

# HALIFAX CITY COUNCIL MINUTES

Council Chamber  
Halifax City Hall  
28 October 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.

A moment of silence was subsequently observed in memory of Mr. Gerald Crowley, father-in-law of Alderman Mary Ann Crowley, and of Mr. Lloyd E. Shaw, father of Provincial NDP leader Alexa McDonough.

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

**ALSO PRESENT:** Mr. Wayne Anstey, Q.C., Acting City Manager; Mr. Barry S. Allen, Acting City Solicitor; Mr. E. A. Kerr, CMC, City Clerk; and other members of City staff.

## MINUTES

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 14 October 1993, were approved as circulated on a motion by Deputy Mayor Fitzgerald, seconded by Alderman Adams.

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

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

- 16.2 Introduction of Ordinance 187, the Ferry Ordinance - FIRST READING
- 20.1 Award of Tender #93-29: Mabou Avenue Storm Sewer
- 20.2 Award of Tender #93-21: Police Station - Fencing and Gates

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20.3 Award of Tender #93-64R: One 1994 Model  
Truck with Forestry Body (15,000 GVW)

20.4 Appointments

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

20.5 Swimming Pool - YWCA

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

DEFERRED ITEMS

Appointment - Deputy Mayor

This matter had last been discussed during a  
special meeting of Halifax City Council held on 20 October  
1993.

Her Worship announced the appointment of **Alderman  
Pat Pottie** as Deputy Mayor of the City of Halifax for the  
period 1 November 1993 - 1 November 1994. In making this  
announcement, Mayor Ducharme expressed her appreciation to  
Alderman Walter Fitzgerald for his service in that position  
over the past twelve months.

In relinquishing the title of Deputy Mayor,  
Alderman Fitzgerald advised that he had been extremely  
grateful for the opportunity of serving the City in that  
capacity for the past year. He noted that 1992/93 could be  
described as "a little bit of a rough year," but emphasized  
that, in his view, it seems to be ending "in fine style."  
Alderman Fitzgerald went to indicate that he has every  
confidence that the new Deputy Mayor will carry on in a  
style designed to ensure that the situation will continue  
to improve and that Council will be "in for a good year" in  
1993/94.

Alderman Pottie expressed his appreciation to his  
fellow members of Council for selection him as Deputy Mayor  
for the forthcoming year, and indicated that he would try  
to be "one of the best Deputy Mayors the City of Halifax  
has ever had."

Mayor Ducharme brought to Council's attention the  
presence of Ms. Leslie Ann Pottie, daughter of the Deputy  
Mayor-elect, in the public gallery.

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**Case No. 6756: Development  
Agreement - 556-558 Tower Road**

This matter had been deferred from the last regular meeting of Halifax City Council held on 14 October 1993.

A supplementary staff report, dated 26 October 1993, was submitted, together with correspondence, dated 27 October 1993, from the applicant, Mr. N. T. Allcott (**NOTE:** Enclosed with Mr. Allcott's letter is a petition containing the signatures of approximately 25 residents of the Tower Road area supporting the scheduling of a public hearing).

Alderman Holland advised that despite the fact that a considerable amount of time had already been spent in discussing this application, it is apparent that the Tower Road community remains divided in their views. The Alderman went on to indicate that, in his opinion, there was nothing further to be gained from scheduling an official public hearing on this matter and therefore MOVED that the application for a development agreement at 556-558 Tower Road, lands of Nathan T. Allcott and Mary T. MacKenzie, be refused.

There was no seconder for Alderman Holland's motion.

It was subsequently moved by Alderman Hanson, seconded by Alderman Downey that a public hearing be scheduled to consider the application for a development agreement at 556-558 Tower Road, lands of Nathan T. Allcott and Mary T. MacKenzie.

The motion was put and passed with Alderman Holland voting in opposition.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 8 DECEMBER 1993 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

**Recommended Heritage Property -  
5476 and 5480-82 Clyde Street**

A public hearing into this matter had been held on Wednesday, 20 October 1993.

Noting that the owners of the properties in question were themselves very much in favor of the proposed heritage designation, it was moved by Alderman Downey, seconded by Alderman Stone that, as recommended by the Heritage Advisory Committee, the buildings located at 5476

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and 5280-82 Clyde Street be included in the Halifax Registry of Heritage Property.

The City Clerk advised that Aldermen Holland and Meagher were ineligible to vote, owing to their absence from the 20 October public hearing.

The motion was put and passed with Aldermen Holland and Meagher abstaining from the vote.

**Case No. 6536: Proposed Amendments to the  
Municipal Development Plan and Land Use Bylaw  
-- Non-Conforming Structures and Uses**

A public hearing into this matter had been held on Wednesday, 20 October 1993.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Stone that, as recommended by the Planning Advisory Committee, the Municipal Development Plan and Land Use Bylaw be amended as set out in the PAC's report dated 31 August 1993.

The City Clerk advised that Aldermen Holland and Meagher were ineligible to vote, owing to their absence from the 20 October public hearing.

The motion was put and passed with Aldermen Holland and Meagher abstaining from the vote.

**MOTIONS OF RECONSIDERATION**

**Motion Alderman Hanson: Reconsideration  
of Council's Resolution of 14 October 1993  
Re: Case No. 6764 - Development Agreement/Lot  
Modification, 6275-77 Duncan Street**

Notice of Motion of Reconsideration had been given by Alderman Hanson during a regular meeting of Halifax City Council held on Thursday, 14 October 1993.

The following letters were received:

- Correspondence, dated 28 October 1993, from Mr. David G. Smith, 6291 Duncan Street, Halifax, B3L 1K4
- Correspondence, dated 28 October 1993, from Mr. Wilfred P. Moore, Q.C., Chandler, Moore, 3476 Dutch Village Road, Halifax, B3N 2R9



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Alderman Hanson advised that he would appreciate having Council's resolution of 14 October regarding the Duncan Street property reconsidered, given the fact that, in his opinion, a further opportunity to review the facts surrounding this application was needed.

It was therefore moved by Alderman Hanson, seconded by Alderman Holland that Council agree to reconsider its motion of 14 October 1993 pertaining to Case No. 6734 (Development Agreement/Lot Modification at 6275-77 Duncan Street).

Speaking on the motion, Alderman Meagher emphasized that while he had no objection to exploring the matter further, he would prefer to have this discussion take place at a time when members of the neighborhood in question could be present.

It was therefore moved by Alderman Meagher, seconded by Alderman Stone that the matter be deferred to the next regular meeting of Halifax City Council.

The motion to defer was put and defeated.

The original motion, as put forward by Alderman Hanson, was put and passed.

The Chairman noted that the resolution of 14 October, as follows, was now before Council:

That the application for a development agreement to permit three units at 6275-77 Duncan Street, lands of Ramzi and Catherine El-Tawil be refused for the following reasons:

1. A three unit building is out of character with the land use in this area;
2. The property at 6275-77 Duncan Street is similar to others in the area in terms of use and architecture and is not unique which is a necessity in order to consider approval of this application;
3. It would be inappropriate to reduce the lot size requirement for this lot to 3100 sq. ft. in light of the fact that the recently approved Peninsula North Plan for this area confirmed the standard for three units as 8000 sq. ft.; and
4. The appropriate development of this lot is no more than two units given its small size.

Alderman Hanson reviewed various aspects of the application for a development agreement at 6275-77 Duncan Street, paying particular attention to the fact that the owners of this property have indicated that they merely wish to provide living accommodations for their family

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while, at the same time, deriving a reasonable rental income from another component of the building. In this context, the Alderman noted that, in his view, the El-Tawil's have acted in good faith in their relationship with the City, pointing to the fact that they had removed a recently-installed kitchen in order to comply with existing regulations.

Alderman Hanson went on to suggest that converting this structure to three units will have only minimal impacts on the surrounding neighborhood and, in this same context, emphasized that the terms of the proposed agreement will allow a **maximum** of three units and no more. He also brought to Council's attention that the majority of the renovations will take place in the structure's interior, and that, with regard to such considerations as parking and traffic flows, there should be little or no noticeable difference.

While sympathizing with the El-Tawil family, Alderman Meagher emphasized that the land use regulations now in effect on the Halifax Peninsula (and, in particular, in Wards 2, 4 and 5) were the result of a prolonged developmental process and considerable public input. He went on to suggest that, having adopted these planning guidelines, Council has a certain obligation to adhere to them so that the integrity of existing neighborhoods can be protected.

Alderman Meagher went on to refer to staff's comments on this application, making particular reference to the fact that, in staff's view, the changes proposed by the El-Tawils (particularly in terms of lot coverage and lot frontage) are not appropriate to the neighborhood. In this context, the Alderman brought to Council's attention a petition previously submitted and signed by 18 homeowners in the immediate vicinity of the Duncan Street site, all of whom are in opposition to the proposed development agreement.

Concurring with the remarks put forward by Alderman Meagher, Alderman Stone emphasized that, while he personally would very much like to assist the El-Tawils in their plight, it was his view that Council's approval of the proposed agreement would set a very dangerous precedent. The Alderman went on to make reference to the objections raised during the 22 September public hearing and indicated that, in his view, Council had an obligation to base its decisions on sound planning principles which have been reflected in staff's recommendation that the application be refused.

Mr. Gary Porter of the City's Development and Planning Department responded to questions from various members of Council.

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With reference to a query put forward by Her Worship Mayor Ducharme, Mr. Porter advised that those residents of Chebucto Road who had registered their support of this application did, in fact, reside within the official area of notification.

In response to a further question, Mr. Porter indicated that while an existing dormer on the east side of the Duncan Street house is proposed to be extended to the back of the structure, it will not be visible from the street.

The City Clerk advised that Aldermen Jeffrey and Pottie were ineligible to vote on this matter, owing to their absence from the 22 September public hearing.

The motion on the resolution of 14 October 1993 was put and lost.

It was subsequently moved by Alderman Hanson, seconded by Alderman Downey that the application for a development agreement to permit three units at 6275-77 Duncan Streets, lands of Ramzi and Catherine El-Tawil, be approved.

The motion was put and passed with Aldermen Jeffrey and Pottie abstaining, and Aldermen Meagher and Stone in opposition.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

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

**Acquisition of Lands of Park Projects Limited**

An Information Report, dated 25 October 1993, was submitted from the Acting City Solicitor.

MOVED by Alderman Adams, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, the land of Park Projects Limited be acquired for \$5,500 per acre for the 2.144 acres for a total of \$11,792, with funds being available in Account #91608, the Sundry Land Acquisition Account.

The motion was put and passed.

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Expropriation Settlements - Parcels  
B-2 and B-17, Bedford Highway

MOVED by Alderman Stone, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, Council approve:

- (1) the expropriation of Parcel B-2, Plan TT-48-31759, from **Mersey Developments Limited** for \$11,673;
- (2) the expropriation of Parcel B-17, Plan TT-48-31774, from **Halifax Condominium Corporation #191** for \$155,

funds to be made available from Account No. 91506, the capital account for the Bedford Highway Improvements (Bayview Road to Tremont Drive).

The motion was put and passed.

Proposed Retirement Guidelines

A supplementary staff report and an Information Report, both dated 26 October 1993, were submitted.

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

- a) Council approve a program of early retirement incentives to be available in instances where **costs** to the City resulting from the retirement are recovered by the City within 24 months of the date of the retirement; and
- b) that other similar incentives, designed to result in savings to the City, be explored.

Alderman Pottie acknowledged receipt of staff's response to his question raised during the 20 October meeting of the Finance and Executive Committee. He pointed out, however, that he was not completely convinced that a degree of flexibility should not be possible with regard to the timeframe in which costs to the City must be recovered, reiterating that, in his view, a 36-month option would be particularly advantageous in dealing with employees at the higher end of the salary range.

The Acting City Manager advised that staff had discussed Alderman Pottie's recommendation at some length and had come to the decision that, at this point of time at least, the suggested 24-month timeframe was the most

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appropriate approach to take. Mr. Anstey went on to suggest that, once a number of individuals have had the opportunity to avail themselves of the new retirement package, the procedure could be reviewed from the perspective of whether a 36-month option was indeed required.

Responding to a question from Alderman Downey, Mr. Anstey advised that while there are no official figures available, approximately 25-30 staff members have already expressed an interest in taking advantage of the retirement package. The Manager went on to emphasize, however, that the retirement should not be construed as an "open invitation" for early retirement. In this context, he pointed out that retirement under this package will be considered only if there are demonstrable savings to the City and no negative impact on service delivery.

While commending staff on bringing forward this proposal, Deputy Mayor Fitzgerald indicated that he personally would have felt more comfortable with the package if additional information could have been provided. As an example, the Deputy Mayor noted that he would like to receive some indication of the number of current City employees who are 55 years of age and therefore eligible for retirement under the new terms. He went on to suggest that "sample" scenarios might also prove useful to Council to demonstrate how the package could be applied to different employees.

Responding to Deputy Mayor Fitzgerald's concerns in part, Mr. Anstey advised that when a cursory survey was done in April of 1993, there were approximately 115 staff members aged 55 and over employed by the City of Halifax.

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

**Summer Meetings - Halifax City Council**

MOVED by Alderman Holland, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, Council dispense with the first Committee/Council cycle in the month of July each year.

The motion was put and passed.

**1994 Natal Day Festivities**

An Information Report, dated 28 October 1993, was submitted, together with a memorandum from Her Worship Mayor Ducharme of the same date. Also received was a



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private and confidential memorandum, dated 28 October 1993, from Bob Bezanson, Secretary/Treasurer, Halifax Natal Day Committee.

Mayor Ducharme made reference to the fact that, during the 20 October meeting of the Finance and Executive Committee, Alderman Pottie had requested that nominations for the proposed Terms of Reference Committee (Re: Halifax Natal Day Committee) be brought forward. She therefore referred to her memorandum of 28 October and noted that the individuals named therein have voiced their willingness to serve in that capacity.

MOVED by Alderman Pottie, seconded by Alderman Holland that:

- (1) a committee comprised of three members of Halifax City Council and two citizens, to be known as the "Halifax Natal Day Terms of Reference Committee," be appointed to develop a mandate and terms of reference for the Halifax Natal Day Committee for City Council's approval;
- (2) the following individuals be appointed to that committee:

Alderman Pat Pottie  
Alderman Lonny Holland  
Alderman Mary Ann Crowley  
Mr. George Hallett  
Ms. Janice Mrkonjic
- (3) that the Committee bring forward their report in time for the 17 November meeting of Committee of the Whole Council.

Alderman Downey made reference to the confidential memorandum submitted from the Secretary/Treasurer of the Halifax Natal Day Committee and MOVED, seconded by Alderman Jeffrey that the matter be deferred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 3 November 1993).

Responding to a question from Deputy Mayor Fitzgerald, Mayor Ducharme advised that a letter is intended to be forwarded to the present members of the Natal Day Committee, stating that the terms of their Committee will be revised and encouraging them (if eligible) to re-apply for membership of the newly-constituted committee. She went on to note that, in this instance, former members will not be required to stay off the Committee for a 12-month period (as is normally the

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case), but can make immediate application for reappointment.

With reference to a further question from the Deputy Mayor, Mayor Ducharme emphasized that the approach being taken to the revision of the Natal Day Committee does not represent a precedent. In this context, she made reference to similar instances involving both the Design Advisory Committee and the Halifax Hakodate Committee.

After a brief discussion, the motion to defer was put and passed.

The Chairman emphasized that discussion of this matter at the 3 November meeting of Committee of the Whole will be restricted to the motion as proposed by Alderman Pottie at the 28 October City Council meeting.

**Ordinance Number 170 Approvals**

MOVED by Alderman Meagher, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, Council approve Schedules "A" and "B" as attached to Ordinance #170, with the following addition to Schedule 'B:'

**Canadian Hostelling Association  
1253 Barrington Street**

and further, that Council deny the following organizations requesting inclusion on Ordinance #170 due to their failure to meet the required criteria for inclusion:

**Homes for Independent Living  
2505 Oxford Street  
26 Lyons Avenue  
Reason: Assessed Residential \*\***

**Prime Research Organization of Nova Scotia  
Reason: No Assessment**

**Atlantic Publishers Association  
1583-85 South Park Street  
Reason: Not Assessed**

\*\* Ordinance #170 requests that the organization be assessed Commercial Realty.

The motion was put and passed.

Single Parent Transition Programme

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

- (1) the Social Planning Department administer the Single Parent Transition Programme on behalf of the Province of Nova Scotia;
- (2) the Social Planning Department be given the authority to spend a maximum of \$117,589 gross, cost shared at 100% with the Province of Nova Scotia (there is no net City cost); and that
- (3) the Social Planning Department budget be grossed up \$117,589 with recoveries being grossed-up by \$117,589.

The motion was put and passed.

City/School Board Committee

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, City Council approve the Acting City Manager, the Director of Finance, and the City Budget Officer as the City's appointees to a City/School Board Committee for the purpose of improving communications between the City and the School Board in respect of the School Board budget.

The motion was put and passed.

REPORT - SAFETY COMMITTEE

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

Presentation: Terms of Reference - 5 Star Committee

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Hanson that, as recommended by the Safety Committee, the report dated 19 October 1993 from the Halifax Advisory Committee on the Status of Persons with Disabilities (Terms of Reference Committee) be forwarded to staff for review and comment as soon as possible.

Motion carried.

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Request for Budget Overspend, Section 201(1) Re:  
School Crossing Guards - Ross and Dunbrack Streets

MOVED by Alderman Stone, seconded by Alderman Hanson that, as recommended by the Safety Committee, Halifax City Council approve an over-expenditure under Section 201, subsection (1) in the amount of \$3,863.61 for the School Crossing Guard Account within the Halifax Police Department's budget.

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

At approximately 9:30 p.m., Her Worship Mayor Ducharme retired from the meeting with Alderman Pottie assuming the seat of the Chair.

Request for Budget Overspend, Section 201(1) Re: School  
Crossing Guards - Sussex Street and Herring Cove Road

MOVED by Alderman Adams, seconded by Alderman Jeffrey that, as recommended by the Safety Committee, Council approve an over-expenditure under Section 201, subsection (1) of the City Charter in the amount of \$3,863.61 for the School Crossing Guard Account within the Halifax Police Department.

Motion carried with Alderman Downey voting in opposition.

Winter Parking Ban

At the last Committee on Works meeting of 20 October, Alderman Downey asked for an information report from the Traffic Authority as to when it is expected the Winter Parking Ban will come into effect.

An information report dated 25 October 1993 was subsequently provided.

As indicated in the information report of 25 October, Alderman Downey informed the public that winter restrictions on parking overnight on City streets will begin this year on Monday morning, 13 December 1993 at 1:00 a.m. and will be in effect until 31 March 1994.

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**Proposed Halifax Conventions and Meetings Bureau**

MOVED by Alderman Jeffrey, seconded by Alderman Downey that, as recommended by the Safety Committee, this matter be forwarded to staff for review and recommendation; and further, that these comments be returned to Council as quickly as possible.

Motion carried.

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

**Proposed Amendment to Ordinance 116, the Taxi  
and Limousine Bylaw (Moratorium on Taxi Operator  
Licenses) - SECOND READING**

First Reading with respect to the proposed amendment to Ordinance 116, the Taxi and Limousine Bylaw, had been given at the 14 October 1993 meeting of City Council.

Alderman Adams addressed the matter and indicated that he had been speaking with the City Manager regarding this particular issue. He advised that he would like to request that the matter be deferred until the next meeting of Halifax City Council because there was some information he wished to gather in the meantime regarding the consultant and the terms of reference.

MOVED by Alderman Adams, seconded by Deputy Mayor Fitzgerald that this matter be deferred to the next meeting of Halifax City Council to be held on 9 November 1993.

Alderman Stone indicated that he would like to know what effect this will have on the Taxi School and when the School is scheduled to commence.

The Chairman noted that the information requested by Alderman Stone could follow the item to Council on the 9th November.

The motion of deferral was put and carried.



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**PLANNING COMMITTEE**

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

**Report from Planning Advisory Committee  
Re: Garage Doors**

MOVED by Alderman Meagher, seconded by Deputy Mayor Fitzgerald that, as recommended by the Planning Committee, City Council request the Nova Scotia Legislature to amend the City Charter to enable the regulation of garage doors in residential structures.

The motion was put and passed.

**Case No. 6818: 1390 and 1400 LeMarchant  
Street - Rezoning from R-2 to U-1**

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Meagher that, as recommended by the Planning Committee, a public hearing date be scheduled to consider an application to rezone 1390 and 1400 LeMarchant Street from R-2 (General Residential) to U-1 (Low-Density University Zone).

The motion was put and passed.

The City Clerk advised that the public hearing would be scheduled for Wednesday, 8 December 1993, at 7:30 p.m. in the Council Chamber.

**MOTIONS**

**Motion Alderman Stone Re: Proposed Amendments to  
Ordinance 180, the Streets Ordinance  
(Locations - Newspaper Boxes) - FIRST READING**

Notice of Motion with respect to this item was given at the last meeting of City Council held on 14 October 1993.

A report from the City Solicitor's Department dated 28 October 1993 was submitted.

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MOVED by Alderman Stone, seconded by Deputy Mayor Fitzgerald that City Council approve FIRST READING of the proposed amendments to Ordinance 180, the Streets Ordinance, as outlined in the report from the City Solicitor's Department of 20 October 1993.

Motion passed.

**Introduction of Ordinance 187, the Ferry Ordinance  
- FIRST READING**

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This item was last discussed at the 14 October 1993 meeting of City Council and added, during the setting of the agenda, at the request of the City Clerk.

A staff report dated 28 October 1993 was submitted.

A short discussion followed with Mr. Barry S. Allen, Acting City Solicitor, briefly reviewing the staff report of 28 October.

MOVED by Alderman Holland, seconded by Deputy Mayor Fitzgerald that Council give FIRST READING of its intention to adopt as its bylaw, "Ordinance No. 187 the Ferry Ordinance", the version contained in **Appendix "B"** of the staff report dated 28 October 1993.

Her Worship Mayor Ducharme addressed Council from Alderman Pottie's seat and indicated that she was concerned that the bylaw may be too restrictive. Her Worship explained that the counsel for the Metropolitan Authority pointed out, as an example, that if the bylaw was too restrictive, when a cruise ship docking facility is needed, the bylaw could be so restrictive that the ferry terminal cannot be moved. Mayor Ducharme advised that she was also concerned that the City might be seen as being obstructive and delaying the process. Her Worship, therefore, suggested that the motion be amended to add the following:

"and, further, that the matter be forwarded immediately to the Metropolitan Authority for consideration at its special meeting scheduled for Friday, 5 November 1993, to provide the other Councils of the County, Bedford, and Dartmouth an opportunity to consider the same wording", to which Council agreed.

The motion, as amended, was put and passed.

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MISCELLANEOUS BUSINESS

File #62121 - Annual Software Maintenance Agreement of  
Scoot Traffic Management System

A staff report dated 27 September 1993 was submitted.

MOVED by Deputy Mayor Fitzgerald, seconded by Alderman Hanson that authority be granted to approve \$4,870.00 Pounds Sterling (approximately \$10,000.00 Canadian) with GEC Traffic for annual software maintenance support for the Scoot Traffic Management System, with funds available in account number 22404.0305 titled Annual Software Maintenance Agreement for Scoot Traffic Management system.

Motion passed.

Case No. 6431: 3763-3771 Dutch Village Road  
- Plan Amendment Request

This item was last considered at the Special City Council meeting held on 20 October 1993.

A supplementary staff report dated 26 October 1993 was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that City Council set a date for a public hearing to give notice of its intention to adopt the resolution for **option 2** as outlined in Appendix II of the supplementary staff report dated 26 October 1993.

Motion passed.

The City Clerk advised that, as previously set, the public hearing would be scheduled for Wednesday, 8 December 1993, at 7:30 p.m. in the Council Chamber.

QUESTIONS

Question Deputy Mayor Fitzgerald Re:  
Task Force on Prostitution

Deputy Mayor Fitzgerald commented that while the Task Force on Prostitution has shown success, there have been press reports that the Force was depleting rather quickly. He went on to request information from the City Manager as to why the Task Force was depleting inspite of the excellent and effective work it is accomplishing. The Deputy Mayor added

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that he would also like to know what it would cost to keep this Force in full operation.

**Question Deputy Mayor Fitzgerald Re: Crossing Guard  
Jubilee Road and Beech Street**

Deputy Mayor Fitzgerald advised that he has been informed by citizens in the Jubilee Road area that, on a number of occasions, there was no crossing guard at Jubilee Road and Beech Street nor a policeman to take his or her place. The Deputy Mayor requested information on this matter.

**Question Deputy Mayor Fitzgerald Re: Hunting Season**

Deputy Mayor Fitzgerald noted that hunting season begins tomorrow. He went on to note that there is vacant land around the City, particularly near the school he teaches at, where there are no "no hunting signs" and he suggested that these signs should be erected especially in areas on the mainland portion of the City.

**Question Deputy Mayor Fitzgerald Re: Replacement  
of Police Horse "King"**

Referring to an information report of 26 October, Deputy Mayor Fitzgerald indicated that it was his understanding the Police Department intends to replace its horse "King." He went on to suggest that the Police Department consider the possibility of encouraging younger school children to become involved in naming the horse. The Deputy Mayor suggested that there could be a contest which would enable school children or any citizen to submit a name for the Department's horse.

**Question Deputy Mayor Fitzgerald Re: Naming of Streets,  
Buildings, etc., in Honor of Individuals**

Deputy Mayor Fitzgerald questioned whether the City had a policy concerning the naming of streets, sportsfields, buildings, etc., in honor of individuals. If one does not exist, the Deputy Mayor asked that staff consider the prospect of devising a policy in this regard.

**Question Deputy Mayor Fitzgerald Re:  
Waste Management Commission**

Deputy Mayor Fitzgerald noted that the City had numerous boards, committees, and commissions. He went on to

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note that he had suggested in the past and would like to suggest again that Council consider establishing a Waste Management Commission. The Deputy Mayor asked that this item be added to the Committee of the Whole Council agenda for Wednesday, 3 November 1993.

At approximately 9:50 p.m., Her Worship Mayor Ducharme returned to the meeting with Alderman Pottie taking his usual seat on Council.

**Question Alderman Stone Re: Sewer Development Tax**

Alderman Stone noted that it has come to his attention that when a person applies for a building permit, payment of a sewer development tax is first required. The Alderman requested a report on the sewer development tax in regards to applications for building permits and why it is necessary. He added that he would also like to know why the tax has to be paid before a permit is issued.

**Question Alderman Stone Re: Boards and Commissions**

Alderman Stone asked that the item "Boards and Commissions" be added to the next Committee of the Whole Council agenda for Wednesday, 3 November 1993. He suggested that Council should consider the length of terms as well as the terms of reference for various boards and commissions.

**Question Alderman Holland Re: Legal Counsel for Aldermen**

Alderman Holland noted that he has read where the City has provided legal counsel for some of its City staff in conjunction with Park Projects. The Alderman went on to question whether any Aldermen have ever been sued before and, if so, what has been the practice about supplying legal counsel for Aldermen in those cases.

**Question Alderman Holland Re: Police Officer -  
Corner of Summer and Sackville Streets**

Alderman Holland commented that he has noticed over the last couple of days that there has been a police officer wearing a florescent crossing jacket at the corner of Summer and Sackville streets directing a "little bit" of traffic. The Alderman expressed the concern that this was a very



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expensive use of police manpower and questioned whether there was not a more cost effective way by using a commissionaire or crossing guard to perform this function.

**Question Alderman Adams Re: 100 Leiblin Drive Property**

Alderman Adams advised that a meeting was recently held in Spryfield for the Ward 7 Residents' Association. He noted that one of the issues raised at that meeting was with respect to 100 Leiblin Drive. Alderman Adams went on to note that he will be calling a public meeting to decide what the residents would like to have done with this particular piece of property.

Before this meeting is held, Alderman Adams advised that he would like some information from staff as to the feasibility of various options for this land, i.e. a Recreation Centre, an additional crescent beginning with the letter "F" after Elmdale Crescent, a park, or a senior citizens complex.

**Question Alderman Adams Re: Pond behind Elmdale Crescent**

Alderman Adams noted that there was a small pond located behind Elmdale Crescent. He added that he had spoken with members of staff about having a light placed in this location which would cost only a small amount of money. The Alderman indicated that he would like to know whether the City could petition the neighbours to see if they would favour a light in this area.

**Question Alderman Adams Re: Dumping  
- Area of Mansion Avenue**

Alderman Adams noted that he had received a called from a lady living on Mansion Avenue concerning dumping in this area. He recognized that staff has been notified of this matter, but asked that staff determine the owner of the land which is being used for a dumping area. If the land is owned by the City, Alderman Adams suggested that an obstacle be erected, such as a gate, in order to prevent dumping from continuing.

