

# HALIFAX CITY COUNCIL MINUTES

Council Chamber  
Halifax City Hall  
13 October 1994  
8:00 P.M.

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

Her Worship Mayor Ducharme opened the meeting by leading those in attendance in the recitation of the Lord's Prayer.

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

**ALSO PRESENT:** Mr. Wayne Anstey, Q.C., Acting City Manager; Ms. Margaret Soley, Acting City Clerk; and other members of City staff.

## MINUTES

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 29 September 1994, were approved as circulated on a motion by Alderman Stone, seconded by Alderman Walker.

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

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

- 20.1 City of Halifax Three-Year Report  
(1991-94)

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

- 20.2 Leaf Pick-Up Program

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

**DEFERRED ITEMS**

**Case No. 7015: Appeal of Minor Variance  
Refusal - 23 (Lot 12A) Walsh Court**

A public hearing to consider this matter had been held on Wednesday, 5 October 1994.

The following information was submitted:

- Correspondence, dated 11 October 1994, from Mr. Peter Rackman, 21 Walsh Court, Halifax B3N 3G8
- Correspondence, dated 13 October 1994, from Anthony K. L. Duplante and Katherine J. Duplante, 23 Walsh Court, Halifax B3N 3G8

MOVED by Deputy Mayor Pottie, seconded by Alderman Walker that the appeal regarding the refusal of a minor variance request pertaining to **23 (Lot 12A) Walsh Court** be granted, and that the decision of the Developer Officer be overturned.

Alderman Hanson expressed concern that, as suggested by staff, the developer in this instance had shown an intentional disregard for the City's land use regulations by proceeding with the construction of an illegal deck.

The Acting City Clerk advised that Aldermen Meagher, Adams and Stone had been absent from the 5 October public hearing, and should therefore refrain from participating in the vote.

The motion was put and passed with Aldermen Meagher, Adams and Stone abstaining, and Alderman Hanson voting in opposition.

8:10 p.m. - Alderman Fitzgerald enters the meeting.

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**Case No. 7049: Development Agreement -  
5203-09 Duffus Street/3520 Barrington Street**

A public hearing to consider this matter had been held on Wednesday, 5 October 1994.

A supplementary report, dated 7 October 1994, was submitted from the Director of Development and Planning.

MOVED by Alderman O'Malley, seconded by Alderman Holland that the application for a development agreement to permit an operating and maintenance building, as shown on Plan P200/20064-66 of Case No. 7049 (Civic Nos. 5203-09 Duffus Street and 3520 Barrington Street, lands of the City of Halifax) be approved by Halifax City Council.

The Acting City Clerk advised that Aldermen Meagher, Adams and Stone had been absent from the 5 October public hearing, and should therefore refrain from participating in the vote.

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

**Case No. 6947: Lot Modification  
Development Agreement, 48 Frederick Avenue**

A public hearing to consider this matter had been held on Wednesday, 5 October 1994.

MOVED by Alderman Walker, seconded by Alderman Hanson that the application for a lot modification development agreement to permit subdivision of the property at 48 Frederick Avenue into Lots A and B, and construction of a semi-detached dwelling on Lot B (lands of Sayed N. and Susan Arab), be approved by Halifax City Council.

The Acting City Clerk advised that Aldermen Meagher, Adams and Stone had been absent from the 5 October public hearing, and should therefore refrain from participating in the vote.

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

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**Case No. 6717: Peninsula North Area 5 - Outstanding  
Issue: R-2 and R-3 Lands in the Area Bounded By  
Bloomfield, Agricola, Isleville and Russell Streets**

A public hearing to consider this matter had been held on Wednesday, 5 October 1994.

A supplementary report, dated 6 October 1994, was submitted from the Director of Development and Planning.

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that Council approve the amendments to the Municipal Development Plan and Land Use Bylaw, as contained in Appendix II of the 16 August 1994 report from the Planning Advisory Committee, pertaining to the area generally bounded by Bloomfield Street, Agricola Street, Russell Street, and Isleville Street.

Alderman O'Malley made reference to a petition presented during the 5 October public hearing which called for C-2 zoning for certain of the properties in this area. She noted, however, that it had been her understanding that the public hearing had been held to consider rezonings from R-3 to R-2, and therefore asked for information as to whether it would be possible to address the proposed C-2 rezonings without the need for a further public hearing.

It was therefore moved by Alderman O'Malley, seconded by Deputy Mayor Pottie that the matter be deferred to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 19 October 1994, pending receipt of further information from staff.

The motion to defer was put and passed.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 5 October 1994 as follows:

**Claim for Damages - 2036 Parker Street**

This matter had been forwarded to Council without recommendation.

Correspondence, dated 7 October 1994, was received from Mr. Thomas J. Burchell, Burchell, MacAdam &

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Hayman, together with a private and confidential report, dated 10 October 1994, from the Director of Corporate and Legal Affairs.

Alderman Meagher stated that, in his opinion, the City of Halifax has a certain responsibility to the individual in question for the injuries caused her, emphasizing that this particular individual is a senior with health problems who will undoubtedly suffer increasingly from these injuries as time goes by.

It was therefore moved by Alderman Meagher that the City Solicitor be instructed to seek legislation to permit the City of Halifax to make a gratuitous payment of \$2,500 to Mrs. Audrey Rhynold with respect to injuries sustained from a fall on Parker Street on 21 May 1993, without admission of liability on the part of the City and, having obtained the said legislation, the City will proceed to make payment.

There was no seconder for Alderman Meagher's motion.

MOVED by Deputy Mayor Pottie, seconded by Alderman Fitzgerald that City Council continue its usual practice of allowing personal injury claims to be dealt with administratively, and support the staff and adjuster's position of denial of the claim from Mrs. Audrey Rhynold. The motion was put and passed with Alderman Meagher voting in opposition.

**Motorola Payment**

MOVED by Deputy Mayor Pottie, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, Council approve payment to Motorola in the amount of \$16,035 including the City's portion of GST, with funding to be provided from the current budgets of the applicable departments. The motion was put and passed.

**Surplus Library Equipment  
(Disposal of Bookmobiles)**

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

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A report, dated 12 October 1994, was submitted from Mr. Wayne Anstey, Q.C., Acting City Manager.

Alderman Downey made reference to the 12 October report, and noted that the Black Cultural Society has now decided to withdraw its request for the surplus equipment. Under the circumstances, therefore, the Alderman advised that he was withdrawing his previous request to staff; namely that information on the availability of provincial funding for this project be obtained.

MOVED by Alderman Stone, seconded by Alderman Walker that the surplus library equipment outlined in the staff report of 16 September 1994 be placed on consignment with the dealer from whom it was purchased, on a modest "commission on sale" arrangement, on the basis that it will not be sold at less than \$20,000, and that the non-profit organization (referred to in the 16 September staff report) be given the right to purchase, at any time, on this same basis once they have the funding in place. The motion was put and passed.

The Khyber Building

Following is the recommendation from the 5 October meeting of the Finance and Executive Committee:

THAT the proposal from the "No Money Down Cultural Society" be referred to staff for a report.

Her Worship made reference to a letter, dated 13 October 1994, received from Ms. Joyce McCulloch, President of Heritage Trust of Nova Scotia, concerning the Church of England Institute Building, and suggested that this information be referred to staff for comment in conjunction with their forthcoming report on the Khyber Building.

On another but related matter, Mayor Ducharme noted that a letter had also been received pertaining to the Paramount Theatre building on Barrington Street from a Mr. Rob Cohn, who has requested an opportunity to address Committee of the Whole Council on this matter.

Responding to a question from Alderman Downey, the Acting City Manager indicated that every attempt will be made to have staff's report on the Khyber Building available for the 19 October Committee of the Whole meeting.

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It was therefore moved by Alderman Downey, seconded by Alderman Holland that:

- (1) the proposal from the "No Money Down Cultural Society" be deferred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 19 October 1994), pending receipt of information from staff; and further, that
- (2) arrangements be made for a presentation concerning the Paramount Theatre building (Barrington Street) from Mr. Rob Cohn during the 19 October Committee of the Whole meeting.

The Acting City Manager was asked to ensure that those individuals interested in the above-noted matters be notified of this deferral.

The motion to defer was put and passed.

**Shakespeare by the Sea**

MOVED by Alderman Holland, seconded by Alderman Fitzgerald that, as recommended by the Finance and Executive Committee, this matter be forwarded to the Tax Concession and Grants Committee with a request that the Committee review and form an opinion on possible assistance, and that the request be forwarded to the Committee in December 1994, to be reviewed for 1995 assistance at that time. The motion was put and passed.

**REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on Wednesday, 5 October 1994 as follows:

**Halifax Common Plan**

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Planning Committee, Council:

- (1) adopt the changes to the Draft Halifax Common Plan as shown in Appendix A of the staff report dated 23 September 1994;

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- (2) adopt the amended Halifax Common Plan as a basis for management, detailed planning, capital expenditures and evaluation of proposals for the Halifax Common;
- (3) instruct staff to incorporate the Halifax Common Plan in the Municipal Development Plan and investigate and recommend other appropriate legislation, such as an ordinance, to implement this plan;
- (4) instruct staff to prepare a five year capital and operating plan for the Halifax Common for Council's consideration and inclusion in the City's budget.

The motion was put and passed.

8:30 p.m. - Her Worship Mayor Ducharme retires from the meeting with Deputy Mayor Pottie assuming the Chair.

Case No. 6718: Report from the Planning Advisory Committee Re: Peninsula North Area 6 Proposed Plan (SET DATE FOR PUBLIC HEARING)

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, as recommended by the Planning Committee, Council set a date for a public hearing to give its notice of intention to adopt the Municipal Development Plan and Land Use Bylaw amendments as contained in Appendix I of the PAC Report of 26 September 1994 for Area 6 of Peninsula North. The motion was put and passed.

The Acting City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 23 NOVEMBER 1994** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Case No. 6725: Repeal of Development Agreement (Modification of Side Yard Requirement), 2760-64 Windsor Street

Following is the recommendation from the 5 October meeting of the Planning Committee:

That City Council rescind the approval granted on 12 May 1994 for an application for development agreement (modification of



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the side yard) at 2760-64 Windsor Street as shown on Plans No. P200/19638, 19639, 19641 and 19678 of the staff report dated 21 September 1994.

After some discussion and questioning of the Acting City Manager, it was moved by Alderman Stone, seconded by Alderman O'Malley that this matter be deferred to the next regular meeting of Halifax City Council scheduled for Thursday, 27 October 1994.

The motion to defer was put and passed.

**MOTIONS**

**Motion Alderman Adams Re: Amendment to Ordinance 116, the Taxi and Limousine Ordinance (Extension of License Moratorium) - FIRST READING**

Notice of Motion concerning the above-noted amendment was given by Alderman Adams during the last regular meeting of Halifax City Council held on Thursday, 29 September 1994.

Correspondence, dated 13 October 1994, was submitted from Mr. Darshan S. Virk, President, United Cab Drivers Association of Halifax, together with a report, dated 12 October 1994, from the Director of Corporate and Legal Affairs.

Responding to a question from Alderman Adams concerning the letter received from Mr. Virk, the Acting City Manager indicated that, in his view, the UCDA did not fully understand the procedure that must be followed to amend City ordinances (i.e., First and Second Reading).

MOVED by Alderman Adams, seconded by Alderman Fitzgerald that Halifax City Council approve First Reading of the amendments to Ordinance 116, the Taxi and Limousine Ordinance, attached as Appendix "A" to the staff report of 12 October 1994, the purpose of which are to extend the moratorium on the issuance of taxi driver licenses to 30 September 1997; and further, that the matter be referred to the next regular meeting of Committee of the Whole Council for consideration and report.

The motion was put and passed.

**MISCELLANEOUS BUSINESS**

Tender #94-177: Hauling of Bulk Salt

A report, dated 5 October 1994, was submitted from the Director of Finance.

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that, with reference to Tender #94-177, Council authorize staff to enter into an agreement with Millers' Excavation (1990) Limited at the tendered rate of \$9.67/tonne.

The motion was put and passed.

**ADDED ITEMS**

City of Halifax Three-Year Report (1991-1994)

Deputy Mayor Pottie made reference to the recent release of a document entitled City of Halifax Three-Year Report (1991-1994), and encouraged the media and interested members of the public to acquire a copy as a useful reference to the objectives attained by Halifax City Council over the last three years.

MOVED by Alderman Fitzgerald, seconded by Alderman Walker that the document entitled City of Halifax Three-Year Report (1991-1994) be tabled.

The motion to table was put and passed.

8:35 p.m. - Her Worship Mayor Ducharme returns to the meeting, with Deputy Mayor Pottie resuming his usual seat on Council.

Leaf Pick-Up Program

This matter had been added to the agenda at the request of Alderman O'Malley, who requested information regarding this year's leaf pick-up program.

Mr. Peter S. Connell, Director of Engineering and Works, advised that as part of departmental cut-backs (approved during the 1994-95 budget review process) the City would not be offering its curbside pick-up of leaves

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this year. He noted, however, that if residents wished to bag their leaves and place them on the curb with their regular garbage, the leaves would be removed as part of the normal garbage collection process.

**QUESTIONS**

**Question Alderman Holland Re:  
False Alarm at MacKeen Manor**

Alderman Holland noted that there had been a false alarm in MacKeen Manor last Saturday, 1 October. He reported that the Fire Department had been unable to open the locker to reset the alarm and, as a result, Halifax Housing had to be called.

The Alderman expressed concern that it had taken approximately 2½ hours for somebody to come and open the panel to turn off the alarm. Noting that this noise had been very aggravating for the residents of the building, Alderman Holland questioned the type of response provided by the Halifax Housing in cases such as like this.

**Question Alderman Holland Re: Hilton Hotel**

Alderman Holland made reference to the fact that the Hilton Hotel is no longer a contender as a site for the City's casino. He asked that staff ascertain whether this hotel might be for sale and possibly purchased by the City to be used as seniors housing.

**Question Alderman Fitzgerald Re: Bicycles**

Alderman Fitzgerald noted that there have been a number of bicycles on the streets in the evening which, in many cases, do not carry any reflectors or lights. He asked for a report by the next Committee of the Whole Council meeting on the City's requirements in this regard.

**Question Alderman Fitzgerald Re: Noise Violations**

Alderman Fitzgerald reported an incident which had recently occurred on Walnut Street at which time the police were called as a result of noise from the tenants. The Alderman advised that although the police had charged

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the tenants on three different occasions throughout the evening, the neighbours are requesting that further action be taken and that the owner along with the tenants be charged. The Alderman requested a report in this regard.

**Question Alderman Stone Re: Pedestrian  
Crosswalk Lights at Castle Hill Drive  
and Broadholme Lane on Kearney Lake Road**

Alderman Stone reported that vehicles travel at too great a speed and appear to be ignoring the pedestrian crosswalk lights at Castle Hill Drive and Broadholme on the Kearney Lake Road. In this regard, he advised that there was a need for police patrol and Traffic Authority evaluation to determine if this crosswalk could be made more visible to motorists.

With increased vehicular traffic coming out of Armstrong Court and Castle Hill Drive, Alderman Stone asked that the need for vehicle traffic lights at this location also be evaluated.

**Question Alderman Stone Re: Traffic Lights  
at Lacewood Drive and Dunbrack Street**

Alderman Stone reported that there have been a number of accidents and numerous "near misses" at the corner of Lacewood Drive and Dunbrack Street. He asked that staff investigate the need for designated lanes on Lacewood Drive going north, the duration of the green lights, and the need to extend the flashing green light for turning in each direction, but especially when travelling south on Lacewood Drive leaving the shopping centres.

**Question Alderman Stone Re: Traffic Lights at  
the Foot of Flamingo Drive and the Bedford Highway**

Alderman Stone asked for information as to when the traffic lights at the foot of Flamingo Drive and the Bedford Highway would be activated.

**Question Alderman Crowley Re: Crosswalk  
- St. Agnes School (West End Mall Side)**

Alderman Crowley noted that there has been a change in activity in the St. Agnes School area. She made

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reference to the seniors manor at Leppert Street and pointed out that with the closing of Sobeys at the West End Mall, many seniors now have to cross Chebucto Road to do their shopping at the Halifax Shopping Centre. The Alderman asked that staff evaluate this area and consider an arrangement for seniors to have a safer crossing.

Alderman Crowley also made reference to the fact that St. Agnes School was now a junior high school which has created more activity around the malls with students travelling back and forth across Mumford Road. She noted, therefore, that there was a necessity for a crosswalk near St. Agnes School and the West End Mall.

Alderman Crowley further requested that the RA5 signs for Leppert Street at Mumford Road be given a higher priority due to the increase in traffic in this area.

**Question Alderman Crowley Re: Crosswalk -  
MacDonald Street, Quinn Street, Connaught Avenue Area**

Alderman Crowley noted that, at the last City Council meeting, she raised a question with respect to the crossing at Quinn Street and Quinpool Road. The Alderman explained that the report she received in response to this question concerned the Quinpool Centre and, therefore, suggested that there was some misunderstanding.

Alderman Crowley explained that her question pertained to the need for a crossing at MacDonald and Quinn Streets. She noted that there were an increasing number of younger families moving into this neighbourhood with children. Alderman Crowley expressed the concern that there was no where for pedestrians to cross and, therefore, requested that staff evaluate the situation in terms of safety and the need for a crosswalk.

**Question Alderman Crowley Re: Crosswalk -  
Chebucto Road and Armcrescent/Westmount Streets**

Alderman Crowley reported that there was a need for a crosswalk on Chebucto Road in the area of Armcrescent, Westmount, and Quinn Streets. Noting that there was a bus stop on Chebucto Road near Quinn Street, she asked that staff give consideration to establishing a crosswalk at this location.

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

Alderman O'Malley asked for a report indicating when the tender for the redesign of the Duffus Street pumping station is expected.

**Question Alderman O'Malley Re:  
Tax Concessions and Grants Committee**

Alderman O'Malley noted that she had received calls from seniors who were under the impression that Council would be considering various grants this evening. The Alderman asked for an indication as to when decisions on grant applications from groups who are anxiously waiting for assistance, particularly the Ward 5 Community Centre, might be anticipated.

**Question Deputy Mayor Pottie Re: Regional Policing**

Deputy Mayor Pottie expressed the view that the three Councils (Halifax, Dartmouth, and Bedford) should have been allowed to vote and decide on the issue of regional policing. He asked that the Minister of Municipal Affairs be requested to reconsider the original scenario whereby only the Mayors, CEO's, and Police Chiefs participated in this vote.

Her Worship Mayor Ducharme advised that the Deputy Mayor's question would be pursued and noted that it was actually the consultant's recommendation the Minister accepted.

There being no further business to be discussed, the meeting was adjourned at approximately 8:55 p.m.

HER WORSHIP MAYOR MOIRA DUCHARME  
AND  
DEPUTY MAYOR PAT POTTIE  
CHAIRMEN

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MARGARET A. SOLEY  
ACTING CITY CLERK

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**HALIFAX CITY COUNCIL  
SPECIAL MEETING  
MINUTES**

Council Chamber  
Halifax City Hall  
19 October 1994  
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 in attendance in the recitation of the Lord's Prayer.

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

**ALSO PRESENT:** Ms. Mary Ellen Donovan, representing the City Solicitor; Mr. E. A. Kerr, City Clerk; and other members of City staff.

**ADDED ITEMS**

It was agreed that the following matters, referred from a meeting of Committee of the Whole Council held earlier in the day, would be added to the agenda:-

**Case No. 6719: Peninsula North - Area 7  
Proposed Plan (SET DATE FOR PUBLIC HEARING)**

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

MOVED by Alderman Fitzgerald, seconded by Alderman Stone that, as recommended by the Planning Committee, Council give its notice of intention to adopt the Municipal Development Plan and Land Use Bylaw amendments as contained in Appendix I for Area 7 of Peninsula North and set a date for a Public Hearing.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 23 NOVEMBER 1994** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

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Lands of Fred Arab (Lot B 1-D)

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

MOVED by Alderman Walker, seconded by Alderman Fitzgerald that, as recommended by the Planning Committee:

- (1) Council approve a sum of \$212,000 for payment to **Fred Arab** as settlement in full for all costs and damages incurred as a result of the abandonment of expropriated Lot B-1D, with funds being available in Account No. 91545 - Lacewood Drive/Bedford Highway Connector;
- (2) the settlement be conditional upon the City resolving any outstanding additional claims from Doug Boehner Trucking Ltd. that they may be entitled to under the Expropriation Act.

The motion was put and passed.

Award of Tender #94-36: Upgrading of Duffus  
Street Pumping Station/Harbour Interceptor Sewer

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

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

- (1) Council authorize staff to approach the Provincial Government to request additional funding under the Federal/Provincial Infrastructure Program;
- (2) Council approve the increase of gross funds in Capital Account No. 95011, Duffus Street Pumping Station, from \$1,200,000.00 to \$3,600,000.00 with no changes in net funding;
- (3) Council award Tender #94-36 for the Upgrading of the Duffus Street Pumping Station for materials and services listed at the unit prices quoted for a total bid price of \$2,592,000.00 and a total construction cost of \$2,850,000.00 to Tag Enterprises Ltd., subject

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to approval of additional cost-sharing by the Provincial Government under the Infrastructure Program;

- (4) Council approve the appointment of Fenco Shawinigan Engineering Ltd. to provide construction supervision and contract administration during construction of the project for an estimated cost of \$225,000.00: and,
- (5) Council approve the payment of an additional \$25,000.00 design fee to Fenco Shawinigan Engineering Ltd.

The motion was put and passed.

**PUBLIC HEARINGS**

Public Hearing Re: Case No. 6964 - Rezoning  
from R-1 to R-2, 11 St. Margaret's Bay Road

A public hearing to consider this matter was held at this time.

Mr. J. G. Porter of the City's Development and Planning Department, making reference to the staff report of 16 September 1994, briefly overviewed the application to rezone 11 St. Margaret's May Road from R-1 (Single Family Dwelling) to R-2 (Two Family Dwelling).

In his remarks, Mr. Porter advised that the owners of 11 St. Margaret's Bay Road are requesting this rezoning in order to allow conversion of their single-family home to a duplex. He added that the home in question is located on a large property just west of the Armdale Rotary in an area of predominantly single-family dwellings.

Mr. Porter went on to advise that, in reviewing this application against the objectives and policies of the Municipal Development Plan, staff had paid particular attention to Policy 2.4 which promotes the retention of the existing character of stable residential neighborhoods and limits change to that which is compatible with those neighborhoods. Having said that, however, he pointed out

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that, in staff's view, arguments could be made both for and against the rezoning application.

On the "plus" side, Mr. Porter indicated that because the proposal merely calls for the internal conversion on a very large lot and because access will not be from Crown Drive but rather from St. Margaret's Bay Road, it is unlikely that the rezoning would have any noticeable effect on any of the neighboring properties.

