Council Chamber City Hall Halifax, N.S. 15 February 1990 8:00 p.m.

A regular meeting of Halifax City Council was held on the above date.

The meeting was called to order with members of Council joining in the recitation of the Lord's Prayer.

PRESENT: His Worship Mayor Wallace, Chairman; Deputy Mayor Ducharme; and Aldermen D. Grant, Fitzgerald, Downey, Meagher, O'Malley, Pottie, Hanson, Jeffrey, Flynn, and Stone.

ALSO PRESENT: Mr. Donald F. Murphy, Q.C., Acting City Manager; Mr. Barry S. Allen, Acting City Solicitor; City Clerk; and other members of City staff.

Proclamation - Heritage Week

A schedule of events for 1990 Heritage Week was submitted.

On behalf of the members of Council, His Worship Mayor Wallace proclaimed Monday, February 19, 1990 as the beginning of Heritage Week. Mayor Wallace encouraged all citizens of Halifax to recognize the history and heritage of the City through cultural exchanges, programs, visits to historic sites, etc. Mayor Wallace then briefly referred to the schedule of events which was circulated to Council.

MINUTES

The following minutes were approved on a motion by Alderman Downey, seconded by Alderman Hanson: the last regular meeting of Halifax City Council, held 25 January 1990; the Special Meeting, held 17 January 1990; and the Special Meeting held 31 January 1990.

APPROVAL OF THE ORDER OF BUSINESS, ADDITIONS AND DELETIONS

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

20.1 Employment Equity Program (Alderman Jeffrey)

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20.2 Lighting Demonstration Project Proposal

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

20.3 Civic Hospital

20.4 Winter Parking Ban

20.5 Haltrans Industries

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

20.6 Driveway - 2515 Beech Street

The agenda, as amended, was approved on a motion moved by Alderman Stone, seconded by Alderman Flynn.

DEFERRED ITEMS

Case No. 5947: Development Agreement - 6163 Lawrence St.

A public hearing on this matter was held 7 February 1990.

A supplementary staff report dated 15 February 1990 was submitted.

Referring to the supplementary staff report, Alderman noted that staff was not able to arrange a meeting to date with the applicant and, therefore, <u>MOVED by Alderman</u> <u>Meagher, seconded by Alderman Hanson that this matter be</u> deferred to the next regular meeting of City Council scheduled for 1 March 1990.

Motion passed.

Case No. 5050: Amendment to Development Agreement -961 South Bland Street

A public hearing on this matter was held on 7 February 1990.

MOVED by Alderman D. Grant, seconded by Alderman Jeffrey that:

- 1. City Council enter into an agreement thereby amending the existing agreement known to the City of Halifax as Case No. 5050 and registered at the Registry of Deeds in Book 4419 at Page 917, to permit an additional unit in the existing 74 unit apartment building at 961 South Bland Street.
- 2. the agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax City Council; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

Motion passed.

Amendment to the Land Use Bylaw - Height Definition South End and Peninsula Centre

A public hearing into the above matter was held on 7 February 1990.

An information report dated 14 February 1990 was submitted.

Alderman Fitzgerald addressed the matter and noted that it was his belief that Council was in favour of putting height restrictions on the R-1 and R-2 zones across the peninsula south and centre. However, Alderman Fitzgerald explained that Council had approved an increase to the height precinct on the Mitchell property and questioned if this property could be excluded from the proposed amendment. Referring to the staff report of February 14, Alderman Fitzgerald noted that in order to do this staff are suggesting two options both of which require a public hearing.

Mr. Barry S. Allen, Acting City Solicitor, explained that the amendment before Council was to change a definition in the Land Use Bylaw which would apply to properties located in any of the residential zones. He explained that the suggestion to exclude the Mitchell property from the proposed amendment meant applying the new definition only to some of the zones and the old definition to others. Mr. Allen noted that this would be a different matter than what was discussed at the public hearing. The Acting City Solicitor advised that it was always better in these situations to either approve or reject the matter that was advertised unless it's a really insignificant change. He suggested that the better process would be to review the

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whole matter to account for the differences that Council wants to apply to the different zones.

Alderman Flynn suggested that another course of action for Council to take would be to deny the change to the Land Use Bylaw and call a public hearing for the R-1 and R-2 zones. He went on to suggest that Council defer the matter with respect to the R-3 zone until such time that legal advice was sought regarding a way in which Council could call a separate public hearing exclusive of the Mitchell property.

MOVED by seconded by Alderman Flynn, seconded by Alderman Fitzgerald that Council deny the proposed amendment to the Land Use Bylaw which was the subject of a public hearing and that a further public hearing be called to consider the height restrictions in the R-1 and R-2 zoned areas.

Alderman Flynn noted that the intent of the motion was really to protect the R-1 and R-2 zones.

Mr. Allen clarified that the motion would mean an amendment to the definition of "Height South End" as was originally proposed but which would only apply to the R-1 and R-2 zones in the areas affected.

Following a discussion, the motion was put and passed.

PETITIONS AND DELEGATIONS

Petition Alderman Fitzgerald Re: Heritage Advisory Committee

Alderman Fitzgerald submitted a petition signed by him and by Alderman D. Grant recommending that the policy on appointments concerning the Heritage Advisory Committee be reviewed and revised.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on 7 February 1990 as follows:

Meetings - March Break

This matter was referred to this meeting without recommendation.

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A report dated 8 February 1990 from the City Clerk was submitted.

MOVED by Alderman D. Grant, seconded by Alderman Fitzgerald that Council reschedule it regular meeting of Thursday, 15 March 1990, to Monday, 19 March 1990.

Motion passed.

Cost Sharing - Metro Transit

This matter was forwarded to Council without recommendation.

Deputy Mayor Ducharme addressed the matter and noted that she had brought this matter back to Council for a decision because the members of the Metropolitan Authority have been waiting for some time for an answer to their request for approval of a cost sharing formula based on assessment. The Deputy Mayor went on to express the opinion that the best cost sharing system would be one based on assessment. Deputy Mayor Ducharme suggested that Council would be working together with the other municipalities to operate an efficient transit system if it approved the proposed assessment based cost sharing formula.

Deputy Mayor Ducharme proposed a motion that Council support the Transit Advisory Committee's recommendation to endorse a proposal by the Metropolitan Authority to alter the current mileage based cost sharing formula for transit services to one based on assessment.

Alderman Flynn spoke in opposition to a change in the present mileage-based cost sharing formula. The Alderman suggested that the citizens of the City of Halifax would have to pay more for transit through their taxes if the current system was changed to one based on assessment. Alderman Flynn also expressed the concern that the total assessment of both the County of Halifax and of the Town of Bedford was not being considered in the break down of the costs. He noted that only the areas being served by transit were being incorporated into the formula. Alderman Flynn went on to express the concern that the City would be servicing the residential areas of these communities and that the costs will increase but that their assessment base would not increase proportionately. Therefore, Alderman Flynn explained that increased costs would mean higher rates for the citizens of the City suggesting that the growth in transit would be in the other municipal units.

Alderman Pottie noted that he was also of the opinion that the best and fairest formula for metro transit cost sharing for the citizens of the City of Halifax was certainly one based on mileage.

A discussion followed with Alderman D. Grant noting that she recognized the dilemma of the Metropolitan Authority. She noted that they have told Council time and time again that the best way to manage the transit system regionally was through assessment. Alderman D. Grant went on to note that the Metropolitan Authority was saying that in order to foster cooperation between the municipal units and in order to effectively manage the system, that it was their sincerest opinion that the assessment based formula was the best one to use. She suggested that this formula was the best one for all the citizens in the regional area. Alderman D. Grant pointed out that a good transit system was most essential for the downtown core of Halifax.

The discussion continued with Alderman Stone expressing the view that Council should not at this time accept the proposal for a cost sharing formula for transit services based on assessment. Alderman Stone expressed the concern that the assessment base of the other municipalities was not being totally assessed. It was his understanding that only the areas of the other municipalities being serviced by transit would be assessed. Alderman Stone also expressed the concern that the cost sharing for the Town of Bedford would be phased in over a period of years. He noted that at least the Metropolitan Authority, through the present system, had to come back to Council at various times with information and to receive Council's input.

