove extremely treacherous to pedestrians, the Alderman asked if staff of the Parks and Grounds Division could be requested to address the situation.

**Question Alderman Macdonald Re:
Traffic Light - Braemount Drive**

Alderman Macdonald noted that motorists exiting Braemount Drive onto Lacewood are experiencing considerable difficulty, and asked if the City Traffic Authority would advise (through a written report) as to whether the installation of a traffic light at that location would be feasible.

**Question Alderman Crowley Re:
Wall - Hyland Theatre**

Alderman Crowley made reference to concerns raised several months ago regarding the condition of the wall adjacent to the former Hyland Theatre. Emphasizing that she continues to receive calls concerning the safety of children playing in this area, the Alderman pointed out that it would appear that no repairs have yet been made to the structure.

She therefore asked that staff investigate the matter once again as to the status of the situation.

**Question Alderman Crowley Re:
Injured Animals**

Alderman Crowley noted that she had received a call from a resident who had discovered a badly injured animal on her property. Noting that many people in the same situation have little knowledge as to the appropriate staff members or agencies to contact, the Alderman

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recommended that a staff report be provided outlining the procedures to follow in such instances.

**Question Alderman Crowley Re:
Seniors Shuttle Service**

Alderman Crowley made reference to the matter of the seniors shuttle service which had been previously raised at Council, noting that many seniors are extremely anxious to have this service reinstated. Pointing out that the program would be of even greater benefit with the advent of the colder weather, the Alderman asked if measures could be taken to expedite staff's review of the matter.

The City Solicitor advised that, while the preliminary research into the matter had been completed, a more extensive review is necessary. Referring to a recent Information Report on the matter, Mr. Anstey advised that staff hope to submit a full report on the matter by the end of January 1993.

**Question Deputy Mayor Fitzgerald Re:
Welfare Applications - University Students**

Deputy Mayor Fitzgerald made reference to a recent news article which alleged that university students are now applying for welfare, and asked for a report on the matter from City staff.

**Question Deputy Mayor Fitzgerald Re:
Leaves - Ward 2**

Deputy Mayor Fitzgerald reported that in various parts of Ward 2 the leaves have accumulated on the streets and sidewalks to the point that they constitute a very serious hazard for both motorists and pedestrians. The Deputy Mayor therefore asked that staff address this situation as quickly as possible.

**Question Deputy Mayor Fitzgerald Re:
New Legislation - Snow Removal**

Deputy Mayor Fitzgerald advised that notices and advertisements will be going out shortly regarding the new legislation vis a vis the removal of snow from City sidewalks.

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**Question Deputy Mayor Fitzgerald Re:
Empty Stores - Downtown Business District**

Deputy Mayor Fitzgerald expressed considerable concern at the number of empty stores in the City's downtown business district, and asked if Council should be having a meeting on the subject. The Deputy Mayor pointed out that hundreds of jobs and a large percentage of the City's tax money are derived from this area of Halifax, and emphasized that, in his opinion, Council must take the initiative in "sprucing up" the City's primary business district.

**Question Deputy Mayor Fitzgerald Re:
City Club/Khyber Building**

Deputy Mayor Fitzgerald requested a report on the current status of the City Club/Khyber Building complex.

**Question Deputy Mayor Fitzgerald Re:
Improvements to the Bedford Highway
and Fairview Overpass**

Deputy Mayor Fitzgerald made reference to a letter recently received from a Provincial Minister in which the recommendation was made that, when undertaking improvements to the Bedford Highway, the City also consider changes to the Fairview Overpass.

The Deputy Mayor pointed out that the Minister's recommendation is strongly supported by various members of Council. However, he pointed to the fact that the Province appears to be reluctant to offer the City of Halifax cost-sharing at a level equal to that offered to other municipalities. Under the circumstances, therefore, Deputy Mayor Fitzgerald strongly recommended that Her Worship convey these sentiments to the Province, emphasizing that the City needs funding as well as "commitments."

**Question Deputy Mayor Fitzgerald Re:
Changes - Child Benefits Legislation**

Responding to a question from Deputy Mayor Fitzgerald, Her Worship Mayor Ducharme advised that the Director of Social Planning is in the process of taking the necessary steps relevant to the changes in the child benefits legislation due to take effect 1 January 1993.

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**Question Alderman Jeffrey Re:
Van - Town Crier**

Alderman Jeffrey made reference to the fact that for the last several years Bob McDonald Chevrolet has donated a van for the use of the City's Town Crier. Noting that this business has recently gone into receivership, the Alderman strongly recommended that staff make every effort to contact other car dealerships in the area as to whether they would be willing to sponsor the Town Crier in this manner.

In order to pursue the matter further, Alderman Jeffrey asked that this matter be placed on the agenda of the **9 December** meeting of Committee of the Whole Council, and that a staff report be submitted.

Alderman Jeffrey also asked that a letter of appreciation be forwarded to Mr. Bob McDonald, expressing Council's appreciation for his contribution to the City of Halifax in this regard and for the example he has set as a exemplary corporate citizen.

NOTICES OF MOTION

**Notice of Motion Alderman Macdonald Re: 1987 Motion -
Widening of Alma Crescent, Titus, and Dutch Village Road**

Alderman Macdonald gave notice of motion that at the next regular meeting of City Council to be held on **17 December 1992** he proposes to introduce a motion requesting that the 1987 motion in connection with the widening of Alma Crescent, Titus, and Dutch Village Road should be reconsidered or, if in fact, it is determined in the meantime that it has been deferred, that the item be put back on the agenda for discussion and decision. Alderman Macdonald advised that he intended to move a motion that this work proceed within the context of the City of Halifax transportation plan and the City of Halifax Task Force on City Traffic.

Notice of Motion Alderman Adams Re: Personnel Matter

Alderman Adams gave notice of motion that at the special meeting of City Council to be held on **9 December 1992** he intends to introduce a motion regarding a personnel matter.

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ADDED ITEMS

Possible Change of Date - Public Meeting Re: User Fees

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

A report from the City Clerk dated 25 November 1992 was submitted.

It was agreed that the date of 7 December 1992 remain as the date for the public meeting on User Fees.

Resolution of Support to District of Columbia
Council Member - William P. Lightfoot

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

A report from the City Manager dated 26 November 1992 was submitted.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Adams that the report from the City Manager dated 26 November 1992 concerning the resolution of support to District of Columbia Council member William P. Lightfoot be TABLED.

Motion passed.

10th Anniversary - Twinning with City of Hakodate, Japan

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

Her Worship Mayor Ducharme advised that yesterday, 25 November 1992, was the 10th anniversary of the signing of the twinning between the City of Hakodate and Halifax.

MOVED by Alderman Stone, seconded by Alderman Holland that Her Worship Mayor Ducharme, on behalf of City Council, extend greetings to the City of Halifax twin City, Hakodate, on the occasion of the 10th anniversary of the twinning.

Motion passed.

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Metro Authority (Deputy Mayor Fitzgerald)

This item was added during the setting of the agenda at the request of Deputy Mayor Fitzgerald.

An information report from the City Solicitor dated 26 November 1992 was submitted.

Deputy Mayor Fitzgerald addressed the matter and requested that, in light of the recent Court case with the Metropolitan Authority, a special report be provided through the City Manager by the Director of Finance on the cost implications of this decision. The Deputy Mayor indicated that he was doubtful the taxpayers of this City realize what this decision is going to cost them.

Alderman Jeffrey concurred with the comments made by the Deputy Mayor concerning the cost implications of this decision on the taxpayers of the City.

The Chairman suggested that once the financial report is received, Council should meet to discuss their options.

Carleton Hotel (Deputy Mayor Fitzgerald)

This item was added during the setting of the agenda at the request of Deputy Mayor Fitzgerald.

Deputy Mayor Fitzgerald addressed the matter and MOVED, seconded by Alderman Downey that City Council urge staff to continue to make every effort possible to save this historic hotel.

The motion was put and passed unanimously.

Welfare for Students (Deputy Mayor Fitzgerald)

This item was added during the setting of the agenda at the request of Deputy Mayor Fitzgerald and dealt with during "Question Period".

**Halifax Explosion - 75th Anniversary - Moments Silence
(Alderman O'Malley)**

This item was added during the setting of the agenda at the request of Alderman O'Malley and dealt with earlier in the agenda following deferred items.

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6437 North Street (Alderman Meagher)

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

Alderman Meagher requested a report for the next Committee of the Whole Council meeting to be held on **9 December 1992** concerning the garage that has been built in the backyard of 6437 North Street. He expressed concern with respect to the horrendous size of this garage noting that it is over-shadowing the properties on Seaforth Street. The Alderman questioned what this garage will be used for and indicated that he would like to know why a permit was granted for a garage of this size. Alderman Meagher expressed the view that it was grossly unfair for the City to permit, in an R-2 residential area, a garage to be built of this size.

2347 Moran Street (Alderman Meagher)

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

Alderman Meagher noted that a while ago he received a letter from the City Manager's Office concerning a Mrs. Baird at 2347 Moran Street. He noted that he had received a telephone call on this date from Mrs. Baird informing him that she has done the repairs to her property which cost her \$250.00. Alderman Meagher expressed the concern that Mrs. Baird has not been reimbursed by the City for this amount and, therefore, requested that the City Manager meet with Mrs. Baird and himself on Tuesday, December 1st, at 4:00 p.m. Alderman Meagher requested that the City Manager's Office contact him if the proposed time was not appropriate.

There being no further business to be discussed, the meeting was adjourned at approximately 11:20 p.m.

HER WORSHIP MAYOR MOIRA DUCHARME
AND
DEPUTY MAYOR FITZGERALD
CHAIRMEN

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**SPECIAL COUNCIL
PUBLIC HEARING
MINUTES**

Council Chamber
Halifax City Hall
9 December 1992
7:30 P. M.

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

The meeting was called to order with those present joining with members of Council in the recitation of the Lord's Prayer.

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

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

ADDED ITEMS

Schedule "C" Development Agreement - Piercey Lands,
Kempt Road & Robie Street - DATE FOR PUBLIC HEARING

This item was forwarded to this meeting from the Committee of the Whole Council meeting held earlier on this date.

MOVED by Alderman Pottie, seconded by Alderman Jeffrey that, as recommended by the Planning Committee, Council set a date for a public hearing to consider entering into a development agreement with FS Industries Limited to permit construction of two buildings on the Pierceys lumberyard located on Kempt Road.

Motion passed.

The City Clerk advised that the public hearing on this matter would be scheduled for Wednesday, 6 January 1993, beginning at 5:00 p.m.

