

**CITY COUNCIL  
2 MARCH 1995**

MOVED by Alderman Maher, seconded by Alderman Walker that City Council approve the application for a lot modification development agreement to permit the subdivision of the property at 32 Frederick Avenue into 32 and 32A Frederick Avenue and the construction of a semi-detached dwelling at 32A Frederick Avenue on the lands of Ms. Mally Metlege.

The City Clerk advised that Deputy Mayor Adams had not been present during the 22 February public hearing.

The motion was put and passed with Deputy Mayor Adams abstaining from the vote.

**PETITIONS AND DELEGATIONS**

**Petition Alderman Uteck Re: Request  
from Halifax Taxi Drivers - Taxi Zones**

A petition containing the signatures of approximately 189 Halifax taxi owners or operators was submitted by Alderman Uteck. In his remarks, the Alderman noted that members of the local taxi industry are extremely concerned that, with the amalgamation process, the four taxi zones in the metropolitan area, which are now distinct, will be dissolved.

The Alderman therefore asked that these concerns be recognized during the municipal reform process.

Speaking as the Chairman of the Halifax Taxi Commission, Deputy Mayor Adams advised that this matter has already been raised with the Minister of Municipal Affairs who has suggested that concerns such as these be forwarded to Mr. William Hayward for consideration.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 22 February 1995 as follows:

**Restoration - St. George's Church**

MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, staff be asked to submit a report and recommendation

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concerning the request from St. George's Church for a grant of \$479,000 (over a five-year period) towards the restoration of the structure's roof, dome and cupola. The motion was put and passed.

**Halifax Metro Welfare Rights  
Association - A Report on Poverty**

MOVED by Alderman Epstein, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the report entitled "Halifax Metro Welfare Rights Association - A Report on Poverty" be tabled and referred to staff for comment. The motion was put and passed.

**Encroachment License - Melville Avenue**

MOVED by Alderman Hanson, seconded by Deputy Mayor Adams that, as recommended by the Finance and Executive Committee, an Encroachment License be granted to **Mallery Properties** for the purpose of erecting a free-standing, non-illuminated, encroaching road marker adjacent to Melville Avenue at the entrance to the new subdivision (as indicated in the sketch attached to the staff report dated 31 January 1995). The motion was put and passed.

**Deferred Tax Ordinance**

MOVED by Alderman Pottie, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council increase the eligibility income level from \$25,000 to \$25,500 for the tax year 1995, with a change to Section 3(1)(b) of Ordinance No. 137, the Deferred Tax Ordinance. The motion was put and passed.

**Encroachment License -  
Civic No. 1496-98 Lower Water Street**

MOVED by Alderman Downey, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, an Encroachment License be granted to **Norpen Realty Corporation** for the portion of the building that projects over the street line on Lower Water Street (as indicated in the sketch attached to the staff report dated 31 January 1995). The motion was put and passed.

License Inspector

MOVED by Deputy Mayor Adams, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, Sergeant Scott Burbridge be appointed as License Inspector under Ordinance 149, the Petty Trades Ordinance; Ordinance 151, the Automatic Machines Ordinance; and Ordinance 180, the Streets Ordinance.

In putting forward this motion, the Deputy Mayor noted that, in his capacity as License Inspector, Sergeant Burbridge also has responsibility for the administration and enforcement of Ordinance 116, the Taxi Ordinance. He went on to note that despite his brief tenure in the position, Sergeant Burbridge has already impressed the Taxi Commission with his diligence and enthusiasm.

The motion was put and passed.

Local Improvement Interest Rate (1995)

MOVED by Alderman Pottie, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, under Section 389 of the City Charter, an interest rate of 10.00 percent be established for any local improvement tax levied in the tax year ended 31 March 1996. The motion was put and passed.

Encroachment License - 1791 Barrington Street

MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, an Encroachment License be granted to Standard Life Assurance Company for the purpose of erecting a wrap-around canopy on the George Street and Barrington Street elevations of the Toronto Dominion Bank Tower located at Civic No. 1791 Barrington Street. The motion was put and passed.

Proposed Aquarium - Sackville Landing

MOVED by Alderman Blumenthal, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council authorize staff to negotiate a short-term lease with Pompani Investments Limited, acting on behalf of a

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company to be incorporated, for approximately 4,500 square feet of land in the southeastern portion of Sackville Landing for the purposes of erecting an aquarium and ancillary equipment, with the negotiated lease to be brought back to Council for approval.

