



## MINUTES

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

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 22 MARCH 1995

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

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

**STAFF:** BARRY B. COOPERSMITH, CITY MANAGER  
EDWARD A. KERR, CITY CLERK  
MARY ELLEN DONOVAN, SR. SOLICITOR

**ADDED ITEMS**

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

**Spryfield Lions Aquatic Centre**

MOVED by Deputy Mayor Adams, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, an interim grant of \$40,000.00 be provided by the City of Halifax to the Spryfield Lions Aquatic Centre, such monies to be used to maintain operations until the restructuring process is complete. The motion was put and passed.

**Business Disturbance - Bedford Highway**

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, pursuant to its resolution approved on 15 December 1994, City Council approve payment of the following claims for business disturbance arising from the Bedford Highway Widening - Phase I:

- (1) the amount of \$35,000 to T4J Enterprises Ltd. (Dunkin Donuts) as settlement in full;
- (2) the amount of \$41,000 to D & M Robinson Investments (Scotia Tire Services) as settlement in full;
- (3) the amount of \$59,435 payable to Flinn Merrick in trust for Top Caps Automotive Accessories Ltd. and Top Caps Manufacturing Inc. as settlement in full;
- (4) the amount of \$5,000 to Torrington Bay Investments as settlement in full.

The motion was put and passed.

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**Land Exchange: 100 Leiblin Drive  
- Evans Avenue/Young Avenue**

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

- (1) staff to seek approval from the Minister of Municipal Affairs to withdraw sufficient funds from the Sale of Land Account to enable the City to complete the land exchange detailed in the staff report of 10 March 1995;
- (2) the conveyance of Lot "A" to Mr. Peter Ryan or his designate with all other terms and conditions of the land exchange to remain unaltered.

The motion was put and passed.

**Award of Tender #94-164(R) -  
Microcomputer Equipment**

MOVED by Alderman Carmichael, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, Council authorize the establishment of a Price Agreement with the overall lowest bidder, Capitol Business Systems, for a three (3) month period (workstation specifications and tendered unit prices from Capital Business Systems as detailed in Appendix I of the 10 March staff report). The motion was put and passed.

**Award of Tender #95-04: Sidewalk Renewals**

The following is a recommendation of the Finance and Executive Committee:

- (1) Council authorize staff to seek forfeiture of the bid deposit of Armdale Construction Limited in the amount of \$8,470.50, as provided for in the City's Specifications and Contract Documents for failure to enter into the contract as awarded by City Council on 22 February 1995;

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- (2) Council award Tender #95-04 (Sidewalk Renewals) for the materials and services listed at the unit prices quoted for a Total Bid Price of \$118,310.00 and a Total Project Cost of \$136,000.00 to G. & R. Kelly Enterprises Limited;
- (3) Council authorize funding from Capital Account Nos. 02009, 02011, and 02013 for the various sidewalk locations.

Alderman Epstein expressed concern regarding forfeiting the deposit of a bidder for Tender 95-04. Alderman Epstein notified Council that the bidder immediately realized he had made an error in his bid and notified Staff prior to being brought to Council, requesting his bid be withdrawn.

Alderman Epstein went on to add that he felt it was inappropriate to seek forfeiture in this case because he felt the bidder made an honest error and gave sufficient notification to staff regarding his request to withdraw his bid, thus Alderman Epstein requested further information and advice from staff prior to passing a motion.

Mayor Fitzgerald notified Council that although he agreed with Alderman Epstein's concerns, the City has a bidding system for which rules and regulations must be followed and once a bid has been put forth, it cannot be withdrawn.

Alderman Walker expressed concern that the bidder made an honest mistake in his calculations, and suggested there should be room for human error permitted in some cases, thus requested a staff report in order to look closer at this case.

Deputy Mayor Adams questioned the error made by the bidder, and suggested that for a contractor to make an error of omitting the cost of materials in his bid seems questionable.

It was Moved by Alderman Epstein, seconded by Alderman Downey that this matter be forwarded to the next regular City Council Meeting to obtain further information from Staff.

The motion was put and passed.

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**Award of Tender #95-56 (G-7 Project): Paving  
and Sidewalk Renewal (B/S) - Grafton Street  
(Prince to Sackville); Sidewalk Renewal  
(N/S) - Sackville Street (Grafton to Market)**

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

- (1) approve the award of Tender #95-96 for the Paving Renewal and Sidewalk Renewals outlined in the staff report of 10 March 1995, for materials and services listed at the unit prices quoted for a Total Bid Price of \$111,360.00 and a Total Project Cost of \$128,000.00 to Dexter Construction Co. Ltd.;
- (2) approve the installation of scoot loops by Black & McDonald, with whom the City has a three-year maintenance agreement, for an estimated cost of \$3,000.00;
- (3) authorize funding in the amount of \$17,000.00 from Capital Account Nos. 02012 and 02015, and transfer \$114,000.00 from Capital Account No. 02007 (Hollis Street Paving Renewal) to Capital Account No. 02022 (Grafton Street Paving Renewal, All G-7 Projects);
- (4) grant authority to make additional expenditures for the Halifax Water Commission work, such as lifting of valves, which will be recovered from the Commission.

The motion was put and passed.

**Halifax Regional Library Space and  
Services - Needs Assessment Study**

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

- (1) approve the proposed 1995/96 - 1999/2000 Capital Budget developed in accordance with the recommendations of the Needs Assessment Study

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completed by Beckman Associates Library  
Consultants Inc.;

- (2) approve the Library Board's proposed utilization of the study as a basis for evaluating future operating and capital budgets.

The motion was put and passed.

**Proposed Aquarium - Sackville Landing**

MOVED by Alderman Carmichael, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, Council approve the lease with Atlantic Pavilion Ltd. in the form attached to the 10 March 1995 staff report, and authorize its execution by the Mayor and City Clerk on the City's behalf. The motion was put and passed.

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

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that, as recommended by the Planning Committee, Council endorse the letter attached to the staff report dated 9 March 1995 and entitled "City of Halifax Comments on the Sixth Set of Draft Environmental Regulations," as the City of Halifax submission to the Nova Scotia Department of Environment. The motion was put and passed.

**Case No. 7131 - Development Agreement:  
Lands of Longwave Enterprises Limited  
(Off St. Michael's Avenue)**

MOVED by Alderman Deputy Mayor Adams, seconded by Alderman Hanson that, as recommended by the Planning Committee:

- (1) Council rescind the approval for development agreement, approved for Longwave Enterprises Limited on 27 October 1994;

**SPECIAL MEETING  
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- (2) a date be set for a public hearing to consider the application by **Longwave Enterprises Limited** for approval of a development agreement regarding development of its lands off St. Michael's Avenue pursuant to Section 62(B)(1) of the Land Use Bylaw (Mainland Area), as shown on Plan No. P200/20303 outlined in the staff report dated 13 March 1995.

The motion was put and passed.

The City Clerk advised that the Public Hearing was scheduled for **Wednesday, April 19, 1995 at 7:30 P.M.** in the Council Chamber.

**Case No. 7090: Development Agreement  
to Permit Expansion of a Building Containing  
a Non-Conforming Use (5481-85 Victoria Road)**

MOVED by Alderman Uteck, seconded by Alderman Blumenthal that, as recommended by the Planning Committee, City Council schedule a public hearing to consider a development agreement pursuant to section 16AF of the Land Use Bylaw (Peninsula Area) to permit an addition to the non-conforming use at 5481-85 Victoria Road. The motion was put and passed.

The City Clerk advised that the Public Hearing was scheduled for **Wednesday, April 19, 1995 at 7:30 P.M.** in the Council Chamber.

**Case No. 5782: Stage I and Stage II,  
Schedule "K" Application, Mainland Common**

MOVED by Alderman Carmichael, seconded by Alderman Maher that, the Planning Committee recommend to Council that:

- (1) a date for a Public Hearing regarding the Stage I plan and the draft agreement attached as Appendix "C" to the staff report dated 10 March 1995;
- (2) Stage I Schedule "K" approval be granted for development of the Mainland Common under Section 68 of the Land Use Bylaw, Mainland area;

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- (3) Stage II Schedule "K" approval be granted for development of the Mainland Common under Section 68 of the Land Use Bylaw, Mainland area.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 19 APRIL 19, 1995** at 7:30 p.m. in the Council Chamber.

**PUBLIC HEARINGS**

**Public Hearing Re: Case No. 7080,  
Development Agreement - 3 Forest Avenue**

A report dated 1 February 1995 had previously been submitted from the Director of Development and Planning.

With the aid of overhead plans and photographs, Mr. Stephen Feist addressed Council and reviewed the application as outlined in the staff report dated 1 February 1995. Mr. Feist advised that Staff were recommending approval of the application.

Mr. Raymond Rolls, a resident of 3 (three) Forest Avenue, was representing the owner of the property as he addressed Council in support of the proposed application.

Mr. Rolls outlined the circumstances which lead to the construction of the deck at 3 Forest Avenue, and indicated during deck construction he was not aware that a permit was required. Mr. Rolls concluded by noting that the old deck was in a state of disrepair, thus potentially dangerous.

Following a brief discussion, and questioning of staff by various members of Council, it was Moved by Alderman Hanson, seconded by Deputy Mayor Adams that the application for a development agreement pursuant to Section 14P of the Land Use Bylaw (Mainland Area) to permit the deck on the front of 3 Forest Avenue on the lands of Mr. Leslie Rafael, L & G Holdings, be approved by Council. Motion passed.



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**Public Hearing Re: Case No. 7055,  
Development Agreement to Permit Expansion  
of a Building Containing a Non-Conforming Use  
- 2789-95 Windsor Street and 6212 Almon Street**

A report dated 26 January 1995 had previously been submitted from the Director of Development and Planning.

With the aid of overhead maps, Mr. Paul Dunphy reviewed the application as outlined in the staff report dated 26 January 1995.

Mr. Dunphy in reference to the requirements for the removal of an existing sign in the staff report dated 26 January 1995, advised that the commercial zoning for the aforementioned property permits the existing sign, and if Council approves the proposed application, the contract should be amended to allow for the existence of the sign.

There were no persons wishing to speak for or against this proposal.

Moved by Alderman Epstein, seconded by Deputy Mayor Adams that it be forwarded without recommendation to the next regular meeting of Halifax City Council on 30 March 1995.

Motion passed.

**Public Hearing Re: Case No. 6663, Amendments  
to the Municipal Strategy and Land Use Bylaw  
for the Spring Garden Road Commercial Area**

A report dated 22 December 1994 had previously been submitted from the Director of Development and Planning.

Mr. Dunphy addressed Council and reviewed the application as outlined in the staff report dated 22 December 1994.

There were no persons wishing to speak for or against this proposal. Moved by Alderman Downey, seconded by Alderman Blumenthal that Case No. 6663 be forwarded to Council without recommendation. Motion passed.

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**Public Hearing Re: Street Closure -  
Upgrading of Bedford Highway - Phase II**

A staff report dated 28 February 1995 had previously been submitted by the Director of Development and Planning.

Mr. Kulvinder Dhillon, Chief of Engineering Design, and Mr. Peter Connell, Director of Engineering and Works, with the aid of the overhead, addressed Council and reviewed the application as outlined in the staff report dated 29 February 1995.

Ms. Blackler, a resident of 4 (four) Kearney Lake Road, addressed Council in support of the Street Closure with concerns regarding potential dangers resulting from travellers on this one-way street attempting to travel in both directions. Ms. Blackler concluded by recommending the proposed Street Closure.

Mrs. Helen Pecoskie a resident of 14 (fourteen) Kearney Lake Road, echoed Ms. Blackler's comments by addressing Council in support of the proposed Street Closure. Ms. Pecoskie expressed concern regarding potential dangers due to this street being a "high traffic" route. Mrs. Pecoskie concluded her address to Council by recommending the Street Closure to ensure safety.

A Dr. residing at 2 (two) Kearney Lake Road, addressed Council by agreeing that the traffic at this location is undoubtedly a problem, however, he expressed concern regarding an area of wasted land with asphalt which would decrease possibility of access to Kearney Lake Road from his property. The Dr. suggested moving the proposed barrier closer to the Bedford Highway in order to provide room for a driveway to Kearney Lake Road.

Mr. Dhillon, in respond to the Dr.'s concerns, referred to a grade problem existing in this area.

His Worship Mayor Fitzgerald requested that Staff provide a report for the next Council Meeting, with respect to a possible solution to the matter.

Deputy Mayor Adams noted that changes were made to Bright Street when street lines were established and asked under what circumstances the request could be accommodated.

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Moved by Alderman Stone, seconded by Deputy Mayor Adams that it be forwarded without recommendation to the next regular scheduled Council meeting pending receipt of Staff Report. Motion passed.

**Public Hearing Re: Case No. 7114,  
Development Agreement - 6034 Lady Hammond Road**

A staff report dated 28 February 1995 had previously been submitted by the Director of Development and Planning.

Mr. Gary Porter, of Development and Planning, addressed Council with the aid of the overhead, giving an overview of the proposed development agreement.

The applicant, Mr. Peter Ryan, President of Realco Management Limited, addressed Council in support of the application for the development agreement at 6034 Lady Hammond Road. Mr. Ryan noted that what was being viewed on the monitor was indeed how the structures would basically look, however, he noted that the colours could differ as they were undecided as to what type of cosmetic finish would be utilized. Mr. Ryan advised Council that they were considering a brick and siding combination, or a "stucco-type" finish which is frequently used in other areas with such structures.

Alderman Epstein expressed concern regarding information in the report on trips per day, questioning whether the study related to neighborhoods or apartments where residents work.

Mr. Paul Skerry, the architect, c/o Paul Skerry and Associates Limited, addressed Council in support of the proposed development agreement. Mr. Skerry addressed questions regarding the "target market", and assured Council the proposed buildings are of good quality and standards.

Mr. Blair Bead, of 3038 Oxford Street, addressed Council in support of the proposed development agreement, however, Mr. Bead noted that since a single parking space would be abutting the yard of a local single family residence, perhaps an area of landscaping, for example, could be placed in this area to provide privacy for this residence.

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There being no further persons wishing to address Council, Moved by Alderman Pottie, seconded by Alderman Carmichael that it be moved to the next regular Halifax City Council Meeting without recommendation. Motion passed.

There being no further business to be discussed the meeting was adjourned at 7:25 P.M.

MAYOR WALTER FITZGERALD  
AND  
DEPUTY MAYOR STEPHEN ADAMS  
CHAIRMEN

SUBMITTED BY:  
E. A. KERR, CMC  
CITY CLERK

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**HEADLINES**

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Ed.



# MINUTES

**MEETING:**

HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:**

COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:**

30 MARCH 1995

**TIME:**

8:00 P.M.

**MEMBERS PRESENT:**

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  
ALDERMAN RALPH P. MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN MARY ANN CROWLEY  
ALDERMAN BILL STONE

**STAFF:**

BARRY B. COOPERSMITH, CITY MANAGER  
WAYNE ANSTEY, CITY SOLICITOR  
EDWARD A. KERR, CITY CLERK

**MINUTES**

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 2 March 1995, were approved as circulated on a motion by Alderman Stone, seconded by Alderman Maher.

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

At the request of the City Clerk, it was agreed to add:

- 20.1 Award of Tender #95-54 (G-7 Project):  
George Street (Brunswick to Argyle) -  
Resurfacing and Underground Wiring for  
Street Lights
- 20.2 Halifax Task Force on Drugs
- 20.3 Award of Tender #95-08: Granville Mall  
Upgrading
- 20.4 Award of Tender #95-18: Underground  
Wiring - George Street, Barrington Street  
and Granville Street
- 20.5 Award of Tender #95-17: Grand Parade  
Development
- 20.6 Exhibition Park - Water and Sewage

The agenda, as amended, was approved on a motion by Alderman Maher, seconded by Alderman Crowley.

**Halifax Task Force on Drugs**

It was generally agreed that the above-mentioned item would be dealt with at this point in the meeting's agenda.

A private and confidential report dated 29 March was submitted by the Director of Social Planning in response to a presentation made by the Halifax Task Force on Drugs at a budget review meeting held on 27 March 1995.

After a brief discussion, it was moved by Alderman Crowley, seconded by Alderman Blumenthal that an additional \$36,000 for the fiscal year 1995/96 be earmarked for the Halifax Task Force on Drugs and placed in the budget of the Tax Concessions and Grants Committee who will subsequently be responsible for evaluating requests from the Task Force for these funds; and further, that the Task Force be encouraged to make regular status reports to Halifax City Council. The motion was put and passed.

RECEIVED BY C.C.  
DEC. 10/95  
SEE MINUTES  
Halifax  
CITY CLERK

Approval of the 1995/96 Operating and Capital Budgets/Setting of Tax Rate

A document entitled "Setting of 1995/96 Tax Rate and Budget" was submitted by the City's Director of Finance and its Budget Officer.

(1) MOVED by Alderman Uteck, seconded by Alderman Carmichael that City Council ratify the decisions of Committee of the Whole Council with respect to the 1995/96 Operating Budget, as per the summary of Revenue and Expenditures for 1995/96 attached to the document entitled "Setting of 1995/96 Tax Rate and Budget." The motion was put and passed.

(2) MOVED by Alderman Carmichael, seconded by Alderman Downey that the Operating Budget for the period 1 April 1995 to 31 March 1996 be fixed at \$256,979,376.00. The motion was put and passed.

(3) MOVED by Alderman Downey, seconded by Alderman Epstein that the Mandatory Tax for education for the Halifax District School Board for the 12-month period 1 April 1995 to 31 March 1996 be set at \$24,829,657.00, and that discretionary funding for the Halifax District School Board be set at \$12,466,268 for a total City contribution of \$37,295.925.00. The motion was put and passed.

(4) MOVED by Alderman Epstein, seconded by Alderman Blumenthal that the interest rate on the Sale of Land Account, Capital Surplus, Tax Sale Surplus, and the Rapid System be set at 4% for the period 1 April 1995 to 31 March 1996. The motion was put and passed.

(5) MOVED by Alderman Blumenthal, seconded by Alderman Pottie that the interest rate on all reserves except for the Sale of Land Account, Capital Surplus, Tax Sale Surplus, and the Rapid System Reserves be set at 0% for the period 1 April 1994 to 31 March 1995. The motion was put and passed.



After a brief discussion, it was moved by Alderman Crowley, seconded by Alderman Blumenthal that an additional \$36,000 for the fiscal year 1995/96 be earmarked for the Halifax Task Force on Drugs and placed in the budget of the Tax Concessions and Grants Committee who will subsequently be responsible for evaluating requests from the Task Force for these funds; and further, that the Task Force be encouraged to make regular status reports to Halifax City Council. The motion was put and passed.

**Approval of the 1995/96 Operating  
and Capital Budgets/Setting of Tax Rate**

A document entitled "Setting of 1995/96 Tax Rate and Budget" was submitted by the City's Director of Finance and its Budget Officer.

(1) MOVED by Alderman Uteck, seconded by Alderman Carmichael that City Council ratify the decisions of Committee of the Whole Council with respect to the 1995/96 Operating Budget, as per the summary of Revenue and Expenditures for 1995/96 attached to the document entitled "Setting of 1995/96 Tax Rate and Budget." The motion was put and passed.

(2) MOVED by Alderman Carmichael, seconded by Alderman Downey that the Operating Budget for the period 1 April 1995 to 31 March 1996 be fixed at \$256,979,376.00. The motion was put and passed.

(3) MOVED by Alderman Downey, seconded by Alderman Epstein that the Mandatory Tax for education for the Halifax District School Board for the 12-month period 1 April 1995 to 31 March 1996 be set at \$24,829,657.00, and that discretionary funding for the Halifax District School Board be set at \$12,466,268 for a total City contribution of \$37,295.925.00. The motion was put and passed.

(4) MOVED by Alderman Epstein, seconded by Alderman Blumenthal that the interest rate on the Sale of Land Account, Capital Surplus, Tax Sale Surplus, and the Rapid System be set at 4% for the period 1 April 1995 to 31 March 1996. The motion was put and passed.

(5) MOVED by Alderman Blumenthal, seconded by Alderman Pottie that the interest rate on all reserves except for the Sale of Land Account, Capital Surplus, Tax Sale Surplus, and the Rapid System Reserves be set at 0% for the period 1 April 1995 to 31 March 1996. The motion was put and passed.

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(6) MOVED by Alderman Pottie, seconded by Deputy Mayor Adams that the interest rate on all reserves except for the Sale of Land Account, Capital Surplus, Tax Sale Surplus, and the Rapid System Reserves be set at 0% for the period 1 April 1995 to 31 March 1996. The motion was put and passed.

(7) MOVED by Deputy Mayor Adams, seconded by Alderman Hanson that City Council ratify the motion of the Committee of the Whole Council with respect to the content and amount of the 1995/96, 1996/97, 1998/99, 1999/2000 Capital Budget as per the summary attached to the document entitled "Setting of 1995/96 Tax Rate and Budget." The motion was put and passed.

(8) MOVED by Alderman Hanson, seconded by Alderman Maher that \$1,294,583 be appropriated from the Cumulative Net Operating Surplus to be applied to the 1995/96 Operating Budget. The motion was put and passed.

(9) MOVED by Alderman Maher, seconded by Alderman Walker that the loan payments previously approved from the Equipment Reserves not be made for 1995/96 (Library, Recreation and Mainframe). The motion was put and passed.

(10) MOVED by Alderman Walker, seconded by Alderman Crowley that Council approve the Waste Water Management charge of \$0.1123 per cubic meter of water used effective 1 April 1995 to 31 March 1996. The motion was put and passed.

(11) MOVED by Alderman Crowley, seconded by Alderman Stone that Council approve the Pollution Control Charge of \$0.2016 per cubic meter (\$0.91 per 1,000 gallons) of water used effective 1 April 1995 to 31 March 1996. The motion was put and passed.

(12) MOVED by Alderman Stone, seconded by Alderman Uteck that the provisions of Section 41(2) to (9) inclusive of the Assessment Act shall not apply to the City of Halifax with the result that there shall be no residential occupancy tax in the City of Halifax for taxation year 1 April 1995 to 31 March 1996. The motion was put and passed.

(13) MOVED by Alderman Uteck, seconded by Alderman Carmichael that the tax rate for the period 1 April 1995 to 31 March 1996 be set at \$3.8065, and shall be applied to:

- (a) the full assessed value of property of a business character and nature; and 0.37539 of a residential character and nature; and
- (b) Occupancy taxes as follows:

- (i) the tax rate applied to 50 percent of the assessed value of the property of a business character or nature as determined by the Assessor under Section 7(1) of the Assessment Act;
- (ii) 25% of the assessed value of the properties as set out in Section 7(2)(a) of the Assessment Act as determined by the Assessor;
- (iii) 75% of the assessed value of the properties as set out in Section 7(2)(b) of the Assessment Act as determined by the Assessor.

The motion was put and passed.

(14) MOVED by Alderman Carmichael, seconded by Alderman Downey that the Fire Protection Rate be set at 0.056 dollars per \$100 of assessment for the period 1 April 1995 to 31 March 1996. The motion was put and passed.

**ADOPTED RATES**

	1994/95 Tax Rate *	1995/96 Tax Rate *	% Increase	\$ Increase *
Residential	\$1.4853	\$1.4849	- 0.03	(\$0.00)
Business Occupancy	\$3.8116	\$3.8065	- 0.13	(\$0.01)
Commercial Property	\$3.8636	\$3.8625	- 0.03	(\$0.00)
Fire Protection	\$0.0520	\$0.0560	7.69	\$0.00
Split	\$0.376850	\$0.375390	- 0.39	(\$0.00)
Ratio Comm/Res	2.6012	2.6012	- 0.00	- 0.000

\* Per \$100 of Assessment

**Review of Accounts in  
Anticipation of Amalgamation**

A report dated 23 March 1995 was submitted from Mr. Barry B. Coopersmith, City Manager.

MOVED by Alderman Crowley, seconded by Alderman Hanson that, as recommended by the City Manager, in addition to

the Capital Budget already approved for 1995/1996, the 88 projects listed in Appendix "A" of the 23 March 1995 report for a total of \$4,226,000 be approved for implementation in the calendar year 1995/1996. The motion was put and passed.

**DEFERRED ITEMS**

**Case No. 7032: Appeal of Minor Variance  
Approval - 5900 Pinehill Crescent**

This matter had been deferred from the last regular meeting of Halifax City Council held on 2 March (a public hearing had previously been held on Wednesday, 22 February 1995).

While acknowledging that the two property owners involved in this dispute had not yet been able to reach agreement, Alderman Uteck advised that, in his opinion, the owner of 5900 Pinehill Drive had done everything possible to accommodate his neighbor's concerns and that it was now appropriate for Council to make its decision.

It was therefore moved by Alderman Uteck, seconded by Deputy Mayor Adams that the appeal be denied, and that the decision of the Development Officer (i.e., to allow the variance at 5900 Pinehill Drive) be upheld.

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

**Case No. 7055: Development Agreement to  
Permit Expansion of a Building Containing  
a Non-Conforming Use - 2789-95 Windsor  
Street and 6212 Almon Street**

A public hearing into the above-noted matter had been held on Wednesday, 22 March 1995.

Alderman Epstein made reference to the Elevation Plan included with the 26 January staff report and noted that it has recently been discovered that the existing sign on the north elevation is in conformance with the zoning regulations and therefore does not have to be removed.

It was therefore moved by Alderman Epstein, seconded by Alderman Blumenthal that:

- (1) City Council enter into a development agreement to permit an addition to non-conforming uses at 2789-95 Windsor Street and 6212 Almon Street as per the draft agreement attached to the staff report of 26 January 1995 with the exception that the existing sign on the north elevation be permitted to remain;
- (2) City Council require that the development agreement be signed within 120 days or any extension thereof granted by Council on request of the applicant from the date of approval by Halifax City Council and any other bodies as necessary (whichever approval is later), including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

The motion was put and passed.

**Case No. 6663: Amendments to the Municipal  
Development Strategy and Land Use Bylaw  
for the Spring Garden Road Commercial Area**

A public hearing to consider this matter had been held on Wednesday, 22 March 1995.

MOVED by Alderman Downey, seconded by Alderman Carmichael that Halifax City Council approve the adoption of the Municipal Planning Strategy and Land Use Bylaw amendments for the Spring Garden Road Commercial Area, as contained in Appendices "A" and "B" of the 22 December 1994 report from the Planning Advisory Committee. The motion was put and passed.

**Street Closure - Upgrading of  
Bedford Highway (Phase II)**

A public hearing into this matter was held on Wednesday, 22 March 1995.

A supplementary staff report dated 29 March 1995 was submitted by Mr. Peter S. Connell, Director of Engineering and Works.

Mr. Connell, using the map attached to the 29 March report, responded to questions from various members of Council regarding the driveway associated with Civic No. 2 Kearney Lake Road.

A motion was proposed by Deputy Mayor Adams; namely, that the matter be deferred to the next regular meeting of Committee of the Whole Council to afford staff an opportunity to research this matter further. However, there was no seconder for the motion of deferral.

MOVED by Alderman Stone, seconded by Alderman Crowley that Halifax City Council approve the closure of that portion of Kearney Lake Road as shown on Plan No. TT-50-32407 and as outlined in the staff report of 26 January 1995. The motion was put and passed with Deputy Mayor Adams voting in opposition.

**Case No. 7114: Development  
Agreement - 6024 Lady Hammond Road**

A public hearing to consider this matter had been held on Wednesday, 22 March 1995.

Alderman Pottie made reference to the fact that, subsequent to the public hearing, a meeting had been held between the developer and residents of the surrounding area during which several matters of concern had been successfully resolved.

It was therefore moved by Alderman Pottie, seconded by Alderman Blumenthal that:

- (1) City Council enter into 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 and one commercial building at 6034 Lady Hammond Road;
- (2) Council require that the development agreement shall be signed within 120 days or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council and any other bodies as necessary, whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

A discussion ensued during which the City Solicitor and the Director of Development and Planning responded to questions from Aldermen Carmichael and Epstein.

An amendment to the motion was moved by Alderman Epstein, seconded by Alderman Carmichael that Section 2(b) of the draft development agreement attached to the 28 February staff report be amended by deleting the words "except that no minimum amount of street frontage shall be required if the land is subdivided to place each or any of the apartment buildings on separate lots." The amendment was put and defeated.

The original motion was put and passed with Aldermen Epstein and Carmichael voting in opposition.

### **PETITIONS AND DELEGATIONS**

**Petition Alderman Blumenthal Re:  
Proposed Development - Former Ultramar  
Site (Novalea Drive and Vestry Street)**

Alderman Blumenthal submitted a petition containing the signatures of approximately 108 residents of the City's North End in opposition to the development of a property located at 3590 Novalea Drive as a 16-unit apartment building, a store and laundromat.

The Alderman asked that this petition be forwarded to the appropriate staff member(s).

**Petition Alderman Stone Re:  
Proposed Improvements - Rocky Hill Drive**

Alderman Stone submitted a petition containing the signatures of all the residents of Rocky Hill Drive in opposition to the proposed widening and paving of that street, and requested that this information be forwarded to the appropriate staff member(s).

**Petition Alderman Walker Re:  
Request for Sidewalk - Manor Lane**

Alderman Walker submitted a petition containing the signatures of approximately 38 residents of the Manor Lane area, requesting that consideration be given to establishing a sidewalk between Laurentide Drive and Manor Lane. The Alderman asked that this request be forwarded to the appropriate staff members 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, 22 March 1995 as follows:

**Comprehensive Audit  
- Halifax Industrial Commission**

MOVED by Deputy Mayor Adams, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, the recommendations contained in the report dated 17 February 1995 from the City Manager and as summarized in Appendix "A" of that same report be approved; and further, that such recommendations be regarded as the principal operating basis of the Halifax Industrial Commission. The motion was put and passed with Alderman Epstein voting in opposition.

**Captain William Spry Community  
Centre Consultant's Report**

This matter had been forwarded to Council without recommendation.

A memorandum dated 24 March 1995 and entitled "Captain William Spry Centre Corporation Budget" was submitted from the Director of Finance, together with a report dated 28 March 1995 and entitled "Captain William Spry Centre Budget."

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

- (1) Council accept the report submitted by Martell Consulting as the framework for the future operations of the Captain William Spry Community Centre; and that, with the exception of the Executive Summary, all other information included in or associated with that report remain confidential;
- (2) Council agree that the "Steering Committee, consisting of John Baine representing the Spryfield Lions Club; Brett Woodbury, Chair of the Captain William Spry Community Centre Corporation, and the City's Directors of Finance and Social Planning, undertake the following:



- (a) prepare an Action Report to implement the recommendations;
  - (b) report back to City Council in one month on the implementation of the Action Plan;
  - (c) consult with the Mainland South Community respecting the Action Plan.
- (3) Council concur to proceed with interim funding of the Captain Spry Centre on the basis of the approved 1994/95 budget of the Centre pending the Steering Committee's report;
- (4) additional grants to the Spryfield Lion's Aquatic Centre be reviewed by Council subject to the Action Plan and the financial implications resulting therefrom.

The motion was put and passed.

#### Waste Management Steering Committee

This matter had been forwarded to Council without recommendation.

Making reference to a presentation made to the Committee of the Whole Council on 22 February 1995 by Mr. Peter Kidd of the Waste Management Steering Committee, Alderman Epstein proposed that Council endorse the following statement of principle:

That the City of Halifax commit to the immediate implementation of significant diversion as a necessary step for the success of the new waste management system and as a demonstration of good faith to potential host communities of facilities, especially landfill.

Following a brief discussion, however, it was moved by Alderman Stone, seconded by Alderman Blumenthal that the matter be deferred to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 5 April 1995, to afford staff an opportunity of commenting with regard to the financial implications for the City of Halifax of such an endorsement. The motion to defer was put and passed.

Write-Off of Accounts

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, under Section 184 of the City Charter, 1963, Halifax City Council excuse the City Treasurer from collection of monies due to the City (as summarized in the 3 March 1995 staff report), and authorize the write-off of \$315,375.22. The motion was put and passed.

Municipal Election Campaign Expenses

This matter had been forwarded to Council without recommendation.

Alderman Stone made reference to various questions recently put to Mr. William Hayward, Municipal Amalgamation Coordinator, concerning this matter, indicating that, in Mr. Hayward's view, none of the suggestions put forward in the 23 February 1995 report from the City Solicitor could be implemented prior to the 1995 municipal election.

Under the circumstances, therefore, it was moved by Alderman Stone, seconded by Alderman Maher that the report dated 23 February 1995 and entitled "Municipal Election Campaign Expenses" as prepared by the City Solicitor be tabled. The motion to table was put and passed.

Acquisition: Parcel 22A-1,  
Bedford Highway Upgrading Project

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, the Anglican Diocese of Nova Scotia, St. Peter's Anglican Church, be paid \$11,200 as settlement in full for the acquisition of Parcel 22A-1, as shown on Plan No. TT-50-32283, plus any GST that may be applicable (funds to be made available from Account No. 91506, Bedford Highway Widening Project). The motion was put and passed.

Atlantic School of Theology  
- Request for Funding of Library

The following motion had been defeated during the 22 March meeting of the Finance and Executive Committee:

That some form of funding assistance for the Atlantic School of Theology be approved in principle, and that staff be asked to make recommendation in this regard prior to the next regular meeting of Halifax City Council scheduled for Thursday, 30 March 1995.

MOVED by Alderman Stone, seconded by Alderman Walker that Council express its overall support and appreciation for the presence and activities of the Atlantic School of Theology generally, and for its efforts to obtain funding assistance towards the costs of its new library, while at the same time advising the School that it is not within the capacity of existing City programs to provide such funding. The motion was put and passed with Alderman Uteck voting in opposition.

**Request for Proposals - Provision  
of Nonprofessional Home Support Services**

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

- (1) acceptance of the rates proposed by Northwood Homecare Limited in response to the Request for Proposals for the provision of Nonprofessional Home Support Services. The submitted rates are:
  - \$ 8.22 per hour for Homemaker/Companion
  - \$ 9.22 per hour for Home Health Aide
  - \$13.78 per hour for Certified Nursing Assistant
- (2) implementation of a Price Agreement between the Social Planning Department and the Purchasing Division of the Finance Department with Northwood Homecare Limited, Halifax, Nova Scotia, for the above prices.

The motion was put and passed.

**Payment of Grants to Community Agencies**

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council authorize the payment of grants to community agencies as listed in Attachment "A" of the 8 March 1995 report.

In putting forward this report, Alderman Stone asked that these matters be addressed as quickly as possible by the City's Tax Concessions and Grants Committee.

The motion was put and passed.

**Loss of Business (Bedford Highway Improvements)**

A private and confidential Information Report dated 27 March 1995 was submitted by the Director of Development and Planning.

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, the recommendation contained in the private and confidential report from the Director of Corporate and Legal Affairs, dated 14 February 1995, be approved by Halifax City Council.

A discussion ensued during which various members of Council expressed concern that in researching the scope of business losses incurred by First Choice Hyundai, staff had limited themselves to a review of only certain aspects of Mr. Gildart's business. It was therefore suggested that this matter be revisited and that a more comprehensive report be brought forward.

Responding to a question by Alderman Stone, the City Solicitor advised that if Council were to approve the motion presently on the floor, Mr. Gildart would still have the option of appealing his claim to the Utilities and Review Board. Mr. Anstey emphasized, however, that should Council defeat the motion, it was, in his view, setting a precedent for a wide variety of other claimants who until this time had been refused because of their location outside the area of construction.

The motion was put and defeated.

A second motion was proposed by Deputy Mayor Adams; namely that staff continue to negotiate with First Choice Hyundai utilizing parameters to include but not be limited to gross sales, parts and services.

Following a brief discussion, it was moved by Alderman Epstein, seconded by Alderman Blumenthal that Council meet in private consultation with the City Solicitor to discuss the wording of the suggested motion. The motion was put and passed.

**NOTE:** A Notice of Motion of Reconsideration concerning this item was proposed by Alderman Stone (and ruled out of order by the Chairman) at a later point in the meeting's agenda.

Halifax Walk of Honour

Following is the recommendation approved by the Finance and Executive Committee:

That the matter be referred back to staff with a request that they meet with Mr. Mont and his partner regarding the viability of a "scaled-down" Walk of Honour proposal; i.e., the installation of eight granite inlays on the corners of Sackville and Barrington Streets.

An Information Report dated 29 March 1995 was received from the Director of Development and Planning.

MOVED by Alderman Crowley, seconded by Pottie that the matter be deferred to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 5 April 1995, to afford staff an opportunity to discuss a range of options with Mr. Mont and his partner. The motion to defer was put and passed.

Towing Contract

Following is the recommendation from the 22 March meeting of the Finance and Executive Committee:

That:

- (1) the Director of Finance, in his capacity as a Director of HRDA, be asked to explore the viability of HRDA initiating a vehicle towing and storage business;
- (2) staff be asked to respond to questions previously raised concerning certain environmental concerns relating to the towing company in question; and that
- (3) the City's existing towing contract be renewed on a monthly basis only until all options can be sufficiently explored.

An Information Report dated 27 March 1995 was submitted by the Director of Finance.

A motion was proposed by Alderman Uteck; namely, that the contract with the supplier in question be restricted to one year, and further, that every effort be made to monitor the operation of this business with regard to the environmental and noise concerns put forward by abutting property owners.

Following a brief discussion during which suggestions were put forward by the City Manager, it was agreed that staff would be asked to obtain information from the supplier in question as to whether he would be willing to continue providing this service to the City of Halifax on the basis of a one-year contract only at the same price and conditions that had been initially suggested for a two-year contract.

### Saint George's Church Restoration

MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, Council approve an annual grant to Saint George's Church of \$100,000 for three years (1996-97, 1997-98, 1998-99) for a total contribution of \$300,000 to assist with the restoration of the exterior appearance of the church, such funds to come from an additional allocation to the Heritage Fund in the above amounts. The motion was put and passed.

### Downtown Improvement Program

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

A report dated 28 March 1995 was submitted from the Director of Development and Planning.

MOVED by Alderman Downey, seconded by Alderman Blumenthal that:

- (1) Council authorize an increase of \$60,000 to the \$200,000 previously approved for transfer to the Downtown BIDC for the Downtown Property Improvement Program; and that
- (2) funds be transferred to the Downtown BIDC as required to meet the obligations of the program.

The motion was put and passed.

FCM - National Packaging Protocol

MOVED by Alderman Stone, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, Halifax City Council endorse the model resolution concerning "National Packaging Protocol" as attached to Mr. Mawhinney's letter of 1 March 1995; and further, that a letter to that effect be forwarded on behalf of Halifax City Council to the Honourable Sheila Copps, Federal Minister of the Environment. The motion was put and passed.

Sale of Surplus City Land -  
Kempt Road and Livingstone Street

Alderman Maher declared a possible conflict of interest and retired from the meeting.

MOVED by Alderman Pottie, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, the City sell the surplus strip of land fronting on Kempt Road, containing approximately 2,200 square feet, to the abutter, Steele Chrysler Plymouth Limited, for the unit price of \$3.02 per square foot, with the final total amount subject to a survey to be undertaken by the City, and the City to be compensated \$1,500 by the purchaser for the cost of the survey. The motion was put and passed.

Single Parent Transition Program

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

- (a) continue to administer the programme on behalf of the Province of Nova Scotia to 31 March 1996; and
- (b) approve cost-sharing at 25% of one Employment Counsellor position to 31 March 1996.

The motion was put and passed.

Award of Tender #95-04: Sidewalk Renewals

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

A supplementary staff report dated 29 March 1995 was received from the Director of Engineering and Works.

MOVED by Alderman Epstein, seconded by Alderman Walker that Council approve the recommendations as outlined in the report dated 8 March 1995 from the Director of Engineering and Works as follows:

- (1) Council authorize staff to seek forfeiture of the bid deposit of Armdale Construction Limited in the amount of \$8,470.50, as provided for in the City's Specifications and Contract Documents for failure to enter into the contract as awarded by City Council on 22 February 1995;
- (2) Council award Tender #95-04 (Sidewalk Renewals) for the materials and services listed at the unit prices quoted for a Total Bid Price of \$118,310.00 and a Total Project Cost of \$136,000.00 to G. & R. Kelly Enterprises Limited;
- (3) Council authorize funding from Capital Account Nos. 02009, 02011, and 02013 for the various sidewalk locations.

The motion was put and passed.

Alderman Maher returned to the meeting.

Feasibility Study - Downtown Business  
Incubator/Entrepreneur Centre

MOVED by Alderman Stone, seconded Alderman Crowley that, as recommended by the Finance and Executive Committee, Halifax City Council authorize the Halifax Industrial Commission to partially fund a Feasibility Study for a Downtown Business Incubator/Entrepreneur Centre, provided the following conditions are met:

- (1) that the City's contribution to the Study not exceed \$7,500.00 (plus G.S.T.);
- (2) that the Terms of Reference for the Study conform to the "Proposal Call for Consultants to Prepare a Business Plan for an Incubator/Entrepreneur Centre for Downtown Halifax" (attached as Appendix "A" to the 14 March report); and



- (3) that matching grants are forthcoming from ACOA and the Province.

The motion was put and passed.

**Request for Deficit Funding**

Following is the recommendation received from the Finance and Executive Committee:

That the \$500,000 line of credit for **Harbour City Homes** be available for three additional months at which time a further report will be made to Council.

MOVED by Alderman Downey, seconded by Alderman Walker that the matter be referred to the City Manager for his recommendation. The motion was put and passed.

**Nova Scotia Symphony**

Following is the recommendation of the Finance and Executive Committee:

That staff be asked to comment on a proposal to provide a one-time only grant to the **Nova Scotia Symphony** of \$50,000; and further, that those comments be made available in time for the next regular meeting of Halifax City Council **scheduled for 30 March 1995.**

A report dated 28 March 1995 was received from the City Manager.

Correspondence was also received from:-

- Ms. Sue Doran, R. R. 4, New Germany (23 March 1995)
- Mrs. John Huxtable, President, Music for Women (24 March 1995)
- Mr. F. V. W. Penick, President, Symphony Nova Scotia (27 March 1995)
- Ms. Ruth Ann Harris, 269 King Street, Bridgewater (29 March 1995)
- Mr. Peter J. Power, President of the Atlantic Federation of Musicians (30 March 1995)

MOVED by Alderman Uteck, seconded by Alderman Blumenthal that Council support funding to Symphony Nova Scotia for \$50,000 in order to guarantee a successful conclusion to this season and to support the effort to preserve Halifax's eminent cultural life (this will be a one-time show of financial support in this manner). The motion was put and passed.

Role and Composition - Halifax Taxi Commission

MOVED by Deputy Mayor Adams, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, staff be requested to prepare a report containing recommendations as to the future role and composition of the Halifax Taxi Commission. The motion was put and passed.

**REPORT - COMMITTEE ON WORKS**

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

Private Roads Policy - Revisions  
to Street Acceptance Procedure

MOVED by Alderman Hanson, seconded by Alderman Maher that, as recommended by the Committee on Works, Council authorize the revisions to the Streets Acceptance Procedure, as recommended by the Private Roads Policy Review Committee and as contained in Attachment #2 of the staff report dated 20 February 1995. The motion was put and passed.

Halifax Transportation Plan

A report, dated 28 March 1995, was submitted from the City Clerk.

MOVED by Alderman Walker, seconded by Deputy Mayor Adams that, as recommended by the Committee on Works, the report dated 13 March 1995 from the Director of Engineering and Works be accepted, and that a special meeting be held for the purposes of further discussion. The motion was put and passed.

It was further agreed that the suggested special meeting would be scheduled for MONDAY, 10 APRIL 1995 at 7:00 p.m. in the Council Chamber, Halifax City Hall.

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

**Adoption of a New City Parks  
Ordinance 188 - SECOND READING**

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 2 March 1995, and had been further considered during a meeting of the Finance and Executive Committee held on Wednesday, 22 March.

Correspondence had been received from:-

- Ms. Betsy Peterson, Apartment #416, 6969 Bayers Road, Halifax, B3L 4P3 (23 March 1995)
- Mr. Victor Carvery, "on behalf of concerned citizens (30 March 1995)
- Evangeline Cain-Grant, 6156 Quinpool Road, Halifax (30 March 1995)

MOVED by Alderman Blumenthal, seconded by Deputy Mayor Adams that Halifax City Council give second and final reading to the proposed "City Parks Ordinance" attached to the staff report of 27 February 1995 with the understanding that Section 6 (Camping) be amended to add Subsection 6(3) as follows:

**6(3) Notwithstanding subsections (1) and (2), the Africville Genealogical Society may hold their annual picnic and reunion in Seaview Park, subject to obtaining the approval of the Director as to the date therefor, which approval shall not be unreasonably withheld.**

Alderman Epstein advised that, in his opinion, the Ordinance as proposed was inappropriate at this point in time, and MOVED, seconded by Alderman Downey that the provisions of proposed Ordinance 188 not apply to Seaview Park. The proposed amendment was put and defeated.

Responding to a question put forward by Alderman Pottie, His Worship Mayor Fitzgerald advised Council that he and Aldermen Uteck and Blumenthal have met on several occasions with the Africville Genealogical Society during which time the following arrangements (among others) had been agreed upon:

- that the City of Halifax would donate to the Society approximately three acres of land on the shores of the

Bedford Basin for the use of a church and community centre;

- that the City of Halifax would contribute \$100,000 toward the establishment of a scholarship fund;
- that the City of Halifax would support the Society's request for services under the Infrastructure Program;
- that the City of Halifax would support the Society's request for funding in the amount of \$69,000 for a research officer;
- that the City of Halifax would grant the Society through its research officer complete access to municipal records;
- that, if on the basis of that research a legal argument could be put forward for redress, the City would join with the Society in correcting the matter;
- that, if desired by the Society, the City would agree to rename Seaview Park.

Mayor Fitzgerald went on to emphasize that the details of the proposed Parks Ordinance had been discussed with the Society's lawyer, and that on the basis of concerns raised at that time, certain changes had been made. He added that the Ordinance is intended to apply to all City park areas and to all users thereof.

On another but related matter, Mayor Fitzgerald emphasized that the City has given its word that, should the motion currently on the floor be approved, negotiations will continue with the Africville Genealogical Society concerning the individuals currently in residence in Seaview Park. However, he emphasized that should after a reasonable period of time those negotiations fail, the City will take steps to enforce the provisions of that Ordinance.

The motion was put and passed.

**Amendment to Ordinance 179, the Residential  
Parking Permits Ordinance - SECOND READING**

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 2 March and had been further considered during a regular meeting

of the Finance and Executive Committee held on Wednesday, 22 March 1995.

MOVED by Alderman Blumenthal, seconded by Alderman Pottie that Halifax City Council give SECOND READING to the amendment proposed for Ordinance 179, the Residential Parking Permits Ordinance (attached as Appendix "A" to the staff report dated 23 February 1995). The motion was put and passed.

### **REPORT - PLANNING COMMITTEE**

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

**Case No. 6718: Peninsula North  
Area 6 - Revised Resolution**

MOVED by Alderman Epstein, seconded by Alderman Downey that, as recommended by the Planning Committee, Council give notice of its intention to adopt the Municipal Development Plan and Land Use Bylaw amendments for Peninsula North Area 6 as contained in Appendix "A" of the 10 March staff report, 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, 3 MAY 1995 at 7:30 p.m.** in the Council Chamber, Halifax City Hall.

**Case No. 6719: Peninsula North  
Area 7 - Technical Revisions**

MOVED by Alderman Maher, seconded by Alderman Walker that, as recommended by the Planning Committee, Council adopt Appendix "A" as attached to the staff report dated 10 March 1995, which includes technical revisions to the legal resolution for the Peninsula North Area 7 Plan, originally adopted on 16 February 1995.

The City Clerk advised that Deputy Mayor Adams and Aldermen Carmichael and Pottie were absent from the public hearing held on Wednesday, 18 January 1995, and should therefore abstain from the voting process.

The motion was put and passed with Deputy Mayor Adams, and Aldermen Carmichael and Pottie abstaining.

**Report from Planning Advisory Committee Re:  
Case No. 7084 - Plan Amendment and  
Rezoning from R-2A to RC-3, 1079 Queen  
Street/5459-73 Victoria Road**

MOVED by Alderman Uteck, seconded by Alderman Walker that, as recommended by the Planning Committee, the application for Plan amendment, lot modification and rezoning from R-2A to RC-3 for Civic Nos. 1079 Queen Street and 5459-73 Victoria Road (Case No. 7084) be referred back to the Planning Advisory Committee with insistence that a public meeting be held and advice returned to Council. The motion was put and passed.

**Case No. 7066: Redesignation from MDR and LDR  
/Rezoning from R-2 to R-1 (Peninsula Center Area)**

MOVED by Alderman Carmichael, seconded by Alderman Walker that, as recommended by the Planning Committee, the proposal to redesignate the area shown as Sketch 5 in the 13 March staff report from "Medium Density Residential" to "Low Density Residential" on the Generalized Future Land Use Map, and to rezone the same area from R-2 (General Residential) to R-1 (Single Family Dwelling) be referred to the Planning Advisory Committee for public meeting and advice. The motion was put and passed.

**1790-92 Granville Street: (Old Kelly's  
Building) - Application for Demolition Permit**

Following is the recommendation submitted by the Planning Committee:

THAT, because little is to be gained by the City in conducting a study of the building at this time, Council issue a demolition permit for 1790-92 Granville Street (the Old Kelly's Building).

Correspondence was received from:

- Dr. Elizabeth Pacey, Heritage Canada (Atlantic Region), dated 28 March 1995
- Mr. James M. Leppard, Chair, Heritage Advisory Committee (City of Halifax), dated 29 March 1995

MOVED by Alderman Downey, seconded by Alderman Epstein that the matter be deferred to the next regular meeting

of Committee of the Whole Council scheduled for Wednesday, 5 April 1995 to afford an opportunity for input from interested heritage groups. The motion to defer was put and passed.

**Case No. 7112: Westmount Subdivision - Existing  
Semi-Detached Dwellings As Permitted Uses**

MOVED by Alderman Crowley, seconded by Alderman Maher that, as recommended by the Planning Committee, the following proposal be forwarded to the Planning Advisory Committee for a public meeting and recommendation to Council:

- (1) amend the R-1 (Single Family Zone), Peninsula Area, to include the existing twelve semi-detached dwellings (24 units) in the Westmount Subdivision as permitted uses (the proposed amendments are attached as included in Appendix II as attached to staff report dated 14 March 1995);
- (2) amend Map ZM-16 to include the Westmount Subdivision as indicated in Sketch 1 attached for the 14 March staff report.

The motion was put and passed.

**Downtown Parking Facility: Granville,  
Hollis and Salter Streets**

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

A private and confidential report dated 23 March was submitted by the Director of Development and Planning, together with a confidential report dated 29 March 1995 from Mr. Barry B. Coopersmith, City Manager.

MOVED by Alderman Walker, seconded by Alderman Crowley that, as recommended by the City Manager, Council:

- (1) authorize staff and the City's appointed agents to complete the preparation of option agreements for Lots 1 to 10 in the Granville, Hollis and Salter Streets block (as outlined in the report from the Director of Development and Planning dated 23 March and in the report from the City Manager dated 29 March 1995) for execution by the Mayor and City Clerk;

- (2) authorize staff to make an interim payment to FTA Realty Ltd. in the amount of \$79,040 for professional services rendered, with funds to come from the Sale of Land Account.

A discussion ensued during which several members of Council voiced their concern that, at this point in time, a major expenditure of the scope should not be approved for the purposes of providing additional parking in the City's downtown core.

The motion was put and defeated.

**NOTE:** Further discussion pertaining to the above-noted item is contained under the "Notices of Motion" segment of this meeting.

### **MOTIONS**

**Motion Alderman Walker Re: Proposed Amendment  
- Ordinance No. 137, the Deferred Payment of  
Taxes Ordinance (FIRST READING)**

Notice of Motion with regard to the above-noted amendment had been given by Alderman Walker during a regular meeting of Halifax City Council held on Thursday, 2 March 1995.

A report dated 3 March 1995 was submitted from the Director of Corporate and Legal Affairs.

MOVED by Alderman Walker, seconded by Alderman Hanson that Halifax City Council approve FIRST READING of the amendment to Ordinance No. 137, the Deferred Payment of Taxes Ordinance (attached as Appendix "A" to the staff report dated 3 March 1995); and further, that the matter be referred to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 5 April 1995 for consideration and report. The motion was put and passed.

**Motion Alderman Blumenthal Re: Proposed Amendment  
- Ordinance No. 121, the Retail Closing Ordinance  
(Exempting Cold Beer Stores) - FIRST READING**

Notice of Motion with regard to the above-noted amendment had been given by Alderman Blumenthal during a regular meeting of Halifax City Council held on Thursday, 2 March 1995.



A report dated 9 March 1995 was submitted from the Director of Corporate and Legal Affairs.

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that Halifax City Council approve FIRST READING of the amendment to Ordinance No. 121, the Retail Shop Closing Ordinance (attached as Appendix "A" to the staff report dated 9 March 1995); and further, that the matter be referred to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 5 April 1995 for consideration and report. The motion was put and passed with Alderman Pottie voting in opposition.

### **MISCELLANEOUS BUSINESS**

#### Appointments

A memorandum dated 30 March 1995 was submitted from His Worship Mayor Walter Fitzgerald.

MOVED by Deputy Mayor Adams, seconded by Alderman Hanson that Ms. Edna Weaver be appointed to the City's Advisory Committee on the Concerns of Ageing for a term to expire 31 January 1998 representing Ward 7; and further, that Council's appreciation be extended to retiring member Barbara Dunnington for her contribution to the Committee. The motion was put and passed.

#### Parking Ticket Office - New Location

A report dated 23 March 1995 was submitted by the Director of Finance.

MOVED by Alderman Downey, seconded by Alderman Hanson that City Council approve the lease arrangement outlined in Appendix "A" of the staff report dated 23 March 1995 to allow the relocation of the Parking Ticket Office and an operational division from the Police Station to Civic No. 5439-5443 Cogswell Street. The motion was put and passed.

### **QUESTIONS**

Question Alderman Blumenthal Re:  
Award of Tender No. 95-78

Alderman Blumenthal made reference to Tender No. 95-78 (for a contract proposed to run from 1 February 1995 until 31 January 1996) which had closed on 24 January 1995 and

which allegedly has not yet been awarded. The Alderman asked that information be provided to him by the City's Purchasing Division as to the status of this tender.

**Question Alderman Carmichael Re:  
Public Gardens - Tea Room**

Alderman Carmichael advised that she has been contacted recently by several members of the Friends of the Public Gardens regarding the status of the tearoom, and asked that staff bring forward a report on this matter as quickly as possible.

**Question Deputy Mayor Adams Re:  
Council's Question Period**

Deputy Mayor Adams asked for information as to the costs associated with the Question Period portion of regular Council meetings and, in addition, the alternatives that could be put into place (such as filing requests for assistance by telephone or by memorandum).

The Deputy Mayor went on to ask that this matter be added to the agenda of a future meeting of Committee of the Whole Council.

**NOTICES OF MOTION**

**Notice of Motion of Reconsideration -  
Alderman Pottie Re: Item 15.7,  
"Downtown Parking Facility:  
Granville, Hollis and Salter Streets"**

Alderman Pottie proposed a Notice of Motion of Reconsideration with regard to Council's decision reached earlier in the meeting with regard to the item entitled "Downtown Parking Facility: Granville, Hollis and Salter Streets."

After consultation with the City Solicitor, the Chairman advised that he could not accept Alderman Pottie's Notice of Motion of Reconsideration (nor one of Rescission), given the fact that Council's decision on the matter in question had been resolved in the negative.

**Notice of Motion - Alderman Uteck  
Re: Item 15.7, "Downtown Parking Facility:  
Granville, Hollis and Salter Streets"**

Alderman Uteck gave Notice of Motion that at the next regular meeting of Halifax City Council scheduled for Wednesday, 12 April 1995 he proposes to introduce a motion to accept the staff recommendation regarding the Downtown Parking Facility.

After a brief consultation with the City Solicitor, the Chairman indicated that he would accept Alderman Uteck's Notice of Motion at this time but would make a more definitive ruling on the matter at the 12 April meeting.

**Notice of Motion - Alderman Uteck Re: Proposed  
Amendments to Ordinance 116, the Taxi Ordinance  
(Limitation of Taxi and Limousine Vehicle Licenses)**

Alderman Uteck gave Notice of Motion that at the next regular meeting of Halifax City Council scheduled for Wednesday, 12 April 1995, he proposes to introduce for First Reading amendments to Ordinance 116, the Taxi Ordinance.

The purpose of these amendments is to initiate a freeze on the issuance of (a) new taxi owner licenses; and (b) new limousine owner licenses.

**Notice of Motion of Reconsideration  
- Alderman Stone Re: Item 10.10,  
"Loss of Business - Bedford Highway Improvements**

Alderman Stone gave Notice of Motion that at the next regular meeting of Halifax City Council scheduled for Wednesday, 12 April 1995, he proposes to introduce a Motion of Reconsideration with regard to Council's decision reached earlier in the meeting with regard to the item entitled "Loss of Business - Bedford Highway Improvements." In the interim, Alderman Stone asked that a stay of proceedings be initiated.

After consultation with the City Solicitor, the Chairman advised that he could not accept Alderman Stone's Notice of Motion of Reconsideration, given the fact that Council's decision on the matter in question had been resolved in the negative.

**ADDED ITEMS**

**Award of Tender #95-54 (G-7 Project):  
George Street (Brunswick - Argyle), Resurfacing  
and Underground Wiring for Street Lights**

A report dated 29 March 1995 was received from the Director of Engineering and Works.

MOVED by Alderman Downey, seconded by Deputy Mayor Adams that Council:

- (1) approve the resurfacing and underground wiring of George Street from Brunswick Street to Argyle Street (G-7 project), subject to approval of cost-sharing with other levels of government;
- (2) award Tender #95-54 to Ocean Contactors Ltd. for the materials and services listed at the unit prices quoted for a Total Bid Price of \$59,515.00 and a Total Project Cost of \$68,500.00;
- (3) approve funding in the amount of \$68,500 from Capital Account No. 2016, Street Light Replacement;
- (4) grant authority to make additional expenditures for the Halifax Water Commission work, such as the lifting of valves, which will be recovered from the Commission.

The motion was put and passed.

**Halifax Task Force on Drugs**

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

**Award of Tender #95-08:  
Granville Mall Upgrading**

A report dated 29 March 1995 was submitted by the Director of Engineering and Works.

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

- (1) award Tender #95-08 for the Granville Mall Upgrading for materials and services listed at the unit prices quoted for a Total Bid Price of \$283,857 and a Total Project Cost of \$327,000 to Tag Enterprises Limited, subject to cost-sharing by other levels of government;
- (2) approve the transfer of unused funds in the amount of \$145,000 (G-7 Resurfacing) and \$16,500 from G-7 Sidewalk Renewals to Account No. 2005, Granville Mall Upgrading;
- (3) appoint Environmental Design and Management Limited to carry out inspection and administration of the project for a fee of \$15,000 including G.S.T.;
- (4) authorize funding from Capital Account No. 2005, Granville Mall Upgrading.

The motion was put and passed.

**Award of Tender #95-18: Underground  
Wiring - George Street, Barrington  
Street and Granville Street**

A report dated 29 March 1995 was received from the Director of Engineering and Works.

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

- (1) award Tender No. 95-18, Underground Wiring, for the materials and services listed at the unit prices quoted for a Total Bid Price of \$143,700.00 and a Total Project Cost of \$165,000.00 to Ocean Contractors Limited, subject to approval of cost-sharing from other levels of government;
- (2) approve the transfer of \$13,000.00 from unused G-7 Sidewalk Renewals to Account No. 2016, Street Light Pole Replacement;
- (3) approve funds in the amount of \$165,000.00 from G-7 Capital Budget Account No. 2016, Street Light Pole Replacement.

The motion was put and passed.

**Award of Tender #95-17:  
Grand Parade Development**

A report dated 29 March 1995 was received from the Director of Engineering and Works.

MOVED by Alderman Carmichael, seconded by Deputy Mayor Adams that Council:

- (1) award Tender No. 95-17 for the Grand Parade Development for materials and services listed at the unit prices quoted for a Total Bid Price of \$424,950 and a Total Project Cost of \$490,000 to Standard Paving Maritime Limited, subject to cost-sharing from other levels of government;
- (2) transfer \$39,000 from G-7 George Street Landscape Project and \$28,000 from unused G-7 Sidewalk Renewals to Account No. 2004, Grand Parade Development;
- (3) appoint Environmental Design and Management Limited to carry out inspection and administration of the project for an estimated fee of \$15,000 including GST;
- (4) authorize funding from Capital Account No. 2004, Grand Parade Development.

The motion was put and passed.

**Exhibition Park - Water and Sewage**

Correspondence dated 30 March 1995 was submitted from Mr. David Coombes, Secretary-Manager, Atlantic Winter Fair.

MOVED by Alderman Stone, seconded by Alderman Hanson that staff (and, in particular, that of the Halifax Industrial Commission) be requested to meet as quickly as possible with representatives of the Atlantic Winter Fair/Exhibition Park to attempt to resolve the concerns raised by Mr. Coombes in his letter dated 30 March 1995. The motion was put and passed.

There being no further business to be discussed, the meeting was adjourned at approximately 11:00 p.m.

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**HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN**

**SUBMITTED BY:  
EDWARD A. KERR, CMC  
CITY CLERK**

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## MINUTES

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

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 5 APRIL 1995

**TIME:** 7:40 P.M.

**MEMBERS  
PRESENT:** DEPUTY MAYOR STEPHEN ADAMS  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL (7:50 P.M.)  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN JERRY S. BLUMENTHAL  
ALDERMAN PATRICK POTTIE  
ALDERMAN RON HANSON  
ALDERMAN RALPH P. MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN BILL STONE

**MEMBERS  
ABSENT:** ALDERMAN HOWARD EPSTEIN  
ALDERMAN MARY ANN CROWLEY

**STAFF:** GERRY GONEAU, SENIOR SOLICITOR  
KAREN F. SWIM, COMMITTEE CLERK

**ADDED ITEMS**

The following items had been forwarded to this special meeting of City Council from a regular meeting of Committee of the Whole held earlier in the day:

**Appointment of Design Consultant  
- Williams Lake Pumping Station (Upgrade)**

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

- (1) City Council approve the appointment of Fenco Shawinigan Engineering Ltd. to undertake the engineering design and preparation of specifications and tender documents for the upgrading of the Williams Lake Pumping Station at an estimated cost of \$60,000, including GST; and
- (2) the payment to the Consultant be authorized from Capital Account No. 95016, Williams Lake Pumping Station.

The motion was put and passed.

**Award of Tender No. 95-15: Sidewalk  
Renewal, Sackville Street (S), Granville  
Street to Hollis Street**

MOVED by Alderman Downey, seconded by Alderman Blumenthal that, as recommended by the Works Committee, Council:

- (1) award Tender No. 95-15 for the construction of sidewalk renewal on Sackville Street (S) from Hollis Street to Granville Street for materials and services listed at the unit prices quoted for a Total Bid Price of \$11,709.10 and a Total Project Cost of \$13,500.00 to Ocean Contractors Ltd.;
- (2) authorize funding from Capital Account No. 91753, Sidewalk Renewal - Sackville Street (S), from Hollis Street to Granville Street;

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- (3) authorize funding in the amount of \$4,000.00 from Capital Account No. 91753, Sidewalk Renewal - Sackville Street, to replace the traffic scoot loop system disrupted during construction (work is to be done by Black and McDonald Ltd., with whom the City has a three-year maintenance agreement in place).

The motion was put and passed.

**Case No. 7140: Rezoning of Lands for Rebuilding  
of Seaview United Baptist Church and Seaview  
Memorial Park (SET DATE FOR PUBLIC HEARING)**

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

- (1) a public hearing be scheduled to consider:
- a. the rezoning of lands for the proposed Seaview United Baptist Church (Parcel C-1) to P (Park and Institutional) Zone from C-5 (Harbour-Related Industrial) Zone; and
  - b. the rezoning of Seaview Memorial Park to P (Park and Institutional) Zone from C-5 (Harbour-Related Industrial) Zone; and
- (2) Council request that the Province rescind the lease on the land to be donated to the church,

all as shown on Map 2 of the 27 March 1995 staff report.

The motion was put and passed.

Council was advised that the requested public hearing would be scheduled for WEDNESDAY, 3 MAY 1995 at 7:30 p.m. in the Council Chamber.

**Case No. 7068: Peninsula and Mainland  
Land Use Bylaw - Housekeeping Amendments  
#9 (SET DATE FOR PUBLIC HEARING)**

MOVED by Alderman Stone, seconded by Alderman Maher that, as recommended by the Planning Committee, a public hearing date be set to consider proposed amendments to the Land

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Use Bylaw, as contained in Appendix "A" of the report dated 14 March 1995 submitted by the Planning Advisory Committee.

The motion was put and passed.

Council was advised that the requested public hearing would be scheduled for **WEDNESDAY, 3 MAY 1995** at 7:30 p.m. in the Council Chamber.

**Case No. 5419: Amendment to Development  
Agreement, Stanley Park (SET DATE FOR PUBLIC HEARING)**

MOVED by Alderman Hanson, seconded by Alderman Stone that, as recommended by the Planning Committee, a public hearing be scheduled to consider an application by **Alderney Consultants Limited** for the amendment to the development agreement for the **Stanley Park** development pursuant to Section 62(B)(1) of the Land Use Bylaw, Mainland Area.

The motion was put and passed.

Council was advised that the requested public hearing would be scheduled for **WEDNESDAY, 3 MAY 1995** at 7:30 p.m. in the Council Chamber.

**Cost-Sharing: Oversize Services  
- Clayton Park, Phase 2**

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Planning Committee, City Council agree to cost-share in the construction of oversize services in Phase 2 of the **Clayton Park West** development in the following amounts:

- (1) for the oversize storm sewer in **Lancaster Drive** in the actual amount of \$79,114;
- (2) for the oversize storm sewer in **Wembley Place** in the estimated amount of \$22,132 (subject to final billing based on the quantities and unit prices of the tender);
- (3) for the oversize street, **Radcliffe Drive**, in the actual amount of \$256,512.

The motion was put and passed.

**Case No. 6974: Funding -  
Cost-Sharing, Ross Street Extension**

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

- (1) an amount of \$16,000 for construction/  
reconstruction of a portion of Ross Street  
Extension, subject to final billings based on  
approved unit prices; and that funds be approved  
from Capital Budget Account No. 91602 (Oversized  
Streets - New Subdivision);
- (2) cost-sharing in the amount of \$7,000 for the  
construction of that portion of Ross Street  
Extension approximately 53 lineal feet to the  
southwesterly limit of Lot 17), subject to final  
billings based on approved unit prices (funds to be  
authorized from Capital Budget Account No. 91602,  
Oversized Streets).

The motion was put and passed.

**Business Disturbance - Bedford Highway**

MOVED by Alderman Stone, seconded by Alderman Walker  
that, as recommended by the Finance and Executive Committee,  
City Council (pursuant to its resolution of 15 December 1994)  
approve payment of the following claims:

- (1) the amount of \$2,443.46 to Masood Ahmed as  
settlement in full for the business disturbance at  
272 Bedford Highway, arising from the Bedford  
Highway Widening Project, Phase 1;
- (2) the amount of \$3,592.52 to Freeport Factory  
Clothing as settlement in full for the business  
disturbance at 276 Bedford Highway, arising from  
the Bedford Highway Widening Project, Phase 1.

The motion was put and passed.

7:50 p.m. - Alderman Carmichael enters the meeting.

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**Award of Tender #95-560:  
Roof Retrofit - Metro Centre**

MOVED by Alderman Hanson, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, Council authorize the award of Tender #95-560 (Roof Retrofit - Metro Centre) to McCarthy's Roofing Ltd. in the amount of \$62,349.85 with a 15 percent contingency allowed for a total project cost of \$71,702.33. The motion was put and passed.

**PUBLIC HEARINGS**

**Case No. 6883:  
Bed and Breakfast Establishments**

Ms. Shelley Dickey of the City's Development and Planning Department briefly overviewed the events leading to the proposal to regulate bed and breakfast establishments in the City's residential areas.

With reference to a question from Alderman Stone, Ms. Dickey advised that the proposed regulations are intended to apply only to those bed and breakfasts who commence operation subsequent to adoption of the new provisions. She went on to note that the onus will be on those establishments not already licensed by the Province to provide proof of their existence prior to the date of adoption; otherwise, they too will be expected to conform to the regulations.

Responding to a question from Alderman Blumenthal, Ms. Dickey indicated that while the proposal now being considered relates to accommodations with a maximum of three guest bedrooms, a further staff report is being prepared to address the regulation of larger establishments such as "inns."

Mr. Al Keith, a resident of 2118 Windsor Street and the proprietor of Waken "N" Eggs, made a presentation in which he expressed concern that the regulations as presently written will discourage the operation of bed and breakfast establishments on the periphery of the downtown core. In his remarks, Mr. Keith expressed the view (based on his 12 years of experience as a bed and breakfast operator) that most people who seek out these kind of establishments wish to be within walking distance of the City's tourist attractions. In this context, he suggested that while Halifax has a large number of older homes that are centrally situated (and therefore from at



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least one perspective would make ideal bed and breakfast facilities), many of them would be unable to meet the criteria as proposed by staff and the Planning Advisory Committee.

Mr. Bruce Ellis, a resident of 6 Armada Drive and the proprietor of Caribou Lodge, concurred with the remarks put forward by the previous speaker and suggested that the stringent requirements for on-site parking will make it extremely difficult for many of the homes on the Halifax Peninsula to operate as bed and breakfast establishments. In this context, Mr. Ellis made reference to larger urban centres such as Boston and Philadelphia, and noted that in those cities on-street parking is considered to be acceptable option for bed and breakfast operations.

Mr. Stephen Parsons of 2016 Oxford Street echoed the concerns put forward by Messrs. Keith and Ellis, but also noted that as a result of the public meeting held on this matter by the Planning Advisory Committee in January, several other matters of contention had been satisfactorily resolved.

Ms. Sheila MacDonald, a resident of 2725 Gottingen Street and one of the proprietors of the "Fresh Start" Bed and Breakfast, commented that, to her knowledge, there have been very few, if any, problems with local bed and breakfasts operating in the City's residential neighborhoods.

Responding to a question from Alderman Stone, Ms. Dickey advised that staff had felt it appropriate that the proposed regulations contain certain parking requirements because, in their view, bed and breakfast establishments have the potential for generating considerably more traffic than other types of "home occupations" in low-density residential neighborhoods. She went on to note that by proposing that bed and breakfasts provide on-site parking for their guests, staff were attempting to confine the "impacts" of this type of operation to the site itself, thereby limiting the effect on the surrounding neighborhood.

Alderman Stone suggested that there are some neighborhoods in which the use of on-street parking by bed and breakfast operators would create little or no difficulty, adding that another approach might be to place a limit on the number of vehicles per establishment allowed to park on the street.

After some further discussion and questioning of staff, it was moved by Alderman Hanson, seconded by Alderman

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Stone that the matter be forwarded without recommendation to the next regular meeting of City Council scheduled for Wednesday, 12 April 1995, pending receipt of a supplementary staff report on the proposed parking requirements. The motion was put and passed.

**Case No. 6684: C-2A Zone  
Bylaw Amendment (Mainland South)**

Mr. Paul Dunphy of the Development and Planning Department overviewed the contents of the staff report of 4 January as well as the recommendations put forward by the Planning Advisory Committee in their report of 2 February 1995.

With reference to a question from Deputy Mayor Adams, Mr. Dunphy clarified that both reports oppose the amendment of the C-2A Zone to include "food processing" facilities.

Alderman Stone made reference to the fact that the report from the PAC appears to suggest that in allowing the amendment to the C-2A Zone for the Mainland South Area (i.e., to permit pool halls and bingo halls), Council would be setting a precedent for similar amendments in other C-2A Zones throughout the City.

Responding to Alderman Stone's comments, Mr. Dunphy noted that detailed area plans have been adopted for many key areas of the City, adding that their provisions would generally preclude the adoption of zoning bylaw amendments similar to that now being proposed for Mainland South.

Alderman Carmichael, speaking as a member of the PAC, noted that one of the Committee's primary concerns was that the proposed amendment, which will have implications for all of Mainland South, had been initiated by the owners of a single property. The Alderman went on to point out that the PAC is generally opposed to the concept of "spot rezoning" because of its implications for the surrounding community.

Mr. Hugh Joudrey, speaking on behalf of the owners of the property in question (i.e., 378 Herring Cove Road) briefly overviewed the sequence of events leading to the request by his clients for an amendment to the C-2A Zone provisions. In his remarks, Mr. Joudrey emphasized the difficulties faced by his clients over the last several years in attempting to rent this property, and indicated that, in their view, the proposed

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amendment would provide them with a number of viable options for future tenants.

There were no further persons wishing to address Council in this regard, and no correspondence received.

MOVED by Alderman Hanson, seconded by Alderman Walker that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Wednesday, 12 April 1995. The motion was put and passed.

**Case No. 6689: Proposed Closure of  
a Portion of Kempt Road and Amendment of  
Development Agreement for Piercey's Lands**

Mr. Paul Dunphy of the City's Development and Planning Department made a brief presentation with regard to the recommendations contained in the staff report of 31 January 1995 concerning the proposed redevelopment of land at Kempt Road, Robie Street and Young Streets by the City of Halifax, Imperial Oil Limited and FS Industries Limited.

Responding to a question from Alderman Walker, Mr. Dunphy advised that the existing Goodyear building fronting on Young Street will not be redeveloped. He went on to note that while Goodyear representatives have indicated some opposition to the proposed closure of Kempt Road, they are prepared to purchase half of that portion of Kempt Road which now abuts their property.

On another but related matter, Mr. Dunphy advised that Tim Horton's have also indicated their willingness to relocate and to continue their leasing arrangements with Imperial Oil Limited at the new site.

Alderman Blumenthal made reference to concerns raised by property owners on the "residential" streets north of Robie and asked for information as to what impact, if any, the proposed redevelopment is expected to have in terms of traffic volumes on those streets.

Mr. Dunphy pointed out that the redevelopment application also anticipates the widening of Robie Street to four lanes (as was recommended by the City's Task Force on Traffic as well as by the recent UMA Engineering report on the local transportation network). He noted that both reports

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anticipate that, if Robie Street is widened and the intersection at Young and Robie improved (as is envisioned by this application), motorists would be less inclined to divert to the residential areas referred to by Alderman Blumenthal as a means of avoiding traffic congestion on the major thoroughfares. Mr. Dunphy suggested, however, that once the roadway improvements are in place, staff could monitor traffic flows to ensure that the number of vehicles using those streets north of Robie have not dramatically increased.

Mr. Hugh Smith, representing FS Industries Limited, addressed the gathering to provide a brief history of events leading up to the redevelopment application now under consideration. In his remarks, Mr. Smith described the proposal as a cooperative venture between his company and Imperial Oil Limited and, given the benefits that are likely to be incurred by the City, urged that Council grant its approval. Mr. Smith concluded his remarks by strongly recommending that Council also give serious consideration to moving up its plans to widen this portion of Robie Street in order to coincide with the redevelopment of the adjacent lands.

Mr. David Ferguson, representing Imperial Oil Limited, briefly addressed Council to enumerate several additional advantages of the proposed redevelopment: (a) the number of driveways onto Robie and Young Streets will be reduced from 12 to five; (b) the site of the former Imperial Oil bulk plant will form part of the redevelopment and has now been cleared, representing a marked improvement in the appearance of this neighborhood; (c) the confusion and congestion which presently exists at the Young/Robie Street intersection will be considerably alleviated owing to the fact that all future development is proposed to be "pulled away" from that corner.

Mr. Ferguson also went on to note that as a result of further discussions between Imperial Oil and Goodyear representatives, it would appear that the two will remain "friendly neighbors" in terms of access rights. He concluded his remarks by echoing Mr. Smith's request that the City consider undertaking its roadway improvement project in conjunction with the planned redevelopment (in this context Mr. Ferguson noted that Imperial Oil hopes to be in a position to commence construction on or before 1 July 1995, assuming all necessary approvals have been granted).

Responding to a question from Alderman Stone, Mr. Ferguson advised that a proposal has been discussed with

**CITY COUNCIL  
SPECIAL MEETING  
5 APRIL 1995**

Imperial Oil which would see that company (under certain terms and conditions) advancing the City the funds necessary to commence the widening of Robie Street during the 1995/96 fiscal year, rather than in 1996/97 as has been proposed by the City's Capital Budget.

Mr. Blair Beed, a resident of 3038 Oxford Street, noted that while he concurred with the view that improvements are needed at the corner of Robie and Young Streets and to this portion of Robie Street in general, he had certain reservations about the widening of Robie Street from Young as far down as Cunard since, in Mr. Beed's view, several historic homes and a church will be negatively affected.

Mr. Beed also made reference to the fact that at public meetings held earlier this year, he had strongly recommended that Kempt Road be improved so as to divert much of the morning rush-hour traffic inbound through the Fairview Overpass away from the more "residential" portions of Windsor Street. Mr. Beed pointed out that the closure of that portion of Kempt Road between Young and Robie which is now being considered would effectively eliminate that option.

In reference to Mr. Beed's concerns regarding the widening of Robie Street, Mr. Dunphy clarified that the only portion of that street proposed for improvement in the 1996/97 Capital Budget is from Young to Almon Street.

There were no further persons wishing to address Council in this regard, and no correspondence received.

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that City Council:

- (1) close that portion of Kempt Road between Young and Robie Streets as identified on Plan No. TT-50-32210;
- (2) authorize the Mayor and the City Clerk to execute a purchase and sale agreement with Imperial Oil for the lands described in the staff report of 31 January 1995, subject to approval of the street closure in (1) above and confirmation of the land areas by survey of the respective parcels, and further subject to the terms and conditions set out in the 31 January staff report, with the closing of the purchase and sale to be conditional upon the

**CITY COUNCIL  
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development proposed by Imperial Oil being substantially underway;

- (3) authorize staff to seek approval from the Minister of Municipal Affairs to withdraw funds as applicable from the Sale of Land Account to complete the land exchange;
- (4) establish new street lines on the south side of Young Street and the west side of Robie Street as shown on Section 1-H of the Official City Plan;
- (5) enter into an amending agreement with FS Industries Limited to alter the development boundaries and site plan of the development agreement approved by Council on 6 January 1993; and further, that
- (6) staff be authorized to negotiate with Imperial Oil Limited with regard to the commencement of activities in 1995 pertaining to the widening of Robie Street.

In seconding the motion, Alderman Blumenthal asked that staff be asked to consider the concerns put forward during tonight's discussion pertaining to possible impacts of this redevelopment project on nearby residential areas.

The motion was put and passed.

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

DEPUTY MAYOR STEPHEN D. ADAMS  
CHAIRMAN

\*K

**HEADLINES**

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Case No. 7140: Rezoning of Lands for Rebuilding of Seaview United Baptist Church and Seaview Memorial Park (SET DATE FOR PUBLIC HEARING) .....	196
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Cost-Sharing: Oversize Services - Clayton Park, Phase 2 .....	197
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## MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 12 APRIL 1995

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

**MEMBERS  
PRESENT:**

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  
ALDERMAN RALPH. P. MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN MARY ANN CROWLEY  
ALDERMAN BILL STONE

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



CITY COUNCIL  
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His Worship Mayor Walter Fitzgerald invited all in attendance to join him in the Lord's Prayer.

His Worship Mayor Fitzgerald called the meeting to order, welcomed all in attendance with a special recognition given to the 2nd Clayton Park Scout Group, accompanied by Scouter McMichael.

**Freedom of City - 12th Wing - Royal  
Canadian Air Force**

Following a recommendation by His Worship, Walter Fitzgerald, it was Moved by Alderman Downey, seconded by Alderman Walker that the Freedom of City be granted to the 12th Wing of the Royal Canadian Air Force on Saturday 6 May 1995, as a part of the annual VE-Day celebrations.

Motion passed.

**MINUTES**

Minutes of the last regular meeting of Halifax City Council, held on Wednesday, 30 March 1995, and the special meeting of 22 March 1995, were approved as circulated on a motion by Alderman Blumenthal, seconded by Deputy Mayor Adams.

**DEFERRED ITEMS**

**Case No. 6883: Bed and Breakfast  
Establishments**

A public hearing, with respect to the above, was held on 5 April 1995.

A supplementary report dated 5 April was submitted.

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Alderman Carmichael advised that a public hearing was held on Wednesday, April 5 1995, in order for members of the public to express their views on this matter.

It was Moved by Alderman Carmichael, seconded by Alderman Blumenthal that Council defer this item to the next regular meeting of the Committee of the Whole Council scheduled for 19 April, for further consideration.

Motion passed with Aldermen Epstein and Crowley abstaining due to non attendance at the public hearing.

**Case No. 6684: C-2A Zone Bylaw Amendment  
(Mainland South)**

Deputy Mayor Adams advised that a public hearing was held on Wednesday, April 5 1995, in order for members of the public to express their views on this matter. He went on to add that one person attended to speak in favour of the matter, and there were no persons wishing to speak against the matter at that time.

Moved by Deputy Mayor Adams, seconded by Alderman Walker that the request to add "bingo halls" and "pool halls" to the list of permitted uses in the C-2A (Minor Commercial Zone) of the Land Use Bylaw (Mainland Area) be approved.

Motion passed with Aldermen Epstein and Crowley abstaining due to non attendance at the public hearing.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

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1995 Spring Debenture  
Funding

Moved by Alderman Pottie, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, that Council approve the necessary Issue Resolution to provide for the borrowing of \$5 million in the Spring of 1995, and that the Mayor and City Clerk be empowered to sign the attached resolution authorizing a temporary Borrowing Resolution of \$2 million.

Motion passed.

FLEXTIME

Moved by Alderman Pottie, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee;

(1) Council approve the Flexible workplace Program including; Job Sharing, Flex Time, Flex Place for a one year trial period, applicable to all interested staff, and approve a 50/50 benefit cost share with respect to each staff member involved in the job share component of the Flexible Workplace Program.

Motion passed.

Communications Strategy

The following motion was Defeated at the Finance and Executive Committee meeting; that City Council approve the development and implementation of a focused information and communications strategy directed to enabling citizens, businesses, civic services, and other stakeholders to more fully participate as knowledgeable partners in the growth of the City,

the communications/marketing group would involve an expenditure of \$80,000 and the function would report directly to the City Manager.

Following a brief discussion, it was Moved by Alderman Carmichael, seconded by Alderman Maher that this matter be tabled and considered at a later date.

Motion defeated.

Following a brief discussion, it was Moved by Deputy Mayor Adams, seconded by Alderman Stone that Council approve the recommendation outlined in the staff report dated 22 March 1995.

The Motion was defeated with five (5) in favour and seven (7) against as follows:

**FOR:** ALDERMEN - CARMICHAEL, POTTIE, DEPUTY MAYOR ADAMS, HANSON, STONE.....5

**AGAINST:** ALDERMEN - UTECK, DOWNEY, EPSTEIN, BLUMENTHAL, MAHER, WALKER, CROWLEY.....7

Waste Management Steering Committee

Moved by Alderman Epstein, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee;

(1) Council defer formally endorsing a statement of principle respecting the immediate implementation of diversion of solid waste until the Integrated Resource City Council and councils, tentatively set for 19 April 1995, and

(2) that Council accept and table the document entitled Integrated Resource Management Strategy for Metro Municipalities.

Motion passed.

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Downtown Parking Facility - Granville, Hollis and  
Salter Streets - Payment of Agent's Fees

Moved by Alderman Pottie, seconded by  
Alderman Crowley that, as recommended by the Finance and Executive Committee, Council authorize Staff to make an interim payment to FTA Realty Ltd. in the amount of \$79,040 for professional services rendered, with funds to come from Account Number 22310-0120 Outside Professional Services - General Government.

Motion passed.

Encroachment License - Civic No. 5984-86  
Spring Garden Road

An information report dated 10 April 1995 was submitted.

Following a brief discussion, it was Moved by Alderman Carmichael, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, Council approve "Alternative #3" outlined in the staff report dated 3 April 1995, which is to approve the applicant's application for an encroachment license to Collway Properties Limited, 5984-86 Spring Garden Road which includes the sidewalk cafe, and requires that the owner sign an agreement indemnifying the City from any liability arising out of the encroaching structure.

Alderman Blumenthal requested that staff notify the CNIB of the approval of the encroachment license.

Motion passed.

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

Proposed Amendment - Ordinance 137 - the Deferred  
Payment of Taxes Ordinance - SECOND READING

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A staff report dated 3 March 1995 had previously been submitted.

Moved by Alderman Walker, seconded by Alderman Maher as recommended by the Finance and Executive Committee that Council approve **SECOND READING** of the amendment to Ordinance 137, the Deferred Payment of Taxes Ordinance, attached as Appendix "A" in the staff report dated 3 March 1995.

Motion passed.

**Proposed Amendment - Ordinance 121, the Retail Shop Closing Ordinance (Exempt Cold Beer Stores for regular closing hours) - SECOND READING**

A staff report dated 9 March 1995, and a brief pertaining to this matter, dated 5 April 1995, had previously been submitted.

Moved by Alderman Blumenthal, seconded by Deputy Mayor Adams as recommended by the Finance and Executive Committee that Council approve the Second Reading of the amendment to Ordinance 121, the Retail Shop Closing Ordinance, attached as Appendix "A" to the staff report dated 9 March 1995.

Motion passed.

**REPORT - PLANNING COMMITTEE**

**Case No. 7145: Peninsula and Mainland Land Use Bylaw Amendments - Housekeeping Amendments #10**

Following a brief discussion, it was Moved by Alderman Carmichael, seconded by Alderman Stone that a public hearing date be set for this matter and that this item be forwarded to the Planning Advisory Committee for further review and advice.

Motion passed.

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12 APRIL 1995

Case No. 6969: Cul-de-sac, Randolph Street

Moved by Alderman Hanson, seconded by Deputy Mayor Adams that, as recommended by the Planning Committee, the City purchase lot R-1 from Flemming Park Estates Limited for \$7,500; with funds being available in the Sundry Land Acquisition Account No. 91608.

Motion passed.

1790-92 Granville Street (Old Kelly's Building)  
Application for Demolition Permit

A staff report dated 3 April had previously been submitted as well as, correspondence from Ms. Elizabeth Pacey, Heritage Canada, and Mr. Paul Erickson, Heritage Trust of Nova Scotia.

Moved by Alderman Downey, seconded by Alderman Epstein as recommended by the Planning Committee that the application for a demolition permit from the property owner of 1790-92 Granville Street be refused by City Council.

Motion passed.

**MOTIONS**

Motion Alderman Uteck Re: Downtown Parking Facility - Granville, Hollis, and Salter Street

Confidential reports dated 29 of March and the 23 of March 1995, were previously submitted.

Alderman Uteck gave notice of motion at the last regular meeting of Halifax City Council that he intended to present a motion approving the staff recommendation, concerning the above matter at this time.

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The Chairman, Mayor Fitzgerald, noted that at the last meeting of the Halifax City Council, he accepted the notice of motion and indicated that a ruling would be made at this meeting with respect to whether the motion would be accepted or not.

Moved by Alderman Uteck, seconded by Alderman Downey that Council;

- (1) Authorize staff and the City's appointed agents to complete the preparation of option agreements for the acquisitions of properties in the Granville, Hollis and Salter Streets block, as outlined in the staff report dated 23 March 1995, for execution by the Mayor and City Clerk;
- (2) Authorize Staff to make an interim payment to FTA Realty Ltd. in the amount of \$79,040 for professional services rendered with funds to come from the sale of Land Account.

The Chairman ruled the motion was in order. Moved by Alderman Pottie, seconded by Alderman Hanson that the motion be amended by adding after the word "clerk" in item #1 of the motion, the words: "except that with respect to lot #11, staff be instructed to undertake negotiations with the owner and report back to Council".

Alderman Epstein, on a point of order, questioned whether the motion was a valid one, and following information from the City Solicitor, the Chairman ruled the amendment to be in order.

The amendment to the motion was passed.

A discussion followed, and it was Moved in amendment by Alderman Blumenthal, seconded by Alderman Pottie the motion be amended by the addition of section three (3) as follows:

- (3) That the City not purchase the lands in question until the City receives the approximately \$4,000,000 from the sale of lands to ITT Sheraton for the Casino.



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12 APRIL 1995

Following a discussion, the amendment to the motion was passed.

Alderman Crowley expressed the view that the item should be deferred for a two week period to provide additional time for research and consideration, and suggested that members of Council defer the item for that period of time.

At the suggestion of the Chairman, Council agreed to adjourn for a brief recess.

Meeting adjourned at 10:00 P.M.

At 10:20 P.M. the meeting reconvened, with the same members present.

Alderman Crowley again suggested that the item be deferred, thus it was Moved, seconded by Alderman Maher that the item be deferred to the next regular meeting of the Halifax City Council.

The motion to defer was defeated.

Moved in amendment by Alderman Uteck, seconded by Alderman Downey the motion be amended by the addition of the words "or from sufficient funds being deposited in the Sale of Land Account from the sale of land from any new source" after the word "casino" in item #3 of the motion.

The amendment to the motion was passed.

The motion as amended reads as follows:

(1) Authorize staff and the City's appointed agents to complete the preparation of option agreements for the acquisitions of properties in the Granville, Hollis and Salter Streets block, as outlined in the confidential staff report dated 23 March 1995, for execution by the Mayor and City Clerk; except that with respect to lot #11, Staff be

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instructed to undertake negotiations with the owner and report back to Council

(2) Authorize Staff to make an interim payment to FTA Realty Ltd. in the amount of \$79,040 for professional services rendered, with funds to come from the Sale of Lands Account.

(3) That the City not purchase the lands in question until the City receives the approximately \$4,000,000 from the sale of lands to ITT Sheraton for the Casino, or from sufficient funds being deposited in the Sale of Land Account from the sale of land from any new source.

The motion as amended was passed, with seven (7) voting in favour and five (5) voting against it as follows:

**FOR:** ALDERMEN - UTECK, CARMICHEAL, DOWNEY, BLUMENTHAL, POTTIE, HANSON, WALKER.....7

**AGAINST:** ALDERMEN - EPSTEIN, DEPUTY MAYOR ADAMS, MAHER, CROWLEY, STONE.....5

**Motion Alderman Uteck Re: Proposed Amendment to Ordinance 116, Taxi Ordinance - Limitation of Taxi and Limousine Vehicle Licenses - FIRST READING**

A report dated 12 April 1995 by Darshan S. Virk, President, United Cab Drivers Association of Halifax, and a proposed amendment to the Ordinance labelled "Schedule A" was submitted.

Moved by Alderman Uteck, seconded by Alderman Blumenthal that first reading to proposed amendments to Ordinance 116, be given first reading providing for;

- (1) one taxi for every three hundred (300) residents

CITY COUNCIL  
12 APRIL 1995

(2) that an immediate freeze be placed on limousine owner licences

(3) the impact of the proposed freeze be reviewed every three (3) years.

Alderman Walker expressed concern with the number of drivers this matter would effect, over what period of time, and requested that a report be provided to him prior to the next meeting of the Committee of the Whole Council scheduled for 29 April 1995.

Alderman Uteck suggested that at the next Committee of the Whole Council meeting, taxi drivers and brokers etc. be given an opportunity to address the Committee. Alderman Stone suggested that other groups such as the Hotel Association, Taxi Commission, Tourism Halifax, and the Homeowners Association should also be informed of the meeting.

A short discussion ensued and it was generally agreed that a special meeting should be scheduled for the subject rather than scheduling it for the next regular Committee of the Whole Council. It was also agreed that the item be forwarded to the next Committee of the Whole for the purpose of setting a date for a special meeting to hear from interested parties.

Motion passed.

In response to a question from the Chairman, Alderman Uteck advised that he would confer with Taxi Representatives in connection with an appropriate date.

### **MISCELLANEOUS BUSINESS**

Proposed International Visitor and Technological  
Exposition Centre - 1595 Barrington Street

A confidential report dated 7 April 1995 was submitted.

Following a brief discussion, and questioning of Staff by various members of Council it was Moved by Alderman Downey, seconded by Alderman Blumenthal that Council;

(1) approve the payment of \$700,000 as one-third of the total cost of establishing an International Visitor and Technological Exposition Centre in premises at 1595 Barrington Street (formerly the Zeller's building) contingent upon the other two-thirds of the funding coming from the Canada-Nova scotia Technology Development Agreement; and

(2) authorize staff to prepare a head-lease agreement between the City of Halifax and the owner of the above mentioned property, International Visitors Centre Limited for approximately 17,250 square feet of floor space in the above mentioned property, to accommodate the proposed Centre, all in accordance with the terms and conditions outlined in the staff report dated 7 April 1995, for execution by the Mayor and City Clerk, on condition that satisfactory sub-lease agreements have been entered into by the Province of Nova Scotia and the Discovery Centre;

(3) and agree that Tourism Halifax would be one of the tenants along with Tourism Nova Scotia and the Discovery Centre.

Motion passed.

### QUESTIONS

#### Question - Alderman Downey Re: Manpower Building.

Alderman Downey questioned His Worship with respect to information he had received with respect to the Canada Employment Manpower building on Gottingen Street being closed at the end of June, and requested that Mayor Walter Fitzgerald forward a letter on behalf of Council to find whether there was any truth to this information.

CITY COUNCIL  
12 APRIL 1995

A confidential report dated 7 April 1995 was submitted.

Following a brief discussion, and questioning of Staff by various members of Council it was Moved by Alderman Downey, seconded by Alderman Blumenthal that Council;

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(2) authorize staff to prepare a head-lease agreement between the City of Halifax and the owner of the above mentioned property, International Visitors Centre Limited for approximately 17,250 square feet of floor space in the above mentioned property, to accommodate the proposed Centre, all in accordance with the terms and conditions outlined in the staff report dated 7 April 1995, for execution by the Mayor and City Clerk, on condition that satisfactory sub-lease agreements have been entered into by the Province of Nova Scotia and the Discovery Centre;

(3) and agree that Tourism Halifax would be one of the tenants along with Tourism Nova Scotia and the Discovery Centre.

### QUESTIONS

#### Question - Alderman Downey Re: Manpower Building.

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12 APRIL 1995

Question - Alderman Stone Re: Article of 11 April

Alderman Stone expressed concern regarding a dialogue with the Minister of Municipal Affairs, in the Daily News of 11 April 1995, in which reference was made to municipalities making decisions in private. Alderman Stone suggested that the article should be responded to. His Worship advised that he had forwarded a letter to the Minister in that regard, and that copies will be circulated to members of Council

Question - Alderman Epstein Re: City Owned Properties

Alderman Epstein had a question regarding City owned properties, and advised that he had previously requested a list of such properties from staff in the appropriate form. Alderman Epstein noted again that he would like to have possession of such a list as soon as possible, and that this information also be distributed to all the members of Council.

Question - Alderman Epstein Re: Social Services/Poverty Line

Alderman Epstein made reference to a request he had previously made for a comparison of Social Services rates and Municipal rates with respect to the poverty line.

Alderman Epstein indicated that he had not yet received this information as of yet, and would appreciate it as soon as possible.

There being no further business to discuss, it was Moved by Alderman Blumenthal, seconded by Deputy Mayor Adams that the meeting be adjourned.

Motion passed.

The meeting adjourned at 11:20 P.M.

\*JKH

HIS WORSHIP WALTER FITZGERALD  
AND  
STEPHEN ADAMS, DEPUTY MAYOR

**HEADLINES**

**APPROVAL OF  
MINUTES.....2**

**DEFERRED ITEMS**

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Building ) Application for Demolition  
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Alderman Epstein Re: Social Services/Poverty Line...13





## MINUTES

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

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 19 APRIL 1995

**TIME:** 7:40 P.M.

**MEMBERS  
PRESENT:** DEPUTY MAYOR STEPHEN ADAMS  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN JERRY S. BLUMENTHAL  
ALDERMAN RON HANSON  
ALDERMAN RALPH P. MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN MARY ANN CROWLEY  
ALDERMAN BILL STONE

**MEMBERS  
ABSENT:** MAYOR WALTER FITZGERALD  
ALDERMAN PAT POTTIE

**STAFF:** WAYNE ANSTEY, CITY SOLICITOR  
E. A. KERR, CITY CLERK

**ADDED ITEMS**

The following items had been forwarded to this special meeting of City Council from a regular meeting of Committee of the Whole held earlier in the day:

**Continual Computer Purchase Program**

MOVED by Alderman Stone, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, Council authorize an on-going computer purchase program to be made available to all City of Halifax employees but subject to approval by the City Treasurer to the extent that the employee is adjudged financially capable of repaying the equipment, and that this program be limited to complete computer configurations. The motion was put and passed.

**Tender No. 95-870: Supply of Hot  
Dense Graded Asphaltic Material**

MOVED by Alderman Blumenthal, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council authorize the award of Tender #85-870 (supply of hot dense graded asphaltic material) to Dexter Construction Company Ltd. at \$52.25 per tonne. The motion was put and passed.

**Tender No. 66621 - Annual NCR  
Hardware Maintenance Agreement**

MOVED by Alderman Downey, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, Council authorize Tender No. 66621 (Annual NCR Hardware Maintenance Agreement) with AT&T Global Information Solutions (previously NCR) in the amount of \$104,673.82, GST included. The motion was put and passed.

**Tender No. 91541 - Liquid Asphalt**

MOVED by Alderman Carmichael, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, Council authorize staff to enter into an agreement with Atlantic Colas Ltd. for the supply of liquid asphalt

**CITY COUNCIL  
SPECIAL MEETING  
19 APRIL 1995**

products on an as and when requested basis for the period of 01 June 1995 to 31 May 1996. The motion was put and passed.

**Ferry Boat Lane - MGL Investments Ltd.**

MOVED by Alderman Downey, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, Council authorize that immediate roof repairs be carried out at Ferry Boat Lane, and that a contract be awarded to the low bidder, **Durable Developments Co. Ltd.**, in the amount of \$24,334.02 to undertake this work. The motion was put and passed.

**Tender No. 95-90: Removal of Refuse  
from Roache's Pond Pumping Station  
(Engineering and Works)**

MOVED by Alderman Stone, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, Council authorize the establishment of a price agreement with the lowest bidder, **Tag Enterprises Limited**, on an as and when requested basis for a period of two (2) years. The motion was put and passed.

**Encroachment License -  
Civic No. 34 Bedford Highway**

MOVED by Alderman Walker, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, an Encroachment License be granted to **Tremblay Signs 1987 Ltd.** for the purpose of erecting a free-standing, illuminated, encroaching sign structure in the grassed-over area between the sidewalk and the street line, adjacent to the entrance to Carroll Pontiac at **Civic No. 34 Bedford Highway** (as indicated in the sketch attached to the 10 April 1995 staff report), subject to the license being cancelled once the subject land has been transferred to the adjacent land owner. The motion was put and passed.

**Spring Garden Road Visual Identity Program**

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

Committee, Council authorize an expenditure of up to \$7,000 for Phase One of the **Spring Garden Road Visual Identity Program** from Capital Account 91689 to cover 50 percent of the costs for purchase and installation of decorative side-mounted pole banners. The motion was put and passed.

**Tender for Supply of Ready-Mix Concrete**

MOVED by Alderman Uteck, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, Council authorize the establishment of a price agreement with the overall lowest bidder, **Dartmouth Ready Mix**, on an as and when requested basis for the period of 01 May 1995 to 31 March 1996. The motion was put and passed.

**Award of Tender No. 95-078: Rental  
of Crawler Dozer for the 1995  
Construction Season**

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, Council authorize the establishment of a price agreement with the two (2) lowest bidders, **Marco Construction** and **Swansburg Construction** on an as and when requested basis for a period of one (1) year (the second lowest bidder will be used only when the low bidder is unavailable). The motion was put and passed.

**Award of Tender No. 95-50:  
Main Artery Street Patching**

MOVED by Alderman Walker, seconded by Alderman Maher that, as recommended by the Committee on Works:

- (1) Council approve the **Main Artery Street Patching Program** as outlined in Attachment "A" of the staff report dated 28 March 1995;
- (2) Council award Tender No. 95-50 to **Basin Contracting Ltd.** for the materials and services listed at the unit prices quoted for a Total Bid Price of \$247,375.00 and a total project cost not to exceed \$336,000.00;

- (3) funds for this project be made available as follows:
- (a) \$256,000 from Operating Account No. 669, Street Upgrading;
  - (b) \$70,000 from Future Settlement Reserve Account No. 46202 for the restoration of settled cuts;
  - (c) \$10,000 to be charged to the Halifax Water Commission for utility cut repairs on a recovery basis to which the Halifax Water Commission has already agreed.

The motion was put and passed.

**Halifax Harbour Stewards Program**

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

- (1) City Council not endorse the unsolicited proposal of **Total System Watershed Management Inc.** for the Halifax Harbour Stewards Program; and
- (2) City Council direct staff to approach as quickly as possible the other participating municipalities for a joint request to the Province of Nova Scotia and to the Federal Government for funding assistance to implement the **Source Control Program** (as recommended by the Halifax Harbour Clean-up Inc.) on a regional basis.

The motion was put and passed.

**Proposed Amendment to Ordinance 116,  
the Taxi and Limousine Ordinance  
(Proposed Limitation - Taxi and Limousine  
Vehicle Licenses) - SET DATE FOR SPECIAL MEETING**

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

- (a) a public meeting be scheduled by Halifax City Council to consider proposed amendments to

Ordinance 116, the Taxi and Limousine Ordinance, regarding the limitation of taxi and limousine vehicle licenses; and further, that

- (b) the requested public meeting be set for **TUESDAY, 2 MAY 1995** commencing at **7:00 p.m.** at the Halifax Forum's Multi-Purpose Centre.

The motion was put and passed.

**Tender No. 95-59: Streets  
Upgrading and Resurfacing (Part II)**

MOVED by Alderman Downey, seconded by Alderman Crowley that, as recommended by the Committee on Works, Council:

- (a) approve the resurfacing program proposed by the Engineering and Works Department (as shown in Attachment "B" of the staff report dated 10 April 1995);
- (b) award Tender No. 95-59 to **Dexter Construction Co. Ltd.** for the materials and services listed at the unit prices quoted for a Total Bid Price of \$233,561.00 and a Total Project Cost of \$268,595.15;
- (c) authorize funding from Capital Account No. 91410, Resurfacing of Streets;
- (d) grant authority to proceed with the resurfacing of the streets indicated in Attachment "B" until the Total Project Cost of \$268,595.15 has been expended;
- (e) grant authority to make additional expenditures for the Halifax Water Commission work (such as lifting of valves), which will be recovered from the Commission.

The motion was put and passed.

**Award of Tender No. 95-63: Streets  
Upgrading/Surface Sealing of Paved Streets**

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

- (a) approve the surface sealing program proposed by the Engineering and Works Department as shown in Attachment "B" of the 10 April 1995 staff report;
- (b) award Tender No. 95-63 to Atlantic Colas Ltd. for the materials and services listed at the unit prices quoted for a Total Bid Price of \$161,150.00 and a Total Project Cost of \$185,322.50;
- (c) authorize funding from Capital Account No. 91410, Resurfacing Streets;
- (d) grant authority to proceed with the surface sealing of the streets indicated in Attachment "B" of the 10 April 1995 staff report until the Total Project Cost of \$185,322.50 has been expended;
- (e) grant authority under Section 201(1) of the Halifax City Charter to make additional expenditures for the Halifax Water Commission work (such as lifting of valves), which will be recovered from the Commission.

The motion was put and passed.

**Gottingen Streetscape Enhancement Program**

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

- (a) receive the report from EDM Ltd. (attached to the 11 April 1995 staff report) as guidance for current and future programming and budgeting;
- (b) authorize staff to proceed with the following Phase One Projects as recommended in the EDM Report:

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Facade Improvement Course . . . . .	\$ 2,000
Side-Mounted Pole Banners . . . . .	9,000
Parking Signage (Off-Street Parking) . . .	5,000
Street Trees . . . . .	29,000
Street Furniture . . . . .	5,000
Wall Mural(s) . . . . .	<u>10,000</u>
T O T A L (Phase One) . . . . .	\$60,000

- (c) authorize minor adjustments to specific project costs, provided that the total of \$60,000.00 is not exceeded;
- (d) authorize that an amount not to exceed 10 percent of the above-noted totals be reserved for any special maintenance requirements; and
- (e) appoint a member of Council as a member of the jury for the selection of mural art design.

