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issued on October 15, 1964, authorizing the use of loud speaker system, only between the hours of 10:00 a.m. and 8:00 p.m. on week days. The present permit expires on December 31, 1964.

(2) Ordinance Number 38 - Respecting Blasting.

On August 3, 1964, a permit was issued to allow blasting on the site between the hours of 8:00 a.m. and 6:00 p.m. on days other than Saturday and Sunday.

There is no other City legislation pertinent to the various hazards encountered by the residents of the neighborhood. Their remedy lies in a civil action against the Contractor for an abatement of the nuisance.

All of which is respectfully submitted.

LEONARD MITCHELL
City Solicitor

Alderman Black contended that Council should give consideration to the implementation of controls which would limit the hours during which construction work on large projects, could be carried on, unless the work can be carried on without interfering with and denying the area residents of the enjoyment of their properties.

His Worship the Mayor asked if the Commissioner of Works had examined the work schedule of the project in question to determine what the causes of the nuisances were in hours other than normal working hours.

The Commissioner of Works said that the contractor is endeavouring to pour as much concrete as possible before the cold weather sets in and to that end has been working three shifts.

At the suggestion of His Worship the Mayor, it was agreed to refer the matter to the Finance and Executive Committee to consider possible legislation along the lines suggested by Alderman Black.

Alderman Wyman expressed the opinion that the dust

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nuisance may be caused in part by debris falling to the street from the trucks of the contractor, and he asked if any action has been taken to enforce the provisions of Ordinance #3 in this regard.

It was agreed to instruct the City Manager to follow through with enforcement of the pertinent Section of Ordinance #3 and to ensure that nothing is being done in the area in question in violation of any civic ordinance or by-law.

PUBLIC HEARING RE: MODIFICATION OF SIDYARD AND SETBACK
REQUIREMENTS - #1120-1128 TOWER ROAD

A public hearing was held at this time in connection with an application for a modification of the sideyard and setback requirements, as contained in the Halifax Zoning By-Law, to permit the construction of a six-storey, 42-unit apartment building at #1120-1128 Tower Road, as shown on Drawing #P200/1510-1517.

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

The Director of Planning displayed a plan and explained the proposal.

Mr. David Fraser appeared on behalf of Mr. and Mrs. Carlyle Norwood of 1134 Tower Road, and stated that his clients were not objecting to the construction of an apartment building on the site but they do take strong objection to the proposal to place a building within six inches of the southern boundary of the Norwood property, as indicated on the plan filed with the Director of Planning.

He contended that the modifications should not be approved unless Council is satisfied that the proposed development will not substantially injure or inconvenience the appropriate use of neighboring properties, and that the modifications requested are absolutely necessary for the appropriate development of the land; otherwise the sideyard requirement of the By-Law, i.e. 25 feet, should be observed.

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Application His Worship the Mayor asked Mr. Fraser if his clients
December 1, 1964
would object to a modification of four or five feet, reducing the
sideyard to twenty-one feet.

Mr. Fraser stated that he felt his clients would have
no objection if the sideyard were no less than twenty-one feet.

No other persons wished to be heard.

MOVED by Alderman Black, seconded by Alderman Abbott
that the application for a modification of the sideyard and setback
requirements of the Halifax Zoning By-Law to permit the construc-
tion of a six-storey apartment building at #1120-1128 Tower Road
be refused.

Alderman Black stated that his motion was not intended
to preclude the developer from submitting a revised proposal in
conformity with the law.

The motion was passed unanimously.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

The Council considered the report of the meeting of the
Finance and Executive Committee held on October 22, 1964, with
respect to the following matters:

Application for Door-to-Door Canvass - Multiple Sclerosis Society
November 15, 1964 to November 30, 1964

MOVED by Alderman Wyman, seconded by Alderman Meagher
that as recommended by the Finance and Executive Committee the
request of the Multiple Sclerosis Society for permission to conduct a
door-to-door sale of Christmas wrappings from November 15th to
November 30, 1964 be approved with the understanding that an appli-
cation for a similar project by this Society will not be considered
in any other year unless the application is made within the
specified time. Motion passed.

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Application to Conduct Door-to-Door Canvass - Children's Hospital
December 1, 1964

MOVED by Alderman Abbott, seconded by Alderman O'Brien that as recommended by the Finance and Executive Committee the request of the Children's Hospital Appeal organization to conduct a one-day door-to-door canvass of households and business establishments in the City on Tuesday, December 1, 1964, be approved. Motion passed.

Purchase - Station Wagon - Emergency Measures Organization

MOVED by Alderman Abbott, seconded by Alderman O'Brien that as recommended by the Finance and Executive Committee authority be granted to call for tenders for the purchase of a new station wagon for the Emergency Measures Organization of Halifax. Motion passed.

Request for Funds - Sprinkler System - City Schools

MOVED by Alderman Lane, seconded by Alderman Abbott that as recommended by the Finance and Executive Committee additional capital funds be provided for 1964 in the amount of \$30,000.00 in order to effect immediate alterations to existing partial sprinkler systems in the following schools:

Ardmore School	\$ 7,100.00
St. Stephen's Annex	5,800.00
Edgewood School	6,000.00
Bloomfield Jr. High School	7,000.00
St. Patrick's Jr. High School ...	4,100.00
	<u>\$ 30,000.00</u>

Motion passed.

A formal Borrowing Resolution in the amount of \$30,000.00 to give effect to the foregoing resolution of Council was submitted.