A number of Aldermen suggested that they could support the assessment based formula if it was for a three year term only.

Following a further discussion, it was <u>MOVED by</u> <u>Deputy Mayor Ducharme, seconded by Alderman D. Grant that</u> City Council endorse the proposal by the Metropolitan Authority to alter the current mileage-based cost-sharing formula for transit services to one based on assessment but that it be on a three year trial basis.

The motion was taken resulting in a tie vote as follows (6) members of Council voting in favour:

Alderman D. Grant, Alderman Fitzgerald, Alderman Downey, Alderman Hanson, Alderman Jeffrey, and Deputy Mayor Ducharme, and (6) members voting in opposition:

Alderman Meagher, Alderman O'Malley, Alderman Pottie, Alderman R. Grant, Alderman FLynn, and Alderman Stone.

The Chairman broke the tie by voting in favour of the motion and declared the motion passed. He noted that he supported the assessment based formula in the hope that it would encourage growing cooperation within the four municipalities. The Chairman expressed the belief that, when dealing with routes which cross from one municipality to another, they are much easier handled by assessment. Mayor Wallace indicated that he had confidence in voting for assessment knowing that it was conditional on a three year term.

Acquisition - Parcels H-217 and H-217A (Lands Abutting Herring Cove Road)

MOVED by Alderman R. Grant, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, Parcels H-217, H-217A as identified on Plan No. TT-41-29942 attached to the confidential staff report of 19 January 1990, be purchased from Commercial Developments (Maritimes) Limited for the sum of \$14,700 as settlement in full. Funds can be made available from Account No. 226111 Z0330 CJ012 (the Herring Cove Road Widening Account).

Motion passed.

1985 Ford Hi-Cube Van (Tender #89-1-263)

MOVED by Alderman R. Grant, seconded by Deputy Mayor Ducharme that, as recommended by the Finance and Executive Committee, City Council award Tender #89-1-263 for one (1) 1985 Ford Hi-Cube Van to the District Number 5 Halifax County Volunteer Fire Department for a bid price of \$4,600.00 (to be used for Fire Department use only).

Motion passed.

Award of Tender #90-01: Herring Cove Road Traffic Improvements - Phase III (Greystone Road to Sussex Street)

MOVED by Alderman R. Grant, seconded by Alderman Jeffrey that, as recommended by the Finance and Executive Committee, City Council:

- 1. award Tender #90-01, Herring Cove Road Traffic Improvements - Phase III (Greystone Road to Sussex Street) to D. A. Lanthier Construction Co. Limited for materials and services as per tendered unit prices, at a total bid cost of \$2,376,505, and a total project cost of \$2,733,000;
- 2. funding be authorized from Capital Account No. CJØ12 in the gross amount of \$3,763,000 and a net amount of \$2,541,000 for Herring Cove Road (Traffic Improvements - Phase III, Greystone Road to Sussex Street); and
- 3. approve the appointment of Whitman Benn and Associates to provide Engineering inspection at an estimated cost of \$80,000.

Motion passed.

Tender **#89-121:** Captain William Spry Centre Air Conditioning

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

- 1) authorize the award of Tender #89-121 to Black and MacDonald Limited for materials and services to install air conditioning at the Captain William Spry Centre at a bid price of \$267,270.00;
- 2) authorize the award of a Consultant Services Contract for inspection services to All Energy Engineering Limited, in accordance with the Schedule of Rates for Consultant Engineering Services, but not to exceed \$5,500.00; and
- 3) authorize the expenditure from Capital Account No. AAØØ6 of the total project cost of \$291,770.00 with recoveries from the Province of Nova Scotia at 50% of the actual project costs not to exceed \$150,000.00, the Captain William Spry Centre not to exceed \$61,000.00, and approve rebate to the project account of recoverable Health Services Tax estimated at \$9,956.00.

Motion passed.

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Cost-Sharing - Oversize Streets

MOVED by Alderman D. Grant, seconded by Deputy Mayor Ducharme that, as recommended by the Finance and Executive Committee, City contributions to cost-sharing of oversized streets be limited to construction costs.

Motion passed.

Grace Hospital Project: Sewer Development Charge

MOVED by Alderman Downey, seconded by Deputy Mayor Ducharme that, as recommended by the Finance and Executive Committee, a sum of \$12,422.88 be charged to the 1989 Manager's Contingency Fund to be applied as payment of the interest on the Sewer Development Charge on the Grace Hospital project.

Motion passed.

Halifax Industrial Commission - Audit

MOVED by Alderman R. Grant, seconded by Alderman D. Grant that, as recommended by the Finance and Executive Committee:

- Council appoint an auditor with regard to the activities of the Halifax Industrial Commission;
- 2) the auditor's terms of reference be to conduct an examination of the financial statements of the Commission in accordance with generally accepted auditing standards, and to express an opinion on the fairness of the financial statement presentation;
- 3) the auditors include, as part of their review, an examination of the assumptions and calculations used in the determination of the costs and expected return on the investment in the industrial parks;
- 4) the costs of the audit be charged to "General Government" for the first year (the Halifax Industrial Commission should provide for the costs of subsequent audits in their annual budgets);
- 5) the Director of Finance assist the Halifax Industrial Commission in negotiating the fee for the audit services.

Motion passed.

It was noted that the City's external auditors would perform the audit for the Industrial Commission.

Expropriation of Easement SE-404, Civic No. 404 Herring Cove Road

This matter was forwarded to Council without recommendation.

MOVED by Alderman R. Grant, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, Easement SE-404 as shown on Plan No. TT-43-30370 in the confidential staff report of 2 February 1990 be expropriated from Harclow Enterprises Ltd. and that compensation be offered in the amount of \$1,700.00, based on appraisal by At-Tech Appraisal Consultants Ltd. and, further, that the Mayor and City Clerk be authorized to seek an Order of Immediate Possession from the Attorney General.

Motion passed.

Tender #46287 - "Tattle Tapes" (Library Book Security Systems)

MOVED by Deputy Mayor Ducharme, seconded by Alderman Stone that, as recommended by the Finance and Executive Committee, authority be granted to purchase 107M "Tattle Tapes" (Tender #46287) from 3M Canada Inc. at a total cost of \$17,655.00.

Motion passed.

Correspondence from the Halifax-Dartmouth and District Labour Council C.L.C. Re: Canso Rally

This matter was referred to this meeting from the Committee of the Whole Council meeting held on 7 February 1990.

MOVED by Alderman Meagher, seconded by Alderman Downey that His Worship Mayor Wallace forward a letter to the Mayor for the Town of Canso, on behalf of the members of Council, expressing concern over the fishery crisis in Canso, the number of people who have been laid off, and the plight of the Town.

Motion passed.

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REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on Wednesday, 3 January 1990 as follows:

Historic Properties - Sewer Outfall

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

- a) Council authorize His Worship the Mayor and the City Clerk to sign the undertaking as required by the Coast Guard under the Navigable Waters Protection Act, and,
- b) direct staff to proceed with implementation of the works as soon as all the necessary regulatory approvals are obtained, PROVIDED that the cost of the work will be recovered by the City in accordance with the cost sharing agreement if the project is incorporated in the design of the Clean-Up Program.

Alderman Fitzgerald expressed concern with regard to spending the dollars for this project before the final treatment configuration was completed.

Motion passed with Alderman Fitzgerald voting in opposition.

10:10 p.m. - His Worship Mayor Wallace retires from the meeting, with Deputy Mayor Ducharme assuming the Chair.

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

Motion Alderman Jeffrey Re: Repeal of Ordinance 14, Respecting the Regulation of Vehicles Used for Transporting Goods for Hire - SECOND READING

This matter was given First Reading during a regular meeting of Halifax City Council held on Thursday, 25 January 1990, and was subsequently considered during a meeting of the Finance and Executive Committee held on 7 February 1990.

MOVED by Alderman Jeffrey, seconded by Alderman Flynn that Halifax City Council give second and final reading to an Ordinance repealing Ordinance 14, Respecting the Regulation of Vehicles Used for Transporting Goods for Hire (attached as Appendix "A" to the staff report dated 9 January 1990).

