

Council,
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Debenture Resolution Re: Sanitary Sewer - Barrington Street

MOVED by Alderman A. M. Butler, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, a formal resolution authorizing the issue of a debenture to cover the balance of the sewer installation on Barrington Street be approved, particulars of the debenture to be as follows:

Amount	\$70,665.47
Date of Issue	January 1, 1967
Interest Rate	5 3/8%
No. of Payments	20
(Commencing Jan. 1/68)	
Amount of each payment	19 @ \$5,887.38
	1 @ \$5,487.81

Motion passed.

Decisions - Labour Relations Board Re: Union Applications for Certification

MOVED by Alderman Abbott, seconded by Alderman Ivany that, as recommended by the Finance and Executive Committee, the City Manager be authorized to enter into negotiations with representatives of the Halifax Civic Workers' Union, Local 108, should notice be served on the City by the said Union that it wishes to meet for the purpose of bargaining collectively on behalf of the General Service Maids employed at the Halifax Health Centre. Motion passed.

Dartmouth Natal Day

MOVED by Alderman LeBlanc, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, Wednesday, August 2, 1967, be declared a half-holiday

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REPORT - COMMITTEE ON WORKS
by the City of Halifax for the celebration of Dartmouth Natal
Day. Motion passed.

Sound System & Visual Aid - Council Chamber

MOVED by Alderman Fitzgerald, seconded by Alderman
Meagher that, as recommended by the Finance and Executive
Committee,

- (a) the sum of \$510.00 be provided in the 1967 budget to cover the cost of improvements to the sound system in the Council Chamber;
- (b) the sum of \$600.00 be provided in the 1967 budget to cover the cost of visual aid equipment in the Council Chamber and that a demonstration of the proposed equipment be arranged during a meeting of the Committee of the Whole to be held early in March, 1967.

The City Manager, in reply to a question, stated that Staff watched a demonstration and would arrange one for members of Council with the equipment of the preferred firm.

The motion was then put and passed.

Group Two

2470-72 Barrington St. - George A. ...

Group Three

1221 Seymour Street - Merly P. ...

Motion passed.

Design - Cogswell Street and Harbour Drive Interchange
"Sectin Square"

MOVED by Alderman Black, seconded by Alderman ...

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REPORT - COMMITTEE ON WORKS

that, as Council considered the report of the meeting of the Committee on Works held on February 23, 1967, with respect to the following matters:

Expropriation Proceedings - #1854-58 Barrington Street

Street-Name MOVED by Alderman Black, seconded by Alderman Ivany that, as recommended by the Committee on Works, the property at 1854-58 Barrington Street be expropriated for redevelopment purposes in connection with the Scotia Square Development; and that Staff be directed to prepare the necessary plan, description and expropriation resolution. Motion passed

Tenders - Demolition of Buildings

need for MOVED by Alderman Ivany, seconded by Alderman Fitzgerald that, as recommended by the Committee on Works, the following tenders (the lowest) be accepted for demolition of the following buildings:

Group One

2266 Barrington St. - George A. Redmond, in the amount of \$1,200.00 provided a Performance Bond in the amount of \$2,400.00 is deposited with the City.

Group Two

2470-72 Barrington St. - George A. Redmond, in the amount of \$1,600.00 provided a Performance Bond in the amount of \$3,200.00 is deposited with the City.

Group Three

1221 Seymour Street - Merly B. Wyllie, in the amount of \$250.00, provided a Performance Bond in the amount of \$500.00 is deposited with the City.

Motion passed.

Design - Cogswell Street and Harbour Drive Interchange - "Scotia Square"

wately \$1 MOVED by Alderman Black, seconded by Alderman Ahern

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that, as recommended by the Committee on Works, the City Staff be authorized to immediately invite proposals from competent consulting engineering firms in relation to the preparation of working drawings and specifications for all of the Cogswell Street-Harbour Drive Interchange with relation to Scotia Square, and that the request for proposals not require preparation and approval of Detailed Terms of Reference.

Mr. W. B. Hardman, representing Halifax Developments Limited, was permitted to address Council on this subject and made the following submission:

"We would like to stress to you at this time the need for quick action in regard to the construction of Harbour Drive.

"The present schedule for the Scotia Square project calls for the commencement of construction on 325,000 square feet of retail space, parking for 1600 cars, a 285-room hotel with dining, banquet and lounge facilities and a 220,000 square foot office building, which will be Stages II, III and IV of the Scotia Square project, in essence by September 1 of this year. Our schedule calls for all of these facilities to be completed by the Spring of 1969. This is some one year ahead of the schedule outlined in the Agreement with the Partnership. We are giving you this timing to emphasize that Harbour Drive and Scotia Square must be completed simultaneously. If on the completion of construction, the opening of Scotia Square has to be delayed, it will cost Halifax Developments Limited approximately \$10-15,000 each and every day of the delay. Accordingly,

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it is imperative that these programs be dove-tailed. If Harbour Drive in its simplest form cannot be completed until 1970, Halifax Developments Limited will have to reconsider its entire construction schedule.