MOVED by Alderman Abbott, seconded by Alderman Wyman that the Borrowing Resolution as submitted for the sum of \$30,000.00 be approved.

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Motion passed unanimously, the following members being present and voting therefor:

Aldermen Black, Abbott, Lane, A. M. Butler, Macdonald, Meagher, LeBlanc, Trainor, Healy, Richard, Wyman, O'Brien and H. W. Butler.

Supplementary Appropriations 316"C"

MOVED by Alderman Abbott, seconded by Alderman Meagher that as recommended by the Finance and Executive Committee supplementary appropriations in the amounts indicated be approved under the authority of Section 316 "C" of the City Charter to provide for the following:

1. Snow and Ice Control - balance of 1964	\$ 90,000.00
2. Bicentennial Lighting	1,000.00
3. Sprinkler System - City Hall	1,000.00
4. Chlorination Plant - Water Service	1,000.00
5. Pavement Marking	<u>7,000.00</u>
	<u>\$100,000.00</u>

Motion passed.

Authority to Expend in Excess of \$500.00

MOVED by Alderman Lane, seconded by Alderman Abbott that as recommended by the Finance and Executive Committee the City Manager be authorized to expend funds in excess of \$500.00 for the following purposes:

1. Rebuilding target wall at the incinerator	\$ 3,800.00
2. Installation of a water treatment & reclamation system at the incinerator	5,000.00
3. Construction of a new water cooled damper for #2 furnace at the incinerator	2,500.00
4. Purchase of a crane bucket for the incinerator ...	5,200.00

Items 1 to 3 are associated with the fly-ash elimination system recently installed.

5. Purchase of sewer pipe for the Devonshire Avenue storm sewer installation	9,491.55
6. Test borings for the proposed new Mumford Road Bridge	2,800.00
7. Outstanding account with Nova Scotia Department of Highways for pavement marking	2,932.00
8. Outstanding account with Public Service Commission for operation of the Arm sewer chlorinator	1,000.00
9. Sprinkler system alteration - City Hall	1,000.00
10. Outstanding account with Nova Scotia Department	

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of Highways for Lighting - Bicentennial Entrance.... \$ 1,000.00

\$34,723.55

Motion passed.

Property Acquisition - #5438 Uniacke Street

MOVED by Alderman Trainor, seconded by Alderman Abbott that as recommended by the Finance and Executive Committee the sum of \$10,500.00 be paid to Mr. George P. Judge, as settlement in full for all claims arising from the purchase of his property at #5438 Uniacke Street located within the Uniacke Square Redevelopment Area; and that the City Staff be instructed to continue to rent the said property until such time as it is required for the redevelopment program. Motion passed.

Property Acquisition #2359 Brunswick Street

MOVED by Alderman O'Brien, seconded by Alderman Lane that as recommended by the Finance and Executive Committee the sum of \$9,000.00 be paid to Leo and Meta Miles as settlement in full for all claims arising from the purchase by the City of their property #2359 Brunswick Street, located in the Uniacke Square Redevelopment Area. Motion passed.

Property Acquisition - #5446 Uniacke Street

MOVED by Alderman Abbott, seconded by Alderman Lane that as recommended by the Finance and Executive Committee the sum of \$9,800.00 be paid to Mrs. Sara Judge as settlement in full for all claims in connection with the purchase of her property at #5446 Uniacke Street, located within the Uniacke Square Redevelopment Area; and that the Staff be instructed to arrange for the demolition of the building as soon as alternate accommodation is available for the present occupants. Motion passed.

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Property Acquisition - #5419 Uniacke Street

MOVED by Alderman Lane, seconded by Alderman O'Brien, that as recommended by the Finance and Executive Committee the sum of \$11,500.00 be paid to Jessie Dimock as settlement in full for all claims arising from the purchase by the City of her property at #5419 Uniacke Street, located within the Uniacke Square Redevelopment Area; and that the Staff be instructed to arrange to have the building demolished as soon as same becomes vacant. Motion passed.

Property Acquisition - #909-911 Barrington Street and
#26 Gerrish Street

MOVED by Alderman Abbott, seconded by Alderman O'Brien that as recommended by the Finance and Executive Committee the sum of \$12,250.00 be paid to Mr. Julius Phillipson as settlement in full for all claims arising from the purchase by the City of his properties at #909-911 Barrington Street and #26 Gerrish Street, located within the Uniacke Square Redevelopment Area; the deed and money for such transaction to be exchanged immediately but that December 31, 1964 be set as the date for possession and adjustment; also, that the sum of \$12,600.00 be provided from the Sale of Land Account to cover the purchase price and appraisal and legal fees. Motion passed.

A formal Resolution, as prepared by the City Solicitor to give effect to that part of the foregoing resolution of Council respecting the withdrawal of \$12,600.00 from the Sale of Land Account, was submitted.

MOVED by Alderman Wyman, seconded by Alderman Healy that the formal borrowing resolution, as submitted, be approved.

The motion was passed unanimously, the following members of Council being present and voting therefor:

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Aldermen Black, Abbott, Lane, A. M. Butler, Macdonald,
Meagher, LeBlanc, Trainor, Healy, Richard,
Wyman, O'Brien and H. W. Butler.

Property Acquisition - #2243 (#65) Maitland Street

MOVED by Alderman Lane, seconded by Alderman Abbott that as recommended by the Finance and Executive Committee the sum of \$5,500.00 be paid to Mr. Neil G. Corkum as settlement in full for all claims arising from the purchase by the City of his property at 2243 Maitland St. located within the Uniacke Square Redevelopment Area; and that the City Staff be instructed to arrange for the demolition of the building when suitable alternate housing is available for the present occupants. Motion passed.

