

Council,  
June 16, 1960.

MOVED by Alderman Butler, seconded by Alderman Connolly, that the report be approved. Motion passed.

CONVEYANCE OF CITY LAND AT MULGRAVE PARK TO PARTNERSHIP

June 16, 1960.

His Worship the Mayor and  
Members of the City Council.

At a meeting of the Finance and Executive Committee held on June 9, 1960, a report was submitted from the City Solicitor advising that the Deeds to the properties acquired by the City in connection with the Mulgrave Park Housing Project are now ready for delivery to the Partnership.

The total amount to be paid to the City is \$15,170.36 comprising the following properties:

CASTELL PROPERTY:

Purchase price	\$ 12,500.00	
Appraisers' Fees	75.00	
Advertising	243.00	
Recording Plan of Expropriation and incidental Court costs	5.00	
Solicitor's costs	35.00	
Recording Deed	<u>4.00</u>	\$12,862.00

HALIFAX RELIEF COMMISSION:

Purchase Price	\$ 1,572.48	
Recording Deed	<u>4.00</u>	\$ 1,576.48

CITY PROPERTY (C. N. R.):

2,560. sq. ft. @ 11.2¢	\$ 286.72	
Recording Letters Patent	<u>5.00</u>	\$ 291.72

CITY OWNED PROPERTY:

(Barrington at Duffus Sts.) 3,930 sq. ft. @ 11.2¢	\$ 440.16	\$ <u>440.16</u>
		\$15,170.36

Your Committee recommends that the Deeds be delivered and the City paid the sum of \$15,170.36.

Respectfully submitted,

R. H. Stoddard,  
CITY CLERK.

MOVED by Alderman Lane, seconded by Alderman Macdonald, that the report be approved. Motion passed.

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BELLEVUE CASE

June 16, 1960.

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

At a meeting of the Finance and Executive Committee held on June 9, 1960, a report was submitted from the City Solicitor advising that the Supreme Court en banc had dismissed the City's claim in connection with the Bellevue Case. He requested further direction in the matter.

Your Committee recommends that the City Solicitor be instructed to apply for leave to appeal to the Supreme Court of Canada and engage any necessary Counsel in this connection.

Alderman DeWolf wished to be recorded against.

Respectfully submitted,

R. H. Stoddard,  
CITY CLERK.

His Worship the Mayor: "I think it may be wise at this time to read out the history of this, and I'll ask the City Solicitor to indicate what cost the City will incur in this matter."

The City Clerk then read the following history of the case:

1. Property expropriated by Government on August 4, 1955.
2. Trial before Judge Pottier of the County Court, who fixed the amount of \$280,000.00 compensation and interest at 5%.
3. Action by City against Vaughan Construction Co. Ltd. before Mr. Justice Doull, who awarded \$192,480.00 to the City.
4. Appeal of Vaughan Construction Co. to Supreme Court en banc from decision of Mr. Justice Doull - Appeal allowed and case sent back to County Court Judge Pottier. Costs of action and on appeal to Vaughan Construction Co.
5. Trial in County Court before Judge Pottier - award of \$50,000.00 to City.
6. Application to Supreme Court en banc for leave to appeal - both parties applying.
7. Appeal to Supreme Court en banc heard and with one Judge dissenting judgment of lower court dismissed with costs to Vaughan and total compensation awarded to Vaughan Construction Company.

Alderman Abbott: "How much did this cost the taxpayers of the City of Halifax to date for these appeals and Court charges?"

City Solicitor: "That has not been determined. We have already paid out roughly \$4,000.00 so far. What costs are going to be on the last one hasn't been determined. It is hard to say what they will be. There is another

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fee to be paid to Mr. Fielding. That will be roughly \$250.00. So far, total expenditures are roughly, \$4,000.00."

Alderman Abbott: "Is this appeal going to the Supreme Court of Canada?"

City Solicitor: "We have to apply to the Supreme Court of Canada for leave to appeal."

Alderman Abbott: "It would seem to me we are fighting a losing battle and I am going to vote against it."

Alderman Butler: "I think we are in the position that we should not simply be pigheaded about this matter. I think that we shouldn't just appeal it as a matter of form. Has the City Solicitor given his recommendation? I realize that he is not going to sit as a jury on the matter because quite a few judges have disagreed on how this matter should be disposed of. Has he indicated to the Finance Committee his thoughts as to what the chances are of success in this matter because it is costing a considerable amount of tax dollars to push this case on and on. I think that when we make an ultimate appeal such as this, there should be some reasonably good grounds for making it. I don't think we should make it just as a matter of form. I don't go along with that reasoning at all. I think there must be some chance and merit in the appeal in itself and not simply a matter of form. I would like to know if it is, at this moment, simply a matter of form why we are appealing it or do we have reasonable chance to believe that we would be successful?"

Alderman Lloyd: "Before that question is answered, the Finance and Executive Committee discussed this matter 'in camera'; so, those of us who heard the pros and cons of the matter privately in the Solicitor's Office because it was a matter competitive in the legal sense, we are somewhat at a disadvantage. We can't defend the recommendation." He suggested that the whole Council be given an opportunity to discuss the matter in private. "There are arguments for not continuing and there are arguments for continuing. I think the only way to properly and fairly decide your position this evening would be to hear the same reasons as the Finance Committee was given in private. I think that should be done."

Alderman DeWolf: "Is it improper to ask at this time what the costs

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might be if we fail in the case in the Supreme Court of Canada?"

City Solicitor: "No, I would say, roughly, between \$3,500.00 to \$5,000."

Alderman Dunlop: "We are getting in quite a discussion about a legal point which is, I think, a most complex legal point coming before the Court in this Province for many many years. I think we have to look at it in this way -- that we are the trustees of the people. In some respects it is unfortunate you are a brother of the claimant. It makes it that much harder for Council because we, perhaps, have to lean some the other way. Some think this case is not an ordinary one. The fact is that it had to go to the Supreme Court and the lawyers will know that the learned County Court Judge, in his first decision, didn't determine how the money was to go. He just determined the amount. I think both parties, at that time, were quite willing that they should not determine the amount. I think he was trying to make it easier for both parties. In the end, the Supreme Court said he should have determined the amount. We therefore, lost the case.

"We should remember that throughout we have had a decision from one of our most eminent Judges in the Court who has found in favor of the City. He found in the first case for a very substantial sum and again in this last appeal, I understand, he still found for \$50,000.00. This case has been most unfortunate from the start. The City of Halifax has lost thousands of dollars the way this land was dealt with. I am not putting any blame on anyone at all. I think the Council, at the time, who made the land available to the Telephone Company expected the Company would carry out the agreement which they made. Subsequently, they did not and many things have come up which were never anticipated, never expected and never provided for. Here we are now with a decision of the Court. In my opinion, it is unfortunate in this last hearing the Chief Justice did not sit on it. It is unfortunate, I think, one of the others didn't come in on it. The result might have been just the same, but at least we would have the benefit of their opinion. I don't think the question of costs is a crucial one. It is going to cost us some money, but there is big money at stake. Personally, I know if it was my case, I would apply to have a decision of the highest Court in the land on what is one of the most complex

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legal points which have come before any Court in the Province, I think we should, at least, try to appeal this case. We may not get leave to appeal, there is no guarantee that we will, but we should make the effort."

Alderman Fox: "I have been supporting appeals in this case right along, but without a good concrete recommendation from the Solicitor, I am going to vote against it. A good concrete recommendation for an appeal."