**Question Alderman Adams Re: Signage J.L. Ilsley High School**

Alderman Adams noted the lack of signage to show direction to the J.L. Ilsley High School adding that he had spoken with a member of staff who had difficulty in locating the school. The Alderman pointed out that there was no sign

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on the Herring Cove Road to show the school's location and asked that this concern be conveyed to the School Board.

**Question Alderman Adams Re: Flooding - Herring Cove Road**

Alderman Adams noted that he had raised an issue a number of weeks ago in the form of a question regarding a flooding problem at the property between 600 and 700 Herring Cove Road. The Alderman advised that Mr. Dhillon, Engineering and Works Department, identified a possible solution to the problem which may or may not work in the Winter months. However, Alderman Adams commented on the importance of the project which is estimated at \$30,000 and asked that the item be identified in the budget.

**Question Alderman Adams Re: Dumping - River Road**

Alderman Adams noted that dumping is occurring at the end of River Road which is causing a major problem for the residents in the area. The Alderman indicated that he would like to know who the owner of the property is at the end of River Road on the north side in order to see if something could be done to help prevent this problem.

**Question Alderman Adams Re: Answering Service  
for the City of Halifax**

Alderman Adams noted that there were answering machines in some of the City offices i.e. the Aldermen's Office and the Mayor's Office. He went on to ask that staff look into the feasibility of having a 24-hour answering service which would provide numbers for people to utilize with respect to their concerns. As an example, the Alderman noted that the answering service could provide a number to people who are experiencing a flooding problem.

**Question Alderman Meagher Re: Workers' Compensation Board**

Alderman Meagher advised that he had received a call last week from a resident in his ward who is retiring from the Fire Department because of injuries. The Alderman pointed out that this gentleman will receive his normal pension from the City, but is also applying to Workers' Compensation.

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Alderman Meagher went on to advise that he received a memorandum indicating that Workers' Compensation provides solicitors for people who are making claims. However, Alderman Meagher expressed the view that this was impersonal and that the City's Legal Department should represent its own employees in these sort of instances. The Alderman indicated that he would like a report from the City Manager on the feasibility of supplying this service to City employees that have retired because of injuries.

**Question Deputy Mayor Fitzgerald Re: Letter from  
Mr. Bruce Holland (MLA) - Atlantic Winter Fair**

Deputy Mayor Fitzgerald advised that Mr. Bruce Holland (MLA) wrote requesting some advice from the City in respect of problems with the Atlantic Winter Fair. The Deputy Mayor expressed the view that the City could provide advice based on past experiences.

The Chairman advised that staff were responding to Mr. Holland's letter.

**Question Deputy Mayor Fitzgerald Re: Federal Cost-Sharing -  
Infrastructure Projects**

Deputy Mayor Fitzgerald noted that, as Council was aware, a new government has been elected and they have indicated that they are prepared to help municipalities with their infrastructure. The Deputy Mayor suggested that Council should make a formal request for cost-sharing in connection with the Harbour Clean-Up and any other infrastructure projects recommended by staff.

Her Worship Mayor Ducharme advised that a letter was received from Mr. Chretien on this date which will be circulated to members of Council.

**ADDED ITEMS**

**Award of Tender 93-29: Mabou Avenue Storm Sewer**

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

A staff report dated 26 October 1993 was submitted.

MOVED by Alderman Hanson, seconded by Alderman Adams that:

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1. City Council award Tender 93-29 for the project, materials and services listed for the unit prices quoted at a total bid price of \$92,555.00 and a total project cost of \$111,000.00 to K.C. MacPhee contracting Inc.;
2. funding be authorized from account number 94030 (Sewers General);
3. funding transfers, if applicable, be approved from account # 9140-94026, Lacewood Retention Pond - Clean & Dredge, in the amount of \$86,000.00.

Alderman Stone referred to the recommendation that a funding transfer, if applicable, be approved from the Lacewood Retention Pond account. The Alderman went on to question whether works in connection with the Lacewood Retention Pond have been completed. He further asked if the problem in the Lacewood Retention Pond has been corrected so that this money, i.e. the \$86,000.00, is available.

Mr. Peter S. Connell, Director of Engineering and Works, advised that the Alderman could assume that staff is not stopping a project that was going to go ahead by taking money from it, but indicated that he would provide information to Alderman Stone in response to his questions.

Alderman Stone pointed out that he did not have a problem with approving the works for Mabou Avenue, but indicated that he wanted to make sure that the problems at the Lacewood Retention Pond were corrected.

Motion passed.

**Award of Tender 93-21: Police Station - Fencing & Gates**

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

A staff report dated 26 October 1993 was submitted.

MOVED by Alderman Downey, seconded by Deputy Mayor Fitzgerald that City Council approve Tender 93-21 for the project, materials and services listed for the unit prices quoted at a total bid price of \$38,562.49 and a total project cost of \$46,000.00 to MacDonald Fencing Ltd. with funding being authorized from account number 91005 (Protective Services).

Motion passed.

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**Award of Tender 93-64R: One 1994 Model Truck  
with forestry Body - 15,000 GVW**

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

A staff report dated 27 September 1993 was submitted.

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

1. authority be granted to award tender 93-64R for one 1994 Model Truck with forestry body - 15,000 GVW to Taylor Lincoln Mercury at a cost of \$38,483.06
2. funds be made available from account number 26104.8300.80000 - titled Motor Equipment Assets - Equipment Reserve - Vehicles, Engineering & Works Department.

Motion passed.

**Appointments**

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

A report from Her Worship Mayor Ducharme dated 28 October 1993 was submitted.

MOVED by Alderman Stone, seconded by Alderman Hanson that City Council approve the following appointment:

**HALIFAX WATER COMMISSION**

Robert P. Radchuck

Term to expire January 31, 1996

Motion passed.

Her Worship Mayor Ducharme advised that Mr. Radchuck is replacing a very able representative, Mr. Robert Hayes, who unfortunately has been transferred by the Bank of Montreal to Toronto. Her Worship noted that a letter would be sent to Mr. Hayes thanking him for his work on the Commission.



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Swimming Pool - Y.W.C.A. - Alderman Holland

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

Alderman Holland addressed the matter and noted that the Y.W.C.A. is being forced because of their budget to close their swimming pool and change some of their recreational facilities. The Alderman noted that this is a facility of great importance to children on the peninsula and asked that the City's Recreation Department contact the Y.W.C.A. to see if there was some way the City could provide help in order to keep this facility operational and available to children and single mothers all year round.

Alderman Downey indicated that he concurred with the comments by Alderman Holland. He went on to note that the City had provided money to the Y.W.C.A. when the Infirmary closed its pool.

The Chairman noted that the Recreation Department would look into this matter.

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

HER WORSHIP MAYOR MOIRA DUCHARME  
AND  
ALDERMAN PATRICK POTTIE  
CHAIRMEN

EDWARD A. KERR  
CITY CLERK

K/M

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# HALIFAX CITY COUNCIL MINUTES

Council Chamber  
Halifax City Hall  
9 November 1993  
8:00 P.M.

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

The meeting opened with members of Council, led by Her Worship Mayor Ducharme, joining in the recitation of the Lord's Prayer.

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

**ALSO PRESENT:** Mr. Wayne Anstey, Acting City Manager; Mr. Barry S. Allen, Acting City Solicitor; City Clerk; and other members of City staff.

## Comments - Her Worship Mayor Ducharme Re: Resignation of Alderman Vance Macdonald

Before proceeding with the regular agenda, Her Worship Mayor Ducharme announced that it was with a great deal of regret that she has accepted the resignation of Alderman Vance Macdonald. Her Worship noted that Alderman Macdonald was elected by the residents of Ward 10 on October 19, 1991, to serve as their representative. Mayor Ducharme went on to note that, during the past two years, he has served his constituents with enthusiasm, diligence, and integrity. She added that his contribution to City Council deliberations will be greatly missed by his colleagues.

Her Worship also noted that Alderman Macdonald earned the respect and admiration of all City staff especially those who were exposed to his even handedness, understanding of issues, and fairness in judgement. Mayor Ducharme commented that his humour and every ready wit, a secret weapon he often used to disarm many a difference of opinion, enthusiastic debate, or animated discussion, will be greatly missed by all of those who had the pleasure of working with him.

On behalf of all members of Council, City staff, and the citizens of Halifax, Mayor Ducharme wished Alderman Macdonald improved health and an uninterrupted convalescence



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free from the many intrusions and demands that are part of the responsibilities of elected officials.

**MINUTES**

The Minutes of the last regular meeting of Halifax City Council held on 28 October 1993 were approved as circulated on a motion by Alderman Fitzgerald, seconded by Alderman Downey.

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

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

- 20.1 90 Bedford Highway - Bedford Highway  
Widening Project
- 20.2 Naming of Street in  
Bayers Lake Industrial Park

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

- 20.3 Invitation to Tender Re: Canteen Licenses

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

**PETITIONS AND DELEGATIONS**

**Petition Alderman Fitzgerald Re: Pesticides**

Alderman Fitzgerald read and submitted a petition signed by 52 citizens of the City of Halifax expressing the belief that the urban cosmetic use of synthetic pesticides and fertilizers is unnecessary since:

- 1) Viable alternatives exist
- 2) No pesticide has been proven safe
- 3) Many people have chemical sensitivities
- 4) Lawn signs are not an adequate control mechanism

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The petition requested that the City of Halifax eliminate the use of synthetic pesticides for cosmetic reasons within its boundaries immediately.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

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

**Downtown Halifax Mainstreet Program**

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

1. Council approve Option One (as outlined in the staff report of 26 October 1993) to permit staff to implement the program to the fullest extent possible. Under Option One Council will authorize staff to spend the \$200,000 in the capital budget with the \$54,000 from the Mainstreet Program as follows:

Design Charette	\$ 8,000
Signage and Visual Identity	152,000
Visitor Amenities	94,000
 Total	 <u>\$254,000</u>

2. Council authorize staff to proceed with the design (as attached to the staff report of 26 October 1993), construct proposal call for the visual identity program (Appendix A of same report). The program expenditure ceiling will be set at the level dictated by Council in selecting one of the above noted options.
3. Council instruct staff to seek additional provincial funds under the Mainstreet Program funding redistribution to take place in early 1994, in order to better balance the cost sharing ratio between the City of Halifax and the Province of Nova Scotia.
4. Council express, by way of communication from the Mayor's Office, that the City of Halifax is concerned by the cancellation of the Facade Improvement Rebate Program and strongly urges the Province to reinstate it.

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

Downtown Halifax Business Commission

MOVED by Alderman Crowley, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the report dated 28 October 1993 from Mr. William M. Perkins, Vice Chairman, Downtown Halifax Business Commission, be forwarded to staff for input.

Motion passed.

Resolution of Confidence - Halifax Industrial Commission

Her Worship Mayor Ducharme addressed Council from the podium with Deputy Mayor Pottie taking the seat of the Chair.

Her Worship Mayor Ducharme commented that she would like to make a brief statement in light of many statements that have been made recently about the Halifax Industrial Commission.

In her remarks, Her Worship stated that, as members of City Council know, there have been questions raised in the community concerning the financial impacts of the land sale in the Halifax Business Park. She went on to advise that last evening the Halifax Industrial Commission met and it was agreed that an independent body would be asked to review the impacts of the land sale to Price Club. Her Worship advised that Deloitte and Touche will be asked to undertake this review and to file a report with the City within 15 days. She noted that it was the hope that this review would cost the taxpayers less than \$5000.

Her Worship Mayor Ducharme indicated that she wished to state very clearly that she has absolute confidence that the Halifax Industrial Commission has always acted in the best interests of the City of Halifax. Mayor Ducharme advised that the Halifax Industrial Commission, the majority of whose members serve as volunteers, is carrying out the policies set by Halifax City Council. Whenever there has been doubt about the will of City Council, Her Worship noted that the Commission has brought matters to Council's attention for its decision.

Mayor Ducharme noted that members of City Council will recall that on September 22, City staff recommended that Council authorize staff to conduct a cost benefit analysis of

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the activities of the Halifax Industrial Commission and that this report is expected to be completed by November 17. Her Worship indicated that the City staff report and the analysis by Deloitte and Touche will, hopefully, provide the reassurance to any member of the community who may question whether the policies set by City Council and executed by the Industrial Commission are consistent with the best interests of the City of Halifax.

Her Worship went on to state that the Halifax Industrial Commission has been the principal economic development arm for the City. She added that she was satisfied that residents of the City will be well served for many years to come because of the activities of this Commission.

Mayor Ducharme submitted copies of a press release at this time to the City Clerk which she noted will be distributed tomorrow to all members of the media stating the action that the Industrial Commission is taking. Her Worship concluded her remarks by indicating that she has every confidence that City staff's review will be sufficient to answer any questions members of Council may have.

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

Alderman Holland referred to the press release just submitted by Her Worship Mayor Ducharme concerning the appointment of Deloitte and Touche and suggested that, when this firm is appointed, one of its offices which is not resident in the City of Halifax should conduct the review in case there is any perceived conflict of interest.

It was subsequently MOVED by Alderman Holland, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, City Council approve a vote of confidence in the Halifax Industrial Commission.

A lengthy discussion ensued with various members of Council reiterating their support for the Halifax Industrial Commission.

Alderman Adams referred to a confidential report dated March 19, 1993, he received in response to a question he had raised regarding audits for the Industrial Commission. Alderman Adams noted that the report explains that an audit for 1989, December 31st, was completed July 8, 1991, and that no financial statements have been audited since that period of time. Therefore, he commented that there is not an annual audit of the Industrial Commission.

Alderman Adams went on to note that there was a follow-up report from staff suggesting that they will do an

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audited statement for 1990, 1992, and 1993, but 1991 was not included. The Alderman expressed the view that the major issue of concern is that people do not understand what is happening and, as a result, they just want to know. Alderman Adams commented that the information in the press release suggests that there will be a review of the financial impacts of the sale of land to Price Club. Alderman Adams indicated that he would like to take this one step further and ask for a comprehensive audit of the Halifax Industrial Commission by an outside accounting firm.

Her Worship pointed out that staff is carrying out an economic impact of the Park which does not include only Price Club.

Alderman Adams indicated that he could not support the motion as it stands because he could not make a decision on whether the Industrial Commission was doing a good job or not without a comprehensive audit of their undertakings.

Responding to a question from the Chair, Alderman Adams advised that a comprehensive audit deals with expenditures from the Industrial Commission and, as well, includes the revenue that it generates.

The Chairman advised that a separate motion would be required in relation to Alderman Adam's request for a comprehensive audit.

A discussion followed with Alderman Holland expressing the view that, in order to have an "arms length transaction," the City, rather than the Industrial Commission, should make the appointment for the review. Alderman Holland suggested that, if the appointment has not yet been made, the City Manager provide a recommendation to Council at its next meeting on this matter. He added that a recommendation should also be provided by the City Manager because an expenditure of money is involved.

Following a further discussion, the motion, approving a vote of confidence in the Industrial Commission, was put and passed with Alderman Adams voting in opposition.

**Social Assistance Dental Policy/Thomas v. City of Halifax**

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council approve a motion to appeal the decision of Mr. Justice Hall in **Thomas v. City of Halifax.**

Motion carried.



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**Procedures for the Residential Development of the  
Alexandra Centre Site - Development Agreement and Street  
Closure, Portion of Maitland Street  
- SET DATE FOR PUBLIC HEARING**

---

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

1. set a date for a public hearing to consider entering into one or more development agreements to permit construction of residential buildings on the former Alexandra Centre site;
2. refer this matter to the Heritage Advisory Committee for review and advice;
3. set a date for a public hearing to:
  - a. consider the closure of a portion of Maitland Street identified on Plan No: TT-49-31871 in order to consolidate this parcel with the Alexandra Centre site;
  - b. establish a new street line on the east side of Maitland Street as shown on Section 11-P of the Official City Plan;
4. approve the call for development proposal for the Alexandra Centre site;

Subject to the finalization of all of the above,  
City Council:

5. authorize staff to proceed with the call for development proposals for the Alexandra Centre site; and
6. direct staff to provide a report on the recommended development proposal or proposals for approval.

Motion carried.

The City Clerk advised that a public hearing for a development agreement, as well as for a street closure, would be set for Wednesday, 8 December 1993, at 7:30 p.m. in the Council Chamber.

Sale of Civic #436 Herring Cove Road

A staff report dated 22 October 1993 was submitted.

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MOVED by Alderman Adams, seconded by Alderman Holland that, as recommended by the Finance and Executive Committee, #436 Herring Cove Road be sold to Hand in Hand of the Saint Vincent DePaul Society for \$18,000, with the proceeds of the sale to be deposited in the Sale of Land Account.

Motion carried.

**Annual Support for Four (4) RS-6000 IBM UNIX Processors (MIS)**

MOVED by Alderman Fitzgerald, seconded by Deputy Mayor Pottie that, as recommended by the Finance and Executive Committee, authority be granted to pay IBM Canada Ltd. \$29,628.18, plus applicable taxes, for annual hardware/software support, with funds being available in account #22613.0050, entitled Computer Hardware Maintenance. (This payment is for the first year of a three year contract agreement with IBM.)

Motion carried.

**1994 Natal Day Festivities**

A report from Bob Bezanson, Secretary/Treasurer, Halifax Natal Day Committee, dated 9 November 1993, was submitted.

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

**WHEREAS** the Halifax Natal Day Committee was established under Section 27 of the Halifax City Charter which authorizes City Council to appoint such special committees as is deemed necessary for the purpose of inquiring into and reporting on any matter referred to it;

**WHEREAS** the Halifax Natal Day Committee is considered an "ad hoc" Committee because it has not been formally established as a Committee of Council;

**WHEREAS** the Halifax Natal Day Committee organizes and co-ordinates Natal Day activities each year and has expanded its membership and program activities substantially in recent years;

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**WHEREAS** City Council has not established a formal Mandate, Terms of Reference, and Membership Composition for the Halifax Natal Day Committee:

- (1) a committee comprised of three members of Halifax City Council and two citizens, to be known as the "Halifax Natal Day Terms of Reference Committee," be appointed to develop a mandate and terms of reference for the Halifax Natal Day Committee for City Council's approval;
- (2) the following individuals be appointed to that committee:

Deputy Mayor Pat Pottie  
Alderman Lonny Holland  
Alderman Mary Ann Crowley  
Mr. George Hallett  
Ms. Janice Mrkonjic
- (3) that the Committee bring forward their report in time for the 17 November meeting of Committee of the Whole Council.

A discussion followed with Alderman Downey reiterating his comments at the last Committee of the Whole Council that he will not be supporting the structure of changing the Natal Day Committee. He expressed his concern about abolishing the appointments of some committee members before their terms expire and emphasized that he did not believe this was fair without providing them with a notice indicating why the Committee was being changed. Alderman Downey questioned why the structure of only the Halifax Natal Day Committee was being changed and not all Boards and Commissions. He suggested that perhaps the Deputy Mayor could respond to his question if there was a reason for the proposed changes.

Alderman Fitzgerald addressed the matter and suggested that the members with unfinished terms could at least have an opportunity to serve on the Committee once the new terms of reference are established. He went on to question whether a member who served on this Committee, once the Committee is disbanded, would have used up one year of his or her eligibility if they have only served one year of the two year term.

The Chairman suggested that the Committee could bring back recommendations in this regard.

Alderman Fitzgerald also suggested that a citizen who was not a member of the Committee should be involved with the new terms of reference in order to provide an impartial view.

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Her Worship suggested that perhaps the Deputy Mayor could coordinate the meetings of this group and would keep all of these suggestions in mind when drawing up the new terms of reference.

During a further discussion, in response to a question from the Chair, Deputy Mayor Pottie indicated that the proposed committee could meet next week and, if further time was needed to develop a mandate and terms of reference, it would request an extension at the 17 November 1993 meeting of the Committee of the Whole Council meeting.

Alderman Fitzgerald reiterated his suggestion that a citizen not involved with the present Natal Day Committee be appointed to the proposed Committee.

It was therefore agreed that the motion be amended to include the recommendation that there be a citizen, who is not presently a member of the Natal Day Committee, be appointed to the proposed "Halifax Natal Day Terms of Reference Committee."

The motion, as amended, was put and passed with Alderman Downey voting in opposition.

MOVED by Alderman Pottie, seconded by Alderman Holland that:

- the present membership of the Halifax Natal Day Committee be advised of City Council's action and sent letters of appreciation for their volunteer service to the Committee and our citizens, and be encouraged to apply for membership on the newly-mandated Committee; and, further, that
- a special advertisement be inserted in the newspaper in November for citizen volunteers for the newly-mandated Halifax Natal Day Committee, the deadline for receiving such applications to be December 15, 1993, and appointments to the Committee be presented to City Council on December 16, 1993, for consideration.

Motion passed with Alderman Downey voting in opposition.

Her Worship advised that a letter will be sent to the citizens tomorrow.

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Boards and Commissions - Terms

The following motion was put and defeated at the 3 November 1993 Finance and Executive Committee meeting:

"beginning with the new citizen appointments in January 1994, the terms of citizen appointments be one three-year term with the possibility of an additional three year term".

Alderman Stone addressed the item and, reiterating his comments at the last Committee of the Whole Council meeting, advised that he brought this matter forward because it has been brought to his attention through a number of Committees on which he serves that there is a concern with the terms of appointments. He explained that many members believe that the expertise they acquire over a period of years is not used to its ultimate because, once they acquire this expertise, their terms end. The Alderman expressed particular concern to the situations where members become Chairmen and then, shortly thereafter, their terms expire.

MOVED by Alderman Stone, seconded by Alderman Meagher that this matter be deferred to allow the Aldermen on Committees, Boards, and Commissions the opportunity seek input from Chairmen on what they believe is a satisfactory term of appointment i.e. two - 2 year terms versus two - 3 year terms.

The Chairman suggested that the matter could be deferred to the first Committee of the Whole Council meeting in January.

A debate followed and the motion of deferral was put and defeated.

MOVED by Alderman Stone, seconded by Alderman Holland that beginning with the new citizen appointments in January 1994, the terms of citizen appointments be one three-year term with the possibility of an additional three year term.

Following a short discussion, the motion was put and defeated.

At approximately 9:50 p.m., Her Worship Mayor Ducharme retired from the meeting with Deputy Mayor Pottie taking the seat of the Chair.



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**File #61905 - New Sewage Pump for Melville Cove  
Pumping Station**

MOVED by Alderman Hanson, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, authority be granted to place an order with Peacock Inc., Dartmouth, Nova Scotia for the purchase of one (1) new Chicago Sewage Pump for the Melville Cove Pumping Station at a cost of \$11,243.00, with funds being available in account number 25603.1500.55049 titled Fixed Equipment - Special Items, Engineering & Works (Goods & Services Tax is extra).

Motion carried.

**Resolution - Stora Forest Industries Ltd.**

MOVED by Alderman Holland, seconded by Alderman O'Malley that, as recommended by the Finance and Executive Committee, Halifax City Council endorse the following position with respect to Stora Forest Industries Ltd. and authorize the Mayor to communicate that to the Strait and Area Mayors and Wardens Committee in Guysborough County, as well as to both senior levels of government and to Stora Forest Industries Ltd.:

THAT Halifax City Council supports the position taken by the Strait and Area Mayors and Wardens Committee that immediate action be taken to petition all levels of senior government to work with Stora Forest Industries Limited to ensure the continued survival of both the pulp and newsprint operations in the Strait of Canso area;

AND FURTHER that, because of the current economic conditions, all efforts be made to assist Stora Forest Industries Limited to continue its entire operations in Northeastern Nova Scotia.

Motion carried.

**Tender 93-182 - Playground Structures**

Information reports dated 5 & 8 November 1993 were submitted.

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

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1. Tender 93-182 for Playground Structures be awarded to the lowest bidder meeting all specifications as indicated by an asterisk (\*) in the 27 October 1993 staff report as follows:

UNIT A - Elizabeth Sutherland School

Paris Playground  
Equipment Inc. Paris, ON \$13,873.72

UNIT B - Whimsical Lake Playground

Belair Recreational  
Products Inc. Brantford, ON \$ 9,654.96

UNIT C - Rockingstone Lake Park

Paris Playground  
Equipment Inc. Paris, ON \$11,484.14

UNIT D - Sir Charles Tupper School

Paris Playground  
Equipment Inc. Paris, ON \$ 7,080.19

UNIT E - Central Spryfield School

Paris Playground  
Equipment Inc. Paris, ON \$10,577.59

UNIT F - Fort Needham Park

Atlantic Gym  
Limited Moncton, NB \$ 2,102.55

UNIT G - Havill Playground

Belair Recreational  
Products Inc. Brantford, ON \$ 4,601.00

UNIT H - Montgomery Court Park

Paris Playground  
Equipment Inc. Paris, ON \$15,234.14

2. Council authorize a budget transfer of \$4,000.00 from account 97040 - Sir Charles Tupper School to account 97068 - Elizabeth Sutherland School.
3. Council authorize a budget transfer of \$1,000.00 from account 55082 - Recreational Playground Equipment to account 55062 - Whimsical Lake Playground equipment.

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Alderman Adams requested that the playground structures proposed for the Elizabeth Sutherland School and the Central Spryfield School be switched i.e. the equipment designated for the Central Spryfield School be located at the Central Spryfield School and vice versa.

The Chairman referred to the information report of 5 November 1993 indicating that Alderman Adams request could be accommodated and advised that the request would be included as part of the motion.

The motion was put and passed with Alderman Adam's request being noted.

**REPORT - COMMITTEE ON WORKS**

Council considered the report from a meeting of its Committee on Works, held on Wednesday, 3 Tuesday 1993, as follows:

**Improvements - Herring Cove Road Phase IV -  
(Old Sambro Road to Cowie Hill Road)**

Alderman Adams advised that it was his understanding this matter was scheduled for the spring of 1994, however, now it is scheduled for 1995. Alderman Adams indicated that he had budget documents on the 1992/94 capital budget showing that in 1992/93, the approved budget is \$1 million net, however, it is not shown in the 1993/95 capital budget. Alderman Adams added that he was under the impression the funds were for the piece of highway between Old sambro Road to the Cowie Hill Road lights.

In response, Mr. Peter Connell, Director of Engineering and Works, advised that there was never a motion of Council to award the tender. He added that in 1992 a motion was passed whereby the consulting contract was awarded to Whitman Benn for the design work from the Old Sambro Road to Cowie Hill Road. Mr. Connell noted that the funding which is in the budget for 1993/94 is \$2 million gross and \$927,000 net, and none of this is slated for construction. He added that it is for land acquisition, and any further realignments in that section. He pointed out that the funds for the actual construction work are in the budget for later years.

Referring to the budget documents he had with respect to this matter, Alderman Adams added that the total spent to 31 March 1992 should read as approx \$5.2 million gross and \$3.2 million net, but in 1993/95 the total spent is increased by 3.3 million dollars (both gross and net) however, according to the documents nothing has been done.

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A brief discussion ensued and the Chairman advised that Mr. Connell would provide a written report concerning Alderman Adams question.

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

1. Council approve the additional payment of \$61,393 plus G.S.T. to Whitman Benn and Associates Ltd. for the preparation of tender documents for Herring Cove Road Phase IV Improvements from Old Sambro Road to Cowie Hill Road;
2. funds be made available from Capital Account No. 91504, Herring Cove Road Improvements.

Motion carried.

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

**Proposed Amendments to Ordinance 180, the Streets Ordinance  
(Locations - Newspaper Boxes) - SECOND READING**

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 28 October 1993, and had been further considered at a meeting of the Finance and Executive Committee on Wednesday, 3 November 1993.

The City Solicitor referred to the proposed amendments and noted that under part 2, the list begins with number 316, however, this was in error and it should actually begin as number 351 and end at 411, and he suggested that it be included as part of the motion, **to which it was agreed.**

MOVED by Alderman Stone, seconded by Alderman Adams that Halifax City Council give Second and Final Reading to the proposed amendments to Ordinance 180, the Streets Ordinance, as outlined in the report from the City Solicitor's Department of 20 October 1993, **and that part 2 of the proposed amendments begin with the number 351 rather than 316.**

Motion carried.

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**Proposed Amendment to Ordinance 116, the Taxi and Limousine  
Bylaw - (Moratorium on Taxi Operator Licenses) -  
SECOND READING**

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This matter was deferred from the 28 October 1993 meeting of City Council.

A letter dated 29 October 1993 from Sharon P. Lantz, President, Halifax Taxi Bureau Society was submitted.

This matter had been given First Reading during a regular meeting of Halifax City Council on Thursday, 14 October 1993 and had been further considered at a meeting of the Finance and Executive Committee of 20 October 1993.