The motion was put and passed.

**Case No. 7157: South Centre Mall  
- Plan and Bylaw Amendments**

MOVED by Alderman Hanson, seconded by Alderman Maher that, as recommended by the Planning Committee, Case No. 7157 concerning proposed amendments to the Municipal Planning Strategy and Land Use Bylaw (South Centre Mall) be referred to the Planning Advisory Committee for public meeting and advice; and further, that the PAC be requested to proceed expeditiously with the matter. The motion was put and passed.

**PUBLIC HEARINGS**

**Case No. 7102: Appeal of Minor  
Variance Refusal, 5523 Cornwallis Street**

Mr. Phil Francis, the City's Development Officer, briefly reviewed the contents of the staff report dated 28 March 1995 and the reasons underlying his decision to refuse an application to convert the building located at Civic No. 5523 Cornwallis Street into two units. Following his presentation,



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Mr. Francis responded to questions from various members of Council.

Mr. Tyrone Prevost, owner of the property in question, addressed Council to advise that, as a retiree, he needed the income from the proposed second unit in order to meet his mortgage payments. He made reference to Mr. Francis' remarks regarding conversion of buildings located in NIP areas, and alleged that in submitting his application to the City, he had not been advised as to the ramifications of Section 89 of the Land Use Bylaw. Mr. Prevost concluded his remarks by emphasizing that the renovations undertaken to this structure represented a marked improvement not only to the site itself but also to the neighborhood in general, and therefore urged Council to overturn the decision of the Development Officer.

An individual who identified herself as the occupant of 5534 Cornwallis Street (the property located across the street from Mr. Prevost's building) addressed Council in opposition to the application. In her remarks, the lady expressed concern at the manner in which the renovations to 5523 Cornwallis Street had been undertaken to date, adding that in her opinion and that of her neighbors, the repairs could not be considered to be an improvement. She went on to state that, given the fact that Mr. Prevost is the owner of several other buildings in the area all of which have been in a state of dilapidation for a number of years, she did not feel confident that the site in question would be maintained any differently, particularly if it were allowed to be converted to two or more units. She therefore called on Council to reject the application.

Responding to a question from Alderman Stone, Mr. Francis advised that under the terms of the present application, the site in question could be used as two apartment units and one commercial space.

There were no further persons wishing to address Council on this matter, and no correspondence received.

MOVED by Alderman Downey, seconded by Alderman Epstein that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 27 April 1995. The motion was put and passed.

**Case No. 5782: Stage I and Stage II,  
Schedule "K" Application, Mainland Common**

Mr. Bernard Moe, a Planner II with the City's Development and Planning Department, briefly overviewed the contents of the staff report of 10 March and of the Information Report of 31 March 1995. Following his presentation, Mr. Moe responded to questions from various members of Council.

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

- (1) grant Stage I Schedule "K" approval for the development of the Mainland Common under Section 68 of the Land Use Bylaw (Mainland Area);
- (2) grant Stage II Schedule "K" approval for the development of the Mainland Common under Section 68 of the Land Use Bylaw (Mainland Area).

Alderman Epstein expressed concern that a motion was being put forward to approve this item on the same night as its public hearing without an opportunity for reflection.

The motion was put and passed with Alderman Epstein voting in opposition for the reasons expressed above.

**Public Hearing Re: Case No. 7090 -  
Development Agreement to Permit Expansion  
of a Building Containing a Non-Conforming Use  
(Civic Nos. 5481-85 Victoria Road)**

Mr. Stephen Feist of the City's Development and Planning Department, using maps and drawings of the site in question, briefly overviewed the staff report of 13 March 1995 and the proposal for a development agreement at 5481-85 Victoria Road. Following his presentation, Mr. Feist responded to questions from various members of Council.

Mr. Gerald B. LaLonde of 6784 Chebucto Road (the architect for the proposal under consideration) briefly addressed Council in support of the application.

A letter was submitted from Mr. Tom Themelis, owner of the properties at 5466, 5459, 5465 and 5469-73 Victoria Road

and 1079 Queen Street, indicating his support of the development proposal.

There were no further persons wishing to address Council concerning this item, and no additional correspondence received.

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

- (1) enter into a development agreement pursuant to Section 16AF of the Land Use Bylaw (Peninsula Area) to permit an addition to the non-conforming use at **5481-85 Victoria Road;**
- (2) require that the development agreement be signed within 120 days or any extension thereof granted by Council on the request of the applicant, from the date of approval by Halifax City Council and any other bodies as necessary (whichever approval is later), including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

Alderman Epstein expressed concern that a motion was being put forward to approve this item on the same night as its public hearing without an opportunity for reflection.

The motion was put and passed with Alderman Epstein voting in opposition for the reasons noted above.

**Case No. 7131: Development Agreement -  
Lands of Longwave Enterprises Limited  
(St. Michael's Avenue)**

Mr. H. F. Haliburton of the City's Development and Planning Department briefly overviewed the contents of the 13 March staff report. In his remarks, Mr. Haliburton emphasized that the proposal under consideration is actually a duplication of a request made in 1994 at which time the application had been approved **on the condition** that access to the project be other than through St. Michael's Avenue. It was noted, however, that because the applicant believed the viability of the project would be lost if this condition were met, the development agreement was never signed and Council is now being asked to reconsider the proposal.

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It was further noted that, under the terms of the current proposal, City Council is being asked to approve a development agreement which would permit:

- (a) lots with a minimum frontage of 32' and an area of 3,000 square feet;
- (b) single-family lots with side yards of 4' (one side) and a minimum of 12' between buildings;
- (c) linked homes with 2' side yards (one side) with a minimum 4' separation.

In its review of this proposal, Council was asked to consider that the property in question can be developed on an **as-of-right basis** for single-family and/or semi-detached dwellings (approximately 160 units). However, should the application for a development agreement be approved, not only would fewer units be developed, but in addition the City would obtain 2.4 acres of open space lands with an additional 1.5 acres being added to the existing sports field and 0.9 acres in the area adjacent to the MacIntosh Run.

In concluding his remarks, Mr. Haliburton emphasized that "staff remains of the view that what is proposed is more desirable for the area than having the site developed to its maximum potential for pairs of semi-detached dwellings."

Following his presentation, Mr. Haliburton responded to questions from various members of Council.

In reference to a question from Deputy Mayor Adams, Mr. Haliburton advised that the access points to the development (whether the project proceeds as of right or under a development agreement) will be through St. Michael's Avenue and Theakston Avenue.

Responding to a further question from the Deputy Mayor, the City Solicitor advised that, to his knowledge, there are no legal impediments preventing Longwave Developments Limited from developing this area on an as-of-right basis.

Mr. Barry Zwicker, a partner in Wallace MacDonald and Lively Limited, briefly addressed Council to confirm that the application currently under consideration is a duplication of that considered by Council in October of 1994. Referring to one of the primary concerns raised at that time, Mr. Zwicker emphasized that the developer is now willing to accede to

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requests that his company cost-share in the improvements recommended by staff for St. Michael's Avenue. However, in reference to another source of concern identified during the 1994 public hearing (i.e., that access to the development lead directly from Herring Cove Road), Mr. Zwicker advised that the developer considered the cost of creating that access point to be prohibitive, especially given the fact that that site could then no longer be considered for residential/commercial development. It was also emphasized that the developer had had long-term plans for the site in question and, in fact, has now turned the property over to a new company who, in turn, has entered into an leasing arrangement with Dairy Queen Canada.

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

Ms. Carolyn Crawford, a resident of 19 Theakston Avenue, expressed concern regarding the impact of the proposed development both on the quality of life along Theakston Avenue and on the parkland which lies adjacent to the Longwave site.

Mr. K. M. Whalen, a resident of 13 St. Michael's Avenue, addressed Council to indicate that area residents continue to have concerns with regard to the use of St. Michael's Avenue as one of the main access points to the proposed development. In his remarks, Mr. Whalen made reference to a petition originally submitted in this regard on 25 October 1994 and asked that this document be recirculated for Council's reference.

A Mr. Carlson (a resident of 21 Theakston Avenue) made note of the fact that at the present time there are no sidewalks on Theakston Avenue past Hartlin Avenue; as well, there would appear to be no indication that sidewalks will be installed in this area, should the development proceed. On another but related matter, Mr. Carlson expressed concern regarding the land proposed to be dedicated to the City by Longwave Development, suggesting that, given its composition, it would be entirely unsuitable for use as parkland.

Mr. Alan Ruffman, a resident of 202 Ferguson's Cove Road, indicated that according to his interpretation of the proposed development agreement, the dedication of parkland in the vicinity of the MacIntosh Run by Longwave Development Limited is not intended to take place until Phase III of the project. Under the circumstances, therefore, Mr. Ruffman expressed concern that if for whatever reason the project came to a halt after the completion of Phase One, the City would

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never receive the agreed-upon green space. On another but related matter, Mr. Ruffman suggested that one of the sites nearest the MacIntosh Run should not be developed, but rather used as an additional buffer between the Run and the proposed development.

In concluding his remarks, Mr. Ruffman made mention of the fact that the park located on St. Michael's Avenue is currently zoned RDD, and suggested that for greater protection steps should be taken as quickly as possible to have it rezoned to "P," Park and Institutional.

Mr. Martin Willison, a resident of 40 Rockingstone Road and one of the founders of the MacIntosh Run Watershed Association, made a brief slide presentation showing photographs of the MacIntosh Run and its environs. Emphasizing the Run's importance both to the Spryfield area and to the Halifax community as a whole, Mr. Willison indicated that he fully concurred with Mr. Ruffman's suggestion that one of the proposed building lots be removed and used instead to afford the Run greater protection. In this context, Mr. Willison observed that in its recommendations to Council the Detailed Area Planning Committee for Mainland South had included the suggestion that for any development adjacent to "significant" water bodies (of which the MacIntosh Run is considered to be one), there should be a 100 foot setback; he acknowledged, however, that this recommendation had not been accepted by City Council.

On another but related matter, Mr. Willison strongly recommended that the development proposal put forward by Longwave Development be forwarded for review and recommendation to the City's Lakes and Waterways Advisory Committee.

Ms. Sheila Mahar, a resident of 18 Olie Street, also expressed concern regarding the close proximity of the proposed development to the MacIntosh Run and the potential impacts of such high-density development on the future of the wildlife indigenous to this waterway. In this context, Ms. Mahar concurred with the recommendation put forward by the previous speaker; namely, that the matter should be referred to the City's Lakes and Waterways Advisory Committee for review and recommendation.

Responding to a question from Ms. Janet Dunn, a resident of 50 St. Michael's Avenue, the City Solicitor advised that it would be unlikely that the company now in possession of the site fronting on Herring Cove Road (and proposed as a Dairy

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Queen franchise) would be required to approach City Council for any of the required building permits but could instead proceed on an as-of-right basis. Mr. Anstey went on to suggest that, even if Council were in a position to use its discretionary authority in this regard, there are limitations as to the extent of the direction which can be given an owner in terms of how his property is to be developed.

Mr. Ken Cooper of 12 Hartlin Avenue made reference to the traffic that will undoubtedly be generated on both Hartlin and Pinegrove Avenues, noting that this area is heavily used by schoolchildren. On another but related matter, Mr. Cooper referred to the fact that several of the neighborhood's schools are already overcrowded, pointing out that if the proposed development proceeds, it is entirely likely that additional school facilities will be required.

Mr. Dick Walston, a resident of 150 Purcell's Cove Road (and an individual who described himself as having a "vested interest" in a property located at the corner of Herring Cove Road and St. Michael's Avenue) addressed Council to emphasize that, at the present time, traffic exiting from St. Michael's Avenue onto Herring Cove Road is prevented from making a left turn. Making reference to the fact that the majority of area's commercial enterprises are located to the left of St. Michael's Avenue, Mr. Walston expressed his very deep concern that, with the addition of a large residential development on the Longwave site, the situation will very quickly deteriorate into a "nightmare." Under the circumstances, therefore, he called on Council to consider this matter carefully before making its decision and in so doing to have regard for the concerns put forward by area residents.

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

MOVED by Alderman Stone, seconded by Alderman Walker that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 27 April 1995. The motion was put and passed with Alderman Blumenthal voting in opposition.

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

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DEPUTY MAYOR STEPHEN D. ADAMS  
CHAIRMAN

SUBMITTED BY:  
E. A. KERR, CMC  
CITY CLERK

\*K



## MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 27 APRIL 1995

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

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

**STAFF:** BARRY B. COOPERSMITH, CITY MANAGER  
WAYNE ANSTEY, CITY SOLICITOR  
E. A. KERR, CITY CLERK

**INTRODUCTION**

Alderman Mary Ann Crowley, on behalf of all members of Halifax City Council, extended a welcome to the 44th Halifax Scout Troop from the Calvin Presbyterian Church, accompanied by their leader, Mr. Bruce Miller.

**LETTER OF CONDOLENCE**

His Worship Mayor Fitzgerald read from a letter of condolence and support forwarded to the Mayor and Council of Oklahoma City on behalf of Halifax City Council and its citizens with regard to the recent bombing incident and the substantial loss of life in that city.

**PROCLAMATION - WORLD RED CROSS DAY**

Mayor Fitzgerald read from an official proclamation designating **MONDAY, 8 MAY 1995** as "World Red Cross Day" in Halifax and, in so doing, urged all residents to donate their time and their resources to support Red Cross activities.

**PROCLAMATION - ANNUAL DAY OF MOURNING:  
VICTIMS OF WORKPLACE ACCIDENTS**

Mayor Fitzgerald read from an official proclamation designating **FRIDAY, 28 APRIL 1995** as an annual day of mourning in recognition of workers killed, injured or disabled on the job.

**PROCLAMATION:  
MULTIPLE SCLEROSIS AWARENESS MONTH**

Mayor Fitzgerald read from an official proclamation designating the month of May 1995 as "Multiple Sclerosis Awareness Month" in the City of Halifax, and urged all citizens to aid and support the Multiple Sclerosis Society and its important work.

**MINUTES**

Minutes of a special meeting of Halifax City Council held on Wednesday, 5 April and of a regular meeting held on Wednesday, 12 April 1995 were approved as circulated on a motion by Alderman Blumenthal, seconded by Alderman Crowley.

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

At the request of Alderman Uteck, Council agreed to add Item 20.1, "G-7 Spending Authority."

At the request of Deputy Mayor Adams, Council agreed to add Item 20.2, "Invitation to MLA's."

MOVED by Alderman Downey, seconded by Alderman Walker that the agenda, as amended, be approved. The motion was put and passed.

8:10 p.m. - Alderman Pottie retired from the meeting.

**DEFERRED ITEMS**

**Case No. 7102: Appeal of Minor Variance  
Refusal - 5523 Cornwallis Street**

A public hearing to consider this matter had been held on Wednesday, 19 April 1995. The City Clerk advised that no additional correspondence had been received since that time.

MOVED by Alderman Downey, seconded by Alderman Hanson that the decision of the Development Officer be overturned and that the request for a minor variance at Civic No. 5523 Cornwallis Street be granted. The motion was put and defeated.

**Case No. 7131: Development Agreement - Lands of  
Longwave Enterprises Limited (Off St. Michael's Avenue)**

A public hearing to consider this matter had been held on Wednesday, 19 April 1995.

Deputy Mayor Adams opened the debate by pointing out that, given the current zoning and designation of the property in question (which has been in place since 1987), the application for development as submitted by Longwave Enterprises must be given due consideration by Halifax City Council. He went on to clarify that under the terms of this application, Longwave is proposing to construct 121 single-family homes and 26 link homes in addition to donating a total of 2.4 acres for park use and improving St. Michael's Avenue by providing concrete curb and gutter and new pavement.

The Deputy Mayor emphasized that should Council deny the application, the developer under the provisions of the Municipal Planning Strategy and Land Use Bylaw is legally entitled to proceed with a project of considerably higher density (i.e., a minimum of 166 duplex units). Furthermore, if Longwave chooses to pursue their as of right option, only one acre of land will be dedicated for park use and there will be no improvements made (at least by the developer) to St. Michael's Avenue which will remain as the primary access to the site.

Having said that, however, Deputy Mayor Adams acknowledged the concerns raised during the 19 April public hearing regarding traffic and environmental impacts, and MOVED, seconded by Alderman Carmichael that:

- (1) Council rescind the approval for development agreement, approved for Longwave Enterprises Limited on 27 October 1994;
- (2) the application by Longwave Enterprises Limited for approval of a development agreement regarding 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), as shown on Plan No. P200/20303;
- (3) Council require that the developer be responsible for the following upgrading of the existing portion of St. Michael's Avenue:
  - (a) to construct a sidewalk on the south side;
  - (b) to construct a concrete curb and gutter on the south side; and
  - (c) to resurface the travelled way;
- (4) Council confirm that funds in the amount of \$13,500 be retained in the 1995/96 Capital Budget as a

specific item in the Housing and Development section for the construction of concrete curb and gutter on the north side of the existing portion of St. Michael's Avenue;

- (5) Council require that the upgrading of St. Michael's Avenue be commenced not later than six months from the subdivision approval for Phase 1, and that a performance guarantee to that effect be submitted at the time subdivision approval for Phase 1 is granted;
- (6) Council require that the agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council and any other bodies as necessary, whichever approval is later, including the applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end;
- (7) the City's Traffic Engineering Division review the increased traffic flows anticipated for the intersection of St. Michael's Avenue/Herring Cove Road from the perspective of implementing a new design for that intersection, such that there will be safe entry and exit from St. Michael's Avenue onto Herring Cove Road and from Herring Cove Road onto St. Michael's Avenue; furthermore, that if it is determined that traffic lights are warranted at this intersection, those lights be installed;
- (8) the No Parking signs located on St. Michael's Avenue be strictly enforced, except in the event of funerals; and further, that additional signage be erected if deemed appropriate by the City Traffic Authority;
- (9) when the upgrading of St. Michael's Avenue is complete, that the end of that street be regraded so as to allow easier access from St. Michael's Avenue to Herring Cove Road;
- (10) staff of the City's Engineering and Works Department and the City Traffic Authority meet with the engineers from IGA/Boland's Limited to discuss the relocation of the north exit of the Herring Cove IGA to a site approximately 30 feet south,

thereby prohibiting left turns from this property onto the Herring Cove Road.

Speaking on the motion, Alderman Blumenthal advised that he had spent some considerable time inspecting the site in question and that, as a result, he was somewhat concerned about the impacts on safety posed by this project and the substantial increases in traffic volumes it will represent for the residents of St. Michael's Avenue. The Alderman therefore proposed an amendment to the Deputy Mayor's motion; namely, that the development application put forward by Longwave Enterprises **not** be approved until such time as a comprehensive review has been undertaken to indicate whether the access to the project via St. Michael's Avenue is a safe and viable one.

During the ensuing discussion, the City Manager advised that a traffic study had already been undertaken in conjunction with the development application now under consideration. He went on to emphasize, however, that should Council wish to authorize a more comprehensive analysis, it was his professional opinion that that study could take place in **tandem** with the development of the Longwave site, rather than as a preliminary step. Mr. Coopersmith further noted that, should Council decide to proceed with this approach, the City will be fully responsible for underwriting the cost of the study and for the implementation of any improvements subsequently recommended.

An amendment to the Deputy Mayor's motion was subsequently moved by Alderman Blumenthal, seconded by Alderman Crowley that, in conjunction with the development of the Longwave Enterprises site, a comprehensive analysis of the intersection of St. Michael's Avenue and Herring Cove Road (in terms of the impacts posed by the Longwave project) be undertaken by the City of Halifax; and further, that a commitment be made by Halifax City Council to implement any recommendations for improvement which may result from this study. The amendment was put and passed.

In accepting this motion, the Chairman clarified that the proposed traffic analysis is not intended to be a condition of the development agreement with Longwave Enterprises, but rather an undertaking that will proceed in conjunction with it.

Alderman Epstein made reference to a memorandum dated 27 April 1995 received from Mr. Richard P. Gagne, Chairman of the Halifax Lakes and Waterways Advisory Committee, noting that, among other things, Mr. Gagne has recommended that "a

master drainage plan and a sediment erosion control plan be supplied by the developer for review" by the Committee. Referring to concerns also expressed during the 19 April public hearing, the Alderman indicated that he would prefer to have approval of Longwave's application deferred until such time as the recommendations put forward by the Lakes and Waterways Committee can be implemented.

Deputy Mayor Adams referred to a second recommendation submitted by Mr. Gagne concerning the dedication of open space adjacent to the MacIntosh Run. Noting that this proposal has been discussed with the developer, a second amendment was moved by Deputy Mayor Adams, seconded by Alderman Hanson that, as a further condition of the development agreement between the City of Halifax and Longwave Enterprises Limited, the open space consisting of the 0.9 acre adjacent to the MacIntosh Run be dedicated to the City upon approval of Phase I, rather than Phase II. The amendment was put and passed.

Alderman Epstein expressed concern that a number of issues pertaining to this development proposal have not yet been resolved. It was therefore moved by Alderman Epstein, seconded by Alderman Blumenthal that Council defer further consideration of this proposal, pending further negotiation with the applicant. The motion to defer was put and defeated.

The original motion, as amended, was put and passed.

**NOTE:** Following is the motion approved by Halifax City Council with regard to Case No. 7131 (Development Agreement - Lands of Longwave Enterprises Limited) in its entirety:

THAT:

- (1) Council rescind the approval for development agreement, approved for Longwave Enterprises Limited on 27 October 1994;
- (2) the application by Longwave Enterprises Limited for approval of a development agreement regarding 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), as shown on Plan No. P200/20303;



- (3) Council require that the developer be responsible for the following upgrading of the existing portion of St. Michael's Avenue:
  - (a) to construct a sidewalk on the south side;
  - (b) to construct a concrete curb and gutter on the south side; and
  - (c) to resurface the travelled way;
- (4) Council confirm that funds in the amount of \$13,500 be retained in the 1995/96 Capital Budget as a specific item in the Housing and Development section for the construction of concrete curb and gutter on the north side of the existing portion of St. Michael's Avenue;
- (5) Council require that the upgrading of St. Michael's Avenue be commenced not later than six months from the subdivision approval for Phase 1, and that a performance guarantee to that effect be submitted at the time subdivision approval for Phase 1 is granted;
- (6) Council require that the agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council and any other bodies as necessary, whichever approval is later, including the applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end;
- (7) the City's Traffic Engineering Division review the increased traffic flows anticipated for the intersection of St. Michael's Avenue/Herring Cove Road from the perspective of implementing a new design for that intersection, such that there will be safe entry and exit from St. Michael's Avenue onto Herring Cove Road and from Herring Cove Road onto St. Michael's Avenue; furthermore, that if it is determined that traffic lights are warranted at this intersection, those lights be installed;
- (8) the No Parking signs located on St. Michael's Avenue be strictly enforced, except in the event of funerals; and further, that additional signage be erected if deemed appropriate by the City Traffic Authority;

- (9) when the upgrading of St. Michael's Avenue is complete, that the end of that street be regraded so as to allow easier access from St. Michael's Avenue to Herring Cove Road;
- (10) staff of the City's Engineering and Works Department and the City Traffic Authority meet with the engineers from IGA/Boland's Limited to discuss the relocation of the north exit of the Herring Cove IGA to a site approximately 30 feet south, thereby prohibiting left turns from this property onto the Herring Cove Road;
- (11) in conjunction with the development of the Longwave Enterprises site, a comprehensive analysis of the intersection of St. Michael's Avenue and Herring Cove Road (in terms of the impacts posed by the Longwave project) be undertaken by the City of Halifax; and further, that a commitment be made by Halifax City Council to implement any recommendations for improvement which may result from this study;
- (12) as a further condition of the development agreement between the City of Halifax and Longwave Enterprises Limited, the open space consisting of the 0.9 acre adjacent to the MacIntosh Run be dedicated to the City upon approval of **Phase I**, rather than Phase II.

Correspondence was received from the following individuals:

- Submission, dated 20 April 1995, from Ms. Sheila Mahar, 18 Olie Street, Halifax, B3R 1M8
- Submission, dated 23 April 1995, from Ms. Carolyn Crawford, 19 Theakston Avenue, Halifax B3R 1R7
- Submission, dated 24 April 1995, from Mr. Barry O. Zwicker (Wallace, MacDonald & Lively Ltd.)
- Submission, dated 25 April 1995, from Mr. Robert Thomas, President, McIntosh Run Watershed Association

9:00 p.m. - Alderman Pottie returns to the meeting.

**PETITIONS AND DELEGATIONS**

**Request from Halifax Homeowners Association  
Re: Plebiscite - Municipal Amalgamation**

Mayor Fitzgerald submitted a letter dated 18 April 1995 received from Mr. James H. Vaughan, President of the Halifax Homeowners Association, which called for a plebiscite to be held on the matter of the proposed municipal amalgamation.

At His Worship's request, it was generally agreed that this matter would be added to the agenda of the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 3 May 1995.

**Halifax Harbour Clean-Up Project**

Alderman Epstein submitted a letter dated 21 April 1995 from Ms. Lorraine Baxter, Guider, 26 Halifax Guide Company, attaching expressions of concern from seven 11 year-old Girl Guides with regard to the continuation of the Halifax Harbour Clean-Up Project.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of its Finance and Executive Committee from a meeting held on Wednesday, 19 April 1995 as follows:

**The Khyber Building - Proposal from  
the Arts Centre Project Society**

MOVED by Alderman Epstein, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, City Council authorize staff to enter into negotiations with the Arts Centre Project Society for a lease for the Khyber Building for a period of three (3) years for a fee of one dollar (\$1.00); and further, that the details of this lease be returned to Council for its consideration.

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

Council Meeting Dates

MOVED by Alderman Walker, seconded by Deputy Mayor Adams that the following motion (which had been defeated during the 19 April meeting of the Finance and Executive Committee) be approved:

THAT:

- (1) Council meet every first and third Wednesday commencing at 6:00 p.m. and every second and fourth Thursday commencing at 7:00 p.m. for a total of four meetings a month;
- (2) the first and third Councils of the month would be Committee of the Whole sessions at which the following would apply:
  - a. 6:00 p.m. to 7:00 p.m.: delegations/presentations in accordance with existing policy regarding presentations to Council;
  - b. 7:00 p.m. to the end: debate on agenda items
- (3) should there be urgent matters that require Council decisions, they could be dealt with at any of the four meetings through a special meeting of Council.
- (4) public hearings begin at 6:00 p.m. with Committee of the Whole following.

Following a lengthy debate, the motion was up and defeated with five members of Council voting in support of the motion and seven against as follows:

**FOR:** Deputy Mayor Adams; and Aldermen Uteck, Epstein, Maher, and Walker (5)

**AGAINST:** Aldermen Carmichael, Downey, Blumenthal, Pottie, Hanson, Crowley and Stone (7)

Application for Certification - Nova  
Scotia Union of Public Employees

MOVED by Deputy Mayor Adams, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, City Council support implementation of Alternative

#3 as outlined in the staff report of 31 March 1995, which is "to participate in the hearing before the Supreme Court." The motion was put and passed.

**Spring Garden Road B IDC 1995/96 Budget**

This matter had been forwarded without recommendation from the 19 April meeting of the Finance and Executive Committee, pending receipt of additional information.

A supplementary report dated 21 April 1995 was submitted by the Director of Development and Planning.

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

- (1) Council approve the **Spring Garden Road B IDC Operating Budget** for the period 01 April 1995 to 31 March 1996 and the following rates as attached to the supplementary staff report dated 21 April 1995:

Commercial Realty Rate per \$100 of assessment . . . . .	0.01367
Business Occupancy Rate per \$100 of assessment . . . . .	0.31460

- (2) Council defer approval of the parking lot budget until the report is considered at the **3 May meeting of Committee of the Whole Council.**

The motion was put and passed.

**Towing Contract**

MOVED by Alderman Blumenthal, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, Council authorize the extension of the City's towing contract with **Ace Towing Limited** at the tendered towing rates, fees and storage charges for an additional two (2) year period.

The Chairman submitted a letter dated 26 April 1995 received from Ms. Beverly W. Miller, President of the Ward One Residents Association.

Alderman Uteck spoke in opposition to the motion, emphasizing that while he and other residents of the Mitchell Street area have no objection to the manner in which Ace Towing fulfils its obligations to the City with regard to its towing contract, there is a great deal of concern pertaining to other aspects of Mr. Lohnes' business, aspects that are not considered to be appropriate for a property bordering on a residential neighborhood.

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

### Question Period

This matter had been forwarded without recommendation from the 19 April meeting of the Finance and Executive Committee. A memorandum dated 19 April 1995 addressed to Deputy Mayor Stephen Adams from the City Manager's Office had previously been circulated.

MOVED by Deputy Mayor Adams, seconded by Alderman Walker that Ordinance No. 103 be amended to eliminate "Question Period" in its entirety as a component of the agenda for regular meetings of City Council; and further, that questions for staff be addressed through the use of memoranda.

During the discussion which ensued, Alderman Crowley made reference to a memorandum dated 19 April 1995 and received from the City Manager's Office. Referring, in particular, to the costs which are alleged to be associated with the processing of Council questions, the Alderman suggested that with the recent decrease in the number of questions raised during Council Period, those costs would now be substantially lower. Having said that, Alderman Crowley asked for a cost comparison between the manner in which questions are now being processed (i.e., via the City Clerk's Office to Question Period to the appropriate staff member) and the alternative of bypassing Question Period and requesting every Alderman to fax or memo staff with their requests.

The motion was put and defeated.

### **REPORT - COMMITTEE ON WORKS**

Council considered the report of its Committee on Works from a meeting held on Wednesday, 19 April 1995 as follows:

**Petition: Local Improvement  
Project, Rocky Hill Road**

An Information Report dated 26 April 1995 was received from the Director of Engineering and Works.

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Committee on Works, the Local Improvement Project for Rocky Hill Road be deleted from the 1995/96 Capital Budget. The motion was put and passed.

**Armview Traffic Pilot - Proposed Option #4**

Following is the motion approved by the Committee on Works at its 19 April meeting:

That, as a solution to the long-standing traffic problems in the Armview/Pryor/Jubilee Road area, Council request the Traffic Authority to endorse "Option Four" as follows:

- (1) the implementation of no right-hand turns off Quinpool Road at Armview, Prince Arthur, and Bloomingdale between the hours of **6:00 - 9:00 a.m.**;
- (2) the installation of a stop sign and crosswalk on Pryor at Jubilee;
- (3) the installation of a two-way stop sign at the intersection of Jubilee and Connaught;
- (4) the installation of a three-way stop sign at Bloomingdale and Norwood.
- (5) the installation of a flashing green light on Oxford at Quinpool travelling north from 4:00 - 6:00 p.m., and the removal of the "No Left Hand Turn" sign on Oxford at this intersection;
- (6) the relocation of the bus stop on the southeast side of the Oxford/Quinpool intersection to the south end of the block;

and further, that these measures be implemented for a trial period of a minimum of six months.

An Information Report dated 26 April 1995 was submitted by the Director of Engineering and Works.

Alderman Carmichael submitted a brief overview of the 26 April Information Report noting that Option #4, as put

forward on 19 April by the Committee on Works, is not considered to be satisfactory and for that reason will not be supported by the Traffic Authority. She acknowledged, however, that one component of that option (namely, the relocation of the bus stop on the south side of Quinpool to allow for left turns from Oxford Street) is currently under review.

Alderman Carmichael went on to point out that Option "B," which involves the partial closure of Jubilee Road at Connaught, is the approach favored by staff who, in deference to the Alderman's concerns, have recently suggested a variation; namely that the median on Connaught Avenue at Norwood be only partially closed. The Alderman indicated that this approach would provide two access routes for residents of the community west of Connaught: (a) turning left off Quinpool Road to Bloomingdale, Prince Arthur, or Armview; and (b) turning left onto Norwood.

Alderman Carmichael emphasized that, given the safety concerns identified by the UMA Report, the status quo in this area cannot be allowed to remain. She added, however, that in her view the approach represented by Option "B" is not the best solution, pointing out that she continues to have grave concerns regarding the impact on this community of the partial closure of Norwood Street, a problem which will be exacerbated by the presence of the boat ramps at the foot of Jubilee Road, the use of these streets by service vehicles, and the traffic that will be generated by the St. Mary's Boat Club.

Having said that, however, the Alderman indicated that she is willing to put forward a recommendation that Council approve Option "B" but emphasized that, in doing so, she is attempting to make the best of a very difficult situation having been offered what she termed "very limited alternatives."

It was therefore moved by Alderman Carmichael, seconded by Alderman Epstein that Halifax City Council approve Option "B" (as put forward on p. 9 of the 13 March 1995 report from the Director of Engineering and Works) as follows:

- (1) that a partial closure of Jubilee Road at Connaught Avenue be implemented in tandem with the partial closure of the median on Connaught Avenue at Norwood Street including the following changes:-
  - (a) the extension of the Connaught Avenue median through to the centre line of Jubilee Road;



- (b) the relocation of the stop sign from Connaught Avenue to Jubilee Road west of Connaught Avenue;
  - (c) the partial closure of the median opening on Connaught Avenue at Norwood Street.
- (2) that the above-noted changes be implemented for a minimum period of six months; and
- (3) that a monitoring committee consisting of staff, area residents, and the Alderman for Ward 2 be established to evaluate the situation and to make recommendation for further improvements, as appropriate.

In putting forward this motion, Alderman Carmichael requested that every effort be made to give the partial closures the appearance of being "permanent" (i.e., no sandbags or barrels).

On another but related matter, Alderman Carmichael made reference to para. 4, p. 6 of the 26 April Information Report which states: "If [the partial median closure on Connaught Avenue at Norwood] proves insufficient, then a full median closure at Norwood Street could subsequently be approved by Council." The Alderman noted that, in her view, such a step would **not** be an automatic one, should the partial closure prove ineffective, emphasizing that she would never agree to support the full closure of this median.

Mr. B. N. Kennedy, City Traffic Authority, and Mr. Kulvinder Dhillon, Chief Engineer, using maps of the area in question, provided a brief overview of Option "B," and responded to questions from various members of Council.

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

**Petition: Local Improvement, Ross Street**

An Information Report dated 26 April 1995 and entitled "Petition - Local Improvement Project, Rocky Hill Road" was submitted by the Director of Engineering and Works.

MOVED by Alderman Stone, seconded by Alderman Crowley that, as recommended by the Committee on Works, the petition submitted from affected property owners be accepted and that

the local improvement project proposed for Ross Street in the 1995/96 Capital Budget be deleted; and further, that the funds originally proposed for both the Rocky Hill Road and Ross Street improvements be used instead for the purposes of proceeding with the following projects:

- (a) Melody Drive Resurfacing
- (b) Broadholme Lane Resurfacing
- (c) Willett Street (Lot N8) - Drainage Improvements

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

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

#### **Presentation to the Law Amendments Committee Re: Municipal Amalgamation**

This matter had last been discussed during a special meeting of Committee of the Whole Council held on Thursday, 20 April 1995.

MOVED by Deputy Mayor Adams, seconded by Alderman Blumenthal that City Council authorize a staff presentation on the proposed municipal amalgamation to the Law Amendments Committee as discussed during the 20 April special meeting of Committee of the Whole Council. The motion was put and passed.

### **REPORT - PLANNING COMMITTEE**

Council considered the report of its Planning Committee from a meeting held on Wednesday, 19 April 1995 as follows:

#### **Case No. 7150: R-2A (General Residential Conversion and Townhouse) Zone Review**

MOVED by Alderman Uteck, seconded by Alderman Carmichael that, as recommended by the Planning Committee, the proposed amendments to the Land Use Bylaw pertaining to Case No. 7150 (R-2A Zone Review) be forwarded to the Planning Advisory Committee for advice.

The motion was put and passed.

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

MOVED by Alderman Epstein, seconded by Alderman Walker that, as recommended by the Planning Committee, the list of recommended Heritage Conservation Incentives dated 29 March 1995 (as attached to the report from the Heritage Advisory Committee dated 7 April 1995) be approved with the following provisions:

- (a) that with regard to p. 1, Item (14) of the 1995 Heritage Conservation Incentives, the recommended amount be revised from \$1,659 to **\$2,500**;
- (b) that the final paragraph on p. 2 of the 7 April report be amended to read as follows:

The recommendations provide for a total expenditure of **\$53,418**. These recommendations, if approved by Council, will result in a maximum of **\$46,582** available for the second review in June 1995 [**revisions noted in bold print**].

The motion was put and passed.

**MISCELLANEOUS BUSINESS**

Equipment Replacements:  
Tender Nos. 95-91 and 95-92

A report dated 19 April 1995 was submitted from the Director of Finance.

MOVED by Alderman Walker, seconded by Alderman Stone that:

- (a) Tender No. 95-91 for the purchase of three (3) 1995 4 x 4 pick-up trucks with extended cabs be awarded to **Carroll Pontiac Buick GMC** based on the lowest bid price at a total cost of \$63,134.28;
- (b) Tender No. 95-92 for the purchase of three (3) 1995 dump trucks complete with plows be awarded to **Taylor Lincoln Mercury** based on the lowest bid price at a total cost of \$146,132.04.

The motion was put and passed.

**Cash Flow and Interim Permanent  
Financing - Harbour City Homes**

This matter had last been discussed during a regular meeting of Halifax City Council held on 30 March 1995. A report dated 19 April 1995 was submitted by the Director of Finance.

MOVED by Alderman Downey, seconded by Alderman Walker  
that:

- (1) Harbour City Homes be granted an extension in its operating line of credit of \$500,000 to **31 May 1995**;
- (2) Harbour City Homes re-submit its budget before 31 May 1995 amending it to recognize the failure of the Province of Nova Scotia to further contribute to the deficit;
- (3) Harbour City Homes review its administrative costs to bring them more in line with projects of a similar nature, as indicated by the Province of Nova Scotia Department of Housing and Consumer Affairs.

Asked to comment, the City Manager advised that during a meeting with Provincial representatives it had become apparent that the Province is not prepared to cost-share in the deficit accumulated by Harbour City Homes given the fact that, in their opinion, other similar projects are continuing to operate successfully with much smaller budgets. Mr. Coopersmith went on to point out that, if the Province persists in this approach, it will then become the full responsibility of the City of Halifax to meet these deficit payments, adding that, in his view, it was therefore imperative that Harbour City Homes make the necessary adjustments in its operating budget within the next four-week timeframe so that the problem (which was originally identified in December of 1994) can be rectified.

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

**Tender No. 95-68: Paving Renewal -  
Agricola Street (Young - Livingstone Street)**

A report dated 24 April 1995 was submitted by the Director of Engineering and Works.

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that Council:

- (1) approve the award of Tender No. 95-68 for the paving renewal to be carried out on Agricola Street between Young Street and Livingstone Street (northbound lane) for material and services listed at the unit prices quoted for a Total Bid Price of \$103,210.00 and a Total Project Cost of \$119,000.00 to Standard Paving Maritime Ltd.
- (2) approve the installation of SCOOT loops by Black & MacDonald with whom the City has a three-year maintenance agreement for an estimated cost of \$4,000.00;
- (3) authorize funding from Capital Account No. 91422 (Agricola Street - Young Street to Livingstone Street).
- (4) grant authority to make additional expenditures for the Halifax Water Commission work (such as lifting of valves) which will be recovered from the Commission.

The motion was put and passed.

**Motion Alderman Uteck Re: Downtown Parking Facility (Granville, Hollis and Salter Streets)**

This matter had last been discussed during a regular meeting of Halifax City Council held on 12 April 1995 at which time the following motion was approved:

That:

- (a) Council authorize staff and the City's appointed agents to complete the preparation of option agreements for the acquisitions of properties in the Granville, Hollis and Salter Street block (as outlined in the confidential staff report dated 23 March 1995) for execution by the Mayor and City Clerk, except that with respect to Lot #11, staff be instructed to undertake negotiations with the owner and to report back to Council;

- (b) Council authorize staff to make an interim payment to FTA Realty Ltd. in the amount of \$79,040 for professional services rendered, with funds to come from the Sale of Land Account;
- (c) the City **not** purchase the lands in question until the City receives the approximately \$4,000,000 from the sale of lands to ITT Sheraton for the Casino, or from sufficient funds being deposited in the Sale of Land Account from the sale of land from any new source.

A private and confidential report dated 20 April 1995 was submitted by the Director of Corporate and Legal Affairs.

MOVED by Alderman Uteck, seconded by Alderman Downey that, in order to clarify Council's resolution of 12 April 1995 with respect to the downtown parking facility at Granville, Hollis and Salter Streets, Council now direct that it be sufficient to discharge the motion that funds from a new source, together with any unencumbered funds presently in the Sale of Land Account, be sufficient to complete the purchase.

Following a lengthy debate and questioning of both the City Manager and the Directors of Finance and Development and Planning, the motion was put and passed.

## **QUESTIONS**

### **Question Alderman Stone Re: Susie Lake Environmental Assessment Project**

Alderman Stone noted that the "Susie Lake Environmental Assessment Project" had been initiated last year for the protection of the Birch Lake Area, adding that he had understood that the project was scheduled for completion following the 1994/95 winter season.

Under the circumstances, therefore, the Alderman asked to be advised as to the status of this project and, more particularly, information as to when a report on the matter will be submitted to Council.

### **Question Alderman Epstein Re: Listing of City-Owned Properties**

Alderman Epstein noted that he has made several previous requests for a list of City-owned properties but as

yet has received neither the list nor a reason for its delay. Under the circumstances, the Alderman noted that he would appreciate receiving this information as quickly as possible.

### **ADDED ITEMS**

#### **G-7 Spending Authority**

An Information Report dated 27 April 1995 was submitted by the Director of Recreation.

MOVED by Alderman Pottie, seconded by Alderman Uteck that the City Manager be permitted to authorize G-7 expenditures up to the limit of budgets established by City-sponsored committees and for which funding is guaranteed by non-City sources. The motion was put and passed.

#### **Invitation to MLA's**

This matter had been added to the agenda at the request of Deputy Mayor Adams who noted that while there would appear to be a total of 41 individuals at Province House who fully support the municipal amalgamation proposal, Council has never been advised as to the reasons for that support.

It was therefore moved by Deputy Mayor Adams, seconded by Alderman Blumenthal that an invitation be extended by Halifax City Council to the following individuals to attend the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 3 May 1995) to explain the reasons for their support of the municipal amalgamation proposal and, in particular, the benefits to Halifax and its citizens:

- (a) the three (3) Liberal MLA, representing the City of Halifax;
- (b) the three (3) "shadow" MLA's (i.e., the Liberal members who have been assigned to those Halifax ridings currently held by Opposition MLA's);
- (c) the Minister of Municipal Affairs.

The motion was put and passed.

**Loss of Business - Bedford Highway Improvements**

In accordance with a motion passed during the 19 April meeting of Committee of the Whole, a private meeting of City Council had been held at an earlier point in the evening to discuss a suggested course of action.

At the suggestion of His Worship Mayor Fitzgerald, it was generally agreed that this matter would be added to the agenda of the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 3 May 1995.

There being no further business to be discussed, the meeting was adjourned at approximately 11:30 p.m.

MAYOR WALTER FITZGERALD  
CHAIRMAN

SUBMITTED BY:  
E. A. KERR, CMC  
CITY CLERK

\*K

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**HALIFAX CITY COUNCIL  
PUBLIC MEETING RE:  
PROPOSED LIMITATION - TAXI VEHICLES  
M I N U T E S**

**Halifax Forum  
Multi-Purpose Centre  
2 May 1995  
7:00 P. M.**

A public meeting was held at this time to consider proposed amendments to Ordinance 116, the Taxi and Limousine Bylaw, designed to limit the number of taxi vehicles licensed by the City of Halifax.

**PRESENT:** His Worship Mayor Walter Fitzgerald, Chairman; Deputy Mayor Stephen D. Adams; and Aldermen Uteck, Carmichael, Epstein, Blumenthal, Pottie, Hanson, Maher, Walker, Crowley and Stone.

**REGRETS:** Alderman Graham Downey

**STAFF:** Wayne Anstey, Q.C., City Solicitor; Sergeant Scott Burbridge, License Inspector (HPD)

The following documentation had been submitted:

- Information Report dated 7 April 1995 from the Director of Corporation and Legal Affairs
- Correspondence dated 10 April 1995 from Mr. Derek T. Mathers, President, Yellow Cab Limited
- Correspondence dated 12 April 1995 from Mr. Darshan S. Virk, President, United Cab Drivers Association of Halifax
- Correspondence dated 18 April 1995 from Ms. Judith B. Cabrita, Managing Director, Tourism Industry Association of Nova Scotia (TIANS)
- Correspondence dated 19 April 1995 from Mr. Darshan S. Virk, President, United Cab Drivers Association of Halifax
- Correspondence dated 26 April 1995 from Mr. Gordon Sprague
- Correspondence dated 27 April 1995 from Mr. Darshan S. Virk, President, United Cab Drivers Association of Halifax

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2 MAY 1995**

Mr. Darshan S. Virk and Mr. Edward Benoit, members of the UCDA Executive, addressed Council speaking from a prepared text dated 2 May 1995 which has been appended to these Minutes.

Mr. D. MacInnis, a Halifax taxi driver for the past 55 years, suggested that the number of taxi vehicles should be reduced through attrition to a maximum of 400. In his remarks, Mr. MacInnis emphasized that it has become increasingly difficult for local drivers to make what he referred to as "a decent living," and added that cabbies must now work much longer hours in order to maintain an acceptable level of income.

Mr. J. R. Martin of 36 Abbey Road identified himself as a part-time driver and one who rents out his vehicle to others in the taxi industry. In his remarks, Mr. Martin acknowledged that some form of limitation and/or entry controls are needed to ensure that the Halifax taxi industry is economically viable for its members and that passengers are provided with a quality service. He suggested, however, that at this point Council should proceed with caution and refrain from making hasty decisions, particularly given the fact that a limitation on the number of drivers has only recently been initiated. Mr. Martin expressed concern that a limitation on both vehicles and drivers might lead to problems, particularly in terms of the time a passenger will be forced to wait for taxi service, and added that if this matter is not thoroughly researched before a decision is made, there would be no real benefits for the industry.

Mr. Lorne Baccardax, Manager of Yellow Cab Limited, spoke from a prepared text dated 2 May 1995 which is also appended to these Minutes.

Mr. John Gray, a Halifax taxi driver, emphasized the long hours which local cab operators must now work in order to earn an acceptable income, and put forward the suggestion that it is primarily the office owners who are opposed to the concept of vehicle limitation because it will weaken their control over the industry.

Mr. Dan MacDonald, Vice President of the United Cab Drivers Association, briefly addressed Council to state that Halifax cab drivers have been "pushed around" long enough and are now calling upon City Council to "bite the bullet" and help the taxi industry regain its economic viability.

Mr. Ali Roshanimeydan, a local taxi operator, suggested that since taxi operators frequently serve as the

**HALIFAX CITY COUNCIL  
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City's "ambassadors," it is Council's duty to do all it can to help the industry survive and prosper.

Mr. Derek Mathers, President of Armdale Taxi, Ace-Y Taxi and Yellow Cab Limited, addressed the gathering speaking from a prepared text dated 2 May 1995 which has been attached to these Minutes.

Responding to a question from Alderman Epstein, Mr. Mathers expressed concern that should the UCDA's proposal be accepted, the City of Halifax will have placed restrictions both on the number of taxi operators as well as on the number of taxi vehicles, a situation which is, in his opinion, has not been duplicated anywhere in Canada. He went on to suggest that the number of taxi vehicles should be maintained at their current level, i.e., 700.

Mr. Gordon Sprague, reading from a typed submission dated 26 April 1995 which has been attached to these Minutes, addressed Council with regard to his proposal for taxi license restrictions.

Mrs. Margaret Wood, representing Wood's Limousine Service, spoke in opposition to the proposal put forward by the UCDA to impose a freeze on any future issuance of limousine licenses. In her remarks, Mrs. Wood emphasized that, in her view, it was extremely inappropriate of the Association to make such a recommendation, particularly given that there is very little interaction between the taxi and limousine industries and the fact that there are many dissimilarities in the two operating modes.

Mr. Wayne Campagna, who identified himself as a limousine chauffeur, concurred with the remarks put forward by Mrs. Wood, emphasizing that, unlike taxi licensees who are given on-street stands and other amenities by the City, limousine operators receive nothing.

Mr. Robert Kelley, a resident of the City and currently a member of the Halifax Taxi and Limousine Commission, spoke in favor of license limitation as a means of giving the taxi industry greater economic viability. He suggested, however, that in return for these restrictions, the City should reintroduce its driver education course and require that all licensed taxi operators receive training to update their skills, particularly in terms of customer service.

Mr. Bob Richards, a taxi driver for 30 years and also a member of the Halifax Taxi and Limousine Commission,

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commended Council on its recent efforts to assist its taxi industry and spoke in support of vehicle limitation.

A Y taxi driver with 14 years experience noted that he has rented his vehicles off and on for 7 years. As a driver of rented vehicles, the gentleman expressed concern that a deadline had been proposed by the UCDA within which timeframe all individuals currently renting must either purchase their own vehicle or forfeit their license. He suggested instead that existing drivers should be given a choice as to whether they wish to own or rent their taxi (i.e., "grandfathered in" by some method), although he did agree that should new applications be accepted in the future, those individuals should be required to own their own vehicles.

Mr. Bernie Joyce, a driver with Yellow Cab Limited, spoke in support of vehicle limitations and suggested that an appropriate number would be in the 500 range, a figure which he suggested would adequately respond to customer demand while at the same time provide operators with ample time off. In this context, Mr. Joyce put forward the suggestion that the Halifax taxi industry has a good cross-section of drivers, some of whom prefer to work during the daylight hours and others who prefer the evening. He added that, given the fact that there are over 700 operators currently licensed by the City, the industry should have no difficulty "handling" customer demand, even if that demand is augmented by the opening of the new casino. Mr. Joyce concluded his remarks by urging Council to approve vehicle limitation which, in his words, would help the taxi industry "streamline" itself and prepare more effectively for the future.

Mr. Paul McGrath of Continental Limousines emphasized the dissimilarities between the taxi and limousine industries, and concurred with previous limousine representatives who had expressed opposition to the UCDA proposal to limit the number of limousine licenses.

Mr. Ian Campbell, speaking on behalf of Mr. Ari Mastrapas (the owner of 55 rental taxi vehicles), addressed the gathering in opposition to the proposal to eliminate rental taxis. In his remarks, Mr. Campbell made reference to the fact that because situations often arise in which licensed taxi operators are financially unable to provide their own vehicles, the availability of rental taxis allow them to continue in the industry and to earn a livelihood. He went on to refer to the fact that a limitation of drivers had already been implemented by City Council and questioned the need for further

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restrictions, particularly given the fact that the impact of driver limitations had not yet been evaluated.

On another but related matter, Mr. Campbell noted that the UCDA's proposed maximum of 317 taxi vehicles is based solely on local population figures, a formula which the Hara Report did not recommend or support. He went on to point out that, as previous speakers had indicated, there are many long-term drivers in the industry who have consistently rented their vehicles, and questioned whether it was appropriate for the City to consider eliminating their means of earning a living. Mr. Campbell concluded his remarks by suggesting that the driver education course should be re-introduced for the purposes of upgrading existing members of the taxi industry, and that the tuition fees should be increased substantially so that only those individuals who are "serious" about their careers as taxi drivers will opt to remain in the industry. He also recommended that licensing fees be increased so that the proceeds can be used to enhance enforcement levels and to assist the industry in delivering a quality service to its customers.

Mr. Brian Jardine, President of Sunshine Limousine, urged cooperation between the taxi and limousine industries and while acknowledging that changes must take place to assist the taxi operators, emphasized that he did not feel those changes should be implemented to the detriment of the limousine industry.

Ms. Sharon Lantz, President of the Halifax Taxi Bureau Society, addressed the gathering to express concern regarding the UCDA's proposal to extend the limitation now in effect for taxi operators to the licensing of taxi vehicles. In her remarks, Ms. Lantz put forward the suggestion that, with restrictions already in place on the issuance of new operator, it was unnecessary at this point in time for the industry to push for a similar limitation on the number of its vehicles. In this context, she made reference to the statistics being used to indicate the number of both vehicle and driver licensees, emphasizing that, in her view, these totals are incorrect as they fail to indicate those licenses that are not being used on a regular basis. Ms. Lantz went on to suggest that the average member of the Halifax taxi industry is a middle-aged male who will undoubtedly wish to retire within the next several years, a factor which will also assist in "driving the numbers down" should limitations on the number of new licensees remain in place. She also made reference to concerns raised in the Hara Report pertaining to vehicle limitations, noting that the consultants have cautioned against this

**HALIFAX CITY COUNCIL  
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approach as, in their view, it will have serious and negative impacts on the owner-operated system which is so characteristic of the Halifax taxi industry.

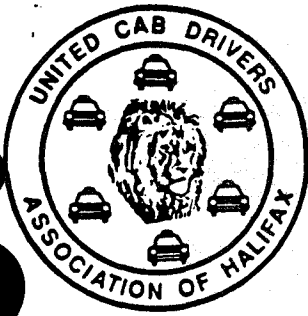
In concluding her remarks, Ms. Lantz noted that she concurred with earlier speakers who suggested that a limitation of taxi vehicles will result in longer waiting times for customers, a factor which may "backfire" on the taxi industry. Instead, she again made reference to the recent implementation of driver limitation and suggested that before any decision is made on vehicle restrictions, a committee be established to review the impacts of the current approach to limitation and to make recommendation to Council **before** the restrictions on operator numbers are lifted in 1997.

Ms. Shirley Comeau, a Halifax taxi driver with over 22 years of experience, also spoke in opposition to the proposed limitation of vehicle licenses, suggesting that given the restrictions on operator licenses now in place, such controls are unnecessary.

After some further discussion, the meeting was adjourned at approximately 9:40 p.m.

**MAYOR WALTER FITZGERALD  
CHAIRMAN**





**UNITED CAB DRIVERS  
ASSOCIATION OF HALIFAX**

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**TO:** His Worship the Mayor Walter Fitzgerald and  
Members of City Council

**FROM:** Darshan S. Virk  
President  
United Cab Drivers Association of Halifax

**DATE:** May 2, 1995

**UNITED CAB DRIVERS ASSOCIATION OF HALIFAX  
PERSPECTIVE ON LIMITATION AND AMALGAMATION**

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## 1. IMAGE

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Image is a very important factor whenever anyone deals with any other person, business, or the public, and self-esteem is born of the image people portray one to have.

Taxi drivers have had a poor image since the inception of the service. "A servant to the commoner", as opposed to a servant to the elite. This notion of lower than common seems to have travelled through time and is still prevalent to today's society.

Limitation would offer the industrious cab driver some sense of security, and this same security could be offered to financial institutions as a form of collateral for loans. Limitation is a very necessary tool to change the image of the cab driver to both the general public and to financial institutions. It would give the driver a sense of dignity because the industry could very quickly become career orientated with a professional attitude towards work. Limitation would also, without doubt, be the first move to organizing and disciplining the industry.

Security, organization, discipline, and a sense of dignity would propel a more wholesome attitude towards, and from, all aspects of the public interest.

## 2. LIMITATION, AMALGAMATION AND TAXI ZONES

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Halifax taxi drivers are well aware of the negative impact of amalgamation of four municipalities on their livelihoods without limiting the number of taxis and setting separate taxi zones. The responsibility to address the taxi zones lies with the provincial government. However, limiting the number of vehicles has been dragging on in Halifax since before 1960.

As of March 1995, Halifax has a ratio of one taxi for every 166 persons with a population of 114,455 (1991 consensus). Information in the Hara Report shows that Oakville, Ontario with a population of 114,000 has a ratio of one taxi for every 2,533 residents.

Approximately one-third of the total population of Nova Scotia lives in Halifax, Dartmouth, Bedford and the County.

Halifax has universities, hospitals, provincial government offices, major hotels, restaurants and two container ports for taxi business. As a result County drivers would be more interested in conducting taxi business in Halifax than the Halifax taxi drivers doing business in Ecum Secum, Musquodoboit Harbour, Hubbards and other communities in the proposed Supercity. At present the number of taxis far exceeds the demand. It might be appropriate to mention that in Metro Dartmouth City Council members have shown remarkable understanding and leadership in identifying and addressing the legitimate concerns of the taxi industry. In 1989, at the request of the Dartmouth Taxi Association, City Council limited the number of taxis to two hundred and fifty. In 1993, due to lack of business, the City Council reduced the limit to 200 taxis. Members of the Dartmouth Taxi Association still feel that there are too many taxis. They are planning to request the Dartmouth City Council to reduce the number of taxis to 175.

Taxi drivers in Halifax, Dartmouth, Bedford and Halifax County have one common problem. That is a shortage of customers. Amalgamation of the Metro taxi industry will not generate new business or improve the viability, rather it would make taxi drivers fight with each other.

### CONCLUSION

Like most cities in Canada Dartmouth City Council has already limited the number of taxis. It is time for the Halifax City Council to be fair to the taxi drivers of Halifax by freezing new taxi owner licenses to achieve and maintain cab:population ratio as requested. This will encourage equality, security, stability and prevent further over-saturation and confusion in the taxi industry.

### 3. ECONOMICS AND MARKETING

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The fare should be a delicate balance between the provision to the public of the service at a fair price, the provision to the driver of a decent income, provision to the car owner of sufficient funds to ensure the safe condition of the vehicle and its timely replacement, and provision to the company broker to maintain dispatch facilities and its overall operation which would ensure the quality of the industry as a whole. However, for this balance to be maintained, volume of calls per car must be considered. If the volume of calls per car drops too low, there is primarily an erosion of income to the driver and a deterioration of equipment that the public must use.

Volume of calls does not effect the fares. Fares are regulated. A low volume of calls will eventually result in the failure by a driver to pay the company broker for his services which is followed by an immediate removal of that car from his stand.

In seeking limitation, the drivers and owners of the industry wish to maintain a level or volume of calls per car so that, at the very least, one could operate and budget with reasonable expectations for time and money invested in the industry.

When the general economic climate of this region is flourishing, the taxi industry, like so many other businesses, is prosperous. However, when the economy is in a downturn, the taxi industry becomes very vulnerable for two reasons.

1. People who are removed from their place of employment turn to the industry for revenue.
2. The amount of business to the industry drops.

Ironically, the biggest benefactor to this shift of economics are the company brokers as the broker's fleet will increase as more drivers and owners look for a means of income. This, of course, further reduces the income of each driver and owner. The company broker in both cases is in the best financial position in the industry overall. If the economy is flourishing, office rents are set to reflect such. If the economy is in a downshift, he realizes a larger fleet of cars, each car paying for the services of that operation. The general public, in an economic downshift, is serviced by potentially a transient operator with minimal standards (cosmetically and mechanically) in a vehicle.

Other reasons why a taxi driver has difficulty in earning income are:

1. Income can only be increased by hours worked because profit margin is governed by regulated fares, high proportional operating costs, and high

non-prorateable costs such as insurance, office rent, etc. Working hours of the taxi drivers are stretched to the limit.

2. The taxi industry is very generic. It is highly inefficient for a cab driver to establish his own clientele, and very time consuming for individuals who wish particular drivers.
3. There is a misunderstanding of individuals who hear of taxi incomes and relate to them as wage as opposed to business income. This creates a flow of people into the industry, who stay long enough to realize the difference, and then make their departure. However, the flow is consistent, and some individuals get "locked-into" the industry.

#### 4. **FREE ENTERPRISE VERSUS REGULATION**

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##### **DEFINITION: FREE ENTERPRISE**

(As defined by the Meriam-Webster Collegiate Dictionary)

"Freedom of private business to organize and operate for profit in a competitive system, without interference by government, beyond regulation necessary to protect the public interest and keep a national economy in balance."

Using this definition it can be seen that the free enterprise system is impossible at the level of the taxi drivers/owners, as it is impossible for us to compete. The City directs us to operate from a taxi office and the office directs that we must take our calls in rotation, making it impossible for us to compete for calls. The only competition possible in our industry is at the company broker level. They are able to compete by the level of service offered, although it is apparent they are presently not doing so.

After study, it is apparent that the argument of Free Enterprise vs. Regulation is a non-argument, as there is no attempt here to limit taxi company brokers, and regulation is definitely necessary to protect the viability of the industry and the interest of its users.

.....

It is our opinion that regulation should only be imposed where protection of the viability of the industry and its service to its users is threatened.

Halifax City Council already regulates the taxi drivers and taxi owners under By-Law Ordinance 116.

1. Fares Charged
2. Measurement of Cars
3. Condition of Cars
4. Insurance Coverage

Halifax City Council does not and cannot regulate company brokers at present.

## CONCLUSION

The City of Halifax, to a degree, places limits on our income; however, they are unable to protect us against the mercenary practices of some company brokers.

Due to the situation elaborated upon earlier, whereby two company brokers control 86% of the cars in the industry, the viability of the industry is definitely threatened. If the attempt to monopolize the taxi industry in the city is successful, the taxi drivers, taxi owners and the general public will all be at the mercy of the company brokers.

The lack of incentive for competition under the present system is definitely affecting the level of service to the user, and **this level of service will continue to deteriorate unless the balance of power is shifted from the people who cannot be regulated, to those who are already regulated and in whose best interests it is to ensure the viability of the industry.**



## **5. AUTHORITY TO LIMIT**

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Subsection (305), (2) paragraph (f) of the Motor Vehicle Act authorized the municipality to "limit the number of persons licensed to transport for hire passengers or goods."

By incorporating this paragraph into the Act, the Provincial Government obviously felt, at some point, that the Municipality might find it necessary to protect the viability of this industry, and its participants.

### **AGRICULTURAL INDUSTRY**

The authority to limit is a fundamental right of government, necessary to balance certain industries. The Nova Scotia Government has taken it upon itself to regulate certain segments of the Agricultural industry by the formation of Marketing Boards, such as:

- a) N.S. Natural Products Marketing Council
- b) N.S. Egg and Pullet Producers Marketing Board
- c) N.S. Turkey Marketing Board
- d) N.S. Chicken Marketing Board
- e) Pork Producers Marketing Board of N.S.
- f) N.S. Wool Marketing Board
- g) N.S. Winter Grain Marketing Board
- h) N.S. Potato Marketing Board
- i) Etc.

### **BUS\COURIER INDUSTRY**

In 1988 the Province of Nova Scotia placed a moratorium on the issuances of charter bus licenses to protect the viability of an established Nova Scotia carrier and also to protect users in small communities. There were also restrictions placed on the issuances of courier licenses, through the Board of Commissioners of Public Utilities, and one of the criteria used to determine whether or not a license is to be issued is whether or not there is a need for this service.

## **FISHING INDUSTRY**

The Federal Government has placed a limit on fishing licenses issued to the species of fish and whether it is inshore fishing or offshore fishing. These restrictions were put in place, not only to protect the fish stocks, but also to offer some sort of income protection for the fisherman. Restrictions have been placed on licenses for:

- |            |              |
|------------|--------------|
| a) Lobster | e) Tuna      |
| b) Salmon  | f) Swordfish |
| c) Herring | g) Crab      |
| d) Shrimp  | h) Etc.      |

Too many fishing vessels sailing in the ocean and an unlimited number of taxis roaming in the streets will exhaust the resources of their income.

## **RESTRICTIONS ON NEW PHYSICIANS IN METRO**

The Nova Scotia government has recently imposed restrictions on new physicians in Metro and other areas where there are already enough doctors. Similar restrictions were enforced in New Brunswick three years ago.

There seem to be two main reasons for the restrictions. The first is to ensure doctor's financial security; the second, is the over-supply of doctors in urban population. The provincial government has addressed these concerns and the majority of members of the Medical Society of Nova Scotia voted in favour of the deal.

There is no comparison with the doctors concerning the severity of financial conditions in the taxi industry caused by the over-supply of taxis. Halifax City Council can help the taxi industry by freezing taxi owner licenses. It won't cost the tax payer a penny.

The Municipal Government has placed restrictions on:

- a) Adult Entertainment
- b) Homes and Apartment Complexes (Zoning By-Laws)
- c) Location of Industries

## **CONCLUSION**

Restrictions are a necessary fact of life in today's society and income protection is a right in those industries where regulations tend to have an effect on income.

## **6. UNIQUENESS OF HALIFAX AND OTHER CITIES**

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Taxi company brokers always argue that the City of Halifax is unique in many respects. It has a naval base, an attractive tourist industry and it is the Capital of Nova Scotia.

We all know, however, that the Federal Government is continually decreasing the number of defence personnel with the result of decreasing business for cab drivers.

Vancouver, British Columbia has a naval base and their economy is considerably better than that of Halifax. It is also one of the foremost tourist attractions on the West coast. The law regarding limitation came into effect 40 years ago - cab:population ratio is set at one taxi for 1,053 residents.

The City of Ottawa, Ontario, being the capital of Canada, is the main location for embassies from around the globe. It is one of the safest and cleanest areas in the world for travelling. Business institutions, universities and government officials make the taxi industry more viable than in Halifax. The taxi/resident ratio is one cab for 540 residents and limitation is in effect with no new roof light numbers being issued at all between 1976 and 1988.

Metropolitan Toronto needs little elaboration. It is a city abundant with diversified activities every day of the week. The number of taxi cabs has been regulated for about 40 years.

The above are examples of well-managed limitation. The City of Halifax can easily handle limitation and produce only positive results.

## 7. **BENEFITS TO THE PUBLIC**

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The Association believes they have a responsibility to provide the highest quality of service to the citizens of Halifax. Under a system of limitation this responsibility is even greater. It will be incumbent on the industry to upgrade itself substantially and the benefactors of this will be the general public.

1. The first sector to realize any benefits from limitation will be the **senior citizens**. Under a limited entry system the Association will minimize frequent taxi fare hikes.
2. When the taxi industry is stabilized, we will also propose that a **phased in age limit** on cars be instituted. This will substantially upgrade the quality of equipment.
3. The people will benefit from a **more professional, career-minded cab driver**. It will eliminate the fly-by-nighters passing through the industry on their way to something else.
4. The company brokers will be forced to become competitive to maintain their share of the marketplace and therefore maintain their level of cars. Marketing would be shifted to **quality cars, professional drivers and high standards** as opposed to just fleet size.

## **8. SHORT AND LONG TERM EFFECTS OF LIMITATION**

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The number of taxis is most likely to go up. Our Association, in all fairness, wants to give every taxi driver currently licensed in Halifax an opportunity to obtain a taxi owner license if he or she does not hold one.

Our proposal will not force any cabs off the road. There will be no loss of jobs. Cab owners and drivers would leave the taxi industry at their own discretion. Rental taxi drivers would be free to rent taxis as long as they wish.

The immediate effects of limitation to all aspects of the industry would be minimal. The effects, in fact, would be very gradual. It may take over 15 years to reduce the number of taxis to the requested ratio.

Initially, with limitation, the industry could be stabilized. As the population grows, or as the amount of cars decrease, the members of the industry could respond to public demand much more easily as a body of experienced, well-rehearsed professionals. The onus of better service to the public would be shared by both the dedication of drivers and the company brokers in making their dispatching and utilization of cars more efficient.

Residents of Halifax do not have to worry about delays in getting taxis. The proposed cab:population ratio will only decrease waiting periods for the taxi driver at the taxi stand for the next fare. The taxi industry is so heavily over-saturated that the average waiting time for a fare at a taxi stand line up is about 30 - 45 minutes; it varies from company to company. Decreasing waiting periods at the taxi stands increases the income of taxi drivers without any inconvenience to the public.

In the long term, employment would be created because it would be more profitable for owners to put drivers in their cars to meet the demands of the industry. Drivers would make a decent living because of this same said demand. As well, drivers should be given the first option to purchase driver-owner licenses as they become available from the city. The ideal objective would be a maximum utilization of equipment and personnel servicing the general public and the business community in a professional manner with a quality, well equipped vehicle.

## 9. MEDALLION OR TAXI LICENSE VALUE

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When the taxi industry is stabilized and proper cab:population ratios are achieved; when the municipality and taxi driver feel that the number of taxis does not need to be reduced any further, that is the time to make taxi owner licenses transferable from one taxi owner license holder to another. In other municipalities the number of taxis were reduced through attrition to a balanced cab:population ratio or a set number.

Some multiple taxi license holders and taxi company brokers are trying to see taxi owner licenses transferable from owner to owner. There are complex negative effects of medallions under the present circumstances in Halifax. The first drawback is that the number of taxis would not go down. Speculators with money would buy out the taxi licenses. They would hang on to them. Their asking price would depend on how badly buyers want the licenses and who buys them. With medallions, the number of taxis would not go down because medallions will be sold from one owner to another owner. Viability of taxi business due to oversaturation will not improve. The purpose of limitation will be defeated. The City can reduce the number of taxis by buying licenses back with taxpayer's money. The City would never do it and should not do it because attrition works better without any cost.

Medallions would squeeze the rental taxi driver even further. A rental taxi driver would be required to buy a taxi license and car at the same time to become a taxi owner.

At present the main purpose of limitation is to reduce the number of taxis so that a taxi driver can make a reasonable living by working reasonable hours. When the proposed cab:population is achieved, the taxi driver would be free to request transferability from owner to owner. The value of owner's licenses will be determined by the market.

### CONCLUSION

In the present situation we request that City Council not approve transferability of taxi owner licenses from owner to owner. That is the only way to improve the quality of service to the public and viability of the taxi industry. Consideration should be given to the 85% taxi owner-drivers struggling to make a living rather than helping a few individuals holding a bunch of taxi licenses to ensure maximum profits at the cost of the livelihood of the majority of taxi drivers in Halifax. It would be wiser to learn from the mistakes of other municipalities rather than repeating them.

## 10. THE PLIGHT OF RENTAL TAXI DRIVERS

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Halifax taxi drivers who rent taxis and struggle to survive are facing the worst situation in the taxi industry. Below is the breakdown of their daily average income and expenses.

Gross average income after working 12 hours is about \$107.00.

Gross Income \$107.00

Daily Expenses

GST	\$ 7.00	
Gas	20.00	
Office Rent	16.50	
Average Taxi Rent (plus GST)	<u>34.00</u>	
		<u>77.50</u>

Net Income \$29.50

Hourly income \$2.46.

In order to survive, the taxi driver is forced to work up to 16 hours a day, 7 days per week. They are making less money than the minimum wages set by the Provincial Government but the taxi drivers are regulated by the City Council. The Provincial Government's position is that these drivers are self-employed and the Municipal Government seems to have abandoned them. The Human Rights Commission classify them as employees. The 1948 universal Declaration of Human Rights states "All human beings are born free and equal". In order to protect their interests taxi drivers have formed unions in other provinces; but Nova Scotia labour laws do not permit taxi drivers to unionize. This complex situation has left the well-being of rental taxi drivers and their families at the mercy of the person or company they rent the taxi from, the taxi company brokers, the City Council of Halifax and the Provincial Government.

These rental taxi drivers feel they are victims of discrimination, exploitation, manipulation, violation of human rights and Charter of Rights and Freedom.

Free enterprise advocates have deepened the crisis of over-saturation by pushing more taxis and drivers instead of controlling them. A properly balanced cab/population ratio through limitation or controlled entry is the only logical way to ensure a viable taxi industry in Halifax.

## 11. CURRENT SITUATION

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At present there is a freeze on the issuance of new taxi driver licenses until September 30, 1997. However, there is no restriction on taxi owner licenses.

### Taxi Owner-Drivers

About 85 % of taxis in Halifax are owned and operated by the drivers themselves. There is not much difference in the income of rental taxi drivers and that of owner drivers because they both park their cars in the same line up at the taxi stands waiting for taxi fares and take their turn. Owner-operators have to make car loan payments to the bank and those payments vary from car to car. They also pay for the car insurance.

A new Chev Caprice costs	\$776.37 monthly
Insurance payments are about	390.00 monthly
Office rent	<u>355.00 monthly</u>
Total monthly payments	\$1,521.37

To make the above payment taxi gas cost	<u>300.00</u>
	<u>\$1,821.37</u>

It shows a taxi driver has to make \$1,821.37 before he can earn any money for himself. Labour rates in the garages are extremely high. Halifax Chrysler's labour per hour is \$53.95 + GST + PST = \$67.28. O'regan's Chev labour per hour is \$59.00 + GST + PST = \$70.07. It is clear that net profit from the operation of a taxi makes it impossible to afford a new car. That is why older and older cars are being used in the taxi industry in Halifax. A taxi driver with an old car has to spend \$60 a day, approximately, before he makes any money for himself. Note: Car loan payments and gas and insurance vary from car to car and person to person.

### Taxi Company Brokers

Derek Mather owns Armdale Taxi, Y Taxi and Yellow Cab. In November 1995 while answering questions at a Law Amendments Committee, Mr. Mather said he had 360 taxis. This results in a gross income, from 300 taxis, of about \$1,230,000.00 per year; a \$5 weekly increase from 300 taxis brings approximately \$75,000.00 additional income. This has been done in the past.

The Casino owner has about 250 taxis. Weekly office rent per car is \$83.25. Yearly income is about \$1,040,625.00. A \$5 weekly office rent increase amounts to about \$62,500 yearly income.



These two taxi company brokers can increase office rent charged from the taxi drivers anytime they wish. Taxi drivers and Halifax City Council have no control over them. They have plenty of money to make political donations. On the other hand taxi drivers are struggling to make a living. An increase in the number of taxis boosts the sale price and income of a company broker.

The question is who needs the help, taxi company brokers or taxi drivers? An honest answer requires impartiality, logic and understanding.

## 12. SUPPORT REFERENCES AND REQUEST

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**Halifax residents:** United Cab Drivers circulated a petition seeking a freeze on taxi owner and taxi driver licenses. More than 1,400 residents of Halifax supported it with their signatures. We have provided Alderman Larry Uteck with a copy of the petition. A copy of the same petition was also given to His Worship Walter Fitzgerald in September 1994.

**Halifax taxi drivers:** Approximately 90% of Halifax cab operators and owners supported limitation when approached. In two weeks more than 500 signatures were obtained.

**Radio station survey:** The CHNS radio station did a survey on the telephone line resulting in four calls out of five in favour of freezing taxi owner licenses. This equates to 80% of people support our position.

**Other cities:** Most cities in Canada have limits on the number of taxis.

**MITV and The Chronicle Herald:** On July 9, 1995 MITV and the Chronicle Herald were requested by the United Cab Drivers Association of Halifax to monitor two taxis for eight (8) hours to determine the income and waiting time at the taxi stands. MITV supported the position taken by the United Cab Drivers. The taxi driver monitored by the Chronicle Herald made a net income of \$28.11 after working about eleven (11) hours.

**Dartmouth Aldermen:** A reporter from CBC interviewed Dartmouth Aldermen. They were asked whether Halifax City Council should limit the number of taxis or not. There was an overwhelming support for license limitation.

**Dartmouth Taxi Division Police Inspector:** In August 1993 a Dartmouth police inspector addressed the taxi drivers at a meeting in Halifax. While answering questions, he confirmed that quality of service and conditions of cars improved after limitation.

On behalf of the United Cab Drivers and other petitioners I would like to state that it is essential to public interest to freeze the number of taxis operating in the City of Halifax. This is to ensure that operation of taxi business remains a viable business which will produce reasonable profits for taxi operators not be sacrificed because of financial considerations. Therefore, I request support for the two following separate motions:

### First Motion

We request that City Council put an immediate freeze on the issuances of new taxi owner licenses to achieve and maintain a ratio of one taxi owner license for every 300 residents living in the present municipal boundary of Halifax. Further, that:

- a) A taxi owner license shall not be transferable from one license holder to another (no sale price on license).
- b) The impact of a proposed freeze may be reviewed after three years with proper input from the United Cab Drivers Association.
- c) Surplus number of cabs will be reduced through attrition.
- d) Existing taxi owner licenses may be renewed annually.
- e) No new taxi owner license be issued until and unless the number of taxis drops below the proposed ratio with the exception of a currently licensed taxi operator who has no taxi owner license at all.
- f) A taxi driver who does not own a taxi vehicle may continue to operate a rental taxi and that taxi driver be given the opportunity of having a taxi owner license until October 31, 1995. One license per person.
- g) Sgt. Scott Burbridge, a police inspector in the Taxi Division of the Halifax Police Department, be requested to prepare a waiting list of taxi drivers maintaining their seniority according to total time engaged in the taxi industry. Whenever new taxi owner licenses need to be issued, the waiting list should be used.

### Second Motion

We request that City Council put an immediate freeze on the issuance of limousine owner licenses to new applicants.

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The federal, provincial and municipal governments including Halifax have taken measures to control or squeeze their budgets. It is being done by freezing wages, rollbacks, layoffs and early retirements. We must stress the fact that members of City Council and the taxi drivers are fully aware that viability of the taxi industry can definitely be improved by reducing the number of taxis in Halifax to a balanced per capita ratio through attrition. It would not cost any money to the taxi payer of Halifax or the taxi customers. It is incredible that Halifax City Council continues to delay which is helping the taxi company brokers to have more cars in their fleets.

In view of this, we urgently request that the City Council accept our reasonable request by putting an immediate freeze on the issuance of taxi and limousine owner licenses to new applicants. This would address the legitimate concerns of the taxi industry.

### 13. PER CAPITA TAXI RATIO OF CANADIAN CITIES

#### INFORMATION FROM THE HARA ASSOCIATES REPORT

#### CITIES WITH LIMITATIONS IN EFFECT

CITY	POPULATION	PERSONS PER CAB
OAKVILLE, ONTARIO	114,000	2,533
WATERLOO, ONTARIO	397,453	1,628
WINNIPEG, MANITOBA	620,000	1,550
OSHAWA, ONTARIO	129,344	1,504
NIAGARA REGION, ONTARIO	386,400	1,503
THUNDER BAY, ONTARIO	113,000	1,412
REGINA, SASKATCHEWAN	184,830	1,155
SASKATOON, SASKATCHEWAN	180,000	1,125
VANCOUVER, B.C.	471,844	1,053
BRANTFORD, ONTARIO	82,500	1,031

#### CITIES WITH NO LIMITATIONS IN EFFECT

CITY	POPULATION	PERSONS PER CAB
SARNIA, ONTARIO	70,000	1,458
HALIFAX, NOVA SCOTIA (As of March 1994)	114,455	*163

**\*UNITED CAB DRIVERS ASSOCIATION'S REQUEST  
BEFORE CITY COUNCIL FOR 300 PERSONS PER CAB**

#### 14. CHRONOLOGY OF EXPLOITATION IN THE HALIFAX TAXI INDUSTRY

Past decisions by Halifax City Council to support the unlimited supply of taxi cabs has boosted the annual income and sale price of taxi companies to millions of dollars. Twenty-five new cabs added to the fleet, increases the annual income of some company brokers by about \$100,000. For a taxi driver regulated by the City, it is a hard struggle to earn minimum wage. On the other hand maximum profit is the object of a company broker unregulated by the City and permitted to abuse municipal bylaws approved by the provincial government. Shown below is an incredibly high per capita ratio of cabs in Halifax over the past 35 years which has led to the treatment of taxi drivers as a commodity.

YEAR	HALIFAX CITY POPULATION	PERSONS PER CAB
1960	107,000	375
1971	122,035	176
1976	117,882	141
1981	114,594	127
1986	113,577	158
1987		135
1988		140
1989		169
1990		156
1991	114,455	147
1992		156
1993		172
1994	114,455	163
1995 (as of March)		166

## 15. SOURCES OF REFERENCE

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Meriam-Webster Collegiate Dictionary

Halifax Police Department

Halifax Taxi Commission

Dartmouth Taxi Association

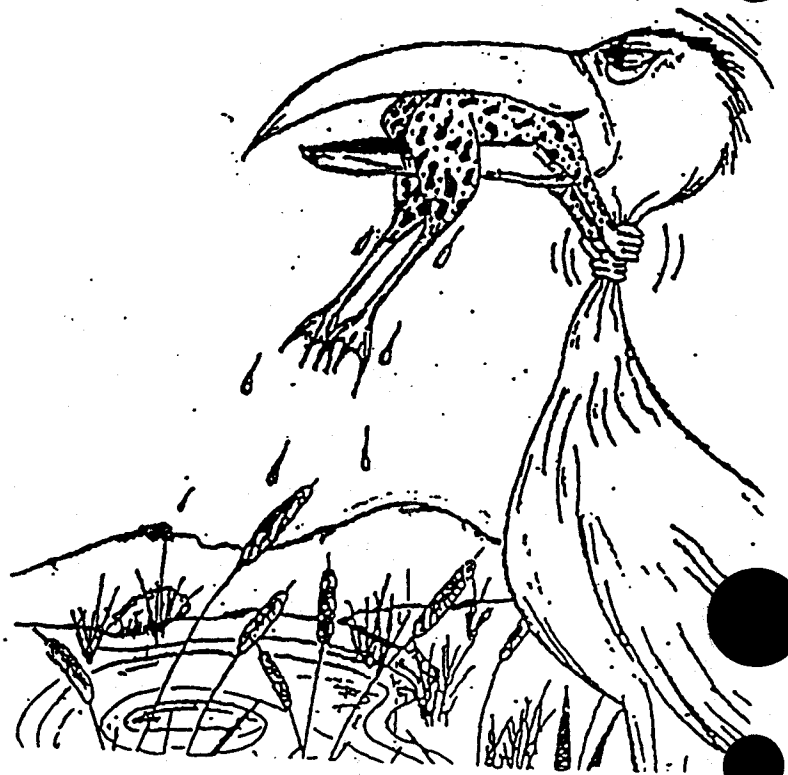
Statistics Canada

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Members of the Association are confronted with "Double Jeopardy". We must achieve both a limitation on taxis and taxi zone system before amalgamation. One will be ineffective without the other.

This is a critical situation with no other choice which is making our drivers more persistent and determined to stick to the ultimate resolution which says "Don't ever give up."

DONT  
"EVER"  
GIVE UP





Clean Comfortable Cars  
Courteous Drivers

P. O. BOX 8894 STN. "A"  
HALIFAX, NOVA SCOTIA  
B3K 5M5

OFFICE: (902) 453-9361  
DISPATCH: (902) 422-1551

May 2, 1995

Dist'd. May 15/95  
(Date)  
Mayor (3) Ald., C/M, C/S,  
Ald. Aide, Press

His Worship the Mayor Walter Fitzgerald  
and Members of City Council  
City of Halifax  
P.O.Box 1749  
Halifax, N.S.

Your Worship and City Alderman, Taxi Industry and Interested Public:

My name is Lorne Baccardax. I am the manager of Yellow Cab.

I would like to take a few minutes to reflect on some of the consequences of limitation on the nature of the industry as we know it today and the new demands requested by Hotel owners, Tourism and the public.

How will limitation affect you the taxi driver?

As numbers decrease companies will be forced to impose scheduling on existing drivers. Where you all come and go as you wish now hours of work and days worked will be controlled in an effort to provide service to the public.

In Dartmouth where limitation has been in effect for six or seven years cab numbers originally as 500 have gradually decreased to 200. Last summer a request for further reduction to 175 was initiated with people still saying they can hardly make a living. This should tell us that as you decrease the service; your market will find alternate means of travel and it is gone for good! We are not against transference because the driver would make money but because of what it would do to the industry. Cars become rundown, higher cost of entry and the City loses its right to license. Although licenses are not transferrable in Dartmouth the police have acknowledged that this goes on regularly through without physical leases they cannot enforce the bylaw. What this will mean to the Halifax Industry, that as people leave the industry companies and individuals with cash to invest will acquire licenses through the necessity of providing the public with service and rent them in shifts. This is not the role we as taxi companies wish to play. The existing owner driven cars is far superior in quality of vehicle and pride of ownership. Again observing our sister city Dartmouth there is no indication that earnings have increased dramatically though numbers have more than halved. The Hara report confirms this is true in other cities. Also the Dartmouth cabs have found that before limitation the car numbers dropped during the summer months, drivers with seasonal work got out. With limitation because insurance and licensing had to be carried the full complement of cars were out year around making those dependent solely on taxing hard put to survive.

There are many intelligent, imaginative people in the taxi industry. They come from all walks of life and now work as taxi drivers. We as company owners are concerned with your well being and that of the industry and for taxi men in years to come. There are ways to acquire a retirement fund without the medallion system which has been the norm in other cities. Trust companies and actuaries have been managing retirement packages for years. Some of you who for 30 years screamed for limitation would be benefiting today if energies had been directed in that area. Some of you have proposals. We suggest you direct your leaders to investigate these possibilities. As company operators we do not overlook our responsibility and would do our part in the collection and remittance to such a retirement fund.

The United Cab Association makes no attempt to hide the fact that first on its agenda is limitation and when numbers have declined to their goal and second transferability with a dollar value. We caution our city fathers that the city's right to issue and control licenses is under direct attack.

A word of caution about amalgamation. If taxi numbers decrease to where the United Cab Drivers Association propose you will quickly see Dartmouth and County Taxis applying for the right to service the industry in Halifax which you can no longer care for.

We feel it necessary to defend what appears to be a direct attack on rental drivers and rental cab owners. Many of you who sit here today obtained their first cabs and driving experience on a rental taxi. Working without the start-up capital expense enabled you after a time to purchase your own cab and thereby better yourself in the industry. This time of the year drivers who have not readied their cabs for inspection are able to continue earning a living by renting a taxi for a month or two. Drivers who rent cabs full time do so for a variety of reasons from capital costs to maintenance costs, high insurance to just knowing what it will cost them day to day. That some parties wish to force rental drivers to buy their own vehicles or never have the chance to do so is unfair to them, as it is to the individuals who have taken their life savings and put them into rental vehicles only to have their drivers forced away from them through these proposals.

The taxi business is not the same today as it was forty years ago. People who jump in your taxi this morning may have been in a London England taxi last night. Our city, hotel owners and travel agents are spending millions of dollars promoting our city and Nova Scotia. You the driver are often the first personal contact these visitors have. Recently a story of a driver in the airport rack was observed standing by his open trunk while an elderly couple struggled to his car with their luggage. When he was asked he did not help them, he answered, I am not a portor, I am a taxi driver. This attitude no longer is acceptable. Customers request and expect assistance and if you want them to use taxi service we must give it. Hotels compete on the basis of service and if you want their lucrative airport and tour work you must compete with similarly priced limousines. Every segment of the tourism industry is requesting certification of a standard for each position down to the bus boys and they are demanding a standard from the taxi industry as well. As the cab numbers begin to decline companies will feel the pressure to provide service in

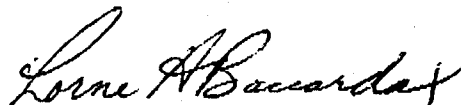


off hours. The reopening of the taxi school revised to a standard which addresses these various concerns is necessary to permit vehicle limitation to work. Those drivers who have finished their shift could make extra money by renting their cars for the next shift and eliminating the company concerns of availability of taxis. Without a driver pool this would be impossible. The number of new drivers could be based on attrition which the school could be filled with existing licensed drivers to bring them to certification. Our companies would be willing to give assistance on stand fees to help the drivers upgrade their skills.

In closing we are not convinced that limitation is the best direction for the Halifax Taxi Industry. However if this is what the drivers truly wish then we will condone it. To restate our position:

- a) We support a taxi vehicle license freeze to be maintained at current levels of 700 so no driver is excluded or forced out.
- b) The taxi school be reopened to allow for attrition and redevelopment of existing licenses.

Thank you for your time and consideration.



Lorne Baccardax



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Courteous Drivers

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May 2, 1995

His Worship the Mayor Walter Fitzgerald  
and Members of City Council  
City of Halifax  
P.O.Box 1749  
Halifax, N.S.

Dis'd. *May 15/95*  
Mayor (C/Ald., C/M, C/S,  
Ald. Aide, Press

Your Worship and City Alderman:

My name is Derek Mathers. I am here tonight as President of Armdale Taxi, Ace-Y Taxi and Yellow Cab to comment on the issue of limitation and related matters.

One of the things that both taxi companies and drivers want is stability in this industry. Drivers want to know and have a right to know in what direction the industry is going. They do not want to worry about the industry being flooded at any moment with new cars. They want to have answers regarding zones in the new Supercity. These are uncertain times, especially with forced amalgamation coming. Let us resolve the question of how many cabs should be in the city so that ourselves and the drivers can get on doing their job. While we are opposed to any type of limitation of drivers and vehicles and believe in market forces to determine the proper level of vehicles, we realize this matter must now be resolved.

If the City is to limit the number of taxi vehicles, it should be done in an attempt to accomplish three things:

- 1) Provide drivers with a livelihood
- 2) Allow for financially viable taxi companies
- 3) Provide the public with a high quality, effective taxi service

ARE THERE TOO MANY CABS IN THE CITY?

Hara Associates, which has no vested interest, no bias about the Halifax taxi industry, in their study of taxi license limitation commissioned for the City last year states:

"There was an excess supply of taxi drivers following the recession beginning in 1990. Subsequent limited opportunities to attend the taxi school and qualify for a drivers's license have reduced the number of drivers to close to a reasonable level".

There were 693 licensed taxicabs in Halifax for the last licensing year. Twenty years ago there were 943 licensed taxicabs. There are now 250 less cabs in Halifax than 20 years ago. We have gone through the worst economic times since the Great Depression and now appear to be in an upswing.

One important comment of the Hara Report is the fact that in Halifax, where the majority of the cars are owner driven, when the owner is not using it as a taxi, it is more likely to be off the road, not rented out to another driver such as is common in most cities. Thus, Halifax has more taxis to service the same demand, but the individual taxis are on the road less frequently.

For example while Vancouver has 1,053 persons per cab, it has 5.6 drivers per vehicle. Halifax has alow 1.1 drivers per vehicle. Most cities have at least 2.5 to 3 drivers per vehicle. Those cabs are working 24 hours a day.

Much has been made of the number of cabs per population in Halifax compared to other cities. Historically, Halifax has been able to support a viable taxi industry which, at first glance, may seem to be much larger than what the City can support based solely on population.

The Hara report states:

"Population is a very inaccurate method of determining the need, or demand, for taxis".

Indeed, population is only one measure; other significant factors are:

- 1) Halifax is the seat of three levels of government
- 2) Halifax is a major seaport
- 3) Halifax is home of an international airport
- 4) Halifax is home of five major universities and numerous community colleges/training centres
- 5) Halifax is home of East Coast National Defense
- 6) Halifax is surrounded by a large bedroom community which increases taxi demand
- 7) Halifax is home to the largest medical facilities east of Montreal
- 8) Halifax has a higher percentage of seniors than average
- 9) Halifax has a significant tourist, convention and cruise ship industry

Halifax has less taxis now than in 1971. While population has declined by 8,000 people, overall economic activity and the factors supporting the taxi industry have increased. The local economy is starting to strengthen. The hotel and tourist industry, big users of cabs, are expecting their best year in a long time. Discussions with Sheraton Casino Halifax representatives indicate a significant demand for taxis.

At this point I would like to comment on the proposal by the United Cab Drivers to allow rental drivers until October 31, 1995 to obtain their vehicle license or lose this right forever. This motion, be it a deadline of October 1995 or April 1998, is a direct slap in the face to all rental drivers and effectively makes them second class taxi drivers. Imagine telling a person who has spent 20 years in this business that he will no longer have the same rights and privileges as his fellow drivers - just because he rents a car instead of owns it. All rental drivers holding a valid taxi license should be grandfathered and always maintain the right which they presently enjoy to obtain a taxi vehicle license.

Should vehicle licenses be transferrable?

We are against making licenses transferrable. Now I know drivers might think that I do not want to see them make any money when they retire. That is not true. The fact is with transferrability comes higher costs for the next generation of drivers getting into the business and higher costs to the travelling public. The classic result of transferrable is for vehicles to become either company owned or owned by persons who have no interest in the taxi business and only in making as high a return on their investment as possible. These cars are rented out in shifts, driven 24 hours a day and are generally poorly maintained. The taxi driver is just another shift worker and never gets the opportunity of owning his own car and becoming a small businessman. Just look at New York City if you want to see what transferrability does to the industry.

Our company does support the concept of ensuring drivers receive something for their efforts when they retire. There is a proposal suggested by taxi driver Gordie Sprague which lays the foundation for a pooled pension scheme which should be seriously looked at. Our firm would assist in the collection of funds and administration. The Taxi Commission should strike a subcommittee to review this matter.

What should be the role of the taxi school?

Last year the City imposed a freeze on the Taxi School as a short term measure until it had the right to limit taxi vehicle licenses. It was a way to control the number of cars in an indirect manner. The logic being that there would be as many cars as licensed drivers and no more. With vehicle limitation now an option, the school needs to be reopened to allow new people in the industry to replace those leaving. The school should also be available for driver upgrading and professional development. The Hara Report recommends:

"The taxi school should be continued, and its curriculum developed further. A 40 hour course is recommended to ensure long term commitment to the industry by potential new taxi drivers".

This is a much more service driven industry than ever before. Those who perform well will win, those who don't will lose. There are increased demands from the tourist and hotel industry, and indeed the public, to provide better and better service, to provide more informed and quality proven drivers. If we don't do it and do it soon, you can rest assured that the limousine industry will. It is also a much more complicated world than ever before. Issues such as Human Rights, what is proper conduct with passengers, how to properly handle the special needs of the disabled are matters that all taxi drivers must now deal with on a daily basis.

For these reasons, our company strongly supports driver upgrading and professional development of existing drivers through attendance of the Halifax Host Program Taxi School on a voluntary basis. In addition, the school should be mandatory for all persons wishing to obtain their taxi license. Our firm would offer financial assistance to these drivers in our fleet who wish to attend the school.

In conclusion, we therefore ask for your support to amend Ordinance 116 by directing the number of taxi vehicle licenses to be maintained at the number of 700 (which is the approximate current level). Further, that:

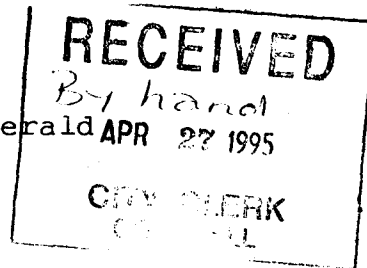
- a) The taxi vehicle license shall be non-transferrable. Licenses should revert to the City for reissue.
- b) Council support and lobby for a zone-based industry for the new Supercity.
- c) A taxi school, fashioned after the successful Halifax Host Program should be held twice a year with each school aiming to train 25 new students and retraining 25 existing drivers.
- d) The impact of this limitation to be reviewed after three years.

Thank you,



Derek T. Mathers

His Worship Walter Fitzgerald  
and Council Members  
City of Halifax  
Nova Scotia.



April 26, 1995

Dist'd. 27 April 95  
(Date)  
Mayor (3) Ald., C/M, C/S,  
Ald. Aide, Press

I am a long time taxi driver in Halifax and wish to present the following proposal on how drivers can acquire dollar equity in their taxi licenses through limitation.

- 1st The Taxi School should be opened to allow new drivers to replace those exiting the industry.
  - 2nd A freeze on vehicle licenses at current levels would ensure no driver is excluded from industry, and that County and Dartmouth cabs will not encroach on our business through amalgamation.
- a) A driver fund be set up in trust with a financial institution independent of the city.
  - b) Any taxi driver who holds a valid license must contribute to the trust.
  - c) Payments of \$34.00 monthly by 700 drivers = \$285,000. for the trust in the first year.
  - d) A board of directors be established to determine qualifications for sell out of license and value of license pay out. (Recommend \$20,000.
  - e) Driver would apply to board for pay out value of license. Trust would return license to city who would reissue or not as determined by the license cap. Cost of reissue would be contribution to trust.
  - f) Interest on trust be used to finance deficit cost of policing industry.
  - g) Drivers requiring loans for new vehicles, major repairs or other qualifying reason could apply to the board for a loan at reasonable rate using their license for collateral.
  - h) Only one license per person or corporate entity could be repurchased through the board. The seller would not be permitted to hold a taxi license again.
  - i) In the case of death or disability the estate or survivor could apply to the board for payout.

This proposal would reward long time service in the industry, provide credit for vehicle upgrading and other worthy causes, provide monetary incentive for those leaving the industry, provide financial assistance in case of death or injury, provide support to the City in its cost of policing.

Opening the school would provide a driver pool to ensure the long term viability of the trust to allow taxi owners opportunity to increase their income by renting their cars as vehicles decrease and demand increases and insure Halifax cabs have the ability to provide the service to the public under limitation.

We cannot expect the City of Halifax to provide us with a financial reward for our years of service. We must take the initiative ourselves, with their cooperation.

Thank You

Gordon Sprague

*Gordon Sprague*



## MINUTES

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

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 3 MAY 1995

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

**MEMBERS  
PRESENT:** DEPUTY MAYOR STEPHEN D. ADAMS  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN JERRY S. BLUMENTHAL  
ALDERMAN PAT POTTIE  
ALDERMAN RON HANSON  
ALDERMAN RALPH P. MAHER (8:10 P.M.)  
ALDERMAN RUSSELL WALKER  
ALDERMAN MARY ANN CROWLEY

**MEMBERS  
ABSENT:** MAYOR WALTER FITZGERALD  
ALDERMAN BILL STONE

**STAFF:** BARRY S. ALLEN, SENIOR SOLICITOR  
E. A. KERR, CITY CLERK

**ADDED ITEMS**

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

**Sale of City Properties Through Brokers**

MOVED by Alderman Hanson, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council authorize staff to list the following seven (7) residential properties exclusively with Clayton Developments Limited for a period of 120 days:

457 Herring Cove Road  
218-220 Herring Cove Road  
438 Herring Cove Road  
440 Herring Cove Road  
82 Main Avenue  
Lot B, McLean Street  
12-16½ Rockingstone Road

The motion was put and passed.

**Expropriation - Easement: Parcel A,  
Bedford Highway Upgrading (Phase II)**

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

- (1) Parcel A, a temporary construction easement, as shown in Plan No. TT-51-32499 and containing 2,948 square feet (273.9 square meters), be expropriated by the City of Halifax for street purposes; and that Wedgewood Motel Ltd. be offered \$1,500 as compensation based on the appraisal prepared by At-Tech Appraisal Consultants Limited;
- (2) the Mayor be authorized to seek Orders of Immediate Possession from the Attorney General for Parcel A.

The motion was put and passed.



**Report from Tax Concessions and Grants  
Committee: Recommendations for Grants**

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

- (1) the release of all Recreation Department grants previously approved in the 1995/96 Operating Budget;
- (2) the release of all Capital grants under agreements previously established with the City of Halifax; and
- (3) the list of grants attached to the report submitted by the Chairman of the Tax Concessions and Grants Committee on 1 May 1995 totalling \$148,573 recommended for organizations who submitted requests for assistance in the 1995/96 year.

The motion was put and passed.

**Parking Lot Equipment - Spring Garden Road BIDC**

MOVED by Alderman Downey, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, Council approve an amended parking lot budget with the new equipment item of \$35,000 being included for a total expenditure of \$213,250 and forecasted net revenue of \$282,050. The motion was put and passed.

**Award of Tender No. 95-51: Testing and Inspection**

MOVED by Alderman Carmichael, seconded by Alderman Walker that, as recommended by the Committee on Works, Council award Tender No. 95-51 (Testing and Inspection - 1995) to Pridy and Associates for the bid amount of \$34,546.50. The motion was put and passed.

**Award of Tender No. 95-21: Paving Renewal,  
Harbour Parking Lot (Phase 2), Point Pleasant Park**

MOVED by Alderman Uteck, seconded by Alderman Downey that, as recommended by the Committee on Works, Council:

**CITY COUNCIL  
SPECIAL MEETING  
3 MAY 1995**

- (1) award Tender No. 95-21 for the paving renewal of Phase Two of the Harbour Parking Lot at Point Pleasant Park for materials and services listed at the unit prices quoted for a Total Bid Price of \$73,260 and a Total Project Cost of \$84,300 to Standard Paving Limited;
- (2) authorize funding from Capital Account No. 91687 (Miscellaneous - Point Pleasant Park).

The motion was put and passed.

**Award of Tender No. 95-14: Traffic  
Improvements (Overhead Crosswalk Signs)**

An Information Report dated 3 May 1995 was received from the Director of Engineering and Works.

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

- (1) award Tender No. 95-14 for the construction of concrete bases and conduits for the materials and services listed at the unit prices quoted for a Total Bid Price of \$29,787.50 and a Total Project Cost of \$34,000.00 to G. & R. Kelly Enterprises Limited;
- (2) approve the purchase, supply and installation of materials (crosswalk signs, aluminum poles, and wiring) by City forces for an estimated cost of \$61,000.00;
- (3) authorize expenditures from Capital Account No. 91532, RA-5 Crosswalk Signs, in the amount of \$95,000.00.

The motion was put and passed.

**PUBLIC HEARINGS**

**Public Hearing Re: Case No. 7068,  
Peninsula and Mainland Land Use Bylaw  
- Housekeeping Amendments #9**

A public hearing was held at this time to consider various housekeeping amendments to the Peninsula and Mainland Land Use Bylaw.

**CITY COUNCIL  
SPECIAL MEETING  
3 MAY 1995**

Mr. Paul Dunphy, a Planner with the City's Land Use Services Division, briefly reviewed the contents of a report dated 14 March 1995 received from Mr. Robert K. Daley, Chairman of the Planning Advisory Committee.

There were no persons wishing to address Council in this regard and no correspondence received.

MOVED by Alderman Carmichael, seconded by Alderman Walker that, as recommended by staff and by the Planning Advisory Committee, City Council amend the Land Use Bylaw (Peninsula and Mainland Areas) by adopting the amendments contained in Appendix "A" of the 14 March 1995 report submitted by the Planning Advisory Committee. The motion was put and passed.

**Public Hearing Re: Case No. 7140,  
Rezoning of Lands for the Rebuilding  
of Seaview United Baptist Church and  
Seaview Memorial Park**

A public hearing was held at this time to consider the rezoning of lands for the proposed Seaview United Baptist Church and of the Seaview Memorial Park located along Barrington Street near the CN Intermodal Terminal from C-5 (Harbour-Related Industrial Zone) to "P" (Park and Institutional).

Mr. Angus Schaffenburg of the City's Planning Operations Division provided a brief overview of the reports submitted by the Director of Development and Planning dated 27 March and 1 May 1995, and of an Information Report dated 1 May entitled "Case 7140: Rebuilding of Seaview United Baptist Church."

Mr. Irvine Carvery, a resident of 2349 Maynard Street (speaking on behalf of the Africville Genealogy Society) made reference to p. 4 of the 27 March report, and asked for information from staff as to their investigation into the ownership of those parcels of land in the area under consideration not owned by the City of Halifax.

Mr. Schaffenburg advised that staff's review of these sites is now underway, and that Mr. Carvery will be apprised of their findings once this survey is complete.

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Mr. Carvery briefly addressed Council in support of the rezoning initiative, emphasizing that the rebuilding of the Seaview United Baptist Church and the enhancement of Seaview Park will create a much-needed monument to the contributions made by the black community to the City's history.

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

A submission dated 3 May 1995 was received from Ms. Ann Duffy, 238 "M" Block, Mulgrave Park, Halifax, B3K 3J5.

MOVED by Alderman Blumenthal, seconded by Alderman Uteck that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 11 May 1995. The motion was put and passed.

**Public Hearing Re: Case No. 7136,  
Appeal of Minor Variance Approval -  
6181 Pepperell Street**

A public hearing was held at this time to consider the appeal of a minor variance approval at Civic No. 6181 Pepperell Street, as set out in the 5 April 1995 report submitted by the City's Development Officer.

Mr. Philip Francis, Development Officer for the City of Halifax, made a brief presentation concerning his reasons for approving the request for a minor variance at this location, and responded to questions from various members of Council.

Responding to a question from Alderman Carmichael, Mr. Francis emphasized that the requested variance will have no impact on the right-of-way extending to Quinpool Road.

Ms. Sharon Nordquist, the applicant in question and the owner of 6181 Pepperell Street, briefly addressed Council in support of her application.

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

MOVED by Alderman Carmichael, seconded by Alderman Uteck that the decision of the Development Officer with regard

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to the approval of a minor variance at Civic No. 6181 Pepperell Street be upheld, and that the appeal of that decision be denied. The motion was put and passed.