Alderman Wyman: "I have found it hard, right through, to satisfy myself that I was in a position to judge the merits of the various decisions that we have had to make in connection with the case due to the fact that I was not in the City Council at the time this started and that it is a complex thing. One thing about it, it is not the same as being there when the actual discussion took place. For that reason, I have found it somewhat difficult to convince myself of the various points that I was in the best position to form a judgment. We have heard from two members of the legal profession who are members of Council and they, no doubt, have great advantage over me in understanding some of the legal points involved, as well. Certainly, I would like to base my judgment on a recommendation from the Solicitor. As our Solicitor, would he recommend that we appeal this to the Supreme Court of Canada or would he recommend that we do not? We have also employed another solicitor to assist him and I would like to know what his recommendation would be on the same basis. As a private individual, if I employed a Solicitor, that is the question I would ask him."

His Worship the Mayor: "Now, I think you should weigh carefully whether or not in answering this at an open meeting, he may prejudice his case."

Alderman Wyman: "That may be."

Alderman Lloyd: "There is still some skirting around the question. My decision, as a member of the Committee, to go along with asking for the leave to appeal, was based upon matters and certain factors of the case which have not yet been expressed at this Council meeting. I say, until they are expressed, I don't think a fair decision can be made on the matter. I think the same matter should either be discussed here openly in the Council or if it means that the City's case may be jeopardized in some way, it certainly should be discussed in private."

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City Solicitor: "I have not had much opportunity to discuss this matter with Mr. Fielding because of the Election and so on. In all fairness to him, I think we would like to meet with you and discuss it, as we did before, in private. I would prefer that rather than discussing it here tonight."

Alderman Lloyd: "The Solicitor is absolutely right."

Alderman Ferguson: "One of the points discussed at the Finance Meeting, in private, was the time element involved in the case."

City Solicitor: "That has been cleared up."

Alderman Ferguson: "One of the prominent cases in the City of Halifax which involved a large commercial property, was turned down in the Supreme Court of Nova Scotia and it was appealed to the Supreme Court of Canada. It was completely reversed. Just because the case has been turned down here is no reason why there isn't a chance that it will be successfully contended. I think it is fair to say this, that when these cases go to the Supreme Court that Solicitors who deal in the Supreme Court, either in Toronto or Ottawa are engaged. In fact the names of two have been suggested for the City Solicitor."

City Solicitor: "For another lawyer to take over now, it would take months and months for him to go over the various points."

Alderman Ferguson: "That wasn't brought up the other night."

City Solicitor: "I had in mind when you talked about Ottawa that all we would have would be an agent."

Alderman Ferguson: "That wasn't my impression and I don't think it was the impression of any other Alderman."

Alderman Trainor: "Your Worship, I think we should adjourn this discussion to the Solicitor's or your office to deal with it there rather than prejudice our case in public. Let's be sensible about the whole thing. We are getting into a hassle in public which we do not want to do."

MOVED by Alderman Lloyd, seconded by Alderman Abbott, that this matter be deferred until the Council has an opportunity to discuss it with the City Solicitor and the Solicitor in the case, Mr. Fielding; and that a Special Meeting of Council be called to deal with the same. Motion passed.

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INSTALLATION - CIVIL DEFENCE SIRENS

June 16, 1960.

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

At a meeting of the Finance and Executive Committee held on June 9, 1960, a report was submitted from the City Solicitor advising that the Department of National Defence has taken over the task of installing and maintaining Civil Defence Sirens and have forwarded to the City Agreements covering the following installations:

Tower Road School  
City Hall  
Saint Patrick's High School, Windsor Street  
Sir Charles Tupper School  
Saint Stephen's School

The term of the Agreement is 5 years with the option to renew for a further 5-year term at an annual rental of \$1.00.

Your Committee recommends that the Agreements be approved and the Mayor and City Clerk be authorized to execute the same on behalf of the City.

Respectfully submitted,

R. H. Stoddard,  
CITY CLERK.

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

ADMINISTRATOR - ESTATE OF MRS. ELLA BOUDREAU

June 16, 1960.

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

At a meeting of the Finance and Executive Committee held on June 9, 1960, a report was submitted from the City Solicitor advising that the late Mrs. Boudreau was a patient in the Halifax Mental Hospital and died on November 3, 1959. Her Estate is indebted to the City in the amount of \$567.00.

The Old Age Security Department have advised that they are holding a sum of \$610.78 which can be made available to the Estate and will be released when an administrator is appointed.

One of the late Mrs. Boudreau's daughters has advised that none of the family wish to take out administration papers and are agreeable to applying the money to the City account.

He therefore suggested that the City Treasurer be authorized to take out the necessary administration papers in this case. Your Committee concurs in this suggestion.

Respectfully submitted,

R. H. Stoddard,  
CITY CLERK.

MOVED by Alderman DeWolf, seconded by Alderman Fox, that the report be approved. Motion passed.

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TENDERS FOR FIRE HOSE

Tabulation of Tenders for Approximately  
1000 feet of Hose for the Halifax Fire  
Department

<u>Supplier</u>	<u>Cost Per Foot</u>	<u>Cost Per 100 Feet</u>	<u>Totals Based on 1000 Feet</u>	<u>Delivery</u>
B. F. Goodrich Ltd.	\$1.22		* \$1220.00	3 weeks
Purves Industrial Sales	\$1.349		\$1349.00	2 weeks
Canadian Fairbanks-Morse		\$149.85	\$1498.50	3 weeks
Austen Bros. Ltd.		(a)\$135.89	\$1358.90	4 weeks
		(a)\$157.07	\$1570.70	4 weeks
LaFrance Fire Engine	\$1.63		\$1630.00	2 weeks
Mine Safety Appliances	\$1.71		\$1710.00	10 days
George Angus Ltd.	(b)\$1.715		\$1715.00	2-3 weeks
Industrial Engineering Ltd.	\$1.72		\$1720.00	4 weeks
Wm. Stairs, Son & Morrow Ltd.	\$1.72		\$1720.00	2-3 weeks
Dunlop Canada Ltd.	\$1.72		\$1720.00	2 weeks
King Seagrave Ltd.	\$1.77		\$1770.00	14 days
BTR Industries Ltd.	\$1.90		\$1900.00	3 weeks
	\$1.64		\$1640.00	3 weeks

(a) Sales Tax Included.

(b) F. O. B. rail point nearest destination.  
Terms 2% 10th of month following date of  
shipment - net 30.

\* Recommended tender.

A. A. DeBard, Jr.,  
CITY MANAGER.

F. C. MacGillivray,  
CHIEF, HALIFAX FIRE  
DEPARTMENT.

MOVED by Alderman Lloyd, seconded by Alderman Butler, that the report  
be approved. Motion passed.

TENDERS FOR TRAFFIC LIGHTS

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

From: Committee on Works.

Date: June 10, 1960.

Subject: Tenders - Traffic Lights.

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The Committee on Works at a meeting held on the above date opened and considered tenders for traffic lights.

On motion of Alderman O'Brien, seconded by Alderman Abbott, the Committee recommended to accept the lowest tender, and in the case where there is a tie the City Manager toss a coin to decide who should be awarded the tender and recommended the same to City Council.

Respectfully submitted,

K. C. Mantin,  
CLERK OF WORKS.

A tabulation of tenders was submitted, a copy of which is attached to the original copy of these minutes.