Africville Building #110 and #111

MOVED by Alderman Abbott, seconded by Alderman Lane that as recommended by the Finance and Executive Committee the following amended settlement be approved for Buildings #110 and #111 at Africville, an error having been made in computing the taxes outstanding against the said buildings in the original Staff submission dated October 6, 1964:

"The City shall agree to settle with Mrs. Florence Anderson for the sum of \$1,619.36 (The original amount stated was \$1,495.85). This sum is made up in the following manner: \$1,000.00 of this amount shall be paid to Mrs. Florence Anderson; this amount represents Mrs. Anderson's share plus the one-half share which was assigned to her by Mr. Joseph Sealey. The remaining \$619.36 (original \$495.85) shall be applied against the Victoria General Hospital Account (\$123.90) and \$495.46 (original \$371.95) against the outstanding taxes."

Motion passed.

Conversion of Boilers - Halifax Memorial Library

MOVED by Alderman Lane, seconded by Alderman O'Brien that as recommended by the Finance and Executive Committee a supplementary appropriation in the amount of \$5,000.00 be approved under the authority of Section 316 "C" of the City Charter, 1931, to

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cover the cost of converting the present two heavy oil burners in the heating plant of the Halifax Memorial Library to two light fuel oil burners. Motion passed.

Borrowing Resolution - \$13,000 - Snow Equipment Rental

MOVED by Alderman Abbott, seconded by Alderman Wyman that as recommended by the Finance and Executive Committee additional capital funds be approved for 1964 to cover the purchase of ten (10) plow blades for the snow clearing operation.

Alderman Black contended that a decision on the matter should be withheld pending resolution of the next item on the agenda respecting rental of snow clearing equipment.

His Worship the Mayor so ruled.

REPORT - COMMITTEE ON WORKS

The Council considered the report of the meeting of the Committee on Works held on October 22, 1964, with respect to the following matters:

Rental - Snow Plowing Equipment

MOVED by Alderman Lane, seconded by Alderman Abbott that

1. The City rent nine rubber-tired front end loaders for the period December 15, 1964 to March 15, 1965 at a retainer fee of \$400.00 per month;
2. That ten plow blades be purchased at an estimated cost of \$13,000 and, as no funds are available for this purchase, a borrowing resolution would be required;
3. The City Manager present a report by April 15, 1965, on the success of this experiment and the feasibility of its continuance.

After a lengthy discussion during which the Council was assured by the City Manager and the Commissioner of Works that an agreement would be entered into with the suppliers of rented equipment whereby the suppliers would be liable for damages to public and private property; and that the rented equipment would be

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coordinated with the City equipment to provide an efficient snow clearing program, the motion was put and passed unanimously.

Borrowing Resolution - \$13,000 - Snow Equipment Rental

MOVED by Alderman Trainor, seconded by Alderman Healy that as recommended by the Finance and Executive Committee capital funds in the amount of \$13,000 be provided to cover the purchase of ten (10) plow blades. Motion passed.

A formal Borrowing Resolution in the amount of \$13,000, to give effect to the foregoing resolution of Council was submitted.

MOVED by Alderman Trainor, seconded by Alderman Healy that the Borrowing Resolution as submitted be approved. Motion passed unanimously, the following members being present and voting therefor:

Aldermen Black, Abbott, Lane, A. M. Butler, Macdonald, Meagher, LeBlanc, Trainor, Healy, Richard, Wyman, O'Brien and H. W. Butler.

Tenders - Street Lighting Equipment

MOVED by Alderman Lane, seconded by Alderman O'Brien that as recommended by the Committee on Works acceptance of the following tenders as submitted by the City Manager and the Commissioner of Works for street lighting equipment be approved:

Item A, B, C, D, E & F	- Harris & Roome Ltd.	- \$57,802.08
Items G & I	- Can. General Electric	
	Halifax	- 959.92
Item H	- Northern Electric	
	Halifax	- 1,329.00
Items J, K, L, & M.	- Northern Electric	
	Halifax	- 15,901.20

Motion passed.

Letter Re: Board of School Commissioners

MOVED by Alderman O'Brien, seconded by Alderman H. W. Butler that as recommended by the Committee on Works improvements to the front area of Saint Andrew's School grounds be

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included in any beautification program undertaken regarding the approaches to the City. Motion passed.

Fencing - Wanderers Grounds

MOVED by Alderman Meagher, seconded by Alderman Abbott that as recommended by the Committee on Works an ornamental iron fence, similar to the one surrounding the Public Gardens, be erected on the Sackville Street side of the Wanderers Grounds. Motion passed.

Tenders - Equipment (Front-end Loaders)

MOVED by Alderman Lane, seconded by Alderman LeBlanc that as recommended by the Committee on Works new specifications for two (2) rubber-tired front-end loaders be drawn up with the aid of outside consultants, and that a new tender call be issued.

Alderman O'Brien said that while he agreed to the proposal to engage outside consultants to assist in the preparation of specifications, he felt that any delay in obtaining the equipment would affect the snow clearing program this year; and that future purchase should not be made until the suggested examination of the specifications has been made.

His Worship the Mayor contended that the present fleet of twelve front-end loaders, plus the nine pieces of rented equipment provided for earlier in the meeting, should be sufficient to cope with the need for this winter; and he said that in addition to the examination of the specifications, it may well be that Council should review the whole tender call procedure to ensure, that before purchasing any type of equipment, that the proper specifications have been prepared.