The motion was put and passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on Wednesday, 7 February 1990, as follows:

Case No. 6008: Lot Modification Agreement -3182 Agricola Street (SET DATE FOR PUBLIC HEARING)

MOVED by Alderman O'Malley, seconded by Alderman Pottie that, as recommended by the City Planning Committee, Council set a date for a public hearing to consider the application for a development agreement at 3182 Agricola Street (Case No. 6008).

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for WEDNESDAY, 21 MARCH 1990 at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Case No. 6029: Rezoning from R-1 to R-2 - 59 (Lot M-1) Purcell's Cove Road (SET DATE FOR PUBLIC HEARING)

MOVED by Alderman Hanson, seconded by Alderman Stone that, as recommended by the City Planning Committee, City Council set a date for a public hearing to consider the rezoning application relevant to Lot M-1, Purcell's Cove Road (Case No. 6029).

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for WEDNESDAY, 4 APRIL 1990 at 7:30 p.m. in the Council Chamber, Halifax City Hall.

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Case No. 5419 - Stanley Park Residential Development (SET DATE FOR PUBLIC HEARING)

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

- City Council set a date for a public hearing to consider the application by North American Real Estate Limited for approval of a development agreement for the Stanley Park Residential Development (Case No. 5419), pursuant to Section 62(b)(1) of the Land Use Bylaw (Mainland Area); and
- that the application be forwarded to the Planning Advisory Committee and to the Lakes and Waterways Committee for their review prior to the public hearing.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for WEDNESDAY, 4 APRIL 1990 at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Role of the Planning Advisory Committee

MOVED by Alderman O'Malley, seconded by Alderman Meagher that, as recommended by the City Planning Committee, a special meeting of the Committee of the Whole Council be scheduled (subsequent to the completion of the 1990 budget review process) to consider the approach to be taken with regard to the future of the Planning Advisory Committee.

In seconding this motion, Alderman Meagher observed that members of the current Planning Advisory Committee are extremely concerned that this matter be dealt with some expediency and asked that they be advised when the date for the special meeting is confirmed.

The motion was put and passed.

Recommended Heritage Properties

An Information Report, dated 14 February 1990, was submitted.

MOVED by Alderman Downey, seconded by Alderman Fitzgerald that, as recommended by the City Planning

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Committee, City Council set a date for a public hearing to consider the inclusion of the following properties in the Halifax Registry of Heritage Property: (1) 1669 Granville Street (Old Auction House); (2) 1675 Bedford Row; (3) 5526 Sackville Street (Irving Oil Station).

Making reference to the 14 February Information Report, an amendment to the motion was moved by Alderman Richard Grant, seconded by Alderman Pottie that Civic No. 1675 Bedford Row be excluded from consideration at the proposed public hearing, and that any heritage aspects of the existing property be dealt with as part of the development agreement application for this site.

After some discussion, the amendment to the motion was put and lost.

The motion was put and passed.

The City Clerk advised that the proposed public hearing would be scheduled for WEDNESDAY, APRIL 4 1990 at 7:30 p.m. in the Council Chamber, Halifax City Hall.

MOTIONS

Motion Alderman R. Grant Re: Amendment to Ordinance No. 166, Respecting Signs, Billboards and Advertising Structures - FIRST READING

Notice of Motion with regard to this proposed amendment was given by Alderman Richard Grant during a regular meeting of Halifax City Council held on 25 January 1990.

MOVED by Alderman Richard Grant, seconded by Alderman Hanson that City Council give FIRST READING to an amendment proposed for Ordinance 166, Respecting Signs, Billboards and Advertising Structures, as follows:

- (a) that Section 16 of said Ordinance 166 is amended by adding immediately following subsection 2 thereof the following subsection:
 - (3) Subsection (2) shall not apply to a free-standing sign or advertising structure situated on any premises which are zoned General Industrial (I-3) under the provisions of the Land Use Bylaw of the City;

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and further, that the amendment, as proposed, be forwarded to the next regular meeting of the Committee of the Whole Council (scheduled for Wednesday, 21 February 1990) for consideration and report.

In putting forward this motion, Alderman Grant emphasized that the General Industrial (I-3) Zone in the City of Halifax pertains only to its Industrial Park.

The motion was put and passed.

Motion Alderman Flynn Re: Amendment to Ordinance No. 149, the Petty Trades Ordinance - FIRST READING

Notice of Motion with regard to this proposed amendment was given by Alderman Flynn during a regular meeting of Halifax City Council held on 25 January 1990. A staff report, dated 22 January 1990, was submitted from Mr. Wayne Anstey, Q.C., Acting City Solicitor.

MOVED by Alderman Flynn, seconded by Alderman Fitzgerald that City Council give FIRST READING to the amendment to Ordinance No. 149, the Petty Trades Ordinance (attached as Appendix "A" to the staff report, dated 22 January 1990) to permit the Police Department to take a set penalty in payment of a ticket in lieu of prosecution of infractions of this Bylaw, where the issuing officer has identified the ticket as appropriate for payment in this way; and further, that this amendment, as proposed, be forwarded to the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 21 February 1990) for consideration and report.

The motion was put and passed.

MISCELLANEOUS BUSINESS

Appointments

A report, dated 15 February 1990 was submitted from His Worship Mayor Ron Wallace.

MOVED by Deputy Mayor Ducharme, seconded by Alderman Flynn that Halifax City Council approve the following appointments:

Advisory Committee on Concerns of Ageing

Reverend Robert Johnson (Representative from the Council of Churches) Term to expire 31 January 1992

Mr. Fred Hull
 (Representative from the Seniors Council)
 Term to expire 31 January 1992

Halifax Forum Commission

Mr. George Findlay Mr. Ron Slade Terms to expire 31 January 1992

Natal Day Committee

Ms. Elizabeth Ness Mr. George Hallett Ms. Janice Mrkonjic Ms. Barbara Wilson Mr. Glen Baker Terms to expire 31 January 1992

Lakes and Waterways Advisory Committee

Mr. George Haliburton
Mr. William Sutherland
Ms. Judy Sampson
Terms to expire 31 January 1992

Planning Advisory Committee

Dr. Philip Pacey Terms to expire 31 January 1992

The motion was put and passed.

QUESTIONS

Question Alderman Downey Re: <u>Possible Cutbacks - C.F.B. Halifax</u>

Alderman Downey made reference to a number of calls he had recently received from concerned C.F.B. Halifax

workers, and asked that His Worship Mayor Wallace write to the Federal Minister of Defense for information as to whether the rumors regarding proposed cut-backs at this base are indeed valid.

His Worship Mayor Wallace indicated that he would undertake to do so.

Question Alderman Jeffrey Re: Slot Machines

Alderman Jeffrey raised concerns regarding a number of "one-armed bandits" (i.e , poker machines) reported to be operating illegally in various locations throughout the City. The Alderman also noted that it was his understanding that there are a quantity of other types of (legal) slot machines in use which have not been appropriately licensed by the City of Halifax.

Alderman Jeffrey asked for a report on the kinds of remedial action being taken by the City's Inspection Division regarding both these matters.

Question Alderman Jeffrey Re: Expropriation - Dutch Village Road

Alderman Jeffrey indicated that he would appreciate receiving a progress report from the City Solicitor's Department regarding the proposed expropriation of a property on Dutch Village Road near Alma Crescent.

Question Alderman Jeffrey Re: Transportation Committee

Alderman Jeffrey made reference to a previous request (made during the 25 January regular meeting of City Council) pertaining to the number of vehicles either owned or leased by the City, and the names and address of the individuals to whom these vehicles have been assigned.

The Alderman indicated that he has not yet received this information, and asked that it be made available as quickly as possible.

Question Alderman Jeffrey Re: Hiring of Consultant

Alderman Jeffrey noted that several weeks ago City Council passed a resolution with regard to the hiring of a consultant to assist in the search for a new City Manager, and asked for a progress report on the matter.

The Acting City Manager indicated that he had understood from Council's previous motion that this project was not to be undertaken until the City's budget review process had been completed; however, in light of Alderman Jeffrey's remarks, Mr. Murphy indicated that a report would be prepared on the matter as quickly as possible.