MOVED by Alderman O'Brien, seconded by Alderman Butler, that the report be approved.

In answer to a question by Alderman Dunlop, the City Manager advised that Item 7 of the tabulation on which identical low bids were submitted by two suppliers had been decided by the tossing of a coin and the tender awarded to Canadian General Electric Company Limited in the amount of \$454.00.

Alderman Dunlop expressed dissatisfaction with this method of awarding tenders in the case of a tie and moved in amendment that the report be approved, but the tie with Item 7 on the tabulation be awarded to Canadian General Electric in the amount of \$454.00.

The amendment was seconded by Alderman Lloyd and passed.

TRAFFIC LIGHTS - INSTALLATION - BAYERS ROAD AND ROMANS AVENUE

June 16, 1960.

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

At a meeting of the Safety Committee held on June 10, 1960, a report was submitted from the Chief of Police advising that a traffic survey had been carried out at the intersection of Bayers Road and Romans Avenue in May, 1960, and that 12,938 vehicles passed through the intersection.

Due to the existence of the Shopping Centre on the north side of Bayers Road, a large residential section on the south side as well as schools in the area, he recommended that funds be provided under the authority of Section 316 "C" of the City Charter for the purchase and installation of semi-actuated traffic lights at this intersection.

A petition was submitted from residents of the Bayers Road-Romans Avenue area requesting that traffic lights or some other form of traffic control be installed at the intersection of Bayers Road and Romans Avenue. The petition was signed by 45 property owners and 123 tenants.

Your Committee concurs in the recommendation of the Chief of Police.

Respectfully submitted,

R. H. Stoddard,  
CITY CLERK.

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

SCHOOL FOR THE DEAF SITE - EXTENSION OF BOUNDARIES

June 16, 1960.

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

At a meeting of the Redevelopment Committee, held on April 29, 1960, it was agreed to recommend that the boundaries of the School for the Deaf Redevelopment Project be increased to include the area bounded by Gerrish Street, Gottingen Street and on the north by a diagonal line running from the corner of Brunswick and Gerrish Streets to the corner of Gottingen and Uniacke Streets.

It is not the intention that the housing project planned for the School for the Deaf site be extended to the additional area; but, rather, that the extended area be developed as a site for a private housing project.

Respectfully submitted,

R. H. Stoddard,  
CITY CLERK.

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

APPOINTMENT TO INDUSTRIAL DEVELOPMENT COMMISSION

His Worship the Mayor nominated Mr. W. A. Logan as a member of the Industrial Development Commission for a term of three years, expiring April 30, 1963.

MOVED by Alderman Lloyd, seconded by Alderman DeWolf, that the nomination of His Worship the Mayor be approved. Motion passed.

APPOINTMENTS TO FORUM COMMISSION

His Worship the Mayor nominated Alderman Lloyd and Mr. J. H. Breen as members of the Forum Commission for a term of three years, expiring June 1, 1963.

MOVED by Alderman Dunlop, seconded by Alderman Ferguson, that the nominations of His Worship the Mayor be approved. Motion passed.

COSTS - MATTAR CASE

June 16, 1960.

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

At a meeting of the Finance and Executive Committee held on June 9, 1960, a report was submitted from the City Solicitor submitting an account

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from Mr. R. M. Fielding in the amount of \$1,249.61 for services rendered in connection with the Mattar Expropriation - Maitland Street.

After a short discussion, your Committee deferred payment of the account and requested that same be taxed.

Respectfully submitted,

R. H. Stoddard,  
CITY CLERK.

City Solicitor: "This bill has now been taxed."

Alderman Dunlop: "Did anybody represent the City in the taxation this time?"

City Solicitor: "I represented the City."

MOVED by Alderman Lloyd, seconded by Alderman Wyman, that the taxed bill of costs in the amount of \$1264.61, which includes the taxing master's fee of \$15.00 be approved for payment. Motion passed.

TAXING SOLICITORS' ACCOUNTS

June 16, 1960.

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

At a meeting of the Finance and Executive Committee held on June 9, 1960, when the account for services rendered by Mr. R. M. Fielding in the Mattar case was being discussed, it was recommended that in future all Solicitors' accounts for legal services rendered the City of Halifax be taxed before presentation for payment by the City.

Respectfully submitted,

R. H. Stoddard,  
CITY CLERK.

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

MODIFICATION OF SIDEYARD - NO. 290 ROBIE STREET

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

From: Town Planning Board.

Date: June 10, 1960.

Subject: Modification of Sideyard - No. 290 Robie Street.

The Town Planning Board at a meeting held on the above date considered a report from the Director of Planning recommending against a modification of sideyard at No. 290 Robie Street.

On motion of Alderman O'Brien, seconded by Alderman Abbott, the Board approved the report and recommended it to City Council.

Respectfully submitted,

K. C. Martin,  
CLERK OF WORKS.

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To: His Worship the Mayor and Members of the Town Planning Board.

From: K. M. Munnich, Director of Planning.

Date: June 10, 1960.

Subject: Modification of Sideyards for Proposed Church - No. 290 Robie Street.

A request has been received from the owners of a property at civic No. 290 Robie Street for modification of sideyard requirement to permit a conversion of a single-family dwelling at that address to a Church and nursery school. This property is located on the west side of Robie Street opposite Camp Hill Cemetery between Binney Street and Jubilee Road and is in an R-3 Residential.

Drawing P200/155 refers and is a plot plan showing the location of the building on the lot. A church or institutional use located in an R-3 zone requires a 15 foot sideyard on both sides of the building. In this case there is only 4 feet on the south side and less than one foot on the north side. The building occupies a lot 32 feet by 98.7 feet or 3,160 square feet with an adjoining lot at the rear fronting on Binney Street and measuring 20 feet by 64.2 feet or 1,285 square feet. The combined area of these two lots is 4,445 square feet. This area is totally inadequate for the proposed use considering off-street parking and play areas for school. There is approximately six feet between buildings on both sides. Consequently, the proximity of this building to adjoining residential properties would also dictate against the proposed use on the grounds of amenity.

I RECOMMEND, therefore, that this Board refer a report of refusal on the modification of sideyards at civic no. 290 Robie Street to City Council and that no public hearing be held in accordance with Part XV, Para. 1(f) of the Zoning By-law.

Respectfully submitted,

K. M. Munnich,  
DIRECTOR OF PLANNING.

MOVED by Alderman Macdonald, seconded by Alderman Abbott, that the report be approved. Motion passed.

SERVICE COSTS - MULGRAVE PARK HOUSING PROJECT

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

From: Committee on Works.

Date: June 10, 1960.

Subject: Service Costs - Mulgrave Park.

The Committee on Works at a meeting held on the above date considered a report from the Commissioner of Works recommending payment of Certificate No. 1, to Central Mortgage and Housing Corporation for the installation of sewers at the Mulgrave Park Housing Development.

On motion of Alderman Trainor, seconded by Alderman Connolly, the Committee recommended to City Council payment of Certificate No. 1 to Central Mortgage and Housing Corporation for the installation of sewers at the Mulgrave Park Housing Development, in the amount of \$22,731.40.

Respectfully submitted,

K. C. Mantin,  
CLERK OF WORKS.

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MOVED by Alderman O'Brien, seconded by Alderman Butler, that the report be approved. Motion passed.

ERECTION OF TRANSMISSION TOWER - CHEBUCTO ROAD - NOVA SCOTIA  
LIGHT AND POWER COMPANY LIMITED

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

From: Committee on Works.

