

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES MAY 25, 1999

PRESENT:

Deputy Mayor Larry Uteck
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry S. Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
Barry Barnet
Robert P. Harvey
Peter J. Kelly
Reg Rankin

**ABSENT WITH
REGRETS:**

His Worship Mayor Walter Fitzgerald
Councillor Jack Mitchell

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Barry Allen, Acting Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Karen Swim, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at approximately 6:00 p.m. by Deputy Mayor Larry Uteck. Councillor Rankin, at the Chair's request, led his colleagues in the recitation of the invocation.

2. **PROCLAMATIONS**

2.1 **Water Safety Week**

Councillor Schofield, on behalf of the Deputy Mayor, proclaimed the week of May 30-June 6, 1999 as *Water Safety Week* in the Halifax Regional Municipality.

2.2 **National Accessibility Awareness Week**

Councillor Blumenthal, on behalf of the Deputy Mayor, proclaimed the week of May 29 - June 4, 1999 as *National Accessibility Awareness Week* in the Halifax Regional Municipality.

2.3 **Citizenship Awards**

The 1999 Citizenship Awards were presented by the Deputy Mayor and Members of Council to the following students:

Sarah Foley, Gaetz Brook Junior High
(Presented by Councillor Bill Dooks, District 1)

Rebecca Lewicki, Ross Road School
(Presented by Councillor David Hendsbee, District 3)

Chad Maheux, Sir Robert Borden Junior High
(Presented by Councillor Ron Cooper, District 4)

Shae Chapman, Astral Drive Junior High
Jordan Sheppard, Eastern Passage Junior High
(Presented by Councillor Harry McInroy, District 5)

Cheryl Parsons, Caledonia Junior High
(Presented by Councillor Jack Greenough, District 6)

Jenna Wilson, Eric Graves Junior High
(Presented by Councillor Condo Sarto, District 7)

Ryan Nevitt, Ellenvale Junior High
(Presented by Councillor Bruce Hetherington, District 8)

Daniel Knee, John Martin Junior High
(Presented by Councillor Clint Schofield, District 9)

Jeanette Patterson, Bicentennial School

(Presented by Councillor John Cunningham, District 10)

Michael P. Charlton, Highland Park Junior High
(Presented by Councillor Jerry Blumenthal, District 11)

Amanda Lutz, St. Patrick's-Alexandra
(Presented by Councillor Graham Downey, District 12)

Elizabeth Bonnell, Cornwallis Junior High
William Brent Shear, Gorsebrook Junior High
(Presented by Deputy Mayor Larry Uteck, District 13)

Christopher Pellrine, St. Agnes Junior High
Megan Scanlon, Oxford Street Community School
(Presented by Councillor Sheila Fougere, District 14)

Holly Burke, Clayton Park Junior High
(Presented by Councillor Russell Walker, District 15)

Mohammed Abbasi, Fairview Junior High
(Presented by Councillor Bill Stone, District 16)

Matthew Matheson, Cunard Junior High
(Presented by Councillor Graham Read, District 17)

Ryan Garrison, Herring Cove Junior High
Ashley Grant, Elizabeth Sutherland School
Jason Slaunwhite, B.C. Silver Junior High
(Presented by Councillor Stephen Adams, District 18)

Alison Hutchings, Sackville Heights Junior High
Erin O'Prey, Leslie Thomas Junior High
(Presented by Councillor Barry Barnet, District 19)

Leah Cross, A. J. Smeltzer Junior High
(Presented by Councillor Bob Harvey, District 20)

Adam Lovely, Bedford Junior High
(Presented by Councillor Peter Kelly, District 21)

Sarah Hudgins, Timberlea Junior High
(Presented by Councillor Reg Rankin, District 22)

Recipients of the Award who could not be in attendance during the May 25 meeting included:

Lisa Frampton, Tantallon Junior High
Kaitlin Ryan, Admiral Westphal Junior High
Patrick Longaphy, Brookside Junior High School

Christine Doucette, Cavalier Drive Elementary/Junior High

3. APPROVAL OF MINUTES

MOVED by Councillor Cunningham, seconded by Councillor Blumenthal that the Minutes from the regular meeting of Halifax Regional Council, held on Tuesday, May 11, 1999, be approved as circulated. THE MOTION WAS PUT AND PASSED.

4. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

The following items were added to the agenda:

- 13.1 Councillor Blumenthal - Compulsive and Problem Gamblers Society
- 13.2 Update - Councillor Harvey, Chair, Coat of Arms Committee
Re: Use of Corporate Images Policy
- 13.3 Land Matter - Hollis and Granville Streets
- 13.4 Land Matter - Novawood Drive
- 13.5 Land Matter - Oakfield Estate
- 13.6 Land Matter - Gainsborough Place
- 13.7 Land Matter - Cost-Sharing Proposal
- 13.8 Legal Matter - Claim Settlement

The following matter was deleted from the agenda at the request of Councillor Kelly, pending discussion with His Worship Mayor Fitzgerald:

- 11.1.1 Councillor Kelly - Correctional Facility, Bedford

MOVED by Councillor Stone, seconded by Councillor Walker that the Order of Business, as amended, be approved. THE MOTION WAS PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Area Rates - Local Improvement Charges (1999/2000 Taxation Year)

- ! A supplementary report dated May 19, 1999 and entitled *Area Rates - Local Improvement Charges - 1999/2000 Taxation Year* was submitted under the signatures of Mr. Ken Meech, Chief Administrative Officer, and Mr. George McLellan, Deputy CAO.