Responding to questions from Alderman Pottie, Messrs. Richard Matthews and Simpson McLeod of the City's Development and Planning Department provided clarification as to the location of the proposed aquarium and its anticipated impact on pedestrian traffic flows and visibility.

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

**Gambling Casinos - Impact Analysis**

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, the matter be tabled for the present time. The motion to table was put and passed.

**Halifax Harbour Stewards Program Proposal**

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, the "Halifax Harbour Stewards Program Proposal" be forwarded to staff for review and recommendation. The motion was put and passed.

**Toughlove Canada**

MOVED by Alderman Pottie, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, the Office of the City Manager be requested to establish a liaison between representatives of Toughlove Canada and the City's School Board, Police Department, and Social Services.

In putting forward this motion, Alderman Pottie suggested that a letter be forwarded to the above-noted parties confirming Council's endorsement of this initiative.

The motion was put and passed.

**Nolan v. City of Halifax**

This matter had last been discussed during the 22 February meeting of the Finance and Executive Committee at which time the following motion was approved:

That by Noon on Friday, 24 February 1995 the City Treasurer provide to members of City Council a full accounting of Mr. Nolan's accounts for the taxation years 1987, 1988, and 1989 in the form of a written report (based on information provided to the Ombudsman by the Manager of Revenue) to determine the amount paid, the amount repaid, and the balance (if any) at present day value including any interest owing.

An Information Report dated 23 February was received from the Director of Finance, together with a private and confidential memorandum from the Director of Corporate and Legal Affairs dated 24 February 1995. Correspondence dated 27 February 1995 was also submitted from Mr. Robert E. Nolan.

Alderman Pottie expressed his appreciation to staff for the information provided by them in such a timely fashion, and MOVED, seconded by Deputy Mayor Adams that City Council continue to deny the claims made by Robert E. Nolan in respect of the Park Projects Limited assessment appeals, and that no further action be taken at this time. The motion was put and passed.

**Establishment of  
Greater Halifax Economic Partnership**

Moved by Alderman Maher, seconded by Deputy Mayor Adams that, as recommended by the Finance and Executive Committee, Halifax City Council endorse the 30 January 1995 Memorandum of Understanding (attached to the report of 16 February 1995 from the Acting Executive Director of the Halifax Industrial Commission), subject to a proviso that the Chamber of Commerce's representation on the Interim Board be reduced and that Non-Chamber commercial representatives be asked to sit on the Board (the number of Board representatives from government should equal the number of representatives from the private sector). The motion was put and passed.

**Retail Store Hours**

During a regular meeting of Halifax City Council held on Thursday, 16 February 1995, it had been agreed that a public

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meeting would be scheduled to consider the deregulation by the City of retail store opening hours.

Alderman Blumenthal advised that, based on the input recently received from representatives of the local shopping centres, the general feeling appeared to be that this matter should more appropriately be deferred until after the amalgamation process has been completed.

Noting that he was extremely grateful to staff (particularly Mr. Campbell) for their assistance with this project, it was moved by Alderman Blumenthal, seconded by Alderman Downey that the proposal to deregulate retail store opening hours be tabled. The motion to table was put and passed with Deputy Mayor Adams voting in opposition.

**Halifax Natal Day/Buskers Festival (1995)**

During the 22 February meeting of the Finance and Executive Committee it was agreed that the Office of the City Manager would be requested to arrange a meeting on or before Monday, 27 February 1995 with four representatives of the Halifax Natal Day Committee and four representatives of the Buskers Festival to resolve the scheduling difficulties which have arisen regarding this year's events.

A report dated 1 March 1995 was submitted from the City Manager, together with correspondence dated 2 March 1995 from Ms. Linda Shaffner, Chairman of the Halifax Natal Day Committee.

MOVED by Alderman Pottie, seconded by Alderman Epstein that, as recommended by the 1 March report, the City Manager be empowered to review the event schedules and venues of Natal Day and Buskers, and to make necessary adjustments to ensure a reasonable Natal Day celebration and the continuation of a successful Buskers Festival.

Following a brief discussion, the motion was put and passed with Deputy Mayor Adams and Alderman Hanson voting in opposition.

**Downtown Halifax BIDC**

The following motion had been approved during the 22 February meeting of the Finance and Executive Committee:

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That the City Manager be asked to submit a report as quickly as possible regarding the action taken by the Executive Director of the Downtown Halifax BIDC with respect to the Nova Scotia Liquor License Board, including his comments as to what action Council can take to prevent similar situations from occurring in the future (if indeed the Director's action is deemed to be appropriate).