Date: June 10, 1960.

Subject: Erection of Transmission Tower - Chebucto Road - N. S. L. & P.

The Committee on Works at a meeting held on the above date considered a report from the Director of Planning recommending in favor of a request to erect a transmission tower at the Armdale Sub-Station, Chebucto Road by the Nova Scotia Light and Power Company.

On motion of Alderman Macdonald, seconded by Alderman Abbott, the Committee approved the report and recommended it to City Council.

Respectfully submitted,

K. C. Mantin,  
CLERK OF WORKS.

MOVED by Alderman Trainor, seconded by Alderman Connolly, that the report be approved. Motion passed.

PERMISSION TO OPERATE SPORT FISHING BOAT

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

From: Committee on Works.

Date: June 10, 1960.

Subject: Permission to Operate Sport Fishing Boat.

The Committee on Works at a meeting held on the above date considered a request from Mr. Garfield Drake for permission to operate a sport fishing boat on the Northwest Arm.

On Motion of Alderman Abbott, seconded by Alderman O'Brien, the Committee approved the request for permission to operate a sport fishing boat at the usual fee of \$10.00 per year and recommended the same to City Council.

Respectfully submitted,

K. C. Mantin,  
CLERK OF WORKS.

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

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EXPROPRIATION - CITY BLOCK BOUNDED BY BRUNSWICK  
JACOB, MARKET AND BUCKINGHAM STREETS

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

From: Committee on Works.

Date: June 10, 1960.

Subject: Expropriation - City Block Bounded by Brunswick, Jacob, Market and Buckingham Streets.

The Committee on Works at a meeting held on the above date considered a report from the Commissioner of Works recommending that the City of Halifax expropriate this block of land for redevelopment purposes as provided under Section 624 of the City Charter and that \$35,595.00, which is the assessment, plus 5%, be paid into Court.

On motion of Alderman Abbott, seconded by Alderman Connolly, the Committee approved the report and recommended it to City Council.

Respectfully submitted,

K. C. Mantin,  
CLERK OF WORKS.

To: His Worship, Mayor Vaughan and Members of the Committee on Works.

From: G. F. West, Commissioner of Works.

Date: June 10, 1960.

Subject: Expropriation - Block Bounded by Jacob St., Market St., Buckingham St. and Brunswick St.

The following is a report on the expropriation of property in the block bounded by Jacob Street, Market Street, Buckingham Street and Brunswick Street.

Expropriation Plan No. SS-5-14832, showing the property involved bordered in red, and description of the same attached. Five parcels of land in this block are privately owned. The remainder of the block is owned by the City of Halifax.

It is recommended that the City of Halifax expropriate this block for redevelopment purposes, as provided under Section 624 of the City Charter, that \$35,595.00, which is assessment plus 5%, be paid into Court.

G. F. West,  
COMMISSIONER OF WORKS.

The following resolutions were submitted:

BE IT RESOLVED that this Council does hereby adopt the recommendation contained in the resolution passed at a meeting of the Committee on Works held on the 10th day of June, A. D., 1960, for the expropriation of certain lands situate in the block bounded by Jacob Street, Market Street, Buckingham Street and Brunswick Street in the City of Halifax, to be acquired for the purpose of redevelopment, and which is more fully described in the resolution of the

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Committee on Works and set out on a plan prepared by the Commissioner of Works dated June 3rd, 1960, and bearing Number SS-5-14832, referred to in the said resolution;

AND BE IT FURTHER RESOLVED that the said land be and the same is hereby expropriated and that the City Clerk do pay to the Prothonotary of the Supreme Court the sum of Thirty-five Thousand, Five Hundred and Ninety-six Dollars (\$35,596.00) of lawful money of Canada as the price or compensation for the said land.

Resolution

WHEREAS the Commissioner of Works has submitted a report, dated June 10th, 1960, and also a plan and description, covering the expropriation of property in the block bounded by Jacob Street, Market Street, Buckingham Street and Brunswick Street for Redevelopment Purposes;

AND WHEREAS the Committee on Works is of the opinion that the said lands should be acquired for the purpose aforesaid;

AND WHEREAS the Committee on Works deems it necessary that the said lands as hereinafter described be expropriated;

AND WHEREAS the owners of all the said lands are not definitely ascertained;

THEREFORE BE IT RESOLVED that the City Clerk pay to the Prothonotary of the Supreme Court of Nova Scotia the sum of Thirty-five Thousand Five Hundred and Ninety-six Dollars (\$35,596.00) as the price for the following said lands:

Civic Number 75 Buckingham Street	- \$15,330.00
Vacant Lot West side of Market Street adjoining northwardly 75 Buckingham Street	- \$ 1,785.00
Civic Number 58-62 Jacob Street	- \$ 1,050.00
Civic Number 123-125 Brunswick Street	- \$ 6,300.00
Civic Number 135-137 Brunswick Street	- \$11,130.00
Remainder of land in block	- \$ 1.00
	<u>\$35,596.00</u>

said lands being more fully described as follows, viz:

ALL that certain lot, piece or parcel of land situate lying and being the block bounded by Brunswick Street, Jacob Street,

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Market Street and Buckingham Street in the City of Halifax, as shown bordered in red on a plan entitled, "Expropriation Plan of Certain Lands Required by the City of Halifax for Redevelopment Purposes", dated June 3rd, 1960 and being on file in the Office of the Commissioner of Works of the City of Halifax at City Hall as Plan #SS-5-14832; the said land being more particularly described as follows:

BEGINNING at the point where the northern official street line of Buckingham Street is intersected by the western official street line of Market Street;

THENCE westwardly along the said northern official street line of Buckingham Street for a distance of one hundred and twenty feet (120') or to the former eastern street line of Brunswick Street;

THENCE northwardly along the said former eastern street line of Brunswick Street for a distance of four hundred and eleven feet and five tenths of a foot (411.5') more or less or to the former southern street line of Jacob Street;

THENCE eastwardly along the said former southern street line of Jacob Street for a distance of one hundred and twenty-six feet and five-tenths of a foot (126.5') more or less or to the former western street line of Market Street;

THENCE southwardly along the said former western street line of Market Street and continuing southwardly along the aforesaid western official street line of Market Street for a distance of four hundred and two feet and five-tenths of a foot (402.5') more or less or to the place of beginning.

MOVED by Alderman O'Brien, seconded by Alderman Abbott, that the report and resolutions, as submitted, be approved. Motion passed.

ENCROACHMENT - FEDERAL BUILDING

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

From: Committee on Works.

Date: June 10, 1960.

Subject: Encroachment - Federal Building.

The Committee on Works at a meeting held on the above date considered a report from the Commissioner of Works and City Manager recommending that City Council permit, according to the provisions of Section 538(1) of the City Charter, an encroachment by the Federal Building on Bedford Row and that a fee be set for this encroachment by City Council.

On motion of Alderman O'Brien, seconded by Alderman Trainor, the Committee approved the report and recommended to City Council that no fee be charged for this encroachment.

Respectfully submitted,

K. C. Mantin,  
CITY CLERK.

MOVED by Alderman Connolly, seconded by Alderman Macdonald, that the report be approved.

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The City Manager explained that the encroachment consisted of some footings that are under sidewalk, but not visible.

The motion was put and passed.

ENCROACHMENT - NO. 273 SOUTH STREET

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

From: Committee on Works.

Date: June 10, 1960.

Subject: Encroachment - No. 273 South Street.

