

Council,
August 24, 1961.

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JOHN E. LLOYD,
MAYOR AND CHAIRMAN.

R. H. STODDARD,
CITY CLERK.

CITY COUNCIL
MINUTES

Council Chamber,
City Hall,
Halifax, N. S.,
September 14, 1961,
8:15 P. M.

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

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

There were present the Deputy Mayor, Chairman; Aldermen DeWolf, Abbott Breen, Lane, Macdonald, Butler, Fox, Ferguson, Healy, Connolly and O'Brien.

Also present were Messrs. L. M. Romkey, Acting City Manager; R. H. Stoddard, W. J. Clancey, H. K. Randall, L. Mitchell, J. F. Thomson, G. F. West, J. L. Leitch, A. E. Fry, K. Munnich, A. P. Flynn and Doctor A. R. Morton.

MINUTES

MOVED by Alderman Lane, seconded by Alderman Abbott, that the minutes of meetings of Council held on August 17 and 24, 1961, be approved. Motion passed.

PUBLIC HEARING RE: SERVICE STATION - BAYERS ROAD - HALIFAX SHOPPING CENTRE

A Public Hearing into the matter of an application from Webb and Knapp (Canada) Limited to locate a service station on the south side of Bayers Road, between George Dauphinee Avenue and Coleman Court, was held at this time.

To: His Worship the Mayor and Members of City Council

From: Town Planning Board

Date: August 22, 1961

Subject: Service Station - Bayers Road - Halifax Shopping Centre

The Town Planning Board at a meeting held on the above date, considered a report from the Director of Planning recommending in favor of an application to locate a gasoline service station within the Halifax Shopping Centre on Bayers Road, as shown on Drawing No. P202/46, in accordance with Section 797 of the City Charter.

On motion of Alderman Wyman, seconded by Alderman Healy, the Board recommended to City Council approval of a service station within the Halifax Shopping Centre, as shown on Drawing No. P202/46, and that the matter of entrances and exits to the Shopping Centre be subject to further study by staff.

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

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

From: K. M. Munnich, Director of Planning

Date: August 22, 1961

Subject: Service Station - Bayers Road - Halifax Shopping Centre

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The Board have, at their meeting on June 20, 1961, deferred their decision on this application pending the receipt of further information on the detailed planning of the service station itself, and the traffic arrangements at the Bayers Road entrance to the shopping centre. The applicants have now submitted a drawing showing the revised plan for the service station resulting from the consultations with the City staff. (Drawing number P202/46 refers.) The Traffic Engineer has also prepared a solution for the traffic arrangement on Bayers Road which shows that the service station fits in with the proposed circulation. The arrangements shown are satisfactory from the planning and traffic points of view.

IT IS RECOMMENDED, therefore, that the Board recommends for approval to City Council the application to locate a gasoline service station within the Halifax Shopping Centre on Bayers Road, as shown on drawing number P202/46, in accordance with Section 797 of the City Charter.

Respectfully submitted,

K. M. MUNNICH,
DIRECTOR OF PLANNING.

A petition was submitted bearing 213 signatures of which 136 were assessed property owners and 71 were tenants, protesting against the construction of the station for the following reasons:

1. The largest percentage of the area surrounding the proposed service station and automotive centre is R-1 Residential.
2. There are now five service stations on Bayers Road between Oxford Street and Dutch Village Road - a distance of 1.1 miles.
3. A service station would, in its turn, be open longer hours than the shopping centre and create a nuisance to the neighbourhood.
4. Gas fumes would be prevalent, especially in the summer, and together with unsightly refuse make back yard relaxing a thing of the past for many of the residents.
5. Additional noise associated with servicing cars and minor repairs would be detrimental to a residential area.
6. Any building at the proposed place, especially a service station, would devaluate the immediately adjacent properties, although the rest of the properties in the area may be increased in value because of the presence of the shopping centre.
7. Until the presentation of the present plan to the City Planning Board, there had been no suggestion of any building at this point in the shopping centre, let alone a service station. Earlier plans, sketches and word of mouth assurances led the citizens to believe that the Bayers Road entrance to the shopping centre would be landscaped and in keeping with the area.
8. Additional fire hazards are brought into a residential area with the presence of a service station.
9. City Council has already refused a service station on the opposite side of Bayers Road but in close proximity to the proposed one.

The Director of Planning submitted a plan and outlined the proposal for the information of Council.

Reverend Rhodes Cooper addressed Council in support of the petition and on behalf of the residents in the area concerned. A Mr. Sangster also spoke against.

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Mr. H. B. Rhude, Solicitor for Webb and Knapp (Canada) Limited, addressed Council in support of the application.

Alderman Wyman arrives at 8:45 P. M.

Mr. Donald McInnes, Solicitor for the T. Eaton Company Limited, addressed Council and requested a deferment so that the Company would have an opportunity to make a submission to Council respecting this matter.

The Deputy Mayor suggested that perhaps the Company officials might consider relocating the service station on some other site within the area and that they discuss the matter with the residents concerned with a view to a satisfactory solution to the problem.

MOVED by Alderman O'Brien, seconded by Alderman Lane, that the hearing be adjourned but leaving an opportunity for those for and against to speak when the hearing is resumed, and that the Town Planning Board be requested to re-consider its recommendation to Council.

Both Aldermen Lane and O'Brien were against the proposed location within the proposed centre.

The motion was then put and passed.

PUBLIC HEARING RE: REZONING LAND CORNER OF MAYNARD AND GERRISH STREETS FROM
R-3 ZONE TO C-2 ZONE

To: His Worship the Mayor and Members of City Council

From: Town Planning Board

Date: July 4, 1961

Subject: Rezoning - Corner of Maynard and Gerrish Streets - R-3 - C-2

The Town Planning Board at a meeting held on the above date, considered a report from the City Manager recommending that the lot in question be rezoned from R-3 to C-1 and that Mr. Isnor, on behalf of Isnor Motors Limited, enter into an agreement with the City that, should the City ever desire to rezone this property back to R-3, he would make no objections and also that within thirty days of such rezoning back to R-3 that the use of this lot for car parking be discontinued. Mr. Isnor is quite agreeable to enter into such agreement and the City Manager further suggested that such agreement be in the form of a caveat to be recorded in the Registry of Deeds, so that any prospective purchaser of the property would have constructive notice of such agreement between the present owner of the property and the City.