MOVED by Alderman Adams, seconded by Alderman Fitzgerald that Halifax City Council give Second and Final Reading to the following amendments proposed to Ordinance 116, the Taxi Ordinance, relating to the moratorium on Taxi Operator Licenses:

BE IT ENACTED by Halifax City Council that Ordinance 116, being the Taxi Ordinance, as enacted and approved by the Minister of Municipal Affairs on July 14th, 1988, and as subsequently amended, is hereby further amended by adding the following section immediately following section 14:

14A(1) Notwithstanding any other provision of this ordinance, no taxi driver's license shall be issued before October 1, 1994 except to the first thirty (30) unemployed persons on the Inspector's waiting list who elect to take the course of instruction required by this ordinance.

(2) Subsection (1) does not apply to the renewal of a taxi driver's license.

Motion carried.

Alderman Adams advised that for the information of Council there is a tentative agenda for the new Taxi School beginning the 6th, 7th, and 8th of December and the 13th, 14th, and 15th with a test being scheduled for the week of 10 January 1994.

Alderman Stone requested that this information be circulated to all members of Council.



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REPORT - PLANNING COMMITTEE

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

Case No. 6530: Proposed Amendments to MDP and LUB - Lots K9A-1 and A-1B, Stoneybrook Court

Alderman Stone noted that this matter was deferred pending Alderman Macdonald's return. In light of tonight's announcement that Alderman Macdonald has submitted his resignation, and that a new Alderman will have to be chosen, Alderman Stone advised that there were many concerns by the residents of the area and he suggested that the matter be referred to the Planning Advisory Committee. The Alderman noted that he would submit a letter from the residents of the Laurentide Drive Area and he asked that the Planning Advisory Committee take this into consideration, and, as well, perhaps have a public meeting in the area.

MOVED by Alderman Stone, seconded by Alderman Fitzgerald that this matter, including the letter from the residents of the Laurentide Drive area, be referred to the Planning Advisory Committee for their comments and suggestions and report back to Council.

Motion carried.

Halifax Harbour Cleanup Project: Mainland South Plan

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that as recommended by the Planning Committee, City Council inform the President of the Halifax Harbour Cleanup Inc. as well as the Nova Scotia Department of the Environment that:

1. The present Mainland South section of the Municipal Development Plan has sufficient policy to control development in the backlands area in an appropriate manner;
2. No review of the Mainland South section is required at this time; and
3. HHIC should begin their re-examination of the project for Mainland South and Herring Cove with assistance provided by City staff on development scenarios under the existing Municipal Development Plan policies.

Motion carried.

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**Acquisition of 2111 Brunswick Street**

MOVED by Alderman Downey, seconded by Alderman O'Malley that as recommended by the Planning Committee, Civic No. 2111 Brunswick Court be acquired from Mr. Vernon and Mrs. Christine Hubley for \$48,400, as settlement in full, with funds being available in Account No. 91608, Sundry Land Acquisition.

Motion carried.

**Khyber Building, 1588 Brunswick Street**

A report dated 9 November 1993 from Dr. Paul A. Erickson, Chair, Heritage Advisory Committee was submitted.

A letter dated 9 November 1993 from Peter DiGesù, 1326 Hollis Street, Halifax, N.S., was submitted.

A letter dated 9 November 1993 from Paul M. Murphy, Patterson Kitz, Barristers & Solicitors, was submitted.

A letter dated 9 November 1993 from Mr. David McCarthy, on behalf of Ms. Marilyn McAvoy, Ms. Isla McEachern, and Mr. Peter DiGesù was submitted.

A letter dated 9 November 1993 from Claire St. John Bader, Director, Halifax Ballet Theatre was submitted.

A letter dated 8 November 1993 from Donald Patton, President, Heritage Trust of Nova Scotia, and Elizabeth Pacey, Past President, Research Advisor, Heritage Trust of Nova Scotia was submitted.

Alderman Downey addressed the matter and advised that he did not want to see this building boarded up and suggested that, to do so would only be an invitation to vandals. He added that Council should try to keep the building occupied and suggested that staff should be working with the tenants to try and keep it occupied. Alderman Downey, in reference to the submitted correspondence from the Heritage Advisory Committee, suggested that the matter be deferred to the Heritage Advisory Committee.

Mr. Simpson McLeod, Supervisor of Real Estate, addressed Council and advised that staff did not take the decision to close the building lightly, however, at this point staff feels there is no alternative.

Mr. McLeod noted that the main issue is the provision of heat, adding that the furnace no longer works and that after many years of repairs, it can no longer be fixed and, essentially, the building would need a new

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furnace, and this would be quite costly. He advised that without proper heat, the water pipes and sprinkler system will freeze and cause damage to the building. He noted that the water has been shut off. Mr. McLeod pointed out that one part of the building had newer wiring installed at one point in time and is heated electrically, however, the wiring in the rest of the building is quite old and it could not be used as a way to heat the building. In summary, Mr. McLeod indicated that without heat, the water had to be shut off so the pipes would not freeze and, without water, there is no fire protection so the building has become a safety hazard, and this is why the tenants had to be vacated.

Mr. McLeod then responded to questions from members of Council.

Alderman Meagher addressed the matter and advised that it would be very unfortunate to have this building left vacant and he felt that every attempt should be made to keep the tenants in this building. In this regard, Alderman Meagher suggested that the matter should be deferred to the next Committee of the Whole and that the representative of Heritage Trust, Mr. Patton, should be advised of this.

MOVED by Alderman Meagher, seconded by Alderman Downey that this matter be deferred to the next regular meeting of the Committee of the Whole Council, scheduled for 17 November 1993.

Alderman O'Malley requested a report from staff on what revenue the City realizes from this building, either on a yearly basis or monthly basis.

Following further discussion the motion to defer was put and defeated.

**At approximately 10:30 p.m. Her Worship returned to the meeting and Deputy Mayor Pottie assumed his usual seat in Council.**

Alderman Fitzgerald expressed some concern about the groups and individuals who have had to vacate the premises on such short notice and advised that staff should do whatever is feasible to accommodate these people. He indicated that he was prepared to move a motion approving the recommendation from the Committee of the Whole, however he would like for staff to see what could be done to accommodate the tenants and that the Heritage Advisory Committee have input into the matter.

In reference to the situation with the furnace, a suggestion was made that the Technical University of Nova Scotia could be contacted and perhaps they would be able to resolve the problems.

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MOVED by Alderman Fitzgerald, seconded by Alderman Adams that as recommended by the Planning Committee, subject to receiving a formal confirmation of agreement from the Province, Council authorize staff to prepare terms of reference for the purchase and sale of the property at 1588 Barrington Street (the Khyber Building) by public tender, on the understanding that:

- a. the building is to be retained and the exterior rehabilitated, in accordance with its status as a registered heritage property;
- b. no financial assistance will be given by the City for the rehabilitation or restoration of the exterior;
- c. any surplus or deficit arising from the operation of this building from the time of its acquisition by the present owners in 1988 up until the date of its disposal, including the amount realized from its sale, be shared equally between the City of Halifax and the Province of Nova Scotia, with the City's portion of the surplus, if any, to be deposited in the Sale of Land Account.
- d. that the matter be referred to the Heritage Advisory Committee, and that a staff report be received at the next Committee of the Whole scheduled for 17 November 1993 with respect to the possibility of accommodating the groups presently using the building and any other pertinent information that would be of assistance to Council.

A discussion ensued and Alderman Meagher reiterated his view that Heritage Trust should be involved and that they may be able to assist the City in some way on this matter.

Motion carried.

MISCELLANEOUS BUSINESS

Resignation - Alderman Vance L. Macdonald, Ward 10

A letter dated 4 November 1993 from Vance L. Macdonald, Alderman, Ward 10, was submitted.

A staff report dated 8 November 1993 was submitted.

MOVED by Alderman Stone, seconded by Alderman Adams that staff prepare a formal resolution with respect a special

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election for Ward 10 and that it be submitted at a subsequent meeting of Council.

Motion carried.

QUESTIONS

Question Alderman Adams Re: Dangerous Structure  
on Leiblin Drive

Alderman Adams advised that there was a cement structure on Leiblin Drive (close to Juniper Crescent), which is very hazardous to children, particularly because it is filling with water. He noted that it might be on Provincial land, however, he asked that staff look into this matter

Question Alderman Adams Re: Cost of Audit of  
Industrial Commission

Alderman Adams requested that staff provide the cost to carry out a **comprehensive** audit of the Industrial Commission by an outside accounting firm, which would include all salaries, expenditures, purchases, etc.

Question Alderman Fitzgerald Re: Traffic on Pepperall Street

Alderman Fitzgerald advised that concerns have been expressed to him about the traffic problem on Pepperall Street, advising that the amount of traffic has increased and now includes large trucks through the area. Noting the residential nature of this area and that there was no crosswalk by the Tupper School, Alderman Fitzgerald indicated that this was very dangerous and he asked the Traffic Authority to investigate this matter.

Question Alderman Fitzgerald Re: Benefit of Union of  
Nova Scotia Municipalities

Alderman Fitzgerald noted that recently one municipality questioned whether it was benefitting from being a member of the Union of Nova Scotia Municipalities, and he requested a general report on the merits of the City of Halifax being a member of the U.N.S.M.

Question Alderman Fitzgerald Re: Cost for Trash Disposal

Alderman Fitzgerald advised that he recently read in a newspaper that the annual trash disposal bill may be \$40 million a year. He added that over a 35 year period this



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would run into an enormous amount of money and he questioned what, if anything, the City is going to do about this matter.

The Acting City Manager advised that this matter was raised a few weeks ago by the Alderman and, presently, staff is preparing a report.

**Question Alderman Fitzgerald Re: Amalgamation of Water Supply - Halifax and Dartmouth**

Alderman Fitzgerald noted that there have been recent reports that Dartmouth may want to amalgamate their water supply with the City of Halifax. Alderman Fitzgerald referred to the value of the City's asset, and to the fact that the City's debt will virtually be paid by the year 2004 and expressed concern about the concept of the water supply being amalgamated. He requested a report on the proposal to amalgamate the water supplies and what the pros and cons and ramifications of doing this would be.

**Question Alderman Holland Re: MacLennan House**

Alderman Holland referred to a report he received from staff with respect to a question he raised on the MacLennan House and, in the report, it was suggested that "if the City was interested in implementing this concept it should be referred to the Halifax District School Board." Alderman Holland asked for direction from staff on whether this was something the Committee established by Council should be taking to the School Board or should City Council refer the matter directly.

**Question Alderman Holland Re: Uniformed Services**

Alderman Holland advised that he received correspondence from citizens who are concerned with some of the uniformed services which are provided. He added that they feel the police are doing some things which perhaps could be provided more cost effectively by people who did not have the same training as the police officers and, in this way, it would leave police personnel available to handle matters which require their higher level of skill.

Alderman Holland submitted the correspondence to the City Clerk and asked that it be circulated to City Council and sent to the appropriate staff person for a report on whether there are areas where the uniformed services are providing services that could be more effectively provided by less expensive means.

**Question Alderman Holland Re: Budget Discussion**

Alderman Holland advised that, some time ago, the Acting City Manager pointed out that the City was facing a three million dollar deficit and it was at this time he asked

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for a discussion on the budget. He added that, to date, nothing further has taken place and, noting the importance of the issue, the Aldermen advised that he was disappointed and questioned what was happening in this regard.

**Question Alderman Holland Re: Lay-offs**

Alderman Holland advised that he had received a report from the Acting City Manager which suggests to him that the shortfall in the budget may be closer to 4 1/2 million dollars rather than 3 million dollars. He questioned how many more people would have to be laid off if this is the case, noting that staff estimated that approximately 90 people would have to be laid off with a shortfall of 3 million dollars.

**Question Alderman Holland Re: Patterson Kitz Expenses**

Alderman Holland advised that he received a report from the Acting City Manager regarding the legal item Patterson Kitz is dealing with. He questioned how much money the City has spent with Patterson Kitz with respect to this item, and what are the expenses that have been incurred to date.

**Question Alderman O'Malley Re: Siren - Halifax Shipyards**

Alderman O'Malley advised that she has received complaints about a siren which sounds in the night time at the Halifax Shipyards. She added that, apparently, it sounds to signal the end of a shift and the residents are wondering if it is necessary. The Alderman questioned whether it is against the noise ordinance and she asked that staff investigate this matter.

**Question Alderman O'Malley Re: Duffus Street Pumping Station**

Alderman O'Malley questioned when she could expect a report on the Duffus Street Pumping Station situation.

**Question Alderman O'Malley Re: Fire Fighting Equipment**

Alderman O'Malley advised that on tonight's news she saw where the Dartmouth Fire Department has received special oxygen tanks and she questioned if the City of Halifax has anything of this nature in the equipment which is being supplied to the City of Halifax's fire fighters.

Alderman O'Malley also advised that concerns have been expressed to her by members of the Fire Department about their bunker gear and the fact that it weighs approximately 45 lbs and there is new gear available that weighs

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approximately 20 lbs. Alderman O'Malley added that she was told there were a number of sets on order and she questioned if it was the intention of the Fire Department to provide all the fire fighters with this lighter weight gear and, if so, when might this happen.

Alderman O'Malley also asked for a report with respect to how many new cars have been purchased for the Chief and Deputy Chief or if they were using rental cars. In addition, she asked how long it has been since the Chief has had a new car and, when a new car is purchased, if the old one traded in or is it passed on to someone else in the department.

**Question Alderman Stone Re: Halifax Transportation Plan**

Alderman Stone thanked staff for the information report on the Halifax Transportation Plan. He noted that staff was going to arrange a meeting with Council and the consultant and the tentative meeting date was the last week of November or the first week of December, subject to Council's convenience. Alderman Stone indicated that it was important to get this job done and he advised that this meeting should be confirmed soon.

Alderman Stone referred to page 4 of the report under the heading of 'consultants responsibilities', and advised that it says the consultant will present the findings to the Steering Committee at the conclusion of their study. Alderman Stone suggested that this was in error and that the findings should be presented to City Council first and not to the Steering Committee. He asked the Acting City Manager to look into this matter.

**Question Alderman Stone Re: Lacewood Drive -  
Visible Display of Two Lanes in One Direction**

Alderman Stone questioned if there are two lanes on Lacewood Drive (between Gateway and Titus) for vehicles going in one direction and, if so, should they be visibly displayed by the use of white lines.

**Question Alderman Stone Re: Mainland North Garbage Day**

Alderman Stone noted that Thursday is garbage day in Mainland North, and because this week it falls on Remembrance Day, garbage pickup will be on Saturday. He noted that he saw this advertisement in the newspaper, however, he was getting a lot of calls from the residents. Alderman Stone questioned if there has been enough publicity on the matter and asked for a report on how often this information is distributed and are other ways used to supply this information to the public.

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**Question Alderman Crowley Re: Halloween 1993**

Alderman Crowley advised that a resident in her Ward asked her to relay his displeasure over Council's decisions to change the date of Halloween. She explained that, at one point when the date was changed, this individual spent \$200 for tickets to the NHL hockey game. Alderman Crowley added that this individual feels that he should be reimbursed for these tickets. The Alderman asked for a response from staff on this matter.

**Question Alderman Crowley Re: Trucks on Chisholm Avenue**

Alderman Crowley advised that there are large trucks turning onto Chisholm Avenue from Connaught Avenue and this is causing concern because of the many children that live in the area. She questioned what the regulations were with respect to these trucks in this area.

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

Alderman Crowley advised that she has raised the matter of flooding on Olivet Street at Council previously, and she asked that staff keep an eye on the situation, particularly because a lot of leaves have fallen and debris has accumulated in the brook increasing the potential for flooding.

**Question Alderman Meagher Re: Snowplowing - Boulevards**

Alderman Meagher noted that, previously, he suggested that on boulevards such as Connaught Avenue and Robie Street, the snowplow operators plow towards the boulevards. He added that he received a report from staff on the matter, however, he was not satisfied. Alderman Meagher suggested that the idea could be accomplished if the same operator was assigned to plow a particular boulevard after each snowstorm.

Alderman Meagher then advised that he would like this matter added to the agenda of the next regular Committee of the Whole meeting, scheduled for 17 November 1993 and that Mr. P. Connell, Director of Engineering and Works, be in attendance to address the matter.

**Question Alderman Meagher Re: Paving - North Street**

Alderman Meagher referred to the paving of North Street, noting that it has been completed as far as Robie Street, and he questioned if the paving was going to be completed this year.

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**Question Alderman Meagher Re: Allen Street - Renewal**

Alderman Meagher advised that he received a report from staff with respect to a question he raised about Allen Street which indicated the project would not be carried out for about three years. He added that this street has a tremendous amount of traffic and he felt that it should be given priority for renewal.

**Question Alderman Meagher Re: Traffic on Harvard Street**

Alderman Meagher advised that there seems to be a lot of traffic on Harvard Street during the night, especially heavy trucks, and he asked that this be passed on to the Police Department.

**Question Alderman Meagher Re: Halloween 1993**

Alderman Meagher advised that he and all members of Council received a letter from a young lady in Ward 4 concerning Halloween and the distress that Council's decisions caused her and her family.

In response to a question by Alderman Meagher, Her Worship advised that she responded to this letter.

**Question Alderman Downey Re: Casino Theatre**

Alderman Downey advised that he would submit a letter to staff from a resident who has asked to appear before City Council concerning the Casino Theatre. Alderman Downey added that he would like the lady to be given the opportunity to appear at a Committee of the Whole meeting.

**Question Alderman Downey Re: Metropolitan Store on Gottingen Street**

Alderman Downey advised that he had a letter from Mr. Simon regarding the Metropolitan Store on Gottingen Street. He noted that the store will be closing 1 January 1994 and he asked if the Acting City Manager would follow up on this matter and see if something could be done.

**Question Alderman Downey Re: Funding for Gottingen and Barrington Streets**

Alderman Downey noted that Mr. Dave Dingwall, an MP from Cape Breton was recently appointed as the Minister of A.C.O.A. He suggested that it would now be a good opportunity to write to the Minister and request funding for Gottingen and Barrington Streets.



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Question Alderman Downey Re: Policing on Sundays

Alderman Downey noted that the larger grocery stores will soon be opening on Sundays and he expressed concern about the impact this will have on the small corner convenience stores. On a related matter, Alderman Downey advised that with more stores opening on Sundays, he questioned if the Police Department has increased its surveillance on the weekends.

Question Alderman Adams Re: Garbage Pick-up -  
One Side of the Street

Alderman Adams suggested that it may be more efficient if the manner in which the garbage pick-up was carried out was changed, suggesting that if the garbage was placed on one side of the street rather than both sides, it could be removed quicker. He requested a staff report on this suggestion and he questioned if it could be done on an experimental basis.

NOTICES OF MOTION

Notice of Motion Alderman Meagher Re:  
Motion of Rescission - 6275-6277 Duncan Street

Alderman Meagher gave Notice of Motion that, at the next regular meeting of Halifax City Council scheduled for **Thursday, 25 November 1993**, he proposes to introduce a Motion of Rescission concerning the decision of City Council of 28 October 1993 regarding 6275-6277 Duncan Street.

ADDED ITEMS

90 Bedford Highway - Bedford Highway Widening Project

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

A staff report dated 9 November 1993 was submitted.

MOVED by Alderman Stone, seconded by Alderman Adams that the City acquire a construction easement as shown in the plan attached to the 9 November 1993 staff report and settle all claims that might arise from the construction of the Bedford Highway Widening Project pursuant to the Expropriation Act with Mr. Grant Tabbiner for \$20,550 as settlement in full; with funds being available in Account 91506, the capital account for the Bedford Highway Improvements (Bayview Road to Tremont Drive).

Motion carried.

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Naming of Street in Bayer's Lake Industrial Park

A staff report dated 9 November 1993 was submitted.

An information report dated 9 November 1993 relating to this matter was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that in accordance with Section 352 of the City Charter, authorization be granted to name the proposed new street as shown on the attached sketch of the 9 November 1993 staff report as OLAND CRESCENT.

Motion carried.

Invitation to Tender Re Canteen Licenses (Alderman O'Malley)

This matter was added to the agenda at the request of Alderman O'Malley.

Alderman O'Malley advised that she received a call from a spokesperson on behalf of some mobile canteen vendors in the City regarding an invitation to tender which was placed in the Mail Star on 6 November 1993. She explained that the mobile canteen operators were not familiar with the wording of the ad, noting that it was limited in its explanation and that not all operators were familiar with Ordinance 180. The Alderman added that they felt more information should be provided such as the locations and a more detailed explanation.

Alderman O'Malley indicated that she spoke with Mr. Peter Messenger, the Purchasing Manager, and she was advised that it would be quite expensive to include the various locations in the ad. She also pointed out that the operators feel that the closing date of 22 November 1993 should be extended due to this lack of information.

The City Manager advised that he would look into the matter tomorrow and see if more information could be placed in the next ad and if the time can be extended in order to give sufficient notice. He added that if there is a problem he would report back to her, otherwise he would proceed.

Vendors in the Grand Parade - Alderman Adams

Referring to Alderman O'Malley's item, Alderman Adams advised that a number of months ago he raised the issue of the vendors in the Grand Parade. He asked that this item be added to the next agenda of the Committee of the Whole, scheduled for **Wednesday, 17 November 1993** and that the report pertaining to this be circulated.

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Alderman Adams advised that the reason for raising this issue was that a number of Aldermen have had difficulty accessing the Grand Parade because of the vendors. As well, the Alderman made note of a particular event which took place this summer in the Grand Parade and was disrupted due to some vendors setting up for the day.

Her Worship indicated that this item would be added to the agenda of the next Committee of the Whole.

There being no further business to discuss, the meeting adjourned at 11:30 p.m.

HER WORSHIP MAYOR DUCHARME  
DEPUTY MAYOR PAT POTTIE  
CHAIRMEN

ms/sm

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**SPECIAL MEETING  
HALIFAX CITY COUNCIL  
MINUTES**

Council Chamber  
Halifax City Hall  
17 November 1993  
7:30 P.M.

A special meeting of Halifax City Council was held at this time. The meeting was opened with Deputy Mayor Pat Pottie leading those present in the recitation of the Lord's Prayer.

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

**ALSO PRESENT:** Ms. Sharon Glynn, representing the City Solicitor; City Clerk; and other members of City staff.

**ADDED ITEMS**

The following matters had been forwarded from a regular meeting of Committee of the Whole Council held earlier in the day:

**Case No. 6800: Rezoning - R-2 (General Residential) to P (Park and Institutional), 3656 High Street and 6095 Normandy Drive (SET DATE FOR PUBLIC HEARING)**

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This matter had been forwarded to tonight's meeting from a regular meeting of the Planning Committee held earlier in the day.

MOVED by Alderman O'Malley, seconded by Alderman Fitzgerald that, as recommended by the Planning Committee, a public hearing be scheduled to consider the rezoning of 3656 High Street/6095 Normandy Drive from R-2 (General Residential) Zone to P (Park and Institutional), as shown on Plan No. P200/19508 of Case 6800.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 8 DECEMBER 1993 at 7:30 p.m.** in the Council Chamber, City Hall.

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**Provincial Construction Agreement No. 48  
- Bedford Highway (Bayview Road - Tremont Drive)**

This matter had been forwarded from a regular meeting of the Committee on Works held earlier in the day.

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

- (1) approve Construction Agreement No. 48 with the Nova Scotia Department of Transportation and Communications for the Bedford Highway between Bayview Road and Sherbrooke Drive; and
- (2) authorize Her Worship the Mayor and the City Clerk to sign this Agreement on behalf of the City.

The motion was put and passed.

**Award of Tender #93-156:  
Needham Centre Air Handling Retrofit**

This matter had been forwarded from a regular meeting of the Committee on Works held earlier in the day.

MOVED by Alderman O'Malley, seconded by Alderman Stone that, as recommended by the Committee on Works:

- (1) City Council be granted the authority to award Tender #93-156 to **Western Plumbing & Heating Limited** at a bid price of \$263,101.00 (including taxes) and a total project cost of \$290,000.00; and
- (2) City Council authorize a transfer of \$42,000.00 from Capital Account #97058 to Capital Account #97060.

The motion was put and passed.

**Award of Tender #93-208:  
Two (2) 1994 Cargo Mini-Vans**

This matter had been forwarded from a regular meeting of the Finance and Executive Committee held earlier in the day.

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

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Committee, authority be granted to place Tender #93-208 (two 1994 Cargo Mini-Vans) with **Taylor Lincoln Mercury Sales Limited**, the lowest bidder meeting specifications, in the amount of \$34,059.00 (funds to be made available from Account Number 26104.8300.80001, titled "Motor Equipment Asset - Equipment Reserve - Vehicles, Halifax Police Department").

The motion was put and passed.

**George Cuff Report**

Following is the recommendation from a meeting of the Finance and Executive Committee held earlier in the day:

That the tabling of the report prepared by George B. Cuff and Associates Limited be deferred until such time as a new City Manager has been appointed, but that, in the interim, a committee representing both Council and management be selected to review the consultant's recommendations and to make a determination as to how best those objectives are to be achieved.

Alderman Fitzgerald addressed Council to advise that he could not support the addition of this item to tonight's agenda, believing as he did that the matter requires further debate. The Alderman further suggested that it would be helpful to receive a copy of the consultant's terms of reference as well as an indication of the changes (if any) that were made before the report was completed.

It was therefore agreed that the matter be forwarded to the next regular meeting of Halifax City Council (scheduled for Thursday, 25 November 1993) for further consideration.

**Legislation - Municipal Finance Corporation**

This matter had been forwarded from a regular meeting of the Finance and Executive Committee held earlier in the day.

MOVED by Alderman Fitzgerald, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, staff be authorized to make representation to the Law Amendments Committee against the

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Bill pertaining to the Nova Scotia Municipal Finance Corporation.

The motion was put and passed.

**Recommendations - Tax Concessions and Grants Committee**

This matter had been forwarded from a regular meeting of the Finance and Executive Committee held earlier in the day.

MOVED by Alderman Meagher, seconded by Alderman O'Malley that, as recommended by the Finance and Executive Committee, the following grants be awarded:

CULTURAL

Atlantic Fringe Festival . . . . .	\$ 2,000.00
Atlantic Jazz Festival . . . . .	1,000.00
Chebucto Symphony Orchestra . . . . .	200.00
Multicultural Association . . . . .	2,000.00
Scotia Festival of Music . . . . .	1,000.00

MISCELLANEOUS

Merchant Navy Memorial . . . . .	\$ 500.00
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SOCIAL SERVICES

Chebucto Seniors Club . . . . .	\$ 2,500.00
Uniacke Square . . . . .	500.00

The motion was put and passed.

**PUBLIC HEARINGS**

**Public Hearing Re: Case No. 6865 - Appeal of  
Minor Variance Refusal - 215 Melrose Avenue**

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

Mr. Paul Dunphy, a Planner with the City's Development and Planning Department, briefly reviewed the staff report of 21 October and the circumstances which resulted in the Development Officer's decision to refuse the request for a minor variance at 215 Melrose Avenue.

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Using a diagram to illustrate the specifics of the application, Mr. Dunphy advised that while staff concur that the requested variance is indeed minor in nature, there are other factors which must be considered, one being that a variance would not have been necessary if the addition had been constructed parallel to the existing building or to the side lot line. It was also noted that, because construction had been commenced prior to the necessary permits being issued, there appeared to be an intentional disregard for the requirements of the City's Land Use Bylaw.

Mr. Tom Emodi, the applicant in question, briefly addressed Council and submitted eight (8) letters of support from those residents of Melrose and Sunnybrae Avenues who stand to be directly affected by the proposed addition at 215 Melrose. Mr. Emodi apologized for the fact that construction of this addition had proceeded without the appropriate permits, but emphasized that this situation was a result of an unfortunate misunderstanding between himself and his contractor.

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

Noting that no written or verbal opposition has been received regarding this application, it was moved by Alderman Jeffrey, seconded by Alderman Fitzgerald that the decision of the Development Officer be overturned, and that the appeal regarding the request for a minor variance at 215 Melrose Avenue be granted.

The motion was put and passed.

**Public Hearing Re: Appeal of Minor  
Variance Refusal - 6230 Willow Street**

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

Mr. J. Gary Porter of the City's Development and Planning Department briefly reviewed the staff report of 21 October and the circumstances which resulted in the Development Officer's decision to refuse the request for a minor variance at 6230 Willow Street.

In his remarks, Mr. Porter advised that, in staff's opinion, the requested variances were not of a minor nature involving a lot frontage of 33 feet (where 50' is required); a lot area of 3,300 square feet (where 5,000



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square feet is necessary); and a side yard of 1.3 feet (where a side yard of at least 5 feet is required by the Land Use Bylaw). In addition, the difficulty which is characteristic of the property located at 6230 Willow Street is considered to be common to this part of the City. Given this assessment, therefore, Mr. Porter noted that the Development Officer had no choice but to refuse the request for a minor variance at this address.