The Committee on Works at a meeting held on the above date considered a report from the Commissioner of Works and City Manager recommending that City Council permit, according to the provisions of Section 538(1) of the City Charter, an encroachment at No. 273 South Street and that a fee be set for this encroachment by City Council.

On motion of Alderman Connolly, seconded by Alderman Macdonald, the Board approved the report and recommended a fee of \$5.00 be charged for this encroachment, and recommended the same to City Council.

Respectfully submitted,

K. C. Mantin,  
CLERK OF WORKS.

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

PROGRESS PAYMENT NO. 15 (FINAL) - MATERIAL AND EQUIPMENT - NEW INCINERATOR

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

From: Committee on Works.

Date: June 10, 1960.

Subject: Progress Payment No. 15 (Final) - Material and Equipment - New Incinerator.

The Committee on Works at a meeting held on the above date considered a report from the Commissioner of Works recommending payment of Progress Estimate No. 15 (Final) for material and equipment for the New Incinerator.

On motion of Alderman Trainor, seconded by Alderman O'Brien, the Committee approved the report and recommended to City Council payment of Progress Estimate No. 15 (Final) for material and equipment for the New Incinerator to Francis Hankin and Co., Ltd. in the amount of \$49,232.80.

Respectfully submitted,

K. C. Mantin,  
CLERK OF WORKS.

Alderman Ferguson: "Before we settle that, what has been the report on the increased work on the columns?"

City Manager: "I haven't written it yet, but the report from the solicitor on the basis, and that will be given to you as his actual quotation, is that he found nothing wrong with it; and Metcalf and Eddy said that as far

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as they could see if they had included those coverings in the first place, the cost would have been about the same. I suspect it will cost us a couple of hundred dollars extra. That is just my guess. I am not an engineer. As an extra, I have an idea it would cost just a shade more."

His Worship the Mayor: "Actually, the extras are very low, aren't they?"

City Manager: "Yes, the overall extras are very, very low; and that is already written up in long hand, but hasn't been typed."

Alderman Dunlop: "How is the incinerator working now? Someone complained to me about fly ash, or something."

Commissioner of Works: "We did have a report on fly ash early in the operation of the incinerator. There has been some adjustment made and we haven't had any recently."

Alderman Dunlop: "Are we burning the stuff at the dump, now?"

Commissioner of Works: "The only thing that is burned at the dump now is brush and logs that are accumulated - - no garbage."

Alderman Wyman: "I was a little disturbed a short time ago to see a letter in the newspaper complaining that certain refuse had been refused by our garbage collection because it could not be burned in the new incinerator. My understanding from the engineer was that anything that could be burned anywhere could be burned in the new incinerator."

His Worship the Mayor: "This didn't come from an engineer who is qualified, did it?"

Alderman Wyman: "No, but the point that was made was that it was refused by City employees on the basis of their statement that it could not be burned in the new incinerator."

Alderman O'Brien: "Are there some items which can't be burned in the incinerator?"

Commissioner of Works: "In answer to Alderman Wyman's question, first, I happened to see that particular letter to the editor. I investigated, myself and what it was, was clippings from grass and things that we only collect during 'Clean-up Week'; and actually, there would be no point in putting it in the incinerator now. If one of our collectors happened to say, 'Well, this doesn't go or doesn't burn in the incinerator'. It may have been just a

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remark of his. We would have collected it. It certainly wasn't our intention and it wouldn't have remained there. We would have gone back and collected it, but it is true we wouldn't have taken it to the new incinerator. We wouldn't have taken it even to the old incinerator -- grass clippings, or anything we collect during 'Clean-up Week'.

"The only things that don't burn in it are bedsteads and things of that nature. It isn't designed for that, but it burns almost everything else."

Alderman Wyman: "I would like to make it clear that my concern was not with the letter, but with the possibility that things might be being refused on the basis that our new incinerator wouldn't do what it was intended to do.

"The other question I wish to ask in connection with the dump -- there was a complaint came to me some few weeks ago concerning heavy black smoke and I believe at the time there was wood being burned on the old dump that had been creosoted and that was the cause of the heavy smoke. I would like to know if some steps are being taken to control that kind of thing so that the same type of complaint will not rise again."

Commissioner of Works: "Every once in a while somebody will, without any authority at all, get some material down there, either oil soaked, creosoted or even rubber tires and start a fire to burn them. It is a nuisance, and certainly wherever possible we are going to prevent it. If we ever catch the guilty parties, we will prosecute them."

Alderman Lane: "Mr. West has said that they only pick up grass clippings during 'Clean-up Week'. Unfortunately, the grass continues to grow throughout the summer, particularly during rainy weather; and I had a call the other night as to why the grass clippings weren't picked up. What does one do with one's old grass clippings?"

His Worship the Mayor: "They can make a compost heap."

Alderman O'Brien: "Leave them for next Spring's 'Clean-up Week'."

Alderman Lane: "Well, everybody can't keep a compost heap. Their property isn't that big. I had a call last week from a very irate gentleman."

Commissioner of Works: "Mr. DeBard and I have discussed the matter of sending a special truck collecting it on certain days at certain times and so on. I think my answer to Mr. DeBard was that we could do that, but possibly

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on our regular days rather than on special days. We would never refuse to pick up this material, but actually this has nothing to do with the new incinerator while I think of it. I think I should explain that that is in the regulations regarding the operation of collecting refuse and garbage -- that these things are not to be picked up, only during 'Clean-up Week'; and if they do accumulate, like many people do, they take them to the dump site themselves. I don't think it is a serious problem who calls, we certainly will advise them."

His Worship the Mayor: "Why can't we change the regulations to bring it more in tune with the times. Everybody is cutting their grass now more than they did years ago. This grass does become a problem sometimes. Can't it be picked up in the regular containers and let it dry out so that it will burn?"

The Commissioner of Works said that the clippings could probably be used at the Public Gardens and added to the compost pile, and he continued: "As far as adjusting or revising these laws, Dr. Morton and I have discussed that recently. In fact, Dr. Morton had information from other cities that he has passed over to me; and we will get together with the Manager and Solicitor very shortly, to suggest amendments to the regulations."

Alderman Lane: "My source of complaint said that the grass clippings were refused by the collectors. Now, you say you won't refuse to pick them up. He said that there they were and what was he to do about it. I suggested he call you. I hope he did."

Commissioner of Works: "The individual collectors may do that. That may be true, but I wouldn't want to place any blame on any individual collectors. If there is a special pick up, we go back for those things. The truck on that particular day will do it."

Alderman Macdonald also referred to a complaint he had received from a citizen with regard to garden rakings having been left behind by the garbage collectors, and he asked that the regulations be changed to permit the collection of this type of refuse.

MOVED by Alderman Lane, seconded by Alderman Macdonald that the report be approved. Motion passed.

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RECEPTION OF PETITIONS AND DELEGATIONS

No delegations appeared before the Council and no petitions were submitted.

His Worship the Mayor welcomed four students from Chebucto Road School who were present at the meeting and he commended them for their interest in civic affairs; and he expressed the hope that this interest will continue on in their adult life.

He also extended an invitation, through them, to their fellow students to attend future meetings of the Council.

ZONING AND REZONING FALKLAND STREET AREA

Referred to the Town Planning Board.