Question Alderman Jeffrey Re: Petition - Four-Way Stop Sign (Intersection of Coronation Avenue/Alex Street

Alderman Jeffrey made reference to a petition which he had submitted to Council on 25 January on behalf of approximately 88 residents of the Coronation Avenue/Alex Street area requesting the installation of a four-way stop sign at that intersection. He went on to note that the Traffic Authority has responded to this request by indicating that, because of a variety of factors (primarily the potential interruption to through traffic), he could not recommend the implementation of a four-way stop at this location.

The Alderman reiterated his concerns and those of area residents regarding the safety hazards posed by the Coronation Avenue/Alex Street intersection. He added that, if the Traffic Authority was concerned that the stop sign would encourage traffic to divert onto nearby streets, it was his (Alderman Jeffrey's) opinion that the petitioners would have no objection to having four-way stops installed on those intersections as well.

Under the circumstances, therefore, Alderman Jeffrey asked that the petition be reconsidered by the Traffic Authority.

Question Alderman Stone Re: Traffic Hazards - Dunbrack Street

Alderman Stone expressed concern regarding the safety hazards posed to both pedestrians and motorists by the various Dunbrack Street intersections (primarily Bridgeview South, Knightsridge at Langbrae, Farnham Gate Road, and Ross Street), and requested that the Traffic Authority examine the feasibility of installing flashing lights (to be operated, in particular, during peak driving times) at these locations.

On another but related matter, Alderman Stone noted that while he had been successful earlier this year in having

the speed limit along Dunbrack Street (from Langbrae to Farnham Gate Road) reduced from 70 kph to 60 kph, he had recently received reports from concerned residents that motorists are beginning to ignore the posted signs. He therefore asked that the Halifax Police Department be requested to enforce the 60 kph speed limits along this section of Dunbrack Street.

Question Alderman Stone Re: Traffic Problems - Fairview Overpass

Alderman Stone advised that he has received a number of calls regarding problems caused by the merging of traffic emanating from Dutch Village Road and attempting to change lanes into the Bridge approaches. He added that it was his understanding that traffic is being considerably delayed because of this and asked for information as to what could be done to alleviate this kind of traffic congestion.

Question Alderman O'Malley Re: Accident Report

Alderman O'Malley made reference to her two previous requests for a report from the Halifax Police Department concerning an accident which took place on 22 December at the corner of Agricola and Duffus Streets. She emphasized that she has not as yet received any information on the matter and would appreciate receiving same as quickly as possible.

Question Alderman O'Malley Re: Barrington Street Survey

Alderman O'Malley noted that she has asked on two previous occasions for information regarding a surveying operation which had been taking place on Barrington Street apparently pertaining to private driveways. She emphasized that she has not as yet received any information pursuant to her request, and asked that it be made available to her as quickly as possible.

Question Alderman O'Malley Re: Halifax Police Department - Extra Duty

Alderman O'Malley described a hypothetical situation in which a Halifax police officer is hired to do extra duty at a high school dance and is being paid for his efforts by the school's student council. She posed the question that, if the officer is injured in the performance of that extra duty and is therefore required to go on sick

leave to the extent that that sick leave is subsequently depleted, who then is responsible for paying.

Question Alderman O'Malley Re: Applications to City's Streets Committee

Responding to a question from Alderman O'Malley, His Worship Mayor Wallace advised that if an individual is interested in operating a mobile vending business in some part of the City not already designated for such purpose under the Streets Ordinance, he should make application concerning his proposal to the City's Streets Committee, who will, in turn, make recommendation to Halifax City Council.

In putting forward these remarks, Mayor Wallace emphasized that while approval of such applications could not be guaranteed, the Committee is extremely interested in receiving proposals regarding locations which may have been overlooked in previous reviews of the situation.

Question Deputy Mayor Ducharme Re: Mainland North Traffic

Deputy Mayor Ducharme made reference to a four-part motion unanimously approved by Halifax City Council at its meeting on 25 January concerning Mainland North Traffic, and emphasized that it would appear that no action has yet been taken by staff in this regard. The Deputy Mayor emphasized the considerable concern that has been voiced regarding the overall Mainland North traffic problem, and therefore urged that the recommendations contained in Council's motion be addressed as quickly as possible.

Question Deputy Mayor Ducharme Re: Snow Removal from Sidewalks

Deputy Mayor Ducharme expressed concern with regard to the sidewalks adjacent to large apartment complexes which are only infrequently cleared of snow by the property owner. In this context, she asked for staff's recommendation on the feasibility of graduating the fine for such violations according to the size of the property abutting the sidewalk.

Question Deputy Mayor Ducharme Re: Administration of Justice - Costs

Deputy Mayor Ducharme noted that the Solicitor General has replied to the City's resolution (forwarded

through the UNSM) that the Provincial Government should be responsible for all costs associated with the administration of justice in the Province of Nova Scotia, adding that, in the Solicitor General's view, the Province is not in a position at this time to take over these costs.

The Deputy Mayor strongly recommended that the City of Halifax take steps to pursue this resolution, particularly since the matter was initially raised by members of Council.

Question Deputy Mayor Ducharme Re: Private Day Care Centres

Deputy Mayor Ducharme advised that, in a motion passed on 14 December 1989, Halifax City Council had inadvertently offended Mr. Howard Crosby by asserting that "neither of the Halifax MP's are members of the Federal Party in power." She added that because Mr. Crosby has subsequently written to ask for an explanation, she would request that a letter be sent explaining to him that the actual comments made on 14 December were to the effect that only one Member of Parliament for Halifax is a member of the governing party.

In putting forward this suggestion, however, the Deputy Mayor asked that Mr. Crosby be requested to respond to the second part of Council's 14 December motion; namely, to explain why the Federal Government has chosen not to support the subsidization of private day care centres.

Question Alderman Flynn Re: Tourism Halifax Committee

Alderman Flynn put forward the suggestion of including a staff member from the World Trade and Convention Centre on the Tourism Halifax Committee (particularly since both agencies have relatively similar objectives), and asked that the possibility be reviewed.

Question Alderman Flynn Re: Snow Removal from Sidewalks

Alderman Flynn requested information as to whether it is an offence for individuals, when engaged in clearing snow from their sidewalks, to throw this snow onto the City street.

His Worship Mayor Wallace advised that, in his opinion, depositing snow on the street in this manner

constitutes an offence only when that snow became an obstruction to traffic.

Question Alderman Fitzgerald Re: "The Wave" Sculpture

Alderman Fitzgerald asked for a progress report regarding negotiations presently ongoing between the City of Halifax and the Waterfront Development Corporation with regard to "The Wave."

His Worship Mayor Wallace advised that the City is working with the WDC as to their suggestions on how the liability can removed, adding that he is personally satisfied that progress on the matter is being made.

Question Alderman Fitzgerald Re: Proposed Site - Racetrack

Alderman Fitzgerald noted that plans now seem to be in the making to locate the proposed racetrack in the vicinity of the Halifax International Airport. In this context, the Alderman asked for information (from staff of the Development and Planning Department) as to whether any representations had been made regarding the siting of this facility in the area of the Atlantic Winter Fair.

Question Alderman Fitzgerald Re: Open Store Hours - Industrial Park

Alderman Fitzgerald strongly recommended that the City's industrial zones be considered separately when the subject of open store hours is raised once again.

His Worship Mayor Wallace indicated that this approach will be taken in the preparation of reports for submission to Council.

Question Alderman Fitzgerald Re: False Alarms - Scott Hemming Proposal

Responding to a question from Alderman Fitzgerald, His Worship Mayor Wallace advised that Mr. Hemming's proposal is currently under review by Chiefs in the region, adding that a request would be made for the process to be completed as quickly as possible.

Question Alderman Fitzgerald Re: Traffic Conditions - Ward 2

THE POLY CONTRACTOR

Alderman Fitzgerald advised that many of his constituents are extremely concerned about the dangerous traffic conditions on Jubilee Road and Coburg Road. In this context, he noted that there had recently been an accident involving a pedestrian (in a crosswalk), and asked that he be provided with full details concerning this incident.

