# Question Deputy Mayor O'Malley Re: CM Intermodal Terminal

Deputy Mayor O'Halley referred to the issue raised earlier during "Questions" by Alderman Downey concerning the CN Intermodal Terminal. She noted that there has been a public meeting advertised for September 10th. The Deputy Mayor expressed the view that the residents of this City should be informed as to what is going to happen in the area, and indicated that it was her hope that Council would uphold their decision to hold the public meeting even if there is new information.

#### NOTICES OF MOTION

## Notice of Notion Alderman Fitzgerald Re: Ordinance 137, the Deferred Payment of Taxes Ordinance

Alderman Fitzgerald gave Notice of Motion that at the next meeting of Halifax City Council to be held on Thursday, the 12th day of September, 1991, he proposes to introduce for first reading an amendment to Ordinance Number 137, the Deferred Payment of Taxes Ordinance. The purpose of the amendment is to change the time for the filing of an affidavit in support of an application for relief under the Ordinance from the 30th day of June to the 30th day of September to account for the change in the fiscal period.

#### ADDED ITEMS

# Price Agreement #911388 - Interior and Exterior Paints

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

A staff report dated 27 August 1991 was submitted.

MOVED by Alderman Grant. seconded by Alderman Downey that authority be granted to award price agreement #911388 to Colour Your World, the lowest bidder meeting specifications, for a total tendered price of \$34,128.85.

Motion passed.

# Tender 91-125 - Emergency Replacement, Chiller Unit -Devonshire Center

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

A staff report dated 27 August 1991 was submitted.

<u>MOVED by Alderman Hanson, seconded by Deputy</u> <u>Mayor O'Malley that</u> tender 91-125 for supply of one chiller unit for the Devonshire Center be awarded to Cimco-Lock Refrigeration for a tendered amount of \$31,276.00 and that authority be given to use 201(1) funding for this purpose.

Motion passed.

## Tender 91-123 - Police Station Renovations, Female Accommodations

This item was added by the City Clerk during the setting of the agenda.

A staff report dated 29 August 1991 was submitted.

MOVED by Alderman Stone. seconded by Alderman <u>Fitzgerald that</u> authority be granted to award tender 91-123 for Police Station Renovations, Female Accommodations, to Ecos Construction Ltd. in the amount of \$133,536 and approve the total project cost of \$153,566.40 (funds to be made available in account number 9120.91004 titled - Police Department Renovations).

#### Motion passed.

#### Tipping Fees (Deputy Mayor O'Halley)

This item was added to the agenda at the request of Deputy Mayor O'Malley.

Deputy Mayor O'Malley addressed the matter and referred to the City Council minutes of 11 July 1991 with respect to Condominium Fees. The Deputy Mayor reviewed the four-part motion which was passed at the July 11th Council meeting. Referring to the fourth part of the motion where "the Metropolitan Authority was requested to review their policy on tipping fees as it relates to all residential properties", the Deputy Mayor advised that she had read the minutes of the Metropolitan Authority dated July 23rd and July 30th and saw no mention of the item. Deputy Mayor O'Malley indicated that she was not aware if the matter was raised during any of the Authority's other meetings.

The Chairman advised that the item has been discussed by the Metropolitan Authority and, responding to a further question from the Deputy Mayor, advised that a report would be forthcoming.

Deputy Mayor O'Malley went on to question the status of the other three parts of the July 11th Council motion. She expressed the concern that no reports have been received to date.

Deputy Mayor O'Halley requested that the matter be placed on the next Committee of the Whole Council agenda for 4 September 1991. She noted that a presentation will be made at the September 4th Committee of the Whole Council meeting by the President of the Halifax Condominium Corporation. The Deputy Mayor indicated that it was her hope that a staff report(s) would be received by that time in response to Council's July 11th motion.

Alderman Fitzgerald noted that it was his understanding that the alternative system with respect to garbage removal for condominiums was to be in effect by October 1st.

The Chairman advised that a complete update could be provided at the next Committee of the Whole Council meeting.

### Civic Hospital

A private and confidential staff report dated 23 August 1991 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that Council approve the recommendation as contained in the private and confidential staff report of 23 August 1991.

Responding to a question from Alderman Meagher, the Chairman advised that staff would check on any outstanding matters with respect to the Civic Hospital including the position of the Board.

## Motion passed.

# Education Select Committee

This item was added by the City Clerk during the setting of the agenda.

A staff report dated 28 August 1991 was submitted.

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that Council unanimously support the points outlined in the staff report of 28 August 1991 which will be made to the Education Selection Committee by staff.

Alderman Grant expressed concern with respect to the second last paragraph of the August 28th report which states that "The City would also propose that municipalities be given greater supervisory power over school board budgets to ensure that money is spent in the budgeted areas". Alderman Grant noted that the City does not have any control over the education tax and therefore indicated that he disagreed with this statement. However, Alderman Grant advised that he does agree municipalities should be given greater supervisory power over school board non-mandatory (discretionary) budgets.

Responding to Alderman Grant's concern, Mr. Smith (Acting City Manager) advised that at present staff are not really able to identify where the City's money is going. He noted that there is no identified core funding but, should the Province proceed to identify a set of core programs, then it may be more readily identifiable.

Responding to a question from Deputy Mayor O'Malley, the Acting City Manager advised that he had taken note of her concern with respect to the disposition of surplus schools which she had raised earlier in the meeting under the item "Question Alexander MacKay School".

The motion was put and passed.

# Early Lay-offs - Local 108 (Alderman Downey)

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

Alderman Downey addressed the matter and advised that he had received telephone calls earlier this evening Concerning local 108 lay-offs on September 13th. The Alderman asked that this matter be placed on the agenda for the next Committee of the Whole Council meeting scheduled for Wednesday, 4 September 1991, and that a staff report be submitted. He suggested that unspent tender money could be used in order to keep these men working for another couple of weeks. By laying these men off early, Alderman Downey expressed concern that they will not have sufficient weeks to collect unemployment and will likely have to go on social assistance.

# Recent Court Decision - Provincial Foods (Alderman Grant)

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

Alderman Grant addressed the matter and expressed concern about the recent court decision with respect to Provincial Foods. He advised that it was his understanding the court decision was that Provincial Foods can continue with the food processing because the City erred in the way they issued the permit. Alderman Grant went on to express concern about this property and the problems it is causing for the residents.

Alderman Grant advised that he would like to know the total reasons why the City lost the court case from the City Solicitor's perspective and, secondly, if it was possible to proceed with an appeal.

Responding to Alderman Grant's concerns, the Acting City Solicitor advised that the appeal papers have already been prepared.

## Dennis Building (Alderman Grant)

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

Alderman Grant noted that it was his understanding that Mr. Stapells had submitted the highest tender with regard to the Dennis Building. The Alderman expressed concern that the Province has now decided not to award any tenders and is not going to sell the building even though they called for tenders. Alderman Grant suggested that His Worship Mayor Wallace send a letter on behalf of City Council to the Premier inquiring about what action the Province intends to take with respect to the property. If the Province does not intend to take any immediate action, Alderman Grant suggested that the City question why they don't intend to sell the building when it had the possibility of being developed. Alderman Grant expressed concern about the property remaining vacant and the City losing tax dollars.

Alderman Fitzgerald suggested, if the Province Was going to keep the building, that the City impress upon the Province to work with Mr. Stapells so that the building will blend together with the rest of the block.

His Worship Mayor Wallace advised that both matters would be pursued with the Province.

# Wheelchair Athletes - Commons Accessibility (Alderman Holland)

This item was dealt with earlier in the meeting under 11.3 - Road Across Central Common.

# Activity - Hollis St between Norris and South Street (Alderman Holland)

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

Alderman Holland addressed the matter and indicated that he had received a number of calls concerning activity going on from 11:00 a.m. to 5:00 a.m. in the Hollis Street area between Morris and South Streets. He referred to a particular situation where a person left a bar in this area around 3:00 a.m. and threw a beer bottle at one of the residents who was out on his balcony. He went on to express concern about noise i.e. squealing of tires, cars coming and going at all hours, etc., in this area. Alderman Holland indicated that it was his understanding that bars were required to close at 2:00 a.m.

Alderman Holland asked that the Chief of Police be requested to increase the surveillance in this area and asked for a report in this regard and what is going on which causes all of this trouble.

Further to Alderman Holland's concerns, Alderman Grant questioned why there were no breathalyser tests being taken in this area from people leaving the drinking establishments.

# Fire Damage - Heritage Buildings - Barrington & Argyle Streets (Alderman Fitzgerald)

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

Alderman Fitzgerald addressed the matter and advised that he had received a few telephone calls from persons concerning the fire damage to the heritage properties at 1572 Barrington Street and 1575 Argyle Street. While everyone is concerned about public safety, Alderman Fitzgerald advised that people are also concerned about the extreme importance of these heritage buildings,

and that no action be taken that would remove the possibility of saving at least the facades of these properties. He stressed the importance of making sure that any demolition that takes place is absolutely essential and that everything is being done to save the buildings.

Responding to Alderman Fitzgerald's concerns, Mr. Richard J. Matthews (Director of Development and Planning) gave an update with respect to the fire damage to the heritage properties as outlined in the information report of 29 August 1991. In his comments, Mr. Matthews advised that the firm of George Brandys and Associates Ltd., Consulting Engineers, was appointed by the City to give an opinion on the stability of the surviving structures, whether they constituted a danger to public safety, whether all or part of the facades could be saved for heritage reasons, and, if so, what if anything would have to be done to stabilize them. Mr. Matthews reported that the consultants were of the opinion that the Barrington Street facade could be saved, provided it was braced.

Alderman Downey advised that he had received telephone calls from persons concerning the number of days in which Barrington and Argyle Streets have been closed, and questioned if the City would be responsible for any loss of business because of this to which was responded to by Mr. Matthews.

11:40 p.m. there being no further business to discuss, the meeting adjourned.

