

March 17th, 1938.

It will be seen from the Solicitor's report that he considers it necessary that legislation be obtained and the attached draft has been prepared by him. This would seem to be in order and it is recommended that it be approved by the Committee on Works with a recommendation to the Council that legislation be obtained. It may be pointed out that the legislation is for power to make an Ordinance, the terms of which, may be considered and varied afterwards.

Respectfully submitted,

H. W. Johnston,
CITY ENGINEER.

March 17th, 1938.

The City Council.

At a meeting of the Committee on Works held on this date, the attached report of the City Engineer in reference to a proposed housing ordinance was on motion of Alderman Freda and Alderman Donovan, approved and recommended to Council for adoption.

Wm. J. O'Toole,
DEPUTY MAYOR AND CHAIRMAN.

- (1) In this section and in any Ordinance made under the authority hereof
 - (a) "Building" shall mean and include a structure containing one or more dwelling units.
 - (b) "Dwelling" shall mean and include any building, the whole or any portion of which is used or intended for use for the purpose of human habitation, with the land and premises appurtenant thereto, and all out-buildings, fences or erections thereon or therein.
 - (c) "Dwelling Unit" shall mean any room or set of rooms used for human habitation.
 - (d) "Inspector" shall mean the person or persons from time to time designated by the Council of the City to enforce the provisions of an Ordinance made under the authority of this Section.
 - (e) "Owner", unless otherwise stated by words or necessary implication, shall include the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such lands and premises were let.

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(f) "Premises" shall include a building as defined herein and any lands, fences, sheds, outhouses and garages appurtenant thereto.

(g) "Rooms" shall mean any room commonly used for living purposes, including a bedroom and kitchen, but shall not include any space in a dwelling used as a lobby, hallway, closet, bathroom or any room having a floor space of less than fifty square feet.

(2) The Council of the City may make an ordinance for fixing a standard of fitness for human habitation, to which all dwellings shall conform, for requiring the owner of dwellings to make the same conform to such standard, for prohibiting the use of dwellings which do not conform to such standard, for governing and regulating persons in the use and occupancy of dwellings, and for appointing inspectors for the enforcement of the said Ordinance.

(3) Where the owner of any dwelling is unable to pay the expenses of making the same conform to the standard required by the Ordinance, the Corporation may advance money to or for the benefit of such owner to such extent as may be provided in such Ordinance towards the payment of such expenses, and any sums so required by the City for this purpose may be borrowed from time to time and in such amounts as the Council of the City determines, shall be borrowed in accordance with the provisions of the Halifax City Charter relating to the Halifax City Consolidated Fund, and be in addition to the amounts previously authorized to be borrowed as part of that Fund, and shall form part of Fund. Such sums shall be secured by stock or debentures to be issued in conformity with the said provisions at a rate of interest to be determined by the City at the time of the making of such loan. The dates on which the same are payable shall be determined by the Council.

(4) When the City has advanced money as provided in Sub-section (3) it shall have a lien upon the dwelling in respect of which such advance was made for the amount of such advance, together with interest thereon at a rate to be fixed from time to time by the Council, but which shall not exceed five per centum per annum, and such lien shall be a charge or lien on such dwelling for the duration of such liability, having preference and priority over any encumbrance, charge or lien of any description other than a lien for City taxes, and the amount of such advance with the interest thereon shall be repayable to the City by the owner of such dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the Inspector, which period shall not exceed ten years, but such period need not be the same in the case of each such advance, and each annual payment shall be collected in the

March 17th, 1938.

same manner and at the same time as the real property taxes upon such dwelling for the year in which such payment is due, and it shall not be necessary to file any certificate respecting such advances in the Registry of Deeds in order to validate the said lien.

(5) If any owner of a dwelling is unwilling to make the same conform to the standard required by the committee passed under the authority of this section, the City in addition to all other remedies, shall have the right to make the said dwelling conform to such standard, including the right to demolish or cause to be demolished any building, structure or erection forming part of such dwelling, and to do any work on adjoining property necessitated by such demolition, and for those purposes with its servants and agents from time to time to enter upon the lands of the said owner and the adjoining owner or owners, and the City shall not be liable to compensate such owner or any other person by reason of anything done by or on behalf of the City under the provisions of this Subsection, and for any amount expended by or on behalf of the Corporation under the authority of this Subsection the Corporation shall have a lien until the same is paid upon the said dwelling in respect of which such amount was expended, and the certificate of the Inspector as to such amount shall be final and such amount shall be added to the amount due for real property taxes in respect of said dwelling, for the year in which the same was expended, and shall be collected along with such taxes.

