

CITY OF HALIFAX

MINUTES OF CITY COUNCIL

1959

1959

PART I

WUPP R-1

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Lady Hammond Rd. & Kempt Rd. Intersection	265
Mulgrave Park	388
Parking Meters	42,347,434,498
Property -- 200-202 Argyle St.	696
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Work - Extra - New Incinerator	548
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Works Dept. - Assistant Sup't. of Operations - Salary	21
Heavy Equipment - Tenders	486,690,799
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Zoning By-Law - Amendment	210
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CITY COUNCIL MEETING
JANUARY 15, 1959

A G E N D A

Prayer.

Minutes November 27, December 3 and 11, 1958.

1. Public Hearing Rezoning 637 Quinpool Road R-2 Zone to R-3 Zone.
2. " " Removal Official Street Lines Cotter, Jones & Condon Streets.
3. " " Refusal to Grant Occupancy Permit 202 Spring Garden Road.
4. Motion Alderman O'Brien Re: Right to Vote.
5. Accounts over \$500.00.
6. Industrial Mile Appraisals.
7. Property Acquisition - Redevelopment Area.
8. Appointment Civil Defence Committee.
9. Nova Scotia Light & Power Co. Ltd. Account.
10. Salary - Asst. Supt. of Operations - Works Department.
11. Salary of Inspector - Incinerator.
12. Pinewood Acres "B" Water Course.
13. Legislation.
14. Request to Rezone (R-1 to R-2) 16 & 18 Pine Hill Drive. (Refused)
15. Request to Rezone (R-2 to R-3) 84 & 86 Stairs Street. (Refused)
16. Modification Sideyard - 69 Berlin Street (Recommended).
17. Rezoning (R-2 to R-3) 956 Robie Street (Date for Hearing)
18. Progress Payments - Fairview Overpass.
19. Lease Provincial Land - Gottingen Street.
20. Lease - Downtown Shopping Parking Lot (Renewal).
21. Request - Transmission Line - Nova Scotia Light & Power Co. Ltd.
22. Salary Scales Police and Fire Department - Classifications.
23. Undersized Lot 20 Duffus Place (Refused)
24. Modification Sideyard 62/64 Almon Street (Recommended)
25. " " 86 Jubilee Road. "
26. " " 31 Vestry Street "
27. " " 33 Memorial Drive (Refused)
28. Suggested Ordinance #23 "Early Closing of Shops".
29. Petition Re: Paying Charges - Bilby Street.
30. Closing Infectious Diseases Hospital.
31. Change of Name of Hospitals (Legislation)
32. Authority Mayor and City Officials to go to Ottawa Re: Welfare Grant.
33. Appraisal Fees Industrial Mile.
34. Assessment Halifax Shipyards Ltd. - Legislation.
35. " Moirs Ltd. - Legislation.
36. Reconveyance Lot Camp Hill Cemetery - Estate E.L. Carpenter.
37. Forum Commission Payment - Back Interest on Superannuation Contributions.
38. Borrowing in Anticipation of Fixing the Tax Rate \$4,500,000.00.
39. Grants under Section 310-D of the City Charter:
 - (a) Nova Scotia Society for Care of Crippled Children.
 - (b) Nova Scotia Tuberculosis Association.
40. Appointment of Committee by His Worship the Mayor to Study 1959 Grants.
41. Borrowing Resolution \$72,000.00 Pinewood Acres Sewer.
42. Funds Sewer Easement Winwick - \$3,500.00.
43. March of Dimes Campaign.
44. Extension of Lease & Monthly Rental - Cossor Ltd.
45. Amending Superannuation Plan - Legislation.
46. Increase in Appropriation to cover Travelling and Expenses of Professor Stephenson - \$300.00.
47. Appointments to Boards and Commissions - Legislation.
48. ~~Prohibition of Trucks in Westmount Subdivision.~~
49. Purchase Parking Meters.
50. Tenders for Revolvers Police Department.
51. Armdale Rotary.
52. Winter Work Program - Point Pleasant Park.
53. Offer for Rental Snow Plowing Equipment.

ITEMS FOR INFORMATION ONLY

1. Administrative Report for December 1958.
2. Tax Collections.

MINUTES
CITY COUNCIL

Council Chamber,
City Hall,
Halifax, N.S.,
January 15, 1959,
8:00 P.M.

A meeting of the City Council was held on the above date. After the meeting was called to order by the Chairman and before considering the regular order of business, the members of Council attending led by the City Clerk joined in repeating the Lord's Prayer.

There were present His Worship the Mayor, Chairman; Aldermen DeWolfe, Abbott, Dunlop, Lane, Macdonald, Butler, Fox, Ferguson, Trainor, Lloyd, Wyman, O'Brien and Greenwood.

Alderman Connolly was unable to be present because of an indisposition

Also present were Messrs. A.A. DeBard, Jr., T.C. Doyle, R.H. Stoddard, W.J. Clacey, L.M. Romkey, G.F. West, J.F. Thomson, V.W. Mitchell, J.J. Napier and Dr. A.R. Morton.

The meeting was called to proceed with business standing over and the transaction of other business.

MINUTES

Moved by Alderman Lane, seconded by Alderman Greenwood, that the minutes of the previous meetings held on November 27 and December 3rd and 11th, 1958, be approved. Motion passed.

PUBLIC HEARING -- REZONING 637 QUINPOOL ROAD ✓

A Public Hearing was held at this time in connection with an application to rezone the property 637 Quinpool Road from R-2 Zone to R-3 Zone and thus permit the owner to convert the property to a dual doctor's office and residence.

The City Clerk advised that the matter had been duly advertised and that no written objections had been received, but the City Engineer had written to the property owners in the area soliciting an expression of opinion on the proposed rezoning, and had submitted the following report:

To: His Worship the Mayor and Members of City Council.
From: A.C. Harris, City Engineer.
Subject: Re: Request for Rezoning #637 Quinpool Road

Council,
January 15, 1959.

At a meeting of the Town Planning Board held on November 18, 1958, the matter of rezoning of that portion of the northeastern side of Quinpool Road from the Arndale Post Office to Flynn Park, was considered and it was regularly moved and seconded that a letter be sent to the residents of this portion of Quinpool Road soliciting their reaction to the proposal to rezone the strip from R-2 to R-3 Zone.

A letter dated November 20, 1958 was prepared and sent to the fourteen property owners effected; along with the letter, that explained the difference between R-2 and R-3 Zone, a questionnaire was also sent.

Of the fourteen property owners replies have been received from _____ and are as follows:

In favour of rezoning	-- 5
Not in favour of rezoning	-- 7
No replied	-- 2

Attached to this report is a sketch showing the area involved, the result of the replies are marked thereon, and also a copy of the questionnaire and letter of November 20, 1958.

Respectfully submitted,

A.C. Harris, P. Eng.,
City Engineer.

His Worship the Mayor asked if any person wished to appear against the application.

Mr. K.C. Smith, Q.C.: "I am appearing on behalf of seven of the property owners in this area. I can and will give you their names. They are seven of the people in the same area and one is immediately next door. I understand that this matter was unanimously turned down by the Town Planning Board, and it is now up for a public hearing. I also understand that notices were sent out by Mr. Harris on instructions of City Council and I am told the notices may have dealt with general rezoning of the entire area. They also contained reference to this spot rezoning, and the people I represent are all definitely opposed to the spot rezoning for the following reasons:

1. It is contrary to the spirit of the Town Planning Act.
2. If it is rezoned to R-3 it is not perhaps the immediate use to which it would be put that conveys so much danger but it is the potential use to which it might be put in the future.
3. It would enable certain things to be done to the property and thus might have a deteriorating effect on the value of the adjoining properties.

Council,
January 15, 1959.

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3. It would enable certain things to be done to the property and thus might have a deteriorating effect on the value of the adjoining properties.

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4. It would increase traffic in an area where traffic is already congested and would tend to intensify the problems for the traffic authority.
5. Any thing that has a tendency to deteriorate from the residential nature of a zone usually carries with it an increase in the traffic problem which should not be aggravated.

I therefore suggest and request on behalf of these seven property owners and there may be more contained in a letter which the City Manager has referred to, that this rezoning application be denied."

No further person wished to be heard against the application.

Mr. T.H. Coffin, Q.C. appeared on behalf of the applicant, Dr. Murray Fraser and addressed Council as follows: "We have been before the Town Planning Board and Council, and our submission is that this is not a situation which will affect in a detrimental manner the residential character of this area. This is not an effort to make an apartment house. It has been said that this will affect the traffic situation. I submit that there will be no substantial increase in traffic. Dr. Fraser explained before what he proposed to do with the roadway, that is to make a circular drive around the property so that the cars can enter at one end and exit at the other and there will be no increase in the amount of traffic. He doesn't propose to make an apartment house. He merely proposes to have one group of quarters on the top floor and on the main floor an office for himself and one for his assistants. It isn't a clinic. It isn't a case of a group of individual doctors having a large number of offices. It is merely his own office with provision made for his assistants. There will be no exterior alterations to the building which might have the affect of spoiling the general appearance of the area, nor any structural change to make it look different than it is at present. What Dr. Fraser asked for in the first place was a change in the zoning to achieve what he requires. There was a suggestion in Council that a change in the one building be made, and then it was suggested that the whole area be rezoned, and that was put before the Council--not merely the spot rezoning. We did say in our first application that there had been no objection from the people in the area, and that was the truth. They did state that the first time. There is no change in Dr. Fraser's plan from that, which he intimated to Council and residents when he first purchased the building."

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The City Manager said that the matter under consideration is the rezoning of 637 Quinpool Road, on which matter the residents were asked to express their opinion. The questionnaire did also solicit an expression of opinion with regard to rezoning the whole area so that Council would know the feeling of the property owners if the application for spot rezoning was denied and it was decided to consider rezoning the whole area.

Alderman Wyman: "Regarding the present zoning, is the whole area indicated in yellow on the map, R-2 ? Isn't the one on the irregular shaped lot, is that not an apartment house at the present time?"

City Manager: "Yes, it is a non-conforming use."

Alderman Butler: "On several occasions such as this the question also arose as to the use the property to be rezoned is going to be put. It seems to me in one case under the Town Planning Act you are entitled to a certain use. The applicant says he will not go to the limits to which he is entitled to under the Act and has indicated what the distance he will go is going to be. When will the time come when we will hear an application, have the applicant commit himself to a particular use, and hold him to that so that when the time comes that he ceases to use it as such it reverts back automatically to the previous zoning."

City Solicitor: "Formerly, under the Town Planning Act and the By-Law, we were not allowed to have conditional rezoning. I did amend the Charter. That is there and it can be incorporated into our new zoning by-law. At the present time it isn't in the by-law."

Alderman O'Brien: "Is the hearing over?"

His Worship the Mayor: "Yes."

Alderman O'Brien: "What is the recommendation of the Town Planning Board?"

City Clerk: "The Town Planning Board on October 30, 1958, recommended that the application be refused; and, at a later meeting, recommended a public hearing with Alderman O'Brien wishing to be recorded against the motion."

Alderman Butler asked if Dr. Fraser were going to use a portion of the property as his private residence.

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Mr. Coffin: "Not immediately --- in due course but not this year."

Moved by Alderman Lane, seconded by Alderman Wyman, that the application to rezone 637 Quinpool Road from R-2 Zone to R-3 Zone be approved.

Alderman Fox: "I would like to clarify my stand as the representative for Ward 4. I was first informed that everybody was in favor of it. I personally had two calls --- one 'for' and one 'against'. I am not altogether fond of the method used in taking the poll and coming back with the answer so that the Aldermen are not given information as to the names of the people who are for and against the application. The Aldermen should know whether the person is from Halifax or from Brazil."

His Worship the Mayor stated that it was indicated on the plan which accompanied the report which property owners were in favor and those against the proposal.

Alderman Ferguson asked for a ruling from the City Solicitor on the vote required to approve the resolution.

City Solicitor: "Under the Town Planning Act if a protest against a rezoning is presented to Council not less than two days prior to the meeting, duly signed by at least 20% of the property owners affected by the proposed amendment, the Resolution shall not be passed except by an affirmative vote of two-thirds of the members of Council."

Alderman Macdonald: "I have great sympathy for the applicant in trying to establish his professional office here; but in trying to be consistent in my stand in being against spot rezoning where a majority are opposed to it, I find I will have to vote against it."

Alderman O'Brien: "I, too, am opposed to the granting of this particular request as a rezoning of one lot in a block. However, if the proposal was to rezone that particular lot and the strip from there to the Post Office I would be in favor because there is no objection north to the post office and it would not then be spot rezoning but would be a gradual moving of the commercial area up to the R-2 area. That would make sense to me but the spot rezoning doesn't."

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Alderman Lloyd: "I share that view. I felt that, physically, the development up to a certain point would be gradual because of the size of the lot area. Next to the apartment house seems to me to be a potential apartment site and there is a six apartment building replacing a bungalow, and I would think the apartments to the north, up to this property should be rezoned. On the other hand, if the people to the south wish to have that area as a self-contained area of R-1 zone, their wishes should be respected."

Alderman DeWolf: "I would like to know if the Town Planning Board has had the question of the City-owned property further to the north on the corner, before it --if it has been considered for sale, or not? It doesn't look too attractive."

His Worship the Mayor: "There has been no proposal for sale before Council."

Alderman DeWolf suggested that the land should be sold and developed more attractively.

His Worship the Mayor: "The rezoning proposal is to rezone one lot of land. The objections were in respect to a broader rezoning proposal brought forward by this Council. In view of the fact that no objections have been received for this single lot, therefore, a majority vote would rule."

Alderman Ferguson: "It would appear that a two-thirds majority is not required. However, Mr. Smith has represented seven of the people and it should be quite clear that there is considerable objection, that, possibly hasn't been brought before Council as to those Aldermen in the Ward. You can consider this as a partial medical centre. But that is not the important point. It is the affect of the future use of it that is of the greatest concern to the people in the area. I have no doubt that the present owner has every intention of carrying out his intentions but we have no control if the plan is changed, and for that reason the people are objecting."

Alderman Trainor: "I am going to be opposed to this rezoning, and I would like to see at some future meeting of the Town Planning Board this question of where spot rezoning arises that permissive zoning can be granted and continued under that zoning only so long as it is used for the intended plan."

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Alderman Dunlop: "I understand there is to be more than one medical man in the building. We all know it is the practice today for more than one doctor to join in a group. I think the solution to this is to permit the establishment of doctor's offices in R-2 Zone, with up to four doctors there because it is just impossible for one man to keep a building like that, and I can't see any objection to that. I think it is an advantage for the people to have a doctor handy. It could be done by amending the by-law to allow more than one doctor to practice in an R-2 zone."

Alderman Lane said that when spot rezonings had been considered by Council in the past, the members were warned against the evils of this type of planning and she contended that the evils were not always as great as they had been painted, and she said that Council had to apply common sense to requests of this nature in a City such as Halifax. Further, the time will come when other sections of that area will be rezoned to make it a complete R-3 Area.

The motion was put and lost, four voting for the same and nine against it as follows:

FOR THE MOTION: Aldermen Dunlop, Lane, Butler and Wyman - 4 -

AGAINST IT: Aldermen DeWolf, Abbott, Macdonald, Fox, Ferguson, Trainor, Lloyd, O'Brien and Greenwood - 9 -

PUBLIC HEARING REMOVAL OFFICIAL STREET LINES COTTER, JONES & CONDON STREETS ✓

A Public Hearing into the matter of the removal of the Official Street Lines of Cotter Street, Jones Street and Condon Street as shown on Section 9E of the Official City Plan was held at this time.

The City Clerk advised that the matter had been duly advertised and that no written objections had been received.

No person appeared either for or against the proposal.

A formal resolution was submitted by the City Solicitor and same is attached to the original copy of these minutes.

Moved by Alderman Greenwood, seconded by Alderman Abbott that the resolution as submitted be approved.

Motion passed with Alderman Butler abstaining.

W H E R E A S the City Council of the City of Halifax has received a report from the Town Planning Board of the City of Halifax recommending the removal from the official City Plan of the street lines of Cotter Street, Jones Street and Condon Street as shown on Section 9-E of the Official City Plan;

AND WHEREAS the City Council has considered the removal of the official street lines of Cotter Street, Jones Street and Condon Street hereinbefore referred to;

AND WHEREAS pursuant to the provisions of Section 551A of the City Charter public notice of the intention to remove such street lines has been given by advertisement inserted at least once a week for two successive weeks in a newspaper published in the City, the first of such notices having been published at least three clear weeks before the 15th day of January, A. D., 1959, that being the day appointed by the Council to consider the matter;

AND WHEREAS the said notice stated the intention of the Council to remove the said official street lines, and the date of the meeting of the Council appointed for the consideration of the matter, and that the plan proposed to be altered and the proposed change thereof may be inspected at the office of the Commissioner of Works at any time during office hours up to the day so appointed for consideration of the matter;

AND WHEREAS the City Council has considered the said matter and has determined to remove the said official street lines in the manner set out on the said plan filed in the office of the Commissioner of Works as Section 9-E of the Official City Plan;

NOW THEREFORE BE IT RESOLVED that, pursuant to the authority in it vested by Section 551A of the City Charter as aforesaid, the Official City Plan of the City be amended by removing the official street lines of Cotter Street, Jones Street and Condon Street in the manner shown on the said plan known as Section 9-E of the Official City Plan;

AND BE IT FURTHER RESOLVED that the official street lines of Cotter Street, Jones Street and Condon Street so removed be so indicated on the Official Plan of the City and on the copy thereof filed in the Office of the Registrar of Deeds at Halifax, Nova Scotia.

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January 15, 1959.

PUBLIC HEARING REFUSAL TO GRANT OCCUPANCY PERMIT 202 SPRING GARDEN ROAD ✓

A Public Hearing was held at this time into the matter of an appeal from the refusal of the Building Inspector to grant an occupancy permit to Mr. Maurice Joseph to operate a billiard hall or bowling alley in the basement of the building at 202 Spring Garden Road.

The City Clerk advised that the matter had been duly advertised .

His Worship the Mayor asked if any person wished to be heard against the granting of a permit and Mr. Donald Mahon submitted and read a petition signed by fifty (50) merchants and property owners requesting that the application for a permit in the building at 202 Spring Garden Road be refused for the following reasons:

1. For many years the petitioners and property owners on Spring Garden Road in the City of Halifax have been working to maintain a first class business area.
2. Some years ago some of these petitioners organized an association known as the "Spring Garden Road Area Business Men's Association" with the purpose of maintaining an area with a first class business district.
3. Within the past years there has been a great deal of money spent in remodelling and erecting new buildings and the petitioners now feel they have a right to be proud of this new business area.
4. The petitioners feel that this is not a proper location for a Public Billiard Room as it will depreciate the value of the buildings and cause a considerable loss to those who have invested money in the buildings.

Mr. J.A. Walker, Q.C. appeared on behalf of the Halifax Insurance Company who are situated east of this building. He stated that when the building was started they were all very happy to see it because "we thought it was going to be an office building and for no other purpose. It is only lately that we have found out that there is a permit for a billiard hall and we feel that a billiard hall would definitely depreciate our buildings and we feel that this is not an area where such permit should be granted. It was our understanding that the Building Inspector refused the permit on these very grounds. The merchants of Spring Garden Road have striven for years to build this area up into a first class business area and I think most of you will agree on that and the amount of money that has been spent in the last few years shows the

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confidence that the Merchants have in that area and I feel that it would be a breach of that confidence if a permit was granted to operate any other business than a high class business such as the people of Spring Garden Road constitute."

Mr. Gordon Bowes appeared against the granting of the permit. He stated that his back yard practically adjoins the property on 202 Spring Garden Road, therefore he appealed to the City Council as a home owner to protect as far as possible the business area of the City. "It is true that South Park Street and Spring Garden Road is a business area but at the same time we wish to keep it as clean as possible. From my brief knowledge of billiard rooms, I am sorry to say that a pool room would not enhance the value. The parking facilities are very poor there. There is room enough for about six (6) cars. As citizens of Halifax, we are all interested in enhancing our properties not depreciating the properties, and as a home owner, I respectfully submit that this Council at least defer action on this until a future date."