Alderman Pottie made reference to a letter recently received from Mr. William M. Perkins, Chairman of the Downtown Halifax BIDC, and asked that it be distributed to all members of Council as well as to the City Manager.

At Alderman Pottie's request, it was agreed that, in order to provide the City Manager with an opportunity to respond, this matter would be deferred to the next regular meeting of the Committee of the Whole Council scheduled for **Wednesday, 22 March 1995**.

**REPORT - COMMITTEE ON WORKS**

Council considered the report of the Committee on Works from its meeting held on Wednesday, 22 February 1995 as follows:

**Memorial Drive - Ventilation Pipe**

MOVED by Alderman Pottie, seconded by Alderman Maher that, as recommended by the Committee on Works, a further staff report be submitted to City Council at such time as the source of the odor is identified. The motion was put and passed.

**G-7 Infrastructure Project  
- Grand Parade Development**

This matter had been deferred from a special meeting of Halifax City Council held on Wednesday, 22 February 1995.

The City Manager and Mr. Kulvinder Dhillon, Chief Engineering, made a brief presentation to City Council pertaining to plans for the renovation of the Grand Parade site and including an itemized account of the proposed expenditures.

After a brief discussion and questioning of staff, it was moved by Alderman Epstein, seconded by Alderman Pottie that

the Grand Parade renovations, as presented by staff during the Council meeting of 2 March 1995, be included in the list of approved G-7 projects for a total cost of \$665,000 (subject to cost-sharing with the senior levels of government on a one-third, one-third, one-third basis). The motion was put and passed.

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

**Solid Waste Costs (Change Payment for  
Solid Waste Disposal to Per Tonne Basis),  
Ordinance 162 - SECOND READING**

The above-noted matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 16 February and had also been considered during a meeting of the Finance and Executive Committee held on 22 February 1995.

MOVED by Alderman Epstein, seconded by Alderman Uteck  
that:

- (1) Ordinance Number 162, the "Regional Solid Waste Disposal system Ordinance," be amended to add a section 2A, immediately following Section 2, as follows:

2A. The cost-sharing formula for the design, construction and operation of a regional solid waste management system, conferred upon the Metropolitan Authority, shall be on the basis of the proportion of the tonnage of solid waste generated within the City of Halifax and dealt with by the Metropolitan Authority, bears to the aggregate of the whole tonnage of solid waste generated by the participating municipalities that have passed by-laws conferring responsibility for solid waste on the Metropolitan Authority, and dealt with by the Metropolitan Authority; and that

- (2) this by-law shall be effective upon adoption of similar by-laws by the other participating municipalities.

The motion was put and passed.



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**Amendment to Ordinance 116, Accessible Taxis  
(To Establish a Separate Class of Vehicle  
and Operator Licenses) - SECOND READING**

This matter had last been discussed during a regular meeting of Halifax City Council held on Thursday, 16 February 1995.

Alderman Uteck clarified that he had originally asked that this matter be reviewed because of concerns expressed to him by a certain segment of the local taxi industry. He noted, however, that the continued delay in dealing with this issue has now begun to impact on the livelihood of others in the community, and asked for comment from the City Solicitor.

Mr. Wayne Anstey, City Solicitor, explained that in developing amendments to Ordinance 116 necessary to establish a separate class of licenses for accessible taxis, he had also attempted to "freshen up" the language of that Ordinance in order to render it more "user friendly." However, in so doing, he had raised the concerns of the UCDA who had come to believe that the intent of the amendments and in fact of the Ordinance itself was being altered. Mr. Anstey emphasized that this had not been the case, and added that when the UCDA were requested to identify areas of particular concern, they had not responded.

The City Solicitor therefore suggested that if Council were to approve Second Reading of the Ordinance amendments as they are presently written, he would personally undertake to meet with UCDA representatives (once areas of concerns have been identified) in an effort to resolve the matter.

It was therefore moved by Alderman Uteck, seconded by Alderman Epstein that Halifax City Council give Second Reading to the proposed amendments to Ordinance 116, the Taxi and Limousine Ordinance, pertaining to "accessible taxis," attached as Schedule "A" to the staff report of 4 November 1994. The motion was put and passed.

**REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on Wednesday, 22 February 1995 as follows:

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**PAC Report Re: Case No. 6684, Land Use  
Bylaw Amendment (Mainland South Area) - C-2A Zone**

MOVED by Alderman Carmichael, seconded by Alderman Epstein that, as recommended by the Planning Committee, the PAC's recommendation be approved; namely, that the request to add "bingo halls," "pool halls," and "food processing" to the list of permitted uses in the C-2A (Minor Commercial Zone) of the Land Use Bylaw (Mainland Area) be refused.