Mr. Reg Ridgley, Acting Director of Finance, responded to questions from various members of Council.

MOVED by Councillor Kelly, seconded by Councillor Hendsbee that Appendix "B," as attached to the supplementary report dated May 19, 1999, be approved as the Area Rates for Local Improvements for the 1999/2000 taxation year. THE MOTION WAS PUT AND DEFEATED.

MOVED by Councillor Cunningham, seconded by Councillor Blumenthal that:

- 1. Regional Council approve Appendix "A" (amended), attached to the supplementary staff report of May 19, 1999, "Area Rates for Local Improvements for the 1999/2000 Taxation Year;"**
- 2. the billing period for those local improvement charges approved by Regional Council on April 27, 1999 be changed to taxation years 2000/2001 and 2001/2002 respectively.**

THE MOTION WAS PUT AND PASSED.

9. PUBLIC HEARINGS

9.1 Second Reading - By-Law P-600 Respecting Municipal Parks

First Reading with regard to this matter had been given during a regular meeting of Halifax Regional Council held on Tuesday, May 4, 1999.

- ! A supplementary staff report dated May 10, 1999 and entitled *Proposed Consolidated By-Law Respecting Municipal Parks (P-600)* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

Mr. Stephen King, Manager, Parks and Natural Services, provided a brief overview of the proposed bylaw and responded to questions from members of Council.

Deputy Mayor Uteck then called for comments from the public either in favour of or in opposition to the proposed by-law.

Mr. Irvine Carvery, President of the Africville Genealogy Society, made reference to Section 8(3) of the proposed by-law (attached to the May 10 supplementary report), and asked that the word *Genealogical* (as in "Africville Genealogical Society") be amended to read *Genealogy*.

As there were no further persons wishing to address Council on this matter, **it was moved by Councillor Hetherington, seconded by Councillor Cunningham that the public hearing be closed. THE MOTION WAS PUT AND PASSED.**

MOVED by Councillor Hetherington, seconded by Councillor Stone that By-Law P-600 Respecting Municipal Parks, including the following amendments, be given Second Reading:

- (1) Definitions 2(f) - "Watercourse" definition to now read: "Watercourse" includes the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, or other natural body of water, and the water therein, whether or not it contains water, and all ground water."
- (2) Hours of Operation Clause 13(3) - 11 p.m. changed to 10 p.m.
- (3) Section 8(3) be amended to read "the Africville *Genealogy* Society."

THE MOTION WAS PUT AND PASSED.

9.2 Second Reading - By-law T-107 Respecting Taxi Licensing

This matter had been given First Reading during a regular meeting of Halifax Regional Council held on Tuesday, May 4, 1999.

The Deputy Mayor called for comments from the public either in favor of or in opposition to the proposed by-law.

There being no persons present wishing to speak on this matter, **it was moved by Councillor Adams, seconded by Councillor Dooks that the public hearing be closed. THE MOTION WAS PUT AND PASSED.**

MOVED by Councillor Adams, seconded by Councillor Hetherington that By-Law T-107 Respecting Taxi Licensing (Amendments to the County of Halifax and City of Dartmouth Taxi By-Laws) be given Second Read. THE MOTION WAS PUT AND PASSED.

**9.3 Case 00052: Development Agreement - 1343 Hollis Street
(Lands of Ollive Properties Limited)**

- ! A staff report dated April 28, 1999 and entitled *Case 00052: Development Agreement to Permit a Mixed-Use Building at 1343 Hollis Street (Polling District 12)* was submitted under the signatures of Ms. Donna Davis-Lohnes, General Manager, Planning Services, and Mr. Gary Porter, Planner II.
- ! Correspondence, dated May 24, 1999, was submitted from Mr. E. B. Sorensen, Chairman of the *Save the Waterfront Society*.

Mr. Garry Porter, Planner II with the Planning Services Division, using maps and site plans, provided a brief overview of the proposed development agreement and responded to questions from various members of Council.

Deputy Mayor Uteck then called for comments from the public, either in favor of or in opposition to the proposal.

Mr. Greg Taylor, Secretary/Treasurer of the Downtown Halifax Business Commission, spoke in support of the project, noting that not only is the proposed development complementary to other buildings in the immediate vicinity, it will also provide much-needed jobs both during and after the construction phase. Mr. Taylor went on to point out that mixed-use developments with a strong residential component such as this also benefit the downtown core by creating a safer, more user-friendly environment. He also noted that the project is expected to generate approximately \$90,000 annually in municipal taxes, thereby helping to offset the recent decreases in commercial assessments.

There were no further persons wishing to make presentations on this matter.

MOVED by Councillor Downey, seconded by Councillor Blumenthal that the public hearing be closed. THE MOTION WAS PUT AND PASSED.

MOVED by Councillor Downey, seconded by Councillor Blumenthal that Halifax Regional Council:

- (1) approve the development agreement (attached as Appendix "A" to the staff report dated April 28, 1999) to permit a mixed-use building consisting of one office space, 10 stacked-attached townhouse units, and 67 apartment units at 1343 Hollis Street on lands of Ollive Properties Limited; and**
- (2) 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 final approval by 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.

THE MOTION WAS PUT AND PASSED.