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**Youth News Network (YNN) Proposal -
Halifax Industrial Commission**

This item was forwarded to this meeting from the Committee of the Whole Council meeting held earlier on this date.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Holland that, as recommended by the Finance and Executive Committee:

- 1) Council instruct the Mayor to communicate to the Premier and to the Minister of Economic Development that, subject to the Provincial Government's independent analysis of the proposal and companies involved, the initiative and the necessary grants and guarantees be expeditiously supported;
- 2) City staff and the Commission staff be hereby authorized to finalize all negotiations and discussions necessary with YNN and the Province of Nova Scotia to secure the project for the Halifax Business Park-Ragged Lake Area, on the terms and conditions outlined in the report from the Halifax Industrial Commission dated 12 November 1992; and
- 3) subject to City and Commission staff completing acceptable negotiations with YNN and the Province of Nova Scotia on terms and conditions acceptable to the City of Halifax, that Halifax City Council shall endorse the project, and that the City will borrow the necessary capital (i.e., \$2.5 million) to construct the facility in the Halifax Business Park-Ragged Lake Area, and that the City will enter into the Lease-Option to Purchase Agreement with YNN.

Reiterating his comments at the Committee of the Whole Council earlier on this date, Alderman Pottie stated that he believes the 2.5 million dollars that the City of Halifax is going to borrow to finance the building for YNN is not a proper action to take at this time. He indicated that he could not support the motion.

Alderman Meagher also indicated that owing to tough economic times he too could not support the motion.

Speaking in support of the motion, Alderman Macdonald noted that the City of Halifax has already invested upwards of 30 million dollars in the Industrial Park. He pointed out that the Industrial Park is really just getting going. The Alderman recognized that the proposal is a

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"state-of-the-art" proposition which has gone through the scrutiny of the City's Halifax Industrial Commission and the City Manager. Alderman Macdonald expressed the view that the proposal is in the best interests of the City of Halifax.

Alderman Stone spoke in support of the motion expressing the view that the proposed industry will benefit and promote the Halifax Industrial Park.

In closing the debate, Deputy Mayor Fitzgerald noted that the Industrial Commission is unanimously recommending approval of the proposal. He added that the proposed industry will create between 80 and 100 needed jobs. As well, the Deputy Mayor pointed out that the citizens of Halifax and the Industrial Commission established the City's Industrial Park with the aim of attracting business to the Park. He reiterated his view that this was an excellent proposition for the City of Halifax.

The motion was put and passed.

Seconding of City Personnel to the Province of Nova Scotia

This item was forwarded to this meeting from the Committee of the Whole Council held earlier on this date.

MOVED by Alderman Pottie, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, three staff persons from the City of Halifax Social Planning Department be moved for one year (at no cost to the City of Halifax) to the Province of Nova Scotia.

In putting forth the motion, Alderman Pottie indicated that it was his understanding this move will not cost the City of Halifax any more money than what is presently costing the City for the three personnel who are moving to the Province. He expressed the view that this was an opportunity for the City's Social Planning Department to instill some unique ideas to the Social Services Department at the provincial level. The Alderman added that the City of Halifax should be proud of being the leader in loaning staff to the Province of Nova Scotia.

The motion was put and passed.

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PUBLIC HEARINGS

Public Hearing: Case No. 6584: Appeal of Minor Variance
Refusal - 1946 Oxford Street

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

A staff report dated 4 November 1992 was submitted.

Mr. J. Michael Hanusiak, Acting Development Officer, addressed Council and outlined the appeal of minor variance refusal respecting the property at 1946 Oxford Street. Mr. Hanusiak began his presentation by noting that the Royal Oxford (special care home) made application for a minor variance of the side yard requirement of the land use bylaw to allow the recently constructed front deck to remain in its present state. For the reasons outlined in the staff report of 4 November 1992, Mr. Hanusiak advised that staff refused this application reluctantly. He noted that the sole reason staff were recommending refusal of the minor variance was due to the fact that the deck was built without the necessary permits.

Mr. Carey Murphy, 48A Chadwick Place, Dartmouth, addressed Council and advised that he was the owner of the property in question. Mr. Murphy indicated that the problem which has occurred is basically his alone. He explained that he did not realize that a permit was required for the deck and therefore pleading his ignorance in respect of the matter. Mr. Murphy went on to explain that the property in question is zoned R-CF (Residential Care Facility) and houses a group of senior citizens. He added that, in haste, last Spring he built a deck not realizing a permit was required. Mr. Murphy noted that he felt the deck would alleviate the problem of having the seniors inside during the hot weather. Mr. Murphy asked that Council bear with him noting that he was a first time property owner.

Deputy Mayor Fitzgerald questioned if any correspondence had been received in favour of or in objection to the minor variance.

The City Clerk advised that there were no letters received in respect of the application.

In response to a further question, Mr. Murphy advised that he visited his neighbour who has indicated to him that the deck, in his opinion, is appealing and may add to the property value of both his home and Mr. Murphy's.

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

Deputy Mayor Fitzgerald noted that the Acting Development Officer had indicated that he reluctantly refused this application, that the deck appears to bring pleasure to the senior citizens in the home, and that he did not believe any intentional disregard for the bylaw was intended.

It was therefore MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Holland that the appeal of the minor variance refusal for the property at 1946 Oxford Street be granted and the decision of the Acting Development Officer to refuse this application be overturned.

Motion passed.

**Public Hearing: Case No. 6604: Appeal of Minor Variance
Approval - 6054 Cherry Street**

A staff report dated 4 November 1992 was submitted.

A letter dated 8 December 1992 from Mr. Geoff Keddy, was received. Mr. Keddy, in his letter, confirmed that he was withdrawing his application for the minor variance at 6054 Cherry Street at the present time.

Deputy Mayor Fitzgerald noted that this item is of concern to a large number of citizens and that a spokesperson is present who would like to address Council this evening in regards to the withdrawal of the appeal.

Mr. Gordon F. Proudfoot, 6050 Cherry Street, addressed Council and advised that the residents received notice today that Mr. Geoff Keddy, who made the application for a minor variance, has asked to withdraw the application at the present time. Mr. Proudfoot noted that the residents received the usual notice after Mr. Keddy had applied for the minor variance and it was granted by the Development Officer. He informed Council that the residents' take the view that the application has been made and a decision has been taken by staff. Mr. Proudfoot explained that once a party makes an application, the application can be withdrawn up to the point before a decision has been taken. He advised that once the decision has been taken it is too late, and the applicant as well as the residents have to live with that decision. Mr. Proudfoot indicated that the residents are present and wish to deal with the appeal this evening. He added that they feel that the right lies with the residents and that the other party has no right to take away their right of appeal. Mr. Proudfoot reiterated that the residents wish to proceed with the appeal this evening.

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The City Solicitor agreed that Mr. Proudfoot was correct in that there has been an approval and that there is an appeal in progress. He noted that the only addition he would like to make was that Mr. Keddy, who was not present, is probably operating on the assumption that the appeal would just end with his withdrawal. The City Solicitor suggested that, if there is in fact going to be a hearing, consideration be given to adjourning the appeal until the next date in which appeals are scheduled in order for both parties to be present.

The Chairman noted that the next public hearing date was scheduled for 6 January 1993.

Mr. Proudfoot noted that Mr. Keddy is no longer the owner of the property in question.

Following a short discussion, it was MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Holland that this matter be adjourned to the Special Council meeting of 6 January 1993 at 5:00 p.m.

Motion passed.

**Public Hearing: Case No. 6530: Proposed Rezoning -
Lot K-9A-1, Stoneybrook Court**

A staff report dated 5 November 1992 was submitted.

This item was deleted during the setting of the agenda by the City Clerk. A letter had been received from the applicant, Queen Square Development Limited, dated 26 November 1992 withdrawing the application.

**Public Hearing: Case No. 6598: Proposed Development Agreement
- Superline Fuels Inc., 3451 Barrington Street**

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

A staff report dated 30 October 1992 was submitted.

Mr. J. Michael Hanusiak, Planner II, addressed Council and outlined the application for development agreement involving the existing Superline Fuels operation at 3451 Barrington Street. In his presentation, Mr. Hanusiak reviewed the purpose of the agreement as well as background information and analysis as put forth in the staff report of

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30 October 1992. In conclusion, Mr. advised that staff were recommending approval of this recommendation.

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

In response to a question from Alderman O'Malley, the City Clerk advised that no letters in respect of this application had been received.

MOVED by Alderman O'Malley, seconded by Deputy Mayor Fitzgerald that City Council approve the entering into of a development agreement to permit modifications to the Superline Fuels operation at 3451 Barrington Street, provided such changes are substantially in conformance with Plan No. P200/19118 of Case 6598 (contained in the staff report of 30 October 1992).

Motion passed.

**Public Hearing: Case No. 6602: Rezoning - RC-2 to C-2,
5576 Fenwick Street**

A staff report dated 6 November 1992 was submitted.

This item was deleted during the setting of the agenda by the City Clerk. A letter dated 8 December 1992 from Mr. Glenn A. MacArthur, President, Lint Trap Properties Ltd., applicant, withdrawing his application was submitted.

Alderman Holland, who asked that he be permitted to speak on this item when it was proposed for deletion, addressed Council and noted that he had received many phone calls and correspondence stating that what was proposed was not in the best interests of the character of the neighbourhood. Alderman Holland filed these letters of correspondence with the City Clerk at this time.

The following petitions were received in opposition to the proposed rezoning:

- A petition in opposition to the proposed rezoning containing approximately 16 signatures of residents of 1186 Queen Street;
- A petition containing 14 signatures of residents of 1135 Queen Street in objection to the proposed rezoning;
- A petition containing 38 signatures of residents of 5576 Queen Street in objection to the proposed rezoning.

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- A petition containing approximately 99 signatures.

The following additional correspondence was received in opposition to the proposed rezoning:

- A letter dated 8 December 1992 from Carol Ann Silverman, 1143 Queen Street;
- A letter dated 7 December 1992 from Andrew S. Wolfson, Wolfson, Schelew, Green & Zatzman, representing the owner of the property at 5320 Tobin Street;
- A letter dated 8 December 1992 from Colin V. Audain;
- A letter dated 3 December 1992 from Douglas Bundy, Development Manager, Sobey Leased Properties Limited;

Personnel Matter

At the City Council meeting of 26 November 1992, City Council agreed that this item be placed on the agenda for this meeting. At the 26 November 1992 City Council meeting, Alderman Adams gave Notice of Motion that he intended to introduce a motion regarding a personnel matter at this time.

The following correspondence was received:

- A letter from Mr. Eric Durnford, McInnes Cooper & Robertson Barristers and Solicitors dated 9 December 1992;
- A letter dated 9 December 1992 from Patricia Foran, 94 Bayview Road;
- A letter dated 8 December 1992 from C. William Hayward, F.C.A., C.W.H. Holdings Limited;
- A letter dated 8 December 1992 from Alan L. Barkhouse, F.C.A., President, Halifax Board of Trade;
- A letter dated 3 December 1992 from Ian A. Thompson, 6051 Oakland Road;
- A letter from Jacqueline R. Doyle, President Local 143, dated 8 December 1992;

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- A letter dated 5 December 1992 from A.W. Strickland, 3500 Claremont St.;
- A letter dated 8 December 1992 from John G. Riley, 71 Flamingo Drive;
- A letter dated 7 December 1992 from Kenneth J. Blore, President, Ward 12 Community Association.