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

MOVED by Deputy Mayor Adams, seconded by Alderman Hanson that a public hearing be scheduled to consider the amendment of the C-2A (Minor Commercial) Zone of the Land Use Bylaw (Mainland Area) to add "bingo halls" and "pool halls" to the list of permitted uses in the Mainland South Area. The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 5 APRIL 1995 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

**PAC Report Re: Case No. 6883, Bed and  
Breakfast Establishments (SET DATE FOR PUBLIC HEARING)**

MOVED by Alderman Carmichael, seconded by Alderman Walker that, as recommended by the Planning Advisory Committee and the Planning Committee, a public hearing be scheduled to consider the proposed amendments to the Land Use Bylaw (attached as Appendix I to the PAC's report of 14 February 1995) concerning the regulation of bed and breakfast establishments in residential zones throughout the City. The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 5 APRIL 1995 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

**Development Agreement - 3 Forest  
Avenue - SET DATE FOR PUBLIC HEARING**

MOVED by Alderman Hanson, seconded by Deputy Mayor Adams that, as recommended by the Planning Committee, a public hearing be scheduled to consider the application for a development agreement pursuant to Section 14P of the Land Use

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Bylaw (Mainland Area) to permit a deck on the front of 3 Forest Avenue on the lands of Mr. Leslie Rafael, L & G Holdings. The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 22 MARCH 1995 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

**Ruinous Buildings:**

- (a) Civic No. 2380 Gottingen Street
- (b) Civic Nos. 2372-76 Creighton Street
- (c) Civic No. 2384 Gottingen Street

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

- (1) pursuant to Sections 438 and 439 of the City Charter, the Prevost family be required to bring the following buildings up to minimum standards within the following timeframes:

2380 Gottingen Street - 90 days from date of Council resolution  
→ 2372-76 Creighton Street - 180 days from date of Council resolution  
2384 Gottingen Street - 120 days from date of Council resolution

*RESCINDED BY  
C.C. SEPT. 14/95  
CONCERNING  
2372-76  
CREIGHTON ONLY  
L. Kerr  
City Clerk*

and further, that:

- (2) if the required work on each building is not completed within the stated time periods, it is ordered that the Building Inspector be directed to cause the building(s) to be demolished and the site(s) cleared, and to recover from the owner the expenses associated with the demolition and clearance.

Alderman Epstein spoke in opposition to the second part of the above-noted motion, emphasizing that, in his view, there were other, more appropriate options available to the City than to have the buildings demolished.

The motion was put and passed.

**MOTIONS**

**Motion Alderman Blumenthal Re: Adoption  
of a New City Parks Ordinance (FIRST READING)**

Notice of Motion with reference to the above-noted matter had been given by Alderman Blumenthal during a regular

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meeting of Halifax City Council held on Thursday, 16 February 1995.

A report dated 27 February 1995 was submitted from the Director of Engineering and Works.

MOVED by Alderman Blumenthal, seconded by Deputy Mayor Adams that Halifax City Council give First Reading to the proposed "City Parks Ordinance" attached to the staff report of 27 February 1995 (revised); and further, that the matter be forwarded to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 22 March 1995 for consideration and report.

His Worship Mayor Fitzgerald made reference to the revised copy of the proposed Ordinance which had been distributed to members of Council earlier in the evening, emphasizing that as a result of discussions with Africville Genealogical Society, a section has been added specifically authorizing the Society's annual picnic and reunion at Seaview Park.

Alderman Downey asked to be provided with information from staff prior to the 22 March meeting as to the name and location of the City parks which will be excluded from the proposed Ordinance by virtue of the fact that regulations pertaining to their operation are already in force.

The motion was put and passed.

**Motion Alderman Blumenthal Re: Amendment  
to Ordinance 179, the Residential Parking  
Permits Ordinance (FIRST READING)**

Notice of Motion with reference to the above-noted matter had been given by Alderman Blumenthal during a regular meeting of Halifax City Council held on Thursday, 16 February 1995.

A report dated 23 February 1995 was submitted from the Director of Corporate and Legal Affairs.

MOVED by Alderman Blumenthal, seconded by Alderman Walker that Halifax City Council give First Reading to the amendment proposed for Ordinance 179, the Residential Parking Permits Ordinance (attached as Appendix "A" to the staff report of 23 February 1995), and further, that the matter be referred to the next regular meeting of Committee of the Whole Council

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scheduled for Wednesday, 22 March 1995 for consideration and report. The motion was put and passed.