9.4 Project 00011: Sale of Land and Development Agreement
Application - Creighton/Gerrish Development Association

- ! A staff report dated April 16, 1999 and entitled *Sale of Land and Development Agreement Application, Creighton/Gerrish Development Association (Project 00011)* was submitted under the signatures of Mr. Ken Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.
- ! Correspondence dated May 19, 1999 was submitted from Ms. Beverly W. Miller, 6182 South Street, Halifax.

Mr. Paul Morgan, Planner with the Planning Services Division, provided a brief overview of the proposal, using maps and drawings of the site in question.

The Deputy Mayor then called for members of the public wishing to make presentations either in favor of or in opposition to the project.

Mr. Blair Beed, a resident of 6467 Summit Street, Halifax, spoke in support of the project but, in reference to the proposed demolition of the Club 55 building, urged that care be taken to document the site. Mr. Beed also suggested that, given the size of the proposed complex, the Municipality may wish to consider widening Gottingen Street at this location in order to facilitate the installation of appropriate transit stops.

Mr. J. Grant Wanzel, President of the Creighton/Gerrish Development Association (CGDA), noted that while the cost of this multi-phased project to the Municipality will be minimal, the benefits to be reaped will be significant. In this context, Mr. Wanzel spoke of the long-standing need to “stabilize” the Gottingen Street community and noted that the opportunity for home ownership (which will be offered to area residents on a preferential basis) will hopefully serve as a catalyst for other projects of this nature.

Ms. Crystal Mulder, the Chair of the African-Canadian Caucus (a member organization of the Black Community Work Group), made reference to the multi-purpose centre proposed to be developed as Phase 4 of the project on the former Sobey’s property (Gottingen Street). In her comments, Ms. Mulder advised that the facility will be designed as a “one-stop” access point to the roughly 15 projects that the Black Community Work Group already has in place throughout the North End of Halifax, and will also include a cultural centre and a computer lab. She emphasized, however that the multi-purpose centre is not intended to detract from the services already being offered by the North Branch Regional Library and by the Community “Y,” and noted that representatives of the CGDA are working closely with staff of those two agencies to achieve that objective.

Ms. Carol Charlebois, representing the Metro Non-Profit Housing Association, provided a brief overview of Phase One of the project which includes the development of 18 single

units designed specifically for those individuals who experience difficulty in finding housing, plus one one-bedroom unit intended for the building's live-in supervisor.

Mr. Nial Savage, architect for the project, provided a scale model of the proposed development and various architectural drawings to describe the manner in which the buildings will be sited.

Ms. Dawn Sloane, 2126 Creighton Street, noted that she had lived in the Gottingen Street area for almost nine years. Ms. Sloane emphasized that while she had initially moved to the neighborhood because of its affordable housing and close proximity to the Halifax downtown, she has grown to value the cultural and economic diversity the area affords. She went on to point out that, in her view, the proposal by the CGDA will enhance that diversity and therefore indicated her support for the project.

Rev. Gus Pendleton, Minister of the Brunswick Street United Church and representing the North End Council of Churches, spoke in favor of the proposal. In his remarks, Reverend Pendleton spoke of the "wilderness" that is currently characteristic of the Gottingen Street area, emphasizing that a project such as that being proposed by the CGDA will go far to address the need for "community" and "stability."

Ms. Melinda Daye, Principal of the Joseph Howe Elementary School, spoke in support of the proposal, emphasizing that, in her view, a development such as this will disperse the feelings of "hopelessness and helplessness" that have typified the Gottingen Street area over the last several years.

Mr. Irvine Carvery, a resident and owner of several investment properties in the Gottingen Street area, spoke in favor of the project. In his comments, Mr. Carvery made reference to the revitalization of Bauer Street which took place several years ago, and suggested that the project proposed by the CGDA will accomplish the same results for Gottingen Street.

Ms. Beverly Miller, a resident of 6182 South Street and the owner of a property located at 2224 Maitland Street, voiced her opposition to the proposal. Ms. Miller made reference to the points raised in her letter of May 19, 1999, noting that several elements of the CGDA proposal are, in her view, examples of urban renewal attempts that have failed in other communities. Ms. Miller went on to point out that she also objects to the demolition of the Club 55 building, feeling that, given its age and heritage value, it should instead be restored.

Mr. Eric Prevost, a resident of the area in question and the owner of several investment properties in the Creighton-Gerrish Street neighborhood, expressed his opposition to the project, particularly given that, in his opinion, the proposed setbacks will not provide for the installation of wheelchair ramps.

Responding to a question from Councillor Blumenthal, Mr. Savage clarified that the building has been designed to accommodate three accessible units at ground level complete with ramps providing access to the lobby area.

There being no further persons wishing to address Council on this matter, **it was moved by Councillor Greenough, seconded by Councillor Hetherington that the public hearing be closed. THE MOTION WAS PUT AND PASSED.**

Councillor Downey expressed his opposition to the project, particularly given that housing stock which the former City of Halifax had fought to retain and preserve is now being slated for demolition. The Councillor went on to note that, in his view, if the project is to proceed, it should commence with the home ownership phase (now proposed as Stages 2, 3 and 4), and concluded his remarks by indicating that he strongly concurred with the concerns earlier raised by Ms. Beverly Miller.