On motion of Alderman Trainor, seconded by Alderman Connolly, the Board approved the rezoning of #131 Maynard Street from R-3 to C-1 and recommended to City Council that a date be set for a public hearing.

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

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A Public Hearing into the matter of rezoning the southeastern corner of Maynard and Gerrish Streets from R-3 Zone to C-2 Zone was held at this time.

The Director of Planning submitted a plan and outlined the proposal for the information of Council.

No persons appeared for or against the application to rezone.

A formal by-law as prepared by the City Solicitor was submitted.

MOVED by Alderman Abbott, seconded by Alderman Healy:

(1) that the rezoning be approved;

(2) that Mr. Kenneth Isnor enter into an Agreement with the City of Halifax as mentioned in the report; and

(3) that the by-law be referred to the Minister of Municipal Affairs for approval when the Agreement has been executed by both parties. Motion passed.

PUBLIC HEARING RE: REZONING LAND NORTH SIDE ALMON STREET BETWEEN KEMPT ROAD AND WINDSOR STREET, BEING LOT "A", EXHIBITION GROUNDS, C-3 ZONE TO "P" ZONE

To: His Worship the Mayor and Members of City Council

From: Town Planning Board

Date: July 18, 1961

Subject: Rezoning - Portion of Exhibition Grounds - (Park and Institutional - Industrial)

The Town Planning Board at a meeting held on the above date, considered a report from the Director of Planning recommending in favor of the rezoning of Area "A" on Drawing Number P500/25 from Industrial to Park and Institutional, and Area "B" from Park and Institutional to Industrial.

On motion of Alderman Wyman, seconded by Alderman Connolly, the Board approved the rezoning of Area "A", as shown on Drawing Number P500/25, from Industrial to Park and Institutional, and Area "B" from Park and Institutional to Industrial, and recommended to City Council that a date be set for a public hearing.

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

A Public Hearing into the matter of rezoning land on the north side of Almon Street, between Kempt Road and Windsor Street, being Lot "A" of the Exhibition Grounds, from C-3 Zone to "P" Zone, was held at this time.

The Director of Planning submitted a plan and outlined the proposal for the information of Council.

No persons appeared for or against the application to rezone.

A formal by-law as prepared by the City Solicitor was submitted.

MOVED by Alderman Wyman, seconded by Alderman Fox, that the rezoning be approved. Motion passed.

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PUBLIC HEARING RE: REZONING LAND BETWEEN ALMON AND YOUNG STREETS AND WEST OF KEMPT ROAD, BEING LOT "B", EXHIBITION GROUNDS, FROM "P" ZONE TO C-3 Z O N E

A Public Hearing into the matter of rezoning land between Almon and Young Streets and west of Kempt Road, being Lot "B", Exhibition Grounds, from "P" Zone to C-3 Zone, was held at this time.

The Director of Planning submitted a plan and outlined the proposal for the information of Council.

No persons appeared for or against the application to rezone.

A formal by-law as prepared by the City Solicitor was submitted.

MOVED by Alderman Wyman, seconded by Alderman DeWolf, that the rezoning be approved. Motion passed.

TENDERS FOR CITY-OWNED LAND - SOUTH STREET

September 14, 1961

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

At a meeting of the Finance and Executive Committee held on September 5, 1961, a letter was submitted from the President of the Board of Management of the Children's Hospital making an application to the City of Halifax for the acquisition of a portion of City-owned land adjacent to the Halifax Mental Hospital for the purpose of constructing a new hospital.

A delegation from the Board of Management was present in the persons of Mrs. Stewart Rowan-Legg, Messrs. K. Kline, S. Jacobson and C. Matheson in support of the request.

A plan was submitted outlining an area containing approximately 37,500 square feet required for hospital purposes.

After discussion, your Committee recommends:

- A) that the City-owned land fronting on South Street and bounded on the east by land owned by the Trustees of the Children's Hospital be referred to the Town Planning Board for subdivision;
- B) that a portion of the City-owned land comprising 37,500 square feet be advertised for sale by tender and that the tenderers disclose their proposals for the development of the said land; and
- C) that the matter of the re-location of any sewers involved be referred to the City Manager for processing through the appropriate Committee.

Alderman DeWolf was recorded against as he favored a site for the hospital expansion programme but not the one requested.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

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

Alderman DeWolf was recorded against as he was of the opinion that the

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site of the Halifax Mental Hospital should be utilized by the Children's Hospital for its expansion programme.

ACCOUNTS OVER \$500.00

To: His Worship Mayor J. E. Lloyd and Members of City Council
From: P. F. C. Byars, City Manager
Date: September 12, 1961
Subject: Accounts over \$500.00

In accordance with Section 119-F 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>
Finance	Dartmouth Iron Foundry Ltd.	Manhole Frames & Covers	\$ 1,056.00
	Province of Nova Scotia	Amortization payment -- Share of Capital Costs re Halifax County Vocational High School	\$12,991.40
	L. E. Shaw Limited	Catchpit sections	735.64
Police	Morris Goldberg	Clothing	\$ 2,771.20
	F. R. McLaine Limited	Saddle Horses	\$ 600.00
Works	Public Service Commission	Operating and Maintaining Arm Sewer Chlorinator during month of July, 1961	\$ 1,238.98
	Leo M. van Reisen & Company	Bulbs	\$ 538.02
Mental Hospital	Foster Wheeler	Re-tubing Boilers	\$ 679.52
Natal Day	T.W. Hand Fireworks Co.	Display of Fireworks	\$ 1,500.00
			<u>\$22,110.76</u>

Respectfully submitted,

L. M. ROMKEY,
ACTING CITY MANAGER.

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

LETTER - MINISTER OF HIGHWAYS RE: BICENTENNIAL ENTRANCE

Office of the Mayor

September 12, 1961

To the Members of City Council.

