

Council,
November 12, 1969

Ordinance No. 140 Respecting the Reservation of Land in
Subdivisions for Public Parks and Playgrounds - Second Reading

MOVED by Alderman Hogan, seconded by Alderman
McGuire that, as recommended by the Committee of the Whole
Council, Ordinance Number 140, Respecting the Reservation of
Land in Subdivisions for Public Parks and Playgrounds, be
read and passed a Second Time. Motion passed.

Amendment to Ordinance No. 131 Respecting Buildings and the
Adoption of the National Building Code - Second Reading

MOVED by Alderman Abbott, seconded by Alderman
LeBlanc that, as recommended by the Committee of the Whole
Council, the following amendment to Ordinance Number 131,
Respecting Buildings and the Adoption of the National Building
Code, be read and passed a Second Time:

BE IT ENACTED by the City Council of the City of
Halifax, that Ordinance Number 131, Respecting Buildings and
the Adoption of the National Building Code, approved by the
Minister of Municipal Affairs on the 3rd day of February,
A.D., 1969, as amended, be and the same is hereby further
amended as follows:

1. Subsection (2) of Section 1.5.7 of said Ordinance
Number 131 is repealed and the following substituted therefor:

(2) Provided there is no change in the use or
occupancy of the building, an Occupancy Permit shall
not be required for a change of occupant in a building
within Group C - Residential Occupancy, Table 3.1.2.A.
of Part 3 of this Ordinance.

Motion passed.

REPORT - TOWN PLANNING BOARD

Council considered the report of the Town Planning
Board from its meeting held on November 5, 1969, with respect
to the following matters:

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Extension to a Non-conforming Building, Extension to a Non-conforming Use, Modification of Front and Side Yard Requirements - 733 Herring Cove Road, Spryfield

MOVED by Alderman Abbott, seconded by Alderman LeBlanc that, as recommended by the Town Planning Board, the application for an extension to a non-conforming building, extension to a non-conforming use and modification of the front and side yard requirements to permit the construction of a 10 foot by 12 foot, one-storey addition at the rear and a full basement installed for the complete building at 733 Herring Cove Road, Spryfield, as shown in Case No. 1938 on Plan No. P200/3373, be approved. Motion passed.

Extension to a Non-conforming Building and Modification of the Side Yard Requirement - 6 Douglas Drive, Armdale

MOVED by Alderman McGuire, seconded by Alderman Allen that, as recommended by the Town Planning Board, the application for an extension to a non-conforming building and modification of the side yard requirement at 6 Douglas Drive, Armdale, to permit the construction of a 40 foot by 21 foot, one-storey addition, as shown in Case No. 1941 on Plan No. P200/3266, be not approved. Motion passed.

Modification of Front Yard Requirement - Lot G-10 Parkmoor Avenue, Spryfield

MOVED by Alderman Allen, seconded by Alderman MacKeen that, as recommended by the Town Planning Board, the application for modification of the front yard requirement at Lot G-10 Parkmoor Avenue, Spryfield, to permit the construction of a duplex dwelling, as shown in Case No. 1971 on Plan No. P200/3376, be approved. Motion passed.

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Lands of Keddy's Nursing Manor, Alton Drive, Armdale -
Subdivision Alteration

The report of the Town Planning Board reads as follows:

It is recommended:

1. That approval be granted to the request for subdivision alteration to add Lot "X" to the Keddy's Nursing Manor, as shown on Plan No. P200/3341 of Case No. 1954;
2. That Mr. K. Keddy be informed by a letter from Staff that the approval of the subdivision alteration does not imply approval of building plans at a later date;
3. That a public hearing be held on the proposed subdivision alteration.

MOVED by Alderman Meagher, seconded by Alderman Allen that Mr. K. Keddy be permitted to address Council on the matter. Motion passed with Alderman Abbott voting against.

Mr. K. Keddy addressed Council and urged favourable consideration of his application and requested that the public hearing be waived.

His Worship the Mayor advised that the waiving of a public hearing is the responsibility of the Town Planning Board and the matter would have to be referred back to its next meeting to accomplish this.

Mr. Keddy advised that he was anxious to proceed with the construction of an addition which would enable roughly 25 more persons to have private rooms.

Alderman McGuire pointed out that the Town Planning Board had recommended that a public hearing be held on the subdivision alteration because Staff did not know what the

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building extension was to consist of and because of the sewer problems in the area.

Alderman LeBlanc concurred with Alderman McGuire and said that he had several questions to ask relating to the application and that he had received several telephone calls from interested citizens to whom he had indicated that their questions would be answered at the time of the public hearing. He said that the fact that Mr. Keddy wishes to proceed as quickly as possible with the building addition is information the Council did not have before.

It was then MOVED by Alderman LeBlanc, seconded by Alderman Abbott that the recommendation of the Town Planning Board be approved. Motion passed.