Mr. Gordon Bradley, a resident of 16 Birchview Drive, addressed Council on behalf of his sister, Ms. Faye A. Bradley, the owner of the property in question.

In his remarks, Mr. Bradley advised that the house at 6230 Willow Street has been in his family for over 70 years, adding that his sister merely wished to make certain changes (in the form of an addition to the structure's second-storey) that would add to her greater comfort and enjoyment of the property in the years to come. Mr. Bradley went on to point out that the plans for the proposed addition have been discussed with residents of the immediate neighborhood and that, to his knowledge, no opposition has been voiced. He also made reference to one of the objectives of the City's Municipal Development Plan, that being to encourage residential development through retention and rehabilitation compatible with surrounding neighborhoods. Mr. Bradley indicated that, in his view and that of his sister, the proposed addition is consistent with that objective.

Ms. Marian Kierans, a resident of 6236 Willow Street (directly next door to the property in question), briefly addressed Council in support of the Ms. Bradley's application. Having carefully examined the plans for the Bradley project, Ms. Kierans advised that she is now of the opinion that there will be no negative impacts on her own property and that, generally speaking, the addition to 6230 Willow Street will be a "most creditable" one for the neighborhood.

Ms. Donna Smith, a resident of 6216 Willow Street, also addressed Council in favor of the application. In her remarks, Ms. Smith commended the appellant's previous contributions to the residential nature of Willow Street, and pointed out that Ms. Bradley's property is itself consistently well-maintained. She therefore urged that Council support Ms. Bradley's application for the required minor variance.

Noting that no objections have been received with regard to this application, it was moved by Alderman Meagher, seconded by Alderman Jeffrey that the decision of the Development Officer be overturned, and that the appeal

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regarding the request for a minor variance at 6230 Willow Street be granted.

The motion was put and passed.

**Public Hearing Re: Case No. 6523  
- Development Agreement, 20 Dawn Street**

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

The following documentation was submitted:-

- Staff report, dated 3 July 1992 and entitled "Development Agreement - 20 Dawn Street"
- Report, dated 8 June 1993 and entitled "Implementation Policy 3.14," received from Dr. P. Pacey, Chairman, Planning Advisory Committee
- Supplementary staff report, dated 17 June 1993 and titled "Implementation Policy 3.14"
- Staff report, dated 29 June 1993 and entitled "Implementation Policy 3.14"
- Supplementary staff report, dated 30 June 1993 and entitled "Implementation Policy 3.14"
- Supplementary staff report, dated 11 August 1993 and entitled "Development Agreement - 20 Dawn Street"
- Supplementary staff report, dated 29 September 1993 and entitled "Development Agreement - 20 Dawn Street"
- Supplementary staff report, dated 8 October 1993 and entitled "Development Agreement - 20 Dawn Street"

Mr. J. Gary Porter of the City's Development and Planning Department provided members of Council with a brief overview of the application for a development agreement at 20 Dawn Street which is being requested in order to legalize a roof addition constructed in 1991 without the necessary permits.

In his remarks, Mr. Porter made reference to the staff report of 3 July 1992 in which staff recommends refusal of the application. He went on to point out that,

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according to Clause (3)(ii) of Implementation Policy 3.14, an addition to a building containing a non-conforming use can be no higher than is permitted in that zone (35 feet in the case of the Dawn Street property) **unless** there are specific benefits to the neighborhood. Mr. Porter advised that, when construction was completed, the roof in question measured approximately 46 feet in height with no benefits being readily apparent.

Mr. Porter noted that, at this point, Council had referred the matter to the Planning Advisory Committee who, in turn, developed various guidelines as to how "benefits to the neighborhood" could be interpreted when referencing Implementation Policy 3.14. The Dawn Street application was subsequently reviewed against these newly adopted guidelines and, as a result of the applicant's willingness to make certain visual improvements to the property, is now being recommended for Council's approval.

Responding to a question from Alderman Stone, Mr. Porter with the use of a site plan and other diagrams described the kinds of landscaping and other improvements the applicant is proposing to make to his property. It was emphasized that, according to the proposed development agreement, all landscaping improvements must be carried out "to the satisfaction of the Development Officer."

Mr. Leo Tsmiklis, the owner of the property in question, briefly addressed Council to apologize for his actions in causing the roof at 20 Dawn Street to be constructed without the necessary permits and emphasized that he was more than willing to do what he could to satisfy Council's concerns with regard to his application.

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

Alderman Jeffrey indicated that, in his opinion, an acceptable compromise has been reached between staff and Mr. Tsmiklis, and therefore MOVED, seconded by Alderman Stone that the application for a development agreement to permit a new roof structure at 20 Dawn Street be approved by Halifax City Council.

The motion was put and passed.

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Public Hearing Re: Case No. 6755,  
Development Agreement - 5969 College Street

Mr. Dan Norris, Heritage Planner, briefly overviewed the staff report dated 12 October 1993 pertaining to the application for a development agreement at Civic No. 5969 College Street. The purpose of this agreement is to allow the conversion of the College Street property to a five-unit apartment building complete with four office units, and to permit the construction of an addition to the rear of the existing building to contain eight family-type dwelling units.

Mr. Norris began his remarks by pointing out that the structure in question, because of its Queen Anne style of architecture, has been registered as a heritage property. He went on to emphasize, however, that the application for a development agreement proposes a number of measures designed to protect the integrity of this building and, in fact, to **enhance** its architectural value through various improvements such as repairs to the front porch, and the front and side facades. It was also noted that the proposed addition will be placed at the rear of the existing building and will be of a design in keeping with the building's Queen Anne style.

Using plans and diagrams of the site in question, Mr. Norris noted that, in staff's view, the proposed changes will have a minimal impact on the surrounding area, and added that the application is also consistent with both City-wide Heritage policies and those contained in the Peninsula Centre Area Plan. In this same context, it was pointed out that the Heritage Advisory Committee has discussed this proposal on several occasions and has recommended approval.

Mr. Austin Park of 6332 Edinburgh Street (representing the applicant, Greystone Developments Limited) briefly addressed Council in support of the application.

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

MOVED by Alderman Fitzgerald, seconded by  
Alderman Downey that:

- (1) City Council approve the application for the internal conversion of the existing registered heritage building located at 5969 College Street to permit five residential units and four office units;

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- (2) City Council approve the substantial alteration of the existing registered heritage building through the construction of an eight-unit residential addition.

The motion was put and passed.

**Public Hearing Re: Case No. 6766,  
Development Agreement - 2046 Robie Street**

Mr. J. Michael Hanusiak, Planner II with the City's Development and Planning Department, briefly overviewed the application for a development agreement involving the property at 2046 Robie Street. The purpose of this application is to permit the land in question, which is currently vacant, to be paved and utilized as a parking lot in association with Cruikshank's Funeral Home.

Mr. Hanusiak began his remarks by observing that the property under consideration is located on the west side of Robie Street between Quinpool Road and Welsford Street, and is approximately 34 feet wide x 100 feet deep. He went on to point out that this is, in fact, the second application submitted to Council pertaining to the Robie Street site, the first having been rejected in 1991. Mr. Hanusiak emphasized, however, that in that first instance the application had been reviewed by staff who used as a basis the City-wide policies of the Municipal Development Plan. Since that time, the Peninsula North Secondary Planning Strategy has been adopted by Council, a document which specifically identifies the site at 2046 Robie Street and which provides criteria for its development as a parking lot. In this context, Mr. Hanusiak made reference to the fact that, according to those criteria, the parking lot must be "stabilized" using either asphalt or concrete surfacing. Furthermore, no signs (other than those of a directional nature) can be erected on the site and all illumination of the lot must be directed away from abutting residential properties. Fencing must be a minimum of 5 feet in height and opaque in nature, and appropriate landscaping must also be provided.

Referring to the contents of the 6 October 1993 staff report, Mr. Hanusiak pointed out that while the actual configuration of the parking spaces cannot be determined until the paving is completed, it is estimated that the finished lot will hold approximately 30 parking spaces. He went on to note that there is also a proposal to install a five foot high plank fence across the rear of the property as well as a fence to run along a portion of



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the north property line abutting the residential property next door.

Mr. Hanusiak further noted that during the summer months he had met with the abutting property owners to the north of the parking lot. It had been indicated to him at that time that there is a desire to maintain the existing fence "as is" so that the amount of sunlight which is normally characteristic of the neighbors' back yard is not tampered with (Mr. Hanusiak advised that this concern had been conveyed to the developer who has no problem in acceding to the request).

It was further noted that for the last several years the abutting property owners have been using a small strip of land (located approximately 1.5 feet from the lot's north property line and originally the site of a house) as part of their driveway. Mr. Hanusiak advised that the applicant is proposing to adapt the fence planned for this particular section of his property so that the arrangement might continue. He added that, should there be some change in the design of the fence to accommodate additional parking on the site by the next-door neighbor, staff would consider it to be a "minor" modification to the agreement and would therefore have no difficulty implementing it if the two parties were able to reach a mutual agreement in this respect.

Mr. Donald Flynn, a resident of 3499 Connolly Street and representing Independent Funeral Services Inc., briefly addressed Council. In his remarks, Mr. Flynn made reference to the continued use by his next-door neighbors of the small strip of land adjacent to the lot's north property line, and emphasized that if these individuals wished to acquire title to that portion of land, no objection would be raised by his company.

Mr. Ronald Burton, the owner of the residential property directly to the north of the lot in question, addressed Council to speak in opposition to the application. In his remarks, Mr. Burton made reference to his past relationship with the owners of the funeral home and questioned whether this relationship is likely to improve if Council votes in support of the proposed development agreement. In this context, Mr. Burton referred to Mr. Flynn's assertion that he is prepared to give the Burtons title to the strip of land which they have been using as part of their driveway for the last several years. He emphasized that this is the first indication of the offer he has heard, despite a number of letters and conversations with Mr. Flynn in this regard. Mr. Burton went on to point out that, in his view, because this portion of land has been used as a driveway for almost 100

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years, it now constitutes a "right-of-way by usage" and should therefore be dealt with as such.

Mr. Burton advised that, with the demolition several years ago of the house next door, his is now the only single-family dwelling on this portion of Robie Street. Emphasizing that he has invested a considerable amount of money in renovating his property, he pointed out that he is therefore less than happy with the thought of living directly adjacent to a parking lot, particularly given the problems that have arisen in the past. As an example, Mr. Burton referred to the fact that the lighting which presently exists on the lot is not what he would term "unobtrusive," going off and on throughout the night in an unpredictable fashion. He further pointed to the fact that for the last several winters the snow from this lot has been piled (some 15-20 feet high) next to his rear fence with the result that there has been considerable run-off into the Burtons' back yard. Mr. Burton also expressed concern that the plans for the proposed lot appear to require that a tree be cut down in order to make way for a driveway, and, on final note, brought to Council's attention that the site is already being used as a parking lot despite the fact that official permission from the City has not yet been granted.

Responding to a question from the Chairman, Mr. Hanusiak advised that the tree to which Mr. Burton referred is, in fact, on City property. He added, however, that the City's Engineering and Works Department is currently working on plans to position both the lot's driveway and a required fire hydrant so that, if at all possible, the tree can be preserved.

Referring to Mr. Burton's concern relating to surface run-off, Mr. Hanusiak noted that all drainage from the proposed parking lot will travel toward the center of the site to a catch basin leading to the storm sewer on Robie Street (as outlined in the 6 October staff report), and emphasized that there is no intention of allowing this run-off to be purposefully directed toward the abutting residential property.

Mr. Hanusiak concluded his remarks by emphasizing that the owners of the funeral home have indicated to staff that they respect the historical use of the strip of land by the next-door neighbors and have no interest in interfering with this arrangement.

There were no further persons wishing to address Council in this regard.

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It was moved by Alderman Meagher, seconded by Alderman Jeffrey that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 25 November 1993.

The motion was put and passed.

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

**Public Hearing Re: Case No. 6754 -  
Schedule "G" Development Agreement -  
Corner of Lower Water Street and Bishop Street**

Mr. Paul Dunphy, a Planner with the City's Development and Planning Department, briefly overviewed the contents of the 23 September 1993 staff report pertaining to the application for a development agreement at the corner of Lower Water Street and Bishop Street to permit construction of an 81-unit apartment building.

In his remarks, Mr. Dunphy noted that, given the location of the site in question relative to the City's Waterfront Development Area, staff have relied on the "Waterfront" policies of the Municipal Planning Strategy to provide the primary guidance in reviewing the application. He went on to note that while the MPS encourages mixed-use development throughout the waterfront area, it has been accepted that, in the southern portion where this property is located, **residential** uses should be predominant. It was further indicated that while such residential development can be combined with commercial components, the structures should be no higher than four storeys and the commercial uses should be located at ground level in order to generate pedestrian movement and interest.

Mr. Dunphy advised that having completed their assessment, staff are of the opinion that the proposed development conforms with the MPS's principal intent of encouraging residential development in this area of the waterfront. Furthermore, it is suggested that construction of this building may serve to encourage additional development in a part of the City where there has been no residential construction since 1985. Mr. Dunphy concluded his remarks by indicating that the application appears to be consistent with the objectives and policies of the Municipal Planning Strategy in terms of building form and scale, facade, land use and pedestrian environment, and is therefore being recommended for approval.

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Mr. Peter Ryan, President of Realco Management Limited, advised that, as the prospective owner of the property under discussion, he was available to respond to any questions members of Council might have pertaining to the application. Mr. Ryan went on to introduce his architect, Mr. Paul Skerry, who indicated that he too was available to provide additional information, if required.

Responding to a question from Alderman Downey, Mr. Skerry noted that, at this point in time, it is intended that the building consist of a variety of **rental** units; he went on to point out, however, that, should market conditions improve, consideration could also be given to re-establishing those units as condominiums.

With reference to a question from Alderman Fitzgerald, Mr. Ryan advised that some time ago he had written to the President of the Condominium Corporation for Waterfront Place advising that Realco was in the process of purchasing this property and outlining their plans for development. Mr. Ryan emphasized that, although he had issued an invitation to members of the Corporation to meet with Realco representatives on an informal basis and to discuss mutual concerns, he had received no response to his letter. Furthermore, he noted that there had been no response to a similar letter which had been forwarded to the President of the Downtown Residents Association.

In this same context the City Clerk advised that only one letter regarding this project had been received, that being correspondence dated 28 October 1993 from Mr. Alan V. Parish of Green Parish, Barristers and Solicitors.

Mr. Gary Foshay, a resident of 1346 Hollis Street, addressed Council to indicate that, despite the lack of response to Mr. Ryan's letters, there was what he termed "a considerable amount of concern" regarding this project throughout the Hollis Street neighborhood, most of it pertaining to the scale and density of the proposed development.

In his remarks, Mr. Foshay emphasized that while most property owners welcome the prospect of additional residential development in this sector of the City's downtown, many are equally concerned that this development be compatible with the existing neighborhood. In this context, he made reference to the fact that staff have used Waterfront Place as a "benchmark" in their review of the Realco application. Mr. Foshay took exception to the use of this building as a point of reference, emphasizing that the majority of residential structures in this neighborhood are Georgian in design and have, in fact, been registered as heritage properties. He therefore suggested that



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greater attention should have been paid to the scale and design of **those** buildings, rather than to those of Waterfront Place which he described as the "single sore thumb" in the Hollis/Lower Water Street neighborhood.

Mr. Foshay went on to point out that, not only will the Realco project be incompatible in terms of scale and design, it will also effectively "block off" the view to and from the Harbor. He suggested that residents of the low-rise heritage buildings in this neighborhood are finding themselves being systematically "boxed in" by new development and, in this context, made reference not only to Waterfront Place but also to the large-scale Metledge project which was approved by City Council in 1992.

Mr. Foshay reiterated that while residents of this area would very much like to see additional residential development in their neighborhood, they feel it should be restricted to four storeys so that it is more in keeping with the heritage character of the surrounding buildings. With specific regard to the Realco project, he pointed out that there would appear to be a considerable number of bachelor units proposed for the building and noted that, in order to attract families and others more likely to remain in the community on a long-term basis, there should be greater emphasis on the inclusion of two- or three-bedroom units.

Mr. Foshay concluded his remarks by bringing to Council's attention that owners of many of the older properties in this neighborhood have spent considerable time and effort in trying to restore and maintain them as heritage structures. He went on to suggest that, by recommending approval of the Realco project in its present form, staff appear to have waived the objectives and policies of the Municipal Development Plan and have furthermore jeopardized the preservation of the heritage character of this neighborhood. Mr. Foshay therefore urged Council to consider the heritage nature of this section of the City and to require that the project be downsized before granting its approval.

Ms. Ann Campbell, a resident of Waterfront Place, briefly addressed Council. In her remarks, Ms. Campbell expressed the view that certain "rules and regulations" had been waived by the City in order to allow the construction of Waterfront Place to proceed. She went on to emphasize that, while she would prefer to see the lot under discussion developed, she did not think that Council should continue to waive its policies so that high-rise buildings of this nature are continuously added to this neighborhood.



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Pointing out that the City of Halifax is the current owner of the property in question, Alderman Fitzgerald suggested that if the selling price were lowered, the developer might be able to afford to reduce the height of his proposed building.

Ms. Rose Phillips, another resident of Waterfront Place, concurred with comments made by the previous speakers in that while she would very much like to see the site in question developed, she would prefer it to be at a maximum of four storeys. Ms. Phillips went on to express concern that if Waterfront Place is continued to be used as a benchmark for future development, the waterfront will eventually be blocked from view.

Ms. Barbara Kennedy, a resident of 1348 Hollis Street, advised that she had purchased her property over a year ago in the hope that the heritage character of the surrounding neighborhood would be preserved. Concurring with the concerns put forward by the previous speakers, Ms. Kennedy emphasized that, in her view, it would be inappropriate to use the scale and density of Waterfront Place as a benchmark for new development in this sector of the City's downtown core, particularly given its scale and design as compared to that of the surrounding heritage structures.

Ms. Mary Steckling, a resident of 1346 Hollis Street, made reference to a project previously proposed for the Hollis Street area, pointing out that, despite the fact that Council had approved construction some time ago, work has not progressed beyond the excavation stage. Ms. Steckling expressed concern that, should the Realco project ultimately be approved, the same situation might develop on the Lower Water/Bishop Street site.

Alderman Downey referred to the suggestions put forward by the speakers with regard to the need to downsize the proposed development and asked for clarification from Mr. Dunphy as to why staff had recommended support of an eight-storey building.

In his remarks, Mr. Dunphy pointed out that many of the policies contained in the Municipal Development Plan, and in particular those pertaining to that area of the City under discussion, have been phrased in such a way as to generate debate during the decision-making process. As an example, he made reference to those policies which clearly indicate intent through the use of "shall," compared to those (by which staff were guided in this particular instance) which merely provide guidance through the use of "should." Mr. Dunphy stated that, under the circumstances, staff's recommendation does not constitute a

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violation of Plan policies and that it is Council's responsibility to decide, through public input and debate, the most appropriate approach to take.

There being no further persons wishing to address Council in this regard, it was moved by Alderman Downey, seconded by Alderman Hanson that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 25 November 1993.

Alderman Fitzgerald asked that the concerns put forward during these evening's public hearing be addressed in a supplementary staff report.

The motion was put and passed.

There being no further business to be discussed, the meeting was adjourned at approximately 9:35 p.m.

DEPUTY MAYOR PAT POTTIE  
CHAIRMAN

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**HEADLINES**

**ADDED ITEMS**

Case No. 6800: Rezoning - R-2 (General Residential) to P (Park and Institutional), 3656 High Street and 6095 Normandy Drive (SET DATE FOR PUBLIC HEARING) .....	805
Provincial Construction Agreement No. 48 - Bedford Highway (Bayview Road - Tremont Drive) .....	806
Award of Tender #93-156: Needham Centre Air Handling Retrofit .....	806
Award of Tender #93-208: Two (2) 1994 Cargo Mini-Vans .....	806
George Cuff Report .....	807

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**HEADLINES (CONT'D)**

Legislation - Municipal Finance Corporation ..... 807

Recommendations - Tax Concessions and  
Grants Committee ..... 808

**PUBLIC HEARINGS**

Public Hearing Re: Case No. 6865 -  
Appeal of Minor Variance Refusal -  
215 Melrose Avenue ..... 808

Public Hearing Re: Appeal of Minor  
Variance Refusal - 6230 Willow Street ..... 809

Public Hearing Re: Case No. 6523  
- Development Agreement, 20 Dawn Street ..... 811

Public Hearing Re: Case No. 6755,  
Development Agreement - 5969 College Street ..... 813

Public Hearing Re: Case No. 6766,  
Development Agreement - 2046 Robie Street ..... 814

Public Hearing Re: Case No. 6754 -  
Schedule "G" Development Agreement - Corner  
of Lower Water Street and Bishop Street ..... 817

# HALIFAX CITY COUNCIL MINUTES

Council Chamber  
Halifax City Hall  
25 November 1993  
8:00 P.M.

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

The meeting opened with members of Council, led by Her Worship Mayor Ducharme, joining in the recitation of the Lord's Prayer.

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

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

## Council's Condolences

Prior to the start of the meeting, on behalf of City Council Her Worship offered condolences to Margaret Soley and Jackie Doyle, employees of the City Clerk's office, on the death of their fathers, and to Mrs. Nancy McFetridge, an employee with the City's Purchasing Division, on the death of her husband.

## MINUTES

The Minutes of the last regular meeting of Halifax City Council, held on Tuesday, 9 November 1993 and the Special Meeting of Halifax City Council, held on Wednesday, 20 October 1993 were approved as circulated on a motion by Alderman O'Malley, seconded by Alderman Fitzgerald.

## APPROVAL OF THE ORDER OF BUSINESS ADDITIONS AND DELETIONS

The City Clerk advised that an amended agenda had been circulated which included:

- 2.2 Appointment of City Manager
- 10.17 George Cuff Report

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

**20.1 Civic Hospital**

**20.2 Case No. 6775: Development Agreement,  
Schedule "Q" - 6116 Almon Street - Set Date  
for Public Hearing.**

Alderman Adams advised that he had a request from a gentleman in the public gallery this evening to add the item, "Finalization of Restitution for Park Projects Limited - Mr. Robert E. Nolan."

Mr. Barry Allen, Acting City Solicitor, advised that this matter involves an issue which is now in litigation between Park Projects Limited and the City of Halifax and, under the circumstances, it would not be appropriate to have a discussion on the matter this evening.

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

**20.3 Special Meeting to Deal with Information  
Report on Budget**

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

**20.4 Monastery Lane - City Solicitor Report**

**20.5 Bed and Breakfasts - R-1 Zones**

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

**Proclamation - Day of Reflection - 6 December 1993**

Her Worship advised that on 6 December 1993, City Council will recognize a national day of remembrance in regards to the 14 women who were killed at the University of Montreal on 6 December 1989. She added that it is a date when Council will renew its goal of creating a safe environment for everyone in the City.

**Appointment of City Manager**

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



MOVED by Deputy Mayor Pottie, seconded by Alderman O'Malley that Mr. Barry Coopersmith be appointed to the position of City Manager, effective 4 January 1994, according to the terms of the contract approved by City Council on 25 November 1993.

Alderman Downey indicated that although he supported the new City Manager, he could not support the motion because the salary was higher than that of the previous City Manager.

Motion carried.

Her Worship advised that City Council looks forward to welcoming Mr. Coopersmith and his family, and she indicated that in a short time a press release would be issued on the appointment.

DEFERRED ITEMS

Case No. 6766: Development Agreement - 2046 Robie Street

A public hearing on this matter was held on 17 November 1993.

Alderman Meagher indicated that he was prepared to move a motion supporting the staff recommendation, however he noted that there were some concerns which were expressed by the next door neighbour that he hoped could be worked out between the applicant and the neighbour.

MOVED by Alderman Meagher, seconded by Alderman O'Malley that:

1. City Council enter into a development agreement to permit construction of an at-grade parking lot at 2046 Robie Street, provided the development is substantially in accordance with Plan No. P200/19631 of Case 6766.
2. Council requires that the agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

In moving the motion, Alderman Meagher noted that there were several items which were of concern to him but are

addressed in the agreement. He advised that the parking lot will be paved in such a way that there will be proper drainage; there are to be no other signs placed on the parking lot except for "exit and entrance" signs; lighting is to be directed away from the next door property and shine on the parking lot; every effort will be made to save the tree located in the front of the property; the property along the Robie Street side is to be landscaped in keeping with the rest of the property; 1 1/2 ft. of the property will be given to the next door neighbour for their continued use; and a fence will be erected between the parking lot and the residential property.

Alderman Jeffrey expressed concern about Alderman Meagher's comment that the applicant will be required to give the abutter 1 1/2 ft. of property, and added that he felt Council should not be involved in including this aspect in an agreement. He indicated that he was prepared to move an amendment that this aspect be deleted from the agreement.

A discussion ensued with Mr. Michael Hanusiak, Planner II, responding to questions from Council.

In response to Alderman Jeffrey's concern, Mr. Hanusiak advised that a 1.1 ft. strip of land is claimed by the next door neighbour, not in terms of ownership, but as historical use. He explained that to ensure there is leeway the applicant has indicated that he will set the fence back 1.5 ft. from their (abutter) property line. Mr. Hanusiak noted that the applicant is not giving up the title of the property, and that his intention is to perpetuate the next door neighbour's historical use of this land.

Alderman Stone advised that he supported the motion however there were a couple of items of concern which Alderman Meagher did not point out and which he felt should be raised. Alderman Stone noted that the staff report recommends that a type of security be installed so the lot is prevented from being used after 10:00 p.m.. Secondly, Alderman Stone noted that the abutter had some concern about the snow being piled against the fence, and he added that he hoped that if there is snowplowing that it would not be piled against the fence.

For clarification on the motion, Alderman Meagher made reference to Sketch 3 of the 6 October 1993 staff report and advised that the sketch has addressed the concerns he raised, and pointed out that the items will be carried out as they pertain to the agreement.

The City Clerk advised that Her Worship Mayor Ducharme, Alderman Holland, and Alderman Adams were not in attendance at the public hearing and therefore were ineligible to vote.

Following further discussion, the motion was carried with Alderman Holland and Alderman Adams abstaining.

**Case No. 6754: Schedule "G" Development Agreement for  
81 Unit Apartment Building - Corner of Lower Water Street  
and Bishop Street**

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A public hearing on this matter was held on Wednesday, 17 November 1993.

Alderman Downey addressed the matter and advised that he was prepared to move approval of the development agreement subject to agreement by the developer to reduce the development by two storeys on the Lower Water Street level, which he noted will be coming back to Council in a supplementary report. Alderman Downey explained that at the public hearing, residents expressed concern about the height of the building and he added that the developer has been in consultation with staff in an attempt to accommodate the residents concerns.

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that:

1. City Council enter into a development agreement with Realco Management Ltd. to permit construction of an apartment building with ground floor commercial space at the southwest corner of Lower Water and Bishop Streets, **subject to a report from staff concerning the reduction of two storeys on the Lower Water Street Level.**
2. Council requires that the development agreement shall be signed with 120 days, or any extension thereof granted by Council on request of the applicant, from the date of approval by Halifax City Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

Deputy Mayor Pottie pointed out that Council does not have the information regarding costs associated with reducing the development by two storeys and he advised that he did not think Council should be approving this at this time without a full report from the Acting City Manager and therefore, he suggested that it be deferred.

The Acting City Manager advised that since the value of the land is based upon the development potential of

the land and, if the utility is reduced by approximately 25%, then the value of the land will be reduced by 25%. He added that he believed it would be a relevant factor for Council to know what the value of the land is and, in this regard, he advised that staff could come forward with a report soon.

A discussion ensued and it was MOVED by Deputy Mayor Pottie, seconded by Alderman Fitzgerald that this matter be deferred to the Wednesday, 8 December 1993 Committee of the Whole meeting.

The motion to defer was carried.

MOTIONS OF RESCISSION

Motion - Alderman Meagher - Rescission of Council  
Resolution of October 28, 1993, Re: 6275-6277  
Duncan Street

Alderman Meagher gave Notice of Motion on this matter at the Tuesday, 9 November 1993 meeting of City Council.

A private and confidential information report dated 23 November 1993 was submitted.

A letter dated 10 November 1993 from Clare M. MacIntosh, 6291 Duncan Street, Halifax, N.S., B3L 1K4, was submitted.