Mr. W.H. Jost, Q.C. appeared for Dr. Victor Mader, who is the owner and occupant of the dwelling on 149 South Park Street. "This house adjoins the property under question. Dr. Mader has lived there for many years and the distance from his house to the new building is approximately fifty (50) feet. Dr. Mader is objecting to the present application of the permit for either a public billiard hall or a bowling alley on the grounds that it amounts to a nuisance in the area. If the permit were granted for a bowling alley there would be very little peace and quiet if this were allowed. If I understand this correctly the building permit was issued, and by the law, an occupancy permit must follow. I believe this was the condition on which the building was being built but somehow the permit was changed. I am speaking on behalf of the residents and a long term owner of a home who objects strongly to any of the alternate uses, either a billiard hall or a bowling hall."

His Worship the Mayor asked if anyone wanted to be heard in favor of granting the permit.

Mr. Donald McInnes (Solicitor for Maurice Joseph) "This matter has been before you before and what I am going to say is somewhat similar to what has

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been said before. The application made by Mr. Joseph was that of a billiard hall alone and not for a bowling alley. So there is no question of noise for Dr. Mader or anyone else and I would also point out that the Building is a brand new building at the cost of approximately \$250,000.00. This permit has been before the Building Inspector for almost a year. The matter first came up in March 1958. The Council is sitting here as a Court of Appeal. I ask this Council to determine whether the locality is suitable for this particular occupation. There is every kind of business on Spring Garden Road and I can't think of any other places in Halifax which have more varied businesses. The lower floor is going to be used for a billiard hall and the two upper floors for offices. I know of no billiard hall which is a menace to the locality. Suppose if the Lord Nelson Hotel came and asked if they could use their bottom floor for a billiard hall am I to believe that a single alderman would refuse that permit? Halifax is a growing city and we can't keep the quiet lanes and streets forever. I would ask this Council to be guided in judging. Is the occupation of a billiard hall offensive to this Commercial area? If it is, then my application is lost and on the other hand if we think this is a commercial area where all kinds of businesses are carried on, then I ask that the application be accepted."

Alderman Lloyd: "Could we have the Building Inspector's precise reasons for turning this down? I will bring particular attention to the fact that I believe there is some slight modification at the moment from what was originally presented to the Building Inspector when he turned it down."

Building Inspector: "The application was made and it hasn't been changed for a billiard parlor."

Alderman Lloyd: "Did the application call for the use of the top floor for offices?"

Building Inspector: "We are only dealing with one occupancy permit for the basement floor."

Alderman Lloyd: "What influences my vote is that the two operations could be tied together and to be perfectly frank about it you could have a social club on the ground floor with a liquor license and on the top floor you could have a rooming house. I would like to know the entire contents and usage of the building?"

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Building Inspector: "Application was also made for the street level floor by the Canadian Lebanese Society but this permit has not been processed as yet because floor plans for such an occupancy were never submitted to our office. It was also suggested to our office that the top floor would be occupied for overnight guests and again that has not been processed. The permit I have refused is on the basement floor on the basis that that occupancy was not for the better interest of the locality."

Moved by Alderman Lane, seconded by Alderman O'Brien, that the refusal of the Building Inspector be confirmed.

Alderman Lane: "It has been pointed out that this Council is sitting as a Board of Appeal and in this matter we are judges. In that case can we debate the matter as judges?"

His Worship the Mayor: "Yes we can debate it. City Council is always open to debate."

Alderman Abbott: "I would like to know if Mr. Jost said that the original building permit called for part offices and part residences?"

Mr. Jost: "I think I said restaurant."

Alderman Macdonald: "I understand that the Building permit was given on the basis for an office building."

Alderman Abbott: "The question I would like to find out from the Building Inspector is; did this original occupancy permit include the basement part of the building?"

Building Inspector: "It would Your Worship, include all of the Building."

His Worship the Mayor: "What was laid down in the application?"

Building Inspector: "It was issued for an office building."

Alderman Abbott: "Where did the bowling alley come in? I don't remember hearing that at our last meeting."

Building Inspector: "Application was made by Mr. Joseph for a change of occupancy in the basement floor and also the second floor and that was refused for use as a billiard parlour."

Alderman Abbott: "For a billiard parlor only; not a bowling alley?"

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Building Inspector: "Yes."

Commissioner of Works: "Your Worship, there have been some statements made and I think I can add a little light to a few of them. There was an application made on February 12, 1958 and at that time the owner indicated that he wanted a barber shop, beauty parlor, storage and a billiard parlour in the basement floor; a restaurant and a dry goods store on the first floor and offices for rental and a personal apartment on the third floor. That was refused and cancelled at that time."

Alderman Wyman: "That application he referred to that was refused, was the occupancy that was asked for but they were not allowed to proceed with the building on that basis?"

Building Inspector: "That is right."

Alderman Trainor: "I wonder if the Building Inspector could give us the value stated on the proposed building when the application was made?"

Building Inspector: "\$110,000.00."

Alderman Wyman: "To me there is a clear point that there was one specific thing in there and he was not allowed to proceed with his building on that basis and now having nearly completed his building, he is coming back to the same thing."

Commissioner of Works: "We didn't feel that the occupancy was suitable for the area and also the plans did not satisfy us; in fact, there were three sets of plans by three different architects."

The motion was put and passed 12 voting in favour of the same with Alderman Dunlop abstaining: Aldermen Abbott, Lane, Macdonald, Butler, Fox, Ferguson, Trainor, Lloyd, Wyman, O'Brien, Greenwood and DeWolf.

MOTION ALDERMAN O'BRIEN RE: RIGHT TO VOTE ✓

Moved by Alderman O'Brien, seconded by Alderman Lloyd, that legislation be sought granting the vote to the spouse of each taxpayer providing the spouse lives in the City of Halifax.

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Alderman O'Brien: "You may recall that about a year and a half ago there was some discussion in Council of a change to a universal franchise. This is not a proposal for a universal franchise, but it is a proposal for broadening the franchise in municipal elections in the City of Halifax. It seems to me that we have two classes of citizens those who have the right to vote and those who haven't. The basis of this distinction in the past has been whether people are taxpayers or not. I submit that in the case of the taxpayer whose taxes are based on home ownership if the home is really a family home, and that both the man and his wife should have the right to vote on the basis of the taxes that are paid on behalf of that particular home. In the case of tenants I would suggest under the proposals that Council now has before it to abolish the household tax, that these tenants will be paying the property tax through their rent and the poll tax in addition. If it is right that the wife of a homeowner should have the right to vote, it seems to me that taxes are also being paid on behalf of the home where the person is a tenant and that this right should be extended there too. It may not of course, in all cases be the housewife that is concerned in this proposal because the wording is 'the spouse of a taxpayer' and perhaps in some cases the taxpayer may be the wife and this may be qualifying the husband. However, I would like to point out that as most members of Council will realize there are some people in Halifax who had the vote up to a couple of years ago. Perhaps illegally, but they exercise that franchise and Councils were elected on that franchise and the decision of those Councils had never been questioned or challenged. I suggest that for all practical purposes the vote was taken from those people by the re-interpretation of certain assessment practices and this proposal would bring back the right to vote to those people and extend it to some others on the basis of a spouse being a taxpayer. There is a trend in municipalities in Canada, it seems to me, to broaden the franchise. I have a clipping here that I happened to notice last March in the Toronto Star. It says 'Frost concedes municipal vote for all at 21'. It tells of action of the Provincial Legislature in Ontario to promote the universal franchise in the cities of Ontario providing the people of those cities were in favor. London and Toronto had already done so. This proposal of mine doesn't go quite

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that far, but it seems to me that it is only reasonable that we should permit the spouse of any taxpayer whether the taxpayer be homeowner or tenant to have the vote in municipal elections. Most of these people will probably be housewives. I think housewives generally have an interest in a number of municipal issues, education and other civic services and I think that this would encourage a total interest in all municipal problems and I think that is a healthier interest. Certainly those few of us who have had the right to vote haven't exercised it as much as we might have by the percentage that go out to vote on election day. I would hope that perhaps if the right to vote were a more general thing that civic elections would be talked up more and there would be more participation at the voting stage so I would like to see Council take this step forward at this time."

Alderman Lloyd: "I seconded the motion, but I would much more prefer that it were a universal franchise. If anybody would so move I would be happy to support that as an amendment. I have tried it before on occasions. It didn't meet with success. Once you add the wives of taxpayers who aren't taxpayers in their own right to the voters list, you come pretty close to covering everybody then over 20 years and up to the maximum age that they qualify for paying a poll tax, so that very few would actually be left out. You are so close to it with the vote expanded to the spouse in this case that you might as well go to the universal franchise and be done with it. There are some other reasons for this. We had this up in the Finance Committee the other day and I believe the matter is coming up tonight the question of appointments to Boards and Commissions. There are quite a number of women who are active in community affairs and who have something to offer by way of a good judgment and talent in various activities. Now, if they are not voters under this proposal, they would be automatically disqualified from acting on such Boards and Commissions if we were to adopt the legislation of the item 'Appointments to Boards and Commissions'. I don't see how we can get out of this dilemma except in a final analysis and I would much prefer to have a universal franchise. I don't see why we should clutter up the machinery of determining who has and who has not

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got a vote the way we do at the present time in the City of Halifax. There doesn't seem to be any particular sound reason for continuing it at the present time. We might just say categorically we are against it, but I have never heard yet a good sound reasoned argument as to why we should be against the extension of the franchise on the universal basis. I haven't heard one yet unless it is this that there should be only a property tax franchise or a universal franchise. It is one thing or the other and I don't think with having for years extended the right to vote to poll taxpayers as we have done, and household taxpayers as we have done, to business taxpayers as we have done, even though they may not be property tax payers, we have in fact adopted the principle of a universal franchise. I see no reason why we shouldn't go along with it. It is the general practice in Nova Scotia and has been for a good many years. I remember raising this question about 12 or 14 years ago before a local service club and I ventured to suggest that this might be a matter which they might support. A member of the then House of Parliament decried it and said 'oh no, it wasn't the universal practice.' I just had to disagree with him. I didn't realize he was so unfamiliar with the municipal franchise of Nova Scotia (but apparently when you get to that upper atmosphere at Ottawa you sometimes forget about the municipal governments of the Province?) I put this out as a bit of a challenge, what are the basic reasons for opposing a universal franchise? Until that comes forward I will support any step to extend it and I am happy to second the motion."

His Worship the Mayor: "Where the universal franchise doesn't apply for municipal elections in town elections, there is also a provision in the Towns Incorporation Act for a plebiscite for borrowing over a certain amount. That plebiscite is confined only to the ratepayers. So there is a certain measure of protection apparently given in the Act for a good sufficient reason over the years."

Alderman Lloyd: "We used to have that in the City of Halifax, when we still had this voting procedure. We had this problem of having to get approval of the Legislature for capital borrowings."

His Worship the Mayor: "Not a plebiscite of ratepayers, though."

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Alderman Lloyd: "But we had to get approval of the Legislature as distinct from the Minister years ago. We now are relieved of that and if that was the time that there was any weakening, that was the time to have used the argument that you put forward. If for some reason the municipal department of the Government of Nova Scotia requires a ratepayers' vote on any public borrowing, if they feel that that is a precautionary token, then it should certainly have been provided in the City of Halifax for many years past because the number of Poll Tax voters are very substantial. If you go on with your further proposals, the Poll Tax payers will be substantially the largest group of voters in the City. There may be more reasons in what you say, but I don't think that has anything to do with the franchise at all."

Alderman Lane: "I think perhaps Mr. Thomson might, if he had the opportunity to give a run-down; find that you aren't really protecting the feminine half of the voters as much as you are the masculine half. I think you will find that there is a good preponderance of women in this City who are the owners of the properties."

Alderman O'Brien: "It really doesn't matter which ones you are protecting."

Alderman Lane: "No, it really doesn't, but you have, both of you have very gallantly suggested that it was the wives, you were giving this great privilege to. Now, I have asked the question and I think perhaps it is fair to ask the City Solicitor." She explained the case where a husband and wife have their property in joint ownership, and whichever one passes away first, the survivor inherits without a re-registration of the deed. She thought the procedure to have a practical application and said she had not ever yet heard anyone say why it is not a general practice.

Alderman Lloyd: "There are income tax complications in transfers."

Alderman Lane: "I think the motion is a very logical one. No matter who is the householder, the tax is paid jointly by the man and the wife and I do think they should both have the privilege of casting a vote as taxpayers for that property. As far as the universal franchise is concerned, I don't think it matters too much whether or not it is a fact or it isn't."

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If the franchise isn't taken advantage of any more than it has been in the past, what difference does it make how many more you qualify? They won't vote anyway and I think that your step is a step in the right direction as far as your taxpayer is concerned. That is a responsible vote. They are intimately concerned with what we do in this Council, but I'm not too sure of your younger vote. I don't think they are at the stage perhaps where they pay sufficient attention to really care until it hits them in the pocketbook as the poll tax did a year or two ago, but I do commend you, Alderman O'Brien for your interest in the spouse.

His Worship the Mayor: "Alderman O'Brien, is your proposal to cover all tax payers in every category?"

Alderman O'Brien: "Yes."

Alderman Dunlop: "If we passed this resolution, it would probably take in about 80% of the adult people in the City of Halifax. A few years ago we broadened the franchise when we allowed people who are not citizens or taxpayers to vote. We did that to get away from the difficulty in determining who could vote and who could not. I am afraid this particular type of legislation would only raise a number of problems. I can think of many problems --- what if a man was separated from his wife? I think the whole thing is tied up with several other things. I think it is tied up with Poll Tax. I think that we should be considering, in my own opinion, elections every three years, elections that we could take advantage of the Provincial machinery. We could use the Provincial list without restriction. I think we should have enumeration."

Moved in amendment by Alderman Dunlop, seconded by Alderman Lane, that this matter be referred to the Elections Committee for study and report together with the whole question of elections--- the term when elections should be held--- the whole subject so that it will be all done together.

Alderman Lloyd: "On the matter of having a ratepayer's vote, I think you will agree there would be a distinction in the minds of the government on our type and size of operation. That would be a practical consideration. The matter in which our affairs are conducted and our budgeting done, I think that that matter is novus."

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Alderman O'Brien referred to a copy of Council minutes dated May 30, 1957 where the universal franchise was debated and one of two motions was referred to the Elections Committee. He said he had never seen any minutes of the Committee since that time, no report had come to Council though the motion asked the Committee to study and make recommendations in time for 1958 legislation. He hoped this matter would not be forgotten if it was referred to this Committee at this time. "If we take a year to get the details that Alderman Dunlop wants, then we will still have it in time for the next Civic election because there isn't any civic election this year."

Alderman Dunlop felt that during the past three years Council has been practically worn out by subjects of immediate concern, and it isn't physically possible for an Alderman to do his daily work and spend all this time in doing research on these matters. "As you are well aware, we have no one in the City Hall who has the time and is able to do research on this work. It has to be done by the Aldermen themselves on their own time. There are some things that we just can't do. I hope that when the Committee is appointed that Alderman O'Brien will be appointed Chairman so that he will be able to give the lead on it."

Alderman Lloyd: "A point in order in the volume of work. I think the volume of work is governed to a large extent to the number of Committees you are placed on. I don't feel that I am overworked in this Council."

Alderman O'Brien: "Nor do I."

Alderman Lloyd: "I think if anyone will examine the representations on the Committees they will frankly see why. Maybe if some of the members would be willing to get off so many of the Committees it might solve the problem for them."

Alderman Lane: "Meaning whom?"

Alderman Lloyd: "If the cap fits, put it on."

Alderman Lane: "Well the cap doesn't fit. If you really want to start something, I am only too willing. I think that is an objection and I think Alderman Lloyd should be made to substantiate it. None of us are complaining about the amount of work. I am quite willing to say that I have attended as many Committee and Council meetings as any member of it and

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and I am not over worked either. I am certainly not complaining that I am left off Committees."

His Worship the Mayor: "This discussion is all out of order and I think that some Aldermen might be embarrassed too if I brought forward the list of meetings held last year and the attendance record of those Aldermen on the Committees."

Alderman Lloyd: "I think you better bring it forward."

His Worship the Mayor: "I will."

Alderman Lloyd: "Incidentally, you had better bring forward the names of the Committee members on the Election Committee. You better bring forward the City Charter provisions with the responsibilities of Committees to report."

9:30 P.M. His Worship the Mayor retires temporarily and the Deputy Mayor assumes the Chair.

ACCOUNTS OVER \$500.00 ✓

To: His Worship, C.A. Vaughan, and
Members of City Council.

From: City Manager, A.A. DeBard, Jr.,

Date: January 13, 1959.

Subject: Accounts over \$500.00.

In accordance with Section 119F of the City Charter, the following accounts are submitted for Council's approval. These accounts have been certified and audited.

<u>DEPARTMENT</u>	<u>VENDOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
Police	Rockwell Manufacturing Company of Canada, Ltd.	Parking Meters	\$1,126.00
Fire	King Seagrave Limited	Fire Engine	3,911.72
Works	James F. Beeler	Pump Homeline	513.95
	Union Electric Supply Co. Ltd.	Bulldog Trolley Duet, End plate Dumper, Feed-in Adapter, etc.	702.60
			<u>\$6,958.18</u>

A.A. DeBard, Jr.,
City Manager.

Moved by Alderman Lane, seconded by Alderman Abbott, that the report be approved. Motion passed.

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INDUSTRIAL MILE APPRAISALS ✓

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 8, 1959 a report was submitted from the City Manager listing appraisals of properties in the Industrial Mile Area; also showing assessed value amounting to \$9,050.00; appraisal "A" amounting to \$15,704.28; appraisal "B" amounting to \$14,973.70; recommended price for negotiation \$15,706.40 and an amount to be paid into Court of \$9,502.50 which is the assessed value plus 5%.

He recommended the highest price be offered to the property holders without prejudice and that if the offer is not accepted, then the assessed value plus 5% be paid into Court on expropriation.

Your Committee recommends that the City Manager negotiate with the owners on the highest price basis and then report to the Finance and Executive Committee whether the offers are acceptable.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Dunlop, seconded by Alderman Greenwood, that the report be approved. Motion passed.

PROPERTY ACQUISITIONS - REDEVELOPMENT ✓

To His Worship the Mayor and
Members of the City Council.

The Redevelopment Committee at a meeting held on December 31, 1958 recommends the acquisition of the property - 11 Starr Street (rear 26 Poplar Grove) at \$10,080.00.

This covers the Realty only. The business will be settled separately.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Lane, seconded by Alderman Butler, that the report be approved. Motion passed.

APPOINTMENT - CIVIL DEFENCE COMMITTEE ✓

His Worship the Mayor nominated the following to comprise the Civil Defence Committee:

Aldermen H.R. Wyman, B.O. Macdonald and Messrs. J.M. MacKay, J. B. MacCallum, L.T. Goucher, Alex Webster, E.W. Mingo, D.R. Calkin and L.J. Hancock.

Moved by Alderman Lane, seconded by Alderman Abbott, that the nominations be approved. Motion passed.

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NOVA SCOTIA LIGHT & POWER CO., LTD., ACCOUNT

Deferred in Committee.

9:37 P.M. His Worship the Mayor resumes the Chair and read the list of meetings held and the Aldermanic attendance.

MOTION ALDERMAN O'BRIEN RE: RIGHT TO VOTE (CONCLUSION)

The amendment to refer this matter to the Voters Lists and Elections Committee was then put and passed.

SALARY -- ASSISTANT SUPERINTENDENT OF OPERATIONS -- WORKS DEPARTMENT

To: His Worship the Mayor and Members of City Council.
From: Committee on Works.
Date: January 6th, 1959.
Subject: Salary -- Assistant Superintendent of Operations.

The Committee on Works at a meeting held on the above date considered the attached report from the Commissioner of Works recommending that the successful Applicant be placed into the third step (\$4,950.00) of the Assistant Superintendent of Operation's salary scale.

On Motion of Alderman O'Brien, seconded by Alderman Burtler, the Committee approved the report and recommended it to City Council.

Alderman Trainer was recorded 'against'.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Per. K. Martin.

At the request of Alderman Dunlop the Commissioner of Works advised the Committee that the man considered for the position was Mr Douglas MacDonald.

His Worship the Mayor said this man was formerly employed by the City, but he was given a leave of absence six months ago and is a Superintendent of Works in Newfoundland and is now coming back to the City employ as the Assistant.

Alderman Dunlop asked how this man got a leave of absence and who authorized it.