Extension to a Non-conforming Building and Modification of the Side Yard Requirement - 2865 Agricola Street

MOVED by Alderman Connolly, seconded by Alderman Meagher that, as recommended by the Town Planning Board, the application for an extension to a non-conforming building and modification of the side yard requirement at 2865 Agricola Street to permit the construction of a 7 foot by 26.5 foot, two-storey addition, as shown on Plans No. P200/3298-99 in Case No. 1960, be approved. Motion passed.

City Prison Lands Development, Consultants Report No. 2 - Area Conceptual Plan

MOVED by Alderman MacKeen, seconded by Alderman Connolly that, as recommended by the Town Planning Board, Council approve the Development Consultants Report No. 2 City Prison Lands - Area Conceptual Plan. Motion passed.

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MOTIONS

No Motions were presented at this time.

MISCELLANEOUS BUSINESS

Accounts Over \$5,000.00

No Accounts Over \$5,000.00 were submitted for approval at this time.

Appointments - Halifax-Dartmouth Port Commission and Board of Management - Halifax Civic Hospital

At the suggestion of His Worship the Mayor, Council agreed to place this item as the last on the Order of Business to permit Council to meet privately to discuss the appointments before making a decision.

Staff Report - Sewers - Clayton Park

The following report was submitted from Staff:

"On September 24, 1969 City Council approved of a course of action in respect of the extension of the Lacewood sewer in Clayton Park. The staff report which outlined the situation was dated September 11, 1969. On November 5, 1969, the Finance and Executive Committee was notified that the proposed course of action was unacceptable to the Nova Scotia Water Resources Commission.

In essence, Clayton Park Developments Limited has proposed to extend a downhill trunk collector along Lacewood Avenue for a distance of 2400 feet west of the termination of the present system. The City and Clayton Park Developments Limited agreed to a 72" combined sewer costing approximately \$290,000. Clayton Park Developments Limited had agreed to pay for the cost of a 30" sewer and had agreed to pay a surcharge of \$500 per housing unit to offset the cost to the City of the remainder of the charges for the combined trunk collector.

The Nova Scotia Water Resources Commission had indicated in writing that it is not prepared to permit construction of a combined sewer. The Water Resources Commission indicates that separate sanitary and storm sewer installations must be constructed. It is not clear from the notification received from the Commission whether the Commission takes the view that the storm drainage must be piped or whether the Commission would permit the use of natural water courses.

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As a consequence of the instruction from the Water Resources Commission, Staff have held a series of meetings with Clayton Park Developments Limited, with our consultants, and with the staff of the City of Dartmouth. These meetings have dealt with two aspects of the problem -- standards of construction and cost sharing.

The significant points in respect of each of these problems are set forth below:

1. Standards of Construction

In the past most storm drainage in Wards 7, 8, 9 and 10 has been looked after through the use of natural water courses. The cost of piping storm drainage is exceedingly high and the decision of the Water Resources Commission that a separate system is required appears at this moment to add substantially to the cost. A final estimate on overall costs will not be available until receipt of our consultant's report in early 1970.

Clayton Park Developments Limited, with some justification, argue for a continuation of the use of natural water courses for storm drainage run-off. The principal and perhaps only argument for this is the question of cost. It has been argued that neither the City nor developers can afford the cost of piped separate systems at this time.

Everyone who argues for the use of natural water courses appears to agree that these water courses will have to be piped at some time in the future when the areas served become completely urbanized. The City of Dartmouth is apparently finding it necessary to undertake a programme of piping storm water and because this programme is taking place after development of the affected lands the costs are having to be borne by the City from general revenue.

Everyone appears to agree that there are instances where natural water courses can be used for storm drainage. However, it is the view that this is only possible where the natural water course is very clearly defined and where sufficient land is reserved from development to permit proper maintenance by the City and where hazardous conditions can be eliminated to the greatest extent possible. Such conditions appear to apply in the City of Halifax only in the case of the MacIntosh Run.

It is the opinion of City Staff, our consultants, MacLaren Associates Limited, and officials of the City of Dartmouth that, generally speaking, storm drainage should be piped. It is the feeling of all concerned that this piping operation should take place during initial development of the area and that new development should be assessed for as

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much of the cost as possible. While it is the opinion of all concerned that this should be the case, it is recognized that the overall sewer study, which is to be received in January, 1970, may indicate that it is financially impossible to achieve this objective.

Clayton Park Developments Limited would prefer to make use of the natural water courses. However, the Company is exceedingly anxious to develop new lands and in order to do so it must proceed immediately with construction of the extension of the Lacewood sewer. The Company has, therefore, agreed, somewhat reluctantly, to the following standards for the combined extension.

- (a) A separate storm and sanitary sewer system will be constructed in the new development including the Lacewood extension of the trunk sewers. The Company will design and construct these sewers subject to approval of plans and inspection of work by City engineering forces.
- (b) Housing constructed on residential streets will be connected to the sanitary and to the storm system by the developer.