Her Worship Mayor Ducharme advised that notice was given seven days ago of a resolution that would be brought forward this evening by Alderman Adams. The motion was filed with the City Clerk on 1 December 1992 which was subsequently copied to City Council. As the Chair of Council, Her Worship advised that she has a responsibility to the taxpayer as well as to the Council. Exercising that authority, Her Worship advised that last week she held a press conference to make this public document known to the public. Her Worship Mayor Ducharme advised that earlier today she circulated to all members of Council a letter from an outside legal adviser, Mr. Eric Durnford of McInnes Cooper & Robertson who she noted has a reputation as an expert in labour law.

Her Worship Mayor Ducharme went on to note that Mr. Durnford states in his letter, and she noted that it is important that this be made known publicly to Council, that in his view Mr. Murphy has not received the required due process and therefore the proposed decision to terminate him would be a legal nullity. Her Worship added that Mr. Durnford indicates in his letter that, because of a resolution passed in March in these Council Chambers, the City Manager is no longer holding office at the pleasure of Council. Mayor Ducharme went on to advised that Mr. Durnford advised that, as a consequence, just cause requires proof of real and substantial misconduct. Her Worship Mayor Ducharme asked at this time that, in the interests of the taxpayers of this City, Alderman Adams withdraw his resolution.

Alderman Adams stated that he would not withdraw his resolution.

Her Worship Mayor Ducharme advised that she must inform Council that Mr. Durnford's letter makes it quite clear that the Aldermen involved in this decision are exposing the taxpayers of this City to very high costs which will be fruitless. She added that should they succeed, Mr. Murphy could be reinstated as early as January under Section 71(1) of the Labour Standards Code. Mayor Ducharme advised that the City Charter also states that, under Section 156(4)(b), the resolution must state the reason or reasons for terminating the service of an officer. She noted that this has not happened. Her Worship added that Section 159(m) says that Council cannot take action without knowing the costs should they exceed one thousand dollars. Mayor

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Ducharme advised that the closing conclusion of Mr. Durnford's letter states that he strongly recommends the movers of the motion be informed of his opinion that if they take the action intended, they most certainly will bring not only embarrassment on themselves but a serious and preventable legal liability on the City and perhaps themselves as individuals.

Her Worship Mayor Ducharme advised that in view of the fact that two sections of the Charter have not been observed, she could not accept this resolution as a resolution of Council. Since this was the last item on the agenda and she had not accepted the resolution, Mayor Ducharme indicated that she would entertain a motion to adjourn.

Alderman Adams challenged the Chair and appealed the Chair's decision to Council.

The Chairman questioned whether Council was prepared to entertain the Challenge. Council agreed. A show of hands was called for with seven supporting Alderman Adams challenge to the Chair and five not giving support.

The Chairman indicated that she would not put the taxpayers of the City at the risk of an extremely expensive liability and therefore left the seat of Chair. Her Worship advised that this was an action she had hoped not to take.

Deputy Mayor Fitzgerald noted that as Deputy Mayor he is supposed to take the Chair but indicated that, like the Mayor, he agreed with the conclusions and that he too is unwilling to put the taxpayers to an expense and uncertainty and, therefore, did not take the Chair and left the Council Chamber. Aldermen Macdonald, Downey, Hanson, and Holland left the Council Chamber as well.

At the request of Council, Alderman Meagher took the Chair as the most senior Alderman.

At 8:10 p.m Alderman Meagher took the seat of the Chair.

Council then agreed that there be a ten to fifteen minute recess.

8:15 p.m. the meeting adjourned for a recess.

8:25 p.m. the meeting resumed with the following members of Council being present: Alderman Meagher, Chairman; and Aldermen O'Malley, Pottie, Adams, Jeffrey, Crowley, and Stone.

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The Chairman asked the City Solicitor to read Section 103(3)(c) and (4) of the City Charter.

The City Solicitor advised that section 3 provides that every meeting of Council shall be presided over by (a) the Mayor, if present or (b) by the Deputy Mayor, if the Mayor is absent or (c) if both are absent, then by such member of the Council as the members then presently choose. He advised that Section 4 provides that seven members of Council, including the Chairman, shall constitute a quorum.

The Chairman asked if there was a quorum and the City Solicitor indicated there was.

For the record, the Chairman questioned whether the roll call should be taken again and the City Solicitor advised that there would be no harm in doing that.

The City Clerk took the roll call at this time with the following members being present: Alderman Meagher (Chairman), Aldermen O'Malley, Pottie, Adams, Jeffrey, Crowley, and Stone.

The Chairman noted that there were a number of Aldermen missing and asked the City Clerk to go and ask them if they would return to the Chamber so there could be a discussion.

The City Clerk left the Chamber and returned advising that he has been informed that they do not wish to return.

For the record, the Chairman asked that it be noted that the Aldermen are in the building but refuse to return to the Chamber.

Alderman Meagher advised that he assumed the Chair because he was the senior Alderman, but expressed the desire to be reconfirmed as the Acting Chairman at this meeting.

MOVED by Alderman Stone, seconded by Alderman Jeffrey that Alderman Meagher be the Acting Chairman for this meeting.

Motion passed.

The Chairman advised that this meeting could now be properly constituted as a meeting of Halifax City Council.

Alderman Adams indicated that he would like to go on record as saying that he fully supports the City Manager/City Council form of government. He noted that there has

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been some question and confusion in the media and that he would like to clarify that point. Alderman Adams advised that he will read the motion, move it, and give additional reasons as to why this motion is being moved.

MOVED by Alderman Adams, seconded by Alderman Jeffrey that:

WHEREAS there is a lack of confidence that the City Manager does not address the concerns of the majority of all of the Aldermen, and

WHEREAS this is an unacceptable relationship between the City Manager and the majority of Aldermen,

THEREFORE BE IT RESOLVED that the resignation of the City Manager be requested immediately with an appropriate severance package to be mutually agreed upon. If such resignation is not forthcoming immediately, or within 48 hours, Council shall be empowered to terminate the employment of Donald F. Murphy as City Manager immediately and without further notice.

Alderman Adams then advised that it was his wish to present additional information to Council as follows:

It is the opinion of the majority of Council members that the City Manager submits only reports comprised of selective information that only promotes the administrative perspective without viable alternatives. Some examples: the capital budget does not, at the very least, identify projects submitted by Aldermen for consideration - Halifax Harbour Clean Up, Waste Management Proposals, Bedford Highway widening, Lobster Ahoy proposal, acquisition of 100 Leiblin Drive, Bayers Road Improvements, Hogan Lands acquisition, Bloomfield Centre, Moosehead Grand Prix, control charges for Harbour Clean Up, paving renewal project for Connaught Avenue (12 inches of asphalt as compared to 7 inches),

It is also the opinion of the majority of Council members that the City Manager is inconsistent in complying with policies regarding the expenditures of City funds and adheres to policy at his convenience. Examples include: that he insisted that City Council not make a decision on the acquisition of 100 Leiblin Drive by the City until a report with his recommendation was received, did not submit a report with his recommendation for the Pan Am Games

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Committee request for an additional \$190,000.00 until urged by Council, made commitments in excess of \$100,000.00 for consultants without his written recommendation and formal Council approval on waste management proposal in Argyle. As well, splitting tenders to avoid Council approval.

It is also the opinion of the majority of the members of Council, the City Manager continuously is requesting and pressuring eleventh hour decisions on major matters which do not provide Council members adequate time for reflection and properly serving the taxpayers of this City. Some examples are the extension of his own appointment, appointments of Chiefs, City Solicitor, and Recreation Director, waste management proposal for Argyle, acquisition of Archbishop's residence, Price Club proposal and related commitments, changing the City's Coat of Arms, and the Moosehead Grand Prix.

It is also the opinion of the majority of Council members the City Manager does not take appropriate action to implement Council resolutions that are not consistent with the perspective put forward by the administration. Some examples are: Bedford Highway widening, Bayers Road improvements, Bloomfield Centre renovations, Highland Park School basketball pad project, bus shelters dropped from the 1992 Capital budget without Council's knowledge.

It is also the opinion of the majority of Council members that the City Manager does not produce reports which address questions from Council members in a reasonable time period and or lack details requested. Some examples: it took six months to produce a two page report on whether adequate pollution control charges are being collected to cover City's share of Harbour Cleanup and still not answered.

It is the opinion of the majority of Council members the City Manager applies inconsistent and questionable personnel management practices. Some examples:

- transfer of a Division Head in the Engineering and Works Department to a position with a company car and cellular phone reporting to an inspector in the Police Department who makes less salary;
- development of retirement policy October 22, 1992, to accommodate employees already granted employment extensions beyond the City's retirement age of 65 years;
- excluded the former Director of Recreation who was appointed by Council from attending meetings of the management team held weekly and created an extensive negative personnel file on the Director without his knowledge;

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- hiring process for Department Heads not consistent in using consultants, psychological testing, advertising externally with Chiefs, City Solicitor, and Director of Education;
- improper handling of contract of termination of a former employee with the Personnel Department - after three weeks employment - cost the City equivalent to one year salary \$33,000.00;
- Former employee of the Finance Department with 13 years service with the City had job phased out and was not offered a position with equal challenge and remuneration as required by provincial Labour Board standards;
- The City Clerk's status as an Officer of the City, as outlined in the City Charter, has changed without due process and never properly addressed;
- Threatened a non-union employee and non-union employees' association to suspend pre-retirement benefits package if they pursued an action against the City opposing the deduction of previous over-payment to non-union employees approximately seven years earlier when the prospective employee retires;
- Mental harassment - may be in violation to the Charter of Rights and Freedoms;
- Job Evaluation of employee has taken over two years and never completed to date;
- Senior staff have relegated their administrative responsibilities to Aldermen. Executive Assistant to the City Manager requesting Aldermen to pressure the Director of Engineering to resolve long out-standing matter with Westmoore Co-op and, in another case, the Director of Planning and Development asking an Alderman to render a decision on complaint of a tree house as there are no existing regulations to address it;
- Comments by staff and direct experience of Aldermen experiencing City Manager using profanity, pounding fists on desk or table, and raising voice unnecessarily, interpreted as a form of intimidation to comply with his wishes;
- Down-sizing of organization in time of restraint and requested by Council through attrition, and not filling vacancies unless necessary, virtually non-existent;
- Emergency Measures Office over-staffed and personnel under-utilized in relation to compensation package including salary, un-marked vehicle, and out of town travel;

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It is the opinion of the majority of Council members the City Manager allows hundreds of thousands of taxpayers dollars to be expended on consultants without any established policy or public tender as in other major cities.