In response to a question by Alderman Meagher, the Acting City Solicitor advised the Alderman that he could not proceed with his Motion of Rescission because, under the Planning Act, rights crystallize after certain events, one of which is after the approval of the development agreement when the appeal period expires. The Acting City Solicitor advised that the appeal period expired yesterday, so the rights crystallized and, therefore, Council cannot make a decision tonight that would change an earlier decision it made on this matter. The Acting City Solicitor noted that the approval was appealed to the Nova Scotia Utilities Review Board.

Alderman Meagher indicated his disappointment at not being able to proceed with this matter as he intended and suggested that when he raised this matter to place it on the agenda, he should have been informed at that time that there would be a problem. He added that, had he known this, he would have placed it on the Special City Council meeting held last week.

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The Acting City Solicitor advised that the appeal period begins from the date the ad is placed in the newspaper. He added that, at the last Council meeting, there was no way of knowing the date at which it would be placed in the newspaper, so it was impossible to predict the expiration date.

Council then proceeded with the next agenda item.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report from a meeting of its Finance and Executive Committee, held on Wednesday, 17 November 1993, as follows:

**Mayor's Advisory Committee to Promote the Arts**

MOVED by Deputy Mayor Pottie, seconded by Alderman Holland that, as recommended by the Finance and Executive Committee, the report from the Mayor's Advisory Committee to Promote the Arts be sent to the City Manager with a request that the Tourism Department and the Economic Development Task Force comment on the report and that it be returned to Council for a final decision.

Alderman Stone addressed the matter and advised that he could not support the motion. He indicated that the recommendations would only put additional strain on an already tight budget and he felt that the City could not afford what was being recommended. Alderman Stone suggested therefore that the report be tabled.

Alderman Fitzgerald advised that he had some concerns with the cost implications of the recommendations, adding that he did not think the City could afford these at this time. However, the Alderman indicated that the motion was too simply to obtain comments from the Tourism Department and Economic Development Task Force and he advised that he would be interested in their comments, particularly with respect to what City staff needs would be, and what would be the cost of an arts facility on the waterfront.

Following further discussion the motion was carried.

**Waste Management Review Committee**

MOVED by Alderman Fitzgerald, seconded by Alderman Adams that, as recommended by the Finance and Executive



Committee, staff bring forward recommendations for the formation of a Waste Management Advisory Committee.

Motion carried.

Neptune Theatre

A supplementary staff report dated 23 November 1993 was submitted.

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

1. Council support the implementation of Neptune Theatre's expansion proposals by taking the following actions:
  - (a) identify special grants to Neptune Theatre in the City's budget in the amount of \$250,000 in 1994-95, \$255,000 in 1995-96, and \$250,000 in 1996-97, all sums inclusive of relevant taxes, on condition that the provincial and federal governments make the full annual contributions requested of them by Neptune Theatre, as set out in the New Neptune Theatre Business Plan, dated August 1993, and specifically the tables attached to Section 5 of that document;
  - (b) undertake to transfer the City's ownership interest in the City Club property, 1580 Barrington Street and 1581 Argyle Street, to Neptune Theatre for the sum of one dollar, on condition that the Province similarly transfer its ownership interest and on the understanding that no action will be taken by the City until the proposed Section 203A of the City Charter comes into effect, and that conveyance of the property will only take place once construction is substantially underway; and
  - (c) make an advanced payment to Neptune Theatre of \$45,000 in January 1994, from the amount due by the City in 1994-95 under (a) above, on condition that a similar advanced payment be jointly made by the provincial and federal governments.
2. Council may review the commitments in (a) (b) and (c) above at any time if the nature of the proposal is

substantially changed from that approved by Council on 9 June 1993, or if the implementation schedule is substantially changed from that set out in the New Neptune Theatre Business Plan, dated August 1993.

A discussion ensued and Alderman Stone noted that, at the Committee of the Whole meeting, he raised the question as to whether the funding could be spread over a longer period of time. Referring to the submitted supplementary staff report, he advised that it indicates that this can be done and he advised that he would like to amend the motion so that the payments would be spread over a five year period and that the first year payment would be \$125,000, the second year would be \$175,000, and the remaining payments would be spread out equally over years three, four, and five and include the interest charges, which could be in the order of \$45,000 - \$50,000.

The Chairman ruled this amendment out of order noting that it was contrary to the motion. However, she advised that the intent of the amendment was to negotiate the timing of the special grants with other levels of government and Neptune Theatre, and she suggested that this would be an appropriate amendment, **to which it was agreed by the mover and seconder of the motion.**

With the consensus of Council, the motion was changed to read as follows:

1. Council support the implementation of Neptune Theatre's expansion proposals by taking the following actions:
  - (a) identify special grants to Neptune Theatre in the City's budget in the amount of \$250,000 in 1994-95, \$255,000 in 1995-96, and \$250,000 in 1996-97, all sums inclusive of relevant taxes, on condition that the provincial and federal governments make the full annual contributions requested of them by Neptune Theatre, as set out in the New Neptune Theatre Business Plan, dated August 1993, and specifically the tables attached to Section 5 of that document; **and that the timing of the special grants be negotiated with other levels of government and Neptune Theatre.**
  - (b) undertake to transfer the City's ownership interest in the City Club property, 1580 Barrington Street and 1581 Argyle Street, to Neptune Theatre for the sum of one dollar, on condition that the Province similarly transfer its ownership interest and on the understanding that no action will be taken by

the City until the proposed Section 203A of the City Charter comes into effect, and that conveyance of the property will only take place once construction is substantially underway; and

- (c) make an advanced payment to Neptune Theatre of \$45,000 in January 1994, from the amount due by the City in 1994-95 under (a) above, on condition that a similar advanced payment be jointly made by the provincial and federal governments.
2. Council may review the commitments in (a) (b) and (c) above at any time if the nature of the proposal is substantially changed from that approved by Council on 9 June 1993, or if the implementation schedule is substantially changed from that set out in the New Neptune Theatre Business Plan, dated August 1993.

Following a brief discussion, **the motion in its amended form was put and passed.**

#### Natal Day Committee - Terms of Reference

This matter was forwarded to Council without recommendation.

MOVED by Deputy Mayor Pottie, seconded by Alderman Holland that this matter be deferred to the next regular meeting of the Committee of the Whole, scheduled for Wednesday, 8 December 1993.

Motion carried.

#### Proposed Halifax Conventions and Meetings Bureau

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

- (1) \$75,000 be included in the Tourism Halifax 1994/95 operating budget as the City's contribution to the proposed Halifax Convention and Meetings Bureau;
- (2) staff undertake a review of the current funding support provided to the WTCC;

- (3) Tourism Halifax staff undertake discussions with the HCMB to ensure a tightly coordinated and efficient relationship.

Following a brief discussion, the motion was carried.

Limitation of Taxi Licenses - Terms of Reference

Alderman Jeffrey retired from the meeting.

MOVED by Alderman Adams, seconded by Deputy Mayor Pottie that, as recommended by the Finance and Executive Committee,

1. City Council approve the calling of Requests for Proposals in accordance with the Terms of Reference attached as Appendix "A" of the 12 November 1993 staff report.
2. letters be sent to the consultants listed in Appendix "B" of the 12 November 1993 staff report requesting them to submit Proposals and that the Request for Proposals also be advertised generally in the local press.
3. City staff, after analyzing the Proposals submitted, return to City Council with a recommendation in respect of the Consultant to be appointed.

Following a brief discussion, the motion was carried.

For information, Alderman Adams advised that the language tests in relation to the taxi school have been completed and he added that the date the school will commence is 6 December 1993 and will end on 15 December 1993.

Alderman Jeffrey returned to the meeting.

Cost Benefit Analysis - Halifax Business Park

This matter was forwarded to Council without recommendation.

A staff report dated 25 November 1993 was submitted.

A supplementary staff report dated 25 November 1993 was submitted.

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A letter dated 24 November 1993 signed by Mr. Gordon Pollock, Chair, Clayton Park Area Resident's Committee and James Vaughan, President, Halifax Homeowners' Association was submitted.

Alderman Adams addressed the issue and read from an executive summary, prepared by the Clayton Park Area Residents' Committee, which gave a descriptive definition of a cost benefit analysis.

Alderman Adams made reference to the staff report on the Halifax Business Park, Cost Benefit Analysis and suggested that it simply looks at one small aspect of the Industrial Commission and ignores the rest of the City of Halifax. Alderman Adams went on to advise that he had references which he would make available to staff and members of Council that provide an analysis and conclusion on this cost benefit analysis. He added that it suggests that a review of the document prepared by staff indicates that it is not an acceptable cost benefit analysis but rather a financial costing. In this regard, Alderman Adams advised that Council should conduct a comprehensive audit of the Halifax Industrial Commission.

In reviewing the benefits of conducting such an audit, Alderman Adams advised that it is the only way to clear the air and prove that the citizens of Halifax are being well served. He also suggested that once this information is available it can be applied to other parts of the City. In concluding his remarks, Alderman Adams advised that the Halifax and Clayton Park Homeowners' Associations have requested this audit, as well as a small group of taxpayers and he indicated that he was prepared to move a motion on the matter.

Her Worship suggested that prior to Alderman Adams making his motion, a motion should be made first in relation to the report on the cost benefit analysis.

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that the Cost Benefit Analysis - Halifax Business Park and outlined in the 17 November 1993 staff report be tabled.

Motion carried.

Alderman Adams noted that Council has the audited statements of the Industrial Commission and he indicated that they should be added to the next meeting of the Committee of the Whole in order that members of the public could have an opportunity to speak on the item.

MOVED by Alderman Adams, seconded by Alderman Jeffrey that the audited statements of the Halifax Industrial Commission be forwarded to the next regular meeting of the



Committee of the Whole for discussion; and further, that a call for expressions of interest and a call for proposals be issued for a comprehensive audit on the Industrial Commission of the City of Halifax.

Following a discussion the motion was put and defeated with five (5) members of Council voting for it and six (6) voting against it as follows:

FOR: Deputy Mayor Pottie, Alderman Meagher,  
Alderman O'Malley, Alderman Adams, and  
Alderman Jeffrey . . . . . (5)

AGAINST: Alderman Holland, Alderman Fitzgerald,  
Alderman Downey, Alderman Hanson,  
Alderman Crowley, and Alderman Stone . . . . . (6)

Multicultural Association of Nova Scotia

MOVED by Alderman Jeffrey, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, the request from the Multicultural Association of Nova Scotia be referred to staff for review and recommendation and that, as part of that review, staff also be asked to comment on an appropriate site for the "Celebration" event.

Motion carried.

At 10:40 p.m. Her Worship retired from the meeting and Deputy Mayor Pottie assumed the seat of the Chair.

Bay Road Shell - 53 St. Margaret's Bay Road

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

1. City Council approve the settlement of the claim by William Rye, owner and operator of Bay Road Shell at 53 St. Margaret's Bay Road in the total amount of \$38,000 plus interest at 6%, in full and final settlement of the claim of William Rye, Bay Road Shell, 53 St. Margaret's Bay Road; and that
2. the account of Coopers & Lybrand for their investigative and accounting assistance in the amount of \$8,560 be paid.

Motion carried.

Alderman Jeffrey retired from the meeting.

Resolution of the Municipality of the  
District of Lunenburg Re: "Bluenose"

MOVED by Alderman Fitzgerald, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, the resolution received from the Municipality of the District of Lunenburg pertaining to the "Bluenose" be tabled by Halifax City Council.

Motion carried.

Street Closure -  
Falkland Street and Brunswick Court

MOVED by Alderman Downey, seconded by Alderman Holland that, as recommended by the Finance and Executive Committee, a date for a public hearing be set in regards to closing a portion of Falkland Street and Brunswick Court as shown on Plan No. TT-49-31900.

Motion carried.

The City Clerk advised that the date for the public hearing is scheduled for **Wednesday, 5 January 1994, at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

Analysis of City Hall Office Proposals

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, Council appoint a board or panel of six individuals not involved in the Call for Proposals for New City Offices, who have respected financial expertise in the community, to work with City staff and City Council in arriving at the most beneficial conclusion to this issue.

Motion carried.

The Acting City Manager indicated that he had hoped to have the names of the six individuals available for this meeting; however, he added that he anticipated having the names in time for the Special City Council meeting **scheduled for Monday, 29 November 1993.**

Claim for Loss of Business -  
Video Adventures, 390 Herring Cove Road

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

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Committee, City Council approve the settlement of the claim of **Video Adventures Limited** at 390 Herring Cove Road in the total amount of \$9,235.00 plus interest at six percent per annum in full and final settlement of the claim of Video Adventures Limited.

The motion was put and passed.

**Yearly Meetings - Cancellations/Changes**

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

- (1) City Council reschedule the Committee of the Whole meeting of Wednesday, 8 June 1994, to **Wednesday, 1 June 1994** to avoid a conflict with the FCM Conference;
- (2) City Council reschedule the City Council meeting of Thursday, 30 June 1994 (the eve of Canada Day), to **Tuesday, 28 June 1994**;
- (3) City Council reschedule the Committee of the Whole meeting of Wednesday, 21 September 1994, to **Monday, 19 September 1994** to avoid the Sydney UNSM Conference which begins that day;
- (4) for future years, City Council **cancel** its first Committee of the Whole and Council meetings in **August** representing the traditional summer break, and the **last** Committee of the Whole and City Council meeting in **December** representing the traditional Christmas break; and
- (5) City staff, boards and commissions be informed of the foregoing changes and cancellations.

The motion was put and passed.

**Land Records Management Information (LRMI) Project**

MOVED by Alderman Fitzgerald, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, participation in the Land Records Management Information (LRMI) Project, as outlined in the staff report of 8 November 1993, be approved on the understanding that Council will be updated on cost implications as they become known.

The motion was put and passed.

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10:45 p.m. - Her Worship Mayor Ducharme returns to the meeting, with Deputy Mayor Pottie resuming his usual seat on Council.

**Waste Flow - Bill 74 and Representation  
to the Environmental Review Committee**

Her Worship advised that Bill 74 is still under discussion by the Metropolitan Authority, and added that she would be bringing a further report to City Council once that debate has been completed.

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

- (1) Halifax City Council seek an official explanation as to the method by which Bill 74 was submitted to the Nova Scotia Legislature; and that
- (2) the City of Halifax make representation to the Environmental Review Committee as an active participant.

The motion was put and passed.

**Report - George B. Cuff and Associates**

This matter had last been discussed during a Special Meeting of Halifax City Council held on Wednesday, 17 November 1993. The motion under discussion at that time (which had been forwarded from the 17 November meeting of the Finance and Executive Committee) was as follows:

That the tabling of the report prepared by George B. Cuff and Associates Limited be deferred until such time as a new City Manager has been appointed, but that, in the interim, a committee representing both Council and management be selected to review the consultant's recommendations and to make a determination as to how best those objectives are to be achieved.

MOVED by Deputy Mayor Pottie, seconded by Alderman Hanson that further consideration of the report received from George B. Cuff and Associates Limited be deferred until the arrival of the new City Manager on 4 January 1994.

Alderman Fitzgerald made reference to the suggestion put forward by Alderman Adams during the 17 November meeting; namely, that "a committee . . . be

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established to review the consultant's recommendations and to make a determination as to how best those objectives are to be achieved." The Alderman went on to emphasize that he continued to believe that a committee of this nature should be established immediately, and that the Cuff report be made public at this time.

The motion was put and passed with Alderman Fitzgerald voting in opposition.

**REPORT - COMMITTEE ON WORKS**

Council considered the report from a meeting of its Committee on Works, held on Wednesday, 17 November 1993, as follows:

**Appointment of Consultant -  
Leiblin Park Drainage Study**

MOVED by Alderman Adams, seconded by Alderman Hanson that, as recommended by the Committee on Works:

- (1) Council approve the appointment of **CBCL Limited** to undertake the Leiblin Park drainage study at an estimated cost of \$105,000.00 including all taxes;
- (2) payment to the consultant be approved from Capital Account No. 9140 - 94029, "Leiblin Park Storm Sewer;" and
- (3) Her Worship the Mayor and the City Clerk be authorized to sign the agreement with CBCL Limited on behalf of the City.

While speaking in support of the motion, Alderman Stone expressed concern that projects such as these, which involve the selection of a consultant, are not put out to tender, but are instead left to staff's discretion.

After some discussion, the motion was put and passed.

10:55 p.m. - Her Worship Mayor Ducharme retires from the meeting, with Deputy Mayor Pottie assuming the Chair.



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REPORT - COMMITTEE OF THE WHOLE COUNCIL,  
BOARDS AND COMMISSIONS

Introduction of Ordinance 187, the  
Ferry Ordinance (SECOND READING)

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 28 October 1993, and had also been considered during a meeting of the Finance and Executive Committee held on Wednesday, 17 November.

The Acting City Solicitor advised that the wording of the proposed ordinance, having been reviewed by the Metropolitan Authority, has now been forwarded to staff of the Department of Municipal Affairs for comment. Mr. Allen went on to suggest that the matter be deferred, so as to ensure that the wording of the final draft is mutually acceptable to all affected municipalities.

On the recommendation of the Acting City Solicitor, therefore, it was moved by Alderman Fitzgerald, seconded by Alderman Stone that the matter be deferred.

The motion was put and passed.

REPORT - PLANNING COMMITTEE

Council considered the report from a meeting of its Planning Committee, held on Wednesday, 17 November 1993, as follows:

Khyber Building, 1588 Barrington Street

MOVED by Alderman Downey, seconded by Alderman Hanson that, as recommended by the Planning Committee, staff take the necessary action to ensure the security and safety of the Khyber Building.

Alderman Fitzgerald made reference to a meeting of the Heritage Advisory Committee held earlier in the day at which time concerns were expressed regarding the proposal to sell the Khyber building, particularly the stipulation that no grants would be made available for the restoration of the exterior brickwork. The Alderman went on to emphasize that, in his opinion, such a clause represented a contradiction of City policy, and asked that the Acting City Manager comment as to a more appropriate way of addressing this matter.

Responding to a question from Alderman Fitzgerald, Mr. Simpson McLeod, Supervisor of the City's Real Estate

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Division, advised that, rather than boarding up the Khyber Building, staff have made arrangements with a local security firm to make regular inspections of the premises.

Alderman Fitzgerald applauded the use of security personnel, but questioned whether it would not be more cost-efficient over the long term to simply repair or replace the building's furnace and then rent the space out, thereby recouping the cost of repairs through rental payments.

Mr. McLeod advised that he would provide this information in the form of a supplementary report.

It was therefore moved by Alderman Fitzgerald, seconded by Alderman Downey that the matter be deferred to the next regular meeting of Committee of the Whole (scheduled for Wednesday, 8 December 1993), pending receipt of further information from staff and on the condition that the security arrangements now in place will remain until that time.

The motion to defer was put and passed.

**MISCELLANEOUS BUSINESS**

**Appointments**

A memorandum, dated 22 November 1993, was submitted from Her Worship Mayor Moira Ducharme.

MOVED by Alderman Downey, seconded by Alderman Holland that Ms. Elsie Fitzpatrick be appointed to the Advisory Committee on the Concerns of Aging (representing Ward 3) for a term to expire on 31 January 1996.

The motion was put and passed.

**Special Election - Ward 10**

A staff report, dated 17 November 1993, was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Hanson that a Special City Council meeting be called for MONDAY, 29 NOVEMBER 1993 at 4:00 p.m. for the purpose of setting a date for a Special Election, Ward 10.

The motion was put and passed.

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QUESTIONS

**Question Alderman Fitzgerald Re:  
Selection of New City Manager**

Alderman Fitzgerald asked to be provided with a breakdown of costs pertaining to the selection of the new City Manager.

**Question Alderman Fitzgerald Re:  
City of Halifax Crime Statistics**

Alderman Fitzgerald made reference to a recent (confidential) Information Report relating to crime statistics in the City of Halifax, and emphasized that almost every category shows a substantial improvement since 1991. Alderman Fitzgerald went on to point out that these statistics speak extremely well of the Halifax Police Department, and asked that his compliments be conveyed to the Chief and his officers on this achievement.

**Question Alderman Adams Re:  
City of Halifax Answering Service**

Alderman Adams made reference to a question raised during the 28 October meeting of Halifax City Council and to an Information Report, dated 9 November 1993, subsequently received.

In his remarks, the Alderman clarified that his question had actually been intended to seek information on the establishment of an after-hours answering service (not a mechanized system), whose operator could accept calls and take messages for the Aldermen's and/or Mayor's Office. Alderman Adams made reference to various of the answering services located locally, and suggested that, at an estimated cost of \$100.00 per month, the price is relatively low considering the service provided.

In this same context, the Alderman asked for information concerning the provision of general telephone number for City Hall which would operate 24 hours a day to provide callers with information and advice of a more general nature (for example, the appropriate City department to call for help with flooding problems).

Having clarified his objectives on these two points, the Alderman requested that a further staff report be submitted.

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**Question Alderman Holland Re:  
Use of Off-Duty Police Officers**

Alderman Holland made reference to an Information Report, dated 17 November 1993, received from Chief Vincent J. MacDonald in response to a question raised during the 28 October meeting of City Council.

Noting that the Chief had indicated that off-duty policemen are frequently hired by private companies to assist with their security needs, the Alderman asked for further information as to whether uniformed officers are exclusively used for this work or whether, in fact, other competent individuals could be utilized (presumably at a lower rate of pay).

**Question Alderman Stone Re:  
Halifax Transportation Study**

Alderman Stone made reference to the 19 November Information Report entitled "Halifax Transportation Plan," and drew attention to the fact that staff have suggested two options whereby members of Council could provide input into the consultative process. While indicating that either option is acceptable to him, the Alderman urged his fellow members to come to some agreement on this matter as quickly as possible.

Alderman Stone made reference to another aspect of this study, namely that the consultants intend to present their findings to the steering committee upon completion of the study. The Alderman expressed the view that the report should be submitted to **City Council**, rather than to the steering committee, and asked for comment from the Acting City Manager in this regard.

**Question Alderman Stone Re:  
Speeding - Main Avenue at McFatridge Road**

Alderman Stone expressed his appreciation to the Chief Vincent J. Macdonald for his 17 November Information Report on this matter. The Alderman went on to note that, based on the number of tickets issued, the requested radar check was definitely warranted, and urged that the Police Department continue their monitoring of this intersection on a regular basis.

**Question Alderman Stone Re:  
Review of Parking Policy - Grand Parade**

Alderman Stone noted that some time ago Council had received a preliminary report concerning the parking

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policy in the Grand Parade. He went on to point out, however, that he had been under the impression that additional information was to have been submitted as the review of that policy progressed.

Alderman Stone noted that, to date, no further reports have been received in this regard, and asked that the Acting City Manager investigate the matter.

**Question Alderman Crowley Re:  
Emergency Number - City Field**

Alderman Crowley made reference to City Field's "emergency number," noting that at one point in 1992 a resident of Ward 11 had had occasion to call it to report a flooding problem. The Alderman went on to indicate that, on that particular occasion, the telephone line went unanswered, and therefore asked for information as to who is assigned to respond to these calls (i.e., a staff member or a commissionaire), the hours that this line is answered, and the process that is used thereafter to respond to these calls.

**Question Alderman Meagher Re:  
Unpaid Leave - Halifax Water Commission**

Alderman Meagher made reference to information contained in a recent edition of Hansard, and expressed concern that apparently the Halifax Water Commission, despite the fact that it receives no Provincial funding, has been ordered to remit \$50,000 as part of the Government's unpaid leave policy.

Concurring with the Alderman's concerns, the Acting City Manager emphasized that a submission has been made on behalf of the City of Halifax to the Law Amendments Committee in this regard.

**Question Alderman Downey Re:  
Swimming Pool - YWCA**

Alderman Downey made reference to an Information Report, dated 15 November 1993, recently received in response to a question raised during the 28 October City Council meeting.

In his remarks, the Alderman expressed surprise that the City's Recreation Department is not proposing to do more in terms of offering programs out of the YWCA, particularly given the fact that the City of Halifax has contributed grants to this facility for a number of years.



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The Alderman therefore asked that staff of the Recreation Department be asked to reconsider this matter and to submit a further report.

**Question Alderman O'Malley Re:  
Council Input - 1994/95 Capital Budget**

Responding to a question from Alderman O'Malley, the Acting City Manager advised that he would appreciate receiving requests from members of Council with regard to items for the 1994/95 Capital Budget within the next 2-3 weeks.

**ADDED ITEMS**

**Civic Hospital**

A report, dated 22 November 1993, was submitted.

After some discussion and questioning of staff, it was moved by Alderman Meagher, seconded by Alderman Fitzgerald that the Mayor and the City Clerk be authorized to execute a one-year lease of the former Civic Hospital to the Province of Nova Scotia (as attached to the staff report of 22 November 1993) with the provision to renew for four additional one-year periods at the initial rental rate of \$96,000 per year.

The motion was put and passed.

**Case No. 6775: Development Agreement, Schedule "Q"  
- 6116 Almon Street (SET DATE FOR PUBLIC HEARING)**

A staff report, dated 24 November 1993, was submitted.

Alderman Meagher observed that he had only recently received the staff report on this matter and consequently had not the opportunity of reviewing it. On Alderman Meagher's recommendation, therefore, it was agreed that the matter be deferred to the next regular meeting of Committee of the Whole Council scheduled for WEDNESDAY, 8 DECEMBER 1993.

11:20 p.m. - Her Worship Mayor Ducharme returns to the meeting, with Deputy Mayor Pottie resuming his usual seat on Council.

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Special Meeting Re: Information  
Report on Budget Concerns

This matter had been added to the agenda at the request of Alderman Fitzgerald, who made reference to an Information Report recently received from the Director of Finance with regard to "Revenue and Expenditure Statements to 30 September 1993 and Projected Deficit to 31 March 1993."

At Alderman Fitzgerald's suggestion, it was agreed that a special meeting of Halifax City Council would be scheduled to discuss these budgetary concerns.

Her Worship Mayor Ducharme advised that a date for this meeting would be set as quickly as possible.

Monastery Lane - Report from the Acting City Solicitor

This matter had been added to the agenda at the request of Alderman Meagher who made reference to an Information Report, entitled "Monastery Lane" and dated 15 November 1993, previously submitted by the Acting City Solicitor.

MOVED by Alderman Meagher, seconded by Alderman O'Malley that this matter be deferred to the next regular meeting of Committee of the Whole Council (**scheduled for Wednesday, 8 December 1993**) for further discussion.

The motion to defer was put and passed.

Bed and Breakfasts - R-1 and R-2 Zones

This matter was added to the agenda at the request of Alderman Meagher, who MOVED, seconded by Alderman Adams that the matter of bed and breakfast establishments in R-1 and R-2 Zones be referred to the Planning Advisory Committee for review and recommendation.

The motion was put and passed.

There being no further business to be discussed, the meeting was adjourned at approximately 11:25 p.m.

HER WORSHIP MAYOR MOIRA DUCHARME  
AND  
DEPUTY MAYOR PAT POTTIE  
CHAIRMEN

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**SPECIAL COUNCIL  
PUBLIC HEARING  
MINUTES**

Council Chamber  
Halifax City Hall  
29 November 1993  
4:00 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:** Deputy Mayor Pottie, Chairman; and Aldermen Holland, Fitzgerald, Downey, Meagher, O'Malley, Hanson, and Stone.

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

**Date for Special Election Ward 10**

A staff report dated 17 November 1993 was submitted.

MOVED by Alderman Stone, seconded by Alderman O'Malley that Council:

1. Set the date of Saturday, January 22, 1994, as the date for the Ward 10 Special Election.
2. Appoint Edward A. Kerr, City Clerk, as Returning Officer to conduct the Special Election.
3. Authorize the use of the list of electors from the last municipal election which will be revised in accordance with the Municipal Elections Act.
4. Set the date of Saturday, January 15 as the date for the optional advance poll. (A mandatory advance poll will be held on Tuesday, January 18, 1994).

Motion passed.

**SPECIAL COUNCIL  
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File #1509 - Supply Thirty-Five (35) Actuation Packages with Difu Cards, Three (3) Actuation Packages for 36 Circuit Controller with Difu Card, Eighteen (18) Two-Channel Detector Cards and Forty-Three (43) Four-Channel Detector Cards

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

A staff report dated 27 September 1993 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that authority be granted to purchase the entire system (interface unit) from Novax Industries Corp. at a cost of \$43,097.00 (G.S.T. extra @ 7%) with funds being made available from account number 22399.9133.91518 titled Transportation Traffic Loop.

Motion passed.

**Budget Meeting - Date of Special Meeting**

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

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that a special meeting of City Council be held on Wednesday, 8 December 1993, at 1:00 p.m. (prior to the Committee of the Whole Council meeting) to discuss the budget.

Responding to a question from the Chairman, the Acting City Manager advised that a staff report will be provided at the above meeting.

Motion passed.