"If Harbour Drive is not completed nor started until the late 1960's or early 1970's, the following problems will be created:

- (a) Scotia Square will probably be postponed, or at best prolonged,
- (b) a traffic problem of enormous proportions will be created,
- (c) all downtown businesses, and in particular Scotia Square will suffer a substantial loss of business.

We would, accordingly, stress the need for Harbour Drive on its completion in early 1969.

"We note in the report prepared by the City Staff that the scheduled demolition of the Miner Rubber building and the City Police Station is in the Fall of 1972. Halifax Developments Limited would like to see this demolition take place at the latest in the Spring of 1969. On completion of the demolition and subject to our having proceeded with Stages II, III and IV on schedule, we would be prepared to immediately erect the apartment blocks scheduled for these areas. As a matter of interest, we are reasonably confident that the Directors of Halifax Developments Limited would advance the completion schedule of all of the apartments on Brunswick Street by a two or three year period if some incentive such as the putting into force of Chapter 52, Section 241 of the Charter of the City of Halifax was augmented. It is our contention that this portion

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of the Charter would have a favorable effect on total tax revenue accruing to the City.

"In conclusion, we would again stress the need for Harbour Drive and the need for its timing to be co-ordinated with the Scotia Square development."

After full discussion, the motion was put and passed.

Narrows Bridge Approaches

The report of the Committee on Works reads as follows:

It is recommended that Plan C (TT-7-16898), dealing with the Narrows Bridge Approaches to the Columbus Street entrance, be approved in principle, subject to the Halifax-Dartmouth Bridge Commission being advised that the timing of the City's capital expenditures is a matter for City Council to decide in the light of possible assistance available and its other commitments.

The following letter was submitted from the Halifax-Dartmouth Bridge Commission:

"The Commission has been advised that plans will shortly be presented to City Council with respect to street connections in the City of Halifax to bridge approach streets for the Narrows Bridge.

The City of Halifax has an undertaking with the Bridge Commission that it will provide connections co-incident with the opening of the Narrows Bridge to traffic, and we therefore advise you that, under the present schedule, the Narrows Bridge will open to traffic on December 31, 1969."

After lengthy discussion, it was MOVED by Alderman Black, seconded by Alderman Ivany that Plan C (TT-7-16898) be approved and that the Halifax-Dartmouth Bridge Commission be advised that the City will do its utmost to live up to the undertaking referred to in the letter from the General Manager of the Halifax-Dartmouth Bridge Commission dated February 24, 1967.

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The motion was put and passed unanimously.

Street Name - Strawberry Hill Subdivision

MOVED by Alderman H. W. Butler, seconded by Alderman Fitzgerald that, as recommended by the Committee on Works, the street in the Strawberry Hill Subdivision be named "Strawberry Hill Street". Motion passed.

REPORT - SAFETY COMMITTEE

Council considered the report of the meeting of the Safety Committee held on February 23, 1967, with respect to the following matters:

Installation of Receiver Panel - National-Dominion Alarm Systems
Police Station

MOVED by Alderman Ivany, seconded by Alderman Fitzgerald that, as recommended by the Safety Committee, permission be granted to National-Dominion Alarm Systems Limited for the installation of an alarm receiver panel in the Police Station building, provided there is sufficient space available for the panel and that the regular charges apply. Motion passed.

Sale - Surplus Fire Truck

MOVED by Alderman H. W. Butler, seconded by Alderman Ivany that, as recommended by the Safety Committee, the offer of \$5,000 from the City of Dartmouth for a 1940 Seagrave aerial ladder truck declared surplus by the Halifax Fire Department, be accepted. Motion passed.

Service Extension - Deputy Chief of Police

MOVED by Alderman Fitzgerald, seconded by Alderman Ivany that, as recommended by the Safety Committee, one year's

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service extension be granted to the Deputy Chief of Police from June 1967 to June 1968 in view of the apparent impending amalgamation and the Centennial celebrations in Halifax in which the Halifax Police Department will be deeply involved. Motion passed.

REPORT - PUBLIC HEALTH AND WELFARE COMMITTEE

Council considered the report of the meeting of the Public Health and Welfare Committee held on February 21, 1967, with respect to the following matters:

Amendment - Ordinance No. 44 - Stall Fees, City Market

MOVED by Alderman Moir, seconded by Alderman Abbott that, as recommended by the Public Health and Welfare Committee, Ordinance No. 44 be amended to provide that all persons renting stalls in the Halifax City Market pay the same fee of \$70.00 and that restrictions relating to race be deleted. Motion passed.

Submission - Human Rights Administration in Halifax and Nova Scotia

A brief was submitted from the Halifax Citizens Human Rights Advisory Committee requesting Council to petition the Provincial Government to:

- (1) engage a full-time director to promote the kind of human rights program outlined in the brief, and
- (a) provide for the suspension and cancellation of licenses in respect of convictions under the Human Rights Act.