It is also the opinion of the majority of Council members that the City Manager has inconsistencies and contradictions between City regulations that have not been adequately addressed by the administration although they continue to surface such as the authority of Council overlapping with the Manager.

The position the City Manager continues to advocate that he is the boss of all City staff which is misleading and incorrect in departments with management boards and commissions such as Water Commission, Auditor General, Forum Commission, School Board, Halifax Regional Library, Industrial Commission, Police Department.

Requesting the Police Chief to accept employee transfers along with related expenses not addressing or consulting the Police Commission.

Management philosophy of City Manager not recognizing Aldermen's integral role in the municipal government process compared to the Mayor and, as outlined in the City Charter, is inequitable and unacceptable. Examples are: communications, scrutiny of expenditures, over-seeing staff, etc.

The Aldermen's expressed dissatisfaction with the capital and current budget processes limiting their constructive input in a fiscal plan of approximately \$250 million dollars or one quarter of a billion dollars. It's not being addressed.

The City Manager is not keeping Council appropriately informed on initiatives that may have a direct impact on the City. Examples: Harbour Cleanup, negotiations with programs shared by other levels of government, ratification of issues being sent to and returned from the provincial government, etc. The 1992 Halifax Housing Authority current budget was not discussed along with other budgets as in previous years and not tabled until an Alderman requested approximately six months after the tax rate was set.

In closing, Alderman Adams advised that they have attempted to resolve these and other problems with the City Manager by both meetings and otherwise, but unsuccessfully.

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As seconder to the motion, Alderman Jeffrey advised that he supported and fully agreed with the reasons given by the Alderman and suggested that, at this time, there be no further discussion because of the threat of a personal liability that was given to the Aldermen tonight by Her Worship the Mayor at 6:02 p.m.

The motion was put and passed.

Alderman Jeffrey moved for adjournment.

Her Worship Mayor Ducharme returned to the meeting indicating that she had not been previously invited back to the meeting noting that only the Aldermen were invited. Deputy Mayor Fitzgerald and Aldermen Holland, Downey, Hanson, and Macdonald also returned to the meeting.

Her Worship assumed the seat of the Chair with Alderman Meagher taking his usual seat on Council.

Her Worship Mayor Ducharme advised that the motion which was just made was not passed because only six Aldermen had voted and a majority of Aldermen must vote which is seven.

Alderman Stone indicated that he would like to challenge the Chair on the ruling.

Her Worship Mayor Ducharme recognized the Deputy Mayor.

Deputy Mayor Fitzgerald rose to state very clearly and openly that, if the ruling is taken and is not successful, that he gives notice that, at the next meeting of Council, he will move that the motion that was passed (although he believed illegally) be rescinded.

Alderman Stone challenged the Chair on the last ruling.

Alderman Adams asked for a vote on the adjournment and the Chairman advised that it came at the call of the Chair and adjourned the meeting at 8:45 p.m.

HER WORSHIP MAYOR DUCHARME
AND
ALDERMAN MEAGHER
CHAIRMEN

EDWARD A. KERR, C.M.C.
CITY CLERK

/MS

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HALIFAX CITY COUNCIL MINUTES

Council Chamber
Halifax City Hall
17 December 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 those present in the public gallery joined with Her Worship the Mayor and members of City Council in the recitation of the Lord's Prayer.

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

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

Presentation from Mayor of Calderdale, Halifax, Yorkshire by Dorothy Hallas

Ms. Dorothy Hallas addressed Council and advised that, on a recent visit to the United Kingdom, she had the opportunity to visit the Mayor of Calderdale, Halifax. She advised that the Mayor extends greetings and best wishes to the Mayor and Aldermen of Halifax, Canada.

On behalf of the Mayor and Counsellors of Calderdale, Ms. Hallas presented Her Worship Mayor Ducharme with a clock as a token of goodwill and in keeping with the spirit of the twinning of the two Cities of Halifax.

Her Worship accepted the clock on behalf of Halifax City Council and expressed appreciation for the gesture. She pointed out that the Halifax school youth orchestra will be travelling to Halifax, England this spring and City Council will be extending greetings at that time.

Swearing In Ceremony - Halifax Police Department

Police Recruits Gregg Richardson, Bruce Bentley, James Wesley Butler, Blair Hickey, Kevin Hovey, Blair Hussey, Alexander Lyon, and Ian Neilson were escorted into the Council Chamber by Sgt. Frank Beazley of the Human Resources Division, and by Sgt. Michael Burns, Halifax

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Police Department where they were administered the Oath of Office by Her Worship Mayor Moira Ducharme.

The eight constables were subsequently presented with their badges and officially welcomed as members of the Halifax Police Department by Chief Vincent MacDonald.

City Council Controversy

Prior to beginning the meeting, Her Worship noted that, over the past week, there has been a crisis within Council that she felt should be addressed. Her Worship advised that it would appear that some miscommunications have taken place and complaints have been filed with regard to the City's management. She added that a report is being prepared with respect to those complaints.

Her Worship indicated that the reputation of a well respected member of the community has suffered some damage and it was her opinion that Council should come together in the new year to address this issue in an open and honest manner. Further to this, she suggested that Council should call upon the services of an outside facilitator to help address the tensions which now exist within Council.

Her Worship advised that she believed Council owes it to the residents and business people of the City to put what has happened behind Council, and work together as a cohesive group.

MINUTES

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 26 November 1992 and of the 18 November 1992 meeting of the Special City Council were approved on a motion moved by Alderman Fitzgerald, seconded by Alderman Downey.

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

The City Clerk proposed to add the following items to the agenda:

- 20.1 Report from Halifax Industrial Commission: Plan Amendment of Lands for Kent Building Supply Project - Bayers Lake Area, Halifax Business Park

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20.2 Amendment to Stage I Schedule K Agreement - Clayton Park West

20.3 Court Application - (Alderman Jeffrey)

Deputy Mayor Fitzgerald proposed to add the following item to the agenda:

20.4 Metropolitan Authority Court Decision

Alderman Adams proposed to add the following item to the agenda:

20.5 Special Council Meeting of 9 December 1992 - Procedure Followed

A discussion ensued and concerns were expressed regarding the appropriateness of adding item "20.3 - Court Application" and "20.5 - Special Council Meeting of 9 December 1992 - Procedure Followed to the agenda".

Deputy Mayor Fitzgerald proposed that, rather than add these two items to the agenda, Council hold a special meeting soon to discuss the matter in an open and frank manner.

Following further discussion, the Chairman indicated that she was prepared to call the vote and, following a show of hands, resulted in **a two-thirds majority agreement not being reached. The items, therefore, were not added to the order of business.**

Alderman Pottie expressed concern about the proposed addition of "20.4 - Metropolitan Authority Court Decision," advising that he was just in receipt of the staff report on the matter and he had some difficulty in making a decision not having thoroughly read the document.

The Chairman requested Council's decision as to whether to add this item to the agenda through a show of hands and, as a result, **a two-thirds majority agreement was not achieved and the matter was not added to the agenda.**

Council agreed to add the two remaining items proposed by the City Clerk to the agenda.

DEFERRED ITEMS

Work Restrictions - Remembrance Day

This matter was deferred to this meeting from the 26 November 1992 meeting of City Council.

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MOVED by Alderman Pottie, seconded by Alderman Holland that the City Solicitor's Department provide the legal wording to amend all City of Halifax contracts to state that no work pertaining to those contracts shall be carried out during the whole of 11 November in respect of Remembrance Day.

Deputy Mayor Fitzgerald, speaking in support in the motion, requested that the report take into consideration departments which have to make emergency calls, etc.

Motion carried.

At 8:45 p.m. Alderman Jeffrey retired from the meeting.

Case No. 3745: Amendment to Existing Development Agreement - 2617-19 Windsor Street

This matter was deferred to this meeting from the 26 November 1992 meeting of City Council.

MOVED by Alderman Meagher, seconded by Alderman Fitzgerald that this matter be deferred to the next regular meeting of City Council scheduled for 14 January 1993.

Motion carried.

Case No. 5715: Development Permit, Lot D-3A, Douglas Avenue

A staff report dated 10 December 1992 was submitted.

Alderman Stone requested that, at this time, Council permit the presentations of two individuals involved in this matter.

A discussion ensued and concerns were expressed that if Council allowed this to proceed, it would actually be holding a public hearing on the matter and this was not usual for a City Council meeting.

The Chairman then requested that Council decide whether it would hear the two speakers through a show of hands. The decision resulted in a tie vote with the Chairman casting the deciding vote in favour of hearing the speakers. She pointed out that her reason for doing so was that the speakers were already in attendance and prepared

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future, the Aldermen advise their residents of the usual public hearing procedures.

Mr. Tom Doggett, a resident of 15 Douglas Avenue, addressed Council and advised that he was the next door neighbour of the property in question, belonging to Mr. Jim Naugler.

In his presentation, Mr. Doggett advised that his main concern was grade differential between the two properties and the potential runoff this would cause onto his property. As well, he added that he was also concerned about the appearance of the dwelling because of the revised height.

Mr. Doggett explained that he and Mr. Naugler met to try and resolve the situation and, at that time, he suggested that Mr. Naugler move his driveway from the right side of the property to the left side and thus, the grades next to his property would be kept lower and the two properties would look more appealing. He pointed out that his view of Mr. Naugler's property is that of a large foundation wall. Mr. Doggett noted that Mr. Naugler has agreed to put siding over this part of the foundation.

In concluding his remarks, Mr. Doggett reiterated that his main concern was that Mr. Naugler's driveway is proposed to be 6 ft. above his property and it would only be 8 ft. away from his property. He requested that, if Council approves this matter, a time limit be implemented so that Mr. Naugler could submit drawings to City staff which would be agreeable to all parties.

Mr. Boyd Algee, Development Officer, addressed Council and, using diagrams, provided a brief overview of the situation, as contained in the 10 December 1992 staff report.

In his comments, Mr. Algee advised that, when construction got underway during site preparations it was found that there were difficulties which necessitated raising the building two and a half feet.

At 8:53 p.m. Alderman Jeffrey returned to the meeting.

He advised that the matter was brought to Council because of the change in the height of the building and staff was now looking for Council's decision on the additional height. Mr. Algee noted that everyone notified in the original minor variance application was notified that this matter would be considered tonight.

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Mr. Jim Naugler, a resident of 185 Farnham Gate Road addressed Council and indicated that he was the applicant in this matter.