On the other hand, it was noted that people choose to live in R-1 Zones so that they can be protected from high-density uses. Allowing a duplex in an area of single-family homes could be viewed by those living in the area as a significant change. In this particular instance, because the lot in question is almost one acre in size, the potential exists for other two-unit dwellings to be constructed if the site were to be rezoned to R-2 which, in turn, could have a destabilizing effect on the surrounding neighborhood. Furthermore, as Crown Drive is not equipped with a curb, it would prove difficult to restrict access from this street.

Mr. Porter concluded his remarks by stating that because staff feel that the integrity of the R-1 Zone in this neighborhood should be maintained, they have recommended refusal of the rezoning application.

Mr. Kenneth Luard of 9½ St. Margaret's Bay Road (the property adjoining Civic No. 11 St. Margaret's Bay Road) briefly addressed Council in support of the rezoning application. In his remarks, Mr. Luard made reference to his letter (dated 28 April 1994) previously forwarded to the City's Development Control Division which had also indicated support for Mr. Bureau's application. He reiterated the view that the proposed conversion would have no negative implications for the surrounding neighborhood.

Mr. Arthur P. Monaghan, a resident of 15 St. Margaret's Bay Road, made a brief presentation in which he stated that, as a friend and neighbor of the property owners in question, he personally had no difficulty with their desire to convert their home so as to include an apartment. Mr. Monaghan emphasized, however, that given the size of the lot at 11 St. Margaret's Bay Road and the potential for other dwelling units to be built at this location should the rezoning application be approved, he was very much opposed to a request which, in his view,

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would establish a dangerous precedent for the remaining single-family properties in this neighborhood.

Mrs. Betty Veniot, a 25-year resident of 11 Crown Drive, opened her remarks by making reference to the assertion that access to the converted property at 11 St. Margaret's Bay Road would not be via Crown Drive, but rather from St. Margaret's Bay Road. Mrs. Veniot pointed out that, even now, the property owners in question receive their fuel delivery via Crown Drive and use that street for guest parking.

Mrs. Veniot went on to point out that the last remaining stand of white pine trees in the Halifax area is located on the site of 11 St. Margaret's Bay Road. She therefore suggested that if the rezoning application were approved and the property subdivided as a result, the trees would undoubtedly be destroyed. For these and the reasons outlined by the previous speaker, Mrs. Veniot indicated that she was strongly opposed to the rezoning application.

Responding to questions from both Aldermen Hanson and Stone, Mr. Porter advised that given the fact that the lot in question measures some 40,000 square feet (and assuming the property were rezoned to R-2), it would be possible to construct at least 4 dwelling units on this site.

With reference to a further question from Alderman Stone, Mr. Porter indicated that the application currently being considered involves no external changes to the existing dwelling unit, with the exception of an additional door which is intended to lead to the proposed apartment unit.

Mr. Roger Bureau, the owner of Civic No. 11 St. Margaret's Bay Road (the property in question) addressed Council with regard to his rezoning application. In his remarks, Mr. Bureau indicated that he and his wife had moved back to Halifax some seven years ago with a view to retiring in the City permanently. He went on to point out that, since purchasing their home, the couple have made what Mr. Bureau termed "dramatic" changes in the way the property had previously been maintained, a factor which had benefitted the neighborhood as a whole.

Mr. Bureau emphasized, however, that because the upkeep of this house and its environs are proving to be substantial and given the fact that he and his wife are now

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retired, it had been his intention to convert the dwelling's interior so as to provide an apartment and consequently some rental income. He pointed out that, in deference to the concerns of his neighbors, there would be no external changes to the structure and the unit would be rented only to childless couples. Mr. Bureau concluded his remarks by pointing out that, if this application is refused and he and his wife are unable to proceed with the conversion, they will have no choice but to subdivide their property and to place it on the market for sale.

Alderman Holland asked for information as to whether a rezoning to R-2 could be applied only to the existing structure and its driveway, leaving the rest of the property as R-1 and therefore reducing the potential for subdivision.

After a brief discussion, it was moved by Alderman Hanson, seconded by Alderman Adams that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 27 October 1994.

The motion was put and passed.

**Public Hearing Re: Case No. 6998 - Rezoning  
and Development Agreement, Lands of Longwave  
Enterprises Ltd. (Off St. Michael's Avenue)**

Mr. H. F. Haliburton of the City's Development and Planning Department briefly overviewed the contents of the staff reports, dated 9 September and 21 September 1994, which pertain to an application by Longwave Enterprises Limited to develop their lands off St. Michael's Avenue in the vicinity of the Hartlen Sports Field. The application calls for the development of 121 single-family dwellings and 26 linked housing units to be accessed through St. Michael's Avenue and through Theakston Avenue. Mr. Haliburton clarified that the application has been brought forward for Council's consideration because of the changes in lot size and side yards which are necessary to accommodate this proposal.

Mr. Haliburton went on to note that the development is proposed for construction in three phases, the first consisting of 40 units; the second of 62 units; and the third and final phase of 45 units for a total of 147 units. Council was further advised that approval of

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this project will provide an additional 1.5 acres of land for the existing sports field located off the end of St. Michael's Avenue which will be used to facilitate expansion of local soccer and baseball activities. Furthermore, the developer will dedicate an additional .9 acre adjacent to the McIntosh Run, which will be used by the City to continue the linear park along the Run.

With particular reference to the primary access route to this development, Mr. Haliburton indicated that St. Michael's Avenue was originally constructed between 25-30 years ago (i.e., prior to annexation) and has never been upgraded to City standards. The street surface is now extremely uneven, and there are no sidewalks or concrete curbs and gutters. Because St. Michael's Avenue will constitute the primary route to and from the development off Herring Cove Road, staff have recommended that this street be upgraded as part of the development agreement. In this context Mr. Haliburton noted that Longwave Enterprises had initially proposed to resurface the street, to construct a sidewalk on one side, and to provide asphalt curbs. He emphasized, however, that City standards in such matters call for concrete curbs and gutters which, it is estimated, would cost \$13,500 more per side. Under the circumstances, therefore, staff are now recommending that the developer be required to construct concrete curb and gutter on one side of St. Michael's Avenue, and that Council support the inclusion of \$13,500 in the City's Capital Budget for the construction of concrete curb and gutter on the other side at no charge to the abutting property owners.

Mr. Haliburton subsequently responded to questions from various members of Council.

Mr. Barry Zwicker, Vice President of Planning for the firm of Wallace, Macdonald and Lively Limited (speaking on behalf of Longwave Enterprises Limited), made a brief presentation in support of his client's application. In his remarks, Mr. Zwicker advised that market conditions appear to indicate a strong demand for single-family homes on smaller than normal lots, primarily in the \$80,000-\$90,000 price range. He emphasized, however, that these lots are inferior only in terms of frontage rather than in area size, the smallest measuring approximately 3,000 square feet.

Noting that the development will be built in close proximity to the Hartlen sports field, Mr. Zwicker

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pointed out that his client has agreed to construct a sidewalk along St. Michael's Avenue from Herring Cove Road to Theakston Avenue in order to ensure safe pedestrian access not only to the development itself but also to the recreational area at the foot of the street. In this context, however, Mr. Zwicker disagreed with staff's assertion that the amount of traffic to be generated by this development will necessitate a comprehensive upgrading of St. Michael's Avenue. Instead he suggested that the street is already in need of substantial upgrading and that it was inappropriate to expect his client to assume full responsibility for these costs.

Mr. Kenneth Whalen of 13 St. Michael's Avenue (speaking on behalf of several of his neighbors) began his remarks by expressing concern that there had been no opportunity for public input with regard to the subdivision of the commercial property now being developed on Herring Cove Road.

Mr. Whalen went on to acknowledge that while St. Michael's Avenue is in need of repair, it is still perfectly adequate for existing traffic volumes. He expressed the view, however, that there are more serious problems with the intersection of St. Michael's Avenue and Herring Cove Road, emphasizing that the traffic island which was installed by the City at this location several years ago has only added to the difficulty. In this context, Mr. Whalen made reference to the large number of vehicles that continue to exit the IGA parking lot and turn left, a factor which has resulted in many "near misses." He went on to point out that when his wife had complained to the Halifax Police Department, she had been advised that, despite the obvious safety hazards, there was "nothing illegal" about these left-hand turns.

Mr. Whalen also noted that the intersection in question is extremely close to the Williams Lake Road. In this context, he made reference to a large vacant site which, it is rumored, will soon be the site of a Sobey's Store which, in turn, will generate even more traffic exiting onto Herring Cove Road. Mr. Whalen suggested that at that point the City will be forced to consider the installation of traffic lights, a factor which, in his opinion, will only serve to impede traffic flows off St. Michael's Avenue. He therefore strongly urged that City staff be instructed to undertake a comprehensive review of this intersection and to make recommendation for its improvement.



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On another but related matter, Mr. Whalen made reference to the extremely steep grade on St. Michael's Avenue which causes considerable problems for motorists particularly during the winter months (the grade difficulties are exacerbated by the traffic generated by a nearby church not only on Sundays, but on several evenings throughout the week). In this context, he pointed out that there is a strip of vacant land (measuring approximately 68-70 feet) between the commercial property now being developed on Herring Cove Road and the adjoining property to the south which, in Mr. Whalen's opinion, would serve as a more appropriate access route to the Longwave project, given its location and flatness of grade. He therefore asked that staff consider this alternative.

Mr. Whalen also made reference to a traffic study undertaken of the area in December of 1993 by Streetwise Traffic Engineering which suggested that the Longwave project would produce an additional 950 vehicle trips per day on St. Michael's Avenue, of which 130 would take place during peak hours. Mr. Whalen took exception, therefore, to assertions that the development would not result in dramatic increases in traffic volumes and, in this context, pointed to the fact that St. Michael's Avenue is already heavily used by motorists destined or exiting from the nearby church and the playground at the foot of the street. He went on to add that, in his view, the findings of this traffic study were extremely "one-sided," since they did not appear to take into consideration existing traffic volumes or the problems that have been caused by nearby facilities; e.g., the IGA, the church and the playground.

Mr. Whalen noted that a second access route to the development has been proposed through Theakston Avenue but expressed the view that, human nature being what it is, most motorists will prefer to use the quickest route, that being via St. Michael's Avenue. In this same context, he pointed out that the developer is proposing to upgrade St. Michael's Avenue only after 40 homes have been constructed. Mr. Whalen questioned the result if only 39 of these units were actually built. In this same context, he made reference to the fact that St. Michael's Avenue will be used by heavy, fast-moving vehicles throughout the construction period, and strongly recommended that, in the interests of pedestrian safety, the City require these street improvements to be made before the commencement of construction.

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Ms. Elizabeth Glenester, Chairperson of St. Michael's Parish Church, also addressed Council on this subject matter. In her remarks, Ms. Glenester noted that the Church objects to the proposal to develop "undersized" lots, and suggested that Council would not endorse this project were it to take place elsewhere in the City. In this context, it was recommended that the lots be of regular size so as to better conform with the existing dwelling units on St. Michael's Avenue.

Ms. Glenester also called for a comprehensive traffic survey (to include not only St. Michael's Avenue itself but also Herring Cove Road at this intersection) to be undertaken before approval of this application is granted. In this context, reference was made to the problems experienced by motorists exiting St. Michael's Avenue and attempting to turn left, particularly between 11:00 a.m. - 1:00 p.m., and to the traffic generated by the IGA, the nearby church and the doughnut shop now under construction. Ms. Glenester also noted that the project will include an expansion of the sports field at the foot of St. Michael's Avenue, a factor which will undoubtedly generate more vehicle traffic as well as pedestrian usage in the form of young children using the recreational facility. She therefore noted that the requested traffic survey should be undertaken during the summer months when volumes would be at their highest. A recommendation was also put forward that traffic lights be installed at the intersection of Herring Cove Road and St. Michael's Avenue.

On a final note, Ms. Glenester advised that the Church is very much opposed to the suggestion that the City should assume responsibility for the cost of curb and gutter on one side of St. Michael's Avenue. She went on to advance the opinion that because these improvements have been necessitated by the Longwave proposal, the full cost should rightfully be borne by the developer.

Ms. Joan Wilson, the owner of property located at 306 Herring Cove Road (the corner of Herring Cove Road and St. Michael's Avenue), emphasized that residents of this neighborhood are opposed **not** to the Longwave project itself, but rather to what she termed "poor planning."

Ms. Wilson made reference to the property on the other side of the doughnut shop on the Herring Cove Road, suggesting that these two vacant lots (between the doughnut shop and Emmanuel Church) would have represented a much more appropriate access route to the proposed development

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than St. Michael's Avenue. A request was made that staff ascertain whether in fact this property remains available for such a use.

Ms. Wilson went on to refer to the extremely steep grade on St. Michael's Avenue, particularly at its intersection with Herring Cove Road (directly adjacent to her property). She suggested that if the street is graded any higher, a very serious safety hazard will be created at this intersection, especially given the fact that there is no sidewalk at this location. Ms. Wilson therefore asked that this factor be taken into consideration.

Ms. Janet Dunn, a resident of 50 St. Michael's Avenue for more than 13 years, expressed concern that the Longwave proposal will "destroy" the quality of life in the existing neighborhood, given the "crowding" effect that will result from the dense configuration of single-family and lined units on the site. Ms. Dunn also expressed regret that a doughnut shop is now being constructed on property that, in her view, would have made a much more appropriate exit route from the proposed development than St. Michael's Avenue. She went on to point out that she is very much opposed to any street improvements which will result in increased property taxes, particularly when no requests have been made by residents for this kind of upgrading.

On the basis of these concerns, therefore, Ms. Dunn urged Council to allow the St. Michael's neighborhood to remain in its present condition.

Mr. Kenneth Cooper, a 27-year resident of 12 Hartlen Avenue for over 27 years, made reference to the fact that in recent years several development proposals have been put forward for this portion of Herring Cove Road, all of which have been disallowed owing to the volume of traffic that would be generated. Mr. Cooper therefore expressed concern that consideration is now being given to a project which would result in over 950 cars daily.

Mr. Cooper went on to make reference to the fact that a second access route to the development is being proposed via Theakston Avenue. He pointed out that, in his view, it is unlikely that many motorists will opt for this route, given the fact that it Theakston leads to Pinegrove and that it is "almost impossible" to turn left from Pinegrove onto Herring Cove Road. Mr. Cooper acknowledged that Theakston also leads to Hartlen, but emphasized that

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not only are traffic volumes on that street already heavy, they are also impeded (particularly in the winter months) by snow, illegally parked cars, and vehicles belonging to customers of either Shoppers Drug Mart or the Salvation Army facility.

Mr. Cooper referred to the area's elementary and junior high schools, both of which, he suggested are already overcrowded with in excess of 25 students per classroom. He therefore questioned the impact the proposed development will have on this situation.

On another but related matter, Mr. Cooper expressed concern that the Longwave project will result in increased parkland when what residents really want is another ball diamond. In this same context, he suggested that the area to be used as parkland is "nothing but bog," and questioned whether the City will therefore be forced to bear the expense of upgrading this parcel of land.

Mr. Cooper noted that, if this project is approved, a major upgrading of the area's sewer system will have to be undertaken. In this context, he pointed out that the sewer system on Hartlen Avenue is already "below standard" and is frequently in need of repair.

In closing, Mr. Cooper expressed concern that approval of the Longwave proposal will have an extremely negative impact on property values in the surrounding neighborhood, and emphasized that, in his opinion, this is not the kind of development that is needed on St. Michael's Avenue.

Alderman Adams made reference to comments made by Mr. Cooper pertaining to damage done to his property as a result of sewer improvements undertaken several years ago by the City, and asked that Mr. Haliburton make inquiries into this situation.

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

Responding to a question from Alderman Adams, Mr. Haliburton advised that the development application now under consideration requests permission to construct a total of 147 dwelling units. He emphasized that, if the developer wished to alter his requirements in terms of lot size and frontage, he would be permitted as of right to construct approximately 160-163 semi-detached units.

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MOVED by Alderman Adams, seconded by Alderman Stone that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council (scheduled for Thursday, 27 October 1994), pending receipt of information from staff on the following points:

- (a) a clarification of the process which must be followed (particularly in terms of the opportunity for public input) during the subdivision of a lot;
- (b) whether or not it is in fact illegal for motorists to make a left turn when exiting from the IGA parking lot onto Herring Cove Road;
- (c) staff comment on whether, in their opinion, the traffic island and/or the crosswalk near the intersection of St. Michael's Avenue and Herring Cove Road should be relocated in the interests of vehicular safety;
- (d) a clarification of whether there is a proposal from Sobey's to develop land in this vicinity and, if so, when this development is proposed to take place;
- (e) staff comment as to whether the commercial strip of land adjacent to the doughnut shop now under construction could be developed as an alternate route to the proposed project and, if so, the cost involved of installing a roadway at this location (in this context, the Alderman asked for a comparison between the cost of this roadway and the cost of upgrading St. Michael's Avenue as originally proposed);
- (f) staff undertake a survey of traffic flows in the St. Michael's Avenue/Herring Cove Road area, and that this study not be restricted to the hours of 7:00 - 9:00 a.m. and 4:00 - 6:00 p.m.;
- (g) staff comment on the projected impact of the Longwave project (including the upgrading of the local sewer system) on the assessments of existing properties on St. Michael's Avenue;

The motion was put and passed.

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

DEPUTY MAYOR PAT POTTIE  
CHAIRMAN

\*K

**HEADLINES**

**ADDED ITEMS**

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Public Hearing Re: Case No. 6964 - Rezoning from R-1 to R-2, 11 St. Margaret's Bay Road .....	619
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# HALIFAX CITY COUNCIL MINUTES

Council Chamber  
Halifax City Hall  
27 October 1994  
8:00 P.M.

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

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

A moment's silence was observed in memory of former Ward 10 Alderman Vance MacDonald who passed away on 25 October after a lengthy illness.

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

**ALSO PRESENT:** Mr. Barry Coopersmith, City Manager; Mr. Wayne Anstey, City Solicitor; Ms. Margaret A. Soley, Acting City Clerk; and other members of City staff.

## MINUTES

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 13 October 1994, were approved as circulated on a motion by Alderman Fitzgerald, seconded by Alderman Meagher.

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

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

- 20.1 Request for Interim Change to Ordinance  
121 - Bayers Road Shopping Centre  
(Alderman Crowley)
- 20.2 Appointment - FCM Board of Directors

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

**20.3 Parting Remarks**

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

**20.4 Municipal Reform**

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

**ADDED ITEMS**

**Request for Interim Change to  
Ordinance 121 - Bayers Road Shopping Centre**

At Alderman Crowley's request, Council agreed to address Agenda Item 20.1 at this point in its agenda.

MOVED by Alderman Crowley, seconded by Alderman Jeffrey that Council approve in principle the amendment of Ordinance 121, the Retail Shop Closing Ordinance, to extend the Christmas shopping hours to the month of November (in addition to the month of December) in each year, effective 1 November 1994; and further, that staff be directed to draft and bring forward for adoption by City Council the formal amendments to the said Ordinance. The motion was put and passed.

**NOTE:** Notice of Motion with regard to this matter was given by Deputy Mayor Pottie (on Alderman Crowley's behalf) at a later point in the meeting's agenda.

**DEFERRED ITEMS**

**Case No. 6725: Repeal of Development  
Agreement (Modification of Side Yard  
Requirement), 2760-64 Windsor Street**

This matter had been deferred from a regular meeting of Halifax City Council held on 13 October 1994.



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

**20.3 Parting Remarks**

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

**20.4 Municipal Reform**

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

**ADDED ITEMS**

**Request for Interim Change to  
Ordinance 121 - Bayers Road Shopping Centre**

At Alderman Crowley's request, Council agreed to address Agenda Item 20.1 at this point in its agenda.

MOVED by Alderman Crowley, seconded by Alderman Jeffrey that Council approve in principle the amendment of Ordinance 121, the Retail Shop Closing Ordinance, to extend the Christmas shopping hours to the month of November (in addition to the month of December) in each year, effective 1 November 1994; and further, that staff be directed to draft and bring forward for adoption by City Council the formal amendments to the said Ordinance. The motion was put and passed.

**NOTE:** Notice of Motion with regard to this matter was given by Alderman Stone (on Alderman Crowley's behalf) at a later point in the meeting's agenda.

**DEFERRED ITEMS**

**Case No. 6725: Repeal of Development  
Agreement (Modification of Side Yard  
Requirement), 2760-64 Windsor Street**

This matter had been deferred from a regular meeting of Halifax City Council held on 13 October 1994.

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MOVED by Deputy Mayor Pottie, seconded by Alderman Fitzgerald that a date be set for a public hearing to amend the development agreement for Civic Nos. 2760-64 Windsor Street as approved on 12 May 1994 by removing clause 7 (the requirement for an electric gate) and any other additions that Council may wish to add to the development agreement. The motion was put and passed.

The Acting City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 23 NOVEMBER 1994** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

**Case No. 6964: Rezoning From R-1 to R-2, 11 St. Margaret's Bay Road**

A public hearing to consider this matter had been held on Wednesday, 19 October 1994.

Submissions were received from the following individuals:

- Correspondence, dated 16 October 1994, from Gordon and Joan Charlton, 13 Crown Drive
- Correspondence, dated 16 October 1994, from Ms. Vera Charlton, 15 Crown Drive
- Correspondence, dated 17 October 1994, from "The Veinot's," 11 Crown Drive
- Correspondence, dated 17 October 1994, from Mrs. Anne Peterson, 17 Crown Drive
- Correspondence, dated 25 October 1994, from J. K. Luard, 9½ St. Margaret's Bay Road
- Correspondence, dated 26 October 1994, from Roger and Jane Bureau, 11 St. Margaret's Bay Road
- Correspondence, dated 26 October 1994, from Ms. Betty Veinot, 11 Crown Drive

Alderman Hanson noted that, having given this matter careful consideration, he felt that the various concerns raised by area residents during the 19 October public hearing had been met satisfactorily by the applicant. It was therefore moved by Alderman Hanson,

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*ADAMS*  
seconded by Alderman ~~Hanson~~ that Council approve the application to rezone 11 St. Margaret's Bay Road (lands of Jane and Roger Bureau) from R-1 (Single-Family Dwelling) Zone to R-2 (Two-Family Dwelling Zone).

The Acting City Clerk advised that Aldermen Meagher and Jeffrey had not been in attendance during the 19 October public meeting, and therefore were not eligible to participate in the vote.

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

**Case No. 6998: Rezoning and  
Development Agreement, Lands of Longwave  
Enterprises Ltd. (Off St. Michael's Avenue)**

A public hearing to consider this matter had been held on Wednesday, 19 October 1994 at which time the following motion was made:

THAT the matter be forwarded without recommendation to the next regular meeting of Halifax City Council (**scheduled for Thursday, 27 October 1994**), pending receipt of information from staff . . .

A supplementary report, dated 24 October 1994, was submitted from the Director of Development and Planning.

Alderman Adams expressed appreciation to staff for their report of 24 October 1994, emphasizing that he intended to make copies available to residents of the St. Michael's Avenue area as well as to parishioners of the nearby church. He went on to point out, however, that one of the major concerns put forward during the 19 October public hearing was that the primary access/egress for this development would be St. Michael's Avenue, a factor which, in the opinion of many, would seriously impact on the quality of life in this neighborhood.