The motion was put and passed with Aldermen Macdonald, Healy and Wyman voting against.

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REPORT - TOWN PLANNING BOARD

The Council considered the report of the meeting of the Town Planning Board held on October 20, 1964, respecting the following matters:

Modification of Frontyard, Sideyard and Lot Area - No. 2704 Swaine Street

MOVED by Alderman O'Brien, seconded by Alderman Abbott that, as recommended by the Town Planning Board, the application for a modification of frontyard, sideyard and lot area requirements of the Halifax Zoning By-law to legalize the existing duplex dwelling at 2704 Swaine Street, be approved.

Motion passed with Aldermen Macdonald and Black voting against.

Modification of Lot Frontage, Area, Sideyard and Frontyard - No. 5213 Duffus Street

MOVED by Alderman Richard, seconded by Alderman Abbott that, as recommended by the Town Planning Board, the application for modifications of the lot frontage, area, sideyard and frontyard requirements of the Halifax Zoning By-law to allow the conversion of the existing duplex dwelling at 5213 Duffus Street to a three-unit apartment building, be denied.

Motion passed.

Rezoning - No. 7137 Quinpool Road - R-2 Zone to R-3 Zone

MOVED by Alderman Trainor, seconded by Alderman Meagher, that Council fix Thursday, November 26, 1964, at 8:00 p.m. in the Council Chamber, City Hall, Halifax, N. S., as the time and place for a public hearing in connection with the application to rezone the land at 7137 Quinpool Road from R-2 Zone to R-3 Zone. Motion passed.

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Rezoning - Land North Side of Quinpool Road
from Flinn Park to the Armdale Rotary

MOVED by Alderman Trainor, seconded by Alderman Richard, that the Town Planning Board be requested to give consideration to the rezoning of the land on the North side of Quinpool Road from Flinn Park to the Armdale Rotary from R-2 Zone to R-3 Zone, and report. Motion passed with Alderman Black voting against.

Modification of Lot Frontage and Area - No. 3595 Deal Street

MOVED by Alderman Abbott, seconded by Alderman Black, that, as recommended by the Town Planning Board, an application for a modification of the lot frontage and area requirements of the Halifax Zoning By-law to permit the erection of a duplex dwelling at 3595 Deal Street, be approved.

As requested by the Town Planning Board, letters were submitted from the adjoining property owners expressing their views on the proposal.

Motion passed.

Extension to an Industrial Building - No. 3300 Oxford Street

MOVED by Alderman H. W. Butler, seconded by Alderman Black, that, as recommended by the Town Planning Board, a permit be issued for an extension to an industrial building at 3300 Oxford Street. Motion passed.

Occupancy Permit - No. 768 Barrington Street

MOVED by Alderman Black, seconded by Alderman H. W. Butler, that, as recommended by the Town Planning Board, Purdy Motors Limited be permitted to occupy the premises at 768 Barrington Street for a period of two years and, after that, on a month-to-month basis. Motion passed.

Extension to a Non-conforming Building - No. 2299 Connaught Avenue

MOVED by Alderman Healy, seconded by Alderman Richard, that, as recommended by the Town Planning Board, an application for an extension to a non-conforming building at 2299 Connaught Avenue be denied. Motion passed.

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QUESTIONS

Question - Alderman O'Brien Re: Property Appraisals -
Bicentennial Drive Area

Alderman O'Brien asked if the appraisals on the properties in the area of the Bicentennial Drive Entrance can now be processed and completed without delay, now that the landscaping work on the Entrance has been completed.

The Development Officer reported that the original appraisers have been allocated certain properties for appraisal and that the reports have been received from all but five of the appraisers. He explained that his department is experiencing a very real problem with regard to getting appraisal reports on all phases of the property acquisition program.

In reply to a question by His Worship the Mayor, the Development Officer stated that the supply of qualified appraisers has been exhausted by his department and that the assignments are being given only to a very few who can deliver good reports in a minimum of time and who are qualified to give evidence in Court.

His Worship the Mayor referred to the stepped up pace of acquisitions in the Uniacke Square Area and said that the matter of appraisals will have to be reviewed by the Development Committee.

Question - Alderman Richard Re: Fires on the City Dump

Alderman Richard asked why materials are being burned at the City Dump, and why is no remedy being sought to the smoke nuisance in the area.

The Commissioner of Works said that controlled burning of materials at stated times is permitted, but that fires do

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occur because of spontaneous combustion and the action of vandals which are difficult to control.

He said that it is hoped to be able to control the nuisance caused by the controlled fires by the use of a conical burner provision for which is being made in the 1965 Capital Budget.

Question - Alderman Richard Re: Noise Nuisance
at Canadian Liquid Air Plant

Alderman Richard referred to complaints he had received from residents in the area near the Canadian Liquid Air Plant on Agricola Street concerning the noise nuisance caused by the handling of the empty cylinders, and he asked that the City Manager be directed to determine if there is provision in any Ordinance for controlling such nuisance, or whether it is necessary to devise an appropriate ordinance.

Question - Alderman Richard Re: Parking Limitation
on Russell Street

Alderman Richard asked that the Traffic Authority be directed to investigate the possibility of limiting parking on Russell Street between Agricola and Robie Streets, on either or both sides of the Street; and also that he submit a progress report on the implementation of parking restrictions in the area of Stadacona, the Dockyard and the Halifax Shipyards.