Mr. Naugler advised that when the property in question was excavated, water began seeping in, so 400 tons of rock were put in and this raised the property 2.3 ft. Mr. Naugler indicated that, due to a misunderstanding between his contractor, City staff and himself, the foundation was poured. Noting the impending winter season, he added that he was now trying to do his best to protect the foundation.

With respect to Mr. Doggett's concerns, Mr. Naugler advised that he has brought in two engineers to address the drainage issue and they have indicated that with proper landscaping, there shouldn't be a problem in having the water drain off both properties.

Mr. Naugler pointed out that in all other aspects, this application meets all City regulations and that the only concern is the drainage issue and this was simply a landscape matter.

Alderman Stone expressed appreciation to Council for dealing with the item this evening and expressed the view that the applicant had made an effort to attempt to deal with the problems put forth by Mr. Doggett. Alderman Stone suggested that development should proceed as long as the concerns of Mr. Doggett are looked at by the Development Department when the permit is issued. Alderman Stone suggested that the question of the driveway should also be considered by the Engineering and Works Department.

MOVED by Alderman Stone, seconded by Alderman Crowley that the development permit, Lot D-3A, Douglas Avenue allow the dwelling to be raised 2.3 ft., subject to the City's Engineering and Works Department approval that the drainage on this property is carried out in a proper manner.

Following a short discussion, the motion was passed with Alderman Jeffrey abstaining.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 9 December 1992 as follows:

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Application for the Placement of Public
Art - Mr. John D. Macnab

MOVED by Alderman Holland, seconded by Deputy Mayor Fitzgerald that, as recommended by the Finance and Executive Committee, the application for the placement of public art by Mr. John D. Macnab be referred to the Art Allocation Committee for study and report.

In seconding the motion, Alderman Fitzgerald expressed concern about the maintenance costs for the upkeep of donations of artwork the City receives. In particular, he referred to a fountain the City received and the expenditure of monies for repairs to it. He suggested that the City should consider having some sort of requirement when it accepts works of art, that funding for the upkeep be included in the donation.

The Chairman indicated that this was something that could be looked at once the Art Allocation Committee reports back.

Motion carried.

Acquisition of Civic No. 6437 and 6419 Lady Hammond Road

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

A supplementary report dated 17 December 1992 was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that Civic Numbers 6437 and 6419 Lady Hammond Road **not** be acquired at this time.

A discussion followed and Alderman O'Malley, in referring to the submitted report, advised that she previously asked a question about the cost of improvements to the building. The City Manager later advised that the estimated cost was approximately \$180,000 as indicated in the 9 December report.

Motion carried.

Library Automation System - Halifax City Regional Library

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

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- 1) the Halifax City Regional Library contract with **Dynix Library Systems Inc.** for the provision, installation and ongoing support of an integrated library automation system which meets the library's projected needs and growth to 1998 (the total cost of the project of \$1,200,394 is to include all necessary hardware, software, maintenance, data conversion, and site preparation necessary to implement the automated library system);
- 2) funding for the automated library system will be made available from previously approved funds for this purpose in the Equipment Replacement Reserve.

Alderman Meagher referred to the cost of the project and questioned whether it should be approved during a time of restraint. He suggested the matter be deferred to the budget process for consideration.

At the suggestion of the City Manager, it was MOVED by Alderman Meagher, seconded by Alderman O'Malley that the item be deferred to the next meeting of the Committee of the Whole Council at which time the Library Board be invited to attend.

The motion of deferral was lost.

Following a further discussion, the main motion was passed.

Application for the Placement of Public Art
- Canadian Merchant Navy Association

MOVED by Alderman Holland, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the application for the placement of public art received from the Canadian Merchant Navy Association Inc. be referred to the Art Allocation Committee for study and report.

Motion carried.

At 9:50 p.m. Her Worship retired from the meeting and Deputy Mayor Fitzgerald assumed the Chair.

Halifax District School Board - Auditors

The above item was forwarded to City Council without recommendation.

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Alderman Meagher, in referring to the 9 December 1992 information report submitted at the Committee of the Whole on 9 December 1992, noted it was advantageous for related City bodies to maintain the same auditors.

MOVED by Alderman Meagher, seconded by Alderman Holland that the matter be referred to the Audit Committee with the request that the Committee arrange a meeting with its School Board equivalents in an attempt to reach a joint approach.

Motion carried.

Van - Town Crier

The City Manager advised that, through a request of Alderman Jeffrey's, staff was asked to contact the local car dealerships to see if they would be interested in supplying a van for the use of the Town Crier similar to the van previously supplied by Bob MacDonald. He added that this was done and there are three dealerships who are interested. The City Manager noted that the three are currently dealing with their head offices and he expected to have a report by the next regular meeting of the Committee of the Whole, scheduled for 6 January 1993.

MOVED by Alderman Jeffrey, seconded by Alderman Meagher that this matter be forwarded to the next regular meeting of the Committee of the Whole Council, scheduled for 6 January 1993.

Motion carried.

Training and Job Creation - Social Planning Department

MOVED by Alderman Downey, seconded by Alderman Crowley that as recommended by the Finance and Executive Committee, the Information Report, dated 17 November 1992 be tabled.

Motion carried.

Current Borrowing Resolution

MOVED by Alderman Adams, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, the Mayor and City Clerk be authorized to sign the current borrowing resolution (attached to the staff report dated 26 November 1992) in the sum of \$7,000,000 for

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the period 1 January 1993 to 30 June 1993 in accordance with Section 213 of the Halifax City Charter.

Motion carried.

Application for Tax Relief - Section 123(1)(b)
of the Assessment Act

MOVED by Alderman Downey, seconded by Alderman O'Malley that, as recommended by the Finance and Executive Committee, authorization be granted under Section 123(1)(b) of the Assessment Act, for the relief from payment of a sum of \$13,367.33 assessed incorrectly to the Roman Catholic Episcopal Corporation on Lot 6A Barrington Street.

Motion carried.

Yearly Meeting Cancellations/Changes

MOVED by Alderman Meagher, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee,

- 1) City Council **reschedule** the Committee of the Whole Council meeting, presently slated for Wednesday, 17 March 1993, to **MONDAY, 22 MARCH 1993** in recognition of the March Break;
- 2) City Council **reschedule** the regular City Council meeting of Thursday, 1 July 1993 (Canada Day) to **TUESDAY, 29 JUNE 1992**;
- 3) City Council **cancel** its Committee of the Whole meeting scheduled for **WEDNESDAY, 4 AUGUST 1993** and the corresponding City Council meeting presently scheduled for **THURSDAY, 12 August 1993** representing a summer break;
- 4) City Council **reschedule** the regular City Council meeting of Thursday, 11 November 1993 to **TUESDAY, 9 NOVEMBER 1993**;
- 5) City Council **cancel** its Committee of the Whole Council meeting scheduled for Wednesday, 22 December 1993 and the corresponding City Council meeting scheduled for **THURSDAY, 30 DECEMBER 1993**, representing a Christmas break; and
- 6) City staff, boards and commissions be informed of the foregoing changes and cancellations.

Motion carried.

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Murphy Sailing Tours Limited

The above item was forwarded to City Council without recommendation pending receipt of a staff report.

A supplementary staff report dated 15 December 1992 was submitted.

MOVED by Alderman Downey, seconded by Alderman Hanson that Council authorize the Mayor and City Clerk to execute the attached extension to the present license agreement for a five year period from 15 May 1993, to 15 October 1997, with any further renewals subject to review by Council.

In response to a question by Alderman O'Malley, the City Manager advised that the commercial spaces will in no way infringe on the public boardwalks.

Motion carried.

Award of Tender #92-164 -
Eleven (11) 1993 Four-Door Patrol Sedans

MOVED by Alderman Downey, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, authority be granted to award Tender #92-164 for eleven (11) 1993 four-door Patrol Sedans to the lowest bidder meeting specifications, **O'Regan Chev-Olds**, for a tendered price including G.S.T. of \$228,126.14 (funds to be made available in Account Number 26104.8300.80001, titled "Motor Equipment Asset/Equipment Replacement Reserve - Vehicles Police").

The motion was put and passed.

Parks and Grounds Mainland Maintenance Facility
- Extension of Office and Storage Facility (File #58342)

MOVED by Alderman Holland, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee:

- 1) authority be granted to **J. W. Lindsay Enterprises** to complete the desired mezzanine expansion at the Parks and Grounds Maintenance Facility at a cost of \$16,200.00, including refundable Provincial Sales Tax, but with G.S.T being extra at 7 percent; and that
- 2) total funds of \$17,334.00 (including G.S.T.) to be made available from the following accounts:

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1500.54500 titled "To Construct Additional Drafting Room Space - Cowie Hill Complex" (\$9,800.00);

1500.55552 titled "Retrofit Greenhouse #1" (\$7,534.00).

The motion was put and passed.

Carleton Hotel

A supplementary staff report, dated 16 December 1992, was submitted, together with the following information:

- Correspondence, dated 12 December 1992, from Ms. Victoria Grant and Mr. W. A. Richardson, 6026 Jubilee Road, Halifax, B3H 2E4
- Correspondence, dated 14 December 1992, from Mr. Alvin Comiter, 1262 Queen Street, Halifax, B3J 2H4
- Correspondence, dated 16 December 1992, from Mr. Donald J. Patton, D.B.A., President, Heritage Trust of Nova Scotia (submitted by Alderman Holland)

MOVED by Alderman Downey, seconded by Alderman Holland that, as **proposed** during the 9 December meeting of the Finance and Executive Committee, Council authorize a supplementary budget, under Section 201(1) of the City Charter, of up to \$45,000 to be cost-shared with the interested parties, such that the net cost to the City will not exceed \$30,000 of this amount, to permit a full examination of the potential uses of the Carleton Hotel property to proceed.

In seconding this motion, Alderman Holland emphasized the importance of preserving the heritage character of downtown Halifax and indicated that, in his view, \$30,000 was not an excessive amount to be allocated for this purpose.

Alderman Jeffrey, reiterating comments made during the 9 December meeting of the Finance and Executive Committee, emphasized that, in his opinion, it was not appropriate for Council to assume the role of a "chartered bank" in order to save every heritage building that might be threatened by demolition.

9:55 p.m. - Her Worship Mayor Ducharme returns to the meeting, with Deputy Mayor Fitzgerald resuming his usual seat on Council.

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A discussion ensued during which Alderman Crowley indicated that, having reviewed the matter with members of staff and with representatives of Heritage Trust Nova Scotia, she was now of the opinion that it would be remiss of Council to allow the Carleton Hotel to be demolished, particularly at this point in time when several parties have shown an interest in developing the property.

While supporting the preservation of the Carleton Hotel in principle, Alderman Stone indicated that, in his opinion, the funding necessary to preserve this building should be provided **not** by Council in the form of an over-expenditure, but rather by those in the community who are particularly anxious to have the property protected.

The motion was put and passed.