HIS WORSHIP MAYOR RON WALLACE DEPUTY MAYOR O'MALLEY CHAIRMEN

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SPECIAL COUNCIL PUBLIC HEARINGS M I M U T E S

> Council Chamber Halifax City Hall 4 September 1991 5:45 P. M.

A special meeting of Halifax City Council (Public Hearings) was held on this date.

The meeting was opened with the recitation of the Lord's Prayer, led by His Worship Mayor Wallace.

**PRESENT:** His Worship Mayor Ron Wallace, Chairman; Deputy Mayor Marie O'Malley; and Aldermen Holland, Fitzgerald, Downey, Meagher, Grant, Hanson, Jeffrey and Stone.

ALSO PRESENT: Mr. Gerald Goneau, representing the City Solicitor; City Clerk; and other members of staff.

Tender #91-05: One 1991 Nodel Tractor Truck (Halifax City Regional Library)

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

MOVED by Alderman Stone. seconded by Alderman Jeffrey, as recommended by the Committee on Works, that with reference to Tender #91-105 for one 1991 Model Tractor Truck (Halifax Regional Library), City Council approve the replacement of the existing tractor truck and accept the lowest bid; i.e., a price of \$36,734.17 from Burnside International Trucks Limited, Dartmouth.

The motion was put and passed.

## PUBLIC HEARING RE: Case No. 6312 - Appeal of Minor Variance Refusal (6289 Allan Street)

A staff report, dated 30 July 1991, was submitted from Mr. J. Michael Hanusiak, Acting Development Officer.

Using maps and diagrams of the site in question, Mr. Hanusiak provided members of Council with a brief overview of the 30 July staff report.

#### SPECIAL COUNCIL 4 SEPTEMBER 1991

In his remarks, Mr. Hanusiak explained that the application under consideration is for a minor variance to permit the existing building at 6289 Allan Street to continue as a duplex dwelling. While noting that such a use is indeed appropriate for a building of this size, he emphasized that other requirements, such as that pertaining to the lot area and to the provision of open and parking space, must also be met. In this context, Mr. Hanusiak pointed out that the property in question fails to meet the lot area requirement of 4,000 square feet by 1,300 square feet, thereby considerably restricting the potential for on-site parking and open space; in addition, this "difficulty" is not a general characteristic of the Allan Street area. Under the circumstances, therefore, the application for a minor variance had been refused.

Nr. Christopher von Maltzahn, one of three joint owners of the property at 6289 Allan Street, addressed Council, indicating that, to his knowledge, the structure in question has been occupied as flats or as a duplex since the 1930's, the supposition being that the building had initially been constructed as a multiple-unit structure. Mr. von Maltzahn went on to emphasize that the present owners have applied for a minor variance at this point in time so that the structure can be legally occupied as a duplex dwelling. In this context, he underscored the fact that there is no intention at the present time to expand or alter the building in any way.

Referring to staff's contention that approval of the minor variance application would set a dangerous precedent in this neighborhood, Mr. von Maltzahn pointed out that this argument does not recognize the fact that 50 percent of the properties facing Allan Street already consist of two or more units, having originally been built for this purpose. He went on to emphasize that, in contrast to some of the other multiple-unit properties in this neighborhood, the property at 6289 Allan Street is large enough to meet the City's requirements with regard to on-site parking. Mr. von Maltzahn acknowledged that the potential for green space is somewhat limited on the site in question, but pointed out that the quality of that space is, in any event, somewhat diminished by the building abutting the rear property line.

Mr. von Maltzahn advised Council that the owners of 6289 Allan have undertaken to discuss this matter with many of the Allan Street property owners between Harvard and Monastery Lane, many of whom have expressed their support for the proposal. In this context, Mr. von Maltzahn submitted a petition (containing approximately 33 signatures) in favor of the continuation of the property in question as a two-unit residential building. Also submitted was a letter of support from Mrs. Alice E.

#### SPECIAL COUNCIL 4 SEPTEMBER 1991

O'Toole, owner of the property immediately to the left of 6289 Allan Street.

Mr. John Jenkins, a resident of 6310 Allan Street, addressed Council in support of the request for a minor variance, noting that, in his opinion, the property in question is no different from many of the other twounit dwellings on the street.

Mr. Robert Merchant, a resident of 6260 Allan Street, also spoke in favor of the proposed minor variance.

There being no further persons wishing to address Council, it was moved by Alderman Meagher. seconded by Alderman Jeffrey that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council (scheduled for THURSDAY, 12 SEPTEMBER 1991).

The motion was put and passed.

## PUBLIC HEARING RE: Case No. 6323 - Appeal of Minor Variance Refusal (1590 Larch Street)

A staff report, dated 30 July 1991, was submitted by Mr. J. Michael Hanusiak, Acting Development Officer.

Using maps and diagrams of the site in question, Mr. Hanusiak provided members of Council with a brief overview of the 30 July staff report.

In his remarks, Mr. Hanusiak advised that the application for a minor variance (to permit the existing building at 1590 Larch Street to remain occupied as a duplex) had been refused partly because of the property's deficiencies with regard to frontage and side yard requirements. In addition, it was emphasized that the unit, which the property owner in question is now seeking to legalize, was initially constructed in 1986 with what was, in Mr. Hanusiak's opinion, an intentional disregard for the City's requirements. On that basis, therefore, and because of the deficiencies in frontage and side yard requirements, the application for a minor variance has been refused.

There were no persons present wishing to address Council on behalf of the property owner.

Mr. Bill Oland, a resident of 1604 Larch Street, addressed Council, expressing the view that, in his opinion, it is essential that the integrity of the existing Larch Street neighborhood be preserved and maintained. On that basis, therefore, he suggested that the application does not constitute a request for a "minor" variance, and

#### SPECIAL COUNCIL 4 SEPTEMBER 1991

urged members of Council to support the decision of the Development Officer in this matter.

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

Alderman Fitzgerald observed that despite the fact that Ward 2 (in which 1590 Larch Street is located) has the lowest minimum standards in the City of Halifax with regard to this type of infill housing, the property in question still fails to meet even those barest of requirements. He also expressed concern that the owner had acted illegally in proceeding to construct a second unit without obtaining the necessary City permits.

It was therefore moved by Alderman Fitzgerald. seconded by Alderman Holland that the decision of the Development Officer be upheld, and that the appeal regarding the refusal of a minor variance at 1590 Larch Street be denied.

The motion was put and passed.

There being no further business to be discussed, the meeting was adjourned at approximately 6:15 p.m.

## HIS WORSHIP MAYOR RON WALLACE CHAIRMAN

EDWARD A. KERR, CMC CITY CLERK

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HALIFAX CITY COUNCIL

Council Chamber City Hall 12 September 1991 8:00 P. M.

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

The meeting was called to order with His Worship the Mayor and members of City Council joining in the recitation of the Lord's Prayer.

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

**ALSO PRESENT:** City Manager; City Solicitor; City Clerk; and other members of City staff.

## **Presentation - Nancy Clarke, Gorsebrook Elementary School, 3rd Place - 1991 Municipal Awareness Week Essay** <u>Competition</u>

His Worship Mayor Wallace advised that an essay competition, sponsored by the Department of Municipal Affairs and the U.N.S.M., had been held recently during Municipal Awareness Week. He noted that the competition received great participation throughout the whole Province. At this time, His Worship Mayor Wallace, on behalf of members of City Council, congratulated Manoy Clarke, a Grade 8 student at Gorsebrook School, for her initiative and participation in the competition and for placing third in the Province.

His Worship commended Nancy Clarke for achieving this honor and advised that the City is very proud that she is a member of the Halifax school system. On behalf of members of City Council and of the City, Mayor Wallace presented Nancy Clarke with the special award for this competition from the Department of Municipal Affairs and also the U.N.S.M.

#### Atlantic Coast Games

Mr. Walter Nolan addressed Council and gave a recap on the first Atlantic Coast Games held in North America which he noted were an overwhelming success.

On behalf of the Chairman, Philip Arnold, and the Executive Director, Dave MacLean, and the members of the Host Society of the 1991 Atlantic Coast Games, Mr. Nolan thanked His Worship Mayor Ron Wallace, members of City Council, the City Manager, Tom Abraham (Executive Assistant to the City Manager), and Jim Naugler (Recreation Dept.) for their efforts.

His Worship Mayor Wallace, on behalf of members of Council, thanked the Chairman, Philip Arnold, and also Dave MacLean and Walter Nolan for their work in relation to this event. Mayor Wallace also extended congratulations to all of those involved in making the Games such a success.

#### MINUTES

Minutes of a Special Meeting of Halifax City Council, held on Wednesday, 21 August 1991, and of a regular meeting, held on Thursday, 29 August 1991, <u>wore</u> <u>approved as circulated on a motion by Alderman Holland</u>. <u>seconded by Alderman Downey</u>.

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

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

20.1 Award of Tender 91-19, Traffic Improvements, Sidewalk, Curb and Gutter Renewal - Bayers Road

20.2 Halifax Metro Centre - Installation of Electronic Message Centre

20.3 Report - Advisory Group on Racial Relations

20.4 Tender 91-131 Sportfield Restoration - J.L. Ilsley High School

- 20.5 Core Education Programs Regional Meeting
- 20.6 Voting Delegates U.N.S.N. Annual Conference

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

#### 20.7 Cooperative Student Gardening Program (School for the Blind) (Alderman Holland)

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

#### 17.1 Appointments

At the request of Alderman Downey, Council agreed to defer item 17.3 (Charlie Sone Office - Argyle Street) to the next Committee of the Whole Council meeting to be held on 16 September 1991.

The agenda, as amended, was <u>approved on a motion</u> by Alderman Stone, seconded by Alderman Ducharme.

### Announcement of His Worship Mayor Ron Wallace (Retirement as Mayor)

On behalf of members of City Council, Alderman Meagher indicated that he would like to make a few remarks, as senior Alderman, on the recent announcement of His Worship Mayor Wallace not to seek the position of Mayor for another term. Alderman Meagher advised that all members of Council were saddened to hear this news and certainly appreciate the fine job Mayor Wallace has done as the Mayor of the City of Halifax.

