

File Chief.

**SPECIAL COUNCIL
M I N U T E S**

Special Council,
February 4, 1970
Council Chamber,
City Hall,
Halifax, N.S.
February 4, 1970
3:40 P.M.

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

Present: Acting Deputy Mayor Allen, Chairman; and Aldermen Abbott, MacKeen, Hogan, McGuire, and Meagher.

Also present: City Manager, Acting City Solicitor, City Clerk, and other staff members.

The City Clerk advised that the meeting was called to consider the following items:

1. Tenders: Sewer Rehabilitation - 1. Edward Arab Avenue, 2. Winston Place, 3. Agricola Street.
2. Use of Mobile Homes for Emergency Purposes.

TENDERS: SEWER REHABILITATION - 1. EDWARD ARAB AVENUE, 2. WINSTON PLACE, AND 3. AGRICOLA STREET

A staff report was submitted to the January 29th meeting of City Council recommending that the lowest tender of C.B. Potter Limited, in the amount of \$22,771.87, be accepted for sewer rehabilitation on the above-noted streets. Alderman Connolly questioned the necessity of carrying out the work at this time, and also in view of the large difference in the price quoted by C.B. Potter Limited, whether the firm was capable of doing a satisfactory job of work for such a price. Council agreed at that meeting to defer the matter to a Special meeting of Council.

The following staff report was submitted at today's meeting:

"The sewers were installed between 1945 and 1950 as part of Westmount Subdivision. This subdivision was installed by Central Mortgage and Housing Corporation, and the City of Halifax had only minimal control and inspection of this subdivision. The sewer was first noted for rehabilitation on January 29, 1964 (letter to G.F. West, P. Eng. from C.S. MacLellan, Divisional Engineer). The item for rehabilitation of Edward Arab Avenue and Winston Place has been carried in the City of Halifax Budget in the year 1967, 1968, and 1969.

"The City staff have no personal knowledge of the work of C.B. Potter Limited, low bidder, but have checked with consultants who have been involved in work with C.B. Potter Limited. They were the sub-contractor for the playing fields for the Canada Games (total value \$198,000) and they completed the work satisfactorily.

"Attached is a summary of the tenders received by the City of Halifax for the sewer construction, and a comparison with City staff estimates shows the prices of C.B. Potter Limited to be low, but not too far out of line."

The City Manager said he had spoken to the City Engineer, and Mr. Dodge had advised that the sewers under consideration were in a state of near-collapse and, since the amount of money involved was relatively small, it was considered advisable to proceed with the rehabilitation work at this time, rather than risk the claims the City could encounter for damages if the sewers collapsed.

B.H. STODARD
CITY CLERK

MOVED by Alderman Abbott, seconded by Alderman Hogan, that the low tender of Carl B. Potter be accepted for the sewer rehabilitation on the following streets:

1. Edward Arab Avenue	\$8,626.00
2. Winston Place	\$2,614.00
3. Agricola Street	<u>\$11,530.00</u>
Total	\$22,770.00

Motion passed.

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USE OF MOBILE HOMES TO PROVIDE EMERGENCY HOUSING

The recommendation of the Finance and Executive
Committee read as follows:

- "1. THAT the City move ahead with the idea of providing emergency housing by means of mobile homes, by determining the cost and availability of such homes; and
- 2. it approach the other levels of Government to ascertain if they will share in the costs involved."

MOVED by Alderman McGuire, seconded by Alderman
Hogan, that the recommendation of the Finance and Executive
Committee be approved. Motion passed.

3:50 P.M. - Meeting adjourned.

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R.J. ALLEN
ACTING DEPUTY MAYOR AND CHAIRMAN

R.H. STODDARD
CITY CLERK

CITY COUNCIL MEETING
MINUTES

Five Chief

Council Chamber,
City Hall,
Halifax, N.S.
February 12, 1970
8:00 P.M.

A meeting of 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.

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

Also present: D.F. Murphy, Acting City Manager and City Solicitor, City Clerk, and other staff members.

MINUTES

Minutes of the meetings of January 29th and February 4th, 1970 were approved on motion of Alderman Allen, seconded by Alderman Hogan.

APPROVAL OF ORDER OF BUSINESS, ADDITIONS & DELETIONS

The City Clerk requested the addition of the following items:

20 (a) - Bond Issue

MOVED by Alderman Meagher, seconded by Alderman McGuire, that the agenda, as amended, be approved. Motion passed.