Question Alderman Meagher Re: Returnable Bottles

Alderman Meagher referred to the success of the "returnable bottle" policies now in effect in Prince Edward Island and to the campaign pertaining to both bottles and cans in the State of Maine. The Alderman expressed concern that, despite the fact that Council has approached the Province in this regard on several occasions, it would appear that progress has yet to be made.

Under the circumstances, Alderman Meagher asked (and it was so agreed) that the matter be placed on the agenda of the next regular meeting of Committee of the Whole Council (scheduled for Wednesday, 21 February 1990) with a view to developing a resolution for submission to the Provincial Government, the Federation of Canadian Municipalities and to the Union of Nova Scotia Municipalities.

Question Alderman Meagher Re: Speed Limits - City of Halifax

Alderman Meagher made reference to a petition made to the Provincial Legislature to have the 50 kph speed limit posted throughout the City of Halifax enforced, adding that, in his opinion, the situation involving speeding motorists was becoming critical.

The Acting City Manager advised that it was his understanding that the matter had been part of the amendments proposed to the Motor Vehicle Act in 1989, but had been removed by the Law Amendments Committee before receiving Third Reading.

Alderman Meagher therefore strongly recommended that the amendment be submitted for consideration once more and, in addition, that Halifax City Council raise the matter with the City's MLA's.

Question Alderman R. Grant Re: Natal Day Festival

Alderman Richard Grant advised Council that the telephone number for the Halifax Natal Day Festival Committee is **421-2999** and is now in operation. In making this announcement, the Alderman thanked everyone involved in securing this telephone service so promptly for their assistance.

Question Alderman R. Grant Re: Advertising Committee

Alderman Richard Grant made reference to an Advertising Committee established some years ago by Halifax City Council and chaired by then Alderman Donald LeBlanc. The Alderman asked to have the report produced by that committee recirculated to members of City Council.

Question Alderman Hanson Re: St. Margaret's Bay Road Project

Alderman Hanson expressed concern that no response has yet been received from the Province of Nova Scotia as to whether it will agree to cost-share with the City on the St. Margaret's Bay Road sewer and water project which was previously approved by Halifax City Council.

The Alderman emphasized that, in his opinion, this project should be commenced as quickly as possible, and asked for comments as to whether it would be feasible for staff to proceed with the engineering design (or any of the preliminary work necessary to this project), based on the assumption that the Province's response to our cost-sharing request will be in the affirmative.

His Worship Mayor Wallace advised that the Engineering and Works Department will be requested to respond to Alderman Hanson in this regard.

Question Alderman Fitzgerald Re: City Legislation Package

Responding to a question from Alderman Fitzgerald, the Acting City Solicitor advised that the City's annual legislation package will be presented to Committee of the Whole Council at its next meeting scheduled for Wednesday, 21 February 1990.

Question Alderman Fitzgerald Re: Returnable Bottles

Concurring with remarks made earlier by Alderman Meagher with regard to returnable bottles, Alderman Fitzgerald made reference to a recent article in <u>Civic</u> magazine concerning this matter and indicated that he would make copies available to other members of Council for their information.

ADDED ITEMS

Employment Equity Program (Alderman Jeffrey)

This matter was added to the agenda at the request of Alderman Jeffrey who commended members of Council for having supported the implementation of the Employment Equity Program, a program he described as being "worthwhile" and a long time coming. Having said that, however, he asked for a report containing information in response to the following questions:

1) Alderman Jeffrey indicated that he had recently read a newspaper report suggesting that Council and the public had been "kept in the dark." Quoting from that media coverage, the Alderman noted that "on 10 September members of the visible minorities began a clerk training program in various City departments. No report reached Council outlining this initiative and when detailed plans were made for the Firefighters Program, again no report was issued until last week when, coincidentally, a full update arrived."

Commenting on this situation, Alderman Jeffrey observed that, in his opinion, members of Council must rely on media reports in order to learn about important activities taking place at City Hall. He emphasized that while Aldermen are generally supportive of the Employment Equity Program, it was his view that they have received very little information about its specifics despite the fact that they are the ones who must answer the majority of questions concerning the program from members of staff and the public.

2) Alderman Jeffrey also noted that he understood the Federal Government to be contributing an amount of approximately \$180,000 to the Halifax Employment Equity Program, with the City itself allocating roughly \$130,000 through its 1990 Operating Budget. The Alderman asked for information concerning program funding for the coming years, and, in particular, whether the City can expect continued financial support from the Federal Government in this regard.

3) Alderman Jeffrey indicated that Local 268 has advised that at no time were they informed of the proposed Employment Equity Program. He emphasized that, in his opinion, this lack of consultation appeared to be in contravention of the policy statement previously received by members of Council (particularly since "ongoing consultation with the Unions" had been promised), and asked for staff's comments on the matter.

4) On another but related matter, Alderman Jeffrey noted that it was his understanding that regular progress reports concerning the Employment Equity Program would be submitted to City Council every six months and would at the same time be made available to the public. He emphasized that, in his opinion, these reports should be made at shorter intervals, and went on to note that 27 January (the end of the first six-month period since the program was approved) came and went without the promised report having been received.

Alderman Jeffrey suggested that members of Council should be advised as soon as program components are ready to come onstream so that all Aldermen can be fully familiar with the specifics of those components.

5) In conclusion, Alderman Jeffrey indicated that he opposes the implementation of any further Program components until such time as Council has granted its specific approval and has reviewed the policy statements thoroughly. In this context, he asked for an outline of the future activities planned under the auspices of the Equity Program together with an estimate of their cost (particularly those which will be funded by the City of Halifax).

Lighting Demonstration Project Proposal

A staff report, dated 12 February 1990, was submitted.

MOVED by Deputy Mayor Ducharme, seconded by Alderman Flynn that:

- the City of Halifax enter into an agreement with the Provincial and Federal Departments of Energy, Mines & Resources on a lighting demonstration project coordinated by the Energy Office;
- 2) the Energy Management Office and the Regional Library designate \$4,000 each out of their operating budgets as their share of the project with an

estimated cost recovery period of two years;

3) staff enter into an agreement with a consulting firm to implement and monitor the energy management project for an amount not to exceed \$15,000 (the total amount will be reimbursed to the City by the Department of Mines and Energy).

The motion was put and passed.

Halifax Civic Hospital (Alderman Fitzgerald)

MOVED by Alderman Fitzgerald, seconded by Alderman Hanson that the City of Halifax cooperate with the Provincial Government in its endeavors to establish an adolescent drug rehabilitation centre at the Civic Hospital site, provided that:

- the Province gives a guarantee that would provide adequate accommodation for the present patient population of the Civic Hospital;
- the Province agrees to the favorable disposition of accumulated funds;
- the Province agrees to adhere to the rental rates as established and agreed to by the City;
- 4) job security is extended for Hospital workers;
- 5) doctor privileges are extended to the present staff;
- 6) the Province undertake complete maintenance of the present facility; and
- the Province provide membership on the Board of Directors.

Alderman Pottie made reference to a previous motion of Council endorsing the continuation of the Halifax Civic Hospital under the ownership of the City of Halifax, and questioned whether that motion should in fact be rescinded before proceeding to consider the motion put forward by Alderman Fitzgerald.

The Acting City Manager advised that Council's previous motion merely constituted an "expression of intent"

(no action being required), and was based on conditions in effect at that time.

A discussion ensued with Alderman Meagher expressing concern that, if the Civic Hospital is turned over to the Province in the manner suggested by Alderman Fitzgerald's motion, the City will lose a very valuable facility which has long provided restorative care for its residents.

It was therefore moved by Alderman Meagher, seconded by Alderman Jeffrey that the matter be referred to the next regular meeting of Committee of the Whole Council to provide members of Council an opportunity to hear presentations from the Provincial Minister and from members of the Board of Directors for the Halifax Civic Hospital.

His Worship Mayor Wallace emphasized that discussions concerning this matter were begun 6-8 months ago both with the Provincial Minister and his staff and with the Hospital Board and its Executive Director. Under the circumstances, he suggested, there is very little to be achieved by any further meetings or presentations since neither side wishes to change its position on this matter.

The motion to defer was put and lost.