MOVED by Councillor Hetherington, seconded by Councillor Rankin that the properties owned by the Halifax Regional Municipality at 2330-34 Gottingen Street, 5522-34 Gerrish Street, 2375-79 Creighton Street, and 2-8 Gerrish Lane be sold to the Creighton/Gerrish Development Association for one dollar, subject to the terms and conditions outlined in the *Discussion* section of the staff report dated April 16, 1999. THE MOTION WAS PUT AND PASSED with Councillor Downey voting in opposition.

Responding to a question from Councillor Harvey, Mr. Morgan clarified that the proposed development agreement provides for the documentation and preservation of certain structural elements and artifacts found at the Creighton-Gerrish Street site.

MOVED by Councillor Blumenthal, seconded by Councillor Schofield that:

- (1) the development agreement presented as Attachment IV to the staff report dated April 16, 1999 be approved; and that
- (2) the applicant be given one hundred and twenty (120) days to sign the development agreement from the date of approval by Council, or the date of any other approvals required to sign the agreement as the case may be, unless an extension thereof is granted by Council at the request of the applicant; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

THE MOTION WAS PUT AND PASSED with Councillor Downey voting in opposition.

FIRST SPRYFIELD SCOUT TROOP

Councillor Adams, on behalf of his colleagues on Council, welcomed members of the First Spryfield Scout Troop and their leaders.

**9.5 Case 00130: Application for Development Agreement:
Retail Development (Staples) - Gottingen/Cogswell Streets**

- ! A staff report dated April 29, 1999 and entitled *Case 00130 - Application for Development Agreement: Retail Development (Staples), Gottingen and Cogswell Streets, Halifax* was submitted under the signatures of Ms. Donna Davis-Lohnes, General Manager, Planning Services, and Mr. Roger Wells, Regional Coordinator, Planning Applications.

- ! A supplementary staff report of the same name but dated May 18, 1999 was submitted under the signatures of Ms. Davis-Lohnes and Mr. Wells.

Mr. Roger Wells, Regional Coordinator, Planning Applications, with the aid of maps and drawings, provided a brief overview of the proposal to consolidate two properties at the corner of Gottingen and Cogswell Streets, demolish the existing office building, and construct a Business Depot/Staples retail store on the site.

The Deputy Mayor subsequently called for members of the public wishing to speak in favor of or in opposition to the proposal.

Mr. Blair Beed, a resident of 6467 Summit Street, spoke in support of the project, noting that it will represent a very welcome addition to this portion of Gottingen Street.

Mr. Alan Ruffman, a resident of 202 Ferguson's Cove Road, spoke in favor of the project and sought clarification from Mr. Wells concerning the changes proposed to the Gottingen/Cogswell Street intersection.

Mr. David Burtt, General Counsel for Business Depot Limited, emphasized that the proposal presently before Council represents his client's strong commitment to the Halifax Regional Municipality as well as a commitment to assisting with the revitalization of the Gottingen Street area.

There being no further persons wishing to address Council on this matter, **it was moved by Councillor Fougere, seconded by Councillor Walker that the public hearing be closed. THE MOTION WAS PUT AND PASSED.**

MOVED by Councillor Downey, seconded by Councillor Blumenthal that :

- (1) Halifax Regional Council approve the Development Agreement attached to the staff report dated April 29, 1999, replacing Schedules "B" and "C" of that agreement with Schedules "B" and "C" attached to the supplementary staff report of May 18, 1999; and further, that
- (2) the applicant be given one hundred and twenty (120) days, or any extension thereof granted by Council on the request of the applicant, from the date of final approval by Halifax Regional 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 WITH UNANIMOUS CONSENT.

9.6 Case 004693: 5357 Inglis Street - Appeal of Minor Variance

- ! A staff report dated May 10, 1999 and entitled *Appeal of Minor Variance Approval - Case No. 004693 Located at 5357 Inglis Street* was submitted by Mr. G. R. Smith, Development Officer.
- ! Correspondence (enclosing conceptual drawings of the proposed addition) dated May 23, 1999 was received from the owner of 5357 Inglis Street, Mr. Geoff Keddy, MRAIC.

In his overview of the May 10 staff report, Mr. Greg Smith, Development Officer, noted that the site in question currently houses two buildings: a two-unit dwelling at the front of the lot, and a small concrete building at the rear which is now being used as an office. Minor variances have been approved for this lot in order to permit the conversion of the structure at the rear of the property to a single-family dwelling (the conversion will involve the addition of a second storey with a small "step-out" structure at the top). Mr. Smith went on to emphasize that the site is zoned RC-2, a zoning designation which permits as-of-right a broad range of residential and minor commercial uses (e.g., residential buildings up to a maximum of 14 units, and such commercial uses as a motion picture theatre or a gas station).

Council was advised that, because the application for a minor variance had been received in October of 1998, the request had been reviewed using the provisions of the former Planning Act (rather than the Municipal Government Act, which came into effect on April 1, 1999). The variances in question relate to the rear yard of the property (a reduction from 20 feet down to 2 feet) as well as to both side yards (reductions of 4 feet to 2 feet on each side). Mr. Smith advised that, in granting this request, he had taken into consideration the fact that the proposed conversion did not pertain to the expansion of the existing building at ground level, but instead consisted of the addition of space over the current structure.

He went on to point out that he had also considered the range of options that could be constructed on this site, given its RC-2 designation and, in granting his approval as Development Officer, felt that the proposed use (i.e., a single-family dwelling) was the “least” of the uses for which this site could be utilized and therefore more in keeping with the surrounding neighborhood.