2. Cost Sharing

The trunk services to be installed along Lacewood Avenue will have to be designed to service all of the drainage area. Some of the lands within this drainage area are owned by Clayton Park Developments Limited, while much of the land is owned by others.

Clayton Park Developments Limited feel, with justification, that they cannot be expected to bear the full cost of the trunk services. They also feel that even if the lands were entirely owned by them, they could not afford to bankroll the full cost of the installation in anticipation of future development. In essence, therefore, it appears that if the City is to obtain a satisfactory sewage disposal system, it will be necessary for the City to pay a portion of the initial costs and to recover these costs as development takes place in the future.

Because of the decision of the Water Resources Commission that a separate system is required, it will be necessary for Clayton Park Developments Limited to re-do the design of the trunk sewers. Because of the lack of design, it is impossible at this time to provide accurate costs of the trunk extension. The September 11, 1969 report indicated that a 21" trunk sanitary sewer would cost approximately \$66,000 and a 72" combined sewer would cost approximately \$290,000. It is probable that the total cost of a separate trunk system would approximate the sum

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of these two figures or \$356,000. This estimate will be used for the purpose of this report. If there is a substantial variation from this figure when designs are completed, Council will be notified.

Clayton Park Developments Limited have agreed to the following arrangements:

- (a) The Company will be responsible for the design, construction, and costs of all sanitary and storm sewers up to a diameter of 30". This includes a piped storm drainage system in residential streets.
- (b) Clayton Park Developments Limited will be responsible for the design and construction of all trunk services in excess of 30" in diameter. It will, however, only be directly responsible for those costs applicable to an installation to a maximum of 30" in diameter. The difference between the cost of the 30" installation and the actual cost of the pipe installed will be borne by the City. The report of September 11, 1969 suggests a method by which the difference in cost should be determined.

(c) Clayton Park Developments Limited is prepared to pay a surcharge in respect of each housing constructed. The basis on which the Company is prepared to pay is as follows:

- (i) Single Family Duplex or Row Housing
\$250 for sanitary trunks plus \$250 for storm trunks for a total of \$500 per unit.
- (ii) Multiple Housing
\$250 for the first unit in each development plus \$150 for every additional unit for sanitary trunk services plus \$100 for each unit for storm trunks. The total surcharge on apartment buildings would, therefore, be \$350 on the first unit in any project and \$250 on each additional unit.

(d) Clayton Park Developments Limited agrees that the surcharge will be paid in cash at the time of issuance of the Building Permit.

A requirement that storm drainage be piped and the adoption of the cost sharing arrangement as set forth above will add substantially to the cost of serviced land. Clayton Park Developments Limited have, somewhat reluctantly, agreed to these conditions as the Company is extremely anxious to proceed to develop new lands. At the same time, the Company takes

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the view that it should not be required to do more than is required of any other developers in the City. A condition of the agreement of the Company is, therefore, that if on receipt of the MacLaren Report on sewers the City decides on other standards of construction and on other methods of cost sharing, any agreement entered into between Clayton Park Developments Limited and the City in respect of the Lacewood sewer extension shall be modified to reflect the overall policy adopted by the City. It seems to Staff that this is a very fair request by the Company.

It will be recalled that in the September 11, 1969 report the cost sharing arrangements then contemplated anticipated an ultimate return to the City of \$1,300,000 from surcharges on future development in this drainage area. This recovery was based upon a surcharge of \$250 for storm sewers on each and every housing unit which would be constructed in the future. The requirements of the Water Resources Commission have increased the total costs involved in installing a suitable system and the proposed revised cost sharing arrangements set forth above have added to the costs of the developer and the City. At the same time, potential recoveries through the use of a reduced surcharge will reduce the cash flow to the City.

It would seem probable that total recoveries on account of the trunk storm surcharge would be reduced to approximately one-half of the cash recoveries anticipated in the early report. In other words, the City could look forward to recovering perhaps \$650,000 from new development on account of storm trunks when the area is completely developed. If the earlier estimates remain valid for the new design, the City will probably have to bankroll about \$246,000 of the cost of the trunk storm sewer now proposed for construction on Lacewood Avenue. The money is, however, only a portion of the amount which will have to be spent on trunk storm sewers within the total drainage area. It is known, for example, that early action will be required on the downhill portion of the drainage area where development has already taken place. The cost of this corrective action could well be \$400,000 alone. In addition, it will be necessary at some future date to extend both the storm and sanitary trunk sewers into other areas of the drainage basin. These future extensions will necessitate additional bankrolling by the City.

In summary, therefore, it is probable that the amounts recovered from surcharges in accordance with the standards and cost sharing arrangements set forth above will be considerably less than the amount of money which the City will have to contribute on capital account. Presumably, these additional costs would have to be financed from the general revenue of the City. At the moment, Dartmouth is bearing the full cost of piping natural water courses so that in this respect the arrangement suggested for Halifax is somewhat more advantageous.

approves it.