City Manager: "I approved it on Mr. West's recommendation."

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Alderman Dunlop stated that he didn't think people should be granted a leave of absence to take other jobs and he asked "does the City Manager have any statutory right to grant such leave?"

Alderman Wyman: "The thing has happened. Couldn't we have a report from the City Solicitor at the next meeting?"

Alderman Dunlop: "I am going to vote against it until we have the report. In reading the Works Committee minutes I found that this man's name didn't appear. We are the ones responsible for the operation of the Works Department and we should know if a man is given a leave of absence. I don't see how the Manager has the authority to say someone can take six months off to go to some other job and then come back and be promoted. I don't think it is fair to those who stay."

Alderman O'Brien: "In the Works Committee we gave the approval without the man's name. We did discuss the principle involved in the matter."

Alderman Lloyd said that he thought there were many civic employees who would benefit by some activities on a leave of absence basis in other cities for the purpose of 'in service' training, and he would have no objection if that were the case.

The Commissioner of Works told the Council that this man was reluctant to sever all connections and he said, "he was chosen to go to this town and help set up a Works Department administration. The way I look at it we are granting a leave of absence without pay. We didn't guarantee him anything if he did come back. He applied for this position and he is the best applicant in my estimation and I feel it is an in-training program without any cost to the City."

Alderman Dunlop: "The way I understand it is that if he hadn't gotten this promotion he wouldn't be back here today."

Commissioner of Works: "It isn't a promotion for this particular man to come back here. It is a considerable loss of money from what he is making now. It would be less than the truth if I said we had a man on our staff who is as well qualified for the position as he."

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His Worship the Mayor: "Would you consider the application from this gentleman if it were one year hence and there were no such thing involved as a leave of absence?"

Commissioner of Works: "Yes. If he had severed connections completely with the City, it is not generally according to our principles to rehire people unless they have some special skills. On this particular job I think we require a man with some special qualifications and with his training and experience plus the experience he has received during the past six months it certainly fits him well for the position."

At the request of Alderman Trainor the City Manager explained the Committee on Works report with regard to this man's salary.

Moved by Alderman Butler, seconded by alderman O'Brien, that the report be approved. Motion passed with Alderman Trainor wishing to be recorded against.

SALARY OF INSPECTOR -- INCINERATOR

To: His Worship the Mayor and Members of City Council.
From: Committee on Works.
Date: January 6th, 1959.
Subject: Incinerator - Inspection Supervisor.

The Committee on Works at a meeting held on the above date considered the attached report from the Commissioner of Works recommending the establishment of a position with a salary scale equivalent to a Grade II Engineer (\$5,016. -- \$6,072.) for the City's Inspector on the new Incinerator project.

On Motion of Alderman O'Brien, seconded by Alderman Connolly, the Committee approved the report and recommended to City Council.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Per... K. Martin.

Moved by Alderman Greenwood, seconded by Alderman Mandel, that the report be approved. Motion passed.

PINWOOD ACRES "B" -- WATER COURSE

To: His Worship the Mayor and Members of City Council.
From: Committee on Works.

Council,
January 15, 1959.

Date: . January 6th, 1959.

Subject: Pinewood Acres Re: Watercourse.

The Committee on Works at a meeting held on the above date considered the attached report from the Commissioner of Works requesting the installation of sewers in the Pinewood Acres Subdivision.

The Committee approved the report and on Motion of Alderman Trainor, seconded by Alderman Butler, recommended to City Council a formal borrowing resolution of \$72,000.00, for the installation of sewers in this subdivision.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Per... K. C. Martin.

Moved by Alderman Wyman, seconded by Alderman O'Brien, that the report be approved. Motion passed.

A Borrowing Resolution in the amount of \$72,000.00 to defray the cost of sewer construction in the Pinewood Acres Subdivision was submitted.

Moved by Alderman Wyman, seconded by Alderman O'Brien, that the Borrowing Resolution as submitted be approved.

Motion passed unanimously, the following members of Council being present and voting therefor: Aldermen DeWolf, Abbott, Dunlop, Lane, Macdonald, Butler, Fox, Ferguson, Trainor, Lloyd, Wyman, O'Brien and Greenwood.

REQUEST TO REZONE (R-1 to R-2) 16 & 18 PINE HILL DRIVE

To: His Worship the Mayor and Members of City Council.

From: Town Planning Board.

Date: January 6th, 1959.

Subject: Request to Rezone (R1 to R2) 16 & 18 Pine Hill Drive.

The Town Planning Board at a meeting held on the above date considered the attached report from the City Engineer recommending against an application for the rezoning of 16 and 18 Pine Hill Drive from R1 to R2.

On motion of Alderman Trainor, seconded by Alderman O'Brien, the Board approved the report and recommended to City Council that the Application be denied.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Per... K.C. Martin.

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Moved by Alderman Butler, seconded by Alderman O'Brien, that this matter be referred back to the Town Planning Board. Motion passed.

REQUEST TO REZONE (R-2 to R-3) 84-86 STAIRS STREET ✓

To: His Worship the Mayor and Members of City Council.
From: Town Planning Board.
Date: January 6th, 1959.
Subject: Request to Rezone (R2 to R3) 84-86 Stairs Street.

The Town Planning Board at a meeting held on the above date considered the attached report from the City Engineer recommending against an application for the rezoning of 84 to 86 Stairs Street from R2 to R3.

On motion of Alderman O'Brien, seconded by Alderman Trainor the Board approved the report and recommended to City Council that the request be denied.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK

Per... K.C. Martin.

Moved by Alderman Butler, seconded by Alderman O'Brien that this matter be referred to the Town Planning Board. Motion passed.

MODIFICATION SIDEYARD -- 69 BERLIN STREET ✓

To: His Worship the Mayor and Members of City Council.
From: Town Planning Board.
Date: January 6th, 1959.
Subject: Modification of Sideyard -- 69 Berlin Street for conversion to Duplex.

The Town Planning Board at a meeting held on the above date considered the attached report from the City Engineer recommending in favor of an application for a 6" modification of a sideyard at 69 Berlin Street.

On Motion of Alderman Butler, seconded by Alderman Connelly, the Board approved the report and recommended to City Council that the request for sideyard modification be granted.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK

Per... K.C. Martin.

Moved by Alderman Fox, seconded by Alderman Trainor, that the report be approved. Motion passed.

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January 15, 1959.

REZONING 956 ROBIE STREET ✓

Moved by Alderman Abbott, seconded by Alderman Butler, that Council fix Thursday, February 26, 1959, at 8:00 P.M. in the Council Chamber, City Hall, Halifax, N.S. as the time and place for a public hearing in connection with the application to rezone 956 Robie Street from R-2 Zone (General Residential Zone) to R-3 Zone (Multiple Dwelling Zone). Motion passed.

PROGRESS PAYMENTS -- FAIRVIEW OVERPASS ✓

To: His Worship the Mayor and Members of City Council.
From: Committee on Works.
Date: January 6th, 1959.
Subject: Progress Payments - Fairview Overpass.

The Committee on Works at a meeting held on the above date considered the attached report from the Commissioner of Works requesting approval of the following Progress Payments for the construction of the Fairview Overpass as submitted by the Province of Nova Scotia, Department of Highways:

Progress Estimate No. 11	-	\$14,617.47
" " No. 12	-	\$ 6,981.86
" " No. 13	-	<u>\$15,027.06</u>
TOTAL	-	<u>\$36,626.39</u>

On Motion of Alderman O'Brien, seconded by Alderman Butler, the Committee approved the report and recommended it to City Council.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Per.. K.C. Martin.

Moved by Alderman Fox, seconded by Alderman O'Brien, that the report be approved. Motion passed.

LEASE PROVINCIAL LAND - GOTTINGEN STREET ↓

To: His Worship the Mayor and Members of City Council.
From: Committee on Works.
Date: January 6th, 1959.
Subject: Lease Provincial Land -- Gottingen St. (Former Glad's Barracks)

The Committee on Works at a meeting held on the above date considered the attached report from His Worship the Mayor stating that the Province was willing to lease to the City the Provincial Government property on the east side of Gottingen Street north of Rainie Drive for the purpose of a Parking Lot and requesting authority to proceed with signing the lease.

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January 15, 1959.

On Motion of Alderman O'Brien, seconded by Alderman Connolly, the Committee approved the report and recommended it to City Council.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Per...K.C. Mantin.

Moved by Alderman Lane, seconded by Alderman Trainor, that the report be approved. Motion passed.

LEASE DOWNTOWN SHOPPING PARKING LOT ✓

To: His Worship the Mayor and Members of City Council.
From: Committee on Works.
Date: January 6th, 1959.
Subject: Lease of Downtown Shoppers Parking Lot (Renewal)

The Committee on Works at a meeting held on the above date considered a recommendation of the City Manager for the renewal of the Lease of the Downtown Shoppers Parking Lot (Grafton Street Parking Lot) to the Halifax Board of Trade.

On Motion of Alderman O'Brien, seconded by Alderman Connolly, the Committee recommended to City Council that the Downtown Shoppers Parking Lot be again leased to the Halifax Board of Trade on the same terms and conditions as last year.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Per... K.C. Mantin.

Moved by Alderman Wyman, seconded by Alderman Lloyd, that the report be approved. Motion passed.

REQUEST TRANSMISSION LINE - N.S.L. & P. CO., LTD. ✓

To: His Worship the Mayor and Members of the City Council.
From: Committee on Works.
Date: January 6th, 1959.
Subject: Request Transmission Line - N.S.L. & P. - Bayers Road following C.N.R. Etc. to Narrows.

The Committee on Works at a meeting held on the above date considered the attached report from the City Engineer recommending in favor of an Application by the N.S.L. & P. to erect a transmission tower line from their existing tower on the C.N.R. right-of-way immediately south of Bayers Road along C.N.R. property and Barrington Street to the Narrows of Bedford Basin.

Council,
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On Motion of Alderman Connolly, seconded by Alderman O'Brien, the Committee approved the report and recommended it to City Council.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Per...K.C. Martin.

To: His Worship the Mayor and Members of the Committee on Works.
From: A.C. Harris, City Engineer.
Date: January 6th, 1959.
Subject: Request Transmission -- N.S. Light & Power Co. Ltd. -- Bayers Road Following C.N.R. etc. to Narrows.

A request has been received from the Nova Scotia Light and Power Co. Ltd. for permission to erect a transmission tower line from their existing tower on the C.N.R. right-of-way immediately south of Bayers Road along C.N.R. property and Barrington Street to the narrows of Bedford Basin.

A plan has been submitted and our Engineering Department have gone over the details with the Chief Engineer of the N.S. Light and Power Co. Ltd and are agreed that the tower locations and the transmission line are in an acceptable location. Permission, however, we feel is required by City Council due to the transmission wires which are ten in number, crossing our City streets in various places. The first crossing is at the Bayers Road bridge and we note that ample height has been provided for this crossing. The second crossing is at the Fairview Overpass and here again ample height has been provided. The vertical distance being approximately 35 feet above the overpass to the transmission wires. The next crossing is a portion of Barrington Street in front of the Irving Oil Company Limited property. The line then follows on C.N.R. property to Tower No. 12 which is located near Gottingen Street at Africville. From Tower 12, the transmission line wires cross over property the title of which may be in doubt. This property is occupied by so called "squatters" and, in as much as the City may have title to this land, we pointed out to the Nova Scotia Light and Power Co. Ltd. that we do not guarantee permission for crossing this property. Tower 13 is located on property recently acquired by the Canadian Petro Fina Limited. This is a very high tower, being approximately 258 feet high which gives ample clearance of the transmission wires both over Gottingen Street and over that portion of Barrington Street at the narrows to Bedford Basin.

It is therefore recommended that permission be granted to the Nova Scotia Light & Power Co. Ltd. for this installation with the understanding that when they actually stake out the tower locations, they will confer with our Engineering Department and thus both be satisfied. The locations to be in accordance with their Plan submitted which bears the date of April 3rd, 1958, and their drawing No. G-1543.

A.C. Harris,
City Engineer.

Moved by Alderman Greenwood, seconded by Alderman O'Brien, that the report be approved. Motion passed.

Council,
January 15, 1959.

SALARY SCALES POLICE AND FIRE DEPARTMENT - CLASSIFICATIONS

Deferred until the meeting of City Council January 29, 1959.

UNDERSIZED LOT 20 DUFFUS PLACE

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Town Planning Board held on December 16, 1958 a report was submitted from the City Engineer recommending against an application to erect a garage in the rear of property 20 Duffus Place as the lot would be overcrowded.

The Board concurred in the recommendation of the City Engineer.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman O'Brien, seconded by Alderman Macdonald, that the report be approved. Motion passed.

MODIFICATION SIDEYARD 62/64 ALMON STREET

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Town Planning Board held on December 10, 1958 a report was submitted from the City Engineer recommending approval of an application to convert 62/64 Almon Street into a five (5) apartment building.

The Board concurred in the recommendation of the City Engineer.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Ferguson, seconded by Alderman Greenwood, that the report be approved. Motion passed.

MODIFICATION SIDEYARD -- 86 JUBILEE ROAD

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Town Planning Board held on December 10, 1958 a report was submitted from the City Engineer recommending approval of an application to convert a single family dwelling at 86 Jubilee Road into a duplex.

The Board concurred in the recommendation of the City Engineer.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Council,
January 15, 1959.

Moved by Alderman Lane, seconded by Alderman Butler, that the report be approved. Motion passed.

MODIFICATION SIDEYARD -- 31 VESTRY STREET ✓

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Town Planning Board held on December 16, 1958 a report was submitted from the City Engineer seeing no objection to an application to modify the sideyard at 31 Vestry Street in order to convert the basement for habitation and thus obtain a duplex dwelling.

The Board approved the application.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Wyman, seconded by Alderman Macdonald, that the report be approved. Motion passed.

MODIFICATION SIDEYARD -- 33 MEMORIAL DRIVE ✓

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Town Planning Board held on December 16, 1958 a report was submitted from the City Engineer, recommending refusal of an application to convert the property 33 Memorial Drive into a duplex by making the basement habitable.

The Board concurred in the recommendation of the City Engineer.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Butler, seconded by Alderman Greenwood, that the report be approved. Motion passed.

SUGGESTED ORDINANCE #23 "EARLY CLOSING OF SHOPS" ✓

Referred to the Finance and Executive Committee.

PETITION RE: PAVING CHARGES -- BILBY STREET ✓

A petition was submitted signed by the property owners of Bilby Street (between Gottingen and Isleville Streets) protesting against the \$4.00 per foot frontage charge for paving done on Bilby Street and requesting that a review of the betterment charges be made by Council with a view to reducing them as they tend to create a financial hardship on property owners.

Council,
January 15, 1959.

Alderman Wyman: "I think the number of owners who have signed pretty well covers those who are involved in the paving. This petition came to us before in rather a badly set-up form, and I took the liberty of returning it to the first signatory and suggested he put it in a little better form.

I would like to suggest that in some ways I am inclined to agree with them. I was a little shocked in noting just what it works out to in paving per mile."

Moved by Alderman Wyman, seconded by Alderman Abbott, that the petition be referred to the Finance and Executive Committee to determine whether a further study of the charge for this type of local improvement is warranted.

Alderman Wyman: "I might add that I have had considerable discussions and arguments to the same effect from other areas during the past summer, although the residents have not taken the same action."

The motion was put and passed.

CLOSING INFECTIOUS DISEASES HOSPITAL

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Public Health and Welfare Committee held on January 8, 1959 the matter of closing the Infectious Diseases Hospital was discussed.

Your Committee recommends that the Hospital be closed not later than January 31, 1959 and that an application be submitted to the Nova Scotia Hospital Commission to recover the City's costs.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Dunlop, seconded by Alderman Abbott, that the report be approved. Motion passed.

CHANGE OF NAME OF HOSPITALS -- LEGISLATION

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Public Health and Welfare Committee held on January 8, 1959 it was agreed to recommend that legislation be obtained to provide for the following:

Council,
January 15, 1959.

1. That the name of the Tuberculosis Hospital be changed to the Halifax Convalescent Hospital.
2. That the name of the Halifax City Hospital be changed to the Halifax Mental Hospital.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Alderman Macdonald suggested that the name Halifax Mental Hospital be changed to Re-establishment Hospital so as to eliminate the word 'mental'.

His Worship the Mayor: "We had changed the name of City Home to City Hospital and in so doing we have embarrassed ourselves quite a bit. Now the Province pays a grant of 1/3 of the total cost of operating a mental hospital and I think that if we all believe what we are told there is no stigma attached to Mental illness; it is just an illness."

Alderman Macdonald: "I still think there is some stigma attached to it, if there is anything we could add to soften it there might be something which would be permissible in keeping with the operation."

Alderman Wyman: "The very point that the Alderman was raising was considered at some length at the Committee meeting and after all the points in connection with the purpose of renaming were considered, I think it was the opinion of all those who were on that Committee that not very much could be done other than name it as considered in the recommendation."

Alderman Lloyd: "This whole matter is involved in your proposed conference in Ottawa on this matter. You might find some clarification as to names but I think we can pass this legislation tonight. From your inquiries there, the objection raised by Alderman Macdonald could be watched in future without hindering our financial arrangement, then you suggest to us the fact that we change this legislation or we can repeal it if necessary."

His Worship the Mayor: "We can make some inquiries and see what type is there and ask what other types there are that would still carry the effect to the public mind."

Council,
January 15, 1959.

Commissioner of Health: "As long as I can remember in the early 1920's I had numerous occasions of writing to Ontario and the hospital there was called "The Ontario Mental Hospital"."

His Worship the Mayor: "We will see what the senior officials say in Ottawa."

Moved by Alderman Lloyd, seconded by Alderman Dunlop, that the report be approved. Motion passed.

AUTHORITY MAYOR AND CITY OFFICIALS TO GO TO OTTAWA RE: WELFARE GRANT ✓

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Public Health and Welfare Committee held on January 8, 1959 it was agreed to recommend that His Worship the Mayor, City Manager, City Solicitor and the Commissioner of Health be authorized to go to Ottawa to discuss with the Hon. J.W. Monteith, Minister of Health, the matter of a welfare grant to the City by the Federal Government in connection with the Halifax City Hospital.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman DeWolf, seconded by Alderman Lloyd, that the report be approved. Motion passed.

APPRAISAL FEES - INDUSTRIAL MILE ✓

To His Worship the Mayor and
Members of the City Council.

The Finance and Executive Committee, at a meeting held on January 8, 1959, approved and recommended for payment the following appraisal fees:

Stailing Real Estate Service	\$125.00
A.P. Kelly & Company	\$125.00

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Greenwood, seconded by Alderman Macdonald, that the report be approved. Motion passed.

ASSESSMENT HALIFAX SHIPYARDS LIMITED - LEGISLATION ✓

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 8,

Council,
January 15, 1959.

1959 a brief was submitted from the Halifax Shipyards Limited requesting the same assessment for 1959 as that of 1958.

Your Committee recommends that the 1959 assessment be on the same basis as 1958 and that the necessary legislation be obtained.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Wyman, seconded by Alderman Lloyd, that the report be approved. Motion passed.

ASSESSMENT MOIRS LTD. - LEGISLATION ✓

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 8, 1959 a letter was submitted from Moirs Ltd. requesting their assessment for 1959 be set at such an amount which would produce a total tax of \$62,000.00 exclusive of Fire Protection Rates.

Your Committee recommends that the request be granted and the necessary legislation obtained.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Wyman, seconded by Alderman Lloyd, that the report be approved. Motion passed.

Alderman Trainor asked what taxes the Shipyards Ltd. and Moir's Ltd. paid.

His Worship the Mayor: "The Shipyards pay the full taxes, but no business tax. Moirs pay \$62,000.00 which is made up of real property on the business rate and the business tax rate on the bakery portion only."

Alderman Trainor: "For how many years have both these rates been established?"

His Worship the Mayor: "This most recent rate is a matter of only a couple of years. They had bigger concessions than this in the past. I think it is a matter of three or four years only that we have given them this type of concession."

Alderman Trainor: "In other words these figures have been standing for only two or three years. They have been revised upwards in the last three years."

Council,
January 15, 1959.

His Worship the Mayor: "Oh, yes. The case of the Shipyards has a very definite increase."