PARKING METERS - INCORRECT TIMING

Alderman Wyman to Chief of Police: "We have in the downtown area a number of one-half hour parking meters that are activated actually when the coin is put in, but show no record of elapse of time. I would like to know if any check is made on these meters periodically to ascertain whether or not they keep time anything like accurately. I have had a number of complaints recently that people have put their money in these meters and have come back and found a violation in as little as fifteen minutes afterward they have carefully and intentionally timed the meter. I dare say the Chief may not want to answer that right now, but I would like to leave the question to be answered either tonight or at some subsequent meeting."

CONDITIONS OF LEASE RENEWAL - MARDEN WILD LIMITED

Alderman Wyman: "Some time ago, the lease on the City property occupied by Marden Wild Limited was renewed with certain agreements regarding the cleaning up and improvement of the appearance of the property. I don't remember the details of what they were to do toward improving it, but I would like to have a report to indicate whether or not they have fulfilled the conditions of that renewal because I find that I am getting frequent complaints of the general appearance of that property, coupled with complaints which I think I can deal with, myself, regarding the smoke which they create in the area."

APPOINTMENT OF COMMITTEE RE: PROVINCIAL-MUNICIPAL FISCAL POLICY

Alderman O'Brien said that when Item No. 9 (Truck Licenses - Amendment Ordinance No. 14 - First Reading) on the agenda for this meeting was considered, reference was not made to the action taken by Safety Committee which recommended to Council that a Committee be appointed to discuss with the Province the matter

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of Provincial-Municipal fiscal policy.

Alderman O'Brien: "In light of the promises that have been made for increased aid to municipalities in Nova Scotia, if we do not consider our case inasmuch as it may differ from the bulk of the sixty-six municipalities in the Province, we may lose some benefit which rightly would be ours if the special case in the City of Halifax is not fully considered and presented to the Province before it determines in what manner it will distribute extra revenue to the municipalities. Do you want a Notice of Motion on that or can we take it as a recommendation from the Committee?"

His Worship the Mayor: "I think we should do it as soon as possible because of the announcement by the Premier during the election campaign that a hundred million dollars, if the figure is correct, will be given out to the municipalities in the next four years, we should certainly make our claim. I would hate to see it all lost and see it go for assistance to education to other municipalities; and see the City get its normal 15% contributions. Because, I believe there are other aspects of the municipal operation which bear more heavily on a city like Halifax than they do on one of the smaller centres in the urban and rural centres."

MOVED by Alderman O'Brien, seconded by Alderman DeWolf, that His Worship the Mayor appoint a Committee to study the matter of Provincial-Municipal fiscal policy, and prepare a brief for submission to the Province. Motion passed.

#### UNCUT GRASS

Alderman Dunlop: "I would like to ask a question about the unclipped grass. I went down near Spring Garden Road this afternoon and there are a number of places where the grass hasn't been cut this year."

His Worship the Mayor: "This isn't private property, is it?"

Alderman Dunlop: "On the street. The same thing happened last year. These are people who generally don't shovel their sidewalks. What is being done about these people?"

His Worship the Mayor: "I saw it on Young Avenue, Columbus Street and Isleville Street."

Alderman Dunlop: "We are offending between Sackville Street and Blowers Street. Actually, there are burdocks growing in there in the sidewalk area."

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His Worship the Mayor: "We are also offending, too, the property on the corner used as a parking lot at Rainnie Drive and Gottingen Street."

Alderman Dunlop: "I think the regulation should be enforced at once. Visitors are coming into the City and one person has a property neat and clean and the next property might not be. There are a number of these."

His Worship the Mayor: "The Chief of Police should issue instructions to the beat-men and the men in the cars, where in any case they find the grass uncut, as required by the regulation, they take such action as is proper under the regulation."

City Manager: "I'm subject to correction by Mr. Doyle, but we can control the sidewalks but we cannot control the clipping on the property itself. That was Mr. Bethune's ruling. I just thought that should be clear so that a policeman wouldn't go and say 'You better cut your backyard', because I don't think it's the policeman's job."

#### APPLICATIONS FOR BUILDING PERMITS

Alderman DeWolf: "I want to ask a question with respect to making application for building permits concerning the usual length of time from the time the application is made, and the time it is granted or refused, as the case may be. I have a case in mind. A lady asked a carpenter, who was working next door, to repair a fascia board--two little holes. He said 'I can't do that without a permit'. She couldn't see why the permit was necessary but advised him to get one. He said 'You will have to get it'. The lady went down to the City Hall to get a permit; paid the dollar, and asked for the permit to do this job because she wanted to have the house painted the next day. She was told 'Oh, no, it's not as simple as that; you'll have to wait'. She was advised she would have to wait about three weeks. There's something wrong, Your Worship."

His Worship the Mayor requested Mr. West to comment on the matter.

Mr. West: "Frankly, I'm amazed to hear that. I don't know what there is to say because I know myself that if a permit application for a small job comes in one day, the permit is out the next, if there are no major structural changes being made."

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Alderman DeWolf: "This was only two little holes in the fascia board. It wasn't a structural change of any kind. I wouldn't think they would even have to pay the dollar, myself. Nevertheless, she was told she would have to wait three weeks before she could get a permit to have this little job done. There's something wrong with that procedure."

His Worship the Mayor: "Mr. Mader, have you anything to add to this?"

Mr. Mader: "I am amazed as much as Mr. West is on this particular point. Generally, for small jobs like that, we try to process them quickly to get them out. I try to make sure they are all cleaned up by Friday. In some particular cases, it is necessary for the Inspector to go up. On some particular small job that the applicant sometimes give us we are suspicious with certain individuals. They sometimes say they are going to repair the front steps while they may be putting on a brand new verandah. At times, we feel it is necessary for the Inspector to visit this particular locality. Generally, on these small jobs--repairing a fascia board or a few shingles--we try to get it out in one or two days."

Alderman DeWolf: "That doesn't answer that. If the house is going to be painted the very next day, it must be a very small job; and I think a little common sense will go a long way with the taxpayers."

His Worship the Mayor: "As I understand it, there is a certain degree of tolerance exercised in this type of work."

Alderman Lloyd: "What is the penalty for doing work beyond which a permit has been issued? Supposing a person asks for a permit and misrepresents what they are going to do, very substantially. For instance, a permit issued only for the repair of fascia boards; and they constructed an addition or ell to the side of the building; what is the penalty?"

His Worship the Mayor: "They can be made to remove it, provided we prove that the person who got the permit was the person actually doing the work."

His Worship the Mayor advised that the City Charter provides penalties for non-conformity with Building Permits.

CATEGORY 2

STAFF -- PLANNING DEPARTMENT

Alderman O'Brien: "I would like to ask a question based on the minutes

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of Council of April 14th respecting the motion that His Worship the Mayor convene a Special Meeting of Council to consider planning staff, planning projects, priorities and any matters relating to planning and planning organization. Is there any indication when that meeting will be called?"

His Worship the Mayor: "No, only shortly."

CAPITAL BUDGET

TO: His Worship, C. A. Vaughan, and Members of the City Council.  
FROM: A. A. DeBard, Jr., City Manager.  
DATE: June 6, 1960  
SUBJECT: Capital Budget - 1960.

At the Council meeting on May 12, 1960, there was some discussion of the Capital Budget, primarily with reference to the total and more accurate figures for projections over the years.

With nothing approved and Summer upon us it might be well to proceed with some of the schedules on which there might not be too much question. There will always have to be some sidewalk, curb and gutter, paving, etc.