**Extension of Appointment - Acting City Manager**

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

MOVED by Alderman Stone, seconded by Alderman Fitzgerald that Mr. Wayne Anstey, Q.C., continue as the Acting City Manager until 3 January 1994.

Motion passed.

**SPECIAL COUNCIL  
29 NOVEMBER 1993**

**Nova Scotia Liquor Outlet - IGA Quinpool Road  
(Alderman Meagher)**

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

Alderman Meagher addressed the matter and brought to Council's attention a copy of an advertisement which appeared in Saturday's newspaper concerning a "liquor boutique" in the IGA Quinpool Road store location.

Noting that there was a high school within less than 150 feet away from this location, Alderman Meagher questioned what the regulations were with respect to the opening of a liquor store in the area of a high school. The following questions were also raised by the Alderman: were there any permits issued by the City in relation to the liquor store i.e. has an occupancy permit been issued and under what zoning is a liquor store permitted; will the store be operated by the IGA or the NS Liquor Commission; what will the hours of operation be i.e. will it be open on Sundays.

The Acting City Manager advised that staff will provide and circulate an information report to Council in response to the Alderman's questions.

**Appointment of Panel - Analysis of City Hall Proposals**

A supplementary staff report dated 29 November 1993 was submitted.

The Acting City Manager addressed the matter and advised that staff had spent a great deal of time coming up with an appropriate panel. He went on to advise that a number of names had been submitted.

In order to ensure that the proposed appointees not only would be acceptable to Council but to the proponents as well, Mr. Anstey noted that staff circulated the names to the various proponents to ensure that there were no conflicts of interests or any relationships between the proponents and any of the members of the panel that might appear to be inappropriate. Mr. Anstey advised that time was of the essence because the proposals expired in the next couple of weeks. As outlined in the supplementary report, the Acting City Manager advised that staff was recommending the appointment of a four man panel rather than the proposed six. He went on to suggest that perhaps Mr. Bernie Smith, Director of Finance, could provide some background on the fourth individual at this time.

**SPECIAL COUNCIL  
29 NOVEMBER 1993**

Mr. Bernie G. Smith, Director of Finance, addressed Council and advised that he did not believe he was at liberty to release the name. However, he advised that the individual has a long experience in financing and appraising real estate operations, real estate investments, and was well respected in the community as acceptable to all the four proponents who have proposals to the City. At this stage, Mr. Smith indicated that the proposed appointee was simply awaiting approval from his head office before he could formally accept.

Responding to a question from Alderman Fitzgerald, the Acting City Manager recommended that if the fourth individual could not serve, then there would be a three man panel as suggested in the report. He went on to suggest that if the fourth could serve, that he/she could fill in until such time of Council's formal approval.

In response to a question from Alderman O'Malley, the Acting City Manager advised that it is hoped that the Panel would provide a report to Council by December 15th.

Mr. Smith added that staff is aiming for the Panel to provide a recommendation to Council on December 16th.

Responding to a further question, the Acting City Manager advised that staff could provide Council with the financial information for the next Committee of the Whole Council meeting scheduled for December 8th. He added that the Panel's recommendations would not be brought forth until the following week, but at least Council would have all the financial information one week in advance. Mr. Anstey went on to note that whether or not Council dealt with the item on December 16th depends on how comfortable Council was with the information provided. He noted that an option would be for Council to hold a special meeting before the New Year or defer the item until early January.

MOVED by Alderman Fitzgerald, seconded by Alderman Hanson that the following be appointed to the review panel to examine and recommend to Council on the matter of the City Hall office proposals:

Robert Bell - Senior Leasing/Letting Officer  
Public Works Canada, Property Division

John Bully - Assistant Vice President, Regional  
Branch Manager, Atlantic Provinces Income Property  
Lending Division, Montreal Trust

Bob Boudreau, Commercial Real Estate Consultant,  
President J.R. Boudreau Associates Incorporated.

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A short discussion followed and, in response to a question, the Acting City Manager advised that if it is assumed that the fourth person would in all likelihood be approved, he could work with the other three and that Council could at the 8 December 1993 Committee of the Whole Council agenda ratify the appointment retroactively.

During a short discussion on this item, Her Worship Mayor Ducharme entered the meeting.

The motion was put and passed.

There being no further business to discuss, the meeting adjourned at approximately 3:40 p.m.

DEPUTY MAYOR PATRICK POTTIE  
CHAIRMAN

EDWARD A. KERR  
CITY CLERK

/MS



**SPECIAL COUNCIL  
29 NOVEMBER 1993**

**HEADLINES**

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

Council Chamber  
Halifax City Hall  
8 December 1993  
7:40 p.m.

A special meeting of Halifax City Council, Public Hearings, 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 Moira Ducharme, Chairman; Deputy Mayor Patrick Pottie; and Aldermen Holland, Fitzgerald, Downey, O'Malley, Adams, Hanson, Jeffrey, Crowley, and Stone.

**ALSO PRESENT:** Ms. Mary Ellen Donovan, representing the City Solicitor's Office; Mr. Edward Kerr, City Clerk, and other members of City staff.

**Street Closure - Portion of Maitland Street**

For the information of anyone who might be in attendance to speak on the Maitland Street Closure, Her Worship advised that the Notice of Public Hearing was incorrectly published and it will not be held this evening. She added that the hearing is scheduled for 5 January 1994.

**Public Hearing Re: Case No. 6800: Rezoning - R-2 (General Residential) Zone to P (Park and Institutional) Zone - 3656 High Street and 6095 Normandy Drive**

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

Mr. Gary Porter, Planner, addressed Council and, using diagrams, outlined the application by the Sisters of Charity to rezone lands bounded by High Street, Normandy Drive and Bright Street from R-2 to P, as contained in the 9 November 1993 staff report. In concluding his presentation, Mr. Porter advised that staff were recommending approval of the application.

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Mr. Porter responded to questions from members of City Council.

Mr. Bob Jeffries, the architect for the project which is associated with the rezoning, addressed Council and provided a chronology of the events involving the project associated with the rezoning. In concluding his remarks, Mr. Jeffries noted that there were several of the sisters who lived in the convent, as well as adjacent neighbours supporting the project in attendance this evening.

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

Deputy Mayor Pottie addressed the matter and indicated that he supported the application and, given the fact that no opposition was expressed at this meeting or registered with the City Clerk, he was prepared to move a motion of approval at this time.

MOVED by Deputy Mayor Pottie, seconded by Alderman O'Malley that the rezoning of 3656 High Street - 6095 Normandy Drive, lands owned or occupied by the Sisters of Charity, from R-2 (General Residential) Zone to P (Park and Institutional) Zone as shown on Plan No. P200/19508 of Case 6800 be approved.

Motion carried.

**Public Hearing Re: Case No. 6431: 3763-71 Dutch Village Road - Plan Amendment Request**

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

Mr. Marcus Garnet, Planner, addressed Council and, using diagrams outlined the application by Mr. Anthony Goshen to amend the Municipal Development Plan and Land Use Bylaw for 3763-3771 Dutch Village Road to allow construction of a small building to accommodate offices and up to six apartments, as contained in the staff report of 26 October 1993.

In his presentation, Mr. Garnet noted that the proposal is to redesignate the property from medium density

PUBLIC HEARINGS  
8 DECEMBER 1993

residential to minor commercial, so as to permit, by development agreement, the construction of a maximum of six residential units with offices on ground level, fronting on Joseph Howe Drive.

Mr. Garnet noted that various proposals for this property have been considered by Council and the Planning Advisory Committee on several occasions and this has included proposals for rezoning and for development agreement. He added that throughout this process, both staff and the Planning Advisory Committee have consistently recommended **against** any plan amendment for this property.

Mr. Anthony Goshen, the applicant, addressed Council and advised that he resided at 11 Botany Drive, Halifax.

Mr. Goshen began his presentation by providing some background information on the reason for his application. He advised that he was not a developer and that his occupation was an insurance representative. He explained that three years ago the insurance company he worked for closed its Halifax Office in an effort to cut costs, and at that time, he decided that as a career move it would be beneficial for him to open his own office, which would be located near his home. Mr. Goshen added that he purchased the property in question because it appeared to be an ideal location, given the good visibility and it was on a street (Joseph Howe Drive) which already consisted of commercial buildings.

Mr. Goshen went on to note that, after he purchased the building he was surprised to learn that he could not follow through with his intended plans, however, it was possible for him to put a four-unit building on 3771 Dutch Village and a two-unit building on 3763 Dutch Village for a total of six units. He pointed out that he was not requesting any more units than what is permitted as a result of this rezoning.

Mr. Goshen advised that the first time he appeared before Council on this matter it was felt that a rezoning to C-2A was too broad and, therefore, Council decided to proceed with development agreement. He added that this agreement was very specific and restrictive and it spells out very clearly what would and would not be permitted. Mr. Goshen indicated that he supported this and

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he then proceeded to outline the uses which would be permitted and those which would be prohibited.

In conclusion, Mr. Goshen pointed out that his request, which is only 2000 sq. ft. fronting on Joseph Howe Drive, will not adversely impact on the neighbourhood and he asked for Council's favourable consideration of the matter. Using the overhead camera, Mr. Goshen then displayed to Council an architectural drawing of his proposal.

Mr. Goshen responded to questions from members of City Council.

Ms. Dorothy Robinson, a resident of 3663 Percy Street, addressed Council and spoke in opposition to the application. She noted that her property is located behind Mr. Goshen's property. In her remarks, Ms. Robinson referred to various reports prepared on the matter and quoted extracts from these reports which advised that the proposal should not be approved. Ms. Robinson also expressed concern about the possible precedent setting nature of this proposal.

Ms. Robinson indicated that the residents of Fairview have fought hard for an area strategy plan which would prevent further higher density development and she strongly emphasized that Council should not deviate from this strategy. She added that this matter has been before the people in Fairview on three occasions and they have let their feelings be known and, in this regard, Ms. Robinson questioned why this matter was still being considered when it is clear that staff and the residents of the area are against it.

Mr. Marcus Garnet responded to questions from Alderman Jeffrey.

On a point of clarification, Mr. Garnet noted that it has been indicated that the as-of-right capability for this property is six apartments. He pointed out that, according to staff's calculations, it is four units.

Mr. Ralph Maris, a resident of 38 Shamrock Drive, addressed Council and spoke in opposition to the proposal. In his comments, Mr. Maris indicated that he was against the proposal because the area in question had been at one time predominately single family dwellings and he indicated



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that this should be maintained. He advised that the residents of the area have been taxpayers of the City for many years and he sympathized with their concerns and supported their efforts on this matter.

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

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

Motion carried.

**Public Hearing Re: Case No. 6818: 1390 and 1400  
LeMarchant Street - Rezoning from R-2 to U-1.**

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

Mr. Paul Dunphy, Planner, addressed Council and, using diagrams, outlined the application by Dalhousie University to rezone two adjacent properties at 1390 and 1400 LeMarchant Street from R-2 (General Residential Zone) to U-1 (Low-Density University Zone) as contained in the 1 October 1993 staff report. In concluding his remarks, Mr. Dunphy noted that staff are recommending approval of the rezoning.

Mr. Dunphy responded to questions from members of City Council.

Alderman Jeffrey questioned what would be the difference in property taxes if the properties were to be rezoned, (i.e. what are the property taxes now under R-2 and what would they be under U-1).

Her Worship advised that staff would respond back on this matter with a report by the next regular City Council meeting, scheduled for 16 December 1993.

Mr. Alan Bell, a resident of 1451 LeMarchant Street, addressed Council and advised that he was Chairman of a residents committee located in the area in question.

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In his remarks, Mr. Bell noted that the application refers a couple of times to the Dalhousie Campus Plan. He added that this plan has caused the residents concern because, essentially, it indicates that their homes will be obliterated in the course of time.

With respect to the rezoning, Mr. Bell advised that the residents would be comfortable if the rezoning was to expand the Killam Library, however, they are concerned about some of the uses permitted under the proposed zoning, such as fraternity houses. Mr. Bell suggested that Council reject the proposed rezoning until such time as a specific development proposal for the site has been presented and the residents given the opportunity to review it.

Ms. Cynthia Pilochos, a resident of 1439 LeMarchant Street addressed Council and expressed her concern about the proposed rezoning.

Ms. Pilochos pointed that when Dalhousie acquires properties it does not maintain them in an acceptable manner which causes concern for the neighbours. Therefore she suggested, it is questionable that they be extended the opportunity to continue those inappropriate practices. She advised that she would be willing to look at a rezoning application when it is much more contract specific.

Ms. Pilochos noted that the Dalhousie Campus Plan which has been used to support the application has to be questioned because it was her understanding that it has not received approval by the Senate or the Board of Governors.

In concluding her presentation, Ms. Pilochos referred to various aspects of the Municipal Planning Strategy, particularly with respect to Dalhousie Campus. Noting that it was developed in the early 1980's, she suggested that the Strategy was outdated for the early 1990's. Ms. Pilochos advised that the same kinds of situations which existed at the university in the early '80's do not exist now, referring to the fact that the University has made recent announcements of its intention to cut various programs. Ms. Pilochos asked that the Municipal Planning Strategy be revisited so that it would be consistent with requirements of the current time.

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Ms. Patricia Brysen, a resident of 1385 LeMarchant Street addressed Council and spoke in opposition to the proposed application.

Ms. Brysen suggested that the properties in question violate the current zoning of R-2 because it is used as a rooming house for students. She went on to point out that they were poorly maintained, and they increase vehicular traffic in the area. Using photographs Ms. Brysen illustrated the condition of these and other buildings owned by Dalhousie in this area and she noted that the driveways and yards become parking lots and the green space has been almost entirely eliminated to accommodate this.

Ms. Brysen suggested that the intended uses of these properties is for single family dwelling, advising that they would be in keeping with the area. In reference to comments by a previous speaker, Ms. Brysen advised that she also felt the Municipal Planning Strategy as it applies to the Dalhousie campus was outdated and should be revised.

Ms. Brysen advised that the residents would not be opposed to the properties being used for library use or for a regular 9:00 a.m. to 5:00 p.m. use. However, they oppose anything which would be a 24 hour use. In conclusion, Ms. Brysen advised that serious consideration should be given to the U-1 zoning and its permitted uses especially when it is immediately adjacent to a residential neighbourhood. She asked that Council refuse the zoning request.

Mr. Jim Cowan addressed Council and advised that he was Vice Chair of the Dalhousie Board of Governors and that he had also chaired the Campus Plan Steering Committee. With respect to the Campus Plan, he pointed out that it was a very public process and it was a process which had the support of City staff.

Mr. Cowan advised that the recommendation was consistent with the City planning strategies as they presently exist, and it was consistent with the Campus Plan of Dalhousie which he pointed out has been endorsed by the appropriate bodies of Dalhousie.

Mr. Cowan advised that the buildings in question were currently being used to house students, and to his knowledge the University has not received complaints about

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parties, excessive noise, etc. Referring to the proposed rezoning, Mr. Cowan explained that the University simply wants the flexibility and adaptability that a U-1 designation would provide. He noted that the buildings could be used for academic and administrative activities in addition to the student housing which is now permitted under R-2. Mr. Cowan indicated that there was surrounding land designated U-2, however the University deliberately chose a less disruptive rezoning keeping in mind the residential nature of this area. He added that the application is consistent with the University's policies and the City's policies and he requested Council's approval of the application.

Mr. Cowan responded to questions from members of City Council.

In response to a question by Alderman Stone, Mr. Cowan advised that the University does not intend to change the footprint of the building, and that it does not intend to join the buildings together, tear them down, or expand the buildings.

Mr. Cowen noted that Mr. Jim Sykes, the University Architect, and Mr. Bill Lord, the Director of Physical Plant and Planning were in attendance and could probably address the aspect of intended uses of the property.

Mr. Lord addressed Council and advised that, at the present time, the University has no immediate plans to change the properties from student residences. He added that the flexibility of the rezoning will enable them to carry out their planning in an orderly fashion. Mr. Lord indicated that, at present, they cannot do this because of the limitation imposed by the current zoning. Noting that the German and French Departments were located next door to the properties in question, Mr. Lord suggested that it is conceivable that in the future another academic department would be located at these properties, but he could not be more specific at this time.

Following further discussion, it was MOVED by Alderman Fitzgerald, seconded by Alderman Holland that this matter be forwarded to Council without recommendation, and in the meantime, staff provide a report with regards to the application of Ordinance 157 (minimum building standards) on these properties, and with respect to whether front yard

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parking regulations are being violated in this particular area.

Motion carried.

At 9:25 p.m. Alderman Jeffrey retired from the meeting.

**Public Hearing Re: Case No. 6756:  
Development Agreement - 556-558 Tower Road**

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

Mr. Gary Porter, Planner, addressed Council and, using diagrams, outlined the application by Mr. Nathan Allcott and Ms. Mary MacKenzie for a development agreement to allow a change in use and an addition to the building at 556-558 Tower Road (as contained in the 28 September 1993 staff report and the 26 October 1993 Supplementary staff report). In his presentation, Mr. Porter advised that the purpose of the application is to gain approval of a third unit in the building and an addition, and to allow a further addition and new roof. Mr. Porter indicated that staff were recommending approval of this application.

Ms. Mary MacKenzie, the applicant, addressed Council and, using various drawings of the building in question and maps of the local area, she provided a brief history on their purchase of this property and their subsequent efforts in attempting to renovate both the exterior and interior of the property.

Ms. MacKenzie noted that a community meeting was held on this matter and, of the 50 people who were invited, approximately eight households attended. She advised that at the conclusion of this meeting, she and her husband agreed to meet with one of the neighbours to discuss the height of the proposed roof at the back of the building because it interfered with his sunlight. She added that they did not want to alter the height of the front of the building because it provided the third bedroom and it also created a more uniform view of the building from the front.

Ms. MacKenzie added that when they contacted this neighbour, he indicated that he did not want to discuss



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this matter any further. She indicated that, since this time, she and her husband approached approximately 40 people and asked if they would support a public meeting on the matter and approximately 35 people signed a petition in support of this. Ms. MacKenzie noted that as of 4:25 p.m. today there were 10 letters on file in the City Clerk's office in support of their application.

In summary, Ms. Mackenzie advised that she and her husband planned to spend \$43,000 to renovate the exterior of the house and they will spend additional funds on inside improvements. She added that it will result in an aesthetically pleasing three-unit building for the community with a well-landscaped property, and with the approval of the additional third bedroom, the building will provide a home for her, her husband, and two children.

Ms. Ann Lummis, a resident of 525 Tower Road, addressed Council and spoke in support of the application. Ms. Lummis advised that today she received a "neighbourhood notice" which she felt contained misleading statements and she wanted to address these at this time.

Ms. Lummis advised that the notice indicated that the residents of the area had many concerns about the proposed development, such as increased parking of vehicles on the street, a decline in property values, the impact on the streetscape of a peaked roof, the precedent setting nature of this proposal, and the blackmail style approach taken by the applicant.

In addressing these concerns, Ms. Lummis pointed out that since there will be no additional units added and, given the fact that there is adequate parking in back of the building she did not think that additional on-street parking would be a problem. Ms. Lummis also pointed out that, given the current state of the property, renovations will only increase surrounding property values. With respect to the concern over changing the roof from flat to peaked, she advised that as an owner of a partially flat roof she can attest to the fact that it is more of a liability than an asset. In reference to the possible precedent setting nature of this proposal, Ms. Lummis indicated that she was not in a position to comment on this aspect, suggesting that it was something that staff should comment on.

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Ms. Lummis referred to the concern about the "blackmail" style approach of the applicants to the residents and she advised that Mr. Allcott has been extremely courteous to her. On a final point, Ms. Lummis advised that she took particular exception to a sentence in the notice which says that staff's job is to work with the developer's to get their project approved and increase the population density in residential neighbourhoods. Ms. Lummis questioned this assertion and indicated that in the dealings she has had with staff, she has certainly found this not to be the case.

Mr. David Gough, a resident of 562 Tower Road, addressed Council advising that he was the neighbour to the north of the property in question.

In his presentation, Mr. Gough listed a number of concerns he had with respect to this proposal, including availability of parking, lowering of property values, and the possible precedent setting nature of the proposal. He expressed particular concern about the overwhelming change which would occur with a peaked roof. He noted that it would impact on the amount of sunlight his house receives, and would affect the streetscape. Mr. Gough added that he has been told by the applicant that if this application is not approved then he will leave the building as is, and Mr. Gough advised that he believed this statement was a form of blackmail.

Mr. Gough pointed out that the third addition on the house is illegal and he advised that City staff knew about this when it was being built and did nothing to stop it. On another point, he referred to the 28 September 1993 staff report and questioned staff's statement that the proposed three units would be less intensive than two units.

Mr. Gough noted that he has collected 20 signatures on a petition which do not support the application.

Mr. Gough then put forward several alternatives he believed would be acceptable to the neighbours. He advised that the applicant could have two units, and keep the illegal addition, and have a flat roof; or, another alternative is to have two units without the addition. He suggested that a third alternative would be to turn the building into a single family home. Mr. Gough pointed out

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that he favoured a two unit building with no illegal addition and a flat roof.

Mr. Gough and Mr. Gary Porter responded to questions from City Council.

In response to a question by Alderman Stone with respect to the speakers comment that staff agree that two units are more intensive than three units, Mr. Porter advised that it was staff's view that, with the improvements that would come about with three units, the argument could be made that the improved building would be less intensive with three units than the unimproved building at two units.

In response to a question by Alderman Hanson, Mr. Porter advised that at the southwest corner of Fay's Lane and Tower Road, there is a five-unit building which is a nonconforming use.

Mr. Michael Poulton, a resident of 543 Tower Road addressed Council and spoke against the application.

Mr. Poulton advised that he was a faculty member of the Technical University of Nova Scotia where he teaches Urban and Rural Planning. In his remarks, Mr. Poulton advised that he opposed the proposal because it disagrees with Policy 3.14. Secondly, he added that this property sold for \$115,000 and he believed that with extensive renovation and in today's economic climate, two large units in the south end will garner rentals which will make the duplex quite profitable. Thirdly, Mr. Poulton pointed out that many of the improvements outlined by the applicant such as upgrading windows, painting, etc. are simply routine maintenance matters.

Mr. Poulton went on to note that the crucial change to the building is the roof and in his view a flat roof is appropriate for a building of this type and is in keeping with the surrounding properties. As well, Mr. Poulton pointed out that a flat roof is less expensive and there are companies which can provide very high quality flat roofs. He added that another concern about the roof is that the pitched roof could be framed and, if so, then there is the potential for this space to be turned into rental space. On a final point, Mr. Poulton advised that Tower Road and Young Avenue form an important tourist bus route in the City. He added that the south end of tower

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road has some of the oldest, unchanged homes in the City and this makes it a potential heritage area. He indicated that the proposed dominant roof will negatively impact on the area. In conclusion, Mr. Poulton advised that it is in the best interest of everyone involved in this matter to refuse this particular development agreement.

Mr. Cary Risley, a resident of 885 Tower Road, addressed Council and spoke in favour of the application. As a 20 year resident at this location, Mr. Risley advised that the property in question has been in a dilapidated condition for some time and, noting the improvements outlined by the applicant, he believed that it would improve the area and it would be in keeping with the area.

Mr. Robert MacKenzie, a resident of 562 Tower Road addressed Council and advised that the residents do not object to the improvements to the property in question. However, he advised that he has concerns about the affect the pitched roof will have on his sunlight and for this reason he objected to the proposal.

Mr. Nathan Allcott, the applicant, addressed Council and advised that he would like to respond to some of the concerns which have been raised.

Mr. Allcott emphasized that the exterior renovations are quite extensive and will result in a major improvement over what is presently there and he believed that he had the support of the majority of neighbours. Referring to the proposed 7 ft. roof, he pointed out that it is only one foot higher than what would be permitted with an normal building permit. Mr. Allcott noted that a development agreement is the most economical option to achieve this type of roof.

Mr. Allcott pointed out that he is not proposing to add any additional units, and that he wanted approval of what has been in place for some time. He added that if he is required to remove the third unit it will cost additional money and it would be an unproductive cost. Mr. Allcott noted that there seems to be a view that three units are not permitted in R-1 zones, however, he added that in looking at maps of the area, there are quite a number of nonconforming uses containing anywhere from two to five units.

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Mr. Allcott then presented and elaborated on a "sun study" he had prepared, and a video which illustrated the direction of sunlight on surrounding buildings and the impact that the pitched roof would have on the sunlight. Mr. Allcott noted that Mr. Gough would have some sunlight obscured during certain times of the year, and Mr. MacKenzie would have some sunlight obscured on his deck in November. Overall, Mr. Allcott advised that it was his conclusion that there would be little impact on sunlight of the immediate surrounding buildings.

In conclusion, Mr. Allcott noted that the policies in place support staff's recommendation and he requested Council's support of his application.

Mr. Ed Gores, a resident of 5821 Fays Lane addressed Council and advised that his property was immediately behind the property in question. Mr. Gores advised that it has been his observation that the building has been occupied by either one or two tenants in the last while and he has noticed a decrease in use of the property as opposed to the time it was occupied by three tenants. In further comments, Mr. Gores suggested that this application could become precedent setting.

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

The following letters in support of the application were submitted:

- A letter dated 8 December 1993 from Linda Dean, 5779 Ogilvie Street, Halifax, N.S.
- A letter dated 8 December 1993 from Donald F. Maclean, 5787 Ogilvie Street, Halifax, N.S.
- A letter dated 8 December 1993 from Marion and Bill Chamberlain, 547 Tower Road, Halifax, N.S.
- A letter received in the City Clerk's Office on 8 December 1993 from H. Bernice Ring.
- A letter received in the City Clerk's Office on 8 December 1993 from Lisa and Joseph Farrell, 5818 Grant Street, Halifax, N.S.



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• A letter dated 26 November 1993 from J. T. Ring, 550 Tower Road, Halifax, N.S., B3H 2X5.

A letter of opposition to the application was submitted from A. R. Pitt, 610 Tower Road, Halifax, N.S., B3H 2X7.

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

Motion carried.

**Public Hearing Re: Procedures for the Residential  
Development of the Alexandra Centre Site**

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

A report dated 2 December 1993 from Mr. Paul Erickson, Chair, Heritage Advisory Committee, was submitted.

Ms. Shelley Dickey, Planner, addressed Council and gave a brief introduction and overview of the process staff is dealing with for the Alexandra Centre site. In her remarks, Ms. Dickey noted that the development agreement concerning this matter does not relate to any particular design and it only serves to clearly set out the rules of design on which all development proposals will eventually be based. She added that once this development agreement is approved by Council, it will be included in a call for development proposals for the private development of this site.

Mr. Paul Dunphy, Planner, then addressed Council and, using photographs, gave an overview of the site and explained the contents of the development agreement (as contained in the 21 October 1993 staff report). Mr. Dunphy advised that the Heritage Advisory Committee has reviewed the application and endorsed the staff recommendation with a slight amendment which requests that the roof slope on Brunswick Street as specified on the "Site Section" drawing be removed to allow more flexibility between the design choices of Victorian and Georgian.

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Mr. Stephen Osler, a resident of 2140 Brunswick Street, addressed Council and indicated that he had a couple of concerns with respect to this application.

Mr. Osler noted that the maximum parameters would, in essence, put 250 people "in his back yard". He added that it would change the neighbourhood quite a bit and result in more transient occupancy. Mr. Osler added that he was also concerned about disguised and hidden laneways of the proposal. As well, he pointed out that, given the outside parameters of this proposal, the real estate value of his property would decline.

Mr. Gary Hanley, addressed Council and indicated that he was the owner of Aikens Cottage, which is located immediately across the street from the project.

Mr. Hanley advised that he was concerned about the density proposed, adding that it will result in a project that is either too high and too large to tie in with the existing buildings on the streetscape. Mr. Hanley also expressed concern about the parking requirements, and he suggested that there would not be enough parking spaces because people moving in to this location will want more than one parking space.

Mr. Hanley advised that another concern he had was that the proposal call will ask for one large developer to complete the whole project rather than a series of smaller projects. He also suggested that the design guidelines are much too restrictive, noting that only one colour is allowed for windows and, if wood is used, they are only allowed to paint with white trim. Mr. Hanley added that, given the diversity of this neighbourhood, there should be more openness in these requirements. Mr. Hanley advised that he was also concerned about the open space provided, and whether this will be open space only for the project or whether it will be open space that will add to the community. On a final point, he advised that the vistas going down Brunswick Street, and opening up the view to St. George's Church were important aspects and he advised that this corner should be opened up as much as possible.

Mr. Tony Bebbington, a resident of 2138 Brunswick Street addressed Council and advised that he has been a resident at this location for 12 years.

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Mr. Bebbington indicated that his concern about the project is with respect to density, adding that such a large number of people on such a small area is mind boggling to him. He referred to the project across the street (Aikens Court) and advised that it is basically single unit homes, tastefully constructed and are beneficial to the neighbourhood. Mr. Bebbington requested that consideration of a development of this style be given for the Alexandra Centre site.

