

HALIFAX
CITY
COUNCIL

BOOK 1

JAN. - JUNE
1993

SPECIAL CITY COUNCIL MINUTES

Council Chamber
Halifax City Hall
04 January 1992³
12:30 p.m.

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

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 Walter Fitzgerald; and Aldermen Holland, Downey, Meagher, O'Malley, Pottie, Hanson, Macdonald, Crowley, and Stone.

ALSO PRESENT: Mr. D. F. Murphy, City Manager; Mr. W. Anstey, City Solicitor; and Mr. E. A. Kerr, City Clerk.

Metropolitan Authority - Possible Appeal of Justice Davidson's Decision of November 25, 1992

A letter, received in the City Clerk's Office on 04 January 1993 from Mr. Fred Hall, representing the Citizens Against Incineration, 93 Union Street, Bedford, N.S., B4A 2B6 was submitted.

A press release, dated 04 January 1993, from Mr. John Edmonds, representing the Halifax Citizen's Task Force on Waste Management was submitted.

Her Worship advised that the meeting was called for the purpose of deciding whether to appeal the decision of Mr. Justice Davidson which ruled that there was a quorum present when the resolution was passed by the Metropolitan Authority authorizing the Chairman to execute the Ogden-Martin contract.

Her Worship noted that she had circulated a memo to Council recently indicating that, in her opinion, to appeal this decision without any viable alternative would appear to be obstructive. As well, she added that she felt it would jeopardize the decision the Judge made in favour of the City of Halifax which is that City Council need not guarantee the borrowing for the incinerator. Her Worship advised that she and the Deputy Mayor felt it would be best

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to call a meeting to hear from members of Council on how they wish to proceed.

Her Worship then requested the City Solicitor to explain the decision handed down by Justice Davidson.

In his remarks, the City Solicitor advised that Justice Davidson ruled that the Metropolitan Authority meeting, at which the resolution authorizing the incinerator contract was passed, was a duly constituted meeting and, therefore, the resolution was duly passed.

The City Solicitor advised that the second declaration sought by the Metropolitan Authority had to do with the question of the guarantee of borrowing and, in effect, the Metropolitan Authority was requesting the Judge to declare that the City of Halifax was required to guarantee borrowings of the Authority. The Solicitor added that this declaration was denied by the Judge, and he found that, while the City of Halifax could decide to guarantee borrowing if it so chose, the City was not mandatorily required to guarantee the borrowing of the Authority.

The City Solicitor advised that the question before Council at this time is whether to appeal the decision of the judge regarding the quorum issue.

Mr. John Edmonds, a resident of 818 Bridges Street, addressed Council and advised that he was the Chairperson for the Halifax Citizens Task Force on Waste Management and Co-Chair of the City of Halifax Waste Management Task Force.

In his presentation, Mr. Edmonds expressed his appreciation to her Worship for calling this meeting and he strongly encouraged Council to proceed with the appeal. Mr. Edmonds added that he believed Justice Davidson made his decision based on pragmatic facts and Mr. Edmonds suggested that there was the Charter of Rights and other factors to be considered.

Referring to the support that Council has received on this matter, Mr. Edmonds made reference to letters he received and read excerpts from the letters expressing concern about incineration and which were in support of an appeal by City Council. Mr. Edmonds concluded his remarks by pointing out that there was strong support for Council to continue with this matter and that there were alternatives to incineration.

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Professor Wayne MacKay, a resident of 2584 Kline Street, addressed Council and pointed out that he was not retained by anyone to appear at this meeting and that his purpose in being here was a request by Alderman Crowley to outline possible Charter analyses in respect of the appeal.

Professor MacKay first pointed out that, in raising any kind of Charter question, the relevant party must be a government actor and, in his view, the Metropolitan Authority would be seen as a government actor. Secondly, Professor MacKay advised that the second question which might be raised is, where the Judge's decision did not raise the question of the Constitution or the Charter, how can questions be raised at an appeal that were not raised at trial. He added that, in his view, it would not be a problem because at any time the Court can deal with arguments in respect of the Constitution, whereas, this is not true with other issues.

Professor MacKay advised that another question which could be raised with respect to this matter would be what would be the argued violation. He added that, in his opinion, the relevant section of the Charter would be Section 7 "the right to life, liberty, and security of the person" and the right not to be deprived thereof except in accordance with the principles of fundamental justice. He explained that the key question with this aspect is the kind of deprivation of rights that would trigger Section 7. Professor MacKay noted that Section 7 was designed to exclude "property" and that has been interpreted by many courts to say that any decisions affecting property are not ones that trigger Section 7. He added that, however, there have been broad interpretations of the three phrases and unless the matter is defined as an issue of life, liberty, or security of person, Section 7 is irrelevant.

Professor MacKay went on to add that the issue then to be considered is whether a question of requiring incineration could trigger the question of the right to life, liberty, or security of person. He noted that there have been no Supreme Court decisions on this and that some arguments suggest that perhaps two questions could be raised, that being, the right to a clean environment is part of security of person. Professor MacKay added that a second way of arguing the matter is that physical security or health does raise a question of Section 7, and he noted that this aspect has been argued in the courts.

Professor MacKay, in clarifying the matter, advised that the first question which would be considered is, is Section 7 triggered and then the second question is,

even if this is an issue which raises the question of security of the person, either in terms of health or environment, then was the decision made in contravention of the principles of fundamental justice. He added that the question is one of process--the deprivation has to be in a way which violates fair process. He pointed out that if both of those questions were passed then there is still Section 1 in the Charter to deal with, which states that all sections in the Charter are subject to reasonable limits.

Professor MacKay also pointed out that the critical question is what are the alternatives, adding that the courts would look at what are the other ways of dealing with garbage that would be less invasive to health and environment.

In conclusion, Professor MacKay advised that, to date, there has been no Supreme Court decision which turns this decision down and, in fact, there have been very few decisions in this area at all. Secondly, he advised that, in terms of protecting the environment and health, there are some signs that the Canadian Constitution can be used, at least, in respect to health. Professor MacKay added that on a negative side, the courts are reluctant to get involved in telling municipal decision makers how to manage their affairs and he advised that Council should be aware that this would be a very lengthy process.

Mr. MacKay responded to questions from Council.

Mr. Howard Epstein, a resident of 2396 Clifton Street, addressed Council and advised that he was a lawyer and the Director of the Ecology Action Centre. Mr. Epstein indicated that he supported the idea of City Council opposing the incineration choice in any way possible. Referring to the Sound Resource Management Report, he added that there were other options available.

Mr. Epstein noted that, if an appeal were to be taken, there would be some risk of losing what Council had won in the decision concerning the loan guarantees, however, he believed it would be a very small risk.

Mr. Epstein advised that he felt Council should appeal the decision and, in doing so, it would buy time and give the Ecology Action Centre the opportunity to further educate the public and other elected officials, and it would also give City Council time to work out some sort of political solution with the other members of the Metropolitan Authority.

In conclusion, Mr. Epstein requested Council to authorize proceeding with an appeal of the decision and to add in the grounds of appeal, the raising of Charter of Rights points outlined by Professor MacKay.

Deputy Mayor Fitzgerald addressed the matter and indicated that his main concern about this matter was the financial impact the incinerator would have on the City of Halifax. He noted that some time ago he requested figures on the actual cost and that, to date, no one can say what the real cost of the incinerator will be.

Deputy Mayor Fitzgerald added that he found it difficult to make a decision which will impact on the citizens of Halifax financially and otherwise for a long period of time without knowing all the facts. With respect to other concerns about incineration, Deputy Mayor Fitzgerald noted that communities and governments worldwide are increasing their involvement in recycling and reducing garbage to landfills. He added that as collection methods change there will be less to burn in the incinerator.

Deputy Mayor Fitzgerald advised that he strongly believed that incineration was wrong and that City Council, which has always opposed incineration, must fight against incineration. The Deputy Mayor, indicating that there were many outstanding questions regarding financial, health and environmental, and economical issues to consider, advised that he supported taking action to prevent the incinerator and he believed that the appeal process would be a way to do so.

A discussion ensued with the City Manager and City Solicitor responding to questions from Council.

Alderman Pottie addressed the matter indicating that he opposed incineration, however, he was concerned about the cost involved in proceeding with an appeal and the length of time it would be tied up in the courts. He suggested that a more appropriate approach would be for Council to state that it is dissatisfied with the decision of Justice Davidson, and that it continues to oppose incineration for the Metropolitan Area. He added that Council could have the City Solicitor investigate and document the cases of incineration in North America which have failed and to proceed to court to ask for a decision, using Section 7 of the Charter of Rights, concerning the harmful affects incineration will have on the citizens of Halifax.

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Alderman Pottie noted that if the appeal went to court, it would probably extend past the period of the 1994 closure of the landfill and then Halifax and the entire Metro area would not have a place to dispose of their garbage. He suggested that Council should try to stop the incinerator on environmental aspects and then, if Council went to court and the court ruled in its favour, then the City of Halifax would not have to pay for the incinerator and the recommendations in the Sound Resource Management report could be implemented.

Further discussion ensued by members of Council.

At 2:15 p.m. Her Worship retired from the Chair, proceeding to the podium and the Deputy Mayor assumed the Chair.

Her Worship addressed Council and advised that she has always been against the incinerator and she added that, should it proceed, an environmental review will be required and she would also be speaking against it at this stage.

Her Worship referred to the Sound Resource Management Plan and advised that Mr. Jeffrey Morris was contacted during the mediation stage to ask if any municipality had implemented this plan. She added that, as of 22 July 1992 Mr. Morris was not aware of any municipality which implemented all aspects of the Plan. Her Worship advised that no community has achieved diversion rates of 70 to 80 percent. In this regard, Her Worship added that it was an ideal goal and she did not believe that Halifax could achieve this Plan in 17 months.

Her Worship pointed out that there was now an atmosphere at the Metropolitan Authority board which indicates that there is a possibility of a solution which will not include incineration. She added that, taking this appeal on the basis of the Charter of Rights would be very lengthy and costly. Her Worship advised that she would continue to oppose incineration in a constructive manner, and would continue to work with the other members of the Metropolitan Authority for a regional solution and she believed that it could be achieved. On this basis, Her Worship advised that she could not support a decision to appeal the decision of Justice Davidson.

Her Worship went on to add that the City would not be appealing the incinerator, it would be appealing the decision concerning a quorum at the meeting where the contract was approved.

Her Worship then referred to the current tough economic times and advised that the citizens of Halifax don't want a costly incinerator, nor do they want City Council to drag out this matter further. She added that, in her view, to appeal would purely be an obstructionist attitude towards regional cooperation and, in conclusion, she urged Council not to appeal the decision of Justice Davidson.

Her Worship then returned to the Chair and Deputy Mayor Fitzgerald assumed his usual seat in Council.

Deputy Mayor Fitzgerald addressed the matter again indicating that he strongly believed that Council should proceed with an appeal to stop the incinerator and he was prepared to move a motion in this regard.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Meagher that City Council appeal the decision by Justice Davidson regarding the Metropolitan Authority.

The motion was put and defeated with three (3) members of Council voting for it and seven (7) voting against it as follows:

FOR: Deputy Mayor Fitzgerald, Alderman Meagher, and Alderman Crowley. (3)

AGAINST: Alderman Holland, Alderman Downey, Alderman O'Malley, Alderman Pottie, Alderman Hanson, Alderman Macdonald, and Alderman Stone. (7)

There being no further business to discuss, the meeting adjourned at 2:40 p.m.

HER WORSHIP MAYOR MOIRA DUCHARME
DEPUTY MAYOR WALTER FITZGERALD
CHAIRMEN

Edward A. Kerr, CMC
City Clerk

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HEADLINES

Metropolitan Authority - Possible Appeal of Justice Davidson's Decision of November 25, 1992 1

**SPECIAL COUNCIL
PUBLIC HEARING
MINUTES**

Council Chamber
Halifax City Hall
6 January 1993
5:30 P. M.

A special 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, Hanson, Jeffrey, Macdonald, Crowley, and Stone.

ALSO PRESENT: Mr. B.S. Allen, representing the City Solicitor; City Clerk; and other members of staff.

ADDED ITEMS

**Loss of Revenue - One Government
Place, 1700 Granville Street**

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 Downey that, as recommended by the Finance and
Executive Committee:**

- (1) Council request the Province of Nova Scotia to revise the formula for the payment of grants in lieu of taxes to exclude net additions of assessment from the freeze, and to grant the establishment of a revised grant level, wherever the Province acquires additional property;
- (2) that copies of this letter be forwarded to all Halifax MLA's as well as to the Union of Nova Scotia Municipalities with a request to the

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latter that its members also be encouraged to contact their MLA"s in this regard.

The motion was put and passed.

Federal Grants in Lieu of Taxes

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

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

- (1) Council endorse a resolution calling on the Federal Government to reverse its decision to freeze Grant-in-Lieu payments; and that
- (2) the Mayor prepare a letter on behalf of City Council to be sent to the Members of Parliament, the Minister of Finance and the Minister of Public Works demanding that these proposed changes be stopped.

The motion was put and passed.

**Peninsula North Secondary Planning Strategy - Area 1 -
Report from Planning Advisory Committee & Staff Report -
Dissenting Opinion**

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

MOVED by Alderman Meagher, seconded by Deputy Mayor Fitzgerald that, as recommended by the Planning Committee, Council set a date for a public hearing on the Peninsula North Secondary Planning Strategy - Area 1 and associated land use bylaw amendments as contained in Appendix I of the report from the Planning Advisory Committee dated 30 November 1992.

Motion passed.

At the request of Alderman Meagher, it was agreed that the date for the public hearing would be scheduled for **TUESDAY, 16 February 1993, at 7:30 p.m.** in the Council Chamber.

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At approximately 5:45 p.m. Alderman Meagher retired from the meeting.

PUBLIC HEARINGS:

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

This matter was adjourned to this meeting from a special meeting of City Council held on 9 December 1992.

Mr. Paul Dunphy, Planner, addressed Council and for clarification pointed out that in 1991, a variance was granted for an addition to the back of the house at 6054 Cherry Street. He noted that the house remained as a single family dwelling. Subsequently, Mr. Dunphy noted that the property owner, Mr. Geoff Keddy, applied for this variance to convert the house to two units. He advised that the Development Officer approved the variance and that it was appealed by the neighbours. He went on to advise that on December 9, 1992, a public hearing was scheduled to hear that appeal. However, Mr. Dunphy noted that the day before the appeal was heard, Mr. Keddy, the applicant, withdrew his application. He advised that the hearing was held on December 9th and it was decided at that time that it should be adjourned so that Mr. Keddy, if he did want to speak, could attend because he was under the assumption it would not be held.

Mr. Dunphy advised that, since that time, Mr. Keddy has sold the property. Therefore, he advised that there is a new property owner who is being affected by the minor variance decision of the Development Officer and this appeal process before Council.

Mr. Dunphy went on to outline the appeal of minor variance approval with respect to 6054 Cherry Street. He began his remarks by advising that Mr. Geoff Keddy applied for a variance of the side yard requirements of the land use bylaw to allow the single family dwelling at 6054 Cherry Street to be converted to a two unit dwelling. Mr. Dunphy explained the reasons staff approved the variance as presented in the staff report of 4 November 1992.

Mr. Gordon F. Proudfoot, 6050 Cherry Street, addressed Council and addressed the appeal. Mr. Proudfoot noted that the owner has sold his property to Mr. and Mrs. Horne who have already taken title to the property. He added that the new owner, Mrs. Horne, telephoned him on Sunday, December 6, 1992, and advised him that the purchase of her property was not conditional and that they had bought it as

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a single family dwelling. Mr. Proudfoot went on to note that Mrs. Horne had no idea that this appeal was still underway until he advised her on December 6th.

Mr. Proudfoot went on to advise that apparently a survey had been conducted by Mrs. MacLean who owns the property to the west side of the subject property. He noted that apparently the survey shows that it is not a two and a half foot sideyard but is a one foot sideyard. Mr. Proudfoot advised that it was his understanding City staff calculated that sideyard based on a measurement from the fence. He noted that the fence has subsequently been taken down by the Horne's. Mr. Proudfoot indicated that there are a lot of problems with the application by Mr. Keddy and that the residents want the matter dealt with once and for all so that there is no further confusion.

In his remarks, Mr. Proudfoot pointed out that staff had communicated to Council that one of the main reasons why the variance for the rental unit was approved was because the residents did not oppose the construction of this particular property. He noted that the residents had consented to the variance because they were given assurances by Mr. Keddy that at no time would there be an apartment in the home.

Mr. Vincent Lambie, representing the owner of 6049 Cherry Street and Mr. and Mrs. Murphy, addressed Council and submitted that a sideyard variance from 5 feet to 2 feet is not a minor variance. He noted that he endorsed the comments by the previous speaker, Mr. Proudfoot. Mr. Lambie requested that Council rescind the approval granted by City staff of the requested minor variance and approve the appeal.

Ms. Norma Horne, 6054 Cherry Street, addressed Council and advised that about two months ago she and her husband and husband's parents began a search for a new home that would allow independent living for their family and her husband's parents and also interaction between the three generations within the family. She advised that 6054 Cherry Street met all of their requirements except a separate kitchen. In order to have a separate kitchen, Mrs. Horne noted that they would require an occupancy permit. She added that they were told by the vendor the application had been turned down. Therefore, Mrs. Horne advised that when they purchased the property, it was not subject to an occupancy permit with a planned use that could be accommodated within the existing zoning. She noted that they still think that separate kitchen facilities would be advantageous and asked Council to consider the City staff report, the concerns of the neighbours and also their requirements.

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

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

Alderman Pottie questioned if an application is made to Building Inspection with specific information, and it is determined that some of that information is incorrect, what the status of that application would be. He asked for a report from the City Solicitor in this regard by the next meeting of City Council.

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

Public Hearing: Case No. 6627: Schedule "C" Development Agreement - Piercey Lands, Kempt Road and Robie Street

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

A staff report dated 26 November 1992 was submitted.

The following correspondence was received:

- a memorandum dated 6 December 1992 from James B. Tanner, Rumley & Johnston Ltd., 5710 Young Street.

Mr. Paul Dunphy, Planner, addressed Council and outlined the proposal to construct two apartment buildings, of 16 storeys each, for a total of 360 rental units, located on the Pierceys Lands at Kempt Road and Robie Street. Mr. Dunphy provided a description of the project as well as background information as presented in the staff report of 26 November 1992. In conclusion, he noted that staff are recommending approval of the proposed development agreement with FS Industries Limited.

Mr. Hugh Smith, President, Pierceys, addressed Council and commented that Pierceys is not leaving the site. He added that the proposed development was part of their strategy to react to the warehouse developments which are going to take place over the years on Bayers Road. Mr. Smith reiterated that they have no intention of leaving the site and that the development is really driven by the changes in the retail market. He advised that they have worked very hard with staff throughout the whole process and that the development agreement process, in his opinion, is a very fair and equitable one.

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Mr. Paul Skerry, Architect for the project, addressed Council and provided plans and drawings of the proposed project including such matters as building layout, parking, landscaping, facades, etc. In his presentation, Mr. Skerry emphasized that the proposal was for a very high quality residential project and responded briefly to questions from Council.

There were no further persons wishing to address Council.

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

Motion passed.

6:45 p.m. There being no further business to discuss, the meeting adjourned.

HER WORSHIP MAYOR DUCHARME
CHAIRMAN

EDWARD A. KERR
CITY CLERK

/MS

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HALIFAX CITY COUNCIL MINUTES

Council Chamber
Halifax City Hall
14 January 1993
8:00 P.M.

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

The meeting was opened with Her Worship Mayor Moira Ducharme leading those present 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, Adams, Hanson, Jeffrey, Macdonald, Crowley and Stone.

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

Statement from Her Worship Mayor Moira Ducharme

The following statement was submitted and read by Her Worship Mayor Moira Ducharme:

With the permission of Council, I wish to make a brief statement at the commencement of this evening's proceedings.

This is a critical time for our City. We are faced with a multitude of difficult and complex problems.

Some, like traffic and planning, are local in nature; others, like waste management, involve more than one municipal unit; and still others, such as the Province's initiatives in the area of municipal restructuring, have province-wide implications.

With a Commissioner established for the Metro area, we should be meeting to work on a strategic plan to assure minimum impact on the taxpayers of the City of Halifax and a smooth transition, should amalgamation take place.

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Unfortunately, as we struggle to deal with these important concerns, we have become distracted and at times almost paralysed by a recent dispute.

Allegations and charges have been made -- explanations and defences have been offered. The result has been stalemate and an understandable loss of confidence on the part of the public in the ability of their elected officials to deal with the public business.

As Mayor, I call upon my fellow members of Council to put aside our differences of opinion, to rise about this single issue and join together in providing effective pro-active leadership in protecting and promoting the interests of Halifax in dealing with the major issues which press upon us and demand our undivided and unwavering attention.

As municipal politicians, we were elected 15 months ago to deal with these issues on behalf of our fellow citizens. In less than 2 years, we will be called to account by the voters of this City.

I am ready at any time to meet with individual members of Council or, preferably, with Council as a whole, to agree upon a common agenda for these crucial next few months.

8:05 p.m. - Alderman Pottie enters the meeting.

MINUTES

Alderman Stone proposed a motion to approve the Minutes of the Special Council meeting of 9 December 1992, including the partial verbatim Minutes distributed by the City Clerk on 12 January 1993, but with the understanding that the ruling of the Chair made at that time with regard to the personnel matter was invalid.

Called on to comment, the City Solicitor advised that the approval of Minutes simply indicates that Council concurs that they (i.e., the Minutes) are an accurate "historical record" of what took place at the meeting in question. Mr. Anstey added that the question of whether or not the action taken during that meeting was appropriate is a matter to be determined in another forum.

It was therefore moved by Alderman Stone, seconded by Deputy Mayor Fitzgerald that the Minutes from the Special Meeting of City Council held on Wednesday, 9 December 1993 including the verbatim distributed by the City Clerk on 12 January 1993, as well as the Minutes from a regular meeting

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of Halifax City Council held on 17 December 1992, be approved as circulated.

The motion was put and passed.

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

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

- 20.1** North Mews Housing Cooperative Limited (Alderman Downey)

At the request of the City Clerk (speaking on behalf of Alderman Pottie), Council agreed to delete:

- 6.1** Motion Alderman Pottie - Reconsideration of Council Resolution of 17 December 1992 Re: Moosehead Grand Prix Auto Race

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

- 20.2** Amalgamation/Restructuring of Local Government

The agenda, as amended, was approved on a motion by Alderman Downey, seconded by Deputy Mayor Fitzgerald.

DEFERRED ITEMS

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

A public hearing into this matter had been held on Wednesday, 6 January 1993.

A supplementary report, dated 11 January 1993, was submitted.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Holland that the appeal by the citizens be upheld and that the decision of the Development Officer to approve a minor variance at 6054 Cherry Street (to allow a single-family dwelling to be converted to two units) be overturned.

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The City Clerk advised that Aldermen Meagher and Adams, having been absent from the 6 January 1993 public hearing, should not participate in the vote.