Alderman Adams went on to make reference to the large commercial property, a part of which is now being used for the construction of a doughnut shop, and indicated that in a conversation with the property owner, that individual appeared to be open to the idea of using the remainder of that lot as an access to the proposed development off St. Michael's Avenue.

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Mr. Barry Zwicker, Vice President of Planning for the firm of Wallace, MacDonald and Lively Limited (speaking on behalf of Longwave Enterprises Limited), addressed Council in response to Alderman Adams' remarks. In his comments, Mr. Zwicker made reference to a traffic study undertaken by Streetwise Traffic Engineering, emphasizing that findings appeared to indicate that an access road at the location suggested by the Alderman would create even more safety hazards than those posed by the use of St. Michael's Avenue. He went on to make reference to the requirements (in terms of parking, drive-through, etc.) of the doughnut shop, and pointed out that while it might be physically possible to construct an access route at this location, extenuating circumstances appeared to recommend against this approach.

After a brief discussion and consultation with the City Solicitor, it was moved by Alderman Adams, seconded by Alderman Fitzgerald that:

- (1) City Council approve the rezoning of the triangular parcel of land (shown on Sketch 2 of the 21 September 1994 staff report) from H, Holding Zone, to RDD, Residential Development District Zone;
- (2) the application by Longwave Enterprises Limited for approval of a development agreement regarding the development of its lands off St. Michael's Avenue be approved by City Council pursuant to Section 62(B)(1) of the Land Use Bylaw (Mainland Area) on condition that access to this development be other than through St. Michael's Avenue.

Referring in particular to part (2) of the above motion, Alderman Adams asked that staff be requested to negotiate this matter with the developer, and to report back to a future meeting of Committee of the Whole Council.

The Acting City Clerk advised that, owing to their absence from the 19 October public hearing, both Aldermen Meagher and Jeffrey should refrain from participating in the voting process.

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

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The following submissions had been received with regard to this matter:

- Correspondence, dated 27 July 1994, from Ms. Joan Wilson, 306 Herring Cove Road, Halifax, B3R 1V4
- Correspondence, dated 8 August 1994, from Mr. Harry W. Tobin, 43 St. Michael's Avenue, Halifax, B3P 1M6
- Correspondence, dated 8 August 1994, from Ms. Marie F. Tobin, 43 St. Michael's Avenue, Halifax, B3P 1M6
- Correspondence, dated 9 August 1994, from Russell and Gladys Redmond, 31 St. Michael's Avenue, Halifax, B3P 1M6
- Correspondence, dated 25 August 1994, from R. H. LeGay, 23 St. Michael's Avenue, Halifax, B3P 1M6
- Correspondence, dated 8 October 1994, from Ms. Fay C. Spencer, 49 St. Michael's Avenue, Halifax, B3P 1M6
- Correspondence, dated 20 October 1994, from Ms. Joan Wilson, 306 Herring Cove Road, Halifax, B3R 1V4
- Correspondence, dated 21 October 1994, from Harry and Marie Tobin, 43 St. Michael's Avenue, Halifax, B3P 1M6
- Correspondence, dated 22 October 1994, from Ms. Fay C. Spencer, 49 St. Michael's Avenue, Halifax
- Correspondence, dated 24 October 1994, from Ms. Helen Bowers, 17 St. Michael's Avenue, Halifax, B3P 1M6
- Correspondence, dated 24 October 1994, from R. H. LeGay, 23 St. Michael's Avenue, Halifax, B3P 1M6
- Correspondence, dated 24 October 1994, from Gladys and Russell Redmond, 31 St. Michael's Avenue, Halifax
- Correspondence, dated 25 October 1994, from Mr. K. M. Whalen, 13 St. Michael's Avenue, Halifax, B3P 1M6

**PETITIONS AND DELEGATIONS**

Petition Alderman Meagher Re:  
Use of Union Street by Tour Buses

Alderman Meagher submitted a petition containing approximately 60 signatures requesting that consideration be given to re-routing tour bus traffic away from Union Street. The Alderman asked that this request be forwarded to the City Traffic Authority, Mr. B. N. Kennedy, for consideration and report.

Petition Alderman Meagher Re:  
Noise - Windsor Street Sobey's Store

Alderman Meagher submitted a letter from Ms. Brenda M. Marriott of 2697 Windsor Street, Halifax, concerning the noise emanating from the refrigeration unit at the Windsor Street Sobey's location. The Alderman asked that Ms. Marriott's letter be forwarded to staff of the City's Development and Planning Department.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on 19 October 1994 as follows:

Future Tax Billings

MOVED by Alderman Fitzgerald, seconded by Alderman Walker that, as recommended by the Finance Committee:

- (1) Council authorize that the tax billings shall be based upon the approved Annual estimates;
- (2) the tax billings be in two instalments due the last working day of April and the last working day of September;
- (3) the first instalment relate to the approved estimates for the direct City administered functions and the second instalment be referable to the indirect functions (Boards, etc.);

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- (4) the instalment billings provide a breakdown of the sums charged, referable to the major budget categories of net expenditures, with the second/final instalment displaying a total breakdown for the year;
- (5) Ordinance #145 be repealed to reflect the revised basis for the instalments as in recommendations 1-3;
- (6) Council attempt to strike the tax rates by March 1st to enable the provision of information required for the first instalment.

The motion was put and passed.

Audited Financial Statements - Year Ended 31 March 1994

MOVED by Alderman Holland, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the audited Consolidated and Non-Consolidated Financial Statements of the City of Halifax for the year ended 31 March 1994 be approved, and that the Mayor and the City Clerk be empowered to sign these financial statements. The motion was put and passed.

Request for Resolutions for Consideration at  
the December 1994 Meeting of the FCM  
National Board of Directors

On the recommendation of the Chairman, it was agreed that, no suggestions for resolutions having been submitted from members of Council, no further action be taken in this regard.

P & E Enterprises, 386 Herring Cove Road  
(Carrying on Business Under the Firm  
Name and Style of P.G. Pizzeria)

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

A supplementary private and confidential report, dated 25 October 1994, was submitted from the Director of Corporate and Legal Affairs.

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Alderman Adams commended Senior Solicitor G. Goneau of the City's Legal Department for his efforts in resolving this issue, and MOVED, seconded by Alderman Stone that City Council authorize payment to the claimant in the total amount of \$86,325.00 in full and final settlement for any and all claims arising out of the Herring Cove Road widening project.

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

8:40 p.m. - Alderman Crowley retires from the meeting.

Annual Review of Licenses, Permits and Fees

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

1. City Council authorize the City Solicitor to seek changes to the various ordinances to effect increases as indicated on the schedules attached to the staff report of September 28, 1994;
2. City Council authorize these changes as well as those not governed by ordinances to be effective January 1, 1995.

The motion was put and passed.

Improving Social Security in Canada  
- Federal Government Discussion Paper

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

1. the City of Halifax take a leadership role in developing a response to the federal paper and outline a process for consultation;
2. staff work in consultation with other municipal units in developing a coordinated response; and that



3. staff initiate a public/community consultation process which will provide an opportunity for a broad cross section of community representatives to have input into the restructuring of Canada's income security system.

The motion was put and passed.

### The Khyber (Church of England Institute) Building

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

A report, dated 24 October 1994, was submitted from the Director of Development and Planning.

MOVED by Alderman Downey, seconded by Alderman Walker that Council:

- (1) refer Mr. Wilson's proposal for the acquisition of the Khyber Building to the brokerage firm, that is about to be appointed by the City, for consideration; and
- (2) defer consideration of the "right to light" matter, raised by Heritage Trust of Nova Scotia, until it can be reviewed in the context of its future ownership and use of the Khyber Building.

The motion was put and passed.

### Amendments to the City of Halifax Superannuation Act

Following is the recommendation from the 19 October meeting of the Finance and Executive Committee:

**THAT, pending a report from the City Manager, Council approve the following recommendations of the Retirement and Retirement Advisory Committees, and authorize the City Solicitor to prepare the necessary legislation to amend the City of Halifax Superannuation Act to:**

- (1) amend the calculation of pensions for both currently retired and future retirees to the average of the best 3 consecutive years earnings, effective January 1, 1995;

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- (2) eliminate the 12% reduction at age 65 for currently retired and future retirees, effective January 1, 1995;
- (3) increase the percentage of the member's pension payable to a survivor to 66 2/3% from the present 60% for all current and future survivors of plan members, effective January 1, 1995;
- (4) repeal portions of Section 20 of the City of Halifax Superannuation Act to eliminate the guaranteed 2% increase granted each January 1 to plan members 65 years of age and older, and to survivors;
- (5) reduce employer and employee contribution levels by 3% for 1995 and review future contribution levels giving consideration to flat contribution rates;
- (6) allow, in future, for the contribution rates to the Superannuation Plan to be set by City Council, subject to the recommendations of the Retirement Committee;
- (7) allow for payment by the City of Halifax Superannuation Fund of Actuarial, Audit, and other outside costs as specifically approved by the Retirement Committee.

The City Manager advised that he had not yet been able to obtain sufficient information on which to base his report to Council concerning this matter.

It was therefore moved by Alderman Fitzgerald, seconded by Deputy Mayor Pottie that the matter be deferred to a future meeting of Committee of the Whole Council, pending receipt of the requested report from the City Manager.

The motion to defer was put and passed.

### The Paramount Theatre

Following is the motion from the 19 October meeting of the Finance and Executive Committee:

THAT staff be instructed to meet with Mr. Cohn and Mr. Sullivan, to explore both proposals in detail, and to submit a report complete with recommendations to the next regular

**CITY COUNCIL  
27 OCTOBER 1994**

meeting of Halifax City Council scheduled for Thursday, 27  
October 1994.

A report, dated 21 October 1994 and entitled "Paramount Theatre Building, 1577 Barrington Street," was received from the Director of Development and Planning as was an Information Report of the same date entitled "Casino Theatre, Gottingen Street."

MOVED by Alderman Stone, seconded by Alderman Fitzgerald that Council:

- (1) not proceed with an offer to purchase the Paramount Theatre Building;
- (2) not make a commitment on the implementation of the parking area in the block bounded by Granville, Hollis, Sackville and Salter Streets, or the construction of the connecting pedway over Granville Street until it has an opportunity to review the recommendations of a forthcoming staff report; and
- (3) instruct staff to prepare terms of reference for a comprehensive study into the scale, location and design requirements for a Halifax performing arts centre, seek federal and provincial assistance for its funding, and include an appropriate amount for the City's portion in the 1995/96 Operating Budget as a Special Item.

Following a brief discussion and questioning of staff, the motion was put and passed.

**East Coast Bio-Logic  
Environmental Systems Co-op Limited**

MOVED by Alderman Fitzgerald, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, the matter be referred to staff for comment on the presentation by East Coast Bio-Logic Environmental Systems Co-op Limited and on the potential savings to the City if a backyard composting program were implemented.

The motion was put and passed.

**REPORT - COMMITTEE ON WORKS**

Council considered the report of the Committee on Works from its meeting held on 19 October 1994 as follows:

**Acquisition of Easements  
- William Lake Pumping Station**

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

- (1) the City acquire service and working easements as shown on Plan Number TT-50-32222 and the sketch (as attached to the staff report of October 5, 1994) from the Roman Catholic Episcopal Corporation of Halifax for \$8,713 as settlement in full plus any GST that may be applicable; and that
- (2) funds be approved from Capital Account Number 95013, Williams Lake Pumping Station, Forcemain Renewal.

The motion was put and passed.

**Snow Removal Tendering Process**

This matter had been discussed during the 19 October 1994 meeting of the Committee on Works, at which time a report from staff was requested.

Alderman Adams advised that, having received a memorandum on this matter from the City Manager, no further action was required in this regard.

**REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on 19 October 1994 as follows:

**Report from Staff/Planning Advisory  
Committee Re: Service Station Closures**

Following is the recommendation from the 19 October meeting of the Planning Committee:

**CITY COUNCIL  
27 OCTOBER 1994**

THAT Council **not** approve the recommendation of the Planning Advisory Committee to install a noise meter at 2580 Beech Street.

MOVED by Alderman Meagher, seconded by Alderman Fitzgerald that, as recommended by the Planning Advisory Committee, Council instruct staff to install a noise meter on the Folland property at 2580 Beech Street and, should the findings indicate that the noise levels emanating from the service station are excessive, make recommendation to Council as to an appropriate solution.

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

Alderman Adams made reference to a similar problem of some long-standing relating to a service station at Layton/Herring Cove Road, and asked if staff could be directed to contact the gas company in question in an attempt to expedite a satisfactory solution.

Gottingen Street Mainstreet

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the Planning Committee, that Council authorize staff to proceed with the call for proposals (attached to the staff report of 7 October 1994) for consultants to design a visual identity and visitor amenity program for the Gottingen Street commercial area with a spending ceiling of \$25,000.

The motion was put and passed.

Case No. 6292: Amendment to Stage II, Schedule "K"  
Development Agreement, Clayton Park West, Phase 2

MOVED by Alderman Stone, seconded by Alderman Jeffrey that, as recommended by the Planning Committee:

1. City Council approve the request to amend the Stage II, Schedule "K" development agreement for Clayton Park West - Phase 2 to permit side yards for single family dwellings to be a minimum of 4 feet, provided that a minimum distance of 12 feet is maintained between dwellings;

2. Council require that the amending 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; otherwise this approval will be void and obligations arising hereunder shall be at an end.

The motion was put and passed.

Sale of Lands, Devonshire Avenue/Roome Street

MOVED by Deputy Mayor Pottie, seconded by Alderman Meagher that, as recommended by the Planning Committee, the City terminate the existing lease agreement with the Knox Presbyterian Church and sell the land as shown on Plan No. 00-20-32236 and containing approximately 25,214 square feet to Knox Presbyterian Church for \$100,000 in accordance with the terms proposed in the staff report of October 4, 1994.

The motion was put and passed.

Parcel B-4, 2 Kelvin Grove and Parcel B-3,  
4 Kelvin Grove, Bedford Highway

MOVED by Alderman Walker, seconded by Alderman Stone that, as recommended by the Planning Committee, the expropriation of Parcel B-3 and Parcel B-4, Bedford Highway, be abandoned with the exception of underground easements required for footings as shown in Plan Numbers TT-50-32325 and TT-50-32324 respectively.

The motion was put and passed.

Case No. 6717: Peninsula North Area 5 - Outstanding  
Issue: R-2 and R-3 Lands in the Area bounded by  
Bloomfield, Agricola, Isleville and Russell Streets

Following is the motion from the 19 October meeting of the Planning Committee:

THAT the properties with a High Density Residential Designation and R-3 (Multiple Dwelling) zoning in the area generally bounded by Macara, Isleville, Bloomfield, and Agricola Streets, be redesignated to Medium Density Residential and be rezoned to R-2 (General Residential), as previously recommended by the Planning Advisory Committee in its report of August 16, 1994.

Deputy Mayor Pottie, speaking on behalf of Alderman O'Malley (who had been unable to attend this evening's meeting) made reference to a petition which had been submitted during the 5 October public hearing which called for C-2 zoning on certain of the properties in this subject area.

It was therefore moved by Deputy Mayor Pottie, seconded by Alderman Meagher that Council reject the recommendation as put forward by the Planning Committee on 19 October, and instead set a date for a public hearing to consider a Major Commercial designation and C-2 (General Business) Zone for the area bounded by Macara, Isleville, Bloomfield, and Agricola Streets. The motion was put and passed with Alderman Fitzgerald voting in opposition.

**NOTE:** A date for the requested public hearing was not put forward at this time.

### MISCELLANEOUS BUSINESS

#### Interest on Pollution Control Reserve

A report, dated 21 October 1994, was submitted from the Director of Finance.

MOVED by Alderman Stone, seconded by Alderman Walker that the interest on the Pollution Control Reserve be set at 0% for the budgetary year 1994/95.

The motion was put and passed.

#### Vimy Avenue Expropriation

A report, dated 21 October 1994, was submitted from the City Solicitor.

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MOVED by Alderman Walker, seconded by Alderman Hanson that the motion of 19 October 1994 be amended to reflect what had been intended and to therefore read as follows:

THAT Council approve a sum of \$212,000 for payment to **Fred Arab and Provincial Distributors Ltd.** as settlement in full of all costs and damages with the exception of the increased cost of completing the Boehner contract, which damages arise out of the expropriation and abandonment of Lot B-1D, with funds to be made available from Account No. 91545 - Lacewood Drive/Bedford Highway Connector.

The motion was put and passed.

**Tender No. 94-162: Renovations -  
1403 Robie Street/5994 Spring Garden Road**

A report, dated 20 October 1994, was submitted from the Director of Engineering and Works.

MOVED by Alderman Fitzgerald, seconded by Alderman Holland that Council award Tender No. 94-162 (Renovations - 1403 Robie Street/5994 Spring Garden Road) to the low bidder, Blunden Construction Ltd., at the tender price of \$129,100.00 and a total project cost of \$142,000.00.

The motion was put and passed.

**Tender No. 94-72R: Security Control  
System, Halifax Police Department**

A report, dated 19 October 1994, was submitted from the Director of Finance.

MOVED by Alderman Stone, seconded by Deputy Mayor Pottie that Council authorize award of Tender No. 94-72R (Security Control System - Halifax Police Department) to Chubb Security Systems in the amount of \$25,498.75; and further, that Council authorize the transfer of funds from Capital Account Nos. 91003 (Firing Range Renovations) in the amount of \$2,606.02 and 91004 (Renovations - Female Washroom) in the amount of \$3,284.37 to Account No. 91005 (Police Station Fence). The motion was put and passed.



QUESTIONS

Question Deputy Mayor Pottie Re:  
Letter to Director of Education

Deputy Mayor Pottie made reference to a letter he forwarded to the Director of Education approximately one month ago. He noted that, unfortunately, a response has not been received in respect of this letter. Deputy Mayor Pottie, therefore, requested the assistance of the City Manager in pursuing a response. He advised that he would provide a copy of his letter to the City Manager's Office tomorrow.

Question Deputy Mayor Pottie Re:  
Break in Water Line - Windsor Street

Deputy Mayor Pottie advised that a few Sundays ago, a developer was changing some water lines and, unfortunately, snagged a line which resulted in a major burst of water. The Deputy Mayor expressed concern over the number of Departments he had to contact in respect of the situation i.e. the Water Commission, Building Inspection, Engineering & Works, etc.

Deputy Mayor Pottie requested a detailed report in response to the following questions: who paid for the 7 or 8 crew from the Water Commission; was there a street opening permit; was it a qualified company who opened the street; was a deposit made; was the deposit returned; and is the meter going to be supplied to the house even though the bill may be contested because of apparent no "wrong-doing" on the part of the developer.

Question Alderman Adams Re: Outstanding  
Local Improvement Charges - 7 Nelson Avenue

Alderman Adams asked for clarification with respect to a matter of outstanding local improvement charges levied against a property owned by Mr. Leslie Johnson at 7 Nelson Avenue. He requested a report from staff explaining the background of this situation and any recourse available to Mr. Johnson.

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**Question Alderman Fitzgerald Re:  
Baseball and Soccer Fields**

Alderman Fitzgerald requested a report from the Recreation Department on the number of soccer and baseball fields being planned for the forthcoming fiscal year.

**Question Alderman Stone Re: Traffic Control Signals  
at the Bedford Highway/Flamingo Drive Intersection**

Alderman Stone made reference to a an information report he received from the Traffic Authority regarding traffic control signals at the Bedford Highway/Flamingo Drive. He expressed his satisfaction that these lights will become operational on Wednesday, November 16, and added that he was very pleased to receive such a timely response to his question.

**NOTICES OF MOTION**

**Notice of Motion Alderman Crowley Re: Proposed  
Amendment to Ordinance 121, the Retail Shop  
Closing Ordinance (Extended Christmas Shopping Hours)**

On behalf of Alderman Crowley, Alderman Stone gave Notice of Motion that at the next regular meeting of Halifax City Council (scheduled for Thursday, 17 November 1994) First Reading of a proposed amendment to Ordinance 121, the Retail Shop Closing Ordinance, will be introduced.

The purpose of this amendment is to extend the Christmas shopping hours to include the month of November in addition to the month of December in each year.

**NOTE:** Approval in principle had been approved by City Council with regard to this proposal at an earlier point in the meeting's agenda.

**ADDED ITEMS**

**Appointment - FCM Board of Directors**

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

**CITY COUNCIL  
27 OCTOBER 1994**

A memorandum from Her Worship Mayor Ducharme dated October 27, 1994, was submitted.

MOVED by Deputy Mayor Pottie, seconded by Alderman Holland that Council approve the expenditures required for Alderman Bill Stone to become a Board member of FCM.

On behalf of Council, Her Worship Mayor Ducharme expressed appreciation to Alderman Holland for the tremendous amount of time he gave to the FCM Board and for keeping Council well informed.

Motion passed.

**Parting Remarks (Alderman Jeffrey)**

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

Alderman Jeffrey noted that his 14 years on Council have been gratifying years. He expressed his thanks to the residents of Ward 9 for electing him as their Alderman and went on to comment on some of the projects which had been accomplished for Ward 9 during his terms on Council. Alderman Jeffrey advised that recreational facilities, storm sewers, sidewalks, street paving, a senior citizens complex, Northcliffe Pool, and the Burton Ettinger Gymnasium were just some of the accomplishments.

Alderman Jeffrey went on to express his appreciation and thanks to members of Council who helped him achieve these accomplishments and challenges.

Her Worship Mayor Ducharme commended Alderman Jeffrey for the service he has given to the City during his 14 years on City Council.

**Municipal Reform (Alderman Fitzgerald)**

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

Her Worship noted that the following information was provided to members of Council: a memorandum on Provincial-Municipal Service Exchange dated October 27,

**CITY COUNCIL  
27 OCTOBER 1994**

1994, from the Honourable Sandy Jolly, Minister of Municipal Affairs; a copy of a press statement by the Honourable Sandy Jolly on Municipal Reform dated October 27, 1994; and a paper on Provincial-Municipal Service exchange provided by the NS Department of Municipal Affairs dated October 1994.

Alderman Fitzgerald addressed the announcement made by the Provincial Government with regard to Municipal Reform. He brought to the attention of members of Council a letter which he received from Alexa McDonough, John Holm, and Robert Chisholm stating that they share the surprise and anger that the Mayors have expressed upon hearing, days after the recent municipal election, the sudden announcement that the Provincial Government intends to impose a form of municipal amalgamation in the Metro Area.

Alderman Fitzgerald expressed concern about this sudden announcement noting that there were a number of questions unanswered and uncertainties. The Alderman went on to assure the citizens of the City of Halifax that the newly appointed Halifax City Council will deal with this matter efficiently and effectively in the best interests of the citizens of the City.

A brief discussion ensued with various concerns being expressed regarding the announcement for municipal reform.

**Farewell Remarks**

Her Worship Mayor Ducharme noted that it has been a tradition when Council reaches the final Council meeting of its term, for those members who will not be returning to say a few words.