Question - Alderman O'Brien Re: Resolution from
Sir John S. D. Thompson Home and
School Association

Alderman O'Brien asked if the City Clerk had received a copy of a resolution of the Home and School Association of Sir John S. D. Thompson School requesting that sidewalks be provided on the south side of Mumford Road, as the matter is not shown on the agenda.

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His Worship the Mayor stated that he had received a copy and had replied to the writer explaining that the delay in providing sidewalks was due to the fact that the consultants engaged in connection with the new Mumford Road Bridge have not completed their design and it is not possible to determine the street alignment which is required before installing permanent sidewalks on the south side.

He said that it may be possible to complete the installation from Leppert Street as far as the entrance to Simpson's parking lot; and that Staff would be asked to check into the matter.

Questions- Alderman A. M. Butler

1. What members of city staff were responsible for the preparation of the document entitled "Call for Development Proposals" (Jacob Street Clearance Area) presented to City Council on March 2, 1961?
2. What, in each case, is the amount of salary and expenses, including cost of usual employee fringe benefits, of city officials and employees who were engaged in the preparation of the aforesaid document, from January 1, 1961 to October 15, 1964?
3. Would the City Manager arrange for a presentation of all documents, surveys, studies and calculations used by the Development Officer, the Director of Planning, the City Manager and any other city official or employee, involved in the preparation of the aforesaid document?
4. Would the City Manager furnish information that will show the names of all companies and individuals, national and regional, who in writing, indicated an interest in the area that was acquired by the City of Halifax and Central Mortgage and Housing Corporation, known as the Jacob Street Clearance Area, prior to the advertising of the "Call for Development Proposals" referred to in question 1?
5. What, in detail, has been the annual cost to the City of Halifax of principal and interest payments on monies borrowed, either by debenture, bank loan or bank account, for the acquisition and clearance of properties in the Jacob Street Clearance Area for the years 1958, 1959, 1960, 1961, 1962, 1963 and 1964, to October 15th?

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6. What is an estimate of tax potential that would have been paid on the properties referred to in question 5, if they had not been acquired and demolished, for the years 1958, 1959, 1960, 1961, 1962, 1963 and 1964?
7. What is the City's share of revenue from occupants, where occupancy applied, of the above mentioned properties for the years 1958, 1959, 1960, 1961, 1962, 1963 and 1964?
8. What is the financial result from a calculation of figures furnished in reply to questions 2, 5 and 6, less recovery value shown in the reply to question 7?

Question - Alderman Lane Re: Report of City
Clerk Re: Civic Elections

Alderman Lane asked if the Council will receive a report from the City Clerk, with his observations on the civic elections and election procedures.

His Worship the Mayor said that the City Clerk had advised him that he will be submitting a full report with his observations, with suggested amendments, as Returning Officer.

The City Solicitor stated he would be also submitting his observations on the conduct of the elections for the consideration of Council with the view of approving suggested amendments to the City Charter for submission to the Legislature next Spring.

Question - Alderman Wyman Re: Traffic Changes - Russell Street

Alderman Wyman asked if there were any reply from the Traffic Authority to the questions he had asked at a previous meeting of Council regarding traffic changes on Russell Street, with particular reference to the possibility of changing the parking restriction from the South side of Russell Street to the North side in the block between Gottingen and Isleville Streets; the desirability of traffic lights at the corner of Russell and Gottingen Streets; and, the possibility of adopting a general policy of prohibiting parking, at least during the

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normal hours of school activities in the area which is directly adjacent to school grounds throughout the City.

The City Manager said that the question had been asked at the meeting just before the Traffic Authority left for vacation, and that the matter would be followed up and the reply forwarded to Council.

Question - Alderman LeBlanc Re: Housing Survey

Alderman LeBlanc referred to the housing survey which has been undertaken by the Naval authorities in Halifax, and he asked if it would be in order for Council to appoint a Committee to work with the Naval authorities in this connection, which might be of assistance to the City in coping with the problem of determining need for such projects as the Uniacke Square Project.

His Worship the Mayor said he understood that the primary purpose of the survey which is being conducted by Central Mortgage and Housing Corporation is to determine the housing need and the rentals now being paid by naval personnel.

He said that at the moment it is only a fact finding survey and that no action is required until the survey is completed and a report submitted. He stated further that he had been assured by Mr. Houston of Central Mortgage and Housing Corporation that he will be conferring with the City when the report is available.

Question - Alderman O'Brien Re: Financial Implications of Cost of Services to the City in the Jacob Street Area

Alderman O'Brien requested that the list of questions

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submitted by Alderman A. M. Butler be supplemented by the following:

"Could the City Manager report on the financial implications to the City for the cost of Municipal services in the Jacob Street Clearance Area prior to clearance, and of the the financial implications to the City for re-housing residents of that area under provisions of the National Housing Act."

His Worship the Mayor agreed that the question should be added to the list.

It was agreed that the City Manager should be free to approach Alderman A. M. Butler for clarification of the questions submitted by him.

Question - Alderman Black Re: Provinces and Central Properties Limited

Alderman Black asked if the City has received any communication from Mr. D. J. Osborn of Provinces and Central Properties Limited or his principals since the last Council meeting.

His Worship the Mayor replied in the affirmative; and in reply to further questions by Alderman Black, he stated that a letter had been directed to the Mayor and Council, but that it had not been distributed to the members because he acted on the advice of the City Solicitor in trying to protect the interests of the City of Halifax.