Alderman Meagher noted that when most governments were getting further and further into debt, through His Worship's leadership, the City has been able to reduce its debt and hopefully will eventually have it eliminated. Alderman Meagher extended appreciation to Mayor Wallace for his leadership, his great love for the people, his ideas, and wished him well on behalf of all members of Council.

#### ADDED ITEN

## Core Education Programs - Regional Meeting

This item was added to the agenda at the request of the City Clerk. Council agreed to deal with this item at this time.

A staff report dated 12 September 1991 with an attached position paper for City Council's approval regarding the subject of core education programming was submitted.

Mr. Bernard G. Smith, Director of Finance, addressed the matter and summarized the points contained in the position paper (as submitted) which he noted he would

be delivering, on behalf of the City of Halifax, at the Public Hearing to be held later this evening on the establishment of a core program of education.

Alderman Flynn noted that the Halifax District School Board had discussed the matter and was in support of the City's views on education as outlined in the position paper.

In view of the fact that the City has instructed staff to pursue an Adult Learning Centre with the Province, Alderman Ducharme noted that it might be appropriate to include the request that Adult Learning Centres be part of the core program for the Department of Education.

Responding to Alderman Ducharme's comment, Mr. Smith advised that he could mention this matter verbally at the public hearing.

After a short discussion, it was <u>MOVED by</u> <u>Alderman Flynn, seconded by Alderman Ducharme that</u> City Council approve the position paper dated 12 September 1991 and direct that staff present Council's concerns to the public hearing to be held later this evening and, further, include the request that Adult Learning Centres be part of the core program for the Department of Education.

Motion passed unanimously.

Alderman Ducharme left the meeting at approximately this time.

#### DEFERRED ITEMS

## Case No. 6312 - Appeal of Minor Variance Refusal -6289 Allan Street

A public hearing into this matter was held on 4 September 1991.

Alderman Meagher addressed the matter and noted that the applicant had submitted a petition containing approximately 42 signatures of persons in support of his application. The Alderman commented that the building in question has existed for a long time. However, Alderman Meagher noted that there have been a number of situations on this street where lots were subdivided and large buildings built. Therefore, he noted that there were a number of people who were not so much against the application in question, but were against what has happened in their neighbourhood with respect to other properties.

Alderman Meagher submitted a petition signed by several of the neighbours in opposition to the conversion of the building in question. However, Alderman Meagher noted that the applicant has received the overwhelming support of the neighbourhood.

<u>HOVED by Alderman Meagher. seconded by Alderman</u> <u>Holland that</u> the appeal of a minor variance refusal with respect to 6289 Allan Street be granted and that the decision of the Acting Development Officer to refuse the minor variance be overturned.

The City Clerk noted that Aldermen Pottie and Flynn were not in attendance at the public hearing on this matter and therefore should refrain from participating in the vote.

The motion was put and passed with Aldermen Pottie and Flynn abstaining.

Alderman Ducharme returned to the meeting at approximately this time.

#### **REPORT - FINANCE AND EXECUTIVE COMMITTEE**

Council considered the report of the Finance and Executive Committee from its meeting held on Wednesday, 4 September 1991:

#### Tipping Pees

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This item was dealt with later in the meeting.

## Comfort Allowance

An information report dated 12 September 1991 was submitted.

Alderman Downey addressed the matter and noted that at the last Committee of the Whole Council meeting, it was recommended that His Worship Mayor Wallace write a letter to the Minister of Community Services urging that the Province cost-share on total social assistance expenditures at a rate of 75 percent. Alderman Downey suggested that Mr. Harold Crowell, Director of Social Planning, address the matter at this time.

Mr. Harold Crowell, Director of Social Planning, addressed Council and, as outlined in the information report of 12 September 1991, explained that approximately \$10,000,000 of their budget will only be cost-shared at 50 percent instead of 75 percent. As a result, Mr. Crowell advised that, in order to remain within the budget set by City Council, they will not be able to increase the food, shelter, and comfort allowance rates.

Referring to the last paragraph of the information report of September 12th, Mr. Crowell advised that he was informed on this date that there will not be a change in the co-pay system for disabled people who require drugs and, therefore, he noted that the letter which was to be sent to the Minister (with respect to this particular matter) was not necessary.

A discussion followed and it was <u>MOVED by</u> <u>Alderman Downey, seconded by Alderman Ducharme that</u> a letter be forwarded to the Minister of Community Services and the Premier of Nova Scotia urging that the Province cost-share on total social assistance expenditures at a rate of 75 percent and, further, that the letter express the need for the Province to show leadership by bringing the three levels of government together to discuss the restructuring of a program that would address job creation rather than social assistance.

At approximately 9:00 p.m. His Worship Mayor Wallace retired from the meeting with Deputy Mayor O'Malley taking the seat of the Chair.

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

#### 100 Leiblin Drive

Alderman Grant addressed the matter and <u>MOVED</u>, seconded by Alderman Hanson that:

- 1) staff be instructed to negotiate with the owner of 100 Leiblin Drive on or with respect to the possibility of exchanging ownership of his property and building at 100 Leiblin Drive for City owned lands and report back at the Committee of the Whole Council meeting of 9 October 1991;
- 2) the committee previously established to review the expression of interest submitted by the rugby and horseshoe clubs be directed to meet (within the next two weeks) with representatives of these clubs to discuss the finalization of a

recommendation to the City Manager and to Council and to report back at the Committee of the Whole Council meeting of 9 October 1991.

Motion passed.

## Financial Status of the City

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This item was dealt with later in the meeting.

#### Northcliffe Tennis Courts

A staff report dated 5 September 1991 was submitted.

Responding to a question from Alderman Ducharme, Mr. Simpson McLeod, Supervisor of Real Estate, addressed Council and advised that, although the details of the court time have not been worked out, the intention is that the public and the Recreation Department both have the same amount of time on court as they have at present. Mr. McLeod went on to respond to various questions from members of Council.

<u>HOVED by Alderman Ducharme. seconded by Alderman</u> <u>Jeffrey that</u> the terms of agreement approved by Council on 15 November 1990 (as attached to the staff report of 5 September 1991) be amended to include the provisions as outlined in the September 5th staff report and, further, that staff ensure that minimal use to the public remain as it is at present during the months of September, October, and May.

In seconding the motion, Alderman Jeffrey advised that the Recreation Committee is in support of this facility and that the Halifax Board of Health, at a recent meeting, determined that it was not necessary to have washrooms built in the proposed structure. He added that the Recreation Committee agreed, if need arises, to expand the present washroom facilities at the Northcliffe Centre.

Alderman Stone emphasized the need to make the public aware well in advance of the use of the facility during the months of September, October, and May.

Responding to Alderman Stone's concern, Mr. McLeod agreed that notice respecting court time for the public should be part of the information that is made available to the public in advance.

The motion was put and passed.

# Halifax Netro Centre - Installation of Electronic Nessage Centre

At the request of the City Manager, Council agreed to deal with this item at this time.

This item was added to the agenda at the request of the City Clerk.

A staff report dated 4 September 1991 was submitted.

MOVED by Alderman Hanson, seconded by Alderman Downey that authorization under section 201-1 of the Halifax City Charter be granted to increase the operating budget of the Halifax Metro Centre for the fiscal year ending March/92 to cover the increase in costs necessary to acquire the electronic message display centre estimated at \$113,140.00 due to up front payment upon installation and less revenue.

A discussion followed with the City Manager addressing various questions from members of Council.

Mr. Ken Mounce, President & CEO, Trade Centre Limited, addressed Council and, responding to a question from Alderman Holland, advised that they are proposing to purchase the item outright, but added that they have made arrangements to purchase the item over a term so that they do not have to put all of the money up front. Responding to a further question from Alderman Holland, Mr. Mounce advised that the manufacturer is carrying the note at no cost to the Centre.

Alderman Holland questioned the rate of interest on the difference in price if the Centre was to pay cash for the item and Mr. Mounce advised that it would vary in terms of the length of time it would take to pay for the item. He added that the differential seemed such that it would be more beneficial to do it the way being suggested.

Alderman Holland explained that the present value of money has a fixed rate in relation to the present value of money at a future date. He suggested that if the manufacturer is willing to accept the money at a later date, that he would likely be willing to accept less today. Alderman Holland indicated that he would like to know what the internal rate of interest would be in this regard prior to making a decision on this matter.

At approximately 9:40 p.m. His Worship Mayor Wallace returned to the meeting with Deputy Mayor O'Malley taking her usual seat in Council.

The City Manager advised that there was some urgency with respect to this matter and pointed out that while the need at this point is \$113,140, that that amount of money would probably be doubled if the item was purchased outright.

Following a further discussion and questioning of staff, the motion was put and passed with Alderman Holland voting in opposition.

#### Financial Status of the City

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This matter was forwarded to Council without recommendation.

An information report dated 3 September 1991 was submitted.

Deputy Mayor O'Malley addressed the matter and, referring to the information report of 30 August 1991, raised question with regard to the pollution control fund which is in excess of \$19,000,000.00. About five or six months ago, the Deputy Mayor advised that she had raised a question concerning this pollution control account to which an answer was not received. She went on to note that it was her understanding that the figure of \$19,000,000.00 was based on 1987 dollars. The Deputy Mayor questioned if any consideration was being given to the inflationary factor noting that the dollar value in 1987 would not be the same as in 1991. She asked whether this amount of \$19,000,000.00 and the rate at which the City is charging is enough in order to meet the City's contribution since the projected start up time of the Harbour Clean Up looks to be in about five years.

In response to the Deputy Mayor's question, the City Manager advised that it is anticipated that the City's contribution will be more than what was budgeted. He indicated that he would be reporting to Council on the matter within the next five or six months.

Deputy Mayor O'Malley indicated that she would like to receive an information report on the matter at the next Committee of the Whole Council meeting if possible or at the following Committee of the Whole Council meeting.