Moosehead Grand Prix Auto Race

MOVED by Alderman Adams, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, Council approve the dates **JULY 9, 10 and 11** for the conduct of the Moosehead Grand Prix in 1993.

While concurring in principle with the motion put forward by Alderman Adams, Deputy Mayor Fitzgerald pointed out that the playground facilities on the Halifax Commons will have to be closed for a period of time, both during the set-up and take-down of the race equipment as well as during the actual days when racing events are scheduled. He therefore urged that staff of the Recreation Department work with representatives of Moosehead Breweries to ensure that recreational alternatives are provided for the children who frequent the Commons, suggesting, in this context, that perhaps a shuttle bus service could be implemented between this part of the City and some of the local beaches.

Alderman Pottie indicated that he personally could not support the motion, not only because of the disruption the races would cause to core-area children, but also because of the negative impact the presence of the concrete blocks and other race equipment might have on the City's appearance, particularly during the height of the tourist season. The Alderman went on to suggest that Council schedule a public meeting to discuss the proposed changes and their impact on area residents.

Responding to concerns put forward by Alderman Holland (and with reference to a suggestion made earlier in the discussion by the Deputy Mayor), the City Manager advised that plans are already being developed in

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consultation with the race sponsor for alternative recreational facilities to be provided during race week.

The motion was put and passed with eight (8) members of Council supporting the motion and three (3) voting in opposition as follows:

FOR: Deputy Mayor Fitzgerald; and Aldermen Holland, Downey, Adams, Hanson, Jeffrey, Crowley and Stone (8)

AGAINST: Aldermen Meagher, O'Malley and Pottie (3)

NOTE: At a later point in the meeting's agenda, Alderman Pottie gave Notice of Motion of Reconsideration with regard to the above resolution.

Alderman Meagher expressed concern that members of the public would not be sufficiently advised of the proposed changes, and MOVED, seconded by Alderman Pottie that the Chairman arrange for a public meeting at which these changes could be discussed.

The motion was put and defeated.

10:30 p.m. - Her Worship Mayor Ducharme retires from the meeting, with Deputy Mayor Fitzgerald assuming the Chair.

Award of Tender #92-166:
Four (4) 1993 Model Four-Door Sedans

MOVED by Alderman Holland, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, authority be granted to award Tender #92-166 for four 1993 Model 4-Door Sedans to the lowest bidder meeting specifications, Collins Plymouth Chrysler at a tendered price including G.S.T. of \$56,581.60 (funds to be made available in Account Number 26104.8033.80001, titled "Motor Equipment Asset/Equipment Replacement Reserve, Vehicles Police").

The motion was put and passed.

Award of Tender #92-163:
Two 1993 One-Ton Vans (Long Wheel Base)

MOVED by Alderman Hanson, seconded by Alderman Stone that, as recommended by the Finance and Executive

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Committee, authority be granted to award Tender #92-163 to the lowest bidder meeting specifications, **Taylor Lincoln Mercury** at a tendered price including G.S.T. of \$36,159.58 (funds to be made available in Account Number 26104.8300.80001 titled "Motor Equipment Asset/Equipment Replacement Reserve - Vehicles Police").

The motion was put and passed.

Award of Tender #92-116R - Printer Equipment

MOVED by Alderman Hanson, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, authority be granted to award Tender #92-116R for printer equipment to the lowest bidders meeting specifications (indicated below) with the funds being made available from various account numbers:

Laser Printer - Full Size - Category 1:
Epson Canada . . . \$1,790.00

Laser Printer - Full Size - Category 2:
Capitol Bus. Sys. . . . \$1,851.36

Laser Printer - Full Size - Category 3:
Crowntek . . . \$4,464.00

Laser Printer - Desktop:
Compatible Computers . . . \$1,008.00

Monochrome Dot-Matrix - Wide Carriage:
Kobetek . . . \$435.00

Monochrome Dot-Matrix - Narrow Carriage:
Crowntek . . . \$265.00

The motion was put and passed.

REPORT - SAFETY COMMITTEE

Council considered the report of its Safety Committee from a meeting held on Wednesday, 9 December 1992, as follows:

Facilities for the Homeless

MOVED by Alderman Jeffrey, seconded by Alderman Holland that, as recommended by the Safety Committee, City Council:

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- (a) approve in principle the proposal for lavatory facilities for the homeless.
- (b) act as a facilitating sponsor for a trial facility.
- (c) direct staff to negotiate with other interested parties to share the capital and operating costs of the trial facility.

In seconding the motion, Alderman Holland commended the designer of the lavatory facility on his initiative in bringing this matter to Council's attention.

The motion was put and passed.

Fence - Fort Needham

This matter had been forwarded to Council without recommendation.

Alderman O'Malley made reference to the fact that Fort Needham has traditionally been used as a coasting hill by neighborhood children, adding that, without a fence to serve as a buffer, there is a very real danger that children will slide directly onto Novalea Drive and into the path of oncoming motorists.

On the basis of suggestions put forward in the 4 December 1992 Information Report previously submitted, it was moved by Alderman O'Malley, seconded by Alderman Meagher that a 4' high vexar plastic snow fence, complete with wooden poles, be immediately installed along the bottom of Fort Needham Hill at an approximate cost of \$1,900.00 (to be charged to an operating account); and further, that appropriate signs be erected advising that coasting is not recommended due to potential hazards.

The motion was put and passed.

10:36 p.m. - Her Worship Mayor Ducharme returns to the meeting with Deputy Mayor Fitzgerald resuming his usual seat on Council.

REPORT - PLANNING COMMITTEE

Council considered the report of its Planning Committee from a meeting held on Wednesday, 9 December 1992, as follows:

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Development Agreement -
Cedar/Henry/Jubilee/Robie Streets

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Holland that, as recommended by the Planning Committee, City Council accept the offer of the developer; and that the City purchase the seven building permits for \$80,000 issued for the site on the interior of the Cedar/Henry/Jubilee/Robie Street block, and make the land abide by the regulations set forth in the Planning laws.

Alderman Jeffrey addressed Council in opposition to the Deputy Mayor's motion. In his remarks, the Alderman made specific reference to the staff report of 1 December in which the following points were noted:

- " . . . the cancellation of the development permits would not prevent the future as-of-right development of the site . . . Therefore, even though the compensation to the developer may be lower than the amounts earlier projected, the compensation may not prevent development of the site which appears to be the aspiration of the neighbouring property owners."
- "In staff's opinion it is difficult to justify the expenditure of public funds to prevent the construction of dwelling units which are not very different from those presently in the area."
- "The use of Section 91 in the circumstances presently before City Council would also make it extremely difficult for Council to refuse any request by a group of citizens who consider any proposed development undesirable."

On the basis of the foregoing, Alderman Jeffrey emphasized that, in his opinion, approval of the proposal presently on the floor would set an extremely dangerous precedent and, for that reason, he indicated that he would not be supporting the motion.

A discussion ensued in which Alderman Holland pointed out that, in his view, it was unlikely that approval of the Deputy Mayor's motion would be precedent-setting, given the fact that land parcels similar to the configuration found on Cedar/Henry/Jubilee/Robie are extremely rare in the City. The Alderman also emphasized that support of the motion would serve to rectify problems of some long-standing in this section of the Peninsula.

After some further debate and questioning of staff, the motion was put and defeated with five (5) members of Council supporting the motion and seven (7) voting in opposition as follows:

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FOR: Deputy Mayor Fitzgerald; and Aldermen Holland, Downey, Meagher and Hanson (5)

AGAINST: Aldermen Stone, Crowley, Macdonald, Jeffrey, Adams, Pottie and O'Malley (7)

Civic No. 6437 North Street

This matter had been forwarded to Council without recommendation, pending receipt of a further report from staff.

An Information Report, dated 14 December 1992, was submitted.

Alderman Meagher expressed his very deep concern that a garage of the size and lot coverage as that constructed in the back yard of 6437 North Street had been permitted by staff to proceed. In his remarks, the Alderman emphasized that, in his view, a structure of this nature was not "reasonable," given the R-2 residential zoning of the surrounding neighborhood.

Responding to Alderman Meagher's concerns, the City Manager pointed out that, under the provisions of the standards that have been in place since 1951, accessory buildings of this size and nature are perfectly acceptable in R-2 Zones. In this context, Mr. Murphy also noted that such buildings require no side yards and can, if necessary, cover up to 35 percent of the lot. The City Manager concluded his remarks by emphasizing that, if an application meets all requirements of existing provisions, staff have no alternative but to issue the necessary permits.

Alderman Meagher expressed further concern regarding the use to which this garage facility would be put, and asked for a report (**prior to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 6 January 1993**) from the City Solicitor as to the activities which are legally permitted to take place in such a structure under the R-2 zoning provisions.

**Report from Heritage Advisory Committee Re:
Heritage Incentives to Encourage the Retention
and Re-Use of Registered Heritage Properties**

This matter had been forwarded to Council without recommendation.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Holland that Council refer the matter back to the Heritage Advisory Committee with a request that they meet

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with staff to resolve the two matters presently outstanding, and, upon completion of those discussions, to submit a further report to Council.

The motion was put and passed.

Petition Alderman Adams Re: Derelict Vehicles

This matter had been forwarded to Council without recommendation.

A report, dated 14 December, was submitted from the City Solicitor, together with a staff report dated 15 December 1992.

MOVED by Alderman Adams, seconded by Alderman Stone that the 1963 Halifax City Charter be amended (as set out in Appendix "A" of the 17 November 1992 staff report) as follows:

1. Subsection 3 of section 363 is amended by adding the words and punctuation "derelict vehicle," immediately following the word "refuse" in line four thereof.
2. Subsection (1) of section 2 is amended by adding the following clause:
 - (ae) "derelict vehicle" includes a vehicle that has been left on a property with or without lawful authority and that appears to the Building Inspector by reason of its age, appearance, mechanical condition or lack of license plates, to be disused or abandoned.

The motion was put and passed.

**Improvements to Property - 5994 Spring
Garden Road at Robie Street**

Following is the recommendation from the 9 December meeting of the Planning Committee:

THAT:

- (a) renovations be undertaken at 5994 Spring Garden Road in the amount of \$262,000;
- (b) Authority be granted to award this tender to T.A.G. Enterprises limited, the lowest bidder meeting specification; and

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- (c) Council pre-approve the necessary funds for the 1993 capital budget.

A supplementary staff report, dated 15 December, was submitted, together with correspondence, dated 15 December 1992, from several residents of 1403 Robie Street.

Deputy Mayor Fitzgerald advised that, in the interim since the 9 December meeting, he had visited the property in question and spoken with many of the tenants who would like to have their views aired.