**Public Hearing Re: Case No. 5419, Amendment  
to Development Agreement - Stanley Park**

A public hearing was held at this time to consider various amendments to a development agreement between the City of Halifax and North American Real Estate Limited approved on 28 June 1990 for the lands known as "Stanley Park."

Mr. Philip Francis, P.Eng., Development Officer for the City of Halifax, presented an overview of the staff report dated 24 March 1995 and responded to questions from various members of Council.

Responding to a question from Alderman Hanson, Mr. Francis advised that the commercial convenience centre proposed for the site at the intersection of Osborne Street and Northwest Arm Drive would approximate the size of the Rockingham Ridge shopping centre at the corner of Dunbrack and Farnham Gate Road, although the latter would be somewhat larger. Mr. Francis went on to point out that permitted uses would include small grocery stores, dry cleaning establishments, bank, etc., adding that, if approved, this centre is proposed to be constructed during Phase 3 (i.e., later this year).

**8:10 p.m. - Alderman Maher enters the meeting.**

Alderman Hanson made reference to the requirement for an easement, which will result from the proposed elimination of the pumping station on St. Margaret's Bay Road, and asked for clarification from staff.

Mr. Francis indicated that the developer will be required to thoroughly exhaust all other avenues (i.e., negotiation with abutting property owners) for the acquisition of land for easement purposes before staff will agree to approach Council for permission to expropriate.

Mr. Tom Swanson, President of Alderney Consultants Limited (who act on behalf of the owner of the Stanley Park site), addressed Council in support of the application and to

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elaborate on the benefits of the proposed changes both to the City of Halifax and to the project itself.

Responding to a question from Alderman Epstein with regard to the easement, Mr. Swanson advised that negotiations with surrounding property owners have not yet been actively pursued by Alderney Consultants, adding that the company is waiting for Council's decision concerning the proposed changes to the development agreement before proceeding in this regard.

Mr. Rod McArthur of 2880 Connolly Street presented a petition containing the signatures of approximately 208 residents (roughly 65 percent of whom are homeowners in the area adjacent to Stanley Park) opposed to the proposed amendments. Mr. McArthur went on to point out that as a resident of the area himself, he has reservations about the impact of this development on the wildlife in and around Hail Pond, and emphasized that because of this and other reasons, he did not feel that the development should proceed.

Mr. James D. Purves of 1 Glenmore Lane (also speaking on behalf of Mr. Robert Johnson of 2 Quarry Road) spoke in support of many of the changes put forward by the developer. He noted, however, that concerns continue about the provision of a road access from Quarry Road and Herbert Street into Stanley Park. Pointing out that what he termed "a 50 foot passage" remains in the location, Mr. Purves asked that consideration be given to prohibiting the developer from using this area as a route for heavy equipment during the construction period. In this context, Mr. Purves made reference to the presence of a number of small children in this neighborhood, a situation which is exacerbated by a narrow street with no sidewalks and a variety of blind crests.

Ms. Nancy Covington, a resident of 5 Stonehaven Park, addressed Council to express concern regarding the impact of the proposed development on the wildlife in and around Hail Pond (a copy of Ms. Covington's presentation dated 29 April, together with a second submission dated 3 May 1995 has been included in the official file of this meeting).

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

MOVED by Alderman Hanson, seconded by Alderman Walker that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 11 May 1995. The motion was put and passed.

Correspondence dated 3 May 1995 with regard to Case No. 5419 was also received from Ms. Barbara Lock, 43 Fenwood Road, Halifax, B3N 1H1.

**Public Hearing Re: Case No. 6718, Proposed  
Amendments to the Municipal Development Plan  
and Land Use Bylaw (Peninsula North Area 6)**

A public hearing was held at this time to consider the proposed amendments to the City's Municipal Development Plan and Land Use Bylaw as set out in the report dated 10 March 1995 from the Director of Development and Planning.

Responding to a question from Alderman Epstein, Mr. W. B. Campbell, Manager of Planning Operations for the City, clarified that the amendments under consideration are those proposed by the Alderman in his recommendation to Halifax City Council on 2 March 1995; namely:

- (1) that the proposed plan for Area 6 of Peninsula North, which was recommended by the Planning Advisory Committee in its report of 26 September 1994, be amended as follows:
  - (a) continue to set the lot size requirements for single-family dwellings in the R-2 Zone at 20 feet of frontage, 2000 square feet of lot area, 50 percent coverage and no minimum side yard, but add a provision which allows any existing lot which does not meet the frontage and lot area requirements to be developed with a single-family dwelling by right; and
  - (b) designate and zone the properties at 5556 Cunard Street and 2262 and 2266 Creighton Street as High-Density Residential and R-3;
  - (c) in the area bordered by Charles, Robie, West and Davison Streets and the lot at 2223 North Park Street (which will remain C-2), apply Schedule "Q;"
  - (d) in all C-2 areas, apply a height restriction of fifty (50) feet;

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- (e) zone the eastern half of the NSLC parking lot as R-2.

There were no further questions from members of Council and no persons in the public gallery wishing to speak.

The following submissions were received:

- Correspondence dated 3 May 1995 from Ms. Betty Smith, 2352 Agricola Street, Halifax, B3K 4B6
- Correspondence dated 3 May 1995 from Ms. Margaret Murphy, 5868 West Street, Halifax, B3K 1J3

MOVED by Alderman Epstein, seconded by Alderman Downey that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 11 May 1995. The motion was put and passed.

There being no further business to be discussed, the meeting was adjourned at approximately 8:50 p.m.

DEPUTY MAYOR STEPHEN D. ADAMS  
CHAIRMAN

SUBMITTED BY:  
E. A. KERR, CMC  
CITY CLERK

\*K

**HEADLINES**

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## MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 11 MAY 1995

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

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

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

Council observed a moment's silence in memory of former Alderman Charles McGuire, who had passed away several weeks ago.

### **PROCLAMATION - ROYAL WEEK**

Mayor Fitzgerald read from an official proclamation designating the week of 12-19 MAY 1995 as "Royal Week" in the City of Halifax, and urged citizens to take time to learn more about "this unique and precious part of our Canada and our Canadian way of life."

### **MINUTES**

Minutes of a special meeting of Halifax City Council held on Wednesday, 19 April, together with those of a regular meeting held on Thursday, 25 April 1995, were approved as circulated on a motion by Alderman Downey, seconded by Alderman Maher.

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

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

- 20.1 Case No. 6839: Extension to Development Agreement Time Limit - 5780-88 West Street, 2400 Agricola Street, and 5785-87 Sarah Street (King Edward Inn)
- 20.2 Integrated Waste/Resource Management Strategy Framework
- 20.3 Network Upgrade - Tender No. 95-089
- 20.4 Armview Traffic Pilot (Alderman Carmichael)

MOVED by Alderman Blumenthal, seconded by Alderman Uteck that the agenda, as amended, be approved. The motion was put and passed.

**DEFERRED ITEMS**

**Case No. 7140: Rezoning of Lands for the  
Rebuilding of Seaview United Baptist  
Church and Seaview Memorial Park**

A public hearing to consider this matter had been held on Wednesday, 3 May 1995.

MOVED by Alderman Blumenthal, seconded by Alderman Uteck that Halifax City Council approve the rezoning of the lands for the proposed **Seaview United Baptist Church** and the lands of **Seaview Memorial Park** to "P" (Park and Institutional Zone), as set out in Appendix I of the supplementary staff report of 1 May 1995 entitled Case No. 7140: Rezoning of Lands for the Rebuilding of Seaview United Baptist Church and Seaview Memorial Park.

The City Clerk advised that Aldermen Maher and Stone had been absent from the 3 May public hearing.

The motion was put and passed with Aldermen Maher and Stone abstaining.

**Case No. 5419: Amendment to Development  
Agreement - Stanley Park**

A public hearing to consider this matter had been held on Wednesday, 3 May 1995.

A letter dated 8 May 1995 was submitted from Mr. Tom Swanson, P.Eng., President of Alderney Consultants Limited, with regard to concerns raised during the 3 May public hearing. Also received was a further petition dated 4 May 1995 containing the signatures of approximately 30 residents of the Quarry Road/Walsh Court area which was submitted by Mr. Roderick MacArthur, Jr.

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

- (1) the application by **Alderney Consultants Limited** for an amendment to the development agreement for the **Stanley Park development** pursuant to Section 62(B)(1) of the Land Use Bylaw, Mainland Area, be approved by Halifax City Council;

- (2) Council requires that the amending agreement 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 or any other bodies as required; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

In putting forward this motion, Alderman Hanson expressed the view that the changes proposed to the existing development agreement represented improvements which, in his opinion, rendered the project more appropriate to its location. He went on to make reference to the petition submitted during the 3 May hearing, emphasizing that not only were several of the names listed therein duplicates, it was also extremely difficult to ascertain exactly what aspect of the proposal was being opposed. Alderman Hanson also made reference to the 8 May letter received from Alderney Consultants and indicated that, in his view, many of the concerns raised during the 3 May hearing had been satisfactorily addressed.

In closing, the Alderman advised that in a conversation with Metro Transit representatives he had been advised that a new bus route for the Stanley Park area will be added in late summer provided there is an increase in population as a result of the proposed changes in the development agreement.

Alderman Epstein spoke in opposition to the motion, indicating that, in his view, the City could have "done better" in its negotiations with the developer in question. In particular, the Alderman expressed concern relating to what he considered to be an increase in population density and to the impacts of development in this area on Hail Pond.

The City Clerk advised that Alderman Stone had not been present during the 3 May public hearing and should therefore abstain from the voting process.

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

**Case No. 6718: Proposed Municipal  
Development Plan and Land Use Bylaw  
Amendments (Peninsula North Area 6)**

A public hearing to consider this matter had been held on Wednesday, 3 May 1995.

MOVED by Alderman Epstein, seconded by Alderman Downey that City Council adopt the Municipal Development Plan and Land Use Bylaw amendments for Area 6 (Peninsula North) as contained in Appendix "A" of the 10 March 1995 report from the Director of Development and Planning.

The City Clerk advised that Aldermen Maher and Stone had been absent from the 3 May public hearing.

The motion was put and passed with Aldermen Maher and Stone abstaining.

### **PETITIONS AND DELEGATIONS**

#### **Petition Alderman Carmichael Re: Armview Traffic Pilot**

A petition was submitted by Alderman Carmichael containing the signatures of approximately 400 residents of the Peninsula Centre area, asking that the action to be taken with regard to traffic problems in the Armview/Pryor Street area (approved by Halifax City Council on 27 April 1995) be deferred for a six-month period.

#### **Petition Alderman Carmichael Re: Armview Traffic Pilot**

A petition containing the signatures of approximately 100 parents of children attending the Sir Charles Tupper Elementary School on Norwood Street and expressing concern about the traffic problems in the Armview/Pryor/Bloomingdale area was submitted by Alderman Carmichael.

#### **Petition Alderman Uteck Re: Paving Charge - Ivanhoe Street**

Alderman Uteck submitted a petition containing the signatures of approximately 20 residents of Ivanhoe Street in opposition to the local improvement charge proposed for the paving project on Ivanhoe Street.

#### **Petition Deputy Mayor Adams Re: Grant Application - Golden Age Club**

Deputy Mayor Adams submitted a petition containing the signatures of approximately 28 members of the Golden Age

Club, 212 Herring Cove Road, with respect to the Club's application for a municipal grant.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of its Finance and Executive Committee from a meeting held on Wednesday, 3 May 1995 as follows:

**Encroachment License -  
Civic Nos. 2736-38 Agricola Street**

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, an Encroachment License be granted to McLellan Antiques & Restoration for the purpose of erecting an awning above the entrance doorway to their shop located at Civic No. 7236-38 Agricola Street as shown in the sketch and key plan attached to the staff report dated 10 April 1995. The motion was put and passed.

**Report from Lakes and Waterways Advisory  
Committee: Recommendations for Expanded Mandate**

MOVED by Alderman Epstein, seconded by Deputy Mayor Adams that, as recommended by the Finance and Executive Committee, the request received from the Lakes and Waterways Advisory Committee be forwarded to staff for review and recommendation. The motion was put and passed.

**ADDED ITEMS**

**Armview Traffic Pilot**

At Alderman Carmichael's request and in deference to those present in the public gallery, it was agreed that the above-noted matter would be dealt with at this point in the meeting's agenda.

This matter had last been discussed during a regular meeting of Halifax City Council held on 27 April 1995 during which the following motion was approved:

THAT Halifax City Council approve Option "B" (as put forward on p. 9 of the 13 March 1995 report from the Director of Engineering and Works) as follows:

- (1) that a partial closure of Jubilee Road at Connaught Avenue be implemented in tandem with the **partial** closure of the median on Connaught Avenue at Norwood Street including the following changes:-
  - (a) the extension of the Connaught Avenue median through to the centre line of Jubilee Road;
  - (b) the relocation of the stop sign from Connaught Avenue to Jubilee Road west of Connaught Avenue;
  - (c) the partial closure of the median opening on Connaught Avenue at Norwood Street.
- (2) that the above-noted changes be implemented for a **minimum** period of six months; and
- (3) that a monitoring committee consisting of staff, area residents, and the Alderman for Ward 2 be established to evaluate the situation and to make recommendation for further improvements, as appropriate.

Alderman Carmichael made reference to two petitions tabled earlier in the meeting with regard to this matter and acknowledged that the decision to implement Option "B" (as outlined in the Council motion of 27 April) had indeed caused widespread concern.

It was therefore moved by Alderman Carmichael, seconded by Alderman Epstein that the implementation of Option "B" approved unanimously by Halifax City Council on 27 April 1995 be **delayed** for a three-month period to allow for further community discussion; and further, that unless Council decides otherwise, the implementation of Option "B" will go into effect on the expiration of the three months (i.e., 11 August 1995) for a six-month trial period.

In putting forward this motion, Alderman Carmichael clarified that the "community" referred to above will be defined as those living between Quinpool and Jubilee Road, and Oxford Street and the Northwest Arm.

Alderman Uteck emphasized that, in his view, a three-month period beginning immediately would not be the most



appropriate time in which to undertake surveys and/or community discussions, given the fact that the school year is about to end and many will be leaving for their annual vacations. An amendment to the motion was therefore moved by Alderman Uteck, seconded by Alderman Crowley that the implementation of Option "B" be postponed for a six-month period.

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

The original motion was subsequently put and passed.

### **REPORT - FINANCE AND EXECUTIVE COMMITTEE (CONT'D)**

#### **Letter from Halifax Homeowners Association - Amalgamation Plebiscite**

MOVED by Alderman Pottie, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, the Mayor be authorized to write to the Minister of Municipal Affairs advising that Halifax City Council is prepared to conduct a plebiscite on amalgamation providing the Province is prepared to accept the results of that plebiscite.

In putting forward this motion, Alderman Pottie strongly recommended that Mayor Fitzgerald deliver this letter in person as quickly as possible and that, in so doing, express Council's extreme displeasure regarding the response of the Law Amendments Committee to the City's recent submission. Alderman Pottie indicated that he himself would be interested in accompanying the Mayor and urged other members of Council to do the same.

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

#### **Loss of Business Claim - Bedford Highway**

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

- (1) in respect of the Bedford Highway Phase I Project, the City entertain and examine the merits of claim for

compensation based on loss of business resulting from the construction work;

- (2) claims or a portion thereof arising from factors other than the construction work shall be rejected and a smaller amount than claimed may be offered in settlement;
- (3) should the claimant and the City not agree on an appropriate settlement of the claim and the claimant pursues his remedy under the Expropriation Act before the Utility and Review Board, the City shall fully defend the application on the basis of liability and quantum; and
- (4) the City reaffirm its motion of 15 December 1994, and regardless of its treatment of claims in respect of the Bedford Highway Phase One Project, the City will deny all other claims for pure business loss in the absence of nuisance or other actionable wrong on the part of the City.

The motion was put and passed.

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that the claims shall be assessed on the same basis regardless of whether the claimant is located in the immediate construction area or outside the area.

Following a lengthy discussion, the motion was put and resulted in a tie vote. The Chairman broke the tie by voting in opposition to the proposal and declared the motion to be defeated.

### Cotton Tree Partnership Project

MOVED by Deputy Mayor Adams, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, a committee of three be formed to review the proposal put forward by the Cotton Tree Partnership.

In response to a question from Alderman Uteck, the City Manager advised that a committee to address these sorts of issues was already in place, and that a memorandum had recently been forwarded by his office with regard to future meeting arrangements.

The motion was put and passed.

Civic No. 2173 Barrington Street

MOVED by Alderman Downey, seconded by Alderman Carmichael that, as recommended by the Finance and Executive Committee, the City purchase Civic No. 2173 Barrington Street for the price of \$250,000 using funds for the purchase from the Sundry Land Acquisition Account Number 91608. The motion was put and passed.

Ward 3 Playground - Transfer of Funds

MOVED by Alderman Hanson, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the amount of \$15,000 be transferred from the Recreation Capital Account No. 97070 to the Recreation Capital Account No. 7087, Ward 3 Playground. The motion was put and passed.

Welfare Rights Organization - \$3,500 Request

This matter had been deferred, pending receipt of further information from staff.

A report dated 8 May 1995 was submitted from the Director of Social Planning.

MOVED by Alderman Blumenthal, seconded by Alderman Walker that Council direct any representations, questions and/or information from organizations such as the Metro Area Welfare Rights to the Tax Concessions and Grants Committee, and await their recommendations on such matters. The motion was put and passed.

Downtown Halifax Business Commission  
- 1995/96 Operating Budget

MOVED by Alderman Uteck, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Halifax City Council approve the Downtown Halifax Business Commission's net tax levy budget of \$250,455 for the 1995/96 fiscal year based on the following levy rates:

Commercial Realty Rate per \$100 of assessment	0.08590
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Business Occupancy Tax Rate  
per \$100 of assessment 0.17180

The motion was put and passed.

### Natal Day Committee

This matter had been referred without recommendation, pending receipt of further information from staff.

A report dated 11 May 1995 was submitted from Mr. Barry Coopersmith, City Manager.

A lengthy discussion ensued as to the amount of money which should be added to the Natal Day Committee's existing budget of \$74,000 and the sources from which these funds might be taken.

MOVED by Deputy Mayor Adams, seconded by Alderman Blumenthal that a total of \$23,500 be provided to the Natal Day Committee under Section 201(1) of the Halifax City Charter. The motion was put and resulted in a tie vote. The Chairman broke the tie by voting in opposition to the proposal and declared the motion to be defeated.

MOVED by Alderman Pottie, seconded by Alderman Crowley that an amount of \$12,000 be added to the existing Natal Day Operating Budget of \$74,000 under Section 201(1) of the City Charter. The motion was put and passed.

MOVED by Alderman Crowley, seconded by Alderman Downey that the annual Natal Day parade be scheduled for Saturday, 5 August 1995. The motion was put and defeated.

On the recommendation of Alderman Stone, it was generally agreed that the 1995 Natal Day Parade would be scheduled for the afternoon of Sunday, 6 August.

### **REPORT - COMMITTEE ON WORKS**

Council considered the report of its Committee on Works from a meeting held on Wednesday, 3 May 1995 as follows:

#### Halifax Transportation Plan

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Committee on Works, Council accept

the Transportation Plan as a working document, and that all items be brought back to Council for debate, approval and funding.

Alderman Epstein spoke in opposition to the motion, pointing out that it would not seem to incorporate the various changes that he as Alderman for Ward 4 had requested nor in fact any of those put forward by other members of Council. The Alderman went on to suggest that it would be more appropriate to make an official determination of what was to be included in the Plan before staff are asked to undertake cost estimates, etc.

It was therefore moved by Alderman Epstein, seconded by Deputy Mayor Adams that the matter be deferred to the regular meeting of Committee of the Whole Council scheduled for Wednesday, 7 June 1995. The motion to defer was put and passed.

**Award of Tender No. 95-23:  
Bedford Highway Upgrading (Phase 2)**

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

A private and confidential Information Report dated 9 May 1995 was submitted from the Director of Corporate and Legal Affairs.

MOVED by Alderman Stone, seconded by Alderman Walker that Halifax City Council:

- (1) award Tender No. 95-23 for the Upgrading of the Bedford Highway Phase 2 for materials and services listed at the unit prices quoted for a Total Bid Price of \$3,880,365 and a Total Project Cost of \$4,635,920 to the lowest bidder, Tidewater Construction Ltd.
- (2) approve the appointment of O'Halloran Campbell Consultants Ltd. to provide project management and site inspection services at an estimated cost of \$160,000 plus GST;
- (3) authorize funding from Capital Account No. 91552, Bedford Highway Improvements Phase 2.

Alderman Stone made reference to subsection (4) of the staff recommendation and indicated that, in his view, abutters on both the Bedford Highway and the Kearney Lake Road should be required to pay the same level of local improvement charges with regard to this project. He therefore asked to be provided with staff comment on this aspect of the tendering process in time for the next regular meeting of Committee of the Whole Council scheduled for **Wednesday, 17 May 1995**.

Alderman Pottie indicated that he had reservations with regard to certain of the tender specifications, particularly with regard to the necessity for a retaining wall and a gravel bed. The Alderman went on to note that he would appreciate receiving information from staff as to the cost of these features, whether they were deemed to be necessary or whether there are acceptable alternatives.

It was therefore moved by Alderman Pottie, seconded by Alderman Epstein that the matter be deferred to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 17 May 1995.

The motion to defer was put and passed with seven members of Council voting in support and five against as follows:

**FOR:** Aldermen Uteck, Carmichael, Downey, Epstein, Blumenthal, Pottie, and Crowley (7)

**AGAINST:** Deputy Mayor Adams; and Aldermen Hanson, Maher, Walker, and Stone (5)

### **REPORT - PLANNING COMMITTEE**

Council considered the report of its Planning Committee from a meeting held on Wednesday, 3 May 1995 as follows:

#### **Case No. 6883: Bed and Breakfast Establishments**

MOVED by Alderman Carmichael, seconded by Alderman Blumenthal that, as recommended by the Planning Committee, Council proceed with the approval of Land Use Bylaw amendments related to the regulation of bed and breakfast operations as recommended in the Planning Advisory Committee report of 14 February 1995 and considered at the public hearing held on Wednesday, 5 April.

Alderman Pottie noted that, in his opinion, the operation of bed and breakfast establishments should not be restricted to single-family dwellings and, to that end, proposed an amendment to the motion; namely that bed and breakfasts be permitted to locate in duplexes and semi-detached dwellings.

After consulting with the City Solicitor, the Chairman advised that the amendment proposed by Alderman Pottie would necessitate a further public hearing and therefore ruled the amendment out of order.

The City Clerk advised that Aldermen Epstein and Crowley had not been present during the 5 April public hearing with regard to this matter.

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

**Report from Planning Advisory Committee Re:  
Case No. 7112: Westmount Subdivision (Existing  
Semi-Detached Dwellings as Permitted Uses)**

MOVED by Alderman Crowley, seconded by Alderman Blumenthal that, as recommended by the Planning Committee, a public hearing date be set with regard to the amendments proposed for the Land Use Bylaw as contained in Appendix I of the PAC report of 11 April 1995, to include the existing twelve semi-detached dwellings in the Westmount Subdivision as permitted uses in the R-1 (Single-Family Zone), Peninsula Area, and to amend the ZM-16 Map to include the Westmount Subdivision, as indicated on Sketch of the 11 April report.

The motion was put and passed.

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

**MISCELLANEOUS BUSINESS**

**Equipment Replacements: Tender No. 95-95**

A report dated 3 May 1995 was submitted from the Director of Finance.

MOVED by Deputy Mayor Adams, seconded by Alderman Walker that City Council award Tender No. 95-95 for the purchase of two (2) 1995 Stake/Dump Trucks to Carroll Pontiac Buick GMC based on the lowest bid price at a total cost of \$67,153.20. The motion was put and passed.

**Encroachment Licenses - Downtown  
Property Improvement Program**

A report dated 3 May 1995 was submitted from the Director of Development and Planning.

MOVED by Alderman Downey, seconded by Alderman Blumenthal that encroachment licenses be granted to the following businesses undertaking cost-shared projects under the Downtown Property Improvement Program for the purpose of erecting encroaching awnings (as indicated in the sketch attached to the staff report dated 3 May 1995):

- Aero World Travels, 1584 Argyle Street
- G. F. Roberts Jewellery Repairs Ltd.,  
1711 Barrington Street
- Alessandra Investments Ltd.,  
1574-92 Argyle Street
- Bluenose Restaurant, 1824 Hollis Street

The motion was put and passed.

**QUESTIONS**

**Question Alderman Walker Re:  
Annual Report - City Auditor**

Alderman Walker asked for information as to when an Annual Report is expected from the City's Auditor for consideration by Halifax City Council.

**Question Alderman Hanson Re:  
Storm Sewer Project - Inverness Avenue**

Alderman Hanson noted that it had recently been brought to his attention that the storm sewer problem in the



vicinity of Inverness Avenue was escalating. He therefore asked that staff review the situation in an effort to resolve the problem as quickly as possible.

**Question Alderman Epstein Re:  
List of City-Owned Properties**

Alderman Epstein noted that on three previous occasions he had asked to be provided by staff of the Development and Planning Department with a list of City-owned properties. He emphasized, however, that to date he has received neither the requested information nor an explanation for the delay. The Alderman therefore asked that he be provided with the list, an explanation as to why this information was delayed, and finally an explanation of why the reason for the delay was not conveyed to him sooner.

**NOTICES OF MOTION**

**Notice of Motion Alderman Uteck  
Re: Reclassification of Morris Street**

Alderman Uteck gave Notice of Motion that at the next regular meeting of Halifax City Council he proposes to introduce a motion to reclassify Morris Street under the Truck Route Ordinance (Ordinance 155) from a full-time to a **daylight** truck route.

**ADDED ITEMS (CONT'D)**

**Case No. 6839: Extension to  
Development Agreement Time Limit -  
- 5780-88 West Street, 2400 Agricola  
Street, and 5785-87 Sarah Street (King Edward Inn)**

A report dated 8 May 1995 was submitted from the Director of Development and Planning.

Noting that as Alderman for the area in question he had only recently received a copy of this report, it was moved by Alderman Epstein, seconded by Alderman Downey that the agreement be extended for a two-month period to allow for input from residents and property owners in the Sarah/West Street neighborhood. The motion was put and passed.

**Integrated Waste/Resource  
Management Strategy Framework**

A report dated 9 May 1995 was submitted from the Director of Engineering and Works.

Alderman Epstein advised that he had originally intended to propose the following motion; namely, "that Council endorse the Integrated Waste/Resource Management Strategy Framework in principle, and forward City staff comments on it to the Council of the County of Halifax, their consultants, and the Community Stakeholders Committee." The Alderman noted, however, that with a longer timeframe now available in which to debate the issue, he would prefer to have it forwarded to a regular meeting of Committee of the Whole Council.

It was therefore moved by Alderman Epstein, seconded by Deputy Mayor Adams that the matter be deferred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 17 May 1995) to afford an opportunity for the consultants to speak to the issue. The motion to defer was put and passed.

**Network Upgrade - Tender No. 95-089**

A report dated 5 May 1995 was submitted from the Director of Finance.

MOVED by Alderman Crowley, seconded by Alderman Walker that Council authorize a contract to R.E.D. for the Dec-based solution as outlined in the 5 May 1995 staff report in the amount of \$172,447.00 plus 7 percent GST of \$12,071.29 for a total contract price of \$184,518.29. The motion was put and passed.

**Armview Traffic Pilot (Alderman Carmichael)**

The above-noted matter had been dealt with at an earlier point in the meeting's agenda.

There being no further business to be discussed, the meeting was adjourned at approximately 11:15 p.m.

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**MAYOR WALTER FITZGERALD  
CHAIRMAN**

**SUBMITTED BY:  
E. A. KERR, CMC  
CITY CLERK**



## MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
SPECIAL MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 17 MAY 1995

**TIME:** 5:00 P.M.

**MEMBERS  
PRESENT:** DEPUTY MAYOR STEPHEN D. ADAMS  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN JERRY S. BLUMENTHAL  
ALDERMAN RON HANSON  
ALDERMAN RALPH P. MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN MARY ANN CROWLEY  
ALDERMAN BILL STONE

**ABSENT:** MAYOR WALTER FITZGERALD  
ALDERMAN LARRY UTECK  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN PAT POTTIE

**STAFF:** PETER S. CONNELL, ACTING CITY MANAGER  
WAYNE ANSTEY, Q.C., CITY SOLICITOR  
EDWARD A. KERR, CITY CLERK

**CITY COUNCIL  
SPECIAL MEETING  
17 MAY 1995**

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

**Award of Tender No. 95-64: Street  
Improvement Program - Summer Street  
(Spring Garden Road to Jubilee Road)**

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

- (1) approve the award of Tender No. 96-64 for the street improvements to be carried out on Summer Street between Spring Garden Road and Jubilee Road for materials and services listed at the unit prices quoted for a Total Bid Price of \$145,341.00 and a Total Project Cost of \$171,000.00 to Dexter Construction Ltd.
- (2) approve the installation of scoot loops by Black & MacDonald, with whom the City has a three-year maintenance agreement, for an estimated cost of \$3,500.00;
- (3) authorize funding from Capital Account Nos. 91406, Street Improvements, in the amount of \$66,000.00 and Account No. 92746, Sidewalk Renewal: Summer Street (W), Spring Garden Road - Jubilee Road, in the amount of \$105,000.00;
- (4) grant authority to make additional expenditures for the Halifax Water Commission work, such as lifting of valves, which will be recovered from the Commission.

The motion was put and passed.

**Award of Tender No. 95-48: Municipal  
Services - Emergency and Incidental Repairs**

MOVED by Alderman Walker, seconded by Alderman Maher  
that, as recommended by the Committee on Works, Council approve  
the award of Tender No. 95-48, Municipal Services - Emergency  
and Incidental Repairs, to G. & R. Kelly Enterprises Ltd., at  
the unit prices quoted in the staff report of 8 May 1995. The  
motion was put and passed.

**Award of Tender No. 95-23:  
Bedford Highway Upgrading - Phase 2**

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

- (1) award Tender No. 95-23 for the Upgrading of the Bedford Highway Phase 2 for materials and services listed at the unit prices quoted for a Total Bid Price of \$3,880,365 and a Total Project Cost of \$4,635,920 to the lowest bidder, Tidewater Construction Ltd.
- (2) approve the appointment of O'Halloran Campbell Consultants Ltd. to provide project management and site inspection services at an estimated cost of \$160,000 plus GST;
- (3) authorize funding from Capital Account No. 91552, Bedford Highway Improvements Phase 2.
- (4) approve local improvement charges with regard to new concrete curb and gutter and concrete sidewalk on the Bedford Highway (from Tremont Drive to Kearney Lake Road) and on Kearney Lake Road (from the Bedford Highway to Dunbrack Street) for the abutting properties on both the Bedford Highway and the Kearney Lake Road based on the local improvement policy for collector streets with an average weekday traffic volume in excess of 10,000 vehicles per day; and further, that Council approve the foregoing under Section 391 of the City Charter without the right of petition.

The motion was put and passed.

**Report from the Planning Advisory Committee  
Re: Case No. 7145 - Peninsula and Mainland  
Land Use Bylaw (Housekeeping Amendments #10):  
SET DATE FOR PUBLIC HEARING**

MOVED by Alderman Carmichael, seconded by Alderman Stone that, as recommended by the Planning Committee, City Council set a public hearing date to consider amendments proposed for the Peninsula and Mainland Land Use Bylaws

**CITY COUNCIL  
SPECIAL MEETING  
17 MAY 1995**

(Housekeeping Amendments #10) as contained in Appendix "A" of the PAC's report dated 18 April 1995. The motion was put and passed.

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

**Case No. 6670: Proposed Amendment -  
Development Agreement, 35 Coronation  
Court (SET DATE FOR PUBLIC HEARING)**

MOVED by Alderman Maher, seconded by Alderman Walker that, as recommended by the Planning Committee, City Council set a public hearing date to consider a development agreement proposed for **35 Coronation Drive** and, in particular, the revised plans for visitor and resident parking. The motion was put and passed.

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

**Case No. 7149: Development Agreement  
to Permit Expansion of a Non-Conforming  
Duplex, 206-208 Melrose Avenue:  
SET DATE FOR PUBLIC HEARING**

MOVED by Alderman Maher, seconded by Alderman Walker that, as recommended by the Planning Committee, a public hearing date be scheduled to consider a proposed development agreement with Robert J. Sullivan to permit construction of an addition to a building containing a non-conforming use at **206-208 Melrose Avenue.** The motion was put and passed.

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



**Case No. 5949: Amending Agreement  
for Canadian Tire Site (Park West  
Centre): SET DATE FOR PUBLIC HEARING**

MOVED by Alderman Stone, seconded by Alderman Crowley that, as recommended by the Planning Committee, a public hearing date be scheduled to consider a proposed development agreement with Canadian Tire Corporation to permit construction of a commercial building at the Park West Centre shopping plaza. The motion was put and passed.

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

**Ramp Connecting Trunk #3 (Bay Road) to  
North West Arm Drive: SET DATE FOR PUBLIC HEARING**

MOVED by Alderman Hanson, seconded by Alderman Maher that, as recommended by the Planning Committee, Council schedule a public hearing to consider the street closure of that portion of St. Margaret's Bay Road (Trunk #3), shown as Parcel A on Appendix "A" of the staff report dated 2 May 1995. The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 21 JUNE 1995** at 7:30 p.m. in the Council Chamber, Halifax City Hall.

**File No. 67420 - Software Maintenance  
for Communications Network (MIS Division)**

MOVED by Alderman Blumenthal, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, in reference to File No. 67420 Council authorize the issuance of a purchase order to the only bidder, Century Analysis Incorporated, in the amount of \$52,724.50 (U.S.). The motion was put and passed.

**Rezoning from R-2 to R-1,  
Peninsula Centre Area (Case No. 7066)**

MOVED by Alderman Carmichael, seconded by Alderman Maher that, as recommended by the Planning Committee, Council

request the PAC to include in its deliberations of Case No. 7066 (previously forwarded to them on 30 March 1995) that portion of Cambridge Street between Norwood and Jubilee Road. The motion was put and passed.

**Award of Tender No. 95-13:  
Novalea Drive Rockface Stabilization**

Responding to a question from Alderman Blumenthal, Mr. Peter S. Connell, Director of Engineering and Works, advised that he had discussed this tender both with staff of the City's Recreation Department and with representatives of Dexter Construction. Mr. Connell went on to note that, in keeping with Alderman Pottier's concerns put forward during the 17 May meeting of Committee of the Whole, assurances had been received that the ballfield in the Merv Sullivan Park would be only minimally affected by ongoing construction. He added, however, that because of the involvement of sub-contractors in this project, it was extremely difficult to have these assurances included as part of the tender specifications.

Alderman Blumenthal indicated that he was satisfied with these arrangements, and MOVED, seconded by Alderman Downey that, as recommended by the Committee on Works, Council:

- (1) award Tender No. 95-13 for the stabilization of the rockface at the **Merv Sullivan Park on Novalea Drive**, for the materials and services listed at the unit prices quoted for a Total Bid Price of \$231,530.00 and a Total Project Cost of \$266,000.00 to the lowest bidder, **Dexter Construction Ltd.**;
- (2) approve the appointment of **ADI-Nolan Davis** to provide project management and site inspection services at an estimated cost of \$20,000.00 plus GST;
- (3) approve the transfer of unused funds in the amount of \$21,400.00 from Account No. 91417, Gottingen Street Paving Renewal, to Account No. 91691, Novalea Drive Rockface Stabilization;
- (4) authorize funding from Capital Account No. 91691, Novalea Drive Rockface Stabilization.

The motion was put and passed.

**CITY COUNCIL  
SPECIAL MEETING  
17 MAY 1995**

There being no further business to discuss at this time, the meeting was adjourned at approximately 5:10 p.m.

**DEPUTY MAYOR STEPHEN D. ADAMS  
CHAIRMAN**

**SUBMITTED BY:  
E. A. KERR, CMC  
CITY CLERK**

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## MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 25 MAY 1995

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

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

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

**SWEARING-IN CEREMONY - POLICE RECRUITS**

The following Police Recruits were escorted into the Council Chamber by Chief Vincent J. MacDonald, accompanied by Sergeants Frank Beazley and Mike Burns, where they were administered the Oath of Office by His Worship Mayor Walter Fitzgerald: Angela Karola Balcom, Tony Gordon Carlisle, Stephanie Anne Glendenning, Lori-Anne Horne, Michael Darren Willett, David Andrew Boon, Anthony Gerald Dickens, Anthony Steven Gillis, and Thomas David Shannon.

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

His Worship Mayor Fitzgerald adjourned the meeting for a brief recess to allow those present to offer congratulations to the new Constables.

The meeting reconvened at 8:20 p.m. with the same members in attendance.

**MINUTES**

Minutes of the last regular meeting of Halifax City Council held on Thursday, 11 May 1995, together with those from a special meeting held on Wednesday, 17 May 1995, were approved as circulated on a motion by Alderman Maher, seconded by Alderman Blumenthal.

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

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

- 20.1 Appointments
- 20.2 Rescheduling - Council Meeting Date
- 20.3 FCM Resolution - Federal Ports Policy

MOVED by Alderman Walker, seconded by Alderman Crowley that the agenda, as amended, be approved. The motion was put and passed.

**PETITIONS AND DELEGATIONS**

**Alderman Blumenthal Re:  
Highland Park School Fire**

Alderman Blumenthal expressed gratitude to the City of Halifax Fire Department and in particular to those Fire Fighters who managed to keep Highland Park Junior High School from burning to the ground during an incident earlier in the week. Alderman Blumenthal went on to thank City staff and those of the Halifax District School Board for their work in accommodating Highland Park students in an alternate location at Chebucto Road School.

**Petition Deputy Mayor Adams Re:  
Basketball Nets - Central Spryfield School**

Deputy Mayor Adams made reference to a petition which had previously been circulated containing the signatures of approximately six hundred (600) individuals in favour of the reinstallation of the basketball nets at Central Spryfield School. The Deputy Mayor assured the petitioners that their request had been received and duly noted.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of its Finance and Executive Committee from a meeting held on Wednesday, 17 May 1995 as follows:

**Naming of New Arena: Halifax Civic Centre**

An Information Report dated 24 May 1995 was submitted by Mr. A. M. Driscoll, General Manager of the Halifax Forum Commission.

MOVED by Alderman Pottie, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council authorize, under Section 352 of the City Charter, the name "Halifax Civic Centre" as the name for the newly-constructed building to the north of the Halifax Forum. The motion was put and passed.

**Acquisition: Parcel 19-A,  
Civic No. 1762 Henry Street**

MOVED by Alderman Carmichael, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Parcel 19-A, as shown on Plan No. TT-50-32333 and located at 1762 Henry Street, be acquired from Mr. Patrick Garety for the sum of \$10,000 plus any GST that may be applicable (funds to be made available in Account No. 91608, the Sundry Land Acquisition Account). The motion was put and passed.

**Integrated Waste/Resource  
Management Strategy Framework**

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

- (1) Council approve in principle the Integrated Waste/Resource Management Strategy Framework; and further that
- (2) Council defer approval of the Front-End Processing Facility Component of the Strategy until such time as further information becomes available.

The motion was put and passed.

**Proposed Amendment to Ordinance 180  
Soft Drink Vending Machines**

MOVED by Alderman Downey, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, the matter be forwarded to staff for review and recommendation.

In putting forward this motion, Alderman Downey reiterated his earlier suggestion (made during the 17 May meeting of Committee of the Whole) that the Spring Garden Road BIDC be consulted during this review process.

The motion was put and passed.



**Request for Funding - Trip to Russia  
(Students of Millwood High School)**

At a meeting of the Committee of the Whole Council, held on 17 May 1995, this matter had been referred to staff for review and recommendation.

An Information Report dated 19 May 1995 was submitted by Mr. P. S. Connell, Acting City Manager.

Following a brief discussion, it was moved by Alderman Epstein, seconded by Alderman Blumenthal that the request from the Millwood High School group pertaining to their proposed trip to Russia be referred to the City's Tax Concessions and Grants Committee for review and recommendation. The motion was put and passed.

**Licensing of GoTime Project**

MOVED by Alderman Blumenthal, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, Council authorize staff to enter into a formal contract with Sirius Solutions based on the five negotiated items detailed in the 11 May 1995 staff report, in return for which Sirius Solutions will be given the rights to existing systems logic and the right to the use of the name "GoTime." The motion was put and passed.

**The Word on the Street**

An Information Report dated 18 May 1995 was submitted from the Director of Engineering and Works.

Following a brief discussion, it was moved by Alderman Downey, seconded by Alderman Epstein that the City waive one-half of the street closing costs associated with the "Word on the Street" Festival scheduled for 24 September 1995.

In putting this motion forward, Alderman Downey made reference to the 18 May Information Report and emphasized that he personally hoped that a method could be found of supporting the Festival in this manner **without** having to resort to the use of a Section 201(1) over-expenditure.

The motion was put and passed.

**REPORT - COMMITTEE ON WORKS**

Council considered the report of its Committee on Works from a meeting held on Wednesday, 17 May 1995 as follows:

**Renaming of Ross Street Extension**

A Supplementary Information Report dated 23 May 1995 was submitted from the Director of Engineering and Works, together with extracts from material composed by Dr. Elizabeth Pacey and J. Pazzant which were submitted by Alderman Stone.

Alderman Stone made reference to the proposed street names submitted by staff, and expressed concern that the names put forward were not particularly pertinent to the historical community surrounding the Ross Street Extension. He went on to refer to the information obtained from the writings of Dr. Pacey and Ms. Pazzant, and suggested instead that **Wentworth Drive** would be a more appropriate name for the proposed street, given Sir John Wentworth's place in the history of Nova Scotia and his connection with the Rockingham portion of Mainland North.

It was therefore moved by Alderman Stone, seconded by Alderman Walker that Council consider the renaming of the existing portion of the Ross Street Extension, together with sections A, B, C and their continuation through to the boundary of the CHNS lands (as illustrated in Sketch 2 of the 8 May 1995 staff report), as **Wentworth Drive**, and that this proposal be forwarded to staff for review and comment. The motion was put and passed.

**Petition Requesting Sidewalk Installation on  
Bayview Road (Manor Lane to Laurentide Drive)**

MOVED by Alderman Walker, seconded by Alderman Maher that, as recommended by the Committee on Works, Council table the petition submitted by residents of Manor Lane and Bayview Road, and agree to consider the petitioners' request for a new sidewalk on the south side of Bayview Road between Manor Lane and Laurentide Drive during its deliberations on the 1996/97 Capital Budget. The motion was put and passed.

**REPORT - PLANNING COMMITTEE**

**Case No. 6544: Extension to Development  
Agreement for the Neptune Theatre (1580  
Barrington Street and 1587-93 Argyle Street)**

MOVED by Alderman Uteck, seconded by Alderman Downey that, as recommended by the Committee on Planning, City Council enter into an amending agreement with **Neptune Theatre**, thereby amending the existing development agreement approved by Council on 9 June 1993, to extend the completion date for the development by a further two years.

In putting forward this motion, Alderman Uteck made reference to today's announcement that, with the approval of funding from the Federal and Provincial Governments (together with the financial commitment already approved by Halifax City Council), construction will commence on the Theatre's new premises in August of 1995.

The motion was put and passed.

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

MOVED by Alderman Downey, seconded by Alderman Blumenthal that, as recommended by the Committee on Planning, Council amend its resolution of 8 December 1993 with regard to Case No. 6754 to include reference to GST (as underlined below) so that the entire resolution reads as follows:-

The City-owned former Rimco lands at the southwest corner of Bishop and Lower Water Streets be exchanged for the lands owned by Realco Management Limited and, identified as Parcel "F" on Plan No. 12-131-B (Servant, Dunbrack) together with compensation in the amount of \$152,250 in favour of the City, with said amount to be paid into the Sale of Land Account plus the payment of the usual closing adjustments by the City including any GST that may be applicable.

Staff be authorized to seek approval from the Minister of Municipal Affairs to withdraw funds as applicable from the Sale of Land Account to complete the land transaction including the payment of GST.

The motion was put and passed.

**MOTIONS**

**Motion Alderman Uteck - Reclassification of Morris  
Street (Amendment to Ordinance 155, the  
Truck Route Ordinance) - FIRST READING**

Notice of Motion with regard to the above-noted amendment had been given by Alderman Uteck during a regular meeting of Halifax City Council held on Thursday, 11 May 1995.

Moved by Alderman Uteck, seconded by Alderman Downey that Halifax City Council approve FIRST READING of the following amendment to Ordinance 155, the Truck Route Ordinance:

1. That Schedule "B" of said Ordinance 155 is amended by deleting the following therefrom:

**"29 Morris Street - Beginning at the intersection of Morris Street and Hollis Street proceeding eastward on Morris Street to and not exceeding the intersection of Lower Water Street and Morris Street."**

and further, that the matter be forwarded to the next regular meeting of the Committee of the Whole Council (scheduled for Wednesday, 7 June 1995) for consideration and report. The motion was put and passed.

**MISCELLANEOUS BUSINESS**

**Intended Purchase of Increased Volume of  
Long-Term Disability Coverage for Members  
of the Municipal Association of Police Personnel**

A report dated 30 April 1995 was submitted from the Director of Human Resources.

Moved by Alderman Uteck, seconded by Deputy Mayor Adams that Council support implementation of Option Two as outlined in the staff report dated 30 April 1995, and agree to allow employees who are members of the Municipal Association of Police Personnel to purchase an increased volume of long-term disability insurance under the City's benefits plan, at their own expense; and further, that this change be made retroactive to 25 March 1995. The motion was put and passed.

## QUESTIONS

### Question Alderman Stone Re: Blasting - Mainland North

Alderman Stone expressed concern on behalf of the residents of Birkdale Crescent, the Bridgeview Subdivision and Saskatoon Drive with regard to blasting. The Alderman indicated that he would appreciate receiving a staff report containing a list of blasting projects currently underway, and requested that staff also investigate the possible reduction of blasting impacts.

## ADDITIONS

### Appointments

A report dated 25 May 1995 was submitted by His Worship Mayor Walter Fitzgerald.

Following a brief discussion, it was moved by Deputy Mayor Adams, seconded by Alderman Blumenthal that Halifax City Council approve the following appointments:

#### Halifax Recreation Committee

Mr. Don Adams  
(Term to expire 31 January 1998)

#### Mainland South Community Centre Corporation

Mr. Robert Kitley  
Mr. Ian Robinson  
(Terms to expire 31 January 1998)

and further, that the proposed appointment to the Downtown Halifax Business Improvement District Commission be deferred.

The motion was put and passed.

Alderman Hanson made reference to a vacancy on the Halifax Water Commission and asked that consideration be given to filling this position as quickly as possible.

**Rescheduling - Council Meeting Date**

A report dated 24 May 1995 was submitted from His Worship Mayor Walter Fitzgerald.

Following a brief discussion, it was moved by Alderman Stone, seconded by Alderman Maher that the regular City Council meeting originally scheduled for Thursday, 15 June 1995 be rescheduled for MONDAY, 19 JUNE 1995 at 8:00 p.m. The motion was put and passed.

**FCM Resolution Re: Federal Ports Policy**

A report dated 18 May 1995 was submitted from the Director of Finance.

Following a brief discussion, it was Moved by Alderman Stone, seconded by Alderman Crowley that Council pass the following resolution for submission to the FCM:

**WHEREAS** the Federal Government, through its House of Commons Transport Committee, has announced its new Proposed Ports Policy; and

**WHEREAS** the Proposed Ports Policy does not provide for adequate local representation on the proposed local Port Authority Boards; and

**WHEREAS** the Proposed Ports Policy does not provide for payment of taxes or grants in lieu of taxes by the Ports,

**BE IT RESOLVED** that the FCM express its concern that adequate local representation should be included on any local Port Authority Board, and

**BE IT FURTHER RESOLVED** that the FCM express the greatest possible objection to the proposal whereby the Port Authorities would be relieved from the obligation to pay municipal taxes or an equivalent grant in lieu thereof.

The motion was put and passed.

Responding to concerns raised by Alderman Stone, the Chairman indicated that he would undertake to ensure that this resolution is communicated to the FCM prior to Wednesday, 31 May 1995.

There being no further business to be discussed, the meeting was adjourned at approximately 9:00 p.m.

**MAYOR WALTER FITZGERALD  
CHAIRMAN**

**SUBMITTED BY:  
KAREN F. SWIM  
ACTING CITY CLERK**

\*JB

**HEADLINES**

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# MINUTES

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

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 7 JUNE 1995

**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 EPSTEIN  
ALDERMAN JERRY S. BLUMENTHAL  
ALDERMAN PAT POTTIE  
ALDERMAN RON HANSON  
ALDERMAN RALPH P. MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN MARY ANN CROWLEY  
ALDERMAN BILL STONE

**STAFF:** GERRY GONEAU, FOR THE CITY SOLICITOR  
E. A. KERR, CITY CLERK

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**ADDED ITEMS**

The City Clerk advised of items which were referred to this meeting from today's earlier meeting of the Committee of the Whole Council, by means of a list of referred items which were circulated to members of Council.

Deputy Mayor Adams proposed the addition of an item related to "Demolition - 100 Leiblin Drive".

Following a short discussion, the Chairman ruled that it was improper to add the item.

Deputy Mayor Adams then challenged the ruling of the Chair and following a voice vote, the ruling of the Chair was upheld.

Council then proceeded to deal with the items referred from the earlier meeting of the Committee of the Whole Council as follow:.

**Business Disturbance - Bedford Highway**

Moved by Alderman Stone, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, following its resolution of 11 May 1995, City Council approved payment of the following claims for business disturbance arising from the Bedford Highway Widening Phase I.

1. The amount of \$77,884 to Tel Star T.V. and Appliances as settlement in full.
2. The amount of \$14,257.50 to Haidair's Irving as settlement in full, as outlined in the staff report dated 30 May 1995.

The motion was put and passed.

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Storm Sewer Project - Inverness Avenue

Moved by Alderman Hanson, seconded by Deputy Mayor Adams that, Council transfer the remainder of the \$100,000 allocation to the Inverness Avenue Storm Sewer Project.

The motion was put and passed.

Award of Tender 95-22 - Sheffield  
In The Park - Drainage Improvements

Moved by Alderman Stone, seconded by Alderman Walker that, as recommended by the Committee on Works;

- (1) Council award Tender 95-22, Sheffield In The Park- Drainage Improvements for materials and services listed at the unit prices quoted for a Total Bid Price of \$34,228.00 and a Total Project Cost of \$39,500.00 to C.R. Falkenham Backhoe Services Limited.
- (2) Council authorize funding from Capital Account No. 97075 Sheffield in the Park Develop Sports Field, as outlined in the staff report dated 25 May 1995.

The motion was put and passed.

Award of Tender 95-03 Sidewalk Renewals

Moved by Alderman Downey, seconded by Alderman Blumenthal that, as recommended by the Committee on Works;

1. Council award Tender 95-03, Sidewalk Renewals on Brenton Street (W) Spring Garden - Brenton Place; Leeds Street (S) Rosemeade - Highland; Linden Street (S) Garden - Vernon; Oxford Street (W) Claremont - Dudley and Woodbine Avenue (N) Highland - Rosemeade, for materials and services

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listed at the unit prices quoted for a Total Bid Price of \$85,841.10 and a Total Project Cost of \$99,000.00 to Ocean Contractors Ltd.

2. Council authorize funding from Capital Account Nos. 92749, 92750, 92751, 92752 and 92755 for the various sidewalk locations, as outlined in the staff report dated 26 May 1995.

The motion was put and passed.

**Local Improvement Projects:  
Lynn Road & Bermuda Avenue**

Moved by Alderman Hanson, seconded by  
Deputy Mayor Adams that, as recommended by the Committee on  
Works;

1. Council, in accordance with the provisions of Section 391 of the City Charter, deny the petition submitted by the affected property owners against the installation of new concrete curb and gutter as a local improvement project and the renewal of asphalt paving on Lynn Road between Bermuda Avenue and Melwood Avenue and proceed with the project as approved.
2. Council confirm the project of installing new concrete curb and gutter and the renewal of asphalt paving on Bermuda Avenue between Lynn Road and Stonehaven Road as a local improvement, whereas the period allowed for petitioning against the project has expired and no petitions have been received against the project, as outlined in the staff report dated 18 May 1995.

The motion was put and passed.

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**Sewer Outfalls Cleaning**

Moved by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Committee on Works;

- (1) Council approve the cleaning of the two sewer outfalls by Video Industrial Services Ltd. at the lump sum price of \$16,000.00 including G.S.T.
- (2) Council approve the transfer of unused \$16,000.00 from Capital Account No. 95012 North West Arm Interceptor to a new Account No. 95017 called Sewer Outfalls Cleaning.
- (3) Council approve funds from Capital Account #95017, Sewer Outfall Cleaning, as outlined in the staff report dated 17 May 1995.

The motion was put and passed.

**Neptune Theatre- Advance of Funds**

Moved by Alderman Uteck, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, City Council authorize the advance release of funds previously approved for the Neptune Theatre under section 201 (1) of the City Charter.

It was noted that such an expenditure required the approval of the Amalgamation Coordinator.

The motion was put and passed.

**YWCA - Advance of Funds**

Moved by Alderman Downey, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, City Council authorize the advance release of funds previously approved for the Y.M.C.A. under section 201 (1) of the City Charter.

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It was noted that such an expenditure required the approval of the Amalgamation Coordinator.

The motion was put and passed.

**Bedford Highway Secondary Planning  
Strategy Boundary (Case 6882)**

Moved by Alderman Stone, seconded by Alderman Walker that, as recommended by the Planning Committee, Council set a set a date for a Public Hearing to consider the following:

1. amend the Bedford Highway Secondary Planning Strategy and land use bylaw to reflect property boundaries, subdivisions and existing development patterns; and
2. amend the Municipal Development Plan and land use bylaw to accommodate those properties or portion of properties which will be excluded from the Bedford Highway Secondary Planning Strategy, as contained in Appendix I attached to the staff report dated 12 May 1995.

The motion was put and passed.

The City Clerk advised the requested public hearing would be scheduled for **WEDNESDAY, 23 AUGUST 1995 AT 7:30 P.M.** in The Council Chamber, Halifax City Hall.

**Signs in the Business Park - Amendment  
to the I-3 Zone - Case 6968**

Moved by Alderman Carmichael, seconded by Alderman Stone that, as recommended by the Planning Committee, Council:

1. Adopt the bylaw amendments for the sign provisions of the I-3 Zone (General Industrial Zone) of the land use bylaw to:

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- (a) permit more than one identification sign on the building; and
  - (b) restrict freestanding identification signs within 100 feet of the street line of Highway 102 and Highway 103 north of the CNR railway.
2. Forward this matter to the Planning Advisory Committee for further report and advice.

The motion was put and passed.

**Dalhousie Cooperative School  
Building #5, Gorsebrook Lands,  
5846 South Street - Case 7176**

Moved by Alderman Uteck, seconded by Alderman Carmichael that, as recommended by the Planning Committee, Council set a date for a public hearing to consider the following:

1. Council enter into a development agreement pursuant to Section 16AA(g) of the land use bylaw (peninsula section) to permit the conversion of Building Number 5 at 5846 South Street to a private school.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 19 JULY 1995 AT 7:30 P.M.** in the Council Chamber, Halifax City Hall.

**1326 Barrington Street: Application  
for a Development Agreement**

Moved by Alderman Downey, seconded by Alderman Crowley that, as recommended by the Planning Committee, Council set a date for a public hearing to consider the following:

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- a) Council approve the proposed development agreement to allow the construction of a new, two-storey rear yard addition to 1326 Barrington Street for professional office of minor commercial use; the internal conversion pursuant to Section 43 AE of the land use bylaw; or the U-2V use of the property, and
- b) the agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 19 JULY 1995 AT 7:30 P.M.** in the Council Chamber, Halifax City Hall.

**Case No. 6724 - Peninsula and Mainland  
Land Use Bylaw - Housekeeping Amendment #11**

Moved by Alderman Carmichael, seconded by Alderman Maher that, as recommended by the Planning Committee, Council set a date for a public hearing to consider amending the land use bylaw by adopting the amendments, attached to the staff report dated 26 May 1995.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 19 JULY 1995 AT 7:30 P.M.** in the Council Chamber, Halifax City Hall.

**Case 7006: Development Agreements within  
C-5 (Harbour Related Industrial) Zone**



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Moved by Alderman Maher, seconded by  
Alderman Carmichael that, ~~Commended~~ recommended by the Planning

- A. Council set a date to consider the proposed amendments to the Municipal Development Plan and land use bylaw as set out in Appendix I of the staff report dated 26 May 1995.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 19 JULY 1995 AT 7:30 P.M.** in the Council Chamber, Halifax City Hall.

**Case 6579: Kearney Lake Road  
Near Bicentennial Drive**

Moved by Alderman Stone, seconded by  
Alderman Carmichael that, as recommended by the Planning  
Committee, Council set a date for a public hearing to consider  
the following:

1. 124 Kearney Lake Road (Petro-Canada Station) and Parcel "Y" Kearney Lake Road at Broadholme Lane be redesignated "Commercial" from "Residential Environments" on the Generalized Future Land Use Map and rezoned to C-2A (Minor Commercial) from Schedule "K";
2. The area from 11 (Esso Service Station) Kearney Lake Road to 99 Kearney Lake Road be redesignated "Commercial" from "Residential Environments" on the Generalized Future Land Use Map and rezoned to C-2A (Minor Commercial) from C-2 (General Business):
3. The lands generally fronting on Castle Hill Drive from 111 Kearney Lake Road to 32 Castle Hill Drive including a portion of the former old Duke of Kent right-of-way be rezoned from C-2 (General Business) to R-1 (Single Family Dwelling) Zone.

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4. Grosvenor Park be rezoned from R-4 (Multiple Dwelling) Zone and R-1 (Single Family Dwelling) Zone to P (Park and Institutional); and
5. the rear of the properties fronting on Castle Hill Drive shown as Lots H-1 to H-9 on city of Halifax Plan 00-16-28888 be rezoned from R-4 (Multiple Dwelling) Zone to R-1 (Single Family Dwelling) Zone, as Maps 1, 2A and 2B attached to the staff report dated 26 May 1995.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 19 JULY 1995 AT 7:30 P.M.** in the Council Chamber, Halifax City Hall.

Armview Pilot Project-Transfer of Funds

Moved by Alderman Carmichael, seconded by Alderman Uteck that, City Council approve the transfer in the amount of \$15,000.00 from the previously approved \$100,000.00 for traffic signals, to be used by the Armview Committee for the purpose of bringing forward a recommendation in connection with existing traffic problems (sub-area analysis).

The motion was put and passed with Alderman Pottie against.

Reallocation of Capital Funds  
from the 1995/96 Program

Moved by Alderman Uteck, seconded by Alderman Carmichael, as recommended by the Finance and Executive Committee

1. That the Ivanhoe Street project in an amount of \$183,000 be cancelled in the 1995/96 capital program and that \$100,000 of capital funds, previously earmarked for the Ivanhoe Street project, be earmarked as a Capital contribution to the sound stage project proposed for the

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Lower Water Street Power Plant and that these funds be held and earmarked for that project to be made available up until 31 July 1995.

2. That funds previously available for the 1995/96 capital program from the capital from current account be retained in current and made available for capital works within the Halifax Housing Authority, the sum of this second amount being \$7,300.00 to be available for capital works with senior citizen projects of the Halifax Housing Authority.

The motion was put and passed.

Local Improvement Project-Ivanhoe Street

Moved by Alderman Uteck, seconded by Alderman Blumenthal that, as recommended by the Committee on Works, City Council accept the petitions submitted by the affected property owners against the renewal of concrete curb and gutter and the installation of new asphalt pavement on Ivanhoe Street between Atlantic Street and Inglis Street and delete the project from the 1995-96 Capital Budget.

The motion was put and passed.

**APPOINTMENTS**

Moved by Alderman Stone, seconded by Alderman Blumenthal that, as recommended by His Worship Walter Fitzgerald, the following nominations be accepted by the Halifax City Council:

1. **Bernard F. Miller** to the Halifax International Airport Planning Group, Term to expire upon completion of mandate.
2. **Mr. H. A. J. Wedderburn** to the Mainland South Community Centre Board, Term to expire January 31, 1998.

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3. Ms. Nuria Barela-Diaz to the Concerns of Aging Committee - Ward 4 Representative, Term to expire January 31, 1998.

The motion was put and passed.

**Gottingen Street Development Fund**

By a request from the City Clerk, this item was added to the agenda for tonight's meeting.

A staff report dated 7 June 1995 was submitted by the Acting City Manager, Mr. Bernard Smith.

Moved by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, Council ratify approval a loan from the Gottingen Street Development fund to Wormwood Dog and Monkey Cinema of \$20,000 to be made available on a ten year repayment basis at an interest rate of 6 percent.

Alderman Pottie expressed concern that this recommendation seemed unclear and questioned whether this was normal procedure.

Alderman Crowley echoed Alderman Pottie's comments and expressed concern as to the uncertainty of what the proposed loan would be utilized for.

Following a brief discussion, it was Moved by Alderman Pottie, seconded by Alderman Crowley that this matter be deferred to the next regular meeting of the Halifax City Council scheduled for 19 June 1995, for further information and report.

The motion to defer was put and passed.

**PUBLIC HEARINGS**

**Case No. 7145: Peninsula and  
Mainland Use Bylaw - House-  
Keeping Amendments #10**

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A public hearing was held at this time to consider the proposed amendments to the land use bylaw by adopting the amendments contained in Appendix "A" attached to the report from the Planning Advisory Committee dated 18 April 1995.

Mr. Paul Dunphy, of the Development and Planning Department, provided a brief overview, with the use of the overhead and maps, of the information outlined in the report from the Planning Advisory Committee dated 18 April 1995, and the staff report dated 28 March 1995.

There being no persons wishing to speak for or against this matter, it was Moved by Alderman Hanson, seconded by Deputy Mayor Adams that, as recommended by staff and the Planning Advisory Committee, City Council amend the land use bylaw Housekeeping Amendments #10 by adopting the amendments contained in Appendix "A" attached to the report of the Planning Advisory Committee dated 18 April 1995 and the staff report dated 28 March 1995..

The motion was put and passed.

**Case No. 7149: Development Agreement  
to Permit Expansion of Non-conforming  
Duplex - 206-208 Melrose Avenue**

A public hearing was held at this time to consider the construction of an addition to a building containing a non-conforming use at 206-208 Melrose Avenue.

Mr. Paul Dunphy, of the Development and Planning Department, provided a brief overview, with the use of the overhead and maps, of the details outlined in the staff report dated 5 May 1995.

There being no persons wishing to speak for or against this matter, it was Moved by Alderman Maher, seconded by Alderman Walker that this matter be forwarded without recommendation to the next regular meeting of the Halifax City Council, scheduled for 19 June, 1995.

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The motion was put and passed.

**Case No. 7148: Appeal of Minor Variance  
Refusal - 6430 Vienna Street**

public hearing was held at this time to consider an appeal for a minor variance of which a previous application was refused by the Development Officer for a minor variance of the lot frontage, lot area, front yard, and east side yard requirements of the land use bylaw for the property located at 6430 Vienna Street.

Mr. Phil Francis of Development and Planning provided a brief overview, with the use of the overhead and maps, of the details outlined in the staff report 18 May 1995, and answered questions by various members of Council.

Ms. Deborah Creaser, the owner of the residence at 6430 Vienna Street, addressed Council in favour of this matter and submitted a petition with approximately six names voting in favour of this matter.

Ms. Creaser informed Council that she and her husband, Mr. Barry Collier, would like to build an addition on their home at 6430 Vienna Street, with a private entrance, in order to provide lodgings for her parents.

Ms. Creaser noted that she sought the opinion of surrounding neighbours regarding this case, and received full support.

Following a request by Deputy Mayor Adams, Ms. Creaser, with the use of the overhead and a map, pointed out the location of the residents who signed the submitted petition in association to her home.

There being no other persons wishing to speak for or against this matter, it was Moved by Alderman Pottie, seconded by Deputy Mayor Adams that the appeal of the Development Officer's refusal of minor variance at 6430 Vienna

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Street for an application for minor variance of the lot frontage, lot area, front yard, and east side yard requirements of the land use bylaw, be approved and the minor variance be granted.

The motion was put and passed.

**Case No. 5949: Amending Agreement for  
Canadian Tire Site in Park West Centre**

A public hearing was held at this time to consider City Council entering into a development agreement with Canadian Tire Corporation to permit construction of a commercial building at the Park West Centre shopping plaza.

Mr. Paul Dunphy, of the Development and Planning Department, provided a brief overview of the details outlined in the staff report dated 9 May 1995, and an information report dated 2 June 1995, and answered questions by several members of Council.

Mr. Harry Jost from Annapolis Royal, the architect for the Canadian Tire Corporation project at Park West Centre shopping plaza, addressed Council. With the use of the overhead and photographs, Mr. Jost described the colour-scheme intended for the project, the exterior design, and the landscaping design for the proposed project.

Mr. Jost advised that a screen will be installed, along with an abundance of landscaping, at the back of the store which fronts the loading docks.

Following a question by Alderman Stone, Mr. Jost advised that full-grown trees will be part of the landscaping and ensured that the side facing Dunbrack Street will be a large part of the landscaping focus.

Mr. Dick Miller, Vice President of Clayton Developments, addressed Council in favour of the project. Mr. Miller noted that it is a corporate obligation to ensure the conclusion of the project.

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Mr. Dick Miller noted that he was bringing with him, the enthusiastic support of the small tenants of the shopping centre.

Following a concern by Alderman Stone, Mr. Miller advised that there will be extensive efforts to continue and expand landscaping development in the future.

Alderman Epstein noted that since there is no urgency on this case, Council should wait until the next Council Meeting in case there are any members of the public wishing to submit further information.

Alderman Walker expressed concern that Council should postpone this matter for a period of one year in order to allow for the Transportation Plan to take affect. Alderman Walker noted that this project will generate excessive traffic and the one-year waiting period will allow for such considerations which is a concern of residents of his area.

Following a brief discussion, it was Moved by Alderman Stone, seconded by Alderman Maher that:

1. City Council enter into a development agreement with Canadian Tire Corporation to permit construction of a commercial building at the Park West Centre shopping plaza.
2. City Council require that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of approval by Halifax City Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

The motion was put and passed with Aldermen Epstein and Walker against.



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Case No. 7143: Appeal of Minor Variance  
Approval - 1655 Beech Street

A public hearing was held at this time to consider the Appeal of Minor Variance approval, 1655 Beech Street.

Correspondence was received from Mr. Rollie Thompson, Mrs. P. Margaret Holgate both of 1659 Beech Street, and Mr. and Mrs. Johnston of 1652 Beech Street, and Diane Mosier of 1667 Beech Street.

Mr. Phil Francis, of the Development and Planning Department, addressed Council providing an overview of the details outlined in the staff report dated 4 May 1995, with the use of the overhead and diagrams.

Mr. Rollie Thompson, of 1659 Beech Street, addressed Council against the approval of the variance of 1655 Beech Street.

Mr. Thompson, with the use of the overhead and diagrams, noted that he was aware that without the variance approval the architect's plans for this addition would be negatively altered, however, Mr. Thompson stated that they, as neighbours, would be negatively affected as well.

Mr. Thompson made reference to the reasons for approval put forth in the staff report dated 4 May 1995, and noted that he felt none of those reasons justified the approval of the variance.

Mr. Thompson expressed concern that if staff, when considering variances, always makes comparisons between what is being proposed and what the maximum possibility could be, that in all cases what is being proposed will always be preferred.

Mr. Thompson noted that staff assumed that the previously approved variance would have a lesser affect on

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neighbours, however, Mr. Thompson ensured that this was not the case.

Mr. Thompson made reference to the staff report which states that the reduced sideyards of the proposed addition would not be out of character, and advised that he had personally measured existing sideyards and found that the proposed addition would be entirely out of character.

Mr. Thompson expressed concern that the proposed addition would force them, as neighbours, to look out at an un-relieved sixteen foot, two-storey addition, and suggested if the wall was jogged, it would allow more space between the houses.

Mr. Thompson concluded by noting that the Development Officer did not converse with he and his wife, and felt that since they are the affected neighbours they should have been consulted prior to the public hearing.

Mrs. Holgate, of 1659 Beech Street, addressed Council against the approval of the variance at 1655 Beech Street.

Mrs. Holgate made reference to an addition which was constructed at a residence in their neighbourhood, where the owners complied with all of the restrictions pertaining to sideyards because they felt it was sympathetic to the neighbourhood, and noted that due to the size of the Locke's backyard, there is no reason why they should not comply with the sideyard requirements.

Mrs. Holgate concluded by noting that she and her husband have tried to compromise with the Locke's on this matter, and wanted Council to be aware that an effort was made on their behalf. Mrs. Holgate advised that she feels the City should notify immediately affected neighbours of cases such as this in the future.

Mrs. Christa Locke, the owner of 1655 Beech Street, addressed Council in favour of the variance approval.

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Mrs. Locke advised that she and her husband did look at alternative building plans, however, the plan they chose greatly benefits the interior lay out of their home.

Following a question by Alderman Pottie, Mr. Phil Francis advised that a letter was signed by the neighbours possessing the sideyard shortage, which states they are aware of the variance but not necessarily in favour of it.

Mr. Robert McLaren, the Locke's architect, addressed Council, with the use of the overhead and diagrams, reviewed details in the proposed plan, and reviewed the location of the current structure in association with the adjacent residences.

Mr. McLaren advised Council that, although there may be other plans which may be appropriate, the plan they have chosen is most beneficial to the utilization of the interior layout, circulation patterns and architectural design of the existing structure.

Mr. McLaren concluded by noting that the impact of the proposed plan on the neighbourhood would be minimal, but is by far the most cost-effective for the Locke's.

Following a brief discussion, it was Moved by Alderman Carmichael, seconded by Alderman Epstein that, this matter be forwarded without recommendation to the next meeting of the Halifax City Council scheduled for 19 June 1995.

The motion was put and passed.

**Case No. 7112: Westmount Subdivision  
Existing Semi-detached Dwellings as  
Permitted Uses.**

A public hearing was held at this time to consider the proposed amendments for the Land Use Bylaw as contained in Appendix I of the PAC report dated 11 April 1995, to

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include the existing twelve semi-detached dwellings in the Westmount Subdivision as permitted uses in the R-1 (Single-Family Zone), Peninsula Area, and to amend the ZM-16 Map to include the Westmount Subdivision, as indicated on Sketch of the 11 April report.

Mr. Stephen Feist of the City's Development and Planning Department provided a brief overview of the report submitted by the Planning Advisory Committee dated April 11 1995, with the use of maps and the overhead.

Alderman Pottie questioned the type of accessory building currently permitted for the semi-detached buildings, and noted that he would converse with staff regarding this matter.

Alderman Crowley expressed concern that the entire community may be affected by this recommendation, and suggested that perhaps she (being the Alderman for the Ward containing the Westmount Subdivision) should have been notified of the status of this item prior to tonight's meeting.

Mr. Eric Thompson, of 6725 Peter Lowe Avenue spoke against this matter and addressed Council on behalf of himself and several other residents of the Westmount Subdivision.

Mr. Thompson gave Council a brief background on the history of the Westmount Subdivision, noting that due to it's history of being a war memorial, location, large lots, walkways, parks, schools, play areas and the general uniqueness of the Westmount Subdivision, it was an "exceptional" residential location.

Mr. Thompson noted that the duplexes in question were constructed for servicemen to reside in when they returned from sea, and advised that these duplexes were obtained by CMHS until recently when they were sold.

Mr. Thompson made reference to residents being angry pertaining to a lot on the corner of William Hunt

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where one of the lots in question was subdivided, and advised that a large home was constructed with many inconsistencies and over-crowdedness to the rest of the subdivision.

Mr. Thompson expressed concern that the value of the homes in this area are directly impacted by the mere existence of the duplexes in question, and noted that the duplexes should not be treated in the same manner as a single-family home.

Mr. Thompson made reference to page 2 of a staff report dated 5 May 1995 pertaining to Case No. 7149, and questioned why the owner of the single family home at 206-208 Melrose is required to comply with plans for a "municipal strategy", yet the duplexes in the Westmount subdivision are not required to comply with the same plans, which would in turn protect the subdivision from the problems they are now facing.

Mr. Thompson expressed concern that if a duplex is permitted to construct a building addition, it may be architecturally correct, however, it may not be sympathetic with the surrounding residences in the area.

Mr. Thompson made reference to the Hydrostone, and noted that there has been no continuity to the revitalization of a number of it's units. Mr. Thompson noted that it is up to City Council to encourage these continuances.

Mr. Thompson concluded by noting that the construction of new decks or repairing of steps is not the issue, the problem begins with the possibility of building additions.

Alderman Crowley noted that there was no applicant in this case and suggested there may be no urgency for acting on this matter without further information.

Alderman Pottie at this time, asked for a staff report detailing past cases where permits for storage sheds were issued for non-conforming uses where there were no sideyard requirements.

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Following a brief discussion, It was Moved by Alderman Crowley, seconded by Alderman Stone that, this matter be forwarded without recommendation to the next regular meeting of the Halifax City Council, scheduled for the 19 June 1995. The motion was put and passed.

**Case No. 6670: Proposed Plan Amendment and Development Agreement ( Plan and Bylaw Amendment ) 35 Coronation Avenue**

A public hearing was held at this time to consider the Proposed Plan Amendment and Development Agreement (Plan and Bylaw Amendment), 35 Coronation Avenue - Case 6670 as outlined in the staff report dated 4 May 1995.

Mr. Stephen Feist of Development and Planning provided a brief overview, with the overhead and maps, of the details outlined in the staff report dated 4 May 1995.

Mrs. Delores Callahan, a resident of 36 Coronation Avenue, addressed Council against the proposed Development Agreement, expressing concern that she and other residents have not been protected in the past and will not tolerate it any longer.

Mrs. Callahan expressed concern that since the parking spaces have been increased to twenty five (25), the green area, landscaping and trees which were originally proposed have been almost eliminated.

Mrs. Callahan noted that she realized the Developer is attempting to make the best use of the land, however, it would, at the same time, be negatively affecting the entire neighbourhood.

Mrs. Callahan expressed concern that due to the proposed parking on Coronation, it would cause crowded streets and would directly impact the accessibility of emergency vehicles, moving trucks, police vehicles etc., and would also create safety hazards for all pedestrians, especially children.

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Mrs. Callahan noted that she and many other residents would like to see some type of construction take place at 35 Coronation Avenue, however, and expressed that a ten-unit complex is not reasonable.

Alderman Howard Epstein questioned Mrs. Callahan and asked what type of construction would be acceptable to her and the other concerned residents.

Mrs. Callahan suggested that three duplexes with a maximum of six units would allow for plenty of parking and lots of greenery etc.

Alderman Maher noted that he is and has always been against this proposed Development agreement at 35 Coronation Avenue. Alderman Maher noted that the residents have gone through a lot of work appealing this case in order to protect their neighbourhood.

Alderman Maher advised that Coronation is a short, steep grade which is hazardous in the winter time, and noted that Council needs to listen to the concerns of the residents whom reside in the surrounding areas.

Mr. William Callahan, of 36 Coronation Avenue, addressed Council against the proposed Development Agreement at 35 Coronation Avenue.

Mr. Callahan noted that a water pressure test was not carried out by the Water Commission prior to them accepting the proposed construction of a ten-unit apartment complex, and noted that the current water pressure on Coronation Avenue is extremely low.

Mr. Callahan made reference to a conversation he had with Mr. Stephen Feist of Development and Planning, and noted that Mr. Stephen Feist informed him that a ten-unit complex would fall under a medium to medium-high density rate, yet the density rate in the staff report dated 4 May 1995 states a ten-unit complex would be low-density.

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Mr. Callahan expressed concern that with the proposed amendment to the Development Agreement, the greenery and trees on the Birch Street side of the complex will no longer be possible.

Mr. Callahan made reference to the compatibility of the proposed complex, and noted that it is much larger than any other structure which currently exists in the surrounding areas.

Mr. Callahan concluded by asked Council to seriously consider their decision on this case, and noted that the safety of their children is of utmost important.

**ALDERMAN BLUMENTHAL LEFT THE MEETING AT  
10:10 P.M.**

Ms. Lina Diable, appearing for the developer, addressed Council in favour of the proposed Plan Amendment and Development Agreement at 35 Coronation Avenue.

Ms. Lina Diable noted that all of the issues brought forward by the Callahans had already been dealt with through the appeal process and despite their concerns, the only issue that was brought back for discussion was the issue of parking.

Ms. Diable noted that the issue of the number of units in the proposed plan is not relevant since it has been dealt with previously.

Ms. Diable advised that Mr. Ferris, the Engineer on the proposed project, was called in on an urgent basis to address all of the concerns which were brought to their attention prior to the case going to the Utility Review Board. (ie: fire trucks, water pressure and snow-ploughing).

M. Diable noted that staff has approved a plan which includes; two parking spaces per unit from the previous approval and four visitor parking spaces. M. Diable



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went on to note that the issue of landscaping and greenery is not an issue because it has already been approved by staff.

Following a question by Alderman Maher, Mr. Stephen Feist ensured Council that a copy of the report from the Utility and Review Board would be provided to them prior to the next meeting of the Halifax City Council, scheduled for 19 June 1995.

Alderman Stone requested a staff report which clarifies what is possible to do and what is not possible to do in connection with this application, prior to the next meeting of the Halifax City Council, scheduled for 19 June 1995.

Following a brief discussion, it was Moved by Alderman Maher, seconded by Alderman Walker that, this matter be forwarded without recommendation to the next regular meeting of the Halifax City Council, scheduled for 19 June 1995.

The motion was put and passed.

There being no further business to discuss, it was Moved by Alderman Stone, seconded by Alderman Walker that the meeting adjourn. The motion was put and passed.

**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  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 19 JUNE 1995

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

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

**STAFF:** MR. BERNARD SMITH, A/CITY MANAGER  
MR. BARRY ALLEN, A/CITY SOLICITOR  
MR. EDWARD A. KERR, CITY CLERK

Mayor Fitzgerald expressed concern with regard to a recent major traffic accident involving students from Cornwallis Junior High School. He went on to note that thankfully there had been no loss of life, however, Alderman Carmichael's son, Matthew, had been injured quite seriously as had one of the teachers. Mayor Fitzgerald indicated that all those involved were very fortunate that the situation was not more serious.

His Worship Mayor Walter Fitzgerald addressed Council and read a Thank You to all those who were involved with the siting, planning, organizing, and hosting of G-7 Summit.

His Worship read a letter of commendation and thanks from Warren Christopher, Secretary of State for the United States, in relation to the G-7 Summit.

### **MINUTES**

Minutes of a special meeting of Halifax City Council held on Wednesday, 3 May, together with those of a regular meeting held on Thursday, May 25 were approved as circulated on a motion by Alderman Maher, seconded by Alderman Stone.

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

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

- 20.1 Gottingen Street Development Fund (inadvertently excluded from agenda)
- 20.2 Petition - Local Improvement Project - Borden Street (inadvertently excluded from agenda)
- 20.3 Servicing Request - Atlantic Winter Fair

**DEFERRED ITEMS**

**Case No. 7149: Development Agreement to Permit Expansion  
of Non-conforming Duplex - 206-208 Melrose Avenue**

A public hearing to consider this matter was held on Wednesday, 7 June 1995.

MOVED by Alderman Maher, seconded by  
Alderman Walker that:

1. City Council enter into a development agreement with Robert J. Sullivan to permit construction of an addition to a building containing a non-conforming use at 206-208 Melrose Avenue.
2. Council requires that the development agreement shall be signed within 120 days, or any expansion thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council and any other bodies as necessary, whichever approval is later, including any applicable appeal period; otherwise this approval will be void and obligations arising hereunder shall be at an end.

Motion passed.

**Case No. 7143: Appeal of Minor Variance Approval - 1655  
Beech Street**

A public hearing into this matter was held on Wednesday, 7 June 1995.

Alderman Carmichael advised that the involved parties had come to agreement with regard to this variance and MOVED, seconded by Alderman Blumenthal that Council approve the minor variance at 1655 Beech Street provided that the variance as depicted in the most recent sketch received by the Development and Planning Department and as agreed to by all parties is the one acted upon.

Motion passed.

**Case No. 7112: Westmount Subdivision: Existing Semi-detached  
Dwellings as Permitted Uses**

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A public hearing into this matter was held on Wednesday, 7 June 1995. An information report dated 9 June 1995 was submitted from the Director of Development and Planning.

Alderman Crowley addressed the matter referring to a number of petitions she had received in opposition to this land use bylaw amendment and submitted same to the City Clerk. Alderman Crowley went on to note that this request to permit a shed, deck or patio had gone beyond what was expected with the proposed amendment to the land use bylaw. Alderman Crowley, stressing that there was no applicant involved, MOVED, seconded by Alderman Stone that the proposal to amend the land use bylaw be abandoned and that staff investigate possible alternatives to allow for sheds, decks and patios in the affected area other than by development agreement.

Motion passed.

**Case No. 6670: Proposed Plan Amendment and Development  
Agreement (Plan and Bylaw Amendment) - 35 Coronation Avenue**

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A public hearing into this matter was held on Wednesday, 7 June 1995. An information reported dated 14 June 1995 was submitted from the Director of Development and Planning.

Alderman Maher addressed the matter indicating that he had not supported this development agreement from the outset and MOVED, seconded by Alderman Walker that Council not approve the proposed Plan Amendment and Development Agreement at 35 Coronation Avenue.

Upon advice from the Acting City Solicitor that the Nova Scotia Utilities and Review Board had referred only the matter of parking to City Council for further consideration, the Chairman ruled the motion to be **Out of Order**. The Chairman went on to note that if the changes to the

parking have impacted on other aspects of the development, City Council could review these aspects.

Alderman Maher noted that the parking had changed the landscaping of the area which would detract from the overall attractiveness of the development. He went on to suggest that Council should review the entire proposal based upon the changes to the development due to the parking. He requested that staff provide both the original plans for the development and the revised plans in order that Council might do a comparative review of the proposal.

Alderman Carmichael noted that Council had not received a report regarding the impact of the parking to such things as lot coverage and green space and MOVED, seconded by Alderman Downey that this matter be referred back to staff for a report covering the issues discussed above.

Motion passed with Alderman Blumenthal abstaining due to absence from the Public Hearing on the matter.

## **PETITIONS AND DELEGATIONS**

### **Petition - Alderman Blumenthal - Crosswalk Kaye Street**

Alderman Blumenthal submitted a petition from 107 families in the St. Joseph's - A. McKay School community requesting a mid-street crosswalk on Kaye Street from the exit walk on the school yard. The petition maintains that such a crosswalk would greatly improve safety conditions for children attending St. Joseph's - A. McKay School. The petition further advises that the school is prepared to place volunteers to assist with crossing and plans are already in place in this regard.

## **REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of its Finance and Executive Committee from a meeting held on Wednesday, 7 June 1995 as follows:



Proposed Vending Location (Lower Water Street) - Amendment  
to Ordinance 180 Respecting Streets

MOVED by Alderman Pottie, seconded by  
Deputy Mayor Adams that, as recommended by the Finance and  
Executive Committee, staff proceed with the necessary  
amendments to Ordinance 180 to approve a vending site on the  
boardwalk adjacent to Chebucto Landing and following that  
public tenders would be called immediately.

A brief discussion ensued with note  
being made that it was important that input from surrounding  
year round businesses be sought with regard to the impact of  
locating a vending site in this area.

Motion passed.

Captain William Spry Community Centre

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

1. The City of Halifax provide a grant to the Spryfield  
Lions Aquatic Centre at Captain William Spry  
Community Centre in the amount of \$159,000 to cover  
all the costs related to the pool operation for the  
1995/96 fiscal year;
2. The City of Halifax provide a grant to the Captain  
William Spry Community Centre in the amount of  
\$59,000 to cover the costs of the provision of multi-  
service in Mainland South for the 1995/96;
3. The City of Halifax endorse the plan of the Captain  
William Spry Community Centre board to implement the  
restructuring plan including the establishment of the  
Centre Manager role, ongoing communication with the  
community and tenants and a re-alignment of  
maintenance personnel;
4. That staff negotiate with the Province of Nova Scotia  
to cost-share grants to the pool and multi-service  
for the period commencing January 1, 1996 when the

current leases between the Province and the Captain William Spring Community Centre expire;

5. The City of Halifax supports the multi-service approach used through the Centre and that the City staff and multi-service staff forge appropriate links to enhance service quality to the residents of Mainland South;
6. The City of Halifax support in the Centre in a complete environmental audit after the Centre Manager is in place and that there be full disclosure of the results of the environmental audit including any corrective action if necessary;
7. The City of Halifax assist the Captain William Spry Community Centre as appropriate with future uses and programs for the Centre; and
8. The City re-affirms its support for an effective, customer sensitive, efficient tenant participation in the operations of the facility to enhance responsiveness to the publics served by the facility.

Motion passed.

Halifax Summit - Transfer of Capital Funds

MOVED by Alderman Stone, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, City Council approve the transfer of \$80,000 from capital account number 02099 to operating account number 02076.

Responding to a question from Alderman Pottie regarding how many months rent the \$80,000 represented, the Acting City Manager indicated he was unsure as to the exact time period involved and suggested that the matter be deferred pending his obtaining this information.

Alderman Downey referred to his comments at Committee of the Whole regarding cost sharing and requested that staff investigate cost sharing possibilities in relation to the \$80,000.

MOVED by Alderman Downey, seconded by Alderman Stone that this matter be deferred to the Committee of the Whole Council scheduled for Wednesday, 21 June 1995 pending information from staff regarding how many months rent the \$80,000 represented and whether the \$80,000 represents a 1/3 cost shared figure or, if not, whether cost sharing is available/possible on the \$80,000.

Motion passed.

Appointment of Consultant - Environmental Assessment - Lands of Granville, Hollis and Salter Streets

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

1. approve the appointment of ADI Nolan Davis to carry out an environmental assessment of the lands bounded by Granville, Hollis and Salter Streets, in accordance with the terms of reference issued by letter from the City on 9 April 1995, for a sum not to exceed \$11,500, including contingency allowance and GST, for a Phase I and Phase II study;
2. authorize additional expenditures of up to \$10,000 including GST: in the event that Phase III work is require;
3. authorize payment to the consultant from the Sale of Land Account No. 91608.

Motion passed.

Current Borrowing Resolution

MOVED by Alderman Downey, seconded by Deputy Mayor Adams that, as recommended by the Finance and Executive Committee, Council authorize the Mayor and the City Clerk to sign the Current Borrowing Resolution (as attached to the staff report dated 1 June 1995) in the sum of \$15,000,000 for the period of July 1995 to 31 December 1995.

After a brief discussion the motion was put and passed.

### **REPORT - COMMITTEE ON WORKS**

Council considered the report of its Committee on Works from a meeting held on Wednesday, 7 June 1995 as follows:

#### **Halifax Transportation Plan**

MOVED by Alderman Walker, seconded by Alderman Hanson that, as recommended by the Committee on Works, Council accept the Transportation Plan as a working document, and that all items be brought back to Council for debate, approval and funding.

After a short discussion the motion was put and passed with Alderman Epstein voting against.

#### **Outdoor Signage Guidelines - Park and Recreation Sites**

This matter has been referred without recommendation pending receipt of a staff report. An information report dated 15 June 1995 was submitted jointly from the Director of Recreation and the Director of Planning and Development.

MOVED by Alderman Blumenthal, seconded by Alderman Carmichael that:

1. Council adopt as the guiding policy for all new signage on City parkland sites, the Project Report prepared by Communication Design Group Limited, dated 27 March 1995, and entitled "Outdoor Signage Guidelines for Park and Recreation Sites"; and
2. Council direct staff to identify any regulatory amendments that would be advisable for enabling the guidelines, with their provisions for partnership signage, to be implemented.

A brief discussion ensued and Alderman Uteck noted that restrictions set down by Queen Victoria banned commercialism of any form in Point Pleasant Park.

Motion passed with Alderman Downey voting against.

MOVED by Alderman Epstein, seconded by Alderman Walker that, as recommended by the Committee on Works, that Council direct staff to continue with discussions regarding the Metro-Ped proposal in an effort to resolve the problems outlined in the 25 May 1995 Information report from the Director of Development and Planning.

Noting that the intent of the proposal was to develop a joint pedestrian/bicycle route along a waterway, Alderman Epstein drew staff's attention to such routes along the Ottawa Canal, in Stanley Park and along the lakeside in Toronto.

Motion passed.

#### Adoption of Stormwater and Sewer Lines Policy (Motion)

At the 7 June 1995 Committee of the Whole, Alderman Epstein gave **Notice of Motion** of his intention to propose the adoption of a policy providing for separation of stormwater and sewer lines whenever sewer work is being done in the City of Halifax.

Alderman Epstein indicated that this matter was not before Council for final approval pending receipt of a staff report regarding the feasibility and cost of such a proposal.

The Chairman indicated that the matter would come back to a future Committee of the Whole Council for debate and resolution.

Case No. 6689: Widening of Robie and Young Streets from  
Almon/Robie to Young/Kempt

MOVED by Alderman Pottie, seconded by  
Alderman Blumenthal that, as recommended by the Committee on  
Works:

1. The Mayor contact the Minister of Transportation and Communications to request that the Province commit to providing 50 percent cost sharing on the improvements to Robie and Young Streets, between Kempt Road and Almon Street in 1995-96;
2. Staff proceed with a proposal call to retain consultants to carry out detailed design for the aforementioned improvements to Robie and Young Streets and report back to Council with a recommended consultant;
3. Staff negotiate for acquisition of land from the Taylor Lincoln Mercury car dealership which is required for widening Robie Street from Young Street with funds to be withdrawn from the Sale of Land Account;
4. Staff report back to Council on the results of cost-sharing discussions with the Province and the availability of savings from the 1995-96 Capital Works budget for allocation to the Robie and Young Street improvements.

Motion passed.

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

Reclassification of Morris Street - Amendment to Ordinance 155,  
the Truck Route Ordinance - SECOND READING

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 25 May 1995, and had been further considered at a

meeting of Committee of the Whole Council held on Wednesday, 7 June 1995.

MOVED by Alderman Uteck, seconded by Alderman Carmichael that, as recommended by the Finance and Executive Committee, Halifax City Council approve SECOND READING of the following amendment to Ordinance 155, the Truck Route Ordinance:

1. That Schedule "B" of said Ordinance 155 is amended by deleting the following therefrom:

**"29 Morris Street - Beginning at the intersection of Morris Street and Hollis Street proceeding eastward on Morris Street to and not exceeding the intersection of Lower Water Street and Morris Street."**

Motion passed.

**Proposed Amendment to Ordinance 116, the Taxi and Limousine Ordinance (Proposed Limitation: Taxi and Limousine Vehicle Licenses) - SECOND READING**

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 12 April 1995, and had been further considered at a meeting of Committee of the Whole Council held on Wednesday, 7 June 1995.

An information report dated 13 June 1995 was submitted from the City Solicitor. The following correspondence was also submitted regarding the proposed amendment:

- Correspondence dated 16 June 1995 from Barbara Hart, Executive Director, Nova Scotia Head Injury Association;
- Correspondence dated 16 June 1995 from Ross H. Haynes, Haynes Lally Dalziel Lawyers;

- Correspondence dated 15 June 1995 from Phillip Herrit Jr., Manager, Casino Taxi Ltd.;
- Correspondence dated 15 June 1995 from Bonita J. Boyd;
- Correspondence dated 14 June 1995 from Shirley A. Comeau, Treasurer, Halifax Taxi Bureau Society;
- Correspondence dated 14 June 1995 from Robert G. Grant, Stewart McKelvey Stirling Scales, solicitors for Yellow Cab;
- Correspondence dated 13 June 1995 from Kathy Jourdain, Executive Director, Atlantic Division, Multiple Sclerosis Society of Canada;
- Correspondence dated 13 June from Joanne Coffey; and
- Correspondence dated 12 June 1995 from Laughlin Rutt, Executive Director, Canadian Paraplegic Association (Nova Scotia).

Mr. Darshan S. Virk, President, United Cab Drivers Association of Halifax re-submitted his previous correspondence amended to reflect today's date.

MOVED by Alderman Uteck, seconded by Alderman Carmichael that Council approve SECOND READING of the following amendment to Ordinance 116, the Taxi and Limousine Ordinance (Proposed Limitation: Taxi and Limousine Vehicle Licenses):

- (1) An immediate freeze be placed on the issuance of new taxi owner licenses to achieve and maintain a ratio of one taxi owner license for every 300 residents living in the present municipal boundary of Halifax; and further that
  - (a) A taxi owner license shall not be transferable from one license holder to another (no license value);



- (b) The impact of a proposed freeze may be reviewed after three years with proper input from the United Cab Drivers Association in Halifax;
- (c) Surplus number of cabs will be reduced through attrition;
- (d) Existing taxi owner licenses may be renewed annually;
- (e) No new taxi owner license be issued until and unless the number of taxis drops below the proposed ratio, with the exception of acurrently licensed taxi operator who has no taxi owner license;
- (f) A taxi driver holding a valid operator's license on April 12, 1995 under Ordinance 116, who does not own a vehicle, may obtain a taxi owner's license until April 12, 1998 - one license per person; and
- (g) Staff be requested to prepare a waiting list of taxi drivers maintaining their seniority according to total time engaged in the taxi industry and utilize this list when new taxi owner licenses are issued.

2. City Council put an immediate freeze on the issuance of limousine owner licenses to new applicants.

In proposing the Motion, Alderman Uteck sought clarification of whether or not a driver licensed to operate an accessible taxi was permitted to transport able bodied passengers as well as disabled passengers.

The Acting City Solicitor indicated that a cursory review of the Ordinance had not uncovered any restrictions as to who a driver licensed to operate an accessible taxi is permitted to transport. He went on to indicate that given the general feeling that there was a restriction, he would like an opportunity to do a thorough review before providing an answer to Alderman Uteck's question.

A discussion ensued with Alderman Epstein referring to correspondence dated 14 June 1995 from Stewart McKelvey Stirling Scales, solicitors for Yellow Cab, which suggested that the proposed amendments to the Ordinance would not hold up under a Charter of Rights and Freedoms challenge. Alderman Epstein requested that the City Solicitor bring forward an opinion in regard to this suggestion.

After a further lengthy discussion it was MOVED by Alderman Uteck, seconded by Alderman Epstein that this matter be deferred to the next meeting of the Committee of the Whole Council to be held Wednesday, 21 June 1995 pending receipt of a report from the City Solicitor regarding whether drivers licensed to drive accessible taxis can transport able bodied passengers as well as disabled passengers and an opinion with regard to the suggestion that the proposed amendments to Ordinance 116 will not withstand a challenge under the Charter of Rights and Freedoms.

Motion to defer was put and passed.

## **REPORT - PLANNING COMMITTEE**

Council considered the Report of its Planning Committee from a meeting held on 7 June 1995 as follows:

### **Case No. 6969: Ramsgate Lane**

This matter has been referred without recommendation pending Council having an opportunity to review the full scope of the issue. An information report dated 14 June 1995 was submitted from the Director of Development and Planning.

Alderman Hanson indicated that he had undertaken a thorough review of the situation and was comfortable that most of the deficiencies identified by staff had been resolved. Alderman Hanson further indicated that although the cul-de-sac did not meet requirements, it was a very comfortable turning area.

MOVED by Alderman Hanson, seconded by Deputy Mayor Adams that Council accept Ramsgate Lane as a city street providing that all the deficiencies identified by staff, with the exception of the length of the cul-de-sac, are resolved as set out by staff in its report dated 23 May 1995.

After a brief discussion the motion was put and passed.

### MISCELLANEOUS BUSINESS

#### 100 Leiblin Drive

An information report dated 8 June 1995 was submitted from Deputy Mayor Stephen Adams.

MOVED by Deputy Mayor Adams, seconded by Alderman Walker that tenders for the demolition of Civic #100 Leiblin Drive be called as soon as possible with a view to having this building removed by July 15th at the very latest.

A brief discussion ensued and the Motion was put and passed.

#### Tender No. 95-37 - New Concrete Sidewalk and Bus Turnaround - Union Street (E) of Dartmouth Avenue to Existing

A report dated 5 June 1995 was submitted from the Director of Engineering and Works.

MOVED by Alderman Blumenthal, seconded by Alderman Pottie that:

1. Council award Tender No. 95-37 for the construction of concrete sidewalk, curb and gutter and bus turnaround, for the materials and services listed at the unit prices quoted for a total bid price of \$88,370.00 and a total project cost of \$102,000.00 to Silco Contracting Ltd.; and
2. Council authorize expenditures from Capital Account No. 91237, New Sidewalks, in the amount of \$102,000.00. Motion passed.

Award of Tender No. 95-57, Paving Renewal and Sewer  
Rehabilitation

A staff report dated 12 June 1995 was submitted from the Director of Engineering and Works.

MOVED by Alderman Pottie, seconded by  
Alderman Stone that:

1. Council award Tender No. 95-57 to Dexter Construction Co. Ltd. for the materials and services listed at the unit prices quoted for a Total Bid Price of \$622,650.00 and a Total Project cost of \$716,000.00; and
2. Council authorize funding from Capital Account No. 91549, Street Improvement Infrastructure Program, and Capital Account No. 93023, Connaught Avenue Sewer Rehabilitation (Regent - Bayers).

Motion passed.

**QUESTIONS**

Question Alderman Stone re: Agreement for Infrastructure  
Program

Alderman Stone noted that Council has recently received a copy of a Memorandum re Cooperation Agreement to Promote Private Sector Participation in Municipal Infrastructure.

He went on to say that the program provides an excellent opportunity to continue the city's infrastructure program in a public-private partnership and funding via the Atlantic Canada Opportunities Agency and that recreation infrastructure for the Mainland Commons and additional road construction could come under this program.

Alderman Stone, referring to the March 31, 1996 deadline for submissions, asked staff to investigate this proposal and bring forward projects for consideration.

**Question Alderman Stone re: 554 Bedford Highway**

Alderman Stone indicated that staff have received a letter from the property owner Mary Thibault indicating that she plans to sell the above property.

Noting that the property adjoins the Hemlock Ravine in one area and is planned to be part of the proposed Birch Cove Park on Bedford Basin, Alderman Stone asked that staff investigate the opportunity to purchase some of the property and provide a report on the value to the City of Halifax, as well as possible cost.

**Question Alderman Crowley re: Injured Animal (Crow)**

Alderman Crowley advised she had recently received a call from a disturbed resident of Ward 11 who had discovered an injured animal (crow) on her premises, and was at a loss to know how to deal with the animal.

Alderman Crowley went on to note that the resident attempted to contact the appropriate agencies, but ended up taking the injured crow to the vet herself to later find out the animal had been poisoned.

Alderman Crowley noted that the concerns of the resident are valid in that there does not appear to be policies in place to address this kind of situation.

Alderman Crowley requested to be advised as to what action residents might take should they find an injured or ill animal and/or what agencies they might contact for assistance.

**Question Alderman Pottie re: Untreated Blood in Sewage System**

Alderman Pottie expressed concern that untreated blood is being washed into the sewage system which ultimately ends up in the Halifax Harbour.

Alderman Pottie noted that other municipalities have strict regulations pertaining the treatment of blood prior to disposal and suggested that due to diseases

such as AIDS and Hepatitis, the City of Halifax should have similar regulations.

Alderman Pottie concluded by requesting staff to look into this procedure and report back to Council as to how the City may enforce the treatment of blood prior to it's disposal in the Halifax Harbour.

**Question Alderman Pottie re: Asphalt Plant**

Alderman Pottie advised he would like staff to provide him with regulations for permitting, whether it be temporary or permanent, the construction of an asphalt plant in the City of Halifax boundaries.

**Question Alderman Uteck re: Victoria General Incinerator**

Alderman Uteck advised that he would like a staff report updating the status of the Victoria General Hospital incinerator improvements as far as arriving at an acceptable level of emissions.

**Question Alderman Blumenthal re: Sledge Removal**

Alderman Blumenthal, noting that a removal date of 1 May 1995 had been promised, requested a report from staff as to when the sledge would be removed from behind the Institute on Robie Street.

**NOTICES OF MOTION**

**Notice of Motion: Ordinance 180, the Streets Ordinance re  
Vending Site on Boardwalk - Chebucto Landing**

Alderman Stone gave Notice of Motion that at the next regular meeting of Halifax City Council to be held on Thursday, the 29th day of June, 1995, he intends to propose FIRST READING of an amendment to Ordinance 180, the Streets Ordinance, the purpose of said amendment is to allow for a vending site on Lower Water Street on the boardwalk adjacent to Chebucto Landing.

**ADDED ITEMS**

**Gottingen Street Development Fund**

This matter was deferred from a Special Meeting of Halifax City Council held on 7 June for further information and report.

Noting that the required information has come from staff it was MOVED by Alderman Downey, seconded by Alderman Pottie that Council ratify approval of a loan from the Gottingen Street Development fund to Wormwood Dog and Monkey Cinema of \$20,000 to be made available on a ten year repayment basis at an interest rate of 6 percent.

Motion passed.

**Petition - Local Improvement Project - Borden Street**

This matter had been last discussed during a regular meeting of the Committee of the Whole held on 7 June 1995.

MOVED by Alderman Maher, seconded by Alderman Walker that, as recommended by the Committee on Works, Council accept the petition submitted by the affected property owners against the installation of pavement, curb and gutter and sidewalk on Borden Street between Adelaide Avenue and Main Avenue and delete the project from the 1995/96 Capital Budget.

Motion passed.

**Neptune Theatre**

This matter was deleted during the setting of the agenda.

**Servicing Request, Atlantic Winter Fair**

A report dated 15 June 1995 was submitted jointly from the Director of Engineering and Works and the Acting Executive Director, Halifax Industrial Commission.

MOVED by Alderman Stone, seconded by Alderman Crowley that Halifax City Council authorize City staff to proceed with installation of Municipal Water and Sewer Service along Route #333, subject to the following terms and conditions:

1. The total cost of the Project shall not exceed \$1,537,200 (plus GST); and shall generally adhere to the servicing route identified in Sketch 1;
2. The City shall enter into a cost-sharing agreement with the Atlantic Winter Fair (AWF) Ltd; with AWF Ltd. assuming \$500,000 of the total project costs. Costs associated with servicing the AWF facility shall be absorbed by AWF Ltd;
3. Mac Williams Engineering Ltd. be retained as Project Engineers for both the public service mains along Route 333 as well as the private lateral servicing of AWF Ltd., Mac William's fees to follow standard fee schedules as approved by the Director of Engineering and Works; and
4. The Project (excluding the private service laterals) shall be subject to an open tender, with the award of same to be made by Halifax City Council.

Alderman Epstein, referring to the sewage portion of the proposal, indicated that he believed Council should require any large project coming before it to accommodate its own sewage. Alderman Epstein noted that the technology (i.e. solar aquatics) was available to do so.

Alderman Epstein proposed a motion that the sewage portion of the project be deleted and that Atlantic Winter Fair Ltd. investigate the possibility of solar aquatics being used to accommodate sewage for the project.

There was no seconder to the motion.

After a further short discussion the Motion was put and passed.



Concluding the meeting, Deputy Mayor Adams referred to the recent visit of a delegation from Hakodate and indicated that the hospitality afforded he and others of City Council from the delegation was incredible. Deputy Mayor Adams noted that economic ties were being made with Hakodate and that Halifax should, in every way possible, promote the twinning of Halifax and Hakodate.

There being no further business to be discussed the meeting adjourned at approximately 9:55 p.m.

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HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN

SUBMITTED BY:  
E.A. KERR, CMC  
CITY CLERK



# MINUTES

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

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 21 JUNE 1995

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

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

**ABSENT:** ALDERMAN PAT POTTIE

**STAFF:** NADINE SMILLIE, REP. THE CITY SOLICITOR  
KAREN F. SWIM, ACTING CITY CLERK

**ADDED ITEMS**

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

Sale of Lands - 12-16½ Rockingstone Road

MOVED by Deputy Mayor Adams, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, Council authorize the Mayor and City Clerk to enter into a purchase and sale agreement with Mr. Raymond Payne for the sale of 12-16½ Rockingstone Road for the sum of \$23,900. The motion was put and passed.