Mr. Smith made reference to the letter dated November 5, 1998 from the appellant, Mr. Alan J. Thompson of 5214 Smith Street (attached to the May 10 staff report), and clarified the following points:

Mr. Thompson alleges that “the green belt at the rear of [his] property” will be destroyed. Mr. Smith suggested that this “green belt” is actually a small “P” (Park) Zone beside the property and will not be affected by the approval of the minor variance.

Mr. Thompson takes issue with the fact that the structure at the rear of the Inglis Street property had been converted to office use in contravention of the City’s bylaws. Mr. Smith pointed out that while the structure in question had been built as a laundry in 1920, it does not carry a heritage designation. Furthermore, he reiterated that, under the provisions of the RC-2 (which apply to this site and which allow a broad range of commercial uses), the conversion of this structure approximately six years ago to office use was well within the bounds of an as-of-right application and therefore required no public notification.

Mr. Smith then responded to questions from various members of Council, following which Deputy Mayor Uteck called for comments from the appellant, Mr. Alan Thompson.

Mr. Alan J. Thompson of 5214 Smith Street addressed Council, noting that he was speaking not only on his own behalf as the abutting property owner, but also on behalf of a number of Smith Street residents, all of whom strongly object to the changes proposed for the structure at 5357 Inglis Street.

Mr. Thompson began his remarks by making reference to the green area behind Smith Street which abuts the Inglis Street property under consideration. He emphasized the presence of grass, 100-year old trees and flowers, all of which are tended and enjoyed by property owners on Smith Street and by others in the surrounding neighborhood. Mr. Thompson expressed concern that the addition of a second storey at 5357 Inglis will result in the destruction of these trees, and added that the green belt has already been compromised by the fact that Mr. Keddy’s clients have parked on this site on various occasions in the past.

Mr. Thompson went on to suggest that, in reality, the “minor” variance will lead to changes that are quite substantial in scope, adding that, in his opinion, the proposed conversion of this structure contravenes at least 15 sections of the Municipality’s Land Use Bylaw. He further advised that a petition had been signed and submitted by Smith Street residents in opposition to the approval of this variance but that that petition had been

“dismissed” by the Development Officer. **Note:** A copy of the petition (containing the signatures of approximately 18 residents of Smith and Barrington Streets) was subsequently submitted by Councillor Downey.

Responding to a question from Deputy Mayor Uteck, Mr. Thompson indicated that the petition to which he was referring was based on the plans for a three-storey structure originally proposed by Mr. Keddy. While acknowledging that the proposal was later reduced to a two-storey structure, Mr. Thompson stated that, in his opinion, the addition proposed for the top of the building is sufficiently large as to constitute a third storey.

With reference to a question from Councillor Cooper, Mr. Smith clarified that the minor variance (and the proposed conversion) will apply only to the structure at the rear of the Inglis Street property, and that the structure at the front of the site will be unaffected.

Responding to a question from Councillor Hendsbee, Mr. Thompson advised that many of the homes on Smith Street are three storeys in height, with two storeys in the front and three at the rear.

In his closing remarks, Mr. Thompson reiterated that he and many of his neighbors on Smith Street are very much opposed to the changes proposed for the area surrounding the Smith Street “green belt.”

Mr. Geoff Keddy, the owner of 5357 Inglis Street (the property for which the minor variances have been approved) addressed Council in support of his application. In his remarks, Mr. Keddy made reference to the concerns raised previously by Mr. Thompson with regard to the “green belt” area and noted that he will take steps to ensure that vehicles associated with his property do not encroach in any way on the grass or flower beds. Mr. Keddy went on to note that, when he was made aware of concerns put forward by neighboring residents, he had revised his original plans from a three-storey structure to a two-storey unit. In this context, he emphasized that, despite the fact that a second storey will be constructed, the additional space provided will still be only 600 square feet (the same size as the existing structure). Mr. Keddy also assured Council that, with regard to the potential for damage to existing trees, his plans call for only one branch (a branch that is already overhanging the building at 5357 Inglis Street) to be cut in order that the second storey can be erected.

Mr. Keddy subsequently responded to questions from various members of Council. With regard to a question from Councillor Downey, Mr. Barry Allen, Acting Municipal Solicitor clarified that, because the issue at hand concerns an appeal of a minor variance approval, Council cannot legally request input from any member of the public, other than the abutting property owner (the appellant) and the owner of the property for which the minor variance has been granted.

MOVED by Councillor Downey, seconded by Councillor Read that Council overturn the decision by the Development Officer and deny the request for a minor variance at 5357 Inglis Street. **THE MOTION WAS PUT AND DEFEATED.**

MOVED by Councillor Hetherington, seconded by Councillor Barnet that Council support the decision by the Development Officer to approve the request for a minor variance at 5357 Inglis Street. **THE MOTION WAS PUT AND PASSED.**

9:40 p.m. - The meeting was adjourned for a brief recess.

9:50 p.m. - The meeting was reconvened with the same members being present.

10. CORRESPONDENCE, PETITIONS

10.1 Correspondence

10.1.1 FCM - Municipal Infrastructure in the Millennium Budget - Resolution

! A memorandum, dated May 11, 1999, was submitted from Mr. James W. Knight, Executive Director, Federation of Canadian Municipalities (FCM).