Alderman Meagher addressed Council and advised that it has been a pleasure to serve the citizens of Ward 4 and the City of Halifax for over a period of almost 33 years. In his remarks, Alderman Meagher thanked Her Worship Mayor Ducharme and members of Council, as well as previous Councils who he served with over the years. He also expressed his sincere thanks to City staff for their kindness and assistance over the years.

Alderman Holland commented on the wonderful experience he had during his time as Alderman. He thanked

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27 OCTOBER 1994**

the people of Ward 1 who on two occasions elected him to represent the Ward and also expressed his thanks to staff for the support provided to him during his period as Alderman.

There being no further business to be discussed, the meeting was adjourned at approximately 10:00 p.m.

HER WORSHIP MAYOR MOIRA DUCHARME  
CHAIRMAN

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## MINUTES

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### THE CORPORATION OF THE CITY OF HALIFAX

**MEETING:** HALIFAX CITY COUNCIL  
SPECIAL (SWEARING-IN CEREMONY)

**PLACE:** COUNCIL CHAMBER - HALIFAX CITY HALL

**DATE:** November 7, 1994

**TIME:** 10:00 A.M.

**MEMBERS PRESENT:** HER WORSHIP MAYOR MOIRA DUCHARME  
MAYOR-ELECT WALTER FITZGERALD  
DEPUTY MAYOR PAT POTTIE  
ALDERMAN-ELECT LARRY UTECK  
ALDERMAN-ELECT KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN-ELECT HOWARD M. EPSTEIN  
ALDERMAN-ELECT JERRY S. BLUMENTHAL  
ALDERMAN STEPHEN ADAMS  
ALDERMAN RON HANSON  
ALDERMAN-ELECT RALPH P. MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN MARY ANN CROWLEY  
ALDERMAN BILL STONE

**MEMBERS ABSENT:** NONE.

**STAFF:** BARRY COOPERSMITH, CITY MANAGER  
WAYNE ANSTEY, Q.C., CITY SOLICITOR  
EDWARD A. KERR, CITY CLERK



**CITY COUNCIL  
NOVEMBER 7, 1994**

A special meeting of Halifax City Council was held on the above date to announce the results of the 15 October 1994 municipal election and to administer the Oath of Allegiance and Office.

The meeting commenced with those in attendance joining in the recitation of the Lord's Prayer led by Reverend John Newton, St. Paul's Church.

The City Clerk announced the results of the election for Mayor and declared Walter Fitzgerald duly elected Mayor for the City of Halifax for a three year term. The City Clerk advised of the following results:

Walter Fitzgerald	17,254
Moira Ducharme	11,471
Michael MacDonald	2,197
Bob Bezanson	1,201

His Honor Chief Justice Lorne O. Clarke, Supreme Court of Nova Scotia, administered the Oath of Allegiance and of Office to Mayor Walter Fitzgerald and placed the Chain of Office on the Mayor.

Retiring Mayor Ducharme left the Chair with His Worship Mayor Fitzgerald taking the seat of the Chair.

The City Clerk individually announced the results of the election for Aldermen for Wards One to Twelve and declared the following Aldermen elected for a three year term:

WARD 1

Larry Uteck	1,056
Lonny Holland	724
Beverly Miller	692
Dorothy Francis	476
Charles A. Crosby	139

WARD 2

Kate Carmichael	937
Ian Campbell	816
Ron Cromwell	686
Tim Backman	271

CITY COUNCIL  
NOVEMBER 7, 1994

WARD 3

Graham L. Downey	1,068
Austin Park	566
Irvine Carvery	476
Paul Lowery	148

WARD 4

Howard Epstein	817
Allan (Al) Keith	750
Marven K. MacKenzie	659

WARD 5

Jerry Blumenthal	1,845
Marie E. O'Malley	1,425

WARD 6

Patrick Pottie	878
Randy Dewell	845
Blair Stephen Beed	808

WARD 7

Stephen Adams (acclamation)

WARD 8

Ron Hanson	1,850
Mel Boutilier	1,191

WARD 9

Ralph P. Maher	1,214
George Athanasiou	520
Ian Watt	473
Peter Kidd	424

WARD 10

Russell Walker (acclamation)

WARD 11

Mary Ann Crowley	1,639
Frank C. O'Neill	1,209

WARD 12

Bill Stone	2,018
Thomas H. Abraham	1,877

**CITY COUNCIL  
NOVEMBER 7, 1994**

Following the declaration by the City Clerk for each Ward, His Honour administered the Oath of Allegiance and of Office to each Alderman and placed the Aldermanic Medals on each member of Council.

Following a prayer led by Reverend Newton and the departure by His Honour, His Worship the Mayor and members of City Council signed the Council scroll.

10:30 a.m. - The meeting adjourned.

RETIRING MAYOR MOIRA DUCARME  
AND  
HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMEN

EDWARD A. KERR  
CITY CLERK

/m



## MINUTES

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### THE CORPORATION OF THE CITY OF HALIFAX

**MEETING:** HALIFAX CITY COUNCIL  
SPECIAL MEETING

**PLACE:** COUNCIL CHAMBER - HALIFAX CITY HALL

**DATE:** NOVEMBER 8, 1994

**TIME:** 10:00 A.M.

**MEMBERS PRESENT:** HIS WORSHIP MAYOR WALTER FITZGERALD  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN JERRY BLUMENTHAL  
ALDERMAN PAT POTTIE  
ALDERMAN STEPHEN ADAMS  
ALDERMAN RON HANSON  
ALDERMAN MARY ANN CROWLEY  
ALDERMAN BILL STONE

**MEMBERS ABSENT:** ALDERMAN RALPH MAHER  
ALDERMAN RUSSELL WALKER

**STAFF:** MR. BARRY COOPERSMITH, CITY MANAGER  
MR. WAYNE ANSTEY, CITY SOLICITOR  
MS. KAREN F. SWIM, ACTING CITY CLERK

**CITY COUNCIL  
SPECIAL MEETING  
NOVEMBER 8, 1994**

Appointment of the Deputy Mayor

(1) MOVED by Alderman Hanson, seconded by Alderman Epstein that ALDERMAN STEPHEN ADAMS be appointed Deputy Mayor for the City of Halifax for a term of 50 percent of the term of the Council to be prescribed in legislation, if any, to be passed by the Provincial Legislature, but in no case shall the term of appointment exceed twelve (12) months.

The motion was put and passed with unanimous consent.

(2) MOVED by Alderman Hanson, seconded by Alderman Adams that ALDERMAN MARY ANN CROWLEY be appointed Deputy Mayor for the City of Halifax as the successor to Alderman Stephen Adams for a term of 50 percent of the term of the Council to be prescribed in legislation, if any, to be passed by the Provincial Legislature, but in no case shall the term of appointment exceed twelve (12) months.

The motion was put and passed with unanimous consent.

**Aldermanic Appointments -  
Boards, Commissions, and Committees**

A report, dated 8 November 1994, was submitted from His Worship Mayor Walter Fitzgerald.

Making reference to a typographical error on p. 4 of the report, Alderman Stone asked that his name be removed from the membership of the Halifax-Hakodate Committee (and it was so agreed).

MOVED by Alderman Downey, seconded by Alderman Blumenthal that the following appointments, as contained in the 8 November 1994 report from His Worship Mayor Fitzgerald and as amended, be approved:

**ADVISORY COMMITTEE ON CONCERNS OF AGING**

**Alderman J. Blumenthal**

**Alderman R. Hanson**

**(Terms to expire November 8, 1995)**

**CITY COUNCIL  
SPECIAL MEETING  
NOVEMBER 8, 1994**

**ARBITRATION COMMITTEE**

Alderman R. Mahar  
Alderman L. Uteck

(Terms to expire November 8, 1995)

**ART ALLOCATION COMMITTEE**

Alderman K. Carmichael  
Alderman J. Blumenthal

(Terms to expire November 8, 1995)

**BOARD OF HEALTH**

Deputy Mayor S. Adams  
Alderman P. Pottie  
Alderman R. Mahar

Alderman k. Carmichael

(Terms to expire November 8, 1995)

**BOARD OF HARBOUR CITY HOMES**

Alderman G. Downey  
Alderman R. Hanson  
Alderman R. Walker

(Terms to expire November 8, 1995)

**BRIDGE COMMISSION**

Alderman G. Downey  
Alderman J. Blumenthal

(Terms to expire November 8, 1997)

**COURT HOUSE COMMISSION**

Alderman H. Epstein

(Term to expire November 8, 1995)

**CANADA DAY COMMITTEE**

Alderman R. Walker

(Term to expire November 8, 1995)

**DESIGN ADVISORY PANEL**

Alderman K. Carmichael

(Term to expire November 8, 1995)

**CITY COUNCIL  
SPECIAL MEETING  
NOVEMBER 8, 1994**

**DOWNTOWN HALIFAX B.I.D.C.**  
Alderman L. Uteck  
(Term to expire November 8, 1995)

**EMERGENCY MEASURES COMMITTEE**  
Deputy Mayor S. Adams  
Alderman G. Downey  
Alderman R. Mahar  
(Terms to expire November 8, 1995)

**FORUM COMMISSION**  
Deputy Mayor S. Adams  
Alderman G. Downey  
Alderman P. Pottie  
Alderman R. Mahar  
Alderman R. Walker  
(Terms to expire November 8, 1995)

**HALIFAX ADVISORY COMMITTEE ON THE  
STATUS OF PERSONS WITH DISABILITIES  
(5-STAR COMMITTEE)**  
Alderman K. Carmichael  
Alderman J. Blumenthal  
(Terms to expire November 8, 1995)

**HALIFAX-HAKODATE COMMITTEE**  
Alderman M. A. Crowley  
(Term to expire November 8, 1995)

**HALIFAX WATER COMMISSION**  
Alderman R. Hanson  
(Term to expire November 8, 1995)

**HALIFAX 1999 COMMITTEE**  
Deputy Mayor S. Adams  
Alderman R. Hanson  
(Terms to expire November 8, 1995)

**HERITAGE ADVISORY COMMITTEE**  
Alderman R. Walker  
Alderman H. Epstein  
(Terms to expire November 8, 1995)

**CITY COUNCIL  
SPECIAL MEETING  
NOVEMBER 8, 1994**

**HALIFAX INDUSTRIAL COMMISSION**

Alderman Bill Stone  
Alderman M. A. Crowley  
(Terms to expire November 8, 1995)

**LAKES AND WATERWAYS ADVISORY COMMITTEE**

Alderman H. Epstein  
(Term to expire November 8, 1995)

**LIBRARY BOARD**

Alderman B. Stone  
Alderman R. Walker  
(Terms to expire November 8, 1995)

**MAINLAND SOUTH COMMUNITY CENTRE**

Deputy Mayor S. Adams  
Alderman R. Hanson  
(Terms to expire November 8, 1995)

**MUNICIPAL REFORM STEERING COMMITTEE**

Deputy Mayor S. Adams  
Alderman K. Carmichael  
Alderman H. Epstein  
Alderman P. Pottie  
Alderman M. A. Crowley  
(Terms to expire November 8, 1995)

**METROPOLITAN AUTHORITY**

Deputy Mayor S. Adams  
Alderman H. Epstein  
(Terms to expire November 8, 1995)

**NATAL DAY COMMITTEE**

Alderman P. Pottie  
Alderman M. A. Crowley  
(Terms to expire November 8, 1995)

**NEPTUNE THEATRE**

Alderman L. Uteck  
(Term to expire November 8, 1995)



**CITY COUNCIL  
SPECIAL MEETING  
NOVEMBER 8, 1994**

**PLANNING ADVISORY COMMITTEE**

**Alderman K. Carmichael  
Alderman R. Mahar  
(Terms to expire November 8, 1995)**

**POINT PLEASANT PARK COMMISSION**

**Alderman L. Uteck  
(Term to expire November 8, 1995)**

**POLICE COMMISSION**

**Mayor Walter Fitzgerald  
Alderman P. Pottie  
Alderman M. A. Crowley  
(Terms to expire November 8, 1995)**

**RECREATION COMMITTEE**

**Alderman J. Blumenthal  
Alderman R. Mahar  
Alderman R. Walker  
Alderman M. A. Crowley  
(Terms to expire November 8, 1995)**

**RETIREMENT COMMITTEE**

**Deputy Mayor S. Adams  
Alderman H. Epstein  
(Terms to expire November 8, 1995)**

**SPRING GARDEN ROAD B.I.D.C.**

**Alderman G. Downey  
(Term to expire November 8, 1995)**

**TAX CONCESSIONS AND GRANTS COMMITTEE**

**Deputy Mayor S. Adams  
Alderman R. Walker  
(Terms to expire November 8, 1995)**

**TAXI COMMISSION**

**Deputy Mayor S. Adams  
(Term to expire November 8, 1995)**

**CITY COUNCIL  
SPECIAL MEETING  
NOVEMBER 8, 1994**

**TOURISM HALIFAX COMMITTEE**

Alderman L. Uteck  
Alderman P. Pottie  
Alderman B. Stone  
Alderman M. A. Crowley  
(Terms to expire November 8, 1995)

**TRADE CENTRE LIMITED**

Mayor Walter Fitzgerald  
Alderman R. Hanson  
Alderman B. Stone  
Alderman L. Uteck  
(Terms to expire November 1, 1995)

**TRANSIT ADVISORY COMMITTEE**

Alderman G. Downey  
Alderman J. Blumenthal  
Alderman R. Hanson  
Alderman B. Stone  
(Terms to expire November 8, 1995)

**TWINNING (AS A MUNICIPAL UNDERTAKING) COMMITTEE**

Deputy Mayor S. Adams  
Alderman B. Stone  
Alderman R. Mahar  
(Terms to expire upon completion of mandate)

**PRIVATE ROADS COMMITTEE**

Deputy Mayor S. Adams  
Alderman R. Hanson  
Alderman R. Mahar  
(Terms to expire upon completion of mandate)

**MAYOR'S ADVISORY COMMITTEE ON  
COMMUNITY AND RACE RELATIONS**

Alderman R. Hanson  
(Term to expire November 8, 1995)

**CITY COUNCIL  
SPECIAL MEETING  
NOVEMBER 8, 1994**

**SNOW COMMITTEE  
Mayor Walter Fitzgerald  
Alderman R. Walker  
Alderman L. Uteck  
Alderman M. A. Crowley  
(Terms to expire November 8, 1995)**

**STREETS COMMITTEE  
Mayor Walter Fitzgerald  
Alderman G. Downey  
(Terms to expire November 8, 1995)**

The motion was put and passed.

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

HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN

KAREN F. SWIM  
ACTING CITY CLERK

**HEADLINES**

Appointment of the Deputy Mayor ..... 660  
Aldermanic Appointments -  
Boards, Commissions, and Committees ..... 660



## MINUTES

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### THE CORPORATION OF THE CITY OF HALIFAX

**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER - HALIFAX CITY HALL

**DATE:** NOVEMBER 17, 1994

**TIME:** 8:00 P.M.

**MEMBERS PRESENT:** HIS WORSHIP MAYOR WALTER FITZGERALD  
DEPUTY MAYOR STEPHEN ADAMS  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN JERRY BLUMENTHAL  
ALDERMAN PAT POTTIE  
ALDERMAN RON HANSON  
ALDERMAN RALPH MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN MARY ANN CROWLEY  
ALDERMAN BILL STONE

**MEMBERS ABSENT:** NONE

**STAFF:** MR. BARRY COOPERSMITH, CITY MANAGER  
MR. GERALD GONEAU (REP. CITY SOLICITOR)  
MR. EDWARD A. KERR, CITY CLERK

**CITY COUNCIL  
NOVEMBER 17, 1994**

**MINUTES**

MOVED by Alderman Stone, seconded by Alderman Downey that the Minutes from a regular meeting of City Council held on October 27, 1994 and from two special meetings held on October 5 and October 19 respectively be approved as circulated.

Deputy Mayor Adams made reference to the Minutes from the October 27 meeting and, in particular, to pp. 634-636 pertaining to Case No. 6998 (Lands of Longwave Enterprises Limited). He noted that part (2) of Council's motion on this matter had indicated that the Longwave application would be approved "on condition that access to this development be other than through St. Michael's Avenue."

The Deputy Mayor emphasized that his intentions had actually been to provide an opportunity for staff and Longwave representatives to **negotiate** a second access to the proposed development. Taking this into consideration, he noted that the motion, as written, does not permit this flexibility, and therefore asked for permission from Council to amend the motion.

The Chairman pointed out that such permission is required from all members of Council and, given the fact that Alderman Pottie was not yet in attendance, he felt that he could not accept the Deputy Mayor's request.

The motion to approve the Minutes, as written, was put and passed.

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

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

- 10.16 Boards and Commission Review
- 20.1 Taxi Licensing (Deputy Mayor Adams)
- 20.2 Overhead Crosswalk Signs - Senior Citizens Manors (Alderman Downey)
- 20.3 Bill No. 120 - Gaming Control Act (Alderman Epstein)
- 20.4 Purple Ribbon Campaign (Alderman Epstein)

**CITY COUNCIL  
NOVEMBER 17, 1994**

- 20.5 Request - Staff Report Re: School Board Buildings  
(Alderman Epstein)  
20.6 Remembrance Day (Alderman Epstein)

At the request of the City Clerk, Council agreed to delete Item 16.2, "Annual Review of Licenses, Permits and Fees," which was to be addressed instead under "Notices of Motion."

At the request of Deputy Mayor Adams, it was further agreed that "Questions" would be dealt with as the final item on the meeting's agenda.

**PETITIONS AND DELEGATIONS**

**Petition Alderman Downey Re: Request  
for Bus Shelter (Vicinity of Sunrise Manor)**

Alderman Downey submitted a petition containing the signatures of approximately 110 residents of Sunrise Manor, requesting that a bus shelter be installed on the east side of Gottingen Street in close proximity to the senior citizens complex.

In bringing forward this petition, the Alderman asked that the matter be forwarded to the Transit Advisory Committee for review and recommendation.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, November 9, 1994, as follows:

**City of Halifax Strategic Plan  
- Vision Statement**

MOVED by Alderman Stone, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, Council examine the proposed Vision Statement (as attached to the staff report of October 25, 1994) and, before a final Vision Statement is created, give and seek feedback into this Strawman's version of the Vision Statement.

The motion was put and passed.

Tag Day Application - Kiwanis Club

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

- (1) the application for a tag day license by the Kiwanis Club for 8 September 1995 be approved by Halifax City Council, on condition that the Club assume liability for all claims arising out of the peanut day activities, that it indemnify the City against all claims against it, and that it carry adequate liability insurance to cover all its liability obligations; and that
- (2) in future, the annual "peanut day" application from the Kiwanis Club be approved by staff with the above-noted conditions, unless circumstances, in staff's view, suggest that the matter should be further considered by Halifax City Council.

The motion was put and passed.

Transfer of Funds - Regatta Point Playground

MOVED by Alderman Hanson, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, a sum of \$8,000 be transferred from the Leo Lannigan Playground Account to that of the Regatta Point Playground project.

The motion was put and passed.

Amendment to the City of Halifax Superannuation Act

Following is the recommendation forwarded from the November 9 Finance and Executive Committee:

THAT the following recommendations be proceeded with at this time:

1. a changed best three year average (requires an amount of \$8.8 million);
2. eliminate CPP integration at age 65 (requires an amount of \$18.3 million);

**CITY COUNCIL  
NOVEMBER 17, 1994**

3. increase pensions for all current pensioners/survivors up to CPI since retirement (requires \$3.9 million);

and further, that items 4 and 5 of the staff report dated November 4, 1994 be returned to the Retirement Committee for further information and a report.

At the November 9 meeting, the City Manager had indicated that there were several administrative items that required "cleaning-up" prior to final approval, and had advised that a supplementary report would be submitted in this regard.

A supplementary report, dated November 15, 1994, was received from Mr. Coopersmith, together with correspondence, dated November 17, 1994, from Mr. Douglas E. Large, Pensioner.

MOVED by Alderman Stone, seconded by Alderman Maher that, as specified in the supplementary report from the City Manager dated November 15, 1994, Council endorse the following changes to the City of Halifax Superannuation Plan and recommend them to the Province for approval:

- (1) a change to best three-year average (requires an amount of \$8.8 million) for all current and future retirees, to be effective January 1, 1995;
- (2) the elimination of the CPP integration at age 65 (requires an amount of \$18.3 million) for all current and future retirees, to be effective January 1, 1995;
- (3) an increase in pensions for all current pensioners/survivors up to CPI since retirement (requires \$3.9 million);
- (4) the repeal of portions of Section 20 of the City of Halifax Superannuation Act to eliminate the guaranteed 2 percent increase granted each January 1 to plan members 65 years of age and older, and to survivors;
- (5) to allow, in future, for the contribution rates to the Superannuation Plan to be set by City Council, subject to the recommendations of the Retirement Committee;



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- (6) to allow for payment by the City of Halifax Superannuation Fund of Actuarial, Audit, and other outside costs as specifically approved by the Retirement Committee;

and further that, the following items be returned to the Retirement Committee for further consideration:

- (7) a proposed increase in the survivors' pension percentage from 60 percent to 66 2/3 percent (requires \$8.3 million);
- (8) a proposed 3 percent reduction in 1995 for employee/employer contribution rates (requires \$3.9 million).

The motion was put and passed.

Encroachment License - Civic No. 6024 Quinpool Road

MOVED by Alderman Carmichael, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, an Encroachment License be granted to Jones Neon Displays for the purpose of erecting an encroaching awning across the front of the video store at Civic No. 6024 Quinpool Road.

The motion was put and passed.

8:10 p.m. - Alderman Pottie enters the meeting.

New Year's Eve Countdown Event

Correspondence, dated November 10, 1994, was distributed from Ms. Alice Sandall, President, NABET Local 926, together with a response from His Worship Mayor Walter R. Fitzgerald, dated November 16, 1994.

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

1. the City of Halifax and the Atlantic Television System (ATV/ASN) enter into a three-year cooperative partnership for the promotion/staging of the City of

**CITY COUNCIL  
NOVEMBER 17, 1994**

- Halifax New Year's Eve Countdown Event on December 31, 1994, December 31, 1995, and December 31, 1996;
2. ATV/ASN have exclusive television broadcasting rights for December 31, 1994;
  3. ATV/ASN have exclusive radio and television broadcasting rights for December 31, 1995 and December 31, 1996;
  4. Council approve conditions between the City of Halifax and the Atlantic Television System as attached to the appendix of the staff report dated November 2, 1994.

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

**Tender #94-183: Mainland Common  
Soccer Pitch #1 - Landscape Construction**

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

1. authorize the award of a contract to the lowest bidder, **Elmsdale Landscaping Limited**, in the amount of \$60,059.75, to complete landscape construction at the Mainland Common Soccer Pitch #1;
2. authorize funds from account 9160.97013 titled Mainland Common Development.

The motion was put and passed.