Alderman Wyman: "In connection with the point that has been raised, I would like to point out that this is simply maintaining the formula that we have had over the last few years during the period when our whole tax question was more or less in a state of flux. This will carry us on to another year by which time we hope that we will have done what we are going to do with the Pottier Commission Report and we can fit these things into the tax picture as it turns out after that."

Alderman Lloyd: "The very important factor is that this policy is related to the matter of Federal Grants; and until we have a chance to assess that aspect of our financing and our revenues, I think we should just hold our status quo."

His Worship the Mayor: "In the matter of the C.B.C. which is nearly completed, we have on behalf of Council said to them that we will extend to you the same concession as granted where the Government takes over for itself in the matter of federal properties where they don't pay a business tax. The National Harbours Board are proceeding on the same basis, too. We are not including the business tax in the matter of our negotiations and they are very acceptable. We are proceeding on that basis. Now when you consider that the Dockyard property only pays a normal assessment and no business tax and extends from Pier 3 north to the Shipyards line, the Shipyards would then have to pay heavier taxes. Actually, the Shipyards today to a great extent is an adjunct to the Dockyard. The Dockyard couldn't exist without the Shipyards and the Shipyards couldn't exist without the Dockyard. To start with, the Halifax City Council right from the time of the Halifax Graving Dock Company came into existence, gave grants of \$5,000.00 a year for a number of years to assist them in setting up a company. I think that the money we have given over the years has certainly been a good investment for the City of Halifax because it meant for us the establishment of an industry."

Council,
January 15, 1959.

Alderman Lloyd: "Is the Railway still paying a business tax, but not a real property tax?"

His Worship the Mayor: "No. They are paying a tax on a formula."

Alderman Lloyd: "It was settled on the basis of a claim for business taxes."

His Worship the Mayor: "Yes, but they don't pay it on that basis now. We have been after the C.N.R.. We have gone to the Minister of Finance and other members of the Cabinet for a change in this, but unfortunately this Council in 1957 signed an agreement with the C.N.R. for a period of five years."

Alderman Lloyd: "I was going to say, I am historically the lone wolf. I disagreed with the eminent gentlemen of the Canadian National Railways when we were asked to package up documents and put them in a safe and not disclose the basis of the settlement. I thought that was a horrible thing to ask anybody and for that reason I was at the conference. I went on that ground I said it was a public matter and anything that was settled in public matters of that kind, should be available to anybody who wanted to examine it. I thought it was a very audacious thing to put to us by relatively a civil servant to ask us to put documents in the safe and tie them up in blue ribbons and lock the safe and not tell anybody about the basis of the evidence we obtained. That has been a sore spot with me for a good many years."

His Worship the Mayor: "This is back to the original discussion in 1947 when they first broke it. You know we had a meeting in 1957 with the Minister in Ottawa and all those who were petitioning for the Maritime area agreed there, and I think quite properly so, that they wouldn't break with one another; that we would not accept any compromise. We thought we were asking for justice and only justice would satisfy us. Unfortunately the City of Moncton has accepted during the past year quite a substantial increase in taxes but not on the proper level. St. John, N.B. has not accepted and will not accept the tax payments until the matter is adjusted for a matter of two or three years now. I think our position should be one of standing with the other cities."

Council,
January 15, 1959.

Alderman Lloyd: "The basic thing in those documents was that the Railway was paying taxes in the City of Toronto in direct violation of its arguments with us by its own Counsel."

RECONVEYANCE LOT CAMP HILL CEMETERY -- ESTATE E.L. CARPENTER ✓

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 8, 1959 a report was submitted from the City Solicitor advising that the late Edith L. Carpenter in a will bequeathed the sum of \$200.00 to the City of Halifax to be used to provide flowers for her lot in Camp Hill Cemetery.

She is buried in the United States of America and it is the opinion of the solicitor for the estate that the bequest has failed and there is a resulting trust in the Executor of the Estate to add the money to the rest and residue of the estate.

He recommended that the City release the Executor from any claim it may have against the estate.

Your Committee recommends that the Estate reconvey the lot to the City and it release any claim it may have on the bequest.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Dunlop, seconded by Alderman Lloyd, that the report be approved. Motion passed.

FORUM COMMISSION PAYMENT - BACK INTEREST ON SUPERANNUATION CONTRIBUTIONS ✓

To His Worship the Mayor and
Members of the City Council,

At a meeting of the Finance and Executive Committee held on January 5, 1959 a report was submitted from the Retirement Committee recommending that the Forum Commission pay an interest charge of 2½% compounded on an amount of \$4,738.01 making a total payment to the Superannuation Fund of \$5,024.34 on behalf of its employees.

Your Committee concurs in this recommendation.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Greenwood, seconded by Alderman DeWolf, that the report be approved. Motion passed.

Council,
January 15, 1959.

BORROWING IN ANTICIPATION OF FIXING THE TAX RATE \$4,500,000.00 ✓

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 8, 1959 a report was submitted from the Commissioner of Finance recommending that Council authorize the borrowing of \$4,500,000.00 from the Royal Bank of Canada under the authority of Section 351 of the City Charter in anticipation of the fixing of the tax rate for 1959.

Your Committee concurs in this recommendation.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Lloyd, seconded by Alderman DeWolf, that the report be approved. Motion passed.

GRANTS UNDER SECTION 310-D OF THE CITY CHARTER: ✓
(a) Nova Scotia Society for Care of Crippled Children
(b) Nova Scotia Tuberculosis Association

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 8, 1959 letters were submitted from the Nova Scotia Society for Care of Crippled Children and the Nova Scotia Tuberculosis Association requesting tax exemption under the authority of Section 310-D of the City Charter.

Your Committee recommends that the City pay to the above organizations a grant equal to the amount of the taxes under the above authority.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Lloyd, seconded by Alderman Ferguson, that the report be approved. Motion passed.

APPOINTMENT OF COMMITTEE TO STUDY GRANTS TO THE UNITED APPEAL AND MEMBER ORGANIZATION AND OTHER CIVIC GRANTS ✓

His Worship the Mayor nominated the following to comprise a committee to study the above grants for 1959: Aldermen Dunlop, Ferguson and Butler.

Moved by Alderman Lloyd, seconded by Alderman Trainor, that the nominations of His Worship the Mayor be approved. Motion passed.

BORROWING RESOLUTION \$72,000.00 PINEWOOD ACRES SEWER ✓

This item was approved with Item #12.

Council,
January 15, 1959.

FUNDS SEWER EASEMENT WINWICK -- \$3,500.00 ✓

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 8, 1959 it was agreed to recommend that funds for a sewer easement through Mrs. A.L. Macdonald's property at Winwick amounting to \$3,500.00 be charged to Sewer Capital for 1958.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Wyman, seconded by Alderman Ferguson, that the report be approved. Motion passed.

MARCH OF DIMES CAMPAIGN ✓

To His Worship the Mayor and
Members of the City Council.

The Finance and Executive Committee at a meeting held on January 8, 1959 approved of the March of Dimes Campaign, by use of the Parking Meters for the period January 5 to February 2, 1959.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Dymlop, seconded by Alderman Abbott, that the report be approved. Motion passed.

EXTENSION OF LEASE & MONTHLY RENTAL -- COSSOR LIMITED ✓

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 8, 1959 a request was submitted from Cossor Canada Limited to extend the lease on the Forum premises presently occupied by them for three (3) months beyond the expiry date, February 28, 1959.

Your Committee recommends that the lease be extended until May 31, 1959 at a monthly rental of \$1100.00.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Wyman, seconded by Alderman Abbott, that the report be approved. Motion passed.

Council,
January 15, 1959.

AMENDING SUPERANNUATION PLAN ... LEGISLATION

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 8, 1959 it was agreed to recommend that legislation be secured to amend the Superannuation Plan to provide for the following:

1. That the first year of service with the City be included in computing superannuation benefits.
2. That deductions be made from all employees' salaries upon the commencement of service with the City.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman DeWolf, seconded by Alderman Abbott, that the report be approved.

Alderman Greenwood: "Do our pension consultants agree with this proposition?"

City Manager: "Yes, because there is enough in the fund to include this. We can handle this because there was a surplus of \$100,000.00. There is no objection in principle."

The motion was put and passed.

INCREASE IN APPROPRIATION TO COVER TRAVELLING AND EXPENSES OF PROFESSOR,
STEPHENSON - \$300.00

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 8, 1959 it was agreed to recommend that an additional \$300.00 be provided to cover travelling and other expenses of Professor Stephenson.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Trainor, seconded by Alderman Wyman, that the report be approved and the funds charged to redevelopment.

Alderman O'Brien asked whether the agreement was for the job or for the year and how this addition arose.

His Worship the Mayor: "It was for the job."

Council,
January 15, 1959.

City Manager: "Plus \$1,000.00 expenses." He said the Professor made several trips and the \$1,000.00 didn't cover his travelling expenses as it was necessary for him to make more trips than had been anticipated.

Alderman O'Brien asked if there was any definite indication when this particular job will be completed.

Commissioner of Works: "I sent plans to him in the mail yesterday. We have meetings next week with the Telephone Co., Telegraph Co., Light and Power Co. and Public Service Commission to see what alterations they have to make."

Alderman O'Brien: "The original agreement, besides the reference to the fees, said something about planning staff. Have we planning staff hired now?"

City Manager: "An offer was made to a candidate who Mr. West recommended to me. I haven't heard from him. I hope to hear in a week or so. He was here for an interview."

The motion was then passed.

APPOINTMENTS TO BOARDS & COMMISSIONS - LEGISLATION ✓

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 8, 1959 the matter of civic employees being members of Boards and Commissions was considered.

It was pointed out that certain bodies have the right by law to appoint persons to those Boards and Commissions. It was the consensus of opinion of the Committee that these bodies could nominate certain persons but the actual appointment would be made by the City Council.

Your Committee recommends that legislation be secured whereby outside bodies would be permitted to make nominations to the City's Boards and Commissions but that the actual appointment be made by the City Council except in the case of Government appointees and agreement with other bodies, that those nominated be qualified to vote in a civic election in the year of appointment.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Moved by Alderman Ferguson, seconded by Alderman Fox, that this matter be referred back to the Finance and Executive Committee. Motion passed.

LEGISLATION - 1959

1. Section 409 (1) (b) as that Section is enacted by Section 9 of Chapter 76 of the Acts of 1958, is amended by inserting therein immediately after clause (xxxiii) in Schedule "A" thereof, the following clause:

"(xxxiv) Nova Scotia Teachers' Union, 183 South Park Street."

EXPLANATION: This property was purchased by the Nova Scotia Teachers' Union and they requested that it be taxed at the residential rate because the Union is a non-profit organization.

Council December 11, 1958.

2. The City may expend the respective sums set out in Schedule "A" hereto for the purposes set out opposite each item. The sums so expended shall be shown as an expenditure made by the City in the civic year in which the same were expended.

SCHEDULE "A"

To pay as a grant to the Halifax-Dartmouth United Appeal.....	\$12,650.00
To pay as a grant to the Springhill Disaster Fund.....	15,000.00

Council December 11, 1958 - United Appeal
Council November 13, 1958 - Springhill Disaster

3. The Charter is amended by inserting therein immediately following Section 119H, the following Section:

119J. The City Manager may sell, under such terms and conditions as he may prescribe, any personal property belonging to the City not exceeding a value of five hundred dollars, which, in the opinion of the City Manager and the head of the department to which such property belongs, is no longer needed for public use or which may be obsolete or unsuitable for use by the City.

EXPLANATION: This was suggested by the Finance Committee and enables the City Manager, after consulting with the head of the department concerned, to sell personal property no longer needed by the City.

Council December 11, 1958.

4. The Agreement dated the _____ day of _____ A. D., 1959, made between the Province of Nova Scotia and the City, whereby the City guaranteed thirty-five percent of a total guarantee of four hundred and fifty thousand dollars made by the Province to the Bank of Montreal, in respect of the Children's Hospital, is hereby ratified and confirmed and declared to be within the authority of the City; any sums required by the City to pay the cost assumed by the City under the terms of the said Agreement shall be deemed to be sums required for City purposes within the meaning of the Municipal Affairs Act.

EXPLANATION: The Province has guaranteed a note for \$450,000.00 of the Children's Hospital to the Bank of Montreal, on the condition that the City will in turn guarantee 35% of the total amount guaranteed. This section ratifies the authority of the City to enter into such an agreement and to provide funds for the same if required.

Council November 13, 1958.

5. Clause 22 of the Superannuation Plan is amended by inserting therein immediately after the line "City Field Workers Union No. 108", the following:

"One Member of the Plan elected by the School Board Janitors' Union No. 100

One Member of the Plan elected by the School Board Maintenance Union No. 449"

EXPLANATION: These Unions have requested that they be added to the Advisory Committee of the Superannuation Plan.

Council September 11, 1958.

6. Clause 3 of the Superannuation Plan is repealed and the following substituted therefor:

"3. Eligibility Requirements.

Every employee of the City, unless a participant in the "Halifax Officials Superannuation Fund", the "Police Force Superannuation Fund" or the "Halifax Firemen's Superannuation Fund", shall be eligible to become a member of this Superannuation Plan on the effective-date thereof if he is found by the Retirement Committee to be employed by the City on a full-time, continuous basis."

EXPLANATION: At the present time an employee cannot become a member of the Plan unless he has been employed continuously for one year and unless he is 21 years or over. The present legislation does away with these two requirements and every employee immediately becomes a member of the Plan when he commences employment with the City, whether or not he is 21 years old.

7. Notwithstanding the provisions of Sections 535 and 540, the encroachment placed on the eastern side of Barrington Street near Duffus Street, as shown on Plan No. RR-4-13317 on file in the Office of the Commissioner of Works, City Hall, by the construction of a fence, gate and concrete loading slab by the Canadian Petrofina Limited, may for a period of five years commencing on the first day of January, 1959, on the payment of an annual fee of fifty-two dollars, be continued by the owners from time to time of the real property abutting upon such encroachment; provided, however, that if the said fence, gate and concrete loading slab, or any portion thereof, constituting such encroachment, shall be removed, the same shall not be rebuilt or replaced so as to constitute an encroachment upon such street.

EXPLANATION: Location of the eastern line of Barrington St. at this point was uncertain and it was only recently that the Railway deeded this area to the City as part of the street. However, prior to this the Company had a lease from the C.N.R. of land which included this portion which is now part of the street, and had constructed a fence, gate and loading platform. This gives them permission to maintain this encroachment for a period of five years at an annual fee of \$52.00.

Council September 11, 1958.

8. Notwithstanding the provisions of the Bonus Act and any provision of the Charter, Halifax Shipyards Limited shall not be liable to be assessed for the civic year commencing on the first day of January, 1959, in respect of its occupancy of real property in the City for the purpose of any trade, profession or other calling carried on for the purposes of gain.

EXPLANATION: This relieves the Halifax Shipyards limited of any liability for business tax for 1959 and is the same legislation as obtained last year.

9. (1) Subject to subsection (2) hereof and notwithstanding the provisions of the Bonus Act and any provisions of the Charter, the taxes for the civic year 1959 payable by Moirs Limited in respect of the ownership of real property as of January 1st, 1959, and the occupation of the same shall (excepting charges for Fire Protection) be the sum of sixty-two thousand dollars and the City shall write off and cancel any taxes assessed (excepting charges for Fire Protection) in excess of the said sum of sixty-two thousand dollars.

(2) During the year 1959 any additional real property acquired by Moirs Limited or any of its subsidiary companies shall be rated and assessed as are other properties in the City.

EXPLANATION: This limits Moirs Limited tax to \$62,000.00 for the year 1959 with respect to ownership and occupancy of real property as of January 1, 1959. This is similar to legislation secured last year.

10. (1) Subsection (1) of Section 8 of Chapter 54 of the Acts of 1956 is amended by adding thereto after the figures "1958" in the eighth line thereof, the figures and word "1959 and 1960".

(2) Subsection (2) of Section 8 of Chapter 54 of the Acts of 1956, is amended by striking out the figures "1959" in the fifth line thereof and substituting therefor the figures "1961", and by striking out the figures "1960" in the seventh line thereof and substituting therefor the figures "1962", and by striking out the figures "1961" in the eighth line thereof and substituting therefor the figures "1963", and by striking out the figures "1962" in the tenth line thereof and substituting therefor the figures "1964", and by striking out the figures "1963" in the eleventh line thereof and substituting therefor the figures "1965".

EXPLANATION: At the time legislation now in force was passed, it was thought and agreed that the Abbatoir would be completed by June 1958. Subsequently, the Company was given an extension of time to 1960. It therefore becomes necessary to revise this Section, which deals with the taxes which are to be assessed against the Company.

11. The subdivision of land on the eastern side of Albert Street into two lots, as shown on a Plan entitled "Proposed Subdivision of Lands of James W. Smith, Albert Street", made by Spencer Ball, P.L.S., and dated the 29th day of April, 1958, and approved by the Town Planning Board on the 6th day of May, 1958, on file in the office of the Registrar of Deeds, Halifax, N.S., as Plan No. 4082, and on file in the Office of the Commissioner of Works, City Hall, as Plan No. 00-9-14104, is hereby ratified and confirmed and declared to be within the authority of the City, and the owners from time to time of such lots may on complying with the other provisions of the Zoning By-law passed by the City Council on the 11th day of May, 1950, as amended, construct thereon single family dwellings, notwithstanding that the area of each such lot is less than four thousand square feet.

EXPLANATION: These lots are undersized lots (each having area of 3790 square feet) but as they were not separately owned at the time of the passing of the Zoning By-law, the provisions of the by-law cannot be modified except through legislation. This legislation enables the owners to build single family dwellings on these lots.

Council May 15, 1958.

12. The owner of the lot of land situate on the north side of Cabot Street and bearing Civic No. 45 Cabot Street, having a frontage on Cabot Street of forty-six feet and a depth of one hundred feet, as shown on Plan No. 00-9-14367 on file in the Office of the Commissioner of Works, City Hall, and as shown on Plan No. 3954 on file in the Office of the Registrar of Deeds, Halifax, upon complying with the other provisions of the Zoning By-law passed by the City Council on the 11th day of May, 1950, as amended, may use the said lot of land as a site for a duplex dwelling, notwithstanding that the area of the said lot is less than five thousand square feet.

EXPLANATION: This man owned a larger piece of land and subdivided it so that the lot in question was less than 5000 square feet. He alleges that he was told by our former Town Planning Engineer that he could build a duplex thereon and consequently he commenced construction and installed plumbing fixtures. Since the lot was not separately owned at the time of the passing of the Zoning By-law, it cannot be modified under its provisions, and legislation is necessary.

Council October 30, 1958.

13. Subsection (1) of Section 538 is repealed and the following substituted therefor:

538. (1) Notwithstanding the provisions of clause (b) of subsection (1) of Section 540, if in the opinion of Council any proposed or present obstruction or encroachment does not occasion any unreasonable inconvenience to the public, the Council, after receiving a report from the City Manager and the Commissioner of Works, may permit the same to be constructed or to continue on such terms as the Council may approve, which may include an undertaking or security that the obstruction or encroachment if removed shall not be rebuilt, and shall be removed whenever the Council so requires, and for the payment to the City during its continuance of a reasonable annual rental.

EXPLANATION: This change was requested by the City Manager in order that Council may approve of an encroachment without having to change street lines in order to permit a building.

14. Subsection (1) of Section 929 as that Section is amended by Section 30 of Chapter 70 of the Acts of 1949, and by Section 15 of Chapter 63 of the Acts of 1957, is further amended by striking out the words "Halifax City Hospital" in the third line thereof and substituting therefor the words "Basinview Home".

EXPLANATION: The present Section requires the City to furnish support under the Poor Relief Act in the Halifax City Hospital. This legislation will enable them to be placed in Basinview Home.

15. Section 887A is repealed.

EXPLANATION: This entire section dealt with the admissions to the Infectious Diseases Hospital and the liability of the municipalities for patients not having settlement in Halifax, etc. These provisions are now superfluous and should be repealed.

16. (1) Clause (4) of Section 889 as that Section is enacted by Section 29 of Chapter 56 of the Acts of 1941, and as that clause is amended by subsection (1) of Section 14 of Chapter 63 of the Acts of 1957, is further amended by striking out the words "Halifax City Hospital" in the first line thereof and substituting therefor the words "Basinview Home, Halifax Mental Hospital, Halifax Convalescent Hospital and City Prison".