DEFERRED ITEMS

Motion - Alderman MacKeen - Re: Appointment of Committee - City Government

MOVED by Alderman MacKeen, seconded by Alderman Ivany, that:

EREAS annexation which increased the area and population of the City of Halifax has been an accomplished fact for more than a year;

HEREAS it is in the interest of all citizens of the City of Halifax that the government of the City of Halifax should operate in such a manner as to ensure progress, effective representation and administration plus communication between all levels of the City Government and the Public;

BE IT RESOLVED, that a Committee giving equal representation to City Council, the employees of the City of Halifax and taxpayers other than members of Council and City employees be appointed to review and, as it deems desirable recommend procedures of City Government and administration to ensure the City of Halifax obtains the most effective, economical and democratic government and administration.

Alderman MacKeen had given notice of motion concerning the above resolution at the January 15th meeting of City Council but had been unable to attend the January 29th Council. He apologized for the delay in putting his motion.

Alderman MacKeen said that there was nothing in his motion which was critical of the City's Council/Manager form of government. He then reviewed the history of the Council/Manager form of government in Halifax, starting in 1950 when the citizens of the City were asked to vote on the following question:

"Are you in favour of the adoption by the City of the Council/Manager form of Government for the City, to be defined by the City Council and the obtaining of the legislative authority necessary therefor."

He emphasized the wording which stated "to be defined by the City Council".

Alderman MacKeen said that at the time of the above plebiscite, there were approximately 24,000 eligible voters in the City, and out of a total number of 5,941 votes polled, 3,718 voted in the affirmative and 2,223 in the negative, giving a majority in the affirmative of 1,495 votes. Today,

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he said, there were 60,000 voters in the City. Following the results of the plebiscite, Alderman MacKeen continued, a committee of Aldermen and the City Solicitor was appointed to consult with the Halifax Civic Affairs Committee on the principles which the latter Committee suggested should be incorporated in any revision of the City Charter. Then again, he said, in 1956, a special Committee composed of three tax-payers and three Aldermen was elected to make an evaluation of the Council/Manager form of Government since its inauguration in the City. This Committee's report, he said, was in favour of the Council/Manager form, and read in part:

"A careful study of the statements of all who appeared indicated that there has been a continued improvement in the organization of the work of the City that has become obvious since the inauguration of the Council-Manager form of Civic Government in Halifax."

The report, he said, concluded:

"In conclusion, your Committee feels that the Council-Manager form of Government has satisfied a great need in the administration of the City. It provides a source of information to aldermen on all matters to be considered by Council. It consolidates this information and coordinates departmental reports. It provides an independent and objective point of view on the facts of each issue so that the Council is better equipped to make decisions on matters of policy."

At the Council meeting of November 29, 1956, Alderman MacKeen continued, a motion was passed that the report be received and filed. He said it was his interpretation of such a motion that they were, in effect, saying, "the report should be shelved". He said there was one voice against the shelving, His Worship the Mayor, then Alderman O'Brien, who was quoted in the minutes as stating:

"I don't feel that a report of this nature should be disposed of without any discussion as it is too important. There are things in the report. There is a recommendation there for instance. It seems that the work of the Committee has been lost."

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Alderman MacKeen also quoted the following statements made by Alderman O'Brien as recorded in the November 29, 1956 minutes:

"There are some other matters in this report which I think we should consider. I am afraid that if we just file the report that that is an indication that this Council has not made up its mind whether we favour the Council/Manager form of government or not. I think this Council should go on record as having adopted the report, at least on the parts where the majority of the Committee investigated it and favoured the Manager system."

Alderman MacKeen repeated his statement that there was nothing in his motion which criticized the present Council/Manager form - all it said was, let's have another report. It was, he said, fourteen years since the last report on the subject. Such a report, he said, could evaluate whether Council and staff, under the present system, was giving the City of Halifax the best possible form of government, and he felt they owed it to the tax-payers to do this. He said there were some who would probably feel that to appoint a Committee for such a purpose, at a time when a search was being made for a new City Manager, would not be a good idea, since it could have an upsetting influence on any applicants for the job, but Alderman MacKeen felt the man whom the City was seeking would welcome such a report. The Alderman also said he could not agree with the argument that such a Committee would be difficult to choose.