He said that the communications would be submitted to the Council with a report from the City Solicitor later in the meeting.

Question - Alderman Meagher Re: Delivery of Cash Register to the Police Department

Alderman Meagher asked if the cash register, purchase

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of which had been approved by Council several months ago, had been delivered as yet.

The City Manager replied in the negative and stated that he had learned recently that the purchase order for the cash register had only been forwarded to the Manufacturer a matter of weeks ago; and he had been advised by the Manufacturer that they hoped to be able to make delivery of the machine more quickly than the City had been able to forward the purchase order.

MOTION - ALDERMAN BLACK RE: MANAGEMENT CONSULTANTS

It was agreed to defer consideration of this item until the matter of the "Staff Reorganization Report" listed under "Deferred Business" is being considered.

ACCOUNTS OVER \$500.00

The following account over \$500.00 was submitted and recommended for payment by the City Manager:

<u>Department</u>	<u>Vendor</u>	<u>Amount</u>
Finance	R. K. Kelley & Co.Ltd.	\$643.00

MOVED by Alderman Meagher, seconded by Alderman Healy, that the account be approved for payment. Motion passed.

LETTER - HIS WORSHIP THE MAYOR RE: POINT PLEASANT PARK

The following letter was submitted from His Worship the Mayor:

To: Members of City Council
From: Mayor Charles A. Vaughan
Date: October 23rd, 1964

Dear Aldermen:

I have received from the Honourable Arthur Laing, Minister of Northern Affairs and National Resources, the following letter respecting Point Pleasant Park:

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"Dear Mr. Mayor:

For some years the Directors of Point Pleasant Park have leased Point Pleasant Park from the Department of National Defence for the use and benefit of the general public and have done a very creditable job. This park land is now being turned over to my Department because National Defence no longer require it. At present we own and maintain the Prince of Wales Tower and a small plot of land around it. My Department would like similar arrangements for Fort Ogilvie and Cambridge Battery, plus reasonable rights of way to each of the three installations. Otherwise, we have no desire to retain the rest of Point Pleasant Park, although we do want it to continue as a public park which is the intent of the 999 year lease to the Directors.

Will you consider my proposal that it be transferred to the City, subject to:

1. the existing lease and easements now in effect;
2. the restrictions that it continue to be used as a park;
3. a clause that any part of it may revert to the Department of National Defence if required for military purposes; and
4. my proposed arrangements for the three installations already mentioned.

I would be prepared to convey the park area to the City of Halifax for a nominal sum. If you are interested we could then enter into discussion of the many details which this exploratory letter has not attempted.

Yours sincerely,

Arthur Laing"

I believe that City Council should give favourable consideration to this proposal and I therefore recommend that you authorize me and the City Manager, together with such members of City Staff as we consider necessary, to enter into discussions with the Honourable Minister of Northern Affairs and officials of his Department respecting the many details which have to be resolved before this proposal can be finalized.

Yours sincerely,

Charles A. Vaughan
M A Y O R.

Alderman Lane asked if the proposal would make any difference in the operation of the Park under the present Commission System.

Council,
October 29, 1964.

His Worship the Mayor stated that this is the point in raising the matter. The system has to be examined because there is some question of the appointments to the Commission by the survivors of the "life" directors; and the offer of the Federal Government to sell the land at the nominal sum to the City is based upon the fact that they want it used as a Park and the City must give such a guarantee. Also, the Federal Government wants to retain certain rights to Fort Ogilvie and Cambridge, but it is not an indication that they plan to carry out immediate restoration of these forts.

He said that it is obvious that there has to be some change in the present arrangements.

Alderman Lane felt that it would be desirable for the City to make the purchase and operate the Park as one of the City's own departments.

MOVED by Alderman O'Brien, seconded by Alderman Lane, that the matter be referred to the Committee on Works for consideration. Motion passed.

MANAGEMENT AGREEMENT - CITY OF HALIFAX AND HALIFAX
FORUM COMMISSION

To: His Worship the Mayor and Members of City Council.
From: Leonard Mitchell, Q. C., City Solicitor.
Date: October 29, 1964.
Subject: Agreement - City and Halifax Forum Commission.

By Section 5 of Chapter 71 of the Acts of Nova Scotia, 1962, "The Halifax Forum Commission Act", it is stated that "the objects of the Commission shall be to manage and operate all or any part of the property formerly constituting the property of the Provincial Exhibition Commission". This Section repeats the same wording as contained in the original Act of Incorporation in 1947, and as can be seen from the wording, the actual relationship between the City and the Forum Commission is somewhat vague.

Council,
October 29, 1964.

REPORT In order to more clearly define the powers and duties of the Commission with respect to the management and operation by the Commission of the Forum property, an agreement has been drafted setting out the provisions under which the Forum Commission shall operate.

A copy of this Agreement, which has already received the approval of the Halifax Forum Commission, at a meeting held on October 17, 1964, is attached hereto.

If such draft agreement meets the approval of the City Council, the Mayor and City Clerk should be instructed to execute the same on behalf of the City.

All of which is respectfully submitted.

Leonard Mitchell,
CITY SOLICITOR.

The City Solicitor stated that there are three identical, minor amendments to the draft agreement, as follows:

1. Page 3, Section 6, Line 2 - after the word "submit", add the words "to the City";
2. Page 4, Section 9A, Line 3, after the word "pay", add the words "to the City"; and
3. Page 5, Section 9, Clause (b), Line 2, after the word "pay", add the words "to the City".