MOVED by Alderman Moir, seconded by Alderman Abbott that, as recommended by the Public Health and Welfare Committee,

1. the City of Halifax offer, to the Provincial Human Rights Committee, to extend co-operation on behalf of the City that may be required in enforcing their decision and leave it to them to make suggestions to the City how it can assist in the matter of a suspension or cancellation of license in respect of convictions under the Human Rights Act;
2. the City of Halifax indicate both to the Halifax Citizens Human Rights Advisory Committee and the Provincial Human Rights Committee that these bodies advise the City if there is any way by which it can help in the enforcement of Provincial law; and
3. the Provincial Government be advised that the City of Halifax favours the appointment of a full time Provincial Director to promote human rights. Motion passed.

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REPORT - COMMITTEE OF THE WHOLE COUNCIL, BOARDS & COMMISSIONS

Functional Program - Lane Memorial Hospital

Submitted at this time was the Functional Construction Program of the proposed Lane Memorial Hospital as prepared by the Board of Management of the Halifax Mental Hospital. (A copy of the Functional Construction Program for the proposed Lane Memorial Hospital as submitted is attached to the official copy of these minutes.)

MOVED by Alderman Moir, seconded by Alderman Black that the Functional Construction Program for the proposed Lane Memorial Hospital be approved on the basis of an estimated cost of \$30.00 per square foot for 116,423 square feet of space. Motion passed.

Use of City Crest

A report was submitted from the Board of Management of the Halifax Mental Hospital requesting permission to use the City Crest on its stationery.

MOVED by Alderman Black, seconded by Alderman Moir that the Halifax Mental Hospital be permitted to use the City of Halifax Crest on its stationery. Motion passed.

REPORT - TOWN PLANNING BOARD

Council considered the report of the meeting of the Town Planning Board held on February 21, 1967, with respect to the following matters:

Modification of Front & Side Yard Requirements - 6146 Linden Street

MOVED by Alderman Black, seconded by Alderman Fitzgerald that, as recommended by the Town Planning Board, the modification of front yard and side yard requirements at 6146 Linden Street, to permit the conversion of an existing single family dwelling to a duplex, as shown on Drawing No. P200/2130, be refused.

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Motion passed with Alderman Ivany voting against.

Re-use of Properties - East Side of Brunswick Street - Uniacke Square Redevelopment Area

MOVED by Alderman Black, seconded by Alderman Ivany that, as recommended by the Town Planning Board, the City formally agree to the re-uses of all properties affected on the east side of Brunswick Street, as suggested by Central Mortgage and Housing Corporation in its letter dated February 3, 1967, subject to clarification on Civic Nos. 2271 and 2275 Brunswick Street, and that City Staff be authorized to make a re-submission to Central Mortgage and Housing Corporation.

Motion passed.

Alteration to a Subdivision - Lot "A" Howe Avenue and 3171 (Lot B) Dutch Village Road

MOVED by Alderman LeBlanc, seconded by Alderman Ivany that, as recommended by the Town Planning Board, the alteration to a subdivision at (Lot A) Howe Avenue and Civic No. 3171 (Lot B) Dutch Village Road, as shown on Drawing Nos. P200/2190-00-16892, be approved, subject to the garage and part of the breezeway, which is attached to Civic No. 3171 Dutch Village Road, being removed to conform to the Zoning By-law, and that the public hearing be waived. Motion passed.

Rezoning #5461 Inglis Street - From R-3 Zone to C-2 Zone

The report of the Town Planning Board reads as follows:

It is recommended that the rezoning of the rear portion of #5461 Inglis Street from R-3 Residential to C-2 General Business, as shown on Drawing No. P200/2191, be rejected. Aldermen LeBlanc and Doyle were recorded against.

Submitted at this time was a letter from the Solicitor

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for the owner of the property at 5461 Inglis Street as follows:

"On behalf of my client, Mr. Saul Fried, owner of the property at 5461 Inglis Street, I would ask you, due to heavy commitments, to defer the matter of re-zoning of the land in the rear of his present building, etc., unto the April 15th meeting of Council, and I give you the assurance of my client that the encroachment of four feet of the building on the land which was the subject of an application for re-zoning, would be removed so that the building would then be on that portion of the land which is now zoned commercial.

Your co-operation in this regard would be greatly appreciated."

It was agreed to defer the matter for consideration after April 15, 1967.

MISCELLANEOUS BUSINESS

Accounts Over \$1,000.00

No accounts were submitted for approval at this time.

Lord's Day Permit

Application was submitted from Delmar Mestdagh for permission to operate a grocery store in the City of Halifax on the Lord's Day.

MOVED by Alderman LeBlanc, seconded by Alderman Ivany that a permit to operate a grocery store at 2215 Barrington Street on Sundays between the hours of 9:00 a.m. and 12:00 midnight be granted to Delmar Mestdagh. Motion passed.

Appointment - Council Representative to Welfare Council -
Board of Directors

His Worship the Mayor nominated Alderman N. P. Meagher for appointment as the City of Halifax representative on the Board of Directors, Halifax Welfare Council.