Deputy Mayor O'Malley also requested a report at some point in the future identifying the surplus savings in

 the salary and wage accounts on a departmental basis as a result of the Wage Restraint Bill. The City Manager advised that a report would be provided on the matter at a future date, but indicated that he did not expect a saving in the area of City Departments and that any saving would likely be realized in teachers' salaries.

Further to the Deputy Mayor's request, Alderman Jeffrey indicated that he too would like to know the saving to the City as a result of the two year wage freeze.

#### Barly Lay-Offs: Local #108

This matter was forwarded to Council with the request that the City Manager and his senior staff review the City's finances to ascertain what steps, if any, can be taken to continue the employment of 28 seasonal workers until 11 October 1991.

An information report dated 11 September 1991 was submitted.

Alderman Hanson addressed the matter and expressed concern about laying-off early several seasonal employees during such tough economic times. The Alderman expressed the opinion that the City should show leadership and employ the seasonal employees for another month.

MOVED by Alderman Hanson. seconded by Alderman Downey that Council approve funds in the amount of \$225,200 under Section 201(1) of the Halifax City Charter to permit the extension of employment of several Local #108 seasonal employees.

Following a discussion, the <u>motion was put and</u> <u>passed</u>.

## Discussion Paper Concerning the Business Occupancy Tax

This matter was forwarded to Council without recommendation.

The City Manager addressed the matter and advised that the September 15th deadline for making a submission to the UNSM with respect to the discussion paper concerning the Business Occupancy Tax has been extended. He noted that staff has not had the opportunity to formulate a report on the matter to date.

Responding to a question from Alderman Ducharme, the City Manager advised that the business tax would be eliminated but that, as a result, the business realty tax would be increased 50 percent. He noted that the tax will be collected in the same manner as the present tax.

The City Manager, in response to a further question from Alderman Ducharme, advised that staff will be making a submission to the U.N.S.M. asking them to support the tax on a local option basis throughout the Province. He indicated that staff would be attempting to bring forward a report at the next Committee of the Whole Council meeting on the matter.

MOVED by Alderman Ducharme, seconded by Alderman Hanson that this matter be placed on the next Committee of the Whole Council agenda for Nonday, 16 September 1991.

Motion passed.

## Terms of Reference: Round Table on the Environment and Economy

A supplementary staff report dated 9 September 1991 was submitted.

<u>MOVED by Alderman Ducharme, seconded by Holland</u> <u>that</u> the proposed terms of reference pertaining to a Round Table on the Environment and Economy (as distributed on 27 August 1991) be approved by Halifax City Council and that the Round Table on the Environment and Economy be established as quickly as possible.

Alderman Flynn addressed the matter and, referring to the supplementary staff report of September 9th, expressed difficulty with respect to the City Solicitor's definition of the term "sustainable development". He noted that he had attended a conference several months ago at which time there were at least six presentations with respect to the definition of "sustainable development". Alderman Flynn expressed the concern that the term "sustainable development" is a "catch" word and has many interpretations. The Alderman suggested that the matter be deferred until the Development and Planning Department has provided input with respect to the definition of "sustainable development".

Alderman Ducharme advised that the Committee on the Terms of Reference for the Round Table on the Environment and Economy had spent at least three meetings trying to define "sustainable development". She added that the Environmental Committee of the F.C.M. had also spent

several meetings trying to define the term. Alderman Ducharme agreed that the definition does vary from place to place. She explained that it was felt by the Committee that because of the expertise that is hoped will be present on the Round Table, that the Round Table itself would define "sustainable development" for the City of Halifax.

The discussion continued and, at the suggestion of the Chairman, it was agreed that the term "sustainable development" remain as it appears in the proposed terms of reference and that the Round Table study the term and report back on what they consider the definition of "sustainable development" to be in the City of Halifax.

The motion was put and passed.

#### Interim Location - Carleton Centre Annex

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

A supplementary staff report dated 9 September 1991 was submitted.

Alderman Downey addressed the matter and advised that he has been in contact with Mr. Vince MacDonald, District Director, Correction Services Canada, expressing his opposition to the proposed Salvation Army Gottingen Street location as an interim location for the Carleton Centre Annex (half way house). Alderman Downey expressed the concern about the number of social agencies already located in the Gottingen Street area. He went on to express the view that it would not be appropriate to locate the facility on Gottingen Street when efforts are being made to revitalize the Street. Alderman Downey suggested that a letter be forwarded to Correction Services Canada questioning if they could locate the facility somewhere else.

The City Manager agreed that there were already too many social agencies on Gottingen Street especially in light of the fact that the City is trying to re-establish and build a better climate on Gottingen Street for its restoration. The City Manager suggested that the matter be deferred to the next Committee of the Whole Council meeting in order to provide an opportunity to representatives of Correction Services Canada to make a presentation to Council on the matter. He indicated that staff could contact Correction Services Canada tomorrow in this regard.

It was therefore agreed that this matter be deferred to the next Committee of the Whole Council meeting to be held on Monday, 16 September 1991.

## Yee Rate Revisions - Fire Alarm Charges

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MOVED by Alderman Grant, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, yearly rates and initial connection fees for Fire Alarm Service be increased as outlined in Appendix "A" of the staff report dated 9 August 1991, and that free after-hours call-in service be limited to two such calls per service connection (subsequent calls will be billed at prevailing rates).

## Motion passed.

## Expropriation Settlement - Parcel H-138, Civic No. 395 Herring Cove Road

MOVED by Alderman Grant. seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, the expropriation of Parcel H-138, Plan No. TT-41-29876, be settled with Mr. Bang Van Nguyen for \$28,210.78 less \$5,175 already paid pursuant to the Expropriation Act, plus interest in accordance with the Expropriation Act (funds to be made available from Account No. CJ012, the Herring Cove Road Widening Account).

## Motion passed.

#### Expropriation Settlement - Parcel H-178, Civic No. 464 Merring Cove Road

MOVED by Alderman Grant, seconded by Alderman Hanson that, as recommended by the Finance and Executive Committee, the expropriation of Parcel H-178, Plan No. TT-41-29911 (464 Herring Cove Road) be settled for \$17,710 (in accordance with the Expropriation Act, the owners are entitled to simple interest of six percent on the outstanding balance at the time of settlement); funds to be made available from Account No. CJ012, the Herring Cove Road Widening Account.

Motion passed.

#### <u>**REPORT - CONMITTEE ON WORKS**</u>

Council considered the report of the Committee on Works from its meeting held on Wednesday, 4 September 1991, as follows:

#### 26 Acorn Road

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This matter had been forwarded to Council without recommendation, pending receipt of a staff report.

The City Solicitor, noting that a formal report could not be made available in time for tonight's meeting, provided Council with a brief overview of the situation from staff's perspective.

In his remarks, Mr. Anstey advised that, subsequent to the 4 September meeting of the Committee on Works, several members of staff (including himself, Mr. W. A. Sullivan, Chief Engineer; and Mr. G. Goneau of the City Solicitor's Office) visited the site to observe for themselves the condition of the property. He added that he had also had an opportunity to review certain photographs of the site, which had been taken prior to commencement of construction.

Mr. Anstey noted that the owner's first concern had been with regard to what was, in her opinion, the appropriate restoration of her property, emphasizing that, under its easement agreement, the City is required to restore the site at least to its condition prior to construction. In this context, the Solicitor noted that it was his understanding that most of the area in which construction subsequently took place consisted of dirt, scrub and tall grass. He went on to emphasize that, after construction, the entire back yard at 26 Acorn Road had been filled and planted with grass seed. Mr. Anstey added that at the present time the back yard is much larger than it had been previously and is, for the most part, completely level to the back property line, thereby providing a larger useable (and landscaped) area. While acknowledging that the grass on this portion of the property is not perhaps as healthy as that on other parts of the site, he emphasized that its condition is undoubtedly better than it had been before, therefore leaving no question in his mind, at least, that the City has met those particular conditions of its easement agreement.

Mr. Anstey went on to advise that he personally was unable to detect any signs of settling in the back yard at 26 Acorn Road, adding that the level of the area

affected by the easement appears to be relatively similar to the rest of the property. In particular, he noted that there appeared to be no evidence of any settling around the building's foundation.

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With reference to the owner's complaints regarding water draining into her driveway, Mr. Anstey pointed out that the property in question is located at the bottom of a hill, with the properties across the street being on a slightly higher level. He went on to note that from inspection of photographs taken before construction, it would appear that the slope of the street towards the house at 26 Acorn was more pronounced before construction than it is at present. He therefore suggested that a water problem of this type had always existed on this property, and that the City's construction project had not contributed to its severity. Mr. Anstey also noted that, according to the City's Chief Engineer, the street had been designed so that the majority of water would run towards the side opposite 26 Acorn.

Mr. Anstey advised that staff's conclusions, based on their inspection of the premises, were that there were no grounds for any claim against the City; and that consequently there was no necessity to hire an independent engineer to pursue the matter further.

A discussion ensued with Alderman Grant emphasizing that, in his view, the drain had been constructed to attract the majority of water from the street. Instead, it would appear that a large portion of this water is flowing into the driveway at 26 Acorn Road, leading the property owner to believe that the drain has some sort of design deficiency.

It was subsequently moved by Alderman Grant. seconded by Alderman Hanson that City Council authorize the hiring of an independent engineer (provided that the cost of this project does not exceed a maximum of \$2,000) to review the situation in and around 26 Acorn Road from the perspective of the problems identified by the City's insurance adjustors with regard to a possible design deficiency.

10:55 p.m. - His Worship Mayor Wallace retires from the meeting, with Deputy Mayor O'Malley assuming the Chair.

Alderman Flynn spoke in support of the motion, making particular reference to various extracts of a letter received from the City's insurance adjustors which appear to suggest that there may be some validity to the property owner's claim of professional negligence.

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

# Award of Tender \$91-07: Traffic Lights - Water Street at George Street

MOVED by Alderman Downey, seconded by Alderman Meagher that, as recommended by the Committee on Works, Council award Tender #91-07 for the project, materials and services listed for unit prices quoted at a tender price of \$23,214.91 and a total project cost of \$28,000 to G. & R. Kelly Enterprises Ltd. (funds to be made available from Account Number 91517).