MOVED by Councillor Stone, seconded by Councillor Walker that the resolution regarding “Municipal Infrastructure in the Millennium Budget (Clean Air - Clean Water - Clean Soil),” as attached to the FCM Memorandum dated May 11, 1999, be endorsed by Halifax Regional Council; and further, that letters be written by the Office of the Mayor to the Premier and the local Members of Parliament advising of Council’s endorsement of this resolution. **THE MOTION WAS PUT AND PASSED.**

10.2 Petitions

10.2.1 Petition Councillor Snow Re: McPherson Road - Intersection with Lockview Road

A petition, containing approximately 34 signatures and requesting that McPherson Road (Fall River) be permanently closed at its intersection with Lockview Road, was submitted by Councillor Snow. The Councillor asked that this petition be forwarded to staff of Traffic and Transportation for review and recommendation.

10.2.2 Petition Councillor Snow Re: McPherson Road - Truck Traffic

A petition, containing approximately 34 signatures and requesting that truck traffic be eliminated from McPherson Road, was submitted by Councillor Snow. The Councillor

asked that this petition be forwarded to staff of Traffic and Transportation for review and recommendation.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor Kelly - Correctional Facility (Bedford)

This item was deleted from the Agenda at the request of Councillor Kelly,
discussion with His Worship Mayor Fitzgerald.

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ng

11.1.2 Councillor Schofield - Burnside Business Park

Councillor Schofield requested that a staff report be prepared identifying the intersections located in the Burnside Business Park that need to be enlarged and providing an indication as to when this work can be commenced.

11.2 REGIONAL HERITAGE ADVISORY COMMITTEE

11.2.1 1998 Annual Report

! A report entitled *1998 Annual Report of the Regional Heritage Advisory Committee* dated May 12, 1999 was submitted under the signature of Mr. Paul A. Erickson, Chairperson, Heritage Advisory Committee.

MOVED by Councillor Hetherington, seconded by Councillor Fougere that the 1998 Annual Report of the Regional Heritage Advisory Committee, dated May 12, 1998 and submitted under the signature of Mr. Paul A. Erickson, Chairperson, be received. THE MOTION WAS PUT AND PASSED.

CONTINUATION OF MEETING

MOVED by Councillor Fougere, seconded by Councillor Greenough that the meeting be continued beyond 10:00 p.m. THE MOTION WAS PUT AND PASSED.

11.2.2 5536 Sackville Street (Irving Oil Station)

CONFLICT OF INTEREST

Councillor Rankin declared a possible conflict of interest owing to his professional association with Irving Oil.

! A report dated May 20, 1999 and entitled *5536 Sackville Street (Irving Oil Station), A Registered Heritage Property*, was submitted under the signature of Mr. Paul A. Erickson, Chairperson, Heritage Advisory Committee.

Mr. Paul A. Erickson, Chairperson of the Heritage Advisory Committee, provided a brief overview of the Committee's May 20 report and responded to questions from various members of Council.

Ms. Donna Davis-Lohnes, General Manager of Planning Services, and Mr. Barry Allen, Acting Municipal Solicitor, responded to questions from various members of Council.

MOVED by Councillor Hetherington, seconded by Councillor Hendsbee that the staff recommendation (namely, that the deregistration of 5536 Sackville Street, as shown

on Map 1 attached to the staff report to the Heritage Advisory Committee dated April 28, 1999) be approved.

Councillor Harvey spoke in opposition to the motion, suggesting that the continued registration of this site would provide added protection for the heritage properties at Citadel Hill and on Dresden Row by ensuring that any new development would be compatible with the surrounding structures.

THE MOTION WAS PUT AND PASSED, with the Municipal Clerk advising that the required public hearing would be scheduled for Tuesday, July 13, 1999.

Councillor Rankin returned to the meeting.

11.3 PROGRAM AND SERVICE REVIEW COMMITTEE

11.3.1 Planning Services Work Plan - 1999/2000

! A report dated May 19, 1999 and entitled *Planning Services Work Plan - 1999/2000* was submitted under the signature of Councillor Jack Greenough, Chair, Program and Service Review Committee.

MOVED by Councillor Kelly, seconded by Councillor Fougere that, owing to the lateness of the hour, this matter be deferred to the regular meeting of Halifax Regional Council scheduled for Tuesday, June 15, 1999. THE MOTION TO DEFER WAS PUT AND PASSED.

11.4 CHIEF ADMINISTRATIVE OFFICER

11.4.1 Greater Halifax Partnership (Mr. Michael MacDonald)

Mr. Michael MacDonald, President and CEO of the Greater Halifax Partnership, made an oral presentation to Council during which several members of the Partnership's Board of Directors were introduced and the Board's accomplishments to date overviewed.

Owing to the lateness of the hour, **it was agreed that** a further opportunity for discussion between Members of Council and Partnership representatives would be arranged by the Office of the Mayor within the next three weeks.

11.4.2 Tender 99-223: Forest Hills Drive, Turning Lane and Street Resurfacing

! A staff report dated May 12, 1999 and entitled *Award of Tender No. 99-223, Forest Hills Drive, Turning Lane and Street Resurfacing* was submitted under the

signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Walker, seconded by Councillor Greenough that Tender No. 99-223, Forest Hills Drive (Turning Lane and Street Resurfacing) be awarded to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$153,289.25, and a Total Project Cost of \$176,283, with funding authorized as per the Budget Implications of the staff report dated May 12, 1999. THE MOTION WAS PUT AND PASSED.