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It could be argued that the developer should be required to pay the total cost of trunks or that the surcharge should be established at a level which would ultimately recover all of the City's costs. The storm drainage requirements set forth above add substantially to the cost of providing serviced land, and the developer takes the view that the arrangements suggested place the Company in an unfair competitive position in respect of other developments in the metropolitan area. The developer claims that any further surcharge would mean that neither Clayton Park Developments Limited nor any other developer in the City of Halifax could afford to build here in the view of less stringent conditions in Dartmouth and in the County.

Adoption of an overall policy for equitable cost sharing on installation of essential services can only be undertaken on receipt of the MacLaren Sewer Study. At that time, Council may wish to alter the standards of required installations or alter cost sharing arrangements. In the meantime, however, Clayton Park Developments are exceedingly anxious to proceed with the extension to the Lacewood sewer. Staff are of the opinion that the arrangements set forth within this report are as good as can be developed at this time. It is suggested, therefore, that Council might like to authorize the work to proceed in accordance with the various agreements set forth within this report.

If Council agree with the recommendations contained within this report, Clayton Park Developments Limited would like to have authority to commence construction immediately on a number of housing units on Northcliffe Lane. This particular street is serviced except for a storm sewer but the connections cannot be made until the Lacewood extension has been constructed. If authority is granted to proceed with the construction of these houses, no occupancy would be permitted in any of the units until the Lacewood Extension has been completed to the satisfaction of the City."

At the request of Alderman LeBlanc, the Director of Development elaborated on the Staff Report and pointed out the changes in the proposed course of action made necessary by the decision of the Nova Scotia Water Resources Commission not to permit the installation of a combined sewer on Lacewood Drive.

Alderman LeBlanc expressed the view that a price tag should be placed on the whole proposal before Council approves it.

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Commissioner Alderman Hogan felt that a decision on the matter should be deferred until the MacLaren Report is received in January and the developers be permitted to continue to use the natural water courses until the report is studied and evaluated. He understood that if the recommendations which will be forthcoming in the MacLaren Report are adopted the City could well be required to spend hundreds of millions of dollars.

Company Alderman Meagher said that the question which should be answered is how much is it going to cost the City and how much more is it going to cost the developer?

started In reply to a question, Mr. D. Crockett of Clayton Park Developments Limited said that the proposed cost sharing arrangement to which his Company has agreed with City Staff in connection with the sewer installations together with the cost of other services such as paving, curb and gutter, etc. will raise the cost of building lots from approximately \$6,500 to \$8,000 or even \$8,500 each.

should be Some discussion ensued with respect to the standard of the sewers and Alderman LeBlanc pointed out that the standards have to be established by the needs of the community.

was sent It was pointed out to City Council that if the natural water courses are used, they will need to be piped.

courses Alderman McGuire asked if any thought has been given to making an appeal against the decision of the Nova Scotia Water Resources Commission.

now propo Alderman McGuire was advised that the Water Resources

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Commission recommend a course of action to the Minister responsible under the Water Act and the Minister of Health and their decision is virtually final.

Considerable discussion ensued, during which time Mr. Crockett advised that some builders in the Clayton Park area have indicated that if they cannot obtain lots on which to build within two weeks they will pull out and go to Dartmouth or even Sackville. He hoped that Council would give his Company permission to develop and build on an additional 60 lots farther up Lacewood Drive. He said that if the building went ahead now and the extension to the sewer was started at the same time, by the time the housing units were ready to be hooked up to the sewer it would be far enough up to be possible, but if the building started now and the sewer not started until the MacLaren Report was received and a course of action approved, the housing units would be unoccupied for some considerable time.

Alderman Hogan suggested that Clayton Park Developers should be permitted to proceed until the matter is before Council again when the MacLaren Report is submitted.

The City Engineer was of the view that if a proposal was sent for approval to the Nova Scotia Water Resources Commission relating to the continued use of the natural water courses, it would not be approved and would be back in the hands of City Staff within a month. In reply to a question, he advised that the sanitary and storm sewer installations now proposed by City Staff would not be required to be removed

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after receipt of the MacLaren Report. Once installed, he said, they would remain for all time. He reiterated that Staff is not in favour of the continued use of open natural water courses and he briefly referred to the problems of the persons living down the hill who have streams running through their back yards.

Alderman Allen suggested that perhaps Staff should take the whole matter to the Water Resources Commission and inform them that corrective action will be taken after the first of the year and ask them if they would go along with a further 60 units being built in Clayton Park using the natural water courses.

The City Engineer said that several fairly heated discussions have been held and if the Water Resources Commission people had been as frank at the beginning as they were at the end a lot of time could have been saved. In reply to a question, he said that he could not estimate the cost of the sewer installations at this time.

Discussion followed with respect to the possible sizes of the sanitary and storm sewers and the need for an agreement with Clayton Park Developments Limited on a cost sharing arrangement.

Alderman LeBlanc asked if Staff thought that the adoption of the Staff Report, at this time, could come back to haunt the City after the MacLaren Report has been received.