(2) Clause (6) of said Section 889, as that clause is amended by subsection (2) of Section 14 of Chapter 63 of the Acts of 1957, is further amended by striking out the words "Halifax City Hospital" in the fourth and fifth lines thereof and substituting therefor the words "Halifax Mental Hospital".

(3) Clause (7) of said Section 889, as that clause is amended by subsection (3) of Section 14 of Chapter 63 of the Acts of 1957, is further amended by striking out the words "Halifax City Hospital" in the second line thereof and substituting therefor the words "Halifax Convalescent Hospital".

EXPLANATION: This section provides that the Commissioner of Health is required to attend inmates of these institutions requiring medical attention.

17. Subsection (1) of Section 931, as that subsection is amended by Section 16 of Chapter 63 of the Acts of 1957, is further amended by striking out the words "Halifax City Hospital" in the third line thereof and substituting therefor the following words "Basinview Home, Halifax Mental Hospital and Halifax Convalescent Hospital".

EXPLANATION: The present section gives the Committee on Public Health and Welfare supervision and management of the Halifax City Hospital. This extends their powers to Basinview Home, Halifax Mental Hospital (formerly City Home) and Halifax Convalescent Hospital (formerly Infectious Diseases Hospital).

18. Section 932 as that Section is enacted by Section 17 of Chapter 63 of the Acts of 1957, is amended by striking out the words "Halifax City Hospital" in the third line thereof and substituting therefor the words "Halifax Mental Hospital".

EXPLANATION: This changes the name of the Halifax City Hospital (formerly the City Home) to Halifax Mental Hospital.

19. (1) Subsection (1) of Section 933 as that subsection is amended by subsection (1) of Section 18 of Chapter 63 of the Acts of 1957, is further amended by striking out the words "Halifax City Hospital" in the second line thereof and substituting therefor the words "Basinview Home, Halifax Mental Hospital and Halifax Convalescent Hospital".

(2) Subsection (2) of said Section 933 as that subsection is amended by subsection (2) of Section 18 of Chapter 63 of the Acts of 1957, is further amended by striking out the words "said Hospital" in the third line thereof and substituting therefor the words "Basinview Home, Halifax Mental Hospital and Halifax Convalescent Hospital".

EXPLANATION: This enables the Council to make ordinances respecting the three institutions mentioned. Present section refers only to Halifax City Hospital.

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LEGISLATION

Draft Legislation (copy of which is attached to the original copy of these minutes) as prepared by the City Solicitor was submitted and considered item by item.

<u>ITEM No. 1</u>	-	Approved.
<u>ITEM No. 2</u>	..	Approved.
<u>ITEM No. 3</u>	..	Approved.
<u>ITEM No. 4</u>	-	Approved.
<u>ITEM No. 5</u>	..	Approved.
<u>ITEM No. 6</u>	..	Approved.
<u>ITEM No. 7</u>	..	Approved.
<u>ITEM No. 8</u>	..	Approved.
<u>ITEM No. 9</u>	..	Approved.
<u>ITEM No. 10</u>	-	Approved.
<u>ITEM No. 11</u>	-	Approved.
<u>ITEM No. 12</u>	..	Approved.
<u>ITEM No. 13</u>	-	Approved.
<u>ITEM No. 14</u>	..	Approved.
<u>ITEM No. 15</u>	-	Approved.
<u>ITEM No. 16</u>	..	Approved.
<u>ITEM No. 17</u>	..	Deleted.
<u>ITEM No. 18</u>	-	Alderman Macdonald suggested that the name of

the City Home be changed to "Halifax Mental Health Hospital".

His Worship the Mayor stated that the name suggested by Alderman Macdonald implies a whole mental health program and the work carried out at the City Hospital is not that wide in scope.

The item was approved without change.

<u>ITEM No. 19</u>	-	Approved.
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PURCHASE OF PARKING METERS ✓

To His Worship the Mayor
and Members of the City Council.

At a meeting of the Safety Committee held on January 6, 1959 it was

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agreed to recommend that forty (40) "one hour for 10 cents" Dual Automatic Parking Meters be purchased for installation as follows:

- 23 - w/s Granville St. between George St. & Salter St.
- 4 - s/s Salter St. between Granville St. & Barrington St.
- 11 - s/s Blowers St. between Argyle St. & Granville St.
- 2 - spare meters.

Funds to be provided from the Parking Meter Revenue Fund.

Respectfully submitted,

R. H. Stoddard,
CITY CLERK.

The Commissioner of Finance asked the source of funds.

His Worship the Mayor: "The proceeds."

The Commissioner of Finance: "We have a capital borrowing for the purchasing of parking meters. I would suggest they be charged to that account so that if we become short of our revenue, we could amortize it over a couple of years. We have, as you know Parking Meter Revenues in our Current Budget and we can't actually use it in two places at one time."

Moved by Alderman Abbott, seconded by Alderman Dunlop that the recommendation of the Safety Committee be approved but that the funds be provided by capital borrowing as authorized by the Department of Municipal Affairs. Motion passed.

TENDERS FOR REVOLVERS - POLICE DEPARTMENT

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Safety Committee held on January 6, 1959 tenders were considered for the purchase of revolvers for the Police Department as follows:

	<u>REGULATION POLICE REVOLVERS</u>	<u>MILITARY & POLICE REVOLVERS</u>	<u>TOTAL</u>
T. Eaton Co. (Maritimes) Ltd.	\$740.00	\$225.00	\$965.00
Wm. Scully Ltd.	\$580.50	\$179.55	\$760.05
Thomas J. Egan	\$568.56	\$175.67	\$744.23
Atlantic Distributors Ltd.	No bid	No bid	
James E. Peeler	No bid	No bid	

Your Committee recommends that the lowest tender, that of Thomas J. Egan at \$744.23 be accepted.

Respectfully submitted,

R. H. Stoddard,
City Clerk.

Moved by Alderman Dunlop, seconded by Alderman Fox, that the report be approved. Motion passed.

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ARMDALE ROTARY ✓

His Worship the Mayor,
Members of Safety Committee

Re: Armdale Rotary

At the November 1958 meeting of Safety Committee the undersigned was directed to submit a report on the effectiveness of the Armdale Rotary, among other matters.

Herein find this report, which was not submitted at the December meeting due to the illness of traffic Inspector V.T. O'Brien.

In theory, a four-way intersection can accommodate approximately 1500 vehicles per hour. Also, in theory, a rotary can accommodate approximately 2500 vehicles per hour.

Peak capacity in both cases is limited by the pedestrian problem, and, with particular reference to rotaries, the timidity of the majority of car operators while approaching, driving on, and leaving any rotary.

In the case of the Armdale Rotary, we have a very decided pedestrian problem which slows up motor vehicle traffic considerably as well as being somewhat hazardous for the pedestrian.

While there appears to be a betterment in the merging of traffic within the Rotary itself, there still remains considerable room for improvement in this regard.

In addition thereto, the rate of clearance of motor vehicles through the rotary itself is, of course, limited by the capacity of the exits therefrom and in the case of the St. Margaret's Bay and Herring Cove Roads it would appear that these highways are inadequate to handle peak traffic.

In any event, the traffic congestion is clearing up approximately twenty minutes earlier with the Rotary than it was previously with the old Armdale intersection and this would mean that about 250 to 300 more cars per hour are being handled by the rotary than was the case with the old Armdale intersection.

Yours very truly,

V.W. MITCHELL,
CHIEF OF POLICE.

Alderman O'Brien: "It seems to me if you studied the weaknesses of the Rotary as listed by the Chief, you would see again the need for a Traffic Engineer at least in this Metropolitan Area. I would hope that if we get a Planner on the staff as a result of the offer of the application referred to that staff could then revise the proposal for a Traffic Engineer and bring a report to Council proposing some action on this matter."

Alderman Macdonald: "I notice that the Chief reported that due to timidity on part of operators of cars that there was a stalling of traffic at certain places. I was wondering if it would be permissible to have a sign

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put there that crossing traffic must alternate. It would seem to me that it would overcome stalling traffic in one direction if they were alternating in the places where they do cross."

Chief of Police: "The Province signs the Rotary and we can make that suggestion to them. We don't sign it. We lease it."

Alderman Dunlop: "Does the Province supply a mounted policeman for traffic?"

Chief of Police: "No. There is a dual authority."

Alderman Ferguson: "In other words the City pays the whole thing."

Alderman Dunlop: "We are the good natured people. Ninety percent of the people use it during rush hours by taking our police officers out there. I think some other body will have to look after their own people who are in such a hurry to get them home. The Rotary is only the first scheme."

Alderman Lloyd said that he had talked to an interested citizen who is an engineer and he expressed the view that the traffic could be improved with some changes in the layout on that traffic artery which gives some support to the views expressed by Alderman O'Brien a little earlier.

Alderman O'Brien: "I heard Professor Stephenson say that to the Board of Trade, too."

The report was accepted and filed.

WINTER WORK PROGRAM - POINT PLEASANT PARK

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Directors of Point Pleasant Park held on December 17, 1958 it was agreed to recommend that the winter work program be added to by the inclusion of \$14,000.00 for a water line in the Park.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Alderman O'Brien: "Have we got started on any of our winter works program?"

His Worship the Mayor: "Yes. One is under way now."

Mr. West: "Exactly three are under way now."

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Alderman O'Brien: "Does the Commissioner of Works anticipate that we will be able to handle the bulk of the work laid out by the Winter Work Program in the time that the Federal Government is allowing?"

Commissioner of Works: "We may not finish them completely but we will do the best part of both of them except the Dutch Village Road big storm sewer. I don't think we have the authority to start on a big job like that."

His Worship the Mayor: "We are still negotiating with the Province and we were turned down on one proposal and we are going back to another proposal. I am afraid the winter is going by before we get any action."

Alderman O'Brien: "How do we integrate the Winter Works Program with our capital budget this year? Are we just going to carry on with the same projects?"

His Worship the Mayor: "We will carry on as before."

Commissioner of Works: "We have our Work arranged that if we can't finish the whole job we will stop and a section of it can be included as a project at some later date."

Moved by Alderman Butler, seconded by Alderman Wyman, that the report be approved. Motion passed.

OFFER OF RENTAL OF SNOW PLOWING EQUIPMENT ✓

To: His Worship the Mayor and Members of City Council.
From: Committee on Works.
Date: January 6th, 1959.
Subject: Offer for Rental of Snow Plowing Equipment.

The Committee on Works at a meeting held on the above date considered a recommendation of the City Manager against the paying of a retainer of (\$250.00) per month to the Municipal Spraying and Contracting Limited for equipment rental.

On Motion of Alderman Connolly, seconded by Alderman Trainer, the Board approved the City Manager's recommendation against paying the retainer.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

Per., K.C. Martin.

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Moved by Alderman O'Brien, seconded by Alderman Lane, that the report be approved. Motion passed.

NO LEFT HAND TURN VIOLATIONS

Alderman Dunlop referred to the Minutes of the Safety Committee wherein a discussion was held concerning the number of prosecutions for 'no left-hand turn' violations; and he said that a number of these violations occur and because it is a 'moving violation' the convicted motorist loses two points. He contended that representations should be made to the Legislature to have the Motor Vehicle Act amended so that the fine payable for this type of minor violation could be paid without going to court, in the same manner as a parking ticket is paid."

He expressed the opinion that the arrows are confusing and he referred to the case of a motorist who had been out of town for some years and had to pay a fine of \$12.75 for making a left-hand turn; and he contended that the fine is excessive as most of the violations are made unintentionally.

Alderman Lloyd: "I can easily see how people can unintentionally make these violations until they get used to these changes." He said that there is merit in Alderman Dunlop's contention, especially as it applies to intersections where the no left turn is restricted at certain hours, because the signs are not too easily discernible.

His Worship the Mayor contended that the no left turn signs are noticeable enough and are prominently displayed but that the objection was that the lettering was too small.

Alderman Wyman: "I still maintain that the no left turn signs are not worth a hoot. We do have the lights and I would like to suggest that the Traffic Authority give consideration to the desirability of changing the two-arrow sign and put two separate arrows to show that no left turn is permitted." He referred to the situation at the Quinpool-Windsor intersection and said that nobody even sees the sign there because it is too small, and continued: "The only sign that is clear is the one in the street and it can't be seen now because it is covered with snow and ice. That is a serious point and needs study of how to advise motorists that they cannot turn left into Windsor Street from Quinpool Road."

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Alderman Butler asked if an adequate sign could be erected at the Quinpool-Windsor intersection, and he expressed the opinion that most of the no left hand turns were feasible but not that one.

WATER DRAINAGE TO KAYE STREET SURFACE ✓

Alderman Wyman: "I would like to have a further clarification beyond the reply I received from the City Manager regarding a situation which occurred on Kaye Street just east of Goringen Street when water welled up from the street and was freezing. The reply from the City Manager was that it wasn't the responsibility of the Public Service Commission, but that it was caused by a spring from Fort Needham; and a further report might clear it up."

The City Manager said that was the reply given to him by the Public Service Commission; and he said that the Commissioner of Works should explain the matter to the satisfaction of Alderman Wyman.

Commissioner of Works: "We were convinced that it was watermain trouble and the Public Service Commission, as the result of an instrument survey, said it wasn't; and we opened the street and it was seen that it was a broken main. The Public Service Commission repaired the break and the cost of the excavating done will be charged to them."

Alderman Wyman: "I trust the street will be returned to its original good condition."

His Worship the Mayor: "There was quite a depression because of the wearing away of the surface by the force of the water."

CHANGES IN BUS ROUTES ✓

Alderman Wyman referred to the proposed bus route change and asked how the changes could be made without affording Council an opportunity of presenting its views.

His Worship the Mayor said that he had called Mr. Pappas but had not been able to contact him -- he had left a message but had heard nothing yet.

HONORARIA & WORK LOAD - ALDERMEN ✓

Alderman Lloyd referred to the honoraria paid to members of various Commissions and the Council representation on same and he asked that the matter of work load of the Aldermen and the honoraria paid be referred to the Finance and Executive Committee for study.

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SNOW CLEARANCE - METERS ✓

Alderman Macdonald reported that he had received a number of complaints from people who had difficulty in getting out of their automobiles on downtown streets because of the snow banks, and he asked if the Commissioner of Works could give consideration to clearing the snow from a section of the sidewalk at each meter to allow a person to alight from a car and at the meter to enable the coin to be deposited.

His Worship the Mayor advised that crews of men have been doing that for several days and some sections of the City have been completed.

PARKING - NARROW STREETS ✓

Alderman Macdonald said he had received complaints concerning Granville and Argyle Streets, and His Worship the Mayor said that as many streets as possible would be done but it was difficult to do all with the money available for that work.

Alderman Macdonald said he had also received a complaint from an ambulance operator about the difficulty of getting through Grafton Street and Maynard Street because the snow piles had narrowed the street and cars parked on both sides of the street allowed traffic to move only one way.

His Worship the Mayor (to Chief of Police): "Can you put a temporary ban on parking on some streets because of this condition?"

The Chief of Police said that he could do so as an emergency measure.

TRANSFER OF EMERGENCY SHELTER TENANTS ✓

Alderman Butler referred to the program of demolishing the Staff Houses at 1430 and 1460 Barrington Street and suggested that if there are only two or three tenants left in a building they should be transferred to other shelter buildings rather than maintain costly services such as heat and hotwater in that building.

The City Manager explained that this is done whenever possible but that there is the question of prolonging leases which is not desirable in some cases.

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TAX COLLECTIONS MONTH OF DECEMBER 1958 ✓

CIVIC YEAR	RESERVES	O/S BALANCE NOV. 30, 1958	NEW ACCOUNTS & ADJUSTMENTS	DECEMBER 1958 COLLECTIONS	O/S BALANCE DECEMBER 1958
1956	26,978.23	78,571.06 DR.	2.29	23,375.58	55,197.77
1957	92,863.69	307,125.95 CR.	78.03	24,544.62	282,503.30
1958	100,217.26	981,105.63 CR.	6,107.13	129,310.59	815,687.91
		1,336,802.64 CR.	6,182.87	177,230.79	1,153,388.95
TAX YEARS PRIOR TO 1956 (COVERED BY RESERVES)				315.86	
				<u>177,546.65</u>	

POLL TAXES

1954	11,874.51			25.00	11,849.61
1955	150.31			69.05	82.26
1958	30,068.18 DR.		61.05	2,797.07	28,235.16
				2,890.12	
POLL TAXES OTHER THAN LISTED ABOVE				<u>1,103.12</u>	
				<u>3,393.24</u>	

TOTAL COLLECTIONS IN DECEMBER 1958 181,539.89
 TOTAL COLLECTIONS IN DECEMBER 1957 201,127.46

CURRENT TAXES COLLECTED JAN. 1st to Dec. 1958 7,580,059.88

CORRESPONDING PERIOD 1957 7,126,211.20

TAX ARREARS COLLECTED JAN. 1st to Dec. 1958 856,770.86

CORRESPONDING PERIOD 1957 855,250.80

POLL TAX COLLECTED JAN. 1st to Dec. 1958 183,356.66

CORRESPONDING PERIOD 1957 257,766.68
8,620,197.40 8,119,223.68

		AMOUNT COLLECTED JAN. 1st to DECEMBER 31st	
TAX LEVY 1958	8,437,086.36	7,580,059.88	89.84
TAX LEVY 1957	8,006,619.61	7,126,211.20	89.00
TAX ARREARS JANUARY 1st, 1958	1,279,241.14	856,770.86	66.97
TAX ARREARS JANUARY 1st, 1957	1,354,17.00	855,250.80	64.09
TOTAL COLLECTIONS TO DEC. 31st, 1958		8,416,830.74	100.00
TOTAL COLLECTIONS TO DEC. 31st, 1957		7,981,462.00	99.69

RESPECTFULLY SUBMITTED,

H.R. McDONALD,
CHIEF ACCOUNTANT.

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LAND FOR LIMITED DIVIDEND COMPANY

Alderman Trainer said that several months ago he had received a request from a group of colored citizens for land on which to start a limited dividend housing company and it was proposed to make land available to them for that purpose; and he asked His Worship the Mayor if any progress had been made regarding negotiations with the group and the granting of land.

His Worship the Mayor said that contrary to reports he had never said that land would be sold to the group at a nominal sum as it is the prerogative of Council to sell land; but he had encouraged the members of the group to develop this project and Mr. Berland of Central Mortgage and Housing Corporation had discussed the matter with them.

Alderman Lloyd asked what had happened to the plan to develop the City's Limited Dividend Company and was advised by His Worship the Mayor that a change in the C.M.H.C.'s policy had excluded the City as a participant in the plan.

ADDITIONAL APPROPRIATION - 1958 ✓

To: His Worship, G.A. Vaughan, and
Members of the City Council.
From: City Manager, A.A. DeBard, Jr.,
Date: January 15, 1959.
Subject: Additional Appropriation - 1958.

There are three accounts which, when the final Bills are submitted, we find will be overdrawn unless we have an additional appropriation. They are

Point Pleasant Park Commission	\$ 600.00
Halifax City Hospital - City Home	\$13,000.00
Works Department	\$15,000.00
	<u>\$48,600.00</u>

The Overdraft on the City Home comes about because supplies of coal were low, and the bins were filled before the close of 1958, and the adjustment for the Infectious Diseases Hospital which operates as an Annex of the City Home, and is therefore a charge to the City Home. This is a Journal Entry made quarterly.

Because of heavy snow and ice control expenses from the time of the Council meeting in December, we find that the Works Department would be over-expended this amount if Council does not make this appropriation. As was pointed out in December, this was a possibility.

I would recommend to City Council that these appropriations be granted, and charged to the 1958 Budget under section 336 G of the City Charter.

A.A. DeBard, Jr.,
City Manager.