Dear Aldermen:

Enclosed is a copy of a letter which was received by His Worship the Mayor in connection with the financial agreement of the proposed Bicentennial

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Drive entrance into the City. This letter is being passed on to you for your information at the request of the Mayor, who has replied to the Minister stating that it would be dealt with at the September 14th Council Meeting.

Upon checking the minutes of the meeting of the Committee on Works held on August 22, 1961, I find that certain information is still not in our hands, such as the study by staff dealing with the traffic problems that would be created within the City. Also the Committee on Works agreed that the cost sharing agreement as proposed by the Minister is unsatisfactory and further negotiations were requested by the Committee.

I would ask you to keep this letter confidential until Thursday's Council Meeting.

Yours very truly,

T. L. TRAINOR,
DEPUTY MAYOR.

Minister of Highways
Province of Nova Scotia

September 6, 1961

Mayor J. E. Lloyd,
City of Halifax,
Halifax, N. S.

Dear Mr. Mayor:

There has been brought to my attention the press report of the recent meeting of the City Council at which some discussion took place relating to the entrance of Bicentennial Drive to the City. I note there was some feeling that the proposal of the Province as to sharing the cost thereof was not satisfactory. This proposal was set out in the letter of the Deputy Minister of Highways to the City Clerk dated August 3, 1961, and the draft agreement forwarded therewith.

I think I should draw attention to the fact that this proposal is as generous to the City as the law allows. It is based on payment by the Province of fifty percent of the cost of construction within the City limits and all of the cost of construction outside the City limits. This, as I have said, is the maximum percentage which under existing law the Province is permitted to pay.

According to engineering estimates, the total cost of the entrance will be approximately \$3,151,000. Under this proposal the Province would be paying about \$2,217,000 and the City about \$934,000.

It is worth noting that the Province has not in any way tried to haggle or bargain by suggesting less than the maximum it could offer. On the contrary, without hesitation, it has proposed to the City a sharing of costs based on the most generous terms within its legal power to offer.

It is easy to understand the natural reluctance of members of the City Council to incur such a substantial expenditure. However, it seems clear that in the opinion of all the engineers who have examined the matter, no lesser structure will be adequate properly to service the heavy volume of traffic expected to use the entrance.

It may be the view of some people that the engineering opinion is open to question, and that in fact some less expensive structure would be sufficient, at least for the time being. I do not share this view, but I am prepared to experiment to find out whether it is likely to be right.

That portion of Bicentennial Drive from the City to Hammonds Plains will be opened to traffic in a few weeks, and the whole distance from Lake Thomas is expected to be ready before the end of this year. As a temporary measure, the traffic will necessarily have to enter Dutch Village Road at grade.

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DEFINITION OF THE WORD "NUISANCE" AS
TO ORDINANCE NUMBER 51

Council,
September 14, 1961

It has been the intention of the Department, if and when agreement is reached with the City, to proceed at once with the construction of the ramp connections to Dutch Village Road referred to in the first line of the second page of that section of the Development Specification headed "Introduction and Terms of Reference". This would reduce to a relatively short time the period during which the traffic would enter Dutch Village Road at grade, and the construction of the balance would follow immediately.

If, however, these ramps were not built, the traffic would continue to enter Dutch Village Road at grade. This would permit an extended period of observation of the traffic conditions and patterns arising from such a situation, and might thus furnish material helpful in further consideration of the whole project.

May I emphasize that I am not recommending such a course. I am merely putting it forward as a course the Department would be prepared to follow, as an experiment, if the City so desired. Perhaps you will let me know the views of the Council in due course.

Sincerely yours,

G. I. SMITH,
MINISTER OF HIGHWAYS.

It was agreed to defer consideration of this matter until a report and plan were received from staff pertaining to the overall traffic problem.

At the suggestion of Alderman O'Brien, the staff was also requested to report as to how each of the conditions are to be met which were laid down in the resolution of Council as well as the total cost of all expenditures in which the City will be involved because of the highway entrance into the City.

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September 14, 1961.

DEFINITION OF THE WORD "NUISANCE" AS APPLICABLE
TO ORDINANCE NUMBER 51

To: His Worship the Mayor and Members of the City Council.
From: L. Mitchell, Deputy City Solicitor.
Date: September 5, 1961.
Subject: Definition of the word "Nuisance" as applicable to Ordinance No.51.

At the August 24th, 1961 Meeting of City Council, it was requested that the word "Nuisance" be defined as contained in subsection (3) of Section 3 of Ordinance Number 51.

Such subsection reads as follows:

"No person shall, in the City of Halifax, cause, suffer or allow to be discharged or emitted from any fuel-burning equipment, internal combustion engine, vehicle, outside open fire, or premises, any smoke, dust, fly-ash, soot or fumes or other solid or gaseous product of combustion in violation of subsections (1) and (2) of this Section or to an extent which is detrimental to the property of any other person or which is a nuisance to any person not being therein or thereupon engaged."

The term "nuisance" as used in law is not capable of exact definition. However, nuisances are divisible into common law and statutory nuisance. A common law nuisance is one which, apart from statute, violates the principles which the common law lays down for the protection of the public and of individuals in the exercise, and enjoyment of their rights. A statutory nuisance is one which, whether or not it constitutes a nuisance at common law, is made a nuisance by statute, either by express terms or by implication. There are many statutory provisions which enable nuisances affecting public health, morals and comfort to be dealt with summarily. E.G. Ordinance No.51.

In order to constitute a nuisance there must be both a wrongful act and damage. The latter alone gives no right of action. The mere fact that an act causes loss to another does not make that act a nuisance. However, an act which in some circumstances is innocent may in others become actionable as a nuisance. Whether such an act does constitute a nuisance must be determined, not merely by an abstract consideration of the act itself, but by reference to all the circumstances of the particular case.