Moved by Alderman Freda, seconded
by Alderman Donovan that the reports and legislation
as submitted be adopted. Motion passed.

CONCRETE SIDEWALKS - EAST SIDE WINDSOR STREET

*City Eng.
Clerk of Works*
Read report of the Comm. on Works
and City Engineer re concrete sidewalks, east side
Windsor Street.

March 8th, 1938.

His Worship the Mayor.

Sir:-

I beg to report on a petition from property owners on the east side of Windsor Street between Cunard and Charles Street, asking that the City construct a concrete sidewalk, sodding, etc. on this street, that it is signed by the owners of about 40% of the assessed frontage. The estimated cost is \$1,200.00, of which the City's share would be about one-half.

March 17th, 1938.

The curb and gutter has already been laid in connection with the paving of the street.

With the exception of this block concrete sidewalks have been laid on the east side of Windsor Street from Compton Avenue to Almon Street.

The construction of the concrete sidewalk, sodding, etc., would make a much needed improvement in the street, and it is recommended that it be ordered to be done.

Windsor Street - East Side - Williams St. to Compton Ave.

At present there is no sidewalk in this block and if the walk recommended above, namely from Cunard to Charles Street is constructed, this one should also be ordered and will complete the sidewalk on the east side of Windsor Street from Welsford Park to Almon Street.

The estimated cost is \$470.00 of which the City's share would be about \$250.00.

The curb and gutter has already been laid and it is recommended that concrete sidewalk, sodding, etc. be ordered to be constructed.

Respectfully submitted,

H. W. Johnston,
CITY ENGINEER.

March 17th, 1938.

The City Council.

At a meeting of the Committee on Works on the 10th instant, the attached report of the City Engineer recommending construction of concrete sidewalks, sodding, etc. on the east side of Windsor Street, between Cunard and Charles Street, and between William Street and Compton Avenue, was on motion of Alderman O'Toole and Alderman Freda, approved and recommended to Council for adoption.

Wm. J. O'Toole,
DEPUTY MAYOR AND CHAIRMAN.

Moved by Alderman Donovan, seconded by Alderman Freda that the reports be adopted.

Motion passed.

CONCRETE SIDEWALKS - WEST SIDE WINDSOR STREET

Read report of the Comm. on Works and City Engineer re concrete sidewalks, west side Windsor Street.

*City Eng.
Clerk of Works*

March 17th, 1938.

March 8th, 1938.

His Worship the Mayor.

Sir:-

Under even date a report is made regarding concrete sidewalks on the east side of Windsor Street between Williams Street and Compton Avenue and between Cunard and Charles Street. On the west side of this street sidewalks are laid from Quinpool Road to Almon Street, with the exception of the block between Allen and Lawrence Street and the three blocks between Chebucto Road and North Street.

At different times we have had complaints regarding the condition of the unimproved sidewalks on the west side of Windsor Street and if concrete sidewalks were constructed in the blocks mentioned, a big improvement would be made, both in the appearance of the street and in the convenience to the public using it.

Curbs and gutters have been laid throughout the street.

The estimated cost of sidewalks, sodding, etc. in the different blocks is as follows:-

| | <u>Cost</u> | <u>City's share</u> |
|--------------------------------|-------------|---------------------|
| From Allen St. to Lawrence St. | \$400.00 | \$200.00 |
| " Chebucto Rd. to Charles St. | 650.00 | 350.00 |
| " Charles St. to Willow St. | 430.00 | 260.00 |
| " Willow St. to North St. | 380.00 | 190.00 |

The total cost is \$1860.00, of which the City's share would be about \$1,000.00.

It is recommended that concrete sidewalks, sodding, etc. be laid on the four blocks mentioned.

Respectfully submitted,

H. W. Johnston,
CITY ENGINEER.

March 17th, 1938.

The City Council.