The City Engineer said that any sewers that are installed on Lacewood Drive in accordance with the Staff Report

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will remain and will not be required to be moved or replaced.

Alderman LeBlanc asked if a formal agreement with Clayton Park Developments Limited will be prepared and brought before Council for approval within a short period of time if the Staff Report is approved.

The City Engineer advised that he would expect this course of action to be followed, but the plans of the sewer proposals and installations will have to be prepared and submitted by the Developers and their consultants to the Nova Scotia Water Resources Commission and the Nova Scotia Department of Public Health for approval before such agreement can be executed.

After further discussion, it was MOVED by Alderman Abbott, seconded by Alderman McGuire that City Council approve the Staff Report dated November 10, 1969 Respecting Sewers - Clayton Park, subject to the approval of the Nova Scotia Water Resources Commission and subject to approval of a written agreement with Clayton Park Developments Limited.

Alderman LeBlanc felt that Council should have a formal agreement with Clayton Park Developments to indicate that they would pay their fair share of the costs involved before the report is approved, especially in view of the fact that no-one knows how much the scheme is going to cost.

The City Engineer pointed out that Clayton Park Developments Limited cannot do anything until the plans are prepared showing the proposed sewer installations and approved by the Water Resources Commission. At that time, he said, an agreement can be entered into, which agreement will require

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the approval of Council.

His Worship the Mayor said that Clayton Park Developments Limited could gamble on the possibility of the approval being received from the Water Resources Commission, but if the scheme is not approved, they would be left with housing units completed but unable to be occupied.

Alderman LeBlanc said that he could not go along with the motion and in his opinion it was another one of the blank cheque deals similar to the Cogswell Street Interchange.

The City Engineer pointed out that if an agreement is entered into with Clayton Park Developments Limited before receipt of the MacLaren Report, and Council decides on a modification of the scheme or the cost sharing arrangements, the agreement will require modification. He said that the Developers have agreed that they will share in the cost of the sewer installations on the same basis as any other developer.

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

For: Aldermen Abbott, MacKeen, McGuire and Meagher 4

Against: Aldermen Connolly, Hogan, Ivany, LeBlanc and Allen 5

11:15 p.m. Council adjourned until 5:00 p.m.

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ALLAN O'BRIEN
MAYOR AND CHAIRMAN

R. H. STODDARD
CITY CLERK

CITY COUNCIL
ADJOURNED MEETING
M I N U T E S

Adjourned Council,
November 13, 1969

Council Chamber,
City Hall,
Halifax, N. S.
November 13, 1969
5:00 p.m.

An adjourned meeting of City Council was held on the above date.

Present: His Worship the Mayor, Chairman and Aldermen Abbott, MacKeen, LeBlanc, Hogan, McGuire, Meagher and Allen.

Also Present: City Manager, Assistant Solicitor, City Clerk, City Engineer, Director of Development and other Staff members.

The City Clerk advised that the meeting was held to deal with the items remaining on the Order of Business from the meeting of City Council held on November 12, 1969.

Staff Report - Sewers - Clayton Park

Alderman McGuire referred to the fact that at the meeting of City Council on November 12, 1969 the matter of Sewers - Clayton Park was considered as the last item on the Order of Business. He said that he was attempting to ask a question relating to the matter and was interrupted by a motion to adjourn. Since the matter was not resolved, he asked if there is any way Council can now consider it further and he could ask the question in an attempt to formulate an alternative motion which would resolve the matter satisfactorily.

His Worship the Mayor said that he had looked at this question today and considered that since the motion to approve the Staff Report subject to approval of the Water Re-

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sources Commission and subject to a legal agreement being signed by the Developer was defeated, the item was still before Council at the time the adjournment came and it is his ruling that any motion which is substantially different to that which was defeated will be accepted. He pointed out that if debate only is entered into, then Council would move on to the next item.

Alderman LeBlanc rose to a point of order and asked if he had the right, if a motion is defeated or accepted, to add that matter to the Order of Business without having it added by Council in the normal way. He did agree that in effect, this is a continuation of the same meeting.

His Worship the Mayor attempted to clarify the situation by saying that if the motion had carried last night and had dealt with the issue, unless some part of it was left undealt with requiring some supplementary motion, then no other motion would be in order, although a Notice of Reconsideration would be in order to be given at that time. In the event that a motion is defeated, the subject matter has therefore not been dealt with. If Council has not moved on to the next item, then some motion to deal with it in some other way would be in order on any occasion. Once Council has moved to the next item, it is assumed by moving on to the next item that Council has dealt with a matter as far as it is going to deal with it. In this case, he said, a motion for adjournment was moved and approved and it took precedence and is non-debatable. The item is only open at this time if there is a different way of dealing with it to be put before Council.

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Alderman LeBlanc asked that if the motion to rezone the land owned by Dalhousie University that was made earlier yesterday evening had been defeated, would he have the right to rise and introduce another motion with some modification.