To: His Worship, C. A. Vaughan, and
Members of City Council,
From: City Manager, A.A. De Bard, Jr.,
Date: January 21, 1959
Subject: Monthly Administrative Report for December, 1958

1. Building Permits

	<u>No.</u>	<u>Value</u>
Dwellings, new	7	\$ 65,500.00
Garages, new	1	2,000.00
Commercial, new	12	317,500.00
Dwellings, repairs	19	10,140.00
Commercial, repairs	9	10,600.00
Institutional, repairs	2	3,800.00
	50	\$ 409,540.00
	<u>1957</u>	<u>1958</u>
Building permit fees	\$ 455.85	\$ 281.55
Plumbing permit fees	90.85	56.75
	\$ 546.70	\$ 338.30

2. Buildings Demolished

	<u>No. & Ass'd. Value</u> <u>1956 & 1957</u>	<u>No. & Ass'd. Value</u> <u>1958</u>
Buildings demolished by owners to make way for new development	63 372,050.00	68 459,090.00
Buildings initiated by City & owner complied	21 48,700.00	29 20,525.00
" " " & ordered by Committee on Works	18 27,495.00	47 68,800.00
" initiated by City and permitted to stand	3	1 7,800.00
" presently being processed for demolition	-	157 -
" under investigation for demolition	-	31 -
" ordered demolished by Building Inspector	-	126 1,475,580.00

3. Streets & Sewers

Square yards of streets graded	3,000
Tons of Hot Patch used on Paved Streets	26
" " " " Stoned & Oiled Streets	99
Cubic yards of material used on potholes	66
Square yards of sidewalk repairs	33
Feet curb and gutter repairs	25
Street Signs Erected	4
Catchpits repaired	3
" constructed	5
Manholes repaired	7
Junctions installed	5
Catchpits cleaned	10
Miles of streets swept by Hand	65

4. Garbage and Refuse

1,875 tons of garbage and refuse were collected of which 474 tons were burned together with 1,073 tons of privately collected materials. The total amount processed - 1,547 tons with incinerator in operation 372 hours. Waste paper collected - 165 hours, collecting 132 tons.

5. Snow & Ice Control

Salting Streets - labour	6,705.65
" " salt	19,441.00
" Sidewalks	433.51
Plowing streets	6,431.36
" Sidewalks	337.45
Clearing City properties, Catchpits and Crosswalks	3,863.94
Removing Snow	48.05
Sanding Streets & Filling Sandboxes	260.48
Miscellaneous	578.15
	<u>\$ 38,099.59</u>

6. Prefab Housing

Houses completely paid	469
Current accounts	<u>343</u>
Original number of houses	812

Current accounts

5% interest rate	100
6% " "	<u>243</u>
	343

Mortgages Receivable, November 30, 1958	\$ 713,453.49
" " December 31, 1958	<u>693,450.32</u>
	\$ 20,003.17

Bank Balance December 31, 1958	11,096.27
Paid Against Emergency Shelter Capital Balance	<u>60,000.00</u>
Total	\$ 71,096.27

Balance as of November 30, 1958	<u>47,984.84</u>
Bank Balance increased during month	23,111.43

Emergency Shelter Capital Balance	\$ 213,562.05
Charged to Prefab Surplus	<u>100,000.00</u>
Balance unliquidated	\$ 113,562.05

7. Claims Settled

B. W. Bezanson	-	Stop sign - Windsor & Willow Sts.	\$ 6.00
Coca-Cola Ltd.	-	2 parking meters - Sackville at Grafton	100.00

8. Sewers - Progress Report No. 7

New Work Schedule "C" - Capital

Street	Size	Start	Feet Laid			Completed
			This	Prev.	Total	
Ladies College Sewer Extension	10" Transite	Nov. 28/58	-	-	-	5%

Sewer Rehabilitation - Schedule "D" - Capital

Mumford Rd.	30", 36" 42" Conc.	Oct. 1/58	270	500	770	75%
Kempt Rd. Lady Hammond Intersection	24" 36" Conc.	Oct. 24/58	193	207	400	Dec. 17/58
C.N.R. Chebucto to Mumford (Chebucto Rd. end)	48" Conc.	Dec. 1/58	189	76	265	10%
Chisholm Ave. & Micmac	60 & 66" Armco	Dec. 17/58	80	-	80	7%

9. Basinview Home - Progress to December 31, 1958

The Works Department has weatherproofed the windows to the extent of about 95 percent completed. Shelving in the various rooms which will be required for storage purposes is about 60 percent completed. Plastering repairs about 75 percent completed and the electrical work required about 25 percent completed.

The sprinkler system is being installed by the Automatic Sprinkler Company. They have completed about 25 percent of the installation in the main building only. On enquiry we find that their problem has been a lack of supplies. Most of this is being cut and processed from their main branch in St. John, New Brunswick and they are having difficulty in arrival of shipments here at the site of operation. They had planned to put on an additional four men but have not been able to do so because of their shortage of supplies. They anticipate however, that they will have a large amount of their supplies received by this week-end and by the 12th of January will be adding additional men to their installation staff.

The inventory of equipment has been gone over with the federal officials and is in progress for preparation to be signed.

A. A. Seabard
City Manager.

/em

Council,
January 15, 1959.

Commissioner of Finances: "I would like to add something for the Memorial Library. They seem to be short of funds to pay all bills."

His Worship the Mayor: "They shouldn't be short of funds after having advised us they had sufficient funds to embark upon their capital expenditure for floodlighting. Go back and tell them to cut off some of their purchases at the end of the year if Council so advises."

Commissioner of Finances: "I'll be pleased to do that."

The Council agreed to the suggestion of His Worship the Mayor concerning the library.

Moved by Alderman Lloyd, seconded by Alderman Ferguson, that the report be approved. Motion passed.

Moved by Alderman Lane, seconded by Alderman Abbott, that this meeting do now adjourn. Motion passed.

Meeting adjourned. 11:10 P.M.

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C.A. VAUGHAN,
MAYOR AND CHAIRMAN.

R.H. STODDARD,
CITY CLERK.

SPECIAL MEETING

Council Chamber,
City Hall,
Halifax, N.S.,
January 21, 1959,
8:00 P.M.

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

After the meeting was called to order by the Chairman and before considering the regular order of business, the members of Council attending led by the City Clerk joined in repeating the Lord's Prayer.

There were present His Worship the Mayor, Chairman; Aldermen DeWolf, Abbott, Dunlapp, Lane, Ferguson, Fox, Lloyd, Trainor, Wyman, Greenwood, and O'Brien.

Also present were Messrs. A.A. DeBard, Jr., T.C. Doyle, R.H. Stoddard, W.J. Clancey, L.M. Romkey, J.F. Thomson and V.W. Mitchell.

The meeting was called to consider the following items:

1. Pottier Report.
2. Legislation.

POTTIER REPORT RECOMMENDATIONS

November 10, 1958.

To His Worship the Mayor and
Members of the City Council.

The Finance and Executive Committee, at a meeting held on the above date considered various recommendations as contained in the Report of Mr. Justice V.J. Rottier on the Taxation System in the City of Halifax and reports to Council as follows:

1. That legislation be secured at the next session of the Legislature to make effective January 1, 1960 the abolition of the Household Tax and that the amount so lost to the City shall be recovered by increasing the rate on residential real property.

All persons not otherwise assessed would pay a Poll Tax.
2. That the present Poll Tax of \$20.00 be continued.
3. That legislation be secured at the next session of the Legislature whereby employers would be required to deduct the Poll Tax of \$20.00 from employees salaries or wages whose incomes are at the rate of \$1200.00 per annum and that provision be made for refunds in cases where this amount is not earned in a year.
4. That the Fire Protection Rate be continued as at present.
5. That Permit Fees be continued and License Fees increased as shown in schedule dated March 25, 1958.

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6. That legislation be secured at the next session of the Legislature enabling the City to impose a Deed Transfer Tax of $\frac{1}{2}$ of 1% on transfers of real property in the City. Such tax to be paid by the Vendor.
7. That the present system of collecting Franchise Taxes be continued as at present.
8. That the present system of collecting fines and fees be continued as at present.
9. That no change be made in the taxation policy regarding religious, educational, fraternal, philanthropic and similar institutions and/or organizations.
10. That the Zoning By-Law be amended to provide for a fee of \$5.00 from applicants to rezone or modify any of the provisions of the Zoning By-Law. The City Clerk shall notify the applicants of the time, date and place of hearing of such rezoning or modification.

Respectfully submitted,

R.H. STODDARD,
CITY CLERK.

His Worship the Mayor gave a short summary of the taxation system of the City of Halifax from 1953 up to the time of the re-assessment by the Gleminshaw Company and after that the appointment of Judge Pottier to examine the taxing policy of the City of Halifax.

He said his report was submitted sometime ago and the Finance and Executive Committee had met and considered the Pottier Report with the result that it had now recommended several changes in the system which Council was now asked to deal with.

8:10 p.m. Alderman Connolly arrives.

The report of the Finance and Executive Committee was dealt with item by item.

1. That legislation be secured at the next session of the Legislature to make effective January 1, 1960 the abolition of the Household Tax and that the amount so lost to the City shall be recovered by increasing the rate on residential real property.

All persons not otherwise assessed would pay a poll tax.

Moved by Alderman Wyman, seconded by Alderman Abbott, that this item be approved.

Alderman Lloyd: "I don't know how the other Aldermen feel but I think a discussion in the Committee of the Whole might give more freedom on the matter."

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His Worship the Mayor: "If Council wishes to take this under discussion as a Committee of the Whole, that is their right. It seems to me that the laws of Council give ample time for those who wish to speak about it. If Council wishes to vote on the Committee of the Whole it is their privilege."

Moved by Alderman O'Brien, seconded by Alderman Lloyd, that Council meet as a Committee of the Whole.

The motion was put and lost 4 voting for the same and 8 against it as follows:

FOR THE MOTION: Aldermen Trainor, Lloyd, O'Brien and Greenwood, - 4 -

AGAINST IT: Aldermen Lane, Fox, Ferguson, Wyman, Connolly, DeWolf, Abbott and Dunlop - 8 -

Alderman Trainor: "What expected loss in revenue to the City do you expect in the abolishment of the Household Tax?"

His Worship the Mayor: "It is shown in the Pettier Report on Page 112. \$268,257.00 in 1957."

Alderman Trainor: "That means in 1960 we can expect the residential rate to go up by \$268,000.00 if everything is on the same basis and what will happen in 1959 when we put up residential rates. We are going to have two increases. I think that the residential rates in some cases are low. I am not against residential rates but I think there are residents in Halifax who could stand an increase in residential rates and taxes. Our taxes haven't gone up in the last four or five years except for revaluations in assessment. If we are going to be faced this year with taxes and then next year again because of the fact that we have abolished the household tax, before I could give an honest opinion, I would first like to see the budget."

His Worship the Mayor: "You might miss the session of the House and might have to wait until 1961. You will recover 10% increase on the rate. What was that increase last year?"

City Assessors \$300,000.00.

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Alderman Ferguson: "It isn't so much an increase. It is just that the average person or home owner will be paying the same but they will be paying approximately the same amount of the assessment. Am I correct?"

His Worship the Mayor: "That is right. If a person is living in a rented house the 10% increase will be borne by the landlord and the tenant will pay a poll tax of \$20.00."

Alderman Ferguson: "A person will be paying a much fairer share."

Alderman Dunlop: "The County has done the exact same thing."

His Worship the Mayor: "The County has done it and so has the Town of Dartmouth".

Alderman DeWolf: "Suppose it was impossible to find out just how much they were paying by way of household tax, in other words what is there lost and what is there gained by assessing the same person with poll tax?"

His Worship the Mayor: "In the Pottier Report he had reported it to be a gain of \$158,000.00."

Alderman DeWolf: "He has not investigated what we are proposing to do. What would we lose and what would we gain by the same people paying the poll tax?"

Alderman Lloyd stated that a gain would be made in poll taxes as against the household tax. He further asked if there was any provision made or how much additional tax would be produced.

City Assessor: "Roughly \$150,000.00."

Alderman Lloyd: "If we add the household tax to the poll tax then we would get X dollars. That is 10% of the revenue from residential realty and then add your estimate of poll taxes and as a result of this there will be an increase in rent."

His Worship the Mayor: "This will mean increase in the rent for the tenant."

Alderman DeWolf stated that those persons who are not owners but are tenants would then become poll tax payers and the estimate is about \$150,000.00.

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Alderman Dunlop stated that in some cases the City would lose some revenue because of some older people who were too old to pay poll taxes.

Alderman DeWolf: "Would there be something in the legislation to cover the lien? Would you not need the lien to cover poll tax? Would you not then have the power to recover by lien the same as the household tax?"

City Solicitors: "You wouldn't get a lien on any property. You would have to take out a warrant of distraint in the case of poll taxes."

Alderman Lloyd: "In the first place reference has been made to the Pottier Report because he thinks it is a good thing to have it to some extent and that gives some weight in favor of this Poll Tax Change. I can only emphasize that Mr. Pottier's collective array of recommendations were all inter-dependent upon one or the other. For example you mentioned once tonight about the sales tax and it was also mentioned by the press about the teachers' getting an increase in salary. There are other remedies, a little tougher than perhaps accepting the recommendation of Mr. Pottier's which seems to be fair but I am wondering whether we shouldn't go slow on this recommendation in the light of the Sales Tax made by the Province. When you come to this Poll Tax, and if it is increased, the real estate rentals will also increase in Halifax. Indirectly through the rental charge the tenants are paying the rates for the property. That is a fact and we must accept it as such. They are being asked to not only accept an increase of 10% but also an additional sum of \$20.00 over and above the four and five dollar charge that may be contained in the 10% increase unless the landlords are going to say that they are not going to raise the rentals on the properties. At least the tenant is exposed to that possibility."

The Alderman also stated that if the third tax rate were applied against rented residential property the tenants would be meeting the additional cost in their rent. He continued: "It should be remembered that the thing particularly wrong with the tax structure is what Judge Pottier tried to get it where he suggested a sales tax. I am worried as to what

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happens to the tenants property. If there was a Board of Conciliation to decide if Teachers' Salaries merited a substantial increase this would mean the apparent adoption of a sales tax and on top of a rental increase, plus poll and sales taxes, I think it would be a bit of an imposition on the tenant. About the only argument that can be advanced in favor of the poll tax is that a person living in a small space does not pay enough. I think that we are really trying to solve the problem with this Poll Tax. We don't know the effect of this tax on our budget. If you were to go to the Provincial Legislature and ask for permissive legislation to impose this Poll Tax that might be wise, and might permit the City to levy the tax."

His Worship the Mayor: "Wouldn't that endanger our assessment for the year?"

City Assessor: "The Poll Tax bills don't go out until around May and we must have a list as of February 15."

Alderman Lloyd: "Would we have time if you knew the list in 1960? If we decide to let matters stand as they are for 1960 then the Assessor would have to catch up on the assessed properties because in 1960 they require valuation for household property. If we get permissive legislation we could examine the financial position in the light of current events and then see whether to go ahead with it, and, if so, then the Assessor is better off. If we decide to let matters stand for 1960 then the City Assessor would have to catch up on the household assessments. I can see that the Poll Tax imposes an additional burden on the tenant. Other impositions by way of taxes all indicate that we should use some caution. If we were to get permissive legislation to do this, I might be inclined to support that, but I would have to vote against mandatory legislation."

Alderman Fox: "What is the procedure for Household Tax? How do they collect without the lien?"

City Solicitor: "They issue a warrant of distraint and then a writ. I have to sign every writ that the City issues and we have no problem with real estate because of the lien. Most of the writs are on business, household

OFFICE OF THE CITY SOLICITOR

1959 LEGISLATIONRE HOUSEHOLD TAX LEGISLATION

1. Clause (d) of subsection (1) of Section 14 is amended by striking out the words "household tax" in the third line thereof.
2. Clause (a) of subsection (1) of Section 15 is amended by striking out the words "household tax" in the fourth line thereof.
3. Clause (4) of subsection (4) of Section 15 is amended by striking out the words "household tax" in the third line thereof.
4. Clause (b) of Section 356 is repealed.
5. The heading immediately preceding Section 357 is amended by striking out the words "and household tax".
6. Section 358 is repealed.
7. Subsection (1) of Section 364, as that subsection is enacted by Section 22 of Chapter 60 of the Acts of 1934, is amended by striking out the words "or to a household tax" in the fourth and fifth lines thereof.
8. Subsection (2A) of Section 364 is repealed and the following substituted therefor:

(2A) Any person whose assessment for business tax has been cancelled under the authority of Section 365, and who has ceased to carry on business in the City as provided in subsection (2) of Section 365, and who, in the same civic year, commences again to carry on business in the City, having been relieved of such business tax, shall be liable to be assessed in respect of such business for business tax for the period of the civic year unexpired at the time of his again commencing to carry on business in the same manner as if he had not been previously assessed for business tax for that year.
9. Subsection (1) of Section 365, as that subsection is enacted by Section 46 of Chapter 46 of the Acts of 1944, is amended by striking out the words "or household tax" in the second line thereof.
10. Subsection (3) of said Section 365 is repealed.

11. Subsection (5) of said Section 365 is repealed.

12. Subsection (5) of Section 366, as that Section is amended by Section 10 of Chapter 53 of the Acts of 1956, is further amended by striking out the words "household tax" in the sixth and seventh lines thereof.

13. Subsection (2) of Section 370A, as that Section is enacted by Section 14 of Chapter 57 of the Acts of 1940, is amended by striking out the words "household tax" where they occur in the fourth and fifth lines and in the fourteenth and fifteenth lines thereof.

14. Section 371, as that Section is enacted by Section 5 of Chapter 48 of the Acts of 1944, is amended by striking out the words "No household tax or business tax" in the first line thereof and substituting therefor the words "No business tax or other tax in respect of occupation".

15. Section 372, as that Section is enacted by Section 15 of Chapter 53 of the Acts of 1956, is amended by striking out the words "residential or" in the eighth line thereof, and by striking out the words "household tax or" in the tenth and eleventh lines thereof.

16. Section 375A, as that Section is enacted by Section 5 of Chapter 55 of the Acts of 1955, is amended by striking out the words "and such person shall also be liable to pay a household tax at the rate provided for such tax on ten percent of the said total value remaining after deducting therefrom the value of the portion thereof assessed for the business tax as hereinbefore provided," in the twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth lines thereof.

17. Section 380 is repealed and the following substituted therefor:

380. If any real property is, in part of a residential character or nature and in part of a business character or nature or in part of a character or nature other than residential or business, the Assessor shall determine the value of each such part and the owner of such real property shall be assessed and rated accordingly and the occupiers of the parts other than that which is of a private residential character or nature shall also be respectively assessed and rated in respect of such occupancy.

18. Section 381 is repealed and the following substituted therefor:

381. If any real property occupied for either business purposes or for purposes other than for private residence or for business, is a part only of a property which has been valued as an entirety for the real property tax, the Assessor shall determine the value of such part for the purpose of the business tax or other occupation tax as the case may be in respect of the occupancy of such part.

19. Subsection (1) of Section 387A, as that Section is enacted by Section 5 of Chapter 64 of the Acts of 1954, is amended by striking out the words "household tax" in the third line thereof.

20. Clause (c) of subsection (2) of Section 389 is amended by striking out the words "or residential or other purposes" in the second and third lines thereof and substituting therefor the words "purposes or purposes other than for business or private residence".

21. Section 390 is amended by striking out the words "residential or" in the fourth line thereof, and by deleting the period at the end thereof and by adding thereto the following words "or for purposes other than for business or private residence."

22. Section 391 is amended by striking out the words "or household tax" in the fourth line thereof and substituting therefor the words "or other occupation tax".

23. Section 393 is amended by striking out the words "household tax" in the fourth line thereof.

24. Subsection (2) of Section 409, as that subsection is enacted by Section 12 of Chapter 62 of the Acts of 1957, is repealed and the following substituted therefor:

409. (2) The Commissioner of Finance and Accounts with the assistance of the Assessor shall estimate as correctly as may be the probable amount to be yielded by -

(a) licenses, company taxes and all other special or specific taxes; and

(b) real property taxes yielded by real property taxes on or in respect of the real property subject to the rate determined pursuant to the provisions of subsection (1) of this Section; and

(c) the poll tax and non-residents tax;

and after deducting the amount so arrived at from the total sum required, shall add together the assessed valuations for real property in respect of real property other than that of a residential character or nature and that occupied by the owner thereof for any purpose other than for the purpose of any trade, calling or profession or other calling carried on for the purposes of gain to the extent that such real property is so occupied, and the assessed valuations for the business tax, and fix a rate upon the amount so arrived at of so much on the dollar in respect of all property so valued and assessed, excepting the property described in subsection (1) of this Section to which the rate determined thereunder applies, and will produce the amount required to be raised by taxation, in addition to all other sources of taxation or revenue.