11.4.3 Tender 99-216: Locks Road (Street Reconstruction and Watermain Renewal), Dartmouth

! A staff report dated May 17, 1999 and entitled *Award of Tender No. 99-216 - Locks Road Street Reconstruction and Watermain Renewal, Dartmouth* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Greenough, seconded by Councillor Sarto that Halifax Regional Council:

- 1) **approve this project as a Local Improvement Project, the details of which are outlined in the Discussion section of the staff report dated May 17, 1999;**
- 2) **award Tender No. 99-216, Locks Road Street Reconstruction and Watermain Renewal, Dartmouth to Dexter Construction Company Limited for materials and services specified at the unit prices quoted for a Tender Price of \$307,234.00 and an allowance of 15 percent for contingencies, for a Total Project Cost of \$353,320.00 with funding provided as outlined in the Budget Implications section of the staff report dated May 17, 1999; and**
- 3) **approve an increase in the budget for Account No. CYR 00588 by \$163,018.00 to cover cost-sharing (these funds are to be recovered from the Halifax Regional Water Commission).**

THE MOTION WAS PUT AND PASSED.

11.4.4 Tender 99-057: Concrete Sidewalk, and Curb and Gutter Repairs (West Region)

! A staff report dated May 11, 1999 and entitled *Tender #99-057, Concrete Sidewalk and Curb Repairs, West Region* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Stone, seconded by Councillor Fougere that Halifax Regional Council authorize the award of Tender #99-057 to the lowest bidder, G & R Kelly Enterprises Ltd., at a cost of \$90,067.00, HST extra. THE MOTION WAS PUT AND PASSED.

11.4.5 Tender 99-058: Asphalt Patching of Streets (West Region)

! A staff report dated May 11, 1999 and entitled *Tender #99-058, Asphalt Patching of Streets, West Region* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Blumenthal, seconded by Councillor Cunningham that Halifax Regional Council authorize the award of Tender #99-058 to the lowest bidder, Dexter Construction Company Ltd., at a cost of \$117,000.00, HST extra. THE MOTION WAS PUT AND PASSED.

11.4.6 Tender 99-059: Concrete Sidewalk and Curb Repairs (East Region)

! A staff report dated May 11, 1999 and entitled *Tender #99-059, Concrete Sidewalk and Curb Repairs, East Region* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Sarto, seconded by Councillor Greenough that Halifax Regional Council authorize the award of Tender #99-059 to the lowest bidder, Silco Contracting Ltd., at a cost of \$93,000.00, HST Extra. THE MOTION WAS PUT AND PASSED.

11.4.7 Tender 99-060: Asphalt Patching of Streets (East Region)

! A staff report dated May 11, 1999 and entitled *Tender #99-060, Asphalt Patching of Streets, East Region* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Greenough, seconded by Councillor Schofield that Halifax Regional Council authorize the award of Tender #99-060 to the lowest bidder, Ocean Contractors Limited, at a cost of \$112,000.00, HST extra. THE MOTION WAS PUT AND PASSED.

11.4.8 Tender 99-063: Asphalt Patching of Streets (Central Region)

- ! A staff report dated May 11, 1999 and entitled *Tender #99-063, Asphalt Patching of Streets, Central Region* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Snow, seconded by Councillor Hendsbee that Halifax Regional Council authorize the award of Tender 99-063 to the lowest bidder, **Dexter Construction Company Ltd.**, at a cost of \$113,800.00, HST extra. **THE MOTION WAS PUT AND PASSED.**

11.4.9 First Reading: By-Law S-402 Respecting Charges for Street Improvements (Councillor Walker)

Notice of Motion regarding the proposed amendment to By-Law Number S-400 was given by Councillor Walker during a regular meeting of Halifax Regional Council held on Tuesday, May 18, 1999.

MOVED by Councillor Walker, seconded by Councillor Stone that By-Law Number S-402, representing an amendment to By-Law Number S-400 Respecting Charges for Street Improvements, be given First Reading. THE MOTION WAS PUT AND PASSED.

11.4.10 Redistribution of Political Boundaries

- ! A staff report dated May 12, 1999 and entitled *Redistribution of Political Boundaries* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Wayne Anstey, Municipal Solicitor.

MOVED by Councillor Barnet, seconded by Councillor Adams that Council appoint a Committee made up of a representative cross-section of constituents, supported by HRM staff, to make recommendations to Council with respect to an appropriate number of polling districts for the Halifax Regional Municipality and their boundaries. THE MOTION WAS PUT AND PASSED.

11.4.11 Amendment to Administrative Order Number 1 (Councillor Adams)

Notice of Motion with regard to this matter had been given by Councillor Adams during a regular meeting of Halifax Regional Council held on Tuesday, May 11, 1999.

MOVED by Councillor Adams, seconded by Councillor Walker that Administrative Order Number 1 be amended by deleting Section 11 thereof and by substituting

therefor the following Section: "A Council meeting shall end when the order of business as identified on the approved agenda has been completed." THE MOTION WAS PUT AND PASSED.

NOTE: A Notice of Motion of Reconsideration regarding this matter was given by Councillor Cunningham at a later point in the meeting's agenda.