**Vimy Avenue Expropriation**

MOVED by Alderman Walker, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, Council approve a sum of \$20,000 plus applicable GST for payment to **Fred Arab and Provincial Distributors Ltd.** as final settlement of all claims arising out of the expropriation and subsequent abandonment of Lot B-1D Vimy Avenue.

The motion was put and passed.

**CITY COUNCIL  
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**Stationery System Contract - Joint Tender Call  
- City of Halifax and City of Dartmouth**

MOVED by Alderman Blumenthal, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council authorize the award of a three (3) year price agreement to the lowest bidder, N.S. Stationers, in the amount of \$57,793.93/Year. The motion was put and passed.

**Tender No. 94-181: Hose Drying Tower  
- West Street Fire Station**

A supplementary staff report, dated November 14, 1994, was submitted from the Director of Finance.

MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, City Council authorize award of Tender No. 94-181 (to include removal of the top 35 feet of the hose tower, repointing of the remaining part of the structure and repairing of the adjacent training tower) the lowest bidder, Coastal Restoration & Masonry Limited, at the recommended price of \$55,456.00 + 10% contingency (\$5,545.60), totalling \$61,001.60 (including all taxes). The motion was put and passed.

**1994-95 Operating Budget - Social Planning**

MOVED by Alderman Downey, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, as a means of minimizing a projected departmental overexpenditure of the 1994/95 budget, Option (1) of the October 25 report be approved, namely the continuation of the implementation of administrative and procedural changes which includes:

- control of admissions to In-home Supports Program, Small Options, Supervised Apartment and Community Residence Programs;
- tendering/price agreement system with suppliers;

**CITY COUNCIL  
NOVEMBER 17, 1994**

- limiting rates and coverage for special need items;
- implementation of the provincial COMPASS program

(this recommendation results in a need for approval of an overexpenditure of \$900,000 gross or \$200,000 net).

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

**Canada/Nova Scotia Infrastructure  
Works Application - Historic Properties**

MOVED by Alderman Stone, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the City execute the Canada/Nova Scotia Infrastructure Works Application for site rejuvenation to Historic Properties (Privateers Wharf) submitted by Historic Properties (Privateers Wharf) Limited in section (c), of part 3, and agree to fund the project from the fiscal 1995 budget to a maximum of \$97,515, being 16.5 percent of the capital costs of the harbour seawall reclamation, landscape surface replacement, lighting, and the design and construction supervision costs that relate to these items. The motion was put and passed.

**Tax Concessions and Grants - Process Update**

An Information Report, dated November 10, 1994, was submitted from the Chairman of the Tax Concessions and Grants Committee.

MOVED by Alderman Pottie, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, City Council approve:

1. the release of all Social Planning Canada Assistance Plan (C.A.P.) and Recreation Department grants previously approved in the 1994/95 Operating Budget, and

**CITY COUNCIL  
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2. the deadline of applications for the 1995/96 year to be March 31, 1995, for 1995/96 requests only.

The motion was put and passed.

**Paramount Theatre Study**

An Information Report, dated November 14, 1994, was submitted from the Director of Development and Planning, together with various other pieces of documentation received from Mr. Rob Cohn, Orpheus Project.

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, a letter be immediately forwarded on behalf of Halifax City Council to the funding agency in question, requesting that the previous correspondence forwarded from the City (written in opposition to Mr. Cohn's application) be withdrawn.

After a brief discussion, the motion was put and defeated.

**Africville Genealogy Society**

MOVED by Alderman Blumenthal, seconded by Alderman Uteck that Council, in furtherance of the healing process, establish a committee to be composed of the Mayor and two members of Council to meet with members or representatives of the Africville and local black community in order to achieve closure on the issues surrounding the expropriation of the lands in the community (the committee will not deal with any individual monetary compensation).

Alderman Stone addressed the motion put forward by Alderman Blumenthal and noted that, in his opinion and that of many Haligonians, the time for "compensation" has passed. The Alderman expressed the view that the City should instead examine methods by which the economic and social concerns of the black community could be better addressed, and, in this context, made reference to the staff recommendation; namely, that Council support the rebuilding of the Seaview Baptist Church and the

**CITY COUNCIL  
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establishment of a scholarship fund for the descendants of Africville residents.

An amendment to the motion was moved by Alderman Walker, seconded by Alderman Meagher; namely, that a member of City staff be added to the composition of the proposed committee.

Alderman Epstein spoke in opposition to the proposed amendment, emphasizing that, in his view, it was now Council's responsibility (not staff's) to attempt to resolve this long-standing issue. The Alderman went on to point out that staff members could always be made available to the committee to provide advice and information on an as-required basis.

After a lengthy discussion, the amendment to the motion was put and passed.

Speaking on the original motion, Alderman Epstein expressed concern that, by preventing the committee from considering individual monetary compensation, Council would be undermining the success of this endeavor.

Alderman Uteck, the seconder of the motion and one of the members of Council who had volunteered to serve on the proposed committee, advised that he had discussed this aspect of the committee's mandate with Mr. Carvery, and that it was his view that Mr. Carvery had readily accepted the condition that monetary compensation would not be a option.

The motion, as amended, was put and passed.

### Boards and Commissions Review

An Information Report, dated November 14, 1994, was submitted from the Director of Corporate and Legal Affairs.

Deputy Mayor Adams made reference to the responses which had been received from the various boards and commissions with regard to the recommendations put forward in the report from the Boards and Review Committee, and suggested that one of the primary concerns centered on the lack of information currently available as to how the six consolidated committees would carry out their mandates.

**CITY COUNCIL  
NOVEMBER 17, 1994**

It was therefore moved by Deputy Mayor Adams that Council accept the recommendations of the Review Committee, and that a public meeting be scheduled so that the concerns identified by the existing boards and commissions could be discussed.

There was no seconder for the Deputy Mayor's motion.

MOVED by Alderman Walker, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, the matter be deferred until the first meeting of Committee of the Whole Council in January, 1995.

The motion was put and passed with Deputy Mayor Adams voting in opposition.

**REPORT - COMMITTEE ON WORKS**

Council considered the report forwarded by the Committee on Works from its meeting held on Wednesday, November 9, 1994, as follows:

Award of Tender 94-19: Mansion Road Sewer

Following a brief consultation with the Acting City Solicitor, it was moved by Deputy Mayor Adams, seconded by Alderman Walker that:

- (1) Council award Tender 94-19 for the construction of a concrete storm sewer for the materials and services listed at the unit prices quoted for a total bid price of \$46,868.00 and a total project cost of \$57,000.00 to Doug Richards Backhoe and Trucking Ltd.
- (2) Council authorize funding from Capital Account No. 93019 (Sewer Development - Mansion Rd. - Herring Cove Road - Storm Sewer).

The motion was put and passed.

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

Amendment to Ordinance 116, the Taxi  
and Limousine Ordinance (Extension of Drivers'  
License Moratorium) - SECOND READING

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, October 13, 1994, and had been further considered during a regular meeting of Committee of the Whole Council held on Wednesday, November 9, 1994.

MOVED by Deputy Mayor Adams, seconded by Alderman Maher that Council approve Second Reading of the amendments to Ordinance 116, the Taxi and Limousine Ordinance (attached as Appendix "A" to the staff report of October 12, 1994), the purpose of which is to extend the moratorium on the issuance of taxi driver licenses to September 30, 1997.

The motion was put and passed.

**REPORT - PLANNING COMMITTEE**

Council considered the report forwarded by the Planning Committee from its meeting held on Wednesday, November 9, 1994, as follows:

Report from the Heritage Advisory Committee Re:  
Heritage Conservation Incentives - Recommendations

MOVED by Alderman Downey, seconded by Alderman Stone that, as recommended by the Planning Committee, Council approve a Heritage Fund grant of \$3,887.00 to assist the Cornwallis Street Baptist Church with roof and steeple restoration.

The motion was put and passed.



**CITY COUNCIL  
NOVEMBER 17, 1994**

**Case No. 6969: Habitat for Humanity  
- 224-226 Herring Cove Road**

This matter had been forwarded to Council without recommendation.

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

- (1) the site develop by-right with a single-family dwelling at 226 Herring Cove Road and a single-family dwelling, duplex or semi-detached dwelling at 224 Herring Cove Road.
- (2) Council direct staff to include in the purchase and sale agreement for 224 and 226 Herring Cove Road a clause which would have the ownership of these lands revert to the City in the event that Habitat for Humanity did not develop these sites and that Habitat return the \$20,000 grant to the City.

The motion was put and passed.

**Parking Lot Lighting**

MOVED by Alderman Downey, seconded by Alderman Carmichael that, as recommended by the Planning Committee, Council direct staff to:

1. send the owners of commercial parking lots copies of the Report on the Halifax Central Business District Safety Audit and, for those commercial parking lots which have been identified as having potential safety problems, contact the owners and review remedial measures with them, on the understanding that these have to be in place by the end of April 1995; and
2. conduct a further review within twelve months to determine whether further action is required, and if necessary prepare a draft ordinance for Council's consideration.

The motion was put and passed.

**CITY COUNCIL  
NOVEMBER 17, 1994**

**Case No. 6882: Bedford Highway Secondary  
Planning Strategy Boundary**

MOVED by Alderman Stone, seconded by Alderman Uteck  
that, as recommended by the Planning Committee, Council:

1. amend the Municipal Development Plan to change the Bedford Highway Secondary Planning Strategy boundary, designation and zoning as illustrated on maps 4, 5, 6 and 7 (attached to the staff report dated 13 October 1994); and
2. forward this matter to the Planning Advisory Committee for public meeting and advice.

The motion was put and passed.

**Case No. 6995: 1553-59 Brunswick Street,  
1552-58 Market Street, Schedule "F" Development  
Agreement (SET DATE FOR PUBLIC HEARING)**

MOVED by Alderman Downey, seconded by Alderman Stone  
that, as recommended by the Planning Committee, Council set a date for a public hearing to consider the development agreement with Hastings Realty Ltd. to permit construction of an apartment building with ground-floor commercial space at 1553-59 Brunswick Street and 1552-58 Market Street. The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, JANUARY 4, 1995** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

**Case No. 6899: Report from Planning Advisory  
Committee Re: Proposed Amendment to Land Use Bylaw  
- Section 41 (Peninsula) - SET DATE FOR PUBLIC HEARING**

MOVED by Alderman Stone, seconded by Deputy Mayor Adams that, as recommended by the Planning Committee, City Council set a date for a public hearing to consider an amendment to the Land Use Bylaw - Section 41 (Peninsula).

The motion was put and passed.

**CITY COUNCIL  
NOVEMBER 17, 1994**

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, JANUARY 4, 1995** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

**Proposal Call - Sale of Surplus City Properties**

An Information Report, dated November 14, 1994, was submitted from the Director of Development and Planning.

MOVED by Alderman Walker, seconded by Alderman Stone that, as recommended by the Planning Committee:

- (1) Council approve the appointment for a one-year period or at the pleasure of Council of the following firms to act as agents for the City in the sale of surplus City properties:-

**Prudential Property Specialists  
Clayton Developments Ltd.  
Sutton Group  
Greenwood Lane**

- (2) Prudential Property Specialists be given an exclusive 120-day listing for the sale of properties at 1588 Barrington Street, 2085-99 Maitland Street, 232 Bedford Highway, and 213-217 Bedford Highway;
- (3) any renewal of these listings be offered to all of the approved agents; and
- (4) future surplus properties for disposal be exclusively listed for 120 days with the next agent listed in (1) above (Clayton Developments Ltd.) and so on, in a systematic rotation.

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

**MOTIONS**

**Motion Alderman Crowley Re: Proposed Amendment to Ordinance 121, the Retail Shop Closing Ordinance (Extended Christmas Shopping Hours) - FIRST READING**

Notice of Motion with regard to the above-noted amendments had been given by during a regular meeting of Halifax City Council held on Thursday, October 27, 1994.

A report, dated October 31, 1994, was submitted from the Director of Corporate and Legal Affairs.

MOVED by Alderman Crowley, seconded by Alderman Walker that City Council approve First Reading of the amendment to Ordinance 121, the Retail Shop Closing Ordinance, as follows; and further, that the matter be referred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, November 23, 1994) for consideration and report:

BE IT ENACTED by the Council of the City of Halifax that Ordinance 121, the Retail Shop Closing Ordinance, be amended as follows:

1. Clause (d) of subsection (2) of Section 3 of said Ordinance 121 is repealed and the following substituted therefor:

*(d) on each Monday, Tuesday and Saturday, from and including the first day of November to and including the thirty-first day of December in each year.*

The motion was put and passed.

**MISCELLANEOUS BUSINESS**

**Case Nos. 6718 and 6719: Peninsula North  
Areas 6 and 7 - RESCHEDULING PUBLIC HEARING DATE**

A report, dated November 4, 1994, was submitted from the Director of Development and Planning.

Alderman Epstein made reference to (2) of the staff recommendation and asked that, in the interests of various of his

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constituents who were interested in attending, the public hearing be scheduled for a later time.

It was therefore moved by Alderman Epstein, seconded by Alderman Stone that Council:

- (1) **cancel** the Public Hearings required to adopt the Municipal Development Plan and Land Use Bylaw amendments for Areas 6 and 7 of Peninsula North, as contained in the reports of the Planning Advisory Committee of September 26 and October 12, 1994 respectively, due to problems with the advertisements; and
- (2) **reschedule** the Public Hearings for **WEDNESDAY, JANUARY 18, 1995** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

The motion was put and passed.

Halifax Convention and Meetings Bureau

A report, dated November 14, 1994, was submitted from Mr. Lewis M. Rogers, Director of Tourism.

MOVED by Alderman Maher, seconded by Alderman Pottie that Halifax City Council approve the City's participation in the formation of the Greater Halifax Convention and Meetings Bureau, noting the changes from the original proposal which are outlined in the staff report of November 14, 1994.

The motion was put and passed.

Case No. 6717: Peninsula North Area 5 - Outstanding Issues (R-2 and R-3 Lands in the Area Bounded by Bloomfield, Agricola, Isleville and Russell Streets)

This matter had last been discussed during a regular meeting of Halifax City Council held on Thursday, October 27, 1994.

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MOVED by Alderman Blumenthal, seconded by Alderman Epstein that City Council amend its motion of October 27, 1994 and, subject to receiving the appropriate legal resolution from staff, set a date for a Public Hearing to consider the redesignation and rezoning of the existing R-3 High-Density Residential area, which is within the area bounded by Agricola, Macara, Isleville and Bloomfield Streets, as follows:

- (1) a Major Commercial designation and C-2 (General Business) zoning for the portion of this area which fronts on Almon Street; and
- (2) a Medium-Density Residential designation and R-2 (General Residential) zoning for the portion of this area which fronts on Bilby Street.

The motion was put and passed.

**NOTICES OF MOTION**

**Notice of Motion Alderman Hanson Re:  
Annual Review of Licenses, Permits and Fees**

Alderman Hanson gave Notice of Motion that at the next regular meeting of Halifax City Council, to be held on Thursday, December 1, 1994, he proposes to introduce for First Reading amendments to the license fees and other charges in various City ordinances.

**Notice of Motion Deputy Mayor Adams Re:  
Proposed Amendment - Ordinance 145, the  
Tax Collection Ordinance**

Deputy Mayor Adams gave Notice of Motion that at the next regular meeting of Halifax City Council, to be held on Thursday, December 1, 1994, he proposes to introduce for First Reading amendments to Ordinance 145, the Tax Collection Ordinance.

The purpose of this amendment is to repeal the provisions respecting the payment of taxes by installments in order to implement the revised basis approved by Halifax City

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Council on October 27, 1994 and to update the fees collectable on tax sales.

**ADDED ITEMS**

**Taxi Licensing**

This matter had been added to the agenda at the request of Deputy Mayor Adams, who made reference to proposed amendments to the Motor Vehicle Act (now before the Provincial Legislature) which, if approved, would eliminate the restrictions imposed on accessible taxicabs by the City of Halifax. The Deputy Mayor went on to add that the proposal is designed to remove all restrictions pertaining to the operation of accessible taxi vehicles, including the number of cabs and operators that can be licensed and the type of passenger they are permitted to service.

Under the circumstances, therefore, the Deputy Mayor asked that staff be requested to submit a report (if at all possible prior to the November 23 meeting of Committee of the Whole Council) illustrating the negative impact these amendments will have on the Halifax taxi industry.

**Overhead Crosswalk Signs -  
Senior Citizen Manors (Alderman Downey)**

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

Alderman Downey made reference to the increasing number of accidents at crosswalks near senior citizens manors throughout the City. In light of this, he asked that the Traffic Authority provide a report with respect to giving higher priority for the installation of new RA5 signs at seniors manors.

**Bill #120 - Gaming Control Act (Alderman Epstein)**

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

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Alderman Epstein noted that, as members of Council were aware, legislation was being considered by the Legislature which affects planning matters in the City of Halifax. He made reference to Bill 120, the Gaming Control Act. Alderman Epstein noted that one of the provisions of this Act will oust the jurisdiction of the Planning Act and therefore the jurisdiction of the City as a planning entity.

It was, therefore, MOVED by Alderman Epstein, seconded by Deputy Mayor Adams that His Worship the Mayor, on behalf of City Council, make representation to the Legislature objecting to such a provision in the Act.

Deputy Mayor Adams concurred with the comments made by Alderman Epstein. He noted that a planning issue dealing with the Public Gardens arose sometime ago and that the Province resisted becoming involved because it was a City issue. Deputy Mayor Adams questioned why then the Province, in the case of the casinos, would remove the City's ability to become involved.

The motion was put and passed.

Purple Ribbon Campaign (Alderman Epstein)

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

Alderman Epstein addressed the matter and brought to Council's attention the request of the Women's Action Coalition Purple Ribbon Committee to consider the possibility of issuing a proclamation on December 6 as the day of reflection on male violence against women.

His Worship Mayor Fitzgerald advised that a proclamation would be issued.



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**Request for Staff Report on School  
Board Buildings (Alderman Epstein)**

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

Alderman Epstein commented that there were a number of school buildings in the City which are designated as heritage properties. He went on to note that there was a process at work in which the School Board, which the City has a close and financial relationship with, is down-sizing a number of School Board buildings and turning them over to the City.

Alderman Epstein requested information from staff on what powers, if any, the City had with respect to which buildings are turned over to the City. He indicated that he would prefer to see the School Board buildings, which are designated heritage buildings, as the resultant schools in which students are taught.

**Remembrance Day (Alderman Epstein)**

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

Alderman Epstein asked that members of Council consider what arrangements, if any, they might wish to make next year with respect to Remembrance Day. He indicated that he was concerned with the actions of various branches of the Royal Canadian Legion respecting their rules on head gear. The Alderman noted that this was a matter in which he had views on and which he believed the City, as an entity which deals in a very public way with representatives of the Legion on the occasion of Remembrance Day, might wish to consider.

**QUESTIONS**

**Question Alderman Blumenthal Re:  
Sludge from the Ferry Terminal**

Alderman Blumenthal advised that, over the last couple of weeks, he has been getting calls concerning the dumping of the sludge from the ferry terminal project on City property on Robie

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Street, south of the institute and north of the basin. He noted that concern has been expressed that this is contaminated earth and the question has been raised as to why it is being dumped in the North End. The Alderman asked for a staff report concerning this matter.

**Question Alderman Hanson Re:  
Protection of Unique Trees**

Alderman Hanson questioned whether there was legislation regarding the protection of unique trees (rare species). He asked that consideration be given to developing such legislation if none existed.

**Question Alderman Crowley Re:  
Maintenance of the Titanic Graves**

Alderman Crowley questioned if there was a trust fund in relation to the maintenance of the Titanic grave sites and who was responsible for these graves.

**Question Alderman Crowley Re: Open Space  
Between Cook and Vaughan Avenues**

Alderman Crowley questioned who was responsible for the maintenance (snow plowing, grass cutting, etc.) of the open space between Cook Avenue and Vaughan Avenue.

There being no further business to be discussed, the meeting was adjourned at approximately 9:20 p.m.

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# MINUTES

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## THE CORPORATION OF THE CITY OF HALIFAX

**MEETING:** HALIFAX CITY COUNCIL  
SPECIAL (PUBLIC HEARINGS)

**PLACE:** COUNCIL CHAMBER - HALIFAX CITY HALL

**DATE:** NOVEMBER 23, 1994

**TIME:** 7:30 P.M.

**MEMBERS PRESENT:** HIS WORSHIP MAYOR WALTER FITZGERALD  
DEPUTY MAYOR STEPHEN ADAMS  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD M. EPSTEIN  
ALDERMAN JERRY S. BLUMENTHAL  
ALDERMAN PATRICK POTTIE  
ALDERMAN RALPH P. MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN BILL STONE

**MEMBERS ABSENT:** ALDERMAN RON HANSON  
ALDERMAN MARY ANN CROWLEY

**STAFF:** SHARON GLYNN, REP. THE CITY SOLICITOR  
EDWARD A. KERR, CITY CLERK

ADDED ITEMS

6100 Young Street - Assignment of Lease

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

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, the request for assignment of the existing land lease (6100 Young Street) to W. M. Apartments Ltd. be approved, and that authority be given to the Mayor and City Clerk to execute the assignment of lease.

The motion was put and passed.

Case No. 7070: Application for  
Development Agreement, 1051 Tower Road

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

MOVED by Alderman Uteck, seconded by Alderman Downey that, as recommended by the Planning Committee, a public hearing be scheduled to consider the application for a development agreement with Susan Frazer and Jan Chisholm to permit the construction of an eight-unit apartment building at 1051 Tower Road.

The motion was put and passed.

The City Clerk advised that the recommended date for a public hearing was Wednesday, January 4, 1995, 7:30 p.m., in the Council Chamber.

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**Case No. 6684: 378 Herring Cove Road  
(Rezoning from C-2A to C-2)**

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

MOVED by Deputy Mayor Adams, seconded by Alderman Blumenthal that, as recommended by the Planning Committee, Council authorize a review of the uses permitted in the C-2A Zone (Mainland South) to consider whether limited additional commercial activities should be allowed on all properties with this zoning; and further, that the matter be referred to the Planning Advisory Committee for review and recommendation as quickly as possible.

The motion was put and passed.

**Case No. 4662: Extension of Completion  
Date (Lot RP-13, Regatta Point)**

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

MOVED by Deputy Mayor Adams, seconded by Alderman Walker that, as recommended by the Planning Committee, City Council:

- (1) confirm that the time limit for completion of development of Lot RP-13, Regatta Point residential development, be extended to one year from the date of approval of this resolution;
- (2) authorize staff to dispose of Lot RP-17E, either in trade for the northern portion of Lot RP-23 or for cash, on condition that it is used as private open space.

The motion was put and passed.



Captain William Spry Centre

This item was forwarded to this meeting from the Finance and Executive Committee meeting held earlier on this date.

MOVED by Alderman Pottie, seconded by Alderman Carmichael that, as recommended by the Finance and Executive Committee:

1. the City of Halifax terminate the head lease with the Captain William Spry Community Centre and assume operation of the Centre, at least on an interim basis until an appropriate future role has been identified for the Centre and a revised means of performing the identified role has been established;
2. City staff consult on an urgent basis with the Board with respect to continued staffing of the multi-service function with a preference to continue the employment of existing staff;
3. every possible effort be made to find employment for any staff who are laid off.