**QUESTIONS**

**Question Alderman Uteck Re: Case  
No. 7084: Plan Amendment and Rezoning Request**

Responding to concerns expressed by Alderman Uteck regarding the delay in dealing with this development application, the City Manager advised that a response from the Planning Advisory Committee is expected in time for the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 22 March 1995.

**NOTICES OF MOTION**

**Notice of Motion Alderman Walker Re:  
Proposed Amendment - Ordinance 137,  
the Deferred Payment of Taxes Ordinance**

Alderman Walker gave Notice of Motion that at the next regular meeting of Halifax City Council to be held on Thursday, 30 March 1995 he proposes to introduce for First Reading an amendment to Ordinance 137, the Deferred Payment of Taxes Ordinance.

The purpose of the proposed amendment is to increase the level of total household income below which a taxpayer will qualify for tax deferral to twenty-five thousand, five hundred dollars (\$25,500) from twenty-five thousand dollars (\$25,000).

**Notice of Motion Alderman Blumenthal  
Re: Proposed Amendment - Ordinance 121,  
the Retail Shop Closing Ordinance**

Alderman Blumenthal gave Notice of Motion that at the next regular meeting of Halifax City Council to be held on Thursday, 30 March 1995 he proposes to introduce for First Reading an amendment to Ordinance 121, the Retail Shop Closing Ordinance.

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The purpose of the proposed amendment is to exempt Cold Beer Stores licensed by the Nova Scotia Liquor Commission from the regular closing hours prescribed by Ordinance 121.

**ADDED ITEMS**

**Appointments**

A memorandum, dated 2 March 1995, was submitted from His Worship Mayor Walter Fitzgerald.

MOVED by Alderman Maher, seconded by Alderman Crowley that Mr. John M. Etter be appointed as the Ward 9 representative on the Advisory Committee on the Concerns of Aging for a term to expire on 31 January 1998. The motion was put and passed.

9:40 p.m. - His Worship Mayor Fitzgerald retires from the meeting, with Deputy Mayor Adams assuming the Chair.

**Case No. 7114: Development Agreement,  
6034 Lady Hammond Road (SET DATE FOR PUBLIC HEARING)**

An Information Report dated 5 February was submitted together with a report dated 28 February 1995 from the Director of Development and Planning.

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that a public hearing date be scheduled to consider a development agreement pursuant to Schedule "L," Section 87A of the Land Use Bylaw with Realco Management Limited to permit construction of three apartment buildings containing 160 units and one commercial building with 10,000 square feet of space at 6034 Lady Hammond Road.

Messrs. Richard Matthews and Paul Dunphy of the City's Development and Planning Department responded to questions pertaining to this project from Alderman Carmichael.

Noting that, in her opinion, Council does not yet have sufficient information regarding this proposal to proceed to a public hearing, it was moved by Alderman Carmichael, seconded by Alderman Epstein that the matter be deferred.

The motion to defer was put and lost.

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The original motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 22 MARCH 1995 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

**Proposed Resolution - Halifax Harbour**

This matter had last been discussed during the 15 January meeting of Halifax City Council.

MOVED by Alderman Epstein, seconded by Alderman Carmichael that:

- (1) the City reaffirm its commitment to speedy and meaningful reduction of pollution of Halifax Harbour;
- (2) the City reaffirm its belief that the cost of Harbour Cleanup should be cost-shared among the Federal, Provincial, and Municipal Governments;
- (3) the City call for immediate negotiations towards a renewal of the cost-sharing agreements, so as to adjust its terms, including extension of the date of termination, and instruct its representative on the Board of the Halifax Harbour Clean-Up Inc. to promote this;
- (4) the City call for the Halifax Harbour Clean-Up Inc. to make a speedy start of Harbour clean-up through source controls and innovative small-scale technology, such as dynamic separators, at selected CSO sites; but if HHCI fails to adopt such steps prior to 31 March 1995, the City consider adopting such steps and encourage other municipalities to do the same;
- (5) the City call for HHCI to convene a stakeholders' Harbour Consensus Conference as soon as possible to settle upon essential elements of a responsible Harbour project.

The motion was put and passed.

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

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HIS WORSHIP MAYOR WALTER FITZGERALD  
AND  
DEPUTY MAYOR STEPHEN ADAMS  
CHAIRMEN

E. A. KERR, CMC  
CITY CLERK

\*K