Alderman MacKeen concluded by saying it was his feeling that if an Alderman did not support the motion, he was in effect saying "the Government of this City is perfect and is above examination". The motion, he said, asked nothing but

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an examination of what might possibly be done to improve the governing of the City.

Alderman Ivany said that in seconding the motion, he would remind Council that in the middle of 1969 it had endeavoured to deal with the question of giving the City Manager more power, and a part of the motion he had put forward in this connection dealt with the possibility of setting up the machinery to look at the effectiveness of the Council/Manager form of government to meet the complexities of City administration. In seconding the motion, Alderman Ivany said he wished to make it clear, it implied no condemnation of the present form of government, but he felt a report by such a committee at this time could erase any uncertainty about the City's administration. A vote of confidence by the Committee would enable Council to confirm its support of the system, and so advise the citizens. Alderman Ivany said he felt it would most unwise to wait until a new City Manager was hired and then commence such an examination within a year or so of his starting on the job. He said it would be better to do it now and let the next City Manager know that Council was anxious to erase any uncertainty in the matter.

Alderman McGuire said he felt for the most part the motion before Council, which had been very carefully worded, was a reasonable one and, as Alderman Ivany had pointed out, was along the same lines as a proposal put forward in 1969 in connection with granting additional power to the City Manager. However, he said, he took exception to Alderman MacKeen's remark

that not to support the motion implied such an Alderman was of the opinion the present government of the City was perfect. Also, he said, he was apprehensive about the effects of such a study as called for in the motion, on hiring a new City Manager. He doubted if such a report could be finished before the job was filled. He said the spirit of the motion called for a complete examination of City government and some of the factors relative to efficient administration were items beyond the City's present jurisdiction - matters like future amalgamations or annexations, and that any Committee appointed should have its terms of reference expanded to include these points.

MOVED by Alderman McGuire, seconded by Alderman Hogan, that the matter be referred to the next meeting of the Committee of the Whole.

The motion to refer was put and resulted in a tie vote as follows:

- | | | | |
|---------|---|---|---|
| For | - | Aldermen Abbott, Hogan, McGuire
and Meagher | 4 |
| Against | - | Aldermen MacKeen, Connolly,
Ivany, and Allen | 4 |

His Worship the Mayor cast his vote in favour, and the motion was passed.

PUBLIC HEARING & HEARINGS

Public Hearing - Rezoning Land - 6243-49 Shirley Street from
R-2 Zone to C-2 Zone

A Public Hearing was held at this time into the rezoning of land on the north side of Shirley Street between Preston Street and Vernon Street in the City of Halifax

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as shown bordered in red on Plan No. TT-10-17867 "Shirley Street Property of Ben's Limited" from R-2 to C-2.

The City Clerk advised he had received two petitions and a letter opposing the rezoning; one petition being signed by four assessed owners on Preston Street, and the other petition by 36 assessed owners and 3 tenants on Shirley Street. The letter was signed by the Secretary of the Shirley Street Good Neighbour Group, which it was stated was comprised of fifteen members, all of whom opposed the rezoning. He said there were 104 properties within the designated area affected by the rezoning, of which 24 assessed owners had signed the petition opposing the rezoning, so that a two-thirds vote of Council would be necessary to pass the rezoning application.

The City Clerk advised that a petition signed by 35 assessed owners and 51 tenants in the area under consideration, had also been received; which stated that those signing the petition did not wish to oppose the rezoning and requested Council to approve same.

His Worship the Mayor advised that a staff report had recommended against approval of the rezoning, but that the recommendation of the Town Planning Board from its meeting of January 7, 1970 was that the rezoning be approved.

Mr. Boyd Algee of the Planning Department outlined staff's objections to the rezoning, which was mainly because they felt it would have a detrimental effect on what was considered to be a stable residential area.

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Alderman McGuire asked Mr. Algee if staff had any alternative location to recommend to the applicant, and he replied that the City did not have any suitable area at the moment.

His Worship the Mayor then asked if there was anyone present who wished to speak in opposition to the rezoning, and Mr. D. Merlin Nunn, Barrister, came forward. Mr. Nunn said he represented the parties who had signed the petition opposing the rezoning. He said the area involved housed many families with children, and was entirely residential except for the bakery. It was, he said, an ideal residential area since it was close to services on Quinnpool and schools, there being four of the latter in the neighbourhood. He felt it should be kept in mind that there had already been five rezonings governing the operation of the bakery, and he also felt it was significant that Ben's Limited was rumoured to be acquiring properties in the area, it being his understanding eleven such properties had already been bought by that Company. It would therefore appear, he said, that the Company intended further expansion in the future, which would involve additional rezonings.