The items fall into three classes, on two of which perhaps some action can be taken now. The third is those items originally in the Capital Budget for 1960 but not listed below plus any items which may be added.

Category 1.

Schedule "X"	Additions after 1959 Budget	\$ 763,000.00
" "G"	School Board	<u>592,000.00</u>
		1,355,000.00

I would assume there is no question on the items listed above.

Category 2.

Schedule "A"	- Street Paving - New	148,000.00
" "B"	- Sidewalks, Curbs & Gutters	131,000.00
" "D"	- Sewer Rehabilitation	136,000.00
" "H"	- Traffic Improvement	66,900.00
" "J"	- Street Paving - Renewals	52,000.00
" "K"	- Recreation (not previously listed)	20,000.00
" "K"	- Miscellaneous Construction (portion)	<u>21,500.00</u>
		\$ 576,200.00
	Total	1,931,200.00

The portion of Schedule "K" recommended is the Point Pleasant Park sewer connection and Bedford Row Fire Station concrete floor.

A. A. DEBARD, JR.,  
CITY MANAGER.

CATEGORY #2

MOVED by Alderman Ferguson, seconded by Alderman Lloyd, that Category

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#2 amounting to \$576,200.00 be approved. Motion passed.

SPRINKLER SYSTEM - ADMINISTRATION BUILDING -  
SCHOOL BOARD

June 14, 1960

Mr. A. A. DeBard, Jr.,  
City Manager,  
City Hall,  
Halifax, N. S.

Dear Sir:

At a meeting of the Board held last evening, tender of the Standard Sprinklers Limited was accepted for installation of system in the Administration Building (Halifax Academy), at a tendered price of \$8,275.00.

This was not provided for in our annual budget as the need for same was decided upon after the estimates had been compiled.

Will you be good enough to have same approved by City Council, and the amount required made available to the Board.

Yours very truly,

H. F. BEZANSON,  
SECRETARY-TREASURER.

MOVED by Alderman Butler, seconded by Alderman Abbott, that the amount of \$8,275.00 be approved and included in the Capital Budget. Motion passed.

MOVED by Alderman Butler, seconded by Alderman Abbott, that a Borrowing Resolution in the amount of \$8,275.00 be approved. Motion passed unanimously the following members of Council being present and voting therefor: Aldermen Abbott, DeWolf, Dunlop, Lane, Macdonald, Butler, Fox, Ferguson, Trainor, Lloyd, Wyman, Connolly and O'Brien.

CATEGORY #1

MOVED by Alderman Wyman, seconded by Alderman Macdonald, that Category #1 be approved. Motion passed.

MOVED by Alderman Wyman, seconded by Alderman Macdonald, that Borrowing Resolutions in the amount of \$592,000.00 covering Schedule "G" 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, Connolly and O'Brien.

Alderman O'Brien asked if it were possible to add a sidewalk job for which a petition was submitted.

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His Worship the Mayor stated that it could be added to the Budget at the next meeting.

Alderman O'Brien also asked if that would be the appropriate time to consider the deletion of the amount of \$230,000.00 for Dutch Village Road widening from Schedule "B". He felt it was important to do the work this year rather than next.

Alderman Ferguson asked who would pay the cost of this project and was advised it would be shared by the Provincial Government and the City of Halifax. He felt if the City were going to receive a contribution toward a project, it would be well to approve of this one and delete some others.

Alderman Dunlop felt the widening of Dutch Village Road should be left in abeyance until the results of a survey to be carried out is known. He said that part of the road was not used very extensively and that the traffic picture in Halifax has changed entirely since the construction of the Overpass. He felt a traffic count should be held in connection with traffic on the Dutch Village Road.

His Worship the Mayor stated one reason why traffic was not so heavy on that road was because of the condition of it and that people purposely avoided travelling on it.

MOVED by Alderman O'Brien, seconded by Alderman Lloyd, that the sum of \$230,000.00 be included in the Capital Budget for 1960 for the purpose of widening Dutch Village Road. Motion passed.

MOVED by Alderman O'Brien, seconded by Alderman Lloyd, that a Borrowing Resolution in the amount of \$230,000.00 covering the above item 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, Connolly and O'Brien.

PAVING - YOUNG STREET, BETWEEN OXFORD AND CONNOLLY STREETS

A petition was submitted from property owners in the above area requesting that the proposed paving be not proceeded with.

The City Manager stated that the street could be maintained by the application of stone and oil as in former years. The paving schedule would be reduced by the sum of \$9,000.00.

Alderman Trainor stated that that street was subject to heavy truck

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traffic.

Alderman DeWolf requested information as to how many miles of paving were left to be done in the City so that Council might give an indication to the City Manager as to how much to budget for each year.

City Managers: "We do it somewhat that way but in a different way."

Alderman DeWolf: "I would like to have an indication when we reach the end of the road, specially with respect to sidewalks. Paving is a little different and I can understand because when you are finished the paving program for the whole City, you will have to come back and do some of the streets over again."

City Manager: "With respect to sidewalks, curbs and gutters, the first year I came here we were going to finish up this work in about three or four years. We are still going but we are getting closer to the end."

The City Manager stated that he would try to carry out the suggestion made by Alderman DeWolf with respect to the sidewalks, curbs, and gutters.

Alderman O'Brien: "Is there any exemption for corner properties on paving?"

Mr. West: "All improvements carry a forty-foot exemption."

Alderman O'Brien: "It is a problem when someone gets paving on both streets in the same year. There are quite a few properties involved this year because Dublin Street crosses a number of these streets which are being done. Dublin Street is in the program. It is quite a burden for some of the property owners. Perhaps this could be kept in mind when the program is made up. I can see that these streets are not in good condition but I can also see the problem which some of these abutters face."

His Worship the Mayor: "In order to avoid duplication of charges, you would have to wait until ten years have elapsed before you will have paid off the frontage charges."

MOVED by Alderman O'Brien, seconded by Alderman Lloyd, that the request contained in the petition be granted and the sum of \$9,000.00 deleted from the Budget. Motion passed.

IMPROVEMENT - 100 FEET OF SCOTT STREET

Alderman Butler: "There is a short street, Scott Street, running

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between Desmond Avenue and Howe Avenue, and it needs to be improved for about 100 feet to link it up with Desmond Avenue. I was wondering if that is included in the Capital Budget."

City Manager: "I don't think so but I will look."

Mr. West: "Actually, the property does not belong to the City. Part of it belongs to the Telephone Company."

City Manager: "There are no houses facing on it."

Alderman Butler: "It would make a line for the traffic between Howe Avenue and Desmond Avenue and Bayers Road, rather than bring the traffic out on Bayers Road at the Howe Avenue intersection. It would be a very easy approach for the people coming and going from the Fairview area. The Bayers Road, Howe Avenue intersection is a very busy one. It would relieve the traffic considerably. I have been asked if the City proposes to bridge the gap."

His Worship the Mayor: "You make another turning motion and you throw a substantial portion of traffic by a left turn onto a very busy Bayers Road. You have a left turning motion coming in from the Fairview, Bedford area. It would be a better measure for traffic control to keep them all on major streets; Howe Avenue and Bayers Road."

City Manager: "The street would have to be brought up to grade and then we could take a look at it."

Alderman Butler: "I think the street is up to grade now."

City Manager: "We can look at it and report. We will ask the Chief of Police for a report."

His Worship the Mayor: "And the Director of Planning as well."

Alderman Butler: "Can we have a report from both?"