His Worship the Mayor replied in the affirmative saying that a motion could not have been made to rezone the property to a zone for which an advertisement had not been inserted in the newspaper, but a motion to refer the matter back to the Town Planning Board could have been given.

Alderman LeBlanc understood that whether a motion was approved or defeated, that item had then been disposed of.

His Worship the Mayor pointed out that when a motion is defeated and an item has not been dealt with, an alternative motion is possible. If a motion has been carried that fully deals with the matter, then a Notice of Reconsideration can be given.

Alderman Abbott questioned how the Mayor can say that the matter was not dealt with. The fact that the motion was put and defeated indicates that it was dealt with.

Considerable discussion ensued on this question.

Alderman Meagher pointed out that all members of Council want to resolve the matter and he suggested that Council hear the motion which Alderman McGuire wants to give.

Alderman LeBlanc questioned whether the procedure is correct since some of the Aldermen who voted at the meeting last night are not present at this time.

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Alderman Hogan agreed that Council should hear the motion of Alderman McGuire.

Alderman McGuire considered that the questions raised with respect to the procedural difficulties should be resolved and answered before he proceeds.

His Worship the Mayor explained that his ruling can be challenged by any member of Council and he read from Ordinance No. 103 Respecting the Rules of Order of Council as follows:

22. (1) The Chairman shall decide all points of order, and may state his reasons for any such decision.
- (2) An appeal shall lie to the Council from any decision of the Chairman on a point of order, or his ordering a member of the Council to retire from the meeting then in progress.
- (3) Such appeal shall be submitted by the Clerk to the Council by the question: "Shall the decision of the Chair be sustained?", and such appeal shall be decided without debate. The Chairman shall be guided on the point by the vote on such appeal, and he shall rule accordingly.

MOVED by Alderman McGuire, seconded by Alderman LeBlanc that the ruling of the Mayor be challenged.

Alderman MacKeen asked for the reasons of His Worship the Mayor in his ruling.

His Worship the Mayor said that the reasons for his ruling are that the motion which was defeated left the subject matter undealt with and it is the choice of Council whether it wishes to have the matter dealt with by no action or by a motion recommending alternative action.

The City Clerk put the question "Shall the decision of the Chair be sustained?"

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The question was put and passed, six voting for
the same and one against it as follows:

For:	Aldermen Abbott, MacKeen, Hogan, McGuire, Meagher and Allen	6
Against:	Alderman LeBlanc	1

It was then MOVED by Alderman McGuire, seconded by
Alderman Hogan that Council authorize the developer to proceed
immediately with construction of a sanitary sewer extension
for a distance of 1000 feet to the west, subject to approval
of the Water Resources Commission. At the time when the
MacLaren Study is tabled and a decision is reached on this
matter, and should the decision be that storm drainage be
piped, the Developer must agree to conform with the overall
requirements set down in the previous Staff Report, dated
September 11, 1969, or as amended by policy decisions taken by
Council as a result of the MacLaren Study.

Some discussion ensued on the motion and Alderman
Meagher suggested that a clause should be added relating to
a legal contract between the City and the Developer.

Alderman McGuire, with the approval of his seconder,
agreed to insert such a clause in the motion.

In reply to a question, the Director of Development
said that the approval of such a motion would not place any
financial burden on the City since the sewer installation
would be the responsibility of the Developer.

The City Engineer pointed out that the plans to be
prepared for submission to the Water Resources Commission would
need to show two sewer lines, even if a sanitary sewer only
was to be installed at this time.

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After further discussion, Alderman LeBlanc asked if approval of the motion would complicate the decisions to be made by Council at the time the MacLaren Report is received.

His Worship the Mayor said that it is his understanding that it would not complicate any decisions.

The City Engineer advised that the consultants for the Developer who will be preparing the sewer plans for submission to the Water Resources Commission have agreed to design the scheme showing the location of separate sanitary and storm sewers.

The following motion was then put and passed:

THAT Council authorize the developer to proceed immediately with construction of a sanitary sewer extension for a distance of 1000 feet to the West, subject to approval of the Water Resources Commission and subject to a legal contract between the City and the Developer. At the time when the MacLaren Study is tabled and a decision is reached on this matter, and should the decision be that storm drainage be piped, the Developer must agree to conform with the overall requirements set down in the previous Staff Report, dated September 11, 1969, or as amended by policy decisions taken by Council as a result of the MacLaren Study.

Appointments - Halifax-Dartmouth Port Commission and Boards of Management - Halifax Civic Hospital and Halifax Mental Hospital

MOVED by Alderman Meagher, seconded by Alderman Hogan that the following appointments, as recommended by His Worship the Mayor, be approved:

Halifax-Dartmouth Port Commission

1.	J. W. E. Minga	October 31, 1971
2.	G. R. Matheson	October 31, 1972
3.	Ronald Kervin	October 31, 1972
4.	A. C. Huxtable	October 31, 1972
5.	R. W. Ferguson	October 31, 1971
6.	Leonard Simmons	October 31, 1971
7.	J. H. Haylock	October 31, 1970
8.	H. I. Mathers	October 31, 1970

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Halifax Civic Hospital Board of Management

1. Ian Langlands October 31, 1972

Halifax Mental Hospital Board of Management

1. S. D. Bryson October 31, 1972

Motion passed.