It was therefore moved by Deputy Mayor Fitzgerald, seconded by Alderman Jeffrey that the matter be deferred to the next regular meeting of the Committee of the Whole Council (scheduled for Wednesday, 6 January 1993), and that the tenants of 5994 Spring Garden Road be given an opportunity to address the Committee at that time.

The motion to defer was put and passed.

**Case 5949: Extension of Development Agreement
- Clayton Park West Shopping Centre (Canadian Tire Store)**

Correspondence, dated 16 December 1992, from Mr. John Gardonio, Real Estate Manager, Canadian Tire Corporation, Limited, was submitted.

Reiterating remarks made during the 9 December meeting of the City Planning Committee, Alderman Stone expressed the view that it was important that development of the site in question by the Canadian Tire Corporation move ahead as quickly as possible, particularly given the population growth in Mainland North and the apparent demand for its services. While acknowledging that the company had initially requested a **two-year** extension of its agreement, the Alderman indicated that, in his opinion, construction should begin as early in 1993 as possible and that if an extension was necessary to allow for completion of the project, the request could then be favorably considered by Council.

It was therefore moved by Alderman Stone, seconded by Alderman Jeffrey that, as recommended by the Planning Committee and pursuant to Article 7 of the development agreement for the Clayton Park West Shopping Centre, City Council grant an extension of the completion date for the Canadian Tire Store to 31 December 1993.

The motion was put and passed.

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MOTIONS

**Motion Alderman Macdonald Re: 1987 City
Council Resolution - Widening of Alma Crescent,
Titus Street and Dutch Village Road**

Notice of Motion with regard to this matter had been given by Alderman Macdonald during a regular meeting of Halifax City Council held on Thursday, 26 November 1992.

Alderman Macdonald made reference to the lateness of the hour and to the complexity of the subject matter he wished to discuss, recommended (and it was so agreed) that the matter be deferred to the next regular meeting of Halifax City Council **scheduled for Thursday, 14 January 1993.**

QUESTIONS

**Question Alderman Macdonald Re:
20 Dawn Street - Building Code Infraction**

Alderman Macdonald made reference to a serious Building Code infraction which he had previously reported concerning a property at 20 Dawn Street. Noting that the matter had ultimately been referred to the City's Planning Advisory Committee for review and recommendation, the Alderman asked for information as to the status of that Committee's deliberations.

Speaking as a member of the PAC, Alderman Meagher reported that the Committee has discussed this matter on at least two occasions and has also met with the property owner. The Alderman noted that at this point in time, the PAC is attempting to develop its recommendation with regard to appropriate compensation, and would be reporting early in the New Year. In the interim, Alderman Meagher asked that the PAC's Secretary be directed to provide Alderman Macdonald with extracts of the Committee's deliberations on this subject matter.

Alderman Macdonald indicated that he was satisfied with the information provided by Alderman Meagher in this regard.

**Question Alderman Macdonald Re:
Lighting Requirements - Park Areas on City-Owned Land**

Alderman Macdonald made reference to a number of small, wooded park areas located on City-owned land in and

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around the Clayton Park area (particularly those adjacent to Clayton Park Drive). In his remarks, the Alderman noted that, because of inadequate lighting, these areas appear to be prone to vandalism and also entice occasional criminal activity.

Under the circumstances, therefore, Alderman Macdonald asked for a report as to whether or not the City might be responsible for the provision and maintenance of lights in these areas where safety is a special concern.

**Question Alderman Jeffrey Re:
Snow Removal Procedures**

Alderman Jeffrey indicated that it had been his understanding that snow is to be removed from City streets on a curb-to-curb basis and expressed concern that, during the most recent snowstorm, this procedure had not been followed for various of the streets in his ward. The Alderman therefore asked that staff investigate the matter, and ensure that this procedure is adhered to in future.

**Question Alderman Jeffrey Re:
Derelict Vehicle - Vimy Avenue**

Alderman Jeffrey reported the presence of a derelict vehicle at the bottom of Vimy Avenue, adding that the vehicle in question gives every appearance of having been brought to that location and stripped.

Suggesting that the car may, in fact, have been stolen, the Alderman recommended that the matter be brought to the attention of the appropriate staff members so that action could then be taken to have the vehicle removed.

**Question Alderman Jeffrey Re: Proposal to Amalgamate
Recreation Department and Parks and Grounds Division**

Alderman Jeffrey noted that over the last two years he has repeatedly asked for a report concerning the feasibility of amalgamating the City's Recreation Department and its Parks and Grounds Division.

Advising that, to date, the report has not been forthcoming, the Alderman emphasized that he would appreciate receiving this information **as quickly as possible** so that the item might be added to the agenda of the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 6 January 1993.

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**Question Alderman Downey Re:
Safety of the City**

Alderman Downey noted that he has received numerous calls concerning the fact that, in the opinion of many, the City is not "safe" even during the daytime hours. The Alderman referred in particular to recent incidents which have occurred on Robie Street, the Halifax Shopping Centre, in Clayton Park and on Quinpool Road.

Noting the swearing-in earlier in the meeting of eight new police constables, the Alderman asked for a full report from either the Chief of Police or from the Halifax Board of Police Commissioners as to whether, in their view, the Police Department has sufficient manpower and whether, in fact, the City is indeed "safe."

**Question Alderman Downey Re:
Overhead Crosswalk Signs**

Alderman Downey made reference to a number of overhead crosswalk signs which have now been installed throughout the City and asked for information from the City's Traffic Authority as to whether a notice could be inserted in the local newspapers advising motorists that, when these lights are flashing, they are required to bring their vehicle to a complete stop.

Question Alderman O'Malley Re: Retirement Policy

Alderman O'Malley made reference to a retirement policy which had been submitted to Halifax City Council in October. In this context, the Alderman asked for information from staff in the form of a written report as to whether this policy requires enabling legislation from the Province of Nova Scotia in order to be implemented.

**Question Alderman O'Malley Re: Minutes -
Special Meeting of Halifax City Council (9 December 1992)**

Responding to a question from Alderman O'Malley, the City Clerk advised that the Minutes relating to a Special Meeting of Halifax City Council held on Wednesday, 9 December 1992, would be submitted for approval at the next regular meeting of City Council **scheduled for Thursday, 14 January 1993.**

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Question Alderman Adams Re: City Employee

Alderman Adams referred to a memorandum received by members of Council on 7 October 1992 regarding a City employee, and asked for a status report on this matter.

**Question Alderman Adams Re:
Installation of Crosswalks**

Alderman Adams made reference to a stairway which presently extends from the Elizabeth Sutherland School onto Tartan Avenue. The Alderman pointed out that there is no crosswalk in this area, despite the fact that the stairway is heavily used by school children, and therefore asked for comments from the City's Traffic Authority as to whether one might be considered for this location.

In this same context, Alderman Adams noted that it had been brought to his attention that the "School Zone" sign, previously erected in the vicinity of this stairway, has now been somewhat obscured by the installation of a new lamp post. He therefore asked if steps could be taken to rectify the situation.

On another but related matter, Alderman Adams made reference to a path that leads from Thornhill Drive at the cul-de-sac to Herring Cove Road and noted the absence of a crosswalk in this area, despite the fact that a bus stop is located directly across the street. Referring to a request received from the PTA's of two area schools, the Alderman asked for information from staff as to the feasibility of a crosswalk at this location.

**Question Alderman Crowley Re:
Ice Skating - Halifax Commons**

Alderman Crowley advised that she had received a number of expressions of interest regarding the possibility of family skating on the Halifax Commons, and asked for information from staff as to whether this concept had been previously considered.

**Question Alderman Crowley Re:
Snow Removal - St. Andrews Avenue**

Alderman Crowley made reference to a cul-de-sac at the top of St. Andrews Avenue which continually causes problems for the City plows in terms of efficient snow removal. The Alderman went on to note that, unfortunately, an elderly couple reside in this immediate area and, because of the problems encountered by the plows, these

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residents are continually worried about their ability to get on and off their property.

Alderman Crowley asked that this matter be brought to staff's attention and, if at all possible, that efforts be made to address these difficulties on an ongoing basis.

**Question Alderman Crowley Re:
Letter from Mr. Eric Durnford**

Alderman Crowley made reference to a copy of a letter recently forwarded to Her Worship Mayor Ducharme by a local solicitor, Mr. Eric Durnford, and asked for information as to who specifically had engaged Mr. Durnford and whether he was considered to be working for the City of Halifax, Halifax City Council, or for Mayor Ducharme.

Her Worship advised that a report on this matter would be submitted.

**Question Alderman Stone Re: Proposed
Parking Signs - Montgomery Court**

Alderman Stone made reference to a report recently received from the Traffic Authority indicating that temporary parking signs are to be erected on Montgomery Court.

The Alderman thanked staff for their efforts in this regard, but asked that, in view of the mild weather the City is presently experiencing, consideration be given to mounting **permanent** signs on this very narrow street. In making this request, Alderman Stone indicated that he had some concern that it will be only too easy for winter snow plows to destroy any signs that are not permanent in nature.

On another but related matter, Alderman Stone noted that staff are also planning to erect a temporary Stop sign at the end of Montgomery Court on Farnham Gate Road and, in this context, asked that this sign be made permanent as quickly as possible.

**Question Alderman Stone Re:
Staff Involvement - Mainland North Traffic**

Alderman Stone made reference to a memorandum from the City Manager dated 27 November 1992 concerning the assistance provided by a member of City staff to an Alderman with regard to the Mainland North traffic issue

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and, in particular, the Bedford Highway. The Alderman went on to advise that Mr. Murphy's report asserts that because this assistance represented a minimal investment of time and money, the City Manager could find no evidence of wrongdoing.

Alderman Stone indicated that he had some difficulty with that position, pointing out that, in his view, the staff person in question took an initiative which was directly in opposition to a resolution of Council. Under the circumstances, therefore, the Alderman asked that the Auditor General be directed to investigate the matter further as to whether the staff person had acted appropriately or whether, in fact, disciplinary action should be taken. In concluding his remarks, Alderman Stone asked that the Auditor General submit a report to Council, once his investigations have been completed.

Her Worship Mayor Ducharme indicated that Alderman Stone's request would require clarification of the Auditor General's role in such matters.

**Question Alderman Stone Re:
Hiring of Consultants**

Alderman Stone referred to information recently received from the Engineering and Works Department concerning the use of consultants. In thanking staff for this information, the Alderman noted that he would greatly appreciate receiving similar information from other City departments as to the name of any consultants hired over the past year, the amount paid, the individual responsible for these hirings, the purpose of the work undertaken, and any other pertinent details related to these contracts.

**Question Deputy Mayor Fitzgerald Re:
Letter from the Honourable Joel Matheson**

Deputy Mayor Fitzgerald made reference to a letter recently received by Her Worship Mayor Ducharme from the Honourable Joel Matheson which appears to indicate that Provincial support will not be forthcoming unless Halifax City Council deals with the overall issue of traffic problems in Mainland North.