The motion was put and passed.

## Award of Tender #91-22: Sewer Outfalls Cleaning

<u>MOVED by Alderman Stone, seconded by Alderman</u> <u>Hanson that</u>, as recommended by the Committee on Works:

- City Council award Tender #91-22 (Sewer Outfalls Cleaning) to Video Industrial Services Ltd. at the lump sum price of \$99,515.55 including GST as quoted in the tender;
- 2) City Council approve additional funds in an amount of \$25,000 for the works to be done by the City's contractor, C. R. Falkenham Backhoe Services Ltd.; and
- 3) fund for the project to be made available from Capital Account No. 95010.

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, 4 September 1991, as follows:

## 6226-28 Duncan Street

<u>MOVED by Alderman Meagher, seconded by Alderman</u> <u>Hanson that</u>, as recommended by the City Planning Committee, the matter be referred to staff for a report respecting changes that could be made to various laws/bylaws to

prevent situations such as the one at 6226-28 Duncan Street from occurring in the future.

In putting this motion forward, Alderman Meagher urged that staff come back to Council with their comments "within a reasonable length of time."

The motion was put and passed.

## Case No. 6374: Development Agreement (Lot <u>Nodification) - 30-32 Parkhill Road</u>

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<u>HOVED by Alderman Hanson, seconded by Alderman</u> <u>Ducharme that</u>, as recommended by the City Planning Committee, a public hearing be scheduled to consider the application for a development agreement (lot modification) at 30-32 Parkhill Road, lands of Peter D. Drillio and Melissa C. Drillio, to enable subdivision into two lots.

The motion was put and passed.

The City Clerk advised that the requested public hearing would be scheduled for WEDNESDAY, 9 OCTOBER 1991 at 7:30 p.m. in the Council Chamber, Halifax City Hall.

11:00 p.m. - Alderman Fitzgerald enters the meeting.

## Case No. 5949: Extension of Development Agreement - Clayton Park West Shopping Centre

A supplementary staff report, dated 11 September 1991, was submitted.

<u>MOVED by Alderman Stone, seconded by Alderman</u> <u>Ducharme that</u>, as recommended by the City Planning Committee, City Council extend the timeframe for completion of the Clayton Park West Shopping Centre (as provided for in Article 7 of the development agreement between Clayton Developments Limited and the City of Halifax) by:

- (a) requiring that the Canadian Tire Store, as depicted in Plan No. P200/17744 of Case No. 5949, be completed no later than 31 December 1992;
- (b) requiring that Commercial Unit #2, as depicted in Plan No. P200/17744 of Case No. 5949, be completed no later than 30 March 1994.

The motion was put and passed.

#### NOTIONS

## Notion Alderman Fitzgerald Re: Ordinance 137, the Deferred Payment of Taxes Ordinance - FIRST READING

Notice of Motion with regard to the abovementioned amendment had been given by Alderman Fitzgerald during a regular meeting of Halifax City Council, held on Thursday, 29 August 1991.

MOVED by Alderman Fitzgerald. seconded by Alderman Stone that Council give FIRST READING to the following amendment proposed for Ordinance 137, the Deferred Payment of Taxes Ordinance; and further. that the matter be referred to the next regular meeting of the Committee of the Whole (scheduled for Monday, 16 September 1991) for consideration and report:

BE IT ENACTED by the Council of the City of Halifax that ORdinance 137, the Deferred Payment of Taxes Ordinance, be amended as follows:

 Subsection (2) of Section 3 of said Ordinance 137 is amended by deleting the numbers and words "30th day of June" in the third line thereof, and by substituting therefor the numbers and words "30th day of September."

The motion was put and passed.

## NISCELLANEOUS BUSINESS

#### Appointments

This matter had been deleted at the request of the City Clerk during the setting of the meeting's agenda.

## Possible Street Closure -Gerrish Street at Brunswick Street

This matter had last been discussed during a special meeting of Halifax City Council, held on Wednesday, 20 February 1991, at which time a resolution was approved which stated (in part):

That consideration be given at a later date to calling for a public hearing to consider the street closure at Brunswick Street and Gerrish Street.

Alderman Downey expressed concern that such a considerable period has been allowed to lapse without this matter having been brought forward, and strongly urged that Council set a date for a public hearing on the proposed street closure as quickly as possible.

Mr. Peter S. Connell, Director of Engineering and Works, made reference to staff's previous comments on the matter, and recommended that Council postpone the setting of a public hearing date until a further staff report could be prepared.

After some discussion, <u>it was moved by Alderman</u> <u>Downey, seconded by Alderman Hanson that</u> the matter be referred to the next regular meeting of the Committee of the Whole Council (scheduled for NONDAY, 16 SEPTENBER 1991), pending receipt of a staff report.

The motion was put and passed.

## Charlie Zone Office - Argyle Street

Owing to the absence of the Chief of Police, <u>it</u> <u>was agreed</u> (during the setting of the agenda) that this matter be deferred to the next regular meeting of the Committee of the Whole Council scheduled for MONDAY, 16 SEPTENBER 1991.

#### **OUESTIONS**

## Question Alderman Jeffrey Re: Bowling Alley on Coronation Avenue

Alderman Jeffrey made reference to a number of complaints received from area residents concerning the operation of a bowling alley/pool room on Coronation Avenue, adding that, to his knowledge, no permit had ever been issued by the City with regard to the pool room in question.

The Alderman asked that staff be directed to investigate this matter as quickly as possible and to provide information on the following: (1) any charges already laid or pending against this establishment; (2) the

owner of the building in question; (3) the steps which the City Solicitor's Office is prepared to take to rectify the problem.

## Question Alderman Jeffrey Re: Road Improvements (Dutch Village Road/Joseph Howe Drive)

Alderman Jeffrey advised that he had met with a number of area residents who are extremely concerned about the condition of the street at the intersection of Dutch Village Road and Joseph Howe Drive. In his remarks, the Alderman emphasized that the street at this location is in a considerable state of disrepair, a situation that is aggravated by an increase in truck traffic which has been keeping residents awake on a nightly basis.

Noting that he has already discussed the matter with Mr. Peter S. Connell, Director of Engineering and Works, the Alderman strongly urged that staff investigate the situation as quickly as possible.

## Question Alderman Jeffrey Re: Bloomfield Centre

Alderman Jeffrey made reference to correspondence recently forwarded to members of Council from Mr. Doucette, the Chairman of Bloomfield Centre, in which questions were raised pertaining to certain repairs which are now necessary to that facility.

The Alderman asked that staff submit a report to Council, clarifying the situation at the Bloomfield Centre and providing information as to the steps which will be taken.

## Question Alderman Jeffrey Re: Parking for Paraplegics

Alderman Jeffrey made reference to the fact that some weeks ago he had been approached concerning the absence of paraplegic parking in the vicinity of the Halifax Commons.

Noting that this concern had been forwarded to Mr. B. N. Kennedy, the City's Traffic Authority, for consideration, the Alderman noted with appreciation that Mr. Kennedy has subsequently written to the Paraplegic Association asking for their input.

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Alderman Downey noted that he had recently had occasion to discuss various aspects of the Graham Report with the Provincial Minister of Education. He went on to indicate that, during that same conversation, he had raised with the Minister the question of why the Province has been reluctant to take over the full costs of education as had been previously recommended by (among others) the Union of Nova Scotia Municipalities.

Alderman Downey suggested that the City Manager might wish to contact the Minister of Education directly in this regard to ascertain the kind of "trade-offs" the Province would expect, were it to agree to undertake full funding responsibilities. Noting that the UNSM Annual Conference has been scheduled for the week of 16 September, the Alderman pointed out that any information Mr. Murphy could obtain on this matter should be given to Council's delegate to that Conference for his reference, or that it be forwarded to the Conference directly for discussion purposes.

## Question Alderman Stone Re: Environmental Assessment Hearings - Blue Mountain Quarry

Alderman Stone made reference to the fact that the environmental assessment hearings with regard to the Blue Mountain Quarry development have recently been postponed until 21-23 November at St. Peter's Anglican Church Hall on Dakin Drive.

The Alderman went on to suggest that this delay will provide a better opportunity for staff and the City's Lakes and Waterways Committee to develop their positions on the matter, and, in this context, asked that these recommendations be presented to Council for its consideration prior to the November hearings.

# Question Alderman Stone Re: Halifax Water Commission - Adjustments to Kearney Lake

Alderman Stone noted that he has recently received information that a section of the Water Commission's pipes under Kearney Lake Road are in need of maintenance and, for that purpose, the water levels of Kearney Lake will be lowered by approximately six feet beginning on Monday, 30 September.

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The Alderman noted that the Water Commission has undertaken to advise as many area residents as possible with regard to these temporary adjustments.

## Question Alderman Stone Re: Flashing Lights - Intersection of Lacewood and Dunbrack

With reference to information recently received from the Traffic Authority, Alderman Stone advised that, commencing on Tuesday, 17 September, a flashing green light will be used for motorists turning left off Lacewood Drive onto Dunbrack Street.

The Alderman noted that this change in traffic patterns would be effective only during afternoon peak hours, a factor which motorists may at first find confusing. He therefore expressed the hope that the Traffic Authority will place advertisements concerning the new light and its hours of operation in the local newspapers so that any confusion that might result from this change can be kept to a minimum.

## Question Alderman Flynn Re: <u>Noise - CN Maintenance Facility (Chisholm Avenue)</u>

Alderman Flynn expressed his very considerable concern regarding the amount of noise and pollution that is being generated by the CN maintenance facility located at the foot of Chisholm Avenue. The Alderman went on to emphasize his frustration at being unable to resolve the situation, and asked for advice from the City Solicitor.

Mr. Anstey indicated that, despite the presence of several ordinances whose provisions could be brought into play under other circumstances, the disruption in this instance is originating with a Crown corporation which, unfortunately, is not bound by municipal bylaws.