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

Alderman Downey asked Mr. Dunphy to respond to the concerns which have been expressed.

Mr. Dunphy noted that the development agreement allows for residential development and he added that, during the course of the process, Council will receive a recommendation from staff on a specific development and, if Council has an objection at that time to an apartment building then it can refuse that particular call for proposals. He went on to explain that although the agreements says that the density can be 250 persons per acre, physically it is impossible to get 250 persons per acre on this site because of the reduced height of the buildings. Mr. Dunphy advised that Council is actually devaluing the land from the maximum population potential because physically the buildings are four stories high. He added that according to his calculations, the maximum would be approximately 160 persons per acre.

Mr. Dunphy referred to the question of favouring one developer doing the whole project, and advised that the rationale behind this is that staff would like to see the site developed as rapidly as possible and not left in a demolished state. He added that this does not preclude two or three developers developing the site together.

With respect to the option of colours, Mr. Dunphy indicated that this could be considered a very minor amendment to what was advertised in the agreement.

Mr. Dunphy responded to further questions from Council.

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Following further discussion, it was MOVED by Alderman Downey, seconded by Alderman O'Malley this matter be forwarded to Council without recommendation.

Motion carried.

ADDED ITEMS

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

Presentation: Environmental Review Committee

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

MOVED by Alderman Fitzgerald, seconded by Alderman Adams that, as recommended by the Committee on Works, the firm of **Angus Environmental Limited** be hired, at an upset price of \$38,000.00, to proceed with a presentation to the Environmental Review Committee (funds to be made available in the Design Engineering Reserve Account, Number 22310-8306).

Motion carried.

Case No. 6754: Schedule "G" Development Agreement (81-Unit Apartment Building) - Corner of Lower Water/Bishop Streets

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

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the Planning Committee:

- (1) City Council enter into a development agreement with **Realco Management Limited** (as outlined in the staff report dated 23 September 1993) to permit construction of an apartment building with ground floor commercial space at the southwest corner of Lower Water and Bishop Streets;

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- (2) Council require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of 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; and further, that
- (3) the City-owned former Rimco lands at the southwest corner of Bishop and Lower Water Streets be exchanged for the lands owned by Realco Management Limited and identified as Parcel "F" on Plan No. 12-131-B (Servant, Dunbrack) together with compensation in the amount of \$152,250 in favour of the City, with said amount to be paid into the Sale of Land Account.

Motion carried.

**Case No. 6775: Development Agreement, Schedule "Q"  
- 6116 Almon Street (SET DATE FOR PUBLIC HEARING)**

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

MOVED by Alderman Fitzgerald, seconded by Alderman Adams that, as recommended by the Planning Committee, a public hearing be scheduled to consider a development agreement with Mr. Eric M. MacLellan to permit construction of an apartment building at 6116 Almon Street.

Motion carried.

The City Clerk advised that the date of the public hearing is scheduled for **Wednesday, 19 January 1994** at **7:30 p.m.** in the Council Chamber, Halifax City Hall.

**Mainstreet Program - Selection of Contractor**

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



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MOVED by Alderman Fitzgerald, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, the contract for completion of the Signage and Visual Identity program be awarded to **Communication Design Group Limited** for \$147,553 including GST (funds to be made available from Account No. 91664, titled "Mainstreet Program: Downtown Area").

Motion carried.

Confirmatory Deed - 6442 Cloverdale Road

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

MOVED by Alderman Fitzgerald, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, Council authorize the Mayor and Clerk to execute a deed confirming the conveyance of 6442 Cloverdale Road to James Gordon Hardy.

Motion passed.

City Hall Proposal Review Panel

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

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

1. Council formally appoint Mr. Jeff Coates of Adelaide Capital Corporation as the fourth member to the City Hall Proposal Review Panel;
2. Council formally approve the revised terms of reference for the City Hall Proposal Review Panel as proposed by staff in its supplementary report of 7 December 1993.

Motion passed.

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Report from Heritage Advisory Committee Re: Date for  
Hearing - Recommended Heritage Properties (5419 and 5425  
Portland Place) and 2085-87-89-91-93-95-97-99 Maitland)

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

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

Motion passed.

Case No. 6804: Development Agreement  
- 299 Herring Cove Road

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

MOVED by Alderman Fitzgerald, seconded by Alderman Adams that, as recommended by the Planning Committee, a date be set for a public hearing to consider the application for a development agreement, lands of Maritime Telegraph and Telephone Company Limited, 299 Herring Cove Road, to permit the erection of a 100 ft. non-guyed communications tower.

Motion carried.

The City Clerk advised that the public hearing was scheduled for **Wednesday, 5 January 1994** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Case No. 6797 - Rezoning - 314-318 Purcell's Cove Road  
and 15 Jolly Drive

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

MOVED by Alderman Fitzgerald, seconded by Adams that, as recommended by the Planning Committee, a public hearing date be scheduled to consider the application for a rezoning of the properties at 314, 316 and 318 Purcell's

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Cove Road and 15 Jolly Drive from H (Holding) Zone to R-1 (Single Family Dwelling) Zone.

Motion carried.

The City Clerk advised that the public hearing is scheduled for **Wednesday, 5 January 1994** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Street Closure - A Portion of Maitland Street

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

MOVED by Alderman Fitzgerald, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, a date be set for a public hearing to:

- a. consider the closure of a portion of Maitland Street identified on Plan No: TT-49-31871 in order to consolidate this parcel with the Alexandra Centre site;
- b. establish a new street line on the east side of Maitland Street as shown on Section 11-P of the Official City Plan.

Motion carried.

The City Clerk advised that the public hearing is scheduled for **Wednesday, 5 January 1994** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Award of Tender 93-155 - Breathing Apparatus (SCBA)

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

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

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1. Levitt Safety be awarded the contract to supply breathing apparatus in accordance with their tender at a cost of \$243,037.00 with payments as follows:

- 30 Days from receipt of goods (Projected to be 07 February 1994)	\$100,000.00
- April 1994	\$100,000.00
- April 1995 (Balance)	\$ 43,037.00
2. The surplus breathing apparatus be sold by tender to the highest bidder on an "as is where is" basis without guarantee with receipts applied to reduce acquisition cost.
3. That this breathing apparatus become the City Standard in future.

Motion passed.

**Award of Tender 93-210 - Five Harley Davidson Motorcycles**

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

MOVED by Alderman Fitzgerald, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, tender 93-210 for five Harley Davidson motorcycles be awarded to Dartmouth Harley Davidson at a cost of \$17,485.00 each for a total cost of \$87,425.00.

Motion passed.

There being no further business, the meeting adjourned at 11:30 p.m.

HER WORSHIP MAYOR MOIRA DUCHARME  
CHAIRMAN

/sm

PUBLIC HEARINGS  
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HEADLINES

**PUBLIC HEARINGS:**

Street Closure - Portion of Maitland Street . . . . . 856

Public Hearing Re: Case No. 6800: Rezoning - R-2 (General Residential) Zone to P (Park and Institutional) Zone - 3656 High Street and 6095 Normandy Drive . . . . . 856

Public Hearing Re: Case No. 6431: 3763-71 Dutch Village Road - Plan Amendment Request . . . . . 857

Public Hearing Re: Case No. 6818: 1390 and 1400 LeMarchant Street - Rezoning from R-2 to U-1. . . . . 860

Public Hearing Re: Case No. 6756: Development Agreement - 556-558 Tower Road . . . . . 864

Public Hearing Re: Procedures for the Residential Development of the Alexandra Centre Site . . . . . 870

**ADDED ITEMS:**

Presentation: Environmental Review Committee . . . . . 873

Case No. 6754: Schedule "G" Development Agreement (81-Unit Apartment Building) - Corner of Lower Water/Bishop Streets . . . . . 873

Case No. 6775: Development Agreement, Schedule "Q" - 6116 Almon Street (SET DATE FOR PUBLIC HEARING) . . . . . 874

Mainstreet Program - Selection of Contractor . . . . . 874

Confirmatory Deed - 6442 Cloverdale Road . . . . . 875

City Hall Proposal Review Panel . . . . . 875

Report from Heritage Advisory Committee Re: Date for Hearing - Recommended Heritage Properties (5419 and 5425 Portland Place and 2085-87-89-91-93-95-97-99 Maitland) . . . . . 876

Case No. 6804: Development Agreement - 299 Herring Cove Road . . . . . 876

Case No. 6797 - Rezoning - 314-318 Purcell's Cove Road and 15 Jolly Drive . . . . . 876

Street Closure - A Portion of Maitland Street . . . . . 877

Award of Tender 93-155 - Breathing Apparatus (SCBA) . . . . . 877

Award of Tender 93-210 - Five Harley Davidson Motorcycles . . . . . 878



# HALIFAX CITY COUNCIL M I N U T E S

Council Chamber  
Halifax City Hall  
16 December 1993  
8:00 p.m.

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

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

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

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

## MINUTES

Her Worship advised that, in addition to the minutes to be approved on this agenda, the minutes of the Special City Council Meeting of 20 October 1993 (pg. 739) should be amended to reflect that **Alderman Crowley is a member of the Halifax Recreation Committee** and **Alderman Stone is not a member of the Emergency Measures Civil Defence Organization and the Retirement Committee.**

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that the minutes of the special meeting of Halifax City Council held on Wednesday, 17 November 1993, and the regular meeting of Halifax City Council on Thursday, 25 November 1993, be approved, and that the Special City Council Minutes of 20 October 1993 be amended as noted by Her Worship.

Motion carried.

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APPROVAL OF THE ORDER OF BUSINESS,  
ADDITIONS AND DELETIONS

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

- 20.1 Employee Computer Purchase Program
- 20.2 Dillon Avenue - Storm Sewer Outfall
- 20.3 Municipal Involvement - Federal  
Infrastructure Program
- 20.4 Assessment Appeals (Alderman O'Malley)

Alderman Adams proposed to add the item, "Industrial Commission Audit" however Her Worship pointed out that this matter has been considered within the last two months, so Council would require a two-thirds majority of Council in favour to add the item to the agenda.

With a show of hands, Her Worship call for the vote on the addition of the item and, with a two-thirds majority in favour, the item, as follows, was added:

20.5 Industrial Commission Audit

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

Alderman Meagher retired from the meeting.

DEFERRED ITEMS

Case No. 6431: 3763-71 Dutch Village Road -  
Plan Amendment Request

A public hearing on this matter was held on Wednesday, 8 December 1993.

A letter dated 15 December 1993 in opposition to the proposed development was submitted from Patricia Robinson, 3663 Percy Street.

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Alderman Jeffrey advised that this matter had been before Council several times and, at the last public hearing, the applicant responded to concerns which have been expressed by the neighbours. The Alderman went on to note that the applicant was not a big developer and that his proposal was more of a family-type business. He added that the applicant simply wanted to pursue his career in insurance at this location. Alderman Jeffrey noted that this proposal has cost the applicant approximately \$2,000 in advertising.

Referring to the staff report, Alderman Jeffrey noted that it specifically states what can and can not be located on this property if the plan amendment is approved. He indicated that the permitted uses are small businesses which fit into the area, and are not establishments like food take-outs or facilities which would require liquor licenses and which have been a concern to the neighbours.

Alderman Jeffrey pointed out the various commercial businesses located in this area and advised that he felt this proposal is suitable for the area, and that it will not negatively impact on the community. He also added that if it is approved, the applicant cannot put anything on the lot other than what he has been given approval for. For these reasons, and in conversations with area residents who he believed were, for the most part, in favour of the application, Alderman Jeffrey advised that he would move a motion approving the application.

MOVED by Alderman Jeffrey, seconded by Alderman Pottie that Council adopt the Plan and Bylaw Amendments as contained in Appendix II, attached to the 26 October 1993 supplementary staff report for Case No. 6431, 3763 Dutch Village Road - Plan Amendment Request.

Motion carried.

Case No. 6818: 1390 and 1400 LeMarchant Street -  
Rezoning from R-2 to U-1

A public hearing on this matter was held on Wednesday, 8 December 1993.

A supplementary staff report dated 14 December 1993 was submitted.

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Alderman Fitzgerald noted that at the public hearing, a number of neighbours who were concerned with this matter indicated that they would be more comfortable if there was a specific proposal to consider. He added that Dalhousie is looking for flexibility however the neighbours want stability in their neighbourhood and he believed the neighbours request was reasonable, particularly because the area which is zoned R-2 is being eroded substantially and quickly.

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that:

1. the application to rezone 1390 and 1400 LeMarchant Street from R-2 (General Residential) to U-1 (Low-Density University Zone) be **refused**.
2. staff report back on the appropriateness of the uses permitted in the Peninsula Centre U-1 zone relative to their impact on existing residential uses in the university designation; and further, that staff report on the opportunities for rezoning within the university designation and on any options which might be available to reduce the conflict with the residents.

Motion carried.

Alderman Meagher returned to the meeting.

Case No. 6756: Development Agreement - 556-558 Tower Road

A public hearing on this matter was held on Wednesday, 8 December 1993.

A letter dated 13 December 1993 in opposition to the application was submitted from Mr. Gordon Hiltz, 592 Tower Road, Halifax, N. S.

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Information entitled, "Shadowing Study for 556-558 Tower Road" dated 14 December 1993 was submitted from Mr. Nathan Allcott, the applicant.

Information entitled, "Clarifications Concerning Development Agreement - 556-558 Tower Road, Case #6756" dated 14 December 1993 was submitted from Mr. Nathan Allcott, the applicant.

A facsimile dated 15 December 1993 Re Amended Map was submitted from Mr. Nathan Allcott, the applicant.

A letter dated 15 December 1993 with attachments opposing the application was submitted from Mr. David Gough, 562 Tower Road, Halifax, N. S., and Mr. Edward Gores, 5821 Fays Lane, Halifax, N. S.

Alderman Holland advised that the majority of residents of this area do not support this particular application. He added that they are not against developing this property, they do not want this particular application. Alderman Holland indicated that Council has to side with what the people of the area want, and he suggested that there was proof that they do not want this development.

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that the application for a development agreement at 556-558 Tower Road, lands of Nathan T. Allcott and Mary T. MacKenzie be refused.

The City Clerk advised that Alderman Meagher and Alderman Jeffrey were not in attendance at the public hearing and therefore were ineligible to vote.

Motion defeated with Aldermen Meagher and Jeffrey abstaining.

MOVED by Alderman Hanson, seconded by Alderman Adams that the application for a development agreement at 556-558 Tower Road, lands of Nathan T. Allcott and Mary T. Mackenzie as outlined in the 28 September 1993 staff report be **approved**.

Motion carried with Aldermen Meagher and Jeffrey abstaining.



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Alderman Holland advised that at the next regular meeting of Halifax City Council he intended to move a Motion of Reconsideration on this matter.

**Case No. 6791: Development Agreement - Procedures for the Residential Development of the Alexandra Centre Site**

A public hearing on this matter was held on Wednesday, 8 December 1993.

MOVED by Alderman Downey, seconded by Alderman O'Malley that approval be granted for the entering into of one or more development agreements to permit construction of residential buildings on the former Alexandra Centre site; and that there be public input after the designs are received from the call for proposals.

The City Clerk advised that Alderman Meagher and Alderman Jeffrey were not in attendance at the public hearing and therefore were ineligible to vote.

Motion carried with Aldermen Meagher and Jeffrey abstaining.

**Report from Heritage Advisory Committee RE: Date for Hearing - Recommended Heritage Properties (5419 and 5425 Portland Place) and 2085-87-91-93-95-97-99 Maitland)**

This matter had been forwarded to this meeting from the Special City Council meeting held on Wednesday, 8 December 1993.

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that a dated for a heritage hearing be set for the recommended heritage properties of 5419 and 5425 Portland Place and 2085-87-91-93-95-97-99 Maitland Street.

Motion carried.

The City Clerk advised that the date for the hearing was scheduled for **Wednesday, 23 February 1993 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

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SAFETY COMMITTEE

Council considered the report of the Safety Committee from its meeting held on 8 December 1993 as follows:

The Halifax Rifles

At the request of Alderman Holland, Council agreed to deal with this agenda item at this time.

A staff report dated 10 December 1993 was submitted.

A supplementary staff report dated 13 December 1993 was submitted.

MOVED by Alderman Holland, seconded by Alderman Jeffrey that Halifax City Council lend its wholehearted support to the reinstatement of the Halifax Rifles Royal Canadian Armoured Corps and the Mayor be directed to write to Major General J. A. MacInnes, Commander, Headquarters Land Force Atlantic Division.

Motion carried.

PLANNING COMMITTEE

At the request of Alderman Downey, Council agreed to deal with this agenda item at this time.

Khyber Building

A supplementary staff report dated 14 December 1993 was submitted.

A letter dated 15 December 1993 from Donald J. Patton, President, and Elizabeth Pacey, Research Director, Heritage Trust of Nova Scotia was submitted.

Alderman Downey addressed the matter and, referring to the submitted letter from Heritage Trust, advised that he was prepared to move a motion in respect of the recommendation contained in the letter which is to urge that staff proceed with the repairs and reopening of the Khyber building rather than board up the building.

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MOVED by Alderman Downey, seconded by Alderman Fitzgerald that staff proceed with repairing, reopening, and renting the Khyber Building.

Alderman Stone indicated that he could not support the motion, noting that it goes against staff's recommendation, and he added that the expense to repair the building and the rent the City would receive would not be cost-effective for the City. The Alderman noted that to date, only one tenant has indicated they are willing to take space in the building. Alderman Stone advised that he hoped Council would support staff's recommendation which is to defer consideration of the matter, and keep the security and maintenance in place until the City has further commitments from others who are willing to rent space, so that the building will pay for itself.

Ms. Elizabeth Pacey, Research Director, Heritage Trust of Nova Scotia, addressed Council and advised that Heritage Trust was very concerned about vandalism and the threat to the Khyber Building, and she noted that, since the building has been closed, vandalism has already occurred. She added that the security is a "drive-by" type of security and they (Heritage Trust) believe this puts the building at great risk for further vandalism and further deterioration.

Ms. Pacey noted that a former tenant of the building, the Ballet Theatre, is losing students because of this situation, however they would like to return to the building. In pointing out the urgency of reopening the building, Ms. Pacey added that the City could have the Ballet Theatre back as a tenant, however, because of their immediate need for space, they are considering alternative accommodations which involve a three-year lease. Ms. Pacey advised that Heritage Trust is interested in occupying space in the building, however, their present lease expires in February and it will take additional time for the volunteer organization to collectively consider the suggestions as proposed by staff.

Deputy Mayor Pottie questioned if Council's motion of 9 November 1993 was still valid, noting that Council had given staff different direction on the matter at that time. Deputy Mayor Pottie expressed concern about the operating costs of the building, adding that the City runs a deficit of about \$14,000. In addition, the Deputy Mayor noted that staff has explained the associated costs in keeping the building operating. Deputy Mayor Pottie cautioned Council in

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proceeding too quickly on this matter and he suggested that if it wants to proceed, then it should get more information from staff and defer the matter to the 5 January 1994 meeting of the Committee of the Whole Council. He added that he could not support the present motion and that he would like it to go back to staff for a full comprehensive report.

Her Worship noted that the previous motion of Council exists until it is rescinded, however this does not prevent the City from renting the building, and she noted that staff can still be negotiating to lease or sell the property while there are tenants therein.

Following further comments, the motion was carried.

Council then continued with its regular agenda.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered a report from the meeting of its Finance and Executive Committee held on Wednesday, 8 December 1993:

**MGL Consulting and Investments Ltd. - Ferry Boat Lane**

A supplementary staff report dated 14 December 1993 was submitted.

MOVED by Alderman Downey, seconded by Alderman Holland that, as recommended by the Finance and Executive Committee, the Mayor and the City Clerk be authorized to sign an amendment to the lease with MGL Consulting and Investment Ltd., incorporating the following changes, effective 1 October 1993, the mortgage renewal date:-

- (1) the term of the lease be amended to 40 years, dated from 1 October 1993;
- (2) the rent for the current renewal period, from 1 October 1993 to 30 September 1998, be set at \$2.50 per square foot per annum, or \$18,865 per annum in total;
- (3) the rent be revised on 1 October 1998 and every fifth anniversary year thereafter,

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based on a percentage applied to the appraised value of the land in Phases I, II and III, using an Income Approach to land value and assuming ground floor retail/commercial as Highest and Best Use (the percentage will be the equivalent of the City's anticipated return on five year investments at time of renewal, plus 1.5 percent).

Motion carried.

**Terms of Reference - Canada Day Committee**

MOVED by Alderman Fitzgerald, seconded by Alderman Adams that, as recommended by the Finance and Executive,

- (1) City Council approve the following Mandate, Composition and Terms of Reference for a City of Halifax Canada Day Committee:

**MANDATE:** To plan, organize and coordinate activities to celebrate Canada Day on 1 July annually in the City of Halifax.

**COMPOSITION:** The Committee will be composed of a member of City Council, a representative of Parks Canada (Halifax Citadel), not less than four citizens of the City of Halifax, and appropriate staff support.

**TERMS OF REFERENCE:**

1. To plan activities to celebrate Canada Day on 1 July annually in the City of Halifax;
  2. To seek corporate funding annually to support Canada Day activities;
  3. To complete any necessary documentation and make appropriate representation to the Secretary of State (Federal Government) seeking all available funding for Canada Day activities;
  4. To adhere to all City of Halifax policies and procedures when planning events, particularly when finances are involved;
  5. To adhere to the budgetary allocation provided by the City of Halifax annually, and whatever additional corporate, governmental or other funding acquired by the Committee in support of a Canada Day Program.
- (2) the Canada Day Committee be included in the City's annual advertisement for citizen volunteers; and that



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- (3) nominees for membership on the Committee be submitted to City Council for approval annually.

Motion carried.

**Authority of Boards and Commissions**

MOVED by alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the following guidelines (as contained in the 23 November 1993 staff report) be circulated to all boards and commissions for comment prior to implementation; and further, that failing persuasive argument to the contrary, Council proceed to implement said guidelines:

- (1) That any long-term contract or commitment extending beyond the current budgetary period proposed to be entered into by any Board or Commission require formal authority by Council;
- (2) That all Boards and Commissions be required to submit monthly operating statements to Council, with copies to the City Manager, such that the result may be included in the City Manager's monthly operating report to Council;
- (3) That each monthly report from each Board or Commission shall be required to include a forecast of expenditures and revenues to the end of the current budgetary period.

Motion carried.

**City Charter Amendments**

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

- (1) Council ask the Minister of Municipal Affairs to review the problem of municipal liability (with the assistance of City staff if required), with a view to bringing in any remedial legislation to the next sitting of the House; and further, that

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- (2) Council ask the Minister of Community Services to review the problems posed by the Settlement Act for municipalities as a result of the concentration of births in the Province in maternity hospitals.

Motion carried.

**Award of Tender 93-197 - Conversion of a 1987  
Pierre Thibault 100 Foot Aerial to Quint Configuration**

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

- (1) **Nova Quintech (Pierre Thibault)** be authorized to make the repairs outlined in the 23 November staff report at a cost of \$132,673.00;
- (2) staff be authorized to spend no more than \$30,000 to increase the capacity of the front axle to accommodate the additional weight;
- (3) authority be granted to sell the 1986 pumper when decommissioned to the Conquerall Bank Fire Department at a price of \$53,685.00

(the net cost of the above modification is \$108,988.00; funds to be made available from the "Vehicle Reserve Account").

Motion carried.

**Natal Day Committee - Terms of Reference**

A memorandum dated 13 December 1993 from Mr. Bob Bezanson was submitted.

MOVED by Deputy Mayor Pottie, seconded by Alderman Fitzgerald that this matter be forwarded to the next regular meeting of the Committee of the Whole, scheduled for **Wednesday 5 January 1994.**

Motion carried.

Current Borrowing Resolution

MOVED by Alderman Holland, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the Mayor and City Clerk be authorized to sign the current borrowing resolution attached to the staff report dated 30 November 1993 in the sum of \$7,000,000 for the period 1 January 1994 to 30 June 1994 in accordance with Section 213 of the Halifax City Charter.

Motion carried.

Encroachment License - Civic #741 Bedford Highway

MOVED by Alderman Stone, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, an encroachment license be approved for the construction of an encroaching illuminated sign structure at the front of the property known as Civic No. 741 Bedford Highway.

Motion carried.

Land Transactions - City and Province of Nova Scotia

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the exchange of City-owned lands for lands of the Province of Nova Scotia, as identified in Schedule "A" of the 2 December 1993 staff report, be concluded together with compensation in the amount of \$2,483,254.50 in favour of the City, with said amount to be paid into the Sale of Land Account.

Motion carried.

Vendors - Grand Parade

MOVED by Alderman Adams, seconded by Alderman Holland that, as recommended by the Finance and Executive Committee, Section 54 of Ordinance 180 be amended by adding as subsection (3) the following:

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"a person vending at a site in the Grand Parade shall not conduct his business in such a way as to interfere with performances being conducted in the Grand Parade."

Motion carried.

**Review of Halifax City Charter**

MOVED by Alderman Hanson, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, the matter of a review of the Halifax City Charter be referred to staff for recommendations on how a consolidation and review of the Halifax City Charter should be undertaken.

Motion carried.

**Superannuation Trustee Fees**

MOVED by Deputy Mayor Pottie, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, the payment of \$34,913.27 to Royal Trust be approved, with funds being available from account number 27103.120.

Motion carried.

**Consent to Mortgage - Rocky Road Housing Co-operative**

MOVED by Alderman O'Malley, seconded by Deputy Mayor Pottie that, as recommended by the Finance and Executive Committee, the Mayor and City Clerk be authorized to execute a form of consent to the mortgage arrangement in respect of the Rocky Road Housing Co-Op.

Motion carried.

Casino Theatre - Gottingen Street

MOVED by Alderman Downey, seconded by Alderman Holland that, as recommended by the Finance and Executive committee, staff investigate and comment on Ms. Sakurai's request including information with respect to funding, etc.

Motion carried.

Gwen Noah Dance

A staff report dated 13 December 1993 was submitted.

MOVED by Alderman Meagher, seconded by Alderman O'Malley that the recommendation of the Tax Concessions and Grants Committee (not recommending a grant) be upheld.

Motion carried.

Terms of Reference - 5 Star Committee, Halifax Advisory Committee on the Status of Persons with Disabilities

A staff report dated 13 December 1993 was submitted.

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

- Section 4 of the Terms of Reference be reworded to state "In addition, the Committee request the assistance of City staff, as deemed necessary, to fulfil the Committee's mandate."
- Council accept the report of the Halifax Advisory Committee on the Status of Persons with Disabilities, with the above noted change to Section 4 of the Terms of Reference.

Motion carried.



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Mayor's Youth Advisory Committee

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

1. that **two** youth be appointed as a member to the following Committees for **a school term from September to June** and that they sit on those committees as observers only:

Art Allocation Committee  
Board of Harbour City Homes  
Board of Health  
Design Advisory Committee  
Directors of Point Pleasant Park  
Halifax City Regional Library Board  
Halifax Forum Commission  
Halifax Hakodate Committee  
Halifax Recreation Committee  
Heritage Advisory Committee  
Lakes and Waterways Advisory Committee  
Mainland South Community Centre Corporation  
Mayor's Advisory Committee on Race Relations  
Tourism Halifax Committee  
Transit Advisory Committee

and, further,

2. that an advertisement requesting volunteers be forwarded to the City of Halifax high schools via the Director of Education and that all replies be forwarded to the Mayor's Office to be reviewed with the chairmen of the various committees prior to any appointments.

Motion carried.

Emergency Repairs - Williams Lake Pumping Station

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

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1. authority be granted to pay the invoice for emergency repairs to the Williams Lake Pumping Station from Detroit Diesel-Allison Canada East in the amount of \$15,603.65;
2. funds be made available from account number 22902.847 titled Miscellaneous Repairs-Williams Lake Pumping Station.

Motion carried.

**Case No. 5949: Extension of Development Agreement -  
Park West Shopping Centre**

A letter dated 15 December 1993 from Mr. John Gardonio, Real Estate Manager, Canadian Tire Corporation Limited, 3100 Côte Vertu, Suite 330, Ville St-Laurent, Quebec, was submitted.

Alderman Stone addressed the matter and, referring to the submitted letter from Mr. John Gardonio, advised that due to a serious illness in the family, Mr. Gardonio was unable to attend this meeting. However, Alderman Stone went on to add that Mr. Gardonio wanted the message conveyed that he is still interested in appearing before Council to explain their position. Alderman Stone added that he advised that he could attend in March, and the Alderman therefore requested that staff make arrangements for representation from Canadian Tire at a meeting of the Committee of the Whole in March. With this condition, Alderman Stone indicated that he was prepared to move a motion approving the recommendation of the 6 December 1993 staff report.