At a meeting of the Committee on Works on the 10th instant, the attached report of the City Engineer recommending that concrete sidewalks, sodding, etc. be laid on the west side of Windsor Street, from Allen Street to Lawrence Street and from Chebucto Road to North Street, was on motion of Alderman O'Toole and Alderman Freda, approved and recommended to Council for adoption.

Wm. J. O'Toole,
DEPUTY MAYOR AND CHAIRMAN.

March 17th, 1938.

Moved by Alderman Donovan, seconded
by Alderman Freda that the reports be adopted.

Motion passed.

*City Eng.
Clerk of Works*

SHOP IN RESIDENTIAL DISTRICT - CORNER OF TOWER
ROAD AND GRANT STREET

Read report of the Comm. on Works and
City Engineer re shop in residential district,
corner of Tower Road and Grant Street.

March 17th, 1938.

His Worship the Mayor.

Sir:-

I beg to submit herewith an application
for permit to erect a building on the vacant lot at
the northwest corner of Tower Road and Grant Street
owned by Mr. Zlaton and intended to be used as a
shop for the sale of groceries, meats, fish, etc.,
by retail, that the location is within the
residential district as laid down in section 815 of
the City Charter.

Petitions have been received for and
against a permit being issued for a shop in this
location and the attached plan has been prepared,
showing properties owned by the petitioners. No
action has been taken of the signatures of the
persons who are not owners of property.

At present there is a shop at the
north-west corner of Miller Street and Tower Road
and one on the south side of Grant Street immediately
in rear of a lot at the southwest corner of Tower
Road.

Under the law, as amended in 1937, the
City Council may grant a permit for a shop, for the
sale of goods by retail in this location, after
receipt by the Council of a report thereon from the
Committee on Works.

In view of the number of objectors,
I am unable to recommend that a permit be granted.

Respectfully submitted,

H. W. Johnston,
CITY ENGINEER,

March 17th, 1938.

The City Council.

At a meeting of the Committee on
Works this day, the attached report of the City
Engineer on an application for permission to erect

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a building on the vacant lot at the north-west corner of Tower Road and Grant Street, owned by Mr. Zlatn, and intended to be used as a shop for the sale of groceries, meat, fish, etc. was considered. On motion of Alderman Freda and Alderman Donovan, the committee recommended to the City Council that the permit applied for be granted. Alderman Walker voting against.

Wm. J. O'Toole,
DEPUTY MAYOR AND CHAIRMAN.

Moved by Alderman Walker, seconded by Alderman Gough that this matter be referred back to the Committee on Works for further consideration and report. Motion passed.

PHILLIPS STREET - GRADING AND ACCEPTANCE

*City Eng.
Clerk of Works*
Read report of the Comm. on Works and City Engineer re Phillips Street, grading and acceptance.

March 17th, 1938.

His Worship the Mayor.

Sir:-

I beg to report on a petition from property owners on Phillip Street asking that this street between Chebucto Road and Watermain Street be graded, that the petition is signed by the owners of over 51% of the assessable frontage.

In 1933 a report on the grading and acceptance of this street was made in which it was recommended that the matter be deferred in the hope that the work might be incorporated in a programme for the relief of unemployment, this was not done and in the meantime further building took place and the street is now fairly well built up.

The estimated cost of grading the street is \$1600.00.

It is recommended that the street be graded under the provisions of Section 555 to 558A. of the City Charter and when graded that it be accepted as a City street.

Respectfully submitted,

H. W. Johnston,
CITY ENGINEER.

March 17th, 1938.

The City Council.

At a meeting of the Committee on Works held this date, the attached report of the City Engineer on a petition from property owners on Phillips Street asking that this street between Chobucto Road and Watermain Street be graded, was on motion of Alderman Donovan and Alderman Freda, approved and recommended to Council for adoption.

Wm. H. O'Toole,
DEPUTY MAYOR AND CHAIRMAN,

Moved by Alderman Donovan, seconded by Alderman Freda that the reports be adopted.

Motion passed.

*City Eng.
Clerk of Works*

WATER EXTENSION - VESTRY, ACADIA AND RECTOR STREETS

Read report of the Committee on Works and City Engineer re water extension, Vestry, Acadia and Rector Streets.

March 9th, 1938.

His Worship the Mayor.