Alderman Flynn indicated that, in his opinion, CN, by continuing these activities, is doing a great disservice to the residents of Halifax and particularly to those in the Chisholm Avenue neighborhood, and added that he would now attempt to discuss the matter with CN representatives directly.

# Question Alderman Flynn Re: Traffic Signals - Corner of Romans Avenue and Bayers Road

Alderman Flynn asked for information from staff as to when the directional traffic signals will be installed at the intersection of Romans Avenue and Bayers
Road to allow the left-hand turn onto Bayers Road from Romans. The Alderman went on to note that, because of the diversion of traffic onto Romans Avenue (as a result of construction currently underway on Numford Road), the street has become extremely congested to the point where Roman Avenue residents are being prevented from accessing their own street.

Mr. Peter S. Connell, Director of Engineering and Works, advised that he would ensure that the Alderman receives a report on this matter as quickly as possible.

### Question Alderman Flynn Re: Sidewalk -Adjacent to IGA (Bayers Road)

Responding to concerns expressed by Alderman Flynn, Mr. Peter S. Connell, Director of Engineering and Works, advised that Tender #91-19 (to be dealt with at a later point in the meeting's agenda) will include the replacement of the sidewalk in front of the IGA on Bayers Road.

### Question Alderman Hanson Re: Traffic Delays - Armdale Rotary

Alderman Hanson made reference to the traffic delays currently being experienced at the Armdale Rotary as a direct result of the work presently underway on the Mumford Road railway bridge. The Alderman emphasized that these delays appear to be happening all day long (rather than in the peak driving periods only), and therefore asked if the Halifax Police Department could take steps to monitor the situation.

### Question Alderman Holland Re: Request From the Atlantic School of Theology

With reference to a request recently received from the Atlantic School of Theology, Alderman Holland indicated that he would appreciate School representatives being advised as quickly as possible as to when their presentation to Council could be scheduled.

### Question Alderman Fitzgerald Re: Speed Limit on City Streets

Alderman Fitzgerald indicated that, on several different occasions, he and other members of Council had expressed the view that the speed limit on City streets should be reduced from 50 kph to 40 kph. The Alderman went

on to note that the Traffic Authority has consistently recommended against the change, and asked for further information from Mr. Kennedy as to why he continues to oppose this reduction in traffic speeds.

### Question Alderman Fitzgerald Re: <u>Numford Road (CN Bridge) Improvement Project</u>

Alderman Fitzgerald expressed concern regarding the traffic delays experienced by motorists as a direct result of the improvements now underway to the CN Bridge facility on Mumford Road. Emphasizing that, in his opinion, every effort should be made to complete these repairs as quickly as possible, the Alderman asked for information as to the working hours being applied to this project.

### Question Alderman Fitzgerald Re: Requests to the Province of Nova Scotia

Alderman Fitzgerald noted that, over the last three years, Halifax City Council has on a number of occasions made requests of the Province of Nova Scotia, the majority of which have been refused. The Alderman therefore suggested that a list be developed by staff of these items (e.g., that the Province permit the reduction of speed limits on City streets; that the Province undertake full responsibility for education funding; etc.), and that these matters be followed up (perhaps through the auspices of the UNSM) with both senior levels of government.

### Question Alderman Meagher Re: Returnable Bottles

Alderman Meagher made reference to the suggestion previously put forward by Alderman Fitzgerald (namely, that a list be devised of municipal concerns to be discussed with the senior levels of government), and strongly recommended that the matter of "returnable bottles" be included.

### Question Alderman Neagher Re: <u>Shortage of Textbooks - Halifax High Schools</u>

Alderman Meagher noted that it had recently been brought to his attention that, in some instances (primarily in the City's high schools), there is a dearth of textbooks to such a degree that students are prevented from taking these materials home at night.

The Alderman expressed concern regarding the impact of such a policy on the pupils' ability to study during the evening hours, and asked for a report from the Halifax District School Board on this matter.

### Question Deputy Mayor O'Malley Re: <u>Removal of Bleachers - Mery Sullivan Park</u>

Deputy Mayor O'Malley expressed concern that bleachers had been removed from the Merv Sullivan Park (for use during this weekend's Grand Prix event), despite the fact that a tournament had been scheduled by various volunteer baseball associations. She went on to emphasize that, as a result, parents and other spectators had been forced to stand throughout the entire series of games, adding that, in her opinion, it was unfair of the City to deprive one recreational event of amenities in order to augment another.

### Question Deputy Mayor O'Malley Re: Traffic - Roseneade Avenue

Deputy Mayor O'Malley noted that, in response to a matter raised by her earlier this summer, the Chief of Police had indicated that a further assessment of the traffic situation on Rosemeade Avenue would be undertaken, once the Institute of Technology had started Fall classes and St. Stephen's/Highland Park was in full operation.

The Deputy Mayor expressed the hope that a report on this matter would be available by late September.

### Question Deputy Mayor O'Malley Re: Intersection - Leeds and Robie Street

Deputy Mayor O'Malley advised that, earlier in the summer, the Traffic Authority had indicated that, once Fall classes had commenced at the Institute of Technology and at St. Stephen's/Highland Park, the stop signs at the intersection of Leeds and Robie Street would be reassessed.

The Deputy Mayor therefore asked that this matter be looked into and a report submitted before the end of September.

### Question Alderman Pottie Re: Truck Traffic - Connaught Avenue

Alderman Pottie reported that, despite the best efforts by the Halifax Police Department, he continues to



In this same context, Alderman Pottie noted that Certain residents of Connaught Avenue have made a list of those vehicles who consistently violate the regulations concerning truck traffic on that street. He indicated that he would deliver copies of that list to the City Manager and to the City Solicitor with the suggestion that the owners of those vehicles be contacted with regard to these violations.

### Question Alderman Pottie Re: Asphalt Patching - City Sidewalks

Alderman Pottie advised that he continues to receive numerous complaints from his constituents concerning the use of black asphalt to patch sidewalk defects, adding that many people consider the results to be particularly unsightly.

The Alderman strongly urged that Council adopt a policy (with regard to sidewalk renewals) of block replacement, and, in that context, asked that staff provide a report on whether asphalt patching is truly costefficient over the long term.

### Question Alderman Stone Re: Speeding - Kearney Lake Road

Alderman Stone reported that children attending the Grosvenor Wentworth School are experiencing some difficulty in their attempts to cross the Kearney Lake Road as a result of the traffic exiting from the Bicentennial Highway. He therefore asked that the Police Department monitor the situation.

### NOTICES OF MOTIONS

Notice of Motion Alderman Fitzgerald Re: Proposed Amendment to Ordinance Number 192, the Downtown Halifax Business Improvement District Commission Ordinance

Alderman Fitzgerald gave NOTICE OF NOTION that, at the next regular meeting of Halifax City Council,

scheduled for Thursday, 26 September 1991, he is proposing to introduce for First Reading an amendment to Ordinance Number 182, the Downtown Halifax Business Improvement District Commission Ordinance.

The purpose of this amendment is to increase the size of the Commission's Board, and to change the number of individual members representing businesses from five to ten, and the number of the members-at-large from two to four. It is also proposed that the residency requirement for the members at large would be removed.

### Notice of Notion Alderman Flynn Re: Proposed Amendment to Ordinance Number 165, the Blasting Ordinance

Alderman Flynn gave NOTICE OF NOTION that, at the next regular meeting of Halifax City Council, scheduled for Thursday, 26 September 1991, he is proposing to introduce for First Reading an amendment to Ordinance Number 165, the Blasting Ordinance.

The purpose of this amendment is to introduce an improved comprehensive regulatory scheme respecting blasting within the City of Halifax.

### Notice of Motion Alderman Jeffrey Re: Proposed Amendment to Ordinance Number 176, the Conflict of Interest Ordinance

Alderman Jeffrey gave NOTICE OF NOTION that, at the next regular meeting of Halifax City Council, scheduled for Thursday, 26 September 1991, he is proposing to introduce for First Reading an amendment to Ordinance Number 176, the Conflict of Interest Ordinance.

The purpose of the proposed amendment is to correct references made to the Municipal Elections Act.

### ADDED ITEMS

## Award of Tender #91-19: Traffic Improvements, Bidewalk, Curb and Gutter Renewal (Bayers Road)

A staff report, dated 6 September 1991, was submitted.

MOVED by Alderman Flynn, seconded by Alderman Stone that:

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- Tender #91-19 be awarded to Standard Paving Maritime Ltd. for the project, materials and services listed for the unit prices quoted at a Total Bid Price of \$187,560.00 and a Total Project Cost of \$250,000;
- \$21,000.00 be transferred from Account Number 92642 to Account Number 91522.

The motion was put and passed.

### Halifax Netro Centre: Installation of Electronic Message Centre

This matter had been dealt with earlier in the meeting's agenda.

### Report - Advisory Group on Recial Relations (TO BE TABLED)

A confidential staff report, dated 12 September 1991 (including a document entitled <u>Report of the Nova</u> <u>Scotia Advisory Group on Race Relations</u> and dated 1 September 1991) was submitted.

<u>MOVED by Alderman Meagher. seconded by Alderman</u> <u>Jeffrey that</u> Halifax City Council table the document entitled <u>Report of the Nova Scotia Advisory Group on Race</u> <u>Relations</u>, dated 1 September 1991; <u>and further. that</u> staff provide appropriate comments and information to Council as soon as possible so that the City of Halifax can formally respond to the recommendations of the Group.

The motion was put and passed.

Tender Number 91-131: Sportfield Restoration (J. L. Ilsley High School)

A staff report, dated 10 September 1991, was submitted.

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that authority be granted to award Tender #91-131 (Sportfield Restoration - J. L. Ilsley High School) to Turf Masters Landscaping, the lowest bidder meeting specifications, for a total price of \$38,174.39 (taxes included); funds to be made available from Account Number 25206.1500.54446, titled "Sods and Topsoil/Special Items/ J. L. Ilsley Sportfield Restoration."

The motion was put and passed.

# Core Education Programs - Regional Meeting

This matter had been dealt with earlier in the meeting's agenda.

## Voting Delegates - UNSM Annual Conference

This matter had been added to the agenda at the request of the City Clerk.