Award of Tender No. 95-93:  
Equipment Replacements

MOVED by Alderman Blumenthal, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, Council award Tender 95-93 for the purchase of one (1) 1996 truck chassis with body, 24,000 G.V.W., to Burnside International Truck Limited based on the lowest price meeting specifications at a total cost of \$52,965.00 (funding is available in Account No. 26104.8300.8000 titled "Equipment Reserve"). The motion was put and passed.

Report from Planning Advisory Committee Re:  
Case No. 7157: South Centre Mall - Plan  
and Bylaw Amendments (SET DATE FOR PUBLIC HEARING)

MOVED by Deputy Mayor Adams, seconded by Alderman Crowley that, as recommended by the Planning Committee, a public hearing be scheduled to consider the proposed Municipal Planning Strategy, Land Use Bylaw and rezoning amendments, as well as the draft amending agreement, all as described in the 13 June report from the Planning Advisory Committee. The motion was put and passed.

The Acting City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 19 JULY 1995** at 7:30 p.m. in the Council Chamber.

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SPECIAL MEETING  
21 JUNE 1995**

**Report from Planning Advisory Committee  
Re: Case No. 7066 - Redesignation from MDR  
and LDR, and Rezoning from R-2 to R-1 (Peninsula  
Centre Area) - SET DATE FOR PUBLIC HEARING**

Moved by Alderman Carmichael, seconded by Alderman Stone that, as recommended by the Planning Committee, Council schedule a public hearing to consider the amendments proposed to the Municipal Development Plan and Land use Bylaw as described in the 9 June 1995 report from the Planning Advisory Committee. The motion was put and passed.

At the request of Alderman Carmichael, the requested public hearing was tentatively scheduled for **WEDNESDAY, 19 JULY 1995** at 7:30 p.m. in the Council Chamber.

**NOTE:** The Acting City Clerk later confirmed that arrangements have indeed be made to schedule this public hearing for Wednesday, 19 July.

**Report from Planning Advisory Committee Re:  
Case No. 7084 - Plan Amendment, Lot Modification  
Development Agreement, and Rezoning (1079 Queen Street,  
5459-73 Victoria Road) - SET DATE FOR PUBLIC HEARING**

MOVED by Alderman Uteck, seconded by Alderman Downey that, as recommended by the Planning Committee, a public hearing be scheduled to consider the following:

- (a) the proposed redesignation on the Generalized Future Land Use Map of the South End Area Plan (Section V), as shown on Sketch PAC-1 of the PAC report dated 7 June 1995, from Medium Density Residential and Commercial to Residential Commercial Mix;
- (b) the proposed rezoning, as shown on Sketch PAC-2 of the 7 June PAC report, from R-2A (General Residential Conversation and Townhouse Zone) to RC-3 (High-Density Residential/Minor Commercial Zone);
- (c) approve the lot modification development agreement to permit a 24-unit apartment building with ground floor commercial, as shown on Plans P200/20282-83 of Case 7084.

The motion was put and passed.

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21 JUNE 1995**

The Acting City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 23 AUGUST 1995** at 7:30 p.m. in the Council Chamber.

**Award of Tender No. 95-09:  
New Bridge - Sussex Street**

MOVED by Deputy Mayor Adams, seconded by Alderman Maher that, as recommended by the Committee on Works:

1. Council award **Tender No. 95-09** for the construction of a new bridge on Sussex Street at McIntosh Run for the materials and services listed at the unit prices quoted for a Total Bid Price of \$265,340.00 and a Total Project Cost of \$340,089.00 to the lowest bidder, **Dexter Construction Ltd.;**
2. Council approve the appointment of **O'Halloran Campbell Consultants Ltd.** to provide project management and site inspection services at an estimated cost of \$32,700.00 plus G.S.T.
3. Council authorize the increase of gross funds in Capital Account No. 91612, New Bridge Structures (Sussex Street) from \$334,000.00 to \$340,410.00 without affecting the net funding in this account.
4. Council authorize funding from Capital Account No. 91612, New Bridge Structures (Sussex Street).

The motion was passed.

**Award of Tender No. 95-62:  
Cracksealing of Streets**

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that, as recommended by the Committee on Works, Council:

1. award **Tender No. 95-62** to **Reliable Road Repairs Ltd.** for the materials and services listed at the unit prices quoted;
2. authorize funding from Account No. 669, Street Upgrading;

**HALIFAX CITY COUNCIL  
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21 JUNE 1995**

3. grant authority to proceed with the cracksealing of the streets indicated in Attachment A of the staff report dated 7 June 1995, until the allocated funds of \$50,423.00 have been expended.

The motion was put and passed.

**Tender No. 95-25: Traffic  
Improvements - Overhead Crosswalk Signs**

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

1. award **Tender No 95-25** for construction of concrete bases and conduits for the materials and Services listed at the unit prices quoted for a total bid price of \$42,125.00 and a Total Project Cost of \$49,000.00 to **Armdale Construction Limited**;
2. approve the purchase, supply and installation of materials (crosswalk signs, aluminum poles, and wiring) by City Forces for an estimated cost of \$137,000.00;
3. authorize expenditures from Capital Account No. 91532, RA-5 Crosswalk Signs, in the amount of \$186,000.00.

The motion was put and passed.

**Award of Tender No. 95-60, Streets  
Upgrading, Resurfacing, Part III**

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

1. approve the resurfacing program proposed by the Engineering and Works Department shown in Attachment A in the staff report dated 13 June 1995;
2. award **Tender No. 95-60** to **Dexter Construction Co. Ltd.** for the materials and services listed at the unit prices quoted for a total bid price of



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\$427,135.00 and a Total Project Cost of \$491,000.00;

3. approve the transfer of funds in the amount of \$125,000.00 from Account No. 91358, Borden Street New Paving; \$124,000.00 from Account No. 91232, Ross Street, New Sidewalk; \$101,000.00 from Account No. 91362, New Paving, Rocky Hill Drive; and \$50,000.00 from Account No. 91428, Paving Renewals, Parmbelle Lane, all to Account No. 91410, Resurfacing;
4. authorize funding from Capital Account No. 91410;
5. grant authority to proceed with the resurfacing of the streets indicated in Attachment "A" of the staff report dated 13 June 1995 until the Total Project Cost of \$491,000.00 has been expended;
6. grant authority to make additional expenditures for the Halifax Water Commission work, such as lifting of valves, which will be recovered from the Commission.

The motion was put and passed.

**Sale of a Portion of Land Adjacent  
to 2146 Brunswick Street**

MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, Council authorize the sale of a six-foot wide strip of land abutting 2146 Brunswick Street, to David and Jan Buley, owners of 2146 Brunswick Street, at a unit price of \$8.33 per square foot, plus any GST and taxes that may be applicable, on the understanding that the total price will be calculated based on a survey of the land and that all costs of survey and lot consolidation will be at the purchaser's expense.

The motion was put and passed.

**Extension of Tax  
Agreement - Container Terminals**

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

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Halifax City Council approve a tax concession of \$900,000.00 to the terminal operators, with \$600,000 being taken from the City of Halifax Operating Budget and a Section of 201(1) being provided for \$300,000. The motion was put and passed.

**PUBLIC HEARING**

**Street Closure: Ramp Connecting Trunk #3  
(St. Margaret's Bay Road) to Northwest Arm Drive**

Mr. Michael P. Woods of the City's Development and Planning Department (Property and Administrative Services) briefly overviewed the contents of a staff report dated 2 May 1995 which had previously been circulated.

There were no members of the public in attendance and no correspondence received with regard to this matter.

MOVED by Alderman Hanson, seconded by Deputy Mayor Adams that Halifax City Council endorse the closure of that portion of St. Margaret's Bay Road (Trunk #3) shown as Parcel A on Appendix "A" of the 2 May staff report.

In putting forward this motion, Alderman Hanson asked that staff take steps to ensure that boulders or some other form of barrier are placed at the proposed closure to discourage the "dumping" of unwanted materials.

The motion was put and passed.

There being no further business to be discussed, the meeting was adjourned at approximately 7:55 p.m.

HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN

SUBMITTED BY:  
KAREN F. SWIM  
ACTING CITY CLERK

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## MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 29 JUNE 1995

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

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

**STAFF:** MR. B. COOPERSMITH, CITY MANAGER  
MR. W. ANSTEY, CITY SOLICITOR  
MR. E. A. KERR, CITY CLERK

## MINUTES

Minutes of special meetings of Halifax City Council held on Wednesday, 17 May and Wednesday, 7 June, together with those of a regular meeting held on Monday, 19 June were approved as circulated on a motion by Alderman Blumenthal, seconded by Alderman Crowley.

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

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

- 20.1 Case No. 6670 - Proposed Plan Amendment and Development Agreement (Plan and Bylaw Amendment) 35 Coronation Avenue
- 20.2 Neptune Theatre & YMCA - Advance of Funds
- 20.3 Insurance Renewals 1995

Council further agreed to add the following items:

- 20.4 Appointments - Alderman Crowley
- 20.5 Composters - Alderman Walker
- 20.6 Needham Bells - Alderman Blumenthal
- 20.7 Thanks to the Legion - Alderman Blumenthal
- 20.8 Case 6839 - Extension of Development Agreement for King Edward Inn - West Street - Alderman Epstein

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

His Worship Mayor Fitzgerald displayed a print donated by the Nova Scotia Art Gallery to the City of Halifax

in appreciation of the assistance given the Gallery by the City.

He further read a proclamation declaring July 2-8, 1995 Gay and Lesbian Pride Week in the City of Halifax.

## **REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of its Finance and Executive Committee from a meeting held on Wednesday, 21 June 1995 as follows:

### **Payment to FTA Realty**

MOVED by Alderman Uteck, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, funds for the interim payment to **FTA Realty Ltd.** in the amount of \$79,040 come from the Sale of Land Account.

The motion was put and passed.

### **City of Halifax - Non-Profit Housing**

This matter was referred from the 21 June 1995 Committee of the Whole Council without recommendation.

MOVED by Alderman Walker, seconded by Alderman Downey that this matter be deferred to the next meeting of the Committee of the Whole Council scheduled for 19 July 1995.

The motion was put and passed.

### **Halifax Civic Hospital**

MOVED by Alderman Carmichael, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, the \$1.2 million from the Reserve Fund of the **Halifax Civic Hospital**, which was turned over to the School Board in 1990 not be refunded in the Capital Account for a restorative care hospital. The motion was put and passed.

Metropolitan Regional Housing Authority

MOVED by Alderman Stone, seconded Alderman Walker that, as recommended by the Finance and Executive Committee, Council direct staff to seek clarification from the Department of Housing and Consumer Affairs regarding the issues raised in the staff report dated 12 June 1995.

The motion was put and passed.

Chebucto Road School - Call for Proposals

This matter was referred from the 21 June 1995 Committee of the Whole Council without recommendation. An information report dated 27 June 1995 was submitted from the Director of Development and Planning.

Noting that Council had requested the three organizations involved to bring forward a unified proposal and that as yet Council has not received such a proposal, it was MOVED by Alderman Epstein, seconded by Alderman Walker that this matter be deferred to the Committee of the Whole Council scheduled for 19 July 1995 pending receipt of a unified proposal from the three organizations.

The motion was put and passed.

HRDA Enterprises Limited - Stone Hearth Bakery  
- Referral to Staff

MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, this matter be referred to staff for a full report and recommendation.

The motion was put and passed.

**Possible Amendments to Ordinance 121,  
Store Closing Hours - Karley's Land of Clothing**

MOVED by Alderman Stone, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, staff investigate the matter with a view to allowing Karley's Land of Clothing to remain open as a neighbourhood store on Monday, Tuesday and Saturday nights.

In putting the motion, Alderman Stone requested that the matter come back to Council as quickly as possible, preferably to the Committee of the Whole Council scheduled for 19 July 1995.

The motion was put and passed.

*Note: A Notice of Motion with regard to this matter was given at a later point in the meeting's agenda by Alderman Stone.*

**Halifax Summit - Transfer of Capital Funds**

MOVED by Alderman Downey, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, City Council approve the transfer of \$80,000 from Capital Account Number 02099 to Operating Account Number 02076.

A brief questioning of staff ensued with Alderman Downey requesting a break down showing where the City had realized the \$80,000 savings.

The motion was put and passed.

**Former Site - Grace Maternity Hospital**

Following is the motion approved during the 21 June 1995 meeting of the Committee of the Whole Council.

MOVED by Alderman Walker, seconded by Alderman Blumenthal that, as requested by the Heritage Advisory Committee, the Finance and Executive Committee recommend to Council that the City Solicitor's Office be asked to investigate the possibility of reacquiring the



former site of the Grace Maternity Hospital and that staff of the City's Planning Department provide Council, the City Solicitor, and the Heritage Advisory Committee with appropriate background information about this property (in particular, the recent report on the long-range plan for the Halifax Commons).

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that staff be requested to investigate and report on the current status of the former site of the Grace Maternity Hospital, and in particular, to report with respect to its present use, planned uses and ownership with a view to determining whether the original terms of the deed and grant have been complied with.

The motion was put and passed.

### Award of Tenders

MOVED by Alderman Blumenthal, seconded by Alderman Crowley that, as recommended by the Finance and Executive Committee, City Council authorize award of tenders/procurements by the City Manager for the period 30 June to 22 August 1995 under the following conditions:

- (1) that the tender/procurement be for works, services or materials approved by City Council for 1995 projects in the Capital and/or Operating Budgets of the City;
- (2) that the tender/procurement bid, plus contingencies required, be within the approved budgetary funds as shown in the budget(s); and
- (3) that the City Manager advise Council of all tenders/procurements awarded under this authority for ratification by Council at its meeting of 23 August 1995.

The motion was put and passed.

**REPORT - COMMITTEE ON WORKS**

**Petition - Requesting New Concrete Curb and Gutter,  
and Storm Drainage Improvements**

MOVED by Alderman Hanson, seconded by Alderman Walker that, as recommended by the Committee on Works, Council table the previously-submitted petition, and agree to consider the request of the petitioners for new curb and gutter and drainage improvements on Burns Drive, Westgate Drive and Shaw Crescent during its deliberations for the 1996/97 Capital Budget.

The motion was put and passed.

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

**Proposed Amendment to Ordinance 116, the Taxi  
and Limousine Ordinance Re: Proposed Limitation  
of Taxi Vehicles - SECOND READING**

This matter was referred with recommendation from the Committee of the Whole Council held on 21 June 1995. Second Reading of this amendment was proposed, but deferred, at the 19 June 1995 regular City Council meeting.

Correspondence dated 29 June 1995 was submitted from Phillip Herrit Junior, General Manager, Casino Taxi Ltd. In addition, correspondence dated 29 June 1995 was submitted from Darshan S. Virk, United Cab Drivers Association of Halifax .

MOVED by Alderman Uteck, seconded by Alderman Walker that Council approve **SECOND READING** of the following amendment to Ordinance 116, the Taxi and Limousine Ordinance (Proposed Limitation: Taxi and Limousine Vehicle Licenses):

- (1) An immediate freeze be placed on the issuance of new taxi owner licenses to achieve and maintain a ratio of one taxi owner license for every 300 residents

living in the present municipal boundary of Halifax;  
and further that

- (a) A taxi owner license shall not be transferable from one license holder to another (no license value);
- (b) The impact of a proposed freeze may be reviewed after three years with proper input from the United Cab Drivers Association in Halifax;
- (c) Surplus number of cabs will be reduced through attrition;
- (d) Existing taxi owner licenses may be renewed annually;
- (e) No new taxi owner license be issued until and unless the number of taxis drops below the proposed ratio, with the exception of a currently licensed taxi operator who has no taxi owner license;
- (f) A taxi driver holding a valid operator's license on April 12, 1995 under Ordinance 116, who does not own a vehicle, may obtain a taxi owner's license until April 12, 1998 - one license per person; and
- (g) Staff be requested to prepare a waiting list of taxi drivers maintaining their seniority according to total time engaged in the taxi industry and utilize this list when new taxi owner licenses are issued.

2. City Council put an immediate freeze on the issuance of limousine owner licenses to new applicants.

In moving this motion, Alderman Uteck stressed the importance of ensuring that service to the disabled community be maintained and indicated that he would be proposing a motion that a committee be struck to ensure the continued existence of accessible taxis in the City of Halifax. Alderman Uteck

suggested that the committee should be comprised of members of the disabled community, taxi drivers and representatives from the taxi companies.

Alderman Epstein addressed the matter indicating that he felt the proposed 50% reduction in the number of taxi vehicles was excessive and MOVED in amendment, seconded by Alderman Stone that a freeze be placed on the issuance of new taxi owner licenses to achieve and maintain 550 cars rather than the proposed 382 cars (or ratio of one taxi owner license for every 300 residents) and that Council reconsider the matter when the numbers reach 550.

A brief discussion ensued and the amendment to the motion was put and lost.

Deputy Mayor Adams briefly addressed the matter strongly opposing the proposed amendment, noting that Halifax would be the only city in North America that had limitation on both drivers and licenses.

After a further short discussion the question was put and the Chair, requesting a show of hands, declared the motion to be passed.

MOVED by Alderman Blumenthal, seconded by Alderman Uteck that a Committee be formed to advise Council on ways of maintaining and improving the services of accessible taxis and that the composition of the Committee be brought back to Council for ratification.

It was generally agreed that the question of committee composition be referred to the City of Halifax Advisory Committee on the Status of Persons with Disabilities for input and recommendation.

Motion passed.

**REPORT - PLANNING COMMITTEE**

**Casino Site, Area "P" - Acquisition of  
Residual Crown Grants**

MOVED by Alderman Downey, seconded by Alderman Walker that, as recommended by the Planning Committee, the City acquire the outstanding federal Crown's interests in the portions of Area "P", identified in Appendix "A" as attached to the staff report dated 31 May 1995, for the unit prices of \$44.92 per square foot for dry land and \$9.63 per square foot for land under water, plus any applicable taxes or charges associated with the transfer, with the exact area to be determined by survey for purposes of the final price.

A short discussion ensued and the motion was put and passed.

**Halifax Public Gardens - Public Facilities**

MOVED by Alderman Carmichael, seconded by Alderman Downey that, as recommended by the Planning Committee recommend, Council refer this matter to the Heritage Advisory Committee to review the options included in the staff report of 12 June 1995 (if necessary, by holding a public meeting), and to submit its advice to Council on appropriate action at the earliest possible date.

The motion was put and passed.

**Basement Unit - 5 Wenlock Grove - Referral to Staff**

MOVED by Alderman Hanson, seconded by Alderman Crowley that, as recommended by the Planning Committee, this matter be referred to staff for a full report.

Alderman Hanson requested that the matter come back to the Committee of the Whole Council scheduled for 19 July 1995.

The motion was put and passed.

**MOTIONS**

**Motion Alderman Pottie re: Amendment to Ordinance 180, Streets  
Vending Site on Boardwalk - Chebucto Landing - FIRST READING**

Notice of Motion regarding this matter had been given by Alderman Pottie at the regular meeting of City Council held on 19 June 1995.

MOVED by Alderman Pottie, seconded by Alderman Hanson that Council approve FIRST READING of the following amendment to Ordinance 180, the Streets Ordinance:

**BE IT ENACTED** by Halifax City Council that Ordinance 180, the Streets Ordinance, be amended as follows:

1. Schedule "C" Sites for Push Carts and Stands is amended by adding as clause 13 the following:

On the boardwalk, at the east end of George Street at Chebucto Landing, 5 feet from the cul de sac curb, adjacent to a light pole.

The motion was put and passed.

**MISCELLANEOUS BUSINESS**

**Award of Tender 95-41 - Guildwood Crescent  
Storm Sewers Part B - Lieblin Park**

A report dated 20 June 1995 was submitted from the Director of Engineering and Works.

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

- (1) Council award Tender 95-41, for the construction of Guildwood Crescent Sewers Part B, for materials and services as listed in the 20 June 1995 report, at the

unit prices quoted and for a Total Bid Price of \$76,425.00 and a Total Project Cost of \$88,000.00 to K. C. MacPhee Contracting Inc.;

- (2) Council authorize expenditures from Capital Account No. 94045 Leiblin Park Storm Sewers in the amount of \$88,000.00; and
- (3) The balance of funds be utilized to initiate engineering designs for the second phase of work, that is Honeydale Crescent.

The motion was put and passed.

**New Paving: Lower Water Street (Morris Street to Terminal Road)**

A report dated 22 June 1995 was submitted from the Director of Engineering and Works.

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

- (1) approve the transfer of unused funds in the amount of \$900,000 gross and \$650,000 net from the Capital Budget to New Paving Lower Water Street (Morris Street to Terminal Road);
- (2) approve the installation of new paving, concrete curb and gutter and concrete sidewalk on both sides of Lower Water Street with the benefitting properties being subject to local improvement charges without the right to petition in accordance with Section 391 of the City Charter;
- (3) approve cost-sharing with the Nova Scotia Department of Transportation and Communications whose share is estimated at \$250,000 on Lower Water Street between Morris Street and Terminal Road; and
- (4) authorize His Worship the Mayor and the City Clerk to sign the cost-sharing agreement on Lower Water Street

between Morris Street to Terminal Road with the Province of Nova Scotia.

The motion was put and passed.

**Award of Tender 95-34 - Sidewalk Renewals**

A report dated 20 June 1995 was submitted from the Director of Engineering and Works.

MOVED by Alderman Carmichael, seconded by Alderman Uteck that:

- (1) Council award Tender 95-34, Sidewalk Renewals on Cambridge Street (E) Jubilee to Norwood; Watt Street (N) Preston to Chestnut; Watt Street (S) Preston to Chestnut and Pepperell Street (S) Vernon to Robie, for materials and services listed in the 22 June 1995 report at the unit prices quoted for a Total Bid Price of \$118,273.35 and a Total Project Cost of \$136,000.00 to G & R Kelly Enterprises Ltd.; and
- (2) Council authorize funding from Capital Account Nos. 92772, 92773, 92774 and 92775 for the various sidewalk locations.

The motion was put and passed.

**Award of Tender 95-47, New Median  
- Quinpool Road (Robie to Windsor)**

A report dated 26 June 1995 was submitted from Director of Engineering and Works.

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that:

- (1) Council award Tender No. 95-47, for the construction of new concrete curb and gutter median on Quinpool Road from Robie Street to Windsor Street, for materials and services listed in the 26 June 1995 report at the unit prices for a Total Bid Price of



\$18,500 and a Total Project Cost of \$21,275 to the lowest bidder, Ocean Contractors;

- (2) Council authorize funding from Capital Account No. 92776, Median, Quinpool and Windsor.

The motion was put and passed.

**Case No. 4662 - Extension of Completion Date  
Lots RP-11A, RP-19F, RP-19G and RP-23**

A report dated 20 June 1995 was submitted from the Director of Development and Planning.

MOVED by Alderman Hanson, seconded by Deputy Mayor Adams City Council:

- (1) confirm that the time for completion of development of Lot RP-11A Regatta Point residential development be extended to two years from date of this resolution;and
- (2) confirm that the time limit for completion of development of Lots RP-19F and RP-19G Regatta Point residential development be extended to three years from the date of this resolution.

The motion was put and passed.

**QUESTIONS**

**Question Alderman Stone Re: Recreational  
Vehicle Parking Facilities**

Alderman Stone, commenting that tourism was a major industry for both the Province and the City, noted that there were no facilities within the City for recreational vehicles. Alderman Stone requested a report on available land in the city which would be suitable for parking of recreational vehicles either overnight or longer term.

**Question Alderman Epstein Re: Visitor  
Information/Technology Centre**

Alderman Epstein asked the current status of the Visitor Information/Technology in terms of why it is now closed and when it will re-open. Alderman Epstein indicated that he would like Council to be made aware of any problems.

**Question Alderman Epstein Re: CBD and  
the Waterfront Development Corporation**

Alderman Epstein indicated that he understood that the Waterfront Development Corporation (WDC) had retained a consultant to develop plans for the use of the southern portion of the Central Business District (CBD). Recognizing that the WDC was a Provincial body, he asked if Council could be provided with the Term's of Reference for the consultant, what input the City would have to the development of these plans and whether the consultant would be undertaking a public consultation process. He further requested that Council be provided with the City staff study of some eight years ago regarding the same area.

**NOTICES OF MOTION**

**Notice of Motion Alderman Stone Re: Proposed Amendment to  
Ordinance 158, Use of Lakes - Use of Jet Skis and Sea-Doos  
Kearney Lake**

Alderman Stone gave Notice of Motion that at the next regular meeting of Halifax City Council to be held on Thursday, 27 July 1995 he intends to propose First Reading of an amendment to Ordinance 158, Use of Lakes, to disallow the use of Jet Skis and Sea-Doos on Kearney Lake.

In giving notice, Alderman Stone advised that he had received complaints/expressions of concern regarding the use of Jet Skis and Sea-Doos on Kearney Lake. Alderman Stone indicated that such activity on the lake poses a safety hazard to both swimmers and paddlers and an amendment to Ordinance 158

is required to eliminate that hazard. Noting that amendments take some considerable time to conclude, Alderman Stone requested that in the interim staff look into what can be done immediately to help control this safety problem.

**Notice of Motion Alderman Stone Re: Proposed Amendment to Ordinance 121, Retail Shop Closing Ordinance - Karley's Land of Clothing**

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Alderman Stone gave Notice of Motion that at the next regular meeting of Halifax City Council to be held on Thursday, 27 July 1995 he intends to propose First Reading of an amendment to Ordinance 121, Retail Shop Closing Ordinance. The purpose of this amendment is to allow Karley's Clothing, 30 Farnhamgate Road to remain open Monday, Tuesday and Saturday evenings beyond 6:00 p.m., similar to the other store in this neighbourhood shopping area.

**Notice of Motion Deputy Mayor Adams re: Proposed Amendment to Ordinance 116, the Taxi Ordinance - Standards for Vehicles and Drivers Serving Hotels**

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Deputy Mayor Adams gave Notice of Motion that the next regular meeting of Halifax City Council to be held on Thursday, 27 July 1995 he intends to propose First Reading of an amendment to Ordinance 116, the Taxi Ordinance. The purpose of the amendment is to set out standards for both drivers and vehicles serving local hotels.

In forwarding this notice, Deputy Mayor Adams advised that this proposed amendment resulted from a meeting held recently with taxi drivers, owners and local hoteliers. The intent of the amendment is to provide better service to local hotels and in particular to accommodate the tourist industry.

**ADDED ITEMS**

**Case No. 6670 - Proposed Plan Amendment and Development Agreement (Plan and Bylaw Amendment) 35 Coronation Avenue**

An information report dated 23 June 1995 was submitted from the Director of Development and Planning.

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

- (1) City Council discharge the 27 April 1979 agreement for 35 Coronation Avenue as set out in Attachment 1 of the 4 May 1995 staff report;
- (2) Council approve entering into a development agreement pursuant to Section 14F(4) of the Land Use Bylaw - Mainland to permit 10 houses at 35 Coronation Avenue as set out in Attachment II of the 4 May 1995 report and the Site Plan (Sketch 2) as attached to the 23 June 1995 Information Report; and
- (3) Council require that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council and other bodies as necessary, whichever is later, including any applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

Motion passed with Alderman Blumenthal abstaining due to absence from the Public Hearing at which this matter was considered.

**Neptune Theatre & YMCA - Advance of Funds**

A report dated 28 June 1995 was submitted from the Director of Finance.

His Worship the Mayor addressed the matter expressing shock at Mr. Hayward's decision to not approve the Section 201(1) grants to Neptune Theatre and the YMCA. His Worship

suggested that Council should instruct staff to go back to Mr. Hayward with a view to impressing upon him the importance of the two projects and the public and private investment which has already been made to the projects.

A discussion ensued with Alderman Downey noting the significant Provincial and Federal involvement/funding in the YMCA project. Alderman Downey requested that a letter go forward from the Mayor to the appropriate Provincial and Federal bodies requesting their support of Council's decision to award the grants, to which His Worship agreed.

A further discussion ensued and note was made that Mr. Hayward's decision seemed ill-advised if indeed the criteria for expenditure of unbudgeted funds was "benefit to the new unit". Alderman Epstein noted that Neptune Theatre was the major professional theatre in the metro area and by that virtue has significant "benefit" to all of metro. Referring to the YMCA, Alderman Blumenthal indicated that the YMCA provided badly needed children's programs which were open to all metro residents.

MOVED by Alderman Uteck, seconded by Alderman Downey that, staff re-approach Mr. Hayward, Amalgamation Coordinator based upon the 28 June 1995 report and the Mayor and forward a letter to the Premier and the MLA for the area seeking support for Council's action regarding the grants to Neptune Theatre and the YMCA.

Motion passed.

### Insurance Renewals 1994-1995

A report dated 27 June 1995 was submitted from the Director of Finance.

MOVED by Alderman Stone, seconded by Alderman Crowley that the authority be granted to retain Simpson Hurst Ltd. as the City of Halifax Insurance Broker and the quotation which Simpson Hurst Ltd. provided be accepted at a total cost of \$506,268 including the Errors and Omissions coverage and that the actions of the Director of Finance taken to ensure continuation of insurance coverage be endorsed. Motion passed.

Appointments - Alderman Crowley

A report dated 29 June 1995 was submitted from His Worship Mayor Walter Fitzgerald.

MOVED by Alderman Crowley, seconded by Alderman Stone that Council approve the following appointments:

HERITAGE ADVISORY COMMITTEE

Aileen Byron - Term to January 31, 1998

HALIFAX INDUSTRIAL COMMISSION

Robert Stoddard - Term to January 31, 1998

HALIFAX WATER COMMISSION

Wayne Stroud - Term to January 31, 1998

Motion passed.

Composters - Alderman Walker

Alderman Walker referred to the composting project being coordinated by the County of Halifax and noted that the media has not acknowledged the financial support given the project by the other three municipalities. Alderman Walker noted that although the City of Halifax was not involved in coordination, it had contributed approximately 48% of the cost of the project and that the other two municipalities had also contributed a percentage of the costs.

Needham Bells - Alderman Blumenthal

Correspondence from Alderman J.S. Blumenthal was submitted.

MOVED by Alderman Blumenthal, seconded by Alderman Downey that Council approve the following:

- (1) To assure the continued maintenance and operation of the Halifax Explosion Memorial Bells located on City-owned land at Fort Needham, the City will accept the Memorial, free of indebtedness, from the volunteer committee of citizens which has designed, constructed and brought the Memorial into full operation with donated subscriptions of \$508,000 and the City will carry out required immediate maintenance;
- (2) As part of these arrangements, the Halifax Foundation will contribute \$2,500 annually to the City, for a period of ten years commencing this year, for City costs of maintenance and upkeep of the physical fabric of the Memorial, its structure, bells, lighting and sound system;
- (3) In the onward operation of the Memorial, the City will continue to consult, as the volunteer Committee has done, with United Memorial Church, which contributed then of the chime of fourteen bells in the Memorial, all of which are able to be played from the organ console in the Church by means of installation included in the completed construction of the Committee and can also be played from the Memorial; and
- (4) To provide a desirable additional civic amenity at City Hall, the Halifax Foundation will contribute up to \$16,500 to the City, the estimated full cost for the supply and installation of an electronic sound module, warranted by supplier and installer for a period of five years, capable of playing from the tower of City Hall, under the City's administration, such sounds as bells, chimes, anthems and time signals, especially, but not exclusively, for celebrations, memorial services, public gatherings, flag-raising and other appropriate occasions as determined by the City.

Referring to the Halifax Explosion Relief Fund, Alderman Downey asked that His Worship make another attempt to determine the balance of this fund and determine whether or not

some portion of the balance could not be utilized in connection with the Memorial Bells.

The motion was put and passed.

Thanks to the Legion - Alderman Blumenthal

Alderman Blumenthal expressed appreciation to the White Ensign Branch of the Canadian Legion located on Almon Street for their generous donation of \$2,400 to purchase two flag poles and flags for the Memorial Bells site.

Case No. 6839 - Extension of Development Agreement for King Edward Inn - West Street - Alderman Epstein

Alderman Epstein indicated that at the 11 May 1995 City Council meeting a two month extension of the Development Agreement for the King Edward Inn, West Street had been granted pending input from residents. In light of the lack of comment from residents, Alderman Epstein moved, seconded by Alderman Maher that:

- (1) City Council enter into an amending agreement with Standard Trust Company in Liquidation, thereby amending the existing development agreement, known to the City of Halifax as Case No. 6839 and registered at the Registry of Deeds in Book 5631 at Pages 56-60, to extend the completion date for the development; and
- (2) City Council requires that the amending agreement be signed within 120 days, or any extension thereof granted by Council upon request of the applicant, from the date of final approval by Halifax City; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

Motion passed.



Referring to Canada Day Celebrations, His Worship Mayor Fitzgerald invited and encouraged everyone to come out and enjoy the excellent Day program of events scheduled.

There being no further business, the meeting adjourned at 10:00 p.m.

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HIS WORHSIP MAYOR WALTER FITZGERALD  
CHAIRMAN

Submitted by:  
E. A. KERR, CITY CLERK

sam

# MINUTES

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

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 19 JULY 1995

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

**MEMBERS  
PRESENT:** MAYOR WALTER FITZGERALD  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN JERRY BLUMENTHAL  
ALDERMAN PATRICK POTTIE  
DEPUTY MAYOR STEPHEN ADAMS  
ALDERMAN RALPH MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN MARY ANN CROWLEY  
ALDERMAN BILL STONE (8:00 P.M.)

**MEMBERS  
ABSENT:** ALDERMAN RON HANSON

**STAFF:** MR. BARRY ALLEN, ACTING CITY SOLICITOR  
MR. EDWARD A. KERR, CITY CLERK

**ADDED ITEMS**

Council dealt with items of business referred from the Committee of the Whole Council meeting held earlier today, as follows:

**Award of Tender 95-33 - Sidewalk Renewals**

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Committee on Works recommend:

1. Council award Tender 95-33, Sidewalk Renewals on: Chisholm Avenue (S) St. Andrews to End; Newton Avenue (W) Second to Third; Almon Street (S) Connolly to Oxford; Chester Avenue (S) Connaught to Connolly; and Cork Street (N) Dublin to Windsor, for materials and services listed at the unit prices quoted for a Total Bid Price of \$125,852 and a Total Project Cost of \$145,000 to Ocean Contractors Limited.
2. Council authorize funding from Capital Account Nos. 92756, 92762, 92764, 92767 and 92768 for the various sidewalk locations.

Motion passed.

**Award of Tender 95-16, New Paving Lower Water Street, Morris Street to Terminal Road**

This matter was referred from the Committee of the Whole Council held earlier today.

**CITY COUNCIL  
SPECIAL MEETING  
19 JULY 1995**

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Committee on Works:

1. City Council approve Recommendation Nos 1 to 6 and Recommendation No. 8 as contained in the report dated 26 January 1995 attached as Appendix "A" to the 11 July 1995 report
2. Approve funds from Capital Account No. 91366 - New Paving Lower Water Street (Morris St. to Terminal Road).

Motion passed.

**Award of Tender No. 95-72, Streets  
Upgrading Resurfacing, Part V**

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Alderman Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Committee on Works:

1. Council approve the resurfacing programs proposed by the Engineering and Works Department shown in Attachment A of the 11 July 1995 report;
2. Council award Tender No. 95-72 to Dexter Construction Co. Ltd. for the materials and services listed at the unit prices quoted for a Total Bid Price of \$323,880 and a Total Project Cost of \$373,000;

**CITY COUNCIL  
SPECIAL MEETING  
19 JULY 1995**

3. Council authorize funding from Capital Account No. 91550, Infrastructure Resurfacing Programs;
4. Council grant authority to proceed with the resurfacing of the streets indicated in Attachment A of the 11 July 1995 report until the Total Project Cost of \$373,000 has been expended; and
5. Council grant authority to make additional expenditures for the Halifax Water Commission work, such as lifting of valves, which will be recovered from the Commission.

Motion passed.

**Cash Flow & Interim & Permanent Financing Harbour  
City Homes (City of Halifax - Non-Profit Housing)**

This matter was referred from the Committee of the Whole Council held earlier today.

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

1. Council formally write-off the receivable of \$163,843 due from Harbour City Homes with respect to prior year operations and, as an absolute minimum reduce the 1995 operating loss subsidy to an amount of \$21,500 for a total of \$185,343;
2. The operating line of credit to Harbour City Homes be \$22,900; and

**CITY COUNCIL  
SPECIAL MEETING  
19 JULY 1995**

3. An amount of \$51,597 be transferred from the Social Rehabilitation Reserve to Harbour City Homes representing the shortfall of cumulative operating losses to 1995 from that budgeted in the Revenue Fund of the City.

Motion passed.

**Special Use of Parks**

This matter was referred from the Committee of the Whole Council held earlier today.

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

1. City Council permit the use of designated City outdoor recreation/park facilities to conduct wedding ceremonies providing the users meet all proposed regulations and the criteria as set out in the 4 July 1995 staff report;
2. The Recreation Department act as the Central City coordinating body for the facilities;

Motion passed.

**Grant Recommendations**

This matter was referred from the Committee of the Whole Council held earlier today.

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



**CITY COUNCIL  
SPECIAL MEETING  
19 JULY 1995**

1. award grants totalling \$225,420 to agencies reviewed and presented in Appendix A of the 5 July 1995 report; and
2. give final approval to Social Planning Department Grants previously approved in the 1995-96 budget for those agencies presented in Appendix 1 of the 5 July 1995 report in the amount of \$526,324.

Motion passed.

Gottingen Street Development Fund

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council ratify approval of a loan from the Gottingen Street Development Fund to Forbes Restoration Design and Services Ltd. in the amount of \$7,500.

Motion passed.

Expropriation - Easement, Parcel A,  
Bedford Highway Upgrading Phase II

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council amend its resolution of 3 May 1995 on this matter to reflect the revised valuation of compensation payable (as underlined), so that the entire resolution reads:

- "1. That Parcel A, a temporary construction easement as shown in Plan TT-51-32499 and containing 2,948 square feet (273.9 square meters), be expropriated by the City of Halifax

**CITY COUNCIL  
SPECIAL MEETING  
19 JULY 1995**

for street purposes and that Wedgewood Motel Limited be offered \$1,250 as compensation based on the appraisal prepared by At-Tech Appraisal Consultants Limited.

2. The Mayor be authorized to seek Orders of Immediate Possession from the Attorney General for Parcel A."

Motion passed.

**Business Disturbance - Bedford Highway**

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, following its resolution of 11 May 1995, City Council approve payment of the following claims for business disturbance arising from the Bedford Highway Widening Phase I:

1. The amount of \$36,144.61 to Hum Enterprise Limited as settlement in full; and
2. The amount of \$18,035.23 to Rockingham Plaza Limited as settlement in full.

Motion passed.

**Gottingen Street Property Improvement Program**

This matter was referred from the Committee of the Whole Council held earlier today.

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

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- the remaining funds in the Gottingen Street Development fund amounting to approximately \$83,00 be used for cost sharing with property and business owners for upgrading of properties on Gottingen Street between Cogswell Street and the area of the North Branch Library;
- 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 July 1995 report; and priorities for cost sharing be as indicated in Appendix B of the 7 July 1995 report;
- an amount not to exceed five percent of the total program budget be reserved for program administration; and
- final authorization for disbursement of funds will rest with the Director of Finance and the Director of Development and Planning in consultation with the Uptown Gottingen Street Merchants' Association.

Motion passed.

Award of Tender 95-131 - Replacement of Apparatus  
Floor - University Avenue Fire Station

This matter was referred from the Committee of the Whole Council held earlier today.

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MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council authorize the issuing of a contract to Ocean Contractors Limited to replace the apparatus floor at the University Avenue Fire Station at the tendered price of \$137,043 + 15% contingency of \$20,556.45 for a total contract price of \$157,599.45.

Motion passed.

**Proposal 94-187R - Mugshot Storage and Retrieval System - Regional Applied Police Information System**

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council authorize the issuance of a contract to PRC Public Sector Inc. in the amount of \$174,046 + 7% GST equalling \$12,183.22 for a total of \$186,229.22. Motion passed.

**File #68457 - Maintenance Programs on Software and Hardware**

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council authorize the payment of current charges for operating hardware and software maintenance to Dynix Library Systems Inc. in the amount of \$68,129.22 (including GST) with funds being available in account number 22504.6121, Maintenance Equipment-Library Systems.

Motion passed.

File #66629 - Annual Support  
for G.I.S. ARC/Info Software

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council payment of \$55,105 (GST included) from account number 25358.0050, Operations MIS-Computer Software Maintenance to ESRI Canada Limited for annual software support.

Motion passed.

Equipment Replacements - Tenders #95-99R,  
#95-126, #95-127, and #95-128

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, that Council authorize award:

- up
1. Tender 95-99R: For the purchase of two (2) 1996 model crew cab pick-trucks, 9,000 GVW to MacPhee Pontiac Buick GMC Ltd. based on the lowest price meeting specifications at a total cost of \$66,113.16;
  2. Tender 95-125: For the purchase of one (1) 1996 crew cab dump truck with steel body, 28,000 GVW to MacKay's Truck and Trailer Center Ltd. based on the lowest price meeting specifications at a total cost of \$65,817.84;
  3. Tender 95-127: For the purchase of one (1) 1996 truck chassis with

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plow, 35,000 GVW to MacKay's Truck and Trailer Center Ltd. based on the lowest price meeting specifications at a total cost of \$83,729.66; and

4. Tender 95-128: For the purchase of one (1) 1966 dump truck with steel body, 28,000 GVW to MacKay Truck and Trailer Center Ltd. based on the lowest price meeting specifications at a total cost of \$57,167.96.

At this time His Worship Mayor Fitzgerald returned to the meeting.

**Date for Hearing - Recommended Heritage Properties**  
5750 Spring Garden Road; 5522 Russell Street;  
5522 North Street; 5520 Hennessey Place  
5522 Hennessey Place; 5524 Hennessey Place  
5526 Hennessey Place; 5528 Hennessey Place;  
and 5532 Hennessey Place

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Planning Committee, City Council consider the inclusion of the following properties in the Halifax Registry of Heritage Property and that in accordance with Section 14(2) of the Heritage Property Act, a date be set for a public hearing to provide the owners thereof an opportunity to be heard:

- 5750 Spring Garden Road
- 5522 Russell Street
- 5522 North Street
- 5520 Hennessey Place
- 5522 Hennessey Place
- 5524 Hennessey Place
- 5526 Hennessey Place

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- 5528 Hennessey Place
- 5532 Hennessey Place

Motion passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, SEPTEMBER 20, 1995 AT 7:30 P.M.** in the Council Chamber, Halifax City Hall.

**Case No. 7162: Amendment to Lot Modification  
Development Agreement - 48 Frederick Avenue**

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Planning Committee, a date be set for a Public Hearing to consider the application to amend the lot modification development agreement to permit subdivision of the property at 48 Frederick Avenue into lots A and B, and the construction of a semi-detached dwelling on lot B as shown on Plans P200/20372-75 of Case No. 7162, lands of Sayed N. and Susan Arab.

Motion passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, AUGUST 23, 1995 AT 7:30 P.M.** in the Council Chamber, Halifax City Hall.

**Case No. 7159: Rezoning R-2 to P -  
284 Herring Cove Road**

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Planning Committee, a date be set for a Public Hearing to consider the application to rezone 284 Herring Cove Road, lands of Pentecostal Holiness Church of Canada, from R-2 (Two Family Dwelling) zone to P (Park and Institutional) zone. Motion passed.

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The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, AUGUST 23, 1995 AT 7:30 P.M.** in the Council Chamber, Halifax City Hall.

**Case No. 4662: Extension of Completion Date  
Lot RP-23, Anchor Drive, Regatta Point**

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey that, as recommended by the Planning Committee recommend, City Council confirm that the time limit for completion of development of Lot RP-23 Regatta Point residential development be extended to two years from the date of this resolution.

Motion passed.

**Heritage Conservation Incentives -  
Recommendations**

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Deputy Mayor Adams, seconded by Alderman Downey, the Planning Committee recommend, that Council approve the list of recommended Heritage Conservation Incentives dated 12 July 1995 and as attached to the 13 July 1995 report.

Motion passed.



**PUBLIC HEARINGS**

Public Hearing Re: Case No. 6724:  
Peninsula and Mainland Land Use  
Bylaw - Housekeeping Amendment #11

A Public Hearing was held at this time concerning the above item.

A staff report dated May 26, 1995 was submitted as well as report dated June 26, 1995 from the Planning Advisory Committee.

Mr. Paul Dunphy of the Development & Planning Department addressed Council and, with the aid of overheads, outlined the item as contained in the submitted reports.

There being no persons wishing to address Council, it was MOVED by Alderman Maher, seconded by Alderman Crowley that the item be forwarded to the next regular meeting of City Council scheduled for 27 July 1995 without recommendation.

Motion passed.

Public Hearing Re: Case No. 7161:  
Development Agreement - 1326 Barrington  
Street

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

A staff report dated May 29, 1995 was submitted.

Mr. Dan Norris, Heritage Planner, addressed Council and outlined the application as contained in the May 29th staff report.

There being no persons wishing to address Council, it was MOVED by Alderman Downey, seconded by Alderman

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Uteck that the item be forwarded to the next regular meeting of City Council scheduled for 27 July 1995 without recommendation.

Motion passed.

**Public Hearing Re: Case No. 7066 -  
Redesignation from MDR & LDR/Rezoning  
from R-2 to R-1 - Peninsula Centre Area**

A public hearing relating to the above subject was held at this time.

A report dated June 9, 1995 was submitted from the Planning Advisory Committee.

Mr. Angus Shaffenburg of the Development and Planning Department outlined the application as contained in the submitted report.

Mr. Austin Park addressed Council advising that he understood the intent which was the protection of a pleasant neighbourhood. Mr. Park questioned, however, whether there was anything Council could consider to assist individuals who, if the proposal is approved, will have to apply to the City and which will require a public hearing for minor alterations to their homes.

There being no further persons wishing to address Council, it was MOVED by Alderman Carmichael, seconded by Alderman Maher the item be forwarded to the next regular meeting of City Council scheduled for 27 July 1995 without recommendation.

Motion passed.

Alderman Stone arrived at the meeting.

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**Public Hearing Re: Case No. 7006  
- Development Agreement within  
C-5 (Harbour Related Industrial) Zone**

A public hearing relating to the above subject was held at this time.

A staff report dated January 26, 1995 was submitted as well as a supplementary staff report dated July 17, 1995.

Mr. Angus Shaffenburg of the Development and Planning Department addressed Council and outlined the matter as contained in the submitted reports.

There being no persons wishing to address Council, it was MOVED by Deputy Mayor Adams, seconded by Alderman Walker that the item be forwarded to the next regular meeting of City Council scheduled for July 27th without recommendation.

Motion passed.

Alderman Epstein noted the staff report indicates that in 1993 a restaurant license had to be refused at Pier 22, but indicated it was his understanding that a restaurant presently exists at that location.

Mr. Shaffenburg explained the situation advising that the owners will be coming forward for the necessary permits. Alderman Epstein requested a report on the status of the building.

**Public Hearing Re: Case No. 6579 -  
Amendments to MDP and LUB/Rezoning -  
Kearney Lake Road near Bicentennial Drive**

A public hearing relating to the above subject was held at this time.

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A staff report dated January 19, 1995, a report from the Planning Advisory Committee dated May 26, 1995, a supplementary staff report dated June 15, 1995, and an information report dated July 18, 1995 were submitted.

No persons were present wishing to address Council. His Worship advised that he was contacted by Mr. Bernie Vaughan who owns properties off of Castle Hill Drive who wanted it noted that he wished the zoning to remain the same as when he purchased his properties.

MOVED by Alderman Stone, seconded by Alderman Walker that:

1. Map 9 (Generalized Future Land Use Map) of Section II the Municipal Development Plan is amended by redesignating 124 Kearney Lake Road (Lot E) (Petro-Canada Station), Parcel "Y" (Kearney Lake Road at Broadholme Lane), and from 111 (Esso Service Station) to 99 Kearney Lake Road to "Commercial" from "Residential Environments" as shown on Map 1 of Case 6579 P200/20487 attached to the June 15, 1995 staff report;
2. Zoning Map ZM-4 is amended by rezoning 124 Kearney Lake Road (Lot E) (Petro-Canada Station), and Parcel "Y" (Kearney Lake Road at Broadholme Lane) to C-2A (Minor Commercial) from Schedule "K" as shown on Map 2 of Case 6579 P200/20488 attached to the June 15, 1995 report;
3. Zoning Map ZM-4 is further amended by rezoning from 111 (Esso Service Station) to 99 Kearney Lake Road to C-2A (Minor Commercial) from C-2 (General Business) as shown on Map 2 of Case 6579 P200/20488 attached to the June 15, 1995 report;
4. Zoning Map ZM-4 is amended by rezoning the lands fronting on Castle Hill Drive between 111

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Kearney Lake Road and 42 Castle Hill Drive (Lot 102A) including a portion of the former oldDuke of Kent right-of-way to R-1 (Single Family Dwelling) Zone from C-2 (General Business) as shown on Map 3 of Case 6579 P200/20489 attached to the June 15, 1995 report;

5. Zoning Map ZM-4 is further amended by rezoning the lands of Grosvernor Park to P (Park and Institutional) from R-4 (Multiple Dwelling) Zone and R-1 (Single Family Dwelling) Zone as shown on Map 3 of Case 6579 P200/20489 attached to the June 15, 1995 report; and
6. Zoning Map ZM-4 is further amended by rezoning the rear of the properties fronting on Castle Hill Drive shown as Lots H-1 (34 Castle Hill Drive) to H-9 (14 Castel Hill Drive) on City of Halifax Plan 00-16-28888 to R-1 (Single Family Dwelling) Zone from R-4 (Multiple Dwelling) Zone as shown on Map 3 of Case 6579 P200/20489 attached to the June 15, 1995 report.

Motion passed.

**Public Hearing Re: Case 7157 - MDP  
and LUB Amendments - South Centre Mall**

A public hearing was held concerning the above subject at this time.

A staff report dated April 6, 1995 was submitted as well as a report dated June 13, 1995 from the Planning Advisory Committee.

Mr. Austin French of the Development and Planning Department addressed Council and explained the matter as outlined in the submitted reports.

There were no persons present wishing to address Council.

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MOVED by Deputy Mayor Adams, seconded by  
Alderman Maher that City Council:

- (a) Adopt the municipal planning strategy and land use bylaw amendments respecting shopping centres in Mainland South as contained in Appendices "A" and "B" of the Planning Advisory Committee report dated June 13, 1995;
- (b) Discharge the development agreements applicable to the South Centre Mall which were approved by Council on 29 January 1981 and June 15, 1989;
- (c) Enter into an amending agreement with Devan Properties Limited to delete reference to "shopping mall" in the amusement centre development agreement approved by Council on June 22, 1994. A draft amending agreement is attached to the report of the Planning Advisory Committee dated June 13, 1995;
- (d) Rezone the Keddy's Hotel property at 20 St. Margaret's Bay Road from C-2 (General Business Zone) to C-2A (Minor Commercial Zone) as shown in Appendix "D" to the report of the Planning Advisory Committee dated June 13, 1995; and
- (e) Rezone the Green Gables - Subway store at 28 St. Margaret's Bay Road from C-2 (General Commercial Zone) to C-2A (Minor Commercial Zone) as shown in Appendix "D" of the report of the Planning Advisory Committee dated June 13, 1995.

Motion passed.

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**Public Hearing Re: Case No. 7176 -  
Development Agreement - Dalhousie  
Cooperative School - Building #5,  
Gorsebrook Lands, 5846 South Street**

A public hearing concerning the above subject was held at this time.

A staff report dated May 24, 1995 was submitted.

Ms. Molly Herd, head teacher at the school, and Ms. Sheilagh Davis, a parent, addressed Council and spoke in favour of the application.

No further persons wished to address Council.

MOVED by Alderman Carmichael, seconded by  
Alderman Uteck that:

1. Council enter into a development agreement pursuant to Section 16AA(g) of the land use bylaw (Peninsula section) to permit the conversion of Building Number 5 at 5846 South Street to a private school.
2. Council require that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of approval by Halifax City Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

Motion passed.

8:20 P.M. - Meeting adjourned.

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HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN

E.A.KERR  
CITY CLERK

sam



## MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 27 JULY 1995

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

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

**ABSENT:** ALDERMAN G. RUSSELL WALKER

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

**PROCLAMATIONS**

**Proclamation - Children's Aid  
Society of Halifax Week**

His Worship read a proclamation declaring the week of 13 August 1995 Children's Aid Society of Halifax Week and inviting residents of Halifax to celebrate and recognize 75 years of service to Halifax from the Children's Aid Society.

**Proclamation - National Homeless  
Animals' Day**

His Worship read a proclamation declaring August 17, 1995 National Homeless Animals' Day.

**Scroll - Monseigneur A.O. Driscoll**

Alderman Downey advised that a scroll extending greetings from the City of Halifax will be presented tonight to Monseigneur A. O. Driscoll on the occasion of his retirement.

**Introduction: Karen Francis**

His Worship introduced Ms. Karen Francis, a student of St. Patrick High School, advising that Ms. Francis has been chosen to represent Halifax in Quebec at the Les Medievales au Quebec, The Messenger Project. His Worship indicated that the Festival would be held from August 9th to the 13th and that young people from across Canada would be attending. His Worship noted that this was a great honor for Halifax.

Ms. Francis thanked Council and the City of Halifax for the opportunity to represent Halifax in Quebec and noted that she was both pleased and excited to do so. Ms. Francis indicated that she would represent Halifax to the best of her ability.

Deputy Mayor Crowley assumes the Chair during a presentation to the Metro YMCA.

**Presentation - Metro YMCA**

His Worship addressed Council referring to the commitment of funding made to the Metro YMCA by Halifax City Council and the important work with children undertaken by the Metro YMCA. His Worship expressed his pleasure at being able to provide to the Metro YMCA with the total amount of funding committed by Council at this time.

Alderman Downey, on behalf of the City and members of Council, presented a cheque in the amount of \$230,000 to Mr. John Lindsay, Jr., Metro YMCA thanking staff for their work in locating the amount within budgeted City funds.

Mr. Lindsay, on behalf of the Metro YMCA, thanked program participants, volunteers, Council and city staff for their support of the Metro YMCA.

His Worship returns to the Chair.

**MINUTES**

Minutes of the regular meeting of Halifax City Council held on Thursday, 29 June 1995 were approved as circulated on a motion by Alderman Blumenthal, seconded by Alderman Maher.

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

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

- 14.1 Amendment to Ordinance 180 - Streets - Vending  
Site on Boardwalk - Chebucto Landing  
- SECOND READING
- 20.1 Award of Tender 95-32 - Sidewalk Renewals
- 20.2 Award of Tender 95-32 - Sidewalk Renewals
- 20.3 Tender No. 95-71, Paving Renewal - Main Avenue  
Hillcrest Street to Willett Street
- 20.4 Appointment of Engineering Consultants - Bayers  
Road (Connaught - Robie) Widening
- 20.5 Widening of Robie Streets from Almon/Robie  
to Young Kempt - Case No. 5589
- 20.6 Fairview Overpass Structural Rehabilitation  
Tender 95-01
- 20.7 2445 Request for Extension of Demolition Permit  
(Alderman Downey)
- 20.8 Communities in Bloom - National Project  
(Alderman Stone)
- 20.9 Communications (Alderman Carmichael)
- 20.10 Reallocation of Funds - Halifax Forum Commission
- 20.11 Allocation of Capital Funds from the 1995/96 Program  
At the request of Alderman Blumenthal, Council  
agreed to add:
- 20.12 Bursary - Africville Genealogical Society

**Presentation: Audited Financial Statements**

The City Manager, on behalf of Peat Marwick Thorne, auditors for the City of Halifax, presented the audited financial statements of the City of Halifax for the year ending

March 31, 1995. He advised that the statements had received an unqualified opinion from the Auditors and were prepared in accordance with the Nova Scotia Municipal Act and the Department of Municipal Affairs.

Mr. Bernard Smith, Director of Finance, provided a brief overview of the audited financial statements to members of Council noting they were a satisfactory set of statements and that they reflected a close adherence to budget and a slight surplus.

His Worship thanked Mr. Smith, the City Manager and city staff for their hard work over the year in adhering to the budget and in achieving this financial outcome.

### **DEFERRED ITEMS**

**Case No. 6724: Peninsula and Mainland LUB  
Housekeeping Amendments #11**

A public hearing to consider this matter was held on Wednesday, 19 July 1995.

MOVED by Alderman Carmichael, seconded by Alderman Maher that City Council amend the land use bylaw by adopting the amendments contained in Appendix "A" of the 26 June 1995 report.

Motion passed with Aldermen Hanson and Stone abstaining due to non attendance at the Public Hearing.

**Case No. 7161: Development Agreement  
1326 Barrington Street**

A public hearing into this matter was held on Wednesday, 19 July 1995.

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

1. Council enter into an amending agreement with Proactive Group Incorporated, to permit construction of an addition to to the existing building located at 1326 Barrington Street, Halifax, for office use.
2. Council require that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of approval by Halifax City Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

Motion passed with Aldermen Hanson and Stone abstaining due to non attendance at the public hearing.

**Case No. 7066: Redesignation from MDR and LDR,  
Rezoning from R-2 to R-1 - Peninsula Centre Area**

A public hearing into this matter was held on Wednesday, 19 July 1995.

MOVED by Alderman Carmichael, seconded by Alderman Blumenthal that Council adopt the following amendments to the Municipal Development Plan and the Land Use Bylaw:

1. Redesignating the area shown on Sketch 1 of the 9 June 1995 report to Low Density Residential from Medium Density Residential and Institutional on the Generalized Future Land Use Map of Peninsula Centre Area (Section VI); and
2. Rezone the area show on Sketch 2 of the 9 June 1995 report to R-1 (Single Family Dwelling) Zone from R-2 (General Residential).

Motion passed with Aldermen Hanson and Stone abstaining due to non attendance at the public hearing.

**Case No. 7006: Development Agreement with C-5  
(Harbour Related Industrial Zone)**

A public hearing into this matter was held on Wednesday, 19 July 1995. An information reported dated 24 July 1995 was submitted from the Director of Development and Planning.

MOVED by Alderman Carmichael, seconded by Alderman Maher that Council adopt the following amendments to the Municipal Development Pland and Land Use Bylaw:

1. New policies are added immediately after Policy 4.1.1 of Section II as follows:

Policy 4.1.1.1 Council may consider the development of non-harbour related commercial or industrial zoned harbour related uses only by development agreement provided that the long term intent of these areas for harbour industrial uses is preserved. In considering such developments, Council shall ensure that the proposed use:

- (a) is not detrimental to the port or other harbour related industries;
- (b) will generate only a level of vehicle trips that can be reasonably accommodated on the present city street system; and
- (c) that the long term intent that the are be used for harbour related uses is preserved.

Policy 4.1.1.2 The development agreement shall contain provision for the time when and conditions under which the agreement shall be able to be discharged by Council. This



agreement may provide that the buildings be removed to ensure development for harbour related industries continues to be possible.

2. A new subsection 99(8) under Peninsula Wide - Development Agreements is added immediately following 99(7) as follows:

Non-Harbour Related Uses

(8) Council may by development agreement, pursuant to Section II of the Municipal Planning Strategy, permit non-harbour related uses in the C-5 Zone in accordance with Policies 4.1.1.1 and 4.1.1.2.

Motion passed with Alderman Hanson abstaining due to non attendance at the public hearing.

## PETITIONS AND DELEGATIONS

### Shakespeare by the Sea - Alderman Uteck

Alderman Uteck, referring to the success of Shakespeare by the Sea, indicated that Council had made a wise decision in supporting that proposal. Alderman Uteck urged all members of Council to attend the very professional, first class performance given by Shakespeare by the Sea performers.

## REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of its Finance and Executive Committee from a meeting held on Wednesday, 19 July 1995 as follows:

Chebucto Road School-  
Call for Proposals

This matter was deferred to this meeting pending receipt of the amended proposal and letter of intent. A report dated 24 July 1995 was submitted from the Director of Development and Planning.

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

1. decline to accept any of the proposals for purchase of the Chebucto Road School complex made in response to the Request for Proposals, and return the deposits made by the proponents;
2. have staff undertake the comprehensive survey of the complex that is usual in the case of contemplated sale of city owned heritage properties; and
3. have staff enter into negotiations with the Islamic Association of the Maritime Provinces and the Mic Mac Native Friendship Society with a view to entering into a lease for the complex, to commence in September of 1995-96.

A discussion ensued with Alderman Blumenthal speaking in opposition to the motion. Alderman Blumenthal MOVED that the motion be amended to provide for both a lease or purchase option.

There was no seconder to the amendment.

The motion was put and passed.

Referring to Alderman Blumenthal's comments regarding the lack of history of the peoples of the City of Halifax taught in the school, Alderman Adams suggested that His Worship the Mayor write the Halifax District School and request that the histories of our aboriginal peoples and others within the City be included in the curriculum.

"Council adopt the recommendation of the Tax Concessions and Grants Committee to refuse the request for financial support for the Cotton Street Partnership Project."

MOVED by Alderman Uteck, seconded by Alderman Downey that Council support the Cotton Tree Partnership Project in the amount of \$5,000.

A brief discussion ensued and the Motion was put and lost.

Encroachment License - Grafton-Connor Group Proposal

This matter was referred without recommendation pending receipt of additional information.

An information report dated 21 July 1995 was submitted from the Director of Development and Planning. Correspondence dated 25 July 1995 was submitted from the Grafton-Connor Group.

MOVED by Alderman Downey, seconded by Alderman Carmichael that:

- an encroachment license be granted to the Grafton Connor Group for a time period ending 15 October 1995 for a pilot project on establishing a cafe serving area on the sidewalk abutting 1726 to 1740 Argyle Street (west side) provided that The Grafton Connor Group agree to assume all costs associates with creating a temporary sidewalk area abutting the full length of the cafe serving area; and,
- following receipt of a report respecting the pilot project, Council consider placing sufficient funds in the 1996/97 capital budget for:
- a design study addressing the specific criteria and costs and benefits of realigning the Argyle Street

sidewalk to accommodate cafes on the entire length of the street between Duke and Blowers Streets; and

- the possibility of widening the sidewalk permanently.

After a lengthy discussion the Motion was put and passed.

**Encroachment License - Civic**  
**#5657 Spring Garden Road**

This matter was referred without recommendation pending receipt of additional information.

A supplementary report dated 24 July 1995 was submitted from the Director of Development and Planning.

Noting that an opinion has not yet been received from the BIDC on this matter, it was MOVED by Alderman Downey, seconded by Alderman Carmichael that this matter be deferred to the next meeting of the Committee of the Whole Council scheduled for 23 August 1995 pending receipt of an opinion from the BIDC with regard to this encroachment license.

Motion passed.

**Encroachment License - Civic**  
**#261 Bedford Highway**

This matter was referred without recommendation.

Correspondence from Mr. Péter E. Kline, Scotia Tire Services Ltd., 267 Bedford Highway was submitted by Alderman Stone.

Alderman Stone addressed the matter indicating that a review of the situation with staff has confirmed that there is a problem with this encroachment license. Alderman Stone advised that, based on the size and location of the proposed sign, it would obscure the abutting property owners sign. Alderman Stone further indicated that the abutting property owner had been totally unaware of this application and

suggested that procedures should be put in place to ensure that abutting property owners are notified of such applications. Alderman Stone indicated that he did not wish this encroachment license granted.

A brief discussion ensued, with His Worship suggesting that the matter be deferred to provide the applicant and the abutting property owner an opportunity to discuss the situation and perhaps reach a compromise.

After a further discussion it was MOVED by Alderman Stone, seconded Alderman Adams that this matter be deferred to the next meeting of the Committee of the Whole scheduled for August 23, 1995 to provide an opportunity to the applicant and the abutting property owner to reach a compromise with regard to this matter and to allow the City Manager an opportunity to look into the possibility of developing a procedure to ensure that abutting property owners are notified of an application for an encroachment license.

Alderman Stone noted that he would defer this item with the understanding that if there is no compromise reached, the encroachment license will be refused.

Motion passed.

**Bank Account - Halifax Forum  
Commission Bingo Proceeds**

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, Council authorize the City Treasurer to set up a separate bank account with the City's banker in the name of the Halifax Forum Commission Bingo Operations, with the signing officers being any two of the Secretary Manager, and two duly appointed members of the Forum Commission.

Motion passed.

Rehabilitation Reserve Fund

An information report dated 24 July 1995 from the Director of Social Planning was submitted. Correspondence dated 27 July 1995 from David Adler was submitted.

MOVED by Alderman Downey, seconded by Alderman Adams that, in keeping with the intent of the Rehabilitation Reserve Fund, the following projects be approved:

1. Exodus House, a recovery facility for women: request for funds in the amount of \$10,360 to assist with capital purchases for training programmes;
2. Human Resource Development Association (HRDA), a non-profit community economic development organization: request for \$134,100 with funds to be utilized for the expansion of the Stone Hearth Bakery, a training and employment initiative for post mentally ill individuals;
3. Youth L.I.V.E. Adventure request for \$20,000 to assist with capital purchases.

Note was made that information requested in the deferral has not been submitted to Council and it was MOVED in amendment by Alderman Carmichael, seconded by Alderman Blumenthal that the matter of a grant to Stone Hearth Bakery (Item 2 of the original motion) be deferred to the next meeting of the Committee of the Whole Council scheduled for Wednesday, August 23, 1995 pending receipt of additional information including what types of business would be impacted by the provision of a grant to Stone Hearth Bakery and a comparison of prices between Stone Hearth Bakery and commercial bakeries throughout the City.

The motion to defer was put and passed.

The original motion, as amended, was put and passed.

Religious Education in Schools

MOVED by Alderman Pottie, seconded by Deputy Mayor Crowley that, as recommended by the Finance and Executive Committee, the City forward a letter to Minister of Education with a copy to the Halifax District School Board expressing concern that the Board has unilaterally changed a policy which has been in effect since 1969 without seeking input from the public and user groups and suggesting that the issue requires such input and, further that a reply responding to these concerns be requested.

After a discussion the motion was put and passed.

V.J. Day (August 14, 1995)

Following is the recommendation of the Finance and Executive Committee:

"That City Council endorse the V.J. Day celebrations by providing financial assistance and that the City Manager provide a report for the next meeting of City Council scheduled for 27 July 1995 in this regard."

Alderman Adams, referring to a conversation he had with Mrs. Beatty, advised that the celebrations had received the promotional assistance required (i.e. 12,000 fliers and advertisement in paper), therefore, the assistance offered by the City in this area would be a duplication.

MOVED by Alderman Adams, seconded by Alderman Maher that Council support the V-J Day event by providing \$1,000 in funding, such funding to be obtained under Section 201(1) of the City Charter or through a reallocation from another account.

Motion passed.

New Caps on Provincial Contributions for  
Social Services Programs - 1995/1996

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

the Mayor forward a strong letter to the Province of Nova Scotia objecting to the reduced funding and the timing of the reduction and further that staff negotiate with the Departments of Health and Community Services to resolve this matter with a report back to Council at the next Committee of the Whole Council scheduled for 23 August 1995; and failing a satisfactory resolution, make recommendations on policy and service level reductions. Motion passed.

Appointment - Deputy Mayor

An information report dated 26 July 1995 was submitted.

His Worship advised that Deputy Mayor Crowley would be assuming membership effective 24 July 1995 on various committees as a result of her appointment.

Mayor Fitzgerald, on behalf of Council, thanked the former Deputy Mayor for his leadership and hard work over the past months.

Alderman Adams, expressing his pride and pleasure in having served as Deputy Mayor for the City of Halifax, indicated that the experience was one he would never forget.

MOVED by Alderman Adams, seconded by Alderman Pottie that Council confirm the appointment of Deputy Mayor Mary Ann Crowley for a term from 24 July 1995 to 31 March 1996.

Motion passed.

Deputy Mayor Crowley, complimenting the former Deputy Mayor on his ambassadorship, expressed her pleasure at being appointed Deputy Mayor and indicated her willingness to provide whatever service she is able to the Mayor. She went on to thank Council for the opportunity to serve as Deputy Mayor of the City of Halifax.



## REPORT - COMMITTEE ON WORKS

Council considered the report of its Committee on Works from a meeting held on Wednesday, 19 July 1995 as follows:

### Acquisition of Easements - Williams Lake Pumping Station

MOVED by Alderman Hanson, seconded by Alderman Adams that, as recommended by the Committee on Works, Council amend its resolution of 27 October 1994 on this matter to reflect the revised requirements for easements and respective plan number (as underlined), so that the entire resolution reads:

"That the city acquire service and working easements from the Roman Catholic Episcopal Corporation of Halifax for \$10,491 as settlement in full plus any GST that may be applicable and abandon the service easement, as shown in Plan Number TT-50-32329 and the sketch plans attached to the 10 July 1995 report. Funds are available from the Capital Account for the project, Account Number 95013, Williams Lake Pumping Station, Forcemain Renewal."

Motion passed.

### Award of Tenders - Sewer Rehabilitation

95-12 - Kempt Road (Livingstone to Young Street)

95-24 - Bayers Road (Oxford to Connaught Avenue)

95-27 - Bayers Road (Dutch Village to Joseph Howe Drive

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that, as recommended by the Committee on Works,

1. Council award Tenders #95-12, 95-24 and 95-27 for sewer rehabilitation for the materials and services listed at the unit prices quoted for a Total Bid Price of \$299,286 and Total Project Cost of \$329,000 to I.G.L. Canada Ltd.; and

2. Council authorize funding from Capital Account Nos. 94041 and 94042, Sewers General and 93022, Sewers Development.

Motion passed.

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

**Amendment to Ordinance 180 - Streets  
Vending site on Boardwalk - Chebucto  
Landing - SECOND READING**

---

This matter had been given First Reading at a meeting of City Council held on 29 June 1995 and further considered at a meeting of the Committee of the Whole Council held on 19 July 1995.

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that Council approve SECOND READING of the following amendment to Ordinance 180, the Streets Ordinance:

**BE IT ENACTED** by Halifax City Council that Ordinance 180, the Streets Ordinance, be amended as follows:

1. Schedule "C" Sites for Push Carts and Stands is amended by adding as clause 13 the following:

On the boardwalk, at the east end of George Street at Chebucto Landing, 5 feet from the cul de sac curb, adjacent to a light pole.

Motion passed.

**REPORT - PLANNING COMMITTEE**

Council considered the Report of its Planning Committee from a meeting held on 19 July 1995 as follows:

**Basement Unit - 5 Wenlock Grove**

This matter was referred without recommendation.

Alderman Hanson, referring to the need to balance the Mrs. Smith's desire/need to continue living with her family and the importance of upholding the regulations under the R-1 Zone, noted that modifications to Mrs. Smith's unit to conform to R-1 regulations would be relatively minor. Alderman Hanson further indicated that area residents were supportive of Mrs. Smith's living arrangement, however, they wanted the regulations under the R-1 Zone upheld.

MOVED by Alderman Hanson, seconded by Alderman Adams that the necessary modifications be made to the in-law suite at 5 Wenlock Grove to ensure that it conforms with the regulations under the R-1 Zone.

Motion passed.

Alderman Adams, referring to the Thornhill Drive property, expressed concern that information he had sought some time ago in relation to the property had not been available, however, that same information had been referred to in conversations between city staff and the property owner. Alderman Adams suggested that staff had used the existence of the information as an intimidation tool when dealing with the property owner and stressed the importance of him receiving the information in order to reach a resolution to the problems occurring.

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

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

1. City Council approve the request to amend the Stage II Schedule K Development Agreement for Clayton Park West - Phase 2 to replace four townhouse units on Parcel B-1, Stratford Way with two semi-detached dwellings; and
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.

Motion passed.

### Kelly Building

MOVED by Alderman Carmichael, seconded by Alderman Uteck that, as recommended by the City Planning Committee:

1. His Worship the Mayor communicate with Mr. Garcia congratulating him on his company's attention to the best interests of Halifax and seeking an opportunity for discussion on exactly what portion of the present structure Standard Life intends to preserve.
2. A staff report come forward to the next meeting of the Committee of the Whole Council scheduled for 23 August 1995 with regard to Council hiring an independent consultant to undertake an inspection of the Kelly Building to determine its viability.

and further that:

3. A staff report come forward to the next meeting of the Committee of the Whole Council scheduled for 23 August 1995 suggesting measures which can be put into place to increase the enforcement of the Minimum Standards Ordinance.

Motion passed.

**MOTIONS**

**Motion Alderman Stone Re: Proposed Amendment to  
Ordinance 158, Use of Lakes - Use of Jet Skis  
and Sea Doos (Kearney Lake) - FIRST READING**

---

Alderman Stone had given Notice of Motion on this matter at the City Council meeting held on 29 June 1995. A report dated 25 July 1995 was submitted from the Director of Corporate and Legal Affairs.

MOVED by Alderman Stone, seconded by Alderman Maher that the following amendment to Ordinance 158 respecting the Use of Lakes be approved for First Reading and referred to the next Committee of the Whole Council for consideration and report:

BE IT ENACTED by the Council of the City of Halifax that Ordinance 158, the Lakes Ordinance be and the same is hereby amended as follows:

1. Section 3 of said Ordinance 158 is amended by adding immediately following subsection (2) thereof, the following subsection:

(3) No person shall operate or allow to be operated on Kearney Lake any power boat having a larger than 10 horsepower motor.

Motion passed.

**Motion Alderman Stone re: Proposed Amendment  
to Ordinance 121 Retail Shop Closing  
Ordinance - FIRST READING**

---

Alderman Stone had given Notice of Motion on this matter at the City Council meeting held on 29 June 1995. A report dated 18 July 1995 was submitted from Barry S. Allen, Acting City Solicitor.

MOVED by Alderman Stone, seconded by Alderman Adams that the following amendment to Ordinance 121 the Retail Shop Closing Ordinance, be approved for First Reading and referred

to the next meeting of the Committee of the Whole Council for consideration:

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

1. Section 5 of Ordinance 121 is amended by adding as clause "v" the following:

" a used clothing store"

Motion passed.

**Motion Alderman Adams Re: Proposed Amendment to Ordinance 116, the Taxi Ordinance - Standards for Vehicles and Drivers Serving Hotels - FIRST READING**

---

Alderman Adams had given Notice of Motion relating to this matter at the City Council meeting held on 29 June 1995.

MOVED by Alderman Adams, seconded by Alderman Hanson that Council approve First Reading of amendments to Ordinance 116, the Taxi Ordinance relating to Standards for Vehicles and Drivers Serving Hotels.

Motion passed.

Alderman Adams indicated that details of the amendments would be available to the members of Council within the week.

## MISCELLANEOUS BUSINESS

### Audited Financial Statements

This matter was dealt with earlier in the agenda.

Appointments

A report dated 26 July 1995 was submitted from Mayor Walter R. Fitzgerald.

MOVED by Alderman Stone, seconded by Alderman Adams  
that Council approve the following appointments:

Halifax-Dartmouth Port Development Commission

Paul Zive  
Term to expire 27 July 1997

Metropolitan Authority

Deputy Mayor Mary Ann Crowley  
Term to expire 8 November 1995

Motion passed.

Natal Day Update (Alderman Crowley)

Alderman Crowley briefly reviewed the four day schedule of Natal Day Events beginning Friday, August 4, 1995 and running through to Monday, August 7, 1995 noting that the celebration was bigger and better than last year.

Skateboarding (Alderman Crowley)

Alderman Crowley, referring to problems experienced in the past with skateboarders, advised that plans for a skateboarding facility at the Egg Pond site were in the final stages and construction would soon begin.

Mr. Nick Murray, Recreation Department, provided a brief background of the skateboarding facility noting that tenders for construction would be closing on 31 July 1995. Mr. Murray reviewed the facility design indicating that Halifax was certainly on the leading edge of this type of recreational facility, witnessed by the number of calls received from across Canada in relation to this project.

Downtown Parking Facility -  
Granville, Hollis & South Street

A report dated 24 July 1995 was submitted from the Director of Development and Planning.

MOVED by Alderman Uteck, seconded by Alderman Downey that Council authorize the payment of option sums for Parcels 1 to 10, due under the executed agreements, the total amount not to exceed \$205,000, from Account No. 91608 (Sundry Land Acquisition), as an interim measure, on the understanding that when the purchases are concluded, these payments will be charged to the Sale of Land Account, assuming that the Minister of Municipal Affairs approves withdrawal from the Sale of Land Account.

Motion passed.

Appointment of Design Consultant  
Mainland Common Servicing Design

MOVED by Alderman Stone, seconded by Alderman Epstein that:

1. City Council approve the appointment of Beasy Nicoll Engineering Ltd. to undertake the engineering design and preparation of specifications and tender documents for the design of water and sewer extension services to Mainland Common at an estimated cost of \$20,000, plus GST; and
2. the payment to the Consultant be authorized from Capital Account #97013, Mainland Common Development.

Motion passed.



QUESTIONS

Question Alderman Stone Re:  
Speeding - Dunbrack Street

Alderman Stone reported that he has received several calls from area residents concerned about the excessive speeds being used by motorists travelling along Dunbrack Street, particularly in the vicinity of the Dunbrack/Ross Street intersection as well as in the crosswalk area in front of the Northcliffe Recreation Centre. Noting that there have been a number of "near misses," the Alderman asked that the Halifax Police Department undertake a period of selective enforcement on Dunbrack Street in an attempt to minimize these safety concerns.

Question Alderman Uteck Re: Lundy's Lane

Alderman Uteck asked for a report from staff as to the feasibility of turning Lundy's Lane into a revenue-generating parking area.

Question Alderman Uteck Re:  
Parking Lot - Point Pleasant Park

Alderman Uteck noted that complaints have been received regarding traffic congestion and congregations of people in the parking lot at the east end of Point Pleasant Park. He therefore asked if steps could be taken (in conjunction with Ports Canada, owner of the parking lot in question) to relocate the gate to the far north end of the lot and to close it at 10:00 p.m. in an attempt to reduce some of the traffic along Young Avenue, Tower Road and other neighbouring streets.

**Question Alderman Uteck Re:  
Jet Skis - Northwest Arm**

While emphasizing that he would not support the banning of Jet Skis from the Northwest Arm, Alderman Uteck asked that staff investigate the possibility of establishing speed limits and other safety precautions for these vehicles.

**Question Alderman Blumenthal Re:  
City of Halifax Tendering List**

Alderman Blumenthal reported that he has received calls from a number of contractors concerning their alleged inability to bid on various City of Halifax tenders. Under the circumstances, therefore, the Alderman asked that a complete copy of the City's "bidders list" be circulated to members of Council for their perusal.

**Question Alderman Blumenthal Re:  
Truck Routes - North End Halifax**

Alderman Blumenthal noted that excessive speeds are being used by trucks travelling along certain routes in the City's North End (in particular, Devonshire Avenue and Duffus Street), and asked that the City's Traffic Division be requested to monitor the situation.

**Question Alderman Epstein Re:  
Proposed Water System - City of Dartmouth**

Alderman Epstein advised that he would be interested in obtaining information from the City of Dartmouth as to their plans for a new water supply system. In putting forward this request, the Alderman emphasized that he is particularly interested in learning whether Dartmouth is proposing that its water system be privatized in any way, adding that such an approach could have serious implications not only for the water systems of the municipalities that will be merged during the amalgamation process but also for any subsequent Harbour clean-up project.

**Question Alderman Pottie Re:  
Truck Traffic - Connaught Avenue**

Alderman Pottie asked that the Halifax Police Department be asked to monitor truck traffic on Connaught Avenue northbound between Bayers and Chebucto Road after 9:00 p.m. In putting forward this request, the Alderman noted that while trucks are prohibited from using this thoroughfare after that time, he has received frequent reports of violations.

**NOTICES OF MOTION**

**Deputy Mayor Crowley: Notice of Motion  
Ordinance No. 10A, the Grand Parade  
Ordinance - Skateboarding**

Deputy Mayor Crowley gave Notice of Motion that at the next regular meeting of Halifax City Council to be held on Thursday, the 31st day of August, 1995, she intends to introduce for First Reading an amendment to Ordinance 10A, the Grand Parade Ordinance, the purpose of which is to prohibit skateboarding in the Grand Parade.

**Notice of Motion: Alderman Uteck  
Amendment to Ordinance 116, the  
Taxi Ordinance - Limousines**

Alderman Uteck gave Notice of Motion that at the next regular meeting of Halifax City Council to be held on Thursday, the 31st day of August, 1995, he intends to introduce for First Reading an amendment to Ordinance 116, Item 8, Clause A of Section 2, as it relates to the class and description of limousine. The clause presently provides a somewhat open-ended description.

**Notice of Motion: Alderman Epstein**  
**Amendment to Ordinance 180, the**  
**Streets Ordinance - Vending Site**

Alderman Epstein gave Notice of Motion that at the next regular meeting of Halifax City Council to be held on Thursday, the 31st day of August, 1995, he intends to introduce for First Reading an amendment to Ordinance 180, the Streets Ordinance, the purpose of which is to create a new vending site on Sackville landing.

**Notice of Motion: Alderman Pottie**  
**Amendment to Ordinance 180, the**  
**Streets Ordinance - Vending Site**

Alderman Pottie gave Notice of Motion that at the next regular meeting of Halifax City Council to be held on Thursday, the 31st day of August, 1995, he intends to introduce for First Reading an amendment to Ordinance 180, the Streets Ordinance. The purpose of said amendments is to extend the hours during which street vendors are permitted to operate.

**ADDED ITEMS**

**Award of Tender 95-31 -**  
**Sidewalk Renewals**

A report dated 19 July 1995 was submitted from the Director, Engineering and Works.

MOVED by Alderman Blumenthal, seconded by Alderman Pottie that:

1. Council award Tender 95-31, Sidewalk Renewals on Glebe Street (S) Acadia to Lynch; Rector Street (N) Novalea to Acadia; Normandy Drive (N) Highland to Leaman; Duffus Street (N) Prescott to Robie; and Bright Street (W) Normandy to Leeds, for materials and services listed at the unit prices quoted for a Total Bid Price of \$117,797.50 and Total Project cost

of \$135,500 to the lowest bidder G. & R. Kelly Enterprises Limited.

2. Council authorize funding from Capital Account Nos. 92769, 92771, 92770, 92766 and 92765 for the various sidewalk locations.

Motion passed.

**Award of Tender 95-32  
Sidewalk Renewals**

A report dated 24 July 1995 was submitted from the Director of Engineering and Works.

MOVED by Alderman Pottie, seconded by Deputy Mayor Crowley that:

1. Council award Tender 95-32, Sidewalk Renewals on Murdoch Avenue (S) Dutch Village to Royal Pine; Ashburn Avenue (E) Mumford to Abbott; Ernst Avenue (N) Ashburn to Stanford; Abbott Drive (N) Ashburn to Joseph Howe; Spruce Avenue (N) Ashburn to Joseph Howe; and Scot Street (S) Rowe to Joseph Howe for materials and services listed at the unit prices quoted for a Total Bid Price of \$134,785 and a Total Project Cost of \$155,000 to Ocean Contractors Limited.
2. Council authorize funding from Capital Account Nos. 92757, 92761, 92760, 92763 and 92759 for the various sidewalk locations.

Motion passed.

**Tender No. 95-71, Paving Renewal  
Main Avenue, Hillcrest Street  
to Willett Street**

A report dated 24 July 1995 was submitted from the Acting Director, Engineering and Works.

MOVED by Alderman Maher, seconded by Alderman Pottie  
that Council:

1. Approve award of Tender No. 95-71 for Paving Renewal to be carried out on Main Avenue between Hillcrest Street and Willett Street for materials and services listed at the unit prices quoted for a Total Bid Price of \$174,150 and a Total Project Cost of \$200,500 to Basin Contracting Ltd.
2. Approve the installation of SCOOT loops by Black and MacDonald with whom the City has a three year maintenance agreement for an estimated cost of \$4,000.
3. Authorize funding from Capital Account No. 91427 - Main Avenue (Hillcrest Street to Willett Street).
4. Grant authority to make additional expenditures for the Halifax Water Commission work, such as lifting of valves, which will be recovered from the Commission.

Motion passed.

**Appointment of Engineering Consultant  
Bayers Road (Connaught-Robie)  
Widening**

A report dated 25 July 1995 was submitted from the Director of Engineering and Works.

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

1. Council approve the appointment of O'Halloran Campbell Consultants Limited to undertake the engineering design, preparation of legal surveys and plans, required drawings and tender documents for the Upgrading of Bayers Road from Halifax Shopping Centre to Young Street, in accordance with the Terms of Reference and as outlined in their proposal, at an estimated cost of \$145,000, plus taxes.

2. Council authorize payment to the Consultant from Capital Account No. 91551, Bayers Road Widening.
3. Authorize His Worship the Mayor and the City Clerk to sign the agreement with the consultant on behalf of the City.

Motion passed.

**Widening of Robie and Young Streets  
from Almon/Robie to Young/Kempt  
- Case No. 6689**

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A report dated 25 July was submitted jointly from the Director of Engineering and Works and the Director of Development and Planning.

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that City Council:

1. Approve \$700,000 gross and \$425,000 net from surplus capital funds for 1995/96 for improvements to Robie and Young Streets between Kempt Road and Almon Street in order that this work be undertaken in 1995.
2. Appoint Vaughn Engineering Associates Limited to undertake the detailed design engineering and preparation of tender documents for the aforementioned street improvements, as outlined in their proposal, at a cost of \$40,000, plus GST.
3. Authorize payment from Capital Account 91555 (Robie Street Widening, Young Street to Almon Street).

Motion passed.

**Fairview Overpass Structural  
Rehabilitation - Tender 95-01**

A report dated 25 July 1995 was submitted from the Director of Engineering and Works.

MOVED by Alderman Maher, seconded by Alderman Stone  
that City Council:

1. Approve cost-sharing with the Nova Scotia Department of Transportation and Communications whose share is estimated at \$260,00 out of the Total Project Cost of \$290,000 on the Fairview Overpass Restoration Project.
2. Authorize His Worship the Mayor and the City Clerk to sign the Cost Sharing Agreement on the Fairview Overpass with the Province of Nova Scotia.
3. Council authorize transfer of \$30,000 from the unused Surplus Capital Account No. 92999 to Account No. 91700, Fairview Overpass Repairs.
4. Council award Tender 95-01 for the Structural Rehabilitation of the Fairview Overpass for the materials and services listed at the unit prices quoted for a Total Bid price of \$245,860 and a Total Project Cost of \$270,500± to J. Mason Contracting Limited.
5. Council appoint Beasy Nicoll Engineering Limited to carry out inspection and administration of the project for an estimated fee of \$16,000 plus GST.
6. Council authorize funding from Capital Account No. 91700, Fairview Overpass Repairs in the amount of \$290,000 gross and \$30,000 net.

Motion passed.

**2445 Brunswick Street - Request for  
Extension of Demolition Permit  
(Alderman Downey)**

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Correspondence dated 21 July 1995 was submitted from Mr. Erwin Rusch, President NPI Property Group Ltd. Also submitted was correspondence dated 24 July 1995 from Elizabeth Pacey, Heritage Canada Governor for Nova Scotia.



MOVED by Alderman Downey, seconded by Alderman Epstein that the application of NPI Property Group Limited for permission to demolish the heritage property situate at 2445 Brunswick Street pursuant to Section 17 of the Heritage Property Act be approved provided that:

1. the permission to demolish expire one year from the date of this resolution; and
2. the Heritage Advisory Committee submit a report to the City on or before August 2, 1995, indicating that it does not object to this approval.

Motion passed.

Communities in Bloom - National Project (Alderman Stone)

Alderman Stone congratulated staff on their initiative in entering the Capital City category of the Communities in Bloom contest. Alderman Stone advised that the City will be judged on the beautification of parks, landscaping, treescaping and other environmental initiatives August 21 and 22, 1995. Alderman Stone went on to advise that the goal of Communities in Bloom is to build community pride by promoting community action and involvement in improving the appearance and visual appeal of Canada's neighbourhoods, parks, open spaces and streets through the imaginative use of flowers, plants and trees.

Noting that the City of Halifax is a forerunner in these areas, Alderman Stone indicated that projects of this nature build pride in our community, improve the environment and beautify our municipality. He further encouraged all citizens to continue their work in beautifying their neighbourhoods.

Communications - Alderman Carmichael

Alderman Carmichael referred to a newsletter that had recently been distributed in Ward 2 by Alderman Uteck, noting that the newsletter had left the impression that Alderman Uteck

was the Alderman for the Ward when in reality the newsletter was campaign literature. Alderman Carmichael suggested that in future campaign literature of this nature should include a rider which clearly identifies that the author is not the Alderman for the Ward, but a candidate for Alderman under the new city structure.

**Re-allocation of Funds**  
**Halifax Forum Commission**

A report dated 27 July 1995 was submitted from the Director of Finance.

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that Council comply with the request of its Forum Commission and approve a transfer of \$75,000 from the Forum Board Replacement to New Civic Centre Bleachers.

Motion passed.

**Allocation of Capital Funds**  
**from the 1995/1996 Program**

A report dated 27 July 1995 was submitted from the Director of Finance.

MOVED by Alderman Uteck, seconded by Alderman Stone that City Council formally approve a \$100,000 contribution to the Nova Scotia Film Development Corporation, a non profit cultural and artistic body, as a contribution towards the formulation and development of the Sound Stage Project.

Motion passed.

**Bursary - Africville Genealogical**  
**Society (Alderman Blumenthal)**

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that the Africville Genealogical Society be credited with interest earned on the sum of \$100,000 at the rate payable during that period on Canada Savings Bonds, from September 1,

1994 to date and that interest be paid out to the Society upon the execution of the necessary trust agreement with the City.

A short discussion ensued and it was MOVED by Alderman Pottie, seconded by Alderman Stone that this matter be deferred until such time as a report comes forward from the City Manager regarding the matter and in particular the financial ramifications of this motion.

Motion passed.

11:10 p.m. The meeting adjourned.

## HEADLINES

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**HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN**

**EDWARD A. KERR, CMC  
CITY CLERK**

**/SAM**



# MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
SPECIAL MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 23 AUGUST 1995

**TIME:** 7:40 P.M.

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

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



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**PUBLIC HEARINGS**

**Appeal of Minor Variance  
Refusal: 2757 Connolly Street**

Mr. Philip Francis, P.Eng., Development Officer for the City of Halifax, briefly reviewed the contents of a staff report dated 14 July 1995 which outlined the reasons for his refusal to grant a minor variance to permit the establishment of a day care facility at Civic No. 2757 Connolly Street. Mr. Francis subsequently responded to questions from various members of Council.

The applicant, Ms. Sharon Forbes-Hagell, began her presentation to Council by acknowledging the circumstances which had led to her request for a minor variance; she emphasized, however, that, having surveyed existing day care facilities in the City's West End, it seemed to her that several would have been unable to meet municipal lot area requirements and would therefore have had to approach Council for special permission to locate on their present sites as she herself was now doing.

Ms. Forbes-Hagell went on to point out that she had searched extensively for a suitable property in the West End on which to conduct a day care operation and had been unsuccessful. In this context, she suggested that the cost of purchasing a 6,000 square foot site (i.e., the square footage required by the City's zoning bylaw in this type of situation) would be prohibitive for most child care providers, necessitating that these costs would then have to be passed on to the parents of day care pupils.

On another but related matter, Ms. Forbes-Hagell emphasized that Provincial standards for day care facilities no longer demand that outside play space be supplied on-site, providing that public playgrounds are within a reasonable proximity. In this context, she made reference to the fact that the Ardmore playground, Westmount Park and the Larry O'Connell Park are all within walking distance of the Connolly Street site. Ms. Forbes-Hagell also referred to the fact that the facility proposed for 2757 Connolly Street is intended for the use of four year olds, "who do not enjoy the restrictions of a back yard" play site, much preferring playgrounds for their outdoor activities.

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Ms. Forbes-Hagell advised Council that she is also the owner of another day care facility in the City's West End and has run a babysitting facility from the residence at 2757 Connolly Street. In both cases, she emphasized that she has received "numerous comments about how quiet and well organized" her facilities are, adding that an additional child care centre as she is proposing for the site in question is badly needed in this area.

Responding to a question from Alderman Epstein, Ms. Forbes-Hagell advised that, if her request for minor variance is granted, she proposes to commence operations with only 10 pupils. In this context, she suggested that it would be 2-3 years before the facility would be up to full capacity (i.e., 25 children).

Mr. Dennis Kelly, a resident of 2773 Connolly Street (the property on the northwest corner directly across the street from the site of the proposed facility), addressed Council in opposition to the proposal. Using a map of the Connolly/Berlin/Almon Street area for demonstration purposes, Mr. Kelly brought to Council's attention that the existing day care facility operated by the applicant is less than 250 feet from the site of her proposed venture at 2757 Connolly. In this context, he strongly suggested that the neighborhood is becoming saturated with day care facilities, a factor which is causing considerable discomfort to existing residents, owing to the increases in traffic congestion and noise.

Mr. Kelly went on to point out that because parking and turning facilities adjacent to the existing day care centre are inadequate, parents who are dropping off or picking up their children frequently use his driveway for this purpose. He also made reference to Ms. Forbes-Hagell's comments with regard to the use by her pupils of Ardmore Park for certain of their outdoor activities, emphasizing that, in his view, the Park should more appropriately be reserved for the use of children who live in the neighborhood.

Mr. Kelly advised Council that several other property owners in the immediate area of the proposed child care centre have expressed concern about the project and in this context read and submitted a letter from Deborah and Joe Kiceniuk of 6476 Berlin Street stating their opposition to the proposal. A letter of opposition was also submitted from Mrs. Alice McGrath of 2777 Connolly Street.

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Mr. David Storey, a resident of the Oxford Street area, addressed Council as the parent of two children who are pupils of Ms. Forbes-Hagell's existing child care centre. In his remarks, Mr. Storey expressed dismay at the complaints brought forward by the previous speaker, emphasizing that during his many visits to Ms. Forbes-Hagell's establishment, he had never witnessed the kind of violations described by Mr. Kelly. Mr. Storey went on to suggest that the benefits inherent in the addition of a second child care facility to this neighborhood vastly outweigh the disadvantages, and urged Council to view the appeal against Mr. Francis' decision in that light.

Mr. John N. Way, the owner of property directly to the south of 2757 Connolly Street, spoke in opposition to the proposal, expressing concern that the front and rear yards on this site would not provide sufficient play area for a full complement of 25 pupils. In this context, Mr. Way expressed concern that fencing and playground equipment would be erected by the day care facility to the detriment of abutting properties. Referring to remarks made earlier by Mr. Kelly, Mr. Way concurred with the concerns raised relating to increases in traffic and traffic congestion, suggesting that the problem will only be exacerbated by snow and winter driving conditions.

Responding to a question from Alderman Blumenthal, Mr. Way advised that he did not personally reside at the property to which he had earlier referred.

Ms. Lorna Berringer addressed Council in support of the proposal. Speaking as one of the employees of the Four Plus Program (now in operation at 2757 Connolly Street), Ms. Berringer reiterated Ms. Forbes-Hagell's earlier comments regarding the centre's extensive use of neighborhood parks for their pupil's outside activities. In this context, she emphasized that staff are extremely mindful of the fact that many residents in the Connolly Street neighborhood are senior citizens or shift workers, and therefore take great care to teach their pupils to be sensitive to the needs of others.

Mr. Gordon Cluett, a resident of 6475 Berlin Street, addressed Council in opposition to the establishment of a second day care facility in this neighborhood. In his remarks, Mr. Cluett emphasized that since he purchased his property in 1976, he has watched a neighborhood in which single-family dwellings were once predominant erode into a series of duplexes and small businesses. He made reference to the existing day

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care facility at 2793 Connolly Street and indicated that, while he was not opposed to the concept of such operations, he did not feel them appropriate to residential neighborhoods.

Mr. John Hagell, husband of the applicant, made reference to the concerns raised by previous speakers relating to traffic congestion and other traffic-related difficulties in the last several months. Mr. Hagell suggested that, as the day care facility had been closed during the summer season, it was unlikely that it had given rise to these problems. Responding to a question from Alderman Stone, he indicated that while certain cosmetic changes may be made to the exterior of the structure at 2757 Connolly Street, there are no plans to erect play equipment for the use of day care pupils.

Ms. Nora Power, a resident of 6470 Berlin Street, made reference to traffic volumes and congestion in the Berlin/Connolly Street area and expressed concern with regard to the safety of children attending the proposed facility, particularly during the winter months. In the same context, Ms. Power expressed the view that the property at 6757 Connolly Street is too small to accommodate the needs of 25 day care pupils.

Ms. Bronwyn Munroe made reference to concerns raised earlier relating to the increased traffic and congestion associated with day care facilities. Ms. Munroe emphasized that on most occasions when she arrives for work at 7:00 a.m. on Connolly Street, traffic volumes are already considerable. She went on to suggest that any new increases in traffic which may have been noticeable over recent weeks are more likely the result of construction ongoing in the neighborhood, rather than from any activities at the day care facility.

Mr. Dennis Kelly addressed Council a second time to read and submit a letter of opposition from Mrs. P. Robinson, a resident of 6469 Berlin Street.

The following documentation was also received:-

- Correspondence, dated 13 June 1995, from Mr. John N. Way, 2851 Ralph Devlin Drive, Halifax
- Petition carrying 24 signatures in support of the proposed day care facility at 2757 Connolly Street

There being no further persons wishing to address Council in this regard, it was moved by Alderman Pottie,

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seconded by Alderman Epstein that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 31 August 1995.

In putting forward this motion, Alderman Pottie asked to be provided with the following information from Mr. Francis prior to the 31 August City Council meeting:

- (1) the zoning of the properties in the immediate vicinity of the site at 2757 Connolly Street and the permitted uses under that zoning;
- (2) the date and nature of the variances approved by Council for the properties at the corner of Connolly and Almon Streets and for the Appleby Centre on London Street.

Alderman Epstein asked that staff also provide information relating to the lot sizes for the properties at the corner of Connolly and Almon Streets; the Appleby Centre on London Street, and for the Sunshine Day Care facility on Windsor Street.

The motion was put and passed.

**Appeal of Minor Variance**  
**Refusal: 135 Central Avenue**

Mr. Philip Francis, P.Eng., Development Officer for the City of Halifax, briefly overviewed the contents of the 14 July report in which was described his rationale for refusing the request for a minor variance at 135 Central Avenue.

Ms. Christie Spears, the applicant in question, addressed Council to outline the sequence of events leading to her request for a minor variance necessary to retain the deck over an existing carport and a set of steps at the rear of that carport, both of which have been recently constructed (a copy of Ms. Spears' remarks, together with "before" and "after" photographs taken of the property, have been included in the official file of this hearing).

Mr. Kenneth A. Verge, the owner of the property located at 133 Central Avenue directly adjacent to that owned by Ms. Spears, addressed Council to express concern regarding the impact of the deck on his privacy and property values. In his remarks, Mr. Verge emphasized that he had had no prior

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knowledge of Ms. Spears' proposal to erect the deck and had therefore no opportunity to express his concerns to her before the project was commenced.

Mr. Verge went on to point out that the deck in question is located approximately 3.5 feet (less overhang) from his side property and, in reality, overlooks a major portion of his lot to the extent that, in his opinion, his privacy has become "nonexistent." He emphasized that this state of affairs will also have a direct bearing on his property/re-sale values.

Mr. Verge concluded his remarks by pointing out that because the deck will be used as "living space" by his neighbors, his concerns regarding privacy are well-founded, particularly given its elevated location. He therefore urged that the deck be relocated in its entirety to another more appropriate portion of his neighbor's lot, rather than merely being reduced by 8 feet as has been suggested by staff.

Responding to a question from Alderman Pottie, Mr. Francis advised that for Ms. Spears to meet the City's as-of-right requirements, the deck and the steps would only have to be reduced by 4.5 feet. He went on to emphasize that it is outside Council's jurisdiction to require the applicant to move the entire deck to a new location.

There being no further persons wishing to address Council in this regard, it was moved by Alderman Maher, seconded by Alderman Epstein that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 31 August 1995. The motion was put and passed.

8:40 p.m. - The meeting adjourned for a brief recess.

12:20 a.m. (Thursday, 24 August 1995) - The meeting reconvened with the same members being present with the exception of Alderman Carmichael.

**ADDED ITEMS**

Case No. 7222: Lots 1B-1, 1B-2 and 1B-3,  
Laurentian Drive (Stage II) - Schedule "K"  
Approval and Sale of Lots

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

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1. grant Stage II Schedule K approval under Section 68 of the Land Use Bylaw, Mainland Area, for Lots 1B-1, 1B-2, and 1B-3 Laurentian Drive, as single-family dwelling lots subject to the R-1 provisions of the Land Use Bylaw - Mainland Area; and
2. authorize staff to list Lots 1B-1, 1B-2 and 1B-3 Laurentian Drive for sale, exclusively with Sutton Group for 120 days.

The motion was put and passed.

**Award of Tender No. 95-05:  
Skateboard Facility (Central Commons)**

MOVED by Alderman Blumenthal, seconded by Alderman Walker that, as recommended by the Committee on Works, Council:

1. award Tender 95-05, Skateboard Facility - South Commons, for materials and services listed at the unit prices quoted for a Total Bid Price of \$35,460 and a Total Project Cost of \$39,000 to Standard Paving Maritime Ltd.; and
2. authorize funding from Capital Account No. 97085, Skateboard Park Egg Pond.

The motion was put and passed.

**Consultant Costs -  
Grand Parade and Granville Mall**

MOVED by Alderman Downey, seconded by Alderman Blumenthal that, as recommended by the Committee on Works, Council:

1. approve an additional \$7,700 in consultants fees to E.D.M. Ltd. for the Grand Parade Development and authorize funding from Account No. 2004, Grand Parade Development; and
2. approve an additional \$5,600 in consultant fees to E.D.M. Ltd. for the Granville Mall Upgrading and authorize funding from Account No. 2005, Granville Mall Upgrading.

The motion was put and passed.



**Award of Tender No. 95-40:  
Fenwood Road Storm Sewer**

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

1. award Tender 95-40 for the construction of the Fenwood Road Storm Sewer from Crescent Avenue to Shady Lane for materials and services listed at the unit prices quoted for a Total Bid Price of \$136,831.60 and a Total Project Cost of \$158,000 to **Harbour Construction Company Limited**; and
2. authorize funding from Capital Account No. 94044, Sewers General.

The motion was put and passed.

**Award of Tender No. 95-69:  
Paving Renewal - Lynn Road/Bermuda Avenue**

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

1. approve award of Tender No. 95-69 for the street improvements to be carried out on Lynn Road and Bermuda Avenue between Fenwood Avenue and Melwood Avenue for materials and services listed at the unit prices quoted for a Total Bid Price of \$186,330 and a Total Project Cost of \$215,000 to **Dexter Construction Ltd.**;
2. authorize funding from Capital Account No. 91426, Lynn Road in the amount of \$133,000 and Account No. 91423, Bermuda Avenue, in the amount of \$82,000; and
3. grant authority to make additional expenditures for the Halifax Water Commission work, such as lifting of valves, which will be recovered from the Commission.

The motion was put and passed.

Westmount Park - Memorial Grove

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

1. approve the naming and dedication of a small grove to be placed in Westmount Park in memory of Myrtle Carroll;
2. within the capital budget project for Westmount Park (#9160-97055), and as part of the overall layout, staff design and build a small rest area along one of the existing walkways, complete with shade trees and benches (in essence, a small grove); and
3. upon completion of the project, staff assist the community and local Alderman to organize an appropriate dedication.

The motion was put and passed.

Award of Tender No. 95-139:  
Montgomery Court Park

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

1. award Tender #95-139 to carry out construction and landscaping at Montgomery Court Park for a Total Bid Price of \$50,883.13 to Elmsdale Landscaping Limited;
2. approve the transfer of funds in the amount of \$6,000 from Account No. 9160-97009 titled Rockingham Ridge Park Development to Account No. 9160-91722; and
3. authorize funding in the amount of \$50,888.13 from Capital Account No. 9160-97122 Montgomery Court Playground/Park.