Sir:-

I beg to report on a petition from property owners on Vestry, Acadia and Rector Streets for water extension on portions of these streets, that there are eight houses within the limits set out in the petition for which, the owners of six have signed. The attached sketch will show more clearly the conditions obtaining.

There are two methods by which the extension of the water pipe can be made, one, from Duffus Street northwardly to Vestry Street and east and west on this street, the other to run eastwardly from Gottingen Street thence south along Acadia Street and westwardly along Vestry Street. If the extension were made, the latter route, would, for various reasons be the preferable one.

The estimated cost of the extension is \$5,062.00 with an estimated assessment of \$1,790.00 making the net cost to the City of \$3,272.00. The interest and sinking fund for thirty years at 6% on \$3,272.00 is \$196.32 a year. The estimated revenue if the six houses represented by the petitioners, were connected would be \$36.00. If the eight houses, were connected \$48.00.

March 17th, 1938.

In my opinion it will be some time before sufficient revenue will be obtained to pay the interest on the cost, and I do not think it would be a good business proposition to make the extension at present. Should a development take place earlier than anticipated, another application could be made and the question reconsidered in view of the changed conditions that will obtain.

Respectfully submitted,

H. W. Johnston,
CITY ENGINEER.

March 17th, 1938.

The City Council.

At a meeting of the Committee on Works this day, the attached report of the City Engineer dated March 9th, 1938, in reference to water extension on Vestry, Acadia and Rector Street, together with a report of the City Engineer dated March 17th, 1938, in reference to sewer and water extension on Vestry, Acadia, Rector and Albert Street, were considered.

On motion of Alderman Walker and Alderman Freda, the committee recommended to Council that water extension be laid in accordance with the City Engineer's report of March 9th, 1938. Alderman Donovan voting against.

Wm. J. O'Toole,
DEPUTY MAYOR AND CHAIRMAN.

Moved by Alderman Walker, seconded by Alderman Freda that the reports be adopted.

Motion passed.

SUPT'S REPORT RE INMATES IN THE CITY HOME
FOR THE MONTH OF FEBRUARY, 1938.

Read report of the Charities Committee for the month of February 1938, showing the number of inmates in the City Home to be 452.
FILED

TAX COLLECTIONS FOR THE MONTH OF FEBRUARY, 1938.

Read report of the City Auditor covering tax collections for the month of February, 1938.

March 17th, 1938.

TAX COLLECTIONS, FEBRUARY, 1938.

Arrears Taxes

| Civic Year | Reserve | Outstanding Balances January | New accounts and adjustments | February Collections | Outstanding Balances February. |
|------------|-------------|------------------------------|------------------------------|----------------------|--------------------------------|
| 1933-34 | \$59,709.75 | \$46,735.46 | | \$480.53 | \$46,254.93 |
| 1934-35 | 53,689.31 | 99,180.04 | | 7,852.60 | 91,327.44 |
| 1935-36 | 60,483.02 | 206,807.79 | | 10,294.39 | 196,513.40 |
| 1936-37 | 45,458.80 | 327,777.06 | | 11,674.78 | 316,102.28 |
| | | <u>680,500.35</u> | | <u>30,302.30</u> | <u>650,198.05</u> |

Current Taxes

| | | | | | |
|---------|-----------|------------|--|-----------|------------|
| 1937-38 | 60,652.95 | 643,623.87 | | 27,957.34 | 615,666.53 |
|---------|-----------|------------|--|-----------|------------|

Water Dept.
Rates, etc.

| | | | | |
|--|---------------------|--|------------------|---------------------|
| | 58,606.62 | | 5,874.80 | 52,731.82 |
| | <u>1,382,730.84</u> | | <u>64,134.44</u> | <u>1,318,596.40</u> |

| | | | | |
|--------------------|------------------|--|-----------------|------------------|
| Poll Taxes 1933-34 | \$1,831.03 | | \$27.00 | \$1,804.03 |
| Poll Taxes 1934-35 | 2,770.29 | | 50.00 | 2,720.29 |
| Poll Taxes 1935-36 | 2,854.75 | | 82.50 | 2,772.25 |
| Poll Taxes 1936-37 | 4,526.91 | | 308.00 | 4,218.91 |
| Poll Taxes 1937-38 | <u>13,694.52</u> | | <u>1,859.00</u> | <u>11,835.52</u> |