Responding to a question from Alderman Pottie, His Worship Mayor Wallace advised that, whether or not Halifax City Council approves the motion put forward by Alderman Fitzgerald, the Province of Nova Scotia will no longer provide funding for patients in this facility.

After some further discussion, the original motion was put and passed with six (6) members of Council voting for it and five (5) against it as follows:

FOR: Deputy Mayor Ducharme, and Aldermen Fitzgerald, Richard Grant, Hanson, Flynn, and Stone . . . (6)

Winter Parking Ban (Alderman Fitzgerald)

This matter had been added to the agenda at the request of Alderman Fitzgerald who referred to remarks made during the 7 February meeting of the Works Committee concerning the extension of the winter parking ban to 2:00 a.m.

The Alderman emphasized that he was basically opposed to the sentiments expressed by staff in the Information Report on this matter dated 13 February 1990, and therefore requested (and it was so agreed) that this matter be added to the agenda of the next regular meeting of the Committee on Works scheduled for Wednesday, 21 February 1990.

Haltrans Industries (Alderman Fitzgerald)

Correspondence, dated 15 February 1990, was submitted from Mr. Doug Crossman, Chairman, Haltrans Industries.

This matter was added to the agenda at the request of Alderman Fitzgerald who asked that this matter be placed on the agenda of the next regular meeting of Committee of the Whole Council scheduled for Wednesday, 21 February 1990.

Driveway - 2515 Beech Street (Alderman Meagher)

This matter was added to the agenda at the request of Alderman Meagher who submitted correspondence, dated 29 January 1990 from Ms. Claire Edwards concerning the City's refusal to allow her to construct a driveway on her property at 2515 Beech Street.

At Alderman Meagher's request, <u>it was agreed that</u> this matter would be placed on the agenda of the next regular meeting of the Committee on Works scheduled for Wednesday, 21 February 1990.

There being no further business to be discussed, the meeting was adjourned at approximately 12:05 a.m.

HIS WORSHIP MAYOR RON WALLACE AND DEPUTY MAYOR MOIRA DUCHARME CHAIRMEN

mmd*K

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RECORD COPY

SPECIAL COUNCIL PUBLIC HEARINGS M I N U T E S

> Council Chamber Halifax City Hall 21 February 1990 7:30 p.m.

A special meeting of Halifax City Council, Public Hearings was held on the above date.

After the meeting was called to order, the members of Council attending joined in reciting the Lord's Prayer.

PRESENT: Deputy Mayor M. Ducharme, Chairman; and Aldermen W. Fitzgerald, G. Downey, P. Pottie, R. Grant, R. Hanson, A. Flynn, and B. Stone.

ALSO PRESENT: Mr. Barry Allen, Acting City Solicitor; Margaret MacDonell, representing the City Clerk's Office, and other members of City staff.

The following items were added to the agenda, being deferred from a regular meeting of the Committee of the Whole Council held on this date:

Pollution Control Charge - 1990

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman R. Grant, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, the rate of Pollution Control charge for 1990, as called for under Section 4(2) of Ordinance 156, be set at \$0.1670 per cubic metre (\$0.76 per thousand gallons).

Motion carried.

Halifax Natal Day Committee Request

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman R. Grant, seconded by Alderman Pottie that, as recommended by the Finance and Executive Committee, an advance of \$2,000 be approved for the use of the Halifax Natal Day Committee for the 1990 start-up purposes.

Motion carried.

Tender 89-02, Rockwood Sewer

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Hanson, seconded by Alderman R. Grant that, authority be granted for the increase in the total project cost from \$867,000 to \$917,000 for Tender No. 89-02, Rockwood Area Storm Sewer with no increase in net construction cost to the City.

Motion carried.

Tender 89-176: One 1990 Model Vacuum Street Sweeper

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Stone, seconded by Alderman Pottie that, with regard to Tender 89-176 for one 1990 model vacuum street sweeper, authority be granted to purchase this item from Saunders Equipment Ltd., the lowest bidder meeting specifications for a price of \$124,430.00 (funds to be made available in account number 126104.X1710 titled Motor Equipment Fixed Assets - Works Vehicles).

Motion carried.

Tender 89-179: Two Crew Cab Pickups

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Pottie, seconded by Alderman Stone that, with regard to Tender 89-179 for two crew cab pickups, authority be granted to purchase these items from Brett Pontiac Buick GMC Ltd., the lowest bidder meeting specifications for a price of \$46,240.00 (funds to be made available in account number 126104.X1710 titled Motor Equipment Fixed Assets - Works Vehicles).

Motion carried.

Tender 89-182: One Front End Loader

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

Special Council 21 February 1990

MOVED by Alderman Downey, seconded by Alderman Pottie that, with regard to Tender 89-182 for one front end loader, authority be granted to purchase this item from North East Tractor, the lowest bidder meeting specifications for a price of \$95,666.03 (with trade-in) (funds to be made available in account number 126104.X1710 titled Motor Equipment Fixed Assets - Works Vehicles).

Motion carried.

Tender 89-183: Seven 1990 Pickups

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Fitzgerald, seconded by Alderman Flynn that, with regard to Tender 89-183 for seven 1990 pickups, authority be granted to purchase the above items from MacLellan L/M Sales, the lowest bidder meeting specifications for a price of \$93,912.00 (funds to be made available in account number 126104.X1710 titled Motor Equipment Fixed Assets - Works Vehicles).

Motion carried.

Tender 89-185: Three 1990 Stake/Dump Trucks - 10000 GVW

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

NOTE:

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This item had been inadvertently overlooked during Council's deliberations at the regular meeting of Special City Council held on 21 February 1990.

Under the circumstances this item has been forwarded to the next regular meeting of City Council, scheduled for 1 March 1990.

Tender 89-186: One 1990 Tandem Truck with Comb. Body and Plow

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

Alderman Pottie addressed the matter and advised that, regarding the bids for the Chassis, he was of the

Special Council 21 February 1990

understanding that Bruce Chev Olds Ltd. was located in Bridgewater. Noting that the City ran into a similar problem in the past, he suggested that the differences in the two lowest bidders were minimal and that it may be more advantageous to go with the second lowest bidder, i.e. Burnside Int. and requested a report on this matter.

MOVED by Alderman Pottie, seconded by Alderman R. Grant that this item be deferred to the next regular meeting of City Council, scheduled for 1 March 1990, pending a supplementary staff report.

Motion carried.

Tender 89-188: Four 1990 Model Truck Chassis with Combination Salt & Dump Bodies and Plows - 27500 GVW

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Downey, seconded by Alderman Stone that, with regard to Tender 89-188 for four 1990 model truck chassis with combination salt & dump bodies and plows -27500 GVW, authority be granted to purchase this equipment from Bob McDonald Chev Olds and Scotia Equipment, the lowest bidders in each instance meeting specifications, for the prices of \$159,224.00 and \$97,980.00 respectively (funds to be made available in the account number 126104.X1710 titled Motor Equipment Fixed Assets - Works Vehicles).

Motion carried.

Tender 89-189: Repairs to Three Aerial Buckets

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that, with regard to Tender 89-189 for repairs to three aerial buckets, authority be granted to purchase this equipment from John White, the lowest bidder meeting specifications for a price of \$39,598.00 (funds to be made available in account number 126104.X1710 titled Motor Equipment Fixed Assets - Works Vehicles).

Motion carried.
Tender 89-192: Four 1990 Model Cargo Vans - 8600 GVW

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Hanson, seconded by Alderman R. Grant that, with regard to Tender 89-192 for four 1990 model cargo vans - 8600 GVW, authority be granted to purchase this equipment from MacLellan L/M Sales, the lowest bidder meeting specifications, for a price of \$63,904.00 (funds to be made available in account number 126104.X1710 titled Motor Equipment Fixed Assets - Works Vehicles).

Motion carried.

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Tender 89-195: One 1990 Model Truck Chassis with Body and Crane

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

Alderman Flynn addressed this item and requested a report on the full cost of servicing involved.

MOVED by Alderman Flynn, seconded by Alderman Pottie that this item be deferred to the next regular meeting of City Council, scheduled for 1 March 1990, pending a supplementary staff report.