The Deputy Mayor therefore requested that Mayor Ducharme contact the Province for clarification in this regard.

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**Question Deputy Mayor Fitzgerald Re:
Captain William Spry Centre**

Deputy Mayor Fitzgerald asked for a status report with regard to the improvements now underway at the Captain William Spry Centre.

**Question Deputy Mayor Fitzgerald Re:
Former Infirmary Building**

Deputy Mayor Fitzgerald asked for a progress report with regard to the former Infirmary Building on Barrington Street.

**Question Deputy Mayor Fitzgerald Re:
Former Birks Building Site**

Deputy Mayor Fitzgerald asked for a status report regarding the site of the former Birks Building at the corner of Barrington and George Streets.

**Question Deputy Mayor Fitzgerald Re:
Proposed Amalgamation**

Responding to a question from the Deputy Mayor, the City Manager advised that the issue of the proposed amalgamation of metro area municipalities and the feasibility of establishing a committee to develop the City's stance on the matter will be discussed at a Management Committee meeting scheduled for Tuesday, 22 December.

**Question Deputy Mayor Fitzgerald Re:
Court Decision - Metropolitan Authority**

Deputy Mayor Fitzgerald made reference to a private and confidential memorandum received from the City Solicitor concerning the recent court decision on the Metropolitan Authority issue. Observing that an appeal process, if deemed appropriate, must be initiated **prior to 30 December 1992**, the Deputy Mayor asked for information as to how Council wishes to deal with this item.

In this same context, the Deputy Mayor urged that a special meeting be scheduled as quickly as possible to deal with recent events surrounding Council's relationship with the current City Manager.

Her Worship Mayor Ducharme advised that she would poll individual members of Council as to the feasibility of

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arranging a special meeting on this matter within the next several days.

Question Alderman Meagher Re: Gambling Machines

Alderman Meagher expressed concern that numerous gambling machines have now been installed in various locations throughout Halifax with no revenue of any kind accruing to the City.

In this context, the Alderman asked for a report from the City Solicitor as to what, if anything, could be done to enable the City of Halifax to impose a licensing fee for these machines.

**Question Alderman Meagher Re:
Animal Problem - Willow Street**

Alderman Meagher submitted a copy of a petition previously submitted to the City's Animal Control Division and to the Halifax Police Department regarding an animal belong to a resident of 6118 Willow Street.

The Alderman indicated that he would appreciate being advised as to the action being taken in this matter as quickly as possible.

**Question Alderman Pottie Re: Memorandum -
Court Decision - Metropolitan Authority**

Alderman Pottie made reference to a memorandum delivered to members of Council earlier in the evening regarding the court decision on the Metropolitan Authority issue.

The Alderman expressed concern that Council was being asked to make a decision on an extremely important issue without being given ample opportunity for review. Under the circumstances, therefore, he asked for information from the City Solicitor as to why this report had not been forwarded to the Aldermen at a much earlier date.

**Question Alderman Pottie Re:
Incentives for New Business**

Alderman Pottie asked for a comprehensive report from staff on the financial and other implications of a proposal by which commercial premises in the City of Halifax, which have not been rented for the past six

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months, could be occupied by **new** businesses and be exempt from the City's business occupancy tax for a full 12-month period.

In putting forward this proposal, Alderman Pottie emphasized that, in his opinion, this was one method of "kickstarting" the local economy, pointing out that the City now has many thousands of square feet of empty retail, commercial and office space. He noted that, if implemented, the proposal would not only offer very real incentives for new businesses, it would also generate many additional tax dollars for the City in future years.

**Question Alderman Pottie Re:
Special Meeting of City Council - 9 December 1992**

Alderman Pottie asked for a written report from the City Solicitor as to his views on the special meeting of Halifax City Council held on 9 December, in particular the stage at which the quorum was nearly lost as well as on the adjournment(s).

NOTICES OF MOTION

**Notice of Motion Alderman Jeffrey Re:
Amendment to Section 38 of City Ordinance 103**

Alderman Jeffrey gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 14 January 1993**, he proposes to introduce a motion to rescind Section 38 of City Ordinance 103, Respecting the Rules of Order of Council, and to substitute the following:

That the Mayor or Deputy Mayor, when acting as Chairman of a meeting of Council, shall not vote except in the event of an equality of votes, when he shall give a casting vote, and before doing so, give his reasons therefore; and any member of the Council as the other members then present choose to act as Chairman shall be entitled to vote in all circumstances.

**Notice of Motion Alderman Jeffrey Re:
Council's Motion - 9 December 1992**

Alderman Jeffrey gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 14 January 1993**, he proposes to introduce a motion to seek a legal ruling in the Supreme Court regarding Council's motion of 9 December 1992.

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**Notice of Motion Alderman Macdonald Re:
Connector Roadway (Dunbrack/Lacewood Bypass)**

Alderman Macdonald gave notice that he wished to add an item to the agenda of the next regular meeting of Committee of the Whole Council (**scheduled for Wednesday, 6 January 1993**) in connection with the connector roadway otherwise known as the Dunbrack/Lacewood Bypass.

In this context, the Alderman asked that staff prepare a preliminary report outlining any options that might be available (as well as related cost estimates) in order that the Mainland North roadway improvements (including the Bedford Highway) might proceed and receive Provincial cost-shared funding.

Alderman Macdonald submitted a copy of a letter, recently received from the Honourable Joel R. Matheson, Q.C., which, he reported, appears to indicate that Provincial cost-sharing will be forthcoming only if improvements are made to the Mainland North traffic problems in general, rather than to the Bedford Highway in isolation.

**Notice of Motion Alderman O'Malley Re: Proposed
Amendments - Section 23(2), Halifax City Charter**

Alderman O'Malley gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 14 January 1993**, she proposes to introduce a motion requesting the Nova Scotia Legislation to amend Section 23(2) of the Halifax City Charter to provide that, when there are only seven members of City Council present at any meeting, the Chairman shall have a vote.

**Notice of Motion Alderman Adams Re:
Personnel Matter (Status of the City Manager)**

Alderman Adams gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 14 January 1993**, he proposes to introduce a motion with regard to a personnel matter concerning, in particular, the status of the City Manager.

**Notice of Motion Alderman Pottie Re: Proposed
Amendment to Ordinance 147, the Dog Ordinance**

Alderman Pottie gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 14 January 1993**, he proposes to introduce a motion with regard to the proposed amendment of Ordinance Number 147, the Dog Ordinance.

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The Alderman advised that the purpose of this proposed amendment is to exempt from the licensing requirements of the Ordinance hearing ear dogs owned by the Hearing Ear Dogs of Canada and placed with hearing-impaired individuals in the City.

**Notice of Motion Alderman Pottie Re: Proposed
Amendment to Ordinance 169, the Police Board Ordinance**

Alderman Pottie gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 14 January 1993**, he proposes to introduce a motion to amend Ordinance 169, the Police Board Ordinance.

The Alderman advised that the purpose of this proposed amendment is to increase the number of Police Commission members from five to six.

**Notice of Motion of Reconsideration Alderman
Pottie Re: Council Resolution of 17 December 1992
(Moosehead Grand Prix)**

Alderman Pottie gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 14 January 1993**, he proposes to introduce a Motion of Reconsideration with regard to the Council resolution of 17 December 1992 concerning the 1993 dates for the Moosehead Grand Prix (Agenda Item 10.15).

**Notice of Motion Alderman Crowley Re: Proposed
Amendment to Ordinance 182, the Downtown Business
Improvement District Commission Ordinance**

Alderman Crowley gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 14 January 1993**, she proposes to introduce a motion to amend Ordinance 182, the Downtown Business Improvement District Commission Ordinance.

The Alderman advised that the purpose of this amendment is to change a number of dates in the Ordinance by which certain events are to happen to account for the change in the City's fiscal year.

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ADDED ITEMS

Report from Halifax Industrial Commission: Plan
Amendment Re: Lands for Kent Building Supply
Project (Bayers Lake Area, Halifax Business Park)

A report, dated 11 December 1992, from Mr. Murray McIsaac, Chairman of the Halifax Industrial Commission, was submitted.

Alderman Pottie observed that the matter under discussion has already been referred to the Planning Advisory Committee for review and recommendation, and expressed concern that Council might be acting prematurely by setting a public hearing date at this point in time.

However, having consulted with both the City Solicitor and with Mr. R. D. Corkum, Executive Director of the Halifax Industrial Commission, it was moved by Alderman Pottie, seconded by Alderman Hanson that a public hearing be scheduled to consider the proposed Plan amendment pertaining to the lands required for the Kent Building Supply Project, Bayers Lake Area (Halifax Business Park).

While expressing support for this motion, Alderman Stone recommended that the Planning Advisory Committee be urged to complete its review of this proposal as quickly as possible.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 3 FEBRUARY 1993** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Amendment to Stage One, Schedule K Agreement
- Clayton Park West

A staff report, dated 15 December 1992, was submitted.

MOVED by Alderman Stone, seconded by Alderman Jeffrey that City Council set a date for a public hearing to consider amendments to the Stage One Development Agreement for Clayton Park West dated 26 October 1988 with respect to cost-sharing on the Lacewood Drive extension, collector road pattern, and servicing.

The motion was put and passed.

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The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 20 JANUARY 1993 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

Letter from Executive Director, Local 108

Her Worship advised Council that she had recently received a letter from the Executive Director of Civic Workers Local 108, informing of reports made to him that Aldermen have been harassing members of staff and that staff, in turn, were feeling very vulnerable. She added that Mr. MacDougall had gone on to quote from the City Charter and to allege interference by Council with staff.

Mayor Ducharme described these allegations as "very serious" and, as Chair, she cautioned members that such behavior would be regarded as distasteful and totally inappropriate. She concluded her remarks by stating that, if such behavior is indeed taking place, it should cease immediately, saying that employees of the City must be able to go about their daily activities without fear and with a feeling of security.

Mayor Ducharme advised that there was another issue in Mr. MacDougall's letter which she wished to share with members in a private forum before tonight's meeting was adjourned.

Several members of Council voiced their concern regarding the allegations contained in Mr. MacDougall's letter, and expressed the view that any Alderman found to be indulging in this sort of behaviour should be harshly reprimanded.

After a brief discussion, it was moved by Alderman Pottie, seconded by Alderman Adams that Mr. MacDougall be asked to appear before City Council, publicly or in private, to advise members with regard to the person or persons making these accusations and in reference to which member of Council.

The motion was put and passed.

There being no further business to be discussed, the meeting was adjourned at approximately 12:15 a.m.

HER WORSHIP MAYOR MOIRA DUCHARME
AND
DEPUTY MAYOR WALTER FITZGERALD
CHAIRMEN

EDWARD A. KERR, CMC
CITY CLERK

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