Additional Collections

| | | | | |
|---------------------------------|--|--|------------------|------------------|
| Tax years 1908-9 to 1924-25 | | | \$155.90 | \$17.65 |
| Corresponding period last year | | | | |
| Tax years 1925-26 to 1932-33 | | | 1,578.80 | 639.20 |
| Corresponding period last year | | | | |
| Collections per above statement | | | 64,134.44 | |
| Corresponding period last year | | | <u>65,869.14</u> | <u>75,093.37</u> |
| | | | | <u>75,750.22</u> |

Collections of Poll Taxes

| | | | | |
|----------------------------------|--|--|-------------|-----------|
| May 1st, 1937 to Feb. 28th, 1938 | | | \$22,526.78 | |
| Corresponding period last year | | | | 21,764.67 |

A. M. Butler,
CITY AUDITOR.

FILED

DEPARTMENTAL APPROPRIATIONS AND EXPENDITURES

Read report of the City Auditor re.

departmental appropriations and expenditures.

FILED

9.35 P.M.,

Moved by Alderman Smeltzer, seconded by

Alderman Gough that this meeting do now adjourn.

Motion passed.

Meeting adjourned.

March 17th, 1938.

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Wm. J. O'Toole,
DEPUTY MAYOR AND CHAIRMAN.

W. P. Publicover
W. P. Publicover,
CITY CLERK.

Walter J. O'Toole
MAYOR.

A F T E R N O O N S E S S I O N

SPECIAL MEETING.

5.00 o'clock,
Council Chamber,
City Hall,
March 29th, 1938.

A meeting of the City Council was held this day. There were present His Worship the Mayor, Chairman; and Aldermen Batson, Donovan, Curran, Sullivan, Freda, Adams, McDonald, O'Toole, Power, Curtis, Gough, Walker and Smeltzer.

The meeting was called specially to consider report of Committee on Works re legislation dealing with the building at the north-west corner of Gottingen and North Streets known as the Baptist Temple.

The Mayor stated that the Committee on Works was not prepared to make a report and he suggested that if it were the wish of Council the representatives present could be heard and the matter disposed of.

Moved by Alderman Donovan, seconded by Alderman Batson that the representatives be heard. Motion passed.

The City Clerk forthwith read the proposed amendment to Section 827 of the Halifax City Charter.

Section 827 of the Halifax City Charter is amended by adding thereto as Sub-section 2, the following:-

"Notwithstanding the provisions of any enactment or law made by the Legislature of Nova Scotia or any by-law, ordinance or regulation made under the authority of any such enactment or law, the building situate on the north-west corner of Gottingen and North Streets in the City of Halifax and heretofore known as "The Baptist Temple" may be altered for

*City Eng.
Clerk of Works*

March 29th, 1938.

use and used as a theatre; provided that the said building as altered shall comply with the regulations for the construction and use of theatres and places of amusement enacted by the Governor-in-Council under the provisions of The Theatres, Cinematographs and Amusements Act".

5.10 P.M.,

Alderman Keshen arrives and takes his seat in Council.

Mr. C. B. Smith, K.C. then spoke and stated that he was representing the owners of the Casino Theatre, who protested against the City changing the existing law in order to permit a theatre to be erected on the corner of North and Gottingen Streets. The first objection, Mr. Smith said, was that the other theatres had to comply with certain regulations and the second was that, in his opinion, it was dangerous to change the present law.

Mr. Smith further stated that if this legislation is approved it will remove a safeguard in the existing law.

Mr. L. A. Lovett, K.C. then addressed Council on behalf of Messrs. George Webster and Charles Evans, owners of surrounding property.

Mr. Lovett stated that he wished to be associated as in accordance with the remarks of Mr. Smith.

Mr. Lovett said that, as he understood it, the law specified that the persons who purchased this church at the corner of North and Gottingen Streets, may convert it into a theatre provided that the law is complied with and only

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a first class building constructed.

Moved by Alderman Donovan, seconded by Alderman Walker that the amendment to Section 827 of the City Charter be approved.

The City Clerk then read the following report of the City Engineer.

March 29th, 1938.

His Worship the Mayor.

Sir:-

I have been instructed by the Deputy Mayor to report on a proposed amendment to Section 827 of the City Charter to a special meeting of the Committee on Works to be held on Tuesday afternoon, March 29th. A copy of the proposed amendment is attached.