The motion was put and passed with Aldermen Meagher and Adams abstaining.

**Case No. 6627: Schedule "C" Development Agreement
- Piercey Lands (Kempt Road and Robie Street)**

A public hearing into this matter was held on Wednesday, 6 January 1993.

MOVED by Alderman Pottie, seconded by Alderman Jeffrey that:

- 1) City Council enter into a development agreement with FS Industries Limited to permit construction of two buildings on the Pierceys lumber yard located on Kempt Road;
- 2) Council requires that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council and any other bodies as necessary, whichever approval is later, including any applicable appeal periods; otherwise this approval shall be void and obligations arising hereunder shall be at an end.

The City Clerk advised that Aldermen Meagher and Adams, having been absent from the 6 January 1993 public hearing, should not participate in the vote.

The motion was put and passed with Aldermen Meagher and Adams abstaining.

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

A public hearing into this matter had been held on 18 November 1992.

A supplementary report, dated 4 January 1993, 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, 28**

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January 1993), to provide Alderman Meagher an opportunity to discuss the matter further with area residents.

The motion to defer was put and passed.

**Motion Alderman Macdonald Re: Mainland North Traffic
- 1987 City Council Resolution Re: Widening of Alma
Crescent/Titus Street and Dutch Village Road**

This matter had been deferred from the last regular meeting of Halifax City Council held on Thursday, 17 December 1992.

Using a variety of maps depicting the Alma Crescent/Titus Street/Dutch Village Road portion of Mainland North, Alderman Macdonald provided Council with a brief overview of the traffic congestion which has become a characteristic of this area over the last several years.

In his remarks, Alderman Macdonald made particular reference to the area known as "the funnel," that strip of roadway between Main Avenue and Dutch Village Road which is approximately 650 feet in length and which is located at a point where a four-lane highway is reduced to two lanes. The Alderman emphasized that, in his opinion, given this roadway's importance to the Mainland North area and the heavy volumes of traffic which use it daily, the street is entirely inappropriate to its function. He went on to point out that his views on the matter have been supported by the City's Task Force on Traffic, who recommended that the street width should be improved to provide for efficient through-traffic movement and adjacent property access; angle parking should be eliminated adjacent to the roadway; sidewalks should be constructed on both sides; and the intersection of Dutch Village Road and Titus Street (i.e., "the funnel") redesigned. Referring again to the Task Force report, Alderman Macdonald noted that "the upgrading of Dutch Village Road is intended to ensure that . . . [the roadway] will become a viable system component, in conjunction with Titus Street, serving Mainland North."

Alderman Macdonald went on to point out that, in his opinion, the problems posed by this section of roadway have been well-defined and documented. He added, however, that the difficulty appears to lie in convincing members of Council to accept that this problem must be rectified if growth in Mainland North (in particular that of the Business Parks in this area) is to continue. In this context, the Alderman reminded Council that, in 1987, a motion had been approved concerning the widening of Titus Street, Alma Crescent and a portion of Dutch Village Road. He added that, despite the fact that a Motion of Reconsideration had later

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been proposed, that motion had been defeated at a meeting of Council held on 14 January 1988. In Alderman Macdonald's opinion, therefore, the motion remains a valid one and one which should be "revived."

Alderman Macdonald therefore requested that a staff report be provided on the current technical justification of roadway improvements and cost estimates for (a) roadway improvements, based on the previous design, between Main Avenue and Alma Crescent; and (b) roadway improvements on Dutch Village Road leading from Alma Crescent to Bayers Road. In making this request, the Alderman indicated that he would appreciate receiving this information prior to the next regular meeting of City Council, adding that it was his intention to have these cost estimates included in the 1993/94 Capital Budget.

In the ensuing discussion, the Chairman advised Alderman Jeffrey that, in her view, rather than requesting **new** reports on this matter to be compiled, Alderman Macdonald had merely asked that the information contained in the existing staff reports be updated.

Alderman Jeffrey, while acknowledging that the Motion of Reconsideration in 1988 had been defeated, emphasized that in April of that same year he had been successful in putting forward a motion to delete the Titus Street Widening Project from the Capital Budget.

The Chairman responded that, in her opinion, this did not constitute a Motion of Rescission, and suggested that the City Solicitor may wish to report on that point.

Alderman Jeffrey asked that, in conjunction with the information requested by Alderman Macdonald, the submission previously received on this matter from the owner of the Capitol Store be recirculated.

While supporting Alderman Macdonald's request in principle, Deputy Mayor Fitzgerald observed that matters of this nature are normally referred to meetings of Committee of the Whole Council so that a full debate and/or staff presentations could take place. He therefore suggested (and it was so agreed) that the matter be deferred to the meeting of Committee of the Whole Council of **3 February 1993** (or as soon as possible), pending receipt of the information requested by Alderman Macdonald.

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MOTIONS OF RECONSIDERATION

**Motion Alderman Pottie: Reconsideration of
Council Resolution of 17 December 1992 Re:
Moosehead Grand Prix Auto Race**

This matter had been deleted at Alderman Pottie's request during the setting of the agenda.

PETITIONS AND DELEGATIONS

**Petition Alderman Macdonald Re:
Connector Road - Dunbrack/Lacewood Bypass**

Alderman Macdonald presented a petition containing the signatures of 77 residents of Briarwood Crescent and Briar Place in opposition to a collector route between Dunbrack/Lacewood and the Bedford Highway, which would run through properties now owned by the Mormon Church and the Sisters of Charity. The petition goes on to express support for the route being "sensibly installed" at the Vimy Avenue location.

Alderman Macdonald indicated that he would be commenting on this petition and that previously submitted by Alderman Stone later in the meeting in conjunction with Item 11.1, "Connector Roadway - Dunbrack/Lacewood Bypass."

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Committee from its meeting held on Wednesday, 6 January 1993, as follows:

**Banking Agreement with the
Halifax Water Commission**

MOVED by Alderman Holland, seconded by Deputy Mayor Fitzgerald that, as recommended by the Finance and Executive Committee, City Council authorize the Mayor and City Clerk to sign the banking agreement between the Halifax Water Commission and the City of Halifax for a period of three years, commencing 1 February 1993.

The motion was put and passed.

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8:45 p.m. - Alderman Jeffrey retires from the meeting.

**Downtown Business Improvement
District Commission**

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, Council approve the settlement offer as proposed in the private and confidential report of 3 December 1992.

Alderman Stone asked to be recorded as being in opposition to the City of Halifax assuming responsibility for covering shortfalls of this nature, and expressed the view that every effort should be made to ensure that this situation does not recur.

The motion was put and passed with Aldermen Stone and O'Malley voting in opposition.

8:51 p.m. - Alderman Jeffrey returns to the meeting.

Office Space - Halifax Police Department

MOVED by Alderman Downey, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, \$50,000 from the Design Engineering Reserve Account be approved to hire a consultant to work in conjunction with the Police Department to address the space requirements.

In putting forward this motion, Alderman Downey strongly recommended that space in other parts of the City (e.g., the building presently under construction at the corner of Gottingen and Cornwallis Streets) also be considered for use in this regard.

The City Manager indicated that the suggestion put forward by Alderman Downey would be conveyed to the Police Department staff.

Reiterating remarks made during the 6 January meeting of Committee of the Whole Council, Alderman Meagher urged that the consultant also be directed to make recommendation regarding improvements to the Police Department's lock-up facility.

Alderman Adams advised Council that he would not be supporting the motion to expend money on an outside consultant. In his remarks, the Alderman suggested that

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rental space for this purpose is readily available throughout the City, mentioning, in particular, the Captain William Spry Community Centre and the South Centre Mall. On that basis, therefore, he strongly recommended that alternatives, other than hiring a consultant to review the possibility of constructing additional space, be explored.

Responding to Alderman Adams' concerns, the City Manager advised that he has recently instructed the Halifax Police Department to comment vis a vis the rental of additional space as opposed to its construction. In this context, therefore, Mr. Murphy suggested that a motion of deferral might be appropriate until a further report can be prepared by Chief MacDonald.

After some further discussion, it was moved by Alderman Adams, seconded by Alderman Jeffrey that this matter be deferred to the Committee of the Whole Council meeting scheduled for 3 February 1993.

The motion to defer was put and passed.

Crown Land - Susies Lake

A supplementary staff report, dated 11 January 1993, was submitted.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, the City purchase the subject land containing approximately 40 acres and identified on the plan attached to the 23 December 1992 staff report for the unit value of \$7,500 an acre, with the final purchase price subject to confirmation by survey (funds are available for this purchase from the Sale of Land Account).

The motion was put and passed.

Acquisition of 134 Herring Cove Road

A supplementary staff report, dated 11 January 1993, was submitted.

MOVED by Alderman Hanson, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, Civic Number 134 Herring Cove Road be acquired from Mrs. Marie R. Cote for \$62,600 plus \$500 per month from

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1 December 1992 to the date of closing (funds are available in Account #91504, the Herring Cove Road Widening Account).

Alderman Pottie requested information from staff as to the balance remaining in Account #91504, to which Her Worship Mayor Ducharme replied that a report on the matter would be requested.

The motion was put and passed.

**YMCA - Possible Sale of City Land at
Prince William and Maitland Streets**

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

- (1) the City sell its 5,700 square foot lot located at the corner of Prince William and Maitland Streets to the YMCA at a price of \$5.00 per square foot for a total price of \$28,500; and that
- (2) the YMCA's payment of this amount be deducted from the City's final \$155,000 contribution to the Y's capital campaign in the year 1999/2000.

The motion was put and passed.

**Heritage Fund Grant Re: Fort
Massey Church, 1181 Queen Street**

MOVED by Alderman Holland, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council approve a Heritage Fund grant of \$8,000 to assist with the 1992 costs of exterior repairs to Fort Massey Church.

The motion was put and passed.

New City Hall (Offices)

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

- (a) as recommended by the Finance and Executive Committee, the proposal submitted by the

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Canterbury Group Limited with regard to the site at the corner of Barrington and George Streets be referred to staff for review and recommendation; and that

- (b) further to a submission previously received, Halifax Developments Limited be invited to make a presentation to the meeting of Committee of the Whole Council scheduled for **Wednesday, 17 February 1993**.

The motion was put and passed.

**Proposal to Amalgamate the Recreation
Department with the Parks and Grounds Division**

MOVED by Alderman Jeffrey, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, the matter be deferred for not more than a three-month period, pending receipt of the information requested during deliberations at the 6 January 1993 meeting of Committee of the Whole Council.

Alderman Jeffrey asked that a copy of the report prepared in September 1992 by Peat, Marwick, Stevenson & Kellogg be forwarded to him.

The motion was put and passed.

NOTE: Copies of the above-mentioned report were subsequently forwarded to all members of Council by the Office of the City Clerk.

**Award of Tender #912648 -
Recycled Asphalt Patching**

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, authority be granted to place Tender #912648 with **Road Saver Maintenance Products Limited** (funds are available in various accounts).

The motion was put and passed.

**Award of Tender #92-24:
Fleming Park Boat Launch**

An Information Report, dated 11 January 1993, was submitted.

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MOVED by Alderman Hanson, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, an additional expenditure of \$2,000 be authorized, and that these funds be transferred from Account #91699 (unused funds) to Account #91649 (Fleming Park).

Referring to the final paragraph of the 11 January Information Report, Alderman Stone asked to be provided with a further report as to the status of the "priority project" approved by council on 17 September 1992.

The motion was put and passed.

Point Pleasant Park Commission (Alderman Holland)

This matter had been forwarded to Council without recommendation.

Alderman Holland indicated that, given the popularity of the Point Pleasant Park Commission and owing to the many items which must be dealt with by the Commission over the next several months, a proposal has been made to increase the number of members on the Commission.

It was therefore moved by Alderman Holland, seconded by Deputy Mayor Fitzgerald that staff be requested to report on the methods which must be taken to increase the membership of the Point Pleasant Park Commission.

The motion was put and passed.

Halifax Taxi Commission (Alderman Jeffrey)

This matter had been forwarded to Council without recommendation.

Alderman Jeffrey made reference to a memorandum recently received by him from Her Worship Mayor Ducharme, suggesting that he may be in a conflict of interest position with regard to taxi-related matters.

Alderman Jeffrey subsequently asked to have the above matter deleted from the agenda.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on Wednesday, 6 January 1993, as follows:

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Connector Roadway - Dunbrack/Lacewood Bypass

This matter had last been discussed during the 6 January meeting of the Committee on Works at which time Alderman Macdonald had requested a full staff report outlining the various options **as might be available** to construct a connector roadway from the Dunbrack/Lacewood area to the Bedford Highway, giving an estimate of the cost for each option, the engineering considerations, and the implications in terms of land acquisition. The Alderman also suggested that, once this report has been received, consideration might be given to establishing a joint committee (consisting of staff, members of Council and private citizens) to discuss the matter with the community at large.

Referring to the request made of staff during the 6 January meeting of the Committee on Works, Alderman Macdonald moved, seconded by Deputy Mayor Fitzgerald that the matter be deferred until a complete assessment can be completed by staff and a report submitted for Council's consideration.

The motion to defer was put and defeated.

Alderman Stone made reference to the presentations made by area residents during the 6 January meeting of the Committee on Works, noting that it would appear from those submissions that there are many people who are very much opposed to the concept of a connector roadway being constructed either through the Mount Saint Vincent property or down Bayview Road. Under the circumstances, therefore, the Alderman suggested that the only other alternative would be the Vimy Avenue option, a fact that is supported by the petitions already on file.

Alderman Stone went on to point out that while staff have indicated that the Vimy Avenue connector would be very expensive to construct, they **have** acknowledged it as a viable option. However, he noted that staff have also indicated that they do not have the technical expertise to be able to submit an informed opinion on a connector in this location and that that information should be more appropriately provided by a consultant.

The following motion was therefore moved by Alderman Stone, seconded by Alderman Jeffrey:

- (a) an engineering consultant be contracted to carry out the functional engineering design of the missing roadway link between Lacewood Drive and

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the Bedford Highway in the area of Vimy Avenue, using the conceptual plans presented on 27 February 1992 to Council (or a variation of same), including a traffic flow analysis and paying particular attention to reducing the costs of the project and minimizing property disruption;

- (b) a deadline of six weeks should be included as part of the contract with a report being submitted **directly** to City Council.

A discussion ensued in which Deputy Mayor Fitzgerald strongly advised that the matter be deferred to the next regular meeting of Committee of the Whole Council so that the City Manager can provide a cost estimate with regard to the hiring of the proposed consultant as provided for by the City Charter.

Alderman Jeffrey indicated that he had no difficulty with the Deputy Mayor's suggestion, but strongly recommended that the matter, if dealt with at the 20 January Committee of the Whole, be forwarded to a Special Meeting of Halifax City Council later that evening.

Alderman Macdonald expressed the view that the motion put forward by Alderman Stone was, in his words, "very unusual," noting that he (Alderman Macdonald) had never dismissed the Vimy Avenue option in any of his presentations on this matter. Emphasizing that, in his view, **all** options should be considered, an amendment to the proposed motion was put forward by Alderman Macdonald; namely, that cost estimates be provided for all options that might be proposed by staff, so that all alternatives might be considered fairly and equitably in the interests of the City, rather than in any vested interest that certain citizens or groups may have.

Alderman Stone, the mover of the motion, indicated he was prepared to accept the inclusion of such a provision. The motion, therefore, reads as follows:

- (a) an engineering consultant be contracted to carry out the functional engineering design of the missing roadway link between Lacewood Drive and the Bedford Highway in the area of Vimy Avenue, using the conceptual plans presented on 27 February 1992 to Council (or a variation of same), including a traffic flow analysis and paying particular attention to reducing the costs of the project and minimizing property disruption;
- (b) a deadline of six weeks should be included as part of the contract with a report being submitted **directly** to City Council; and

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- (c) cost estimates be provided for all options that might be proposed by staff, so that all alternatives might be considered fairly and equitably in the interests of the City.

Concurring with remarks made earlier by the Deputy Mayor, the Chairman reiterated that before any expenditure of money can be made, City Council is bound by the provisions of the Charter to obtain a recommendation from the City Manager.

It was therefore moved by Alderman Stone, seconded by Deputy Mayor Fitzgerald that the motion be deferred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 20 January 1993), pending receipt of information from the City Manager pertaining to the hiring of an engineering consultant.

The motion to defer was put and passed.

**Clarification - Snow Clearing and
Street Salting Program (Deputy Mayor Fitzgerald)**

This matter had been forwarded to Council without recommendation.

Deputy Mayor Fitzgerald advised that he has received a number of complaints regarding snow clearing on many of the City's side streets. Noting that many of these streets are hilly and narrow, the Deputy Mayor pointed out that even with a minimum amount of snowfall, the roadways can very rapidly become treacherous to both motorists and pedestrians. He therefore asked for assurance from the Engineering and Works Department that these streets are well salted so as to alleviate as much as possible the potential for accidents.

On another but related matter, Deputy Mayor Fitzgerald observed that Ordinance 180, the City's Streets Ordinance, has now been amended so that, if a property owner neglects to properly clear his sidewalk of snow and ice, the City (after first issuing a notice) can undertake this work itself and bill the owner for the expenses incurred. The Deputy Mayor went on to acknowledge that there are many disabled or elderly property owners throughout Halifax who are physically unable to undertake this kind of work; however, he pointed out that the police officers who issue the tickets or who order the snow removal commenced have no way of accessing this information. He therefore urged any property owner who finds himself in these circumstances to contact the City, so that arrangements for assistance in this regard can be made.

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Alderman Adams commended the City Works Department for their snow-removal efforts, noting that staff have always shown themselves willing to respond quickly and efficiently to any request of this nature put forward by a member of Council.

At approximately 9:45 p.m. Her Worship Mayor Ducharme retired from the meeting with Deputy Mayor Fitzgerald taking the seat of the Chair.

REPORT - SAFETY COMMITTEE

Council considered the report of the Safety Committee from its meeting held on 6 January 1993 as follows:

Ordinance #34, Curfews

MOVED by Alderman O'Malley, seconded by Alderman Crowley that, as recommended by the Safety Committee, the Halifax Police Department and the City Solicitor's Department be asked to develop a policy direction that will address the concerns of Council and those of the community as it pertains to youth; this policy direction to include a recommendation to amend Ordinance 34, to delete Ordinance 34 or to propose an alternative action plan to deal with the current problems as they now exist.

Reiterating his concerns expressed at the Committee of the Whole Council, Alderman Downey indicated that he could not support the motion. He expressed the view that the problem lies with the Provincial and Federal Governments to establish more stricter rules and regulations. Alderman Downey also referred to the report received from both the City Solicitor and the Halifax Police Chief registering concerns relating to the enforcement of Ordinance 34. The Alderman reiterated the view that enforcement rests with provincial and federal legislation and suggested that the matter should be sent to the Attorney General's Department asking that the regulations be changed to control the problem relating to youth.

Following a short discussion, the motion was put and passed with Alderman Downey voting in opposition.

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

**Report from Planning Advisory Committee: Case No. 6577:
Peninsula and Mainland Land Use Bylaws -
Housekeeping Amendments #3**

A report dated 6 January 1993 from the Planning Advisory Committee was submitted.

MOVED by Alderman Meagher, seconded by Alderman Pottie that a date be set for a public hearing to consider the proposed (housekeeping) amendments to the Peninsula and Mainland Land Use Bylaws.

Motion passed.

The City Clerk advised that the public hearing on this matter would be scheduled for Wednesday, 3 February 1993, at 7:30 p.m. in the Council Chamber.

REPORT - PLANNING COMMITTEE

Council considered the report of the Planning Committee from its meeting held on Wednesday, 6 January 1993, as follows:

Civic No. 6437 North Street

This matter was forwarded to Council without recommendation.

Alderman Meagher addressed the matter and MOVED, seconded by Alderman O'Malley that this matter be forwarded to the Planning Advisory Committee to determine what would be a legitimate or reasonable size of a garage on an R-2 property.

Motion passed.

**Improvements to Property - 5994 Spring Garden Road at
Robie Street**

MOVED by Alderman Holland, seconded by Alderman Meagher that, as recommended by the Planning Committee, staff provide a report on what would be required in order to bring the building at 5994 Spring Garden Road up to the standards of Ordinance Number 157, respecting Minimum Standards for Existing Building and Housing Accommodations.

Motion passed.

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**Case No. 6564: Report from Planning Advisory Committee Re:
Mainland South Plan Area - Commercial Development in
Residential Development Districts**

This matter was forwarded to Council without recommendation.

MOVED by Alderman Adams, seconded by Alderman Hanson that Council set a date for a public hearing on amendments to the Municipal Development Plan concerning commercial development in Residential Development Districts as contained in the staff report of 24 June 1992 and attached as Appendix I to the 10 December 1992 Planning Advisory Committee report.

Motion passed.

The City Clerk advised that the public hearing on this matter would be scheduled for TUESDAY, 16 February 1993, at 7:30 p.m. in the Council Chamber.

**Case 6585: Report from Planning Advisory Committee Re:
Dakin Drive - Petition, Rezoning to R-1**

A staff report dated 12 January 1993 was submitted.

MOVED by Alderman Stone, seconded by Alderman Meagher that a date be set for a public hearing to consider the amendments to rezone Dakin Drive from R-2 zone to R-1 (excluding St. Peter's Church and Civic Number 39 Dakin Drive).

Referring to the staff report of 12 January 1993, Alderman Stone pointed out that staff has indicated that Number 7 Dakin Drive is no longer necessary to be included because it now faces the Bedford Highway.

Motion passed.

The City Clerk advised that the public hearing on this matter would be scheduled for TUESDAY, 16 February 1993, at 7:30 p.m. in the Council Chamber.

**Report from Heritage Advisory Committee Re: Proposal for
the Management of Urban Archaeological Resources in Halifax**

MOVED by Alderman Holland, seconded by Alderman Stone that, as recommended by the Planning Committee, this matter be forwarded to staff for a report and recommendation.

Motion passed.

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**Report from Heritage Advisory Committee Re: Registered
Heritage Property - 1546 Barrington Street
- The Former Halifax Infirmary Annex**

This matter was forwarded to Council without recommendation.

MOVED by Alderman Downey, seconded by Alderman Holland that this matter be forwarded to the next Committee of the Whole Council meeting to be held on 20 January 1993.

Motion passed.

**Amendments to Stage I Schedule K Agreement
- Clayton Park West (Cancellation of Public Hearing)**

This matter was forwarded to Council without recommendation.

MOVED by Alderman Stone, seconded by Alderman Macdonald that City Council cancel the public hearing for amendments to Stage I Schedule K agreement, Clayton Park West scheduled for 20 January 1993.

Motion passed.

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

This item was deferred to later in the meeting.

**Case 6642: Peninsula and Mainland Land Use Bylaws
Housekeeping Amendments #4**

This matter was forwarded to Council without recommendation.

MOVED by Alderman Stone, seconded by Alderman Holland that the proposed amendments to the existing land use bylaws for the peninsula and mainland portions of the City be forwarded to the Planning Advisory Committee for their consideration and advice.