MOVED by Alderman LeBlanc, seconded by Alderman Doyle

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that the appointment of Alderman N. P. Meagher as the City of Halifax representative on the Board of Directors, Halifax Welfare Council be approved. Motion passed

1967 Legislation - No legislation was submitted at this time.

Letter - Councillor P. Baker Re: "Cape Bonnie Disaster Fund"

MOVED by Alderman LeBlanc, seconded by Alderman Meagher that the City contribute the sum of \$5,000.00 to the consolidated disasters fund to assist the families of the fishermen who lost their lives by drowning off the coast of Nova Scotia within the past week, funds to be provided under the authority of Section 316C of the City Charter.

The City Manager indicated his concurrence in the proposed expenditure. Motion passed.

North West Arm Bridge

Alderman Matheson stated that His Worship the Mayor was to obtain the Province's intentions respecting legislation to permit the Bridge to be built simultaneously with the Narrows Bridge.

His Worship the Mayor advised he had received a letter from the Premier indicating what was to be done respecting the presentation of legislation to the Legislature and that such legislation covered Alderman Matheson's concern for the North West Arm Bridge.

Alderman Matheson pointed out that the motion passed earlier in this meeting did not include a provision that the North West Arm Bridge be built simultaneously. Legislation submitted to the Legislature increased the borrowing from \$35,000,000.00 to

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\$37,000,000.00 for both bridges.

Alderman Black urged that the Halifax-Dartmouth Bridge Commission give serious consideration to a suggestion from the Robie Street area residents, who maybe affected by the North West Arm Bridge, that a proper roadway be built over the C.N.R. tracks which would lead from the Robie Street exit of the proposed bridge to the downtown area of Halifax.

He felt it would be a mistake if Robie Street, between University Avenue and Saint Mary's University, were made an arterial highway. He also felt that the residential character of the street should be preserved if at all possible.

His Worship the Mayor suggested that, simultaneously with the construction of approach roads to the Narrows Bridge, that Council request the Bridge Commission to construct approach roads for an Arm Bridge to the satisfaction of the City of Halifax.

MOVED by Alderman Black, seconded by Alderman Matheson that the City of Halifax representatives on the Bridge Commission urge the Commission to consider the placing of an approach road to the North West Arm Bridge on the Halifax side, over the C.N.R. tracks, down to the vicinity of the Hotel Nova Scotian on Water Street. Motion passed.

Expropriation Resolution - 1877 Argyle Street

The following resolution was submitted:

W H E R E A S the City Council of the City of Halifax has caused to be prepared a plan and description of certain lands in the City of Halifax and a list of the owners of such lands, which lands are required for redevelopment purposes;

AND WHEREAS the City Council is of the opinion that the said lands should be acquired for the aforesaid purpose;

AND WHEREAS the City Council cannot acquire lands hereinafter described by agreement with all the owners thereof,

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at an amount that the said City Council considers a fair price;

AND WHEREAS City Council deems it necessary that the said lands should be expropriated.

THEREFORE BE IT RESOLVED by City Council that pursuant to the provisions of the Halifax City Charter, 1963, and amendments thereto, the said lands and any and all estates or interests therein be and the same are hereby expropriated for redevelopment purposes.

AND BE IT FURTHER RESOLVED by the City Council that pursuant to the provisions of the said City Charter, the City Clerk do file with the Registrar of Deeds a copy of the said Plan of Expropriation, bearing Number TT-7-16894, and a copy of this Resolution under the Seal of the City of Halifax.

AND BE IT FURTHER RESOLVED that the lands to be expropriated, the assessed owners thereof, and the compensation to be paid therefor, are as follows:

<u>LANDS TO BE EXPROPRIATED</u>	<u>ASSESSED OWNERS</u>	<u>COMPENSATION</u>
1877 Argyle Street	Halcraft Printing Ltd.	\$46,200.00

the said lands being described as follows:

ALL that certain lot, piece or parcel of land situate, lying and being on the eastern side of Argyle Street between Duke Street and Buckingham Street in the City of Halifax as shown bordered in red on a plan entitled, "Expropriation Plan of Certain Lands Required by the City of Halifax for Redevelopment Purposes", dated February 16, 1967, and being on file in the office of the Commissioner of Works of the City of Halifax at City Hall as Plan No. TT-7-16894; the said land being more particularly described as follows:

Beginning at the point where the eastern official street line of Argyle Street is intersected by the southern boundary line of land now or formerly owned by Conn & Martell Limited;

Thence eastwardly along the said southern boundary line of land now or formerly owned by Conn & Martell Limited and continuing eastwardly along the southern boundary line of land now or formerly owned by Capitol Realties Limited for a distance of seventy-four feet (74') or to the western boundary line of land now or formerly owned by H. H. Marshall Limited;

Thence southwardly along the said western boundary line of said land now or formerly owned by H. H. Marshall Limited for a distance of thirty feet and one inch (30' - 1") to the northern boundary line of said land now or formerly owned by H. H. Marshall Limited;

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Thence westwardly along the said northern boundary line of said land now or formerly owned by H. H. Marshall Limited for a distance of seventy-four feet (74') or to the aforesaid eastern official street line of Argyle Street;

Thence northwardly along the said eastern official street line of Argyle Street for a distance of thirty feet (30') or to the place of beginning.