Section 827 of the City Charter provides as follows:-

"827. Every theatre or other public building, in addition to the other requirements of this part of this Act, shall conform to the requirements set out in the 3rd schedule to this part".

The 3rd schedule provides among other things that every theatre hereafter built or altered shall be a first class building.

An amendment to the City Charter is now before the House of Assembly, approved of by the City Council, at the instance of the owners of the property at the northwest corner of Gottingen and North Streets, which provides, that when any armoury or church not being a public building as defined in the Act, is hereafter altered for the use of a theatre, it shall be or be converted into a first class building provided however, that the roof may be of other than first class construction.

The effect of the amendment now proposed is to remove the building on the above mentioned property, from the provisions of the Charter, and transfer it to the jurisdiction of the Theatres, Cinematograph and Amusements Act and the regulations made thereunder.

In this Act and these regulations, a wooden building may be used or converted into use as a theatre.

March 29th, 1938.

Previous to 1915 the control of theatres in this City was vested in the City. By Chapter 9 of the Acts of that year, such control was taken out of the hands of the City and transferred to officials of the Provincial Government, acting under regulations made by the Governor-in-Council.

Subsequently, there were a series of enactments made, one of which in 1926 purported to restore control over the construction of theatres to the local authority, but there was considerable uncertainty regarding this and there was a confusion due to divided authority. The City made representations to the Government regarding this and eventually by Chapter 46 of the Acts of 1931 the "Theatres, Cinematographs and Amusements Act" was amended by permitting the Governor-in-Council to require that the construction, alteration, repair and inspection of theatres was to be in the hands of the local authority where the Governor-in-Council is of the opinion that the enactments, ordinances, etc. of any City in respect to the construction, alteration and repairs to buildings are as adequate as the regulations made under Chapter 162 of the Revised Statutes.

In 1932 an Order-in-Council was passed providing that enactments, ordinances, by-laws and regulations of the City of Halifax in respect to the construction, alteration and repair of buildings are as adequate for all purposes as are the regulations made under Chapter 162 of the Revised Statutes, and the Governor-in-Council ordered that the regulations in relating to construction, alteration and repair of theatres made under the City Charter shall apply to the City of Halifax and that the City enactment, etc. shall have full force and effect within the said City.

After the struggle experienced in obtaining this measure of local autonomy, it would be a complete reversal of principle to now ask to have the conditions existing previous to 1931 restored. It is difficult to understand why one building should be singled out and placed outside of the control by the city in the matter of construction and user.

The strongest objection is that under the Theatre, Cinematographs and Amusements Act, a building may be used as a theatre of a type of construction which would be far more of a fire hazard than is allowed under the provision of the Building Act as contained in the City Charter. There can be little argument as to the fact that a second or third class building which are allowed under the above Act, is more susceptible to fire than a first class building as defined in the Charter.

March 29th, 1938.

The safety of the public should be the guiding principle and anything that would tend to lessen in any way the measure of such safety should not be countenanced.

Respectfully submitted,

H. W. Johnston,
CITY ENGINEER.

Moved in amendment by Alderman Gough, seconded by Alderman Power that this matter be referred back to the Comm. on Works for further consideration and report. Amendment put and lost, 4 voting for the same and 10 against it as follows:-

FOR THE AMENDMENT

Aldermen Adams
Batson
Gough
Power

-4-

AGAINST IT

Aldermen Curran
Curtis
Donovan
Freda
Keshen
McDonald
O'Toole
Smeltzer
Sullivan
Walker

-10-

Motion was then put and passed, 12 voting for the same and 2 against it as follows:-

FOR THE MOTION

Aldermen Adams
Batson
Curran
Curtis
Donovan
Freda
Keshen
McDonald
O'Toole
Smeltzer
Sullivan
Walker

-12-

AGAINST IT

Aldermen Gough
Power

-2-

5.35 P.M.,

Moved by Alderman Smeltzer, seconded by Alderman Gough that this meeting do now adjourn.

Motion passed.

Meeting adjourned.

Walter Mitchell
Walter Mitchell,
MAYOR AND CHAIRMAN.

W. P. Publicover
W. P. Publicover,
CITY CLERK.