11.4.12 Shubie Municipal Campground

! A staff report dated May 18, 1999 and entitled *Shubie Municipal Campground* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Greenough, seconded by Councillor Hendsbee that Halifax Regional Council approve the entering into of an agreement with Resource Management and Consulting Inc. (RMAC) to manage and operate the Shubie Municipal Campground on behalf of the Halifax Regional Municipality as per the terms of the Management Agreement attached to the staff report dated May 18, 1999. THE MOTION WAS PUT AND PASSED.

12. MOTIONS

12.1 Councillor Hendsbee Re: Proposed Amendment to Administrative Order Number 1 (Dress Code/Members' Desks/Conduct in Gallery During Meetings of Halifax Regional Council)

A notice of motion (requesting that staff prepare a report and draft the appropriate language for a proposed revision to Section 36 subsection 1 of Administrative Order Number 1) had been given by Councillor Hendsbee during a regular meeting of Halifax Regional Council held on Tuesday, May 18, 1999.

MOVED by Councillor Hendsbee, seconded by Councillor Dooks that the matter be deferred. THE MOTION TO DEFER WAS PUT AND DEFEATED.

MOVED by Councillor Hendsbee that the matter be tabled. There being no seconder, the motion was declared to be DEFEATED.

NOTE: A second Notice of Motion with regard to this matter was given by Councillor Hendsbee at a later point in the meeting's agenda.

12.2 Councillor Schofield Re: Proposed Street Closing (India Road)

MOVED by Councillor Schofield, seconded by Councillor Greenough that staff be requested to prepare a report (to be submitted in time for the next regular meeting of Council scheduled for Tuesday, June 1, 1999) concerning the scheduling of a public hearing on the proposed closure of India Road. **THE MOTION WAS PUT AND PASSED.**

13. ADDED ITEMS

13.1 Councillor Blumenthal - Compulsive and Problem Gamblers Society

Councillor Blumenthal advised that the Compulsive and Problem Gamblers Society will be opening their new office on the corner of Robie and St. Alan's Street next Wednesday evening, June 2, 1999, at 6:00 p.m.

13.2 Coat of Arms Committee Re: Use of Corporate Images Policy (UPDATE - Councillor Harvey)

Councillor Harvey reported that the Coat of Arms Committee has met concerning this issue and is intending to submit a report for Council's consideration in the very near future.

13.3 Land Matter - Hollis and Granville Street

This matter had been forwarded from an In Camera meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Greenough, seconded by Councillor Sarto that the recommendation approved during the In Camera meeting of Halifax Regional Council held earlier in the day be ratified. THE MOTION WAS PUT AND PASSED.

13.4 Land Matter - Novawood Drive

This matter had been forwarded from an In Camera meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Sarto, seconded by Councillor Fougere that the recommendation approved during the In Camera meeting of Halifax Regional Council held earlier in the day be ratified. THE MOTION WAS PUT AND PASSED.

13.5 Land Matter - Oakfield Estate

This matter had been forwarded from an In Camera meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Snow, seconded by Councillor Stone that the recommendation approved during the In Camera meeting of Halifax Regional Council held earlier in the day be ratified. THE MOTION WAS PUT AND PASSED.

13.6 Land Matter - Gainsborough Place

This matter had been forwarded from an In Camera meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Blumenthal, seconded by Councillor Greenough that the recommendation approved during the In Camera meeting of Halifax Regional Council held earlier in the day be ratified. THE MOTION WAS PUT AND PASSED.

13.7 Land Matter - Cost-Sharing Proposal

This matter had been forwarded from an In Camera meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Stone, seconded by Councillor Walker that the recommendation approved during the In Camera meeting of Halifax Regional Council held earlier in the day be ratified. THE MOTION WAS PUT AND PASSED.

13.8 Legal Matter - Claim Settlement

This matter had been forwarded from an In Camera meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Fougere, seconded by Councillor Blumenthal that the recommendation approved during the In Camera meeting of Halifax Regional Council held earlier in the day be ratified. THE MOTION WAS PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Notice of Motion of Reconsideration (Councillor Cunningham) Re: Section 11, Administrative Order Number One

Councillor Cunningham gave notice that at the next regular meeting of Halifax Regional Council, scheduled for Tuesday, June 1, 1999, he intends to introduce a Motion of Reconsideration concerning the motion approved for Agenda Item 11.4.11, "Amendment to Administrative Order Number 1 (Councillor Adams)."

14.2 Notice of Motion (Councillor Hendsbee) Re: Section 36(1), Administrative Order Number One

Councillor Hendsbee gave notice that at the next regular meeting of Halifax Regional Council, scheduled for Tuesday, June 1, 1999, he intends to move a motion:

- (1) requesting the full consideration and debate of Council with regard to the prepared staff report of draft amendments of language to Section 36, subsection 1 of Administrative Order Number One to include specific parameters and guidelines for all Councillors, the Deputy Mayor, and the Mayor to abide by in reference to proper dress code and the appearance of such apparel not to clearly demonstrate or display any logos, trademarks, labels, advertisements and/or emblems of any private enterprise, goods or services during any Council meeting, and that these rules be applied to municipal staff during such meetings; and furthermore, that
- (2) Council give full consideration and debate to the proposed draft amendments pertaining to the proper decorum of Council Chambers, public gallery and Councillors' desk area.

15. ADJOURNMENT

MOVED by Councillor Fougere, seconded by Councillor Blumenthal that the meeting be adjourned at 11:20 p.m. THE MOTION WAS PUT AND PASSED UNANIMOUSLY.

**Vi Carmichael
Municipal Clerk**