Motion passed.

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**Case 6545 - Municipal Development Plan Amendment:
Lands Adjacent to Bayers Lake Area**

This matter was forwarded to Council without recommendation.

MOVED by Alderman Stone, seconded by Alderman Hanson that the resolution attached to the staff report of 29 December 1992 be adopted as the basis of the Public Hearing scheduled for Wednesday, 3 February 1993.

Motion passed.

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

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

This matter was forwarded to Council without recommendation.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Crowley that Council authorize staff to set up a meeting in February or as soon as possible at which time the various downtown project initiatives can be reviewed and discussed by members of the Downtown Halifax Business Improvement District Commission and the Halifax Industrial Commission.

A discussion followed with Alderman Pottie noting that he had received a staff report which included information regarding incentives for new businesses, not only for the downtown area, but for the whole of the City of Halifax. He noted that the report states that provincial legislation would be required in order for steps to be taken in this regard. The Alderman further added that the report from staff states that Council should propose appropriate changes to the Assessment Act and goes on to say that, if Council were to petition the Province for enabling legislation, staff could in the meantime work to set out the criteria which would be helpful to avoid or reduce any negatives.

In response to Alderman Pottie's comments, the Chairman advised that this was something that could be placed on the agenda for the meeting recommended in the motion by Deputy Mayor Fitzgerald.

Alderman Holland expressed the view that the arterial access into the downtown from the outlining areas

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is very important and that this was an opportunity to focus on that, and to see just how important access is to shopping and to business downtown.

Motion passed.

Supplementary Report - Carleton Hotel

This matter was forwarded to Council without recommendation.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Pottie that Council support the demolition deferral on the basis as outlined in the supplementary report from staff dated 30 December 1992, which will still allow for Heritage Trust of Nova Scotia to conduct a reasonable although accelerated review for viable uses for the property.

Following a short discussion, the motion was put and passed with Aldermen O'Malley, Jeffrey, and Stone voting in opposition.

MOTIONS

**Motion Alderman Jeffrey Re: Amendment to Ordinance 103 -
the Rules of Order Ordinance - Rescission of Section 38 -
FIRST READING**

Alderman Jeffrey gave Notice of Motion at the last meeting of City Council held on 17 December 1992 that he proposed to introduce at this time 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.

Alderman Jeffrey indicated that he wished to **withdraw** the above motion noting that it was his intention to give a notice of motion pertaining to this matter later in the agenda under "Notices of Motion."

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The Chairman noted that this motion has been withdrawn.

Motion Alderman Jeffrey Re: Council's Motion -
9 December 1992 - Court Ruling

Alderman Jeffrey gave Notice of Motion at the last meeting of City Council held on 17 December 1992 that he proposed to introduce at this time a motion to seek a legal ruling in the Supreme Court regarding Council's motion of 9 December 1992.

MOVED by Alderman Jeffrey, seconded by Alderman Adams that the City Solicitor be authorized to retain outside Counsel to immediately make an application to the Supreme Court of Nova Scotia to obtain a ruling of the Court as to

- 1) whether the procedures followed by City Council and the members thereof at its special meeting held on the 9th day of December 1992 prior to, during and after the consideration of the proposed resolution to terminate the services of the City Manager, were in accordance with the City Charter and the Rules of Order Ordinance of the City; and
- 2) if the answer to question 1) is that there were contraventions of the City Charter or the Rules of Order Ordinance, what legal consequences flow from any such contraventions.

Without restricting the generality of the foregoing, the outside Counsel shall be instructed to ask the Court to consider making any order which is directed towards enabling the democratic process to take its course.

For clarification purposes, at the request of the Chairman, Alderman Jeffrey advised that he was appealing the procedure which was followed when the five members of Council and the Mayor left the Council Chamber during the December 9th Special Council and what took place when only the seven Aldermen were left. Further, he clarified that it entailed all the procedures that were observed that evening including the meeting being called to order, the meeting adjourning, the meeting be called to order again, and the meeting adjourning, and the Aldermen leaving.

A discussion followed with Deputy Mayor Fitzgerald expressing concern about going to Court to determine procedure in a Council Chamber. He suggested that rather than going to the expense of hiring legal counsel, a

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parliamentarian be brought in to determine whether the Rules of Order of Council had properly been followed.

A further discussion ensued and at approximately 11:00 p.m., Her Worship Mayor Ducharme left the seat of the Chair and addressed Council with Deputy Mayor Fitzgerald assuming the Chair.

Her Worship Mayor Ducharme advised that she wished to clarify a comment made earlier in the meeting which had been made since the December 9th Special Council meeting. Her Worship read the following motion: "MOVED by Alderman Fitzgerald, seconded by Alderman Pottie that the members withdraw themselves from any Metropolitan meeting at which the contract was to be signed." Mayor Ducharme pointed out that this motion was supported unanimously by Council. She therefore noted that if any one is suggesting that the direction of Council should not be followed, then they have a complaint about leaving the Metropolitan Authority meeting.

Her Worship Mayor Ducharme went on to express the view that the thing that is most disconcerting about the motion of December 9th and this motion is that not one member of Council, particularly the mover, has had the courtesy to say why he felt it was necessary to do this. She noted that the mover stated the motion and sat down. Mayor Ducharme added that the mover did not tell Council what the objective of the exercise was.

Her Worship Mayor Ducharme urged members of Council to meet to resolve this item together. In her remarks, Her Worship noted that she has to presume that what in fact is being proposed is that seven members of Council are going to take six members of Council to Court. If that is the case, Mayor Ducharme advised that two lawyers would be required: one to represent the seven, and one to represent the six because the City Solicitor could not possibly represent either group.

At approximately 11:00 p.m. Her Worship returned to the Chair with Deputy Mayor Fitzgerald taking his usual seat on Council.

The discussion continued and, in response to a question, the City Solicitor advised that it would not be appropriate for the City Solicitor to act on either side of the issue. He added that in every application that is made to a Court, it involves an argument. The City Solicitor advised that, in this case, presumably there are differences of opinion as to whether what took place was in accordance with the rules or not and perhaps what are the consequences if there was a breach. Therefore, he advised that some people would take a position on one side of the issue and others presumably would take another position. Mr. Anstey

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noted that he would think that a judge would expect that there would be argument.

Responding to a further question, the City Solicitor advised that he would presume that the Solicitor that would be chosen, given the fact that the seven who vote for it are of one mind as to what the procedure should have been, would argue that side of the case. He added that if the Mayor and Aldermen who do not agree with that point of view, or a group of Aldermen who do not agree with that point of view, want to take steps to have the other side argued, then the forum would be there in the Court for them to have their side represented.

Concern was expressed with respect to approving the motion which would entail an expenditure of funds without a report from the City Manager.

A discussion followed with the City Solicitor clarifying that the City Charter requires a report and recommendation from the City Manager. He suggested that from a practical point of view, if the motion was passed subject to a report from the City Manager relating to costs at the next Committee of the Whole Council meeting, a week would not cause much of a delay.

Alderman Holland therefore suggested that the motion be amended to be subject to a report from the City Manager on the availability of funds and the Chairman noted that the mover of the motion was not willing to accept the amendment.

MOVED by Alderman Macdonald, seconded by Deputy Mayor Fitzgerald that this matter be deferred to the next Committee of the Whole Council meeting pending a report from the City Manager.

The motion to defer was put and defeated with five (5) members of Council voting for it and seven (7) voting against it as follows:

FOR: Deputy Mayor Fitzgerald, and Aldermen Holland, Downey, Hanson, and Macdonald..... (5)

AGAINST: Aldermen Meagher, O'Malley, Pottie, Adams, Jeffrey, Crowley, and Stone..... (7)

The Chairman advised that she could not accept the main motion which is illegal because it is against the City Charter.

Alderman Pottie indicated he would be prepared to put forth the necessary amendment and MOVED, seconded by Alderman Meagher that the motion be subject to a report from the City Manager on the costs which will be required with

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the funds coming from Section 201(1) of the City Charter (for over-expenditures), to be provided at the next Committee of the Whole Council meeting to be held on 20 January 1993.

The amendment was put and passed.

Alderman Jeffrey proposed an amendment, seconded by Alderman Adams, that a special Council meeting be held following the Committee of the Whole Council meeting on Wednesday, 20 January 1993 to deal with the item.

The Chairman, in consultation with the mover of the main motion and with the agreement of City Council, advised that the motion would include the amendment that the matter would go forward to a special Council meeting to be held following the Committee of the Whole Council meeting on Wednesday, 20 January 1993.

The motion as amended therefore reads as follows:

"THAT the City Solicitor be authorized to retain outside Counsel to immediately make an application to the Supreme Court of Nova Scotia to obtain a ruling of the Court as to

- 1) whether the procedures followed by City Council and the members thereof at its special meeting held on the 9th day of December 1992 prior to, during and after the consideration of the proposed resolution to terminate the services of the City Manager, were in accordance with the City Charter and the Rules of Order Ordinance of the City; and
- 2) if the answer to question 1) is that there were contraventions of the City Charter or the Rules of Order Ordinance, what legal consequences flow from any such contraventions.

Without restricting the generality of the foregoing, the outside Counsel shall be instructed to ask the Court to consider making any order which is directed towards enabling the democratic process to take its course, and

THAT the motion be subject to a report from the City Manager on the costs which will be required from Section 201(1) (for over-expenditures), to be provided at the next Committee of the Whole Council meeting to be held on 20 January 1993, and further

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THAT a special Council meeting be held following the Committee of the Whole Council meeting on Wednesday, 20 January 1993, to deal with the matter.

The motion, as amended, was put and passed with seven(7) members of Council voting for it and five (5) voting against it as follows:

FOR: Aldermen Meagher, O'Malley, Pottie, Adams, Jeffrey, Crowley, and Stone..... (7)

AGAINST: Deputy Mayor Fitzgerald, and Aldermen Holland, Downey, Hanson, and Macdonald..... (5)

**Motion Alderman O'Malley Re: Proposed Amendments -
Section 23(2), Halifax City Charter**

Alderman O'Malley gave Notice of Motion at the last meeting of City Council held on 17 December 1992 that she proposed to introduce at this time 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.

MOVED by Alderman O'Malley, seconded by Alderman Jeffrey that the following amendment to the Halifax City Charter be approved in principle and that City staff arrange for its introduction before the Spring 1993 session of the Nova Scotia Legislature:

Section 23(2): the Mayor or other Officer presiding at any meeting of the Council shall have no vote accept (a) where only seven (7) members of Council are present at a meeting in which event he/she shall have a vote; or, (b) where there is an equality of votes in which event he/she shall have a casting vote.

A discussion followed with the Chairman questioning the purpose of the proposed amendment.

In response to the Chairman's question, Alderman O'Malley referred to the situation at the December 9th Special Council meeting where there did not seem to be an obvious solution to it except through a Charter change and a change to Ordinance 103.

The Chairman indicated that she would like to know the purpose for this, other than if there was a six zero vote, this gives the Chair a vote.

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In response to a question, the City Solicitor advised that, if the question was whether there were any situations in which a vote of the seven was necessary, the answer was no and that the only situation under the City Charter that a vote of seven Aldermen was required when no matter how many were present, is for the dismissal of the City Manager or another Officer of the City.

Following a further discussion, the motion was put and passed with seven(7) members of Council voting for it and five (5) voting against it as follows:

FOR: Aldermen Meagher, O'Malley, Pottie, Adams, Jeffrey, Crowley, and Stone..... (7)

AGAINST: Deputy Mayor Fitzgerald, and Aldermen Holland, Downey, Hanson, and Macdonald..... (5)

**Motion Alderman Adams Re: Personnel Matter
(Status of City Manager)**

Alderman Adams gave Notice of Motion at the last meeting of City Council held on 17 December 1992 that he proposed to introduce at this time a motion with regard to a personnel matter concerning, in particular, the status of the City Manager.

Alderman Adams advised that his motion was not a motion to tell anyone what to do or to make a direction, but that it was a motion to offer an alternative to Mr. Murphy. He added that on a voluntary basis, Mr. Murphy has the opportunity to accept this if he wishes. Alderman Adams advised that there will not be a motion made to demand anything. He reiterated that his motion was a motion to offer Mr. Murphy an alternative, if he wishes and that if Mr. Murphy did not wish to accept it, then that was his prerogative.

MOVED by Alderman Adams that Donald F. Murphy in the spirit of cooperation be requested to voluntarily, with salary and usual benefit package, cease to exercise the responsibilities of City Manager effective January 18, 1993, at which time an Acting City Manager will be appointed by Halifax City Council to serve until a solution of the current impasse related to Council's earlier resolution of December 9, 1992, regarding the status of the City Manager is resolved to the satisfaction of Council.

The Chairman indicated that she could not accept the motion noting that it was a major motion of this Council and should have been given in detail and also, in her opinion, was the same motion that was defeated (December

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9th) and the earliest the item could be brought back was February 9th.

Alderman Adams advised that this was not the same motion. He noted that it was to allow Mr. Murphy to make a decision if he wished. Alderman Adams challenged the Chair indicating he was asking for a ruling from members of Council to allow Mr. Murphy an alternate avenue as to what he would like to do.

On a point of order, Alderman Holland noted that the motion would involve money implications and would, therefore, be out of order.

Alderman Adams indicated that he was challenging the Chair.

The Chairman advised that she refused to accept the motion because it could cost a great deal of money. Her Worship added that Council does not stand up and ask staff to voluntarily leave by a motion of Council in public.

The City Manager advised that he chose not to accept anything but to continue on as City Manager.

Alderman Adams then deleted his motion.

**Motion Alderman Pottie Re: Proposed Amendment to
Ordinance 147, the Dog Ordinance (Hearing Ear Dogs)
- FIRST READING**

A staff report dated 8 December 1992 was submitted.

MOVED by Alderman Pottie, seconded by Alderman O'Malley that City Council approve FIRST READING of the amendment to Ordinance 147, the Dog Ordinance, attached as Appendix "A" to the staff report of 8 December 1992, and refer the amendment to the Committee of the Whole Council meeting to be held on 20 January 1993 for consideration and report.

Motion passed.

**Motion Alderman Pottie Re: Proposed Amendment to
Ordinance 169, the Police Board Ordinance (Proposed
Increase in the number of Commissioners) - FIRST READING**

A report from Mr. George M. Mitchell, Q.C., Chairman of the Halifax Board of Police Commissioners, dated 7 December 1992 was submitted.

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MOVED by Alderman Pottie, seconded by Alderman Stone that Council approve FIRST READING of the amendment to Ordinance 169, the Police Board Ordinance, attached as "Appendix A" to the report from the Halifax Board of Police Commissioners dated 7 December 1992, and refer the amendment to the Committee of the Whole Council meeting to be held on 20 January 1993 for consideration and report.

Motion passed.

Motion Alderman Crowley Re: Proposed Amendment to Ordinance 182, the Downtown Business Improvement District Commission Ordinance - FIRST READING

A staff report dated 8 December 1992 was submitted.

MOVED by Alderman Crowley, seconded by Alderman Holland that City Council approve FIRST READING of the amendment to Ordinance 182, the Downtown Halifax Business Improvement Commission Ordinance, attached as Appendix "A" to the staff report of 8 December 1992, and refer the amendment to the Committee of the Whole Council meeting to be held on 20 January 1993 for consideration and report.

Motion passed.

MISCELLANEOUS BUSINESS

Case 6528: Amendment to Development Agreement, Block R-2, Kearney Lake Road

A staff report dated 8 January 1993 was submitted.

MOVED by Alderman Stone, seconded by Alderman Holland that the development agreement affecting Block R-2, Kearney Lake Road be amended to allow the development to proceed in accordance with Plan Nos. P200/19223 and 19224 of Case 6528.

Motion passed.

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QUESTIONS

Question Alderman Jeffrey Re: City Trucks

Alderman Jeffrey noted that sometime ago he had raised a matter pertaining to a City truck which was parked in Bedford. He advised that he was informed by City Field staff that the truck was parked in Bedford because it was being repaired at a shop there. Alderman Jeffrey indicated that he had questioned why it was not being repaired in Halifax, but has had no response to his question to date.

The Alderman also noted that the numbers on the trucks have changed from three letters to five letters and indicated that he would like to know the reason for this change.

Question Alderman Jeffrey Re: Birthday Cakes for Aldermen

Alderman Jeffrey noted that it has been the tradition for each Alderman to be presented with a birthday cake on his or her birthday. The Alderman indicated that he would like to know why this tradition started, where the cake is coming from, and, if it is to be done with all of the Aldermen, why some Aldermen are left out.

Question Alderman Jeffrey Re: Harassment - City Staff

Alderman Jeffrey noted that, at a Council meeting a few weeks ago, the charge that some members of Council were harassing City employees by following them around was raised. He commented that he would like to know the status with respect to this issue and, as well, where this matter originated.

The Chairman advised that the matter was being referred to the Minister of Municipal Affairs for investigation.

Alderman Jeffrey expressed the view that the matter should have been looked into by the City's Auditor General. He asked to be provided with a report on the matter.

Question Alderman Downey Re: Police Radar Guns

Alderman Downey referred to a report concerning the use of radar guns and the fact that they are unsafe to use. Noting that the Halifax Police Chief has indicated that they are still being used by his Department, the

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Alderman requested a full report from the Police Chief regarding the matter.

Question Alderman Downey Re: NS Power Corporation

Alderman Downey noted that he had heard on the news that Nova Scotia Power Corporation was cutting off power to some families. He added that to his recollection this was ended a few years ago through social assistance efforts. The Alderman suggested that perhaps the Social Planning Department could provide a report on that matter and, as well, an indication as to whether any citizens of Halifax have been affected.

Question Alderman O'Malley Re: Selective Enforcement - Police Department - Novalea, Duffus, Devonshire Area

Alderman O'Malley requested that the Police Department carry out selective enforcement at the intersection of Novalea Drive, Duffus Street, and Devonshire Avenue during the hours between 8:00 a.m. and 9:00 a.m. and between 3:30 p.m. and 5:00 p.m. She noted that there have been a number of parents concerned about vehicle infractions involving pedestrians in crosswalks in this area.

Question Alderman O'Malley Re: Snow Fence - Fort Needham along Novalea Drive

Alderman O'Malley noted that the snow fence which she had asked to be erected at the foot of Fort Needham along Novalea Drive has partly fallen down. She requested that staff investigate the situation and repair the fence.

Question Alderman Crowley Re: Snow Removal

Alderman Crowley raised a concern regarding snow removal particularly in conjunction with residents who have bus stops in front of their homes. As an example, she noted that on Mumford Road there are about three or four major bus stops where the sidewalk has no grass area between the curb and the pavement. As a result, Alderman Crowley explained that the residents in these homes have to shovel more during the day. She expressed the concern that this is particularly difficult for seniors and asked for a report on the matter. The Alderman suggested that perhaps something could be done to alleviate this problem for residents who have bus laybys in front of their homes.

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Question Alderman Crowley Re: Taxes

Alderman Crowley referred to a situation regarding a resident in her Ward who has a problem with a property she owns in Ward 2. She explained that on August 17, because the business was not being used, her property was turned back to a non-conforming unit and, therefore, became a residential zoning for tax purposes. However, Alderman Crowley noted that because of provincial legislation the property in question is being taxed as commercial. Noting that while she understood that the problem existed because of provincial legislation, Alderman Crowley asked that the City take whatever steps are possible to help relieve the pressure on the person in question. She noted that there was a lien on this particular property on Robie Street.

The City Solicitor addressed the matter noting that the City Manager had correspondence from the Ombudsman which indicates that there was nothing the City could do about the situation directly. He suggested that the only avenue that is available is to have the Assessment Act changed to permit changes of classification during the year. In the interim, the City Solicitor advised that the situation could be looked into and perhaps some of the pressure on the individual could be removed.

The City Manager indicated that, in fairness, it may be time for the City to look at situations such as the one raised by Alderman Crowley. He advised that the City should take the approach to make sure that the property would not be sold for taxes.

**Question Alderman Macdonald Re: Break-Ins in the area of
Randall Avenue and Main Avenue**

Alderman Macdonald referred to the number of break-ins in the area northwest of Randall Avenue and Main Avenue. Referring to one particular situation, the Alderman noted that the same vehicle had been broken into two nights in a row. He went on to request a confidential report from the Police Department in respect of the situation noting that he was concerned about the lack of police surveillance in this area.

Question Alderman Macdonald Re: Traffic Accidents

Alderman Macdonald advised that there was a street in Mainland North, beginning with the letter "B", which is the extension of Clayton Park Drive and also connects to the Bedford Highway where a number of accidents are occurring. He noted that he had been informed by a resident of three

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accidents within a month in this area occurring on December 3 and 31, 1992, and on January 1, 1993.

The Alderman indicated that he would like a short report from the Traffic Authority to establish if these three accidents had been reported and whether they form part of the statistical base of the City. He also questioned whether the Traffic Authority had any statistics that they could share concerning reported accidents along this particular street and also including the intersection at Lacewood Drive plus any accidents that may have occurred over the last 12 months at Braemount.

**Question Alderman Adams Re: Off-Ramp Bay Road
to Northwest Arm Drive**

Alderman Adams noted that the new off-ramp from Bay Road to Northwest Arm Drive has a set of lights on Northwest Arm Drive. He indicated that he would like to know whether the City could contact the Province with respect to having flashing amber lights installed at this location to provide a warning to motorists.

**Question Alderman Adams Re: Commissions to
Real Estate Agents**

Alderman Adams questioned whether commissions were paid to Real Estate agents when the City sells land.

Question Alderman Adams Re: Amendments to Motions

Alderman Adams indicated that he would like to have a report from the City Solicitor with respect to the manner in which amendments to motions can be made.

Question Alderman Adams Re: Snow Removal

Alderman Adams questioned whether in the case of snow plow drivers who may be called out at night, if they could be given a pass so that it would be legal for them to park on the street during the evening hours. He noted that the only people who would be affected would be the snow plow operators.

Alderman Adams added that it was his understanding that an hour before and two hours after a storm there is no parking allowed on Peninsula Halifax. He asked if this

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could be extended to the Mainland area as well and requested a report in this regard.

Question Deputy Mayor Fitzgerald Re: Snow Clearing on Lakes

Deputy Mayor Fitzgerald questioned whether there was a policy regarding snow clearing for lakes.

**Question Deputy Mayor Fitzgerald Re: Surveyors -
Herring Cove Road**

Deputy Mayor Fitzgerald noted that there were surveyors on the Herring Cove Road from Cowie Hill Drive to the Old Sambro Road and questioned whether these surveyors had been tendered for or whether they were hired by the City.

**Question Deputy Mayor Fitzgerald Re: Capital and
Operating Budgets**

In response to a question from the Deputy Mayor, the City Manager advised that it was his desire to have both the capital and operating budgets presented to Council before the end of this month.

Question Deputy Mayor Fitzgerald Re: Senior Citizen Housing

Deputy Mayor Fitzgerald questioned whether the City has any requests in for new senior citizen housing.