Alderman Fitzgerald made reference to the fact that, while at this point in time, only one member of Council intends to be present at the UNSM Annual Conference, there may be other Aldermen who, later on, will find it convenient to attend. Noting that UNSM policies allow the City of Halifax to send as many as <u>five</u> delegates, the Alderman suggested that provision of some sort should be made for this eventuality.

It was therefore moved by Alderman Flynn. seconded by Alderman Hanson that Alderman William Stone and a maximum of four other members of Halifax City Council be authorized as voting delegates to the 1991 UNSM Annual Conference to be held in Sydney, Nova Scotia on 18 - 20 September.

The motion was put and passed.

### Cooperative Student Gardening Program (School for the Blind)

This matter had been added to the agenda at the request of Alderman Holland, who advised that, for some months now, he has been working with the local School for the Blind on a cooperative gardening program designed to provide students not only with an educational experience, but also with useful employment skills.

The Alderman went on to note that one of the premises of this project was that a student would be placed with a member of City Local 108, who would subsequently provide the necessary training. In this context, Alderman Holland expressed concern that, to date, he has heard nothing from staff with regard to a possible start-up date for this gardening program.

<u>It was therefore moved by Alderman Holland.</u> <u>seconded by Alderman Fitzgerald that</u> staff be directed to take steps to ensure that the Cooperative Gardening Program

# Core Education Programs - Regional Meeting

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<u>It was therefore moved by Alderman Holland.</u> <u>seconded by Alderman Fitzgerald that</u> staff be directed to take steps to ensure that the Cooperative Gardening Program

with the School for the Blind be implemented as quickly as possible.

The motion was put and passed.

### Tipping Fees

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Discussion of this matter had been temporarily postponed, pending Alderman Fitzgerald's arrival at the meeting.

An Information Report, dated 11 September 1991, was submitted.

Following is the motion forwarded from the 4 September meeting of the Finance and Executive Committee:

That the City of Halifax undertake the responsibility for the removal of garbage from all condominium units as of 1 January 1992.

MOVED by Alderman Fitzgerald, seconded by Alderman Jeffrey that:

- the commencement of municipal collection service at all condominium properties be effective 1 January 1992;
- (2) the level of service provided to condominium properties by the City contractor be consistent with the current service provided by private waste haulers;
- (3) the funds for this service be made available through a Section 201(1) Charter borrowing.

While expressing his support in principle for the motion put forward by Alderman Fitzgerald, Alderman Flynn emphasized that there are a number of independent garbage collectors who depend to a very large extent on the condominium business for their livelihood. The Alderman went on to suggest that it might also be possible for these smaller companies to perform the service at a lower price, as compared with the rates offered by the City's current contractor.

An amendment to the motion was therefore proposed by Alderman Flynn, seconded by Alderman Fitzgerald to add the following:

(4) and that, before the City enters into an agreement with its present contractors for the collection of garbage from condominiums, other alternatives be researched; namely, the ability to maintain through contracts and through competitive bidding the delivery of this service by smaller firms, not currently under contract with the City.

Mr. P. S. Connell, Director of Engineering and Works, responded to questions from Alderman Flynn.

The amendment to the motion was put and passed.

The motion, as amended, was put and passed.

There being no further business to be discussed, the meeting adjourned at approximately 12;15 a.m.

> HIS WORSHIP MAYOR RON WALLACE AND DEPUTY MAYOR MARIE O'MALLEY CHAIRMEN

E. A. KERR, CMC CITY CLERK

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BPECIAL COUNCIL PUBLIC HEARINGS <u>N I N U T E B</u>

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Council Chamber City Hall Halifax, N.S. 16 September 1991 8:00 P.M.

A special meeting of Halifax City Council was held on this date.

His Worship Mayor Wallace called the meeting to order with members of Council joining in the recitation of the Lord's Prayer.

**PRESENT:** His Worship Mayor Wallace, Chairman; Deputy Mayor O'Malley; and Aldermen Holland, Fitzgerald, Downey, Meagher, Pottie, Hanson, Jeffrey, and Stone.

**ALSO PRESENT:** Mr. Barry S. Allen, representing the City Solicitor; City Clerk; and other members of City staff.

### Deletion

### Affirmative Action Program - The Black Business Consortium Society of Nova Scotia

This item was deleted from the agenda at the request of the City Clerk.

### Addition

The following item was referred to this meeting from the Finance and Executive Committee meeting held earlier on this date:

### Provincial Cost Sharing Agreement - No. 45 (Bayers Road from Desmond Avenue to Pennington Avenue)

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

- a) Approve Cost-Sharing Agreement #45 for Bayers Road from Desmond Avenue to Pennington Avenue, as attached to the staff report of 12 September 1991, and
- b) Authorize His Worship the Mayor and the City Clerk to sign this agreement on behalf of the City.

Motion passed.

SPECIAL COUNCIL PUBLIC HEARINGS 16 SEPTENBER 1991

# Public Hearing RE: Case No. 6361: Appeal of Minor Variance - 1124 Robie Street

A staff report dated 15 August 1991 was submitted.

A public hearing on this matter was held at this time.

Mr. J. Michael Hanusiak, Acting Development Officer, addressed the Committee and outlined the appeal of the minor variance approval with respect to the R-1 side yard requirements at 1124 Robie Street (as described in the staff report of 15 August 1991).

Mr. Murray Doehler, 1124 Robie Street (the applicant), addressed the Committee and noted that they started discussing this issue with staff on 4 September 1991, just over a year ago. He indicated that they estimate that they have had over 20 discussions with various members of staff and that the matter has been on the agenda of six Heritage Advisory Committee meetings. Mr. Doehler added that the proposal required the complete drawing of three different designs.

Mr. Doehler presented a slide of the property showing the view from Robie Street looking at his house. He explained that their original design in September involved a six foot side yard, but noted that the it did not work very well with the overall design. As a result, Mr. Doehler advised that it was suggested that they try the four foot sideyard in order to move the addition over a bit.

Mr. Doehler expressed the view that the rigid enforcement of the six foot sideyard would not serve any purpose and that it would defeat the Heritage Advisory recommendation and take away from the value of the property. Mr. Doehler went on to note that there used to be a large tree on their property line which their neighbour, a couple of years ago, suggested be cut down because she was worried it would get diseased and fall on her house and car. He indicated that a tree expert had looked at the tree and advised that any construction would cut into the roots so that it would weaken the tree. Therefore, Mr. Doehler advised that they cut the tree down to please their neighbour and hopefully prepare for the addition.

In concluding, Mr. Doehler submitted a letter of support signed by four residents in the area indicating that they do not object to the proposed addition.

Mr. David Bryson, Solicitor for Mrs. Samek (appellant), addressed the Committee and referred to a letter

### SPECIAL COUNCIL PUBLIC NEARINGS 16 SEPTENDER 1991

which was circulated last weak by Mr. Samek. Mr. Bryson noted that Mrs. Samek and her husband had acquired the property immediately north of the Gatehouse property in 1971 and that, since that period of time, they have carried out extensive restoration as opposed to renovations of that property. Mr. Bryson advised that Mrs. Samek is appealing the application for a minor variance because she has a firm belief that the approval would affect not only her enjoyment of the home but ultimately its market value.

Mr. Bryson suggested that, while the applicant has indicated that he is proceeding in the spirit of the Heritage Act, quite the contrary is happening. He went on to suggest that there was a creeping progress toward de-registration of this house as a heritage home. Mr. Bryson pointed out that the house in question was one of two remaining Victorian Gatehouses in the City of Halifax and that, virtually any change at all, would be in contravention of the spirit of the Act. Mr. Bryson indicated that it was Mrs. Samek's hope that Council would direct the applicants to reconsider the design or the location of the addition so that it does in some way conform to the bylaw.

There were no further persons wishing to address Council.

<u>MOVED by Alderman Holland. seconded by Alderman</u> <u>Fitzgerald that</u> this matter be forwarded to Council without recommendation.

Motion passed.

### Public Hearing Re: Case No. 6386: Appeal of Minor Variance Refusal - #2 Forward Avenue

A staff report dated 4 September 1991 was submitted.

A letter dated 6 September 1991 from Guy and Brenda Deslandes (2 Forward Avenue) with an attached petition and letters of support to approve the minor variance was submitted.

A letter dated 16 September 1991 from Mr. Gerry D. Mendleson in objection to the application for a minor variance was submitted.

Mr. J. Michael Hanusiak, Acting Development Officer, addressed Council and outlined the appeal of the minor variance refusal with respect to the rear yard setback requirements of the land use bylaw to permit construction of

SPECIAL COUNCIL PUBLIC HEARINGS 16 SEPTEMBER 1991

a deck at the rear of the dwelling at 2 Forward Avenue (as described in the staff report of 4 September 1991).

Mrs. Brenda Deslandes, 2 Forward Avenue, addressed City Council and advised that it was not out of any intentional disregard for any City bylaws that they started to build their deck without the necessary permits. She explained that when they started repairing the deck, it was unsafe and that it collapsed. Mrs. Deslandes pointed out that her husband started construction within a minor variance encroachment which they did not know existed. She added that they also did not realize that when they were replacing an existing deck, that a permit was required. Mrs. Deslandes indicated that they thought they were doing the City a favour by doing away with an encroachment that had existed previously on the old deck by cuting it back approximately three to four feet.

Responding to a question from Alderman Hanson, Mrs. Deslandes advised that all construction ceased when they found out that they required necessary permits for the reconstruction of their deck.

After a short discussion, it was MOVED by Alderman Hanson, seconded by Alderman Jeffrey that the appeal of a minor variance refusal be granted and that the decision of the Acting Development Officer to refuse the application be overturned.

Motion passed.

# Case No. 6345: Schedule C - Development Agreement - 2571 Windsor Street

A public hearing on this matter was held at this time.

Mr. Paul Dunphy, Planner, addressed Council and outlined the application for a development agreement under the provisions of Schedule "C" to convert a building to law offices with two apartment units at 2571 Windsor Street (as described in the staff report of 6 August 1991).