MOVED by Alderman Abbott, seconded by Alderman Matheson that the resolution as submitted be approved. Motion passed.

Amendment - Administrative Order #5 Re: Aldermanic Stipend

The following amendment was submitted:

BE IT ENACTED by the City Council of the City of Halifax as follows:

1. Section 4 of Administrative Order Number 5, Respecting the Remuneration to be paid to the Mayor, Deputy Mayor and Aldermen, as approved by Council on the 30th day of July, 1964, and the 13th day of August, 1964, respectively, is hereby repealed and the following substituted therefor:

4. The remuneration to be paid to each Alderman of the City of Halifax commencing the 1st day of January, 1967, shall be at the rate of Three Thousand Five Hundred Dollars (\$3,500.00) per annum.

MOVED by Alderman A. M. Butler, seconded by Alderman Abbott that the amendment be read and passed a first time. Motion passed.

QUESTIONS

Question - Alderman Matheson Re: Left-turn Movements of Traffic Into Service Station at Willow Tree

Alderman Matheson referred to the fact that some motorists proceeding in an easterly direction on Quinpool Road are making illegal left-hand turns into the new service station at the corner of Quinpool Road and Windsor Street; and he asked that some action be taken to prevent this to obviate serious accidents.

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His Worship the Mayor stated that there should be a median divider constructed on that portion of Quinpool Road to prevent left-hand turning movements by motorists.

If it was agreed that Staff be directed to investigate the possibility of the construction of a median divider as suggested by His Worship the Mayor.

10:50 p.m. Alderman Abbott retires.

ADDED ITEMS

Scotia Square - Trade Mart
Rental Scales - Public Housing Projects

It was agreed to refer these items to the Committee of the Whole for consideration after the other items on the Order of Business had been disposed of.

Relocation - City Field

The following report was submitted:

TO: His Worship the Mayor and Members
of City Council

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

DATE: March 2, 1967

SUBJECT: Relocation of City Field

The City Council last fall selected as the new site for City Field, land in the MacKintosh Street-Forrester Street area, adjacent to the City Incinerator. In processing the land for use as a new City Field site, it was noted that the land was part of three parcels of land acquired by the City in 1958 from Her Majesty the Queen and from the Canadian National Railways. The deed contained a covenant restricting the use of the property to industrial purposes. The terms of the covenant are:

(a) That the said land shall be used by the Corporation for industrial purposes only, and that the Corporation shall not locate on the said land any industry not acceptable to the Canadian National Railway;

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- (b) That in the event the work of development and improvement for industrial purposes of the land referred to in paragraph (a) of Clause 1 hereof, is not commenced within two years from the date of the Letters Patent conveying the said land to the Corporation, as determined by the Canadian National Railway Company, the Corporation shall reconvey and transfer the said land to Her Majesty, free from all encumbrances, in consideration of the price and sum of Fourteen thousand two hundred and forty-one dollars (\$14,241.00).
- (c) That in the event the work of development and improvement for industrial purposes of the land referred to in paragraph (b) of Clause 1 hereof is not commenced within two years from the date of the Letters Patent conveying the said land to the Corporation, as determined by the Canadian National Railway Company, the Corporation shall reconvey and transfer the said land to Her Majesty, free from encumbrances, in consideration of the price and sum of twenty-six thousand four hundred and twenty two dollars and fifty cents (\$26,422.50).

The City Manager has been in communication with the Canadian National Railway and has requested that the City be released from the restrictions respecting development of the land. Following a meeting today with the Manager of the Industrial Development Branch of the Canadian National Railway, the City Manager agreed to place before Council this evening, for consideration, the advice

- (a) that the Canadian National Railway is prepared to cooperate with the City to enable the City to construct the new City Field at the selected site;
- (b) The Canadian National Railway is, however, concerned about the lack of industrial sites in the City of Halifax and in return for a release of the restrictions respecting the MacKintosh Street-Forrester Street land, the Canadian National Railway wishes the City to provide that generally the same terms and conditions respecting industrial development as originally applied to the MacKintosh Street-Forrester Street lands would apply to another mutually acceptable location in the Africville area (or in some other suitable area) where approximately the same area of City-owned land is available close to Canadian National Railway trackage.

It is recommended that the City Council undertake to enter into an agreement with the Canadian National Railway which will clear the present restrictions on use of the MacKintosh Street-Forrester Street land and transfer to other land in the immediate area, owned by the City, the same conditions as previously were attached to the MacKintosh Street-Forrester Street land.

Respectfully submitted,
P. F. C. BYARS, CITY MANAGER

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MOVED by Alderman Moir, seconded by Alderman Fitzgerald that the recommendation as contained in the report of the City Manager, dated March 2, 1967, be approved. Motion passed.

Fire Services Standard

OFFICE OF THE MAYOR

City Hall, Halifax, N. S.

March 2, 1967.

To the Members of City Council

Dear Aldermen:

The following is correspondence between the Fire Chief and the Deputy Minister of Municipal Affairs relative to a Municipal Services Program.