Agreement - City of Halifax and Halifax Police Association Re:
Bargaining

The following report was submitted from Staff:

The present Collective Agreement entered into between the City of Halifax and the Halifax Police Association expires on December 31, 1969. The Association has requested the City to recognize it as the sole Bargaining Agent for the members of the Police Force in certain classifications, to be agreed upon. The City subsequently took the position that the City would be prepared to recognize the Association as the sole Bargaining Agent for Constables and Corporals only. The present Collective Agreement covers Constables only.

Failure of voluntary agreement on the part of the City and of the Police Association would have led to a request to have the Police Association certified under the Trade Union Act. Due to the good faith shown on both sides, this particular step is not necessary.

The City's offer to voluntarily include Constables and Corporals only has now been agreed upon, and the solicitor for the Association has forwarded an Agreement to this effect, with the request that the same be executed by the City.

The Legal Department has made certain amendments to the Agreement as submitted, to incorporate the latest amendments to the Trade Union Act and to limit this recognition for the purpose only of negotiating a new Collective Agreement.

Copy of this proposed Agreement is attached; and it is recommended that City Council authorize the Mayor and City Clerk to execute the same on behalf of the City.

(Copy of the Agreement is attached to the Official Minutes of this meeting)

MOVED by Alderman Meagher, seconded by Alderman Allen that the report be approved. Motion passed.

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QUESTIONS

Question Alderman LeBlanc Re: Continuation of Fountain on
Commons through the Winter

Alderman LeBlanc referred to a question he had asked at a previous Council meeting relating to a request for a Staff Report on the possibility of continuing the fountain on the North Common during the winter months and he said that he had not received a reply from Staff. He asked when the information would be available since he noted that shortly after he had asked the question, the fountain was lower than ever.

Mr. C. Pelham, Admin. Asst., advised that a memorandum had been received by him from the Acting Director of Works indicating that there were many unknowns and stating that the valves and other delicate mechanism needed cleaning, although he had investigated the possibility of the use of some kind of anti-freeze. It was considered that it would not be possible to continue the fountain this winter.

Alderman LeBlanc then asked if further investigation would be undertaken during the coming year to see if it will be possible to continue the fountain during next winter.

Question Alderman Hogan Re: Housing

Alderman Hogan referred to the fact that last week a lot was said at a meeting about housing and he asked if anything has been done since that time. He said that he would continue to ask this question until something is done.

The City Manager advised that two Staff Reports will be available for the next meeting of the Committee of the

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Whole Council, one relating to the Housing Corporation and the other in connection with the suggestion that the City purchase existing housing for use by needy families.

His Worship the Mayor reported that last week he had discussions with the Minister responsible for Housing in Ottawa relating to the possible purchase by the City of existing housing, a supplementary brief prepared by the Social Planner and the rent formula for public housing. He said that he understood the Mayors Federation is preparing a submission to be presented in the Spring on the matter of housing.

Question Alderman Allen Re: Snow Clearance and Removal

Alderman Allen asked when he might expect to receive an answer to a question he had asked previously with respect to plans for snow clearance and removal in the new areas of the City.

The City Manager advised that he had discussions with Staff today on the matter and a Staff Report is practically ready for presentation to Council.

NOTICES OF MOTION

Notice of Motion - Alderman Allen Re: Amendment to Ordinance No. 104 Respecting the Composition and Meetings of Council.

Alderman Allen gave notice, that, at the next regular meeting of City Council, to be held on Wednesday, November 26, 1969, he would introduce an Amendment to Ordinance No. 104 Respecting the Composition and Meetings of Council, changing the day of Council meetings.

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Notice of Motion - Alderman MacKeen Re: Legislation to Reduce
Noise in the City of Halifax

Alderman MacKeen gave notice that, at the next regular meeting of City Council, he would move a motion to instruct the Legal Staff of the City to prepare legislation for submission to the next session of the Legislature that will control and reduce noise in the City of Halifax.

ADDED ITEMS

Confirmatory Deed - 2672 King Street, Halifax

The following report was submitted from Staff:

In December of 1960 Mr. Leonard A. Kitz, Q.C., purchased the property 2672 King Street from the City of Halifax at Tax Sale. Mr. Kitz received and recorded a deed at the Registry of Deeds.

The Deed should have included a right-of-way over an adjoining property but this was omitted.

Mr. Kitz has now requested that the right-of-way be conveyed to him, and it is recommended that the Mayor and the City Clerk be authorized to sign a Confirmatory Deed to Mr. Kitz including the right-of-way in the description.