The motion was put and passed.

Award of Tender No. 95-136:  
Sportcourt, Landscaping, Park  
Development (Former Dalhousie School Site)

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

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1. award Tender #95-136 to carry out construction of a Sportcourt, Landscaping and Park Development at the (former) Dalhousie School Site for a Total Bid Price of \$83,845 and a Total Project Cost of \$88,037 to Tag Enterprises Limited;
2. approve the transfer of funds in the amount of \$18,100 from Account No. 9133.91666, Northwest Arm Pathway (Regatta Point), to Account No. 9160-97095; and
3. authorize funding in the amount of \$88,100 from Capital Account No. 9160.97095, Play Area (Former) Dalhousie School Site.

The motion was put and passed.

**Award of Tender No. 95-42:  
Duc d'Anville School (Resurfacing  
of Tennis/Basketball Court)**

MOVED by Alderman Walker, seconded by Alderman Maher that, as recommended by the Committee on Works, Council:

1. award Tender 95-42 for the reconstruction of the tennis courts for the materials and services listed at the unit prices quoted for a Total Bid Price of \$61,000 and a total Project Cost of \$70,000 to Standard Paving Maritime Limited;
2. approve the transfer of \$20,000 from Capital Account No. 97100, Northcliff - Multi-Purpose Room, to Capital Account No. 97099; and
3. authorize funds for Capital Account No. 97099, Duc D'Anville Court Development.

The motion was put and passed.

**Stone Hearth Bakery**

MOVED by Alderman Adams, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council approve the provision of a one-time capital grant in the amount of \$134,100 to Stone Hearth Bakery for expansion of

their program to the disabled with funds being available in the Social Rehabilitation Fund to meet this cost; and further, that Council direct staff to advertise that the City will, to the extent resources permit, partner with any sound business to facilitate training and employment opportunities for the mentally or physically disadvantaged. The motion was put and passed.

**Case No. 7177: Cost-Sharing - Over-  
Size Street, Osborne Street Extension**

MOVED by Alderman Hanson, seconded by Alderman Adams that, as recommended by the Planning Committee, City Council agree to cost-share in the construction of the extension of the oversize street, Osborne Street, in the estimated amount of \$147,000 which includes GST, subject to final billings based on the quantities and unit prices of the tender.

The motion was put and passed.

**Cancellation/Rescheduling  
- Public Hearing Dates**

MOVED by Alderman Uteck, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, the public hearings concerning Case Nos. 7084, 6882, 7162 and 7159, originally scheduled for Wednesday, 23 August 1995, be postponed until **Wednesday, 20 September 1995** at 7:30 p.m. in the Council Chamber, Halifax City Hall. The motion was put and passed.

**Victim Services Coordinator**

MOVED by Alderman Stone, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, Council approve the implementation of a "Victim Services Coordinator" position as a cooperative venture between the Halifax Police Department and the Social Planning Department (the purpose of this position is to enhance the services provided by the Halifax Police Department to those who may be the victims of crime and to provide a coordinated response with specific emphasis in the area of domestic violence). The motion was put and passed.

Settlement of Claims - Bedford Highway

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

- (1) following its resolution of 11 May 1995, Council authorize payment of the following claims for business disturbance arising from the Bedford Highway Widening (Phase I):-
  - (a) the amount of \$16,329.35 to Designer Window Fashions Limited as settlement in full; and
  - (b) the amount of \$11,381.57 to Karly's Land of Clothing as settlement in full;
- (2) Council also authorize payment of the following claims arising from the Bedford Highway Widening (Phase I):-
  - (a) the amount of \$4,000.00 to Mr. Tony Goshen as settlement in full for the loss of trees; and
  - (b) the amount of \$1,093.00 to Mr. David Dore as settlement in full for reconstruction of a porch;
- (3) funds for the above payments to come from the Bedford Highway Widening Project, Account No. 91506, with the disturbance claims to be charged to a special sub-account established for that purpose.

The motion was put and passed.

Transfer of Capital Budget Item  
98202(1) - Extension of Oland Crescent  
(Phase II), Halifax Business Park

MOVED by Deputy Mayor Crowley, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, Halifax City Council authorize the transfer of all funds from Capital Budget Item 98202(1) (Oland Crescent Phase II) to Lot 62, Halifax Business Park, for the purpose of constructing a City street in conjunction with the eventual development of Lot 62. The motion was put and passed.

**Agreement with Halifax Developments Limited  
for Improvement to City-Owned Lands Located  
Under the Cogswell Street Ramp**

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

- (a) authorize staff to prepare an agreement in favour of Halifax Developments Ltd. (HDL) for some 3,000 square feet of land under the westbound Cogswell Street ramp as shown on Sketch 3 attached to the 21 August staff report, for an annual encroachment fee payable by HDL, to permit HDL to improve pedestrian access to the Trade Mart Building, on the conditions and terms generally outlined in the report of 21 August; and
- (b) authorize the Mayor and City Clerk to execute such an agreement on the City's behalf.

The motion was put and passed.

**Permanent Household Hazardous Waste  
Depot (50 Chain Lake Drive)**

MOVED by Alderman Stone, seconded by Deputy Mayor Crowley that, as recommended by the Committee on Works, Council approve the use of the rear portion of 50 Chain Lake Drive for the placement of a permanent **Household Hazardous Waste Depot**, and further, that Council authorize the City Manager to sign the various approvals as required by the Nova Scotia Department of Environment associated with the location of a permanent depot on City property at 50 Chain Lake Drive. The motion was put and passed.

**Campers - Seaview Park**

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, staff be requested to investigate the situation and further, that they pursue the matter immediately. The motion was put and passed.

**CITY COUNCIL  
SPECIAL MEETING  
23 AUGUST 1995**

There being no further business to be discussed, the meeting was adjourned at approximately 12:25 a.m. (Thursday, 24 August 1995).

**MAYOR WALTER FITZGERALD  
CHAIRMAN**

EK\*K

SUBMITTED BY:  
EDWARD A. KERR, CMC  
CITY CLERK

# MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 31 AUGUST 1995

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

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

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



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**MOMENT OF SILENCE**

A moment of silence was observed to honor the passing of Mr. Maurice Keating, a former Superintendent of Schools in the City of Halifax, and of Mr. Delmore "Buddy" Daye, the first black individual to be made Sergeant-At-Arms by the Nova Scotia Legislature, a member of the Boxing Hall of Fame, and a well-respected member of the Halifax community.

**GREETINGS FROM SIERRA LEONE**

Mr. and Mrs. Cecil French extended greetings and best wishes to the Council and residents of the City of Halifax on behalf of the City of Freetown, Sierra Leone.

**PRESENTATION: WELCOME WAGON  
CITY OF THE YEAR AWARD**

Ms. Noreen Jackson, representing the Welcome Wagon's Area Manager for Nova Scotia, presented His Worship Mayor Walter Fitzgerald with a plaque honoring the City of Halifax as "Welcome Wagon City of the Year."

**PROCLAMATION: METRO UNITED WAY WEEK**

His Worship read from a proclamation declaring the week of 8 - 15 September 1995 as **Metro United Way Week** in the City of Halifax.

**PROCLAMATION: UNION LABEL WEEK**

Mayor Fitzgerald read from a proclamation declaring the week of 2 - 9 September 1995 as **Union Label Week** in the City of Halifax.

**MINUTES**

Minutes of a special meeting of Halifax City Council held on Wednesday, 19 July, and of a regular meeting held on Thursday, 27 July 1995 were approved as circulated on a motion by Alderman Blumenthal, seconded by Alderman Uteck.

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

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

- 20.1 Electoral Boundaries (Alderman Walker)
- 20.2 Progress Report on Restructure -  
Grants Committee (Alderman Uteck)

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

- 2.3 Presentation: Mr. Brett Smith, General  
Manager, Halifax Cable

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

- 20.3 Use of City Stationery

It was generally agreed that the agenda, as amended,  
be accepted.

**DEFERRED ITEMS**

**Case No. 7199: Appeal of Minor  
Variance Refusal: 2757 Connolly Street**

A public hearing to consider this matter had been held on Wednesday, 23 August 1995.

A supplementary report dated 28 August 1995 was submitted from Mr. P. Francis, P.Eng., Development Officer.

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that the decision of the Development Officer be overturned, and that the request for a minor variance to permit a day care facility for 25 children at Civic No. 2757 Connolly Street be granted.

In putting forward this motion, Alderman Pottie made reference to the supplementary report recently received from Mr. Francis in which it was noted that the variances granted by

Council to other day care facilities in the City's West End had actually been more substantial than that presently under consideration. The Alderman also referred to concerns expressed by certain of the abutting property owners regarding the possibility of fences and playground equipment being erected on the site. He emphasized that, in their presentation to City Council, the owners of the day care centre had underscored the fact that they intend to make regular use of the Ardmore Playground and other nearby park facilities and will not be installing such equipment on their property. On the matter of increased traffic volumes and traffic congestion which might be generated by the addition of this facility to the neighborhood, Alderman Pottie indicated that the owners are willing to work with area residents to resolve these difficulties.

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

**Case No. 7187: Appeal of Minor  
Variance Refusal: 135 Central Avenue**

A public hearing to consider this matter had been held on Wednesday, 23 August 1995.

Correspondence was received on 30 August 1995 from the applicant, Ms. Christie Spears.

MOVED by Alderman Maher, seconded by Alderman Walker that Council endorse the decision of the Development Officer to refuse the minor variance requested for the property at Civic No. 135 Central Avenue. The motion was put and passed.

**PETITIONS AND DELEGATIONS**

**Petition Alderman Carmichael Re:  
Proposed Rezoning - West Side of Oxford Street**

A petition containing the signatures of 11 of the 14 residents of that portion of Oxford Street (west side) between Waegwoltic Avenue and Jubilee Road was submitted by Alderman Carmichael. In her remarks, the Alderman noted that the petitioners are seeking the rezoning of their area from R-2 to

R-1 (Single-Family Dwelling), and asked that this request be forwarded to staff for review and recommendation.

## **REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of its Finance and Executive Committee from a meeting held on Wednesday, 23 August 1995 as follows:

### **Encroachment License - Civic No. 5657 Spring Garden Road**

MOVED by Alderman Downey, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, an Encroachment License be refused to Atlantic Shopping Centres Limited for the purpose of erecting an encroaching canopy at the front of the building located at Civic No. 5657 Spring Garden Road to extend the existing canopy out to the curb to provide a more visible advertising area for the tenants in the Park Lane Shopping Centre. The motion was put and passed.

### **Metro Non-Profit Housing Association**

MOVED by Alderman Downey, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, the Metro Non-Profit Housing Association proposal be referred to staff for a report. The motion was put and passed.

### **Halifax School Symphony Orchestra Exchange Programme**

On the recommendation of the City Manager, it was moved by Alderman Carmichael, seconded by Alderman Uteck that the request put forward by the Halifax School Symphony Orchestra Exchange Programme be deferred until a possible source of funding can be identified by staff. The motion to defer was put and passed.

Payment of Consultants Fees -  
Bedford Highway Upgrading (Phase II)

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

- (a) \$5,160.08 to At-Tech Appraisal Consultants Limited for services rendered;
- (b) \$683.26 to Mr. Ken Chow, China Town Company Limited, for appraisal services;

(funds to be made available in the Capital Budget Account for the Bedford Highway Widening Project, Account No. 91506).

The motion was put and passed.

Dutch Village Road - Outstanding  
Expropriations (Titus Avenue to Sunnybrae)

MOVED by Alderman Maher, seconded by Alderman Stone  
that, as recommended by the Finance and Executive Committee,  
the City abandon the following expropriations:-

- (1) Charlton Flooring Limited, 3462-66 Dutch Village Road;
- (2) King's Bench Properties Limited, 3476-80 Dutch Village Road;
- (3) R. Nasrallah Investments Limited, 3532-34 Dutch Village Road; and

that staff be authorized to negotiate settlements with the owners resulting from the abandonment as provided for under Section 20(3) of the Expropriation Act.

The motion was put and passed.



Proposed Amendment to Ordinance 180:  
Softdrink Vending Machines

MOVED by Alderman Downey, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, on the basis of the concerns and objections expressed by the Spring Garden Road BIDC and the potential impact upon City operations and public safety, City Council defer approval of the request for an amendment to Ordinance 180 for the placement of softdrink machines on City sidewalks at bus stops until such time that all concerns are fully addressed. The motion was put and passed.

Social Development Planning for  
the New Municipality of Halifax

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, City Council:

- (1) agree in principle with the continuance of a community development capacity within Metro Halifax;
- (2) support the Social Planning Department in its efforts to engage local organizations and groups in a process of community planning aimed at developing a long-term community development capacity within the Metro Region.

The motion was put and passed.

Ragged Lake Site

MOVED by Alderman Hanson, seconded by Deputy Mayor Crowley that, as recommended by the Finance and Executive Committee, Halifax City Council endorse the position of the Halifax Industrial Commission and reaffirm its [Council's] earlier motion of 1992; namely, that the City is opposed to the use of any portion of the Ragged Lake Area of the Halifax Business Park for a landfill facility; and further, that the County of Halifax be informed that the Ragged Lake Area will not be offered for further consideration as a potential landfill site.

Alderman Epstein spoke in opposition to the motion, pointing out that, in his view, the City of Halifax as a major contributor to the region's waste management problem has an obligation to allow certain of its lands to be evaluated as a possible landfill site. Referring to the Ragged Lake location in particular, the Alderman stated that as yet the City has very little to show for its years of investment in this Business Park, and emphasized that, in his opinion, waste management is a viable business venture and one that will endure for years to come.

Concurring with Alderman Epstein's remarks, Alderman Adams suggested that the City of Halifax cannot afford to take what he termed an "elitist attitude" toward the waste management problem. In this context, the Alderman emphasized that garbage is "good business," adding that in his view waste management as a component of the Ragged Lake Park would be a sound business investment for the future.

Following a lengthy debate, the motion was put and passed.

### Natal Day Committee

Noting that the 1995 Natal Day festivities had been hugely successful, Deputy Mayor Crowley commended the efforts of the Natal Day Committee, Ms. Maureen Newman, Special Projects Officer, and of Ms. Karen MacTavish, Assistant to the City Manager.

MOVED by Deputy Mayor Crowley, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, members of the Natal Day Committee be invited to a future meeting of Halifax City Council so that their contribution to the success of the 1995 Natal Day festivities can be formally recognized. The motion was put and passed.

### Home Occupations

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, staff and the Planning Advisory Committee be requested to look into the question of whether the provisions in the Zoning Bylaw relating to "home occupations" and to the

definition of "professional persons" should be revised. The motion was put and passed.

Solid Waste - Integrity of  
the Consensus Process

This matter had been forwarded from the 23 August meeting of the Finance and Executive Committee with a request that Mr. David Wimberley, representing the Legal Working Group of the Community Stakeholders Committee, be given an opportunity to make a brief presentation concerning the submission received on 23 August from the CSC.

The Chairman advised that, in consultation with Mr. Wimberley, it had instead been decided that this presentation would be deferred until the 6 September meeting of Committee of the Whole Council.

Alderman Epstein briefly outlined the concerns put forward by the Community Stakeholders Committee, noting that, on the basis of those concerns, he had developed a three-part motion for Council's future consideration.

The Chairman indicated that Mayor Randy Ball of the County of Halifax had indicated his willingness and that of his senior staff to meet with Halifax City Council and its staff to discuss the matter in detail.

Following a brief discussion, it was moved by Alderman Stone, seconded by Alderman Maher that the matter be deferred to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 6 September 1995 (at 4:00 p.m.), with the City Manager being requested to extend an invitation to County representatives to participate in the discussion at that time.

Concurring with the motion of deferral, Mayor Fitzgerald asked that a staff report pertaining to the concerns raised by the Community Stakeholders Committee and the issues raised by Alderman Epstein and other members of Council be prepared in advance of the 6 September meeting.

The motion to defer was put and passed.

Waterfront Development Corporation

Following is the recommendation of the Finance and Executive Committee approved at its meeting held on Wednesday, 23 August 1995:

That:

1. the Mayor call upon the Premier of Nova Scotia to establish guidelines for Provincial Crown Corporations requiring that such corporations honour their obligations with respect to payment of grants in lieu equivalent to full taxation;
2. Council further request the Mayor to write to the Board of the Waterfront Development Corporation requesting that the Provincial Crown Corporation pay a grant equivalent to its proper level of taxation and thereby adhere to long standing convention; and that
3. the Mayor request the Board of the Waterfront Development Corporation to explain why it does not respond to requests to sell lands held by the Waterfront Development Corporation (the Mayor to provide specifics of the particular parcels of land and the offers know to have been made).

Correspondence dated 30 August 1995 was received from Mr. Fred Were, President of the Waterfront Development Corporation.

MOVED by Alderman Downey, seconded by Alderman Walker that the matter be deferred to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 6 September 1995, and that an invitation be extended to the President of the Waterfront Development Corporation to make a presentation at that time. The motion to defer was put and passed.

Traffic Problems - Monastery Lane

MOVED by Alderman Epstein, seconded by Alderman Adams that Council direct staff to prepare a report detailing possible options to alleviate traffic problems on Monastery Lane and Allan Street area including, but not limited to, street closure.

In putting forward this motion, Alderman Epstein made reference to the longstanding traffic problems on Monastery Lane, noting that he merely wishes staff to comment on the range of options available as possible solutions to these difficulties. The Alderman emphasized that from a personal point of view the closure of Monastery Lane was not a preferred approach.

Following a brief discussion, an amendment to the motion was moved by Alderman Pottie, seconded by Alderman Blumenthal that the words "including, but not limited to, street closure" be deleted from the original motion. The amendment was put and passed.

The original motion, as amended, was put and passed.

**Ruinous Building -  
2372-76 Creighton Street**

MOVED by Alderman Epstein, seconded by Alderman Downey that the demolition of Civic Nos. 2372-76 Creighton Street not proceed until the matter can be discussed in further detail at the next regular meeting of Committee of the Whole Council scheduled for 6 September 1995.

The City Manager advised that there was a strong possibility that the building in question had in fact been demolished earlier in the day in accordance with Council's motion of 2 March 1995.

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

**Additional Accessible Transit**

MOVED by Alderman Blumenthal, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, the Transit Advisory Committee and the Advisory Committee on Persons with Disabilities review the report recently received by the Transit Division of the Metropolitan Authority regarding integration of accessible buses with regular routes, and provide comments and suggestions. The motion was put and passed.

**REPORT - COMMITTEE ON WORKS**

Council considered the report of its Committee on Works from a meeting held on Wednesday, 23 August 1995 as follows:

Sewage Control - Source Control Program

MOVED by Alderman Epstein, seconded by Deputy Mayor Crowley that, as recommended by the Committee on Works, Council direct staff to proceed with the development of Terms of Reference for the selection of a consultant to undertake a Source Control Program for the City of Halifax. The motion was put and passed.

Ward 2 Traffic Calming Project

This matter had been forwarded to Council without recommendation, pending receipt of a staff report concerning the proposal put forward by Aldermen Carmichael and Uteck during the 23 August meeting of the Committee on Works with regard to the traffic difficulties in the Armview/Pryor/Jubilee Road area.

An Information Report dated 30 August 1995 was submitted from Mr. B. N. Kennedy, City Traffic Authority.

Noting that the Ward 2 community directly affected by these traffic problems are currently in the process of obtaining what she termed "second opinions," Alderman Carmichael moved, seconded by Alderman Uteck that the matter be deferred to the next regular meeting of Halifax City Council scheduled for Thursday, 14 September 1995. The motion to defer was put and passed.

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

Proposed Amendment to Ordinance 158, Use  
of Lakes (Use of Jet Skis and Sea Doos  
- Kearney Lake) - SECOND READING

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 27

July and had also been considered during a meeting of Committee of the Whole Council held on Wednesday, 23 August.

An Information Report dated 28 August 1995 was submitted from the Director of Corporate and Legal Affairs.

The following information was also received:-

- Correspondence dated 27 August 1995 from Roger D., Holly and Mandy Wells, 47 Saskatoon Drive, Halifax
- Correspondence dated 28 August 1995 from Bruce and Lynn Hudson, 59 Saskatoon Avenue, Halifax, B3M 3H8
- Correspondence dated 28 August 1995 from Mrs. Caroline Bohner, 25 Saskatoon Drive, Halifax
- Correspondence dated 28 August 1995 from LeeAnne White, President, Maskwa Aquatic Club c/o 11 Douglas Avenue, Halifax, B3M 3C9
- Correspondence dated 29 August 1995 from Mr. Dale J. Robertson, 22 Julie's Walk, Halifax, B3M 2Z7 (attaching survey containing 58 responses)
- Correspondence received on 29 August 1995 from Mr. Gregory M. Hebb, 33 Saskatoon Drive, Halifax, B3M 1B8
- Correspondence dated 29 August from Ms. Mary O'Brien, 8 Saskatoon Drive, Halifax, B3M 3H7
- Correspondence dated 29 August 1995 from Mr. Michael MacDonald, 709 Kearney Lake Road, Halifax, B4B 1E2

Alderman Stone addressed the matter, suggesting that the situation on Kearney Lake with both jet skis and swimmers occupying the same body of water has become "an accident waiting to happen." While acknowledging that many users of jet skis and sea doos are responsible individuals, the Alderman emphasized that those who operate their craft **without** concern for the needs of others place swimmers and paddlers in a particularly defenceless position.

Alderman Stone went on to refer to the recommendations put forward by a number of jet ski proponents as possible solutions to the problem. He emphasized, however, that none of the suggestions are legally enforceable, and

pointed out that even the posting of cautionary signs and frequent visits by police officers appear to have had little or no effect in the past.

It was therefore moved by Alderman Stone, seconded by Alderman Epstein that the following amendment to Ordinance 158 respecting the Use of Lakes be given SECOND READING by Halifax City Council:

*BE IT ENACTED by the Council of the City of Halifax that Ordinance 158, the Lakes Ordinance be and the same is hereby amended as follows:*

*1. Section 3 of said Ordinance 158 is amended by adding immediately following subsection (2) thereof, the following subsection:*

*(3) No person shall operate or allow to be operated on Kearney Lake any power boat having a larger than 10 horsepower motor.*

Speaking on the motion, Alderman Adams expressed concern that, should this amendment be passed, jet skis, sea doos and most power boats will be completely prohibited from using the waters of Kearney Lake. On that basis, therefore, the Alderman asked for advice from the City Solicitor as to whether a compromise (that of allowing jet skiers and power boats to use the Lake at only certain times of the week) would be acceptable from an enforcement point of view.

The City Solicitor suggested that, in his view, the strength of any ordinance is directly related to the public's perception of it. In this case, Mr. Anstey expressed concern that a partial ban on jet skis would lead to even more violations and would, in effect, accomplish nothing.

After a lengthy discussion (and at the suggestion of Alderman Epstein), it was moved by Alderman Pottie, seconded by Alderman Walker that Council hold a public meeting in the Kearney Lake area to discuss the matter in detail; and further, that a decision regarding the proposed amendment be deferred until the next regular meeting of Halifax City Council scheduled for Thursday, 14 September 1995. The motion was put and passed.



Proposed Amendment to Ordinance 121, the  
Retail Shop Closing Ordinance - SECOND READING

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 27 July 1995 and had been again considered during a regular meeting of the Finance and Executive Committee held on 23 August.

MOVED by Alderman Stone, seconded by Alderman Walker that the following amendment to Ordinance 121, the Retail Shop Closing Ordinance, be given Second Reading by Halifax City Council:

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

1. Section 5 of Ordinance 121 is amended by adding as clause "v" the following: "*a used clothing store.*"

The motion was put and passed.

**REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on 23 August 1995.

Expanded Mandate of Lakes  
and Waterways Committee

This matter had been forwarded without recommendation from the 23 August meeting of the Planning Committee. A supplementary report dated 30 August 1995 was submitted from the Director of Development and Planning.

MOVED by Alderman Epstein, seconded by Alderman Adams that staff prepare more detailed comments based on the submission of the Lakes and Waterways Advisory Committee report of 24 April 1995 and meet with the Committee to review their proposed mandate. Motion passed.

**Civic Nos. 5419 and 5425 Portland Place**

Requesting that staff endeavour to bring forward the Call for Proposals as soon as possible and report to Council as to when it would be made, it was MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Planning Committee, City Council direct staff to issue a Call for Proposals for the sale and redevelopment of 5419 and 5425 Portland Place. The motion was put and passed.

**Williams Lake Road Land**

MOVED by Alderman Hanson, seconded by Alderman Maher that, as recommended by the Planning Committee, Council authorize staff to invite expressions of interest from the private sector in the planning, purchase and development of a major portion of the City of Halifax property on Williams Lake Road (approximately 53 acres) as shown on Map 2 of the 10 August 1995 staff report for residential purposes in accordance with the Terms of Reference contained in Appendix I of the same report. Motion passed.

**Case No. 7137: Inns in  
Residential Neighbourhoods**

MOVED by Alderman Carmichael, seconded by Alderman Maher that, as recommended by the Planning Committee, staff proceed to consult with the community on the basis of the discussion paper attached to the 9 August 1995 report to receive public input on the issue of inns in residential neighbourhoods of the City and to report the results of this public consultation to the Planning Advisory Committee for its advice and any other necessary public input. Motion passed.

**MOTIONS**

**Motion Deputy Mayor Crowley Re:  
Amendment to Ordinance No. 10A, the Grand  
Parade Ordinance (Skateboarding) - FIRST READING**

Notice of Motion with regard to this proposed amendment had been given by Deputy Mayor Crowley during the

City Council meeting held on 27 July 1995. A report dated 4 August 1995 was submitted from the Director of Corporate and Legal Affairs.

MOVED by Deputy Mayor Crowley, seconded by Alderman Walker that City Council approve First Reading of the following amendments to Ordinance 10A, the Grand Parade Ordinance, and refer the said amendments to the Committee of the Whole Council scheduled for 6 September 1995 for consideration and report:

**BE IT ENACTED** by the Council of the City of Halifax that Ordinance 10A, the Grand Parade Ordinance, be amended as follows:

1. Said Ordinance 10A is amended by adding immediately following Section 3 thereof the following Section:
  4. (1) No person shall skateboard in or on the Grand Parade or any part thereof, and any person who violates this provision shall be guilty of an offense and liable to a penalty not exceeding Five Hundred Dollars and in default of payment of such penalty to imprisonment for a term not exceeding thirty (30) days.
    - (2) A person who is alleged to have violated subsection (1) of this Section and is given notice of the alleged violation may pay a penalty in the amount of \$50.00 to the Chief of Police at the Halifax Police Department provided that such payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed and where the said notice so provides for payment in this manner, such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

Motion passed.

**Motion Alderman Uteck Re: Amendment to  
Ordinance 116, the Taxi Ordinance (Class and  
Description of Limousines) - FIRST READING**

Alderman Uteck had given Notice of Motion of this proposed amendment at the City Council meeting held on 27 July 1995. Correspondence dated 31 August 1995 was submitted from Darshan S. Virk, President, United Cab Drivers Association of Halifax. Wording of the proposed amendment was submitted from the Director of Corporate Services.

MOVED by Alderman Uteck, seconded by Alderman Walker  
that City Council approve First Reading of the following amendments to Ordinance 116, the Taxi Ordinance and Limousine, and refer the said amendments to the Committee of the Whole Council scheduled for 6 September 1995 for consideration and report:

**BE IT ENACTED** by the City Council of the City of Halifax that Ordinance 116, the Taxi and Limousine Ordinance be and the same is hereby amended as follows:

1. Clause (h) of Section 2 of said Ordinance 116 is amended by deleting the following therefrom:
  - (viii) any other vehicle which is of comparable limousine quality to those vehicles listed above.
2. Subsection (4) of Section 10B of said Ordinance 116 is amended by adding following the number "1995" in the second line thereof the words "and who does not then hold a taxi owner license".
3. Section 11 of said Ordinance 115 is repealed and the following substituted therefor:
  11. A limousine owner license shall only be issued if the vehicle meets the specifications as set out in Section 2(h) and
    - (a) if the vehicle is a stretch limousine, is not more than eight years old; or
    - (b) if the vehicle is other than a stretch limousine, is not more than five years old.

Referring to the 31 August 1995 correspondence from Mr. Virk, Alderman Adams suggested that the letter contained misinformation. Alderman Adams expressed concern that the correspondence questioned the integrity and honesty of the License Inspector for the City of Halifax, maintaining that the License Inspector is both fair and honest. He went on to advise that the number of limousines have increased by 60% from 15 to 24 rather than doubling as has been suggested by Mr. Virk. Alderman Adams further noted that the correspondence suggested that this amendment would prevent competition between taxis and limousines, something taxi drivers have indicated they would welcome on previous occasions.

Cautioning Council to give serious consideration to the information provided by Mr. Virk, it was MOVED by Alderman Adams, seconded by Alderman Hanson that this matter be deferred to the next meeting of Halifax City Council scheduled for 14 September 1995 pending receipt of full information from City staff. The motion to defer put and passed.

**Motion Alderman Epstein Re: Amendment to Ordinance 180, the Streets Ordinance (Vending Site on Sackville Landing) - FIRST READING**

Alderman Epstein had given Notice of Motion of this proposed amendment at the City Council meeting held on the 27 July 1995. Wording of the proposed amendment was submitted from the City Solicitor.

MOVED by Deputy Mayor Crowley, seconded by Alderman Walker that City Council approve First Reading of the following amendment to Ordinance 180, the Streets Ordinance (Vending Site on Sackville Landing), and refer the said amendments to the Committee of the Whole Council scheduled for 6 September 1995 for consideration and report; and further, that staff report with regard to the site location including any problems with safety and traffic:

**BE IT ENACTED** by the Council of the City of Halifax that Ordinance 180, the Streets Ordinance, be amended as follows:

1. Schedule "C" of said Ordinance 180 is amended by adding immediately following site 13 under the heading "SITES FOR PUSH CARTS AND STANDS" the following site:
  14. Chebucto Landing ten feet west of the eastern concrete wall of the pier and twenty feet south of the Maritime Telegraph and Telephone Company.

Motion passed.

**Motion Alderman Pottie Re: Amendment to Ordinance 180, the Streets Ordinance, (Extension of Vending Hours) - FIRST READING**

Alderman Pottie had given Notice of Motion of this proposed amendment at the City Council meeting held on the 27 July 1995. A report dated 4 August 1995 was submitted from the Director of Corporate and Legal Affairs.

MOVED by Alderman Pottie, seconded by Deputy Mayor Crowley that City Council approve First Reading of the following amendment to Ordinance 180, the Streets Ordinance (Extension of Vending Hours), and refer the said amendments to the Committee of the Whole Council scheduled for 6 September 1995 for consideration and report:

**BE IT ENACTED** by the Council of the City of Halifax that Ordinance 180, the Streets Ordinance, be amended as follows:

1. (1) Clause (da) of subsection (1) of Section 53 of said Ordinance 180 is amended by deleting the numbers and symbols "1:00" from the first line thereof and by substituting therefor the numbers and symbols "4:00".

(2) Clause (f) of said subsection (1) is amended by deleting the numbers and symbols "1:30" from the second line thereof and by substituting therefor the numbers and symbols "4:30".

(3) Clause (g) of said subsection (1) is amended by deleting the numbers and symbols "1:30" from the second line thereof and by substituting therefor the numbers and symbols "4:30".

Motion passed.

## **MISCELLANEOUS ITEMS**

### Appointments

A report dated 29 August 1995 was submitted from Mayor Walter R. Fitzgerald.

MOVED by Alderman Hanson, seconded by Deputy Mayor Crowley that City Council approve the following appointments:

### **ADVISORY COMMITTEE ON CONCERNS OF AGEING**

Vera Caines (representing Ward 5)  
Term to expire January 31, 1998

### **HALIFAX ADVISORY COMMITTEE ON STATUS OF PERSONS WITH DISABILITIES**

Dan MacLellan  
Term to expire January 31, 1998

**ADVISORY COMMITTEE ON ACCESSIBLE TAXIS**

Alderman Jerry Blumenthal  
Term to expire April 1, 1996

Derek Mathers (representing Y Taxi Ltd.)  
Ed Benoit (representing United Cab Drivers Assoc. of Halifax)  
Marg Hiltz (representing a cross disability organization)  
Lorne Ryan (representing a cross disability organization)  
Don Artz (representing management level of Access A Bus)  
Nancy Josey (representing consumer of accessible taxis)  
Lloyd Samson (representing consumer of accessible taxis)  
Terms to expire January 31, 1998

Motion passed.

**QUESTIONS**

**Question Alderman Stone re: Cross Walk  
Push Button Signals - Birkdale Crescent**

Referring to the RA-5 pedestrian cross walk push button signals which have been approved for Birkdale Crescent at Dunbrack, Alderman Stone noted that these had not yet been installed. As this is a four-lane roadway and used by school children, he had expected them to be installed before the opening of school. Alderman Stone requested a staff report outlining the cause of the delay and pinpointing the date on which they will be installed.

**Question Deputy Mayor Crowley Re:  
Front Yard Parking Violations**

Referring to a problem she has been experiencing in her Ward for over a year, Deputy Mayor Crowley requested a report providing an overview of front yard parking in the City of Halifax. Deputy Mayor Crowley asked that staff review the whole process to determine why a resolution has not been forthcoming. She further indicated that she has received a number of expressions of concern regarding the paving of green areas.

**Questions Deputy Mayor Crowley Re:  
Titanic Monument - Olivet Cemetery**

Referring to the \$10,000 request in the Capital Budget for the Titanic site in the Fairview Cemetery, Deputy Mayor Mary Ann Crowley requested that staff contact the management of the Mount Olivet Cemetery with respect to the upgrading of the Titanic site in that cemetery. Deputy Mayor Crowley further suggested that staff contact the appropriate shipping line with a view to obtaining partnered or shared funds for this purpose from the Titanic Trust Fund.

**Question Alderman Carmichael Re: Regulation  
of Tour Buses in Residential Areas**

Referring to recent correspondence with the Traffic Authority on the matter of regulations regarding Tour Buses in residential areas, Alderman Carmichael requested that Tourism Halifax provide a report as to whether it is feasible or appropriate to devise regulations relating to when, where and how tour bus activity and routing are to be conducted in the City of Halifax.

**Question Alderman Epstein Re:  
Sale of Lot P - Waterfront**

Alderman Epstein requested a report of the status of the proposed sale of Lot P located on the Halifax Waterfront.

**Question Alderman Epstein Re:  
City of Dartmouth Water System**

As a reminder, Alderman Epstein reiterated his request for a report on what action Dartmouth is taking in relation to their water system.

**Question Alderman Blumenthal Re:  
Transit Shelters - Ward 5**

Alderman Blumenthal requested that staff report on when the Transit Shelters will be erected in Ward 5.



**Question Alderman Blumenthal Re:**  
**RA-5 Crossing Lights - Ward 5**

Alderman Blumenthal requested a report as to when RA-5 Crossing Lights approved for Ward 5 would be installed.

**Question Alderman Blumenthal Re:**  
**Car Dealership in Residential Area**

Referring to an ongoing problem of an individual illegally operating a car dealership in the Leeds Street area and the frustrations of the community, Alderman Blumenthal requested that the City Solicitor report with regard to what is required to close out this establishment.

**Question Alderman Adams Re: Basketball**  
**Nets - Central Spryfield School**

Alderman Adams referred to a petition he had submitted earlier this year on behalf 300 youth in the Spryfield area regarding the installation of basketball nets at Central Spryfield School, and requested they be installed within the next few weeks.

**Question Alderman Uteck Re:**  
**Grants Committee Restructure**

Alderman Uteck advised that he had originally intended to deal with this matter as an Added Item on this evening's agenda; however, he felt it more appropriate to deal with it as a question.

Referring to the City Manager's report on the restructuring of the Grants Committee, Alderman Uteck expressed concern that the repeal of Ordinance 170 and the changed emphasis of the Grants Committee will subject many senior citizens organizations to further hardships. Noting that the Grants Committee is now placing its emphasis on those agencies who pay taxes, Alderman Uteck noted that Spencer House, located in his Ward and renting its facility, would be severely impacted by this new emphasis. Alderman Uteck requested that the Grants Committee report as to what Spencer House lacked in merit.

**ADDED ITEMS**

**Electoral Boundaries (Alderman Walker)**

Noting that he felt Halifax has been short-changed in terms of districts as a result of the Utility and Review Board decision on Electoral Boundaries, it was MOVED by Alderman Walker, seconded by Alderman Blumenthal that Council direct the City Solicitor to investigate the possibility of court action with regard to the Utility and Review Board decision regarding electoral boundaries, and to report back at the next meeting of the Committee of the Whole Council scheduled for 6 September. The motion was put and passed.

**Progress Report on Restructure  
Grants Committee (Alderman Uteck)**

This matter had been addressed earlier in the meeting's agenda under "Questions".

**Use of City Stationery - Alderman Pottie**

Alderman Pottie referred to a letter printed on Aldermanic letterhead being circulated by Alderman Epstein in Wards 4, 6 and 11 in which Alderman Epstein had referred to his candidacy in the upcoming election. Alderman Pottie expressed concern that supplies paid for by taxpayers' dollars not be used for election purposes.

There being no further business to be discussed, the meeting was adjourned at approximately 10:30 p.m.

MAYOR WALTER FITZGERALD  
CHAIRMAN

SUBMITTED BY:  
KAREN F. SWIM  
ACTING CITY CLERK

\*K/SM

# MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 14 SEPTEMBER 1995

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

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

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

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**MINUTES**

Minutes of a special meeting of Halifax City Council held on Wednesday, 23 August 1995, and of a regular meeting held on Thursday, 31 August 1995 were approved on a motion by Alderman Blumenthal, seconded by Alderman Walker.

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

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

- 2.3 Presentation: Neptune Theatre (Mayor Fitzgerald)
- 2.4 Proclamation: Taoist Tai Chi Awareness Day (Mayor Fitzgerald)
- 20.1 Proposed Change of Name for North End Library to Buddy Daye Memorial Library (Alderman Blumenthal)
- 20.2 Nathan Green Square - Vending Site (Alderman Uteck)
- 20.3 Sidewalk Renewal Churchill Drive (S/S) Between Flynn Street and Joseph Street
- 20.4 Ruinous Building - 2372-76 Creighton Street (Alderman Epstein)

**Natal Day Committee**

His Worship, on behalf of Council and in recognition of the contribution to the success of the 1995 Natal Day Celebration, presented scrolls to the Chairperson and members of the Natal Day Committee.

**Certificate of Commendation  
- Caitlyn Gladys Dunn**

Mayor Fitzgerald, on behalf of the Lieutenant Governor, presented a certificate of commendation to Caitlyn Gladys Dunn for her heroic and selfless actions in relation to

the rescuing of a drowning swimmer. Mayor Fitzgerald, noting that it was an honour to make this presentation, personally commended Ms. Dunn on this tremendous effort.

Ms. Dunn, referring to assistance received from her husband and son in the rescue, indicated that it had been a team effort.

**Proclamation: Taoist Tai Chi Awareness  
Day (Mayor Fitzgerald)**

His Worship read a Proclamation declaring Saturday, 16 September 1995 as Taoist Tai Chi Day in the City of Halifax.

**DEFERRED ITEMS**

**Ward 2 Traffic Calming Project**

This matter was deferred to this meeting from the City Council meeting held on 31 August 1995.

The following correspondence has been received in relation to this matter:

- Correspondence dated 7 September 1995 from Mr. Robert and Diane Royle, 1934 Prince Arthur Street
- Correspondence dated 7 September 1995 from Barbara Blouin, 6490 Tupper Grove
- Correspondence dated 8 September 1995 from Glenn R. Jessome 6026 Willow Street
- Correspondence dated 11 September 1995 from Julie Ross, 1750 Connaught Avenue and G. MacKean, 1742 Connaught Avenue
- Correspondence dated 11 September 1995 from Scott Murray, 1950 Connaught Avenue



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- Correspondence dated 11 September 1995 from Therese O'Neill, 6890 Tupper Grove
- Correspondence dated 12 September 1995 from Dean W. Salsman, Salsman Investments Limited
- Correspondence dated 13 September 1995 from Don and Suzanne Pressé
- Correspondence dated 13 September 1995 from John H. Dickey, 1991B Prince Arthur Street
- Correspondence dated 13 September 1995 from Margaret MacKenzie, Halifax
- Correspondence dated 14 September 1995 from J. Walter Thompson, 1910 Bloomingdale Terrace
- A petition in opposition of concrete barriers from 9 residents of the Jubilee, 6770 Jubilee Road.

Noting that Option B was not supported by the community, it was MOVED by Alderman Carmichael, seconded by Alderman Uteck that Council rescind its motion of 27 April 1995 regarding the calming of traffic in the Armview/Pryor/Jubilee Road area.

A brief discussion ensued and the motion to rescind was put and passed.

MOVED by Alderman Carmichael, seconded by Alderman Uteck that:

1. Council install 3-way stop signs at the intersections of:
  - Armview and Prince Arthur;
  - Prior and Jubilee;
  - Bloomingdale and Jubilee;
  - Bloomingdale and Norwood;
  - Connaught and Jubilee;
  - Beech and Pepperell;

and 4-way stop signs at the intersections of

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- Norwood and Cambridge; and
  - Norwood and Beech.
2. Council install a no left turn sign on Armview at Quinpool and a 'no exit on Quinpool Road' sign be installed on the north west side of the Prince Arthur/Armview intersection.
  3. The advance green on Oxford at Jubilee be reduced by 10 seconds to 30 seconds.
  4. An advance green, left turn signal be installed from 4 pm to 6 pm on Oxford at Quinpool.
  5. No left turns be permitted off Quinpool at Connaught and Oxford during peak hours i.e. 7 am to 9 am east bound and 4 pm to 6 pm west bound.

Referring to the long history of this matter and noting that signage is used in many other municipalities to calm traffic, Alderman Carmichael urged Council to support the wishes of the community by approving this resolution.

A discussion ensued and in response to a question from Alderman Pottie, the City Solicitor advised that although Council has the sole authority to approve physical changes in the roadways, the Traffic Authority has the sole authority under the Motor Vehicle Act to post signs and signals. Mr. Anstey went on to note that Council would be acting beyond its jurisdiction in approving the posting of signs/signals. He further indicated signs/signals posted without having the approval of the Traffic Authority are not enforceable.

Referring to liability, Mr. Anstey indicated that he had been unable to uncover any specific cases. He went on to note that he had been able to find a number of cases in which Council members have been personally liable where it has been found that the Council acted beyond their jurisdiction. Mr. Anstey, noting that although it was unlikely that an accident would occur, he could not advise Council to ignore the possibility.

A further discussion ensued. Responding to a request from Alderman Carmichael, the Chair called for a recorded vote as follows:

**FOR:** Aldermen Uteck, Carmichael, Downey, Epstein and Adams (5)

**AGAINST:** Deputy Mayor Crowley and Aldermen Blumenthal, Pottie, Hanson, Maher, Walker, and Stone (7)

The motion was lost.

Alderman Epstein requested that the City Solicitor provide a report as to the potential liability of the City given that a Report has depicted this situation as a dangerous one and that the situation has been brought to the attention of the Traffic Authority and no action has been taken. Alderman Epstein further asked should the Traffic Authority be sued, would the City be liable.

### **PETITIONS AND DELEGATIONS**

**Petition: Alderman Epstein re:**  
Repairs to Sidewalk - Willow Street

Alderman Epstein presented a petition on behalf of Mr. Glen Jessome and 16 other residents of Willow Street requesting that repairs be undertaken to their sidewalk. Alderman referred the petition to staff for consideration/action.

**Petition: Alderman Adams re:**  
**Possible Teaching Cuts**  
Rockingstone Heights Petition

Alderman Adams submitted a petition on behalf of the parents, grandparents and residents in the area of the Rockingstone Heights School objecting to the possible loss of one teacher in that school. In his comments, Alderman Adams indicated that the reduction of staff by one would result in combined classes and a loss of service to children having special needs. Alderman Adams further noted that he had written Dr. Young requesting that an alternative to a teacher cut be sought. In conclusion, he requested that this petition be circulated to the City of Halifax members of the School Board and members of City Council.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on 6 September 1995 as follows:

**Waterfront Development Corporation**

A supplementary staff report dated 14 September 1995 was submitted from the Director of Finance.

Noting that Mr. Ware of the Waterfront Development Corporation had not received a copy of this report, it was MOVED by Alderman Downey, seconded by Alderman Maher that this matter be deferred to the Committee of the Whole Council scheduled for 20 September 1995.

Motion passed.

**New Caps on Provincial Contributions  
for Social Service Programs - 1995/96**

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

1. Advise Council no later than November 30, 1995 as to whether a food rate increase can be managed within the cost-shared budget and establish the Province's intention on the permanency of such an increase when they become responsible for program delivery on 1 April 1996;
2. Maintain all rates for goods and services purchased on behalf of clients at the 1994/95 level unless the 1995/96 level is lower (these are rates for items such as purchase of cribs, funeral costs, ambulance fees, shelter, special diets, etc.);
3. In the Supervised Apartment and Community Residence Programs, relax the no admissions policy of the past six weeks to a replacement

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system contingent on expenditures being held to the 1994/95 level;

4. Refuse placement in Small Options Homes and In-Home Supports unless the respective provincial department agrees to fund 100% of the cost in excess of the approved gross budget;
5. Aggressively pursue outstanding settlement billing recoveries that will enhance net revenues with a target of \$250,000 above the department's projection of \$500,000; and
6. Continue to pursue cost-sharing that enables staff to deliver the services needed by Halifax citizens.

Motion passed.

**Payment of Consultant Fees - Bedford  
Highway Upgrading Phase I**

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

1. the payment of \$2,675 to Ingram and Ingram Real Estate Services Limited for appraisal services;
2. the payment of \$5,000 to Turner Drake and Partners Limited for appraisal services provided on behalf of N.B.R. Holdings Limited with the balance of monies payable to be determined by the Taxing Master; and
3. funds being available in the Capital Account for the project, Bedford Highway Widening Project, Account No. 91506.

Motion passed.

Business Disturbance - Bedford Highway

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, following its resolution of 11 May 1995, Council authorize payment of the following claims for business disturbance arising from the Bedford Highway Widening Phase I:

1. the amount of \$7,073 to Mr. Stephen Harper, owner of the Stick Rack;
2. the amount of \$24,493.80 to Thomson, Noseworth, Di Costanzo in trust for Bridgeview Meats and Grocery;
3. the amount of \$50,000 to McInnis, Cooper and Robertson in trust for James and Bessie Mihelakos;
4. the amount of \$37,445 to Mr. Mel Chapman, owner of Ranch and Reef Foods Limited; and

funds are available from the special sub account established for disturbance claims, Bedford Highway Project, Account Number 91506.

Motion passed.

Solid Waste - Integrity of  
the Consensus Process

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

1. a member of staff be appointed to sit as a member of the negotiation team in relation to the BFI/Mirror contract.
2. the Mayor write to the Municipality of the County of Halifax to indicate the City wishes to have the provisions of the "Mayors' Agreement" of October 7, 1994 adhered to in the implementation of the Strategy which has been adopted in principle by the four Metro area municipalities. Motion passed.

The following motion was defeated at the 6 September 1995 meeting of the Committee of the Whole Council:

*That the Mayor write to the Municipality of the County of Halifax to indicate that the City has sufficient concerns about the Memorandum of Understanding entered into with the Mirror Group Ltd. to ask the County and the Community Stakeholders Committee (CSC) to reconsider entirely whether a private-sector partner is appropriate, the process of selection of any partner, the choice of the Mirror Group Ltd., and the proposed future role of the CSC.*

Referring to the above motion, it was MOVED by Alderman Epstein, seconded by Alderman Blumenthal that the above matter be referred to the next regular meeting of the Committee of the Whole Council scheduled for 20 September 1995 and that an invitation be extended to the Municipality of the County of Halifax to attend the 20 September 1995 meeting to discuss the memorandum of agreement.

Alderman Maher suggested that County representatives should be should offered the courtesy of choosing a time convenient to them on that day rather than Council pre-determining a time.

Motion carried.

**Africville Memorial Education  
Endowment Trust**

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

1. Council appoint a Committee to recommend criteria guidelines for award of bursary funds;
2. Council approve a binding motion that the capital of this Endowment Trust be held in perpetuity and that the capital not be available for disbursement by way of recommended bursary, but that only the earnings of investment funds be available for disbursement, such that the capital would be available for perpetuity; and

3. This endowment be available to members of the public whereby the endowment be available for bequests or contributions from citizens who may wish to assist in the provision of an educational trust for the heirs of former Africville residents.

A discussion ensued and it was MOVED by Alderman Stone that this matter be deferred until such time as the status of the Africville lands is determined.

There was no seconder to the deferral motion.

The motion was put and passed.

### Harbour Clean-up

MOVED by Alderman Epstein, seconded by Deputy Mayor Crowley that, as recommended by the Finance and Executive Committee, Council approve a call for consultants to prepare a report, including the present status of harbour clean-up and the next steps in the process, and recommendations for consideration by Council.

Motion passed.

### Approval of Debt Issuance

MOVED by Alderman Downey, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, Council authorize staff to co-ordinate an issue of \$12 million of ten year serial bonds through the Municipal Finance Corporation in order to cover capital funds expended to 31 August and to permit the completion of the capital program approved for the City, while carrying only a relatively small amount of unfunded expenditures through to the new Regional Municipality and that temporary Borrowing Resolutions in the total amount of \$12 million also be approved.

Motion passed.



Neptune Theatre

MOVED by Alderman Uteck, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, Council approve the following resolution:

*WHEREAS Council has approved a motion to support the creation of a new Neptune Theatre; and*

*WHEREAS Neptune has requested an advance of funding to realize the construction of the Theatre;*

*NOW BE IT RESOLVED that Council of the City of Halifax approve borrowing of \$500,000 to complete its financial commitment to Neptune Theatre this fiscal year.*

Motion passed.

Report from Tax Concessions and Grants Committee

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

1. Item 3 of the Grant Committee recommendation be deferred pending clarification of the original motion and Deputy Mayor Crowley meeting with Mr. Doehler, Chairperson, Grant Committee.
2. The remainder of the Social Planning Department Canada Assistance Plan grant applications as found in Appendix A of the 30 August 1995 report from the Grant Committee, for operating budget 1995-1996 be approved in the amount of \$1,122,102.55.

Motion passed.

Deputy Mayor Crowley advised that she would be meeting with the Tax Concessions and Grants Committee and would report back to Council with regard to the Task Force on Drugs matter.

Referring to the motion from Committee of the Whole, Alderman Downey requested that Spencer House be placed on the list of exclusions.

Alderman Stone requested that Maskwa Aquatic Club also be reconsidered.

MOVED by Alderman Walker, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, City Grant requests also found in Appendix A not be approved for funding, excluding the Gordon B. Isnor Manor, Halifax Seniors Council, Spencer House and Maskwa Aquatic requests which be forwarded back to the Tax and Grants Committee for reconsideration.

Alderman Walker requested that should Council wish any other organizations to be reconsidered, they provide the names to the Committee as soon as possible.

Motion passed.

### Electoral Boundaries

This matter was forwarded without recommendation from the Committee of the Whole Council held on 6 September 1995. An information report dated 13 September 1995 was submitted from the Director of Corporate and Legal Affairs.

Referring to his belief that the City of Halifax, based on population and assessment, would be under-represented in the new municipal structure and that the Utility and Review Board had erred in the setting of the electoral boundaries, it was MOVED by Alderman Walker, seconded by Alderman Blumenthal that the City of Halifax go forward with an appeal of the Utility and Review Board Decision on Electoral Boundaries.

A discussion ensued after which His Worship called for a show of hands resulting in a tie vote. Voting in opposition, Mayor Fitzgerald declared the Motion to be lost.

REPORT COMMITTEE ON WORKS

Award of Tender 95-38:  
New Sidewalks

MOVED by Alderman Walker, seconded by Alderman Crowley that, as recommended by the Committee on Works:

1. Council award Tender 95-38, New Sidewalks on: Gladstone Street (E) North to 30 metres north; Glenforest Drive (S) Evans to Plateau; and Bert's Drive (W) Main to Evans, for materials and services listed at the unit prices quoted for a Total Bid Price of \$53,910 and a Total Project Cost of \$62,000 to Ocean Contractors Limited.
2. Council authorize funding from Capital Account Nos. 91233, 91234 and 91235 for the various sidewalk locations.

Motion passed.

Award of Tender 95-28: Fairview  
Junior High and Elementary  
Schools - Resurface Tennis Courts

MOVED by Alderman Maher, seconded by Alderman Walker that, as recommended the Committee on Works:

1. Council award Tender 95-28 for the reconstruction of the tennis courts at Fairview Jr. High & Elementary Schools, for the materials and services listed at the unit prices quoted for a Total Bid Price of \$83,250 and a Total Project Cost of \$96,000 to Standard Paving Maritime Limited;
2. Council approve the transfer of \$23,000 from Capital Account No. 97102, Fairview Junior High Sports Field to Capital Account No. 97103; and
3. Council authorize funds for Capital Account No. 97103 Fairview Junior High and Elementary School - Tennis Courts. Motion passed.

AMENDED PAGE

REPORT - COMMITTEE OF THE WHOLE COUNCIL  
BOARDS AND COMMISSIONS

Proposed Amendment to Ordinance 158,  
Use of Lakes (Use of Jet Skis and Sea Doos  
- Kearney Lake) SECOND READING

SECOND READING of the following proposed amendment was deferred to this meeting from the City Council meeting held 31 August 1995 pending a public meeting held on 12 September 1995:

*BE IT ENACTED by the Council of the City of Halifax that Ordinance 158, the Lakes Ordinance be and the same is hereby amended as follows:*

*1. Section 3 of said Ordinance 158 is amended by adding immediately following subsection (2) thereof, the following subsection:*

*(3) No person shall operate or allow to be operated on Kearney Lake any power boat having a larger than 10 horsepower motor.*

Referring to the 12 September 1995 Public Meeting and the strong representation for a compromise to the banning of larger than 10 horsepower motors on Kearney Lake, it was MOVED in amendment by Alderman Stone, seconded by Alderman Walker that the motion be amended by the addition of the following:

*(3) No person shall operate or allow to be operated on that part of Kearney Lake within the City of Halifax any power boat having a larger than 10 horsepower motor.*

*(4) Notwithstanding subsection (3), a power boat having a greater than 10 horsepower motor may be launched or stored on that part of Kearney Lake within the City of Halifax and may be operated on that part of the lake for the sole purpose of travelling between the point of launching or storage to the City boundary or visa versa, provided that:*

*(a) the person operating the power boat utilizes the most direct route between the point of launching or storage and the City boundary; and*

*(b) the power boat is not operated at a speed greater than 10 kilometres per hour.*

A brief discussion ensued and it was MOVED by Alderman Epstein, seconded by Alderman Blumenthal that this matter be referred to the Lakes and Waterways Advisory Committee for review and recommendation.

A further discussion ensued and calling for a show of hands, His Worship declared a tie vote. Voting in opposition to the motion to refer, His Worship pronounced the motion to be lost.

His Worship called for the question on the amendment, and the motion to amend was put and passed.

MOVED by Alderman Stone, seconded by Alderman Walker that Council approve **SECOND READING** of the following proposed amendment to Ordinance 158, the Lakes Ordinance:

*BE IT ENACTED by the Council of the City of Halifax that Ordinance 158, the Lakes Ordinance be and the same is hereby amended as follows:*

*1. Section 3 of said Ordinance 158 is amended by adding immediately following subsection (2) thereof, the following subsection:*

*(3) No person shall operate or allow to be operated on that part of Kearney Lake within the City of Halifax any power boat having a larger than 10 horsepower motor.*

*(4) Notwithstanding subsection (3), a power boat having a greater than 10 horsepower motor may be launched or stored on that part of Kearney Lake within the City of Halifax and may be operated on that part of the lake for the sole purpose of travelling between the point of launching or storage to the City boundary or visa versa, provided that:*

*(a) the person operating the power boat utilizes the most direct route between the point of launching or storage and the City boundary; and*

*(b) the power boat is not operated at a speed greater than 10 kilometres per hour. Motion passed.*

**AMENDED PAGE**

**CITY COUNCIL  
14 SEPTEMBER 1995**

**Proposed Amendments to Ordinance 116,  
the Taxi Ordinance (Standards for  
Vehicles and Drivers Serving Hotels)**

The proposed amendment to Ordinance 116, the Taxi Ordinance (Standards for Vehicles and Drivers Serving Hotels) had been given **FIRST READING** at the City Council meeting held on 27 July 1995. Subsequently, **SECOND READING** of the proposed amendment was **DEFEATED** at the Committee of the Whole Council held on 6 September 1995.

Correspondence in opposition to the proposed amendment dated 13 September 1995 was submitted from Darshan Virk, President, United Cab Drivers Association of Halifax. In addition, correspondence dated 14 September 1995 in opposition to the proposed amendment was submitted from Margaret Wood, Wood's Limousine.

Alderman Adams briefly reviewing the proposed amendments suggested that the amendment should be changed to provide for the grandfathering of existing vehicles and MOVED, seconded by Alderman Hanson that Council approve SECOND READING of the amendments to Ordinance 116, the Taxi and Limousine Ordinance attached as Appendix "A" to the 4 September 1995 report from the Director of Corporate and Legal Affairs and further that Section 39(2) of the proposed amendment be further amended to include both clause a and b of subsection (1).

A brief discussion ensued and the Motion was put and passed.

**Proposed Amendment to Ordinance 10A,  
the Grand Parade Ordinance (Skate-  
boarding) - SECOND READING**

The proposed amendment to Ordinance 10A, the Grand Parade Ordinance (Skateboarding) had been given **FIRST READING** at the City Council meeting held on 31 August 1995.

MOVED by Deputy Mayor Crowley, seconded by Alderman Stone that Council approve SECOND READING of the following amendment to Ordinance 10A, the Grand Parade Ordinance:

*BE IT ENACTED by the Council of the City of Halifax that Ordinance 10A, the Grand Parade Ordinance, be amended as follows:*

**CITY COUNCIL  
14 SEPTEMBER 1995**

1. *Said Ordinance 10A is amended by adding immediately following Section 3 thereof the following Section:*

4. (1) *No person shall skateboard in or on the Grand Parade or any part thereof, and any person who violates this provision shall be guilty of an offense and liable to a penalty not exceeding Five Hundred Dollars and in default of payment of such penalty to imprisonment for a term not exceeding thirty (30) days.*

(2) *A person who is alleged to have violated subsection (1) of this Section and is given notice of the alleged violation may pay a penalty in the amount of \$50.00 to the Chief of Police at the Halifax Police Department provided that such payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed and where the said notice so provides for payment in this manner, such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.*

Motion passed.

**Proposed Amendment to Ordinance 180,  
the Streets Ordinance (Extension  
of Vending Hours) - SECOND READING**

The proposed amendment to Ordinance 180, the Streets Ordinance (Extension of Vending Hours) had been given **FIRST READING** at the City Council meeting held on 31 August 1995.

MOVED by Alderman Pottie, seconded by Alderman Downey that Council approve SECOND READING of the following amendment to Ordinance 180, the Streets Ordinance (Extension of Vending Hours):

**BE IT ENACTED** by the Council of the City of Halifax that Ordinance 180, the Streets Ordinance, be amended as follows:

1. (1) *Clause (da) of subsection (1) of Section 53 of said Ordinance 180 is amended by deleting the numbers and symbols "1:00" from the first line thereof and by substituting therefor the numbers and symbols "4:00".*

*(2) Clause (f) of said subsection (1) is amended by deleting the numbers and symbols "1:30" from the second line thereof and by substituting therefor the numbers and symbols "4:30".*

*(3) Clause (g) of said subsection (1) is amended by deleting the numbers and symbols "1:30" from the second line thereof and by substituting therefor the numbers and symbols "4:30".*

Motion passed.

## **REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on 6 September 1995 as follows:

### **Saint Andrew's School Site - Bayers Road**

MOVED by Deputy Mayor Crowley, seconded by Alderman Walker that, as recommended by the Planning Committee, City Council direct staff to issue a Call for Proposals for the sale and redevelopment of the portion of the Saint Andrews School site fronting on Bayers Road, comprising some four acres.

Motion passed.

### **The Legacy Project - Updating and Maintaining the Halifax Vision for Urban Development and Planning**

A supplementary report dated 14 September was submitted from the City Manager.

MOVED by Alderman Carmichael, seconded by Alderman Maher that, as recommended by the Planning Committee, Council approve the Ideas Forum process as found in the 21 August 1995 Planning Advisory Committee report.

The City Manager advised that a recent review indicated that budgets were very close to the line and that he could not recommend funding for the above project from budgeted



funds. He suggested that should Council wish to undertake the project, it should be funded through Section 201(1).

A brief discussion ensued and the Motion was put and lost.

## MOTIONS

### Amendment to Ordinance 116, the Taxi Ordinance (Class and Description of Limousines) - FIRST READING

Alderman Uteck gave Notice of Motion of his intention to introduce a motion to amend Ordinance 116, the Taxi Ordinance (Class and Description of Limousines) at the City Council meeting held on 31 August 1995.

MOVED by Alderman Uteck, seconded by Alderman Epstein that Council approve FIRST READING of the following amendments to Ordinance 116, the Taxi Ordinance and Limousine, and refer the said amendments to the Committee of the Whole Council scheduled for 6 September 1995 for consideration and report:

*BE IT ENACTED by the City Council of the City of Halifax that Ordinance 116, the Taxi and Limousine Ordinance be and the same is hereby amended as follows:*

1. *Clause (h) of Section 2 of said Ordinance 116 is amended by deleting the following therefrom:*
  - (viii) *any other vehicle which is of comparable limousine quality to those vehicles listed above.*
2. *Subsection (4) of Section 10B of said Ordinance 116 is amended by adding following the number "1995" in the second line thereof the words "and who does not then hold a taxi owner license".*
3. *Section 11 of said Ordinance 115 is repealed and the following substituted therefor:*
  11. *A limousine owner license shall only be issued if the vehicle meets the specifications as set out in Section 2(h) and*

- (a) *if the vehicle is a stretch limousine, is not more than eight years old; or*
- (b) *if the vehicle is other than a stretch limousine, is not more than five years old.*

Referring to the yet to be submitted report providing full information in relation to this matter, it was MOVED by Alderman Adams, seconded by Alderman Blumenthal that this matter be deferred to the next regular meeting of Halifax City Council scheduled for 28 September 1995 pending receipt of the requested report.

The motion to defer was put and passed.

### **QUESTIONS**

**Question: Deputy Mayor Crowley re  
Safety - Flinn Park**

Referring to incidents of assault in the Flinn Park area, Deputy Mayor Crowley indicated that she had been having on-site meetings with CN Railway representatives in this regard. Noting that she would provide staff with a contact name, she requested that staff contact the CN Railway regarding safety issues surrounding Flinn Park.

**Question: Alderman Maher re  
Summary Offenses and Fines**

Alderman Maher advised that he has received information, as a result of a recent neighbourhood disturbance, that one of the individuals involved in the disturbance has had 15 summary offences for driving while suspended and has accumulated \$4,000 in fines. Alderman Maher asked to be provided with information with respect to what course of action could be taken to have such individuals respect the law. The Alderman questioned whether the City should be approaching the Attorney General in that regard.

In response to a suggestion from the Chairman, Council agreed to request a report from the City Solicitor including possible courses of action to be taken.

**Point of Information: Alderman  
Stone - Revision of Electors List**

Referring to the previous discussion regarding Electoral Boundaries, Alderman Stone advised, for public information, that revisions to the Electors List would be taken until September 22, 1995 at 421-8740.

**ADDED ITEMS**

**Proposed Change of Name for North End  
Library to Buddy Daye Memorial Library  
- Alderman Blumenthal**

Referring to the recent death of Buddy Daye and his contribution to the black community, it was MOVED by Alderman Blumenthal, seconded by Alderman Downey that the Library Board give serious consideration to changing the name of the North End Library to the Buddy Daye Memorial Library.

Motion passed.

**Nathan Green Square - Vending  
Site (Alderman Uteck)**

Correspondence received 14 September 1995 was submitted from Mr. Tim MacDonald and Mr. Cory MacDonald.

Alderman Uteck requested that staff report on the feasibility of establishing a vending site in Nathan Green Square directly across from the ferry terminal doors closest to the Sheraton Hotel and that should the site be found suitable, it be included in the tendering process for all other vending sites in the City.

**Sidewalk Renewal Churchill Drive  
(S/S) Between Flynn Street and  
Joseph Street**

A report dated 13 September 1995 was submitted from the Director of Engineering and Works.

MOVED by Deputy Mayor Crowley, seconded by Alderman Stone that:

1. Council delete Capital Account No. 97097 - Bi-Hi Green Space (Drainage Improvements) and Capital Account No. 97098 - Elliott Street (Open Space Landscaping) and transfer funds from these projects to the Sidewalk Renewal Project on Churchill Drive (S/S) between Flynn Street and Joseph Street.
2. Council approve the renewal of sidewalk on the south side of Churchill Drive between Flynn Street and Joseph Street by the Works Division of the Engineering and Works Department at a cost of \$55,000.]

Motion passed.

**Ruinous Building - 2372-76 Creighton Street (Alderman Epstein)**

An information report dated 14 September 1995 was submitted from the Director of Corporate and Legal Affairs. Correspondence dated 14 September 1995 was received from Mr. H.A.J. Wedderburn, Solicitor, representing Mr. Claude Prevost.

Mr. H.A.J. Wedderburn, representing Mr. Claude Prevost addressed Council noting that Mr. Claude Prevost's health problems had been instrumental in this problem not being resolved. Mr. Wedderburn advised that Mr. Claude Prevost has agreed to give his Power of Attorney to his brothers, Kurt and Tyrone, with regard to the renovation of this building. Mr. Wedderburn requested that the family be afforded a 30 day extension in order to arrange financing and to begin renovation on the building.

MOVED by Alderman Epstein, seconded by Alderman that:

1. Council rescind that part of its previous motion that authorized the demolition of the Building at 2372-76 Creighton Street;
2. The owner of the said building be afforded a period of 30 days to achieve substantial progress toward restoring the buildings to meet minimum standards

failing which staff are to bring the matter before Council for further action.

A discussion regarding the requirement under the Rules of Order to give Notice of Motion to Rescind ensued with the City Solicitor advising that Council could, with unanimous agreement, waive the requirement to give Notice of Motion to Rescind. It was unanimously agreed that Council waive the requirement to give Notice of Motion to Rescind.

Responding to a question from Alderman Pottie regarding the consequences of rescinding Council's previous motion, the City Solicitor noted that Council had acted on its prerogative to make the Order to declare the building derelict and require that the condition be remedied by the owner either by renovation or demolition. The City Solicitor went on to note that if the owner did not act in the time stated by the Order, the Charter provides that the Building Inspector shall cause the building to be demolished. Mr. Anstey further noted that this was the situation with the Prevost property, and that after Tuesday the Building Inspector, mandated by the Charter, will be required to arrange for the demolition of the property if City Council does not move to rescind its motion.

The City Solicitor went on to indicate that if Council does take the action suggested in the motion, there is nothing to prevent Council taking steps to issue another Order if the owner still has not taken the necessary action. Mr. Anstey advised that it is his understanding that the contract to demolish has not be awarded.

A brief discussion ensued, and the motion was put and passed.

11:25 pm There being no further business the meeting adjourned.

HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN

SUBMITTED BY:  
E. A. KERR  
CITY CLERK

SAM

# MINUTES

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

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 20 SEPTEMBER 1995

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

**MEMBERS  
PRESENT:** MAYOR WALTER FITZGERALD  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN JERRY BLUMENTHAL (7:40 PM)  
ALDERMAN RON HANSON  
ALDERMAN RALPH MAHER  
ALDERMAN RUSSELL WALKER  
DEPUTY MAYOR MARY ANN CROWLEY  
ALDERMAN BILL STONE

**MEMBERS  
ABSENT:** ALDERMAN HOWARD EPSTEIN  
ALDERMAN PATRICK POTTIE  
ALDERMAN STEPHEN ADAMS

**STAFF:** CHIEF VINCE MACDONALD, A/CITY MANAGER  
EDWARD A. KERR, CITY CLERK  
NADINE SMILLIE, REPRESENTING THE  
CITY SOLICITOR

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**ADDED ITEMS**

Council considered items of business referred from the Committee of the Whole Council meeting held earlier today, as follows:

**Award of Tender No. 95-66, Street Improvement  
Program - Quinpool Road - Armdale Rotary  
to Armview Avenue**

This matter was referred from the Committee of the Whole Council held earlier today.

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

1. Council approve the cost-sharing with Nova Scotia Department of Transportation and Communications.
2. Council award Tender No. 95-66 to Basin Contracting Ltd. for the materials and services listed at the unit prices quoted for a Total Bid Price of \$416,705 and a Total Project Cost of \$480,000.
3. Council increase gross funds in Account No. 91406 from \$80,000 to \$480,000 with no effect on net funding.
4. Council authorize funding from Capital Account No. 91406, Street Improvement Program.
5. Council grant authority to make additional expenditures for the Halifax Water Commission work, such as lifting of valves, which will be recovered from the Commission.

Motion passed.



**CITY COUNCIL  
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**Greenhouse Complex - Urgent Repairs  
to Heat Lines (Pipes)**

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Alderman Hanson, seconded by Alderman Walker that, as recommended by the Committee on Works, Council authorize the use of surplus funds in Special Item Account #1500 56158 entitled Resurface/Repair Sport Court at Duc D'Anville School up to the amount of \$15,000 to carry out necessary repairs to the Heat Lines (pipes) at the Parks and Grounds Greenhouse Complex.

Motion passed.

Referring to a previous transfer of \$20,000 from the Northcliffe Account to the Duc D'anville Account in order to complete the sport court at Duc D'anville, Alderman Walker requested that staff clarify when the surplus in the Duc D'anville Account had been discovered.

**Award of Tender 95-06, Cogswell  
Street Retaining Wall**

This matter was referred from the Committee of the whole Council held earlier today.

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

1. Council award Tender 95-06, Cogswell Street Retaining Wall, for materials and services listed at the unit prices quoted for a Total Bid Price of \$9,151 and a Total Project Cost of \$10,600 to Edmonds Landscaping Ltd.
2. Council authorize funding from Capital Account No. 91690, Cogswell Street Retaining Wall.

Motion passed.

Parking Lot - Point Pleasant Park

This matter was referred from the Committee of the Whole Council held earlier today.

MOVED by Alderman Hanson, seconded by Alderman Walker that, as recommended by the Committee on Works, Council approve the allocation of \$6,000 from Capital Account No. 91687, Point Pleasant Parking Lot, for the installation of a gate (and the appropriate signage) at the north end of the Canteen parking lot near the east end of Point Pleasant Park Drive.

Motion passed.

Sewer Rehabilitation - Fenwick Street

This matter was referred from the Committee of the Whole Council held earlier today.

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

1. Council approve the installation of approximately 120 L.F. of 12" diameter combined sewer on Fenwick street at an estimated cost of \$40,000 plus GST; and
2. approve payment for the works from Capital Account #9303, Sewer Rehabilitation.

Motion passed.

Transfer of Funds - Sidewalk  
Slab Replacement Program

This matter was referred from the Committee of the Whole Council held earlier today.

**CITY COUNCIL  
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MOVED by Alderman Hanson, seconded by Alderman Walker that, as recommended by the Committee on Works, approximately \$150,000 for the overall Capital Budget savings realized year-to-date be transferred to the Current Budget Concrete Sidewalk Slab Replacement Program (Account 880).

Motion passed.

**Award of Tender 95-39, Quarry  
Road Storm Sewer**

This matter was referred from the Committee of the Whole Council held earlier today.

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

1. Council award Tender No. 95-39, Quarry Road Storm Sewer, for materials and services listed at the unit prices quoted for a Total Bid Price of \$91,993 and a Total Project Cost of \$106,000 to Harbour Construction Ltd.
2. Council authorize the transfer of surplus funds from Capital Account No. 92999, Unused Funds, in the amount of \$46,000 to Capital Account 94043, Quarry Road Storm Sewer.
3. Council authorize funding from Capital Account No. 94043, Quarry Road Storm Sewer.

Motion passed.

**Award of Tender 95-19 -  
Armada Drive Retaining Wall**

This matter was referred from the Committee of the Whole Council held earlier today.

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

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1. Council award Tender #95-19 Armada Drive Retaining Wall for materials and services listed at the unit prices quoted for a Total Bid Price of \$47,570 and a Total Project Cost of \$55,000 to the lowest bidder TAG Enterprises Limited.
2. Council approve the transfer of unused funds \$7,000 from Capital Account No. 92999, to Capital Account No 91361 - Armada Drive New Paving.
3. Council authorize funding from Capital Account No. 91361, Armada Drive New Paving.

Motion passed.

**Award of Tender 95-35 - Randolph  
Street - Turning Area**

This matter was referred from the Committee of the Whole Council meeting held earlier today.

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

1. Council award Tender 95-35 for the construction of a vehicle turning circle for the materials and services listed at the unit prices quoted for a Total Bid Price of \$24,165.50 and a Total Project Cost of \$28,000.00 to Standard Paving Maritime Ltd.
2. Council approve the transfer of \$8,000 from Capital Account No. 92999, unused funds, to Capital Account No. 96012, Randolph Street.
3. Council authorize expenditures from Capital Account No. 96012, Randolph Street.

Motion passed.

**CITY COUNCIL  
SPECIAL MEETING  
20 SEPTEMBER 1995**

**Tender #95-150 - J. Albert Walker  
Park (Chebucto Heights) Basketball  
Court and Landscaping Renovations**

This matter was referred from the Committee of the Whole Council held earlier today.

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

1. Council authorize the issuance of a contract to Standard Paving Maritime Limited to complete construction of a basketball court and landscape renovation at the revised price.
2. Council authorize the increase of gross funds by \$110,000 Capital Account No. 97001 Chebucto Heights School Sportsfield from \$623,000 total project to \$733,000 with no effect on net funding (City costs).
3. Funds are available in Account No. 97001.9160 titled Chebucto Heights School Sportsfield, Recreation Cultural.

Motion passed.

**12-16½ Rockingstone Road**

This matter was referred from the Committee of the Whole Council meeting held earlier today.

MOVED by Alderman Hanson, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council approve the recommendation of the City Solicitor as contained in his confidential report dated 19 September 1995.

Motion passed.

**PUBLIC HEARINGS**

Public Hearing re: Case No. 7159  
Rezoning from R-2 to P -  
284 Herring Cove Road

A Public Hearing was held at this time concerning the above matter.

A report dated 7 July 1995 was submitted from the Director Development and Planning.

Mr. Gary Porter of Development and Planning Department addressed Council and briefly outlined the application to rezone 284 Herring Cove Road, lands of the Pentecostal Holiness Church of Canada, from R-2 (Two Family Dwelling) zone to P (Park and Institutional) zone as contained in the submitted report. Mr. Porter advised that staff was recommending approval of the application.

There being no persons wishing to speak to the matter, it was MOVED by Alderman Hanson, seconded by Alderman Walker that the application to rezone 284 Herring Cove Road, lands of the Pentecostal Holiness Church of Canada, from R-2 (Two Family Dwelling) zone to P (Park and Institutional) zone be approved.

Motion passed.

7:40 pm Alderman Blumenthal joins the meeting.

Public Hearing re: Amendment to Lot  
Modification Development Agreement  
48 Frederick Avenue

A Public Hearing was held at this time concerning the above matter.

A report dated 26 June 1995 was submitted from the Director of Development and Planning.

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Correspondence dated 10 September 1995 was received from Joseph and Thelma Pierce, 54 Frederick Avenue, in opposition to the proposal.

Mr. Gary Porter addressed Council briefly outlining the application to amend the lot modification development agreement to permit subdivision of the property at 48 Frederick Avenue into lots A and B, and the construction of a semi-detached dwelling on lot B as shown on Plans P200/20371-75 of Case No. 7162, lands of Sayed N. and Susan Arab as contained in the submitted report. Mr. Porter indicated that the amendments to the lot modification development agreement pertained to a reduction of the rear setback from 30 ft. to 20 ft. and an increase in the height restriction from 20 ft. to 23.5 ft. Mr. Porter advised that staff was recommending approval of both amendments.

Mr. Porter further noted that Clause 2 of the draft Amending Agreement should refer to "existing" grade rather than "finished" grade and that, if the amendments are approved, the agreement will be altered to reflect this. Mr. Porter then responded to questions from members of Council.

Mr. Danny Clarke, 42 Frederick Avenue, addressed Council in opposition to the proposed amendments. Mr. Clarke, referring to the compromise reached by area residents in agreeing to the original agreement, indicated that this area was comprised of primarily single family dwellings and that the amendment would be precedent setting. Mr. Clarke went on to suggest that the amendment would increase the intrusiveness of the proposal on his backyard. In conclusion, Mr. Clarke urged Council not to place the financial return of the developer before the concerns of area residents. He indicated that he wanted the developer to adhere to the original agreement and did not want the proposed amendments approved.

Mr. Clarke, recognizing the lack of relevancy, referred to the loss of trees on the green belt as development occurs and suggested that Council should consider making regulations that would require the retention of a certain number of these trees.

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Mr. John Etter, 16 Frederick Avenue, addressed Council in opposition to the proposed amendment, noting that this area was over developed in terms of density. Mr. Etter indicated that he disagreed with multi-unit buildings being developed in this landlocked and overly dense area. Mr. Etter further expressed concern regarding the access of fire fighting apparatus to the proposal noting that he believed fire trucks would have difficulty getting into the building.

Ms. Mary Coholan, 46½ Frederick Avenue, addressed Council in opposition to the proposal indicating that she had agreed to the original modification, however, she disagreed with further amendments. Ms. Coholan noted that a number of changes have occurred in the area which are changing the spirit of the neighbourhood. Ms. Coholan went on to say that these changes have served to de-value her property and to the enjoyment she received from her property. Ms. Coholan further expressed concern regarding the potential for significantly increased traffic (up to 8 additional cars). In conclusion, Ms. Coholan reiterated her disagreement with further amendments to a compromise already made.

Mr. W. Fares, representing the owner, addressed Council expressing surprise at the opposition to the proposed amendment. Mr. Fares indicated that his client also enjoys Fairview and, in fact, intends to occupy one of the two units when complete. Mr. Fares went on to assure Council that the motivation for this development was not financial gain.

Referring to the requested amendment to the height restriction, Mr. Fares advised that this increase was only to negate the need for the sewage system to operate by means of a pump. He went on to suggest that the 20 ft. rear setback was generous and to not permit this reduction would only result in a smaller duplex being developed on the property.

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

Mr. David Melvin, 33 Rosedale Avenue, addressed Council expressing concern for the value of his property in light of the development. Mr. Melvin further suggested that



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Rosedale Avenue would experience drainage problems as a result of the development. Mr. Melvin noted that the proposal provided that the property within 15 feet of the building would be excavated by five feet and presumably would result in the foundation being raised. Mr. Melvin indicated that this would alter the lay of the land causing a drainage problem for the properties on Rosedale. In conclusion, Mr. Melvin indicated that if the property is to be developed, it should be done so based upon the original development agreement.

Mrs. Patty Clarke noting that as the area of land in question was landlocked, she did not agree that her subdivision was a typical subdivision. She further noted that Council must be cognizant of the fact that this property does not face the street, but rather the backyards of adjoining properties. In conclusion, Mrs. Clarke indicated that she was not in favor of further amendments to the Lot Modification Development Agreement.

There were no further persons wishing to speak to this matter.

Alderman Walker, referring to the discrepancy between the actual size of the property and that which is recorded in the deed, requested that staff report as to whether or not a similar situation would apply to 47 Frederick Avenue.

Alderman Blumenthal, referring to concerns expressed by area residents, requested that staff report as to the accessibility of the property to fire fighting apparatus and the potential for drainage problems on Rosedale Avenue should the development proceed.

MOVED by Alderman Maher, seconded by Alderman Walker that this matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for 28 September 1995.

Motion passed.

**CITY COUNCIL  
SPECIAL MEETING  
20 SEPTEMBER 1995**

**Public Hearing Re: Case No. 7084 -  
Plan Amendment, Lot Modification  
Development Agreement, and Rezoning  
- 1079 Queen Street, 5459-73 Victoria Road**

A Public Hearing was held at this time concerning the above matter.

A report dated 7 June 1995 was submitted from the Chairman of the Planning Advisory Committee.

Mr. Gary Porter addressed Council outlining the application for Plan Amendment, Rezoning and Lot Modification Development Agreement at 1079 Queen Street, 5459-73 Victoria Road as found in the 7 June 1995 report from the Planning Advisory Committee. Mr. Porter indicated that should Council approve the proposal, approval of the Lot Modification Development Agreement must be deferred pending a Ministerial decision on the Plan Amendment and Rezoning.

Ms. Beverly Miller, 6128 South Street, representing the Executive of the Ward 1 Residents Association, addressed Council in opposition to the proposal. Ms. Miller indicated that the precedents which would be set by approving this proposal are of great concern. Ms. Miller noted that it has been suggested that as a significant number of concessions had been granted to the property on the opposing corner, it was only fair that this proposal be approved. Ms. Miller pointed out that the concessions being requested in this case are entirely different.

Referring to the modification being requested due to inadequate frontage, Ms. Miller noted that proposals at 1051 Tower Road and 1126 South Park Street had been defeated based on inadequate frontage. Noting the long narrow nature of R-2A properties, Ms. Miller further indicated that there was concern that the 'chopping off of the back end of R-2A properties' would become a precedent.

Ms. Miller went on to indicate that she disagreed with staff's view that as the requirements under the Land Use Bylaw do not apply to the lot as it exists now (they will only apply after the Planning Amendment and Rezoning takes

**CITY COUNCIL  
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20 SEPTEMBER 1995**

place), they will be exempt from certain aspects of the Land Use Bylaw. Ms. Miller suggested that subsection (b) of Section 4.6 of the Municipal Development Plan Implementation Policies applied in this situation.

Referring to staff's statement that the proposal is appropriate, Ms. Miller noted that the RC-3 zoning permitted a great number of uses and suggested that a more appropriate use could be found. In conclusion, Ms. Miller referred to the lack of opposition to the proposal and suggested that given the area of notification and the transient nature of the surrounding neighbourhood (i.e. apartment dwellers), concern for the long term was not a priority.

Ms. Miller then responded to questions from members of Council.

Mr. Jeff Keddy, architect for the proposal, addressed Council in support of the proposal briefly reviewing the design of the building and noting that the building does fit into the context of the neighbourhood. Mr. Keddy indicated that the proposed development would have underground parking and would not be overly large as most of the units are one bedroom. Mr. Keddy suggested that the proposal would be an improvement over what presently existed on the site and, in fact, would beautify the area.

There were no further persons wishing to speak to this matter.

MOVED by Alderman Uteck, seconded by Alderman Stone that this matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for 28 September 1995.

Motion passed.

**CITY COUNCIL  
SPECIAL MEETING  
20 SEPTEMBER 1995**

**Public Hearing Re: Heritage Properties  
5750 Spring Garden Road, 5522 Russell Street  
5522 North Street, 5520-22-24-26-32 Hennessey  
Place**

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A Public Hearing was held at this time in connection with the above matter.

Mr. Dan Norris, Heritage Planner, advised that all property owners had been notified of the proposed registration as a heritage property. Mr. Norris further indicated that the owner of 5750 Spring Garden Road was objecting to the registration.

MOVED by Alderman Downey, seconded by Alderman Stone that, due to the owners objection, Council refuse to register with the Registry of Deeds 5750 Spring Garden Road as a heritage property.

Motion passed.

There being no persons wishing to speak, it was MOVED by Alderman Blumenthal, seconded by Alderman Walker that 5522 Russell Street, 5522 North Street, and 5520-22-24-26-28-32 Hennessey Place be registered with the Registry of Deeds as heritage properties.

Motion passed.

Mr. Norris noted that present this evening in the gallery were Mr. Mark Stein, Mr. Keith Estabrooks and Ms. Marilyn Gurney, all of who were very instrumental in assisting the Hennessey Place property owners in reaching a consensus.

**Public Hearing Re: Case No. 6882 -  
Bedford Highway Secondary Planning  
Strategy Boundary**

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A Public Hearing was held at this time in connection with the above matter.

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A report dated 12 May 1995 was submitted from the Chairman of the Planning Advisory Committee.

Mr. Stephen Feist of the Development and Planning Department addressed Council outlining the proposal to amend the Bedford Highway Secondary Planning Strategy Boundary and to amend the Municipal Development Plan and land use bylaw to accommodate those properties or portion of properties which will be excluded from the Bedford Highway Secondary Planning Strategy as contained in the submitted report.

Mr. Peter Kelly, representing Ms. Mary Thibeault, addressed Council noting that one of her properties, Lot M, borders on the Hemlock Ravine. Mr. Kelly indicated that Ms. Thibeault would like that property to be rezoned Commercial in keeping with the remainder of her property. Mr. Kelly further noted that Ms. Thibeault owned Lot T located across the street and would also like this property to be zoned commercial. In conclusion, Mr. Kelly indicated that Ms. Thibeault had no difficulty with the proposal.

Responding to Mr. Kelly's comments, Mr. Feist indicated that the nature of the amendments proposed this evening were housekeeping in nature and that a rezoning would require that Ms. Thibeault apply for such and a public hearing be held.

There were no further persons wishing to speak to this matter.

MOVED by Alderman Stone, seconded by Alderman Walker that Council approve the amendments contained in Appendix I of the 12 May 1995 report from the Chairman of the Planning Advisory Committee to:

1. amend the Bedford Highway Secondary Planning Strategy and land use bylaw to reflect property boundaries, subdivisions, and existing development patterns; and

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2. amend the Municipal Development Plan and land use bylaw to accommodate those properties or portion of properties which will be excluded from the Bedford Highway Secondary Planning Strategy.

Motion passed.

9:10 pm There being no further business the meeting adjourned.

HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN

SUBMITTED BY:  
E.A. KERR  
CITY CLERK

SAM



## MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 28 SEPTEMBER 1995

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

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

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

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## MINUTES

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 14 September 1995, were approved as circulated on a motion by Alderman Hanson, seconded by Alderman Maher.

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

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

- 20.1 Halifax Police Department - Network Upgrade (Deputy Mayor Crowley)
- 20.2 Historic Properties Wharfage
- 20.3 Appointments
- 20.4 Solid Waste (Alderman Epstein)

At the request of His Worship Mayor Fitzgerald, it was further agreed that Agenda Item 20.3, "Appointments," would be dealt with following Item 9, "Petitions and Delegations."

### MOMENT OF SILENCE

A moment of silence was observed to honor the memory of Patrick Flynn, former Superintendent (Electrical Division), Engineering and Works Department, and brother of former Alderman and Deputy Mayor Arthur Flynn, who passed away earlier in the week. Condolences were extended on behalf of Halifax City Council and its staff to the Flynn family on their loss.

### DEFERRED ITEMS

Case No. 7162: 48 Frederick Avenue -  
Amendment to Lot Modification Development Agreement

A public hearing into this matter had been held on Wednesday, 20 September 1995. A supplementary report dated 27 September 1995 was received from the Director of Development and Planning, together with a submission dated 21 September

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**28 SEPTEMBER 1995**

(attaching a petition) from the residents of Frederick and Rosedale Avenues.

Alderman Maher made reference to the above-noted petition as well as to the numerous telephone calls he had received both before and after the 20 September public hearing. Emphasizing that, in his view and in the opinion of many area residents, the proposed amendment would **not** be in the best interests of the Frederick Avenue neighborhood.

It was therefore moved by Alderman Maher, seconded by Alderman Walker that the application to amend the lot modification development agreement to permit subdivision of the property at 48 Frederick Avenue and the construction of a semi-detached building on Lot B (Case No. 7162 - Lands of Sayed N. and Susan Arab) not be approved by Halifax City Council.

The City Clerk advised that Aldermen Epstein, Pottie and Adams had been absent from the 20 September public hearing and should therefore abstain from the voting process.

The motion was put and passed with Aldermen Epstein, Pottie and Adams abstaining.

**Case No. 7084: 1079 Queen Street/5459-73  
Victoria Road - Plan Amendment, Lot  
Modification Development Agreement and Rezoning**

A public hearing into this matter had been held on Wednesday, 20 September 1995.

A submission dated 21 September 1995 was received from Ms. Rebecca A. Jamieson, 5670 Fenwick Street, Halifax, B3H 1R3, in opposition to the proposal.

MOVED by Alderman Uteck, seconded by Alderman Downey that, with regard to the property located at Civic No. 1079 Queen Street (Lots C, C-1 and E) and portions of 5459-73 Victoria Road (lands of Thomas and Anthoula Thenelis), Council:

- (1) adopt the redesignation on the Generalized Future Land Use Map of the South End Plan (Section V), as shown on Sketch PAC-1 attached to the report from the Planning Advisory Committee dated 7 June 1995, from Medium-Density Residential and Commercial to Residential Commercial Mix;

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- (2) adopt the rezoning, as shown on Sketch PAC-2 attached to the report from the Planning Advisory Committee dated 7 June 1995, from R-2A (General Residential Conversion and Townhouse Zone), to RC-3 (High-Density Residential/Minor Commercial Mix).

Alderman Carmichael spoke in opposition to the motion. Making reference, in particular, to the submission received from Ms. Jamieson, the Alderman expressed concern that projects such as this would pose a serious threat to this R-2A neighborhood, especially in terms of the proposed reduction in green space and parking accommodation.

Alderman Uteck pointed out that the Planning Advisory Committee has successfully resolved certain of the application's initial difficulties (namely, those dealing with flag lots), and emphasized that no opposition has been received from residents of the immediate neighborhood. He added that the developer in question has been a resident of this area for over 30 years and is an individual with a reputation for ensuring that the properties under his ownership are well maintained.

The City Clerk advised that Aldermen Epstein, Pottie and Adams had been absent from the 20 September public hearing and should therefore abstain from the voting process.

The motion was put and passed with Aldermen Epstein, Pottie and Adams abstaining, and Alderman Carmichael voting in opposition.

### **ADDED ITEMS**

#### Appointments

A memorandum dated 28 September 1995 was submitted by His Worship Mayor Walter R. Fitzgerald.

MOVED by Alderman Maher, seconded by Alderman Walker that Alderman Jerry Blumenthal be appointed to the Tourism Halifax Committee (replacing Deputy Mayor Mary Ann Crowley), term to expire 8 November 1995. The motion was put and passed.

MOVED by Deputy Mayor Crowley, seconded by Alderman Downey that Deputy Chief Don Boudreau be appointed Chief of Police effective 1 October 1995 under the terms and conditions agreed to by Chief Boudreau and the City Manager. The motion was put and passed with unanimous consent.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 20 September 1995 as follows:

Reserve for Self Insurance - YMCA Funding

MOVED by Alderman Downey, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, \$279,245 in insurance premiums covering the 1995/96 policy year be funded through the reserve for self insurance, and that the resultant surplus in the insurance premium account number 22355-120 be identified as the funding source for the advance release of funds to the YMCA in the amount of \$230,000. The motion was put and passed.

Payments on Radio System

MOVED by Alderman Blumenthal, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, the previously approved loan payment to the reserves in relation to the radio systems not be made by City departments for the 1995/96 year. The motion was put and passed.

Proposed Amendment to Ordinance 180,  
the Streets Ordinance (Vending Site  
on Sackville Landing)

MOVED by Alderman Epstein, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council not amend Ordinance 180 to create a vending site on Sackville Landing in view of its prior resolution to lease the area for an aquarium.

In putting forward this motion, however, Alderman Epstein pointed out that staff will be bringing forward a proposal for an alternate vending site at Sackville Landing at a later date.

The motion was put and passed.

Endorsement of Structure of Halifax  
International Airport Authority

MOVED by Alderman Blumenthal, seconded by Deputy Mayor Crowley that, as recommended by the Finance and Executive Committee, Council approve the following resolution:

Whereas Council has reviewed the relevant draft provisions of the constituting documents of the Halifax International Airport Authority (the Authority) relating to the above subject and referenced below:

*BE IT RESOLVED THAT:*

1. *Council endorse the structure of the Board of Directors of the Authority and, in particular, endorse the provisions of its By Law as related to the nomination, appointment and revocation process.*
2. *Council appoint the Mayor to be its designated representative as a Nominator and, as required under the constitution of the Authority, confer the right on the Mayor to designate an alternate representative as Nominator by written notice to the Chair of the Authority.*

The motion was put and passed.

Waterfront Development Corporation

MOVED by Alderman Downey, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, this matter be deferred pending receipt of a report from staff detailing the meeting held with the Waterfront Development Corporation.

In putting forward the motion of deferral, Alderman Downey asked that this matter be added to the agenda of the next regular meeting of Committee of the Whole Council **scheduled for THURSDAY, 5 OCTOBER 1995.**

The motion to defer was put and passed.

Parking Tickets -  
Payment Support Facility

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

1. Council authorize staff to work out details with the **Halifax Message Centre** for payment support facilities to allow for payment of parking tickets outside normal working hours; and
2. Council authorize the Mayor and City Clerk to sign a contract with the Halifax Message Centre upon

satisfactory arrangements being concluded, until March 31, 1996, to provide subject services at no cost to the City of Halifax.

The motion was put and passed.

Proposed Federal and Provincial  
Purchasing Legislation

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

1. Council support the efforts of the Union of Nova Scotia Municipalities to have municipalities excluded from the provisions of the Provincial Government procurement policies; and additionally, that Council express its concern that the proposed legislation should not apply to municipalities, both to the Minister of Municipal Affairs and the Minister of Supply and Services; and further that
2. Council call upon the Union of Nova Scotia Municipalities to establish Municipal Purchasing Criteria for Nova Scotia Municipalities which will take the more desirable features of the Provincial White Paper while adding to these certain requirements of a municipal nature, thereby developing a set of criteria tailored to the municipal situation.

The motion was put and passed.

UNSM Dues

An Information Report dated 26 September 1995 was submitted from the Director of Finance in response to a question raised by Alderman Stone during the 20 September meeting of Committee of the Whole Council.

Alderman Stone noted that, in staff's view, no changes are proposed for the formula on which the UNSM billing is based for the 1996 calendar year. Under the circumstances, therefore, he recommended (and it was generally agreed) that no further action be taken in this regard.

**REPORT - COMMITTEE ON WORKS**

Council considered the report of the Committee on Works from its meeting held on Wednesday, 20 September 1995 as follows:

**Canada/Nova Scotia  
Infrastructure Works Program**

A supplementary report dated 25 September 1995 was received from the Director of Engineering and Works.

MOVED by Alderman Stone, seconded by Deputy Mayor Crowley that, as recommended by the Committee on Works, Council approve the transfer of \$200,000 from Account No. 91522, "Bedford Highway Upgrading," to Account No. 91549, "Streets Improvement Program, Infrastructure Program." The motion was put and passed.

**Award of Tender No. 95-73,  
Street Improvement Program, Connaught  
Avenue - Quinpool to Jubilee Road**

This matter had been forwarded without recommendation, pending receipt of additional information from staff.

A supplementary report dated 25 September 1995 was submitted from the Director of Engineering and Works.

MOVED by Alderman Carmichael, seconded by Alderman Pottie that Council approve Alternate #3 of the 12 September staff report; namely, that improvements be made to both the northbound and southbound roadways between Jubilee Road and Quinpool Road under the Street Improvement Infrastructure Program.

In putting forward this motion, Alderman Carmichael made reference to the cost savings that will result should improvements to both sides of this roadway be undertaken simultaneously, and emphasized that while staff have recommended against this approach (owing to funding shortages), they have acknowledged the need for these repairs.

A lengthy discussion ensued during which several members of Council expressed their reluctance to enter into a cost-overrun situation with respect to this project, particularly given the priority list of work that has yet to be undertaken elsewhere in the City.



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Alderman Carmichael, with the concurrence of her seconder, Alderman Pottie, withdrew her motion, and **MOVED**, seconded by Alderman Hanson that Council:

- (1) award Tender No. 95-73, Alternative #1, to Dexter Construction Ltd. for the materials and services listed at the unit prices quoted for a Total Bid Price of \$447,820.00 and a Total Project Cost of \$515,000.00;
- (2) approve the installation of SCOOT loops by Black and MacDonald, with whom the City has a three-year maintenance agreement, for an estimated cost of \$12,000;
- (3) authorize funding from Capital Account No. 91549, "Street Improvement Infrastructure Program," in the amount of \$515,000;00;
- (4) grant authority to make additional expenditures for the Halifax Water Commission work, such as lifting of valves, which will be recovered from the Commission.

The motion was put and passed.

Parcel 10-K, 6238 Allan Street

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that, as recommended by the Committee on Works, Mrs. Ina Kohler be paid \$10,000 as settlement in full for the acquisition of Parcel 10-K (6238 Allan Street), as shown on Plan No. TT-43-30221, plus all taxes and adjustments that may be applicable with funds being available in Account No. 91210, "New Sidewalk - Monastery Land/Allan Street." The motion was put and passed.

**MOTIONS**

Proposed Amendment to Ordinance 116,  
the Taxi Ordinance (Class and Description  
of Limousines - FIRST READING

Alderman Uteck had given Notice of Motion with regard to the above-noted item during a regular meeting of Halifax City Council held on Thursday, 31 August 1995.

The matter had been deferred from the 14 September Council meeting pending receipt of further information from staff.

A report dated 22 September 1995 was submitted from the Director of Corporate and Legal Affairs, together with a memorandum received on 26 September from Sergeant Scott Burbridge, Inspector of Licenses (Halifax Police Department).

At Alderman Uteck's request, it was generally agreed that this motion be withdrawn.

## QUESTIONS

### Question Alderman Stone Re: Bicycle Patrol

Noting that he was very supportive of the Bicycle Patrol Program and would like to encourage its continuation, Alderman Stone requested a report on this initiative. The Alderman went on to ask that the report include, in particular, the manner in which the program is carried out in the Mainland North area, the effect on the prevention of crime, and what the plans are for the future.

### Question Alderman Adams Re: Taxi/Limousine Licenses

Alderman Adams advised Council that, under existing regulations, individuals who are licensed with the City of Halifax as taxi operators are also empowered to operate limousine vehicles. He went on to point out, however, that the reverse of the situation does not apply; namely, that those persons who are licensed as limousine chauffeurs are not automatically entitled to operate a standard taxi vehicle.

The Alderman indicated that this is a source of concern to many of the City's licensed limousine drivers and, in particular, to a Mr. Wayne Campagna who has been licensed as a chauffeur for the past four years. Alderman Adams therefore asked for advice from staff as to how this situation might be addressed and, more particularly, the steps which might be taken to enable Mr. Campagna to acquire a Halifax taxi license.

### Question Alderman Adams Re: North West Arm Drive (Spryfield/Armdale Section)

Alderman Adams noted that, in comparison to Dunbrack Street, the North West Arm Drive (Spryfield/Armdale section) is

not well maintained, and suggested that the planting of rosebushes and increased maintenance would improve this area considerably.

Alderman Adams went on to ask that staff approach the Province to request that, in cooperation with the City, the planting of rosebushes and increased maintenance along this section of roadway be undertaken.

**Question Alderman Carmichael Re:**  
**Liability - Traffic Issues**

Alderman Carmichael noted that Alderman Epstein, during the 14 September meeting of City Council, had asked a question of the Solicitor regarding the liability of the City and of its Aldermen with regard to traffic issues. Referring to a private and confidential memorandum which had subsequently been submitted, Alderman Carmichael asked that Mr. Anstey consider declassifying the memorandum so that it could be made available to the general public.

**Question Alderman Carmichael Re: Khyber Building**

Alderman Carmichael advised that she had been contacted two days ago by the Administrative Director of the Khyber Building concerning a number of contraventions to the codes which a recent visit from the City's Building Inspector had revealed. Alderman Carmichael expressed concern over the matter since the building has just recently been leased for a dollar a year to the Khyber Arts Project.

Alderman Carmichael went on to advise that her telephone calls to the Building Inspection Division had not been returned. She therefore requested that she be provided with a written explanation as to why this initiative has been taken and whether the City was dealing in bad faith.

**Question Alderman Carmichael**  
**Re: Ordinance 157 - Minimum Standards**

Alderman Carmichael noted that she has requested in the past that some teeth be put into the City's ordinance concerning minimum standards. She commented that the residents in her Ward were becoming increasingly frustrated with the City's inability and failure to enforce this ordinance.

Alderman Carmichael made reference to a number of letters all concerning contraventions to the ordinance for one particular property. Pointing out that none of these problems have been addressed, Alderman Carmichael expressed her frustration as well as the frustration from many of the residents who report these concerns. She asked that staff seek a resolution to this problem.

**Question Alderman Maher Re:  
Summary Offenses and Fines**

Alderman Maher made reference to the response he received in answer to his question of 14 September 1995. He thanked staff for their report and requested an update on the progress being made in this regard.

**Question Alderman Maher Re:  
Waste Management Facility**

Alderman Maher advised that it was his understanding the Dutch Settlement is not longer being considered as a possible location for the waste management facility. The Alderman asked for a report outlining the rationale for this decision.

**Question Alderman Stone Re:  
Household Hazardous Waste Collection**

For the information of the public, Alderman Stone advised that the Fall Household Hazardous Waste Collection has been scheduled for 14 October 1995 at the Material Recovery Facility (Recycling Plant), 50 Chain Lake Drive, Bayers Lake Industrial Park, Halifax.

**NOTICES OF MOTION**

**Notice of Motion to Rescind: Deputy  
Mayor Crowley (Funding - Task Force on Drugs)**

Deputy Mayor Crowley gave Notice of Motion that at the next regular meeting of Halifax City Council scheduled for Monday, 10 October 1995, she proposes to introduce a Motion of Rescission concerning a motion previously approved by Council on 30 March 1995 pertaining to funding for the Halifax Task Force on Drugs.

**ADDED ITEMS**

**Halifax Police Department -  
Network Upgrade (Deputy Mayor Crowley)**

Deputy Mayor Crowley made reference to a motion approved during the 13 September meeting of the Halifax Board of Police Commissioners with regard to the proposed network upgrade for the Police Department. Speaking as a member of that Commission, the Deputy Mayor asked (and it was so agreed) that this matter be added to the agenda of the next regularly scheduled meeting of Committee of the Whole Council (Thursday, 5 October 1995), and that the Manager of Police Information Systems be asked to make a brief presentation at that time.

**Historic Properties Wharfage**

A report dated 25 September 1995 was submitted from the Director of Development and Planning.

Following a brief discussion and questioning of staff, it was moved by Alderman Downey, seconded by Alderman Stone that the City agree to fund the construction of approximately 140 feet of new wharfage and approximately 4500 square feet of wharf deck at Historic Properties, sharing one-third of the total cost to a maximum of \$150,000 (funds in the amount of \$100,000 to be made available from Capital Account Number 96011, with the remaining \$50,000 being made available from Account Number 92999, representing unused funds in the Capital Budget). The motion was put and passed.

**Appointments**

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

**Solid Waste (Alderman Epstein)**

This matter had been added to the agenda at the request of Alderman Epstein who circulated a proposed three-part motion (pertaining to the siting of the residuals facility) for Council's consideration.

After a brief discussion (and at the Chairman's suggestion), it was agreed that this matter be deferred for discussion purposes to the next regular meeting of Committee of the Whole Council scheduled for Thursday, 5 October 1995.

Rescheduling - Meeting Date:  
Committee of the Whole Council

On the recommendation of the Chairman, it was unanimously agreed that the next regular meeting of Committee of the Whole Council, originally scheduled for Wednesday, 4 October, be rescheduled to THURSDAY, 5 OCTOBER 1995 (commencing at 2:00 p.m.) in order that the Yom Kippur holy day (4 October) might be observed.

**PROCLAMATIONS**

Proclamation: "Child Abuse Prevention Month"

His Worship Mayor Fitzgerald, on behalf of Halifax City Council, proclaimed the month of October 1995 as "Child Abuse Prevention Month" in the City of Halifax.

Proclamation: "International Day for the Elderly"

His Worship Mayor Fitzgerald, on behalf of Halifax City Council, proclaimed Sunday, 1 October 1995 as "International Day for the Elderly" in the City of Halifax.

There being no further business to be discussed, the meeting was adjourned at approximately 9:10 p.m.