Question Deputy Mayor Fitzgerald Re: Heat - Halifax Forum

Deputy Mayor Fitzgerald noted that during a recent tournament at the Forum, the heat was not on and Alderman Jeffrey, in response, advised that this occurred because the pipe had been frozen. However, he advised that within an hour the problem was fixed.

**Question Deputy Mayor Fitzgerald Re: Improvements
to the Port**

Deputy Mayor Fitzgerald noted that some time ago there was discussion about improvements to the Port i.e. the roadway, computerization. He added that there was also talk about double or triple stacking of trains where the tracks were going to be lowered, bridge construction, and changes of that nature.

It was noted by a member of Council indicated that the changes had been made.

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Question Deputy Mayor Fitzgerald Re: Parked Trucks

Deputy Mayor Fitzgerald questioned whether there were any regulations with respect to trucks which are parked and left running for considerable periods of time.

Question Alderman Stone Re: Snow Committee

Alderman Stone questioned whether the Snow Committee had met to date.

In response, the Chairman advised that the Snow Committee has had one meeting and will have another one on Monday. She noted that there might be a report following Monday's meeting.

Question Alderman Stone Re: Hiring of Consultants

Alderman Stone noted that, in response to a question he had asked regarding the hiring of consultants, he received a report from some departments. Noting that other departments had not responded, Alderman Stone noted that a report from individual departments was not really what he was looking for and suggested that a consolidated report be provided from the City Manager.

Question Alderman Stone Re: Snow Removal along Dunbrack St

Alderman Stone noted that Dunbrack Street is usually plowed fairly well. He pointed out that he was not sure whose responsibility it was but noted that there were other times when icy conditions exist. The Alderman referred particularly to the area between Lacewood, Ratcliffe and Langbrae and asked that staff investigate the situation and attempt to have more salt trucks in the area.

Question Alderman Meagher Re: Increase in Power Rates

Alderman Meagher noted that it was his understanding hearings were taking place concerning the increase in power rates. Noting the effect on the City of the proposed increases, Alderman Meagher questioned whether the City had made any representation to the Board of Public Utilities. He expressed the view that the City should be represented at the hearings on this item.

The Chairman indicated that the City Manager would take the matter under advisement.

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Question Alderman Meagher Re: Herring Cove Road Widening

Alderman Meagher asked that the City take measures to attempt to get reimbursed from the Province for some of the expenses associated with not only the construction of the Herring Cove Road widening, but also for the land acquisitions.

The City Manager advised that staff have written the Province again in the past week concerning this matter.

Question Alderman Meagher Re: Amalgamation

Alderman Meagher commented on the fact that the Honourable Roland Thornhill is going to be the Minister responsible for the new reform of Halifax, Dartmouth and the County. He emphasized the need for the City to begin a strategy to look at this matter.

NOTICES OF MOTION

Notice of Motion Alderman Macdonald Re: Motion of Rescission - Lacewood Drive Extension

Alderman Macdonald gave notice of motion that at the next meeting of City Council to be held on 28 January 1993 he intended to introduce a motion of rescission in connection with the Lacewood Drive connection commonly known as Park Drive. He added that the notice of motion is in connection with Alderman Jeffrey's motion of January or February to extend this roadway to the Halifax Business Park through the Bicentennial Highway.

Alderman Macdonald informed Council that he would provide reasons for the reconsideration of this motion and reasons why the Industrial Commission should renegotiate any contracts that may be identified.

Notice of Motion Alderman Jeffrey Re: The Rules of Ordinance Ordinance 103

Alderman Jeffrey gave notice of motion that at the next regular meeting of Halifax City Council to be held on Thursday, the 28th day of January, 1993, he proposes to move First Reading of an amendment to Ordinance 103, the Rules of Order Ordinance. The purpose of the amendment is to add a provision to Section 38 which would provide that when there

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are only seven members of City Council present at any meeting the Chairman shall have a vote.

**Notice of Motion Alderman O'Malley Re: Ordinance 137,
the Deferred Payment of Taxes Ordinance**

Alderman O'Malley gave notice of motion that at the next meeting of City Council to be held on Thursday, the 28th day of January 1993, she proposes to introduce for first reading an amendment to Ordinance Number 137, the Deferred Payment of Taxes Ordinance. The purpose of the amendment is to change the date on which application for the relief must be made to more appropriately reflect the new municipal fiscal year.

ADDED ITEMS

North Mews Housing Co-operative Limited

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

A staff report dated 13 January 1993 was submitted.

MOVED by Alderman Downey, seconded by Deputy Mayor Fitzgerald that the leasehold mortgage between North Mews Housing Cooperative Limited and Canada Trust be approved.

Motion passed.

Amalgamation/Restructuring (Deputy Mayor Fitzgerald)

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

Deputy Mayor Fitzgerald addressed the matter and noting that Council was meeting with Mr. Hayward on Wednesday with respect to municipal reform, he emphasized the importance for the City to get prepared for amalgamation. He indicated that he had some major concerns with regard to the proposed restructuring of services and boundaries. The Deputy Mayor went on to refer to the Report of the Graham Commission and the debates in the Legislature concerning amalgamation suggesting that they be copied in order to find out what the Honourable Roland Thornhill said about amalgamation at that time. He stressed the importance of asking questions and being well prepared.

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Alderman Macdonald concurred with the comments put forward by the Deputy Mayor and stressed that the City of Halifax, being the capital City, has got to take a leadership role in these negotiations.

There being no further business to discuss, the meeting adjourned at approximately 1:00 p.m.

HER WORSHIP MAYOR MOIRA DUCHARME
AND
DEPUTY MAYOR BILL STONE

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

K/M

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HALIFAX CITY COUNCIL MINUTES

Council Chamber
Halifax City Hall
28 January 1993
8:00 P.M.

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

The meeting was opened with Her Worship Mayor Moira Ducharme leading those present 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, Pottie, Adams, Hanson, Jeffrey, Macdonald, Crowley and Stone.

ALSO PRESENT: City Manager, City Solicitor, Ms. Karen F. Swim, Acting City Clerk, and other members of City staff.

BLACK HISTORY MONTH

Before proceeding with the regular agenda, Her Worship Mayor Ducharme noted that February will be "Black History Month." Her Worship made particular mention of Dr. Carter Goodwin Woodson, an African American historian and educator who was the founder of the Association for Study of Negro Life in History and who was responsible for the introduction of "Black History Month." Mayor Ducharme advised that at the next Committee of the Whole Council meeting on Wednesday, 3 February 1993, she would be reading a proclamation for "Black History Month" and, as well, bringing forth a recommendation to Council that Halifax establish a sister relationship with Freetown, Republic of Sierra Leone.

MINUTES

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Downey that the minutes of the Special Meetings of City Council held on 4 and 6 January 1993, and of the regular meeting of Halifax City Council held on 14 January 1993, be approved as circulated.

The motion was put and passed.

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

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

- 20.1 Point Pleasant Park (Alderman Holland)
- 20.2 Council Facilitator (Alderman Hanson)

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

- 20.3 Assessments (Alderman Meagher)

The agenda, as amended, was approved on a motion by Deputy Mayor Fitzgerald, seconded by Alderman Downey.

DEFERRED ITEMS

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

This item was deferred to this meeting from the last meeting of City Council held on 14 January 1993.

Alderman Meagher addressed the matter noting that he had spoken to representatives of Sobey's on this date who requested, due to the recent snow storm, that Council defer this item to Wednesday's Committee of the Whole Council meeting. It was, therefore, MOVED by Alderman Meagher, seconded by Alderman Pottie that this matter be deferred to the Committee of the Whole Council meeting to be held on Wednesday, 3 February 1993.

The motion was put and passed.

MOTIONS OF RECONSIDERATION

**Motion Alderman Macdonald - Rescission of City Council
Motion
27 February 1992 Re: Lacewood Drive Extension (Park Drive)**

Alderman Macdonald gave notice of motion at the last meeting of City Council held on 14 January 1993 that

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he intended to introduce a motion of rescission at this time in connection with the Lacewood Drive extension commonly known as Park Drive. In putting forward his notice of motion, Alderman Macdonald noted that the matter concerned Alderman Jeffrey's motion of February to extend this roadway to the Halifax Business Park through the Bicentennial Highway as follows:

"THAT City Council approve the construction of an extension to Lacewood Drive (to be named "Park Drive"), construction to be completed prior to 31 December 1993."

Alderman Macdonald began his remarks by referring to the minutes of 27 February 1992 which record that he (Alderman Macdonald) had addressed the matter and advised that after reading minutes back to 1986, as they apply to traffic issues, he felt that City Council had a moral obligation to the citizens of Mainland North to correct the long-standing traffic problems and that Council should deal with both the present and future traffic issues simultaneously. Alderman Macdonald went on to register his difficulty with the motion of 27 February 1992 in that it does not really address the situation pertaining to the parallel development of streets and roadways while industrial development and residential development proceeds.

In his remarks, Alderman Macdonald advised that he wholeheartedly supports Price Club and welcomes that particular development. The Alderman went on to quote some sections from a newspaper clipping from the Ottawa Citizen with the heading "Too high a Price: Residents fight Merivale Road planning disaster", which he had previously circulated to members of Council. In his comments, Alderman Macdonald noted that essentially the clipping indicates that based on traffic volumes, residents of a proposed new Price Club in Nepean fear its impact on Merivale Road and their neighbourhood streets and fear that it would be a planning disaster.

Alderman Macdonald went on to note that the problem, as he sees it, is that traffic congestion in Mainland North was quite high even before the current expansion was planned. The Alderman emphasized that this factor must be considered in relation to the recommendations to correct these issues which have basically been ignored over a twenty year period. He noted that while he supports the Lacewood extension which has been planned for years, it was his thought that Council would somehow respond to an obligation to deal with the old traffic issues together with the new. The Alderman went on to point out that the Industrial Commission and its consultants, in a letter dealing with transportation

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issues, recommended the upgrading of the Bicentennial Highway together with specific improvements in the Mainland North area: i.e., the widening of Titus Street, the concept of a Vimy Fly-over, the widening of the Bedford Highway to a four lane width over its entire length, improvement to the Bi-Hi and the Bayers Road entrance to the City. Alderman Macdonald added that all of these recommendations, except for the Vimy Fly-over, had been recommended by the City of Halifax Task Force on City Traffic.

It was, therefore, MOVED by Alderman Macdonald, seconded by Alderman Pottie that:

1. City Council rescind its motion of 27 February 1992 pertaining to the item "Lacewood Connector" **conditional** upon the Halifax Industrial Commission being able to renegotiate any agreement(s) which might exist in connection with the Park Drive extension so that the construction of Park Drive will be delayed or postponed until such time as the other older traffic recommendations have been implemented (i.e. the extension of Lacewood Drive through Titus Street, the Vimy Fly-over concept, the widening of the Bedford Highway to four lanes over its entire length, and improvements to the Bicentennial Highway and Bayers Road); and, further, that
2. the Industrial Commission be given to the 31 March 1993 to renegotiate this contract and, if the renegotiation fails, the original motion of 27 February 1993 stands.

A discussion followed with Alderman Macdonald, in clarifying his motion, noting that if the Industrial Commission was unsuccessful in renegotiating the contract, then the original motion of 27 February 1992 would still stand.

The discussion continued and Alderman Pottie, as seconder to the motion, indicated that while he recognized the City had an agreement with Price Club, under the circumstances, it may be feasible to try and determine if another approach could be taken to solve the traffic problems in the area. He pointed out that Price Club has been open for several months now and that there do not appear to be any problems with vehicles getting into the area. The Alderman expressed the view that it was worth the attempt to try and renegotiate with Price Club as proposed in the motion.

In closing the debate, Alderman Macdonald clarified that his motion was not meant to jeopardize the City's position with Price Club, but to renegotiate.

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The motion was put and defeated with two (2) members of Council voting for it and ten (10) voting against it as follows:

FOR: Alderman Pottie and Macdonald.....
(2)

AGAINST: Deputy Mayor Fitzgerald and Aldermen Holland,
Downey, Meagher, O'Malley, Adams, Hanson,
Jeffrey, Crowley, and Stone.....
(10)

PETITIONS AND DELEGATIONS

Petition Canadian Pensioners Concerned Incorporated
Re: Using Public Funds to Settle Aldermanic Disputes

Deputy Mayor Fitzgerald submitted a petition from the Canadian Pensioners Concerned Incorporated with respect to using public funds to settle Aldermanic disputes. The petition contained fifty (50) signatures.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Committee from its meeting held on Wednesday, 20 January 1993, as follows:

Acquisition of #2173 Barrington Street

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

Noting that the above report had not yet been received, it was MOVED by Alderman Downey, seconded by Alderman Pottie that this matter be deferred to the next Committee of the Whole Council meeting to be held on **Wednesday, 3 February 1993.**

Motion passed.

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Heritage Property - 5567 Morris Street - Application to
Deregister (Registered as a Heritage Property 25 June 92)

MOVED by Alderman Holland, seconded by Alderman
Downey that, as recommended by the Finance and Executive
Committee, City Council hold a public hearing to consider
deregistering Civic Number 5567 Morris Street.

Motion passed.

The Acting City Clerk advised that the
recommended public hearing would be scheduled for **Monday,
22 March 1993**, at 7:30 p.m. in the Council Chamber.

Dartmouth Ferry Service

MOVED by Deputy Mayor Fitzgerald, seconded by
Alderman Macdonald that, as recommended by the Finance and
Executive Committee, Halifax City Council adopt the
following in respect to the transfer of the Dartmouth Ferry
Service to the Metropolitan Authority:

- a) The City of Halifax will cost-share a maximum of one-third of the operating deficit.
- b) An agreement on revenue-sharing from the parking lot associated with the Downtown Dartmouth Ferry Terminal be reached.
- c) Dartmouth be urged to accept responsibility for the accumulated deficit of the ferry system.
- d) A fare box revenue sharing formula, which ensures that neither the bus nor ferry system is unduly subsidized by the other, is developed.
- e) The ferry service to Woodside is monitored and evaluated prior to any major cutbacks in other parts of the system and, in any event, is evaluated within 12 months of the transfer.
- f) An independent inspection and capital maintenance replacement analysis be completed for the ferry boats and wharves and any cost associated with postponed maintenance become part of the deficit referred to in c) above.

It is further recommended that in the event negotiations cannot be completed prior to the new budget year, Dartmouth

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continue its operation of the ferry system for another year, during which time the above issues can be negotiated;
and, further, that some consideration be given to determining whether it is possible to privatize the Dartmouth Ferry service.

Motion passed.

Local Airport Authority

MOVED by Alderman Holland, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, Halifax City Council adopt the following resolution in support of the Halifax Airport Working Group and specifically the Base Case Study:

BE IT RESOLVED THAT Halifax City Council supports the work of the Halifax Airport Study Group in its endeavour to determine the feasibility of a Local Airport Authority to manage the Halifax International Airport; and,
BE IT FURTHER RESOLVED THAT Halifax City Council supports the next phase, a Base Case Study, funded by Transport Canada.

Motion passed.

Withrod Drive Expropriations

MOVED by Alderman Hanson, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, in connection with the expropriations of various parcels of land on Withrod Drive as approved by Council on August 27, 1992, offers of compensation as listed on Attachment "A" (to the staff report of 13 January 1993) be given to the appropriate owners as follows:

John and Catherine Spears	\$16,500
Dawn F. MacLachlan	5,500
Marjorie Marriott	17,760
Bruce Marriott	4,040
Gary and Beverly Ann Smith	3,975

Motion passed.

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**Property at 2100 Brunswick Street and Portland Place -
Kidstone Glass Co. Ltd.**

MOVED by Alderman Downey, seconded by Deputy Mayor Fitzgerald that, as recommended by the Finance and Executive Committee, Council approve the motion as contained in the private and confidential report from staff dated 12 January 1993.

Referring to the private and confidential report, Alderman Adams noted that the sale of the property in question was scheduled for January 26. Pointing out that January 26 has passed and that there have been no funds approved by City Council for this acquisition to date, Alderman Adams questioned, if the City was the successful bidder and Council did not approve the funds this evening, what would happen.

Mr. Simpson McLeod, Supervisor of Real Estate, addressed Council advising that the City did not bid since there was no Council authority to do so. He added that the property did go to sale, that it is owned by the mortgage holders, and that the mortgage holders have been in touch with the City inquiring if the City had an interest in the property. Mr. McLeod indicated that his response was pending Council's decision this evening.

Alderman Stone noted that the City may be the only group with an interest in acquiring the property and therefore questioned, if that were the case, whether the City would try and negotiate a price or indicate that it was willing to bid to a maximum price.

In response, Mr. McLeod advised that it would be his preference to negotiate.

Alderman Stone expressed concern about approving the motion noting that the City's maximum price would then be disclosed.

The City Manager advised that the private and confidential report would not be released because of negotiations. He added that the figure mentioned in the report is the upper limit that the City is prepared to go and that it was staff's intention to begin negotiating at a very much lower figure.

After a short discussion, Alderman Downey withdrew his motion (with the seconder, Alderman Pottie, in agreement) and MOVED, seconded by Alderman Stone that the

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private and confidential report of 12 January 1993 be tabled and that the matter go back to staff for further negotiation and report to Council.

The motion was put and passed.

Alderman Jeffrey requested that when the report comes back to Council, it provide the assessed value of the property.

**FCM Resolutions - Federal Cost Recovery Policy -
Royal Canadian Mounted Police**

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, Council take a strong position against this policy (the Federal Cost Recovery Policy) and request the FCM to support a resolution that would seek the abandonment of this policy by the Federal Government.

Motion passed.

Task Force on the Port of Halifax - Phase II

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, Council direct staff to send the brief (attached to the staff report of 14 January 1993) to the Task Force on the Future of the Port of Halifax, Phase II request for submissions.

Motion passed.

Council's Motion - 9 December 1992 - Court Ruling

This matter was forwarded to Council without recommendation.

MOVED by Alderman Jeffrey, seconded by Alderman Adams that this matter be deferred to the last meeting of City Council in February, being 25 February 1993.

Alderman Macdonald questioned whether there was any significance with the date of February 25 noting that, because he would be on vacation, he would not be in attendance at that meeting.

Alderman Jeffrey indicated that the date had no significance. He suggested that, at the February 25th

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meeting, someone could propose a motion to defer the matter again adding that he did not believe there to be any problem in deferring it at that time.

In response to a question from the Chairman, Alderman Macdonald indicated that it would be more convenient for him if the matter was deferred to the 11 March 1993 meeting of City Council.

Alderman Holland questioned if Alderman Jeffrey would object to an amendment to the motion which would change the date.

Responding to Alderman Holland's question, Alderman Jeffrey indicated that he did not wish to change his motion and reiterated that the date could be changed, if someone so wished, when the item appears on the agenda at the end of February.

The motion to defer was put and passed.

Appointments to M.R.F. Citizens Committee - Metropolitan Authority

The Chairman informed Council that the candidate for Mainland South has had to withdraw his name. Her Worship, therefore, advised that another nomination from the Alderman in Mainland South would be welcomed.

MOVED by Alderman Meagher, seconded by Deputy Mayor Fitzgerald that, as recommended by the Finance and Executive Committee, the following persons be appointed to the Material Recycling Facility Committee:

Melanie Briand (Peninsula)

Vickie Mosher (Mainland North)

Motion carried.

Presentation Re: Wee Care Development Centre

MOVED by Alderman O'Malley, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, the request of the Wee Care Developmental Centre be forwarded to staff for report and recommendation.

Motion carried.

Report U.N.S.M. - Grants-In-Lieu

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, City Council write to the MLAs of Halifax expressing concern about the issue of the payment of grants-in-lieu of taxes on provincial buildings.

Motion carried.

Recommendations - Tax Concessions and Grants Committee

MOVED by Alderman Meagher, seconded by Alderman O'Malley that, as recommended by the Finance and Executive Committee, City Council approve the following payments:

Golden Age Society \$ 2,117.00

For assistance with operating expenses associated with providing Senior Citizen support services in the Mainland South area.

People First of Halifax/Dartmouth \$ 200.00

For assistance with operating a facility for a special needs group in the metro area, which although not located in Halifax (location 83 Portland Street, Dartmouth) does meet the needs of some Halifax residents.

(This totally distributes the funds made available to the Committee in the 1992/93 year.)

Motion passed.

Appointment of Auditors

MOVED by Alderman Meagher, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the re-appointment of Peat Marwick Thorne as auditors for the 1993 and 1994 years for all City funds, boards and commissions, excluding the School Board, at a fee not to exceed that of the preceding year, inclusive of expenses in total for those same entities.

Motion passed.

REPORT - COMMITTEE ON WORKS

Council considered the report of its Committee on Works from a meeting held on Wednesday, 20 January 1993, as follows:

Replacement of Rail Crossing - Bayers Road

MOVED by Alderman Crowley, seconded by Deputy Mayor Fitzgerald that, as recommended by the Committee on Works, City Council approve:

- a) the payment of \$11,914.45 to Ocean Contracting Ltd. for traffic control and street restoration, from Capital Account #91536, Upgrade Railway Crossing, Joseph Howe Drive,
- b) the payment of up to \$16,109.19 for the City's share of the replacement of the rail crossing at Bayers Road, from Capital Account #91536

The funds are available in Capital Account #91536, Grade RR Crossing (Joseph Howe Drive) (Chester SD 0.71).

Motion carried.

Land Transfer - Connector Roadway - Bicentennial Drive to Chain Lake Drive Extension

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Holland that, as recommended by the Committee on Works, City Council authorize the Mayor and City Clerk to execute a deed for the Connector Roadway lands to the Province of Nova Scotia Department of Transportation and Communications for 50% of the actual costs of the acquisition by the City.

Motion carried.

File No. 58747 - One (1) 30 Circuit Traffic Signal Controller, Engineering and Works Department, Traffic Division

An information report dated 26 January 1993 was submitted.

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MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Downey that, as recommended by the Committee on Works, the tender for one (1) 30 Circuit Traffic Signal Controller be awarded to Novax Industries Corporation in the amount of \$10,359.00. Funds are available in the account number 26113.500.54555 titled Equipment Assets - City Field Administration - Equipment & Furniture.

Motion carried.

Connector Roadway - Dunbrack/Lacewood Bypass

A staff report dated 27 January 1993 was submitted.

A supplementary staff report dated 26 January 1993 was submitted.

Alderman Stone addressed the matter and, referring to the Committee of the Whole motion on this matter, advised that he believed it was a reasonable attempt at resolving the traffic problems in Mainland North. In referring to the submitted reports, he noted that staff have issued a development permit for a 44 unit apartment building for the area in question. He noted that, while a building permit has not been issued yet, there would be little difficulty in issuing one should it be requested. In this regard, the Alderman pointed out that there was some urgency to proceed with the connector roadway issue.

MOVED by Alderman Stone, seconded by Alderman Jeffrey that:

- (a) an engineering consultant be contracted to carry out the functional engineering design of the missing roadway link between Lacewood Drive and the Bedford Highway in the area of Vimy Avenue, using the conceptual plans presented on 27 February 1992 to Council (or a variation of same), and paying particular attention to reducing the costs of the project and minimizing property disruption;
- (b) a deadline of six weeks should be included as part of the contract with a report being submitted directly to City Council; and with the amount not to exceed \$20,000.
- (c) the functional design of the Bypass linkage between Lacewood Drive and the Bedford Highway be awarded to Fenco Shawinigan Engineering Ltd. at a cost not to exceed \$20,000.