Motion carried.

Tender 89-196: Two Articulated One Half Yard Loaders

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Pottie, seconded by Hanson that, with regard to Tender 89-196 for two articulated one half yard loaders, authority be granted to purchase this equipment from Central Equipment, the lowest bidder meeting specifications for a price of \$78,760.53 (funds to be made available from account number 126104.X1710 titled Motor Equipment Fixed Assets - Works Vehicles).

Motion carried.

Tender 89-197 One 1990 Model Truck Chassis with Tilt Cab

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Stone, seconded by Alderman Flynn that, with regard to tender 89-197 for one 1990 model truck chassis with tilt cab, authority be granted to purchase the equipment from Chebucto Ford, the lowest bidder meeting specifications for a price of \$43,000.00 (funds to be made available from account number 126104.X1710 titled Motor Equipment Fixed Assets - Works Vehicles).

Motion carried.

CONTRACTOR OF

Tender 89-198: Two Vibratory Rollers

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Hanson, seconded by Alderman Pottie that, with regard to tender 89-198 for two vibratory rollers, authority be granted to purchase the equipment from Halifax Equipment Rentals, the lowest bidder meeting specifications for a price of \$20,200.00 (funds to be made available form account number 126104.X1710 titled Motor Equipment Fixed Assets - Works Vehicles).

Motion carried.

Tender 89-199: Two Model 1990 Crew Cab Stake Trucks 10000 GVW

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

Alderman Flynn addressed this item and requested a report with regard to the differences in the maintenance costs.

MOVED by Alderman Flynn, seconded by Alderman Pottie that, this matter be deferred to the next regular meeting of City Council, scheduled for 1 March 1990, pending a supplementary staff report.

Motion carried.

Tender 89-201: Two 1990 Model Truck Chassis with Aerial Lift and Utility Bodies

This item had been forwarded to this meeting from a meeting of the Finance and Executive Committee held earlier on this date.

MOVED by Alderman Downey, seconded by Alderman Hanson that, with regard to Tender 89-201 for two 1990 model truck chassis with aerial lift and utility bodies, authority be granted to purchase this equipment from Bob McDonald Chev Olds, the lowest bidder meeting specifications for a price of \$149,118.00 (funds to be made available from account number 126104.X1710 title Motor Equipment Fixed Assets - Works Vehicles).

Motion carried.

At the request of the City Clerk, the following item was added to the agenda:

Case No. 6005: Amendment of the Land Use Bylaw - Definition of Height, South End & Peninsula Ctr. Areas- R-1, R-2 Zones

This matter had last been discussed at a meeting of City Council on 15 February 1990, when at that time, it was recommended that a further public hearing be called to consider the height restrictions in the R-1 and R-2 zoned areas.

MOVED by Alderman Fitzgerald, seconded by Alderman Pottie that a date be set for a public hearing on Case No. 6005: Amendment to the Land Use Bylaw - Definition of Height, South End & Peninsula Centre Areas - R-1 and R-2 Zones.

Motion carried.

The City Clerk advised that the date for the public hearing would be scheduled for Wednesday, 9 May 1990, beginning at 7:30 p.m. in the Council Chamber, Halifax City Hall.

Council then continued with the regularly scheduled items on the agenda, as follows:

Public Hearing Re: Case No. 6013: Minor Variance Appeal -5963 College Street

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

A staff report dated, 1 February 1990, was submitted.

Mr. Paul J. Dunphy, Planner, addressed Council, and using diagrams and slides, outlined the application by Vinland Holdings Limited for an appeal of a minor variance refusal at 5963 College Street (as illustrated in the staff report dated 1 February 1990).

Mr. Dunphy responded to questions from Council.

Mr. Michael Byrne, President of Vinland Holdings Limited, addressed Council and advised that he was representing the applicant.

Mr. Byrne reviewed the manner in which Vinland acquired the property of 6013 College Street. He advised that when the property was purchased from Dalhousie University, it was zoned R-3 and, at that time, it was indicated to Vinland that the building, under this zoning, could be used as a rooming house. Mr. Byrne added that in the Fall of 1985, Vinland applied to the City for a building permit to convert, what was a nonconforming use, to a rooming house. He noted that when the application was made, staff did not indicate there would be any difficulty, but that on December 15, 1985 a letter was received notifying them that the permit had been cancelled. He advised that upon pursuing this matter with the City, he found out that the reason for cancellation was that a non-conforming occupancy by Dalhousie was in no way recognized by the City and that the building permit to convert the building to a rooming house was, therefore, rescinded.

Mr. Byrne then outlined the series of events which led up to this public hearing.

Referring to the staff report, Mr. Byrne then addressed the reasons given by staff for refusing the minor variance. He noted that the staff report indicated that the intent of this application was to legalize a fourth dwelling unit. Mr. Byrne pointed out that he was not requesting a fourth addition or a change to the building but rather he was requesting recognition of what was already there.

Mr. Byrne advised that the garage building, with the passageway, was used as a heated storage facility, and in Vinland's opinion, was considered an accessory building. He added that if Council agreed that it was an accessory building, then no setback would be required and this aspect of the minor variance approval would be deemed acceptable.

Referring to the requirement for open space, Mr. Byrne indicated that two-thirds of the requirement has been provided, and he suggested that to tear down the passageway, in order to meet the 400 sq. ft. deficiency for open space, that it would not make a substantial impact on the intent of the bylaw requiring amenity space. Mr. Byrne pointed out that the rear of most of the buildings along Carlton Street were not used as amenity space.

Mr. Byrne then addressed the issue of parking and suggested that, with the angled parking spaces, most cars were able to fit in these spaces. He added that when there were only two or three cars in the area, they were able to turn with relative convenience, and that when the space was inadequate, Vinland had a reciprocal agreement with 1460 Carlton Street, whereby, the cars were able to use their property to turn conveniently, and in return, the occupants of 1460 Carlton Street were permitted to use the driveway of 5963 College St.

Mr. Byrne referred to staff's comments that the difficulties encountered in this situation were not general to the area, and suggested that, in his opinion, similar difficulties would apply to every similar building of smaller lot size along College and Carlton Streets. He referred to staff's comments that the third and fourth units were installed and indicated that when Vinland acquired the building the only change that was made was the relocating of doors. On a final point in support of his appeal, Mr. Byrne advised that Vinland took the view, in this situation, that where they were inhibited at the outset by having to accept the building as duplex occupancy rather than rooming house occupancy, that some latitude would be afforded to them regarding how those duplex units would be used.

In summary, Mr. Byrne advised that since Vinland became the owner of the building in question, they feel that the use has been very much in conformance to the current plan for the area, and he requested Council's support on this matter.

Mr. Byrne responded to questions from Council.

Mr. Allan Hayman, property owner of 5977 College Street, addressed Council and indicated his opposition to the appeal of this application for a minor variance.

Mr. Hayman advised that, in his opinion, the variances outlined in the staff report on this matter were major and not minor. He added that he was concerned that if Council approved this minor variance, then it would set a bad precedent for the area in question. Mr. Hayman noted that

the applicant could be eligible for minor variance approval but is reluctant to tear down the passageway.

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

The following correspondence was submitted:

A letter in support of the application, dated February 12, 1990, from Mr. K. A. Haines, a resident of 1468 Carlton Street, Halifax, NS, B3H 3B7.

A letter opposing the application, dated February 16, 1990, from Mr. Joseph P. Shannon, P. O. Box 263, Port Hawkesbury, NS, BØE 2V0, property owner of 1389 Robie Street.

MOVED by Alderman Fitzgerald, seconded by Alderman Downey that this matter be forwarded to Council without recommendation.

Motion carried.

Public Hearing Re: Case No. 5937: Rezoning from R-1 to R-2A - 5760-62 Inglis Street

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

Mr. Gary Porter, Planner, addressed Council and, using diagrams, outlined the application by Kim Lee Realty Co. to rezone 5760-62 Inglis Street from R-1 to R-2A (as illustrated in the staff report dated 2 January 1990).

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

MOVED by Alderman Hanson, seconded by Alderman Flynn that this matter be forwarded to Council without recommendation.

Motion carried.