25. Subsection (1) of Section 418A is amended by striking out the word "household" in the sixth line thereof.

26. Section 440 is amended by striking out the words "or a household tax" in the second line thereof.

27. Section 440A is amended by striking out the words "or household tax" in the third line thereof.

28. Section 61 of Chapter 51 of the Acts of 1942 is repealed.

29. Section 2 of Chapter 74 of the Acts of 1945 is repealed.

30. The foregoing Sections shall come into force on the first day of January, 1960.

EXPLANATION: The effect of the foregoing Legislation is to eliminate the words "household tax" and any provisions regarding the same, which are presently in the Charter. These Sections will not come into effect until the first day of January, 1960.

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and poll taxes and that is where all the writs come from. Regarding permissive legislation to abolish the household tax, it is tied up with many sections of the Charter. You will have to amend 30 sections of the City Charter. It is also tied up with the qualifications of the Mayor and the Aldermen."

Alderman O'Brien: "Alderman Lloyd was speaking about the position of the tenant in the light of this proposed change and he felt concern about the tenant's difficulties in the City of Halifax and I think we should suggest to tenants, in addition to this proposal, that we examine our household tax as to the amount they paid last year and divide it by twelve. If they paid rent and put on repairs, you would say to your landlord that this increase is the result of action of Council, as we are not levying this between poll tax and five or six dollars household tax. That is fifty cents more a month that the rent could be increased and the answer to the problem is not in us trying to adjust our taxation principles in order to keep the rent down. His problems are related to a solution to having problems in the City whether temporarily by rent control or in the long range by more low-rent housing. There lies the solution to the tenant's problems and not in us trying to protect him by retaining the old taxation system which seems to me that we should go ahead with this particular proposal and I can't see postponing any change suggested by Judge Fozzler because we are not ready to adopt all the changes that he suggested. It will be a while before we are able to adopt all of his proposals, but we are going to need some help, I think, this year and next year, which we can get from some of these proposals of the Finance and Executive Committee."

The motion was put and passed 11 voting for the same and 1 against it as follows:

FOR THE MOTION: Aldermen Fox, Ferguson, Trainor, Wyman, Connolly, O'Brien Greenwood, DeWolf, Abbott, Dunlop and Lane - 11 -

AGAINST IT: Alderman Lloyd - 1 -

Draft Legislation was submitted by the City Solicitor to amend thirty sections of the City Charter to abolish the Household Tax. A copy of the legislation is attached to the original copy of these minutes.

Moved by Alderman Dunlop, seconded by Alderman Greenwood, that the legislation as submitted be approved. Motion passed.

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THAT THE PRESENT POLL TAX OF \$20.00 BE CONTINUED

Alderman Lloyd suggested the word "rate" should be inserted after the word "Poll Tax". It was agreed to make this change.

Alderman Lloyd: "What about the matter that I raised the other day at the Finance Committee regarding the Service Personnel? Would there be any problems in connection with that?"

His Worship the Mayor: "I understand from the inquiries I have made and the ones we are going to make in Ottawa, that Poll Tax is being levied elsewhere on Service Personnel."

Alderman Lloyd: "It is being levied not only elsewhere but in a double barrel fashion in the County."

His Worship the Mayor: "Yes."

Alderman Lloyd: "I had a call from one of the members of the Air Force who lives in a Residential property. Crown property of Residential dwellings and he is liable for what was the equivalent to the Household Tax when it was in effect. Personal Property Tax and Poll Tax besides. He was raising some considerable question about this matter and when some publicity was given to these observations made in the Finance Committee it evoked some comments from offices of the Armed Forces. If you are going to follow the policy of being consistent with the County and Town of Dartmouth, you are going to have to examine their tax measures. We may not want to follow their policy but I think you should certainly take a look at the tax policy of the County. The reason I say that is that the Armed Services Personnel were indicating that if they have to pay taxes as married personnel in barracks on Crown property provided for them, that they should be put on the same basis as a single man in barracks and that some adjustment be made with them or even the term "grant" be used and some grant be made to equalize this tax liability; and I offer the suggestion to you that further discussion with Armed Service Personnel will bring it out more clearly than I can do tonight."

His Worship the Mayor: "We made arrangements to meet the Armed Services and we will discuss this matter."

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Alderman Lloyd: "The Municipal Grants Act has certain limitations which they can deal with."

His Worship the Mayor: "In Ottawa we will discuss this matter with the appropriate officials."

Alderman Lloyd: "Well when you come home you can further explore what is done in the County on this particular matter. There are so many inconsistencies and we may find ourselves, for example, if we are not careful, in losing some of the revenue we talked about collecting tonight."

Alderman Dunlop: "The City Solicitor should look at our Poll Tax. If a person is assessed for real property, they don't have to pay a Poll Tax." He suggested a minimum assessment so that a person would not be able to evade Poll Tax because of a very small assessment for land would and pay perhaps \$10.00 for the year. "I would suggest that the Solicitor look at the provision of the Assessment Act, Chapter 20, 1958 to see how it compares with ours. It might perhaps be brought forward as it is spelled out more clearly there than in our Charter."

City Solicitor: "On that point, I want to point out to you an anomaly in the Charter. Under Section 366 if I come in and become a resident of the City of Halifax on the 16th day of December, I am not liable for Poll Taxes."

His Worship the Mayor: "If you come into Halifax on the 20th of December 1958 you are not liable for Poll Taxes in 1959."

Alderman Lloyd: "If you come from where?"

His Worship the Mayor: "Outside of the County."

City Solicitor: "If you are not a resident before the 16th of December."

Alderman Lloyd: "If you come from outside the Province you would go double barrel the other way."

City Solicitor: "Then we have a non-residents tax."

Alderman Lloyd: "They have a non-residents tax and they have to pay a household tax as well."

His Worship the Mayor: "That would be acknowledged when the tax came due."

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City Solicitor: "The County has check offs for some years and they had inquiries."

Alderman Lloyd: "Your Worship, I mentioned that but I think that without your check-off that is part of your other recommendation. Without your check-off, you are really in trouble with your poll tax."

His Worship the Mayor: "Not necessarily."

Moved by Alderman Lloyd, seconded by Alderman Dunlop, that the present poll tax be continued. Motion passed.

That legislation be secured at the next session of the Legislature whereby employers would be required to deduct the Poll Tax of \$20.00 from employees salaries or wages whose incomes are at the rate of \$1200.00 per annum and that provision be made for refunds in cases where this amount is not earned in a year.

Alderman Abbott: "I represent a Ward that likely has the largest number of poll tax payers in the City with the exception of Ward 6. I have had a number of calls from polltax payers, not objecting to the \$20.00 tax, but to the exemption of \$1200.00 is not high enough. After listening to them I am inclined to agree with them that it should be \$1500.00. \$1200.00 is low and it is a hardship to people earning this low wage."

Alderman O'Brien: "What is the minimum wage in Nova Scotia?"

Alderman Dunlop: "\$1000.00 in the Assessment Act."

Alderman O'Brien: "I think it is low, too. I don't feel that people with that low an income should be paying poll taxes and I don't think there are too many steadily employed people at that rate per annum."

Moved by Alderman Abbott, seconded by Alderman Lane, that the exemption for poll tax purposes be increased from \$1200.00 to \$1500.00.

Alderman DeWolf: "The tenant who has an income of less than \$1500.00, does he pay a poll tax?"

His Worship the Mayor: "No."

Alderman Ferguson asked what provision has been made under the proposed set-up for collecting poll tax from a person who is not a wage earner.

His Worship the Mayor: "None, according to the Act."

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Alderman Ferguson: "What change would have to be made to bring them under the Poll Tax Act?"

His Worship the Mayor said that the wording of the Act would have to be changed.

Alderman Ferguson: "There are two problems. There is the simple problem of changing the wording; and the second is the complicated problem of collection. How would you get your assessment? Would you assess everybody? There are a number of people of fair means who don't have earned income but have investment income which might amount to much more."

His Worship the Mayor asked the City Solicitor if it would be possible to assess a poll tax against persons whose income is not earned income, that is one who is in receipt of investment income only.

The City Solicitor said that they could not be included as they pay income tax on their investment income.

Alderman Lloyd disagreed and contended that a personal property tax can be levied in Nova Scotia, and that a flat amount of tax such as a poll tax against investment earnings is permitted under the Assessment Act which tax could be based on an estimate of the income.

Alderman Dunlop then read a Section of the Assessment Act and said: "We have got to revise our whole Poll Tax legislation and I would suggest we adopt what is in the Assessment Act."

Alderman Lloyd: "Unless you do that you will have an inconsistency." He then asked if the wife of a wage earner who has investment income of her own would be liable for the Poll Tax.

His Worship the Mayor: "Yes."

Alderman Lloyd said it was his understanding that the Finance and Executive Committee intended that salaries and wages would be the 'yard stick'.

His Worship the Mayor: "I didn't know that a person with investment income didn't pay Poll Tax."

Alderman Lane: "They are the persons not otherwise assessed."

Alderman Lloyd: "The Act ties salaries and wages to it, only."

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Alderman Ferguson: "A number of these people are now assessed under the Household Tax. Now, if you do away with the Household Tax, they will charge a Poll Tax. Unless it picks up all those not otherwise assessed, you are going to lose the people who have no earned income. It hasn't been the practice to collect from them. The City Solicitor should cover all of that in the re-drafting."

His Worship the Mayor: "We have changed the exemption. Are you agreed to the check-off?"

Alderman Wyman: "This particular question (Item #3) has been the subject of a public hearing and I believe that no objections were expressed; is that correct?"

His Worship the Mayor: "That is correct. We had support from a large number of merchants, the Board of Trade and individual large business corporations."

Alderman Lloyd: "Without the check-off we will lose revenue and the tax collection effort will be more effective. There will be difficulties. People with rented properties will put up the argument that there should be an allowance for depreciation."

His Worship the Mayor: "Isn't the Assessor, in making his assessments supposed to make an allowance for depreciation?"

Alderman Lloyd: "If the Assessor made depreciation allowances in the same manner as the Income Tax Department does, there wouldn't be much left to assess."

His Worship the Mayor: "We should also make a change with regard to the allowance for a person living in which has been set at \$500.00."

City Solicitor: "When the poll tax exemption was \$750.00 the living allowance was \$300.00, then it was raised to \$500.00. It really should be \$625.00."

Alderman DeWolf: "Is this to apply to income from all sources?"

His Worship the Mayor: "That is right."

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Moved by Alderman Lloyd, seconded by Alderman Ferguson, that legislation be sought whereby employers would be required to deduct the Poll Tax of \$20.00 from the salaries or wages of the employees whose incomes are at the rate of \$1500.00 or more per annum; and that the City Solicitor draft the legislation so as to render liable for Poll Tax any person whose total income from all sources is \$1500.00 or over; and that the living allowance be increased from \$500.00 to \$625.00.

Alderman Lloyd: "Quite a number of persons have properties held jointly which gives a voting right to the wife. In some instances to the wife and husband both by virtue of them both being taxpayers. In some instances the property has been held by one and it has not always been too clear as to whether the other should pay unless they are earning income. Do we get into any difficulties there, where we change the voting right? I think that if this legislation passes, you should clarify it. Why have all this cumbersome machinery of qualifications of voters when you have practically extended your taxing to such a degree that you might as well extend the universal franchise which only applies to people over twenty-one years of age, anyway."

His Worship the Mayor: "You can save all these arguments for the time when we debate that issue."

Alderman Lloyd: "I say that this is imperfect legislation at the moment, as it stands, until those things are done."

The motion was then put and passed.

4. That the Fire Protection Rate be continued as at present.

His Worship the Mayor: "Judge Pottier recommended that the Fire Protection Rate be incorporated in the Residential Rate. That imposed certain difficulties, one of which was imposing the Fire Protection Rate on Federally exempt properties."

Alderman Lloyd: "And other exempt properties."

His Worship the Mayor: "And other exempt properties such as churches schools and others."

Alderman O'Brien: "Before this is passed might I ask why the Finance and Executive Committee considered that this was not covered by the wording

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of the Judge's recommendation where he said Fire Protection Tax should be abolished except in the case of totally exempt real estate assessment?"

His Worship the Mayor: "In other words we would collect from all properties this amount to be paid to the Public Service Commission. We would have a special tax in effect on exempt properties and I doubt very much if we could enforce that one. We are only collecting because it is a levy on all properties."

Alderman Lloyd: "Before you change that I think you should explore this matter of rating through the Water Utility."

Alderman Wyman: "Is there no way in which that Fire Protection Rate could be absorbed in the cost of the Public Utility Board so that it does not have to be collected in this way?"

His Worship the Mayor: "It is not a utility charge against the consumer. As I understand, it is the rate charged the City of Halifax for the purpose of supplying water main for the purpose of fighting the fires and it is chargeable to the properties rather than to the consumer. I think it is a matter to explore".

Alderman Lloyd: "There hasn't been any violent re-action to the proposals made at different times as to the cost of maintaining and constructing sewers should be part of the Utility System charge."

His Worship the Mayor: "I think it would be much lower to handle if you had the sewer operation under the Public Service Commission. Concerning this matter we are not by any means finished this tonight. We are not going to finish discussion or study of tax proposals or changes tonight."

Alderman Lloyd: "I think we are open to any other suggestions."

Moved by Alderman Lloyd, seconded by Alderman Trainor, that the Fire Protection Rate be continued as at present. Motion passed.

6. That legislation be secured at the next session of the Legislature enabling the City to impose a Deed Transfer Tax of one half of 1% on transfers of real property in the City. Such tax to be paid by the vendor.

His Worship the Mayor: "I understand the last sentence makes it very difficult to collect because unless it is paid by the purchaser it is going

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to be conflicting with the Dominion-Provincial Tax Agreement. To be a direct tax it must be paid by the purchaser."

Alderman DeWolf agreed and contended that the City would be unable to collect the tax if the vendor leaves the City.

The City Solicitor said he had secured copies of Acts in force in different parts of the United States and also discussed the question of a Deed Transfer Tax with members of the Attorney General's Department of the Province. In the U.S.A. the Registrar of Deeds cannot record a deed unless there is a certificate stamped on it to the effect that the tax has been paid, and he continued: "I thought I could get legislation to give the City authority to do it by Ordinance but it has to be an Act, and to do that we must say that the Registry Act is ineffective, unless there is that Certificate. On that same point -- are these certificates, as to the value, to be open to the public? It is paid on the selling value -- not on the assessed value."

Alderman DeWolf said that the Committee had decided on the assessed value for the reason that many properties are purchased on a low down payment and the purchaser had to pay a bonus for the loan of money rather than the true value of the property.

His Worship the Mayor: "In the Committee it was agreed that it should be based on the assessed value and the reason was given that at least we are supporting our assessments, and it was easier to prove the value."

Alderman Lloyd: "I look upon this Deed Transfer Tax as serving two purposes. First of all on the question of constitutional matters, if you levy it on the person whom it is intended should pay it, you are not getting into indirect taxation."

His Worship the Mayor: "The recommendation was that it be put on the vendor, and you run into conflict there, because it would be an indirect tax."

Alderman Lloyd said that he had been reading some constitutional law and in an effort to find a definition of a direct tax and indirect tax he had arrived at the following conclusions:

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"The best we can get out of it is that the tax that is paid by the person whom the taxing authority intends shall pay it, is a 'direct tax'. If that is so, if you put it on the person who pays it, that's it. If you put it on the vendor and it is your intention that the vendor shall pay it and you see that he pays it and you bill him and collect from him, then I think it is a tax within your powers. I would not like to say that is ultra vires the Province's powers to give us that legislation at this stage. I would hesitate at the moment in stating that you couldn't put it on the vendor because of the constitutional difficulties". He said that Judge Pottier in calculating his revenues estimated that the Deed Transfer Tax would produce between \$200,000.00 and \$300,000.00 in taxes per year, and he continued: "If there is any justification for a Deed Transfer Tax at all it is to serve two purposes to a City. The purpose of revenue derived from enhanced values of properties, particularly in an inflationary period by the sum total of City arrangements in zoning alone, and a number of other things, we do tend to give higher economical values to real property. Now, the other purpose to be served is sales information for your assessment department which is extremely difficult to obtain; and, while it is not so stated by the Commissioner, I would find it hard to be convinced that he didn't intend that that was to be a source of sales information for our assessors in defending assessments in the Appeal Court."

Alderman Lane said that Judge Pottier said the rate most frequently found is one percent of the sales value.

Alderman Lloyd: "He did not say that this sales information is of value to the Assessor in defending his assessment against appeals." And he said that there was no reason why the City could not demand that information if a employer is to be required to disclose salaries and wages paid for Poll Tax purposes.

His Worship the Mayor said that Alderman Lloyd had raised an interesting point; and he referred to the case of a certain piece of property which Council had rezoned recently and the property was offered to a national company at a considerable higher value than the assessed value, and he contended that

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if the assessed value were to apply in the case of the Deed Transfer Tax, the City would get about one-eighth of the tax revenue that would be obtained if actual value were used.

Alderman Lloyd: "There is no merit in it unless you do."

City Manager: "Could I urge that you use the Sales Value." He referred to the fact that some appellants at the Tax Appeal Court have considerable knowledge and information concerning sale prices of various properties and the City Assessor is sometimes placed at a disadvantage through no fault of his own, in not having this information. He contended that while the assessments are as near 100% of actual value as they could possibly be, the City is entitled to the information regarding sales prices to enable the City Assessor to keep his assessments alive.

Alderman DeWolf contended that the value of a house sold on terms is not the same as the value of a house sold for cash, and that residential houses sold on a small down payment are sold for anywhere from ten to twenty five percent more than those sold for cash, and the purchaser of a house with a small down payment is penalized not only in the purchase price but he would be further penalized if the Deed Transfer Tax is not applied to the assessed value.

Alderman Ferguson said that one of the cardinal principles which should be applied in making appraisals where it involves registered sales is to examine the conditions of the sales and because a sale is concluded at an exaggerated value it is not necessarily established to be the actual value and such cases require examination and adjustment for certain terms. He contended that the sale figures for properties should not be taken indiscriminately to be the true value and in the case where there are more than one mortgage the actual true market value will be less than the figure for which it sold.

Alderman Dunlop: "I think the idea of putting it on the purchaser is all wrong. I think that is the Judge's thinking on the matter. I think that his reason for putting the tax on is that property in Halifax is

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depreciating in value and by reason of that, the person who makes the profit as most people have made profit should contribute something for that. Actually, the system of having an affidavit with the deed is quite a common system in the Western Provinces.

"It isn't a heavy tax and it should be paid by the man who is selling the property, and the observation that it is of value to the Assessor is an important thing. When we went to get a property for the incinerator we were asked for \$88,000.00 for a property that was reduced by the Tax Appeal Court to a much lower value."

Moved by Alderman Lloyd, seconded by Alderman Abbott, that legislation be secured at the next session of the Legislature enabling the City to impose a Deed Transfer Tax on the sale price negotiated between the purchaser and vendor of one-half of one percent on transfers of real property; such tax to be paid by the vendor.

Alderman Lloyd said it should be borne in mind that dealers in real estate, (other than registered real estate operators) are not paying any business tax to the City and it would be a form of tax, taxing their right to trade in the City.

Alderman O'Brien: "Earlier this evening Alderman Lloyd spoke about these values or amounts in the budget that the Judge proposed we could gain by these changes, and in this case he suggested \$250,000.00 based on a one percent tax, and this is a proposal for one-half of 1%. I recall after the report was published I was asked to take part in a panel discussion at which the President of the Real Estate Board was present and he indicated support for this as well as other major proposals; and when we held our public hearing on these proposals a few weeks ago Mr. Malcolm Gilman, speaking on behalf of the Board of Trade, asked why it was dropped from 1% to one-half of 1%, and he implied that there would be support from the body for the 1%.

"I like the idea of putting the tax on the vendor and on the sale price but I would also like to see this motion for one percent rather than one-half of 1% because I think we could do it and there would be support from a larger proportion of the taxpayers for this move."

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Alderman Lloyd: "I feel that this is a principle rather than a rate at this stage; and it is impossible to estimate the revenue from this tax and because there may be a substantially higher volume of revenue than has been projected by the Judge and we don't know until we have had some experience with it and for that reason since there seems to be agreement on the one-half percent and those of us who are in favor of it have yielded that far, we would like the others to go along with us on the sale price and the amount being charged against the vendor."