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- (d) funding for this expenditure be appropriated in accordance with Section 201(1) of the City Charter.

Alderman Macdonald expressed concern that the motion from the January 27th report addresses the Vimy Bypass option only and not other options which might be available. Alderman Macdonald advised that he has prepared a flowchart on the past events in which Council has tried to find a solution to the traffic problems of Mainland North. He added that he has additional material which accompanies the flowchart and is necessary to the explanation; however, due to the yesterday's snowstorm, the material is not available at this time. Alderman Macdonald added that he would provide this information at the next meeting of the Committee of the Whole.

In summary, Alderman Macdonald indicated that his original proposal concerning this matter had started off as an unbiased analysis of the options available; however, Council's subsequent deliberations on the matter appear to show "a lack of due process". He added that it appears to him that there has been an element of unseemly haste in the way this item has been dealt with.

Alderman Macdonald made reference to a letter which had been submitted at the last Committee of the Whole from a consulting group and indicated that he felt it was unusual that a company would choose to deal directly with City Council instead of going through the usual channels. He advised that he would like a representative of this company to appear at the next Committee of the Whole for questioning on this matter.

Alderman Macdonald reiterated his comments that he felt Council was being shortsighted in this instance and cautioned that, if City Council was going to proceed with this matter, it should take care to do it right the first time, particularly from the perspective of maximizing traffic capacity.

Alderman Macdonald pointed out that he sees no options left other than the Sisters of Charity property or some configuration in the area of Vimy Avenue. He added that he could support both; however, he had concerns about the process which has been followed by Council. He explained that by deleting the requirement for a traffic analysis, it leaves the community without the necessary information it deserves. In this regard, he indicated that he could support the motion if it included a traffic analysis and advised that he was prepared to move an amendment with respect to this matter.

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MOVED by Alderman Macdonald, seconded by Alderman Holland that the motion include a traffic analysis of the whole area in question.

Referring to the proposed amendment, Alderman Stone pointed out that a traffic analysis had been included in his original motion of 14 January 1993, however, staff have since indicated that such a requirement would cost between \$60,000 and \$70,000. He added that his motion, as it now stands, includes a functional engineering design which will determine if a connector roadway is indeed feasible in the area of Vimy Avenue. Alderman Stone added that he could not support the amendment because of the additional cost it would impose.

Alderman Macdonald referred to the estimate of \$60,000 to \$70,000 and suggested that for a project of this magnitude (i.e. approximately 16.6 million dollars), it would be worthwhile to spend this money which would address five options as well as provide a traffic analysis rather than limit it to one option at a reduced cost.

Following further discussion and questioning of staff, the amendment was defeated.

The original motion was put and passed with nine (9) members of Council voting for it and three (3) voting against as follows:

FOR: Alderman Downey, Alderman Meagher, Alderman O'Malley, Alderman Pottie, Alderman Adams, Alderman Hanson, Alderman Jeffrey, Alderman Crowley, and Alderman Stone.

AGAINST: Alderman Holland, Deputy Mayor Fitzgerald, and Alderman Macdonald.

At 9:30 p.m. Her Worship retired from the meeting and Deputy Mayor Fitzgerald assumed the Chair.

REPORT - SAFETY COMMITTEE

Council considered the report of its Safety Committee from a meeting held on Wednesday, 20 January 1993, as follows:

Resolution from the County of Annapolis Re: Banning of Video Gambling Machines - To Be Tabled

A letter dated 20 January 1993 from The Honourable Donald W. Cameron, Premier of Nova Scotia, was submitted.

Alderman Pottie addressed the matter briefly and, referring to the submitted letter from the Premier, advised

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that the current decision of Premier Cameron with respect to video gambling machines was in keeping with the resolution from the County of Annapolis. Alderman Pottie, therefore, indicated that he would move a motion to table the report.

MOVED by Alderman Pottie, seconded by Alderman Meagher that the letter dated 20 January 1993 from The Honourable Donald W. Cameron, Premier of Nova Scotia, as well as the resolution previously received from the Municipality of Annapolis County, be tabled.

Motion carried.

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

**Proposed Amendment to Ordinance 147, the Dog Ordinance
(Hearing Ear Dogs) - SECOND READING**

Consideration and report in respect of this matter was given at the last Committee of the Whole Council meeting held on 20 January 1993.

MOVED by Alderman Pottie, seconded by Alderman Adams that City Council approve SECOND READING of the amendment to Ordinance 147, the Dog Ordinance, attached as Appendix "A" to the staff report of 8 December 1992 as follows:

Subsection (7) of Section 5 of said Ordinance 147 is amended by adding immediately following the word "person" at the end thereof the words "or to a Hearing Ear Dog owned by the hearing Ear Dogs of Canada"

Motion carried.

**Proposed Amendment to Ordinance 169, the Police Board
Ordinance - (Proposed Increase in the number of
Commissioners) - SECOND READING**

Consideration and report in respect of this matter was given at the last Committee of the Whole Council meeting held on 20 January 1993.

A supplementary report dated 25 January 1993 was submitted from the City Solicitor.

MOVED by Alderman Pottie, seconded by Alderman Stone that City Council approve SECOND READING of the amendment to Ordinance 169, the Police Board Ordinance, attached as "Appendix A" to the report from the Halifax

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Board of Police Commissioners dated 7 December 1992 and as included in the City Solicitor's report of 25 January 1993 as follows:

- a) Amend section 5 by deleting the word "four" in line one thereof and substituting therefor the work "five;" and
- b) Section 10 of said Ordinance 10 is repealed and the following Section substituted therefor:

Appointments to the Board made by Council shall consist of three members of Council and two citizens at large who are not members of Council.

Motion carried.

Proposed Amendment to Ordinance 182, the Downtown Business Improvement District Commission Ordinance - SECOND READING

Consideration and report in respect of this matter was given at the last Committee of the Whole Council meeting held on 20 January 1993.

MOVED by Alderman Crowley, seconded by Alderman Stone that City Council approve SECOND READING of the amendment to Ordinance 182, the Downtown Halifax business Improvement Commission Ordinance, attached as Appendix "A" to the staff report of 8 December 1992 as follows:

- 1. Subsection (2) of Section 4 of said Ordinance 182 is amended by deleting the word "NOVember" from the second line thereof and by substituting therefor the word "February" and by deleting the word "January" from the third line thereof and by substituting therefor the word "April."
- 2. Subsection (2) of Section 6 of said Ordinance 182 is amended by deleting the word "January" from the third line thereof and by substituting therefor the word "April."
- 3. Subsection (1) of Section 7 of said Ordinance 182 is amended by deleting the word "January" from the fifth line thereof and by substituting therefor the word "April."

Motion carried.

At 9:40 p.m. Her Worship Mayor Ducharme entered the meeting and Deputy Mayor Fitzgerald assumed his usual seat in Council.

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REPORT - PLANNING COMMITTEE

Council considered the report of the Planning Committee from its meeting held on Wednesday, 20 January 1993, as follows:

**Case No. 6660: Peninsula and Mainland Land Use Bylaws -
Housekeeping Amendments #5**

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Meagher that, as recommended by the Planning Committee, the amendments as outlined in the 5 January 1993 staff report, be forwarded to the Planning Advisory Committee for consideration and advice.

Motion carried.

**Report from Planning Advisory Committee Re:
Case No. 6285: Billboards**

Alderman O'Malley indicated that she would not be participating in the vote regarding this matter.

MOVED by Alderman Pottie, seconded by Deputy Mayor Fitzgerald that, as recommended by the Planning Committee, the Ordinance and Land Use Bylaw regulations for billboards remain unchanged.

The motion was carried with Alderman O'Malley abstaining.

**Report from Planning Advisory Committee Re: Case No. 6431
- Plan Amendment Request - 3763-71 Dutch Village Road**

Following is the recommendation from the 20 January meeting of the Planning Committee:

"that staff meet with the developer to determine what is planned for the site and to submit a report prior to a date being set for a public hearing."

Alderman Jeffrey addressed the matter and indicated that the recommendation from the Committee of the Whole was not what he had intended. The Alderman advised that he was expecting that tonight a date for a public hearing would be set on this matter, and that before the public hearing, Council would know what the developer intends to construct on the site.

Mr. W. B. Campbell, Senior Planner, addressed Council and advised that the date being proposed for a public hearing is for the Plan amendment and not a development proposal. He noted that the Plan amendment

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would permit consideration of a contract and he added that, in order to set a date for a contract application, Council would need the plans and details of the proposal.

Mr. Campbell responded to further questions.

In response to a question by Alderman Jeffrey, Mr. Campbell pointed out that staff does not have the details as to what might be included in the application for a contract development, it would be extremely difficult to discuss this matter in conjunction with the public hearing on the Plan amendment. He added that Council would have to wait until staff received the plans from the developer in order to set both hearings at the same time.

In response to a further question from Alderman Jeffrey, the City Solicitor pointed out that the contract could not be approved until the Plan amendment was approved. Noting that even if the Plan amendment was approved, the developer could change his plans if he wished, the City Solicitor added that if it was Council's intention to restrict what the developer could put on the site, then the Plan amendment would have to be drafted in such a way that it is tied very closely into what the developer is proposing.

Mr. Campbell advised that if Council waited until the developer prepared some plans, a report could come back to Council and a date for the plan amendment and contract could be set at the same time.

MOVED by Alderman Jeffrey, seconded Alderman Crowley that this matter be deferred until staff meets with the developer and comes back to Council with a proposal.

Motion carried.

Commercial Vehicles in Residential Areas

An information report dated 27 January 1993 was submitted from the City Solicitor.

Alderman Jeffrey addressed the matter and thanked staff for their work on this item, adding that he felt the report was something that might solve a number of the problems with respect to this matter. He noted that it would give the police the power to enforce the law and the courts the ability to levy fines.

MOVED by Alderman Jeffrey, seconded by Alderman Stone that, as recommended by the Planning Committee, the Halifax City Charter be amended to include provisions which enable the City of Halifax to regulate the storage of commercial vehicles on private property.

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Alderman Stone noted that his concern with this matter was particularly with residential areas where large diesel vehicles are left running for long periods of time. He pointed out that the residents not only suffer from the noise but also from the air pollution. He requested that when staff are looking at the regulations, that they pay particular attention to residential areas and large commercial vehicles like diesel trucks.

Motion carried.

**Report from Heritage Advisory Committee Re: Registered
Heritage Property - 1546 Barrington Street - The Former
Halifax Infirmary Annex**

An information report dated 25 January 1993 was submitted.

The City Manager advised that he expected a further report on this matter would be provided by the next meeting of the Committee of the Whole Council scheduled for 3 February 1993.

MOVED by Alderman Downey, seconded by Deputy Mayor Fitzgerald that the information report be tabled, pending a further report from staff.

Motion carried.

MOTIONS

**Motion Alderman Jeffrey Re: Ordinance 103, the Rules of
Order Ordinance - (Section 38) - FIRST READING**

Notice of Motion of this item was given at the last regular meeting of Halifax City Council, held on 14 January 1993.

MOVED by Alderman Jeffrey, seconded by Alderman Adams that City Council approve FIRST READING of an amendment to Ordinance 103, the Rules of Order Ordinance and refer the amendment to the Committee of the Whole Council meeting to be held on 03 February 1993 for consideration and report as follows:

1. Section 38 of said Ordinance 103 is rescinded and the following Section substituted therefor:

38. (1) 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.

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(2) When the Mayor and Deputy Mayor are both absent and a member of Council is chosen to preside over the meeting pursuant to Section 3, that member shall be entitled to vote in all circumstances.

Motion carried.

Motion Alderman O'Malley Re: Ordinance 137, the Deferred Payment of Taxes Ordinance - FIRST READING

Notice of Motion concerning this item was given at the last regular meeting of Halifax City Council, held on 14 January 1993.

MOVED by Alderman O'Malley, seconded by Alderman Stone that City Council approve FIRST READING of an amendment to Ordinance Number 137, the Deferred Payment of Taxes Ordinance and refer the amendment to the Committee of the Whole Council meeting to be held on 03 February 1993 for consideration and report as follows:

Subsection (2) of Section 3 of said Ordinance 137 is amended by deleting the words and numbers "30th day of September in the year" from the third line thereof and by substituting therefor the words "31st day of March in the fiscal year."

Motion carried.

MISCELLANEOUS BUSINESS

Appointments Review Committee Report

A report dated 21 January 1993 from Her Worship Mayor Moira Ducharme, Chairman, Appointments Review Committee, was submitted.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Crowley that the report dated 21 January 1993 from Her Worship Mayor Moira Ducharme be approved as follows:

- 1) City Council continue its present policy of appointing citizens for two-year terms;
- 2) citizens may be appointed for two consecutive two-year terms;

application forms for re-appointment will provide a section wherein Council representatives on the Board, Commission, or Committee, sign in support of the re-appointment;

Alderman Stone noted that his concern with this matter was particularly with residential areas where large diesel vehicles are left running for long periods of time. He pointed out that the residents not only suffer from the noise but also from the air pollution. He requested that when staff are looking at the regulations, that they pay particular attention to residential areas and large commercial vehicles like diesel trucks.

Motion carried.

**Report from Heritage Advisory Committee Re: Registered
Heritage Property - 1546 Barrington Street - The Former
Halifax Infirmary Annex**

An information report dated 25 January 1993 was submitted.

The City Manager advised that he expected a further report on this matter would be provided by the next meeting of the Committee of the Whole Council scheduled for 3 February 1993.

MOVED by Alderman Downey, seconded by Deputy Mayor Fitzgerald that the information report be tabled, pending a further report from staff.

Motion carried.

MOTIONS

**Motion Alderman Jeffrey Re: Ordinance 103, the Rules of
Order Ordinance - (Section 38) - FIRST READING**

Notice of Motion of this item was given at the last regular meeting of Halifax City Council, held on 14 January 1993.

MOVED by Alderman Jeffrey, seconded by Alderman Adams that City Council approve FIRST READING of an amendment to Ordinance 103, the Rules of Order Ordinance and refer the amendment to the Committee of the Whole Council meeting to be held on 03 February 1993 for consideration and report as follows:

1. Section 38 of said Ordinance 103 is rescinded and the following Section substituted therefor:

38. The Mayor or other member of Council presiding at any meeting of the Council shall have no vote except

(a) where only seven members of Council are present at a meeting, in which event he shall have a vote; or

(b) where there is an equality of votes, in which event he shall have a casting vote, and before doing so he shall give his reason therefor.

Motion carried.

Motion Alderman O'Malley Re: Ordinance 137, the Deferred Payment of Taxes Ordinance - FIRST READING

Notice of Motion concerning this item was given at the last regular meeting of Halifax City Council, held on 14 January 1993.

MOVED by Alderman O'Malley, seconded by Alderman Stone that City Council approve FIRST READING of an amendment to Ordinance Number 137, the Deferred Payment of Taxes Ordinance and refer the amendment to the Committee of the Whole Council meeting to be held on 03 February 1993 for consideration and report as follows:

Subsection (2) of Section 3 of said Ordinance 137 is amended by deleting the words and numbers "30th day of September in the year" from the third line thereof and by substituting therefor the words "31st day of March in the fiscal year."

Motion carried.

MISCELLANEOUS BUSINESS

Appointments Review Committee Report

A report dated 21 January 1993 from Her Worship Mayor Moira Ducharme, Chairman, Appointments Review Committee, was submitted.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Crowley that the report dated 21 January 1993 from Her Worship Mayor Moira Ducharme be approved as follows:

- 1) City Council continue its present policy of appointing citizens for two-year terms;
- 2) citizens may be appointed for two consecutive two-year terms;

application forms for re-appointment will provide a section wherein Council representatives on the Board, Commission, or Committee, sign in support of the re-appointment;

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- 3) following two consecutive two-year terms, citizens may not be reappointed to any Board, Commission, or Committee until a period of one year has elapsed;
- 4) terms commence on February 1 and expire on January 31;
- 5) citizens appointed after January 31 in any given year (to fill vacancies caused by resignations, etc.) may be appointed for two years plus whatever number of months remain in the year of appointment.

For example, a citizen appointed in May 1993 would be assigned a term to expire on January 31, 1996.

- 6) Board, Commission and Committee members must be residents of the City of Halifax, with the only exceptions being appointments to the following:
 - a) the Downtown Halifax Business Improvement District Commission;
 - b) the Spring Garden Road Business Improvement District Commission;
 - c) the Halifax Taxi Commission.

Alderman Pottie made reference to Recommendation #6 of the report and advised that he had concerns that the Downtown Halifax Business Improvement District Commission; the Spring Garden Road Business Improvement District Commission; and the Halifax Taxi Commission will be exempt from requiring their members to be residents of the City of Halifax and that the Halifax Industrial Commission was not included in this.

Alderman Pottie noted that there were a number of non-residents with large amounts of money invested in the Industrial Park who would be interested in serving on the Industrial Commission. In this regard, Alderman Pottie requested a report from the City Solicitor on what changes would have to be made to allow the Industrial Commission to be exempt from requiring its members to be residents of the City of Halifax.

It was therefore MOVED by Alderman Pottie,
seconded by Alderman Meagher that the matter be deferred to the next regular meeting of the Committee of the Whole Council scheduled for 3 February 1993, pending receipt of a report from the City Solicitor.

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The motion to defer was carried.

Appointments

A report dated 25 January 1993 from Her Worship Mayor Moira Ducharme was submitted.

Alderman Meagher advised that he had some concern with the Halifax Taxi Commission and Board of Harbour City Homes appointments and would like these deferred.

Alderman Pottie advised that he had certain concerns regarding the Natal Day appointments and asked that this be deferred.

Concurring with Alderman Pottie's request, the Chairman recommended, **and it was so agreed** that the appointments for the Board of Harbour City Homes, the Halifax Taxi Commission, and the Natal Day Committee would be deferred to the special meeting of Halifax City Council, scheduled for 3 February 1993.

MOVED by Alderman Jeffrey, seconded by Alderman Meagher that the following appointments be approved:

ADVISORY COMMITTEE ON CONCERNS OF AGEING

Ward 1 - Connie Redmond
Ward 2 - Agatha Coolen
Ward 3 - Gerald Tobin
Ward 8 - Daisy Goodall
Ward 9 - Marion Roberts
Ward 12 - Henderson Allen

Citizen at Large - Deborah Morgan Downey

Terms to expire 31 January 1995.

ART ALLOCATION COMMITTEE

Elizabeth Jollimore
Joyce Gray
Michael Parnell
Michael Murphy
Barry A. Russell

Terms to expire 31 January 1995

DESIGN ADVISORY COMMITTEE

Wilfred Aubut
Chris Millier
Barbara Watt
Robert Shaw
Robert Stapells

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Terms to expire 31 January 1995

BOARD OF DIRECTORS - POINT PLEASANT PARK COMMISSION

Robert J. R. Weld

Term to expire 31 January 1995

DOWNTOWN HALIFAX BUSINESS IMPROVEMENT DISTRICT COMMISSION

Rakesh Jain
David Garrett
Maurice Lloyd
Sue Kapsalis
Leila Gashus
Harvey W. Doane
Paul Stackhouse
David H. Reardon

Terms to expire 31 January 1995

HALIFAX CITY REGIONAL LIBRARY BOARD

Gus Wedderburn
Flora Lee
Sondra Cox-Wright

Terms to expire 31 January 1995

HALIFAX INDUSTRIAL COMMISSION

Peter Evans
Daniel Gallivan
Andrew J. Miller
Peter J. McDonough
Ernest Cadegan

Terms to expire 31 January 1995

HALIFAX RECREATION COMMITTEE

Mark Wannamaker
Jerry Blumenthal
Jerome F. Singleton
Marie March

Terms to expire 31 January 1995

HALIFAX WATER COMMISSION

Brenda Shannon
Robert Hayes

Terms to expire 31 January 1995

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HERITAGE ADVISORY COMMITTEE

Beverly W. Miller
D. S. Chehil
Don LeBlanc
Gary Newman

Terms to expire 31 January 1995

LAKES AND WATERWAYS ADVISORY COMMITTEE

Dwight Grant
John A. Carter
Henry K. H. Tan
Donatus Amako
David J. Hammond

Terms to expire 31 January 1995

MAINLAND SOUTH COMMUNITY CENTRE CORPORATION

Brett Woodbury
Ian F. G. Robinson

Terms to expire 31 January 1995

PLANNING ADVISORY COMMITTEE

Phillip Fraser
Hugh Fraser
Creelman MacArthur

Terms to expire 31 January 1995

SPRING GARDEN ROAD BUSINESS IMPROVEMENT DISTRICT COMMISSION

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

Terms to expire 31 January 1995

TOURISM HALIFAX COMMITTEE

Marilyn Soper
Vaunda I. Vacon
Colette Flinn
Irvine Carvery
Brian Miller

Terms to expire 31 January 1995

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Motion carried.

QUESTIONS

**Question Alderman Jeffrey Re: Snow Removal - Willett
Street at Convoy Avenue**

Alderman Jeffrey made reference to the recent snowstorm and noted that, despite the many hours of heavy snowfall, there appeared to be very few plows at work on any of the City's major thoroughfares or on its side streets.

Referring in particular to Willett Street in the Convoy Avenue area, the Alderman emphasized that this roadway is repeatedly ignored by City crews, despite the fact that he has brought this matter to staff's attention on a number of occasions.

**Question Alderman Jeffrey Re:
Bridge Commission - Snow Removal**

Alderman Jeffrey indicated that, earlier in the day (subsequent to the 27 January snowstorm), he had had occasion to use one of the Harbor bridges, and had been extremely concerned about the amount of snow which had been allowed to remain. The Alderman expressed the view that the Bridge Commission should be contacted in this regard, and asked to improve its snow removal procedures.

**Question Alderman Jeffrey Re:
Templeton Place Limited**

Alderman Jeffrey made reference to a letter recently received by members of Council from Templeton Place Limited concerning a surplus piece of vacant land at the southwest corner of Bishop and Water Streets which is presently owned by the City of Halifax.

The Alderman advised that the letter in question alleges that City staff have undertaken private negotiations with a particular developer with a view to disposing of this property, and expresses concern that the sale of this property should be put to public tender so as to ensure that the City obtains the best possible price and that other interested individuals are given the opportunity submit a bid.

Alderman Jeffrey concurred with the concerns put forward by Templeton, and asked that staff take this request into consideration.

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Question Deputy Mayor Fitzgerald Re:
Building on Quinpool Road (Adjacent to Holiday Inn)

Deputy Mayor Fitzgerald requested an update from staff concerning the burned out building on Quinpool Road, adjacent to the Holiday Inn.