Public Hearing Re: Case No. 5892: Proposed Development Agreement - 1480-84 Carlton Street

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

Mr. Michael Hanusiak, Planner II, addressed Council and, using diagrams, outlined the application by Brencole Holdings Limited for development agreement involving the property at 1480-84 Carlton Street to permit the existing

building (authorized for four units) to be converted to offices (as illustrated in the staff report dated 3 October 1989).

Mr. George Borovan, a resident of 22 Edward Laurie Drive and President of Brencole Holdings Limited, addressed Council and advised that he was speaking on behalf of the applicant.

Mr. Borovan advised that Brencole intends to refurbish the interior of the building as well as to restore the building's exterior. He noted that the entire building was in poor condition and that serious structural work, such as roof repairs, would be required.

At 9:05 Alderman Meager enters the meeting.

Mr. Borovan then elaborated on the type of work proposed for the building.

Referring to the staff report, Mr. Borovan pointed out that their application met three of the four criteria, and that the reason staff was not recommending approval was that it would be precedent setting. He pointed out that, nowhere in the policies adopted by Council and the Municipal Development Plan was there any reference made that Council was indulged to look at the precedent impact of the proposal which otherwise satisfies all the requirements on its own merits. In summary, Mr. Borovan requested that Council judge this proposal on its own merits and not accept precedent setting as a reason for refusing the application.

Mr. Borovan responded to questions from Council.

Alderman Pottie expressed concern of staff's refusal to recommend this application because of staff's belief that it would be precedent setting. He asked for clarification on this statement from the Acting City Solicitor.

In response to Alderman Pottie's concerns, the Acting City Solicitor advised that staff have stated that the effect of a precedent setting approval, if it is realized by further development, will be that the policies will not be met. He advised that he would discuss this matter with staff and provide a report.

Mr. Borovan responded to further questions.

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

The following correspondence was submitted:

A letter in support from Mr. K. A. Haines, a resident of 1468 Carleton Street, Halifax, N. S. B3H 3B7.

MOVED by Alderman Fitzgerald, seconded by Alderman Pottie that this matter be forwarded to Council without recommendation.

Motion carried.

Public Hearing Re: Case No. 5949: Proposed Development Agreement - Parcel "L", Corner of Dunbrack Street and Lacewood Drive

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

Mr. Michael Hanusiak, Planner II, addressed Council and, using diagrams, outlined the application by Clayton Developments Ltd. for a development agreement involving Parcel "L" of the lands of Clayton Developments Ltd., located at the northwest corner of the intersection of Dunbrack Street and Lacewood Drive. Mr. Hanusiak advised that the purpose of the agreement was to permit an office/shopping plaza and two retail/commercial buildings.

Mr. Hanusiak responded to questions from Council.

In response to comments by Alderman Stone regarding the installation of traffic lights or flashing lights, Mr. Hanusiak advised that traffic lights were planned to be installed at Willett Street and at the opposing driveway at some point in time. He advised that it was staff's opinion that they would be installed when the proposed shopping centre was scheduled to open.

Responding to further questions by Alderman Stone regarding the installation of traffic lights at the corner of Bridgeview South and Radcliffe, Mr. Hanusiak advised that the City's Traffic Authority feel that the traffic generated at this time is about 75 percent of the necessary volume to warrant the installation of traffic lights. He added that, according to the Traffic Authority, the proposed shopping centre would accelerate the time frame for the installation of those lights. Further to this, Mr. Hanusiak pointed out that if this development was approved, he would request the Traffic Authority to look at the matter again and provide an established timetable for the installation of traffic lights. Mr. Hanusiak noted that it was difficult, without this

development approved, to order the type of traffic studies needed to pinpoint a particular time frame.

Alderman Stone expressed concerne about the amount of traffic that would be generated if this application was approved, and he suggested that the installation of traffic lights should be a priority and installed as quickly as possible if Council approved the development agreement as proposed.

Mr. Bob Shaw, President of Clayton Developments Ltd., and Mr. Mike Willett, Vice-President of Development, Clayton Developments Ltd., addressed Council and outlined their proposal.

Using sketches and site plans, Mr. Shaw reviewed the application, briefly elaborating on the access points, proposed sidewalks, and the proposed occupants of the shopping centre.

Mr. Shaw addressed the issue of traffic lights and suggested that, in his opinion, for reasons of safety and efficiency, traffic lights would probably appear at Willet Street and the interfacing of the two centres on Lacewood Drive at the earliest possible date. Mr. Shaw added that Clayton Developments Ltd. have indicated to staff that they would be willing to share the implementation cost of these traffic lights.

Mr. Shaw referred to the concerns by the residents of the area in question with respect to the probable increase in traffic, and advised that studies conducted by Clayton Developments Ltd. indicated that the proposed commercial centre would produce less traffic to the overall neighborhood because it would introduce less new traffic to the Mainland North Area. He pointed out that 98 percent of the traffic that would use this centre would emanate from and return to Mainland North. In closing, Mr. Shaw requested Council's support of this application.

Mr. Shaw responded to questions from Council.

Alderman R. Grant, referring to the installation of traffic lights, suggested that City Council seek an opinion from the Provincial Authority on this matter.

Alderman Hanson addressed the issue and suggested that since many of the people using the buses would be customers from the Shopping Centre, that Clayton Developments Ltd. should consider providing bus shelters.

Mrs. Anne MacMillan, President of the Ward 12 Community Association, addressed Council and read a statement in opposition to the application. In her statement, Mrs. MacMillan advised that Ward 12 had commissioned a professional development consultant to evaluate this proposal and it resulted in raising two questions. She advised that the first question was, "why was the proponent not asked to produce a marketing plan in recognition of the expansion of Bayers Lake, Millcove, Bedford Proper, Langbrae Gardens, Kearney Lake Road, and Rockingham Ridge in order to gain agreement that such a facility was warranted?" Mrs. MacMillan added that the second question was, "why was the proponent not asked to show a loading model of the Bridgeview Connector in the future and impacted by a regional shopping centre?" Mrs. MacMillan then elaborated on the rationale of these questions.

Mrs. MacMillan expressed concern about an increase in traffic and the traffic problems which would result if this development was approved. She also expressed concern about the effect this would have on the many school-aged children living in this area who walk to school.

In conclusion, Mrs. MacMillan put forth two questions for Council's consideration. First, Mrs. MacMillan requested how Council could consider a Schedule K, Minor Commercial use turned into a C-2, Schedule L, General Business Zone, commercial shopping mall, without the Planning Act requirement of a public participation program. Mrs. MacMillan advised that her second question for Council's consideration was, "what is the corporate responsibility to a community in which they are planning to establish themselvesand what is the City's responsibility in relation to presenting these organizations as tenents of a proposal when contracts of commitment to the City have not been made?" In summary, Mrs. MacMillan advised, it was her belief, that there must be corporate responsibility to both the proponent and the community and suggested that if this could not be established then the land in question should revert to its original zoning on failure of contract fulfillment.

Mr. Pat Copeland, Chairman of the Ward 10 Residents Association, addressed Council and expressed concern about the proposed application.

He advised that he was concerned of the traffic problems which would result with the proposed shopping centre and indicated that he was in support of the concept provided that the traffic lights, which were discussed, would be installed.

Mr. Archie MacDonald, a resident of Bayview Road, addressed Council and indicated his opposition to the proposed application.

Mr. MacDonald advised that he did not support this application because of the traffic problems which would result and the City's present inability to deal with these problems. He added that it was his suggestion that approval not to granted to Clayton Developments for this or any further development until such a time when the City and Clayton Development Ltd. have addressed the traffic problems of the area.

Ms. Collette Duncan, a resident of 47 Briarwood Crescent, Clayton Park addressed Council and expressed concern about the proposal.

Ms. Duncan expressed concern about the increase in traffic which would result with this development and of the City's need to address this issue before any development was constructed.

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

MOVED by Alderman Stone, seconded by Alderman R. Grant that this matter be forwarded to Council without recommendation.

Motion carried.

There being no further business to discuss, the meeting adjourned at 10:40 p.m.

DEPUTY MAYOR DUCHARME CHAIRMAN

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