MOVED by Alderman Abbott, seconded by Alderman

Hogan that His Worship the Mayor and the City Clerk be authorized to sign a Confirmatory Deed to Mr. Kitz for the property at 2672 King Street, including a right-of-way in the description. Motion passed.

Meeting with Members of the Legislative Assembly

Alderman Allen reported that the Committee that was appointed in September to meet with members of the Legislature to discuss housing in the City and more particularly to discuss the possibility of opening up the watershed lands for housing had a meeting with the Hon. John ~~Buchanan~~ ^{BUCHANAN} and Mr. James

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Vaughan who were fully acquainted with the problems facing the City and who agreed to assist in any way possible. He said that, through an oversight, an invitation had not been sent to Mr. D. C. MacNeil but he had apologized to him subsequently. In reply to a question, Alderman Allen advised that the Leader of the Opposition was not present since he was due to fly to Sydney but had indicated that if the flight were delayed he would attend.

His Worship the Mayor said that it should be noted that the Regional Planning Commission has received advice from consultants who state that the watershed lands should be opened up for housing, recreation and industrial development. He added that the Commission has also been told by both Murray Jones and Associates and Canadian British that a North West Arm Bridge is a requirement.

Funeral of the Late Alderman Doyle

His Worship the Mayor reported that the Funeral for the Late Alderman Doyle will be held on Saturday, November 15, 1969 at 9:00 a.m. at St. Joseph's Church. He suggested that any member of Council who wishes to attend should meet in front of the Church at 8:45 a.m.

5:50 p.m. Meeting adjourned.

HEADLINES

Staff Report - Sewers - Clayton Park	1005
Appointments - Halifax-Dartmouth Port Commission and Boards of Management - Halifax Civic Hospital and Halifax Mental Hospital	1010
Agreement - City of Halifax and Halifax Police Association Re: Bargaining	1011
Question Alderman LeBlanc Re: Continuation of Fountain on Commons through the Winter	1012

HEADLINES (continued)

Question Alderman Hogan Re: Housing	1012
Question Alderman Allen Re: Snow Clearance and Removal	1013
Notice of Motion - Alderman Allen Re: Amendment to Ordinance No. 104 Respecting the Composition and Meetings of Council	1013
Notice of Motion - Alderman MacKeen Re: Legislation to Reduce Noise in the City of Halifax	1014
Confirmatory Deed - 2672 King Street, Halifax	1014
Meeting with Members of the Legislative Assembly	1014
Funeral of the Late Alderman Doyle	1015

follows:

ALLAN O'BRIEN
MAYOR AND CHAIRMAN

R. H. STODDARD
CITY CLERK

1. THAT the City of Halifax, Nova Scotia, the Halifax Police Association as the sole bargaining Agent for all of the Constables in the Halifax Department in the employ of the City of Halifax, for the purpose only of negotiating a new Collective Agreement as requested by letter under date of August 15, 1969, from D. Merlin News.
2. THAT the City of Halifax agrees that the Halifax Police Association shall have all the rights, privileges and duties as provided for in the Trade Union Act, R.S.N.S., 1967, Chapter 311, as amended.
3. THAT the City of Halifax and the Halifax Police Association hereby mutually agree that all procedures laid down in the Trade Union Act of Nova Scotia, as amended, are available to each of the parties herein in the conduct of the relationship between the parties except as varied or altered by the Collective Agreement entered into between the parties.

DATED at Halifax, in the County of Halifax, and Province of Nova Scotia, this _____ day of _____, A. D., 1969.

THE CITY OF HALIFAX

THE HALIFAX POLICE ASSOCIATION

Mayor

President

City Clerk

Secretary

Witness

Witness

A G R E E M E N T

BETWEEN:

THE CITY OF HALIFAX

- and -

THE HALIFAX POLICE ASSOCIATION

NOW this Agreement witnesseth that for and in consideration of the mutual undertakings and other good and valuable consideration the parties hereto mutually covenant and agree as follows:

1. THAT the City of Halifax hereby recognizes the Halifax Police Association as the sole Bargaining Agent for all of the Constables and Corporals in the Police Department in the employ of the City of Halifax, for the purpose only of negotiating a new Collective Agreement as requested by letter under date of August 15, 1969, from D. Merlin Nunn.
2. THAT the City of Halifax agrees that the Halifax Police Association shall have all the rights, privileges and duties as provided for in the Trade Union Act, R.S.N.S., 1967, Chapter 311, as amended.
3. THAT the City of Halifax and the Halifax Police Association hereby mutually agree that all procedures laid down in the Trade Union Act of Nova Scotia, as amended, are available to each of the parties herein in the conduct of the relationship between the parties except as varied or altered by the Collective Agreement entered into between the parties.

DATED at Halifax, in the County of Halifax, and Province of Nova Scotia, this day of , A. D., 1969.

THE CITY OF HALIFAX

THE HALIFAX POLICE ASSOCIATION

Mayor

President

City Clerk

Secretary

Witness

Witness