Question Deputy Mayor Fitzgerald Re:
Municipal Reform

Deputy Mayor Fitzgerald expressed the view that Council should be kept up to date on the issue of municipal reform, adding that, in his view, meetings on this issue should be held on a regular basis. He therefore asked that the item be placed on the agenda of the next regular meeting of Committee of the Whole Council (**scheduled for Wednesday, 3 February 1992**) so that Council might decide the manner in which it wishes to deal with this issue.

Question Deputy Mayor Fitzgerald Re:
Waste Management

Deputy Mayor Fitzgerald noted that in certain other municipalities restrictions have been imposed on the amount of "regular" garbage that can be put out for removal. Noting that this approach might have a positive impact on the overall cost of garbage collection, the Deputy Mayor strongly recommended that staff advise Council on the feasibility of establishing a board or committee to address this issue.

Question Deputy Mayor Fitzgerald Re:
Notice of Action - Metropolitan Authority Decision

Deputy Mayor Fitzgerald asked for information from the City Solicitor regarding the Notice of Action which has recently been filed against the Metropolitan Authority by a citizens committee.

Mr. Anstey advised that, having attended a meeting with the solicitors from the three other member municipalities on this matter, he is intending to send a report to Council making recommendation and seeking instruction.

Question Deputy Mayor Fitzgerald Re: Snow Removal

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Referring to the recent snowstorm, Deputy Mayor Fitzgerald commended staff on their snow removal efforts over the last several days.

The Deputy Mayor went on to emphasize, however, that snow removal on sidewalks and especially at corners is **not** the City's responsibility, but rather that of the abutting property owners. Noting that he continues to receive numerous complaints (particularly from senior residents) as to the condition of various of the City sidewalks, he strongly recommended that the City Manager undertake to remind property owners of their obligations in this regard.

**Question Deputy Mayor Fitzgerald Re:
NSPC Request for Rate Increase**

Noting that the Nova Scotia Power Commission has recently applied to the Public Utilities Board for a rate increase, the Deputy Mayor asked for information from staff as to what impact this increase, if approved, is expected to have on the City, its boards and commissions.

Question Alderman Downey Re: Correction Services

Alderman Downey requested a report from Correctional Services concerning the new location for the inmates previously housed by the Salvation Army.

Question Alderman Downey Re: Overhead Crosswalk Signs

Alderman Downey requested a report from the Chief of Police as to the methods he proposes to employ to ensure motorist compliance with the newly-installed overhead crosswalk signs. In this context, the Alderman noted that it would appear that many motorist do not pay attention to the crosswalk signals, once a pedestrian has pushed the button to permit him/her to cross the street.

**Question Alderman Downey Re:
Possible Extensions - Payment of Taxes**

Alderman Downey noted that, some time ago, he had expressed concern that the City should be taking measures to grant extensions to its property owners with regard to the payment of municipal taxes. Emphasizing that the current recession has affected both residential and commercial taxpayers, the Alderman asked for information from staff as to whether in fact extensions **have** been proposed to assist those individuals who may be experiencing difficulty in making their payments.

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Question Alderman Crowley Re: Seniors Shuttle Service

Alderman Crowley noted that some time ago she had raised the matter of a seniors shuttle service and had been advised at that time that a report would be made available in late January. The Alderman requested an update on this matter.

In response, the City Solicitor advised that the report in question had been completed, and was currently with the City Manager. Mr. Anstey added that the matter has been recommended for consideration at the next regular meeting of Committee of the Whole **scheduled for 3 February 1992.**

**Question Alderman Crowley Re:
Letter from Mr. Eric Durnford**

Alderman Crowley made reference to questions raised during the 17 December 1992 meeting of City Council ("Question Period") regarding a letter received from Mr. Eric Durnford. In her remarks, the Alderman expressed the view that not all of the points raised on 17 December had been addressed in the report subsequently received.

The Chairman advised that the report in question had addressed the Alderman's questions as contained in the Minutes of the 17 December Council, but suggested that the tape recording of that meeting could be examined to ensure that **all** points put forward by Alderman Crowley at that time had been addressed.

Question Alderman O'Malley Re: Youth Gangs

Alderman O'Malley noted that Council had previously discussed the problem of gangs of youths roving the City's streets, and had subsequently requested the Police Department and the City Solicitor to look at some kind of enforcement that might address this situation. Emphasizing that she continues to receive calls regarding this matter, the Alderman asked that a progress report be submitted from staff as quickly as possible.

**Question Alderman O'Malley Re:
Parking Ticket - Overnight Parking Ban**

Alderman O'Malley advised that she had been contacted earlier in the day by an individual concerning an incident which had occurred during the recent snowstorm. The Alderman went on to explain that the individual in

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question, who lives on Needham Street, had been unable to reach his driveway when he arrived home from work, owing to the fact that his street had not yet been plowed. After staying up to approximately 3:30 a.m. in the hopes that the plows would arrive on Needham Street, the individual had removed his vehicle to Sullivan Street, thinking that, since **that** street had already been plowed, it was unlikely that his car would pose an obstruction.

Alderman O'Malley advised that, despite all these precautions, the motorist had discovered a ticket on his vehicle when he went out to retrieve it early on the morning of 28 January. Furthermore, upon contacting the Police Department and attempting to provide an explanation, he was advised that he would have to take the matter to court.

The Alderman expressed concern that greater leniency had not been shown this individual and others like him, particularly since every effort had been made to find an appropriate parking place. She went on to advise that she would appreciate receiving a report on this matter from the Chief of Police, adding that she would supply the name and address of the individual in question.

At 10:15 p.m. Her Worship retired from the meeting with Alderman Meagher assuming the Chair.

**Question Alderman Adams Re:
Improvements on the Herring Cove Road**

Alderman Adams reported that there were several residents of the Herring Cove Road who required information regarding the improvements being implemented on this roadway. The Alderman indicated that he would provide the names and addresses of these individuals to the City Clerk so that staff might get in contact with them and submit a follow-up report.

**Question Alderman Adams Re:
Designated Parking Spaces - Grace Maternity Hospital**

Alderman Adams noted that in 1992 he had asked for staff comment regarding the feasibility of designating City parking spaces near the Grace Maternity Hospital for physicians on call. He went on to note that there are no spaces currently available, so that when a physician **does** find a space, it is usually some considerable distance away.

Alderman Adams therefore asked that a staff report be provided in this regard.

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**Question Alderman Adams Re: Special
Overnight Parking Passes for Physicians on Call**

Alderman Adams advised that the annual overnight parking ban makes it extremely difficult for physicians who are on call and who may have more than one vehicle in their driveway. He added that when the parking ban is in effect, they are not permitted to park on the street and this can slow down their response time to a call.

The Alderman asked for staff comment on the suggestion that special passes be made available to physicians, permitting them to park on the street during the winter months.

**Question Alderman Adams Re: Snow
Removal - Duke Street Taxi Stand**

Alderman Adams noted that the Duke Street taxi stand (adjacent to Lawton's Drug Store) had not yet been plowed and, emphasizing that this particular stand is very heavily used, asked that staff ensure that the snow is removed as quickly as possible.

**Question Alderman Adams Re: Priority
Schedule for Snow Clearing**

Alderman Adams noted that, when citizens call about snow removal, they usually question why it seems that certain streets are plowed before others. He suggested that it would be extremely beneficial for the City to publish a prioritization schedule pertaining to snow clearing in the local newspapers and inform the general public of the rationale behind it.

**Question Alderman Macdonald Re: Left
Turning Signal - Bayview Road/Bedford Highway**

Alderman Macdonald referred to the left turning, flashing green light at the intersection of Bayview Road/Bedford Highway, and asked for information as to whether the interval had been initially established at 30 seconds, then increased to 44 seconds, and subsequently increased again to 50 seconds over the past number of years.

On another but related matter, Alderman Macdonald asked for information on the interval pertaining to the left turning signal at the intersection of Dutch Village Road and Howe Avenue. The Alderman suggested that a comparison might then be made between the interval at this intersection and that at Bayview Road.

Question Alderman Macdonald Re: Licensing of Cats

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Alderman Macdonald made reference to questions previously raised by Alderman O'Malley with respect to the licensing of cats in the City, and expressed concern that, unlike dogs, cats are allowed to roam at will, putting both themselves and other people's property at risk.

The Alderman therefore asked for staff comment as to the feasibility both of licensing cats and to ensuring that unlicensed strays can be apprehended by animal control officers.

**Question Alderman Holland Re:
Snow Removal - Apartment Buildings**

Alderman Holland advised that he had received a number of complaints earlier in the day regarding snow removal from the sites of various local apartment buildings. He added that the individuals contracted to do the clearing have apparently been pushing the snow onto the street and in front of nearby residential properties. The Alderman therefore asked for information as to the action that could be taken to ensure that these individuals are charged for this violation of Ordinance 180.

Question Alderman Stone Re: Taxi Driver Education Course

Alderman Stone expressed concern regarding the recent suspension of the Halifax Taxi Commission's driver education course. In his remarks, the Alderman made reference to Commission Minutes on this matter and asked for clarification as to why the previous course could not have been continued while its curriculum was under review.

Alderman Stone went on to note that it would appear that the review presently underway is taking a considerable amount of time, and asked for a report from the Taxi Commission as to when, in its opinion, the driver education courses will be reinstated.

Question Alderman Stone Re: Mr. H. D. Crowell

Noting that Mr. Harold Crowell, the City's Director of Social Planning, had recently been appointed to a Provincial task force, Alderman Stone asked for information with regard to his departure and to plans not only for Mr. Crowell's replacement but also that of his two assistants.

The City Manager advised that a report on this matter will be provided to Council at the next meeting of the Committee of the Whole scheduled for 3 February 1992.

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At 10:30 p.m. Her Worship Mayor Ducharme returned to the meeting, with Alderman Meagher assuming his usual seat on Council.

Question Alderman Stone Re: Snow Committee

Alderman Stone advised that he had received the Minutes of the Snow Committee and was extremely pleased with the Committee's work to date. In this context, he noted that the Minutes indicate that information concerning sidewalk clearing requirements are to be given to owners of property abutting City sidewalks.

Alderman Stone indicated that in Ward 12 there is a particular problem with the owners of apartment buildings (especially those in close proximity to Dunbrack Street) failing to remove the snow from abutting sidewalks within a reasonable amount of time. He therefore requested that a special effort be made to acquaint these individuals with the requirements of the Ordinance.

Alderman Stone noted that Magna Industrial Services have been engaged to clear the sidewalks when the abutters fail to clear them themselves, and requested a report from staff as to whether this company could also be used to assist seniors to clear their sidewalks if they are willing to pay for the work. He indicated that the seniors in his ward are having difficulty in getting students to clear their sidewalks, adding that if Magna would be willing to undertake this work, he would appreciate being advised of their rates.

**Question Alderman Meagher Re: Overhead Light
- Corner of Beech Street and Quinpool Road**

Alderman Meagher requested a report from the Traffic Authority on the expected installation date of the overhead light at the corner of Beech Street and Quinpool Road.

**Question Alderman Meagher Re: Regulations
Concerning All-Night Businesses in Residential Areas**

Alderman Meagher noted that, during the Spring of 1992, there had been discussion regarding the possible regulation of certain businesses (such as service stations) operating all night in a residential areas. The Alderman requested an update on this matter from the City Solicitor's Department.

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Question Alderman Meagher Re: Assessments

Alderman Meagher advised that in the calls he has received regarding assessments, he has heard a number of sad stories with respect to the recent layoffs at Air Canada and the shutdown of Sears Canada. Specifically, Alderman Meagher advised that there are many women around the age of 60 finding themselves in a difficult situations because they are not old enough to receive pension benefits, or if they do have a pension, it is relatively small.

Alderman Meagher requested a report from staff concerning the feasibility of extending senior citizen rights to 60 year old people, including an estimate of the extra costs involved in implementing this approach. In this context, the Alderman indicated that these people may end up selling their properties and moving into seniors accommodations, pointing out that, in his opinion, it would be more cost-effective to keep them in own homes.

**Question Alderman Meagher Re:
Sunday Morning Parking Tickets**

Alderman Meagher advised that he has received a number of complaints from churchgoers in his area who are being ticketed for illegal parking on Sunday mornings. He suggested that, although it is the law to ticket someone if they are parked illegally, this was not a good policy and did not demonstrate a cooperative spirit.

Question Alderman Meagher Re: Civic Hospital

Alderman Meagher requested information from staff as to who was receiving the revenue from the parking lot of the Civic Hospital, and how much revenue the City had received in 1992 from the Department of Health for the rental of this building.

**Question Alderman Crowley Re: Lighting
- Halifax Shopping Centre**

Alderman Crowley advised that she received a call from a resident regarding the bus stop at the Halifax Shopping Centre. She added that, as a cost cutting measure, the Shopping Centre has stopped lighting the area during the early hours of the evening and it has resulted in the bus stop being extremely dark.

Alderman Crowley advised that she had already spoken to Shopping Centre representatives, but that they maintain the measures are necessary as a way of cutting costs. Under the circumstances, however, the Alderman

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asked for information as to whether the City could take some action to alleviate the problem.

**Question Alderman Holland Re:
Possible Seizure of Vehicles**

Alderman Holland advised that approximately three years ago the municipality of Portland, Oregon adopted an ordinance whereby police are permitted to seize the cars of motorists who are convicted of either soliciting prostitutes or driving while impaired. He added that, since the implementation of this ordinance, the number of fatal accidents involving alcohol has decreased dramatically and, as well, the number of offenses involving prostitutes has declined.

Alderman Holland requested a report on whether it would be feasible for the City of Halifax to consider similar legislation.

NOTICES OF MOTION

Notice of Motion Alderman Stone Re: Amendments to Ordinance Number 147, The Dog Ordinance

Alderman Stone gave notice of motion that at the next regular meeting of Halifax City Council to be held on Thursday, the 11th day of February, 1993, he intends to introduce for first reading amendments to Ordinance Number 147, The Dog Ordinance.

The purpose of the amendments are (1) to correct an inconsistency respecting the time for the payment of the discounted license fee and (2) to eliminate the references to "registration" and to use instead the term "licensing" only.

ADDED ITEMS

Point Pleasant Park (Alderman Holland)

An information report dated 15 January 1993 was submitted by the City Solicitor.

Alderman Holland advised that the Point Pleasant Park Commission has recently spent time studying Park usage, however the Park has never had a user study completed. The Alderman asked that staff study the idea and report back to Council on whether it would be feasible

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to have a user study carried out on Point Pleasant Park in the order of \$20,000.

On another matter, Alderman Holland noted that Council had recently received an information report concerning increasing the size of the Point Pleasant Commission. He requested that staff proceed with the necessary amendments required to increase the size of the representation on the Commission.

Council Facilitator (Alderman Hanson)

Alderman Hanson advised that over the past several weeks Council has experienced difficulties which he believed have impeded good municipal government. He went on to add that he felt it was time that Council put their differences aside and come together to address the issue and find a resolution. In this regard, Alderman Hanson indicated that he was prepared to move a motion that Council retain an impartial person to meet with them in private for the purpose of resolving Council's difficulties.

In his remarks, Alderman Hanson noted that Alderman Crowley has been working at trying to find a resolution to the problems and he expressed his appreciation to her for her efforts in this regard.

Alderman Meagher addressed the matter and indicated that while he appreciated Alderman Hanson's concerns and his efforts to resolve the differences, he did not think a motion was necessary at this point in time.

Alderman Crowley thanked Alderman Hanson for his kind remarks and, concurring with Alderman Meagher, she suggested that, due to the sensitivity of the matter, a little more time might be needed. The Alderman agreed that a motion on the matter would be inappropriate at this time, but added that it was encouraging to hear Alderman Hanson's remarks and that she hoped Council would get back "on the right track."

The Chairman advised that the feedback seems to indicate that Council is willing to come together and work out its differences.

Assessments (Alderman Meagher)

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

Alderman Meagher advised that he has received a number of calls concerning the increase in assessments especially with regard to property on the Peninsula, and

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advised that he would like to arrange at the next Committee of the Whole for the Assessor to appear before Council scheduled for 3 February 1993.

Her Worship pointed out that arrangements have already been made for the Assessor to make a presentation at the next Committee of the Whole meeting.

Alderman Stone noted that it wasn't just the older part of the City which was affected by the recent reassessments, adding that on average the assessments increased four percent in Ward 12. He added that people are concerned because they have not seen any reason for their assessment to increase.

Deputy Mayor Fitzgerald addressed the matter and requested that, prior to the Assessor appearing before Council, staff provide an explanation on how the assessment is carried out and provide some examples. The Deputy Mayor added that the complaints he has received are not only from residents but from business owners as well. He pointed out that one business owner found his business occupancy tax had increased by 55 percent despite the fact his income from rents is down 40 percent. Deputy Mayor Fitzgerald added that the market conditions do not reflect what is taking place.

Concurring with the comments put forward by the Deputy Mayor, Alderman Meagher suggested that the Assessor should assume greater responsibility for defending municipal assessments.

Moment of Silence

Prior to adjourning the meeting, the Chairman asked that all in attendance stand for one minute of silence in honour of the recent passing of Jeanne Sauve, former Governor General of Canada.

At 10:50 p.m. the meeting adjourned.

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**SPECIAL COUNCIL
PUBLIC HEARING
MINUTES**

Council Chamber
Halifax City Hall
3 February 1993
7:30 P. M.

A special 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; Aldermen Downey, Adams, Hanson, Jeffrey, Macdonald, Crowley, and Stone.

ALSO PRESENT: Mr. Gerry Goneau, representing the City Solicitor; City Clerk; and other members of staff.

Appointments

This item was deferred to this meeting from the last meeting of City Council held on 25 January 1993.

MOVED by Alderman Downey, seconded by Alderman Crowley that the following appointments be approved:

BOARD OF HARBOUR CITY HOMES

Reverend Jack Hayes
Carolyn McGregor
Daniel H. Ray

Terms to expire January 31, 1995

Motion carried.

MOVED by Alderman Adams, seconded by Alderman Stone that the following appointment be approved:

BOARD OF HEALTH

Tanya Crawford

Term to expire January 31, 1995

Motion passed.

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HALIFAX FORUM COMMISSION

MOVED by Alderman Jeffrey, seconded by Alderman Macdonald that the appointments to the HALIFAX FORUM COMMISSION be deferred to the next regular meeting of City Council to be held on 11 February 1993.

Motion passed.

MOVED by Alderman Stone, seconded by Alderman Crowley that the following appointments be approved:

HALIFAX-HAKODATE COMMITTEE

Robyn Quinn
Cheryl Sacamano

Terms to expire January 31, 1995

Motion passed.

MOVED by Alderman Adams, seconded by Alderman Hanson that the following appointments be approved:

HALIFAX TAXI COMMISSION

Michael Edwards
John Nisbet
Donita Boyd
Ernest R. Hawes
Robert Richards

Terms to expire January 31, 1995

Motion passed.

**Public Hearing: Case No. 6545: Municipal Development
Plan Amendment: Lands Adjacent to Bayers Lake Area**

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

Mr. Austin French, Planner, addressed Council and began his presentation by advising that the Planning Advisory Committee has recommended that the City proceed with the Municipal Development Plan and Land Use Bylaw amendments as outlined in the 29 December 1992 staff report. Mr. French went on to briefly review the nature of the proposed Plan and Bylaw amendments as attached to the staff report of 29 December 1992. In his remarks, Mr. French noted that the

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applicant is the Halifax Industrial Commission and that the request is to change the plan designation of a parcel of approximately 42 acres from "Holding Area" to "Industrial" and also to change the zoning from H(Holding) to I-3 (General Industrial). In closing, Mr. French responded briefly to questions from Council.

Mr. Douglas R. Corkum, Executive Director of the Halifax Industrial Commission (HIC), addressed City Council and advised that Vaughan Engineering, as consultants to the HIC, had been commissioned to carry out an environmental assessment of the 42 acres of land in question. He advised that the indication from that assessment was that the HIC could in fact develop the 42 acres and control the erosion and run-off from it during the preparation of the site and during construction. Mr. Corkum went on to advise that the HIC has, in the development of the Price Club property and the site immediately adjacent to the 42 acres, developed a control pond in which all affluent will be directed to during construction. He added that the HIC is confident that it can protect the environment of Susies Lake.

Mr. Corkum added that ultimately the whole area proposed for plan amendment will be separated from the Susies Lake watershed area by a roadway that will continue from the Bi-Hi through to the Number 3 Highway and onto Highway 103 connecting to the Lakeside Industrial Park. In his remarks, Mr. Corkum emphasized that the HIC fully understands its responsibility in developing the site in question and believes that through its consultant it will be able to put in place the proper controls which will ensure that the Susies Lake environment is protected.

Mr. Alan Ruffman, a resident of Ferguson's Cove, addressed Council and expressed concern about the close proximity of the site in question and the Susies Lake system. Using staff's map, Mr. Ruffman pointed out that he was concerned that Council may develop another large piece of industrial land on the other side of the highway at some point. He cautioned Council about developing the area in a piecemeal manner and urged that, before proceeding, it was very important to carry out an environmental study with a view of making the zoning and plan designations for the area this year.

In response to Mr. Ruffman's concern, Alderman Stone commented that the proposed 1993 capital budget includes monies for an environmental management plan.

Ms. Anne E. MacMillan, 4 Marlwood Drive, addressed City Council on behalf of the Ward 12 Community Association. Ms. MacMillan read and submitted a presentation to Council dated 3 February 1993 (a copy of which can be found in the official file for this meeting). Some of the requests

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presented by Ms. MacMillan included the following: that it was absolutely necessary that the 1993 budget have provision for a complete study which will protect both the environment and the lake system of this area; this study must be completed immediately if the integrity of this area is maintained; and that any development which starts within the immediate future must meet all the rigid controls related to design, construction, operation and maintenance of the current environmental status.

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

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

Motion passed.

At approximately 8:05 p.m., Alderman Jeffrey retired from the meeting.

Public Hearing: Case No. 6577: Peninsula and Mainland Land Use Bylaws - Housekeeping Amendments #3

A public hearing with respect to the above matter was held at this time.

Mr. Paul Dunphy, Planner, addressed Council and outlined the proposed housekeeping amendments to the existing land use bylaws for the peninsula and mainland portions of the City (as contained in the staff report of 21 September 1992). He advised that the purpose of the amendments is to provide continuous and incremental improvement to the existing bylaws so that they remain effective. Mr. Dunphy noted that the amendments proposed can be characterized as simple ones dealing with incorrect cross-references, omissions, out-of-date provisions and inconsistencies with the municipal planning strategy.

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

MOVED by Alderman Hanson, seconded by Alderman Macdonald that City Council approve the proposed housekeeping amendments to the existing land use bylaws for the peninsula and mainland portions of the City (as contained in the staff report of 21 September 1992).

Motion passed.

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ADDED ITEMS

Sister City Relationship - Freetown -
Republic of Sierra Leone

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

MOVED by Alderman Downey, seconded by Alderman Adams that Halifax City Council approve the formalizing of a sister-city relationship between the cities of Halifax and Freetown, the purpose of which will be to promote ties of friendship and understanding through the historical and cultural bonds presently existing between our two cities.

Motion carried.