Motion passed.

PUBLIC HEARINGS

Public Hearing Re: Case No. 7038: Appeal of Minor Variance Refusal - 2016 Oxford Street

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

A staff report dated October 3, 1994, was submitted.

Mr. P. Francis, Development Officer, addressed Council and outlined the appeal of minor variance refusal application with respect to the 35

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percent lot coverage requirement and the 4 ft. side yard setback requirement for the property at 2106 Oxford Street. Mr. Francis provided reasons for the refusal as outlined in the staff report of October 3.

Alderman Carmichael noted that, at a Planning Advisory Committee meeting held on November 22, the property in question was presented as a Bed and Breakfast. She questioned whether it was still proposed as a Bed and Breakfast and if the requirement for parking was met.

Mr. Francis advised that he was unaware of the proposal for a Bed and Breakfast at the property in question.

Mr. Stephen Parsons, 2016 Oxford Street, addressed Council and read and circulated a letter outlining the reasons for the application.

In response to Alderman Carmichael's question concerning the Bed & Breakfast issue, Mr. Parsons advised that he has applied to the Province to operate as a Bed and Breakfast. He added that he has requested the City to address the matter of Bed and Breakfast establishments in the current City bylaw noting that the City's bylaw is not congruent to that of the Province. Mr. Parsons pointed out that the carport does not have any influence on parking and that the length of the driveway could easily accommodate multiple vehicles.

In his remarks, Mr. Parsons stressed that this request for variance is for ancillary use and will be of a style that compliments the era of his home.

The following letters of support were submitted by Mr. Parsons:

- A letter from Edward Dunsworth of Dunsworth's Drugstore at 6413 Quinpool Road, dated Nov. 22, 1994.
- A letter from Ajay and Puspa Garg of 2018 Oxford Street, dated Nov. 23, 1994.

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There were no further persons present wishing to address Council.

MOVED by Alderman Epstein, seconded by Deputy Mayor Adams that this item be forwarded to Council without recommendation.

Motion passed.

Public Hearing Re: Case No. 7041: Appeal of Minor Variance Approval - 6383 Fenwick Street

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

A staff report dated October 4, 1994, was submitted.

Mr. Phil Francis, Development Officer, addressed Council and outlined the appeal of minor variance approval application with respect to the side yard requirement of the land use bylaw to permit construction of a 9.5 ft. long second storey deck, 2 feet from the north lot line at 6383 Fenwick Street (corner South Park Street). Mr. Francis provided reasons for the approval of the application as outlined in the staff report of October 4, 1994. He noted that his decision has been appealed by the abutting property owner at 1161 South Park Street (a letter was attached in this regard to the staff report of October 4).

Mr. William C. Smith, applicant, addressed Council and reviewed his application to permit construction of an extended deck (balcony) to provide some exterior amenity space for his condominium property.

There were no further persons present wishing to address Council.

MOVED by Alderman Uteck, seconded by Alderman Blumenthal that this item be forwarded to Council without recommendation.

Motion passed.

Public Hearing Re: Case No. 6725:  
Amendment to Development Agreement  
(Modification Side Yard), 2760-64 Windsor Street

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

A staff report dated September 21, 1994, was submitted. An information report dated November 3, 1994, was also submitted.

Mr. H.F. Haliburton, Planner, addressed Council and provided a synopsis of the proposed development agreement to remove clause 7 of the existing agreement approved on May 12, 1994, the requirement to install an electronic gate in the fence leading up to the parking area off Windcrest Terrace, as described in the staff report of September 21, 1994.

His Worship Mayor Fitzgerald noted that it was his understanding the development agreement allowed the owner to keep the wall provided that certain conditions were met. His Worship made reference to the clause which required the installation of an electric gate in the fence. He questioned whether the wall would have to be removed if the owner does not sign the development agreement. Mayor Fitzgerald asked for clarification in this regard.

Alderman Pottie questioned the status of the development agreement if the developer chooses not to sign the agreement. He noted that one staff report indicated that there was a 120 day time limit on the signing of the agreement. The Aldermen made reference to another report which does not make any mention of the 120 day time limit.

His Worship Mayor Fitzgerald suggested that, if the wall is removed, there may be other problems resulting with parking and the removal of units, etc. He therefore requested a report outlining the consequences of the removal of the wall.

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Mr. Peter J. E. McDonough, McInnes, Cooper & Robertson, addressed Council on behalf of the applicant. Mr. McDonough began his remarks by advising that his client has as-of-right permission to construct a 20 unit apartment building on the site. He explained that the sideyard would have been much more economical for him and led to better aesthetics for the building, if it was allowed to remain. Given the sideyard requirements, Mr. McDonough advised that it had to be removed six inches.

Mr. McDonough went on to explain that, if the owner wanted to go ahead with his as-of-right permission, he could with the removal of the wall six inches to the left. If he wanted to leave the wall where it was, a development agreement was required.

Mr. McDonough pointed out, as Council was aware, that a public hearing with respect to the development agreement had been held and, at the direction of Council, a meeting took place with the area residents to discuss amenities that might be provided in the development agreement. Mr. McDonough suggested that his client agreed with every one of the citizens' specific requests. However, he pointed out that the one problem his client had concerned the electronically controlled gate on the fence that leads to the parking area. He explained that his client claims that the electronic door was a problem in terms of maintenance with it being exposed to the weather and therefore will not work over the long time.

Ms. Jane McGinn, 6257 Windcrest Terrace, addressed Council and noted that, after receiving notice of a hearing for this project, she met with staff (Mr. Haliburton). She advised that staff advised her that everything on the planning schedule would be constructed and must be constructed as per the schedule. Ms. McGinn made reference to the sketch attached to the information made available to the public, dated December 1993. She pointed out that the December 1993 schedule includes a six foot high fence. Ms. McGinn therefore advised that it was her assumption the developer had already agreed

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to construct that fence. She went on to point out that this fence included a gate and that the only purpose of the development agreement was to ensure that the gate was electronic.

Ms. McGinn went on to note that there was no plot plan included in the information that was made available at the library or the City. To complete her records, she asked for a copy of the amended plot plan which outlines the variances.

Ms. McGinn questioned whether the contractor or the developer had to remove the total wall in the first place to meet the municipal requirements. She went on to note that, from the information provided, it seems to indicate that only the angle of elevation is being reviewed by Council and that the bottom half of the wall can be whatever the owner prefers and can be dictated by a planning officer.

Mr. Haliburton, using a diagram, advised that the lower section of the wall is required to be back about 10 feet.

Ms. McGinn then questioned if 10 feet was sufficient for a driveway.

Mr. Haliburton advised that the wall was back 8 feet or a little less than 8 feet.

Ms. McGinn questioned, if the wall was torn down, would it make a difference to having access to the parking area in the back. She asked that staff provide clarification in this regard and explain what other minor variances have been requested.

Ms. McGinn indicated that reference was made to an occupancy permit. She pointed out that there were people occupying the building during the construction stages. Ms. McGinn advised that she had contacted the department that issues the permits which confirmed that there was no occupancy permit for the building. However, Ms. McGinn noted that staff advised her that this was not an issue because, as long as there were original tenants in

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the original portion of the building with no modifications being made, they could remain there. She advised that, when she asked who had checked to see whether any modifications had been made, no one could let her know when that had last been confirmed. Ms. McGinn asked that staff advise if there had been any modifications to the original area of the building, the definition of a modification, and how many original tenants were still occupying the building.

Ms. McGinn also questioned what permits had been issued to the developer and how many inspectors had actually visited the site to determine what development has been on-going.

His Worship Mayor Fitzgerald advised that a supplementary staff report in response to the questions raised would be prepared.

Mr. Bortignon, 6252 Windcrest Terrace, addressed Council and made reference to the clause concerning an electric fence. He noted that the developer claims he cannot install the electric fence for various reasons. Mr. Bortignon provided a copy of a brochure to the City Clerk which shows various electric fences that are covered and resilient to the weather. He added that he called several suppliers and was informed that several of these fences have been installed at local areas. Mr. Bortignon suggested that the only reason that may be holding back the applicant is that he does not want to pay to have one installed.

Ms. Margaret Fraughton, 6263 Windcrest Terrace, addressed Council and questioned whether the owner had obtained a contractor's permit to open Windsor Street, or Windcrest Terrace, a couple of weeks ago during Thanksgiving weekend.

Alderman Pottie made reference to a memo he received documenting that the construction company had obtained a street opening permit for Windsor Street and paid the appropriate \$500 fee. The Alderman noted that the report indicates that because the watermain broke, the \$500 fee has been withheld. He further advised that the owner has not

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received approval of a water meter which makes him ineligible for an occupancy permit until the bill is paid for all the City work crews, etc., who had to clean up the mess caused by the broken watermain.

There were no further persons present wishing to address Council.

MOVED by Alderman Pottie, seconded by Alderman Walker that this matter be forwarded to Council without recommendation pending receipt of a staff report addressing the questions raised during this evening's public hearing.

Alderman Pottie asked, if possible, that a copy of the requested staff report be made available by Wednesday, November 30, and circulated to the residents of Windcrest Terrace.

The motion was put and passed.

At approximately 9:00 p.m., the meeting adjourned.

HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN

EDWARD A. KERR  
CITY CLERK

/ms



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### THE CORPORATION OF THE CITY OF HALIFAX

**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER - HALIFAX CITY HALL

**DATE:** 1 DECEMBER 1994

**TIME:** 8:00 P.M.

**MEMBERS PRESENT:** HIS WORSHIP MAYOR WALTER FITZGERALD  
DEPUTY MAYOR STEPHEN ADAMS  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN JERRY BLUMENTHAL  
ALDERMAN PAT POTTIE  
ALDERMAN RON HANSON  
ALDERMAN RALPH MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN MARY ANN CROWLEY

**MEMBERS ABSENT:** ALDERMAN BILL STONE

**STAFF:** MR. BARRY COOPERSMITH, CITY MANAGER  
MR. WAYNE ANSTEY, Q.C., CITY SOLICITOR  
MR. EDWARD A. KERR, CITY CLERK

**EXPRESSIONS OF SYMPATHY**

A moment of silence was observed in memory of **Michael Kline**, a 15-year employee of the City's Works Department, who was killed in a hunting accident earlier in the week.

**PROCLAMATIONS**

National Day of Remembrance (1994)

His Worship Walter Fitzgerald, reading from an official proclamation, announced that **TUESDAY, 6 DECEMBER 1994**, would be observed as a "day of reflection" on violence against women and "a day of renewal" pertaining to the City's commitment to the funding of agencies working to create a safe environment for all women and children.

International Human Rights Day (1994)

His Worship Walter Fitzgerald, reading from an official proclamation, declared **SATURDAY, 10 DECEMBER 1994** as "Human Rights Day" in the City of Halifax and, in so doing, urged all citizens, both individual and corporate, "to reaffirm the commitment to the elimination of discrimination in all its forms and manifestations, and to promote understanding of and respect for the dignity and rights of all citizens of the City."

**MINUTES**

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 17 November 1994, were approved as circulated on a motion by Alderman Downey, seconded by Deputy Mayor Adams.

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

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

- 20.1 Captain William Spry Centre - Consultant)
- 20.2 Captain William Spry Centre (Alderman Epstein)

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20.3 Request of the Atlantic Oil Workers Union

The agenda, as amended, was approved on a motion by Alderman Walker, seconded by Alderman Blumenthal.

**DEFERRED ITEMS**

**Case No. 7038: Appeal of Minor  
Variance Refusal (2016 Oxford Street)**

A public hearing to consider this matter had been held on Wednesday, 23 November 1994.

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that the decision of the Development Officer to refuse the request for a minor variance at 2016 Oxford Street be overturned, and that the appeal be granted.

The City Clerk advised that both Alderman Crowley and Alderman Hanson should abstain from the vote, owing to their absence from the 23 November public hearing.

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

**Case No. 7041: Appeal of Minor Variance  
Approval (6383 Fenwick Street)**

A public hearing to consider this matter had been held on Wednesday, 23 November 1994.

MOVED by Alderman Uteck, seconded by Alderman Downey that the decision of the Development Officer to approve the request for a minor variance at 6383 Fenwick Street be upheld, and that the appeal be rejected.

The City Clerk advised that both Alderman Crowley and Alderman Hanson should abstain from the vote, owing to their absence from the 23 November public hearing.

The motion was put and passed with Aldermen Crowley and Hanson abstaining, and with Alderman Epstein voting in opposition.

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1 DECEMBER 1994**

**Case No. 6725: Development Agreement  
(Modification Side Yard), 2760-64 Windsor Street**

A public hearing to consider this matter had been held on Wednesday, 23 November 1994.

A supplementary report, dated 28 November 1994, was submitted from the Director of Development and Planning.

MOVED by Alderman Pottie, seconded by Alderman Walker that, as requested by staff, the matter be deferred to the next regular meeting of Halifax City Council scheduled for Thursday, 15 December 1994, pending receipt of additional information.

The motion to defer was put and passed.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 23 November 1994, as follows:

Yearly Meeting Cancellations/Changes

MOVED by Alderman Pottie, seconded by Alderman Carmichael that, as recommended by the Finance and Executive Committee:

- (1) City Council reschedule the City Council meeting of Thursday, 13 April 1995, to **Wednesday, 12 April 1995** (Good Friday);
- (2) City Council reschedule its meeting of Thursday, 12 October 1995, to **Tuesday, 10 October 1995**, (UNSM Conference - 11-13 October in Yarmouth, NS);
- (3) City staff, Boards and Commissions, be informed of the foregoing changes and cancellations.

The motion was put and passed.

Civic Arena

MOVED by Alderman Pottie, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, the budget for the Civic Arena at the Halifax Forum be amended to

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\$2,750,000; that City Council issue debentures in the amount of \$2,750,000; and that the bottom line operating budget of the Halifax Forum remain unchanged (the Commission has committed to generating the necessary additional revenue).

The motion was put and passed.

**Tender #94-J: Sale of Surplus Fire Apparatus**

MOVED by Alderman Walker, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, City Council authorize the sale of the following units to their highest bidder:

- (1) 1989 Freightliner - To be sold to the **Municipality of the County of Halifax** for a bid price of \$101,015.55;
- (2) 1986 Mack - To be sold to the **Gore District Volunteer Fire Department** for a bid price of \$41,557.00.

Chief Thomas M. Power of the Halifax Fire Department responded to concerns raised by Aldermen Blumenthal and Pottie concerning the sale of the Freightliner vehicle.

After a brief discussion, the motion was put and passed with Alderman Blumenthal voting in opposition.

**Proposal #94-156: Travel Services for City of Halifax Departments, Boards and Commissions**

MOVED by Alderman Pottie, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, City Council authorize the issuing of a two (2) year agreement to Blenus Travel Service Limited as the City travel planner, based on the rebate percentage outlined in the staff report of 14 November 1994.

The motion was put and passed.

**Apprehension Costs**

MOVED by Alderman Pottie, seconded by Deputy Mayor Adams that, as recommended by the Finance and Executive Committee, the City of Halifax join forces with the City of Dartmouth and such other municipalities as may choose to

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participate in a joint court action against the Province of Nova Scotia to recover the approximately one million dollars in accumulated apprehension costs of the City that the Province has withheld over the past six years.

The motion was put and passed.

**Employee Computer Purchase Plan**

MOVED by Alderman Pottie, seconded by Deputy Mayor Adams that, as recommended by the Finance and Executive Committee, the City of Halifax authorize a further employee computer purchase program for those employees indicating a wish to participate in the program within thirty (30) days of Council's approval, with a 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 and the maximum repayment terms to be thirty-six (36) months.

The motion was put and passed.

**Cash Flow, and Interim and Permanent Financing**

This matter had been forwarded to Council without recommendation, pending receipt of comments from the City Manager.

A report, dated 29 November 1994, was submitted from Mr. B. G. Smith, Acting City Manager.

MOVED by Alderman Downey, seconded by Alderman Hanson that:

- (1) the City of Halifax provide an operating line of credit in the amount of \$500,000 to **Harbour City Homes**;
- (2) Halifax City Council make a grant to **Harbour City Homes** for 50 percent of the accumulated cash flow shortfall to 31 December 1994 in an amount not to exceed \$89,000, conditional upon the Province of Nova Scotia contributing an equal amount of \$89,000 with funds to be included in the City of Halifax 1995/96 budget;

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- (3) Harbour City Homes be instructed to perform a detailed review to identify further operational and administrative efficiencies as well as a detailed review of rents currently being charged for competitiveness within the current market, all with the objective of reducing future deficits as projected in Appendix "B" of the report from the Chairman of the Harbour City Homes, dated 14 November 1994;
- (4) Harbour City Homes report to Council within three months the results of its discussion with the Province of Nova Scotia, specifically on the issue of past operating cash flow deficiencies and cost-sharing of future operating deficiencies; and that
- (5) the line of credit be reduced by the amount of permanent funding received.

The motion was put and passed.

Taxi Licensing

MOVED by Alderman Uteck, seconded by Deputy Mayor Adams that, as recommended by the Finance and Executive Committee, Halifax City Council give approval in principle to the establishment of a special license for the operators of accessible taxicabs.

The motion was put and passed.

**NOTE:** Notice of Motion with reference to the above was given at a later point in the meeting's agenda.

The motion was put and passed.

Acquisition of Police Pistols

MOVED by Alderman Pottie, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee:

- (1) Halifax City Council continue to endorse the purchase of the semi-automatic handguns budgeted for in the 1994 capital budget;



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- (2) the documents be prepared for the accepted tender for the City Council meeting scheduled for 1 December 1994; and further, that;
- (3) after the new handguns have arrived, the existing 38 calibre revolvers be destroyed.

The motion was put and passed.

**Downtown Halifax Business Commission Re:  
Economic Policies for Downtown Halifax**

MOVED by Alderman Crowley, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, this matter be forwarded to staff of the City's Finance Department for review and recommendation. The motion was put and passed.

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

**Amendment to Ordinance 121, the Retail  
Shop Closing Ordinance (Extended  
Christmas Hours) - SECOND READING**

This matter had been given First Reading during a regular meeting of Council held on Thursday, 17 November, and had been reviewed by the Finance and Executive Committee during its meeting on Wednesday, 23 November 1994.

MOVED by Alderman Crowley, seconded by Alderman Walker that Halifax City Council give SECOND READING to the following amendment to Ordinance 121, the Retail Shop Closing Ordinance:

**BE IT ENACTED** by the Council of the City of Halifax that Ordinance 121, the Retail Shop Closing Ordinance, be amended as follows:

1. Clause (d) of subsection (2) of Section 3 of said Ordinance 121 is repealed and the following substituted therefor:
  - (d) *on each Monday, Tuesday and Saturday, from and including the first day of November to and including the thirty-first day of December in each year.*

The motion was put and passed.

(AMENDED)

- (2) the tender recommended by the Halifax Police Department be accepted; and further, that;
- (3) after the new handguns have arrived, the existing 38 calibre revolvers be destroyed.

The motion was put and passed.

Downtown Halifax Business Commission Re:  
Economic Policies for Downtown Halifax

MOVED by Alderman Crowley, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, this matter be forwarded to staff of the City's Finance Department for review and recommendation. The motion was put and passed.

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

Amendment to Ordinance 121, the Retail  
Shop Closing Ordinance (Extended  
Christmas Hours) - SECOND READING

This matter had been given First Reading during a regular meeting of Council held on Thursday, 17 November, and had been reviewed by the Finance and Executive Committee during its meeting on Wednesday, 23 November 1994.

MOVED by Alderman Crowley, seconded by Alderman Walker that Halifax City Council give SECOND READING to the following amendment to Ordinance 121, the Retail Shop Closing Ordinance:

BE IT ENACTED by the Council of the City of Halifax that Ordinance 121, the Retail Shop Closing Ordinance, be amended as follows:

1. Clause (d) of subsection (2) of Section 3 of said Ordinance 121 is repealed and the following substituted therefor:

(d) *on each Monday, Tuesday and Saturday, from and including the first day of November to and including the thirty-first day of December in each year.*

The motion was put and passed.

**REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on Wednesday, 23 November 1994, as follows:

**Draft Nova Scotia Environment  
Regulations - Fourth Set**

MOVED by Alderman Epstein, seconded by Alderman Uteck that, as recommended by the Planning Committee, Council endorse the letter attached to the staff report of 15 November 1994, entitled "City of Halifax Comments on the Fourth Set of Draft Environmental Regulations," as the City of Halifax submission to the Nova Scotia Department of Environment.

The motion was put and passed.

**Mainstreet Funds: Proposed  
Downtown Development Program**

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

A supplementary report, dated 28 November 1994, was submitted from the Director of Development and Planning.

MOVED by Alderman Pottie, seconded by Alderman Crowley that:

- (1) Council authorize a transfer of funds from Capital Account 91664, up to a maximum of \$200,000, to the Downtown BIDC to provide assistance for upgrading buildings and vacant lots located in the BIDC's District (this sum would include any administrative cost such as publicity). The program would be offered as a one-time funding commitment by the City with a view to improving the overall physical appearance of the downtown area, Barrington Street in particular, prior to the G-7 Economic Summit;
- (2) funds be transferred to the Downtown BIDC as required to meet the obligations of the program for funding projects;

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- (3) the maximum cost-sharing with property owners under the program be set at 50 percent; that eligibility for cost-sharing and the maximum dollar amount for categories be as indicated in Appendix "A" of the 7 November 1994 staff report and priorities for cost-sharing be as indicated in Appendix "B" of that same report.

The motion was put and passed.

New England-Canada Business Council, Inc.

MOVED by Alderman Blumenthal, seconded by Alderman Maher that, as recommended by the Planning Committee, the City be authorized to take a membership in the **New England-Canada Business Council**, and to take part in any activities which will be beneficial to fostering business developments between Halifax and New England.

The motion was put and passed.

**MOTIONS**

Motion Alderman Hanson Re: Annual Review  
of Licenses, Permits and Fees (FIRST READING)

Notice of Motion concerning the above-noted matter had been given by Alderman Hanson during a regular meeting of Halifax City Council held on Thursday, 17 November 1994.

A report, dated 4 November 1994, was submitted by the Director of Corporate and Legal Affairs.

MOVED by Alderman Hanson, seconded by Deputy Mayor Adams that Halifax City Council give **FIRST READING** to the proposed amendments to various ordinances attached as Schedule "A" to the report from the Director of Corporate and Legal Affairs dated 4 November 1994; and further, that the matter be referred to the next regular meeting of Committee of the Whole Council (scheduled for **Wednesday, 7 December 1994**) for consideration and report.

The motion was put and passed.

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**Motion Deputy Mayor Adams Re: Proposed  
Amendment - Ordinance 145, the Tax  
Collection Ordinance (FIRST READING)**

Notice of Motion concerning the above-noted matter had been given by Deputy Mayor Adams during a regular meeting of Halifax City Council held on Thursday, 17 November 1994.