MOVED by Alderman A. M. Butler, seconded by Alderman Trainor, that the agreement between the City and the Halifax Forum Commission, as drafted by the City Solicitor, and as amended, be approved, and that His Worship the Mayor and the City Clerk be authorized to execute same on behalf of the City. Motion passed.

MOVED by Alderman A. M. Butler, seconded by Alderman Trainor, that the City Solicitor be directed to prepare the necessary legislation to amend the Halifax Forum Commission Act whereby the Internal Auditor will not be required to audit the accounts of the Halifax Forum Commission. Motion passed.

Council,
October 29, 1964.

REPORT - CITY SOLICITOR RE: EXPROPRIATION PROCEEDINGS -
CLAYTON BLOCK

The following report was submitted:

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

From: Leonard Mitchell, Q. C., City Solicitor.

Date: October 29, 1964.

Subject: Ralph Connor Company Limited - Expropriation

His Worship the Mayor has handed to me a letter he received from Mr. L. A. Kitz, Q. C., which letter bears date October 16, 1964 and reads as follows:

"At the next meeting of Council, it would be appreciated if the writer could be heard to request the City Council to rescind their action in expropriating the property known as the Clayton Block on Barrington Street.

While it is not obligatory, it has been the almost invariable practice to hear representations before expropriation action is taken, but in the above case, no doubt through error, this was not done.

I believe the next meeting would be on Thursday, October 29th."

Under the City of Halifax expropriation procedure, it is mandatory for the City to negotiate with the owner or owners of lands which the City wishes to acquire, before instituting expropriation proceedings. Such negotiations were conducted with Ralph Connor Company Limited, through its agent, L. A. Kitz, Q. C., before City Council resolved to expropriate this property.

It should be pointed out at this time that the primary purpose for which this property was expropriated was for the construction of Harbour Drive, with the balance of the property, if any, to be used for the development of the Central Redevelopment Area.

All of which is respectfully submitted.

Leonard Mitchell,
CITY SOLICITOR

per J.D.F. Theakston.

MOVED by Alderman Lane, seconded by Alderman Healy,
that Mr. L. A. Kitz, Q. C., be permitted to address the
Council. Motion passed.

Council,
October 29, 1964.

Mr. Kitz spoke on behalf of Ralph Connor Company Limited and stated that he had not been informed that the matter of the expropriation of the Clayton Block would be considered at the meeting at which Council approved of such expropriation and he was not present at such meeting to oppose the action.

He contended that the purpose of expropriating the property was to give it to the Working Group and not, as stated, for the construction of Harbour Drive.

He also contended that if the City were to abandon this expropriation and started anew, under Section 53 of the National Housing Act, the City would be re-imbursed for one-half its cost.

Referring to the City Solicitor's reference to the fact that the property had been the subject of negotiation before expropriation, Mr. Kitz said that the price offered to his client by the City was \$110,000.00, whereas, the annual rentals are in excess of \$150,000.00 annually, which led him to doubt that the negotiations referred to were real negotiations.

He said that he would be willing to meet with a Committee of Council for an opportunity to prove that the value of the property is several times that offered by the City.

His Worship the Mayor said the City Manager should report to the Development Committee after conferring with the City Solicitor on the matters raised by Mr. Kitz.

LEASE - BLOCK "A" - KEMPT ROAD

The following report was submitted:

Council,
October 29, 1964.

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

From: Leonard Mitchell, Q. C., City Solicitor.

Date: October 29, 1964.

Subject: Lease - Block "A" - Kempt Road.

On October 15, 1964, the City Solicitor submitted a report and draft lease with respect to Block "A" - Kempt Road, and in such report suggested that the Lease could be considered in detail at the October 29th meeting of City Council, when the views of the Council members and of the Solicitor for Maritime Moving & Storage Limited, would be available.

Mr. G. B. Robertson, Q. C., solicitor for the Company, has now commented on this lease as follows:

- (1) Pages 1, 13 and 14 - the Company is improperly described and the word "and" is not part of the corporate name, and should read "Maritime Moving & Storage Limited".
- (2) On page 14 - the signing officers of the Company will be "W. B. Greenwood, President, and George B. Robertson, Secretary".
- (3) On page 4 - Clause (5) - provides that there would be default unless certain unpaid taxes, etc. were settled within seven (7) days of demand. Mr. Robertson suggests that this would be a very short period of time and has asked that this be amended to read "thirty days".

Further, in order that this Lease be patterned off the pro forma lease that had been prepared between the City and Provinces and Central Properties Limited, the following changes, to which Mr. Robertson has agreed, should also be made in the draft lease submitted on October 15, 1964:

- (4) Page 2 - Section 1 - should be amended by inserting after the word "amount" in the fifth line thereof, the words and figures "of Forty-six Thousand One Hundred and Fifty-three Dollars and Eighty-five Cents (\$46,153.85) being the fixed valuation of the land for the said period of twenty-five years".
- (5) Page 3 - Clause (b) - in lines 6, 7 and 8 - delete the words "for a term of years equivalent to the then unexpired residue of the term hereby demised" and substituting the words "for the purpose of erecting the building specified in Section 3 of the Lessee's covenants hereinafter set out".
- (6) Page 3 - subsection (4) - immediately after the word "payable" in line five, insert the words "in advance".

Council,
October 29, 1964.

Attached hereto is a new draft lease incorporating the amendments as set out above. However, the Schedules "A" and "B" should be retained from the original draft lease submitted on October 15th, and attached to this new draft.