Every person is required by law to exercise his rights, whether over his own or public property, with due regard to the co-existing rights of others, and an unreasonable, excessive, or extravagant exercise of his rights to the damage of others constitute a nuisance. Where a person does some act, which he is lawfully entitled to do on his own land, it will constitute a nuisance if it results in causing physical damage to his neighbour's property unless there is justification; possible justifications are that the damage is a natural result of a reasonable use by a man of his own property. Instances of injury to property, or interference with rights in respect of property are commonly found to arise from the escape of water, or noxious fumes and from interference with light or air.

In the case of adjoining or neighbouring buildings or premises, each of the respective owners or occupiers is entitled to the full use and enjoyment of his property in the ordinary manner of its use and for the ordinary purposes for which premises are designed, and, so long as he confines himself to such user and exercises such user and enjoyment in a

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reasonable manner, having regard to surrounding circumstances, he is not guilty of committing a nuisance. As a general rule, no act can be justified as an ordinary user of premises which in fact results in a state of things amounting to a substantial interference with the ordinary use and enjoyment of property by other persons.

Every person is entitled, as against his neighbour, to the comfortable and healthful enjoyment of the premises owned or occupied by him whether for pleasure or business. Consequently where fumes or vapours which are noxious per se escape and damage the property of a neighbour, it constitutes nuisance if the effect is to diminish the value of the property and the comfort and enjoyment of it.

Smoke, fumes and smells either together or singly, which materially interfere with the ordinary comfort, physically, of human existence, when judged by the standard as set out in the previous paragraph, constitute a nuisance in law. They need not be actually noxious or injurious to health. The question of nuisance or no nuisance is pre-eminently one of degree and no specific rules can be laid down. Circumstances and the locality must also be considered.

Apart from fumes and offensive odours arising from trades held to be offensive, the vitiation of the atmosphere has been held to be a nuisance. Smoke, even when unaccompanied by noise or noxious vapours and although not injurious to health, may constitute an actionable nuisance provided that the annoyance produced is such as materially to interfere with the ordinary comfort of human existence.

Thus it can be seen from the above brief statement of the law that no simple definition can be given for the word "nuisance" in application of Ordinance No.51. The circumstances of each particular case must be applied to the general law to see if a nuisance has been created.

All of which is respectfully submitted,

LEONARD MITCHELL,
DEPUTY CITY SOLICITOR.

FILED:

REVISED TENDER - MAYFLOWER CURLING CLUB FOR LAND, EXHIBITION GROUNDS

The following letter was submitted:

September 6, 1961.

His Worship the Mayor and
Members of the City Council,
Halifax, Nova Scotia.

Gentlemen:

On the 25th of May 1961, the Mayflower Curling Club tendered on a piece of property located at the old Exhibition Grounds; and said lot being 120 feet in width, 352 feet in depth and comprising 42,240 square feet for the sum of \$43,000.00.

On further checking the plans of the property it has been found that the lot is 130 feet in width and not 120 feet, thereby increasing the

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the total area by 3,520 square feet. In the light of this additional square footage we would ask that our tender be revised so that it now reads in the amount of \$44,000.00 for a lot comprising 45,760 square feet.

This additional strip of land 10 feet by 352 feet will add greatly to our parking facilities.

Yours very truly,

R. S. CURRIE,
PRESIDENT,
MAYFLOWER CURLING CLUB.

MOVED by Alderman Abbott, seconded by Alderman Wyman, that the request of the Mayflower Curling Club be granted and that the revised tender in the amount of \$44,000.00 for a lot of land comprising 45,760 square feet be accepted. Motion passed.

AMENDMENT - ZONING BY-LAW RE: PROFESSIONAL PERSONS

To: His Worship the Mayor and
Members of the City Council.
From: P. F. C. Byars, City Manager.
Date: September 6, 1961.
Subject: Zoning By-Law - Professional Persons.

City Council has requested that consideration be given to widen the definition of "Professional Person" in the Zoning By-Law to include Professional Chemists.

The present Zoning By-Law defines "Professional Person" as follows:

- (a) Doctor, Physician or Surgeon
- (b) Dentist
- (c) Barrister or Solicitor
- (d) Architect or Engineer

The import of being classified as a professional person is to allow business offices in that person's home, even though it is located in an R-1 Zone. To widen the definition of the word is to permit an increase in the number of businesses in an R-1 Zone.

The present definition is too wide, since it includes all doctors, dentists, lawyers and engineers. There does not seem to be any justification for a lawyer or an engineer to have his office in his own dwelling in an R-1 Zone. However, doctors and dentists are in an entirely different category, since they, in effect, practice healing of the body and it is important they be located in all Zones throughout the City.

It is recommended that the present definition of "Professional Person" rather than be expanded be narrowed to include only doctors and dentists engaged in healing. The Zoning By-Law should be amended as follows:

1. The definition of Professional Person be repealed.

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2. Clause (b) of Section 1 of Part IV be repealed and the following substituted therefor:

"The home office of a physician, dentist or other person authorized by law to practice medicine or healing when situated in a room in the same dwelling unit as the home of such person."

It is suggested that City Council refer this matter to the Town Planning Board for a report on an amendment of the Zoning By-Law to incorporate the above recommendation.

Respectfully submitted,

P. F. C. BYARS,
CITY MANAGER.

MOVED by Alderman Wyman, seconded by Alderman Connolly, that in accordance with the suggestion of the City Manager the matter be referred to the Town Planning Board for consideration and report. Motion passed.

TENDERS FOR BOND ISSUE

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

At a meeting of the Finance and Executive Committee held on September 5, 1961, a report was submitted from the City Manager recommending a Bond Issue in the amount of \$1,500,000.00, dated October 1, 1961.

Your Committee concurs in the recommendation of the City Manager.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

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

From: P. F. C. Byars, City Manager.

Date: September 5, 1961.

Subject: Proposed Bond Issue.