HIS WORSHIP MAYOR WALTER FITZGERALD  
MAYOR

SUBMITTED BY:  
E. A. KERR, CITY CLERK

\*K

# MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 10 OCTOBER 1995

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

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

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

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**MINUTES**

Minutes of the regular meeting of Halifax City Council held on Thursday, 28 September 1995 were approved on a motion by Alderman Blumenthal, seconded by Alderman Stone.

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

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

- 20.1 Award of Tender #95-46,  
Inverness Avenue Storm Sewer
- 20.2 Discharge of Development Agreement  
124 Kearney Lake Road, Case #7110

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

- 20.3 FCM Technical Committee on Airports

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

**City of Halifax Award Re: "Communities in Bloom Program"**

His Worship the Mayor brought to Council's attention the recent award to the City of Halifax for best streetscapes and architectural treatment in Canada in the 1995 National "Communities in Bloom" program. Mayor Fitzgerald congratulated staff, particularly staff of Parks and Grounds Division, for this award.

Insurance Information Week

His Worship Mayor Fitzgerald read a proclamation proclaiming October 22-28 as Insurance Information Week.

MOTIONS OF RESCISSION

Motion - Deputy Mayor Crowley - Rescission of Council Resolution of 30 March 1995 Re: Funding, Task Force on Drugs

Deputy Mayor Crowley made reference to Council's motion of 30 March 1995 concerning the Halifax Task Force on Drugs. She indicated that she intended to recommend that this motion be rescinded because, in her opinion, the second part of the motion placing \$36,000 in the Tax Concessions and Grants Committee was misunderstood. The Deputy Mayor clarified that the \$36,000 had been earmarked for the Halifax Task Force on Drugs and was not meant to be placed in a central pot for distribution.

MOVED by Deputy Mayor Crowley, seconded by Alderman Walker that the following motion of 30 March 1995 concerning the Halifax Task Force on Drugs be rescinded:

"That an additional \$36,000 for the fiscal year 1995/96 be earmarked for the Halifax Task Force on Drugs and placed in the budget of the Tax Concessions and Grants Committee who will subsequently be responsible for evaluating requests from the Task Force for these funds; and further, that the Task Force be encouraged to make regular status reports to Halifax City Council.

Motion passed.

MOVED by Deputy Mayor Crowley, seconded by Alderman Blumenthal that Council increase the budget of the Task Force on Drugs by \$36,000 making a new total of \$98,000 and amend the budget of the Tax Concessions and Grants Committee by reducing it by \$36,000.

A discussion followed with Alderman Downey expressing the view that the \$36,000 should be divided in order to give assistance to some of the groups which were denied grants by the Tax Concessions and Grants Committee i.e. Halifax Seniors Council, Gordon B. Isnor Manor and Spencer House.

Alderman Stone noted that the Maskwa Aquatic Club was in need of some attention and emphasized that the Club should receive some funding in order to continue.

It was therefore MOVED by Alderman Stone, seconded by Alderman Downey that the motion be amended to award a grant in the amount of \$30,000 to the Task Force on Drugs and that the remaining \$6000 be divided between the Seniors Council and the Maskwa Aquatic Club.

Following a short debate, the amendment was put and defeated.

The motion was put and passed.

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that City Council approve the allocation of \$7000 from the City Manager's Contingency Fund to be divided as follows: \$3000 to the Maskwa Aquatic Club, \$3000 to the Halifax Metro Welfare Rights, \$500 to the Gordon B. Isnor Manor, and \$500 to the Halifax Seniors Council.

After a further debate, the motion was put and defeated.

## PETITIONS AND DELEGATIONS

### Petition Deputy Mayor Crowley Re: Sidewalks - Willow Tree Area

Deputy Mayor Crowley presented a petition on behalf of a group of citizens in wheelchairs living in the vicinity of the Willow Tree who are concerned about the state of the sidewalks in this area. Deputy Mayor Crowley advised that she would also be addressing the subject during the Question Period section of the agenda.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on 6 September 1995 as follows:

**Tax Concessions and Grants Committee Update -  
Halifax Task Force on Drugs**

This item was discussed earlier under item 7.1, Motions of Rescission.

MOVED by Alderman Walker, seconded by Alderman Uteck that City Council re-affirm the recommendation of the Grant Committee to award a \$6,200.00 grant to Spencer House.

Motion passed.

MOVED by Alderman Walker, seconded by Alderman Hanson that City Council re-affirm the recommendation of the Grant Committee to award a grant of \$5,000.00 to the Scotia Festival of Music.

Motion passed with Alderman Blumenthal voting in opposition.

MOVED by Alderman Walker, seconded by Alderman Adams that City Council approve and forward a recommendation to the new regional council that the amount representing the net dollars for shareable and non shareable Social Service grants, as approved in 1995-96 municipal budgets, be tentatively budgeted in the 1996-1997 budget of the new municipality pending Provincial clarification on cost sharing formulas. A suggested budget would include \$500,000 for grants and \$1,900,000 for "Canada Assistance Plan" grants.

Motion passed.

**Request for Resolutions - Consideration at the  
December 1995 Meeting of FCM National Board of Directors**

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

- (1) Council request the Mayor to send a letter to the Federal Minister of Transportation, objecting to aspects of the proposed ports policy. In particular, it is suggested that the Mayor be instructed to object to any suggestion that ports not be subject to payment of grant-in-lieu equivalent to normal taxation. It is suggested that there be local municipal input into the appointment of Port Governing bodies, and that active consideration be given to privatization of Ports along the lines presently being proposed for airports.
- (2) Council instruct the Mayor to object to the proposed withdrawal of specialized policing in the Ports area, and the result and additional cost that this would bring to Port cities. It is suggested that policing, in a Port context, is specialized and would be unreasonably demanding on local police time, with consequent negative impact on City finances, and the ability to provide adequate policing services to other citizens. It is suggested that these points be made through to the Federal Government, in order to attempt to head off, what could prove to be a costly and ill-advised aspect of the new Federal Governments Ports Policy.
- (3) Staff draft a resolution in proper form to be forwarded to the Federation of Canadian Municipalities.

Motion passed.

**Award of Tender 95-146:**

**- Two Mini Pumpers (Halifax Fire Department)**

Alderman Blumenthal addressed the matter noting that during the past week he had received a number of calls from persons in the Fire Department and from citizens who are very concerned about the mini pumpers.

Alderman Blumenthal noted that the following questions have been raised:

- which pieces of the apparatus are the foam machines going to replace?
- which stations will they be placed in?
- is it going to affect the service to the public?
- what kind of calls will they respond to?
- do we have any other apparatus available to provide the work which would not cost the City \$200,000?
- NFPA standards say that there is suppose to be a three people minimum to a fire, these only carry two people, does that mean that they are going to have another truck as well?
- at the moment there is a law suit in Florida where a City in Florida is suing a fire department for the use of these type of pumpers.

It was therefore MOVED by Alderman Blumenthal, seconded by Alderman Maher that this matter be deferred to the next Committee of the Whole Council meeting scheduled for Wednesday, 18 October 1995, to provide the Fire Chief and representatives from the Fire Fighters Union an opportunity to address the above questions.

Motion passed.

Recreation Automation - ESCOM Software  
Services Ltd. - CLASS Recreation System

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

- (1) Council authorize the issuance of a purchase agreement to ESCOM Software Services Ltd. to enter into a contract to upgrade software & hardware and provide annual maintenance for the CLASS Recreation System this year and in future at rates negotiated in conjunction with the company and other major municipalities operating these systems.

- (2) funds be made available from account numbers 26108.4014.41803 titled Office Equipment Assets, Central Services, General Expenses.

Motion passed.

Waterfront Development Corporation

MOVED by Alderman Downey, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, His Worship the Mayor seek clarification of the Province's position with respect to payment of grants in lieu of taxes by Crown Corporations by appealing to the Premier for a statement of policy for the guidance of Crown Corporations with respect to municipal taxation.

Motion passed.

Halifax Police Department - Network Upgrade

MOVED by Deputy Mayor Crowley, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, the proposal put forward by the Halifax Police Department and by the Halifax Board of Police Commissioners be forwarded to the City Manager for review and recommendation.

Motion passed.

Solid Waste

A report from Jim Donovan, Coordinator, Regional Solid Waste Management Project, dated 5 October 1995 was submitted.

The following motion was defeated at the last Committee of the Whole Council meeting:

that His Worship Mayor Fitzgerald write to the Municipality of the County of Halifax to suggest that the County:



- (i) delay the selection of a new site for a residuals facility until the new Strategy is in place and has achieved its first objective for diversion;
- (ii) implement the new Strategy as quickly as possible; and
- (iii) seek a bridging solution to deal with the disposal of waste between the date of the closing of the Sackville facility and the date of the opening of a new residuals facility.

Alderman Epstein addressed the matter and noted that the comment had been made on an earlier occasion that Council had previously agreed to leave the matter of solid waste to Halifax County. He suggested that when the predecessor Council had agreed to leave the matter to the County, surely the Council wanted the County to do it properly. The Alderman expressed the concern that there is an abundance of evidence that this is not what is occurring.

Alderman Epstein went on to note that since the last Committee of the Whole Council meeting, he has spoken to a number of Aldermen who have indicated that they are prepared to re-think their position, but would like more time to consider the matter.

It was therefore MOVED by Alderman Epstein, seconded by Alderman Blumenthal that this matter be deferred to the next Committee of the Whole Council meeting scheduled for Wednesday, 18 October 1995, for discussion.

Motion passed.

Update - Pedway/Tunnel (Trade Centre - Scotia Square)

At the Committee of the Whole Council meeting, the Director of Development and Planning presented an update on the proposed underground tunnel to connect Scotia Square with the World Trade and Convention Centre.

MOVED by Alderman Downey, seconded by Alderman Blumenthal that the information from staff be accepted.

Motion passed.

**Downtown Halifax B IDC - Proposed Boundary Expansion**

MOVED by Alderman Uteck, seconded by Alderman Downey that Halifax City Council be requested to direct staff (as outlined in the B IDC's governing legislation):

- (1) to prepare and mail formal notices of expansion to all those registered on the property tax and business tax rolls in the proposed expansion area (namely, that part of the City's Central Business District not now included within the B IDC boundaries together with the City-owned lot currently proposed for sale to the Casino);
- (2) staff tabulate the results of this process;
- (3) and that this work be done at City staff's earliest possible convenience.

Motion passed.

**Advisory Committee on the Status of Persons  
With Disabilities - Annual Report (TO BE TABLED)**

MOVED by Alderman Blumenthal, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the Annual Report from the Advisory Committee on the Status of Persons with Disabilities dated 5 October 1995 be accepted.

Motion passed.

Heritage Incentives

MOVED by Alderman Carmichael, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, the following recommendation received from the Heritage Advisory Committee be forwarded to staff for review and comment: That a third round of heritage incentives be promoted and provided this Fall.

His Worship noted that he was under the impression that any incentives would be earmarked for the Khyber Building.

Alderman Carmichael questioned the appropriateness of using incentives for City owned properties.

In response, Richard J. Matthews, Director of Development and Planning, advised that Council's policy is that they not be used for normal maintenance on City owned properties. However, he advised that for extraordinary maintenance they have been and can be used on City owned property.

Motion passed.

Amalgamation Coordinator

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

- (1) the City Manager attempt to acquire a tape recording of Mr. Hayward's alleged statements; and that
- (2) the matter be investigated to determine if any employee of any of the four metro-area municipalities involved in the amalgamation process have been discriminated against because of their age.

Motion passed.

**REPORT COMMITTEE ON WORKS**

Council considered the report of the Works Committee from its meeting held on 5 October 1995 as follows:

**Petition Requesting Replacement of the Sidewalk  
on the South Side of Willow Street Between  
Robie Street and Clifton Street**

MOVED by Alderman Epstein, seconded by Alderman Downey that, as recommended by the Works Committee, Council table the petition and agree to consider the request of the petitioners for the replacement of the concrete sidewalk on the south side of Willow Street between Robie Street and Clifton Street during its deliberations for the 1996/97 Capital Budget.

Motion passed.

**Award of Tender No. 95-65: Street  
Improvement Program (Mumford Road -  
Leppert Street to Sear's Driveway)**

MOVED by Alderman Crowley, seconded by Alderman Walker that, as recommended by the Works Committee:

- (1) award Tender No. 95-65 to Standard Paving Maritime Ltd. for the materials and services listed at the unit prices quoted for a Total Bid Price of \$97,100.00 and a Total Project Cost of \$111,000.00;
- (2) authorize funding from Capital Account No. 91406, Street Improvement Program;
- (3) transfer \$75,000.00 from Account #92999, Unused Funds to Account #91406, Street Improvement Program;

- (4) grant authority to make additional expenditures for the Halifax Water Commission work, such as lifting of valves, which will be recovered from the Halifax Water Commission.

Motion passed.

Tender No. 95-169: Tremont Plateau  
Park - Landscape Construction (Part III)

MOVED by Alderman Stone, seconded by Alderman Downey that, as recommended by the Works Committee, Council authorize the issuance of a contract to Turf Masters Landscaping in the amount of \$81,193.00 to complete landscape construction (Part III) at Tremont Plateau Park (funds to be made available in Account No. 9160.97007 titled "Tremont Plateau-Recreation/Cultural."

Motion passed.

Tender No. 95-142: Equipment Replacement

MOVED by Alderman Maher, seconded by Alderman Hanson that, as recommended by the Works Committee, City Council award Tender No. 95-142 for the purchase of one (1) 1996 Combination Sewer Jet to Saunders Equipment Limited based on the lowest price meeting specifications at a total cost of \$247,736.03 (funding to be made available from Account No. GL126104.RC8300.PR80000 entitled "Equipment Reserve").

Motion passed.

Fall 1995 - Bagged Leaf Collection Program

MOVED by Alderman Epstein, seconded by Alderman Walker that, as recommended by the Works Committee Council approve the allocation of the funds remaining in "Special Projects -Backyard Composter Sale, Ward 4" (Account No. 22374-9133-91701) and the transfer of required funds from the "Street Leaf Pick-Up" Account for a Fall 1995 Bagged Leaf Collection Program for a total project cost of \$30,000.00.

Motion passed.

**REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on 6 September 1995 as follows:

**Encroachment - 5690 Spring Garden Road**

MOVED by Alderman Downey, seconded by Alderman Maher that, as recommended by the Planning Committee, an Encroachment License be granted to A. Jean Signs Limited for the purpose of erecting an illuminated, encroaching, wrap around awning at Civic No. 5690 Spring Garden Road.

Motion passed.

**City of Halifax Parkland Strategy  
- Concept Plan (Final Report)**

Subsequent to the last Committee of the Whole Council meeting, additional information was received from Marcus P. Garnet, Planner.

MOVED by Alderman Hanson, seconded by Deputy Mayor Crowley that the following amendment to the Halifax Parkland Strategy Concept Plan Final Report be approved:

Add the following footnote to page 14, paragraph 5(b) of Volume Two after the words "(Map 2.0)" in the second sentence:

"To be consistent with previous research, the boundary between Mainland North and Mainland South is defined by St. Margarets Bay Road. It is recognized, however, that for practical purposes the Bicentennial Highway forms a physical barrier between Fairview and Fairmount. This is taken into account in the analysis of parkland location, especially at the neighbourhood level."

Motion passed.

MOVED by Alderman Hanson, seconded by Alderman Maher that the following amendments to the Halifax Parkland Strategy Concept Plan Final Report be approved:

Replace the name "Fairmount" with "Crown Drive - Armdale" after the heading, "COMMUNITY AREA" on the Parkland Information Sheet for Clarence A. Beckett School in Volume Three.

Motion passed.

MOVED by Alderman Stone, seconded by Alderman Walker that the Parkland Information Sheet in Volume 3 for "Sheffield Park Lot J-3" be amended by deleting after the heading, "Recommended Changes," the phrase "and consider selling part of the lot for development."

Motion passed.

MOVED by Alderman Stone, seconded by Deputy Mayor Crowley that, as recommended by the Planning Committee:

1. Halifax City Council adopt the Parkland Strategy - Concept Plan Final Report (Volumes 1, 2 and 3) as attached to the staff report of 20 September 1995; and including the amendments approved at the City Council meeting of October 10, 1995;
2. Halifax City Council authorize and encourage staff to develop an Operational Strategy as a fourth volume of the Parkland Strategy, to guide the design, development, management and operation of parks, recreation facilities and programs.

On behalf of members of Council, His Worship commended staff, particularly Marcus P. Garnet, for the tremendous amount of work on preparation of this document.

Motion passed.

Hotel Standards Committee - Appointments

At the last Committee of the Whole Council meeting, Alderman Adams asked that, if possible, appointments to the Hotel Standards Committee be made at tonight's Council meeting.

His Worship advised that his office was presently in the process of receiving suggestions for appointees to the Committee.

Alderman Uteck suggested that since this proposal involves the taxi school to some extent, that Council consider the review of the taxi school earlier than the previously scheduled date of next April.

Alderman Adams agreed that it was a good idea to undertake a review of the taxi school. He pointed out that the original motion did recommend a period of a couple of years, but expressed the view that this time frame should be moved ahead.

It was subsequently agreed that the item "Taxi School" be placed on the next Committee of the Whole Council meeting scheduled for Wednesday, 18 October 1995.

100 Leiblin Drive

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

A staff report dated 10 October 1995 was submitted.

MOVED by Alderman Adams, seconded by Alderman Walker that:

1. Council approve the construction of a small building containing washrooms, electrical room and utility room at 100 Leiblin Drive, estimated at \$82,000.00.



2. Council authorize the City Manager to approve the appointment of a consultant for a cost not to exceed \$10,000.00.
3. Funds for these works are available in Account No. 91678 Leiblin Drive (100) Upgrading.

Motion passed.

**Case No. 6968: Signs in the Business Park  
- Amendment to the I-3 Zone**

MOVED by Alderman Carmichael, seconded by Alderman Maher that, as recommended by the Planning Committee, this matter be forwarded to the Planning Advisory Committee for reconsideration and to afford an opportunity to Michael J. Hanusiak, Acting Executive Director for the Halifax Industrial Commission, to address the PAC.

Motion passed.

**Case No. 6771: Marina and Boat Charter Services/  
Small-Scale Fishing Operations (Purcells Cove)**

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

- (1) consider amendments to the Municipal Development Plan and Land Use Bylaw to permit marinas, boat charter services, boat and yacht clubs and small scale fishing operations in the Holding Zone for the area known as Purcells Cove; and
- (2) forward this matter to the Planning Advisory Committee for a public meeting and advice.

Motion passed.

QUESTIONS

**Question Alderman Stone re: Possible  
Water Quality - Kearney Lake**

Referring to the significant amount of rain over the past two weeks, Alderman Stone advised that Kearney Lake from Little Kearney Lake (Washmill Pond area) up to the boat club has turned a greenish gray colour. Alderman Stone indicated that there is concern that this is the visual effect of an environmental problem within the lake. He went on to request that staff look into this matter with the possibility of involving the Lakes and Waterways Advisory Committee and the Provincial Department of the Environment.

**Question Deputy Mayor Crowley re:  
Neighbourhood Watch Program**

Referring to concerns expressed to her regarding the inactivity of the Neighbourhood Watch Program in the City of Halifax, Deputy Mayor Crowley requested the Police Department take the lead in rejuvenating this program throughout the City. Deputy Mayor Crowley suggested that the most appropriate avenue would be through discussion at a meeting of the Police Commission and requested that the matter be added to the agenda of an upcoming meeting of that Commission.

**Question Deputy Mayor Crowley re:  
Closure of Fire Stations**

Referring to concerns which have been brought to her attention regarding changes made within the Fire Department, Deputy Mayor Crowley asked if, in light of fire station closures, the City has adequate fire protection. Deputy Mayor Crowley went on to note that residents of the Spryfield area are concerned that there would not be adequate coverage in the case of more than one fire. Providing an example, Deputy Mayor Crowley referred to a recent fire in Spryfield and noted that concern has been expressed that if another major fire (i.e. involving a residence, hospital or high rise apartment building) had occurred at the same time, coverage would have been inadequate.

On a related matter, Deputy Mayor Crowley asked if there were any plans to close the Bayers Road Fire Station.

**Question Deputy Mayor Crowley re:  
Movement of Wheelchairs Throughout the City**

Referring to the petition from wheelchair users she had presented earlier this evening, Deputy Mayor Crowley noted that a number of serious issues regarding their safety and their ability to travel around City streets have been detailed in the petition. Deputy Mayor Crowley indicated that she would like staff to meet on-site with representatives of this group to review these very serious matters and indicated her desire to be at that meeting.

**Question Alderman Adams re:  
Plowing of Snow - Lieblin Park**

Referring to the changes the City has made to their method of plowing the crescents in Lieblin Park, Alderman Adams noted that residents living on the corners of the crescents (affected residents) have approached him to have the 'old' method of plowing reinstated. Alderman Adams explained that the change in method resulted from the successful suit of a Lieblin Park resident in which the resident held that the City's methods of snow plowing had resulted in severe damage to his lawn. Alderman Adams went on to advise that affected residents are willing to sign a waiver indicating that they will not sue the City in the case of damage. Alderman Adams requested that staff look into this possibility.

**Question Alderman Adams re: Lights  
Intersection North West Arm Drive  
and Old Sambro Road**

Alderman Adams, noting that the lights at the intersections of Old Sambro Road and Denith Road and of the Northwest Arm Drive and Cowie Hill Road are functional, requested that staff identify the body responsible for the intersection located at the end of the Northwest Arm Drive and the Old Sambro Road and request that lights be installed at that intersection.

**Question Alderman Carmichael re:  
Resurfacing of Connaught Avenue**

Noting that resurfacing had begun on Connaught Avenue, Alderman Carmichael advised that five trees on the boulevard had been removed. She went on to advise that early in September she had received confirmation that no changes would occur with the boulevard, that the project involved roadway changes only and that the configuration of the boulevard would not be changed.

Alderman Carmichael went on to indicate that a number of area residents had expressed sincere concern regarding the removal of the trees, particularly as she had assured them that no changes would be made to the boulevard.

Citing a lack of communication as the difficulty, Alderman Carmichael requested that she be kept informed of any changes occurring with the boulevard or the area in general as a result of the construction.

**Question Alderman Uteck re:  
Rollerblading**

Referring to the ever-increasing popularity of rollerblading within the City of Halifax, Alderman Uteck advised that he had received many calls from concerned enthusiasts and the public regarding safety factors. (i.e. traffic, safety equipment, etc.). Alderman Uteck requested that staff investigate possible rules and regulations from other municipalities across Canada to determine if they could be used in Halifax.

**Question Alderman Epstein re:  
Amalgamation Concerns - Canada  
Post and Maritime Tel & Tel**

Referring to concerns expressed by residents of the City, Alderman Epstein noted that he has made some unofficial inquiries of Canada Post and Maritime Tel & Tel with regard to what might happen to the identity of existing communities from the viewpoint of Canada Post and what might happen to telephone exchanges. Alderman Epstein requested that staff

make official inquiries of Canada Post and MT&T and report to Council on what, if any, action Canada Post and MT&T are contemplating. Alderman Epstein indicated that based on this information, Council can decide whether it wishes to offer any advice to either of these bodies.

**ADDED ITEMS**

**Award of Tender #95-46, Inverness Avenue Storm Sewer**

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

A staff report dated 4 October 1995 was submitted.

MOVED by Alderman Hanson, seconded by Alderman Adams that:

1. Council award Tender No. 95-46, Inverness Avenue Storm Sewer, for materials and services listed at the unit prices quoted for a Total Bid Price of \$248,897 and a Total Project Cost of \$286,000 to Tri-Ex Construction Ltd.
2. Council authorize the transfer of \$120,000 from Capital Account No. 92999 unused funds and \$61,000 from Capital Account No. 94015, Walton Drive Storm Sewer to Capital Account No. 94046, Inverness Avenue Storm Sewer.
3. Council authorize funding from Capital Account No. 94046, Inverness Avenue Storm Sewer.

Motion passed.

**Discharge of Development Agreement 124 Kearney Lake Road,  
Case #7110**

A staff report dated 5 October 1995 was submitted.

MOVED by Alderman Stone, seconded by Alderman Maher that City Council discharge the agreement dated 9 July 1981 between Petrofina Canada Inc. and the City of Halifax, filed in the Registry of Deeds in book 3503, page 863.

Motion passed.

**FCM Technical Committee on Airports (Alderman Stone)**

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

For the information of Council, Alderman Stone advised that Mr. Bernard G. Smith, Director of Finance, has been appointed to the FCM Technical Committee on Airports. On behalf of Council, Alderman Stone congratulated Mr. Smith on his acceptance of this appointment.

There being no further business the meeting adjourned at 9:30 p.m.

**HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN**

**SUBMITTED BY:  
E. A. KERR  
CITY CLERK**

**MS**

# MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 26 OCTOBER 1995

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

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

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

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**MOMENT OF SILENCE**

A moment of silence was observed in memory of Gerald West a retired Deputy Fire Chief with the City of Halifax

**PROCLAMATIONS**

**Proclamation: Canadian Unity**

His Worship read a proclamation encouraging the residents of Quebec to restate their belief in co-operation, and their determination to remain a part of Canada in the coming referendum, and to continue with the City of Halifax, and all other Canadians, the effort of guiding this nation into the future. He went on to affirm Council's support for the federal system of government under which the City has prospered and through which the City can strive for the most complete fulfilment of the opportunities that are provided for our City in this democratic society.

**Proclamation: CPR Awareness Month  
November 1 - November 30, 1995**

His Worship read a proclamation declaring November 1, 1995 to November 30, 1995 CPR Awareness Month in the City of Halifax.

**Proclamation: National Community Safety  
& Crime Prevention Week**

His Worship read a proclamation declaring November 1-7, 1995 National Community Safety & Crime Prevention Week in the City of Halifax.

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

At the request of the City Clerk the following items were added to the agenda:

- 20.1 Request for Crossing Guard - Watt Street
- 20.2 Recommended Payment of Supplementary Funds to the School Board
- 20.3 Secondments to the Regional Municipality

**PETITIONS AND DELEGATIONS**

**Petition Alderman Adams re:  
Construction St. Michael's Avenue**

Alderman Adams submitted a petition on behalf of all the residents of St. Michael's Avenue with regard to a number of concerns relating to construction including the amount of dust and noise created and the operation of equipment. Alderman Adams, recognizing the importance of the project and that construction does cause upheaval, requested that staff work with the contractor and area residents to allay these concerns.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee meeting from its meeting held on 18 October 1995 as follows:

**Tender #95-146 - Two Mini Pumpers  
- Halifax Fire Department**

This matter was forwarded without recommendation from the Committee of the Whole Council meeting held on 18 October 1995. An information report dated 24 October 1995 was submitted from the Fire Chief. A facsimile dated 19 October 1995, attaching Mr. Paul Boyle's presentation of 18 October 1995 Committee of the Whole, was distributed to members of Council this evening.

Referring to problems being experienced with equipment purchased in the past and the alleged difficulties between management and staff at the Fire Department, Alderman Blumenthal MOVED, seconded by Alderman Epstein that this matter be deferred until such time as Fire Department management and staff meet to determine what equipment will be required in the Regional Municipality.

The motion to defer was put and passed.

PC & Police Network Upgrade

MOVED by Deputy Mayor Crowley, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, Halifax City Council approve the Halifax Police Department network upgrade at an approximate cost of \$95,000.00 and the PC upgrade at an approximate cost of \$255,000.00, and authorize the funding to be taken from the "Equipment Reserve" Account.

Motion passed.

City of Halifax Special Events Policy

A report dated 23 October 1995 was submitted from the City Manager.

MOVED by Alderman Downey, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, Council adopt the "Special Events" policy, as contained in the report from the City Manager dated 6 October 1995, and direct staff to develop an operational plan.

Motion passed.

Appointments

MOVED by Alderman Stone, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, present memberships (both citizen and aldermanic) on all City of Halifax boards, commissions and committees, be extended to 31 March 1996.

Motion passed.

Spryfield Lions Club Road Toll

MOVED by Alderman Adams, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, the Spryfield Lions Club be notified that the City will grant permission for the Club's "1995 Road Toll" event on condition that the Club assume liability for all claims arising out of

the Road Toll activities and that it carries adequate liability insurance to cover all of its liability obligations.

Motion passed.

**Policy on Twinning**

This matter was forwarded **without recommendation** from the Committee of the Whole Council meeting held on 18 October 1995.

Responding to a question from Alderman Stone, the City Manager indicated that no further comments had been received from staff with regard to the proposed policy. He went on to remind Council that the only change suggested by staff was that the word 'Relationship' replace the word 'Partnership' in the policy.

Alderman Stone, indicated that the Twinning Policy Committee had no difficulty with this suggested change, and **MOVED, seconded by Alderman Walker that:**

- the International Relationship Policy as attached to the 12 October 1995 report from the Twinning Committee be adopted;
- an International Relationship Committee be appointed as recommended by the policy;
- the twinning proposal from Ningbo, China be referred to this Committee once established, for consideration in the context of the policy; and further
- all references in the policy to 'Partnership' be changed to 'Relationship'.

Motion passed.

**REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on 18 October 1995 as follows:

**Case No. 7140: Closure of Unused Portion  
of Barrington Street and Land Conveyance  
- SET DATE FOR PUBLIC HEARING**

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MOVED by Alderman Blumenthal, seconded by Alderman Uteck that, as recommended by the Planning Committee, a public hearing be scheduled to consider the following:

- (a) the closure and removal of street lines from an unused portion of Barrington Street adjacent to and west of Seaview Memorial park as generally shown on Map 1 attached to the staff report of 4 October 1995;
- (b) the laying down of street lines for the port road of 53 feet wide in the area west of Seaview Memorial Park as generally shown on Map 2 attached to the staff report of 4 October 1995; and
- (c) the grant of land of approximately two acres to the Africville Genealogy Society for the purpose of building a church as generally shown on Map 3 attached to the staff report of 4 October 1995.

The motion was put and passed.

The City Clerk advised that the date for the Public Hearing was **WEDNESDAY, NOVEMBER 22, 1995** beginning at 5:00 pm.

**Case No. 7226: Addition to a Non-conforming  
Duplex at 6496-98 Jubilee Road - SET DATE  
FOR A PUBLIC HEARING**

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MOVED by Alderman Carmichael, seconded by Alderman Uteck that, as recommended by the Planning Committee, a public hearing be scheduled to consider the entering into of a development agreement pursuant to Section 16AF of the Land Use Bylaw (Peninsula Section) to permit the construction of an addition and a deck to the rear of the duplex located at **6496-98 Jubilee Road.**

Motion passed.

The City Clerk advised that the date for the Public Hearing was **WEDNESDAY, NOVEMBER 22, 1995** beginning at 5:00 pm.

Case No. 7151: Peninsula and Mainland  
Land Use Bylaw - Housekeeping Amendments  
#12 - SET DATE FOR PUBLIC HEARING

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Planning Committee, a public hearing date be scheduled to consider proposed housekeeping amendments to the Peninsula and Mainland Sections of the Land Use Bylaw, as outlined in the staff report dated 4 October 1995; and, in the interim, that the matter be forwarded to the Planning Advisory Committee for review and recommendation.

Motion passed.

The City Clerk advised that the date for the Public Hearing was **WEDNESDAY, NOVEMBER 22, 1995** beginning at 5:00 pm.

Downtown Parking Facility - Granville,  
Hollis and Salter Streets

A supplementary staff report dated 20 October 1995 was submitted from the Director of Development and Planning.

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

(i) authorize the withdrawal of funds from the Sale of Land Account for the acquisition of the following properties:-

- Parcel 1, 1529-31 Granville Street (\$400,000.00)
- Parcel 2, 1549-51 Granville Street (\$650,000.00)
- Parcel 4, 1563 Granville Street (\$300,000.00)
- Parcel 5, 1569 Granville Street/1552-74 Hollis Street (\$390,000.00)
- Parcel 6, 1577 Granville Street (\$450,000.00)

plus all applicable taxes and adjustments;

(ii) transfer from the funds itemized above the option sums already paid out of the Sundry Land Acquisition Account (91608) under Council's resolution of 27 July 1995; namely:-

- Parcel 1 (\$20,000.00)
- Parcel 2 (\$32,500.00)

- Parcel 4 (\$15,000.00)
- Parcel 5 (\$19,500.00)
- Parcel 6 (\$22,500.00)

back into the Sundry Land Acquisition Account; and

- (iii) authorize the payment of \$8,060 plus GST to FTA Realty Limited as a final payment for professional services associated with the negotiations for Parcels 1 to 10, with funds to come from the Outside Professional Services/General Government Account (No. 22310-0120).

Motion passed.

**Envirostore: Old Halifax Civic Arena**

MOVED by Alderman Pottie, seconded by Alderman Epstein that, as recommended by the Planning Committee:

- (1) a temporary (six-month) occupancy permit be issued as quickly as possible to the Halifax Forum Commission to permit the operation of the "Envirostore" at the former Halifax Civic Arena;
- (2) in the interim, staff bring forward proposed amendments to the Municipal Planning Strategy and Land Use Bylaw pertaining to the regulation of "junk yards" for Council's consideration; and that
- (3) should deliberations concerning the proposed amendments not be completed by the end of a six-month period, the occupancy permit for the Envirostore be extended for a further three months.

Motion passed.

**MISCELLANEOUS BUSINESS**

**Appointments**

A report dated 25 October 1995 was submitted from Mayor Walter R. Fitzgerald.

MOVED by Alderman Adams, seconded by Alderman Pottie that Council approve the following appointments:



Hotel Standards Committee

Collette Flinn, representing Tourism Halifax  
Darlene Grant-Fianders, representing TIANS  
Terry Botten, representing the Hotel  
Association of Halifax  
Robert Richards, licensed taxi owner  
Ali Roshnanimaydan, licensed taxi driver

Alderman Uteck, indicating that he supported the establishment of this Committee and its proposed membership, suggested that there was an obvious omission in that a member of the United Cab Drivers Association was not recommended for appointment. Noting the communication difficulties experienced in the past, it was MOVED in amendment by Alderman Uteck, seconded by Alderman Blumenthal that the motion be amended by the introduction of a sixth member, that being a representative of the United Taxi Cab Drivers.

His Worship indicated that the names provided to Council in the 25 October 1995 report were the only names received with regard to membership on the Committee.

A brief discussion ensued and, following a show of hands, the amendment to the Motion was put and passed.

The motion, as amended, was put and passed.

**NOTE:** A Notice of Reconsideration of the above motion was presented which will be considered at the next regular City Council meeting scheduled for 16 November 1995.

Parking Area "P"

A report dated 15 October 1995 was submitted from the Director of Development and Planning.

MOVED by Alderman Stone, seconded by Alderman Blumenthal that Council approve setting up a separate account from which to pay for additional services required to operate Area "P" in such a manner as to increase revenue.

Motion passed.

QUESTIONS

Question Alderman Blumenthal Re:  
Rules and Regulations - Skateboard Facility

Alderman Blumenthal noted that construction of the skateboard facility on the Central Commons is now nearing completion. Referring to skateboarding as a particularly dangerous sport, the Alderman asked for information from staff as to whether rules and regulations will be established for the use of this facility and whether the City will be assuming liability for any injuries occurring there.

Question Alderman Adams Re:  
Involvement of Youth Groups

Alderman Adams observed that during the months leading to amalgamation, staff of all four municipal units will be under considerable pressure. To assist those employees, particularly those involved in clean-up and maintenance, the Alderman suggested that consideration be given to approaching youth groups (such as the Boy Scouts, Girl Guides, Cubs, Beavers and Air Cadets) and perhaps certain seniors organizations interested in community service to ascertain if they would be willing to assist in this regard.

In putting this suggestion forward, the Alderman expressed appreciation to Mrs. Croft, a lady very much involved in the local Boy Scouts organization, for bringing this matter to his attention.

Question Alderman Maher Re:  
Water Pressure - Doull Avenue

Alderman Maher advised that he has received a complaint from a gentleman on Doull Avenue concerning the fact that his water pressure has dropped to a reading of approximately 24-25 pounds per square inch.

The Alderman acknowledged that the Act does not require that water pressure be fixed at an average of 40-50 pounds per square inch; however, in view of the difficulties experienced by the individual in question, he wondered if the Water Commission would consider increasing it to that level.

**Question Alderman Maher Re:**  
**Recyclable Materials**

Alderman Maher made reference to the brown envelopes traditionally used by the City of Halifax, noting that they are not on the list of materials that can be recycled. He therefore asked that, when the current supply is depleted, consideration be given to purchasing envelopes of a type that are recyclable.

**Question Alderman Epstein Re:**  
**Solid Waste Management Project**

Responding to a question from Alderman Epstein, Mr. B. G. Smith, Director of Finance, advised that, apart from a short briefing session sponsored by representatives of the Mirror Group, which he attended some weeks ago, and the receipt of various pieces of documentation, he has had no further contact with those involved in the negotiation of the waste management contract between the County and Mirror Nova Scotia.

**Question Alderman Epstein Re:**  
**Winter Parking Ban**

Alderman Epstein made reference to an Information Report recently received from the City Traffic Authority regarding the dates for the 1995-96 Winter Parking Ban. Emphasising that he personally does not agree with an overall parking ban of this nature, the Alderman asked for information from staff as to the alternatives.

Alderman Epstein asked that this information be provided as quickly as possible so that the matter might be discussed at a future meeting of Committee of the Whole Council.

**Question Alderman Walker Re:**  
**Bus Shelter - Lacewood Drive/Lincoln Cross**

Alderman Walker made reference to a bus shelter on Lacewood Drive across from Lincoln Cross which is at least 60 feet from the bus stop, noting that he has received numerous calls, particularly from seniors, complaining about the distance between the two. The Alderman went on to emphasize

that if no one is standing at the actual bus stop site, people waiting in the bus shelter often don't have sufficient time to make their way to the bus before it departs.

Alderman Walker noted that he had been advised several months ago by Metro Transit that the shelter would be moved closer to the bus stop, but as yet there has been no action in this regard. Under the circumstances, therefore, the Alderman asked for information as to (1) when the shelter will be moved; and (2) whether, until the shelter is moved, a sign could be placed in the bus shelter advising that buses do not stop at that location.

### **NOTICES OF MOTION**

**Notice of Motion Alderman Adams re:  
Motion of Reconsideration -  
Appointments - Hotel Standards Committee**

Alderman Adams gave Notice of Motion of his intent to introduce a Motion of Reconsideration regarding Council's motion of 26 October 1995 relating to the appointment of a representative of the United Cab Drivers Association to the Hotel Standards Committee. Alderman Adams indicated that he would introduce this motion based on the fact that two of those appointed to the Committee were members of the United Cab Driver Association.

**Notice of Motion Alderman Adams re:  
Amendment to Ordinance 116, Respecting  
the Regulation of Vehicles Transporting  
Passengers For Hire - Section 10B(3) -  
Renewal of Taxi Vehicle Licenses**

Alderman Adams gave Notice of Motion of his intent to introduce a motion to amend Section 10B(3) regarding the renewal of taxi vehicle licenses. The purpose of this amendment is to increase the renewal opportunity for current tax owners by a further six months.

**Notice of Motion Alderman Adams re:  
Amendment to Ordinance 116, Respecting  
the Regulation of Vehicles Transporting  
Passengers For Hire - Limousine Chauffeurs License**

Alderman Adams gave Notice of Motion of his intent to introduce an amendment to Ordinance 116, Respecting the Regulation of Vehicles Transporting Passengers for Hire the purpose of which is to permit any driver holding a Limousine Chauffeurs License on the 25th day of October 1995 to obtain a Taxi Operators License. Alderman Adams went on to explain that this involved only one individual and, in this regard, sought direction as to whether Council could allow the individual to obtain a taxi operators license in anticipation of approval of this proposed amendment.

The City Solicitor, responding to Alderman Adam's request for direction, indicated that at the present time there is a moratorium on the issuance of taxi operators licenses. He noted that the law of the City (i.e. moratorium) continues until such time as it has been changed. He further advised that under the Ordinance Council does not have the authority to grant licenses, that is the prerogative of the License Inspector.

Referring to a previous discussion with Alderman Adams on this matter, the City Solicitor went on to note that there have been situations in which the License Inspector has chosen to not enforce the law. He noted, however, that this is not a situation of choosing not to enforce, but rather the issuance of a license. The City Solicitor advised that as the Ordinance reads today, the License Inspector has no authority to issue a license and that if issued, the validity of the license would be questionable.

A brief discussion ensued and the Chairman, noting the purpose of a Notice of Motion, ruled the discussion to be out of order.

In response to a challenge of the Chairman's ruling by Alderman Adams, the Chairman called for a show of hands to determine whether Council upheld the ruling of the Chair.

Following a show of hands, the Chairman declared the ruling of the Chairman to be upheld.

ADDED ITEMS

Request for Crossing Guard -  
Watt Street - Alderman Carmichael

Referring to traffic safety problems in the area of the Ecole Beaufort and the LeMarchant St. Thomas School on Watt Street, Alderman Carmichael noted that Watt Street was a narrow residential street. Alderman Carmichael described the very hazardous situation occurring during dismissal times (i.e. parents dropping off and picking up their children and the presence of buses). She went on to outline efforts made by the schools to educate both children and parents of the dangers. She further noted that appropriate signage has been erected, however, the situation continues to be hazardous.

At the request of the both the principals and parents of the schools, and with the support of the motorcycle policemen who have conducted some substantial enforcement in the area, it was MOVED by Alderman Carmichael, seconded by Alderman Maher that, in light of the hazard to children, the City Manager be requested to assist the Chief of Police to find the funds that would be required to put a crossing guard at the crosswalk on Watt Street and that the City Manager report back to Council in this regard as soon as possible.

Motion passed.

Recommended Payment of Supplementary  
Funds to the School Board

A report dated 26 October 1995 was submitted from the Director of Finance.

MOVED by Deputy Mayor Crowley, seconded by Alderman Epstein that Council approve a transfer of \$3,515,551 to the School Board, of which amount approximately \$3.1 million represents a supplementary budget; the transfer to occur immediately, on the understanding that the supplementary funds will be used for the long term benefit of the Halifax school system.

Briefly debating the item, Council expressed a variety of viewpoints regarding the possible use of the monies. Alderman Blumenthal, referring to a need in North end schools, suggested the purchase of computers. Alderman Downey suggested that the School Board review proposed closure of schools and in particular the Joseph Howe School. Alderman Stone suggested that the School Board should establish a process by which all areas of the City would have input to the use of the monies.

The motion was put and passed.

### Secondments to Regional Municipality

A report dated 26 October 1995 was submitted from the City Manager.

Alderman Pottie, referring to the recommendation, asked if there would be any costs incurred by the City of Halifax in relation to these secondments.

In response, the City Manager advised that if there were priority projects which are in conflict or cannot be completed by remaining staff for which the City would have to hire additional staff, the Halifax Regional Municipality would cover the cost of these additional staff.

Referring to start up costs provided to the Regional Municipality by the Province, Alderman Pottie asked if the monies being expended at this time and up until March 31, 1996 would be charged back to the new Municipality after April 1, 1996, or are these start up monies a gift from the Province of Nova Scotia to the Regional Municipality.

The City Manager indicated that he did not have this information and indicated that he would contact Mr. Hayward in this regard.

MOVED by Alderman Pottie, seconded by Alderman Epstein that Council approve the policy of secondments to the Regional Municipality with no remuneration when the priority workload of the City of Halifax can be accommodated without additional cost to the taxpayers of the City of Halifax.

A brief discussion ensued and the motion was put and passed.

**CITY COUNCIL  
26 OCTOBER 1995**

**9:30 p.m.** There being no further business, the  
meeting adjourned.

**HIS WORSHIP MAYOR WALTER FITZGERALD  
CHAIRMAN**

Submitted by: E.A. Kerr, City Clerk

SAM



# MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
PUBLIC MEETING  
USE OF LAKES  
KEARNEY LAKE

**PLACE:** GROSVENOR WENTWORTH SCHOOL  
DOWNING STREET  
HALIFAX, NS

**DATE:** 12 SEPTEMBER 1995

**TIME:** 7:00 P.M.

**MEMBERS  
PRESENT:** MAYOR WALTER FITZGERALD  
ALDERMAN LARRY UTECK (7:30 PM)  
ALDERMAN KATE CARMICHAEL  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN JERRY BLUMENTHAL  
ALDERMAN PATRICK POTTIE (7:30 PM)  
ALDERMAN STEPHEN ADAMS  
ALDERMAN RON HANSON  
ALDERMAN RALPH MAHER  
ALDERMAN RUSSELL WALKER  
DEPUTY MAYOR MARY ANN CROWLEY  
ALDERMAN BILL STONE

**STAFF:** MR. WAYNE ANSTEY, CITY SOLICITOR  
MR. EDWARD A. KERR, CITY CLERK

**PUBLIC MEETING  
USE OF LAKES  
KEARNEY LAKE  
12 SEPTEMBER 1995**

A Public Meeting regarding a Proposed Amendment to the Lakes Ordinances restricting the use of power boats including Jet Skis and Sea Doos on Kearney Lake was held at this time.

Mayor Walter Fitzgerald welcomed all members of the public and advised that this meeting would provide an opportunity for Council to listen to the views of residents. He emphasized that there would be no debate at this evening's meeting.

Mr. Dennis Hamshaw, 15 Saskatoon Drive, speaking in favour of the amendment, referred to incidents in which he had feared for the safety of swimmers while jet skis were present. He suggested that the City should take steps to provide access for power boats to the Birch Cove Lakes (Quarrie or Susie Lake).

Ms. Jean Hardy, 77 Saskatoon Drive, speaking in opposition to the proposed amendment, indicated that she recognized there was a problem. Ms. Hardy indicated she was in favour of a proposal to restrict power boats in the narrow part of the lake.

Mr. Charles Nicholson, 42 Saskatoon Drive, speaking in opposition to the proposed amendment, indicated that everyone must share the lake - swimmers and jet skiers, and that a compromise must be found. Mr. Nicholson went on to suggest that education was the key and that the rights of all residents must be taken into consideration.

Mr. Gordon Pratt, 12 Little Fox Lane, indicated that he would not be in favour of banning jet skis and sea doos from Kearney Lake.

Mr. Greg Hebb, 33 Saskatoon Drive, speaking in opposition to the proposed amendment, advised that as an avid boater he has always been responsible. He went on to emphasize that he was safety conscious, however, the alternatives to a ban must be considered. Mr. Hebb recommended a speed limit be instituted at the narrow end of the lake and that breaking the limit be punishable by fine. In conclusion, noting that he was employed as a firefighter in Darmouth and that firefighters are generally safety conscious, Mr. Hebb

**PUBLIC MEETING  
USE OF LAKES  
KEARNEY LAKE  
12 SEPTEMBER 1995**

submitted a petition signed by seven of the on duty firemen at the King Street sub-station in Dartmouth.

Mr. Ken MacLeod, 254 Kearney Lake Road, noting that he had been one of the greatest opponents to sea doos on the Kearney Lake, indicated that of prime concern was safety on the lake. Mr. MacLeod, referring to swimmers in the lake, noted that he was not against boating, but in favour of a limitation on speed in the narrow end of the lake.

Mr. George White, an area resident, referring to the annexation of this area to the City in 1969, advised that a commitment had been made to allow motorized boats on Kearney Lake at that time.

Ms. L.A. White, Douglas Avenue, voiced concern that any type of limitation would be extremely difficult to enforce. Ms. White went on to suggest that if the proposed amendment is not adopted, a serious safety problem will continue on the lake. Ms. White submitted a written presentation as well as a photocopy of an article from the 30 August edition of USA Today entitled "Unlicensed jet skiers bring tragedy to waterways".

Ms. Barbara Miles-O'Neil, Red Cross Water Services Program, advised that the purpose of her group was to reduce driving and water related incidents. Ms. Miles-O'Neil went on to note that there were a number of Provincial and Federal regulations in effect with regard to the operation of water craft which could come into play in this situation. Referring to similar problems experienced in Dartmouth and her group's involvement in the resolution of those problems, Ms. Miles-O'Neil indicated that the City and residents, working cooperatively, can provide or generate an equitable solution. Ms. Miles-O'Neil submitted a package of materials relating to safe boating and personal watercraft.

Mr. Darvill Hamshaw, 6 Hamshaw Drive, an owner and responsible operator of jet skis, indicated that he was opposed to the ban of jet skis on the lake. Mr. Darvill indicated that he understood the need for safety, however, a compromise solution was the only equitable situation.

**PUBLIC MEETING  
USE OF LAKES  
KEARNEY LAKE  
12 SEPTEMBER 1995**

Mr. Jim Shatford, 65 Saskatoon Drive, noting that although safety was of primary concern in this situation, a shared use of the lake was the only equitable use of the lake. Referring to concern regarding the speed at which personal water craft are operated, Mr. Shatford suggested that a public launch be provided for the launching of personal water craft with speed limitations placed on the craft in the narrow portion of the lake.

Mr. Paul Presti, a resident of the area, and having spent a fair amount of time at the lake this summer, he felt the situation has been blown out of proportion. Mr. Presti indicated that he witnessed a few irresponsible jet skiers, however, the vast majority of those using water craft on the lake are responsible.

Ms. Margo Shalum, a resident of area, advised that as a long distance swimmer she swam in Kearney lake on a daily basis. She went on to note that swimming occurred in all areas of the lake, and regardless of the care of the operator, water craft were a danger to swimmers.

Mayor Fitzgerald excuses himself from the meeting due to a previous commitment. Deputy Mayor Mary Anne Crowley assumes the Chair.

A resident of the area, addressed the meeting stressing that swimmers and kayakers have a right to be on the lake without fear of bodily harm as a result of a jet skier.

Ms. Patricia Hutchin, 106 Coronation Avenue, stressed that the primary issue in this situation was one of safety. Ms. Hutchin indicated that some action must be taken to ensure that there is no severe injury or loss of life.

Mr. Dave Parnell, a dealer for personal water craft, addressed the meeting indicating that his organization was totally committed to safety. Mr. Parnell suggested a speed limitation be instituted in the narrow portion of the lake and went on to offer to the Police Department the use of one or more personal water crafts in enforcement of these limitations placed on the lake.

**PUBLIC MEETING  
USE OF LAKES  
KEARNEY LAKE  
12 SEPTEMBER 1995**

Mr. Parnell then responded to questions from members of Council present this evening. Note was made that the City of Halifax does not have the authority to establish speed limitations. Mr. Parnell indicated that speed limitations could be instituted by the responsible levels of government, similar to the Ontario situation in which a 10 kilometre shore line speed limit has been established.

Mr. Matthew Presti, 3 Downing Street, advised that he has spoken with many paddlers and they have indicated they have no difficulty with the jet skiers on Kearney Lake. Referring to correspondence he received in this regard, Mr. Presti noted that the experienced paddler and author of this letter had no difficulty with the jet skiers. He further indicated that certain paddlers had indicated they felt pressured to support a petition to ban boating on the lake. Mr. Presti submitted a statement signed by six paddlers to this effect.

Mr. Mark Presti, 3 Downing Street, noting that he had observed a marked increase in safety consciousness in recent weeks, both by jet skiers and other users of the lake. Mr. Presti suggested that education was the key to the problem.

Mr. Dale Robertson, Julie's Walk, addressed the meeting noting that he had carried out research as to the significance of the problem and found it to be for most people a minor problem. Mr. Robertson advocated that this matter be dealt with in a manner similar to that of Dartmouth. Mr. Robertson submitted information relating to Dartmouth's handling of the situation, including the Minutes of a public meeting held in this regard.

Ms. Kathy Armstrong, Saskatoon Drive, addressed the meeting expressing concern with regard to safety and the enforcement of limitations proposed by previous speakers.

Mr. Mary Ann McGrath, 33 Hamshaw Drive, strongly opposed the restriction of any type of recreational water craft on Kearney Lake. Ms. McGrath submitted a written copy of her comments.

**PUBLIC MEETING  
USE OF LAKES  
KEARNEY LAKE  
12 SEPTEMBER 1995**

Ms. Mary O'Brien, 8 Saskatoon Drive, spoke in favour of the proposed amendment and submitted in a writing her comments.

A brief discussion ensued with the City Solicitor responding to questions relating to jurisdictional issues (i.e. the municipal physical boundaries and the authorities of the various level of government).

Mr. Randy Webb, a resident of the area, professing to be a personal water craft enthusiast, indicated that safety and education were the key points to be considered.

Mr. Mark Pratt, a resident of Foxglove Lane, suggested that the concern for safety expressed publicly has had the effect of making all those who use the lake more safety conscious. He went on to suggest that the matter of safety could be addressed by a speed limit in the narrow part of the lake.

Mr. Mark Landry, a jet skier, indicated that education was the key to resolving the problems occurring on Kearney Lake with jet skiing.

Ms. Carla Cormier expressed the view that the safety of swimmers all over the lake was of prime importance.

Ms. Harrison, 27 Saskatoon Drive, indicated that she supported the proposed amendment and suggested that the Kearney Lake situation could not be compared to what had happened in Dartmouth. Mrs. Harrison submitted a petition supporting the proposed amendment signed by residents of Saskatoon Drive.

Ms. Jean McKay, a long time resident of the area, stressed the importance of reaching an amicable solution to the problems being experienced.

**PUBLIC MEETING  
USE OF LAKES  
KEARNEY LAKE  
12 SEPTEMBER 1995**

9:30 There being no further persons  
wishing to address the matter, the meeting adjourned.

Mayor Walter Fitzgerald and  
Deputy Mayor Mary Anne Crowley  
Chairpersons

Submitted by: E. A. Kerr

SAM



# MINUTES

**MEETING:** HALIFAX CITY COUNCIL  
SPECIAL MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 8 NOVEMBER 1995

**TIME:** 5:05 P.M.

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

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



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**CITY COUNCIL  
SPECIAL MEETING  
8 NOVEMBER 1995**

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

**Award of Tender No. 95-36:  
Upgrading - Robie and Young Streets**

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

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

- (1) Council award Tender No. 95-36, Robie Street Widening, for the materials and services listed at the unit prices quoted for a Total Bid Price of \$764,000., and a Total Construction Cost of \$840,000. to the lowest bidder, **Dexter Construction Limited;**
- (2) Council authorize an increase in the contract of **Vaughan Engineering Associates Ltd.** for the initial design from \$42,800 including G.S.T. to \$52,800. including G.S.T. to provide input on design related issues during construction.
- (3) Council authorize the transfer of unused funds in the amount of \$21,400. from Capital Account No. 92999, Unused Funds, to Capital Account No. 91555, Robie Street Widening (Young Street to Almon Street), and increase the net funds in this account from \$425,000 to \$446,400.
- (4) Council authorize the increase of gross funds in Capital Account No. 91555, Robie Street Widening (Young Street to Almon Street) from \$700,000. to \$892,800 with no affect on net funding.
- (5) Council authorize funding from Capital Account No. 91555, Robie Street Widening (Young Street to Almon Street).

The motion was put and passed.

**Issuing Resolutions - Debenture Issue**

A report dated 2 November 1995 was submitted by the Director of Finance.

MOVED by Alderman Uteck, seconded by Alderman Adams that the Mayor and City Clerk be empowered to sign the issuing

**CITY COUNCIL  
SPECIAL MEETING  
8 NOVEMBER 1995**

resolution attached to the staff report dated 2 November 1995.  
The motion was put and passed.

**PUBLIC HEARING**

**Appeal of Minor Variance  
Approval, 6950 Armview Avenue**

Mr. Philip Francis, P.Eng., Development Officer for the City of Halifax, briefly reviewed the contents of his report dated 28 September 1995, outlining his reasons for approving the request for a minor variance at 6950 Armview Avenue.

The Chairman then called for comments from those present in the public gallery.

Mr. Larry Maloney, a resident of 6945 Armview Avenue, addressed Council in opposition to the minor variance approval. In his remarks, Mr. Maloney emphasized that while he had no particular objection to the car port which his neighbor, Mr. Swinamer is proposing to build, he felt that the project is merely the latest in a series of additions to the Armview neighborhood which, by their collective presence, are having a negative effect on the area's aesthetic character. In this context Mr. Maloney pointed out that he and his wife had bought their property in 1977 because of its proximity to and views of the Northwest Arm, and at that time had been prepared to pay the higher taxes associated with a home in this area. He indicated, however, that with the construction of the Jubilee condominiums and various other additions to Armview Avenue, the uniqueness of the neighborhood has been seriously eroded.

Mr. Maloney went on to express concern with regard to the process used to review minor variance applications, emphasizing that, in his view, the onus should not be placed on abutting property owners to argue that a variance should or should not be granted. In this context, he suggested that it would be more appropriate for an applicant to be required to show why the City's regulations should be relaxed in his favor.

Mr. Gerald A. Klassen, a resident of 6955 Armview Avenue, concurred with the concerns raised by the previous speaker. In his remarks, Mr. Klassen suggested that scenic neighborhoods such as Armview Avenue are immensely important to the City from a tourism point of view, and therefore urged that every effort be made to retain the area's original character.

**CITY COUNCIL  
SPECIAL MEETING  
8 NOVEMBER 1995**

Mr. Larry Swinamer, the owner of 6950 Armview Avenue and the applicant in question, addressed Council to indicate that, in his opinion, the concerns raised by the previous speakers encroached on his rights as a property owner. Mr. Swinamer further indicated that he had in his possession a letter from the owner of property immediately adjacent to his own expressing support for his proposal.

After a brief discussion and questioning of both Mr. Francis and Mr. Swinamer, it was moved by Alderman Carmichael, seconded by Alderman Uteck that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 16 November 1995. The motion was put and passed.

There being no further business to be discussed, the meeting was adjourned at approximately 5:30 p.m.

MAYOR WALTER FITZGERALD  
CHAIRMAN

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# MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 16 NOVEMBER 1995

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

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

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

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**SWEARING-IN CEREMONY - HALIFAX POLICE DEPARTMENT**

The following Police Recruits were escorted into the Council Chamber by Chief Donald A. Boudreau, accompanied by Constable Paul MacKenzie and Inspector Lowell Meisner, where they were administered the Oath of Office by His Worship Mayor Walter Fitzgerald:

Constable Todd Blake  
Constable Jeff Carlisle  
Constable Darrell Longley  
Constable Carol McIsaac

The new Constables were subsequently presented with their badges and officially welcomed as members of the Halifax Police Department by Chief Boudreau.

**PRESENTATION OF GIFTS  
- MAYORS OF SLOVAKIA**

Inspector Lowell Meisner, Halifax Police Department, addressed Council and presented His Worship Mayor Fitzgerald and members of City Council with gifts from the Mayors of Slovakia acquired while members of the Police Department's "Blue Thunder" band were touring that country earlier this year.

**MINUTES**

Minutes of the regular meetings of Halifax City Council held on 10 October and 26 October 1995 were approved as circulated on a motion moved by Deputy Mayor Crowley, seconded by Alderman Walker.

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

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

20.1 Award of Tender 95-74  
- St. Mary's Boat Club Parking Lot Upgrading

20.2 Staff Appointments

**DEFERRED ITEMS**

**Case No. 7214: 6950 Armview Avenue**  
Appeal of Minor Variance Approval

A public hearing with respect to this matter was held on Wednesday, 8 November 1995.

A letter from Dr. P. Bourque dated 12 November 1995 in support of the minor variance approval was submitted.

Alderman Carmichael addressed the matter noting that, as Council was aware, the owner of 6950 Armview Avenue, Mr. Larry Swinamer, is requesting a minor variance to construct a car-port within 1.6 feet of the side lot line of his property. She went on to point out that Mr. Swinamer and two other residents who face onto Mr. Swinamer's property had addressed Council at the Public Hearing in respect of this matter. Alderman Carmichael also made reference to the above-noted letter received from Dr. Bourque subsequently to the hearing.

Alderman Carmichael acknowledged that everybody in the area agrees that Mr. Swinamer has indeed improved the look of his property substantially. However, she pointed out that there were a number of individuals who immediately face or abut the property who have some concerns. Alderman Carmichael commented that bylaws are put in place to protect landowners and residents of the City of Halifax. She expressed the view that the relaxation of this bylaw in this case could cause a potential problem for some people who live in the area.

In light of the above concerns, it was MOVED Alderman Carmichael, seconded by Alderman Walker that the appeal of the minor variance with respect to 6950 Armview Avenue be granted, and that the decision of the Development Officer to approve the variance be overturned.

Alderman Blumenthal spoke in opposition to the motion. In his remarks, he expressed the view that after visiting the property in question on three occasions, he felt it would be an injustice not to permit the variance.

Alderman Stone also spoke in opposition to the motion. He pointed out that the minor variance was approved by staff and that the owner, in his view, was improving his property. Alderman Stone therefore concurred with the previous speaker that it would be an injustice to refuse the minor variance.

Alderman Uteck expressed his opposition to the motion. He pointed out that the minor variance category is set up to deal with individual cases and voiced the opinion that Council should deal with developments in the City on an individual basis. With respect to the case in question, he pointed out that while the bylaw requires a minimum distance between buildings of 30 feet, the distance to the nearest building in this case is approximately 36 feet.

Alderman Walker spoke in support of the motion and expressed the concern that the approval of this variance would set a precedent for future cases.

Alderman Maher also spoke in support of the motion and concurred with Alderman Walker's concern that the granting of this variance would possibly set a precedent.

Alderman Carmichael pointed out that the purpose of the appeal process was to afford the residents an opportunity to express their opposition or support for the variance. She added that the three neighbours, who have come forward and expressed their resistance to this minor variance, will be immediately impacted by the relaxation of the bylaw.

The motion was put and defeated with Aldermen Carmichael, Walker, and Maher voting in opposition.

MOVED by Alderman Blumenthal, seconded by Alderman Adams that Council uphold the decision of the Development Officer to approve the minor variance for the property located at 6950 Armview Avenue. Motion passed.

### **MOTIONS OF RECONSIDERATION**

**Motion Alderman Adams Re: Reconsideration  
of 26 October 1995 City Council Resolution -  
Appointments - Hotel Standards Committee**

Alderman Adams withdrew his motion of reconsideration at this time.

### **PETITIONS AND DELEGATIONS**

**Petition Alderman Hanson Re: Rezoning  
of Lands Bordering Fleming Heights Subdivision**

Alderman Hanson submitted a petition with signatures of residents opposed to any rezoning of lands bordering the Fleming Heights subdivision for RDD zoning development or any

amendment to existing agreements, bylaws or any land consolidation for the purpose of further RDD development.

Alderman Hanson asked that this petition be referred to staff.

## REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee meeting from its meeting held on 8 November 1995 as follows:

### Strategic Plan

MOVED by Alderman Epstein, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, Halifax City Council adopt the "Strategic Plan" in principle, and that staff be requested to proceed with the next phase of implementation. Motion passed.

### Solid Waste

MOVED by Alderman Epstein, seconded by Deputy Mayor Crowley that:

- (1) Halifax City Council support the request to the Minister of the Environment to undertake a mediated environmental assessment for the proposed residuals facility site in the Goodwood area.
- (2) that Halifax City Council request the County of Halifax to implement the (CSC) Strategy as soon as possible.

Following a discussion, the motion was put and passed.

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that:

- (3) the County of Halifax be requested by Halifax City Council to undertake an indepth education, communication, and consultation program with the residents of Goodwood.

Motion passed.

Halifax Forum Commission - Civic Centre

MOVED by Alderman Walker, seconded by Alderman Downey that this matter be deferred to the next Committee of the Whole Council meeting (scheduled for Wednesday, 22 November 1995) pending receipt of a report from the Halifax Forum Commission. Motion passed.

Proposed Aquarium - Sackville Landing

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

- (1) amend the lease with Atlantic Marine Pavilion Ltd. approved on 22 March 1994 so that:
  - (i) the commencement date is 1 May 1996;
  - (ii) a clause is added to ensure that if the aquarium, built according to or very closely following the sketch plans submitted on 8 February 1995, is NOT open to the public by 30 June 1996, the lease shall become void;
- (2) receive from Atlantic Marine Pavilion Ltd. a sum of \$1,000 for holding over the lease, \$500 payable immediately and \$500 on 1 May 1996.

Motion passed.

Halifax Harbour - Consensus Symposium

MOVED by Alderman Epstein, seconded by Alderman Carmichael that, as recommended by the Finance and Executive Committee, Halifax City Council endorse and participate in a Halifax Harbour Consensus Symposium. Motion passed.

Federal Government's Candidate  
Priority Substance List - Salt

MOVED by Alderman Epstein, seconded by Alderman Carmichael that the City of Halifax make representations to the Federal Government along the lines discussed in the staff report of 30 October 1995 and that a letter go forward on behalf of the City. Motion passed.

Mr. Robert Nolan

It was agreed that this item not be discussed at this time and that Mr. Nolan deal with the City's solicitors concerning the matter. It was further agreed that the letter submitted by the City Solicitor and dated 16 November 1995 not be provided to Mr. Nolan, but rather that it be considered private and confidential.

Transfer of Funds - Natal Day Committee

A staff report dated 14 November 1995 was submitted.

MOVED by Deputy Mayor Crowley, seconded by Alderman Pottie that Council authorize the transfer of \$5,000 from the Special Events Administration Account, RC 0121 PR 888, to the Natal Day Account RC 0121 PR 872 as an additional grant.

Following a discussion, the motion was put and passed.

LeMarchant/St. Thomas School - Transfer of Funds

An information report dated 14 November 1995 was submitted.

Alderman Carmichael addressed the item and advised that at the last Committee of the Whole Council meeting she had requested that consideration be given to transferring monies from the discretionary funds for the Sir Charles Tupper School to the LeMarchant/St. Thomas School. She added that the funds were required to allow for a driveway cut in order to relocate the driveway from where it presently exists to the east of Watt Street which would reduce the safety problems that are being experienced by children.

Alderman Carmichael went on to refer to the information report from the Director of Engineering and Works dated 14 November 1995. She advised that the report indicates that the School Board is the property owner in this case and, therefore, perhaps not the responsibility of the City to put in the driveway cut or at least to pay the cost of the project. Alderman Carmichael pointed out that the driveway also provides access to the playfield in the back of LeMarchant/St. Thomas School which is, in her understanding, used by the City of Halifax.

Alderman Carmichael expressed concern that the City is becoming caught in the semantics of who owns the property and

whether or not it should do the curb cut when safety is concerned.

The City Manager advised that while there are no funds available at the present time for this project, it is staff's view that once all tenders have been awarded for this construction year, surplus monies may well be identified. He went on to emphasize that as soon as this amount is known, a report will be submitted to Council for consideration.

**Transfer of Surplus Halifax Water  
Commission Property to the City of Halifax**

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

- (1) the City of Halifax purchase from the Halifax Water Commission the approximately 6500 acres of surplus watershed lands in the Goodwood area of the County of Halifax for the sum of \$6,801,300.00, the purchase price to be paid from a dividend of a similar amount to be paid by the Commission to the City;
- (2) the City assume the rights and obligations of the Commission, under the Environmental Protection Act, the Water Act, and any other legislation with respect to the operation, maintenance and safety of the dams on Big Indian Lake and Otter Lake, and seek the consent of the Minister of the Environment to the assignment of the licenses for the operation of the aforesaid dams;
- (3) City staff be instructed to arrange the necessary documentation to carry out the formal expropriation of all the lands enclosed by the exterior boundaries of the lands to be acquired from the Commission;
- (4) the City agree to complete the number of requests for small conveyances presently on record with the Commission for the appraised value of the parcels.

Motion passed.

**Total Waste Management System**

MOVED by Alderman Downey, seconded by Alderman Meagher  
that, as recommended by the Finance and Executive Committee,  
Halifax City Council go on record as endorsing the removal of the

incineration process at the Victoria General Hospital as part of the proposed total waste management system; and further, that a letter to this effect be forwarded to the County of Halifax and to the Province of Nova Scotia. Motion passed.

## WORKS COMMITTEE

Council considered the report of the Committee on Works from its meeting held on 8 November 1995 as follows:

### Tender Contract 90-112 - Residential Refuse Collection - Three Month Extension (January/February/March 1996)

MOVED by Alderman Downey, seconded by Alderman Maher that, as recommended by the Committee on Works, Council approve an extension of Tender Contract #90-112 - Residential Refuse Collection, with BFI Waste Systems Ltd. for January, February and March 1996 for a total cost of \$160,333.92, GST included.

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

### Mayor's Task Force on "Traffic Infiltration of Community Neighbourhoods"

MOVED by Alderman Walker, seconded by Alderman Carmichael that, as recommended by the Committee on Works:

- (1) Council agree to the establishment of "The Mayor's Task Force on Traffic Infiltration of Community Neighbourhoods;"
- (2) the Task Force be comprised of three citizens; and that staff provide support;
- (3) the objective of the Task Force is (a) to develop a policy with specific principles to reduce, insofar as is practicable, the infiltration and use of local neighbourhood streets by traffic that does not originate in (or is destined for) the neighbourhood and; (b) to review the recommendations of the UMA Halifax Transportation Study on traffic calming;
- (4) the Task Force establish guidelines and implementation measures to deal with any future traffic infiltration problems that arise on other



streets within our neighbourhood communities; and that

- (5) the Task Force be given a 60 day timeframe in which to prepare and submit its report to City Council.

Motion passed.

With respect to recommendation (5), Alderman Walker expressed concern that the Task Force would be unable to submit a full report within a 60-day timeframe and suggested that, under the circumstances, it be increased to 90 days. The Chairman, however, recommended that, if the Task Force finds the 60-day time limit to be too brief, it should submit an interim report outlining progress to date and asking for additional time.

His Worship advised that the following candidates have agreed to participate in the Mayor's Task Force on Traffic Infiltration of Community Neighbourhoods:

Dr. Nouman Ali, P.Eng.  
Transportation Engineer/Associate Professor  
Department of Civil Engineering (T.U.N.S.)

Mr. Gerald Walsh  
Resident - Bayview Road Area  
65 Bayview Road

Mr. John Dick  
Resident - Armview/Jubilee Road Area  
7010 Armview Road

Alderman Carmichael noted that Mr. John Dick is at the moment in Florida. She therefore asked that the 60-day time limit begin once he returns on 25 November, to which Council agreed.

Duffus Street Pumping Station

An information report dated 16 November 1995 was submitted.

Alderman Blumenthal addressed the matter and questioned when the Duffus Street Pumping Station, pumps and equipment, will become operational.

The City Manager made reference to the information report dated 16 November which indicates that pumps and

equipment, including the odour control unit, is expected to be in place by the end of this year or by early 1996.

Mr. Peter S. Connell, Director of Engineering and Works, addressed Council in response to Alderman Blumenthal's concern. He advised that because of the construction method, staff had been unable to clean the tunnel at the Duffus Street area. Mr. Connell added that once the construction project is complete, the City will carry out its work without any disruption to the area. Responding to a further question from the Alderman, Mr. Connell indicated that the facility is expected to be completely operational by the end of January.

### **REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on 8 November 1995 as follows:

#### **BriteStar Marketing Inc.** **- Signs and Billboards**

MOVED by Alderman Adams, seconded by Alderman Stone that, as recommended by the Planning Committee, Council permit a three-month variance of the City's signs ordinance in order to allow the electronic unit proposed by BriteStar Marketing Inc. to be placed on the roofline of the Grafton-Connor Group property at Argyle/Grafton Streets; and further, that staff be instructed to work with the supplier in order to ensure that all safety precautions are taken during the installation process.

Alderman Epstein questioned whether the motion was contrary to existing City ordinances.

The City Solicitor advised that City Council cannot properly pass a motion that is contrary to its bylaws and expressed the opinion that the resolution presently on the floor was indeed contrary to City bylaws.

On the basis of advice received from the City Solicitor, the Chairman ruled Alderman Adams' motion to be out of order.

#### **Amendments to Ordinance 157,** **the Minimum Standards Ordinance**

An information report dated 14 November 1995 was submitted.

**CITY COUNCIL  
16 NOVEMBER 1995**

MOVED by Alderman Carmichael, seconded by Alderman Epstein that, as recommended by the Planning Committee, Halifax City Council adopt the amendments proposed for Ordinance 157, the Minimum Standards Ordinance, as contained in Appendix "A" of the staff report dated 30 October 1995.

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

**NOTE:** A Notice of Motion to formally introduce the proposed amendments was given by Alderman Carmichael at a later point in the meeting's agenda.

**Case No. 7132: Lot Modification,  
2940 Windsor Street (SET DATE FOR PUBLIC HEARING)**

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that, as recommended by the Planning Committee, a public hearing date be set to consider the application for a development agreement (to permit the addition of two units to the existing duplex) at 2940 Windsor Street.

Motion passed.

The Acting City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 6 DECEMBER 1995 at 5:00 p.m.** in the Council Chamber.

**Public Gardens Canteen Renovation  
and Restoration (REFERRAL TO STAFF)**

MOVED by Alderman Epstein, seconded by Alderman Uteck that, as recommended by the Planning Committee, the recommendation of the Heritage Advisory Committee dated 27 October 1995 be forwarded to staff for a report.

**NOTE:** During the 8 November meeting of Committee of the Whole Council, Alderman Uteck had requested "that staff include in their report comment on the possibility of extending the present lease and including the condition that all restoration costs would be borne by the lessee."

The motion was put and passed.

Call For Proposals: 5419 and 5425  
Portland Place/2085-2099 Maitland  
Street/2096-2100 Brunswick Street

MOVED by Alderman Downey, seconded by Alderman Epstein  
that, as recommended by the Planning Committee, Council approve  
the issuance of the "Call for Proposals" attached as Schedule  
"A" to the staff report of 31 October 1995 for the four adjoining  
parcels of land, together with the buildings situated thereon,  
hereafter called "the Brickyard," identified by the following  
Civic Numbers:

5419 Portland Place  
5424 Portland Place  
2085-2099 Maitland Street  
2096-2100 Brunswick Street

Motion passed.

#### Birch Cove Marine Park

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

- (1) Council approve the appointment of O'Halloran  
Campbell Limited to provide consultant services  
related to the development of a detailed concept plan  
for the Birch Cove Marine Park in accordance with the  
terms of reference attached as Appendix II to the 27  
October 1995 staff report, at a total cost not to  
exceed \$38,520 including GST;
- (2) the Mayor and City Clerk be authorized to enter into  
an agreement with the consultant.

Motion passed.

#### Williams Lake Road Lands

A report from the Lakes and Waterways Advisory  
Committee dated 15 November 1995 was submitted.

A letter from Regine Maass, 53 Albion Road, Jollimore,  
N.S., was also submitted.

MOVED by Alderman Hanson, seconded by Alderman Epstein  
that, as recommended by the Lakes and Waterways Advisory  
Committee, City Council require the developer immediately upon

**AMENDED PAGE**

selection, and prior to concept development or negotiation, to meet with the Lakes and Waterways Advisory Committee with a view to providing advice to the developer on appropriate development of the site. Motion passed.

**Case No. 7156: Zoning Request**

MOVED by Alderman Uteck, seconded by Alderman Walker that City Council direct staff to carry out a program of consultation with residents, property owners and businesses in the South Barrington/Inglis neighbourhood as detailed in the information report of 26 October 1995, to identify issues and potential solutions before considering alternative courses of action. Motion passed.

MOVED by Alderman Uteck, seconded by Alderman Walker that **City Council support a City land swap with Ace Towing operation.** Motion passed.

**Massage Parlour - Quinpool Road**

An information report dated 15 November 1995 was submitted in response to concerns raised by Deputy Mayor Crowley at the 8 November 1995 Committee of the Whole Council meeting.

As outlined in the information report, the City Manager advised that a recent inspection of 6258 Quinpool Road and the City permit files revealed that the massage parlour was operating without an occupancy permit. In addition, he noted that the fascia sign advertising this business had been erected without a sign permit. The City Manager reported that a letter has already been sent advising the owner to discontinue this illegal use and to remove the fascia sign immediately; otherwise the matter will be referred to the City Solicitor for appropriate legal action.

**MOTIONS**

**Motion Alderman Adams Re: Amendment  
to Ordinance 116, Section 10B(3), Renewal  
of Taxi Vehicle Licenses (FIRST READING)**

A Notice of Motion with regard to the above-noted item had been given by Alderman Adams during a regular meeting of Halifax City Council held on Thursday, 26 October 1995.

**CITY COUNCIL  
16 NOVEMBER 1995**

A report dated 8 November 1995 was submitted from Alderman Adams in his capacity as Chairman of the Halifax Taxi and Limousine Commission.

MOVED by Alderman Adams, seconded by Alderman Blumenthal that Halifax City Council approve First Reading with regard to the following amendment to Ordinance 116; and further, that the matter be forwarded to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 22 November 1995) for further consideration:

That subsection 10B(3) of Ordinance 116 be amended by adding the following subsection as 10B(3A):  
*"Notwithstanding subsection 10B(3), for the licensing year 1 May 1995 - 30 April 1996, an application for the renewal of a taxi owner's license shall be made prior to 29 April 1996."*

MOVED by Alderman Uteck, seconded by Alderman Walker that the matter be deferred to the 30 November meeting of Halifax City Council, pending receipt of further information concerning the impact the proposed amendment would have on the number of taxi vehicle licenses issued by the City.

After a brief debate and consultation with the City Solicitor, the motion to defer was put and lost.

The original motion was put and passed with Alderman Uteck asking that information be made available by 22 November as to the number of vehicles that could potentially be added to the industry as a result of the proposed amendment.

**Motion Alderman Adams Re: Amendment to  
Ordinance 116 (Limousine Chauffeur's  
License) - FIRST READING**

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Notice of Motion with regard to the above-noted amendment had been given by Alderman Adams during a regular meeting of Halifax City Council held on Thursday, 26 October 1996.

MOVED by Alderman Adams, seconded by Alderman Epstein that the following amendment to Ordinance 116, the Taxi and Limousine Ordinance, be given First Reading; and further that the matter be forwarded to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 22 November 1995) for consideration and report:

BE IT ENACTED by the City Council of the City of Halifax that Ordinance 116, the Taxi and Limousine Ordinance be and the same is hereby amended as follows:

1. Section 15 of said Ordinance 116 is amended by adding immediately following subsection 3 thereof the following subsection:

*(4) Notwithstanding subsection (1) of Section 14A, a person who held a valid limousine driver's license on the 25th day of October 1995 may apply for and be granted a taxi driver's license upon compliance with the provisions of subsection (1) except clauses (d) and (e).*

The motion was put and passed.

## **MISCELLANEOUS BUSINESS**

### **Appointments**

A memorandum dated 16 November 1995 was submitted from His Worship Mayor Walter Fitzgerald.

MOVED by Alderman Stone, seconded by Alderman Adams that the following individuals be appointed to the Halifax Taxi and Limousine Commission for terms to expire 31 March 1996:

Wayne M. Campagna (Limousine Driver)  
David Godsoe (Limousine Owner)

The motion was put and passed.

**Report from Planning Advisory Committee Re:  
Case No. 7151: Peninsula and Mainland Land  
Use Bylaw (Housekeeping Amendments No. 12)**

A report dated 14 November 1995 was submitted from Mr. Robert K. Daley, Chairman of the Planning Advisory Committee.

Council was advised that a public hearing to consider this matter has been scheduled for 5:00 p.m. on Wednesday, 22 November 1995.

MOVED by Alderman Carmichael, seconded by Alderman Maher that the report dated 14 November 1995 submitted by the Planning Advisory Committee be tabled, and forwarded for

consideration to the special meeting of Halifax City Council scheduled for Wednesday, 22 November 1995. The motion was put and passed.

**Request for Crossing Guard - Watt Street**

This matter was last discussed during a regular meeting of Halifax City Council held on 26 October 1995 at which time Alderman Carmichael had requested that staff conduct a review of the Watt Street area to determine the requirement for a school crossing guard.

A report dated 6 November 1995 was submitted from the City Manager.

Referring to p. 1 of the 6 November report, Alderman Carmichael expressed concern that the requested review of the Watt Street area had been conducted on two occasions during which in-service days were being held at the Ecole Beaufort and LeMarchant Street Schools. Under the circumstances, therefore, the Alderman questioned whether the survey results could be considered an accurate reflection of normal activity at this intersection.

Alderman Carmichael also made reference to staff's comment that between 33-36 children crossed the street "in any 15 minute time period." She went on to suggest that, given the fact that there are 261 students enrolled at Ecole Beaufort and 245 at LeMarchant, the figures quoted by staff appear to be rather low, especially if counts were taken during dismissal periods.

On another but related matter, the Alderman made reference to staff's suggestion that the children be dismissed from Beaufort School on either the Walnut or LeMarchant Street side of the facility, emphasizing that these measures have already been implemented.

Under the circumstances therefore, Alderman Carmichael asked (and it was so agreed) that staff be asked to revisit the situation, and to submit a further report if at all possible in time for the 22 November meeting of Committee of the Whole Council.



**QUESTIONS**

**Question Alderman Pottie Re:  
Complaint - Supreme Court of Nova Scotia**

Alderman Pottie made reference to a case presently before the Supreme Court of Nova Scotia involving the proposed builder of the incinerator and the Metropolitan Authority. The Alderman noted that it was his understanding that the Authority is being charged with conspiracy, and asked that the City Solicitor investigate the details of this charge and report back (if at all possible) to the 22 November meeting of Committee of the Whole Council.

**Question Deputy Mayor Crowley Re:  
Young Offenders**

Deputy Mayor Crowley reported that a number of her constituents have expressed to her their concerns regarding the increase in crimes committed by youth, and the lack of respect for people and property that appears evident today, particularly among our youth.

The Deputy Mayor made reference to a position previously endorsed by Halifax City Council with regard to young offenders and the Young Offenders Act, and strongly recommended that additional letters be forwarded to the Federal Government and its agencies reiterating those concerns and emphasizing the severity of the problem. She went on to indicate that, in her view, pressure for change should be applied on a continuous basis so that officials dealing with this matter will be encouraged to make improvements.

**Question Deputy Mayor Crowley Re:  
Senior Citizens - Snow Removal**

Deputy Mayor Crowley asked for comments from staff as to whether a phone-in operation could be put in place through which individuals could register their willingness to provide snow removal services (either on a volunteer or paid basis) for those in the community who are unable to undertake this responsibility themselves. She went on to emphasize that she has been approached by a number of senior citizens, many of whom are in poor health, who find the prospect of snow removal

extremely stressful, and who would greatly appreciate assistance in dealing with this problem.

The Deputy Mayor concluded her remarks by asking that, if a phone-in line of the type suggested was not found to be feasible, the matter be forwarded for review and recommendation to the Snow Committee.

**Question Alderman Downey Re:  
Home Care Program/Cutbacks**

Responding to a question from Alderman Downey, the City Manager advised that a comprehensive report concerning the impacts of the Provincial Government's cutbacks on the City's social services programs would be submitted by the Director of Social Planning for the 6 December meeting of Committee of the Whole Council.

Alderman Stone asked that Mr. Britton also include in his presentation a status report on the proposed service exchange, particularly with regard to the degree to which the Province is prepared to assume responsibility for social services.

**NOTICES OF MOTION**

**Notice of Motion Alderman Carmichael  
Re: Proposed Amendments - Ordinance 157,  
the Minimum Standards Ordinance**

Alderman Carmichael gave Notice of Motion that at the next regular meeting of Halifax City Council scheduled for Thursday, 30 November, she proposes to introduce amendments (as previously discussed under Agenda Item 15.2, "Amendments to Ordinance 157, Minimum Standards Ordinance") to City of Halifax Ordinance 157.

The purpose of the proposed amendments is to provide improved methods of enforcement with regard to the City's minimum standards requirements.

**ADDED ITEMS**

**Award of Tender No. 95-74: St. Mary's  
Boat Club Parking Lot (Upgrading)**

A report dated 7 November 1995 was submitted by the Director of Engineering and Works.

Alderman Carmichael expressed concern regarding the recommendation contained in the 7 November staff report, emphasizing that, in her view, the design for this project had changed considerably since it was first proposed to her by staff. The Alderman went on to note that it had been her understanding that the project would be designed so that only one-way traffic would be permitted. She added that this had been a major selling point with several of the area residents, particularly given the heavy traffic volumes to and from the Boat Club. She emphasized, however, that the new design calls for the creation of a cul-de-sac, which, in her view, is a substantial change from the original intent.

Under the circumstances, therefore, it was moved by Alderman Carmichael, seconded by Alderman Walker that the matter be deferred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 22 November 1995) in order to afford the Alderman an opportunity to discuss the matter with area residents.

In proposing this motion of deferral, the Alderman made reference to the closing of the construction season and suggested that, should the staff recommendation be approved during the 22 November meeting of Committee of the Whole, the matter could be forwarded to the special meeting of City Council scheduled for later in the same day for final approval.

His Worship Mayor Fitzgerald asked that staff distribute copies of the project design for Council's information.

The motion to defer was put and passed.

**Staff Appointments**

A report dated 9 November 1995 was submitted from the Director of Finance.

**CITY COUNCIL  
16 NOVEMBER 1995**

MOVED by Alderman Downey, seconded by Alderman Stone that Robert A. Houlihan be appointed Acting Manager of Revenue and Acting Tax Collector; and Derek P. Tynski be appointed Acting Manager of Treasury and Accounting and a signing officer on the City's bank accounts. The motion was put and passed.

There being no further business to be discussed, the meeting was adjourned at approximately 10:20 p.m.

MAYOR WALTER FITZGERALD  
CHAIRMAN

MS\*K

SUBMITTED BY:  
KAREN F. SWIM  
ACTING CITY CLERK

## MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
SPECIAL MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 22 NOVEMBER 1995

**TIME:** 5:00 P.M.

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

**MEMBERS  
ABSENT:** MAYOR WALTER FITZGERALD  
ALDERMAN PATRICK POTTIE

**STAFF:** BARRY COOPERSMITH, CITY MANAGER  
NADINE SMILLIE, REP. CITY SOLICITOR  
MARGARET SOLEY, ACTING CITY CLERK

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**ADDED ITEMS**

**Case No. 7271: Junk Yard Definition and  
Halifax Forum Zoning - Enviro Store**

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

MOVED by Alderman Carmichael, seconded by Alderman  
Epstein that, as recommended by the Planning Committee, the  
proposed amendments as attached to the staff report of 8  
November 1995 be referred to the Planning Advisory Committee  
for a public meeting and advice.

Motion passed.

Award of Tender 95-44: Graves Oakley Memorial  
Playground - Softball Lighting

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

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

1. Council award Tender No. 95-44 to construct and supply materials and services for lighting Graves Oakley Memorial Playground Softball Field at the unit prices quoted for a Total Bid Price of \$105,690.29 and a Total Project Cost of \$122,000.00 to Black and McDonald Limited.
2. Council approve the transfer of funds in the amount of \$30,000.00 from Capital Account No. 91678, Miscellaneous Item, 100 Leiblin Drive Demolition to Capital Account No. 97109, Graves Oakley Lighting.
3. Council support Morris and Richard Consulting Eng. Ltd. to carry out the inspection and administration of the project for a fee of \$4,000.00 including G.S.T.
4. Council authorize expenditures from Capital Account No. 97109, Graves Oakley Lighting in the amount of \$122,000.00.

Motion passed.

Tender No. 95-74, St. Mary's Boat Club Parking Lot (Upgrading)

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

**CITY COUNCIL  
SPECIAL MEETING  
22 NOVEMBER 1995**

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

1. Council award Tender No. 95-74 for the upgrading of St. Mary's Boat Club Parking Lot for the materials and services listed at the unit prices quoted for a Total Bid Price of \$117,850.00 and a Total Project Cost of \$136,000.00 to Standard Paving Maritime Limited.
2. Council authorize expenditures from Capital Account No. 97058, Recreation, in the amount of \$136,000.00.

Motion passed.

**PUBLIC HEARING**

Public Hearing Re: Case No. 7140: Closure of Unused Portion  
of Barrington Street and Land Conveyance

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

Mr. Angus E. Schaffenburg, Planner II, addressed Council and noted that the purpose of this hearing was to consider the following:

- ◆ the closure and removal of street lines from an unused portion of Barrington Street adjacent to and west of Seaview Memorial Park;
- ◆ the laying down of street lines in the same area;
- ◆ and the grant of land of approximately two acres immediately west of Seaview Memorial Park to the Africville Genealogy Society for the nominal consideration of one dollar for the purpose of rebuilding of Seaview United Baptist Church.



**CITY COUNCIL  
SPECIAL MEETING  
22 NOVEMBER 1995**

Mr. Schaffenburg advised that background information and discussion concerning the above recommendations is contained in the staff report of 4 October 1995.

Mr. Irvine Carvery, Africville Genealogy Society, addressed Council in support of the recommendations in the staff report of 4 October 1995.

There were no further persons wishing to address Council.

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that this matter be forwarded to Council without recommendation.

Motion passed.

**Public Hearing Re: Case No. 7226: Addition to  
Non-Conforming Duplex at 6496-98 Jubilee Road**

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

Mr. Stephen E. Feist, Planner II, addressed Council and outlined the application by Doug Matthews, on behalf of the owners of the property, Dr. Tanya Li and Dr. Victor Li of 6469 Jubilee Road. In his remarks, Mr. Feist advised that staff were recommending approval of the development agreement pursuant to Section 16AF of the Land Use Bylaw (Peninsula Section) to permit the addition and deck to the rear of the duplex at 6469-98 Jubilee Road.

There were no persons in the public gallery wishing to address Council.

Alderman Carmichael briefly addressed the item and advised that no opposition had been received in respect of the application.

MOVED by Alderman Carmichael, seconded by Alderman Walker that:

**CITY COUNCIL  
SPECIAL MEETING  
22 NOVEMBER 1995**

**AMENDED PAGE**

1. Council enter into a development agreement pursuant to Section 16AF of the Land Use Bylaw (Peninsula Section) to permit the addition and deck to the rear of the duplex at 6469-98 Jubilee Road.
2. Council require that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of approval by Halifax City Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and any obligations arising hereunder shall be at an end.

Motion passed.

**Public Hearing Re: Case No. 7151: Peninsula and  
Mainland LUB - Housekeeping Amendments #12**

A public hearing into the above matter was held at this time (a report dated 14 November 1995 had previously been submitted by the Chairman of the Planning Advisory Committee).

Mr. Paul Dunphy, Planner, addressed Council and briefly outlined the housekeeping amendments to the Land Use Bylaw proposed in the PAC report as well as in a staff report dated 4 October 1995.

MOVED by Alderman Walker, seconded by Alderman Hanson that City Council approve the amendments to the Land Use Bylaw as contained in Appendix "A" of the Planning Advisory Committee's report dated 14 November 1995. Motion passed.

There being no further business to be discussed, the meeting was adjourned at approximately 5:15 p.m.

DEPUTY MAYOR MARY ANN CROWLEY  
CHAIR

\*MS

**CITY COUNCIL  
SPECIAL MEETING  
22 NOVEMBER 1995**

1. Council enter into a development agreement pursuant to Section 16AF of the Land Use Bylaw (Peninsula Section) to permit the addition and deck to the rear of the duplex at 6469-98 Jubilee Road.
2. Council require that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of approval by Halifax City Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and any obligations arising hereunder shall be at an end.

Motion passed.

**Public Hearing Re: Case No. 7151: Peninsula and  
Mainland LUB - Housekeeping Amendments #12**

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

Mr. Paul Dunphy, Planner, addressed Council and briefly outlined the housekeeping amendments to the Land Use Bylaw proposed in the staff report of 4 October 1995.

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

Motion passed.

There being no further business to be discussed, the meeting was adjourned at approximately 5:15 p.m.

DEPUTY MAYOR CROWLEY  
CHAIR

\*MS



## **MINUTES**

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 30 NOVEMBER 1995

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

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

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

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**PROCLAMATIONS**

**Proclamation - Day of Reflection on Violence Against Women  
(December 6, 1995) - Purple Ribbon Campaign - Women's Action  
Coalition of Nova Scotia**

His Worship Mayor Fitzgerald read a proclamation proclaiming December 6, 1995, a day of reflection on violence against women, and a day of renewal regarding this community's commitment to the funding of agencies working to create a safe environment for all women and children.

**Proclamation - World AIDS Day**

His Worship Mayor Fitzgerald read a proclamation proclaiming December 1, 1995, as World AIDS Day in the City of Halifax.

**PRESENTATION**

**Halifax Water Commission - 50th Annual Report**

Copies of the Halifax Water Commission's 50th Annual Report for the year ending March 31, 1995, were circulated to members of City Council and senior staff. Copies of the book entitled "Downstream - An historical reflection of the Halifax water supply system" were also distributed to members of Council.

Mr. John Dick, P.Eng., Vice-Chairman, Board of Commissioners, Halifax Water Commission, addressed Council and provided a brief presentation on the 50th Annual Report of the Halifax Water Commission.

On behalf of members of Council, His Worship Mayor Fitzgerald extended sincere thanks to the Halifax Water Commission and its outstanding staff for their excellent work.

**MINUTES**

Minutes of the regular meeting of Halifax City Council held on 16 November and of the special meeting held on 8 November 1995 were approved as circulated on a motion by Alderman Downey, seconded by Alderman Carmichael.

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

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

- 20.1 Williams Lake Lands (Alderman Hanson)
- 20.2 Public Gardens (Alderman Downey)
- 20.3 Vacation Carry Over
- 20.4 Report from Advisory Committee on Accessible Taxicabs  
Re: Extended Hours - Accessible Taxicab Service

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

- 5.2 Case No. 7151: Peninsula and Mainland LUB -  
Housekeeping Amendments #12
- 10.1 Taxi School (deferred to the next City Council meeting  
of December 14, 1995)

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

**DEFERRED ITEMS**

**Case No. 7140: Closure of Unused Portion  
of Barrington Street and Land Conveyance**

A public hearing into the above matter was held on 22 November 1995.

In response to a question from Alderman Blumenthal, the Acting City Clerk advised that no correspondence either for or against the closure was received.

MOVED by Alderman Blumenthal, seconded by Alderman Uteck that Council:

- 1. Close and remove the street lines from an unused portion of Barrington Street adjacent to and west of Seaview Memorial Park as generally shown on Map 1 of the staff report dated 4 October 1995.
- 2. Lay down street lines for the port road of 53 feet wide in the area west of Seaview



Memorial Park as generally shown on Map 2 of the staff report dated 4 October 1995; and

3. Confirm the approval of 15 December 1994 to transfer title to the approximately two acres of land immediately west of Seaview Memorial Park as shown on Map 3 (of the staff report dated 4 October 1995) to the Africville Genealogy Society for the nominal consideration of one dollar for the purposes of rebuilding of Seaview United Baptist Church. The transfer cannot take place until approval of the closure of Barrington Street by the Minister of Municipal Affairs, release by the Province from the provisions of the lease, and approval of a final plan of subdivision.

The Acting City Clerk advised that Alderman Pottie, due to his absence at the public hearing, should not participate in the vote.

Motion passed unanimously with the exception of Alderman Pottie abstaining.

**Case No. 7151: Peninsula and Mainland LUB  
- Housekeeping Amendments #12**

This item was deleted during the setting of the agenda at the request of the Acting City Clerk. The item was inadvertently placed on the agenda, having been approved at the special meeting of City Council held on 22 November 1995.

**PETITIONS AND DELEGATIONS**

**Petition Alderman Carmichael Re: Donald F. Murphy**

Alderman Carmichael tabled a petition from Donald F. Murphy (received on 23 November 1995) and requested that a staff report be prepared on the matter as quickly as possible.

**Petition Alderman Hanson Re: Fleming Park - Williams Lake Road**

Alderman Hanson submitted a petition signed by 1152 residents regarding the potential development of Fleming Park and asked that it be forwarded to staff for consideration.

**CITY COUNCIL  
30 NOVEMBER 1995**

A memorandum from Alderman Hanson dated 27 November 1995 and entitled "Fleming Park - Williams Lake Road" (added to the agenda as Item 20.1) was also submitted at this time.

MOVED by Alderman Hanson, seconded by Alderman Adams  
that:

- The City of Halifax initiate a community-based planning process for defining guidelines and criteria in the use of the Fleming Park - Williams Lake Road lands.
- Based on these guidelines and criteria, the City shall prepare a concept plan as the basis for future development of the site.
- Definition of the concept plan will precede the selection of a developer.
- The community shall participate as a partner throughout the planning process.

Motion passed.

**REPORT - FINANCE AND EXECUTIVE COMMITTEE**

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

Taxi School

This item had been deferred during the setting of the agenda to the 14 December 1995 meeting of City Council.

Expropriation Settlement - Parcel B-21  
238 Bedford Highway - Plan No. TT-48-31776

MOVED by Alderman Stone, seconded by Alderman Walker  
that, as recommended by the Finance and Executive Committee, the City pay the amount of \$600 to Mr. Alfred Gordon for legal services rendered in connection with the expropriation of Parcel B-21, 238 Bedford Highway. Motion passed.

Business Disturbance - Bedford Highway

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

following its resolution of 11 May 1995, Council authorize payment in the amount of \$18,611.19 to Nelson Monuments Ltd. for settlement in full of the business disturbance claim arising from the Bedford Highway Widening Phase I. Motion passed.

**Halifax North Memorial Library Name**

MOVED by Alderman Stone, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, there be no change in the name of the Halifax North Memorial Library. Motion passed.

**Halifax Water Commission Dividend**

MOVED by Alderman Hanson, seconded by Alderman Adams that, as recommended by the Finance and Executive Committee, Council call upon the Halifax Water Commission to declare a dividend, payable to the City of Halifax, to the extent of surplus reasonably periodically on hand within the Commission at 31 March 1996 on the understanding that loans will be made available from the City to make good the resultant reduction in operating funds. Motion passed.

**Request for Crossing Guard - Watt Street**

MOVED by Alderman Carmichael, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, the 21 November 1995 report be tabled and that the matter be deferred pending confirmation of the proposed signage. Motion passed.

**REPORT - COMMITTEE ON WORKS**

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

**City's Office Recycling Program**

MOVED by Alderman Blumenthal, seconded by Deputy Mayor Crowley that, as recommended by the Works Committee, Council approve the expenditure of \$150.00 for the acquisition of plastic bags for the City's Office Recycling Program with revenues available through the sale of office recyclables. Motion passed.

**REPORT - PLANNING COMMITTEE**

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

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

MOVED by Alderman Stone, seconded by Alderman Walker 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 II to permit 35 R-0 lots and one R-1 lot on Roxham Close and to allow up to 15 16R-1 lots on Raleigh Court.
2. Council requires that the amending agreement shall be signed within one hundred and twenty days or any extension thereof granted by Council on request of the applicant, from the date of final approval of 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.

Motion passed.

**MOTIONS**

**Motion Alderman Carmichael Re: Proposed Amendments to Ordinance 157, the Minimum Standards Ordinance (FIRST READING)**

A Notice of Motion with regard to the above-noted item had been given by Alderman Carmichael during a regular meeting of Halifax City Council held on Thursday, 16 November 1995.

MOVED by Alderman Carmichael, seconded by Alderman Uteck that:

1. Halifax City Council give FIRST READING to the amendments proposed for Ordinance 157, the Minimum Standards Ordinance, as contained in Appendix "A" of the staff report dated 30 October 1995; and further, that
2. the matter be forwarded to the next regular meeting of Committee of the Whole Council

scheduled for Wednesday, 6 December 1995, for consideration and report.

Motion passed.

### MISCELLANEOUS BUSINESS

#### Award of Tender - Chebucto Road School Park (95-196)

A staff report dated 27 November 1995 was submitted.

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that City Council:

1. award Tender 95-196 to Elmsdale Landscaping in the amount of \$45,394.75 (taxes included);
2. approve funding from account 9160.9711 titled: Recreation/Culture - Pocket Parks (Urban) Ward 4.

Motion passed.

#### Award of Tender 95-198 - St. Francis/Gorsebrook Field Renovation and Drainage Work

A staff report dated 21 November 1995 was submitted.

MOVED by Alderman Uteck, seconded by Alderman Blumenthal that Council:

1. authorize execution of a contract with Elmsdale Landscaping to complete landscape renovations at St. Francis/Gorsebrook Field;
2. approve funding from account number 9160.97116 titled Gorsebrook Park Testing and Drainage Improvements.

Motion passed.

### QUESTIONS

#### Question Alderman Stone Re: Crosswalk and Traffic Lights - Entrance to Sherwood Park

Noting that work on the Bedford Highway from the Fairview Overpass to the City limits has been completed, Alderman Stone requested a report regarding the installation of a

crosswalk on the Bedford Highway at Torrington Drive (the entrance to Sherwood Park) and the possibility of installing traffic lights at that intersection.

**Question Alderman Stone Re: Installation  
of Basketball Pad - Remington Court Playground**

Alderman Stone requested a staff report (including a cost estimate) pertaining to the installation of a basketball pad at the Remington Court Playground. Noting that this playground is part of the Rockingham Ridge recreation development, Alderman Stone suggested that there should be no difficulty in obtaining funds to cover the cost of this project.

**Question Alderman Stone Re: Clearing  
of Sidewalks - Dunbrack Street**

Referring to complaints received from pedestrians who used the sidewalks along Dunbrack Street after the recent snowfall, Alderman Stone requested that staff ensure that these sidewalks are kept clear. The Alderman went on to note that this is a recurring problem and, given the number of pedestrians who travel this route on a regular basis, asked that staff institute a program to monitor the sidewalks along Dunbrack Street after inclement weather to ensure they are clear and salted.

**Question Alderman Stone Re: Push-Button  
Crosswalk Lights (Dunbrack Street)**

Alderman Stone made reference to an earlier staff report which had indicated that work would begin on the push-button crosswalk lights on Dunbrack Street by December. The Alderman pointed out that the work had not yet commenced, and expressed concern that, with the onset of bad weather, the project (which involves lights at both Ross Street and Birkdale Crescent) be completed as quickly as possible.

**Question Alderman Maher Re:  
Indoor Soccer Facility - Mainland Common**

Alderman Maher indicated that he would appreciate receiving a status report (if at all possible in time for the 6 December meeting of Committee of the Whole Council) regarding the leasing arrangements with Soccer Nova Scotia for the indoor soccer facility on the Mainland Common.

**ADDED ITEMS**

William's Lake Lands (Alderman Hanson)

Alderman Hanson had addressed this matter earlier in the agenda under the item "Petitions and Delegations."

Halifax Public Gardens -  
Seasonal Closing (Alderman Downey)

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

An information report dated 17 November 1995 was submitted from the Director of Engineering and Works.

Alderman Downey addressed the matter and advised that the Spring Garden Road Merchants' Association have requested that consideration be given to closing the Gardens on December 8 or later. He suggested that if this was not possible for this year, that a committee consisting of staff, members of the Merchants Association, and the BIDC be established to consider the seasonal closing of the Public Gardens for next year. Alderman Downey asked that a staff report on this matter be provided at the next Committee of the Whole Council meeting scheduled for Wednesday, 6 December 1995.

Alderman Epstein concurred with the comments by Alderman Downey adding that many people are interested in the possibility of the Public Gardens staying open for as much of the season as possible.

On another but related matter, Alderman Epstein reminded staff that the question with respect to Public Gardens canteen is still outstanding. He indicated that he hoped a report would be submitted in the near future.

Vacation Carry Over

A report from the City Manager dated 30 November 1995 was submitted.

MOVED by Alderman Adams, seconded by Alderman Stone  
that City Council allow the City Manager to carry over up to 8  
vacation days. Motion passed.

**CITY COUNCIL  
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**Report from Advisory Committee on Accessible Taxicabs  
Re: Extended Hours - Accessible Taxicab Service**

A report from Alderman Jerry Blumenthal, A/Chairman, Advisory Committee on Accessible Taxicabs, dated 30 November 1995 was submitted.

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that Halifax City Council request the Metropolitan Authority to give the proposal regarding extended service hours for accessible taxi vehicles favourable consideration and to make every possible effort to ensure that extended service is implemented as quickly as possible.

Motion passed.

There being no further business to be discussed, the meeting was adjourned at approximately 8:45 p.m.

**MAYOR WALTER FITZGERALD  
CHAIRMAN**

/MS

**SUBMITTED BY:  
KAREN F. SWIM  
ACTING CITY CLERK**



# MINUTES

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

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 6 DECEMBER 1995

**TIME:** 5:00 P.M.

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

**REGRETS:** ALDERMAN BILL STONE

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

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**PUBLIC HEARINGS**

**Public Hearing: Case No. 7132 - Lot  
Modification, 2940 Windsor Street**

An information report dated 29 November 1995 was submitted from the Director of Development and Planning.