Mr. Lloyd R. Robbins, Quackenbush & Thomson Barristers and Solicitors (applicant), addressed the Committee. Mr. Robbins noted that Quackenbush & Thomson is a small law firm which has been located in the north end of Halifax for approximately 12 years. He advised that they view themselves in part as being a community law firm for the north and central parts of Halifax and have a large clientele in the area. Mr. Robbins advised that they have been looking for a number of years for a permanent location

SPECIAL COUNCIL PUBLIC HEARINGS 16 SEPTENBER 1991

for their practice and that, when the property in question became available, it seemed like an ideal opportunity.

Mr. Robbins informed Council that the building in question was built in the late 1800's by Senator Martin who was once Mayor of the City of Halifax and who was Mayor during the Halifax Explosion in 1917. He went on to advise that it was their intent to have a residential unit on the third level which already exists and some limited office in the basement along with storage. Mr. Robbins added that there was a great deal of commercial and non-residential use in the area.

Mr. Robbins advised that they had made a presentation at the time of the last North End Municipal Plan public hearing and that, at that time, they had presented a petition asking for C2A zoning to allow this development. He noted that they had canvassed their immediate neighbours fronting on Windsor Street at that point in time and had a petition signed by everybody on that portion of the street. Mr. Robbins resubmitted a copy of the petition at this time.

Mr. Robbins advised that it was not their intent to change the outside of the building. He indicated that there will be ample off-street parking. Mr. Robbins went on to advise that steps were taken to protect lot 9, the Chases' property, noting that there is going to be a five foot wooden fence established as a visual barrier between the Chases' private residence and the parking lot. In addition, Mr. Robbins advised that they had met with Mr. and Mrs. Chase and have agreed to keep a five foot gravel or landscape buffer at the rear of the property. Further, Mr. Robbins noted that they intend to maintain a grassed area at the sideyard and at the rear of their building.

A letter dated 16 September 1991 from Mr. Robbins with an attached copy of the proposed parking lay-out was submitted.

A short questioning ensued.

Alderman Holland suggested that Quackenbush & Thomson give consideration to having the building registered as a heritage property.

Responding to Holland's suggestion, Mr. Robbins advised that registering the property as a heritage property might be worth consideration. He added that one of the things they are considering, in terms of their letterhead, is calling the property the Martin House in honor of the late Senator Martin who was once Mayor of the City of Halifax.

### SPECIAL COUNCIL PUBLIC HEARINGS 16 SEPTEMBER 1991

Ms. Christene Chase addressed the Committee and indicated that she had no problem with the application and that she was in agreement with the proposed parking lot layout.

Responding to a question from Alderman Pottie, Mr. Dunphy advised that the minor changes referred to by Mr. Robbins and agreed to by Ms. Chase, would be referenced in the development agreement.

There were no further persons wishing to address Council.

<u>MOVED by Alderman Meagher, seconded by Aldermen</u> <u>Fitzgerald that</u> this matter be forwarded to Council without recommendation.

### Motion passed.

Responding to a question from Alderman Meagher, the City Clerk advised that no correspondence in favour of or opposed to the application had been received.

### Public Hearing Re: Case No. 6367: Amendment to Development Agreement - 2548-50 Agricola Street

A public hearing on this matter was held at this time.

Hr. Gary Porter, Planner, addressed the Committee and outlined the application by the current owners of 2548 and 2550 Agricola Street for an amended development agreement to allow the lands to be used in accordance with the C-2 zoning applicable for the site (as described in the staff report of 12 August 1991)

Nr. Trevor Parsons, Vice President of Lee Management Limited (applicant), addressed the Committee and advised that, when they purchased the properties in question, they had intended to use them for commercial purposes. Mr. Parsons advised that he had applied for an occupancy permit for First Realty to use 2550 Agricola Street as a commercial property for a real estate office. He noted that it was not until he had executed an agreement of purchase and sale to buy a third property that his new lawyer informed him that there was a development agreement and that she could not certify title on the third property.

There were no further persons wishing to address Council.

SPECIAL COUNCIL PUBLIC HEARINGS 16 SEPTEMBER 1991

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

Motion passed.

# Public Hearing Re: Case No. 6264: Development Agreement - 2024-46 Robie Street

A public hearing on this matter was held at this time.

A previous public hearing to consider an application to expand the parking facilities for Cruikshank's Funeral Home was held on 17 July 1991.

Mr. J. Michael Hanusiak, Acting Development Officer, addressed Council and outlined the application for a development agreement for the purposes of recognizing Cruikshank's Funeral Home, and existing parking lot located at 2024, 2028-32, and 2040 Robie Street as a permitted use by development agreement pursuant to Section 83(c) of the peninsula portion of the land use bylaw; and permitting the property at 2046 Robie Street to be used for parking in association with Cruikshank's Funeral Home, pursuant to Section 83(c) of the peninsula portion of the land use bylaw (as described in the supplementary staff report dated 12 August 1991).

Mr. Robert Grant, representing Cruikshank's Funeral Home, addressed Council. Mr. Grant pointed out that this development agreement is not the "thin edge of the wedge" and that it does not set a precedent in the area. He advised that his client was not asking for a rezoning which would permit any commercial use over the property. Mr. Grant added that his client was asking for a development agreement which would regulate the existing use and allow the expansion as is needed of the parking lot into the property at 2046 Robie Street.

Mr. Grant advised that the use of the site by his client is a stable use noting that it has been used as a funeral home for 56 years. He commented that one of the opponents at the last public hearing indicated that the key issue is the stability of the neighbourhood. Mr. Grant advised that the property, which his client wishes to convert into a parking lot, is not a stable use. He noted that the property has declined from a single family use into a rooming house and that this decline had occurred well before his client had purchased the property.

SPECIAL COUNCIL PUBLIC HEARINGS 16 SEPTENBER 1991

Mr. Grant advised that to allow his client's application for development agreement, would facilitate stability in the neighbourhood by encouraging the existing use of the funeral home.

Hr. Grant made reference to the alleged illegal use of 2040 Robie Street and the submission regarding developments relating to the needs and characteristics of the neighbourhood. Hr. Grant advised that 2040 Robie Street is presently used as a parking lot and has been used for a parking lot for about 26 years. He noted that the records in the City Planning Department indicate that it began use in that fashion in 1964/65. Mr. Grant added that there have been no prosecutions or complaints in this regard and that the use of the site as a parking lot occurred with the knowledge of the City.

Noting that the staff report indicates that this proposed use as a funeral home is not related to the needs or characteristics of the neighbourhood, Mr. Grant presented a plan prepared by his client which illustrated that approximately 50 percent of his clients are from the community and neighbourhood. Mr. Grant added that this percentage would indicate the importance of the business in serving the needs of the community and neighbourhood.

In closing, Mr. Grant asked Council to show support for this development and long standing business by approving the development agreement.

Mr. Ron Burton, 2050 Robie Street, addressed Council and advised that he resided next door to the property Mr. Burton referred to some of the comments in question. made by the previous speaker. Referring to the comment that the applicant was not creating a problem by increasing the commercial area, Mr. Burton expressed the view that it was obvious that the commercial area was being increased. He explained that there were only two houses left on this block on Robie Street and that, if one was removed, then it would Mr. Burton advised that the mean a 50 percent change. stability of the funeral home is true in that it has existed for a long time; however, he pointed out that the houses existed for much longer.

Mr. Burton went on to express the concern that, if the house next door to his property is torn down, his home will be the only house left in this area and that the value of his property will be reduced severely. Mr. Burton expressed the opinion that, from reading the planning policies, the proposed development would not maintain the integrity of the existing residential neighbourhood or the existing character and stability of the residential area. Mr. Burton urged Council to reject the application.

### BPECIAL COUNCIL PUBLIC HEARINGS 16 SEPTEMBER 1991

Ms. Ann G. Wilkie, 2050 Robie Street, addressed Council and advised that the statement she had made at the public hearing on this matter in July still stands (a copy of which can be found in the official file for this meeting). Ms. Wilkie indicated that at the last public hearing she commented on the residential policies of the Municipal Development Plan, the economic policies of the Municipal Development Plan, made reference to the zoning bylaw to nonconforming uses and the extension and expansion of nonconforming uses. She noted that she remains opposed to the proposal to expand this non-conforming use under development agreement and to allow a parking lot adjacent to her property which she commented would be an impingement on the value of their property.

Mr. Blair Beed, Spring Garden Road, addressed the Committee and noted that he is always concerned when older buildings are torn down before anyone looks into their history as to whether or not they should be saved or at least recorded. Mr. Beed noted that his other concern was that it always seems that buildings are allowed to deteriorate which then results in the excuse for tearing them down rather than renovating them. Mr. Beed further expressed the concern that the City is losing population on peninsula Halifax and that residential properties are being torn down for parking lots.

Mr. Burton indicated that he had forgotten to mention during his presentation that notice of the public hearing with respect to this application was not placed on the property in question.

There were no further persons wishing to address Council.

<u>MOVED by Alderman Meagher. seconded by Deputy Mayor</u> <u>O'Malley that</u> this matter be forwarded to Council without recommendation.

Motion passed.

9:20 p.m. There being no further business to discuss, the meeting adjourned.

HIS WORSHIP MAYOR WALLACE CHAIRMAN

/MMD

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SPECIAL COUNCIL PUBLIC HEARINGS 16 SEPTENBER 1991

### HEADLINES

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Affirmative Action Program - The Black Business Consortium Society of Nova Scotia
Provincial Cost Sharing Agreement - No. 45 (Bayers Road from Desmond Avenue to Pennington Avenue).486
Case No. 6361: Appeal of Minor Variance - 1124 Robie Street
Case No. 6345: Appeal of Minor Variance Refusal - #2 Forward Avenue
Case No. 6345: Schedule C - Development Agreement - 2571 Windsor Street
Case No. 6367: Amendment to Development Agreement - 2548-50 Agricola Street
Case No. 6264: Development Agreement - 2024-46 Robie Street

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