There has been some improvement in the money market and by the time this proposed issue is offered for sale there may be even better conditions

Our present authorizations stand at \$7,045,680.45. Our expenditures on borrowing resolutions amount to \$1,989,795.68 as at August 31, 1961, and in order to keep our City in a good financial position, and after consulting with the Commissioner of Finance, I am recommending a bond issue for \$1,500,000.00, dated October 1, 1961.

	<u>AUTHORIZED</u>	<u>EXPENDITURE</u>	<u>AMOUNT FOR BOND ISSUE</u>
51-3 Pavements	\$ 206,100.00	\$ 24,821.68	\$ 85,781.00
51-23 Paving, Installing, Curb & Gutter & Sidewalk, Bayne and Macintosh Sts.	60,000.00	38,493.93	60,000.00

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	<u>AUTHORIZED</u>	<u>EXPENDITURE</u>	<u>AMOUNT FOR BOND ISSUE</u>
51-24 Widening Dutch Village Rd.	230,000.00	31,087.42	100,000.00
52-2 Sewer Rehabilitation	98,320.50	43,754.67	50,000.00
52-10 Storm Sewer Across Howe Avenue	120,000.00	53,331.15	70,000.00
52-12 Sewer Extension Lady Hammond Road	15,000.00	15,000.00	15,000.00
52-13 Sanitary & Storm Sewers Westwood Park	160,000.00	68,955.54	100,000.00
52-14 Storm Sewer Mumford Rd.	40,000.00	36,072.40	40,000.00
53-1 Richmond School Additions & Alterations	314,000.00	230,237.76	314,000.00
53-20 Paving School Yards	24,219.00	21,779.65	24,219.00
53-35 Addition & Alterations to St. Joseph's School	291,000.00	202,230.09	291,000.00
55-29 Acquiring Portion of Land For Redevelopment & Removal of Buildings	285,000.00	249,782.91	200,000.00
60-9 Mulgrave Park Housing	345,000.00	159,320.68	150,000.00
	<u>\$2,188,639.50</u>	<u>\$1,174,867.88</u>	<u>\$1,500,000.00</u>

Respectfully submitted,

P. F. C. BYARS,
CITY MANAGER.

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

ALTERATION TO A SUBDIVISION - NO. 213 BAYERS ROAD

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

From: Town Planning Board.

Date: September 5, 1961.

Subject: Alteration to a Subdivision - No. 213 Bayers Road.

The Town Planning Board at a meeting held on the above date, considered the matter of an alteration to a subdivision at No. 213 Bayers Road.

This matter had been deferred previously until the rezoning at No. 213 Bayers Road was approved.

On motion of Alderman O'Brien, seconded by Alderman Trainor, the Board approved an alteration to a subdivision at No. 213 Bayers Road, as shown on Drawing Number P200/223, and recommended the same to City Council.

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

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

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PETITION TO REZONE GREEN STREET - R-3 ZONE TO C-1 ZONE

To: His Worship the Mayor and Members of the City Council.
From: Town Planning Board.
Date: September 5, 1961.
Subject: Petition to Rezone - Green Street (R-3 to C-1)

The Town Planning Board at a meeting held on the above date, considered a report from the Director of Planning recommending that no action be taken on the request for a rezoning of the Green Street area from R-3 to C-1.

On motion of Alderman Trainor, seconded by Alderman Wyman, the Board approved the report and recommended it to City Council.

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

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

ALTERATION TO A SUBDIVISION - NO.35 MEMORIAL DRIVE

To: His Worship the Mayor and Members of the City Council.
From: Town Planning Board.
Date: September 5, 1961.
Subject: Alteration to a Subdivision - No.35 Memorial Drive.

The Town Planning Board at a meeting held on the above date, considered a report from the Director of Planning recommending in favor of an alteration to a subdivision at No. 35-37 Memorial Drive, as shown on Drawing Number P200/281, 00-9-15091, in accordance with Section 727C of the City Charter, and that no public hearing be held.

On motion of Alderman O'Brien, seconded by Alderman Healy, the Board approved an alteration to a subdivision at No. 35-37 Memorial Drive, as shown on Drawing Number P200/281, 00-9-15091, and recommended the same to City Council.

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

MOVED by Alderman Connolly, seconded by Alderman Abbott, that the matter be deferred pending receipt of a further plan. Motion passed.

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September 14, 1961.

MODIFICATION OF SIDEYARD - NO. 39 DUBLIN STREET

To: His Worship the Mayor and Members of the City Council.
From: Town Planning Board.
Date: September 5, 1961.
Subject: Modification of Sideyard - No. 39 Dublin Street.

The Town Planning Board at a meeting held on the above date, considered a report from the Director of Planning recommending in favor of a modification of sideyard at No. 39 Dublin Street, as shown on Drawing Number P200/431.

On motion of Alderman Trainor, seconded by Alderman Wyman, the Board approved the report and recommended it to City Council.

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

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

RELEASE OF HOLDBACK - INCINERATOR EQUIPMENT - FRANCIS HANKIN CO. LTD.

To: His Worship the Mayor and Members of the City Council.
From: Committee on Works.
Date: September 5, 1961.
Subject: Release of Holdback - Incinerator Equipment - Francis Hankin.

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. 16 (final payment) re: material and equipment for the new Incinerator to Francis Hankin and Company Limited.

On motion of Alderman Wyman, seconded by Alderman Trainor, the Committee recommended to City Council payment of Certificate No. 16 (final payment) re: material and equipment for the new Incinerator, in the amount of \$12,308.20, to Francis Hankin and Company Limited.

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

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

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DEMOLITION - DRILL TOWER - WEST STREET FIRE STATION

To: His Worship the Mayor and Members of the City Council.
From: Committee on Works.
Date: September 5, 1961.
Subject: Demolition - Drill Tower - West Street Fire Station.

The Committee on Works at a meeting held on the above date, considered a report from the Commissioner of Works recommending acceptance of the quotation from George A. Redmond, in the amount of \$985.00, for the demolition of the drill tower at the West Street Fire Station.

No funds are available for this work and the Commissioner of Works requested that \$985.00 be authorized under 316-C of the City Charter.