If City Council approved of this lease, as amended, the Mayor and City Clerk should be authorized to execute the same on behalf of the City.

All of which is respectfully submitted.

Leonard Mitchell,
CITY SOLICITOR.

MOVED by Alderman Trainor, seconded by Alderman A. M. Butler, that the report and lease between the City and Maritime Moving and Storage Limited, as amended, covering Block "A" - Kempt Road, be approved, and that His Worship the Mayor and the City Clerk be authorized to execute same on behalf of the City. Motion passed.

AGREEMENT - BLOCK "P" - EXHIBITION GROUNDS

The following report was submitted:

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

From: Leonard Mitchell, Q. C., City Solicitor.

Date: October 29, 1964.

Subject: Metropolitan Developments Limited -
Block "P", Exhibition Grounds.

On October 15, 1964 the City Solicitor submitted to City Council a report with respect to Metropolitan Developments Limited - Block "P" Exhibition Grounds, giving certain information that was to have been contained in the Agreement and Lease based on previous Minutes of City Council, and informing the Council that the draft Agreement would be distributed in time for consideration at the next meeting of the City Council.

Such draft Agreement and Lease are attached hereto. However, certain changes have been incorporated in the Agreement as follows:

(1) The date of acceptance or rejection by the City, of the complete Development Proposal of Block "P" by the Company on or before November 16th, 1964, has been changed from "ten days from receipt of such Proposal" to "November 30, 1964".

Council,
October 29, 1964.

LEGAL OP. This change is necessary since, if the Proposal is submitted to the City on November 16th, Council would have to approve or reject such Proposal in writing on or before November 26th, this being the date for the regular meeting of Council. Therefore, this extension of four days will enable Council to deliberate the matter at its regular meeting on November 26th and convey its acceptance or rejection to the Company, in writing, before Monday, November 30th, 1964.

(2) The commencement date of construction for Phase I of the Scheme as shown in the draft Agreement, has been changed from November 16, 1964 to December 15, 1964.

It seems necessary to alter this date because under the terms previously approved by Council, the Company could submit its Development Proposal on November 16, 1964, City Council must approve or reject the same by November 26th, yet the resolution of Council provided that the commencement of construction of Phase I must be on or before November 16, 1964. Therefore, the date of construction of Phase I must be set as being subsequent to the Council approval of the Development Proposal, and it would seem reasonable that such date be fifteen days after the last date when Council could approve such Proposal.

(3) Council Minutes stated that before the commencement of each Phase of the Development, the Company must "submit to the City final details of mortgage financing" and "provide a list of final tenancies".

It is my opinion that the wording of these two phrases are too general and so I have re-worded them as shown in Sections 7 (1), 8 (1), 9 (1) and 10 (1) of the draft Agreement.

If the draft Agreement, including the above three suggested amendments, meets with the approval of the City Council, then Council should authorize the Mayor and City Clerk to sign such Agreement after it has been executed by Metropolitan Developments Limited.

All of which is respectfully submitted,

Leonard Mitchell,
CITY SOLICITOR.

MOVED by Alderman Black, seconded by Alderman Abbott, that the report, agreement and lease between the City and Metropolitan Developments Limited, as amended, covering Block "P", Exhibition Grounds, be approved; and that the Mayor and City Clerk be authorized to execute same on behalf of the City. Motion passed.

Council,
October 29, 1964.

LEGAL OPINION, CITY SOLICITOR RE: AGREEMENT DATED OCTOBER 24,
1963, BETWEEN CITY OF HALIFAX AND CENTRAL MORTGAGE AND HOUSING
CORPORATION OF THE ONE PART AND PROVINCES AND CENTRAL PROPERTIES
LIMITED THE OTHER PART

The following report was submitted:

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

From: Leonard Mitchell, Q. C., City Solicitor.

Date: October 29, 1964.

Subject: Report - Cornwallis Centre Agreement.

On Thursday, October 15, 1964, the regular meeting of City Council held on that evening was adjourned prior to twelve o'clock midnight, which was the deadline for the submissions required to be made by Provinces and Central Properties Limited under the provisions of Section 10 of the Agreement dated October 24, 1963 and made between the City of Halifax and Central Mortgage and Housing Corporation, of the One Part, and Provinces and Central Properties Limited, of Other Part

In a report of the City Solicitor, dated October 15, 1964, it was pointed out that as of the early evening of October 15, 1964, Provinces and Central Properties Limited had failed to make all the required submissions under Section 10 of the October 24, 1963 Agreement.

Mr. Derrick J. Osborn, of Provinces and Central Properties Limited, addressed City Council on the evening of October 15, 1964, but did not submit any documents pertaining to Section 10 of the said Agreement.

City Council did not at that meeting take any further action with respect to the said Agreement.

On Monday, October 19, 1964, His Worship the Mayor received a letter from Provinces and Central Properties Limited, a copy of which is attached hereto as Appendix "A", which states that the Company considered that the submissions already made were in compliance with the requirements of the Agreement of October 24, 1963.

It was evident from such letter that the Company still considered the Agreement to be in effect between the Partnership and the Company. Therefore, in view of such letter, it has been necessary for the City to ascertain its exact legal position in relation to such Agreement. Since the Agreement was on a partnership basis between the City and Central Mortgage and Housing Corporation, before the City could define its legal position, a conference with the Corporation Counsel of Central Mortgage and Housing Corporation was not only desirable but absolutely necessary.