Allan O'Brien

(Signed)

M A Y O R

DEPARTMENT OF MUNICIPAL AFFAIRS
Nova Scotia

February 28, 1967

Mr. G. H. Brundige
Fire Chief
Bedford Row Fire Station
Halifax, Nova Scotia

Dear Mr. Brundige: Re: Municipal Services Programme

The "standards" to which we refer in speaking of the above programme were merely a basis on which the Province would make grants to assist in several municipal services. Because some municipal unit is now expending less upon a given service than we will accept as the basis for the grant, it does not at all follow that its services are "substandard". On the other hand, because a municipal unit is expending more than we will recognize for grant purposes, it does not follow that its expenditures are excessive or extravagant. I had thought this was clear. All that we have done is create a "level" somewhat of the nature of the Foundation Programme of Education.

Yours very truly,

(Sgd)

W. E. MOSELEY,
DEPUTY MINISTER

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To: His Worship Mayor Allan O'Brien and Members of City Council
From: G. H. Brundige, Chief Fire Department
Date: March 2, 1967
Subject: Municipal Services Programme

During the Budget debate the matter of Provincial grants to assist Municipal Services was discussed and the Fire Chief was directed to find out from the Province (1) what standard was used for fire service; (2) whether we overspend in fire services; (3) whether the Provincial standard was too low.

Subsequently a meeting was arranged with the Deputy Minister, Mr. W. E. Moseley, and a copy of a letter confirming our discussion is attached.

As indicated in Mr. Moseley's letter, the standards used were a basis somewhat similar to that used for the Foundation Programme of Education.

Such standards certainly could not be used for determining the requirements for Municipal Fire Protection in this City.

(Sgd) G. H. BRUNDIGE
CHIEF FIRE DEPARTMENT

INFORMATION

Legislation - Section 226 - Halifax City Charter

Alderman Black asked for permission to withdraw the item as he had been reminded by the City Solicitor that Council had already taken action approving draft legislation to amend Section 226(b) of the City Charter, 1963, to provide for the substitution of the word "forty" for the words "forty-five" in the last line thereof.

It was agreed to delete the item from the Order of Business.

10:56 p.m. Council adjourned to meet as Committee of the Whole.

Scotia Square - Trade Mart

The following report was submitted from the City

Manager:

Commissioner of Health

CITY COUNCIL
M I N U T E S

Council,
March 16, 1967
Council Chamber,
City Hall,
Halifax, N. S.,
March 16, 1967
8:00 p.m.

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

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

There were present: His Worship the Mayor, Chairman; and Aldermen Black, Abbott, Ivany, A. M. Butler and Matheson. Meagher, Ahern, Connolly, Doyle, Sullivan, H. W. Butler and Fitzgerald.

Also present were the City Manager, City Solicitor, City Clerk, Development Officer, Chief of Police, Fire Chief and other Staff members.

MINUTES

The minutes of the meetings held on February 23 and March 2, 1967, were approved on motion of Alderman Connolly, seconded by Alderman Abbott. Motion passed.

The City Clerk stated that because of clerical errors, the following amendments to the minutes of the meeting of City Council held on February 16, 1967, will be amended as follows:

Page 141 respecting "Acquisition - #5423 Gerrish Street" - Substitute the figures "\$8,500" for the figures "\$8,000" in the last line.

Page 142 respecting "possible acquisition - 2327 Maitland Street." Substitute the figures "\$6,100" for the figures "\$6,000" in the third line of the motion.

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MOVED by Alderman Connolly, seconded by Alderman Abbott that the minutes be amended accordingly. Motion passed.

APPROVAL OF ORDER OF BUSINESS - ADDITIONS & DELETIONS

The City Clerk stated that the following additional items had been handed to him to be added to the Order of Business:

1. Expropriation Resolution - 1854-58 Barrington Street
2. Expropriation Resolution - 5418 Gerrish Street
3. Council Authorization to Prepare a Plan, Description and Expropriation Resolution to Expropriate the Properties Contained in the Block Bounded by Buckingham, Argyle, Duke and Barrington Streets
4. Collective Agreement - City of Halifax and Local Union #268 - I. A. F. F.

MOVED by Alderman Abbott, seconded by Alderman Ivany that the items be added to the Order of Business as Items 20(a) 20(b), 20(c) and 20(d) respectively. Motion passed.

MOVED by Alderman Black, seconded by Alderman Abbott that a further item be added as 20(e) entitled "City Charter". Motion passed.

MOVED by Alderman Connolly, seconded by Alderman Ahern that the Order of Business as amended be approved. Motion passed.

PUBLIC HEARINGS AND HEARINGS

Public Hearing Re: Rezoning of land at the Southwestern Corner of Wellington Street and Lundy's Lane, from R2 Zone to R3 Zone

A public hearing was held at this time in connection with the application for the re-zoning of the property at 1060-1078 Wellington Street from R2 Zone to R3 Zone to permit the erection of a fifteen-storey, forty-six unit apartment building as shown on Drawing Nos. P200/2180-2188.

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

No person wished to be heard in opposition to the proposed re-zoning.