His Worship the Mayor: "We will ask them what they would do."

The matter was then referred to the Chief of Police and Director of Planning for a report.

#### BORROWING RESOLUTIONS

The following Borrowing Resolutions as prepared by the City Solicitor were submitted:

1. \$18,000.00 - Replacing concrete floor in the Bedford Row Fire Station.
2. \$52,000.00 - Renewing or resurfacing certain streets in the City of Halifax as set out in the Schedule attached hereto.

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3. \$66,900.00 - Traffic improvement in the City of Halifax as set out in the Schedule attached hereto.
4. \$139,800.00 - Paving streets with permanent paving.
5. \$131,000.00 - Constructing curb and gutter and paving sidewalks with permanent paving.
6. \$136,000.00 - Improving public sewers in the City of Halifax.
7. \$3,500.00 - Defraying the cost of a relay sewer connection in Point Pleasant Park in the City of Halifax.
8. \$20,000.00 - Improvements to recreational facilities owned by the City, as set out in the Schedule attached hereto.

MOVED by Alderman O'Brien, seconded by Alderman Ferguson, that the Resolutions as submitted be approved. Motion passed unanimously, the following members of Council being present and voting therefor: Aldermen Abbott, DeWolf, Dunlop, Lane, Macdonald, Butler, Fox, Ferguson, Trainor, Lloyd, Wyman, Connolly and O'Brien.

TO LAY DOWN AND REMOVE A PORTION OF THE OFFICIAL STREET LINE AT THE NORTHWESTERN CORNER OF QUINPOOL ROAD AND ROBIE STREET AS SHOWN ON SECTION 14 B. OF THE OFFICIAL CITY PLAN.

This matter had been deferred at the meeting of Council held on April 28, 1960 in order to give Mr. B. Gaffen, solicitor for the owners of the land at the North West corner of Quinpool Road and Robie Street an opportunity to present a plan of the proposed development of the land.

Mr. Gaffen produced a plan which was displayed for the benefit of Council.

10:15 P. M. Alderman Trainor retires.

Alderman DeWolf: "Your Worship, I would like to ask if this item goes through, are we liable for any action for damages by the present owner of that land?"

His Worship the Mayor: "No! We certainly have a pure right to do this."

Planning Director: "At the last meeting some doubts were expressed as to the clarity of the presentation of the traffic proposal which may affect the development of that site, and I have now produced more drawings (P-300/37 and P-450/18) which show what could be the type of traffic solution for that area, which prompted me in suggesting a new street line and a new building line.

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It is only a suggestion and it may differ from the proposals I have already put forward, but it does show that the suggestions which I made initially link with the ultimate improvement of the Willow Tree area. I feel that Robie Street as a result of the bridge, which I feel will come, will gain in importance and the traffic congestion in that area will increase in both directions - to and from the Bridge. So, it would not be fair to judge the capacity of the junction or the traffic congestion at the moment on the strength of the situation which will be present in a few years' time. That is only one factor. Of course, there are other factors which will be indicated -- vehicle ownership and increase in population of the area.

"Mr. Gaffen has submitted a drawing which he was requested to produce, showing what his solution to the development of the corner would be."

He then pointed to the drawing on display, and said: "He indicates initially that he would like to develop the whole area of the land which is available."

Referring to the appearance of the proposed building, the Planning Director stated: "I have never disputed that the site could be developed attractively on the lines of the present boundary. That was not the point. The point was that I didn't want the building to project so far into the traffic improvement area."

"So, while I will accept the design of the building, I feel that the proposed building prevents the improvement which, I feel, ultimately is required to give the traffic circulation indicated on the drawing which I have prepared. It shows a turning lane from Robie Street into Quinpool Road. It may be that at the moment the amount of traffic making that turn is limited, and if there is a traffic count which properly indicates that that turn is not important, then it can be cleared under the present arrangements. But, as I have said before, this may not be so in a few year's time; and if this building is allowed to be built on the line intended by the developer it will be too late to consider the improvement at that time."

He then displayed a drawing showing the outline of the building suggested by himself and the outline suggested by the developer, and he said that: "It amounts to the difference in the area to be developed which is contained

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between my 'red' line and the developer's 'blue' line, on the drawing."

His Worship the Mayor: "Does the Gaffen plan contemplate the acceptance of either proposal for street line and building line?"

Planning Director: "No, both of them."

His Worship the Mayor: "Their proposal is not much different than what they first proposed?"

Planning Director: "Not at all."

Mr. Gaffen: "The proposal is exactly what we proposed building right from the start. The man who drew it did make a mistake, I admit. We did not plan on going back to the street line or back of the circle. We planned on building across the circle, and that we would not come on to any of the land that was in dispute. We would not come on any of that land. You will see in this picture we have enclosed this building, here, into our plan and this is it. That is what we had in mind from the start. This is what we planned on doing."

His Worship the Mayor (to Planning Director): "If the Council approves of these lines as laid down in the Gaffen application, this would rule out, then, the development you propose here?"

Planning Director: "Yes, it would prevent the carrying out of the improvement in the street turning lines and the junction."

His Worship the Mayor (to Mr. Gaffen): "Have you anything more to present?"

Mr. Gaffen: "Your Worship, there is nothing more to present, except that Mr. Mannich has the advantage. I haven't seen this plan before. I cannot see traffic going up Quinpool Road from Robie Street. If the Bridge goes through the traffic will then go down Robie Street, it will not be turning up. The Bridge will be in the south end and all the traffic will be going south, there will be no traffic turning west. I would say if, in the future, a Bridge is built that there will be less traffic going up Quinpool Road, it will be proceeding down Robie Street. With the Bridge in mind it is absolutely unnecessary to take this land away. It is no more necessary to take that land away than it is to prohibit the building on any other corner in the City. If

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you are going to take that attitude -- what might happen in the future -- you have to say that we cannot build on any corner; we must cut down every corner, and this is one corner where there is considerable cut right now."

His Worship the Mayor: "You certainly can't say, Mr. Gaffen, that the Willow Tree corner is similar to any other corner."

Mr. Gaffen: "The turn to the right to Quinpool Road is very similar to any street in the City. There is very, very little traffic that goes up Quinpool Road. I have watched it over and over again. I come down there every day and there is very little traffic. The only traffic that I see going up Quinpool Road are the taxis that come to park around the corner."

His Worship the Mayor: "I turned to the left three times in the last few days and not to the right. They weren't planned turns either. I went that way because I was going out to North and Windsor Streets."

Mr. Gaffen: "I come by there four or five times every day and I have seen very little traffic. The only traffic I see are the taxis passing there."

His Worship the Mayor: "The only thing is, Mr. Gaffen, as one member of the Council, I feel that insofar as guidance on traffic matters, or big traffic things, I think we have to take the word of our Planner, and not yourself, because, naturally, your interest in this case makes you a biased person. Therefore, I think that we have to depend upon our Planners, and so on, to guide us on these matters."

Mr. Gaffen: "I think this is the wrong thing because if you are talking about the Bridge you can't possibly tie it in. You can't possibly tie this in to the building of the Bridge, and Mr. Munnich says the Bridge will be built."

His Worship the Mayor: "No, no! He said on Robie Street there would be far more traffic."

Mr. Gaffen: "I admit that, but the traffic will not be turning to the right."

His Worship the Mayor: "None of it?"

Mr. Gaffen: "Very little, because the only traffic being brought there, the vehicular traffic, will be brought for the Bridge and the Bridge