Policy - Terms of Citizen Appointments

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

MOVED by Alderman Adams, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, Council approve the report of the Appointments Review Committee as follows:

- 1) City Council continue its present policy of appointing citizens for two-year terms;
- 2) citizens **may** be appointed for two consecutive two-year terms;

application forms for re-appointment will provide a section wherein **Council representatives** on the Board, Commission, or Committee, sign in support of the re-appointment;

- 3) following two consecutive two-year terms, **citizens may not** be reappointed to **any** Board, Commission or Committee until a period of one year has elapsed;
- 4) terms commence on February 1 and expire on January 31;

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- 5) citizens appointed after January 31 in any given year (to fill vacancies caused by resignations, etc.) may be appointed for two years **plus** whatever number of months remain in the year of appointment.

For example, a citizen appointed in May 1993 would be assigned a term to expire on January 31, 1996.

- 6) Board, Commission and Committee members **must be residents** of the City of Halifax, with the **only exceptions** being appointments to the following;
- a) **the Downtown Halifax Business Improvement District Commission;**
 - b) **the Spring Garden Road Business Improvement District Commission;**
 - c) **the Halifax Taxi Commission.**

In regard to the above three Commissions, non-residents **may** qualify for appointment to the BIDCs if they own a business or businesses within the BIDC boundaries, and **may** qualify for appointment to the Taxi Commission if they own or manage a taxi business in the City of Halifax.

Motion passed.

At approximately 8:10 p.m. the meeting adjourned.

HER WORSHIP MAYOR DUCHARME
CHAIRMAN

EDWARD A. KERR
CITY CLERK

/MS

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HALIFAX CITY COUNCIL MINUTES

Council Chamber
Halifax City Hall
11 February 1993
8:15 P.M.

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

The meeting was opened with Her Worship Mayor Moira Ducharme leading those in attendance in the recitation of the Lord's Prayer.

PRESENT: Her Worship Mayor Ducharme, Chairman; Deputy Mayor Fitzgerald; and Aldermen Downey, Meagher, Adams, Hanson, Jeffrey, Macdonald, Crowley, and Stone

ALSO PRESENT: Mr. D. F. Murphy, City Manager; Mr. W. Anstey, City Solicitor, Mr. E. A. Kerr, City Clerk, and other members of City staff.

MINUTES

Minutes of the last regular meeting of City Council, held on Thursday, 28 January 1993, were approved on a motion moved by Alderman Downey, seconded by Deputy Mayor Fitzgerald.

APPROVAL OF THE ORDER OF BUSINESS ADDITIONS & DELETIONS

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

20.1 Appointments

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

20.2 Incinerator

20.3 Consultants Fees

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

20.4 Skating Rinks

The agenda, as amended, was approved on a motion by Deputy Mayor Fitzgerald, seconded by Alderman Downey.

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At the request of Alderman Fitzgerald, Council agreed to deal with item 15.4 Carleton Hotel: Proposals - Atlantic Chiefs and Petty Officers and Almond Developments at this time.

REPORT - PLANNING COMMITTEE

Council considered the report of the Planning Committee from its meeting held on Wednesday, 3 February 1993, as follows:

Carleton Hotel - Proposals -Atlantic Chiefs and Petty Officers and Almond Developments

A staff report dated 9 February 1993 was submitted.

Deputy Mayor Fitzgerald addressed the matter and, referring to the submitted staff report, advised that Almond Developments has withdrawn their proposal for the Carleton Hotel. In this regard, the Alderman added that he was only too pleased to recommend that City Council support the Atlantic Chiefs and Petty Officers proposal. In reviewing the ACPC proposal, Deputy Mayor Fitzgerald indicated that he believed it would be a great asset to the downtown area of the City, particularly because the proposal will not diminish the heritage aspect of the building.

The Deputy Mayor advised that the only concern he had was with respect to the non-interest bearing loan, however, he believed that staff's recommendation in the report adequately addressed this aspect.

The City Manager pointed out that since the staff report was prepared, another matter occurred to him which he felt Council should consider. He advised that if there is inflation in the next 20-25 years, the value of the property if sold or the value of the land if demolition were to occur, would be inflated and there would be an increase in value accruing to the Chiefs. Noting that the City would be the mortgagee, the City Manager pointed out that he felt it would only be fair that the City should share in any increase in value if there should be inflation. Therefore, he suggested that it should be stated that the \$300,000 is in 1993 dollars, to which Council agreed.

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

- a) Council support the proposal of the Atlantic Chief and Petty Officers Association for the Carleton Hotel and grant its request for a non-

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interest bearing loan in the amount of \$300,000 (in 1993 dollars), subject to the project proceeding, and

- b) that 50 percent of any surplus funds remaining after the maintenance and operation of the building be paid against the loan until it is fully repaid, or, if the building is to be demolished or sold, the loan or its remaining portion be repaid immediately.

(The source of funds for this project is the Sale of Land Account.)

Following further discussion, the motion was carried unanimously.

DEFERRED ITEMS

Appointments - Halifax Forum Commission

This matter had been deferred from the 3 February 1993 Special Council meeting.

A memorandum dated 11 February 1993 from Her Worship Mayor Moira Ducharme was submitted.

Alderman Jeffrey made reference to the submitted memorandum and advised that he was prepared to move the appointments of the Halifax Forum Commission.

MOVED by Alderman Jeffrey, seconded by Deputy Mayor Fitzgerald that the following appointments be approved:

HALIFAX FORUM COMMISSION

Derek Piers
Robert Hamilton

Terms to expire January 31, 1995

Motion carried.

**Case No. 6545: Municipal Development Plan Amendment:
Lands Adjacent to Bayers Lake Area**

An information report dated 4 February 1993 was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that City Council approve the proposed Municipal Development Plan Amendment pertaining to lands adjacent to

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the Bayers Lake area (lands required for the Kent Building supply project) as contained in Appendix I of the staff report of 29 December 1992.

Alderman Stone addressed the matter and indicated that he could support the motion, however, referring to the submitted information report, he emphasized the importance of ensuring that environmental protection is in place to protect the Susie Lake area. He also noted that the recommendations of the Planning Advisory Committee on this matter include an environmental management plan for the Susie Lake area. Alderman Stone added that this baseline study would help protect the quality of the Susie Lake and Birch Cove areas. He added that funding for this is in the proposed budget and he hoped that Council, in supporting this motion, would support the environment study.

Her Worship noted that a majority of Council was needed to approve a Plan Amendment.

The City Clerk advised that the following members of Council were eligible to vote on this matter:

Her Worship Mayor Ducharme, and Aldermen Downey, Adams, Hanson, Jeffrey, Macdonald, Crowley, and Stone.

Motion carried with Deputy Mayor Fitzgerald and Alderman Meagher abstaining.

Downtown Project Initiatives - Meeting Dates

This matter had last been discussed at a meeting of City Council held on 14 January 1993.

An information report dated 29 January 1993 was submitted.

MOVED by Alderman Downey, seconded by Deputy Mayor Fitzgerald that Council authorize staff to set up a meeting in February or as soon as possible at which time the various downtown project initiatives can be reviewed and discussed by members of the Downtown Halifax Business Improvement District Commission and the Halifax Industrial Commission.

Her Worship advised that the meeting dates would be at the discretion of the City Clerk.

Alderman Crowley suggested that Council should get together with the Downtown Business Improvement District Commission and tour the Downtown area in order to obtain a better understanding of the situation.

Motion carried.

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REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 3 February 1993, as follows:

Fund Raising on City Streets - Kiwanis Club Peanut Day

A supplementary staff report dated 5 February 1993 was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, permission be granted for the Kiwanis Club to hold their Peanut Day in September 1993.

Alderman Macdonald referred to the supplementary staff report and, noting that there was still some question with respect to the City's liability, he advised that he was prepared to move an amendment to the motion that, approval be subject to the City being protected against any liability concerning this matter.

Alderman Macdonald moved in amendment, seconded by Alderman Stone that the following be added to the motion: "subject to confirmation by the Kiwanis Club that the City of Halifax will be insured against any liability in connection with the 1993 Kiwanis Club Peanut Day."

A discussion ensued with staff responding to questions.

In response to a question by Alderman Jeffrey, the City Manager advised that he believed that it would only cost the Kiwanis a marginal amount to include the City given that the Club already has insurance coverage.

Alderman Stone indicated that he had some concern that the City may not be covered in the event a claim is placed against it, and he advised that Council should ensure that the City is appropriately covered for such situations.

The amendment was put and passed.

The original motion, as amended, was carried.

Payment of Grants to Community Agencies

MOVED by Alderman Meagher, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, authorization be granted for monthly payment to

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the following agencies, based on the 1992/93 approvals until the 1993/94 Budget is approved:

Bayers Westwood
Basinview Seniors
Community Y
Family Service Assoc.
Halifax Welfare Rights
Homemakers Bureau
HRDA Training Division
Mental Health Halifax
Metro Area Family Planning
Port Cities Counselling
Spencer House
Veith House
Stepping Stone
Ward 5 Community Centre

Bryony House
Canadian Red Cross Society
Cornwallis St. Hot Lunch
Parent N' Tot
Helpline
Hope Farm Society
Meals on Wheels
Metro Service Bd. of Deaf
North End Parent Centre
Service of Support
Spryfield Single
Parent Centre
YWCA
Rockingstone Hot Lunch

Her Worship advised that she received correspondence concerning the withdrawal of support from the Stepping Stone project. She added that there seems to be some confusion with the public on this matter and she pointed out that it was Provincial support that had been removed and not support from the City of Halifax.

Motion carried.

Encroachment License - Civic No. 5524 Spring Garden Road

MOVED by Alderman Downey, seconded by Deputy Mayor Fitzgerald that, as recommended by the Finance and Executive Committee, an encroachment license be approved for the construction of two (2) encroaching canopies on the building known as Civic Number 5524 Spring Garden Road.

Motion carried.

Surplus Property - 438-440 Herring Cove Road

MOVED by Alderman Adams, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, Civic Numbers 438 and 440 Herring Cove Road be declared surplus and sold by public tender at a minimum bid to be determined by an independent appraisal of the market value of each of the properties.

Motion carried.

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2308-2310 - Gottingen Street

MOVED by Alderman Downey, seconded by Alderman Macdonald that, as recommended by the Finance and Executive Committee, Civic Number 2308-10 Gottingen Street be declared surplus to the City's requirements and sold by public tender at a minimum bid of \$55,000 based on a valuation prepared on behalf of the City by Coastal Appraisals Limited.

Motion carried.

Proposal for the Management of Urban Archaeological Resources in Halifax

A letter dated 8 February 1993 to Mr. Paul Erickson, Chairman of the Heritage Advisory Committee, from Mr. Robert Ferguson, Chairman, Urban Archaeology Committee was submitted.

Deputy Mayor Fitzgerald addressed the matter and indicated that, due to monetary concerns, he concurred with staff's recommendation that a new two year position not be created as requested by the Nova Scotia Archaeology Society. He referred to the submitted letter and noted that the Society is going to apply to various organizations for funding for their proposed archaeological resources policy study, and were requesting acknowledgement by City Council of the need for such a study. Deputy Mayor Fitzgerald indicated that he supported the Society's request in this regard and was prepared to move a motion on the matter.

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

- a) Council not approve the creation of a new two-year position for the employment of a coordinator of urban archaeology, as proposed in the report developed by the Nova Scotia Archaeology Society;
- b) Council acknowledges the need for an archaeological resources policy study.

Following a brief discussion, the motion was carried.

File No. 912673 - Incandescent and Fluorescent Lamps - (Annual Order - Stores Inventory)

MOVED by Alderman Hanson, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, authority be granted to award the price

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agreement outlined in File No. 912673 to **Litemore Distributors Ltd.**, the lowest bidder meeting specifications, at the tendered price of \$87,805.10 (funds to be made available in various account numbers).

Motion carried.

Special Collector of Rates and Taxes

MOVED by Alderman Stone, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, **Sherry Campbell** be appointed Special Collector under Section 108(1) of the Assessment Act.

Motion carried.

Seniors Shuttle Service

Alderman Jeffrey retired from the meeting.

An information report dated 8 February 1993 was submitted.

A letter dated 10 February 1993 to Alderman Adams from M. L. Edwards, Chairman, Taxi Drive Course Standards Subcommittee was submitted.

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

- (a) Notice of Motion to amend City Ordinance 116, the Taxi and Limousine Ordinance, with regard to the shared-ride proposal (as outlined in the staff report of 28 January 1993) be given at the next regular meeting of Halifax City Council scheduled for **Thursday, 11 February 1993**; and that
- (b) the matter be referred to the Halifax Taxi Commission for review and recommendation, with a request that a report be submitted in time for the 3 March meeting of Committee of the Whole.

Referring to item (a) of the motion, Alderman Adams advised that he would be giving Notice of Motion to amend City Ordinance 116 later in the meeting.

Motion carried.

Alderman Jeffrey returned to the meeting.

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Acquisition of Civic No. 2173 Barrington Street

MOVED by Alderman Downey, seconded by Deputy Mayor Fitzgerald that, as recommended by the Finance and Executive Committee, Civic Number 2173 Barrington Street be acquired from Irving Oil Limited for \$328,000 (funds to be made available in the Sale of Land Account for this purchase, subject to the approval of the Minister of Municipal Affairs).

Alderman Meagher addressed the matter and expressed concern about the purchase price of the property, noting that it was almost double the assessed value. He indicated that for this reason he could not support the motion and would vote in opposition.

The City Manager, referring to the 26 January 1993 staff report which was submitted at the 3 February Committee of the Whole meeting, advised that the assessed value of \$155,400 of the property was actually an error by the Assessor. He explained that the property was divided into four lots and that the \$155,400 only applied to the largest lot with the remaining lots making up the difference to bring the assessed value of the entire property to \$220,300.

The City Manager added that, although the purchase price was higher than the assessed value, it more accurately reflects the current appraised value of the property.

Alderman Jeffrey addressed the matter and concurred with Alderman Meagher's comments and advised that he could not support the motion because he felt that the purchase price was too high.

The Chairman pointed out that Council recently had a presentation from the Provincial Assessor on how assessments were carried out this year, and she noted that the assessed value of \$220,300 would be in 1988 dollars.

Alderman Jeffrey suggested that Council should have further clarification as to why one lot was assessed significantly higher than the others.

In this regard, the City Manager suggested that Council defer this matter to the next meeting of the Committee of the Whole Council, scheduled for Wednesday, 17 February 1993, and at that time Council could have someone in attendance to justify the appraised value and to discuss assessments.

Alderman Jeffrey agreed with the City Manager's suggestion and advised that, if Council was to defer this matter to Committee of the Whole, that a map of the area in

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question be provided which indicates the exact size of the lots.

Deputy Mayor Fitzgerald indicated that he did not have any difficulty in deferring this matter to Committee of the Whole and he requested that the map, as referred to by Alderman Jeffrey, contain the existing properties in the area and the names of the owners of these properties.

MOVED by Alderman Macdonald, seconded by Alderman Adams that this matter be deferred to the next regular meeting of the Committee of the Whole Council, scheduled for Wednesday, 17 February 1993.

Motion carried.

Civilian Community/Police Worker

MOVED by Alderman Stone, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, interim funding be approved, should the need arise, during the 26-month term project pertaining to the appointment of a Civilian Community/Police Worker to act as a coordinator between the Native Community and Police personnel.

Motion carried.

Municipal Reform - Steering Committee and Terms of Reference

This matter was forwarded to Council with the understanding that a recommendation would be brought forward concerning the formation of a steering committee and appropriate terms of reference.

A memorandum dated 10 February 1993 regarding the Steering Committee on Municipal Reform was submitted by Her Worship Mayor Moira Ducharme.

A memorandum with attachments dated 8 February 1993 regarding Amalgamation was submitted by Her Worship Mayor Ducharme.

Deputy Mayor Fitzgerald addressed the matter and spoke at length on the importance of City Council keeping apprised of the Province's efforts regarding municipal reform.

At 9:25 p.m. Alderman Pottie entered the meeting.

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MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Macdonald that the membership, objectives, and suggested actions for the Steering Committee on Municipal Reform be approved as outlined in the 10 February 1993 memorandum from Her Worship Mayor Ducharme.

Following a discussion and questioning of staff, the motion was carried.

**Capital Budget 1993-95 - To be Tabled and Dates
for 1993/94 Budget Review Meetings**

A memorandum dated 4 February 1993 from Alderman Adams was submitted.

Alderman Adams addressed the matter and requested that the proposed budget meeting date of Thursday, 18 February 1993 be deleted in order that it could be made available to the Halifax Taxi Commission for the purpose of convening a public meeting (which would be held in the Council Chamber) regarding the proposed Shared-Ride Program

MOVED by Alderman Adams, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, the document entitled City of Halifax 1993-1995 Proposed Capital Budget be tabled; and further, that the following be **tentatively** approved as dates for meetings to review the 1993/94 budget:

Wednesday, 17 February
Monday, 22 February
Tuesday, 23 February
Wednesday, 24 February
Monday, 1 March
Monday, 8 March
Tuesday, 9 March

Wednesday, 10 March
Tuesday, 23 March
Monday, 29 March
Tuesday, 30 March
Wednesday, 31 March
Thursday, 1 April

(Meeting times are 7:00 p.m to 10:00 p.m.)

Motion carried.

**Property Tax Exemption - Widows, Widowers, Single Parents,
Senior Citizens and Handicapped Persons**

An information report dated 10 February 1993 was submitted.

MOVED by Alderman Meagher, seconded by Deputy Mayor Fitzgerald that, as recommended by the Finance and Executive Committee, under the authority of Section 227 of the City Charter, the exemption sum for the 1993 taxation year be set at \$363.00, but that such exemption shall not reduce taxation to less than \$100.00.

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In moving the motion, Alderman Meagher requested that the matter he raised at the Committee of the Whole meeting on 3 February concerning measures that might be taken by the City of Halifax to provide tax assistance to those between the ages of 60-65, be referred to the next meeting of the Committee of the Whole Council **scheduled for Wednesday, 17 February 1993**, for discussion, to which it was agreed.

Motion carried.

Appointment - Social Planning Director

A private and confidential report dated 10 February 1993 from the City Manager was submitted.

Deputy Mayor Fitzgerald addressed the matter and, referring to the submitted report from the City Manager, indicated that he reconsidered his position on this issue. The Alderman advised that he now believed it would be an advantage for the new City Manager to have an opportunity to review his management team before the appointment is confirmed, and therefore he supported the appointment of an Acting Director of Social Planning.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Macdonald that an acting Director of the Social Planning Department be appointed.

A discussion ensued and Alderman Adams noted that about four months ago there were some major changes in the Engineering and Works Department and the Police Department. He added that he received a memo from the Director of Engineering and Works today with a "cc" notation to the Acting Superintendent of Parks and Grounds. Alderman Adams questioned if this position was going to be made permanent in the near future.

In response, the City Manager advised that he would report on the matter at the next meeting of the Committee of the Whole Council, **scheduled for Wednesday, 17 February 1993.**

Following further discussion, the motion was carried.

**Coalition of Citizens for a Charter Challenge v.
Metropolitan Authority et. al**

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, the City of Halifax apply to be

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removed from the record as a named Defendant in the action brought by the Coalition of Citizens for a Charter Challenge against the Metropolitan Authority et. al.

Motion carried.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on Wednesday, 3 February 1993, as follows:

**Award of Tender #92-08: Underground
Wiring - Granville Street (Prince - Sackville)**

MOVED by Alderman Downey, seconded by Deputy Mayor Fitzgerald that, as recommended by the Committee on Works:

1. Council authorize payment of \$12,000.00 to Nova Scotia Power Incorporation for design and inspection on Granville Street Underground Wiring; and
2. approve required funding of \$12,000.00 from Account Number 91013, Underground Wiring, CBD Area for Tender #92-08 - Underground Wiring, Granville Street (Prince - Sackville).

The motion was put and passed.

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

**Proposed Amendment to Ordinance 103, the Rules of
Order Ordinance (Section 38) - SECOND READING**

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 28 January, and had been further considered during a meeting of Committee of the Whole Council held on Wednesday, 3 February 1993.

MOVED by Alderman Jeffrey, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, Council give Second Reading to the following amendments proposed for Section 38 of Ordinance 103, the Rules of Order Ordinance:

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Section 38 of said Ordinance 103 is rescinded and the following Section substituted therefor:

38. The Mayor or other member of Council presiding at any meeting of the Council shall have no vote except

(a) where only seven members of Council are present at a meeting, in which event he shall have a vote; or

(b) where there is an equality of votes, in which event he shall have a casting vote, and before doing so he shall give his reason therefor.

Alderman Macdonald advised that he would not be supporting the motion since, in his view, it had been specifically designed for the purpose of removing the City Manager from his position.

Concurring with Alderman Macdonald's remarks, Deputy Mayor Fitzgerald emphasized that, in his opinion, the proposed amendment merely serves to reduce the number of Council members required to vote on what he termed "highly sensitive" issues, adding that he felt this to be a very unfortunate and dangerous situation.

The Chairman called for a show of hands, which resulted in the motion being put and passed.

**Proposed Amendment to Ordinance 137, the
Deferred Payment of Taxes Ordinance - SECOND READING**

This matter had been given First Reading during a regular meeting of City Council held on Thursday, 28 January, and had been further considered during a meeting of Committee of the Whole Council held on Wednesday, 3 February 1993.

MOVED by Alderman Meagher, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, City Council approve Second Reading of the following amendment proposed for Ordinance 137, the Deferred Payment of Taxes Ordinance:

Subsection (2) of Section 3 of said Ordinance 137 is amended by deleting the words and numbers "30th day of September in the year" from the third line thereof and by substituting therefor the words "31st day of March in the fiscal year."

The motion was put and passed.

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Report from the Planning Advisory Committee Re:
Case No. 6642 - Peninsula and Mainland Land Use Bylaws:
Housekeeping Amendments #4 - SET DATE FOR PUBLIC HEARING

This matter had last been discussed during a regular meeting of Halifax City Council dated 14 January 1993.

A report, dated 3 February 1993, was submitted from Ms. Judy Wells, Vice Chairman, Planning Advisory Committee.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Meagher that, as recommended by the Planning Advisory Committee, City Council schedule a public hearing to consider the amendments to the Peninsula and Mainland Land Use Bylaws as set out in the staff report, dated 29 December 1992 (Case No. 6642).

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **MONDAY, 22 MARCH 1993 commencing at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

Report from the Planning Advisory Committee Re:
Case No. 6660 - Peninsula and Mainland Land Use Bylaws:
Housekeeping Amendments #5 - SET DATE FOR PUBLIC HEARING

This matter had last been discussed during a regular meeting of Halifax City Council dated 28 January 1993.

A report, dated 3 February 1993, was submitted from Ms. Judy Wells, Vice Chairman, Planning Advisory Committee.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Meagher that, as recommended by the Planning Advisory Committee, City Council schedule a public hearing to consider the amendments to the Peninsula and Mainland Land Use Bylaws as set out in the staff report, dated 5 January 1993 (Case No. 6660).