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

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

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

INSPECTION AND MAINTENANCE SERVICE - INCINERATOR

To: His Worship the Mayor and Members of the City Council.
From: Committee on Works.
Date: September 5, 1961.
Subject: Inspection and Maintenance Service - Incinerator.

The Committee on Works at a meeting held on the above date, considered a report from the Commissioner of Works recommending that the City enter into an agreement with Francis Hankin and Company Limited for the inspection and maintenance service of the Incinerator at a fee of \$300.00 per year.

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

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

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

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ENCROACHMENT - NOS. 183-189 HOLLIS STREET

To: His Worship the Mayor and Members of the City Council.
From: Committee on Works.
Date: September 5, 1961.
Subject: Encroachment - Nos. 183-189 Hollis Street.

The Committee on Works at a meeting held on the above date, considered a report from the Commissioner of Works recommending in favor of an encroachment at Nos. 183-189 Hollis Street, in accordance with Section 540 of the City Charter with the same terms and conditions as approved by City Council.

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

Respectfully submitted,
K.C. MANTIN, CLERK OF WORKS.

MOVED by Alderman Wyman, seconded by Alderman Fox, that the encroachment be permitted on the following terms:

1. That it will be removed when the City so directs at no cost to the City;
2. A fee of \$25.00 be paid by the applicant for the privilege of encroaching on a City Street;
3. An annual fee of \$30.33 be paid as long as the encroachment exists. (Twenty-five Cents per square foot)

Motion passed.

SEWER EXTENSION - LADY HAMMOND ROAD

To: His Worship the Mayor and Members of the City Council.
From: Committee on Works.
Date: September 5, 1961.
Subject: Sewer Extension - Lady Hammond Road.

The Committee on Works, at a meeting held on the above date, considered a report from the Commissioner of Works recommending further extension of the Lady Hammond Road sewer approximately 110' eastwardly to Point B, to accommodate a proposed development in the Bright Street-Lady Hammond Road Area (Plan No. SS-7-15168 refers). Funds are available for this work.

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

Respectfully submitted,
K. C. MANTIN,
CLERK OF WORKS.

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

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SEWER EXTENSION - ALBERT STREET

To: His Worship the Mayor and Members of the City Council.
From: Committee on Works.
Date: September 5, 1961.
Subject: Sewer Extension - Albert Street.

The Committee on Works at a meeting held on the above date, considered a report from the Commissioner of Works recommending in favor of the installation of a new sewer from Russell Street to Stadacona property. (Plan No. QQ-6-12199 refers)

The estimated cost of installing this sewer is \$3,500.00, with \$1,270.00 recoverable from assessment.

Funds are available under Sewer Capital Unforeseen, and no additional borrowing is necessary.

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

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

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

TENDERS - DEMOLITION OF VERANDAH - BASINVIEW HOME

To: His Worship the Mayor and Members of the City Council.
From: Committee on Works.
Date: September 5, 1961.
Subject: Tenders - Demolition - Verandah - Basinview Home.

The Committee on Works at a meeting held on the above date, considered the matter of the demolition of the verandah at Basinview Home.

The Commissioner of Works informed the Committee that he had received only one tender, that of Mr. John Gray, in the amount of \$1,600.00.

On motion of Alderman Wyman, seconded by Alderman Trainor, the Committee recommended to City Council approval of the tender of John Gray, in the amount of \$1,600.00, for the demolition of the verandah at Basinview Home.

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

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

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TENDERS FOR PUMPER, BOOSTER AND HOSE TRUCK

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

At a meeting of the Safety Committee held on September 5, 1961, a report was submitted from the Fire Chief requesting permission to call for tenders for a combination pumper, booster and hose truck; funds to be provided by Capital Borrowing in the amount of \$40,000.00.

Your Committee recommends that the request be granted.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

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

A Borrowing Resolution as prepared by the City Solicitor, in the amount of \$40,000.00, was submitted.

MOVED by Alderman Ferguson, seconded by Alderman Butler, that the Borrowing Resolution be approved. The motion was put and passed unanimously, the following members of Council being present and voting therefor: Aldermen DeWolf, Abbott, Breen, Lane, Macdonald, Butler, Fox, Ferguson, Healy, Wyman, Connolly and O'Brien.

BURSARY - MISS JOYCE SPENCE, R.N.

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

At a meeting of the Public Health and Welfare Committee held on September 5, 1961, a report was submitted from the Commissioner of Health advising that Miss Joyce Spence, R. N., has applied for a National Health Grant Bursary to take a public health course at Dalhousie University.

She has signed an Agreement that she will remain in the employ of the City for a period of not less than two years after graduation and should she leave, she will repay the City the amount due. The City guarantees the Province that it will furnish a position for her and should she not complete two years' service, the City will reimburse the Province.

Your Committee recommends that the application for the bursary be approved, the Agreement executed by the Mayor and City Clerk on behalf of the City and that Miss Spence be paid a special honorarium of \$50.00 per month during the period she is on course.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

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

SICK LEAVE - MRS. IRMA PINEO

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

At a meeting of the Public Health and Welfare Committee held on September 5, 1961, a report was submitted from the Commissioner of Health advising that Mrs. Irma Pineo, Nursing Assistant at Basinview Home, was a patient in hospital for 22 days over and above her accumulated sick leave and has not been paid for the month of August.

The Commissioner recommended that she be paid her salary for the month of August and your Committee concurs in this recommendation.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

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

EXTENSION OF RENT CONTROL TO DECEMBER 31, 1961

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

At a meeting of the Finance and Executive Committee held on September 5, 1961, the City Manager reported that negotiations with the Rental Authority are being carried out but not yet finalized. He, therefore, recommended that Rent Control be extended to December 31, 1961.