Mr. Stephen Feist, Development and Planning Department, using overhead projections, outlined the application for a lot modification to permit the addition of two units to the existing duplex at 2940 Windsor Street as set out in 24 October 1995 report submitted by the Director of Development and Planning. Mr. Feist advised that staff was recommending refusal of this lot modification as the proposal is inconsistent with the relevant Municipal Development Plan Policies and Land Use Bylaw provisions for a lot modification.

Mr. Nigel Colinson, representing ARC Management (the applicant), addressed Council and with the use of overhead projections, advised that ARC Management was attempting to give the property in question a much needed facelift. Mr. Colinson noted that the building was presently in a state of decay and that the proposed addition was in keeping with the character of the neighbourhood. Mr. Colinson went on to note that the proposed changes would add value to the property, increasing taxes and providing an income to the applicant. He further noted that the nature of the proposed changes were to allow a financially viable re-development of the property.

Mr. Colinson further advised that efforts have been made to purchase the neighbouring property, however, the owner is not willing to sell. Noting that many of the properties in the neighbourhood are similar to the proposal, Mr. Colinson indicated that three bedroom units are in demand in the area. He went on to note that many of the neighbouring properties covered 35% of the lot, whereas this building would cover only 27% of the lot. Mr. Colinson advised that parking for the development would be located under the proposed additional units.

**CITY COUNCIL  
SPECIAL MEETING  
6 DECEMBER 1995**

Referring to the design of the proposed addition, Mr. Colinson indicated that it was in keeping with the existing structure. Noting that the rear yard requirement is not met, Mr. Colinson advised that the neighbour to the rear has no objection to proposal.

In conclusion, Mr. Colinson indicated that this viable project would enhance the area.

There were no further speakers wishing to address Council.

MOVED by Alderman Pottie, seconded by Alderman Adams that Council enter into a development agreement pursuant to Section 15 of the Land Use Bylaw (Peninsula Section) for a lot modification to permit the addition of two units to the exiting duplex at 2940 Windsor Street.

Motion passed.

**Parcel "C", 3670-3694  
Dutch Village Road**

An information report dated 29 November 1995 was submitted from the Director of Development and Planning. Also submitted was a report dated 1 December 1995 from the Director of Development and Planning.

Note was made of the recent approval for the widening of Dutch Village Road and staff was requested to ensure that this portion of land would not be required for the widening.

MOVED by Alderman Maher, seconded by Alderman Walker that this matter be forwarded without recommendation to the next meeting of Halifax City Council scheduled for 14 December 1995 pending confirmation from staff that the land proposed for sale will not be required for the Dutch Village Road widening.

Motion passed.

**CITY COUNCIL  
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6 DECEMBER 1995**

5:40 p.m. There being no further business, the meeting adjourned.

**MAYOR WALTER FITZGERALD  
CHAIRMAN**

Submitted by:  
E. A. Kerr  
City Clerk

SAM



# MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 14 DECEMBER 1995

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

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

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

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**MINUTES**

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 30 November 1995, were approved as circulated on a motion by Alderman Blumenthal, seconded by Deputy Mayor Crowley.

**PRESENTATION**

**Outstanding Community Service Award**

His Worship Mayor Fitzgerald advised that Halifax City Council has recently been presented the "Outstanding Community Service" award by Channel 10 Halifax, adding that the broadcasts of City Council meetings have the largest single cable audience of any program aired by Channel 10.

Accepting the award on Council's behalf, the Mayor expressed his appreciation to Channel 10 for its services, stating that he hoped similar coverage will be a feature of the new regional municipality.

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

Moved by Alderman Stone, seconded by Deputy Mayor Crowley that the agenda be approved as circulated. The motion was put and passed.

**DEFERRED ITEMS**

**Parcel "C,"  
3670-3694 Dutch Village Road**

This matter had been forwarded without recommendation from a special meeting of Halifax City Council held on Wednesday, 6 December 1995.

A supplementary report dated 8 December 1995 was submitted from the Director of Development and Planning.

MOVED by Alderman Maher, seconded by Alderman Hanson that the matter be deferred to the first regular meeting of Halifax City Council in the New Year, that being Thursday, 11 January 1996. The motion to defer was put and passed.

**Taxi School**

This matter had been deferred from a regular meeting of Halifax City Council held on Thursday, 30 November 1995, having previously been discussed during the 22 November meeting of Committee of the Whole.

Alderman Uteck submitted a petition circulated by the United Cab Drivers Association of Halifax and allegedly signed by over 300 members of the local taxi industry indicating that they "strongly support the taxi driver-owner system. One taxi per owner through attrition. A taxi driver may rent the taxi to another driver but no review of a taxi school be undertaken before October 1, 1996."

While acknowledging the sentiments put forward in the petition, Alderman Uteck emphasized that, in his view, it was necessary to revisit the question of when the taxi school should be re-opened, particularly if the City of Halifax wished to position itself for the amalgamation process.

Concurring with Alderman Uteck's remarks, Alderman Adams pointed out that one of the taxi industry's major concerns at the present time is the question of "zones" and whether existing barriers will remain in place in the Halifax Regional Municipality. He therefore suggested that this is another issue on which Council could seek advice.

It was therefore moved by Alderman Uteck, seconded by Alderman Adams that a committee comprised of an independent adjudicator, a member of the United Cab Drivers Association, a representative from the taxi brokerages, and one person appointed by Mayor Fitzgerald be established to: (a) review the current situation with regard to the impacts of the moratorium on taxi operator licenses and to make recommendation regarding the re-opening of the taxi school; and (b) to make recommendation to Council concerning the continuation of taxi zones by the Halifax Regional Municipality. The motion 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, 6 December as follows:

**Halifax Forum Commission**

Following is the recommendation from the 6 December meeting of Committee of the Whole Council:

That the Information Report dated 4 December and submitted by the City Manager be tabled.

MOVED by Alderman Pottie, seconded by Deputy Mayor Crowley that the approved capital cost of the Civic Centre be increased to \$3,161,275.70 with \$100,000 of the additional funding required being transferred from Capital Account 97061; and further, that a portion of the budget savings in Account Number 28126.6300, Interest Expense - Financing Costs, in the amount of \$136,275.70 be transferred to Account Number 28204.6302, Capital Pay-As-You-Go Financing Costs. The motion was put and passed.

### Solid Waste

A memorandum dated 12 December 1995 was submitted by Alderman Howard Epstein, together with an Information Report dated 13 December 1995 from the Director of Engineering and Works.

Following is the recommendation from the Finance and Executive Committee meeting held on Wednesday, 6 December:

- (1) That Council request the Minister of the Environment to undertake a full environmental assessment of the proposed residual facilities site.
- (2) That the City Manager be asked to comment on a recommendation that the City retain the services of Sound Management Limited to advise it with respect to any proposed contract.
- (3) That the recommendation that the City request the Municipality of the County of Halifax **not** to enter into a comprehensive implementation contract for the management of solid waste (but to deter the matter to the Regional Municipality) be **deferred** until Council has had an opportunity to review the provisions of the proposed contract to be made available on or about 14 December.
- (4) That the recommendation that the City call upon Amalgamation Coordinator, Mr. William Hayward, **not** to allow the entering into of a comprehensive implementation contract be **deferred** until Council has had an opportunity to review the provisions of the proposed contract to be made available on or about 14 December.

Responding to a proposal put forward by Alderman Epstein (namely, that Halifax City Council recommend a full

**CITY COUNCIL  
14 DECEMBER 1995**

environmental assessment of the proposed residual facilities site), the Chairman made reference to decisions reached by Halifax County Council earlier in the day and indicated that he personally would prefer to see the entire matter deferred to the next regular meeting of Committee of the Whole Council so that staff could review the proposed contract and submit a comprehensive report for Council's consideration.

Alderman Stone asked for clarification as to whether, in fact, Halifax City Council has already approved a motion in favor of a mediated environmental assessment, adding that if indeed this were true, Council might be required to deal with that earlier motion before proceeding with Alderman Epstein's proposal. The Alderman went on to express concern that a full environmental assessment would take upwards of a year to complete, a timeframe which would not be in keeping with the scheduled closure of the Sackville Landfill site.

Speaking in regard to his proposal concerning the hiring of Sound Resource Management Limited, Alderman Epstein again made reference to today's deliberations by County Council, noting that a resolution had been adopted through which the new Regional Municipality has been invited to take over consideration of the proposed solid waste contract.

Under the circumstances, therefore, Alderman Epstein stated that, in his opinion, the only motion which Halifax City Council should entertain at this time with regard to obtaining independent advice is one that follows the County's lead and recognizes that the governing power has shifted to the new Municipality.

It was moved by Alderman Epstein, seconded by Alderman Blumenthal that Halifax City Council recommend to the Regional Municipality that Sound Resource Management Limited be hired to provide independent and qualified advice with respect to the proposed contract; and further that, should the Region for any reason not agree to hire the company in question, the City of Halifax investigate the possibility of cost-sharing with the other existing municipalities (and, in particular, the City of Dartmouth) those services.

The City Manager suggested that, in conjunction with accepted tendering practices, the motion should more appropriately be worded to identify a consultant with a particular skill set, rather than naming a specific consulting firm. Alderman Epstein argued, however, that an earlier process has already ascertained that Sound Resource Management Limited represents the optimum in their field, adding that the timeframe

imposed by County Council would not seem to allow for the usual tender calls or for Requests for Proposals.

After some considerable discussion, it was moved by Alderman Stone, seconded by Deputy Mayor Crowley that the matter be deferred to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 3 January 1996), pending receipt of a comprehensive staff report pertaining both to the proposed solid waste contract as well as to the proposal put forward by Alderman Epstein with respect to the possibility of the existing municipal units cost-sharing in the services of Sound Resource Management Limited. The motion to defer was put and passed.

**Metro Community Services  
Network - Request for Funding**

MOVED by Alderman Downey, seconded by Deputy Mayor Crowley that, as recommended by the Finance and Executive Committee, Council endorse the recommendations put forward by the Metro Community Services Network as follows:-

1. that this Municipal government submit in writing to the new Regional Municipal government a recognition of the importance of Municipal funding to the maintenance of community-based services and the agencies that provide them, for the continued health and well-being of Municipal residents;
2. that a similar submission be sent to the Premier of Nova Scotia, the Ministers of Community Service, Health, Education and Municipal Affairs, and the local MLA's;
3. that this Municipal government forward all municipal funding requests/grant submissions received from community agencies to the new regional municipal government with the recommendation that the funding levels be maintained at least to the current (1995) levels during the transitional year of 1996;
4. that this Municipal government make an official request to the new Regional Municipal government, that information on the future of Municipal grant/funding and any impending changes to the process, be released to community agencies as soon as possible, so that responsible fiscal planning may proceed.

The motion was put and passed.

Provincial/Municipal Exchange of  
Services and Municipal Amalgamation

MOVED by Alderman Pottie, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, the City of Halifax call upon the Province to immediately confirm its commitment to take over Social Services in its entirety as of 1 April 1996 as initially promised to the City of Halifax. The motion was put and passed.

Rehabilitation Reserve Fund/Metro  
Non-Profit Housing Association

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

- (1) Council approve a grant to the Metro Non-Profit Housing Association in the amount of \$142,000 as a contribution (approximately 75% of the total cost) to the purchase of a property to provide housing to at least eight hard to house individuals;
- (2) if the Metro Non-Profit Housing Association is unable to secure ownership of the property identified in their proposal dated 16 October 1995 by 31 January 1996, then the City of Halifax will not contribute to the proposal unless Council determines otherwise;
- (3) in the event that the Metro Non-Profit Housing Association disposes of the property funded by this grant, the City of Halifax (or the Halifax Regional Municipality after 1 April 1996) will be reimbursed the \$142,000.

The motion was put and passed.

Social Planning Department Budget -- Update

MOVED by Alderman Pottie, seconded by Alderman Downey that, as recommended by the Finance and Executive Committee, the Social Services food allowance be increased at a cost of \$70,000 per month (with no cost-sharing from the Province) with funds being made available through Section 201(1) of the City Charter.

Following a brief discussion and clarification from the City Manager, the motion was put and passed.

Current Borrowing Resolution

MOVED by Alderman Pottie, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, Council authorize the Mayor and the City Clerk to sign the Current Borrowing Resolution as attached to the 17 November 1995 report from the Director of Finance in the sum of \$15,000,000 for the period 1 January 1996 to 31 March 1996. The motion was put and passed.

Proposed Downtown BIDC  
Boundary Expansion

An Information Report dated 8 December 1995 was submitted from the Director of Development and Planning.

MOVED by Alderman Downey, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, Council direct that Ordinance 182 Respecting the Establishment of the Downtown Halifax Business Improvement District Commission (BIDC) be amended to expand the boundaries of the BIDC's area as indicated in Map 1 attached to the 24 November 1995 report from the Director of Development and Planning. The motion was put and passed.

Funding Request -  
The Casino Theatre Foundation

An Information Report dated 12 December 1995 was submitted from the Director of Development and Planning.

MOVED by Alderman Downey, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, Council attempt to convene a meeting with Empire Theatres Ltd. to include Mayor Fitzgerald, Aldermen Downey and Blumenthal and a representative of the Casino Theatre Foundation with a view to determining if Empire Theatres Ltd. is willing to hand over the property to Casino Theatre Foundation for a nominal fee. The motion was put and passed.

Sale of City-Owned Lands

MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, Council authorize staff to list the selected surplus City-owned properties for sale at market value by public tender as outlined



in the 26 November 1995 staff report with the exception of 2156 Brunswick Street, 2103 Brunswick Street, 2103 Maitland Street, and 2111 Brunswick Street (the Alexandra Centre site).

Following a brief discussion and questioning of staff, an amendment to the motion was moved by Alderman Downey, seconded by Alderman Pottie; namely, that the rental property and parking lots on Queen and Clyde Streets also be excluded from this sale. The amendment to the motion was put and passed.

The motion, as amended, was put and passed.

### Regulations Respecting Solid Waste Resource Management

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee, staff formally respond to the Regulations Respecting Solid Waste Resource Management specifically addressing the lack of representation of municipalities on the Resource Recovery Fund and seeking clarification on a variety of non-specific issues contained in the Regulations as presently drafted. The motion was put and passed.

### 1995 United Way Campaign Funding

MOVED by Alderman Pottie, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, Council approve a \$2,500 donation to United Way from the City Manager's Contingency Fund. The motion was put and passed.

## **REPORT - COMMITTEE ON WORKS**

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

### Traffic Signals - Highway 102 and Lacewood Drive Extension

MOVED by Alderman Stone, seconded by Deputy Mayor Crowley that, as recommended by the Committee on Works:

- (1) Council authorize the Mayor and the City Clerk to sign, on behalf of the City, the Agreement attached

to the 24 November 1995 staff report respecting cost-sharing for Traffic Signals - Highway 102 and Lacewood Drive Extension;

- (2) Council approve funds in the amount of \$7,500 from Capital Account No. 91554, Lacewood Drive Extension, to make payment for Traffic Signals - Highway 102 northbound off-ramp and Lacewood Drive Extension.

The motion was put and passed.

**Duffus Street Pumping Station  
Contract #95-36**

MOVED by Alderman Blumenthal, seconded by Alderman Walker that, as recommended by the Committee on Works, Council:

- (1) approve the transfer of \$64,000 plus G.S.T. from Capital Account No. 95015, Harbour Clean-Up, to Capital Account No. 95011, Duffus Street Pumping Station;
- (2) approve additional payment to the consultant, Fenco Shawinigan Engineering Ltd., in an amount of \$64,000 plus G.S.T., for construction supervision and contract administration fees.

The motion was put and passed.

**Construction Agreement #50 -  
Robie/Young Street Upgrading**

MOVED by Alderman Pottie, seconded by Alderman Maher that, as recommended by the Committee on Works, Council authorize His Worship the Mayor and the City Clerk to sign cost-sharing agreement #50 between the City and the Nova Scotia Department of Transportation and Communications as attached to the 27 November 1995 staff report. The motion was put and passed.

**Halifax Public Gardens -  
Seasonal Closing**

This matter had been forwarded without recommendation, pending receipt of further information from the City Manager.

On advice received from Mr. Coopersmith (namely, that a meeting has been scheduled for Monday, 18 December 1995 with

parties interested in extending the Gardens' seasonal closing hours), it was moved by Alderman Downey, seconded by Alderman Stone that the matter be deferred to the next regular meeting of Committee of the Whole scheduled for WEDNESDAY, 3 JANUARY 1996. The motion was put and passed.

Lot B-2, Former Titus Smith  
Lands - Main Avenue

MOVED by Alderman Walker, seconded by Alderman Maher that, as recommended by the Committee on Works, the City not exercise its option under a buy-back agreement to repurchase Lot B-2, Main Avenue.

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

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

Amendment to Ordinance 116, Respecting  
the Regulation of Vehicles Transporting  
Passengers for Hire (Limousine  
Chauffeurs License) - SECOND READING

This matter had been given First Reading during a regular meeting of Halifax City Council held on Thursday, 16 November 1995. Following is the recommendation from the 6 December meeting of the Committee of the Whole Council at which time the proposed amendment was duly considered:

That Council give Second Reading to the following amendment proposed for Ordinance 116, the Taxi and Limousine Ordinance:

BE IT ENACTED by the City Council of the City of Halifax that Ordinance 116, the Taxi and Limousine Ordinance be and the same is hereby amended as follows:

1. *Section 15 of said Ordinance 116 is amended by adding immediately following subsection 3 thereof the following subsection:*

*(4) Notwithstanding subsection (1) of Section 14A, a person who held a valid limousine driver's license on the 25th day of October 1995 may apply for and be granted a taxi driver's license upon compliance with the provisions of subsection (1) except clauses (d) and (e).*

and further, that the individual referred to in the proposed amendment to Ordinance 116 be required to write and pass the driver education course exam for Halifax taxi operators.

A report dated 7 December 1995 was submitted by the Director of Corporate and Legal Affairs.

While acknowledging that the applicant in this matter has raised certain valid points concerning the lack of enforcement as it pertains to the limousine industry, Alderman Adams expressed concern regarding information recently included by the Inspector of Licenses in a letter to Mr. Darshan S. Virk, President of the UCDA, dated 12 December 1995.

It was therefore moved by Alderman Adams, seconded by Alderman Walker that the matter be deferred to provide an opportunity:

- (a) for the applicant to respond to clause (d) of the letter forwarded to Mr. Darshan Virk on 12 December 1995 by Sergeant Scott Burbridge, Inspector of Licenses;
- (b) for the City Solicitor to comment on the possibility of some type of compensation for the applicant in view of the fact that no enforcement of the limousine regulations contained in Ordinance 116 has been undertaken during the past several years, particularly with regard to unlicensed limousine chauffeurs operating in the City of Halifax.

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

**Amendment to Ordinance 116, Respecting  
the Regulation of Vehicles Transporting  
Passengers for Hire (Section 10B(3) -  
Renewal of Taxi Vehicle Licenses)  
- SECOND READING**

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The proposed amendment to Ordinance 116 had been recommended to Council for Second Reading, pending receipt of further information from the Halifax Police Department.

An Information Report dated 13 December 1995 was received from the Chief of Police.

MOVED by Alderman Adams, seconded by Alderman Stone that Council give Second Reading to the following proposed amendment to Ordinance 116, the Taxi and Limousine Ordinance:

That subsection 10B(3) of Ordinance 116 be amended by adding the following subsection as 10B(3A):

*"Notwithstanding subsection 10B(3), for the licensing year 1 May 1995 - 30 April 1996, an application for the renewal of a taxi owner's license shall be made prior to 29 April 1996."*

Alderman Uteck spoke in opposition to the motion, expressing concern that its effect would be to substantially decrease the impact of the license moratorium now in place.

However, various Aldermen (including Alderman Adams and Alderman Maher) pointed out that, in approving the earlier resolution with regard to the license moratorium on taxi vehicles, Council had been unaware that subsection 10B(3) as is presently written represented a considerable change from traditional practices and one which would impact on a number of long-term license holders. The point was also made that this change had not been generally advertised within the taxi industry.

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

## **REPORT - PLANNING COMMITTEE**

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

### **Khyber Building - Arts Centre Project**

This matter had been forwarded without recommendation, pending receipt of a report from the City Manager.

An Information Report dated 11 December 1995 was submitted from the Director of Development and Planning, together with a memorandum, dated 13 December 1995, from Mr. Dan Norris, Heritage Planner. Also submitted was correspondence dated 11 December 1995 from Mr. Greg Forrest, Chair of the Board of Directors, The Khyber Arts Society.

Alderman Epstein indicated that, in his view, the matter had become sufficiently "convoluted" as to warrant further

investigation, and MOVED, seconded by Alderman Downey that it be deferred to the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 3 January 1996. The motion to defer was put and passed.

**Case No. 7175: Peninsula and  
Mainland Land Use Bylaw -  
Housekeeping Amendments #13 (Rezoning)**

MOVED by Alderman Carmichael, seconded by Alderman Maher that, as recommended by the Planning Committee, City Council:

1. set a date for a public hearing to consider approval of the rezonings as contained in Appendices A-1 to A-9 of the 23 November 1995 staff report.
2. refer the Plan amendments and rezonings as contained in Appendices B-1 to B-10 of the 23 November 1995 staff report to the Planning Advisory Committee for a public meeting and advice.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 3 JANUARY 1996 at 7:30 p.m.** in the Council Chambers, Halifax City Hall.

**Case No. 7193: R-2T Zone (Townhouse),  
Amendment to Land Use Bylaw**

MOVED by Alderman Blumenthal, seconded by Alderman Walker that, as recommended by the Planning Committee, Council forward for advice to the Planning Advisory Committee the following:

1. amendment of the Land Use Bylaw (Peninsula and Mainland Sections) to include the R-2T (Townhouse) Zone;
2. rezoning of the Hydrostone area from R-2 (General Residential) to R-2T, and rezoning of the townhouses of Convoy Place from R-2 and P (Park and Institutional) to R-2T.

The motion was put and passed.

**Case No. 6582: Rezoning 12-16 Rockingstone  
Road from RC-1 to R-2 (SET DATE FOR PUBLIC HEARING)**

MOVED by Alderman Adams, seconded by Alderman Hanson that, as recommended by the Planning Committee, a date be set for a public hearing to consider the rezoning of 12-16 Rockingstone Road from RC-1 (Neighbourhood Commercial Zone) to R-2 (Two Family Dwelling Zone. The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 3 JANUARY 1996** at 7:30 p.m. in the Council Chambers, Halifax City Hall.

**277 Bedford Highway**

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Planning Committee, the City sell to the estate of Willard Ripley, the existing ten foot right-of-way together with an extra three foot wide strip on the north side representing 1040 square feet± (subject to survey) for a total price of \$4,200. The motion was put and passed.

**Case No. 7181 - Development  
Agreement for 6088-90 Coburg Road  
(SET DATE FOR PUBLIC HEARING)**

MOVED by Alderman Carmichael, seconded by Alderman Maher that, as recommended by the Planning Committee, a date be set for a public hearing to consider an application for a development agreement to permit an addition to a non-conforming use located at 6088-90 Coburg Road. The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 3 JANUARY 1996** at 7:30 p.m. in the Council Chambers, Halifax City Hall.

**Case No. 6968: Signs in the  
Business Park (Amendment to the  
I-3 Zone) - SET DATE FOR PUBLIC HEARING**

MOVED by Alderman Carmichael, seconded by Alderman Stone that, as recommended by the Planning Committee, Council set a date for a public hearing to consider adoption of amendments

**CITY COUNCIL  
14 DECEMBER 1995**

to the Land Use Bylaw as contained in Appendix I of the 16 November 1995 report from the Planning Advisory Committee which, in the I-3 Zone (General Industrial Zone), shall permit:

- a) more than one identification sign on the building;  
and
- b) one freestanding identification sign which may be illuminated, except within 100 feet of the street line of Highways 102 and Highway 103 between the interchange with Highway 102 and the City of Halifax pumping station at 120 Chain Lake Drive.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for **WEDNESDAY, 3 JANUARY 1996** at 7:30 p.m. in the Council Chambers, Halifax City Hall.

**Case No. 7155: Front Yard  
Parking - Peninsula Area**

MOVED by Alderman Downey, seconded by Alderman Carmichael that, as recommended by the Planning Committee, Council forward for advice to the Planning Advisory Committee the amending of the Land Use Bylaw (Peninsula Section) for residential uses in the R-1, R-2, R-2A and the RC-1 zones to permit more than 33 percent of the front yard to be used for vehicular access, manoeuvring, or parking, if a driveway, not greater than 8 feet in width, provides access to:

- (a) a garage within the building or parking space in the side or rear yards; or
- (b) a front yard parking space no greater than 8 feet by 16 feet, for a residential building existing on 8 November 1995; and

The motion was put and passed.

**Massage Parlour - Quinpool Road**

This matter had been forwarded from the 6 December meeting of the City Planning Committee with a request for a report from the City Manager.



**CITY COUNCIL  
14 DECEMBER 1995**

A private and confidential report was received from the Director of Development and Planning.

MOVED by Deputy Mayor Crowley, seconded by Alderman Pottie that Council table the private and confidential report dated 8 December 1995 received from the Director of Development and Planning. The motion was put and passed.

**Building - Corner of Windsor  
and Windcrest Terrace**

This matter had been forwarded from the 6 December meeting of the Planning Committee with a request from Alderman Pottie for a staff report.

An Information Report dated 6 December 1995 was submitted from the Director of Development and Planning.

Commenting on the Information Report, Alderman Pottie pointed out that while the main driveway for the building in question is located on Windcrest Terrace, there is also a shared driveway on the north side of the building on Windsor Street. He went on to point out that at this same location the developer has constructed an addition to the building which is not in conformance with the City's land use bylaw and which Council had specifically ordered removed.

The Alderman expressed concern that this situation has been allowed to continue and asked for information in this regard from staff prior to the next regular meeting of Committee of the Whole Council (i.e., Wednesday, 3 January 1996).

**MISCELLANEOUS BUSINESS**

**Downtown Parking Facility -  
Granville, Hollis and Salter Street**

A report dated 5 December 1995 was submitted from the Director of Development and Planning.

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

1. authorize the withdrawal of funds from the Sale of Land Account for the acquisition of 1553-55 Granville Street (Parcel 3) for the sum of \$188,000, plus all applicable taxes and adjustments; and

2. transfer from the above amount, the option sum of \$94,000 already paid out of the Sundry Land Acquisition Account (91608) under Council's resolution of 27 July 1995, back into the Sundry Land Acquisition Account.

The motion was put and passed.

## **QUESTIONS**

### **Question Alderman Pottie Re: Property for Sale - Chebucto Road**

Referring to a property located on the north side of Chebucto Road close to Connolly Street and across from a gas station, Alderman Pottie noted that it was his understanding that the City had intended to purchase this property if it ever became available in connection with the widening of Chebucto Road. Alderman Pottie advised that the property is now for sale. Alderman Pottie went on to note that one other property has been purchased in connection with the widening of Chebucto Road and indicated that the purchase price on the property in question is very reasonable.

Alderman Pottie requested that, if the property is still required for the widening, staff look into the possibility of acquiring the property. He further requested that a report with regard to this matter be provided to Council as soon as possible and that the matter be added to the agenda for the next meeting of the Committee of the Whole Council.

### **Question Alderman Stone Re: Overhead Traffic Sign - Bedford Highway**

Submitting a letter he had received from a constituent, Alderman Stone noted that an overhead traffic sign has been installed on the Bedford Highway near the Kearney Lake Road intersection. Alderman Stone advised that the sign is some 30 feet in height and spans some 50 feet, obstructing the view of the Bedford Basin from this resident's living and dining rooms. Alderman Stone requested that staff review the situation to determine what can be done to address the concerns of this resident.

His Worship noted that he had discussed this matter with staff and indicated that a full report would be forthcoming.

**Question Alderman Maher Re:  
Pollution Control Fund**

Referring to a concern he has received from a resident regarding the Pollution Control charge on Halifax Water Commission billings, Alderman Maher asked how much money was available in the pollution control fund reserve and what use has been made of the monies in that fund over the past year.

**Question Alderman Adams Re:  
Possible Violation of Ordinance 116 -  
Cabs from Other Municipalities**

Alderman Adams, referring to his previous comments about zoning for the taxi industry and the impact of not having zoning on the Halifax Industry, noted that he was aware of at least one County taxi company that is presently advertising their service at a Halifax university. Alderman Adams indicated that should a car from this company pick up a passenger and drop he/she off in Halifax, this would be in direct violation of Ordinance 116.

Alderman Adams requested that the License Inspector investigate this matter and report to Council as to how to prevent the further erosion of the taxi business in Halifax.

**Question Alderman Adams Re:  
Merging of Emergency Departments**

Alderman Adams referred to the hospital merger and noted that he understood that this merger would result in one Emergency Room to serve Halifax. Expressing concern that this was barely sufficient in normal circumstances, he voiced grave concern should the City be faced with a disaster of some kind. Noting that this was a Provincial responsibility and outside the authority of the Municipality, Alderman Adams requested that Mr. Bill Campbell, Emergency Measures Director, prepare a report expressing the grave concerns of the City of Halifax regarding the possible inadequacy of one Emergency Room should a disaster occur.

**Question Alderman Adams Re:  
Snowplowing - Leiblin Park**

Referring to a report he had received regarding snowplowing in Leiblin Park, Alderman Adams requested that the Legal and the Engineering and Works Departments devise a method

to plow the crescents in the Leiblin Park area so as to minimize the need for residents to shovel the build up of snow resulting from the present method of plowing.

**Question Alderman Blumenthal Re:  
Gaming Control - Commissioner's  
Ruling on Free Breakfast at Sheraton**

Alderman Blumenthal, referring to the recent ruling of the Gaming Control Commissioner regarding the free breakfast promotion by the Sheraton Hotel, noted that this promotion is causing great concern to downtown eating establishments. He went on to advise that these establishment feel they cannot now compete for business in an equitable manner.

Alderman Blumenthal requested that staff review the Gaming Regulations and Decision of the Commissioner, and advise City Council what, if anything, the City can do in this regard.

**Question Alderman Epstein Re:  
Sewage Source Controls -  
Request for Proposals**

Referring to the sewage source controls program approved in the 1995/1996 budget, Alderman Epstein noted that a Request for Proposals had been issued and responses received. Alderman Epstein requested an update on the status of this project.

**Question Alderman Epstein Re: Update  
Submission re Planning Act Revisions**

Alderman Epstein noted that earlier in the year the Provincial Government solicited submissions on possible revisions to the Planning Act. Remarking that the City had intended to make a submission, Alderman Epstein asked if the City has done so, and if so, could Council be provided a copy of the submission.

**Question Alderman Epstein Re:  
Public Gardens Canteen**

In response to Alderman Epstein's question, the City Manager advised that a report relating to the Public Gardens

Canteen would be considered at the next meeting of the Committee of the Whole Council scheduled for 3 January 1996.

**NOTICES OF MOTION**

**Notice of Motion Alderman Downey Re:  
Proposed Amendment to Ordinance 182,  
the Establishment of the Downtown  
Halifax Business Improvement District  
(BIDC) - Expansion of Boundaries**

Alderman Downey gave Notice of Motion of his intent to introduce First Reading of an amendment to Ordinance 182 regarding the Establishment of the Downtown Halifax Business Improvement District (BIDC). The purpose of the amendment is to expand the boundaries of the BIDC's area as indicated in Map 1 attached to the 24 November 1995 report from staff.

Concluding the meeting His Worship advised that he would be away from the City beginning on Monday, 18 December 1995 and that Deputy Mayor Crowley would be acting in his stead during his absence. Noting that this was the last formal meeting of Halifax City Council in 1995, His Worship extended Seasons Greetings to members of Council and indicated that he was looking forward to an exciting 1996. He went on to thank each of the Aldermen for their support in 1995, the input of citizens over the past year and the hard work of staff, noting that the combined efforts had made the year a success.

The meeting adjourned at approximately 9:35 p.m.

**MAYOR WALTER FITZGERALD  
CHAIRMAN**

**SUBMITTED BY:  
E. A. KERR, CMC  
CITY CLERK**

\*K/sm

## MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 11 JANUARY 1996

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

**MEMBERS  
PRESENT:** HIS WORSHIP MAYOR FITZGERALD (8:05 PM)  
DEPUTY MAYOR MARY ANN CROWLEY  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN JERRY BLUMENTHAL  
ALDERMAN PATRICK POTTIE  
ALDERMAN STEPHEN ADAMS  
ALDERMAN RON HANSON  
ALDERMAN RALPH MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN BILL STONE

**STAFF:** MR. BARRY COOPERSMITH, CITY MANAGER  
MS. MARY ELLEN DONOVAN, CITY SOLICITOR  
MR. E. A. KERR, CITY CLERK

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MINUTES

Minutes of the last regular meeting of Halifax City Council held on 14 December 1995 and of Special meetings of Halifax City Council held on 22 November 1995 and 6 December 1995 were approved on a motion by Alderman Blumenthal, seconded by Alderman Stone.

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

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

20.1 Appointment of City Solicitor and Director of  
Corporate and Legal Affairs

It was agreed that this matter be dealt with  
immediately following the setting of the agenda.

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

20.2 Food Rates - Social Assistance -  
City of Halifax

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

20.3 FCM Communique

8:05 p.m. His Worship Mayor Fitzgerald joins the meeting  
and Deputy Mayor Crowley resumes her seat in  
Council.

**Appointment of City Solicitor and  
Director of Corporate and Legal Affairs**

A report dated 11 January 1996 was submitted from the  
City Manager.

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that Council appoint Ms. Mary Ellen Donovan to the office of City Solicitor and the position of Director of Corporate and Legal Affairs for the period 12 January 1996 to 31 March 1996, within the established salary range for this position and in accordance with the corporate salary administration policy (#05-003).

Motion passed.

Ms. Donovan recited the Oath of the City Solicitor after which she received congratulations on her appointment from members of Council.

## DEFERRED ITEMS

### Parcel "C" - 3670-3694 Dutch Village Road

This matter was deferred from the City Council meeting held on 14 December 1995. Correspondence was distributed to members of Council this evening relating to this matter and a copy is attached to this evening's official file of this meeting.

MOVED by Alderman Maher, seconded by Alderman Walker that the City sell Parcel "C" as shown on Plan No. 00-12-214308 and the attached sketch, containing 970 square feet, to Adelaide Capital Corporation for \$12,600 with proceeds of the sale being deposited in the Sale of Land Account.

Motion passed.

## FINANCE AND EXECUTIVE COMMITTEE

### Amendment to Ordinance 116, the Taxi Ordinance

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

City Council approve in principle the amendments to Ordinance 116, the Taxi and Limousine Ordinance attached as Appendix "A" and direct staff to arrange for the introduction of the said amendments for formal approval.

Motion passed.

**Acceptance of Mastercard**

MOVED by Alderman Blumenthal, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, the Treasurer of the City be authorized to open a bank account at the Bank of Montreal to accept Mastercard deposits.

Motion passed.

**Time Capsule Funds & Gottingen  
Street Development Funds**

MOVED by Alderman Downey, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, Council request the Halifax Foundation to accept responsibility for the on-going administration of the 'Time Capsule Bequest' and that the Foundation also be requested to take over the administration and subsequent re-use of funds under repayment for the 'Gottingen Street Development Fund'.

Motion passed.

**Tender #95-208 - Microcomputer Equipment**

MOVED by Alderman Blumenthal, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council authorize the establishment of a price agreement with the overall lowest bidder, YES Power Systems, for a four (4) month period as detailed in Appendix I of the 21 December 1995 report.

Motion passed.

Gottingen Street Economic  
Development Fund

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

1. Council ratify approval of loans from the Gottingen Street Economic Development Fund for the following businesses:

Rose's Mix and Match	\$3,000
Mike's Trucking	5,000
Beauty of Ebony	5,000
2. Repayment of funds on loan from the Gottingen Street Economic Development Fund be made to the Halifax Foundation.

Motion passed.

**COMMITTEE ON WORKS**

Halifax Public Gardens - Seasonal Closing

This matter was last discussed at the 3 January 1995 meeting of the Committee of the Whole Council at which time staff was requested to submit a further report regarding the costs associated with an education program and extending the closure date of the Public Gardens. Information Reports dated 10 January 1995 and 11 January 1995 were submitted from the City Manager.

Noting that he had recently met with the Spring Garden Road Merchants Association and they would like a breakdown of the costs, it was MOVED by Alderman Downey, seconded by Alderman that this matter be deferred to the meeting of the Committee of the Whole Council scheduled for 17 January 1996 pending a staff report providing a breakdown of the \$9,500-12,000 cost of extending the season at the Public Gardens as quoted in the 10 January 1995 report.

Motion passed.

Appointment of Consultant -  
Source Control Program

This matter was forwarded without recommendation pending supplementary information from staff in response to the concerns outlined in Alderman Epstein's memorandum to Council dated 2 January 1996. A supplementary report dated 5 January 1996 was submitted from the Director of Engineering and Works. Correspondence dated 10 January 1996 was submitted from Alderman Epstein.

Referring to his correspondence, Alderman Epstein suggested that consideration of Council agenda items relating to the appointment of consultants to develop a comprehensive Source Control Program and to review the Halifax Harbour Clean-Up Program be left to the Regional Council.

A discussion and questioning of staff ensued and it was MOVED by Alderman Stone, seconded by Deputy Mayor Crowley that:

1. City Council approve the appointment of Vaughan Environmental Consultants Ltd. to undertake the development of a comprehensive Source Control Program Implementation Strategy for the City of Halifax at an estimated cost of \$70,000, plus taxes; and
2. funds be authorized from Capital Account No. 95014 - Source Control Fund.

After a further short discussion, the Motion was put and passed.

Appointment of Consultant - Review of  
Harbour Clean-up Program

This matter was forwarded without recommendation pending supplementary information from staff in response to the concerns outlined in Alderman Epstein's memorandum to Council dated 2 January 1996. A supplementary report dated 5 January 1996 was submitted from the Director of Engineering and Works. Correspondence dated 10 January 1996 was submitted from Alderman Epstein.

MOVED by Alderman Stone, seconded by Deputy Crowley that:

1. City Council approve the appointment of C.B.C.L. Ltd. to undertake a comprehensive review of the Halifax Harbour Clean-up Program for the City of Halifax at an estimated cost of \$25,000, plus taxes; and
2. funds be authorized from Capital Account No. 950515 Harbour Clean-up Halifax Project.

Motion passed.

**Award of Tender No. 95-29, Ragged  
Lake Business Park Service Extension**

This matter was forwarded without recommendation from the Committee of the Whole Council meeting held on 3 January 1996.

Note was made that a response has not be received from the County of Halifax regarding funding assistance.

MOVED by Alderman Stone, seconded by Alderman Blumenthal that this matter be deferred to the next meeting of the Committee of the Whole Council scheduled for 17 January 1996 pending a response from the County of Halifax with regard to funding assistance.

Motion passed.

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

**Amendment to Ordinance 116, Respecting the  
Regulation of Vehicles Transporting Passengers\  
for Hire (Limousine Chauffeurs License) -  
SECOND READING**

This matter had been given First Reading at the City Council meeting held on 16 November 1995 and was subsequently deferred from the City Council meeting held on 14 December 1995. Correspondence dated 28 December 1995 was submitted from Darshan S. Virk, United Cab Drivers Association of Halifax.

Correspondence dated 9 January 1996 was also received from Reverend Wayne Campagna.

MOVED by Deputy Mayor Crowley, seconded by Alderman Pottie that Council approve Second Reading of the following proposed amendment to Ordinance 116, the Taxi and Limousine Ordinance:

BE IT ENACTED by the City Council of the City of Halifax that Ordinance 116, the Taxi and Limousine Ordinance be and the same is hereby amended as follows:

1. *Section 15 of said Ordinance 116 is amended by adding immediately following subsection 3 thereof the following subsection:*

*(4) Notwithstanding subsection (1) of Section 14A, a person who held a valid limousine driver's license on the 25th day of October 1995 may apply for and be granted a taxi driver's license upon compliance with the provisions of clauses (a), (b), (c), (f), (g) and (h) of subsection (1) and the person successfully passes an examination covering the areas listed in sub-clauses (i), (ii) and (iii) of clause (d) of subsection (1).*

*and further, that the individual referred to in the proposed amendment to Ordinance 116 be required to write and pass the driver education course exam for Halifax taxi operators.*

Motion passed.

Amendment to Ordinance 157, the Minimum Standards Ordinance - SECOND READING

This matter had been given First Reading at the City Council meeting held on 16 November 1995.

MOVED by Alderman Carmichael, seconded by Alderman Walker that Council approve Second Reading of the proposed amendment to Ordinance 157, the Minimum Standards Ordinance, as contained in Appendix A of the staff report dated 19 December 1995.

Motion passed.

Correspondence dated 9 January 1996 was also received from Reverend Wayne Campagna.

MOVED by Deputy Mayor Crowley, seconded by Alderman Pottie that Council approve Second Reading of the following proposed amendment to Ordinance 116, the Taxi and Limousine Ordinance:

BE IT ENACTED by the City Council of the City of Halifax that Ordinance 116, the Taxi and Limousine Ordinance be and the same is hereby amended as follows:

1. *Section 15 of said Ordinance 116 is amended by adding immediately following subsection 3 thereof the following subsection:*

*(4) Notwithstanding subsection (1) of Section 14A, a person who held a valid limousine driver's license on the 25th day of October 1995 may apply for and be granted a taxi driver's license upon compliance with the provisions of subsection (1) except clauses (d) and (e).*

*and further, that the individual referred to in the proposed amendment to Ordinance 116 be required to write and pass the driver education course exam for Halifax taxi operators.*

Motion passed.

Amendment to Ordinance 157, the Minimum Standards Ordinance - SECOND READING

This matter had been given First Reading at the City Council meeting held on 16 November 1995.

MOVED by Alderman Carmichael, seconded by Alderman Walker that Council approve Second Reading of the proposed amendment to Ordinance 157, the Minimum Standards Ordinance, as contained in Appendix A of the staff report dated 19 December 1995.

Motion passed.



**PLANNING COMMITTEE**

**Vendor Location - Nathan Green Square**

MOVED by Alderman Stone, seconded by Alderman Blumenthal that, as recommended by the Planning Committee Council decline the proposal to create a vending location in Nathan Green Square. Motion passed.

**Building - Corner of Windsor and Windcrest Terrace**

MOVED by Alderman Pottie, seconded by Alderman Walker that, as recommended by the Planning Committee, the information report of 28 December 1995 be accepted.

Motion passed.

**Property for Sale - Chebucto Road**

MOVED by Alderman Epstein, seconded by Alderman Pottie that, as recommended by the Planning Committee, the information report of 27 December 1995 be accepted and that staff continue to monitor the situation.

Motion passed.

**CBD Residential Conversion Program**

MOVED by Alderman Downey, seconded by Alderman Maher that, as recommended by the Planning Committee, staff be authorized to proceed with funding for the following businesses under the CBD Residential Conversion Program:

Granite Group Ltd: \$24,000  
Foreign Affair: \$ 8,000  
Funds will be paid in the form of partial reimbursement not to exceed 33 percent of the total project cost.

Payment will be made after:

- completion of work relating to the project in a manner consistent with the firm's proposal to the City; and
- the firm in question has supplied a complete record of all work related to the project for publication by the City.

Motion passed.

Case No. 7133: Plan Amendment - Rezoning R-2 to RDD and  
Amendment to Development Agreement - Melville Ridge

This matter was forwarded without recommendation pending a further staff report. A report dated 11 January was submitted from Gerald G. Goneau, Senior Solicitor.

MOVED by Alderman Hanson, seconded by Alderman Walker that Council refer this matter for review and advice to the Planning Advisory Committee and further this matter be dealt with at the earliest possible date.

In response to a question, Alderman Hanson indicated he was not requesting that a Public Meeting be held.

Motion passed.

Downtown Parking Facility  
- Property at 1540-46 Hollis Street

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

- (i) authorize the withdrawal of funds from the Sale of Land Account for the acquisition of 1540-46 Hollis Street (Parcel 8) for the sum of \$350,000, plus all applicable taxes and adjustments;
- (ii) transfer from the above amount, the option sum of \$17,500 already paid out for this property from the Sundry Land Acquisition Account (91608), under Council's resolution

of 27 July 1995, back into the Sundry Land Acquisition Account. Motion passed.

Case No. 7084 - Lot Modification Development Agreement  
- 1079 Queen Street, 5459-73 Victoria Road

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

1. City Council approve the lot modification development agreement to permit a 24 unit apartment building with ground floor commercial, as shown on Plans P200/20181-83 of Case 7084, lands of Thomas and Anthoula Themelis, 1079 Queen Street (Lots C, C-1 and E) and portions of 5459-73 Victoria Road.
2. Council requires that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

Motion passed.

Golf Driving Range - (Alderman Stone)

This matter was last considered at the 3 January 1995 meeting of the Committee of the Whole Council at which time staff was requested to prepare a report in this regard. A report dated 9 January 1996 was submitted from the Director of Development and Planning.

MOVED by Alderman Stone, seconded by Alderman Walker that a date be set for a public hearing to consider the application for a development agreement to grant Stage I and II Schedule K approval to permit construction of golf practice facility on Airway Broadcasting Company Limited's property on Main Avenue. Motion passed.

The date for the public hearing was set as Wednesday, 7 February 1995 beginning at 7:30 p.m.

## **MOTIONS**

**Motion Alderman Downey re: Proposed Amendment to Ordinance 182, the Establishment of the Downtown Halifax Business Improvement District (BIDC) - Expansion of Boundaries - FIRST READING**

Notice of Motion with regard to this matter was given by Alderman Downey at the 14 December 1995 meeting of City Council.

MOVED by Alderman Downey seconded by Alderman Stone that Council approve First Reading of an amendment to Ordinance 182 regarding the Establishment of the Downtown Halifax Business Improvement District (BIDC) the purpose of which is to expand the boundaries of the BIDC's area as indicated in Map 1 attached to the 24 November 1995 report from staff.

Motion passed.

## **QUESTIONS**

**Question Alderman Downey Re:  
Power Corporation Rate Increase**

Alderman Downey requested information with respect to the affect of the proposed Power Corporation rate increase on persons on low and fixed incomes as well as those receiving social assistance. He also questioned the affect it could have on the City's social assistance budget. The Alderman asked that staff provide a report in response to these questions.

**Question Alderman Adams Re:  
"Taxi Zones" Municipality of Waterloo**

Alderman Adams asked staff to contact the Municipality of Waterloo with regards to the "Taxi Zones" it

has in place. He advised that the present Halifax industry's future relies heavily on the implementation of this "zoning" and, therefore, the City should learn how it has achieved this end result.

**Question Alderman Pottie Re: Civic Centre, Bridge Commission**

Alderman Pottie submitted a letter he received from Derek Piers, Chairman, Halifax Forum Commission, dated 14 December 1995. The Alderman asked that the letter be circulated to staff for a response and added to the next Committee of the Whole Council meeting agenda for Wednesday, 17 January 1996.

**ADDED ITEMS**

**Appointment of City Solicitor and Director of  
Corporate & Legal Affairs**

This item was dealt at the beginning of the meeting.

**Food Rate - Social Assistance City of Halifax  
(Alderman Pottie)**

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

Alderman Pottie addressed the matter and made reference to a letter received from Mr. C. William Hayward, Co-ordinator, Halifax Regional Municipality, addressed to Robert J. Britton, Director of Social Planning, dated 2 January 1996. Mr. Hayward's letter was in response to City Council's action increasing the Halifax Food Rate for Social Assistance to match the rates provided by Provincial Family Benefits. Alderman Pottie expressed concern that Mr. Hayward, as Co-ordinator, rejected this proposed increase in food rates due to its timing and the impact on Halifax Regional Municipality.

**MOVED by Alderman Pottie, seconded by Alderman Downey**  
that Halifax City Council request the Honourable Sandra Jolly, Minister of Municipal Affairs, to overturn Mr. C. William

Hayward's decision to reject Council's motion of December 14, 1996, with respect to an increase in food rates as follows:

*"the Social Services food allowance be increased at a cost of \$70,000 per month (with no cost-sharing from the Province) with funds being made available through Section 201(1) of the City Charter."*

A discussion followed and the motion was put and passed with ten (10) members of Council voting for it and two (2) voting against it as follows:

- FOR: Deputy Mayor Crowley, and Aldermen Uteck, Carmichael, Downey, Epstein, Blumenthal, Pottier, Hanson, Maher, and Stone . . . . . 10
- AGAINST: Aldermen Adams and Alderman Walker . . . . . 2

FCM Communiques - Infrastructure & GST (Alderman Stone)

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

Alderman Stone addressed the matter and made reference to the copies of communiques received from the FCM on the GST and the Infrastructure Program.

With respect to the "Call to Action - New Infrastructure Program", Alderman Stone asked that His Worship Mayor Fitzgerald, on behalf of Halifax City Council, communicate with Members of Parliament urging them to communicate with Cabinet Ministers on the Federal Job Strategy Committee underlying support for a new program, to which Council agreed.

Regarding the "National Campaign on GST", it was MOVED by Alderman Stone, seconded by Alderman Maher that His Worship Mayor Fitzgerald, on behalf of Halifax City Council, convey immediately the message that no greater federal or provincial tax burden be off loaded onto municipal governments as a result of reform or replacement of the GST to the Prime Minister, Finance Minister, local Cabinet Ministers and MPs at the federal level; and to the Premier, Finance Minister, local Cabinet Ministers and legislators at the provincial level.

Motion passed.

**CITY COUNCIL  
11 JANUARY 1996**

9:20 p.m. There being no further business the meeting adjourned.

DEPUTY MAYOR MARY ANN CROWLEY  
MAYOR WALTER FITZGERALD  
CHAIRPERSONS

Submitted by:  
E. A. Kerr, City Clerk

/sam

# MINUTES

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MEETING: HALIFAX CITY COUNCIL  
SPECIAL MEETING

PLACE: COUNCIL CHAMBER  
HALIFAX CITY HALL

DATE: 17 JANUARY 1996

TIME: 3:00 P.M.

MEMBERS  
PRESENT: MAYOR WALTER FITZGERALD  
ALDERMAN LARRY UTECK  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN JERRY BLUMENTHAL  
ALDERMAN PATRICK POTTIE  
ALDERMAN STEPHEN ADAMS  
ALDERMAN RON HANSON  
ALDERMAN RALPH MAHER  
DEPUTY MAYOR MARY ANN CROWLEY  
ALDERMAN BILL STONE

MEMBERS  
ABSENT: ALDERMAN KATE CARMICHAEL  
ALDERMAN RUSSELL WALKER

STAFF: BARRY COOPERSMITH, CITY MANAGER  
EDWARD A. KERR, CITY CLERK  
MARY ELLEN, CITY SOLICITOR



**CITY COUNCIL  
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17 JANUARY 1997**

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Appointment of Director of Recreation

A report dated 16 January 1996 was submitted.

MOVED by Alderman Blumenthal, seconded by Alderman Pottie that Council appoint Ms. Karen MacTavish to the position of Director of Recreation for the period 19 January 1996 to 31 March 1996, within the established salary range for this position and in accordance with the corporate salary administration policy (#05-003).

Motion passed.

Award of Tender No. 95-29, Ragged Lake Business Park Services Extension

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

MOVED by Alderman Stone, seconded by Deputy Mayor Crowley that, as recommended by the Works Committee, Council:

- A. Award Tender No. 95-29, Ragged Lake Business Park Services Extension, to Dexter Construction Co. Ltd., subject to funds in the amount of \$205,196. being received from the County of Halifax and to approval of the borrowing by Mr. William Hayward, Amalgamation Co-ordinator.
- B. Request approval of the tender award from the Co-ordinator of the Halifax Regional Municipality;
- C. Approve the appointment of MacWilliams Engineering Ltd. to inspect the portion of the project at an estimated cost of \$23,000.

Motion passed.

**CITY COUNCIL  
SPECIAL MEETING  
17 JANUARY 1997**

3:10 p.m. There being no further business, the meeting adjourned.

**MAYOR WALTER FITZGERALD  
CHAIRMAN**

/MS

## MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 25 JANUARY 1996

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

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

**MEMBERS  
ABSENT:** ALDERMAN STEPHEN ADAMS

**STAFF:** MR. BARRY COOPERSMITH, CITY MANAGER  
MS. MARY ELLEN DONOVAN, CITY SOLICITOR  
MR. E. A. KERR, CITY CLERK

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His Worship welcomed Clint Schofield to Council advising that Mr. Schofield was a long time Alderman of the City of Dartmouth and a Councillor for the Halifax Regional Municipality.

### **PRESENTATION**

**Presentation: Nesbitt Burns -  
Donation for Police Horse**

His Worship welcomed Ms. Shirley Locke of Nesbitt Burns and invited her to come forward to make her presentation.

Ms. Shirley Locke, on behalf of Nesbitt Burns, expressed pleasure in being given the opportunity to once again assist in the upkeep of Justice the Protector, the City of Halifax Police horse. She went on to thank Randy MacDonald, rider of Justice the Protector, for the outstanding job both he and Justice the Protector did in representing Nesbitt Burns. In conclusion, Ms. Locke presented to Chief Boudreau a cheque in the amount of \$7,000 and thanked members of Council for the opportunity to be involved in an ongoing tradition for the citizens of Halifax.

His Worship thanked Nesbitt Burns, and in particular Ms. Locke, for their support. He went on to indicate that Justice the Protector and his rider provided good and needed service to the City.

### **PROCLAMATIONS**

**Proclamation: Community Living Awareness Week**

Welcoming members of the Community Living Association to Council, His Worship proclaimed January 28 to February 3, 1996 Community Living Awareness Week in the City of Halifax.

**Proclamation: African Heritage Month**

His Worship proclaimed February 1996 as African Heritage Month in the City of Halifax.

**MINUTES**

Minutes of the Special meeting of Halifax City Council held on 3 January 1996 and of the Regular meeting of Halifax City Council held on 11 January were approved on a motion by Alderman Blumenthal, seconded by Alderman Maher.

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

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

20.1 Ordinance No. 185 Respecting Burglary and Robbery Alarm Systems (Alderman Walker)

20.2 Case No. 7274: Development Agreement - 1521 LeMarchant Street

20.3 File #69461 - Sludge Pumping, Duffus Street, Engineering and Works

20.4 Case No. 7133: Plan Amendment - Rezoning to R-2 to RDD and Amendment to Development Agreement - Melville Ridge

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

20.5 Solid Waste

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

20.6 Contract - Mirror Group - County of Halifax



PETITIONS AND DELEGATIONS

Petition re Reduction of Rates by  
City of Halifax Taxi Owners and Drivers

Alderman Blumenthal submitted a petition dated 23 January 1996 on behalf of approximately 111 taxi drivers in the City of Halifax in opposition to City of Halifax Taxi Owners and Drivers reducing rates below those set by the Department of Transport, in accordance with Ordinance 116. Alderman Blumenthal noted that as the petition sets out, any reduction of fare is to be arranged between driver and passenger.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Public Gardens Canteen

The following correspondence has been received in opposition to involvement of the private sector with the Public Gardens canteen:

- Correspondence dated 22 January 1996 from Marjorie MacLeod on behalf of the Local Council of Women, Halifax
- Correspondence dated 23 January 1996 from Dr. Elizabeth Pacey, Governor, Nova Scotia, Heritage Canada
- Correspondence dated 25 January 1996 from Alan Ruffman, Friends of the Public Garden

With the permission of Council, the City Manager briefly addressed the issue urging Council to approve the recommendation of the Committee of the Whole. The City Manager indicated that the staff proposal would allow for the enhancement of the Public Gardens at no cost to the City and still ensure protection of the Gardens.

Noting that it was her understanding that the staff report was to address only the issue of the cost of retaining the services of a restoration architect, Alderman Carmichael requested that consideration of the Committee of the Whole recommendation regarding this matter (Paragraphs 1 and 2) be split, to which Council agreed.

MOVED by Alderman Carmichael, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, Council direct staff to immediately explore with the Historical Sites and Monuments Board what the City needs to do in order to assure that the Historical site designation of the Public Gardens is not in any way affected by refurbishing the canteen. Additionally, during these discussions the City seek an agreement with Parks Canada for ongoing cost sharing for the care and restoration of the built components of the Gardens.

Motion passed.

MOVED by Alderman Carmichael, seconded by Alderman Downey that Council reaffirm its support of the Heritage Advisory Committee recommendation as contained in its report of 27 October 1995, as follows:

1. Council approve Option #1 as outlined in the 12 June 1995 staff report with a seasonal canteen/counter service;
2. Council approve minimal repairs for 1995-1996 and immediately retain the services of a restoration architect to address the building's restoration envelope, with a cupola, so as to service the needs of the Canteen and the Gardens staff; and
3. the present Gardens canteen contract be renewed on a temporary basis for only one year until the restoration is complete.

Motion passed.

Civic Centre - Bridge Financing - Acceptance  
of Staff Report of January 16, 1996

MOVED by Alderman Pottie, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, Council accept the 16 January 1996 staff report.

Motion passed.

FCM Resolutions

**Campaign to Secure Municipal GST Partial Exemption**

MOVED by Alderman Stone, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, Council remain keenly aware of the situation with respect to reform or replacement of the GST and express concern in a letter from Council to the Prime Minister, the Federal Minister of Finance, and Federal Cabinet Members, together with the Premier and Cabinet of the Province of Nova Scotia, as suggested by the Federation of Canadian Municipalities (FCM).

**Approval of Resolution for Federation of Canadian Municipalities (FCM) for submission to Annual General Meeting**

MOVED by Alderman Stone, seconded by Alderman Blumenthal that, as recommended by the Finance and Executive Committee the following resolution be approved and forwarded to FCM:

*WHEREAS the CNR has recently abandoned spur rail lines in the City of Halifax, as well as other municipalities across Canada;*

*WHEREAS there exists potential need for the revitalization of spur lines to meet future needs of local and regional rail transit services throughout existing urban corridors;*

*WHEREAS development of alternative transportation modes are being encouraged in urban areas but not viable without reasonable access to dedicated transportation corridors;*

*WHEREAS there exists diverse community needs for suitable park and recreational lands that are both accessible and affordable to the public through local government ownership;*

*WHEREAS the sale of abandoned rail lines to the private sector will remove availability of such corridors to the public common good; and,*

*WHEREAS these abandoned rail lines are being offered for sale at market prices, beyond the capacity of municipal governments to afford;*

*Be it resolved that representations be made to the Federal Committee on Transportation that any abandoned rail lines be offered to the local municipalities at a value commensurate with its use for recreational purposes such as bicycle paths.*

Motion passed.

1996 International Air Show

Noting that the recommendation of the Committee of the Whole Council had been to refer this matter to the Regional Municipality, and in light of the fact that the Regional Municipality will not have a budget until 1 April 1996, Alderman Blumenthal MOVED, seconded by Alderman Hanson that Council approve funding to the Nova Scotia International Air Show in the amount of \$10,000 under Section 201 (1) of the City Charter subject to equal amounts being received from the City of Dartmouth and the County of Halifax.

A discussion ensued with Alderman Pottie questioning the authority of Council approving this \$10,000 without having a staff report.

MOVED by Alderman Pottie, seconded by Alderman Epstein that this matter be deferred to the next regular meeting of the Committee of the Whole Council scheduled for 7 February 1996 pending receipt of a staff report.

The question was called, and after a showing of hands, the Motion was lost.

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

**REPORT - COMMITTEE ON WORKS**

**Halifax Public Gardens - Seasonal Closing**  
Acceptance of Information Report - 17 January 1996

MOVED by Downey, seconded by Deputy Mayor Crowley that, as recommended by the Committee on Works, Council accept the information report of 17 January 1996.

Motion passed.

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

**Proposed Amendment to Ordinance 182, the Establishment  
of the Downtown Business Improvement District (BIDC)  
- Expansion of Boundaries - SECOND READING**

A report dated 22 January 1996 was submitted from the City Solicitor. First Reading of the proposed amendment was approved at the meeting of Council held on 11 January 1996.

MOVED by Alderman Downey, seconded by Alderman Uteck that Council approve Second Reading of the amendments to Ordinance 182, the Establishment of the Downtown Business Improvement District, attached to the 22 January 1996 report as Appendix "A" .

Motion passed.

**REPORT - PLANNING COMMITTEE**

**Royal Canadian Legion - Nova Scotia Command**

MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Planning Committee, the City sell to the Royal Canadian Legion - Nova Scotia Command, approximately 12,610 square feet (subject to survey) situated at 5621 Rainnie Drive for the price of \$88,000, inclusive of all taxes and adjustments, and subject to the Legion compensating the City the amount of \$2,000 for the cost of the survey.

Motion passed.

**Report from Planning Advisory Committee re: Case  
No. 6771: Marine and Boat Charter Service**

This matter was referred without recommendation. An information report dated 25 January 1996 was submitted from the

Director of Development and Planning. Correspondence dated 19 January 1996 from Lesley Armstrong was submitted.

Referring to the correspondence received and noting that he has been contacted by a number of people with concerns that they were unaware of the information received at the meeting of the Committee of the Whole Council held on 17 January 1996, it was MOVED by Alderman Hanson, seconded by Alderman Epstein that this matter be deferred to the next meeting of the Committee of the Whole Council scheduled for 7 February 1996.

The motion to defer was put and passed.

**Report from Planning Advisory Committee,  
Case No. 7150: R-2A (General Residential  
Conversion/Townhouse) Zone Review**

MOVED by Alderman Uteck, seconded by Alderman Walker that, as recommended by the Planning Committee, Council set a date for a public hearing to consider an amendment to the R-2A (General Residential Conversion and Townhouse) Zone (Peninsula Area) as set out in Appendix I of the staff report dated 11 January 1996.

Alderman Uteck noted that he had requested that further clarification with respect to the definition of a "footprint" be provided at the Public Hearing with respect to this matter.

Motion passed.

The date for the public hearing was set as Wednesday, February 21, 1996 commencing at 7:30 p.m. in the Council Chamber, Halifax City Hall.

**Report from Heritage Advisory Committee:  
Historic Properties Rejuvenation**

An information report dated 24 January 1996 was submitted from the Director of Development and Planning.

Noting that he would be meeting next week with staff regarding this matter it was MOVED by Alderman Epstein,

seconded by Deputy Mayor Crowley that this matter be deferred pending Alderman Epstein's meeting with staff.

Motion passed.

## MISCELLANEOUS BUSINESS

### Appointments

A report dated 24 January 1995 was submitted from Mayor Walter R. Fitzgerald.

MOVED by Alderman Maher, seconded by Alderman Epstein that Council approve the following appointments to the Planning Advisory Committee with a term to expire March 31, 1996:

Philip Pacey  
Creelman McArthur

Motion passed.

### Severance for Halifax Staff and Council

A report dated 19 January 1996 was submitted from Mr. B. Coopersmith, City Manager.

Mr. Coopersmith briefly addressed Council commenting on the quality and commitment of City staff. Mr. Coopersmith, referring to the obligation of Council to ensure that staff and elected officials are treated fairly, encouraged Council to approve the severance program he has proposed in the 19 January 1996 report.

With the agreement of Council, the Chair indicated that the recommendation dealing with aldermanic compensation would be dealt with separately

MOVED by Alderman Pottie, seconded by Deputy Mayor Crowley that Council approve the following:

1. Pre-retirement leave that is being accumulated by all employees at a rate of three (3) days per year will

**CITY COUNCIL  
25 JANUARY 1996**

be paid to all employees not transferring to the Halifax Regional Municipality.

2. For employees not being employed by the Halifax Regional Municipality, an "employee appreciation award", equal to one (1) month's pay for every ten (10) years of service or part thereof to a maximum of six (6) months.
3. For all Department Heads not being employed by the Halifax Regional Municipality, an additional "service recognition award" equal to two (2) month's pay for every ten (10) years service or part thereof to a maximum of six (6) months.

A discussion ensued with Alderman Blumenthal noting that although he supported the City Manager's position, he could not approve this recommendation until such time as he received a report detailing how many of City staff would not be employed with the Halifax Regional Municipality (HRM), the dollar amount of the package individuals will receive from the HRM, and what, if any, additional payments are owing to City staff as a result of individual contractual arrangements.

A further discussion ensued with Alderman Epstein indicating that he did not feel adequate enough information was available to deal with this matter. Alderman Epstein, agreeing the City Manager's position regarding the inadequacy of the severance package offered by the Halifax Regional Municipality, suggested that the first step should be an approach to the Regional Municipality to determine if they would be willing to alter the package they are offering.

Referring to the additional information required, Alderman Epstein noted that the recommendation provided for a higher level of compensation for the Department Heads. Alderman Epstein asked why this was so and if he was correct in believing that Department Heads would receive three months salary for every ten years of service. He went on to indicate that he lacked information regarding the details of any other arrangements which exist for the impacted individuals.

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that this matter be deferred to the next regular meeting of the Committee of the Whole Council pending receipt of further information.



**CITY COUNCIL  
25 JANUARY 1996**

A recorded vote was requested and the Motion was put and passed with 8 voting for and 3 against as follows:

**FOR:** Aldermen Uteck, Carmichael, Epstein, Blumenthal,  
Maher, Walker, Deputy Mayor Crowley, Stone (8)

**AGAINST:** Aldermen Downey, Pottie, Hanson (3)

Note was made that this matter would initially be dealt with at an incamera meeting, but that the final Council decision would be made in a public forum.

His Worship, noting that Council would now deal with Aldermanic compensation, encouraged those members of Council who would be impacted to remove themselves from the Chamber.

Deputy Mayor Crowley and Aldermen Carmichael, Pottie and Maher retired from the Chamber.

A lengthy discussion ensued regarding this matter and it was MOVED by Alderman Stone, seconded by Alderman Epstein that this matter be deferred until such time as the Regional Municipality has received and dealt with the report from the Committee struck to deal with compensation for elected officials and Halifax City Council has had an opportunity to review their decision.

The question was called and, following a showing of hands, the Motion was lost.

MOVED by Alderman Walker, seconded by Alderman Uteck that the matter of Aldermanic compensation not be considered.

The question was called and, following a showing of hands, the Motion was passed.

Deputy Mayor Crowley and Alderman Carmichael, Pottie and Maher return to the Chamber.

**Halifax Metro Centre - Request  
for Additional Capital Funds**

A report dated 18 January 1996 was submitted from the Director of Finance.

MOVED by Alderman Stone, seconded by Alderman Uteck that Council approve a supplementary capital budget of \$275,000

for Metro Centre to permit implementation of the exterior electronic signage marque.

A discussion ensued with concern being expressed that Mr. Hayward's approval had been sought and received prior to the matter coming before Council. The City Manager was directed to instruct staff that Council approval of additional funding must be sought prior to approval from the Amalgamation Coordinator.

Motion passed.

### Microcomputer Equipment

A report dated 3 January 1996 was submitted from the Director of Finance.

MOVED by Alderman Blumenthal, seconded by Alderman Maher that Council authorize the issuance of a revised purchase order to Capital Business Systems covering the total number of units actually taken at the negotiated lower price per unit and authorize the charging of these units to the appropriate accounts (in most instances the Equipment Replacement Accounts) where the funds have already been provided.

Motion passed.

## QUESTIONS

### Question Alderman Stone re: City Water Lines Bedford Highway & Kearney Lake Road

Alderman Stone advised that he has received inquiries from property owners on the Bedford Highway between the Kearney Lake Road and the present City limits as to when they might expect the establishment of City water lines. He asked for a report from staff and the Halifax Water Commission on when this project might be accomplished.

**Question Alderman Carmichael re:  
Tree Management Policy**

Alderman Carmichael, referring to an inquiry she recently received from a resident, requested a report on the progress of the City of Halifax Tree Management Policy.

**Question Alderman Pottie re: Widening of  
Bayers Road - Purchase of Properties**

Referring to a public meeting held earlier this week in relation to the widening of Bayers Road, Alderman Pottie requested that staff provide, for the next meeting of the Committee of the Whole Council scheduled for 7 February 1996, an assessment based costing of acquiring all of the properties along the north and south sides of Bayers Road.

His Worship, referring to the discussion at the public meeting, noted that a proposal different from staff's had received support. His Worship indicated that Council would also be discussing this new proposal at the 7 February 1996 Committee of the Whole Council.

**NOTICES OF MOTION**

**Notice of Motion: Alderman Uteck re Amendment to  
Ordinance 116 the Taxi Ordinance - Taxi Drivers  
wishing to Obtain Taxi Owner's Licenses**

Alderman Uteck gave Notice of Motion that at the next regular meeting of Halifax City Council scheduled for 15 February 1996 he proposes to introduce for First Reading an amendment to Ordinance 116, the Taxi Ordinance, the purpose of which is to amend the clause for taxi drivers wishing to obtain taxi owner's licenses.

ADDED ITEMS

Ordinance #185 Respecting Burglary & Robbery  
Alarm Systems - Alderman Walker

Alderman Walker, referring to the many calls about Ordinance 185 he has received, requested a report for the meeting of City Council scheduled for 15 February 1996 responding to the following questions:

1. How many alarm calls have been answered since Ordinance 185 went into effect?
2. How many of these calls have been false alarms, of these how many have been repeat alarms to the same residence?
3. Does the Police Department respond to alarms at residences that don't have a permit for their alarm, and if they do not, is there a record kept of how many alarms have come in and not been answered because they were not issued a permit?
4. How many permits have been revoked under Section 7 of the Ordinance?
5. If an owner has a false alarm, or alarms, are these violations wiped off their record on April 30 of each year, when all license are to expire and be renewed, or are they kept from year to year?

Case 7274 - Development Agreement  
1521 Lemarchant Street

A report dated 19 January 1996 from the Director of Development and Planning was submitted.

MOVED by Alderman Carmichael, seconded by Alderman Uteck that Council set a date for a public hearing to consider a development agreement to permit a print shop and a penthouse and carport addition to the building at 1521 LeMarchant Street, lands of Halifax County Condominium Corporation No. 33 as shown on plans P200/20639, P200/20644-45, P200/20715 and P200/207021 of Case No. 7274. Motion passed.

The date for the public hearing was set as Wednesday, February 21, 1996 commencing at 7:30 p.m. in the Council Chamber, Halifax City Hall.

File #69461 - Sludge Pumping, Duffus  
Street Engineering & Works

A report dated 03 January 1996 was submitted from the Director of Finance.

MOVED by Alderman Blumenthal, seconded by Alderman Walker that Council authorize the issuance of a purchase order to Barrington Industrial Services to complete Sludge Pumping at the Duffus Street location at a cost of between \$75,000 and \$105,000 (tax included) with three pumps and an operator, and with funds being available in account number 22609.851 titled Hired Equipment Rental, Duffus Street - Pollution.

A brief discussion ensued with Alderman Pottie expressing concern regarding the odour as a result of the pumping. Alderman Pottie requested that staff do everything possible to minimize the odour.

Motion passed.

Plan Amendment - Rezoning R-2 to RDD, and Amendment  
to Development Agreement - Melville Ridge, Case No. 7133

A report dated 24 January 1996 was submitted from the Chairman of the Planning Advisory Committee.

MOVED by Alderman Hanson, seconded by Alderman Maher that City Council:

1. refer the plan amendment, rezoning and amendment to the development agreement for the Melville Ridge development to the Planning Advisory Committee to hold a public meeting and provide advice to City Council; and
2. instruct staff to prepare a report on the proposed amendment to the development agreement within the context of Policy 1.5.3 of Section X of the Municipal Development Plan.

Motion passed.

Solid Waste - Alderman Epstein and  
Contract - Mirror Group - County of  
Halifax - Alderman Pottie

At the request of Alderman Pottie, Alderman Epstein agreed to deal with these items as one.

MOVED by Alderman Epstein, seconded by Alderman Pottie that, in response to a request for public input, Council advise that its opinion is that the Council of the Halifax Regional Municipality should now accept full responsibility for matters affecting solid waste.

In reply to a question, Alderman Epstein indicated that if his motion were approved it would include all aspects of solid waste including the contract with Mirror.

Motion passed.

10:40 p.m. There being no further business, the meeting adjourned.

HIS WORSHIP MAYOR FITZGERALD  
CHAIRMAN

Submitted by:  
E.A. Kerr  
City Clerk

SAM

# MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
SPECIAL MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 7 FEBRUARY 1996

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

**MEMBERS  
PRESENT:** DEPUTY MAYOR MARY ANN CROWLEY, CHAIR  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN PATRICK POTTIE  
ALDERMAN STEPHEN ADAMS  
ALDERMAN RALPH MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN BILL STONE

**MEMBERS  
ABSENT:** MAYOR WALTER FITZGERALD  
ALDERMAN JERRY BLUMENTHAL  
ALDERMAN RON HANSON

**STAFF:** GERRY GONEAU, SOLICITOR  
EDWARD A. KERR, CITY CLERK

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Pick-up Trucks, 9200 G.V.W. - Engineering and Works Dept

Tender No. 95-223 - Vehicle Replacements, Three (3)  
1996 4X4 Pick-up Trucks with Extended Cabs -  
Engineering and Works Department

**UNSM Dues**

1326 Barrington Street - Application to  
Deregister Parcel #2

6941 Tupper Grove - Application to  
Deregister Lot #1

Case No. 7286 - Rezoning and Lot Modification  
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Case No. 6511: Glenbourne Wetlands

Finalizing all Grant Requests

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Public Hearing Re: Case No. 6665, 5644 South Street  
Variance Appeal

Public Hearing Re: Case No. 7230, 19 Wenlock Grove  
Variance Appeal

Public Hearing Re: Case No. 7181, Development Agreement  
6088 Coburg Road

Public Hearing Re: Case No. 7281, Development Agreement  
for Geizer Hill Golf Practice Centre

Public Hearing Re: Case No. 7261, Rezoning  
1400 and 1424 Seymour Street

Public Hearing Re: Sale of Surplus Lands - 44 Bedford Highway



**CITY COUNCIL  
SPECIAL MEETING  
7 FEBRUARY 1996**

**ADDED ITEMS**

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

**Tender No. 95-221 - Vehicle Replacements, Two (2) Crew Cab  
Pick-up Trucks, 9200 G.V.W. - Engineering and Works Dept**

**MOVED by Alderman Pottie, seconded by Alderman Maher** that, as recommended by the Finance and Executive Committee, Tender No. 95-221 - Vehicle Replacements, Two (2) Crew Cab Pick-up Trucks, 9200 G.V.W. - Engineering and Works be awarded to the lowest bidder meeting specifications - Forbes Chev Olds Cadillac as outlined in the 19 January 1996 report.

**Motion passed.**

**Tender No. 95-223 - Vehicle Replacements, Three (3)  
1996 4X4 Pick-up Trucks with Extended Cabs -  
Engineering and Works Department**

**MOVED by Alderman Pottie, seconded by Alderman Maher** that, as recommended by the Finance and Executive Committee, Tender No. 95-223 - Vehicle Replacements, Three (3) 1996 4X4 Pick-up Trucks with Extended Cabs - Engineering and Works Department be awarded to the lowest bidder meeting specifications - Forbes Chev Olds Cadillac as outlined in the 19 January 1996 report.

**Motion passed.**

**UNSM Dues**

**MOVED by Alderman Stone, seconded by Alderman Epstein** that, as recommended by the Finance and Executive Committee, Council approve under Section 201(1) of the City Charter the Union of Nova Scotia Municipalities' Invoice for 1996 Membership dues (January 1, 1996 - March 31, 1996) in the amount of \$9,079.83 and, further that Council submit this invoice to the Amalgamation Coordinator for approval as an unbudgeted item and potentially a charge on the New Regional Municipality unless covered by City of Halifax budget savings.

**Motion passed.**

**CITY COUNCIL  
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**1326 Barrington Street - Application to  
Deregister Parcel #2**

MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Planning Committee, Council set a date for a public hearing to consider deregistering the registered heritage property located at Parcel #2, 1326 Barrington Street, more properly described in Schedule A attached to the 22 January 1996 report.

Motion passed.

The City Clerk advised that the recommended date for a public hearing would be scheduled for Wednesday, 20 March 1996, 7:30 p.m. in the Council Chamber.

**6941 Tupper Grove - Application to  
Deregister Lot #1**

MOVED by Alderman Carmichael, seconded by Alderman Uteck that, as recommended by the Planning Committee, Council set a date for a public hearing to consider the deregistering of the registered heritage property located at Lot #1, 6941 Tupper Grove, more properly described in Schedule A of the 22 January 1996 report.

Motion passed.

The City Clerk advised that the recommended date for a public hearing would be scheduled for Wednesday, 20 March 1996, 7:30 p.m. in the Council Chamber.

**Case No. 7286 - Rezoning and Lot Modification  
Development Agreement - 5397 Young Street**

MOVED by Alderman Carmichael, seconded by Alderman Maher that, as recommended by the Planning Committee, a date be set for a public hearing to consider an application for a rezoning from R-1 (Single Family Dwelling Zone) to R-2 (General Residential Zone) and for a lot modification development agreement at 5397 Young Street, lands of Sharon Nordquist.

Motion passed.

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The City Clerk advised that the recommended date for a public hearing would be scheduled for Wednesday, 20 March 1996, 7:30 p.m. in the Council Chamber.

**Case No. 6511: Glenbourne Wetlands**

MOVED by Alderman Stone, seconded by Alderman Epstein that, as recommended by the Planning Committee, City Council forward the proposal from the Annapolis Basin group for wetland modifications and park development within the Glenbourne Development to the Lakes and Waterways Advisory Committee for their review and advice and request that such advice be provided by 20 March 1996.

Motion passed.

**Finalizing all Grant Requests**

MOVED by Alderman Downey, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, Council approve grant requests for those organizations listed below for a total of \$13,250, and further that funds be taken from the projected year end surplus.

Gordon B. Isnor Tenant Association	\$	500
Halifax Seniors Council		750
Halifax Youth Orchestra		7,000
Maskwa Aquatic Club		5,000

Motion passed.

**Case No. 7212: 1326 Barrington Street -  
Application for Amending Agreement**

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

1. enter into an Amending Agreement with Proactive Group Incorporated, in keeping with the motion approved by

**CITY COUNCIL  
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7 FEBRUARY 1996**

Council on 19 July 1995 to permit construction of an addition to the existing building located at 1326 Barrington Street;

2. rescind the Schedule 'A' attached to the existing development agreement (Case #6394) approved by Council on 13 February 1992 and add the schedule 'A' attached to the 15 February 1996 report as the new property description; and
3. require that the Amending Agreement shall be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of approval by Halifax City Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

Motion passed.

**PUBLIC HEARINGS**

**Public Hearing Re: Case No. 6665, 5644 South Street  
Variance Appeal**

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

The following correspondence was received:

- A letter from George F. Young, applicant, dated January 26, 1996;
- A letter from Gaston Chagnon, 1165 Tower Road, dated 7 February 1996.

Mr. P. Francis, P.Eng., Development Officer, addressed Council and outlined the application for a minor variance of the lot area requirement of the land use bylaw for the property at 5644 South Street and the reasons for refusal as contained in the staff report of January 18, 1996.

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Mr. Francis briefly addressed questions from members of Council at the conclusion of his presentation.

Mr. George F. Young, applicant, addressed Council and made reference to a letter he had circulated to members of Council which addressed concerns outlined in the staff report of January 18, 1996 (a copy of which can be found in the official file for this meeting). In his submission, Mr. Young expressed the view that the proposed addition would not detract from any of his neighbors' properties and would offer the positive advantage of providing more living space for people working in the hospitals and universities, and within easy walking distance of Spring Garden Road and the downtown.

Mr. Gaston Chagnon, neighbouring property owner at 5650 South Street, addressed Council accompanied by his wife. Mrs. Chagnon made a presentation on behalf of her husband which was read and circulated to members of Council. In her submission, Mrs. Chagnon expressed strong opinion that Halifax with its unique character should remain as is and, for the reasons outlined in their presentation, asked that the project for the 5644 South Street house be rejected.

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

Motion passed.

**Public Hearing Re: Case No. 7230, 19 Wenlock Grove**  
**Variance Appeal**

The following correspondence was received:

- A letter from Glenn F. Dunbar and Margaret J. Dunbar, 12 Wenlock Grove, dated February 1, 1996;
- A letter from James Grace and Christine Grace dated February 1, 1996;
- A petition with 12 signatures in support of the rejection of minor variance.

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A letter from Mr. Jim M. Spatz, applicant, dated February 7, 1996, was submitted. Mr. Spatz, in his letter, withdrew his appeal regarding 19 Wenlock Grove. The appeal was therefore withdrawn.

**Public Hearing Re: Case No. 7181, Development Agreement  
6088 Coburg Road**

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

Mr. Stephen Feist, Planner, addressed Council and outlined the application for a development agreement to permit expansion of a non-conforming commercial use in a residential zone at 6088 Coburg Road as contained in the staff report of November 27, 1995. He pointed out that the staff report and the draft development agreement refers to 6088-90 Coburg Road, but in actual fact the development agreement only applies to the single property at 6088 Coburg Road.

Dr. Owen Carrigan, 6112 Coburg Road, Halifax NS, addressed Council on behalf of the Neighbourhood Association "Neighbours at Risk" and on behalf of the Halifax Homeowners Association in opposition to the proposed development. Dr. Carrigan began his remarks by commenting on what is happening in the neighbourhood. He advised that presently there were four development proposals for properties within a two-block area touching on a residential neighbourhood. Dr. Carrigan expressed concern with continuing encroachment of commercial developments into this residential neighbourhood.

Using photographs displayed on the overhead monitor, Dr. Carrigan illustrated the results of what can happen to a neighbourhood when a development which starts out to be a very innocent one, creates discomfort and even danger to the neighbourhood. He used the Capital Store on Coburg Road to illustrate this example.

In conclusion, Dr. Carrigan submitted a letter from Jim Vaughan, President, Halifax Homeowners Association, dated 7 February 1996, opposing this development and other developments in this residential neighbourhood.

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Mr. Feist briefly responded to questions from Council.

Mr. Robert Sutherland, architect, representing Milmur Realty Limited, addressed Council in support of the application for a development agreement to permit expansion of a non-conforming commercial use. In his remarks, he pointed out that the proposed expansion was a fairly small one which would allow the doctors to work more efficiently. Mr. Sutherland pointed out that they had no other intentions for the property than what is proposed.

A short discussion followed and Mr. Feist pointed out that the records show that there has been continuous non-conforming use at the site which has been the basis of staff's review.

Dr. Sandy Murray, one of the owners of the property in question, addressed Council. He advised that when they purchased the property, prior to the agreement being settled for sale, they were assured by City staff that the use was a non-conforming acceptable use of the property for a physician. Dr. Murray went on to state that they have received letters in support of their proposal from their immediate neighbours. In conclusion, Dr. Murray requested Council to endorse their application.

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

Motion passed.

**Public Hearing Re: Case No. 7281, Development Agreement  
for Geizer Hill Golf Practice Centre**

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

Mr. Gary Porter, Planner, addressed Council and outlined the application, as contained in the staff report of January 9, 1996, for a development agreement to grant Stage I and II Schedule K approval to permit construction of a golf

**CITY COUNCIL  
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practice facility on Airway Broadcasting Company Limited's property on Main Avenue.

Mr. Robert Vaughan addressed Council on behalf of the applicant, Airway Broadcasting Company Limited. He expressed the view that the proposed facility goes hand in hand with the abutter to the north, the Halifax Mainland Common. Mr. Vaughan suggested that the proposal was the most appropriate development for this area noting that it was a recreational use and was beneficial to the municipality in that it would establish a revenue and tax base.

Mr. Robert Kelly addressed Council and expressed his support for the proposal.

MOVED by Alderman Stone, seconded by Alderman Pottie that:

1. Council enter into a development agreement to grant Stage I and II Schedule K approval to permit construction of a golf practice facility on Airway Broadcasting Company Limited's property on Main Avenue.
2. Council require that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of approval by Halifax City Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods, otherwise this approval will be void and obligations arising hereunder shall be at an end.

Motion passed.

**Public Hearing Re: Case No. 7261, Rezoning  
1400 and 1424 Seymour Street**

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



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A letter from Jim Vaughan, President, Halifax Homeowners Association, dated 7 February 1996, was submitted.

Mr. Gary Porter, Planner, addressed Council and outlined the application by Silver Star Properties Limited to rezone 1400 and 1424 Seymour Street, lands of Silver Star Properties Limited from R-2 (Two Family Dwelling Zone) to U-1 (Low Density University Zone), as contained in the staff report of December 13, 1995.

Mr. Porter went on to respond to questions from members of Council.

Alderman Adams questioned, if Dalhousie was to purchase the property in question as an R-1 or R-2 zoning, would taxes be collected on those properties by the City. He pointed out that it was his understanding the City presently collects taxes on the property; however, if the property was zoned U-1 or U-2 and sold to Dalhousie, the City would no longer be able to collect taxes. Alderman Adams requested clarification from staff on this matter.

Dr. Owen Carrigan, 6112 Coburg Road, Halifax NS, addressed Council. He began his remarks by commenting that Silver Star Properties Limited were first class neighbours and kept their properties in excellent condition. Because of this, Dr. Carrigan advised that the neighbourhood was very anxious that the situation not change.

Dr. Carrigan expressed concern that, if the buildings were rezoned U-1 and purchased by Dalhousie, all kinds of things could result. Making reference to Appendix "B" of the December 13, 1995, staff report, Dr. Carrigan pointed out that quite a range of uses would be permitted if the property became U-1. He presented, on the overhead monitor, photographs illustrating an example of what had occurred to a property in their neighbourhood once acquired by the University. Dr. Carrigan urged Council to reject the rezoning and to leave the property as it presently exists.

Mr. Jack Innes addressed Council on behalf of the owner, Silver Star Properties Limited. He began his presentation by firstly pointing out that there were no agreements or negotiations outstanding with Dalhousie University. Mr. Innes advised that the purpose in seeking the

**CITY COUNCIL  
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7 FEBRUARY 1996**

rezoning is to make the uses conforming. He added that there is a premium paid for insurance for a non-conforming use. Mr. Innes went on to point out that the buildings could not be replaced as-of-right. He indicated that they could be replaced on an application for a contract development; however, this was a discretionary matter before Council and, therefore, the insurers require additional premiums to be paid.

Mr. Innes reiterated that there were no changes proposed to the existing buildings. He advised that the buildings are appraised at 2.9 million dollars and currently generate \$375,000 annual gross income with a 22 percent expense ratio. Mr. Innes therefore suggested that they were not the type of buildings which would be levelled and rebuilt. He emphasized that Silver Star Properties Limited is seeking the rezoning simply in order to legalize the current use.

Mr. da Silva, Silver Star Properties Limited, spoke briefly from the Gallery noting that he was available to address any questions.

There were no further persons wishing to address Council.

MOVED by Alderman Carmichael, seconded by Alderman Maher that this matter be forwarded to Council without recommendation.

Alderman Pottie requested a staff report by the next meeting of City Council to be held on Thursday, 15 February 1996, addressing the possibility of zoning the property R-3.

Motion passed.

Public Hearing Re: Sale of Surplus Lands - 44 Bedford Highway

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

Mr. Mike Woods, Development Assistant, addressed Council and outlined the request, as contained in the staff report of December 11, 1995, from Carroll Pontiac Buick to purchase City owned property at 44 Bedford Highway.

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There were no persons present wishing to address Council.

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

1. approve the closure of Parcel "BH" as shown on Appendix "A" of the staff report dated 11 December 1995;
2. approve the sale of Parcel "BH-2" to Carroll Pontiac Buick Ltd., containing approximately 4,240 square feet for the unit price of \$4 per square foot, with the final amount subject to a survey to be undertaken by the City, and the City to be reimbursed \$1,800 by the purchaser for the cost of the survey.

Motion passed.

There being no further business to be discussed, the meeting was adjourned at approximately 9:30 p.m.

**MAYOR WALTER FITZGERALD  
CHAIRMAN**

\*MS

# MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 15 FEBRUARY 1996

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

**MEMBERS  
PRESENT:** MAYOR WALTER FITZGERALD  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN JERRY BLUMENTHAL  
ALDERMAN PATRICK POTTIE  
ALDERMAN STEPHEN ADAMS  
ALDERMAN RON HANSON  
ALDERMAN RALPH MAHER  
ALDERMAN RUSSELL WALKER  
ALDERMAN BILL STONE

**ABSENT:** DEPUTY MAYOR MARY ANN CROWLEY

**STAFF:** BARRY COOPERSMITH, CITY MANAGER  
MARY ELLEN DONOVAN, CITY SOLICITOR  
EDWARD A. KERR, CITY CLERK

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**MINUTES**

Minutes of the last regular meeting of Halifax City Council, held on Thursday, 25 January 1996, were approved as circulated on a motion by Alderman Adams, seconded by Alderman Walker.

**Proclamation Re: World Vision's 30 Hour Famine**

His Worship Mayor Fitzgerald read a proclamation proclaiming the week of February 18, 1996, as World Vision's 30 Hour Famine Week.

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

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

20.1 Appointments

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

20.2 City Manager

Moved by Alderman Adams, seconded by Alderman Walker  
that the agenda be approved as amended.

The motion was put and passed.

**DEFERRED ITEMS**

**Ordinance #185 Respecting Burglary and Robbery Alarm Systems**

This item was deferred from the 25 January 1996 meeting of City Council.

An information report dated 8 February 1996 was submitted.

Alderman Walker made reference to the information report of 8 February questioning whether the response that 8,183 false alarm calls have been answered since Ordinance 185 went into effect was an increase or decrease from the year before.

He also made reference to item (5) which states "It is our intention to remove previous false alarms from each permit holder - providing all outstanding fees have been paid on April 30th." Alderman Walker requested a report from the City Solicitor or City Manager on whether this section should be included in the ordinance.

MOVED by Alderman Walker, seconded by Alderman Adams that the information report of 8 February 1996 be tabled.

Motion passed.

**Case No. 6665: 5644 South Street - Variance Appeal**

A public hearing on this matter was held on 7 February 1996.

Alderman Uteck addressed the matter and noted that comment was made at the public hearing with respect to the uniqueness of the property in question and the fact that there was not another house similar to it on the entire block from Queen Street to South Park Street. He went on to point out that Council, in the last 14 months, has refused 3 similar appeals of minor variances and also forced a fourth one to proceed along the development agreement route. Alderman Uteck expressed the view that despite the fact that this property is unique and that it certainly would not oppose a threat to the neighbourhood, it would be in the City's best interest to allow



the owner to proceed along the development agreement route as opposed to granting a minor variance.

MOVED by Alderman Uteck, seconded by Alderman Carmichael that the decision of the Development Officer to refuse the application for a minor variance of the lot area requirement of the land use bylaw for the property at 5644 South Street be upheld and the appeal be denied.

Motion passed with Alderman Blumenthal and Hanson abstaining due to non-attendance at the public hearing.

**Case No. 7181: Development Agreement for 6088-90 Coburg Road**

A public hearing on this matter was held on 7 February 1996.

The following correspondence was submitted subsequent to the public hearing:

- A letter dated 12 February 1996 from James H. Vaughan, President, Halifax Homeowners Association, was submitted.
- A letter dated 12 February 1996 from Owen Carrigan, 6112 Coburg Road, was also submitted.

Alderman Carmichael addressed the following concerns raised at the public hearing. She made reference to the concern that the development agreement included 6090 as well as 6088 Coburg Road. Alderman Carmichael pointed out that this error has been corrected and that the development agreement applies only to 6088 Coburg Road. She went on to note that the second concern respected whether the occupation of this building was legal. The Alderman made reference to a letter Dr. Murray received in May 1993 from Gary Flemming stating that such a change in occupancy, for use as a medical office for this building, is indeed permitted. Alderman Carmichael made reference to the third concern which respected a letter from Jim Vaughan, Halifax Homeowners Association, in opposition to the proposed changes. She advised that, after contacting Mr. Vaughan and providing him with additional information, Mr. Vaughan submitted a further letter withdrawing his opposition to the development agreement.

MOVED by Alderman Carmichael, seconded by Alderman  
Maher that:

1. City Council enter into a development agreement to permit an addition to a non-conforming use at 6088 Coburg Road;
2. City Council require that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of approval by Halifax City Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

Motion passed with Aldermen Blumenthal and Hanson abstaining due to non-attendance at the public hearing.

Case No. 7261: Rezoning - 1400 and 1424 Seymour Street

A public hearing on this matter was held on 7 February 1996.

An information report dated February 14, 1996, was submitted.

Alderman Carmichael addressed the matter and advised that it was her understanding from the representation made at the public hearing that the reason for the request for rezoning was because of the increase in insurance premiums as a result of having a non-conforming use. She went on to note that staff was asked for a report on whether or not the property could be zoned R-3 because of the concerns of the neighbourhood in rezoning it to U-1. Alderman Carmichael pointed out that the staff report states that there was no policy to support such a rezoning. She added that she would be very concerned if Council began to react to the specific insurance problems of property owners with non-conforming uses.

MOVED by Alderman Carmichael, seconded by Alderman  
Uteck that City Council refuse the application to rezone 1400  
and 1424 Seymour Street lands of Silver Star Properties Limited  
from R-2 (Two Family Dwelling Zone) to U-1 (Low Density  
University Zone).

Alderman Stone spoke in opposition to the motion. He pointed out that the area surrounding the lands in question were U-1. Alderman Stone commented that there was really no opposition at the public hearing except for one person adding that the abutters did not voice any objection. He pointed out that staff's report states that there was no policy basis to refuse the application.

After a further short discussion, the motion was put and passed with Aldermen Blumenthal and Hanson abstaining due to non-attendance at the public hearing.

### **REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 7 February 1996, as follows:

**Resolution from the Municipality of the County of  
Inverness Re: Employment Insurance Act and Bills  
C-111 and C-112**

---

A letter from the Nova Scotia Federation of Labour, C.L.C., dated 9 February 1996, was submitted.

MOVED by Alderman Pottie, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, the correspondence and resolution forwarded by the Municipality of the County of Inverness regarding the Employment Insurance Act and Bills C-111 and C-112 be tabled.

Motion passed.

### **Future of Natal Day Festivities & Canada Day**

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that a letter be forwarded to the Halifax Natal Day and Canada Day Committees thanking them for their work in the past and advising that the Natal Day and Canada Day Committees will be dissolved as of 31 March 1996 (as will all other municipal committees), and further that a recommendation go forward to the Halifax Regional Council at its next meeting

urging the Halifax Regional Municipality to utilize an application process for whatever body replaces both the City of Halifax Natal Day Committee and the Canada Day Committee.

Alderman Walker noted that the Canada Day Committee was in a similar situation to the Natal Day Committee and should be addressed by the Halifax Regional Municipality as soon as possible.

Motion passed.

**Recommendations of Further Steps to be taken with  
Respect to Non Payment of Grants in Lieu of  
Taxes by Crown Corporations**

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

1. Council call upon the Minister of Municipal Affairs to reconsider her position respecting non payment of grants in lieu of taxes by Crown Corporations and, failing a satisfactory conclusion, again call upon the Premier to intercede; and
2. Council call upon the Union of Nova Scotia Municipalities to actively and immediately support the City of Halifax in this matter.

Motion passed.

**Withdrawal from Capital Surplus Reserve**

MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Finance and Executive Committee, the Mayor and City Clerk be authorized to sign the attached resolution regarding the withdrawal of capital surplus totalling \$1,031,371 to be used for capital expenditures related to streets subject to the approval of the Minister of Municipal Affairs and furthermore that two copies of the resolution be submitted to the Minister for her approval.

Motion passed.

Celebration: Past, Present and Future

A staff report dated 14 February 1996 was submitted.

MOVED by Alderman Pottie, seconded by Alderman Epstein that Council approve a budget for Celebration Past, Present and Future, as presented in the draft program outline shown in Appendix 1, up to a maximum of \$17,500.

After a discussion, the motion was put and passed.

Nova Theatre

The above item was deferred pending receipt of a report from the City Manager.

A staff report dated 13 February 1996 was submitted.

A memorandum from Brian Flemming on behalf of the Directors of Nova Theatre dated 13 February 1996 was also submitted.

MOVED by Alderman Carmichael, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council authorize staff to spend \$10,000 from the Outside Consulting Services account in the 1995/96 Operating Budget towards the \$60,000 cost of undertaking the Nova Theatre Study.

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

**REPORT - COMMITTEE ON WORKS**

Council considered the report of the Committee on Works from its meeting held on Wednesday, 7 February 1996, as follows:

Temporary Workplace Traffic Control Regulations

MOVED by Alderman Epstein, seconded by Alderman Maher that, as recommended by the Works Committee, Council confirm

that the City of Halifax, in conformance with the Regulations made by the Governor in Council pursuant to Section 52 of Chapter 20 of the Revised Statutes of Nova Scotia 1989, the Occupation Health and Safety Act, has adopted as a Code of Practice the latest edition of the Temporary Workplace Traffic Control Manual, as published by the Nova Scotia Department of Transportation and Communications.

Motion passed.

**Widening of Bayers Road -  
Assessed Value of Properties**

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that, as recommended by the Works Committee, the information report dated 30 January 1996 be tabled.

Motion passed.

**SAFETY COMMITTEE**

**Council considered the report of the Safety Committee from its meeting held on Wednesday, 7 February 1996, as follows:**

**Pedestrian Safety**

MOVED by Alderman Epstein, seconded by Alderman Stone that, as recommended by the Safety Committee, staff consider implementing advance stop lines and signage in the coming year and further that they contact Dr. Van Houten in this regard.

Motion passed.

**REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on Wednesday, 7 February 1996, as follows:

**Case No. 6771: Marina and Boat  
Charter Service**

The above item was forwarded without recommendation pending receipt of an information report outlining the proper procedure to be followed in rectifying the concerns expressed at the February 7, 1996, Committee of the Whole Council meeting.

An information report dated 14 February 1996 was submitted.

A letter from Ed Kiley, Purcells Cove Marine Ltd, 521 Purcells Cove Road, dated February 13, 1996, was submitted.

MOVED by Alderman Hanson, seconded by Alderman Stone that Council set a date for a public hearing to consider the Municipal Development Plan and Land Use Bylaw amendments as contained in Appendix 1 of the staff report dated 11 January 1996, which in the H (Holding) Zone shall permit marinas, boat charter services, boat and yacht clubs and small scale fishing operations in the area known as Purcells Cove (see Sketch 1).

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

The City Clerk advised that the recommended date for a public hearing would be scheduled for Wednesday, 20 March 1996.

**Historic Properties Rejuvenation**

MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Planning Committee, consideration of this matter be deferred pending a report from staff updating Council on the status of this matter.

Motion passed.

**Case No. 3659: Discharge of Development Agreement  
741-49 Bedford Highway**

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Planning Committee, City Council discharge the agreement dated 10 October 1979 between

Clearwater Lobsters Limited, and the City of Halifax, filed in the Registry of Deeds in Book 3381, Pages 165-171.

Motion passed.

Khyber Building - 1588 Barrington Street

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

1. Council approve an expenditure of funds, not to exceed \$4,500, for an outside professional consultant to conduct a detailed structural investigation of the Khyber Building, the purpose of which is to verify preliminary cost estimates for the roof reinforcement and sidewall modifications required because of the construction of the New Neptune Theatre; and
2. Council direct staff to inform the New Neptune Theatre, by letter, that this work is being conducted with a view to verifying preliminary cost estimates and to conclude cost-sharing discussions on this matter before the Council meeting of 21 February 1996.

Motion passed.

**MOTIONS**

Amendment to Ordinance 116 the Taxi Ordinance - Taxi Drivers wishing to Obtain Taxi Owner's Licenses - FIRST READING

A staff report dated February 1, 1996, was submitted.

MOVED by Alderman Uteck, seconded by Alderman Adams that Council give First Reading to the amendments to Ordinance 116, The Taxi and Limousine Ordinance, attached as Appendix "A" of the staff report dated February 1, 1996.

Motion passed.



**MISCELLANEOUS BUSINESS**

**Tender #95-204 - Vehicle Replacement, Six (6) 1996 Harley  
Davidson Police Motorcycles - Halifax Police Department**

A staff report dated 29 January 1996 was submitted.

MOVED by Alderman Blumenthal, seconded by Alderman Walker that Council authorize award of Tender #95-204 to Pro Cycle (Harley Davidson Dartmouth) in the amount of \$102,437.52 (including GST) for the six (6) motorcycles and to Whelan Canada (Tri-Star Ind.) in the amount of \$13,677.38 (including GST) for the emergency lighting and siren systems.

Motion passed.

**QUESTIONS**

**Question Alderman Carmichael Re: Kiwanis Club Sign  
- Bedford Highway - Request**

Alderman Carmichael advised that she has been contacted by the President of the Kiwanis Club in connection with a request by the Club to place a club sign on the Bedford Highway across from the Wandlyn Inn. Alderman Carmichael advised that the property in question is City owned land and requested that Council be supplied with a report for the next Committee of the Whole Council concerning the request to post a 30" square sign at that location.

**Question Alderman Blumenthal Re: Sheraton Casino**

Alderman Blumenthal, in referring to the April 1st date of amalgamation, questioned whether the City has received any funds in connection with the casino lands, and what the current status of the situation is.

The City Manager noted that staff have been attempting to expedite the matter advising that it has now been approved by Treasury Board. The City Manager expressed the hope that the issue can be resolved prior to the amalgamation date.

**Question Alderman Blumenthal Re: Seaview Park - Lands**

Alderman Blumenthal asked for an update with respect to the Seaview Park lands including whether or not the Province will be providing lands previously discussed.

The City Manager advised of discussions taking place with the Port Corporation and indicated that staff are hopeful of submitting a report at the next meeting including information with respect a lease with the Province.

**Question Alderman Carmichael Re: Status - Restoration Contract  
Public Gardens Canteen**

Alderman Carmichael asked to be supplied with a status report with respect to the restoration contract tender for the public gardens canteen.

**Question Alderman Downey Re:  
Tunnel between Scotia Square and Metro Centre**

Alderman Downey requested a status report with respect to the proposed pedway tunnel between Trade Centre and Scotia Square.

**NOTICES OF MOTION**

**Notice of Motion Alderman Carmichael Re: Ordinance 189 Trees**

Alderman Carmichael gave notice of motion that at the next regular meeting of Halifax City Council she intends to move a motion to adopt the Ordinance Respecting Trees, Number 189.

**ADDED ITEMS**

**Appointments**

A report from His Worship Mayor Fitzgerald dated 16 February 1996 was submitted.

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

Taxi School Committee  
Clyde Paul (Adjudicator)

Motion passed.

Alderman Adams asked that the remaining appointments to the Halifax Taxi School be made at the next special meeting of Halifax City Council to be held on Wednesday, 21 February 1996, if possible.

City Manager (Alderman Adams)

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

Alderman Adams addressed the matter and formally announced that the City Manager, Barry B. Coopersmith, has accepted employment with the City of York commencing April 1996. On behalf of members of Council, Alderman Adams extended sincere best wishes to Mr. Coopersmith in his future endeavours.

MOVED by Alderman Adams, seconded by Alderman Pottie  
that City Council terminate the employment of the City Manager, Barry B. Coopersmith, as of March 31, 1996, with all of the provisions of his employment contract to apply in the event of termination by the City.

Alderman Pottie expressed his genuine thanks to Mr. Coopersmith for the excellent service he provided to the City of Halifax.

His Worship Mayor Fitzgerald reiterated the sentiments of members of Council and expressed sincere appreciation to Mr. Coopersmith for the new and exciting changes he brought to the City of Halifax.

Motion passed.

**CITY COUNCIL  
15 FEBRUARY 1996**

The meeting adjourned at approximately 9:40 p.m.