MOVED by Alderman Stone, seconded Holland that:

1. Pursuant to Article 7 of the development agreement governing Park West Shopping Plaza, the time frame for completing the Canadian Tire Store be extended to 31 December 1994
2. This extension be granted on the condition that the project has been commenced not later than 20 May 1994 - commencement meaning the pouring of all footings and foundations relating to the whole of the project.

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3. A representative from Canadian Tire appear at a Committee of the Whole meeting in March 1994 to explain their plans for this site.

Motion carried.

Liquor Store - Quinpool Road Centre

This matter was forwarded without recommendation from the 8 December 1993 meeting of the Finance and Executive Committee.

Alderman Meagher referred to the liquor store which recently opened in the IGA Store at the Quinpool Road Centre, and advised that he was very concerned because of its close proximity to three schools. Alderman Meagher questioned the appropriateness of its location and whether or not the City would have some say in the matter, given the fact that it still has some money invested in this development.

In response, the Acting City Manager advised that any attempt to prevent this type of use would have to be made through overtures to the Nova Scotia Liquor Commission. He added that the law is such that the Nova Scotia Liquor Commission, being a Crown Corporation, is not subject to the land use bylaws of the City and doesn't require development permits, etc. from the City. The Acting City Manager noted that the actual use is permitted under the land use bylaw so, had they been a private enterprise, they would have been able to get a permit as-of-right.

The Acting City Manager went on to advise that, although the City holds outstanding notes in respect of this development, under the terms of the agreement, it doesn't give the City any control over the development itself.

Following a brief discussion, it was MOVED by Alderman Meagher, seconded by Alderman Holland that this matter be deferred to the Committee of the Whole meeting, scheduled for Wednesday, 5 January 1994, and that a representative from the Nova Scotia Liquor Commission be invited to attend to explain the situation.

Motion carried.

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REPORT - PLANNING COMMITTEE

Council considered the report from a meeting of its Planning Committee, held on Wednesday, 9 December 1993, as follows:

Khyber Building, 1588 Barrington Street

This matter dealt with earlier in the meeting following deferred items.

Case No. 6819: Glenbourne Stage II,  
Schedule "K" Application, Phase 1A

Alderman Stone addressed the item briefly and MOVED seconded by Alderman Jeffrey that, as recommended by the Planning Committee:

1. the application by **Alderney Consultants (1987) Ltd.** under Schedule "K," Section 68 of the Land Use Bylaw (Mainland Area) for Stage II approval of the Glenbourne Phase 1A development be approved by City Council;
2. City Council agree to the construction of the portion of the north/south collector connecting the two legs of road "D" as part of Phase 1A, subject to the Environmental Assessment registration and approval from the Nova Scotia Department of the Environment;
3. City Council approve the acquisition of the alternative easement through the Wedgewood Ravine; and that
  - (a) portions of the existing easement, which are no longer required by the City, be extinguished; and that
  - (b) following completion of the project, the City will not cut any further trees within the easement during maintenance of the sewer line unless absolutely necessary for maintenance purposes and

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- only after consultation with the property owner; and that any disruption within the easement by the City will be promptly reinstated;
- (c) that the residents be given prior notice whenever the City plans to enter the easement for maintenance purposes;
4. the 50/50 cost-sharing split for installation of the Wedgewood sewer through the alternative easement be confirmed by City Council with the condition that the City's share of the compensation to the owners for the easement acquisition be a maximum of \$3,333 per lot;
5. that the capital budget allocation previously approved for Glenbourne be amended to designate \$470,000 for 1994, \$124,000 for 1995, and \$297,000 for a further six years, with the appropriate amount of these funds being drawn from the oversize street and sewer account;
6. City Council agree to allow clearing, grubbing and bulk earthworks to proceed in accordance with the terms of the Stage II agreement;
7. Council require that the agreement (as appended to the staff report dated 1 December 1993) 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; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

Motion passed.

Dillon Avenue - Storm Sewer Outfall

This item was added during the setting of the agenda at the request of the City Clerk and agreed to be dealt with in conjunction with the above item.

A staff report dated 14 December 1993 was submitted.



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MOVED by Alderman Stone, seconded by Alderman Adams that a sum of not more than \$10,000 be provided to the Glenbourne developer in order that an acceptable solution to the ponding problem caused by the storm sewer outfall from Dillon Avenue might be rectified subject to the necessary approvals.

Motion passed.

**Report from Planning Advisory Committee**  
**Re: 96 Rufus Avenue - Rezoning**

MOVED by Alderman Jeffrey, seconded by Alderman Fitzgerald that, as recommended by the Planning Committee, the information report dated 30 November 1993 and the report from P. Pacey, Chair, Planning Advisory Committee, dated 16 November 1993 be tabled.

Motion passed.

At approximately 9:15 p.m. Her Worship Mayor Ducharme retired from the meeting with Deputy Mayor Pottie taking the seat of the Chair.

**Monastery Lane**

This matter was forwarded to Council without recommendation with the request that a further traffic count be undertaken by the Traffic Authority.

An information report dated 15 December 1993 was submitted.

Alderman Meagher addressed the matter and noted that the information report from staff indicates that the traffic certainly is not decreasing in the Monastery Lane and Allan Street area.

MOVED by Alderman Meagher, seconded by Alderman Holland that this matter be deferred to the next Committee of the Whole Council meeting to be held on **Wednesday, 5 January 1994**, at which time the Traffic Authority be requested to provide a follow-up report on what can be done to address the problem of increased traffic in the Monastery Lane and Allen Street area.

Motion passed.

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Case No. 6868: Plan Amendment Request:  
138 Herring Cove Road

MOVED by Alderman Hanson, seconded by Alderman Adams that, as recommended by the Planning Committee, the request for a commercial designation and minor commercial zoning at 138 Herring Cove Road be sent to the Planning Advisory Committee for a public meeting and advice.

Motion passed.

Case No. 6852: Proposed Rezoning  
- Lands of St. Mary's University - SET DATE FOR HEARING

MOVED by Alderman Holland, seconded by Alderman O'Malley that, as recommended by the Planning Committee, a public hearing date be scheduled to consider the application from the Board of Governors of Saint Mary's University for a rezoning of a number of its landholdings in the vicinity of Robie Street and Gorsebrook Avenue.

Motion passed.

The City Clerk advised that the recommended date for a public hearing is Thursday, 19 January 1994, 7:30 p.m. in the Council Chamber.

View Plane Intrusion - CFB Halifax Dockyard

MOVED by Alderman O'Malley, seconded by Alderman Stone that, as recommended by the Planning Committee, Council authorize the City Clerk to invite representatives of the National Defence Department to meet with City Council at the earliest agreeable time to give a full briefing on the evolution of the proposed supply facility and the reasons for its intrusion into View Plane No. 1. and, further, that staff determine whether the National Defence Department can make modifications to their design to prevent intrusion into the view plane.

Motion passed.

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It was agreed that a special Committee of the Whole Council meeting date be set for Wednesday, 12 January 1994, at 4:00 p.m. in the Council Chamber to consider this item.

**Round Table Report on the Environment and the Economy**

MOVED by Alderman Fitzgerald, seconded by Alderman Adams that, as recommended by the Planning Committee, the report entitled "Response of City of Halifax Departments, Boards and Commissions to the Report of the Round Table on the Environment and Economy", dated 29 November 1993, be deferred to a special Committee of the Whole Council meeting with the Round Table to be informed of the date.

Motion passed.

It was agreed that a special Committee of the Whole Council meeting date be set for Wednesday, 12 January 1994, at 4:00 p.m. in the Council Chamber to consider this item.

Alderman Stone noted that a meeting had been called for last Wednesday to address the budget and that some members of Council were criticized for not being in attendance. He advised that he wished to point out for the record that when this meeting had been scheduled, he emphasized very strongly that he would not be able to be in attendance. Alderman Stone noted that he did not know if that had been made known when the meeting was held and indicated that he would appreciate in the future that it be noted by the Chairman at the start of the meeting.

**Application of Mr. John MacNab - Sculpture, Horseshoe Park**

Alderman Fitzgerald addressed the matter and indicated his support of Mr. MacNab's application. He went on to suggest that if anyone has any objections to the proposed sculpture on Horseshoe Island, they should contact City Hall immediately.

A short discussion followed with Alderman Hanson speaking in opposition to the placement of public art on Horseshoe Island.

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Alderman Crowley suggested that the community should be provided the opportunity to comment on the proposed sculpture.

Alderman Fitzgerald concurred with Alderman Crowley's suggestion and agreed that the public should be given a time period of until the end of January to comment. He added that he would request that the people on the Armview Avenue side be notified as well as the resident's in Alderman Hanson's Ward who are within site of the structure (i.e. Edmonds Grounds, Regatta Point).

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that the matter of granting permission to erect the sculpture proposed on Horseshoe Island, on the following conditions, be deferred to the 27 January 1994 meeting of City Council and that the citizens on Armview Avenue and Regatta Point be notified and invited to comment on the proposal:

- (i) all necessary permits are acquired by Mr. MacNab;
- (ii) all costs in laying a proper foundation, transporting the granite pieces to the site, erecting the structure and reinstating the landscape are borne by Mr. MacNab; and reinstating the landscape are borne by Mr. MacNab;
- (iii) the matter of an appropriate barrier and signs is referred back to staff for discussion with Mr. MacNab, with a report back to Council on the outcome;
- (iv) funds be set aside for the sculpture's on-going upkeep;
- (v) the foundations be designed by an engineer and checked by City staff to ensure they are safe;
- (vi) the general public be notified and asked to comment on the matter.

Motion passed.

Her Worship Mayor Ducharme returned to the meeting during discussion on the above item, with Deputy Mayor Pottie taking his usual seat on Council.

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Rooming Houses (Referral to PAC)

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that, as recommended by the Planning Committee, the matter with respect to residential houses that are used as rooming houses be sent to the Planning Advisory Committee for a further review and report back to City Council at the earliest date possible.

Motion passed.

MISCELLANEOUS BUSINESS

Price Agreement #914081 - Hot Mix Asphalt

A staff report dated 7 December 1993 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that authority be granted to award Price Agreement #914081 for Hot Mix Asphalt to Standard Paving at \$105.50/tonne, with funds being made available in various accounts.

Motion passed.

File No. 2214 - Purchase of Software for the  
Halifax Transportation Study

A staff report dated 8 December 1993 was submitted.

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that authority be granted to commit \$10,800.00 U.S. with the Urban Analysis Group for the purchase of URBAN/SYS Software for the Halifax Transportation Study, with funds being made available from account number 22420-9133-91544 titled Engineering Design, City Transportation.

Motion passed.



QUESTIONS

Question Alderman Adams Re: CMHC Programs

Alderman Adams noted that there have been some programs which have been made available in other areas (namely, Sackville and Forest Hills) regarding CMHC where lots have been offered to the public to encourage building. The Alderman indicated that he would like to see if the same opportunity could be made possible for the Spryfield area.

Question Alderman Adams Re: Kidston Estates

Alderman Adams noted that he had raised a question about eight months ago regarding Phases 2 and 3 of the Kidston Estates development. He added that there have been a number of citizens in this area who are asking when the 2nd and 3rd phases will be undertaken. Alderman Adams pointed out that the answer given was that the conditions were not right. He went on to suggest that with interest rates the lowest in 29 years, unemployment fairly high, and labour relatively inexpensive, this perhaps would be the time. Alderman Adams asked that the matter be pursued.

Question Alderman Stone Re: Increased Traffic in the  
Shaunslieve Area

Alderman Stone noted that on the Bedford Highway, in the area of Shaunslieve, there is a new development called Oceanview Park. He added that along with the Shaunslieve and the Oceanview Park Developments, there are approximately 1000 additional residents. Alderman Stone pointed out that there is now the problem of traffic entering and exiting the developments.

The Alderman asked that the Traffic Authority investigate the situation and determine what measure could be taken to ease the flow of traffic in and out of those developments and to consider whether there should be a new crosswalk, lights, etc., to make it a safer place.

Alderman Stone also commented that there is a bus stop across the street and that the residents have asked that there be a crosswalk from their side of the road to the other

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side to reach the bus stop. At an earlier time, he noted that there was not enough pedestrian traffic to warrant the crosswalk, but suggested that it should be reconsidered now with the increase in traffic from the new apartments.

**Question Alderman Stone Re: Proposals for Indoor Soccer**

Alderman Stone noted that a report had been provided on an earlier occasion regarding proposals for indoor soccer particularly at the Mainland Common. He advised that the report indicated that Soccer Nova Scotia had agreed to go to the Gorsebrook/St. Francis/Lacrosse site. However, Alderman Stone indicated that it was now his understanding that they did not go there and instead went out to the Exhibition Park for only a year. He pointed out that they were still looking for a site and therefore asked that staff look at calling for proposals for this indoor soccer facility particularly for the Mainland Common area.

**Question Alderman Stone Re: Pioneer Avenue Upgrading**

Alderman Stone noted that the tender has been authorized for the upgrading of Pioneer Avenue between Wren Street and Forest Hills. He pointed out that progress was slow from the point of view that there has been no construction of curb, gutter, or asphalt. The Alderman asked that staff investigate the situation to determine the cause of the delay.

**Question Alderman Stone Re: Change in Traffic Pattern at Willett Street and Lacewood Drive**

Alderman Stone noted that people should be aware that with the extension of Lacewood Drive to the Bi-Hi, there is going to be a change in the traffic pattern in the area of Willett Street and Lacewood Drive. He explained that people are now used to coming to a full stop at the end of Willett Street and that, beginning tomorrow, the stop sign will change from Lacewood to Willett and Lacewood will become a through traffic street.

Alderman Stone expressed the concern that the change will take some adjustment and requested therefore that staff monitor the situation and perhaps a policeman be

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situated in the area to make sure people understand that Lacewood has now become a through Street.

**Question Alderman Downey Re: New Overhead Crosswalk Signs  
- South Park and Brenton Streets**

Alderman Downey referred to the new overhead crosswalk signs on South Park and Brenton Streets. He asked that the Traffic Division run an advertisement of notification about the new signs.

**Question Alderman Downey Re: Closure of Metropolitan Store  
on Gottingen Street**

Alderman Downey noted that he had requested an information report sometime ago concerning the closure of the Metropolitan Store on Gottingen Street. He questioned whether there had been any follow-up with respect to the City's use of the building.

In response, the Acting City Manager advised that the City does not have any use for the property. However, he noted that there were on-going negotiations with a couple of people. The Acting City Manager advised that the negotiations were still ongoing.

**Question Alderman Downey Re: County Building**

Alderman Downey noted that the County offices were moving from the County Building on Dutch Village Road in approximately one year's time. The Alderman expressed the hope that the City would look at its potential use of this building. He suggested that it would be a central location for the City's Emergency Measures Organization. Alderman Downey also pointed out that the City's Social Assistance office had been moved from Gottingen Street to rental space in the West End Mall because it was a more central location. He suggested that when this lease expires, the City should consider using the County building for this purpose. Alderman Downey also suggested that it would even be a good location for some public hearings.

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Alderman Downey asked that staff provide a report on the matter.

**Question Alderman Fitzgerald Re: Crosswalk Signs -  
Quinpool Road**

Alderman Fitzgerald noted that the new crosswalk signs on Quinpool Road are excellent. However, he advised that he had received a number of complaints that people are not observing the flashing lights. The Alderman therefore requested that the public be notified in this regard.

On another but related matter, Alderman Fitzgerald advised that it had been brought to his attention that the crosswalk guard at the corner of Jubilee and Beech Streets is missing from time to time and that people are nervous about the fact that they are not confident that he or she will not be there every day. Alderman Fitzgerald noted that a report had been received, but requested that the matter be further investigated.

**Question Alderman Fitzgerald Re: Costs Associated with the  
Maintenance of Roads, etc., Halifax Industrial Park**

Alderman Fitzgerald noted that with the construction of new roads, signs and lights, etc., have to be installed. As a result of Lacewood Drive, he suggested that there would be additional costs to the Engineering and Works Department.

The Alderman requested a report on new costs to the Engineering & Works Department for the servicing and maintenance of roads, signs, street lights, snow ploughing, etc., in the Industrial Park.

**Question Alderman Fitzgerald Re: Camp Hill Cemetery**

Alderman Fitzgerald requested that an assessment of the Camp Hill cemetery be undertaken. He pointed out that some of the headstones are collapsing and that some ground has levelled down and settled. The Alderman requested a report on what it would cost to tidy up the cemetery in this regard.

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**Question Alderman Fitzgerald Re: Halifax Foundation**

Alderman Fitzgerald noted that years ago a substantial amount of money was bequested to the City with regards to picnics for the poor. He noted that it was his understanding this money went to the Halifax Foundation. The Alderman went on to ask for a report on what funds were available through the Foundation as well as a report on the Halifax Foundation.

The Chairman advised that the Halifax Foundation had a meeting last week and are preparing an annual report which will be provided to Council.

**Question Alderman Fitzgerald Re: Update on  
Various Commissions**

Alderman Fitzgerald expressed concern that activity is taking place which Council is not aware of i.e. creeping blight of amalgamation, the Water Commission, the Greater Halifax Economic Development Agency. The Alderman asked for an update on the activities of these various agencies so that Council is fully informed. Alderman Fitzgerald referred to provincial discussion indicating he was concerned with announcements that may be made without consultation and or opportunity for input.

**Question Alderman O'Malley Re: Duffus Street Pumping Station**

Alderman O'Malley questioned the status of the report with respect to the Duffus Street pumping station.

Mr. Peter S. Connell, Director of Engineering and Works Department, addressed Council and advised that a consultant had been hired and that staff were awaiting a report. He added that a progress report will be provided as soon as possible. Mr. Connell pointed out that, as far as the budget is concerned, the Duffus Street Pumping Station is covered under the pollution control account so there would be no actual need to budget this item in the capital budget.



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Alderman O'Malley noted that the residents then can look forward to some changes being made to rectify the situation.

Mr. Connell confirmed that staff will provide information on what is required for the budget.

**Question Alderman O'Malley Re: Four Way Stop at  
Russell and Gottingen Streets**

Alderman O'Malley referred to a letter which had been written to the Traffic Authority from a number of concerned groups in the Gottingen Street and Russell Street areas (namely the Principal of the St. Joseph's A. MacKay School, the President of the Home and School Association, the Ward 5 Community Centre, the Alexandra Centre, and the Northend Day Care). The Alderman advised that all of these people are concerned with the safety of the children who cross Gottingen Street and Russell Street at the four way stop.

Alderman O'Malley explained that the letter is concerned that there are drivers who fail to stop at this intersection in which many children use. She noted that there was a crossing guard at this intersection, but it was still dangerous for the children when the traffic fails to stop. Alderman O'Malley advised that the letter requests that one of the RA5 overhead crosswalk signs be erected. However she pointed out that the Traffic Authority has responded that those signs are not placed in areas where there are stop signs. She expressed her disappointment with the report from the Traffic Authority and asked for a report listing all the locations of these new RA5 signs in the City of Halifax as well as information as to the policy of the Department of Transportation if there are any exceptions made to this practice.

**Question Alderman Crowley Re: Double Lines - MacDonald Street**

Alderman Crowley advised that there were double yellow lines on MacDonald Street as a result of the new placement of the yellow line in the centre of the street. As a noted that the second line causes confusion for motorists and asked that staff review the situation.

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**Question Alderman Crowley Re: Uplifting of Driveways  
from Tree Roots**

Alderman Crowley asked for information concerning the policy relating to the uplifting of private driveways as a result of tree roots. She noted that there were a number of extreme cases in her Ward.

**Question Alderman Crowley Re: Lights in the Downtown**

Alderman Crowley noted that she had been speaking with the City Manager regarding lights in the downtown area and questioned whether or not the matter had yet been investigated.

The Acting City Manager advised that he had requested staff to look into the situation and that a report was pending. He noted that he would inquire about the matter tomorrow morning.

**Question Alderman Hanson Re: Bus Shelter Program**

Alderman Hanson noted that he had recently attended a Transit Committee meeting and found out that the bus shelter program which was created by members of Council was being put into abeyance until spring of next year. He expressed his great concern over this matter noting that the shelters are an enhancement for the people who use Metro Transit in the community. The Alderman questioned whether City staff could pursue this in a more efficient and appropriate manner in order that the shelters can be installed by September or October of each year.

**Question Alderman Meagher Re: Boulevards**

Alderman Meagher questioned the status with respect to the boulevards.

Mr. Peter S. Connell, Director of Engineering and Works, responded that staff have contracted out the boulevard operation and everything is ready to go.

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**Question Alderman Holland Re: Invalid Care**

Alderman Holland referred to a letter dated 14 December he received from a 90 year old citizen of his Ward who cares for his invalid wife at home with the help of a full time attendant. He added that this senior is spending twice his income looking after his wife and questioned whether there was something the City could do to help an individual in these circumstances.

**Question Deputy Mayor Pottie Re: Dartmouth Ferry II**

Deputy Mayor Pottie tabled a letter with the City Clerk at this time dated December 16 from Mr. Bill Mont owner of Dartmouth Ferry II. The Deputy Mayor noted that the letter indicates that Mr. Mont had some discussion with City staff since City Council had revoked his permit and that he was eager to have the situation resolved.

Deputy Mayor Pottie requested that this matter be added to the Committee of the Whole Council agenda for **5 January 1994**. He asked that information be provided at that time on the costs which will be incurred and the length of time involved if the City of Halifax takes Mr. Mont to Court to have him remove the Dartmouth Ferry II from the waterfront.

**Question Deputy Mayor Pottie Re: Intermodal Roadway**

Deputy Mayor Pottie advised that a concern had been brought to his attention regarding the new intermodal roadway which goes through his Ward. He explained that where the actual roadway comes down off the main street, there was quite a sharp turn and there is concern about its close proximity to a small building. The Deputy Mayor suggested that possibly a guard rail would alleviate the concern and requested that staff look at the safety issue and take appropriate measures. He noted that it was his understanding Mr. Bill Sullivan, Chief Engineer, had looked into the situation and he asked that this item be added to the Committee of the Whole Council agenda for **5 January 1994**.

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NOTICES OF MOTION

Notice of Motion Alderman Holland Re: Case No. 6756  
Development Agreement - 556-558 Tower Road

Alderman Holland gave notice of motion that at the next regular meeting of City Council to be held on 13 January 1994 he proposes to introduce a motion of reconsideration in respect of item 5.3 "Case No. 6756: Development Agreement - 556-558 Tower Road."

Notice of Motion Alderman Adams Re: Halifax Harbour Cleanup  
Project - Mainland South Plan

Alderman Adams gave notice of motion of his intention to rescind Council's motion of November 9, 1993, regarding the Halifax Harbour Cleanup as follows:

"THAT City Council inform the President of the Halifax Harbour Cleanup Inc. as well as the Nova Scotia Department of the Environment that:

1. The present Mainland South section of the Municipal Development Plan has sufficient policy to control development in the backlands area in an appropriate manner;
2. No review of the Mainland South section is required at this time; and
3. HHCI should begin their re-examination of the project for Mainland South and Herring Cove with assistance provided by City staff on development scenarios under the existing Municipal Development Plan policies."

Alderman Adams noted that the reason he was doing this was because there were some individuals who did not have the opportunity for input. He added that he would like some cost estimates from staff for this particular motion of reconsideration.

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ADDED ITEMS

Employee Computer Purchase Program

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

A staff report dated 13 December 1993 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that the City of Halifax authorize a further employee computer purchase program for those employees indicating a wish to participate in the program within the next thirty (30) days, with the maximum advance to be set at an amount of the lesser of \$4500 or the maximum amount that the City Treasurer adjudges that the employee has the ability to pay, with the amount to be directed specifically to the purchase of computer equipment, with the maximum repayment terms to be thirty-six (36) months.

Motion passed.

Dillon Avenue - Storm Sewer Outfall

This item was considered earlier in the meeting in conjunction with item 15.2, "Case No. 6819: Glenbourne Stage II, Schedule "K" Application, Phase 1A".

Municipal Involvement - Federal Infrastructure Program

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

A staff report dated 15 December 1993 was submitted.

MOVED by Alderman Holland, seconded by Alderman Downey that the following resolution be approved by Halifax City Council and a copy of same be conveyed to the Premier of the Province of Nova Scotia and the Prime Minister of Canada



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in advance of the First Minister's Conference scheduled for 21 December 1993:

**WHEREAS**, the Council of the City of Halifax is supportive of the Federal Government's Proposed Municipal Infrastructure Program as a means of beginning to address the problems relating to Canada's deteriorating municipal infrastructure;

**WHEREAS**, this program is predicated on the basis of equal funding from each of the federal, provincial and municipal orders of government;

**WHEREAS**, the proposed Municipal Infrastructure program, as recently described by the President of the Treasury Board, would provide for a Management Committee with two representatives from the federal government and two representatives from the provincial government and no municipal government representation;

**WHEREAS**, this Management Committee would be involved in the formulation of project criteria and the selection of specific projects;

**BE IT RESOLVED THAT** the Council of the City of Halifax vigorously supports the position recently adopted by the National Board of Directors of the Federation of Canadian Municipalities that municipal governments through their various provincial/territorial associations be accorded equal status on the proposed management committee as full partners to help ensure that the program achieves its original objectives as they relate to municipal infrastructure.

Motion passed.

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Assessment Appeals (Alderman O'Malley)

This item was added during the setting of the agenda at the request of Alderman O'Malley.

Alderman O'Malley addressed the matter and noted that early in 1993, everyone in this City who is a property owner received an assessment notice and an appeal period was given. She noted that the property owners on Sentinel Square, which is a component of Convoy Estates, received the same notice. Unknown to the property owners in Sentinel Square, Alderman O'Malley advised that the provincial assessment office in January, after the assessment notices had gone out, realized that the assessments were too low and asked the City to appeal the assessments in Sentinel Square. She advised that this was 11 months ago and none of the property owners in Sentinel Square were informed that indeed their properties were under appeal.

The Alderman went on to note that apparently the Provincial Assessment Regulations say that the City "may" inform the property owners rather than the word "shall". She added that the property owners in Sentinel Square all received an adjusted tax bill from the City of Halifax which were all in the vicinity of over \$100.00. Noting that they only have until January 11th to pay these, Alderman O'Malley expressed the view that this was unfair particularly because they didn't even know their properties were being appealed and now their assessments have gone up and they are faced with a tax bill just before Christmas which they were not expecting.

MOVED by Alderman O'Malley, seconded by Alderman Adams that:

1. the City of Halifax, in the future, notify property owners when the City undertakes an appeal of their property assessment; and
2. that the property owners of Sentinel Square be given until February 28, 1994, to pay their additional property tax bills.

Her Worship noted that the four Metro Mayors had met with the Minister of Municipal Affairs and the assessors about many assessment errors. Mayor Ducharme expressed concern that the Assessment Act does not state that the

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owner be informed when their assessment has been appealed and suggested that staff should look into the situation.

Motion passed.

Industrial Commission Audit (Alderman Adams)

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

Alderman Adams noted that, as Council is aware, questions have been raised regarding the integrity of members of the Industrial Commission. He expressed the view that a comprehensive audit, with the terms of reference as outlined to the City Manager, would be appropriate for all parties involved.

It was therefore MOVED by Alderman Adams, seconded by Alderman Crowley that the City call for proposals and letters of intent for a comprehensive audit of the Halifax Industrial Commission with terms of reference as outlined and submitted to the City Manager previously.

Motion passed.

There being no further business to discuss, the meeting adjourned at 10:15 p.m.

HER WORSHIP MAYOR DUCHARME  
DEPUTY MAYOR PAT POTTIE  
CHAIRMEN

EDWARD A. KERR  
CITY CLERK

S/M

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owner be informed when their assessment has been appealed and suggested that staff should look into the situation.

Motion passed.

Industrial Commission Audit (Alderman Adams)

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

Alderman Adams noted that, as Council is aware, questions have been raised regarding the integrity of members of the Industrial Commission which he suggested were not fair and which a comprehensive audit would clarify. He expressed the view that a comprehensive audit, with the terms of reference as outlined to the City Manager, would be appropriate for all parties involved.

It was therefore MOVED by Alderman Adams, seconded by Alderman Crowley that the City call for proposals and letters of intent for a comprehensive audit of the Halifax Industrial Commission with terms of reference as outlined and submitted to the City Manager previously.

Motion passed.

There being no further business to discuss, the meeting adjourned at 10:15 p.m.

HER WORSHIP MAYOR DUCHARME  
DEPUTY MAYOR PAT POTTIE  
CHAIRMEN

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CITY CLERK

S/M

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