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **MONDAY, 22 MARCH 1993 commencing at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

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**Report from the Planning Advisory Committee
Re: Proposed Amendments to Municipal Development
Plan and Land Use Bylaw (9 and 11 Alma Crescent)
- SET DATE FOR PUBLIC HEARING**

This matter had last been discussed during a special meeting of Halifax City Council held on Wednesday, 18 November 1992.

A report, dated 8 February 1993, was submitted from Ms. Judy Wells, Vice Chairman, Planning Advisory Committee.

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that, as recommended by the Planning Advisory Committee, City Council scheduled a public hearing to consider the amendment of the Municipal Development Plan and Land Use Bylaw (in accordance with Appendix "A" of the 8 February PAC report) for the purpose of recognizing the 21-unit building at 11 Alm Crescent as a permitted use.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **MONDAY, 22 MARCH 1993 commencing at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

REPORT - PLANNING COMMITTEE

Council considered the report of the Planning Committee from its meeting held on Wednesday, 3 February 1993, as follows:

**Case No. 6248: Open Space -
Stanley Park Subdivision**

MOVED by Alderman Hanson, seconded by Alderman Adams that, as recommended by the Planning Committee, City Council authorize the refunding to the developer of open space monies previously paid to the City in relation to approval of Lots within the Stanley Park subdivision along Quarry Road, Herbert Road and Withrod Drive in the mount of \$45,330.

The motion was put and passed.

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

This matter had been forwarded to Council without recommendation (a public hearing into the proposed amendment had been held on 18 November 1992).

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MOVED by Alderman Meagher, seconded by Deputy Mayor Fitzgerald that City Council approve the amending agreement relevant to the property located at Civic No. 2617-19 Windsor Street, as attached to the supplementary staff report dated 4 January 1993, which requires that:

- (a) the owner immediately undertake to construct an acoustical barrier around the air conditioner as provided in the 4 December 1992 letter from WHW Group; and that
- (b) the developer undertake to complete by 30 June 1993 all landscaping measures as identified in Plan No. P200/19148 of Case No. 3745.

The motion was put and passed with Aldermen Pottie and Crowley abstaining owing to their absence from the 18 November public hearing.

**Registered Heritage Property - 1546 Barrington
Street (Former Halifax Infirmary Annex)
- TABLING OF REPORT**

MOVED by Alderman Downey, seconded by Deputy Mayor Fitzgerald that, as recommended by the Planning Committee, the 3 February 1993 Information Report, entitled "Report from Heritage Advisory Committee re: Registered Heritage Property -- 1546 Barrington Street -- The Former Halifax Infirmary Annex," be tabled.

The motion to table was put and passed.

**Carleton Hotel - Proposals: Atlantic Chiefs
and Petty Officers/Almond Developments**

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

MOTIONS

**Motion Alderman Stone Re: Amendment to Ordinance 147,
the Dog Ordinance, Re: License Fees - FIRST READING**

Notice of Motion with regard to the proposed amendment had been given by Alderman Stone during a regular meeting of Halifax City Council held on Thursday, 28 January 1993.

A staff report, dated 27 January 1993, was submitted.

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MOVED by Alderman Stone, seconded by Deputy Mayor Fitzgerald that City Council give First Reading to an amendment proposed to Ordinance 147, the Dog Ordinance, attached as Appendix "A" to the staff report dated 27 January 1993; and further, that the matter be referred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 17 February 1993) for consideration and report.

The motion was put and passed.

MISCELLANEOUS BUSINESS

Civic No. 1855 Hollis Street

A staff report, dated 27 January 1993, was submitted.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Downey that City Council cancel Encroaching License #04304, dated 18 November 1991 and Encroaching License #3548, dated 9 October 1979; and further, that City Council order the removal of the canopies at Civic No. 1855 Hollis Street.

The motion was put and passed.

QUESTIONS

Question Deputy Mayor Fitzgerald

Re: Progress Report - City Club/Khyber Building

Deputy Mayor Fitzgerald indicated that he had noticed a certain amount of activity underway on that section of Argyle/Barrington Streets in which the City Club/Khyber Building is located. He therefore asked to be provided with a brief update on the progress being made in this regard.

Question Deputy Mayor Fitzgerald

Re: Regulations - Residential/Commercial Uses

Deputy Mayor Fitzgerald made reference to a recent article in one of the local newspapers which appeared to infer that the City prohibits residential uses on building levels located over commercial uses, particularly in the Barrington Street area. The Deputy Mayor went on to suggest that, in actuality, such uses are prohibited by provisions of the National Building Code, and asked for clarification from staff in this regard.

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Question Deputy Mayor Fitzgerald Re:
Parking Lot Between Lower Water and Hollis Streets

Deputy Mayor Fitzgerald made reference to the former site of the Bryant Building (now used for parking) generally located between Lower Water and Hollis Streets, and asked if staff could provide information as to whether the Province has any specific plans for the redevelopment of this property.

Question Deputy Mayor Fitzgerald Re: Residential
Units - Waterfront Development Corporation Property

Deputy Mayor Fitzgerald alluded to the fact that the original plans for the redevelopment of the City's waterfront had included a high-rise residential component. Noting that, in his view, it is important that people be encouraged to live in the downtown area, the Deputy Mayor recommended that staff contact the Waterfront Development Corporation to determine what sites could be used for this purpose and whether any expressions of interest have been received in this regard. He went on to suggest that there may be something that Halifax City Council could do to assist the WDC in attracting residential uses to this portion of the City's downtown area.

Question Deputy Mayor Fitzgerald Re:
Coalition of Citizens for a Charter Challenge

Deputy Mayor Fitzgerald made reference to the court action which has been initiated by the Coalition of Citizens for a Charter Challenge, and asked for advice from the City Solicitor as to whether it would be appropriate for the City of Halifax to assist the Coalition with their legal fees through the provision of a small grant.

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

Question Alderman Jeffrey Re:
Templeton Place Limited

Responding to a question from Alderman Jeffrey, the City Manager advised that an Information Report with regard to the Alderman's queries pertaining to Templeton Place Limited had been prepared and should be distributed shortly.

Question Alderman Jeffrey Re:
Human Resources Development Association (HRDA)

Referring to questions raised during the Committee of the Whole discussion on 3 February ("Carleton

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Hotel Proposals"), Alderman Jeffrey asked for further information with regard to the Human Resources Development Association (HRDA); specifically, the names of its officers and Board of Directors, and its funding sources (and, in this regard, whether the City of Halifax contributes to its operation).

**Question Alderman Jeffrey Re:
School Crossing Guards**

Alderman Jeffrey advised that he has received numerous complaints from school crossing guards concerning the manner in which the crossing guard program is now being administered. In this context, the Alderman noted that many guards are upset that they are forced to expend a large proportion of their hourly pay travelling (by taxi) to and from the intersections to which they have been assigned, and also that they are being required to work on in-service days, despite the fact that children will not be attending school on those occasions. He went on to suggest that, when complaints such as these are raised with the security firm now in charge of the crossing guard service, they receive little or no consideration.

Alderman Jeffrey indicated that it was his understanding that the City of Dartmouth has recently reverted to the original method of administering its school crossing guards, and strongly suggested that the City of Halifax should do the same when the current contract expires. He went on to recommend that the entire situation with regard to school crossing guards should be reexamined, and therefore suggested that it be placed on the agenda of a future meeting of Committee of the Whole Council for information purposes and debate.

**Question Alderman Adams Re:
Cost-Sharing of Fence - Ward 7**

Alderman Adams advised that several months ago a resident of Ward 7 had contacted the City concerning the possible cost-sharing of a fence abutting a City walkway. He went on to note that, unfortunately, the lady in question has since forgotten the name of the staff member to whom she had been speaking, but has advised that she has heard nothing further on the matter.

Alderman Adams indicated that he would provide the City Clerk with the resident's name and address, with a request that staff get in contact with her as quickly as possible.

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Question Alderman Adams Re:
Morning Traffic - Quinpool Road

Alderman Adams asked for a brief report from staff concerning the feasibility of converting Quinpool Road into three lanes for traffic heading to the City's downtown area between the hours of 7:00 - 8:30 a.m. The Alderman also asked that, in their response, staff comment briefly on the implications of this undertaking and what steps would have to be taken to implement it.

Question Alderman Adams Re:
Letters from Mr. A. R. Begg

The Alderman submitted copies of three letters previously forwarded to various City staff by a Mr. A. R. Begg of 21 Oceanview Drive, Halifax. The Alderman noted that Mr. Begg has not yet received a response to any of these letters, and asked that the requested information be forwarded as quickly as possible by the staff members in question.

Question Alderman Adams Re:
Gate - Feldspar Crescent

Alderman Adams referred to a report previously received from the Director of Engineering and Works regarding a gate on Feldspar Crescent, and expressed his appreciation for Mr. Connell's efforts in this regard.

Acknowledging, however, that this situation has been a very difficult one to resolve, the Alderman called on other members of staff for any suggestions they might have which might rectify the situation.

Question Alderman Adams Re:
Water Problems - Tartan Avenue

Alderman Adams made reference to the fact that, subsequent to some digging activity which was recently undertaken on Tartan Avenue, several residents have reported water problems in their basements. He therefore asked that a representative of the Halifax Water Commission be requested to survey the residents of Tartan Avenue and well as those who live on the nearby portion of Ardwell Avenue in order to ascertain whether, in fact, the recent excavations may have been responsible for these flooding problems.

Question Alderman Adams Re:
Mayor's Task Force on Drugs

Alderman Adams announced that a meeting sponsored by the Mayor's Task Force on Drugs will be held at the

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Captain William Spry Centre on Monday, 22 February, commencing at 7:30 p.m., and urged all interested residents of Ward 7 to attend.

Question Alderman Crowley Re:
Snow Removal - Liens on Property

Responding to a question raised by Alderman Crowley, the City Manager advised that, as a result of a City Council decision made over a year ago, the City is now empowered to authorize a private contractor to clear the sidewalks abutting the property of any resident who is himself negligent in removing such snow and/or ice.

Mr. Murphy went on to point out that Council had decided to take this action because of the dangers posed to pedestrians (particularly seniors) by improperly cleared sidewalks, adding that the average cost of this work (when it is contracted out) is approximately \$60-70. The City Manager concluded his remarks by emphasizing that, if the abutting property owner refuses to pay for the snow removal, the charges are then applied as a lien against his property, similar to circumstances involving unpaid taxes.

Question Alderman Crowley Re:
Bus Stops

Alderman Crowley made reference to a question previously raised concerning bus lay-bys on City streets on which there is no grassed area between the curb and the sidewalk. Referring to a staff report subsequently received, the Alderman questioned whether, in fact, there are 1,027 bus stops in the City of Halifax which are situated in this type of problem area.

The City Manager advised that staff would be requested to reexamine the matter, and submit a further report for Alderman Crowley's consideration.

Question Alderman Stone Re: Intersection -
Dunbrack Street at Ross Street/Rockhaven Drive

Alderman Stone advised that, owing to a change in School Board policy, children attending the Rockingham School will no longer be bused to the site, thereby requiring many of them to use the crosswalk at the intersection of Dunbrack and Ross/Rockhaven.

The Alderman went on to note that, approximately two years ago when other improvements had been made to Dunbrack Street, it was staff's opinion that there was not, as yet, sufficient traffic on this portion of Dunbrack

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Street to merit the installation of traffic lights at the Ross Street intersection.

Alderman Stone advised that, owing to the many concerns that have been expressed concerning the use of this busy intersection by an increased number of pedestrians (many of whom will be small school children), he would appreciate having the Traffic Authority reexamine the situation from the perspective of installing traffic lights at Dunbrack/Ross Street/Rockhaven Drive.

Question Alderman Stone: Mainland Linear Park

Alderman Stone noted that the Linear Park, which stretches across the top of Mainland North, is used by a growing number of people in both the winter and summer months for a variety of recreational pursuits. Referring to plans to extend a number of the streets in this area (e.g., Radcliffe, Langbrae, Farnham Gate and Lacewood), the Alderman asked for information as to how people using the Park's trails will be able to traverse those streets' extensions.

The City Manager advised that staff have been reviewing this matter, and will be reporting shortly.

**Question Alderman Stone: Snow Removal
in Subdivisions Adjacent to Dunbrack Street**

Alderman Stone made reference to an Information Report, dated 27 January 1993, regarding "Snow Removal Along Dunbrack Street," noting with pleasure that, owing to the growth of residential areas on the west side of that street, staff have instituted a new plowing route for snow removal purposes. The Alderman went on to advise that the vehicles assigned to this route will also be responsible for salting, and, on behalf of the residents on the western side of Dunbrack Street, expressed his appreciation for staff's attention to this matter.

**Question Alderman Meagher Re:
School Crossing Guards**

Concurring with remarks made earlier in the meeting by Alderman Jeffrey, Alderman Meagher indicated that he too had various concerns with regard to the welfare of the City's crossing guards under the new administrative policy.

In his remarks, Alderman Meagher indicated that it was his understanding that crossing guards now earn less than they did when the service was administered by the

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City, and also that they are no longer being paid for in-service days. He went on to request a report on these matters, including a comparison of the wages paid to Halifax and Dartmouth crossing guards.

Alderman Meagher concluded his remarks by requesting that, as soon as this information is available, the matter be placed on the agenda of the next meeting of Committee of the Whole agenda.

Question Alderman Meagher Re:
Compensation - Resident of Moran Street

Alderman Meagher asked that the matter of a gratuitous payment (in the sum of \$250.00) to a Mrs. Douglas Baird of 2347 Moran Street be added to the agenda of the next regular meeting of Committee of the Whole Council **scheduled for Wednesday, 17 February 1993.**

NOTICES OF MOTION

Notice of Motion Alderman Downey Re: Repeal of Ordinance 107, the Halifax City Court Ordinance

Alderman Downey gave Notice of Motion that at the next regular meeting of Halifax City Council, **scheduled for Thursday, 25 February 1993**, he proposed to introduce for First Reading a motion to repeal Ordinance 107, the Halifax City Court Ordinance.

Alderman Downey went on to advise that Ordinance 107 sets out the civil rules of procedure of the Halifax City Court, which have become redundant due to the fact that the civil jurisdiction of the Halifax City Court was repealed in 1992.

Notice of Motion Alderman Stone Re: Enactment of Ordinance 185, the False Alarm Ordinance

Alderman Stone gave Notice of Motion that, at the next regular meeting of Halifax City Council, **scheduled for Thursday, 25 February 1993**, he proposes to introduce for First Reading a motion to enact City Ordinance 185, the False Alarm Ordinance.

Alderman Stone advised that the purpose of the proposed ordinance is to license and regulate security alarm installations.

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**Notice of Motion Alderman Crowley Re: Amendment
of Ordinance 116, the Taxi and Limousine Ordinance**

Alderman Crowley gave Notice of Motion that, at the next regular meeting of Halifax City Council, **scheduled for Thursday, 25 February 1993**, she proposes to introduce for First Reading an amendment to Ordinance 116, the Taxi and Limousine Ordinance, in order to provide for the implementation and regulation of a shared-ride taxi program.

**Notice of Motion Alderman Meagher Re:
Notices of Assessment**

Alderman Meagher gave Notice of Motion that, at the next regular meeting of Halifax City Council, **scheduled for Thursday, 25 February 1993**, he proposes to introduce the following motion:

WHEREAS many taxpayers in the City of Halifax were distressed by the Notices of Assessment which they received recently in the mail;

AND WHEREAS many taxpayers could not understand either why their new assessments had been set at the levels which they were nor could many understand on a comparative basis why their assessments had been set where they were;

AND WHEREAS public explanations from Provincial Government officials and Ministers have been unsatisfactory and confusing,

BE IT RESOLVED THAT the Assessment Authority of the Province of Nova Scotia be asked to suspend the assessments made for the City of Halifax for the year 1993, and to revert to the 1992 assessments until this matter can be resolved in a manner satisfactory to the City of Halifax and its taxpayers.

**Notice of Motion Alderman Meagher
Re: Proposed Municipal Reform**

Alderman Meagher gave Notice of Motion that, at the next regular meeting of Halifax City Council, **scheduled for Thursday, 25 February 1993**, he proposes to introduce the following motion:

WHEREAS the Government of Nova Scotia has recently announced that municipal governments in the Halifax-Dartmouth Metropolitan area and

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the Sydney Industrial area must be amalgamated by April 1994;

AND WHEREAS little or no consultation between the Province and the affected municipal units occurred before the announcement referred to above;

AND WHEREAS the City of Halifax has a proud history as a responsible and independent municipal unit, and is approaching its 250th anniversary,

BE IT RESOLVED THAT the City of Halifax rejects recent announcements by the Government of Nova Scotia and its Premier on municipal reform and calls upon the Province to open discussions on municipal reform on a fair and equitable basis with the City;

BE IT FURTHER RESOLVED THAT the City of Halifax state publicly that it believes that municipal reform must come, but that it be based on service and efficiency for the taxpayers which must be demonstrated before amalgamation occurs for the sake of amalgamation only;

BE IT FURTHER RESOLVED THAT these views be passed on to the Government of Nova Scotia and its consultants as soon as possible.

ADDED ITEMS

Appointments

A memorandum, dated 11 February 1993, was submitted from Her Worship Mayor Moira Ducharme.

MOVED by Alderman Adams, seconded by Alderman Hanson that the following appointments be approved by Halifax City Council:

ADVISORY COMMITTEE ON THE CONCERNS OF AGING

Barbara Dunnington (Ward 7)
Geraldine Maddeaux (Seniors Manors Representative)
(Terms to expire 31 January 1995)

HALIFAX NATAL DAY COMMITTEE

Mark S. Bursey
Bob Bezanson

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Roger L. Grant
Kevin Johnson
Sue McKenney
Anne W. Moynihan
Nancy G. Rubin
Lion Allen J. Snow
(Terms to expire 31 January 1995)

The motion was put and passed.

Incinerator (Alderman Macdonald)

This matter had been added to the agenda at the request of Alderman Macdonald, who made reference to the fact that the proposal to locate the region's incinerator in the Burnside Industrial Park is now a "done deal."

Expressing concern that this decision will have serious financial implications for the City of Halifax and its taxpayers, the Alderman asked that staff of the Finance Department prepare an update on this matter, addressing the following concerns: (a) the incinerator's impact expressed as (i) a percentage of the City's capital budget and (ii) as a percentage of its operating budget; (b) impact on the City's tax rates; (c) projections as to what services, if any, will have to be reduced; and (d) details as to the surcharge which the City of Dartmouth has negotiated in addition to the other financial arrangements pursuant to the incinerator.

Alderman Macdonald asked that this information be available in time for the regular meeting of Committee of the Whole Council **scheduled for Monday, 22 March 1993.**

Consultants Fees (Alderman Macdonald)

This matter had been added to the agenda at the request of Alderman Macdonald who made reference to an Information Report, dated 5 February 1993, submitted in response to a question previously raised by Alderman Stone concerning the hiring of consultants.

Referring in particular to page 4 of that report, Alderman Macdonald asked for further information regarding the following two items:

Industrial Commission - Conceptual Schemes and Plans
\$13,124.35

Industrial Commission - Lacewood Drive
\$5,437.13

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(both of which involve contracts with Vaughan Engineering Associates Limited), specifically as to whether either of these projects relate to the preparation of conceptual drawings for the Vimy Flyover.

In this context, Alderman Macdonald reported that he had recently had occasion to request to view these drawings, which are now in the possession of the City's Engineering and Works Department, only to be advised that they would be provided to him only after consultation with another member of Council and only if he would agree to sign for them. Alderman Macdonald emphasized that he had been somewhat surprised by this response, particularly given the fact that the same drawings had been readily available during three public meetings held in April of 1992.

Alderman Macdonald made reference to the fact that, as a result of a recent decision by City Council, the Vimy Flyover is the only one of five options now being considered as a possible connector roadway between Lacewood Drive and the Bedford Highway. In this context, the Alderman asked for information as to the "ownership" of these conceptual drawings and whether or not any member of Council had been involved in their preparation.

Alderman Macdonald advised that he would appreciate receiving this information within the next several weeks so that the matter could be included on the agenda for the regular meeting of Committee of the Whole Council **scheduled for Monday, 22 March 1993.**

Expressing his appreciation to the City Manager and his staff for the information provided in the 5 February Information Report, Alderman Stone emphasized that it had been his impression that contracts over \$7,500 had to be brought before City Council for approval. The Alderman went on to make reference to the numerous contracts identified in the 5 February report, which were valued at well over the \$7,500 maximum, and indicated that, in his view, arrangements of this nature should first be submitted for Council's consideration before staff conclude their negotiations.

Alderman Stone asked for further information in this regard, adding that, in his opinion, Council should be reviewing both the number and the cost of these consulting contracts with a view to taking an alternate approach.

Skating Rinks (Alderman Crowley)

Alderman Crowley made reference to an Information Report recently received regarding the feasibility of

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that staff have recommended **against** this undertaking, the Alderman emphasized that she continues to receive inquiries from residents interested in pursuing the matter.

Alderman Crowley went on to point out that ice-skating is a very "Canadian" sport, and one in which the whole family can participate. Noting that the more formal rinks are continually overbooked, the Alderman strongly requested that staff re-examine the question of providing ice-skating facilities both on the Halifax Commons as well as on various of the City lakes, possibly on a pilot-project basis.

Concurring with Alderman Crowley's remarks, Alderman Adams made reference to a small pond located in Leiblin Park behind Elmdale Crescent which is heavily used for skating and hockey by neighborhood children. The Alderman went on to note, however, that use of the pond is restricted to the daylight hours, and asked for information from staff as to whether a light or lights could be installed at this location. In this context, Alderman Adams advised that it was his understanding that abutting property owners would also support this initiative.

There being no further business to be discussed, the meeting was adjourned at approximately 11:00 p.m.

HER WORSHIP MAYOR MOIRA DUCHARME
AND
DEPUTY MAYOR WALTER FITZGERALD
CHAIRMEN

sm*K

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**SPECIAL CITY COUNCIL
PUBLIC HEARINGS
MINUTES**

Council Chamber
Halifax City Hall
16 February 1993
7:35 p.m.

A special meeting of 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: Her Worship Mayor Moira Ducharme, Chairman; and Aldermen Holland, Downey, Meagher, Pottier, Adams, Crowley, and Stone.

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

**Public Hearing: Case No. 6631: 6570 Liverpool Street -
Appeal of Minor Variance Refusal**

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

A petition with 13 signatures in support of the appellant's request, received in the City Clerk's Office on 16 February 1993, was submitted.

A staff report dated 22 January 1993 was submitted.

Mr. Boyd Algee, Development Officer, addressed Council and, using diagrams, outlined the reasons why the request for minor variances of the lot frontage, lot area and front yard requirements of the land use bylaw for the property at 6570 Liverpool Street were refused (as contained in the 22 January 1993 staff report).

At 7:41 p.m. Deputy Mayor Fitzgerald entered the meeting.

Mr. Algee advised that the application was refused on 26 November 1992 and on 14 December 1992 the owner appealed this decision.

Mr. Algee responded to questions from members of Council.