**MAYOR WALTER FITZGERALD  
CHAIRMAN**

**SUBMITTED BY:  
E. A. KERR, CMC  
CITY CLERK**

**/MS**

# MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
SPECIAL MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 21 FEBRUARY 1996

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

**MEMBERS  
PRESENT:** HIS WORSHIP MAYOR WALTER FITZGERALD  
ALDERMAN LARRY UTECK  
ALDERMAN KATE CARMICHAEL  
ALDERMAN GRAHAM DOWNEY  
ALDERMAN JERRY BLUMENTHAL  
ALDERMAN STEPHEN ADAMS  
ALDERMAN RON HANSON  
ALDERMAN RUSSELL WALKER  
ALDERMAN RALPH MAHER  
ALDERMAN BILL STONE

**MEMBERS  
ABSENT** DEPUTY MAYOR MARY ANN CROWLEY,  
ALDERMAN HOWARD EPSTEIN  
ALDERMAN PATRICK POTTIE

**STAFF:** NADINE SMILLIE, SOLICITOR  
EDWARD A. KERR, CITY CLERK

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**CITY COUNCIL  
SPECIAL MEETING  
21 FEBRUARY 1996**

ADDED ITEMS

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

**Case No. 7289: Amendment to Stage I and  
Stage II Schedule K Development Agreement,  
Clayton Park West, Phase 2**

MOVED by Alderman Stone, seconded by  
Alderman Blumenthal that, as recommended by the Planning  
Committee, Council set a date for a public hearing to consider:

1. amendment of the Stage I Schedule K development agreement for Clayton Park West - Phase II to permit a funeral home at Parcel C-1 (corner of Lacewood Drive and Stratford Way) as contained in Attachment II of the 7 February 1996 staff report; and
2. amendment of the Stage II Schedule K development agreement for Clayton Park West - Phase II to increase the number of theoretical persons from 1557 to 1570 on Schedule "B" CPW Phase II - Land Use Statistics as contained in Attachment I of the 7 February 1996 staff report.

Motion passed.

The City Clerk advised that the recommended date for a public hearing would be set for Wednesday, 20 March 1996, in the Council Chamber commencing at 5:00 p.m.

**Case No. 6511: Amendments to Stage I, Schedule "K" -  
Agreement - Glenbourne and Case No. 7267: Stage II -  
Schedule "K" Application, Glenbourne - Phase 2A**

MOVED by Alderman Stone, seconded by  
Alderman Walker that, as recommended by the Planning Committee,  
Council set a date for a public hearing to consider an  
amendment to the Stage I Schedule "K" development agreement for  
Glenbourne. Motion passed.

**CITY COUNCIL  
SPECIAL MEETING  
21 FEBRUARY 1996**

The City Clerk advised that the recommended date for a public hearing would be set for Wednesday, 20 March 1996, in the Council Chamber commencing at 5:00 p.m.

**Report from Planning Advisory Committee Re: Case No. 7271  
Junk Yard Definition and Halifax Forum Zoning  
(Envirostore) Proposed Amendments**

---

MOVED by Alderman Blumenthal, seconded by Alderman Maher that, as recommended by the Planning Committee, City Council set a date for a public hearing to consider:

1. an amendment to the Land Use Bylaw regarding the regulation of junk yards as set out in Appendix A of the report from the Planning Advisory Committee;
2. an amendment to the Municipal Development Plan and Land Use Bylaw regarding the Envirostore to redesignate and rezone the portion of the Halifax Forum lands currently designated and zoned as Park and Institutional to Major Commercial and General Commercial as set out in the staff report dated 8 November 1995; and that
3. Council discharge the development agreement approved on 23 February for the Halifax Forum, once the change in designation and zoning for Halifax Forum lands is approved.

Motion passed.

The City Clerk advised that the recommended date for a public hearing would be set for Wednesday, 20 March 1996, in the Council Chamber commencing at 5:00 p.m.



**CITY COUNCIL  
SPECIAL MEETING  
21 FEBRUARY 1996**

**Report from Planning Advisory Committee Re: Case No. 7280  
Plan and LUB Amendment West Side of Oxford Street between  
Norwood Street and Coburg Road**

---

MOVED by Alderman Carmichael, seconded by Alderman Maher that, as recommended by the Planning Committee, Council set a date for a public hearing to consider the proposed amendments to the Municipal Development Plan and Land Use Bylaw as set out in Appendix I of the report from the Planning Advisory Committee.

Motion passed.

The City Clerk advised that the recommended date for a public hearing would be set for Wednesday, 20 March 1996, in the Council Chamber.

**Report from Planning Advisory Committee Re:  
Case No. 7065: Plan Amendment and amendment  
to Development Agreement - Regatta Point**

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MOVED by Alderman Hanson, seconded by Alderman Blumenthal that Council:

1. set a date for a public hearing to consider amendments to Section X of the Municipal Development Plan to enable consideration of development of lots RP-1, RP-6 and RP-7 Regatta Point by development agreement (as detailed in Appendix C of the staff report of 21 December 1995 with the exception of item 2 which should read a maximum of 12 townhouses instead of 13);
2. confirm that the time limit for completion of development of Lot RP-23A-5, Regatta Point residential development, with a semi detached dwelling, be extended.

The motion was put and passed.

The City Clerk advised that the recommended date for a public hearing would be set for Wednesday, 20 March 1996, in the Council Chamber.

Parcel B-16, 226 Bedford Highway - Abandonment

MOVED by Alderman Stone, seconded by Alderman Walker that, as recommended by the Planning Committee, the expropriation of Parcel B-16, Bedford Highway be abandoned with the exception of an underground easement required for footings as shown on the sketch attached to the 8 February 1996 staff report.

Motion passed.

Tender No. 95-05, Skateboard Facility -  
Central Commons

MOVED by Alderman Blumenthal, seconded by Alderman Walker that, as recommended by the Committee on Works, Council:

1. authorize an increase of the Total Project Cost for Tender No. 95-05, Skateboard Facility, Central Commons from \$39,000 to \$58,600; and
2. approve the transfer of \$19,600 from Account No. 9299, Unused Funds, 1995/96 Capital Budget to Account No. 97085, Skateboard Facility, Central Commons.

Motion passed.

Chebucto Road Schools - Proposed Lease of  
Main School Building

MOVED by Alderman Maher, seconded by Alderman Adams that, as recommended by the Planning Committee, Council:

1. authorize staff to continue negotiations with the Maritime Conservatory of Music, with a view to entering a lease agreement on or before 1 June 1996 for the lease of the Main School Building at Chebucto Road; and staff will be prepared to present a draft of the terms of lease, in the form of a two party agreement to Council for approval in principle at the 20 March 1996 meeting of the Committee of the Whole; and further that

**CITY COUNCIL  
SPECIAL MEETING  
21 FEBRUARY 1996**

2. pending completion of the evaluation of the site as previously approved by Council, the negotiations not extend to sale.

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

**Halifax Public Gardens Lodge -  
Building Conservation Study**

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

1. Council approve the selection of Robert Parker Associates to be retained for the Conservation Architects Study - Public Gardens Lodge for the sum of \$10,009.85 including GST; and
2. Council approve \$5,000 from the City's heritage fund (funding of \$4,000 has been made available from the Province of Nova Scotia - Heritage Branch and the balance is presently under negotiation with the Halifax Foundation).

Motion passed.

**Halifax Metro Centre - Request  
for Additional Capital Funds**

MOVED by Alderman Stone, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, Council approve Halifax Metro Centre proceeding with the construction of the Executive Suites/private boxes with all net revenues earned being returned to the City of Halifax until such time as principal and interest costs are paid; and upon completion of payment terms to the City, all subsequent net revenues will accrue entirely to the Halifax Metro Centre and contribute significantly to the reduction of the annual operating costs of the facility in future years.

Motion passed.

**CITY COUNCIL  
SPECIAL MEETING  
21 FEBRUARY 1996**

**Case No. 7175: Peninsula and Mainland  
Land Use Bylaw - Housekeeping Amendments #13**

MOVED by Alderman Carmichael, seconded by Alderman Maher that, as recommended by the Planning Committee, City Council set a date for a public hearing to consider adoption of the plan and bylaw amendments contained in appendices B-1 to B-10 of the 23 November 1995 staff report.

Motion passed.

The City Clerk advised that the recommended date for a public hearing would be set for Wednesday, 20 March 1996, in the Council Chamber.

**City of Halifax Employees - Termination**

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

- A. the Council of the City of Halifax approve pre-retirement leave that is being accumulated by all employees at a rate of three calendar days per year to a maximum of 90 calendar days be paid to all employees not transferring to the Halifax Regional Municipality.

Motion passed.

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

- B. the Council of the City of Halifax approve that an "employee appreciation award" equal to one month's pay for every ten years of service, or part thereof, to a maximum of three months, be paid to employees not being employed by the Halifax Regional Municipality.

Motion passed.

**CITY COUNCIL  
SPECIAL MEETING  
21 FEBRUARY 1996**

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

- C. the Council of the City of Halifax approve an additional "service recognition award" equal to one month's pay for every ten years of service, or part thereof, to a maximum of three months for the seven Department Heads not being employed by the Halifax Regional Municipality.

The motion was put and passed with five (5) members of Council voting for it and four (4) voting against it as follows:

FOR: Aldermen Uteck, Downey, Adams, Hanson, and Stone (5)

AGAINST: Aldermen Carmichael, Blumenthal, Maher, Walker (4)

Expropriation - Parcel PB and 49B, North Street

At the request of Alderman Downey, Council agreed to deal with the following item which was recommended to City Council from the Committee of the Whole Council meeting held earlier on this date.

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

1. parcels PB and 49B as shown on Plan No. TT-50-32401 and containing 62 and 86 square feet respectively be expropriated by the city of Halifax for redevelopment purposes and that owners unknown be offered \$700 and \$900 as compensation based on an appraisal completed by At-Tech Appraisal Consultants Limited; and
2. parcels PB and 49B be conveyed to the existing owners of 5430 and 5428 North Street respectively and consolidated with the existing Parcel P and Lot 49. Motion passed.

**PUBLIC HEARINGS**

**Public Hearing Re: Case No. 7274, Development Agreement -  
1521 LeMarchant Street (6155 Coburg Road)**

The following correspondence was received:

- A letter from Mr. J.S. Grossert, 1524 LeMarchant Street, dated February 17, 1996;
- A letter from Prof. H.G. Schwarz, 6095 Coburg Road, dated February 19, 1996.
- A presentation by John R.N. Lazier, 1531 LeMarchant St., dated February 21, 1996.

Mr. Gary Porter, Planner, addressed Council and outlined the application for a development agreement by Geoff Keddy and Associates Limited (5357 Inglis Street, Halifax, NS B3H 1J4) on behalf of the owner, Halifax County Condominium Corporation No. 33 for 1521 LeMarchant Street, as described in the staff report of January 19, 1996.

In conclusion, Mr. Porter responded briefly to questions from members of Council.

Ms. Ann-Noreen Norton, 6205 Coburg Road, addressed Council and explained that her driveway is located behind Lawton's Pharmacy. She noted that life has been considerably difficult since the City allowed Lawton's Pharmacy to expand their business. Ms. Norton added that by allowing Lawton's to encroach on the sidewalk at the front of the building, it has caused considerable traffic difficulties. She went on to note that, at any time of the day, there are very large type transport vehicles which park on both sides of LeMarchant Street. Ms. Norton pointed out that there were two elementary schools at the bottom of LeMarchant Street. She expressed the concern that additional traffic in this area would create a safety hazard to pedestrians. Ms. Norton indicated that she was very concerned about the noise factor, trucks running their refrigeration units all year round, and the increase in

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traffic. In conclusion, Ms. Norton expressed the view that further development would not be very judicious at this time.

Mr. J.S. Grossert, 1524 LeMarchant Street, addressed Council and, as outlined in his submission of February 17, registered his objection to the proposal. In his remarks, he expressed concern with respect to the large volume of traffic in this residential neighbourhood and the level of noise it generates. Mr. Grossert also expressed the concern that the proposal to add a floor, plus a pitched roof, to a ten-story building, would result in loss of sunlight from neighbouring properties. As stated in his submission, Mr. Grossert commented on the problem of trucks making deliveries and the fact that there is no provision in the proposal for a truck loading zone. In closing, Mr. Grossert expressed concern about the aesthetic aspect of the plan and urged that, at the very least, Council refer the proposal back to the developer for further consideration.

Mr. Owen Carrigan, 6112 Coburg Road, addressed Council and expressed concern that this is the sixth development proposal in a two-block area of Coburg Road. As stated by the previous speakers, Mr. Carrigan reiterated the concerns with respect to traffic problems and congestion and the creeping commercialism in a residential neighbourhood. Mr. Carrigan registered his objection to the proposal and respectfully requested that it be rejected.

Mr. John Lazier, 1531 LeMarchant Street, addressed Council and read and submitted a presentation dated February 21, 1996 (a copy of which can be found in the official file for this meeting). As outlined in his submission, Mr. Lazier commented on the effects of living next to a large apartment and the potential negative effects of the proposed development. In his remarks, he expressed concern about the loss of sunlight on the properties surrounding LeMarchant Towers, the increased wind speed, the proposed carport and the relocation of the plantings in the front of the building, the garage entrance, and Implementation Policy 3.14.

In conclusion, Mr. Lazier expressed the concern that the proposed development would reduce the sunlight falling on his property in summer and that falling debris would pose a safety and financial threat during the construction phase. He indicated that these concerns should be adequately addressed before the development is approved.

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Ms. Diane Zwicker, 1561 Vernon Street, addressed Council and expressed concern about the loss of sunlight. She suggested that there be a shadow study undertaken on the effects of the proposed addition. Ms. Zwicker concurred with the concerns put forward by the previous speakers with respect to the removal of landscaping from the entrance of the building.

Mr. Donald C.F. Moores, 1565 Vernon Street, addressed Council and expressed concern about the effects of the proposed development. In his remarks, Mr. Moores commented on the problem of encroachment of development in a residential neighbourhood and the further loss of sunlight.

Mr. Kevin Conley, 1549 LeMarchant Street, addressed Council and reiterated the concerns of the previous speakers with respect to the question of the sun angles. He suggested that the City undertake a shadow study.

Ms. Judy Robertson, 1558 Vernon Street, addressed Council and expressed concern about the problem of a further reduction of sunlight on her property as a result of the proposed addition. She indicated that she would like to see a sun or shade study done and expressed her concurrence with the concerns put forward by the previous speakers.

Ms. Charlotte Lindgren, 1557 Vernon Street, addressed Council and expressed her opposition to the proposed addition and indicated that she was extremely concerned about the sun, higher winds, and the precedent the development could set.

Mr. Geoff Keddy, architect, addressed Council on behalf of the owner. He expressed the view that the concern about sunlight could be addressed and that a study, as suggested, could be undertaken. With respect to the concern about traffic congestion of trucks on LeMarchant Street, Mr. Keddy suggested that the approval or rejection of this project would not have any affect on that problem. He suggested that constructing the driveway into the carport would deter some of those trucks from parking on the street.

Alderman Walker questioned, knowing the location of the store, whether there was any way a loading bay could be constructed.



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In response, Mr. Keddy indicated that he would address this question with the owner of the building.

Alderman Carmichael made reference to the question of insurance in relation to the concern raised about falling debris during construction.

In response to Alderman Carmichael's question, Mr. Keddy indicated that this was an issue which could be addressed.

After responding to various questions, Mr. Keddy provided pictures of the proposed appearance of the final development on the overhead monitor.

In response to a question from Alderman Walker, Ms. Norton addressed Council and indicated that the proposed new driveway would not be advantageous and would cause further encroachment onto the sidewalk. She indicated that a loading bay on the Coburg Road side could be a possibility.

There were no further persons wishing to address Council.

MOVED by Alderman Carmichael, seconded by Alderman Maher that this matter be forwarded to Council without recommendation pending additional information from staff with respect to the concerns raised about sunlight, insurance arrangements with respect to construction debris, and the loading bay.

Motion passed.

Alderman Adams indicated a need to address the problem with respect to trucks parking and unloading.

Public Hearing Re: Case No. 7150 - R-2A General Residential Conversion & Townhouse Zone Review

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

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A supplementary staff report dated 2 February 1996 was submitted.

A letter from Beverly W. Miller, Chair, Ward One Residents' Association, dated 1 February 1996, was submitted.

Mr. Angus E. Schaffenburg, Planner, addressed Council and outlined the amendments to the Land Use Bylaw as set out in Appendix 1 of the 2 February 1996 staff report.

Ms. Rebecca Jamieson, 5670 Fenwick Street, addressed Council on behalf of the area residents and spoke in support of the proposed amendments. In her remarks, Ms. Jamieson urged Council to pursue the Planning Advisory Committee recommendation of 11 January 1996 that a review be initiated by staff with respect to the R-2A Zone.

MOVED by Alderman Uteck, seconded by Alderman Adams  
that Council approve the revised resolution containing  
amendments to the Land Use Bylaw as set out in Appendix 1 of  
the 2 February 1996 staff report.

Motion passed.

There being no further business to be discussed, the meeting was adjourned at approximately 9:05 p.m.

MAYOR WALTER FITZGERALD  
CHAIRMAN

\*MS



## MINUTES

**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 29 FEBRUARY 1996

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

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

**STAFF:** BARRY COOPERSMITH, CITY MANAGER  
MARY ELLEN DONOVAN, CITY SOLICITOR  
EDWARD A. KERR, CITY CLERK

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**MINUTES**

Minutes of the last special meeting of Halifax City Council, held on 7 February 1996, and of the regular meeting held 15 February 1996, were approved as circulated on a motion by Alderman Blumenthal, seconded by Alderman Maher.

**Certificates of Commendation from Governor General  
- Richard, Susan, Jennifer and Gary Peddle**

His Worship Mayor Fitzgerald addressed Council and indicated that it was with great pleasure to present Certificates of Commendation from the Governor General to the following individuals in recognition of their significant contribution by providing assistance to other persons in a selflessness manner:

Richard, Susan, Jennifer and Gary Peddle

In his remarks, His Worship advised that through the efforts of the whole family, a neighbour who was drowning was saved by the Peddle family. Members of Council individually congratulated Richard, Susan, Jennifer and Gary Peddle.

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

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

- 20.1 Case No. 7177: Cost Sharing - Oversize Street, Osborne Street Extension (Stanley Park Development) (Alderman Hanson)
- 20.2 Tender No. 95-220R - Vehicle Replacements, Two (2) 1996 Model Crew Cab Stake Trucks, 10,000 G.V.W.
- 20.3 Street Closure - Old Road Allowance - Former Hogan Lands
- 20.4 City Support for Neptune Theatre Renovations

Moved by Alderman Downey, seconded by Alderman Hanson that the agenda be approved as amended.

The motion was put and passed.

### DEFERRED ITEMS

#### Case No. 7274: Development Agreement - 1521 LeMarchant Street

A public hearing into this matter was held on Wednesday, 21 February 1996.

An information report dated 28 February 1996 was submitted.

The following correspondence was received following the public hearing:

- A letter from John R.N. Lazier, 1531 LeMarchant Street, dated 28 February 1996;
- A petition signed by 30 residents in the near vicinity of LeMarchant Towers opposed to the proposed development agreement;
- A letter from Michelle and Marcel Forest, 1552 Vernon Street, dated 29 February 1996.

Alderman Carmichael addressed the item noting that LeMarchant Towers is a non-conforming building. She indicated that it was non-conforming because of its density, its height, its open space, and its commercial uses. Alderman Carmichael went on to advise that Council was asked at the public hearing on this matter to consider a development agreement for the building in question. She commented that the development agreement would increase density slightly, increase the height substantially, and alter the facade and be cause for two curb cuts for a driveway and a carport.

Alderman Carmichael indicated that she has had discussions with the owner of the building as well as the

architect who have both argued that the changes being requested improves substantially the exterior of the building. The Alderman noted that she has also had many conversations with the neighbours who have also submitted a large amount of written material. Alderman Carmichael commented that their concerns related to loss of light, increased density, altering of open space, and increased congestion which would perhaps offer some potential danger to children. She added that the neighbours are also concerned that the proposed exterior is not really compatible to their residential neighbourhood.

At the public hearing on this matter, Alderman Carmichael noted that she requested information from staff with respect to shadowing effects. Making reference to the information report of 28 February, she noted that the building has a great impact on the neighbourhood. Alderman Carmichael further commented that an addition of 27 feet to an 88 foot building, would not increase the amount of sunshine but rather decrease the amount available to the neighbourhood.

It was therefore MOVED by Alderman Carmichael, seconded by Alderman Maher that Council refuse the request for a development agreement for 1521 LeMarchant Street.

Motion passed with Alderman Hanson voting in opposition. Deputy Mayor Crowley, and Aldermen Pottie and Epstein abstained from the vote due to their absence from the public hearing.

Alderman Carmichael indicated that she had a concern with respect to the legalization of the Print Shop which already exists and was part of the development agreement. She explained that because Council has refused the development agreement, it would not be fair not to allow the print shop that presently exists. Alderman Carmichael commented that the neighbourhood generally does not have a concern with the Print Shop. As a result, the Alderman questioned how Council could legalize the Print Shop in light of the fact that it is an illegal use at the moment.

The Chairman indicated that a staff report would be provided at the next Committee of the Whole Council meeting scheduled for 20 March 1996 in response to Alderman Carmichael's question.

Alderman Carmichael also requested information with respect to the concerns raised at the last two public hearings



regarding the impact of delivery trucks at the LeMarchant Street intersection and at the intersection of Vernon Street and Coburg Road (Capital Store). Alderman Carmichael asked that staff provide a report outlining possible solutions to this problem.

## **REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 21 February 1996, as follows:

### Write off of Accounts

MOVED by Alderman Epstein, seconded by Alderman Maher that, as recommended by the Finance and Executive Committee, under Section 184 of the City Charter, 1963, Council excuse the City Treasurer from collection of monies due to the City, as summarized in the 13 February 1996 staff report, and authorize the write off of \$274,484.93.

Motion passed.

### Report - Approved Capital Budget Projects - 1995-96

Alderman Downey acknowledged the report he received from staff in response to his request at the last Committee of the Whole Council meeting. The Alderman asked that the matter be referred to the City Manager for a further report at the next Committee of the Whole Council meeting, to which Council agreed.

### Taxsea on the Harbour

An information report dated 26 February 1996 was submitted.

MOVED by Alderman Maher, seconded by Alderman Downey that the Taxsea operation be encouraged to make arrangements through the WDC.

Motion passed.

Coalition on Comprehensive Recycling - Importance  
of Deposit System on the Municipal Recycling Program

MOVED by Alderman Epstein, seconded by Alderman Uteck that, as recommended by the Finance and Executive Committee, Mayor Fitzgerald forward a letter on behalf of Halifax City Council to Mr. George McLellan, Commissioner of Regional Operations advising that Halifax City Council has serious reservations regarding the beverage container deposits and would like answers to questions on the environmental and economic impact of this proposal prior to the implementation of the deposit.

Alderman Blumenthal also asked that a letter be sent to the Province explaining the impact of the proposal on the recycling program and the tremendous burden it would have on Nova Scotians particularly senior citizens and persons on social assistance, to which Council agreed.

Motion passed.

Shakespeare by the Sea

A staff report dated 29 February 1996 was submitted.

Alderman Uteck made reference to the staff report of 29 February, and the statement that the Finance Department is in the process of calculating the City's current financial status. He indicated that he would like to defer this matter until the results of this exercise are available.

It was therefore MOVED by Alderman Uteck, seconded by Alderman Downey that this matter be deferred until the results of the current financial status of the City are available.

Motion passed.

**REPORT - COMMITTEE ON WORKS**

Council considered the report of the Committee on Works from its meeting held on Wednesday, 21 February 1996, as follows:

Ramsgate Lane

MOVED by Alderman Hanson, seconded by Alderman Maher that, as recommended by the Committee on Works, Council accept Ramsgate Lane between Purcell's Cove Road and the cul-de-sac as a City Street subject to the developer carrying out the following upgrading of the roadway:

1. constructing a walkway to City Standards between Ramsgate Lane and Melville Avenue which would become a City walkway upon acceptance of Ramsgate Lane;
2. removing the existing median on Ramsgate Lane at Purcell's Cove Road;
3. carrying out additional testing on the concrete sidewalk and curb & gutter to confirm that City Standards are met and carrying out remedial action where necessary;
4. constructing a retaining wall along the regraded area and correcting the existing water seepage/icing problem at the area behind the curb on the southside of Ramsgate Lane adjacent to the developed property (at the corner of Ramsgate and Purcell's Cove Road);
5. upgrading of street lights to comply with City Standards; and
6. replacing all broken/deficient sidewalk slabs along the north side of Ramsgate Lane.

Motion passed.

Bayers Road Upgrading - Connaught  
Avenue to Young Street

MOVED by Alderman Blumenthal, seconded by Alderman Walker that, as recommended by the Committee on Works:

1. Council authorize O'Halloran Campbell Consultants Ltd. to complete the detailed design documents but not the legal plans for the section of Bayers Road from Connaught Avenue to Young Street;
2. Council authorize O'Halloran Campbell Consultants Ltd. to prepare a functional design plan for the section of Bayers Road from the Bicentennial Highway to Connaught Avenue; and
3. all work is to be within the consultant's existing contract price and to be completed by 31 March 1996.

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

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

Amendment to Ordinance 116, the Taxi Ordinance -  
Taxi Drivers wishing to Obtain Taxi Owner's  
Licenses - SECOND READING

MOVED by Alderman Uteck, seconded by Alderman Blumenthal that Council give Second Reading to the amendments to Ordinance 116, The Taxi and Limousine Ordinance as follows:

BE IT ENACTED by the City Council of the City of Halifax that Ordinance 116, the Taxi and Limousine Ordinance, be and the same is hereby amended as follows:

1. Subsection (4) of s.10B of said Ordinance 116 is repealed and the following substituted therefor:

"10B(4) Notwithstanding subsection (1), when a person holds a taxi driver's license, but not a taxi owner's

license on the 12th day of April, 1995, a taxi driver may apply for a taxi owner's license in respect of a single vehicle until the 12th day of April, 1998 provided that the taxi driver's license continues in force until the date of the application and the application meets all of the requirements of this Ordinance, the taxi owner's license shall be issued."

Motion passed.

### **REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on Wednesday, 21 February 1996, as follows:

#### Heritage Plaques

MOVED by Alderman Epstein, seconded by Alderman Downey that, as recommended by the Planning Committee, Council approve the expenditure of up to \$11,000 for the purchase and installation of up to 50 heritage plaques, with funds available in the Heritage Reserve Account.

Motion passed.

#### Sale of City Owned Lands - Public Tender 95-224

MOVED by Alderman Pottie, seconded by Alderman Stone that Council approve the sale of City Owned Lands for the following parcels: 53 Mountain Road, 20 Withrod Drive, 3 Pineridge Road, Castlehill Drive, 82 Main Avenue, 88 Withrod Drive, Winona Crescent, and Rocky Hill Drive - Public Tender 95-224 as set out in the staff report of 7 February 1996 (with the exception of Lot B McLean Street, 6054 Chebucto Road, MicMac Street).

Motion passed.

Case No. 7281: Geizer Hill -  
Golf Practice Centre

A staff report dated 26 February 1996 was submitted.

MOVED by Alderman Stone, seconded by Alderman Walker  
that City Council:

a) Add Clause 3(c) to the draft development agreement approved on 7 February 1996 to read as follows:

(i) should the Developer fail to upgrade Main Avenue in accordance with Plan No. P200/20767, filed in the City of Halifax Development and Planning Department as Case No. 7281, prior to 9 May 1996, the City, its servants, agents and contractors may, after seven days written notice signed by the Development Officer complete any services, repairs or maintenance, wholly or in part, required to be done by the Applicant, and shall collect the cost thereof together with an Engineering Fee of ten percent (10%) of the cost of such materials and works, from the Applicant, or deduct the cost thereof from bonds on deposit, or recover the same by action.

b) Change Clause 5(a)(i) of the said agreement to read as follows:

(ii) upgrading of Main Avenue has been completed in accordance with the street opening permit and the work accepted by the City; or there has been deposited with the City a performance bond or other security acceptable to the Development Officer from which the City shall be able to collect all incurred costs associated with the work referred to in Clause 3(a) of this agreement.

c) Add Clause 5(b)(ii) to the said agreement to read as follows:

(iii) the upgrading of Main Avenue has been completed in accordance with the street opening permit and the work accepted by the City in accordance with the service acceptance procedure of the subdivision regulations.

Motion passed.

MOTIONS

Motion Alderman Carmichael Re: Ordinance 189 Respecting Trees -  
FIRST READING

A staff report dated 16 February 1996 was submitted.

MOVED by Alderman Carmichael, seconded by Alderman Uteck that Council approve FIRST READING of the proposed Ordinance Respecting Trees, Number 189, as attached to the staff report of 16 February 1996 and refer the matter to the Committee of the Whole Council for consideration and report.  
Motion passed.

MISCELLANEOUS BUSINESS

Case No. 7140: Environmental Audit of Lands West  
of Seaview Memorial Park

A supplementary staff report dated 22 February 1996 was submitted.

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that Council authorize that an environmental assessment be taken at a cost not to exceed \$10,000 for the lands owned by the Halifax Port Corporation as shown on Map 1 (of the staff report dated 22 February 1996) and, further, that funds be made available from the Design and Engineering Reserve Account 22310-8306.

Motion passed.

Case No. 7193: R-2T Zone (Townhouse) Amendment to the  
Land Use Bylaw

A report from the Planning Advisory Committee dated 23 February 1996 was submitted.

MOVED by Alderman Carmichael, seconded by Alderman Maher that Council set a date for a public hearing to consider an amendment to the Land Use Bylaw (Peninsula and Mainland Sections) to include the R-2T (Townhouse) Zone.

Motion passed.

The City Clerk advised that the recommended date for a public hearing would be scheduled for Wednesday, 20 March 1996, at 5:00 p.m. in the Council Chamber.

Case No. 7155: Front Yard Parking - Peninsula Area

A report from the Planning Advisory Committee dated 21 February 1996 was submitted.

MOVED by Alderman Carmichael, seconded by Alderman Maher that Council set a date for a public hearing to consider an amendment to the Land Use Bylaw (Peninsula Section) for residential uses in the R-1, R-2, R-2A and the RC-1 zones to permit more than 33 percent of the front yard to be used for vehicular access, manoeuvring or parking if a driveway not greater than 8 feet in width, provides access to:

- a) a garage within the building or parking space in the side or rear yards; or,
- b) a parking space not greater than 8 feet by 16 feet in the front yard for a residential building existing on 20 February 1996, provided that the parking space is as perpendicular to the street as possible.

Motion passed.

The City Clerk advised that the recommended date for a public hearing would be scheduled for Wednesday, 20 March 1996, at 5:00 p.m. in the Council Chamber.

Appointments

A report from His Worship Mayor Fitzgerald dated 29 February 1996 was submitted.



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

**TAXI SCHOOL COMMITTEE**

Darshan Virk (United Cab Drivers Association)  
Aris Mastrapas (Taxi Brokerages)  
Barry Smith (Mayor's appointee)

Alderman Uteck commented that Mr. Wayne Anstey, Director of Administrative and Legal Services, informed him that there was no need to address the issue of zoning prior to April 1 because it is legislated upon and can be dealt with after amalgamation.

Alderman Adams questioned whether the report from the Taxi School Committee to Council would be binding.

His Worship expressed the view that the report would not be binding and that any recommendations would require Council's approval.

Motion passed.

**QUESTIONS**

Question Alderman Adams Re: Notice - Identification  
of Redundant and At-Risk Positions

Alderman Adams made reference to the content of the letters sent to employees of all four municipality, but particularly to the employees of the City of Halifax, concerning identification of redundant and at-risk positions. He expressed concern with the contents of the letter and suggested that it would have been more appropriate to inform an employee that his or her position was not, at this time, suitable for the needs of the Halifax Regional Municipality. Alderman Adams asked that His Worship forward a letter on behalf of members of Halifax City Council to employees who received copies of these letters assuring them that Council does not consider their positions redundant and consider that

they have made a valuable contribution to the City of Halifax as well as to citizens of this City.

His Worship Mayor Fitzgerald indicated that he would forward a letter as requested by Alderman Adams.

Question Alderman Downey Re: Winter Parking Ban

Alderman Downey asked for a report indicating whether the Traffic Authority would be running an ad giving notice of the lifting of the Winter Parking Ban on March 15.

**ADDED ITEMS**

Case No. 7177: Cost Sharing - Oversize Street, Osborne Street Extension (Stanley Park Development) (Alderman Hanson)

A staff report dated 28 February 1996 was submitted.

MOVED by Alderman Hanson, seconded by Alderman Adams that City Council increase cost sharing for the construction of the oversize street, Osborne Street, by the amount of \$6,800 which includes GST, with the funds coming from account number 91602, oversize streets.

Motion passed.

Tender No. 95-220R - Vehicle Replacements, Two (2) 1996 Model Crew Cab Stake Trucks, 10,000 G.V.W.

A staff report dated 19 February 1996 was submitted.

MOVED by Alderman Maher, seconded by Deputy Mayor Crowley that City Council authorize award of Tender No. 95-220R to the lowest bidder meeting specifications - Taylor Lincoln Mercury, in the amount of \$76,716.96, with funding being made available from account number 26104.8300.80000 titled Equipment Reserve.

Motion passed.

Street Closure - Old Road Allowance - Former Hogan Lands

A staff report dated 27 February 1996 was submitted.

MOVED by Alderman Stone, seconded by Alderman Walker that Council set a date for a public hearing on 20 March 1996 for the street closure of the Old Road Allowance to be heard in conjunction with the public hearing for Stage II, Schedule 'K' Application, Glenbourne - Phase 2A.

Motion passed.

City Support for Neptune Theatre Renovations

A staff report dated 27 February 1996 was submitted.

MOVED by Alderman Uteck, seconded by Alderman Stone that Council approve a further \$10,000 contribution to Neptune Theatre under Section 201(1) of the Halifax City Charter and seek the approval of the Amalgamation Co-Ordinator for payment of this amount prior to 31 March 1996.

A short discussion followed with Alderman Pottie proposing a motion that this matter be deferred to the 20 March 1996 meeting of the Committee of the Whole Council pending information on the current financial status of the City. There was no seconder to Alderman Pottie's motion.

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

The meeting adjourned at approximately 8:45  
p.m.

MAYOR WALTER FITZGERALD  
CHAIRMAN

SUBMITTED BY:  
E. A. KERR, CMC  
CITY CLERK

/MS

## PUBLIC HEARING

March 4, 1996

PRESENT WERE: Mayor Ball  
Councillor Rankin  
Councillor Hendsbee  
Councillor Dooks  
Councillor Smiley  
Councillor Peters  
Councillor Snow  
Councillor Giffin  
Councillor Scratch  
Councillor Harvey  
Councillor Sutherland  
Councillor McInroy  
Councillor Cooper

ALSO PRESENT: Nancy Dempsey Crossman, Municipal Clerk  
Karen Fitzner, Municipal Solicitor  
Julia Horncastle, Recording Secretary  
Bill Butler, Director, Planning and Development  
Susan Corser, Planner, Planning and Development

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The meeting was called to order at 7:00 p.m.

Mayor Ball outlined the procedure followed for the Public Hearing.

**ADOPTION OF A MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW  
FOR THE EASTERN SHORE PLAN AREA AND AMENDMENTS TO THE  
SUBDIVISION BY-LAW.**

Ms. Susan Corser provided an overview of the process to prepare the Municipal Planning Strategy and Land Use By-law being presented to council at this meeting.

Mr. Frank Zemlyak, Chairman of District 10 PPC addressed council. He outlined the process taken by the PPC such as newspaper articles and public meetings. He said there have been representations from all aspects of the community. He said they are asking the council to adopt and endorse the MPS and LUB.

Councillor Dooks and Smiley addressed the members of council and public welcoming them to the meeting and adding their support to the proposed MPS and LUB.

Mayor Ball said the purpose of the plan is not to take away something that is already in existence but an opportunity to look into the future as to where the community is going with respect to development.

**SPEAKERS IN FAVOUR**

Mr. David Dwyer, representing the Petpeswick Inlet Property Owners Association (PIPOA) addressed council. He said they are concerned with the monitoring of housing, industrial and commercial development. He said they are concerned with their quality of life and the rural residential area. He said they are in support of the MPS and LUB.

Mr. Winston Churchill, secretary to PIPOA made a presentation to council. He said they are in support of the (R-6) residential zoning in the Petpeswick area. He said he would like to see a decision made at this meeting and there not be a deferral. He outlined what the association had done to promote the residential zoning. He brought council's attention to petitions that had been submitted supporting this zoning. He outlined three requests: 1) to include the R6 zone as proposed by the PPC to those areas around the Petpeswick Inlet so designated by the map in the Land Use By-law; 2) to approve the adoption of rural residential uses instead of mixed uses within the Fishing Village zone; and, 3) to include the area South of the Russell Weaver property (to the Mines Road) within the R6 zone, not the MU zone.

Ms. Corser clarified that the R6 zone allows for fishing support uses. It allows for buildings, excluding boat sheds, up to 1500 square feet. In the residential version of the fishing village zone it allows for up to 3,000 square feet, excluding boat sheds. The fishing village zone allows for the same rights as the mixed use zone with respect to fishing support uses. She said the difference in the two versions is that the residential version of the fishing village zone is just that - it permits residential uses. The mixed use version of that zone opens it up to commercial, resource, community facility etc. as are outlined in a mixed use zone.

Mr. Tony Nolet spoke in favour. He said the people living in the West Petpeswick (south of the Russell Weaver property) area wished to be included in a rural residential zone rather than an MU zone. He circulated a petition from residents of the West Petpeswick Rd.

Mr. Randy Baker spoke in favour. He said fishing is a tradition and a way of life and is pleased with the way this it being recognized and having been afforded an opportunity to have input.

Mr. Mike Trask spoke in favour. He presented council with a petition in favour of the residential version of the fishing village zone. He said the residents are willing to give up four hundred feet of land to protect the road as is.

**SPEAKERS IN OPPOSITION**

Mr. John Harrison addressed council. He said the 400 feet off the highway is, in his opinion, a breach

of the environment. He said it is not a compromise but opens up the community to any eyesores that might be created within the mixed use zone. He said the area is 93% residential presently and any changes should take this into consideration. He said home based businesses have to be accommodated and feels this can be done under the rural residential zone..

Ms. Donna Anderson addressed council. She said the 400 foot setback would not be acceptable to her. She said she has no interest in developing her lands and would like to see the area zoned R6 as was originally proposed.

Mr. Basil Bayers addressed council. He said it is his understanding that a piece of his property in the White's Lake area is zoned P4 which is parkland. He said he does not wish to turn the property over to parkland. He said he is asking that that particular area not be zoned P4 until private properties, that abut the White's Lake area zoning, are specifically identified. He said it is his understanding that the railroad right of way has been turned over to the Department of Natural Resources; therefore, it is crown land. The province has the ability to put restrictions on crown land. He said from the District 10 line to the end of the properties on Bayers Mill Road the lands should be held as crown land. From the Bayers Mill Road north to the District 12 line is wilderness. He said this can be zoned parkland or left as crown land. He said he would ask that council not zone the railroad right of way parkland but leave as crown land.

Mr. Cameron Adams addressed council. He said he is in support of the fishing and existing business interests. He said consideration could be given to special development agreements to allow certain development to go ahead, but he is concerned about the boundary line being 400 feet. He would prefer it to be the watershed area. He said he is in favour of the residential zoning, but is concerned with the boundary line. He said he feels that 400 feet is too close.

Mr. Ken White addressed council. He said he would like to be able to maintain his ability to raise fur bearing animals as he previously did. He was informed that this right would be retained if it was in existence and would be grandfathered.

Mr. Phil Thompson addressed council. He said his property has been in his family since 1791. He said he is concerned that there could be conflict in the future. He said when there are totally different uses in the view plain of each other, there can be conflict later on. He said if the people on the West side could agree to having some form of residential fishing village zone then two compatible zones would be facing each other.

**REBUTTAL**

Mr. Tim Lambert, PPC addressed council. He said they have tried to reflect the general consensus of the community. He said it should be made clear that never has there been any R6 zoning declared by the PPC at the request of PIPOA the PPC looked at a resolution which urged the PPC to create a zone between a liberal mixed use zone and a restrictive residential zone. He said the PPC agreed to this and a customized R6 zone was drawn up and was ready to be declared as soon as boundaries

could be agreed upon. The PPC has never taken a position to accept any particular boundary. He said the PPC does agree; however, that there should be a residential zone in the area, but it is up to the community to decide where it goes.

**DECISION OF COUNCIL**

It was moved by Councillor Smiley, seconded by Councillor Cooper:

‘THAT THE MUNICIPAL PLANNING STRATEGY FOR THE EASTERN SHORE EAST PLAN AREA BE APPROVED’

**MOTION CARRIED UNANIMOUSLY**

It was moved by Councillor Smiley, seconded by Councillor Snow:

‘THAT THE LAND USE BY-LAW FOR THE EASTERN SHORE EAST PLAN AREA, INCLUDING THE CLARIFICATIONS AS OUTLINED, BE APPROVED’

**MOTION CARRIED UNANIMOUSLY**

It was moved by Councillor Smiley, seconded by Councillor Scratch:

“THAT THE AMENDMENTS TO THE MUNICIPAL SUBDIVISION BY-LAW AS THEY PERTAIN TO THE EASTERN SHORE EAST PLAN AREA BE APPROVED”

**MOTION CARRIED UNANIMOUSLY**

Mayor Ball said that if any property has been designated parkland that is privately owned staff will initiate a rezoning to make sure that no private property will be zoned in the form of parkland.

It was moved by Councillor Dooks, seconded by Councillor Giffin:

‘THAT THE MUNICIPAL PLANNING STRATEGY FOR THE EASTERN SHORE WEST PLAN AREA BE APPROVED’

**MOTION CARRIED UNANIMOUSLY**

It was moved by Councillor Dooks, seconded by Councillor Rankin:

“THAT UNDER THE LAND USE BY-LAW FOR THE EASTERN SHORE WEST PLAN AREA, INCLUDING THE CLARIFICATIONS AS OUTLINED, BE APPROVED, AND THAT THE AREA IDENTIFIED AS FV (FISHING

VILLAGE) ZONE BE ZONED IN ACCORDANCE WITH OPTION 1 AS OUTLINED IN THE PUBLIC HEARING NOTICE, AND THAT THE AREA OF THE WEST PETPESWICK ROAD, AS DESCRIBED IN THE PUBLIC HEARING NOTICE, BE ZONED IN ACCORDANCE WITH OPTION 2 AS OUTLINED IN THE SAME NOTICE”

**MOTION CARRIED UNANIMOUSLY**

It was moved by Councillor Dooks, seconded by Councillor Hendsbee:

‘THAT THE AMENDMENTS TO THE MUNICIPAL SUBDIVISION BY-LAW AS THEY PERTAIN TO THE EASTERN SHORE WEST PLAN BE APPROVED”

**MOTION CARRIED UNANIMOUSLY**

It was moved by Councillor Dooks, seconded by Councillor Peters:

‘THAT STAFF INITIATE A CHANGE TO THE FV (FISHING VILLAGE) ZONE BUFFER FROM 500 FEET TO 400 FEET AND THAT THIS CHANGE BE DEALT WITH AT A SUBSEQUENT HEARING”

**MOTION CARRIED**

**ADJOURNMENT**

It was moved by Councillor Giffin:

‘THAT THE MEETING BE ADJOURNED”

**MOTION CARRIED**





## MINUTES

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

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 20 MARCH 1996

**TIME:** 5:00 P.M.

**MEMBERS  
PRESENT:** 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 RALPH MAHER  
ALDERMAN RUSSELL WALKER  
DEPUTY MAYOR MARY ANN CROWLEY  
ALDERMAN BILL STONE

**STAFF:** EDWARD A. KERR, CITY CLERK  
M.E. DONOVAN, CITY SOLICITOR

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**PUBLIC HEARINGS**

**Case No. 7155 - Front Yard Parking  
Amendment to the Land Use Bylaw**

A public hearing relating to that above matter was held at this time.

A letter was submitted from Nicolaas Honing, dated 19 March 1996, in favour of the proposed amendments.

Mr. Stephen Feist, Development and Planning Department, with the aid of overheads, presented the application as outlined in the staff report dated 21 November 1995. Mr. Feist responded to a brief questioning from Members of the City Council.

Mr. Allan Parish, 6517 Coburg Road, spoke in opposition of the proposal indicating the proliferation of front yard parking would destroy the feeling and ambience of the neighbourhood.

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

MOVED by Alderman Carmichael, seconded by Alderman Downey that this matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for March 28, 1996.

Motion passed.

**Case No. 7193 - R-2T (Townhouse Zone)  
Amendment to the Land Use Bylaw**

A public hearing relating to that above matter was held at this time.

Mr. Stephen Feist, Development and Planning Department, with the aid of overheads, presented the

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application as outlined in the staff report dated 21 November 1995.

Mr. Paul Erikson, 5624 Drummond Court, spoke in opposition of the amendment. He described several undesirable construction possibilities should this amendment be passed, which could lead to obstruction of view, light and privacy.

Mr. Erikson further related that the hydrostone area was designated a National Historic Site in 1993, and, if anything, he stated that there should be more restriction to the bylaw and not less.

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

MOVED by Alderman Blumenthal, seconded by Alderman Maher that this matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for March 28, 1996.

Motion passed.

Alderman Stone requested a further staff report outlining Mr. Erikson's description of the types of construction that could be erected should the rezoning take place, prior to next week's meeting.

Case 7289 - Amendment to Stage I Clayton Park West, Phase 2

A public hearing relating to that above matter was held at this time.

Mr. Stephen Feist, Development and Planning Department, with the aid of overheads, presented the application as outlined in the staff report dated 7 February 1996. Mr. Feist responded to a brief questioning from Members of the City Council.

Mr. Dave McPherson, Stratford Way, spoke in opposition to the amendment, stating he felt it was too close to the park and the entrance to the commons.

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An area developer suggested that if the Lacewood Drive exit was used for all funeral processions, it would alleviate many of the concerns of the area residents.

Mr. Mike Willett, Vice President Clayton Developments, guaranteed all funeral processions would exit via Lacewood Drive with eighty percent of the traffic turning west. He further displayed the proposed design describing the design of the building and its surrounding green space.

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

MOVED by Alderman Stone, seconded by Deputy Mayor Crowley that City Council approve:

1. The request to amend the Stage I Schedule K development agreement for Clayton Park West - Phase II, to permit a funeral home at Parcel C-1 (corner of Lacewood Drive and Stratford Way);
2. The request to amend the Stage II Schedule K development agreement for Clayton Park West - Phase II, to increase the number of theoretical persons from 1557 to 1570 on Schedule "B" CPW Phase II - Land Use Statistics;
3. Council requires that the amending agreements shall be signed within one hundred and twenty days or any extension thereof granted by Council on request of the applicant, from the date of final approval of 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; and

further, upon the advice of the City Solicitor, the stipulation be added that signage be erected on the site directing traffic to make right turns only as it exits the Lacewood driveway.

Motion passed with Alderman Epstein in opposition.

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**Case 7175 - Peninsula and Mainland Land Use Bylaw,  
Housekeeping Amendments #13**

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A public hearing relating to that above matter was held at this time.

Mr. Gary Porter, Development and Planning Department, with the aid of overheads, individually detailed each of the ten properties involved with the proposed rezonings as contained in the staff report dated 12 February 1996. Mr. Porter responded to a brief questioning from Members of the City Council.

Mr. Owen Carrigan, 6112 Coburg Road, spoke in opposition of the proposed rezoning of 6095 Coburg Road from MDR to HDR and from R-2 to R-3. Mr. Carrigan's concerns were with the possibility of further construction in an already congested intersection. He also stated that the fate of Fader's Drug Store, on the corner of Henry and Coburg, is currently unknown, and could affect the area. Thus, he suggested any decision be put on hold pending determination of future development in the whole area.

Mr. Donald C. F. Moors, spoke in opposition of the amendment to 6095 Coburg Road citing the blocking of sunlight as a factor.

Ms. Dianne Zwicker, Vernon Street, spoke in opposition of the proposed amendment to 6095 Coburg Road, stating dissatisfaction with the lack of notice to residents as well as the format of the newspaper advertisement.

Ms. Charlotte Linden, 1557 Vernon Street, spoke in opposition to the proposed amendment to 6095 Coburg Road, stating it should be left the way it is.

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

Alderman Carmichael expressed concern regarding the potential height of the property and indicated she would like an opportunity to discuss this further with staff and MOVED, seconded by Alderman Uteck that City Council approve

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adoption of the plan and bylaw amendments contained in appendices B-1 to B-10, with the exception of B-8 (6095 Coburg Road from MDR to HDR and from R-2 to R-3). Motion passed.

**Case 6771 - Marine and Boat Charter Service**

A public hearing relating to that above matter was held at this time.

A letter was submitted from Debbie Knifton, dated 20 March 1996, in opposition to the proposed amendment. Also submitted was a letter from Terry Shaw, 13 Battery Drive, dated 17 March 1996, in opposition to the proposed amendment.

Mr. Stephen Feist, Development and Planning Department, with the aid of overheads, presented the application as outlined in the staff reports dated 25 January and 14 February 1996. Mr. Feist responded to a brief questioning from Members of the City Council outlining reasons why staff do not support the development agreement process.

Mr. Andrew Murphy, 19 Keefe Drive, spoke in opposition of the proposed amendment. Via overheads, he displayed photographs of unsightly and potential dangerous sites in the current marina, which would be multiplied should additional businesses of this type be permitted. He further expressed concerns with the ingredients used for painting in boat marinas.

Ms. Lesley Armstrong, 25 Battery Drive, spoke in opposition to the proposed amendment, and read from her letter dated 19 March 1996. A copy of this letter is contained in the official file for this meeting.

Mr. Ed Kiley, Purcells Cove, in response to comments from area residents, indicated that all boat painting is done by brush and not sprayed, and there are no houses within 200' of the marina. Mr. Kiley stated he is in the process of cleaning up the area and will be scaling down on the small vessels.



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Mr. Rod Giffen, 452 Purcells Cove Road, spoke in opposition to the proposed amendment and agreed with Ms. Armstrong's suggestion to forward the issue to the HRM.

Ms. Brenda Clements, spoke in opposition of the proposed amendment. She expressed concerns with current parking problems causing one-lane traffic and blockage of view. Further problems are foreseen should the amendment allow the construction of a marina, with excessive traffic, safety of walkers and bikers, and the problems associated with excessive alcohol use. She also agreed with Ms. Armstrong's suggestion to forward the issue to the HRM.

Mr. John Zuck, 25 Battery Drive, spoke in opposition of the proposed amendment and read from his letter dated 19 March 1996. A copy of this letter is contained in the official file for this meeting.

Mr. Martin Campbell, spoke in opposition of the proposed amendment, stating there should not be a blanket rezoning of the area.

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

MOVED by Alderman Hanson, seconded by Alderman Adams that staff provide, prior to City Council's meeting of 28 March 1996, a report outlining alternatives to rezoning, which would address concerns expressed this evening.

Motion passed.

**Case 7280 - Municipal Development Plan & Land Use Bylaw  
Amendment West Side of Oxford Street and Coburg Road**

A public hearing relating to that above matter was held at this time.

Mr. Angus Schaffenburg, Development and Planning Department, with the aid of overheads, presented the application as outlined in the staff report dated 8 December 1995.

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Mr. Don Waller, 1598 Oxford Street, spoke in favour of the proposed amendment and read from his letter dated 20 March 1996. A copy of this letter is contained in the official file for this meeting.

Mr. Austin Park, 1766 Oxford Street, spoke in opposition of the proposed amendment, noting that the amendment would create a non-conforming use situation for a number of properties in the area.

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

MOVED by Alderman Carmichael, seconded by Alderman Maher that City Council approve the redesignation to Low Density Residential on the Generalized Future Land Use Map of Peninsula Centre and rezoning to R-1 (Single Family Dwelling) for the west side of Oxford Street between Norwood Street and Coburg Road.

Motion Passed with Alderman Hanson in opposition.

Case No. 7065 - Plan Amendment and Amendment to Development Agreement - Regatta Point

A public hearing into this matter was held at this time. Correspondence dated 20 March 1996 was submitted from Mr. Lloyd R. Robbins, Quackenbush, Thomson and Robbins on behalf of 2231266 Nova Scotia Limited, owners of Lot RP-1, withdrawing the application for a plan amendment with respect to this lot. Also submitted was correspondence dated 19 March 1996 from Mr. Peter G. Milley, Regatta Point Landowners Association in favour of the proposed amendments.

A brief discussion regarding the withdrawal of the application relating to Lot RP-1 with it being agreed that persons present this evening wishing to comment regarding RP-1 be permitted to do so.

Mr. Gary Porter, Development and Planning, briefly outlined the proposal as set out in the 21 December

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1995 staff report. Mr. Porter noted that the former South Armdale School property had been erroneously included in the map contained in the 21 December report and that a corrected map has been substituted. He further indicated that the 13 townhouses proposed for lot RP-1 had been reduced to 12 and that staff, but not the Planning Advisory Committee, were recommending approval of the proposal for Lots RP-6 and 7.

Mr. Porter then responded to question with regard to the proposal.

Mr. Paul Skerry, architect for the project, addressed Council in favour of the application. Mr. Skerry noted that the Regatta Point Design Review Board had reviewed and approved the proposed development. Referring to Lot RP-1, Mr. Skerry indicated that inclusion of this lot within the guidelines for development in Regatta Point was central to the application before Council.

Mr. Skerry went on to indicate that the existing proposal for lots RP-6 and RP-7 would result in the loss of the large stand of pines on lot RP-7. Mr. Skerry indicated that the proposal before Council this evening would conserve a large portion of this stand of pines.

Ms. Virginia Veniot, 12 Spinnaker Drive, addressed Council in opposition to the proposal for lots RP-6 and RP-7. Ms. Veniot indicated that at the time she purchased property in Regatta Point she was fully aware of and agreed with the proposal for future development. Ms. Veniot indicated it would be unfair to change that proposal.

She went on to note that this apartment building would create a solid block of apartment buildings on Purcell's Cove Road and dominate the gateway to Regatta Point. She further indicated that conservation of the trees could not be guaranteed and further indicated that it was her understanding that the City had no control over the cutting of trees on private property.

Ms. Veniot advised that she did support 12 townhouses being constructed on RP-1 and the inclusion of lot RP-1 within the development guidelines for Regatta Point. Ms.

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Veniot urged Council to consider including this property with the Regatta Point development.

In conclusion, Ms. Veniot expressed concern regarding increased traffic, problems with parking, the aesthetics of the development, the possibility of increased crime and vandalism and a lack of green area.

Mr. Andrew Ritcey, representing owners and investors in the Regatta Point development, addressed Council in opposition to the proposal citing psychological/social, environmental and economic reasons. Mr. Ritcey noted that statistics indicated that persons living in apartments spend more time within their unit than persons living in semi-detached or single family dwellings. This is especially true of seniors, therefore, development of an apartment building for seniors may well be detrimental to psychological/social well being of those seniors.

Referring to the environmental impact of an apartment building on the Regatta Point Development, Mr. Ritcey indicated that another apartment building would exceed the guideline for apartments within the original plan of development. The location of the building would eradicate the impression of a mixed use residential development, exacerbate parking problems already experienced and, by placing an apartment on the periphery of the development, be in direct contrast to the original intent to have apartment buildings centralized.

Mr. Ritcey reviewed the tax implications of approving an apartment building noting that Council would receive less tax than would be generated under the existing development proposal.

Mr. Cecil Caines, on behalf of condominium owners who have formed a rental group, addressed Council in opposition to the proposed apartment building for reasons relating to the economic threat to those persons he was representing.

Mr. Peter Milley, Chairman of the Regatta Point Landowners Association, addressed Council in favour of the

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proposal. Mr. Milley advised that the Regatta Point Landowners Association, believing that the Planning Advisory Committee had not recognized the level of support in the community for the proposal, carried out a survey of area residents to determine their position with regard to the proposed amendments. Mr. Milley briefly explained that there was unanimous support for the proposal to bring lot RP-1 into the Regatta Point development and support of the large majority for the proposed development of RP-6 and RP-7.

In conclusion, Mr. Milley indicated that this proposal deserved Council approval. Note should be made that the substance of Mr. Milley's presentation can be found in his letter of 19 March referred to previously.

Mr. Sandy Hamilton, Chairman, Design Review Board, addressed Council in support of the proposal. Mr. Hamilton briefly reviewed the discussions held by the Design Review Board prior to approving the proposal. Referring specifically to Lot RP-1, Mr. Hamilton indicated that the Design Review Board was in favour of the development of 12 townhouse units subject to the development guidelines of Regatta Point. Mr. Hamilton went on to address Lots RP-6 and RP-7 citing the following in support of the proposal for those lots:

- the proposal maintains and completes the streetscape on Purcell's Cove Road;
- the proposal also completes the streetscape on Spinnaker Drive;
- the proposal preserves a great number of the pine trees located on lot RP-7; and
- the proposal has the support and approval of the Landowners Association and the Design Advisory Tribunal.

Mr. Asaym Kadre, the developer for Lot RP-1, addressed Council referring to his company's written request for withdrawal of the application for a plan amendment on his lot. Providing a brief explanation of why he wished to

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withdraw his application, Mr. Kadre indicated that the proposal being considered by Council this evening reduced the number of townhouses to 12 from the 13 originally proposed. Mr. Kadre, noting that he was not aware of any opposition to the 13 townhouses on the part of the Design Advisory Board, indicated that he would like to begin again in terms of development of the property. Mr. Kadre requested that Council support his request to withdraw.

In response to a question from Alderman Epstein, Mr. Kadre indicated that he would not at this time be in favour of having his property brought under the guidelines of the Regatta Point development.

Mr. Danny Chedrawe, the developer for Lots RP-6 and RP-7, addressed Council in support of the proposal. Mr. Chedrawe noted that Regatta Point is a unique development having had significant resident input. Noting that Council has heard the pros and the cons of the proposal, he asked that they seriously consider the process through which the proposal has been through in terms of the Design Advisory Board of Regatta Point.

Mr. Asman Airuyt, joint owner of Lot RP-1, addressed Council requesting that they consider the application to withdraw noting that he and Mr. Kadre were in no great hurry to proceed with development of the property.

Ms. Barbara Davison, 12 Spinnaker Drive, addressed Council in opposition to the proposal for Lots RP-6 and RP-7. Ms. Davison cited a change in the mix of use in Regatta Point and the location of a high rise building on the periphery of the development when the original plan called for low rise as her primary concerns.

Ms. Barbara Pike, 265 Spinnaker Drive, addressed Council in support of the proposal and, on behalf of her condominium association, indicated that the retention of the trees and the unique architecture of the building were in keeping with the Regatta Point development. Ms. Pike further noted that the amendment would continue the streetscape on Spinnaker Drive.

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

MOVED by Alderman Hanson, seconded by Alderman Adams that this matter be referred without recommendation to the next regular meeting of Halifax City Council scheduled for 28 March 1996.

Motion passed.

Case 7286 - Rezoning of 5397 Young Street

A public hearing relating to this matter was held at this time. A petition was submitted from seven residents of the Young Street/Needham Street area in opposition to the rezoning.

Mr. Gary Porter, Development and Planning, briefly outlined the application for rezoning as found in the 30 January 1996 staff report. Mr. Porter indicated that staff was recommending refusal of this rezoning.

Mr. Sharon Nordquist, applicant, addressed Council in support of the application. Ms. Nordquist, referring to the controversy over the legality of her property, advised that when she purchased the property it was a duplex. Ms. Nordquist briefly described the intended use of this property and indicated there would be no increase in traffic. Ms. Nordquist submitted a petition in support of the rezoning signed by 5 residents of the Young/Needham Streets area. She further submitted correspondence signed by six residents of Shirley/Pepperell Streets regarding the appropriate operation of her Small Options home on Pepperell Street.

Mr. Doug Miller, architect for the applicant, addressed Council in favour of the proposal briefly reviewing the events leading up to this public hearing. Referring to staff's reasons for refusal, Mr. Miller suggested that the proposal for a Small Options Home met use intensity guidelines, was compatible with the surrounding neighbourhood and did not threaten the integrity of the R-1 nature of the neighbourhood. He further noted that the City of Halifax philosophically

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supports Small Option Homes and should support this application for rezoning.

Mr. Patrick Murphy, 5280 Young Street, addressed Council in opposition to the proposal to rezone. Mr. Murphy indicated that this was a pocket rezoning and was a violation of the recent rezoning to R-1 in an attempt to protect the area. He further indicated that such a rezoning would not be in keeping with Policy 2.4 of the Land Use Bylaw which encourages the stability of existing neighbourhoods.

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

MOVED by Alderman Blumenthal, seconded by Alderman Downey that this matter be referred without recommendation to the next regular meeting of Halifax City Council scheduled for 28 March 1996.

Motion passed.

Case 6511 - Amendment to Stage I,  
Schedule K, Agreement - Glenbourne

A public hearing relating to this matter was held at this time. Correspondence dated 12 March 1996 from Robert Surrette, Interim Chairperson, Glenbourne Homeowners Association, requesting a postponement of this evening's public hearing was submitted.

The following correspondence was submitted in opposition to the proposal:

1. Approximately 40 letters dated in March 1996 from residents of the Glenbourne Subdivision in opposition to the proposal to amend the development agreement.
2. Letter from Mark Singer and Leslie Moldovan-Singer, 16 Heathside Crescent in opposition to the proposal to amend the development agreement.



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3. Letter from Debbie Hum and Sara Jane Snook, Co-Chairs Grosvenor-Wentworth Park School Parents Committee on Overcrowding dated 19 March 1996 was submitted in opposition to the proposed amendment to the development agreement.
4. Presentation to City Council by Robert Surette, Interim Chairperson, Glenbourne Homeowners Association, dated 20 March 1996 was submitted in opposition to the proposal.

A report dated 5 March 1996 was also submitted from Richard Gagné, Chairman, Lakes and Waterways Advisory Committee.

Mr. Phil Francis, Development and Planning, briefly outlined the proposal to amend the Stage I development agreement for the Glenbourne subdivision. Mr. Francis indicated that this amendment was requested in response to market demand for small lot single family dwelling and to meet the requirements of the Nova Scotia Department of the Environment in respect to preservation of the wetlands at the site. Mr. Francis further noted that the Lakes and Waterways Committee has recommended retention of the wetland as proposed by the developer.

Mr. Tom Swanson, Annapolis Basin Group, addressed the Council in support of the proposal and provided a brief background to the proposed amendment. Mr. Swanson then outlined the benefits which would accrue to the City should this proposal go forward. Mr. Swanson indicated that he had met with residents of the Glenbourne subdivision and had undertaken, in writing, to alleviate their concerns. Mr. Swanson indicated that the existing owners had been given an assurance that the newly proposed R0 lots/homes would be equal to or greater in size and quality. He further noted that concerns expressed regarding litter around the construction site and removal of downed trees would be addressed.

Mr. Jerry Thibbeau, a resident of the Glenbourne Subdivision, addressed Council in opposition to the proposal and read a letter from area residents. This letter is Item 1 above of correspondence recorded as being submitted.

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Mr. Robert Surrette, a resident of the Glenbourne Subdivision, addressed Council in opposition to the proposal and read from his submission of March 20, 1996 (recorded above). Mr. Surrette cited proximity of houses, lot grading problems, completion of Phase I and overcrowding of schools as concerns relating to the development. Mr. Surrette noted that attached to his submission was a letter dated 15 March 1996 from Greg Bray of Atlantis Realty Limited confirming that many area residents purchased their property based upon the original proposal. He further noted that also attached was a petition signed by approximately 61 residents of the Glenbourne Subdivision in opposition to the proposal.

Mr. Mark Singer, 16 Heathside Crescent addressed Council in opposition to the proposal. Mr. Singer cited the following reasons for his opposition:

- the proposed amendment will change the community as envisioned at the time he purchased his property; and
- the proposed amendment will de-value the existing homes in the community (homeowners on Heathside Crescent paid a premium on their property due to the fact they would abut R-1 properties).

In conclusion, Mr. Singer indicated that the original plan was a well thought out development and urged Council not to approve the proposed amendment.

Ms. Linda Coxworthy, 48 Heathside Crescent, addressed Council in opposition to the proposal. Ms. Coxworthy indicated that she had also paid a premium upon purchase of her property and indicated that the proposed amendment would drastically alter the neighbourhood.

Mr. Jody McIntyre, an area resident, addressed Council in opposition to the proposal. Mr. McIntyre suggested that no reasonable effort had been made to market the R-1 lots proposed for downzoning.

Mr. Archie Hattie, Vice President, Annapolis Basin Group, addressed Council advising that he had met with various members of the Glenbourne Homeowners Association to

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clarify their concerns with regard to the proposed amendment. Mr. Hattie indicated that lot grading problems would be addressed during development of the lots in question. He further indicated that all lots have been sold and, given that homes would soon be built on these lots, his company was eager to begin Phase II of the project.

Referring to the premium paid by residents of the area, Mr. Hattie indicated that this was not a marketing tool of Annapolis Basin Group. Mr. Hattie went on to suggest that the greatest stumbling block to this proposal was the lack of a commitment with regard to lot sizes and property development contained within the Development Agreement. Mr. Hattie indicated that he had no difficulty addressing resident concerns in writing.

Ms. Leslie Moldovan, 48 Heathside Crescent, addressed Council in opposition to the proposal. Ms. Moldovan indicated that the proposal would result in four lots abutting her property, a situation she felt was not usual in Halifax.

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

MOVED by Alderman Stone, seconded by Alderman Pottie that this matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for 28 March 1996 pending staff, the developer and representatives of the Glenbourne Homeowners Association meeting to discuss and resolve concerns expressed this evening.

Motion passed.

Case 7271: Junk Yard Definition &  
Halifax Forum Zoning

A public hearing into this matter was held at this time. A supplementary report dated 13 March 1996 was submitted from the Director of Development and Planning.

Ms. Jacqueline Hamilton, Development and Planning, provided a brief outline of the proposal as found in staff reports dated 8 November 1995 and 13 March 1996.

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Mr. Dan Clark, representing Mr. Wayne Mitchell proprietor of Envirostore, addressed Council urging Council to endorse and accept the recommendation of staff found in the 8 November 1995 staff report. He cited the following as reasons Council should endorse this proposal:

- no legitimate complaint has been received since Mr. Mitchell began operation of Envirostore in June 1995;
- this action will legalize the commercial activity presently occurring at the Forum;
- staff and Council control the Envirostore lease;
- approving the recommendation will ensure a useful function for the building
- the operation is internal to the building

Mr. Wayne Mitchell, proprietor of Envirostore, addressed Council requesting support of the proposal. In support of the proposal Mr. Mitchell advised that the Forum would receive \$40,000 in rent and the City receive Occupancy Tax; he had improved the property (painting of exterior); employed hard to employ persons (i.e. disabled persons); and is diverting materials from the landfill.

Mr. Mitchell briefly reviewed his future plans for focusing on education and improving his store area.

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

MOVED by Alderman Pottie, seconded by Alderman Blumenthal that City Council:

1. Amend the land use bylaw respecting "junk yards" by adopting the proposed amendments illustrated in Appendix "A" of the 8 November 1995 staff report;
2. Amend the land use bylaw respecting "recycling depots" by rescinding this definition as illustrated in Appendix "A" of the 8 November 1995 staff report;

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3. Amend the Peninsula North Secondary Planning Strategy by redesignating the Park and Institutional portion of the Halifax Forum lands, Major Commercial, as illustrated on Map 1 of the 8 November 1995 staff report;
4. Rezone that portion of the Halifax Forum lands which is zoned P (Park and Institutional) to C-2 (General Commercial) as illustrated on Map 2 of the 8 November 1995 staff report; and
5. Discharge the development agreement for the Halifax Forum lands which was approved on 23 February 1994.

Motion passed.

**Heritage Hearing - Deregistration of Parcel 1,  
6941 Tupper Grove**

A heritage hearing into this matter was held at this time.

Mr. B. G. Smith, Acting City Manager, provided a brief overview of the matter as contained in the 22 January 1996 staff report.

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

MOVED by Alderman Epstein, seconded by Mr. Adams that City Council deregister Lot #1, 6941 Tupper Grove, more properly described in Schedule "A" attached to the 22 January 1996 staff report.

Motion passed.

**Case 7244- Appeal of Minor Variance,  
46 Tremont Drive**

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

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Mr. Phil Francis provided a brief overview of this matter as outlined in the 30 January 1996 staff report.

Mrs. Mary Fowler, the applicant, advising that she and her husband were seeking this minor variance in order to construct a bedroom on the main floor. Mrs. Fowler indicated that a recent illness suffered by her husband makes it difficult for him to climb the stairs and, given that they wish to remain in their home, it is desirable to have a main floor bedroom. Mrs. Fowler indicated that the neighbours had no difficulty with the proposed addition.

There were no further persons present wishing to address Council.

MOVED by Alderman Stone, seconded by Deputy Mayor Crowley that Council grant the appeal and overturn the decision of the Development Officer to refuse a minor variance of the side yard requirement for the property 46 Tremont Drive.

Motion passed.

Heritage Hearing - Deregistration of Parcel 2,  
1326 Barrington Street

A heritage hearing into this matter was held at this time.

Mr. B. G. Smith, Acting City Manager, provided a brief overview of this matter as outlined in the 22 January 1996 staff report.

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

MOVED by Alderman Downey, seconded by Alderman Pottie that Council deregister parcel #2, 1326 Barrington Street, more properly described in Schedule "A" of the 22 January 1996 staff report.

Motion passed.

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**Street Closure - Old Road Allowance  
Former Hogan Lands**

A public hearing regarding this matter was held at this time.

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

MOVED by Alderman Stone, seconded by Deputy Mayor Crowley that City Council approve the closure of the old road allowance situated on the former Hogan lands (Bicentennial Drive - Edward Laurie Drive) as described on Plan No. TT-52-31731.

Motion passed.

12:35 p.m. The meeting adjourned.

1:35 p.m. The meeting reconvened with all the same members being present.

**ADDED ITEMS**

Council considered the following items referred to this meeting from the Committee of the Whole held earlier today:

**Birch Cove Park - Concept Plan**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Downey, seconded by Alderman Epstein, as recommended by the Planning Advisory Committee, that Council approve the Birch Cove Concept Plan as set out in Appendix I of the Plan.

Motion passed.

**277 Bedford Highway - Ripley Property**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Downey, seconded by Alderman Epstein, as recommended by the Planning Committee, that the earlier approved motion of 14 December 1995 be amended to read "that the City authorize the granting of a Quit Claim Deed to the purchaser of the Ripley Estate at 277 Bedford Highway, of the existing ten foot right-of-way together with an extra three foot wide strip on the north side representing approximately 1040 square feet for a price of \$2,100, subject to the approval of Mr. William Hayward, Halifax Regional Coordinator.

Motion passed.

**Fisherman's Market**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

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

1. the City abandon the so-called "jib-lot" containing approximately 753.5 square feet that was expropriated from Fisherman's Market. This is recommended on the basis that there will be no further claims for compensation, legal expenses, etc. from the Waterfront Development Corporation (WDCL), who will be acquiring the parcel from the Fisherman's Market Limited under Purchase and Sale Agreement.
2. the City convey an additional small triangular strip of roughly 123.5 square feet at appraised market value at \$56.50 to make the "jib lot" more functional.
3. the City abandon its joint interest with the Fisherman's Market in the right-of-way over Lot



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WD-5 containing 1,662 square feet, as that right-of-way serves no functional purpose to the City.

4. the City authorize the immediate sale to the Waterfront Development Corporation of the screened area to the rear of the Fisherman's Market at a value of \$56.50 per square foot, subject to the availability of funds. It is understood that if immediate funds are not available, then the WDCL would request that the Halifax Regional Municipality either lease them the land at a market rent of \$11,263 per annum or grant a two year option to purchase the lot at \$56,50 per square foot for an option fee of five percent of the purchase price.
5. the above recommendations be subject to the approval of Mr. William Hayward, Halifax Regional Coordinator.

Motion passed.

**Encroachment License - Civic #50 Bedford Highway**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Downey, seconded by Alderman Epstein, as recommended by the Planning Committee, that an Encroachment License be granted to The Kiwanis Club of Halifax for the purpose of erecting an encroaching free-standing sign in front of the Wandlyn Motel located at Civic #50 Bedford Highway, as shown in the sketches attached to the staff report of 6 March 1996.

Motion passed.

**Encroachment License - Civic #2193 Gottingen Street**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

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MOVED by Alderman Downey, seconded by Alderman Epstein, as recommended by the Planning Committee, that an Encroachment License be granted to Hal Forbes Restoration for the purpose of erecting an encroaching canopy across the front of the building located at Civic # 2193 Gottingen Street, as shown in the sketches attached to the staff report of 20 February 1996.

Motion passed.

Encroachment License - Grafton Connor Group Proposal

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Downey, seconded by Alderman Epstein, as recommended by the Planning Committee, that an encroachment licence be granted to the Grafton Connor Group for a time period beginning 1 May 1996, and ending 15 October 1996, to establish a cafe serving area on the sidewalk abutting 1726 to 1740 Argyle Street (west side) provided that the Grafton Connor Group agrees to assume all costs associated with creating a temporary sidewalk area abutting the full length of the cafe serving area.

Motion passed.

Encroachment License - Civic #2033 Bauer Street

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Downey, seconded by Alderman Epstein, as recommended by the Planning Committee, that an Encroachment License be granted to Mr. Timothy Drenan for the purpose of constructing two window wells at the front of the building located at Civic # 2033 Bauer Street to provide light and ventilation to a proposed basement apartment, as shown in the sketches attached to the staff report of 20 February 1996.

Motion passed.

**Report from Planning Advisory Committee:  
Case No. 7137 Inns in Residential Neighbourhoods**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Downey, seconded by Alderman Epstein, as recommended by the Planning Committee, that the Council of the Halifax Regional Municipality give notice of its intention to adopt amendments to the City of Halifax Municipal Development Plan and Land Use Bylaw as set out in Appendices I and II of the 12 March 1996 Planning Advisory Committee Report which would allow inns in certain residential-commercial zones; and set a date for a public hearing.

Motion passed.

**Expropriation Parcel R, Robie/Almon Street**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

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

1. That Parcel R as shown on Plan No. TT-52-32714 and containing 1,342 square feet (409.0 square meters), be expropriated by the City of Halifax for street purposes and that Halls Creek Holdings Limited be offered \$165,000 as compensation based on the appraisal prepared by At-Tech Appraisal Consultants Limited.
2. The Mayor be authorized to seek an Order of Immediate Possession from the Attorney General for Parcel R.
3. Council authorize the transfer of unused funds in the amount of \$200,000 from various capital accounts where construction is completed, to Capital Account No. 91555, Robie Street Widening, Young Street to Almon Street for the settlement of the expropriation of Parcel R.

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4. For the balance of funds, as required, Council authorize staff to seek approval from the Minister of Municipal Affairs to withdraw sufficient funds from the Sale of Land Account for compensation for Parcel R.

Motion passed.

**Chebucto Road School - Proposed Lease,  
New Bungalow Building**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Downey, seconded by Alderman Epstein, as recommended by the Planning Committee, that Council authorize the Mayor and City Clerk to execute a lease, in the general form as shown in Attachment "A" of the 12 March 1996 staff report for a portion of the land at 6225 Chebucto Road (Chebucto Road School - New Bungalow Building) with the Islamic Association, for the purpose of operating an Islamic Centre, School and Mosque. The lease is proposed subject to the approval of Mr. William Hayward, Halifax Regional Co-ordinator.

Motion passed.

**Neptune Theatre/Khyber Negotiations**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

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

1. Authorize the Mayor and City Clerk to execute a proposed Letter of Agreement for the Resolution of the Neptune-Khyber Negotiations (as attached to Appendix "A" of the staff report dated 15 March 1996). This proposed agreement is subject to the approval of Mr. William Hayward, Halifax Regional Co-ordinator;

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2. Authorize the transfer of \$119,300 from the Heritage Fund to the Halifax Foundation, this being the City of Halifax share of the project costs required for the exterior alterations to the City-owned property located, at 1588 Barrington Street; and,
3. Approve a Heritage Fund grant to the Neptune Theatre Foundation, not to exceed \$20,000, to cost-share the additional cost of work required to stabilize the facade of the City Club building, located at 1580 Barrington Street.

Motion passed.

Final Report - Mayor's Task Force on "Traffic Infiltration of Community Neighbourhoods"

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Walker, seconded by Alderman Downey, as recommended by the Works Committee, that Council approve the recommendations contained in the "Traffic Calming Policy" prepared by the Mayor's Task Force on "Traffic Infiltration of Community Neighbourhoods" and forward the Policy, with recommendations, to the Halifax Regional Municipality.

Motion passed.

Tender #95-23, Bedford Highway Phase 2

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Walker, seconded by Alderman Maher, as recommended by the Works Committee that:

1. City Council approve an increase in consulting fees from \$171,200. to \$204,000., including GST, to O'Halloran Campbell Consultants Ltd. for contract

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administration and site inspection services on Contract \$95-23, Bedford Highway Upgrading, Phase 2.

2. City Council authorize the funding increase of gross \$33,000., including GST and net \$11,000., including GST, from Capital Infrastructure Account No. 91552.

Motion passed.

**Acquisition - Parcel R-1, 3034 Windsor Street**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Walker, seconded by Alderman Maher, as recommended by the Finance and Executive Committee, that Parcel R-1 as shown on Plan No. TT-49-32106 be acquired from Hampshire Apartment Partners for \$5,481.50 as settlement in full plus any taxes and closing adjustments that may be applicable and further that funds be made available from the Sundry Land Acquisition Account, Account No. 91608.

Motion passed.

**Tender No. 96-80 - Vehicle Replacements - Two (2)  
1996 Model Service Trucks with Bodies - 15,000 G.V.W.**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Walker, seconded by Alderman Maher, as recommended by the Finance and Executive Committee, that City Council authorize award of Tender No. 96-80 to the lowest bidder meeting specifications - FORBES CHEV OLDS CADILAC.

Motion passed.

**Old Grace Maternity Hospital Site**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Walker, seconded by Alderman Maher, as recommended by the Finance and Executive Committee that, the City not allow the land in question to be used as a parking lot and further that, if necessary, Council instruct staff to test the legitimacy of the City's title in court.

Motion passed.

**Case 7011: Funding, Cost Sharing  
- Stoneybrook Court Road Widening**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Walker, seconded by Alderman Maher, as recommended by the Finance and Executive Committee, that City Council recommend to the Halifax Regional Municipality the following:

1. Approve the 50/50 cost sharing with Walfox Developments for the widening of the existing section of Stoneybrook Court from Lacewood Drive with sidewalk "A" (City share \$174,500 as determined by Porter Dillon Limited).
2. Approve the future construction of walkway "A" (City cost approximately \$186,000 as determined by Porter Dillon Limited).

Motion passed.

**Rehabilitation Reserve Fund**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Walker, seconded by Alderman Maher, as recommended by the Finance and Executive Committee,

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that funds from the Rehabilitation Reserve Fund be allocated as follows:

1. Wee Care Developmental Centre, \$60,000.
2. The Dartmouth Independent Students Association receive \$35,000. for furnishings and equipment at Rotary House.
3. The Captain William Spry Community Centre be allocated \$181,341. from the Rehabilitation Reserve Fund to cover 1995-96 operating costs.
4. The St. Leonard Society's request for \$14,946. be approved.
5. The Adsum House request for \$10,000. be approved.
6. Mental Health Halifax's request for \$15,700. be approved.
7. The Halifax City Regional Library's request for \$25,000. for resource materials be approved.
8. The Alzheimers Society's request for \$15,000 be approved.
9. The Human Resource Development Association's Knowledge Plus Divsion request for \$51,219 be reduced to \$25,000 and approved at that level.
10. Stepping Stone Assocation: no amount be approved at this time and that staff discuss with Stepping Stone their meeting the criteria staff used to evaluate each proposal.
11. Nourthwood Care Inc. and City staff continue discussions on the fit of the Northwood proposal on the overall transportation strategy for those with ambulation problems.
12. That the Green the City proposal not be approved.

Motion passed.



**Pension Plan Transition (Alderman Epstein)**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Walker, seconded by Alderman Maher, as recommended by the Finance and Executive Committee, that the City of Halifax enter into the Pension Asset Transfer Agreement attached to the report from the Halifax Retirement Committee dated 20 March 1996 as Schedule "B".

Motion passed.

**Historic Dockyard Clock (Mayor Fitzgerald)**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Walker, seconded by Alderman Maher, as recommended by the Finance and Executive Committee, that Council fund \$20,000 to \$25,000 to construct the base for the DND Dockyard Clock.

Motion passed.

**Social Assistance Rates after  
April 1, 1996 (Mayor Fitzgerald)**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Walker, seconded by Alderman Maher, as recommended by the Finance and Executive Committee that, a strong letter be prepared for the Mayor's signature to be considered at the next City Council meeting for forwarding to the Province concerning the proposed rates for Social Assistance.

Motion passed.

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**Tender 96-77R - Vehicle  
Replacements 1996 Truck**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Walker, seconded by Alderman Maher, as recommended by the Finance and Executive Committee, that City Council authorize award of Tender #96-77R to the lowest responsible bidder meeting specifications Carroll Pontiac Buick GMC for a bid price of \$56,979.43.

Motion passed.

**Request from Bill Hayward, Amalgamation Coordinator for Release  
of Legal Opinion Re: Employee Approval Award (B.G. Smith)**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

MOVED by Alderman Walker, seconded by Alderman Maher, as recommended by the Finance and Executive Committee, that Council unanimously support the decision by staff with respect to the release of legal opinions concerning the Employee Approval Award.

Motion passed.

**Downtown Parking Facility (Alderman Uteck)**

This matter was referred to this meeting from the Committee of the Whole Council held earlier today.

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

"Be it resolved that Halifax City Council strongly recommend to the Council of the Halifax Regional Municipality that funds accruing to the Sale of Land account from the sale of Area "P" parking area to ITT Sheraton

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shall be used to conclude the purchase of lands required for the Downtown Parking Facility at Granville, Hollis and Salter streets as provided for in Council resolutions of 12 and 27 April 1995.

Motion passed.

1:45 a.m. There being no further business, the meeting adjourned.

Mayor Walter Fitzgerald  
Chairman

Submitted by:  
Edward A. Kerr  
City Clerk

skc/sam

# MINUTES

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**MEETING:** HALIFAX CITY COUNCIL  
REGULAR MEETING

**PLACE:** COUNCIL CHAMBER  
HALIFAX CITY HALL

**DATE:** 28 MARCH 1996

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

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

**STAFF:** BARRY COOPERSMITH, CITY MANAGER  
MARY ELLEN DONOVAN, CITY SOLICITOR  
EDWARD A. KERR, CITY CLERK

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**PRESENTATIONS**

**On behalf of members of Halifax City Council, His Worship Mayor Fitzgerald addressed Council and presented the following persons with certificates of honour:**

**Mr. Lou Collins  
Mr. Graham Hicks  
Mr. Walter Mitchell**

**Presentation: Peaceworkers Quilting Group**

**Representatives of the Peaceworkers Quilting Group address Council and presented the City of Halifax with a G-7 quilt.**

**On behalf of the City of Halifax, His Worship Mayor Fitzgerald extended thanks and appreciation to the Peaceworkers Quilting Group for their work and gift to the City.**

**Presentation of Scroll - Mayor's Advisory Committee  
on Race Relations (Alderman Blumenthal)**

**Alderman Blumenthal addressed Council and presented to His Worship Mayor Fitzgerald and members of Council a scroll from the Mayor's Advisory Committee on Race Relations in recognition of the initiative undertaken to eliminate racism and foster a positive community relations for all citizens.**

**Presentation of Scroll by Alderman Adams, Chairman,  
Taxi Commission to Terry Botten, General Manager,  
Halifax Sheraton**

**Alderman Adams addressed Council and presented Mr. Terry Botten, General Manager, Halifax Sheraton, with an award in appreciation of his continued efforts and support of the new hotel standards program.**

**Presentation - Edward A. Kerr, City Clerk**

**On behalf of members of Halifax City Council, His Worship Mayor Fitzgerald addressed Council and presented Mr. Edward A. Kerr, City Clerk, a gift in appreciation of his 26 years of service to the City of Halifax.**

**MINUTES**

Minutes of the regular meeting of Halifax City Council, held on 29 February 1996 were approved as circulated on a motion by Alderman Blumenthal, seconded by Alderman Walker.

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

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

- 20.1 Radisson Suites Hotel Lay-by (Alderman Downey)
- 20.2 Point Pleasant Park Commission (Alderman Uteck)
- 20.3 Closing Remarks (Deputy Mayor Crowley)
- 20.4 Brunswick Meeting Brokers v.s. City of Halifax
- 20.5 Halifax Metro Centre - Request for Additional Capital Funding (Alderman Stone)
- 20.6 Retirement & Severance Benefits - Mr. Bill Hayward
- 20.7 Auditors Report

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

- 20.8 Recognition of City of staff moving to HRM

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



20.9 Restoration of Canteen at the Public Gardens

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

20.10 Boards & Commissions as they Presently Exist

Moved by Alderman Downey, seconded by Alderman Epstein that the agenda be approved as amended.

The motion was put and passed.

**Retirement & Severance Benefits - Mr. Bill Hayward**

It was agreed that this item be dealt with at this time.

Mr. C. William Hayward, Amalgamation Co-ordinator, addressed Council and, as outlined in a letter distributed to members of Council dated 28 March 1996, commented on several issues pertaining to motions of Council with respect to retirement and severance benefits and presented the following conclusions:

*The Co-ordinator's approval is given for the disbursement (or put in trust with the Halifax Regional Municipality) of the funds for the "pre-retirement leave" and the "employee appreciation award".*

*The Co-ordinator does not approve the disbursement of the "service recognition award".*

**Auditors Report**

Mr. B.G. Smith, Director of Finance, and the auditors addressed Council and reviewed the audited report and full set of unprecedented financial statements for the City of Halifax.

**DEFERRED ITEMS**

**Case No. 7155: Front Yard Parking  
- Amendment to the Land Use Bylaw**

A public hearing on this matter was held 20 March 1996.

Letters from Nicolaas Honig, 5562 Bloomfield Street, Halifax, NS, dated 19 & 28 March 1996, were submitted.

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

1. amend the land use bylaw (Peninsula Section) for residential uses in the R-1, R-2, R-2A and the RC-1 zones to permit more than 33 percent of the front yard to be used for vehicular access, manoeuvring or parking if a driveway not greater than 8 feet in width, provides access to:
  - a) a garage within the building or parking space in the side or rear yards; or,
  - b) a parking space not greater than 8 feet by 16 feet in the front yard for a residential building existing on 20 February 1996, provided that the parking space is as perpendicular to the street as possible.

Motion passed

**Case No. 7193: R-2T(Townhouse Zone)  
- Amendment to the Land Use Bylaw**

A public hearing on this matter was held 20 March 1996.

An information report dated 25 March 1996 was submitted.

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that Council:

Amend the land use bylaw (Peninsula and Mainland Sections) to include the R-2T

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(Townhouse) Zone, rezone the townhouses of Convoy Place to R-2T and:

- a) maintain R-2 zone for the Hydrostone and commence staff studies and standards to protect the heritage quality of the area; or
- b) maintain R-2 zone for the Hydrostone and seek heritage registration.

Motion passed.

**Case No. 6771: Marina and Boat Charter Service**

A public hearing on this matter was held 20 March 1996.

An information report dated 26 March 1996 was submitted.

A petition containing 141 signatures of persons in opposition to unlimited marine development and boat and yacht clubs in Purcells Cove.

MOVED by Alderman Hanson, seconded by Alderman Adams that small scale marine uses in Purcells Cove only be permitted by development agreement (this would require further staff report on the required plan and bylaw amendments, referral to the Planning Advisory Committee and Public Hearing).

Motion passed.

**Case No. 7065: Plan Amendment and Amendment to Development Agreement - Regatta Point**

A public hearing on this matter was held 20 March 1996.

Correspondence from Peter G. Milley, CMC, Chair, Regatta Point Landowners Association, dated 27 March 1996 was submitted.

MOVED by Alderman Hanson, seconded by Alderman Carmichael that City Council adopt an amendment to the Municipal Development Plan which will enable a development agreement application to consider:

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- a) Four townhouses on lot RP-7 Regatta Point and;
- b) A 48 unit apartment building on lot RP-6 Regatta Point.  
Regatta Point

Motion passed with Aldermen Maher and Walker voting in opposition.

Mr. Gary Porter, Planner, addressed Council and advised that the applicant for Lot RP-1 has indicated that he wishes to withdraw his application.

MOVED by Alderman Hanson, seconded by Alderman Epstein that the withdrawal of the proposed plan amendment with respect to Lot RP-1 Regatta Point be accepted.

In making this motion, Alderman Hanson requested that it be put on record that City Council not support any commercial use on this lot.

Motion passed.

Case No. 7286: Rezoning of 5397 - Young Street

A public hearing on this matter was held 20 March 1996.

A petition containing 15 signatures of persons in opposition to the proposed rezoning was submitted.

MOVED by Alderman Blumenthal, seconded by Alderman Walker that the application for a rezoning from R-1 (single family dwelling Zone) to R-2 (General Residential Zone) and for a lot modification development agreement, lands of Sharon Nordquist, 5397 Young Street be refused by City Council.

Following a discussion, the motion was put and passed.

Case No. 6511: Amendment to Stage I,  
Schedule "K" Agreement - Glenbourne

A public hearing on this matter was held 20 March 1996.

The following correspondence was received:

- A supplementary staff report dated 26 March 1996 was submitted.
- A letter dated 27 March 1996 from Peter & Linda Coxworthy, 48 Heathside Crescent, was also submitted.
- A petition signed by 41 persons in opposition to the proposed amendment.

MOVED by Alderman Stone, seconded by Alderman Maher  
that:

1. The request for an amendment to the Stage I Schedule "K" development agreement for Glenbourne be approved by City Council.
2. The application under Schedule "K", Section 68 of the Land Use Bylaw, Mainland Area, for Stage II approval of the Glenbourne Phase 2A development be approved by City Council.
3. Council extend the time limit for commencement of construction for Phase 2A from 29 July 1995 to 31 July 1996.
4. Council require that the amending Stage I agreement and the Stage II agreement for Phase 2A shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council; otherwise, this approval will be void and obligations arising thereunder shall be at an end.
5. City Council recommend to the Regional Council that the amount of \$482,300 be

placed in the 1996 capital budget for construction of the sportsfield on Park E.

Following a discussion, the Motion 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, 20 March 1996, as follows:

### Mainland Common - Lease of Land to Soccer Nova Scotia

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

The City Manager advised that, due to time constraints and the move of staff to the Halifax Regional Municipality, staff were unable to provide a report at this time.

Following a discussion, it was MOVED by Alderman Walker, seconded by Alderman Blumenthal that:

- (i) authorize the Mayor and City Clerk to execute a lease, generally as shown in Attachment A of the staff report dated 1 March 1996 for a portion of land in Mainland Common, with Soccer Nova Scotia, for the purpose of building an indoor soccer facility, subject to the approval of Mr. William Hayward, Halifax Regional Co-ordinator; and
- (ii) authorize the setting of a date for a public hearing for the proposed laying down of streetlines as shown

on the map (attachment B of the staff report dated 1 March 1996).

Motion passed.

**Award of Tender 95-75R - Mainland North Common  
Recreational Phase #1, Site Servicing**

This matter was forwarded to Council without recommendation.

MOVED by Alderman Stone, seconded by Alderman Walker  
that City Council:

1. Award Tender No. 95-75R to Dexter Construction Company Ltd. at a tender price of \$212,181. with a Total Project Cost of \$250,000., and
2. Approve funds for this project in an amount of \$250,000. from Capital Account #9160-97013, Mainland Commons, subject to the approval of Mr. William Hayward, Halifax Regional Municipality Coordinator.

Motion passed.

**Shakespeare by the Sea**

It was agreed that this item be withdrawn from the agenda.

**Approved Capital Budget Projects 1995-96**

This item was forwarded to Council pending a report from staff.

MOVED by Alderman Downey, seconded by Alderman Walker  
that staff take every possible step to designate any surplus funds for outstanding capital projects.

Alderman Walker requested a list of the projects that were completed and the ones that were carried over.

His Worship noted that the Halifax Regional Municipality staff would respond to Alderman Walker's request.

Motion passed.

**Appointments - Natal Day Committee**

This matter was forwarded to Council without recommendation pending clarification of appointments.

MOVED by Alderman Uteck, seconded by Alderman Epstein that Alderman Blumenthal be appointed to the Natal Day Committee.

Motion passed.

**Dormant City of Halifax Trust Funds - Transferred to Halifax Foundation**

This matter was deleted from the 20 March 1996 Committee of the Whole agenda, however, it was noted at that time that it would be considered at this meeting.

MOVED by Alderman Epstein, seconded by Alderman Maher that:

1. Council authorize the transfer of \$272,453.72 dormant Trust funds currently held by the City of Halifax and identified as the Larry O'Connell Picnic for Orphans Trust, the J.M. Foote Trust, the Cogswell Military Drill Trust, and the George Hart Trust, all amounts as of March 31, 1996, to the Halifax Foundation.
2. Council approve the attached legislation, or as necessarily amended, for presentation to the Legislation Assembly to effect the transfer of these funds to the Halifax Foundation (attachment A of the staff report dated 28 March 1996).

Motion passed.



Ordinance #185 - Burglary Alarms

This matter was forwarded to Council without recommendation.

MOVED by Alderman Walker, seconded by Alderman Maher that a recommendation go forward to the Halifax Regional Municipality that City of Halifax Ordinance 185 as it is formulated for the Halifax Regional Municipality be amended as set out in Appendix A of the 26 February 1996 staff report.

Motion passed.

Overhead Highway Sign - #4 Kearney Lake Road

This matter was forwarded to staff for a report.

An information report dated 27 March 1996 was submitted.

MOVED by Alderman Stone, seconded by Alderman Walker that this matter be referred to the Halifax Regional Municipality with the request that staff meet with representatives of the consultant and the Provincial Department of Transportation and Communications to discuss available options.

Alderman Blumenthal asked that staff also be requested to consider the option of reducing the size of the sign.

Motion passed.

Donald Murphy File

MOVED by Alderman Hanson, seconded by Alderman Walker that, as recommended by the Finance and Executive Committee, Council accept the context of the letter dated 26 February 1996 (directed to Mr. MacPherson).

Following a lengthy debate, the Motion was put and resulted in a tie vote as follows:

- FOR: Aldermen Uteck, Downey, Blumenthal, Hanson,  
Maher, Walker.....6
- AGAINST: Aldermen Carmichael, Epstein, Pottie, Adams,  
Stone, and Deputy Mayor Crowley .....6

His Worship broke the tie by voting in favour of the motion and declared the motion passed.

In response to a question from Alderman Adams, the City Solicitor advised that she would provide a legal opinion on whether or not the motion was subject to the approval of Mr. Bill Hayward, Amalgamation Coordinator.

In voting for the motion, His Worship requested a detailed break-down of the costs associated with the \$60,000 (i.e. legal fees, Mr. Murphy's share).

### Discovery Centre Funding

This matter was referred to Council pending receipt of a report from staff.

A supplementary staff report dated 28 March 1996 was submitted.

MOVED by Alderman Downey, seconded by Alderman Uteck that the City provide \$110,000 of additional funding via a budget transfer from account number 92999 to the International Visitor Centre and Discovery Centre project at 1593-95 Barrington Street, execute the Cooperation Agreement on Technology Development of 13 March 1996, and authorize the use of GST and PST rebate funds for the project.

Motion passed.

Taxi Review Committee

This matter was forwarded without recommendation.

A letter and report from Mr. Clyde A. Paul, dated 25 March 1996, was submitted.

MOVED by Alderman Adams, seconded by Alderman Stone  
that:

1. The current moratorium on the number of vehicles in the taxi industry in the City of Halifax continue in effect.
2. There be an immediate one time school held for up to 40 applicants thereto.
3. The school be held so as to encompass a 40 hour curriculum for attendees, and that attendees must pass the prescribed course to qualify for application for a taxi drivers license.
4. Attendees to the school pay a tuition fee on a full cost recovery basis to be prescribed.
5. At the end of the school when the number of graduates has been determined, the existing moratorium on the issuance of new taxi driver's licenses be suspended and lifted for a two week period so as to allow for the new graduates to apply for and be issued their taxi driver's license.
6. The moratorium be extended on both driver's licenses and vehicle permits for a further 3 year period following September 30, 1997, bringing the new end date for both moratoriums to September 30, 2000, so as to allow the industry overall to stabilize.
7. To annually meet and review the existing state of the taxi industry during the term of the moratorium. Such a review be held following the close of annual registrations for both drivers and vehicles, perhaps late May or early June of each year beginning in the year 1997. That the review be conducted by a committee composed of two members of the Halifax

Regional Taxi Commission, two members representing owners/drivers, and two members representing brokers. The recommended mandate of the Committee would be to assess the industry as it exists at the time, with a view to making recommendations for necessary action to Council through the Taxi Commission.

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

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

**Ordinance 189 Respecting Trees -  
SECOND READING**

MOVED by Alderman Carmichael, seconded by Alderman Epstein that Council approve SECOND READING of the proposed Ordinance Respecting Trees, Number 189, as attached to the staff report of 16 February 1996.

Motion passed.

**REPORT - PLANNING COMMITTEE**

Council considered the report of the Planning Committee from its meeting held on Wednesday, 20 March 1996, as follows:

**Casino Theatre**

An information report dated 22 March 1996 was submitted.

MOVED by Alderman Downey, seconded by Alderman Epstein that, as recommended by the Planning Committee, this item be referred to the Halifax Regional Municipality.

Motion passed.

**Chebucto Road School - Proposed  
Lease, Main Building**

MOVED by Alderman Epstein, seconded by Alderman Adams that, as recommended by the Planning Committee, Council authorize the Mayor and City Clerk to execute a lease, in the general form as shown in Attachment "A" of the 12 March 1996 staff report for a portion of the land at 6199 Chebucto Road (Chebucto Road School - Main Building) with the Maritime Conservatory of Music, for the purpose of operating a music and dance education facility. This proposed lease subject to the approval of Mr. William Hayward, Halifax Regional Co-ordinator.

Motion passed with Aldermen Blumenthal voting in opposition.

**Case No. 7133: Amendment, Rezoning R-2 to RDD  
and Amendment to Development Agreement  
Melville Ridge**

This matter was forwarded without recommendation.

A letter from B.K. Raju, applicant, withdrawing the application was received.

It was therefore agreed that this item be withdrawn from the agenda.

**MISCELLANEOUS BUSINESS**

**Rehabilitation Reserve Fund - Supplemental Report**

A staff report dated 25 March 1996 was submitted.

MOVED by Alderman Downey, seconded by Alderman Epstein that Council approve the following capital grants from the Rehabilitation Reserve Fund:

1. Family SOS - \$2937.50
2. Anchor Industry Society - \$3315.50
3. Lake City Woodworkers - \$4315.50
4. The Halifax YWCA - \$6937.50
5. The Single Parent Centre in Spryfield - \$2600.00
6. Veith House - \$3437.50

7. The Gordon B. Isnor Hot Lunch Program - \$2437.50
8. The Elizabeth Fry Society - \$2937.50
9. Planned Parenthood - \$2937.50

Motion passed.

### **ADDED ITEMS**

#### Radisson Suites Hotel Lay-by

This matter was added to the agenda at the request of Alderman Downey. Correspondence dated 27 March 1996 was submitted from Stewart McInnes, McInnes Cooper & Robertson on behalf of Hollis Hotel Incorporated.

MOVED by Alderman Downey, seconded by Alderman Pottie that the lay-by requested by Hollis Hotel Incorporated in connection with the Radisson Hotel development be approved.

Motion passed.

#### Point Pleasant Park Commission (Alderman Uteck)

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

Alderman Uteck referred to concerns expressed to him regarding the future of Point Pleasant Park and noted Park's Canada and Heritage Canada will be attempting to divest itself of responsibility for Point Pleasant Park within the next few years. Noting the experience of the metro area with both the Halifax and Dartmouth Commons, Alderman Uteck indicated that these concerns are valid.

MOVED by Alderman Uteck, seconded by Maher that Halifax City Council recommend to Halifax Regional Municipality Council that it entrench the following in any future lease or agreement:

- Maintain the present geographic boundaries of Point Pleasant Park;

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- Maintain the restriction on commercialism in the Park;
- Maintain the unique qualities and Ordinance variations presently in existence in the Park;
- Maintain the high levels of security and safety in existence today which many, including the Commission, believe is due in great part to the presence of a dedicated maintenance and security staff; and
- Maintain a Park Commission at least in an advisory capacity.

Motion passed.

**Closing Remarks (Deputy Mayor Crowley)**

His Worship indicated that closing remarks would be dealt with later in the meeting, and it was agreed that this matter be deferred to that time.

**Brunswick Meeting Brokers v.s. City of Halifax**

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

A private & confidential dated 28 March 1996 was submitted from the City Solicitor.

MOVED by Alderman Downey, seconded by Alderman Hanson that Council authorize the City Solicitor to make an unconditional offer to Brunswick Mortgage Brokers Limited in the amount of \$50,000 in full settlement of its claim against the City of Halifax and members of staff, which offer shall be open until 4:00 p.m. March 29, 1996.

Motion passed.

**Halifax Metro Centre - Request for Additional Capital Funding  
(Alderman Stone)**

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

Correspondence entitled 'Halifax Metro Centre Executive Suites Program - Request for Additional Funding - \$400,000' was submitted from Trade Centre Limited.

The City Manager expressed concern that he had not had an opportunity to verify the information provided and, unfortunately, could not make a recommendation to Council at this time. He went on to suggest that Council refer this matter to the next meeting of the Halifax Regional Municipality Council with a request that staff provide the required report.

MOVED by Alderman Epstein, seconded by Alderman Blumenthal that this matter be referred to the Halifax Regional Municipality Council with a request that a report be available to Council at its next meeting.

Motion passed.

**Recognition of Staff Moving to HRM**

This matter was added to the agenda at the request of Alderman Blumenthal.

Alderman Blumenthal indicated that departing members of City of Halifax staff have been recognized, however, members of staff moving to the Halifax Regional Municipality have not been recognized for the fine job they have done for the City. Alderman Blumenthal called on the Mayor to provide an appropriate recognition of the service provided to the City by these employees.

Referring to celebrations to be held tomorrow evening, the Mayor indicated that all employees would be recognized at that time.



Restoration of Canteen at Public Gardens

This matter was added to the agenda at the request of Alderman Carmichael.

Noting that the first step of the proposed restoration of the Public Gardens canteen has been completed and that an information report has been received from the restoration architect, it was MOVED by Alderman Carmichael, seconded by Alderman Uteck that Halifax City Council reaffirm its motions of October 27, 1955 and January 25 and February 15, 1996 that the restoration of the canteen facility at the Public Gardens and further that it request that the restoration be undertaken by the Halifax Regional Municipality Council in recognition of the exceptional value of this property.

Motion passed.

Existing Boards and Commissions

This matter was added to the agenda at the request of Alderman Adams.

Noting that this matter is to be discussed by the Regional Municipality Council on 11 April 1996, it was MOVED by Alderman Adams, seconded by Alderman Epstein that Council of the City of Halifax indicate to the Halifax Regional Municipality (HRM) that it endorses the recommendation contained in the HRM staff report and requests that HRM Council favourably consider this recommendation as it pertains to those Boards, Commissions and Committees listed.

Motion passed.

Bridge Financing - Civic Arena

Mr. Smith provided a brief verbal report and it was MOVED by Alderman Walker, seconded by Alderman Maher that the Forum Commission bridge financing funds be moved to the appropriate account. Motion passed.

Closing Remarks

His Worship, noting that members of the public had indicated they would like to address Council, invited Mr. Graham Reid to come forward.

Mr. Graham Reid, an involved citizen of Halifax, expressed his appreciation of Council's dedication to and hard work on behalf of the City of Halifax.

Deputy Mayor Crowley expressed her appreciation to Council for allowing her to be the Deputy Mayor of the City of Halifax. She went on to thank her constituents in Ward 11, Mr. Coopersmith, City Manager; Mr. Bernie Smith and all staff in all departments. In closing, she thanked other members of Council and the Mayor wishing all every success.

After brief closing remarks from His Worship, the meeting adjourned at approximately 12:00 a.m.

**MAYOR WALTER FITZGERALD  
CHAIRMAN**

**SUBMITTED BY:  
E. A. KERR, CMC  
CITY CLERK**

/MS