Your Committee concurs in the recommendation of the City Manager.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

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

CONFIRMATION - APPOINTMENT OF DEVELOPMENT OFFICER

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

At a meeting of the Finance and Executive Committee held on September 5, 1961, a report was submitted from the City Manager confirming informal discussions respecting the establishment of the position of Development Officer and advising that Mr. R. B. Grant has been appointed as such effective as of October 1st at the following salary scale:

Starting salary October 1, 1961 - \$12,600.00 per annum
Step 1, April 1, 1962 - 13,200.00 " "

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Step II,	April 1, 1963	-	\$13,800.00 per annum
Step III,	April 1, 1964	-	14,400.00 " "
Step IV,	April 1, 1965	-	15,000.00 maximum

Your Committee recommends that the appointment be confirmed and that the sum of \$5,500.00 be provided under the authority of Section 316 "C" of the City Charter in this connection.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

MOVED by Alderman Wyman, seconded by Alderman O'Brien,

- (a) that the position of Development Officer be established with the following salary scale:

Starting Salary	October 1, 1961	-	\$12,600.00 per annum
Step I,	April 1, 1962	-	13,200.00 " "
Step II,	April 1, 1963	-	13,800.00 " "
Step III,	April 1, 1964	-	14,400.00 " "
Step IV,	April 1, 1965	-	15,000.00 maximum;

- (b) that the action of the City Manager in appointing Mr. R. B. Grant as Development Officer be approved;

- (c) that the necessary funds amounting to approximately \$5,500.00, required for this purpose, be provided under the authority of Section 316 "C" of the City Charter.

Motion was put and passed unanimously.

TAX EXEMPTION - RED CROSS SOCIETY - RAINNIE DRIVE

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

At a meeting of the Finance and Executive Committee held on September 5, 1961, a letter was submitted from the Red Cross Society requesting tax exemption on property assessed to it on Rainnie Drive which is leased from the Department of National Defence.

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

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

This matter was deferred until the plans of the Red Cross Society are known respecting the location of their building.

AGREEMENT AND LEASE - TEX-PARK LIMITED RE: DOWNTOWN PARKING GARAGE

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

At a meeting of the Redevelopment Committee held on September 8, 1961, consideration was given to drafts of the Memorandum of Agreement and

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Indenture of Lease between the City of Halifax and Tex-Park Limited respecting the Downtown Parking Garage at the Hollis-Sackville-Granville Streets Site.

Also submitted was a letter from Mr. W. H. Jost, Q.C., Solicitor for Tex-Park Limited, requesting permission to have the two parent companies, Texaco Canada Limited and Timmins Aviation (Terminals Limited), act as surety in connection with the performance bond in the amount of \$475,000.00 instead of a surety or insurance company as specified in the tender call.

Your Committee approved the documents after making several minor amendments thereto and recommends: (a) that the Mayor and City Clerk be authorized to execute same on behalf of the City; and (b) that the request of the Tex-Park Limited respecting the surety on the performance bond be granted.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

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

PROPERTY ACQUISITIONS

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

At a meeting of the Redevelopment Committee held on September 13, 1961, reports were submitted from the Compensation Officer recommending acquisition of the undernoted properties:

<u>Property</u>	<u>Owner</u>	<u>Amount of Settlement</u>
(a) 148-156 Argyle St.	Rita E. Sheehan	\$14,000.00
(b) 31-33 Falkland St.	Anthony Nicholas	\$ 2,000.00 (Balance of Payment)

Central Mortgage and Housing Corporation approval of these transactions has been given.

Your Committee concurs in the recommendation of the Compensation Officer.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

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

ACQUISITION OF PROPERTY - NO.24-26 NORTH STREET - BORROWING RESOLUTION

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

At a meeting of the Redevelopment Committee held on September 13, 1961, a report was submitted from the Compensation Officer in which he advised that the Solicitor for Ray Realty Limited, owners of the property, No. 24-26 North Street, has agreed to accept the sum of \$11,000.00 in full settlement of all claims arising from the expropriation of the said property.

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He recommended that the offer be accepted and that a further Borrowing Resolution in the amount of \$1,000.00 be approved to complete the purchase.

Your Committee concurs in the recommendation of the Compensation Officer.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

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

BORROWING RESOLUTION - \$1,500.00 - ACQUISITION OF PROPERTY -
NO. 24-26 NORTH STREET

September 14, 1961

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

At a meeting of the Finance and Executive Committee held on the above date, it was agreed to recommend that a Borrowing Resolution in the amount of \$1,500.00 be approved to finalize the acquisition by expropriation proceedings of the property, #24-26 North Street.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

MOVED by Alderman Wyman, seconded by Alderman Fox, that the report be approved. Motion passed unanimously, the following Aldermen being present and voting therefor: Aldermen DeWolf, Abbott, Breen, Lane, Macdonald, Butler, Fox, Ferguson, Healy, Wyman, Connolly and O'Brien.

ACQUISITION OF PROPERTIES - JACOB STREET REDEVELOPMENT AREA

September 14, 1961

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

At a meeting of the Redevelopment Committee held on September 13, 1961, a letter was submitted from the Central Mortgage and Housing Corporation advising that the Head Office had approved of the following property acquisitions in the Jacob Street Redevelopment Area:

<u>Property:</u>	<u>Name</u>	<u>Amount of Settlement</u>
175-181 Brunswick St. & 26 Hurd St.	Shaf Al-Molky	\$17,789.50
183-185 and 187-191 Brunswick St.	Mr. and Mrs. Vincentio DiGiacinto	\$33,760.00

Your Committee recommends that these transactions be now completed.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

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

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CONTRACT CHANGES - MULGRAVE PARK HOUSING PROJECT

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

At a meeting of the Redevelopment Committee held on September 13, 1961 a report was submitted from the City Manager in which he advised that Central Mortgage and Housing Corporation request approval by the City to adjust the contract of Eastern Woodworkers Limited covering the Mulgrave Park Housing Project to provide for a number of items of extra work amounting to \$76,536.65.

He advised that Mr. T. P. Lusby, Deputy Minister of Public Works for the Province of Nova Scotia, had visited the project in company with Central Mortgage and Housing Corporation officials and obtained information as to the reason for the additional costs; and he recommended that the contract changes be approved.