Alderman Greenwood asked when the new tax would go into effect.

His Worship the Mayor: "January 1, 1960."

Alderman Lloyd said he would amend his motion that the tax become effective on the passing of the Act by the Legislature and Royal assent is given thereto; and that the City Solicitor draft legislation ensuring that this motion of Council will be effectively carried out.

9.30 p.m. Alderman Dunlop retires.

The City Manager asked if a property is transferred from husband to wife for the nominal sum of \$1.00 would the tax apply.

Alderman Lloyd: "That is a pertinent question. Where there is a transfer between husband and wife, there is not a negotiated sale between people at arm's length. For the purpose of the Gift Tax the same expression is used by the Income Tax Department, and the fair value of the property is always established on such transfers."

His Worship the Mayor: "What about a property being transferred by will? Is that covered, or not? I don't think we intended to apply the Act where there are transfers by Deed of Gift."

Alderman Lloyd: "It doesn't serve the purpose. I think some provision should be made in the legislation and I think the City Solicitor can find some wording to cover us on that point."

His Worship the Mayor said there is also the question of tenants in common.

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Alderman Lloyd with the consent of his seconder, added the following to his motion:

"This tax shall not apply in the case of transfers of property conveyed by will or under the Descent of Property Act or by way of irrevocable gift."

The motion was put and passed unanimously, the following members of Council being present and voting therefor: Aldermen DeWolf, Abbott, Lane, Ferguson, Fox, Lloyd, Trainor, Connolly, Wyman, Greenwood and O'Brien.

7. That the present system of collecting Franchise Taxes be continued but kept under continuous review.

His Worship the Mayor: "This item is still under study and now Mr. DeBard is away getting information and all these taxes must be continued under review and we are doing that right now."

Moved by Alderman Lloyd, seconded by Alderman Ferguson, that this matter of collecting Franchise Taxes be continued but kept under continuous review. Motion passed.

8. That the present system of collecting fines and fees be continued as at present

Moved by Alderman Connolly, seconded by Alderman Wyman, that the present system of collecting fines and fees be continued as at present. Motion passed.

9. That no change be made in the taxation policy regarding religious, educational, fraternal, philanthropic and similar institutions and/or organizations.

Moved by Alderman Ferguson, seconded by Alderman Fox, that the above item be approved. Motion passed.

10. That the Zoning By-Law be amended to provide for a fee of \$5.00 from applicants to rezone or modify any of the provisions of the Zoning By-Law. The City Clerk shall notify the applicants of the time, date and place of hearing of such rezoning or modification.

Moved by Alderman Lloyd, seconded by Alderman DeWolf, that the fee be raised to \$10.00 and that the item be approved. Motion passed.

(Re License fees, etc.)

1. Subsection (1) of Section 495A, as that Section is enacted by Section 21 of Chapter 65 of the Acts of 1937, and amended by Section 15 of Chapter 58 of the Acts of 1938, is further amended by striking out the words "three hundred" in the twelfth line thereof and substituting therefor the words "five hundred", and by striking out the word "fifty" in the fourteenth line thereof and substituting therefor the words "one hundred", and by striking out the words "three hundred" in the nineteenth line thereof and substituting therefor the words "five hundred".

EXPLANATION: This Section deals with a person who sells goods, wares and merchandise by means of pedlars employed by such person. Under the present Section the license fee cannot exceed \$300.00. This is being changed to \$500.00. Each pedlar employed by such person at present pays a license fee of \$50.00 and this is being increased to \$100.00. However, at the present time, if such person pays a business tax of not less than \$300.00 neither he nor his pedlars are required to pay a fee. The qualification of \$300.00 is being increased to \$500.00.

2. Section 510B as that Section is enacted by Section 10 of Chapter 55 of the Acts of 1936, is amended by striking out the words "which is published or which is to be published in the City of Halifax" in the fifth and sixth lines thereof.

EXPLANATION: Under the present section a person can canvass for advertisements and not pay a license fee if the publication for which he is canvassing is not published in the City of Halifax. The amendment requires him to have a license irrespective of where the publication is published.

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3. Subsection (2) of Section 497 is amended by striking out the words "twenty-five" in the sixth line thereof and substituting therefor the word "fifty".

EXPLANATION: At the present time the license fee for bill posting is \$25.00 unless the Council by Ordinance changes it. It has been suggested that this be raised to \$50.00 and the present amendment carries this suggestion into effect.

4. Section 495B as that Section is enacted by Section 16 of Chapter 58 of the Acts of 1938, and as amended by Section 15 of Chapter 55 of the Acts of 1939, is further amended by striking out the words "three hundred" in the eleventh line thereof and substituting therefor the words "five hundred".

EXPLANATION: This Section deals with transient traders who occupy real property for temporary periods and are not assessed. The present fee is not to exceed \$300.00 and the suggested amendment is to make this \$500.00.

5. Subsection (1) of Section 790 is amended by striking out the period after the word "Inspector" in the sixth line thereof and adding thereto the following words "and the fee for such permit shall be the sum of twenty-five dollars".

EXPLANATION: Under the present Section no engine, dynamo, boiler or furnace for any purpose other than domestic heating can be placed in a building used for dangerous purposes without a permit from the Inspector. Up to the present no fee has been charged for this permit and it is suggested that a fee of \$25.00 be imposed.

6. Subsection (2) of Section 598 as amended by Section 14 of Chapter 54 of the Acts of 1944, is further amended by striking out the word "fifty" in the fourth line thereof and substituting therefor the words "one hundred".

EXPLANATION: The present Section gives the owner of real property the right to connect up to a City sewer at a fee of \$50.00. It is suggested that this fee be increased to \$100.00.

7. Clause (a) of subsection (9) of Section 283 as that Section is enacted by Section 38 of Chapter 46 of the Acts of 1944, is amended by striking out the words and figures "One Dollar (\$1.00)" in the sixth line thereof and substituting therefor the following: "Five Dollars (\$5.00)".

EXPLANATION: At the present time the City Collector issues a certificate showing all the taxes due on a property and any betterment charges that have been incurred but are not yet assessed. This certificate is binding on the City and for such certificate the present fee is \$1.00. It is suggested that this fee should be raised to \$5.00.

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THAT PERMIT FEES BE CONTINUED AND LICENSE FEES INCREASED AS SHOWN IN SCHEDULE
DATED MARCH 25, 1959.

His Worship the Mayor: "Could we first of all deal with the ones not covered by Ordinance; for instance there is only a number of these that we must deal with on the basis of time."

It was agreed to consider those items which require legislation.

Draft legislation as prepared by the City Solicitor, a copy of which is attached to the original copy of these minutes, was considered item by item.

PEDLAR'S FEE - FEE FROM \$300.00 to \$500.00

City Solicitor: The first one carries on the business of selling as if a person carries on a business of selling and does not pay the increase in taxes, his increase would be from \$300.00 to \$500.00 and the individual pedlar would be increased from \$50.00 to \$100.00. In other words this covers the people from outside coming with ten or fifteen people and they cover the City without a license and peddling different things and when they are through they leave."

Alderman Lloyd: "I think we have clearly decided the question of delivery and a place from which goods were prepared and the goods were to be delivered to points such as construction places."

His Worship the Mayor: "The Solicitor has ruled in that case."

Alderman Lloyd: "He has ruled in that case that they would not be subject to any license."

His Worship the Mayor: "No more perhaps than a man who runs a fried chicken establishment. You have phoned in an order and it was delivered to your home by his van. In other words a man is coming on your premises."

Alderman Lloyd: "But technically under the law he is carrying on the business of selling goods."

His Worship the Mayor: "Not under the words of the hospital tax."

Alderman Lloyd: "He is liable for the sales tax and ~~that~~ is the joker because there are two ways he can do it: (1) the food can be prepared at a place at which he is an employee and may deliver

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That was the simple illustration that you gave or the food can be prepared and he acts as a contractor with the supplier of the cooked foods and he gets them at a price, and for a margin he sells them at the retail price to the consumer by pre-arrangement of course. He doesn't go ringing on door bells."

His Worship the Mayor: "This isn't the same one as it isn't covered by this here."

Alderman Lloyd: "I have always been a little afraid of the wording. Another case was that these were sales to be made of a product from the home and they could do it all by telephone. Would they be pedlars in that case and would they have to be licensed?"

City Solicitor: "No. There is another section dealing with that."

Alderman Lloyd: "Would they then be charged for business tax?"

City Solicitor: "If the City Assessor knew of it."

Alderman Lloyd: "If he knew that they were carrying on a business."

His Worship the Mayor: "We usually detect it though. I know one time a woman was running a catering service for small parties and no tax was levied because she was living in a church hall and it was reported to the City Assessor and she was taxed on a business tax because she was using her home as a place of business."

Alderman Lloyd: "This would apply to magazine salesmen. There is something in your legislation with respect to Publications. You have the wording, 'publications whether published in Nova Scotia or anywhere?'"

City Solicitor: "The present section is if the publications were published in Truro the salesman could walk around Halifax and canvass every place here and he doesn't need any license."

Alderman Lloyd: "The publication of a television show in Halifax put over C.B.C., would that be a publication?"

City Solicitor: "If he is canvassing for advertisement, yes."

Alderman Lloyd: "In all sincerity I was wondering about the wording. I didn't have the revised charter in front of me and I want to know if it is tied down to canvassing for some particular thing?"

His Worship the Mayor: "We are dealing with another matter."

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Alderman Lloyd: "This applies only to persons who are peddling goods and wares and merchandise from door to door."

Alderman Lane: "Does that mean who ring your door bell and offer you something with no price on it and expect you to give them something for it?"

City Solicitor: "No."

Alderman Lane: "I am not talking about shoe laces. I am talking about publications."

City Solicitor: "I am, for example, a representative from the Aluminum Company of Canada. I come down here and I call up and advertise for ten different people and they come to me and I say, you go out from door to door and sell these pots and I will give you a half dollar on every pot. That is peddling by means of pedlars. I don't do any peddling myself. I just hire a staff to go out and that is what this section contemplates and this has been done quite often. We thought if we raised the fee from \$300.00 to \$500.00 we could almost prohibit them from coming in here at all."

His Worship the Mayor: "It is unfair competition."

Alderman Lane: "It is unfair competition and a nuisance."

Moved by Alderman Lane, seconded by Alderman Lloyd, that the item be approved. Motion passed.

CANVASSING FOR ADVERTISEMENT.

City Solicitor: "I can come from Truro, canvass for advertisement as long as I print the thing in Truro, I don't need a license."

His Worship the Mayor: "A great many publications are being published that way."

City Solicitor: "I would like to cut out those words."

Alderman Lane: "Does that include school books and things?"

City Solicitor: "It does."

Alderman Lane: "That is going to have a serious effect on some of our high schools."

City Solicitor: "It is hard to draw the line."

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Alderman Lane: "I think there should be exemptions for things like that. They are an adventure in journalism for a lot of the youngsters and they can't publish these books without the support of advertisers to help pay the cost of publication and I do feel that some thought should be given to certain exemptions."

City Solicitor: "May I suggest that you amend subsection 4 of Section 510-B."

Moved by Alderman Lane, seconded by Alderman Ferguson, that Subsection 4 of section 510-B be amended by putting in the words, "for any year book published for any high school or university." Motion passed.

BILL POSTING

Moved by Alderman Abbott, seconded by Alderman DeWolf, that the above item be approved. Motion passed.

TRANSIENT TRADERS

His Worship the Mayor: "This is a case where a man comes in and rents a room perhaps at the Nova Scotian and sells rings, fur coats or anything of a high value which he could bring in. This is just to prevent unfair competition."

Alderman Trainor: "How is this enforced?"

His Worship the Mayor: "It is enforced by our City Assessor watching advertisements in the paper."

Alderman Trainor: "You should almost have an inspector at the air-port to get the plane loads of Commercial travellers that come in here in the morning and leave by night."

Alderman O'Brien: "If the police checked the hotels they might have a look at the sample room."

His Worship the Mayor: "This is transient traders dealing in retail."

City Solicitor: "They even hire warehouses for a month."

Alderman Lloyd: "Could we just examine your legislation on this?"

His Worship the Mayor: "How would you distinguish between a man or Commercial traveller representing a recognized business establishment and he comes down here using the sample room taking orders only?"

City Solicitor: "We have a different section altogether for that."

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Alderman Lloyd: "This fellow will be caught under the sales tax, he will have to have a license to sell."

City Solicitor: "This transient trader is a person who occupies real property and has not been assessed by the City for a business tax. In other words, I come in and I take a warehouse for a week, fill it and sell it."

Alderman Lloyd: "In British Columbia when there was some resistance to collecting the taxes, the license was just cancelled and they couldn't sell."

The City Solicitor read the definition of transient traders.

Alderman Lloyd: You want to be careful that nothing applies to a person coming say from Musquodoboit into the City and opening a shop and who has every intention of carrying on business. They haven't been here for 12 months but they are liable for a business tax and perhaps a property tax since they bought a property."

His Worship the Mayor: "Can't they apply for a special assessment to become tax payers?"

Alderman Lloyd: "I want to be sure of this legislation but it probably does."

His Worship the Mayor: "When someone enters into a trade in Halifax it is up to him to register for a tax, if not, he will have to pay a penalty."

City Solicitor: "The one you are talking about we have another section for. He then read the section."

His Worship the Mayor: "I still can't see the exemption for a man who is representing an established house where there will be kiddies' togs of Ottawa or a smart dress shop of Montreal comes in here and sells to the trade wholesale. The people go down and examine the samples and place an order for so many dresses. He needs a license. I think we should include in our legislation the condition that a person coming in selling to local merchants for resale this section should not apply."

Alderman DeWolf: "He is a convenience to them"

Alderman Trainor: "I had in mind these transient traders. Take for example, business machines. I think we possibly have a firm that I know of."

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Accounting machines which are possibly worth five to ten thousand dollars depending on the size, take for example I.B.M. and National Cash. There may be another third firm in Montreal hear of something coming off in Halifax. He gets out on a plane in Montreal in the morning, is here at noon, comes down and has no overhead, no expense. The only expense that he has is what he pays T.C.A.. He entertains some people and get the order, goes out on the night plane and that is all we see of him."

His Worship the Mayor: "He is making a direct sale as distinguished from the other men as middlemen and must have a license. He must have a license under legislation."

Alderman Trainor: "If there was a manufacturer's representative in the City of Halifax paying a business tax, and so on, and if the transaction was challenged through that man in the City, I, myself, can see nothing wrong with it, but when you get individuals leaving Ontario and Quebec, coming down here day after day; those are the fellows that we should get after."

His Worship the Mayor: "Under the existing legislation, if a man comes in and takes an order, sells to the trade and they in turn retail through their own establishments, we would tax that man, wouldn't we?"

City Solicitor: "Yes. He must have a license. I will give you an example. I come from Quebec with a load of samples. I sell about a hundred suits around here and I don't pay for a license."

Alderman Lloyd: "That is the man who is selling direct to the consumer."

City Solicitor: "He is only taking orders."

Alderman Lloyd: "He is still taking orders for delivery. That is what this section says and that is all you have to deal with."

His Worship the Mayor: "Sales to a retailer and a distributor are not subject to license, they don't require a license as far as the Council is concerned. All we want your legislation to apply to is direct sales to consumers by persons non-resident."

Moved by Alderman Lloyd, seconded by Alderman Trainor, that the rate under this section be raised from \$300.00 to \$500.00 and the City Solicitor draft legislation to make the amendments to protect the members of the trade.

Motion passed.

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PERMIT FOR BOILERS.

City Solicitor: "We have never had a fee for this before and yet the Inspector is obliged to go and inspect the premises and make sure it is safe."

Alderman Wyman: "How do you define a building used for dangerous purposes?"

Alderman Lloyd: "I can define one. There has been a man in Ward 5 calling me on several occasions and he considers the smoke coming out of Chebucto Head School extremely dangerous. I have assured him, however, that we have a very aggressive "Smoke Nuisance Committee" and he considers it dangerous but I am sure that isn't what you meant, but I think it is a good opportunity to bring it to your attention."

The City Solicitor answered Alderman Wyman's question by reading that particular section of the Charter.

Alderman Connolly: "Would that include dry-cleaning plants?"

City Solicitor: "No. Dry cleaning is not mentioned here."

Alderman Connolly: "What Inspector does the City Solicitor refer to?"

City Solicitor: "Inspector of Buildings."

His Worship the Mayor: "We want to make sure they are inspected. There is some kind of a check-off system, which must be posted stating that the Inspector has called at a certain time. Even if he is not qualified to go in there and check to see if it has been inspected or not. To see if it has elapsed for some time, he can report the matter to the Chief Inspector and see that it is done."

Alderman Connolly: "I know of one place where a high pressure boiler was put into this plant in the City and the owners of the plant didn't know it had to be inspected by the Provincial Government Authorities when it was installed."

His Worship the Mayor: "In that case our Inspector would pick it up."

Alderman Connolly: "The Building Inspector wouldn't do it and I would say the ordinary building inspector is mostly a carpenter. Most of our Inspectors are carpenters and they wouldn't know too much about steam."

Commissioner of Works: "Actually there should be a Public Hearing before any high pressure steam is installed in a building."

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His Worship the Mayor: "Do our regulations call for that?"

Commissioner of Works: "We tie in very closely with the Department of Labour."

Moved by Alderman Connolly, seconded by Alderman O'Brien, that Item 5 of the legislation be approved. Motion passed.

PUBLIC SEWERS

City Solicitor: "That is the case where somebody has his own sewer and the present fee is fifty dollars and that is to be increased to one hundred dollars."

Alderman Lloyd: "This \$50.00 was related to our old rate in 1931. We have upgraded our rates and it is reasonable that the rate should be related to the increase rates."

His Worship the Mayor: "This is the fee payable when the connection is made."

Moved by Alderman Greenwood, seconded by Alderman O'Brien that Item 6 of the legislation be approved. Motion passed.

TAX CERTIFICATES

His Worship the Mayor: "To change the tax from one dollar to five dollars."

Moved by Alderman Lloyd, seconded by Alderman Lane that Item 7 be approved and the tax be changed from one dollar to five dollars. Motion passed.

LICENSE FOR PHOTOGRAPHERS

His Worship the Mayor: "Mr. Doyle just raised the question about the licenses of photographers and he would like to get permission to draft legislation to bring back to us for our approval which would permit us by Ordinance to license them."

City Solicitor: "They were in to see me. They want me to draft an Ordinance. They want to have a license and they also would like to have in the Ordinance that you can't have a license unless you have a place of business."

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Alderman Lane: "I am thinking of certain photographers who are professionally employed by certain press media who may in their spare time do a certain amount of outside work as favors for people or a hobby and they sell the results of their work. Does that effect them? That is what they are after."

His Worship the Mayor: "Yes. It is unfair competition in a sense. A man goes out to a home and takes a photo of a wedding group, he is competing against the man who is a professional photographer. One man is on salary and usually a fairly good salary for the particular task he is carrying out and in addition to that he is trespassing on the field normally occupied by the men who own the studios."

Moved by Alderman Wyman, seconded by Alderman Lloyd, that the City Solicitor be directed to draw the legislation covering this point and that we consider it when he has something drawn up. Motion passed.

Alderman Lloyd: "You must proceed with some caution with respect to requiring them to have a place of business. I think you can license them but if you also require them to have a location as a place of business, you then get into some dangerous proximity to restrain the trade."

City Solicitor: "We have it in the Pawn Brokers; in the Junk Dealers and in 3 or 4 more others."

Alderman Lloyd: "You mean to say they have to have a location?"

City Solicitor: "Yes. You have to state your place of business."

DONATION FLOOD LIGHTS -- EGG POND ✓

Alderman Ferguson: "I understand the Junior League would like to donate some floodlights for the Egg Pond. They are anxious to donate them right away so they can be put into use without coming through the Committee to save the amount of time. I was wondering if we could have an unofficial expression from Council that they could get this under way? The City would be paying for the power."

Approved in principle. To be ratified at a later meeting.

Moved by Alderman Ferguson, seconded by Alderman Wyman, that this meeting do now adjourn. Motion passed.

Meeting adjourned.

10:20 P.M.

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G.A. VAUGHAN,
MAYOR AND CHAIRMAN.

R.H. STODDARD,
CITY CLERK.