A report, dated 15 November 1994, was submitted by the Director of Corporate and Legal Affairs.

MOVED by Alderman Hanson, seconded by Deputy Mayor Adams that Halifax City Council give **FIRST READING** to the Ordinance attached as Appendix "A" to the report from the Director of Corporate and Legal Affairs dated 15 November 1994, the purpose of which is to repeal those parts of Ordinance 145, the Tax Collection Ordinance respecting the payment of taxes by installments in order to implement the reviewed collection procedure approved by City Council on 27 October 1994 and to amend those parts of the Ordinance dealing with the fees collectable on tax sales; and further, that the said amendments be forwarded to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 7 December 1994) for consideration and report.

The motion was put and passed.

**MISCELLANEOUS BUSINESS**

**Case No. 6717: Peninsula North Area 5 -  
Outstanding Issues (R-2 and R-3 Lands  
in the Area Bounded by Bloomfield,  
Agricola, Isleville and Russell Streets)**

This matter had last been discussed during the 17 November meeting of Halifax City Council.

A report, dated 22 November 1994, was received from the Director of Development and Planning, together with a report, dated 23 November 1994 from Mr. Graham Read, Interim Chairman of the Planning Advisory Committee.

MOVED by Alderman Blumenthal, seconded by Alderman Downey that, as proposed during the 17 November meeting of Halifax City Council, a date be set for a Public Hearing to consider the redesignation and rezoning of the existing R-3 High-Density Residential area, which is within the area bounded by Agricola, Macara, Isleville and Bloomfield Streets, as follows:

**CITY COUNCIL  
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- (1) a Major Commercial designation and C-2 (General Business) zoning for the portion of this area which fronts on Almon Street; and
- (2) a Medium-Density Residential designation and R-2 (General Residential) zoning for the portion of this area which fronts on Bilby Street.

Aldermen Carmichael and Maher, both members of the Planning Advisory Committee, brought to Council's attention that the PAC does **not** support the proposed rezoning, and indicated that they would be voting in opposition to Alderman Blumenthal's motion.

The City Solicitor responded to questions from various members of Council.

Following a brief discussion, the motion was put and passed with Aldermen Carmichael and Maher voting in opposition.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 4 JANUARY 1995** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

### Appointments

A memorandum, dated 28 November 1994, was submitted from His Worship Mayor Walter Fitzgerald.

MOVED by Alderman Pottie, seconded by Deputy Mayor Adams that Alderman Kate Carmichael be appointed as Co-Chair of the Halifax Advisory Committee on the Status of Persons with Disabilities (5-Star Committee).

The motion was put and passed.

### Withdrawal from Capital Surplus Reserve

A report, dated 16 November 1994, was submitted by the Director of Finance.

MOVED by Alderman Pottie, seconded by Alderman Walker that the Mayor and City Clerk be authorized to sign the resolution attached to the staff report of 16 November 1994 regarding the withdrawal of capital surplus totalling \$415,000 to be used for capital expenditures related to streets, subject to the approval of the Minister of Municipal Affairs; and

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furthermore, that two copies of the resolution be submitted to the Minister for her approval. The motion was put and passed.

**Bill 120, the Gaming Control Act**

A report, dated 30 November 1994, was submitted from the Director of Development and Planning.

MOVED by Alderman Pottie, seconded by Deputy Mayor Adams that City Council forward its objection to the provisions of Bill No. 120 which exempt casinos from municipal property taxes on the basis that this represents a clear transgression into the municipal domain; and further, that this objection be forwarded to the Legislature. The motion was put and passed.

His Worship Mayor Fitzgerald noted that a presentation to this effect had already been made to the Province and appeared to have been favorably received.

**QUESTIONS**

**Question Alderman Walker Re:  
Flooding Problems - Bedford Highway**

Alderman Walker noted that there had been major flooding along the Bedford Highway as a result of a snow and rain storm on Monday, 28 November, to the extent that the roadway had had to be closed temporarily.

The Alderman requested further information on this situation as to its cause, the potential for future flooding, and any steps that could be taken to rectify the problem.

**Question Alderman Crowley Re:  
CN Facility - Foot of St. Andrew's Avenue**

Alderman Crowley advised that she has received a number of complaints from residents in the St. Andrew's Avenue/Bayers Park Apartments area concerning the CN facility located at the foot of St. Andrew's Avenue and, in particular, the fact that the diesels "parked" at this location are kept running all night long.

The Alderman emphasized that not only is the noise from these diesels disturbing the rest of nearby residents, the soot

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and grease emissions both in the air and on the ground are also causing some concern.

Alderman Crowley suggested that the problem might be somewhat alleviated if CN could be persuaded to move these engines farther up the track, perhaps in the vicinity of a nearby cemetery. She therefore asked that staff discuss the matter with railway representatives and report back.

**Question Alderman Crowley Re: Snow Removal Procedures**

Alderman Crowley made reference to locations throughout the City in which there is no grassed boulevard to separate the street from the sidewalk. The Alderman went on to refer to the amount of snow which is consequently deposited on the sidewalks by passing snowplows, emphasizing that she traditionally receives a multitude of complaints from abutting property owners. She therefore asked if consideration could be given to directing City vehicles not to plow as close to the edge of the roadway as they would on streets with boulevards.

**Question Alderman Pottie Re: Snow Removal Procedures**

Alderman Pottie advised that he had received a number of complaints from residents concerning the amount of wet snow/slush that had been hurled onto their properties by City plows during the snow/rain storm earlier this week.

Noting that he would provide the Director of Engineering with a list of these complaints, the Alderman went on to ask for information as to whether it would be possible to ask City crews to slow their vehicles down when the snow is particularly wet and therefore more likely to be deposited on adjacent doorsteps and sidewalks. In this same context, the Alderman asked for clarification as to whether there is a maximum speed limit for snow removal vehicles.

**Question Alderman Uteck Re: Gates - Point Pleasant Park**

Alderman Uteck advised that residents of Young, Ogilvie and Tower Road have expressed concern regarding the gatherings and noisy exodus of individuals who leave Point Pleasant Park during the late evening hours.

In this context, the Alderman made reference to discussions held in the past concerning the feasibility of



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closing the gates adjacent to Park when the facility closes at dusk (the road that is presently operated by the Port Authority could then be used as an alternative route).

Alderman Uteck therefore asked that staff take this problem into consideration and report back with possible solutions.

**Question Alderman Epstein Re: Halifax Harbour Clean-Up**

Alderman Epstein asked for a status report from the City Manager concerning the proposed privatization study of the Halifax Harbour Clean-Up and, in particular, whether the Federal and Provincial Governments have followed through with their funding commitments.

On another but related matter, the Alderman noted that Halifax Harbour Clean-up Incorporated has recently completed an action plan with respect to source controls. He asked for information as to whether that plan has been received by the City and, if so, when it will be forwarded to Council for discussion purposes.

**NOTICES OF MOTION**

**Notice of Motion Deputy Mayor Adams  
Re: Spryfield Lion's Club Rink**

Deputy Mayor Adams gave Notice of Motion that, at the next regular meeting of Halifax City Council to be held on **Thursday, 15 December 1994**, he proposes to introduce a resolution directing staff to arrange for the introduction before the Nova Scotia Legislature of special legislation exempting the property known as the Spryfield Lion's Club Rink from all real property and business occupancy taxes.

**Notice of Motion Alderman Uteck  
Re: Accessible Taxicabs**

Alderman Uteck gave Notice of Motion that, at the next regular meeting of Halifax City Council to be held on **Thursday, 15 December 1994**, he proposes to introduce for First Reading an amendment to Ordinance Number 116, the Taxi and Limousine Ordinance, the purpose of which is to establish a class of vehicle and operator licenses respecting accessible taxicabs.

**ADDED ITEMS**

Captain William Spry Centre - Consultant

This matter had last been discussed during the 23 November 1994 meeting of the Finance and Executive Committee.

A report, dated 1 December 1994, was submitted from the Directors of Social Planning and Finance.

MOVED by Alderman Epstein, seconded by Deputy Mayor Adams that Council approve the appointment of **Martell Consulting Services Limited** to complete a situational analysis and recommendation for the future of the Captain William Spry Community Centre, at a cost of \$16,667.50 including costs and G.S.T.

The motion was put and passed.

Captain William Spry Centre (Alderman Epstein)

This matter had last been discussed during the 23 November 1994 meeting of the Finance and Executive Committee, at which time the following motion was put forward:

1. the City of Halifax terminate the head lease with the Captain William Spry Community Centre and assume operation of the Centre, at least on an interim basis until an appropriate future role has been identified for the Centre and a revised means of performing the identified role has been established;
2. City staff consult on an urgent basis with the Board with respect to continued staffing of the multi-service function with a preference to continue the employment of existing staff;
3. every possible effort be made to find employment for any staff who are laid off.

A supplementary report, dated 1 December 1994, was submitted from the Director of Finance.

Alderman Epstein advised that since the meeting of 23 November, he had received additional information on the matter from staff of the Spry Centre, members of its Board, and residents of the surrounding community. The Alderman went on to note that, on the basis of that information, he now very much regretted having put forward the above-noted motion and wished

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instead to propose a very different approach and one that was based on a submission dated 29 November 1994 received from Mr. D. Brett Woodbury, Chairman of the Mainland South Community Centre Corporation; namely:

That the City of Halifax reinstate the previously existing lease with the Mainland South Community Centre Corporation retroactive to 23 November 1994, and honour its contractual obligations for 1994/95, to be reviewed and renegotiated subject to the recommendations of the pending external review.

The Chairman noted that Mr. Coopersmith has not yet had an opportunity to comment on the Board's submission. Mayor Fitzgerald therefore suggested (and it was so agreed) that the matter be deferred until the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 7 December 1994 at 4:00 p.m., at which time oral submissions will also be received from interested parties.

Request of the Atlantic Oil Workers Union

A report, dated 29 November 1994, was received from Mr. B. G. Smith, Acting City Manager.

MOVED by Deputy Mayor Adams, seconded by Alderman Walker that Council support the efforts of the Oil Workers Union to encourage the sale and continued operation of the Ultramar oil refinery property or, failing that, to absolutely attempt to ensure the continued operation of the refinery tank farm and associated importation and distribution facility.

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

There being no further business to be discussed, the meeting was adjourned at approximately 9:10 p.m.

HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN

SUBMITTED BY:  
E. A. KERR, CMC  
CITY CLERK

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## MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
SPECIAL MEETING

**PLACE:** COUNCIL CHAMBER -  
HALIFAX CITY HALL

**DATE:** 7 DECEMBER 1994

**TIME:** 8:00 P.M.

**MEMBERS PRESENT:** HIS WORSHIP MAYOR WALTER FITZGERALD  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN JERRY BLUMENTHAL  
ALDERMAN PAT POTTIE  
ALDERMAN RON HANSON  
ALDERMAN RALPH MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN MARY ANN CROWLEY  
ALDERMAN BILL STONE

**MEMBERS ABSENT:** DEPUTY MAYOR STEPHEN ADAMS

**STAFF:** MR. BARRY COOPERSMITH, CITY MANAGER  
MR. WAYNE ANSTEY, Q.C., CITY SOLICITOR  
MR. EDWARD A. KERR, CITY CLERK

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A special meeting of Halifax City Council was held at this time to consider several matters of business forwarded from a regular meeting of Committee of the Whole Council held earlier in the day.

**Draft Nova Scotia  
Environment Regulations - Fifth Set**

MOVED by Alderman Stone, seconded by Alderman Blumenthal that, as recommended by the Planning Committee, Council endorse the letter (attached to the staff report of November 25, 1994), "City of Halifax Comments on the Fifth Set of Draft Environmental Regulations," as the City of Halifax submission to the Nova Scotia Department of Environment. The motion was put and passed with Alderman Epstein voting in opposition.

**Award of Tender No. 94-19:  
Mansion Road Storm Sewer**

MOVED by Alderman Pottie, seconded by Alderman Uteck that, as recommended by the Works Committee:

- (1) Council authorize staff to seek forfeiture of the bid deposit of Doug Richards Backhoe and Trucking Ltd., in the amount of \$4,686.80 as provided for in the City's Specifications and Contract Documents for failure to enter into the contract as awarded by City Council on 17 November 1994;
- (2) Council award Tender No. 94-19 for the construction of a concrete storm sewer for the materials and services listed at the unit prices quoted for a total bid price of \$75,660.00 and a total project cost of \$90,000.00 to Dexter Construction Company Limited.
- (3) Council authorize funding from Capital Account No. 93019, Sewer Development - Mansion Road - Herring Cove Road - Storm Sewer.

The motion was put and passed.

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**Award of Tender No. 94-35: Williams  
Lake Road Forcemains and Gravity Sewer**

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

- (1) approve the increase in gross and net funds in Capital Account No. 95013, Williams Lake Road Pumping Station Forcemains, from \$750,000.00 to \$1,050,000.00;
- (2) award Tender No. 94-35 for the construction of the Williams Lake Road Forcemains and Gravity Sewer for materials and services listed at the unit prices quoted for a total bid price of \$874,215.00 and a total project cost of \$1,050,000.00 to Vernon Kynock Trucking Limited;
- (3) authorize funding for this project from Capital Account No. 95013, Williams Lake Pumping Station Forcemains.

The motion was put and passed.

**1336-44 Hollis Street - Rezoning from  
RC-2 to RC-3 and Lot Modification**

MOVED by Alderman Downey, seconded by Alderman Crowley  
that, as recommended by the Planning Committee, Council approve Alternative (1) of the 5 December report; namely, that staff be authorized to accept the building plans now in use as being substantially consistent with the development agreement, on condition that additional landscaping (as noted below) be incorporated into the building plans, and that the stop work order be lifted:

- (a) a wooden perimeter fence be installed to screen the garage's concrete walls;
- (b) abutting 1328-32 Hollis Street, the fence would be attached to the garage wall;
- (c) the perimeter of the parking garage would be landscaped with six foot high evergreens and flowering shrubs in a three foot high planter; and



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- (d) hanging vines or other materials would be incorporated to further soften the garage's appearance.

The motion was put and passed.

**Proposed Response to Parliamentary Standing  
Committee on Human Resources Development**

MOVED by Alderman Epstein, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, Halifax City Council approve the report attached to the 6 December staff report and entitled "City of Halifax Response to Parliamentary Standing Committee on Human Resources Development" with the exception of Section 5(b) on p. i; and further, that this report be forwarded to the Parliamentary Standing Committee on Human Resources Development.

The motion was put and passed.

There being no further business to be discussed, the meeting was adjourned at approximately 8:05 p.m.

HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN

EAK\*K

SUBMITTED BY:  
EDWARD A. KERR, CMC  
CITY CLERK

HEADLINES

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Proposed Response to Parliamentary Standing Committee on Human Resources Development .....	708



## MINUTES

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### THE CORPORATION OF THE CITY OF HALIFAX

**MEETING:** HALIFAX CITY COUNCIL  
REGULAR

**PLACE:** COUNCIL CHAMBER - HALIFAX CITY HALL

**DATE:** DECEMBER 15, 1994

**TIME:** 8:00 P.M.

**MEMBERS PRESENT:** HIS WORSHIP MAYOR WALTER FITZGERALD  
DEPUTY MAYOR STEPHEN ADAMS  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD M. EPSTEIN  
ALDERMAN JERRY S. BLUMENTHAL  
ALDERMAN PATRICK POTTIE  
ALDERMAN RON HANSON (8:15 p.m.)  
ALDERMAN RALPH P. MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN MARY ANN CROWLEY  
ALDERMAN BILL STONE

**STAFF:** PETER S. CONNELL, ACTING CITY MANAGER  
WAYNE ANSTEY, Q.C., CITY SOLICITOR  
EDWARD A. KERR, CITY CLERK

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**Recognition of Corporate Sponsors**

1. **Nesbitt Burns Inc.**
  2. **Stewart McKelvey Stirling Scales**
  3. **Ernst & Young**
- 

His Worship Mayor Fitzgerald announced with great pleasure the following three firms which volunteered to sponsor the very valuable service of ice testing in the City of Halifax: (1) the investment firm of **Nesbitt Burns Inc.**; (2) the law firm of **Stewart McKelvey Stirling Scales**; and (3) the accounting firm of **Ernst & Young**.

On behalf of members of Halifax City Council and the citizens of the City of Halifax, His Worship Mayor Fitzgerald expressed gratitude to these firms for their donations to this service. The following representatives came forward and accepted an award for their company's outstanding contribution to the citizens of the City of Halifax: Shirley Locke, Nesbitt Burns Inc.; John MacFarlane, Stewart McKelvey Stirling Scales; and George Waye, Ernst & Young.

**MINUTES**

Minutes of the last regular meeting of Halifax City Council, held on Thursday, December 1, 1994, and of the special meeting held on November 23, 1994, were approved as circulated on a motion by Deputy Mayor Adams, seconded by Alderman Blumenthal.

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

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

- 16.3 Solid Waste - Costs (Alderman Epstein)
- 20.2 Appointments
- 20.3 Africville
- 20.4 National Infrastructure Program Anniversary
- 20.5 Halifax Harbour (Alderman Epstein)

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

20.6 Halifax Housing Authority Recreation Program Proposal

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

20.7 Spryfield Lions Club Rink - Real & Business Taxes

The agenda, as amended, was approved on a motion by Alderman Crowley, seconded by Alderman Walker.

**DEFERRED ITEMS**

Case No. 6725: Development Agreement (Modification of Side Yard), 2760-64 Windsor Street

This item was deferred to this meeting from the December 1, 1994, City Council meeting.

A supplementary staff report dated 12 December 1994 was submitted.

MOVED by Alderman Pottie, seconded by Alderman Walker that this matter be deferred to the next meeting of City Council scheduled for 12 January 1995.

Motion passed.

Alderman Hanson entered the meeting at this time.

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**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on November 23, 1994, as follows:

Current Borrowing Resolution

MOVED by Alderman Pottie, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council authorize the Mayor and City Clerk to sign the Current Borrowing Resolution (as attached to the staff report of 21 November 1994) in the sum of \$15,000,000 for the period 1 January 1994 to 30 June 1995.

Motion passed.

Communications Strategy

Alderman Downey addressed the item noting that he spoke in opposition to the approval of hiring a communications officer at the Committee of the Whole Council meeting. In light of budget considerations, he indicated that he could not support spending \$80,000 for this purpose at this time.

Alderman Crowley noted that, since the last Committee of the Whole Council meeting, she received input from the community regarding this matter. The Alderman expressed the view that it was important that the City have a better way of communicating to the taxpayers and agreed that there was a need for improved internal and external communications. However, Alderman Crowley advised that, in light of budget cutbacks and economic times, she did not believe the expenditure for a Communications Office was feasible at this time.

Alderman Maher also commented that, after talking with constituents and revisiting the strategy, he believed that this was the wrong time to allocate \$80,000 for this purpose.

Deputy Mayor Adams indicated that he too was withdrawing his support to spend \$80,000 for the purpose of establishing a Communications Office in light of the public's wishes. Deputy Mayor Adams proposed a motion that staff explore

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the possibility of appointing an existing staff member to perform the function of a communications coordinator.

A discussion ensued with Alderman Blumenthal speaking in opposition to having an existing staff member perform this function noting that staff have their own jobs to do. He added that the residents who had contacted him were opposed to the proposed expenditure of \$80,000 for a communications office.

Alderman Stone emphasized the need for improved communications both internally and externally. He expressed the view that Council should at least support the concept of the need for improved communications. Alderman Stone agreed that the approval of \$80,000 should be delayed, but suggested that staff should provide alternate ways of improving communications within the City of Halifax.

It was therefore MOVED by Deputy Mayor Adams, seconded by Alderman Walker that staff be requested to provide a report to Council addressing alternate ways of improving internal and external communications systems.

Alderman Carmichael commented that she would be concerned about an individual who is already working for the City being seconded to this job. She noted that public relations is a profession and that, if a public relations office is established, it should be done properly from the beginning. Alderman Carmichael suggested the possibility of contracting the public relations position out.

Alderman Walker asked that staff include in the requested report information relating to the costs of voice mail.

The Motion was put and passed.

**Presentation to Committee of the  
Whole By Paul Chiasson**

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, staff continue to consult with community groups and client representation with a view to enhancing, as fiscal resources permit, the quality of service to the public.

Motion passed.

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**Land Exchange - 100 Leiblin Drive  
- Evans Avenue/Young Avenue**

MOVED by Deputy Mayor Adams, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council authorize:

1. the sale of Lot "A", Young Avenue, to Mr. Peter Haas in accordance with the terms and conditions proposed in the staff report of 22 November 1994 and that staff amend the purchase and sale agreement to reflect these terms and conditions;
2. staff prepare a purchase and sale agreement with Walfox Developments Limited for Lot B-1 in accordance with the terms and conditions proposed in the staff report of 22 November 1994; and
3. the Mayor and City Clerk to execute the aforementioned purchase and sale agreements on behalf of the City.

Motion passed.

**Halifax Explosion Memorial - Needham Park**

Alderman Blumenthal noted that at the Committee of the Whole Council meeting he moved a motion that the City should decline the offer from the Halifax Explosion Memorial Bells Committee and not acquire ownership of or complete the restoration of the Halifax Explosion Memorial. Since that time, Alderman Blumenthal advised that he has had discussion with the Bells Committee who have indicated to him that they do not have any funds to build this memorial. The Alderman commented on the importance that the City do something to keep this magnificent memorial alive.

MOVED by Alderman Blumenthal, seconded by Alderman Downey that this matter be deferred until February, 1995.

Alderman Downey made reference to the Halifax Explosion Fund and suggested that, if there were no more survivors left, perhaps this fund could be used for the explosion memorial bells. He asked that this possibility be explored.

Motion passed.



Recommendations for Grants

This matter was deferred to this meeting to provide members of Council who have concerns regarding the 5 December report to discuss those concerns with members of the Tax Concessions and Grants Committee.

A supplementary staff report dated 13 December 1994, was submitted.

The following correspondence was also submitted:

- A letter from the Atlantic Federation of Musicians dated December 12, 1994.
- A letter from the Halifax Metro Welfare Rights Association dated December 9, 1994.

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

- (1) City Council approve the list of grants attached to the 5 December report of the Tax Concessions and Grants Committee, totalling \$201,908, recommended for organizations who submitted requests for assistance in the 1994/95 year, and that all other organizations that had applied be notified that they have been unsuccessful this year;
- (2) City Council approve the list (also attached to the 5 December report) for transitory assistance, totalling \$50,000, related to the repeal of Ordinance No. 170, and that a letter be sent to each of these organizations to emphasize that this will not be available in future years (a letter should also be sent to those who were affected by the cancellation of Ordinance No. 170).

Alderman Downey addressed the item and expressed his disappointment concerning the cutbacks to a number of volunteer organizations in his Ward. The Alderman indicated that he would be willing to reduce the \$6000 grant recommended for the Uniacke Square Tenants' Association to \$3000 in order to approve the following grants: Brunswick Street United Church Inner City Camp Program (\$500.00), George Dixon Horseshoe Club (500.00), Gordon

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B. Isnor Senior Citizens Association (\$500.00), Halifax Metro Welfare Rights (\$500.00), Halifax Super Tiger Cats Floor Hockey Team (\$500.00), and Sunrise Manor Association (\$500.00).