Your Committee concurs in the recommendation of the City Manager.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

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

TENDERS - DEMOLITION - JACOB STREET REDEVELOPMENT AREA

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

At a meeting of the Redevelopment Committee held on September 13, 1961, a tabulation of tenders was submitted from the City Manager and Commissioner of Works for the demolition of thirty-one buildings made up into twelve groups, in the Jacob Street Redevelopment Area; and recommending that the lowest tender in each group be accepted.

Your Committee concurs in the recommendation of the City Manager and Commissioner of Works.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

<u>Properties</u>	<u>Tenderer</u>	<u>Amount</u>
136-38 Argyle Street	G. A. Redmond	\$ 3,844.60
140-42 Argyle Street	G. A. Redmond	
144-46 Argyle Street	G. A. Redmond	
148-56 Argyle Street	G. A. Redmond	
168-70 Argyle Street	G. A. Redmond	
184-88 Argyle Street	G. A. Redmond	\$ 3,046.00
45-55 Buckingham Street	G. A. Redmond	
199 Grafton Street	G. A. Redmond	
144 Grafton Street	G. A. Redmond	\$ 1,939.00
146 Grafton Street	G. A. Redmond	
148-50 Grafton Street	G. A. Redmond	
180-82 Grafton Street	G. A. Redmond	\$ 2,722.00
184 Grafton Street	G. A. Redmond	
184 $\frac{1}{2}$ -90 Grafton Street	G. A. Redmond	

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	<u>Properties</u>	<u>Tenders</u>	<u>Amount</u>
187	Grafton Street	G. A. Redmond	\$ 1,062.00
189	Grafton Street	G. A. Redmond	
192-96	Grafton Street	G. A. Redmond	\$ 930.00
206	Grafton Street	G. A. Redmond	\$ 1,594.00
210-12	Grafton Street	G. A. Redmond	
214-16	Grafton Street	G. A. Redmond	
17	Starr Street (Rear)	G. A. Redmond	\$ 1,600.00
19	Starr Street	G. A. Redmond	
16-18-20	Starr Street	G. A. Redmond	\$ 1,982.00
24	Starr Street	G. A. Redmond	
155-173	Brunswick Street	Atlantic Coast Construction Limited	\$ 4,500.00
18	Hurd Street	G. A. Redmond	\$ 1,555.00 X
22	Jacob Street	G. A. Redmond	
710-12-14	Barrington Street	G. A. Redmond	
2-4	Cunard Court	G. A. Redmond	
	"X" - Excludes 2-4 Cunard Court		
21	Starr Street	G. A. Redmond	\$ 1,109.00
36	Starr Street	G. A. Redmond	

Central Mortgage and Housing Corporation concurs in the recommended tenders.

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

SETTLEMENT OF CLAIM - NOVA SCOTIA ARMATURE WORKS

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

At a meeting of the Redevelopment Committee held on September 13, 1961, consideration was given to the matter of the Claim of the Nova Scotia Armature Works respecting the property, 8-10 Poplar Grove, and the Committee was advised that Central Mortgage and Housing Corporation approval had been given to the proposed settlement of \$100,000.00 for the above property as recommended by Mr. H. B. Rhude, the Solicitor engaged by the City in this connection.

Mr. Rhude, who was present at the meeting, was directed by the Committee to complete the negotiations with the Solicitor for the Company and secure a written acceptance of the settlement for presentation to Council.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

A letter was submitted from Mr. H. B. Rhude in which he advised that acceptance of the settlement and allocation of funds (\$45,000.00 to Peter Carroll and Ernest Copus and \$55,000.00 to Nova Scotia Armature Works Limited) had been obtained from Mr. R. A. Kanigsberg, Solicitor for the three Claimants.

MOVED by Alderman Butler, seconded by Alderman Ferguson, that the recommended settlement of the claim of Nova Scotia Armature Works Limited be approved. Motion passed.

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AGREEMENT - MOTEL, PAVILION BARRACKS SITE - BRUNSWICK STREET

September 14, 1961

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

At a meeting of the Finance and Executive Committee held on September 5, 1961, His Worship the Mayor advised that an original tender of Steeves and Haskett had been considered by Council for the construction of a 100-unit motel on the Pavilion Barracks site but that it was now proposed by Mr. Ralph Medjuck that Citadel Properties Limited be included as a partner in the proposed agreement.

Mr. Medjuck was present and addressed the Committee during which time he displayed a proposal for a three-storey motor hotel containing 90 rooms, a dining room with a seating capacity of 100 persons and a banquet room seating 200 persons. He explained that it was planned to build a swimming pool and that the land would be attractively landscaped with adequate parking space provided, at a total cost of \$1,125,000.00, and that no tax concession was being requested.

The Deputy City Solicitor recommended that a restrictive covenant be included in the Deed that if the building is not completed within the time specified in the Agreement, then the property is to be immediately re-conveyed free of encumbrances to the City for the sum of \$70,000.00.

Your Committee recommends that the City of Halifax enter into an agreement in accordance with the proposal as submitted by Mr. Medjuck and that the same be executed by the Mayor and City Clerk on behalf of the City of Halifax.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

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

Alderman Ferguson pointed out that no provision was included in the agreement to the effect that the dining room, banquet hall and swimming pool would be proceeded with.

MOVED IN AMENDMENT by Alderman Ferguson, seconded by Alderman Butler, that the agreement be executed after including a recital to cover the dining room and banquet hall as outlined in the report of the Committee and in conformity with the proposal submitted by Mr. Medjuck.

The Deputy City Solicitor suggested the following motion:

- that the report be approved and the agreement be amended so that Paragraph #1 would read: "containing approximately 90 rooms fully air-conditioned with swimming pool, a banquet room seating 200 persons, a dining room with a seating capacity of 100 persons and all services".

Alderman Ferguson, with the permission of his seconder, stated he would withdraw the amendment if the mover and seconder of the motion would agree to the wording as suggested by the Deputy Solicitor, to which Aldermen Lane and