Mr. R. A. Kanigsberg, Q. C., appeared on behalf of the applicant and stated that it has come to the attention of his client that the plans for the fifteen-storey apartment building being erected on the adjacent property, call for an incinerator and smoke stack which will be the source of smoke and fumes which will constitute a nuisance to occupants of the apartment building proposed to be erected by his client.

He solicited the City's co-operation in approaching the owners of the apartment block being erected to see if plans for that building could be adjusted to eliminate the incinerator and smoke stack, and arrangements made to have the garbage removed and not burned on the site.

Mr. Kanigsberg concluded by saying that if the requested changes cannot be made, his client will not proceed with the construction of the project.

Mr. Gregory Lambros, Architect for the apartment project referred to by Mr. Kanigsberg, was present and he stated that he had recommended to his client that an incinerator not be installed in the building but that it had been decided for economic reasons to include the installation in the building.

He said that he would again attempt to persuade his client to eliminate the incinerator.

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His Worship the Mayor stated that the matter raised by Mr. Kanigsberg was not pertinent to the question of the rezoning but that the City Staff members, who have a responsibility with respect to the enforcement of the provision of the Ordinance Respecting Smoke Abatement and Air Pollution, will discuss the matter with Mr. Lambros.

MOVED by Alderman Black, seconded by Alderman Abbott that the property at 1060-1078 Wellington Street be re-zoned from R2 Zone to R3 Zone. Motion passed.

A formal By-law, as prepared by the City Solicitor to give effect to the foregoing resolution of City Council, was submitted.

MOVED by Alderman Black, seconded by Alderman Abbott that the By-law as submitted be approved. Motion passed un-animously.

Public Hearing Re: Street Closures:

1. Acadia Street between Union Street and Dartmouth Avenue
2. Acadia Street between Devonshire Avenue and Roome Street
3. Portion of Dartmouth Avenue between Gottingen Street and Union Street, and Dartmouth Avenue between Union Street and Devonshire Avenue
4. Dartmouth Avenue between Devonshire Avenue and Roome Street

A Public Hearing was held at this time in connection with the proposal to close portions of the undernoted streets, as shown on Plan No. TT-6-16790, under the authority of Section 350 of the City Charter for the following purposes:

- (A) Traffic Improvements
- (B) Church
- (C) Recreation
- (D) School

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1. Acadia Street between Union Street and Dartmouth Avenue
2. Acadia Street between Devonshire Avenue and Roome Street
3. A portion of Dartmouth Avenue between Gottingen Street and Union Street, and Dartmouth Avenue between Union Street and Devonshire Avenue
4. Dartmouth Avenue between Devonshire Avenue and Roome Street.

8.14 p.m. Alderman Moir arrives.

At the request of Alderman Sullivan, who explained that a number of residents in Ward 6 who had planned to appear in opposition to the proposal could not be present because of the adverse weather conditions, Council agreed to hear representations from any persons who wished to speak in favour of the proposal and to defer hearing representations from the others until the next meeting of Council.

Reverend R. D. MacLean, Minister of Knox Presbyterian Church, appeared and asked that Council give sympathetic consideration to the closing of a portion of Acadia Street where it enters Devonshire Avenue, to permit the erection of a new church and church hall, which will enable his church to carry on a full youth program for the young people of the area and also to carry on such social services program to meet the needs of the older people.

No other persons wished to be heard at this time.

MOVED by Alderman Meagher, seconded by Alderman Doyle, that the Public Hearing be adjourned until the next regular meeting of Council. Motion passed.

PETITIONS AND DELEGATIONS

Petition Re: Lobster Trap Night Club

The following Petition signed by approximately 40 residents of the Inglis Street, Victoria Road, Bland Street area

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was submitted:

"To the City Council,
Attention: Mr. Stoddard, City Clerk.

We the residents of the east end of Inglis Street and Victoria Road protest against Mr. Saul Fried whose Lobster Trap night club is causing us great trouble. We protest the noise and violence on the street from midnight till four a.m. We protest against the vicious people brought into the neighbourhood by this establishment; against the vomit, urine, and excrement deposited on the sidewalks, drive ways, front steps, front and back gardens by his patrons; against the trespassers and peeping toms; against the smashed bottles left for us to clean up in the mornings. Cars illegally lining both sides of the street with others stopping in the middle of the street in front of the Lobster Trap and the resulting traffic tieup in the small hours of the mornings, cause us considerable anxiety as the fire department would be hampered in case of fire. We protest the loss of sleep caused by the noise of the drums and other loud instruments playing inside the night club and audible as far away as the north side of Victoria Road.

We the undersigned ask that this Lobster Trap night club be closed at midnight, and ask that never again will the City Council permit any business of this nature to carry on in this neighbourhood after midnight. "

The Petition was endorsed by Alderman Black.

Mrs. Dorothy Ellis, of 5455 Inglis Street, appeared before the Council and elaborated on the points raised in the Petition.

Mr. Jack Wolman, owner of an apartment block at 5451-5453 Inglis Street, also appeared and said that a number of his tenants have indicated that if the noise which emanates from the Lobster Trap Night Club does not subside, they will move. He spoke in support of the Petition to have the night club closed at midnight.