The Chair noted that it has been customary to refer changes back to the Tax Concessions and Grants Committee for further review.

MOVED by Alderman Downey, seconded by Alderman Epstein that the motion be amended to include the request to reduce the \$6000 grant recommended for the Uniacke Square Tenants' Association to \$3000 in order to approve the following grants be referred to the Tax Concessions and Grants Committee for review and report:

Brunswick Street United Church Inner City  
Camp Program (\$500.00)  
George Dixon Horseshoe Club (500.00)  
Gordon B. Isnor Senior Citizens Association (\$500.00)  
Halifax Metro Welfare Rights (\$500.00)  
Halifax Super Tiger Cats Floor Hockey Team (\$500.00)  
Sunrise Manor Association (\$500.00).

In seconding the motion, Alderman Epstein advised that he supported the work of the above noted organizations and agreed with the reallocation of funds as suggested by Alderman Downey. The Alderman expressed the view that it would not be appropriate to delay the release of funds to the other organizations which are recommended for approval and advised that the amendment was only to defer the seven grants as noted.

Following a further discussion, the amendment was put and resulted in a tie vote. The Chair broke the tie by voting in favour of the amendment.

The main motion, as amended, was put and passed.

Alderman Walker made reference to the recommendation contained in the supplementary report of 13 December 1994 and MOVED, seconded by Deputy Mayor Adams that this matter be referred back to the Director of Finance and the Tax Concessions and Grants Committee for re-consideration.

In putting forth his motion, Alderman Walker commented that the report was "one-sided" and that the Tax Concessions and Grants Committee did not have a chance to respond.

Motion passed.

Captain William Spry Community Centre

An information report dated 12 December 1994 was submitted.

The following correspondence was also submitted:

- A letter from D. Brett Woodbury, Chairman, Captain William Spry Community Centre, dated December 9, 1994.
- A letter from Arthur MacMillan, President, Bowlarama, dated 14 December 1994.
- A letter from Robert Chisholm, MLA, dated 15 December 1994.

Alderman Epstein addressed the item noting that during the 7 December 1995 meeting of the Finance and Executive Committee, he proposed the following motion which was deferred pending receipt of a further staff report on the matter:

That Council's motion of 23 November be rescinded and that the City of Halifax reinstate the previously existing lease with the Mainland South Community Centre Corporation retroactive to 23 November 1994, and honour its contractual obligations for 1994/95, to be reviewed and renegotiated subject to the recommendations of the pending external review.

Alderman Epstein made reference to the 12 December 1994 information report which was submitted in response to the above motion. He indicated that he wished to address two points in the report. The Alderman advised that the first point has to do with money and how much the City might save by reinstating the lease. Referring to page 13 of the report, Alderman Epstein noted that the total figure projected by the City's budget analysts show that to the end of the fiscal year, the maximum saving would be in the order of \$22,244.00. He added that the Province would bear 35 percent and the City 65 percent which means the total savings to the City is in the order of less than \$17,000.00.

Alderman Epstein went on to note that, when this matter first came to Council on November 23, Council was left with the

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impression that the matter was urgent and that very large sums of money would be saved by the City if Council were to move very quickly in order to end the head lease. However, he pointed out that, in the end, the sum in question is less than \$17,000.00. Alderman Epstein commented that this does not seem to be either urgent or a significant amount of money.

Alderman Epstein also referred to the question of whether the City actually had the legal right to terminate the lease. He further commented on the fact that all parties concerned have agreed to hire the services of the Martell Consulting Company to do a complete review of the Captain William Spry Centre. Alderman Epstein therefore suggested that, in all fairness to all parties, recognizing that there does not be to be a significant money saving or any urgency and that there was a dubious legal basis for what Council was invited to do, Council should reinstate the lease and live with the expenditure for the remaining months until the results of the Martell Study.

Following a discussion, the Chair suggested that the motion should include the recommendation that funding be authorized under Section 201(1) of the City Charter.

The Acting City Manager advised that the projected deficit to the end of the fiscal year was in the amount of \$138,880.00. He advised that Section 201(1) of the Charter would allow Council to overspend this amount and that the money would be carried forward into Council's considerations for the 1995/96 current budget.

It was therefore MOVED by Alderman Epstein, seconded by Alderman Adams that the City of Halifax reinstate the previously existing lease with the Mainland South Community Centre Corporation retroactive to 23 November 1994, and honour its contractual obligations for 1994/95, to be reviewed and renegotiated subject to the recommendations of the pending external review by Martell Consulting Services Ltd., and further that funding be authorized under Section 201(1) of the City Charter in the amount of \$138,880.00.

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

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Rockingham Community Coalition Re: Compensation  
- Loss of Business (Bedford Highway Improvements)

This matter has been forwarded without recommendation to Council pending receipt of a report from the City Manager.

A staff report dated December 9, 1994, was submitted.

Alderman Stone addressed the matter and MOVED, seconded by Alderman Walker that:

1. City staff be requested to review all claims submitted, or to be submitted, in respect of the 1994 Bedford Highway Widening Project work and bring back to City Council recommendations to fully compensate claimants for all valid claims in respect of damages other than business disturbances based on reduced traffic volumes and, as well, an equitable formula to deal with claims in respect of business disturbance based on reduced traffic volumes for this project only, taking into account representations that were made to claimants in respect of this project at the last Committee of the Whole Council meeting;
2. and, further, that City staff be instructed to deny all future claims in respect of economic loss arising solely from reduced traffic volumes in respect of future work on the Bedford Highway or any other projects.

Following a discussion, Council agreed to vote on recommendations 1 and 2 of the motion separately.

Item (1) of the motion was put and passed.

Item (2) of the motion was subsequently put and passed.

Testing of Ice: Sponsorship

MOVED by Alderman Pottie, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council approve the sponsorship of ice testing by (1) the investment firm of Nesbitt Burns Inc.; (2) the law firm of Stewart McKelvey Stirling Scales; and (3) the accounting firm of Ernst & Young.

Motion passed.

1673-85 Argyle Street: The Carleton House

MOVED by Alderman Downey, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, City Council authorize the expenditure of \$15,000 from the Heritage Fund to assist the Carleton House Preservation Society with the exterior restoration costs of the Carleton House.

Motion passed.

COMMITTEE ON WORKS

Council considered the report of the Works Committee from its meeting held on December 7, 1994, as follows:

Award of Tender 94-47:

Cleaning of Northwest Arm Sewer

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

1. Council award Tender No. 94-47 for the cleaning of the Northwest Arm Sewer to Video Industrial Services Ltd. for a Total Bid Price of \$91,203.50 and a Total Project Cost of \$109,450.50, including all taxes; and
  2. Council authorize funding from Capital Account No. 95012, Northwest Arm Interceptor.
- Motion passed.

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

Annual Review of Licenses, Permits and Fees - SECOND READING

MOVED by Alderman Hanson, seconded by Alderman Blumenthal that the amendments to the various ordinances as attached to Schedule "A" of the staff report dated November 4, 1994, be given second reading.

Motion passed.

Proposed Amendment - Ordinance 145,  
the Tax Collection Ordinance - SECOND READING

MOVED by Deputy Mayor Adams, seconded by Alderman Crowley that City Council approve second reading of the Ordinance attached as Appendix "A" of the staff report dated November 15, 1994, the purpose of which is to repeal those parts of Ordinance 145, the Tax Collection Ordinance respecting the payment of taxes by instalments in order to implement the revised collection procedure approved by City Council on October 27, 1994, and to amend those parts of the Ordinance dealing with the fees collectable on tax sales.

Motion passed.

**REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on December 7, 1994, as follows:

Report from Planning Advisory Committee  
Re: Case 6790: Rooming Houses

MOVED by Alderman Carmichael, seconded by Alderman Maher that, as recommended by the Planning Committee:

1. Council not proceed with any change in policy or regulations for rooming or communal houses; and

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2. Council continue the strict enforcement of existing bylaws and ordinances related to front yard parking, noise in residential areas, and property maintenance.

Motion passed.

**Request for Public Hearing - Ruinous Building  
- Civic No. 2372-75 Creighton Street  
(Set Date for Public Hearing)**

A supplementary staff report dated 12 December 1994 was submitted.

MOVED by Alderman Downey, seconded by Alderman Walker that the date of January 18, 1995, be set as the date for a hearing with the assessed owner with a view to issuing an order that the owner demolish the building and clean the site.

Motion passed.

**Request for Public Hearing - Ruinous Building  
- Civic No. 2384 Gottingen Street  
(Set Date for Public Hearing)**

A supplementary staff report dated 12 December 1994 was submitted.

MOVED by Alderman Downey, seconded by Walker that the date of January 18, 1995, be set as the date for a hearing with the assessed owner with a view to issuing an order that the owner demolish the building and clean the site.

Motion passed.

**Request for Public Hearing - Ruinous Building  
- Civic No. 2380 Gottingen Street  
(Set Date for Public Hearing)**

A supplementary staff report dated 12 December 1994 was submitted.



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2. Council continue the strict enforcement of existing bylaws and ordinances related to front yard parking, noise in residential areas, and property maintenance.

Motion passed.

**Request for Public Hearing - Ruinous Building  
- Civic No. 2372-76 Creighton Street  
(Set Date for Public Hearing)**

A supplementary staff report dated 12 December 1994 was submitted.

MOVED by Alderman Downey, seconded by Alderman Walker that the date of January 18, 1995, be set as the date for a hearing with the assessed owner with a view to issuing an order that the owner demolish the building and clean the site.

Motion passed.

**Request for Public Hearing - Ruinous Building  
- Civic No. 2384 Gottingen Street  
(Set Date for Public Hearing)**

A supplementary staff report dated 12 December 1994 was submitted.

MOVED by Alderman Downey, seconded by Walker that the date of January 18, 1995, be set as the date for a hearing with the assessed owner with a view to issuing an order that the owner demolish the building and clean the site.

Motion passed.

**Request for Public Hearing - Ruinous Building  
- Civic No. 2380 Gottingen Street  
(Set Date for Public Hearing)**

A supplementary staff report dated 12 December 1994 was submitted.

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MOVED by Alderman Downey, seconded by Alderman Walker that the date of January 18, 1995, be set as the date for a hearing with the assessed owner with a view to issuing an order that the owner demolish the building and clean the site.

Motion passed.

Encroachment License - Civic #1588 Granville Street

MOVED by Alderman Downey, seconded by Deputy Mayor Adams that, as recommended by the Planning Committee, an Encroachment License be granted to Cafe Mokka for the purpose of constructing a wheelchair ramp at the entrance to Civic No. 1588 Granville Street.

Motion passed.

City Office Space - Lease with Halifax Developments Ltd.

MOVED by Alderman Pottie, seconded by Alderman Downey that, as recommended by the Planning Committee, City Council:-

1. authorize the Mayor and City Clerk to execute a lease agreement with Halifax Developments Ltd. for administrative accommodation in Scotia Square, in accordance with the terms and conditions proposed in the staff report of November 30, 1994.
2. authorize the City Manager to appoint an appropriately qualified consultant to assist with the review of the text of the lease documents.

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

Case No. 7084: Plan Amendment and Rezoning from  
R-2A to RC-3, 1079 Queen Street and  
5459-73 Victoria Road

MOVED by Alderman Uteck, seconded by Alderman Epstein that, as recommended by the Planning Committee, this matter be referred to the Planning Advisory Committee for advice.

Motion passed.

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Proposed Demolition of Wharves - Lower Water Street

This matter was forwarded to Council without recommendation.

An information report dated 5 December 1994 was submitted.

MOVED by Alderman Epstein, seconded by Alderman Downey that the action outlined in the information report dated 5 December 1994 be accepted.

Motion passed.

MOTIONS

Motion Deputy Mayor Adams Re: Spryfield Lion's Club Rink  
(Exemption from Real Property and Business Occupancy  
Taxes)

Deputy Mayor Adams noted that he had requested a staff report concerning his Notice of Motion at the last City Council to direct staff to arrange for the introduction before the Nova Scotia Legislature of special legislation exempting the property known as the Spryfield Lion's Club Rink from all real property and business occupancy taxes.

The City Solicitor suggested that the Deputy Mayor proceed with his motion and defer the vote on it pending a staff report.

It was therefore MOVED by Deputy Mayor Adams, seconded by Alderman Walker that staff be requested to arrange for the introduction before the Nova Scotia Legislature of special legislation exempting the property known as the Spryfield Lion's Club Rink from all real property and business occupancy taxes, pending receipt of a staff report.

Motion passed.

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**Motion Alderman Uteck Re: Ordinance 116, (Establish  
a Class of Vehicle and Operator Licenses Respecting  
Accessible Taxicabs) - FIRST READING**

A staff report dated 4 November 1994 was submitted.

MOVED by Alderman Uteck, seconded by Alderman Crowley that the amendments to Ordinance 116, the Taxi and Limousine Ordinance attached as Schedule "A" to the staff report of 4 November 1994 be given First Reading and be referred to the Committee of the Whole Council for consideration and report.

Motion passed.

**Solid Waste Costs (Alderman Epstein)**

Alderman Epstein addressed the matter and made reference to a memorandum he circulated to Council dated December 6, 1994, concerning the question of the basis on which the municipalities that are members of the Metropolitan Authority pay for solid waste disposal. He gave notice of motion that at a future date he intended to bring forward a motion requesting staff to draft a bylaw in consultation with the other municipal members of the Metropolitan Authority, to change payment for solid waste disposal to a per tonne basis.

**MISCELLANEOUS BUSINESS**

**Tabling of the 1995-96 Capital Budget**

A copy of the 1995/96 Capital Budget was presented to City Council.

The Acting City Manager noted that on January 4, 1995, the City Manager would be meeting with City Council to review the budget in detail and has requested that if any Alderman had any questions, prior to January 4, to call his Office or the Finance Department.

MOVED by Alderman Pottie, seconded by Deputy Mayor Adams that the 1995/96 Capital Budget be tabled.

Motion passed.

Downtown Halifax Business Commission Re:  
Economic Policies for Downtown Halifax

A supplementary staff report dated 9 December 1994 was submitted.

MOVED by Alderman Uteck, seconded by Alderman Downey that this matter be deferred to the 4 January 1995 Committee of the Whole Council meeting.

Alderman Walker asked that staff explore avenues of addressing the item other than through the Tax Concessions and Grants Committee which does not have any funds left.

Motion passed.

Award of Tender 94-36 - Upgrading of Duffus Street  
Pumping Station and Harbour Interceptor Sewer

A staff report dated 12 December 1994 was submitted.

MOVED by Alderman Blumenthal, seconded by Alderman Walker that:

1. Council approve the increase of gross and net funds in Capital Account No. 95011, Upgrading of Duffus Street Pumping Station and Harbour Interceptor Sewer from 1.2 million to 3.47 million gross and 1.2 million to 2.57 million net;
2. Council reaffirm the award of Tender No. 94-36 to Tag Enterprises Limited and make it unconditional; and
3. Council direct staff to continue negotiating with the Provincial Government for additional funding assistance for this project subject to availability of funds from other approved infrastructure projects.

Motion passed.

QUESTIONS

Question Alderman Carmichael Re: Storage/  
Retention - Development Agreements/Building Plans

Alderman Carmichael made reference to concerns raised at a recent meeting of the Committee of the Whole concerning a development now underway at Civic No. 1336-44 Hollis Street, and asked for information as to what procedures are being put in place to ensure that the confusion and misunderstanding which arose over the Hollis street development agreement will not be repeated.

Question Deputy Mayor Adams Re:  
G-7 Conference/Halifax Taxi Industry

Deputy Mayor Adams (speaking as the Chairman of the Halifax Taxi Commission) brought to Council's attention the ethnic diversity that is characteristic of the Halifax taxi industry, and asked for information as to whether these skills might be utilized to their best advantage by the G-7 Coordinating Committee.

On another but related matter, the Deputy Mayor suggested that the Taxi Commission would be interested in hearing from the G-7 Committee as to the role that could be played by the local taxi industry in contributing to the success of the G-7 Summit.

Question Alderman Crowley Re: Skating Rinks

Alderman Crowley made reference to the fact that during the budget review discussions held earlier in the year, she had asked that funds be placed in the 1994/95 budget for a number of open surfaced skating rinks. She went on to note that Council had indeed approved the allocation of funds for this purpose, and asked for information as to when this project will be implemented.

**Question Alderman Crowley Re:  
Crosswalk - Leppert Street/Mumford Road**

Alderman Crowley noted that on a number of previous occasions she had expressed her very deep concern for the safety of pedestrians in the Leppert Street/Mumford Road area. She went on to note that on 13 December she had received a call from a resident who reported that she had nearly been struck while in a crosswalk, and had only managed to escape injury because a police officer in a patrol car had blown his horn to warn her.

The Alderman emphasized that she continues to believe that this particular crosswalk represents a unique situation, given the fact that motorists enter the crosswalk almost before they round the corner. She went on to note that she is particularly concerned because of the proximity of the Sir John Thompson Manor, adding that she is continually receiving calls from seniors concerned about their safety. Alderman Crowley also pointed out that, with the closure of the Sobey's Store at the West End Mall, more pedestrians are using the crosswalk to reach the grocery store on the other side of the street.

The Alderman therefore asked that the Traffic Authority (1) revisit the need for improvements at this crosswalk; and (2) review the timeframe for people walking across Chebucto Road at Mumford (numerous complaints having been received about that intersection as well).

**Question Alderman Stone Re: Safety  
Hazards - Intersection of Dunbrack and Ross Streets**

Alderman Stone noted that at approximately 8:30 a.m. on Tuesday, 13 December, two students on their way to school were hit by a passing car while crossing Dunbrack Street from Ross Street. Fortunately, the students were not seriously injured, but because of the concerns expressed by area residents, the Alderman asked that staff undertake the following:

- (1) an evaluation of the need for traffic lights at this intersection;
- (2) selective enforcement by the Police Department for speeding on Dunbrack Street, especially at times when students are travelling to and from school;
- (3) further pruning of the rose bushes in the center median to provide better visibility for vehicles exiting Ross Street;

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- (4) a timeframe as to when the RA-5 push-button pedestrian lights are to be installed at this intersection.

Question Alderman Blumenthal Re: Fire Trucks

Alderman Blumenthal requested a report from the Fire Chief on which fire truck are being used and which fire trucks are on stand-by.

NOTICES OF MOTION

Notice of Motion Alderman Epstein Re: Solid Waste Costs

Alderman Epstein gave notice of motion that, at a future date, he intended to bring forward a motion requesting staff to draft a bylaw in consultation with the other municipal members of the Metropolitan Authority, to change payment for solid waste disposal to a per tonne basis.

ADDED ITEMS

Solid Waste - Costs (Alderman Epstein)

This item was dealt with earlier in the meeting as item 16.3 (Motions).

Appointments

A report from His Worship Mayor Fitzgerald dated December 15, 1994, was submitted.

MOVED by Alderman Carmichael, seconded by Alderman Adams that the following appointments be approved.

The Halifax Task Force on Drugs

Alderman Mary Ann Crowley

Term to expire January 31, 1996



Project Steering Committee  
(Regional Solid Waste Management)

Peter Kidd

Term to expire upon completion of mandate.

City of Halifax Strategic Planning Committee

Alderman Howard Epstein

Term to expire upon completion of mandate.

Africville

A report from His Worship Mayor Walter Fitzgerald, Chairman, Africville Council Committee, dated December 1, 1994, was submitted.

MOVED by Alderman Blumenthal, seconded by Alderman Uteck that:

1. The City provide access to City records re the Africville relocation until March 15, 1995, with the exception of those records containing personal information unless permission for their release has been obtained.
2. The City support the application of the Africville Genealogy Society for Canada/Nova Scotia Infrastructure Works dated September 7, 1994, for the reconstruction of the Seaview United Baptist Church.
3. The City donate 2.5 acres adjoining the Seaview Memorial Park for the purpose of construction of a memorial to the former community of Africville.
4. The City provide financial support in the amount of \$100,000 with the interest to be used to fund an educational fund for the

descendants of the former residents of Africville.

5. If, upon a review of the records, no legal basis appears to found a claim against the City by March 15, 1995, then this chapter of the history of the City of Halifax be considered closed.

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

#### National Infrastructure Program Anniversary

MOVED by Alderman Stone, seconded by Deputy Mayor Adams  
that City Council pass the following resolution:

WHEREAS on December 21, 1993, the Federal, Provincial and Territorial Governments unanimously agreed to the establishment of a cost-shared National Infrastructure Program consistent with the program proposed by the Federation of Canadian Municipalities;

WHEREAS the purpose of the program is to renew municipal infrastructure, create jobs, improve the environment and enhance Canada's competitiveness;

WHEREAS the program has now been in place for one year and communities across Canada are benefitting from the program to update and refurbish all types of services;

WHEREAS in the City of Halifax \$12,425,000.00 program dollars have already been allocated, creating between 348 and 435 jobs and helping to upgrade and improve the City's street and sewer systems;

THEREFORE BE IT RESOLVED that the Municipality of the City of Halifax congratulate the Federal and Provincial Governments on this significant

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initiative, and communicate its appreciation for their support to the Prime Minister of Canada, Federal Members of Parliament and the Premier of Nova Scotia.

**Halifax Harbour (Alderman Epstein)**

A memorandum from Alderman Epstein dated December 15, 1994, was submitted.

Alderman Epstein addressed the matter and briefly reviewed his memorandum which outlined some current issues associated with the clean-up of Halifax Harbour. In his remarks, he asked that Council consider very early in January 1995 steps which should be taken towards a Harbour clean-up project.

**Halifax Housing Authority Recreation Program (Alderman Crowley)**

An information report dated 14 December 1994 was submitted.

Alderman Crowley addressed the matter and noted that at a Council meeting early in October a motion was unanimously endorsed to protect the funds allotted to the Halifax Housing Authority for the purpose of their recreational programs, pending a report from the Halifax Housing Authority on restricting of its recreational efforts. The Alderman advised that Council has since received this report along with the information report noted above.

In order to reinstate the recreational programs which have presently ceased, it was MOVED by Alderman Crowley, seconded by Alderman Blumenthal that the City of Halifax release the funds to allow the recreational programs to continue.

Motion passed.

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**Spryfield Lions Club Rink - Real & Business Taxes  
(Deputy Mayor Adams)**

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This item was dealt with earlier in the meeting under item 16.1 "Notices of Motions."

Deputy Mayor Adams addressed the matter and advised that Mr. Ike Kent, Manager of Revenue, had provided him with some information suggesting the creation of a bylaw or ordinance to exempt chosen taxpayers which include properties of a non-profit community. The Deputy Mayor asked that this matter be forwarded to staff for a staff report.

There being no further business to be discussed, the meeting was adjourned at approximately 11:00 p.m.

HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN

EDWARD A. KERR  
CITY CLERK

/ms

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