Mr. R. A. Kanigsberg, Q. C., speaking on behalf of the proprietor of the Lobster Trap Club said that the establishment is run in a proper manner and is frequented by respectable

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citizens in the community; and he ventured to say that the Chief of Police will attest to that fact.

The Chief of Police said that many of the comments are answered by him in a letter, dated March 15, 1967, which he had written to Mrs. Ellis, copies of which had been sent to His Worship the Mayor and the City Manager.

The City Clerk then read the letter as follows:

March 15, 1967

Mrs. D. E. Ellis
Apt. #1
5455 Inglis Street
Halifax, N. S.

Dear Madam:

Please excuse my delay in answering yours of February 26th, as I find recently that pressure of every day business does at times affect my correspondence, and occasionally the answering of a letter is delayed longer than I would wish.

I will try to answer the questions and suggestions contained in yours of above date in the order in which they are mentioned.

1. With reference to the noise on the street, please be advised that there is no control of the type of noise which normally disturbs residents in an area where the type of activity, such as that which takes place in the Lobster Trap, is being carried on i.e: slamming of car doors, motor noise, loud talk, etc. There is control if the loud talk includes screaming and swearing, which then becomes a disturbance under the Criminal Code. However, the difficulty is and has been, that if a policeman is present, there is little chance that a disturbance within the meaning of the Criminal Code will take place.
2. With reference to your calling the Police Station at twenty minutes past one and a Constable not arriving until ten past two, please be advised that I have checked into this matter, and have satisfied myself that at the time our forces were deployed on other police matters, and while this is a delay which certainly is not generally acceptable in this Department, this was a case where the delay, I think, could be excused.

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3. In respect to your questioning the member of this Department who answered the phone on that occasion and his answer, "I have no law", I do not know what this answer means, but I would think it referred to the type of noise as outlined in Item 1, and if so, there is no law governing this type of noise and this is what might have been meant by the answer "I have no law."
4. With respect to your comments re this being a commercial area, please be advised that the field of occupancy permits, etc., is not a police responsibility and hence, I do not feel competent to make a comment in relation to this suggestion and question.
5. With respect to people leaving the Lobster Trap to drink in their cars, I have long since directed members of this Department to check on this activity, as it would be a violation of the Liquor Control Act.
6. With respect to people urinating in driveways, as I understand it, Courts have long since ruled that a call of nature cannot be denied and if this is a legitimate offence in Court, little or nothing can be done by way of a charge. Indeed, this is the usual defence of "Peeping Toms" when they are charged, and sometimes they are successful, depending on the circumstances surrounding the particular incident for which that person is charged. So that in this area, if a member of this Department tells you it was not worthwhile, I would assume he judged the merits surrounding that particular type of complaint, if not an individual incident and was in fact saying, that under the circumstances existing, quite likely a charge would not succeed in Court.

I have our legal advisors searching this area and advising me in this matter.

7. With reference to your suggestion that liquor may be available in the Lobster Trap, please be advised this matter has been brought to the attention of our Sergeants, with a view to investigating this situation.

I can well understand your concern over the noise and other activities which are present in this area, but I would like to point out, as I am sure you are aware, that the Police Department can only enforce those laws which exist and it would appear, that while some of the activities can in theory be controlled by an application of the law, not all of the disturbing factors are controlled by the law and this presents problems to the Police Department as in the past, where we have attempted to lessen a type of noise which is generally called a disturbance, but is not a disturbance within the meaning of the Criminal Code. That particular premise and the area has been subjected to intensive police surveillance and reports would indicate that the situation has noticeably improved during the past month.

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I would be interested in obtaining your views in relation to the above statement. It occurs to me that the root cause of the problem is that type of business which is presently carried on in the premises occupied by the Lobster Trap, and there appears to be some suggestion that this may be in contravention of an occupancy permit or zoning by-law.

If this suggestion be correct, then I would suggest you process this matter with the members of the Planning Department and/or the Building Inspector of the City of Halifax.

Should this approach fail, I would suggest you consider seeing a lawyer, with a view to perhaps processing this matter civilly and perhaps obtaining an injunction, if the facts of the case warrant the issuing of an injunction.

For your information, Mr. Fried obtained the services of a Special Constable for this purpose and it is my hope that this action on his part may reduce the area of complaint.

You may rest assured of continuing police surveillance, but I must in fairness say, that to have something approaching complete satisfaction, would most likely require a policeman on a permanent basis, and I am sure you are aware that police manpower commitments rule out this approach completely.

If you have any further thoughts in this matter, please do not hesitate to get in touch with me.

Yours very truly,
(Signed)
V. W. MITCHELL
CHIEF OF POLICE

Alderman Black asked Mr. Kanigsberg if he would agree that apart from the legalities, the particular type of operation in the location is singularly inappropriate in view of the mixed commercial and residential uses in the area even though it is zoned "commercial".

Mr. Kanigsberg disagreed and said that the people who frequent the establishment are very fine people "who find the place a delight", and he said that a great many of the clientele are people who work until 11:00 or 12:00 at night and wish to spend some time there.