Mr. Nunn said that the residents of the area complained about traffic congestion and noise, fumes, etc. caused by the Bakery's trucks, it being a 24-hour operation. He said the Bakery was now expanding its operation to produce cakes and pastries in addition to bread, and that while the smell generated might not appear unpleasant for someone just passing through the area, it became unpleasant for those constantly surrounded by it. Also, he added, while it was not his intention to question the cleanliness of the operation,

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it was a fact that such an operation attracted vermin and rats.. In short, he said, the residential flavour of the area was deteriorating because of the Bakery's operations. Coupled with that fact, he said, was the uncertainty with regard to what would happen in the future with regard to expansion of the Company in the neighbourhood. He noted that City staff had recommended against granting the rezoning, so that it now became a policy matter for Council members to decide, and he felt it was obvious from the number of citizens in attendance just how strongly they felt in the matter.

His Worship the Mayor asked if there was anyone else who wished to speak against the application for rezoning, and there being no response, he asked if anyone wished to speak in its favour.

Mr. H.B. Rhude, Q.C., came forward, and said he was appearing on behalf of the applicant, Ben's Limited, which Company had been operating a bakery on Pepperell Street since 1907. The Company's business, he said, had expanded greatly, particularly since the war, and that today it paid between \$55,000 and \$60,000 annually to the City in taxes. The Company, he said, employed approximately 300 employees, 200 in Halifax and 100 in other parts of the province. The purpose of the rezoning, he said, was to permit the Company to construct an addition to its plant which was required to (a) meet the increasing demand for the products presently produced in the plant, and (b) to permit the Company to produce a new line of specialty products. The specialty bakery product business, he added, was growing rapidly, and at the moment

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many such products are produced outside of Nova Scotia by non-Nova Scotia labour and are imported into the province for sale to the consumer here, and it was desirable from the Company's point of view, and from the point of view of Halifax and Nova Scotia as a whole, that these products or at least some of them be produced in this province. A substantial volume of such products, he said, were sold to institutions such as hospitals, hotels and universities, and with Halifax growing in importance as a convention, medical and university centre, the demand for these products was growing rapidly.

Mr. Rhude referred to the City's desire to attract industry. He said that Ben's Limited had applied to the Department of Regional Economic Development for assistance in construction of the new facility which it proposed for the land on Shirley Street, which application had been approved in principle subject to the rezoning under consideration this evening. He felt it strange, therefore, following the many years of effort by Council to have the Federal Government assist industries in the City, for staff to now oppose the expansion by his client, which expansion the Federal Government was prepared to assist.

With regard to the staff report, Mr. Rhude said there was an error in that report which he wished to have corrected. He said in the last sentence of the third paragraph in speaking of the residential building at 6253 Shirley Street, the report stated that the residence had a window from a habitable room facing on the proposed extension; there was such a window, he said, but it was not in a habitable room, but on a stairwell.

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Mr. Rhude referred to the staff statement that the residential area appeared to be quite "stable", so that when one considered that Ben's had been in that location for over 60 years without adversely affecting the neighbourhood, it was most unlikely that the rather small extension presently proposed would do so.

Mr. Rhude referred to the petition signed by 86 persons (35 assessed owners, 51 tenants) approving of the rezoning, and displayed a map on which was indicated by different colours the properties in favour or against the rezoning. There was also indicated eight properties whose owners had signed both for and against. He pointed out that the owner of the property at 6253 Shirley Street, which property the staff report had stated had a habitable room facing the proposed extension, had signed the petition in favour of the rezoning.

Mr. Rhude concluded his presentation by submitting the following in favour of granting the application for rezoning:

1. The extension is a small one compared to the size of the existing plant.
2. There are no entrances on Shirley Street and no additional traffic will be created there. Mr. Rhude said that Ben's would be prepared to give the City a guarantee by letter or other document to this effect.
3. The last rezoning of Ben's land was twelve years ago. Since that time the Company has taken the following steps to minimize the traffic which it draws to the area and to ease the parking situation there:
 - (i) it has added 20 additional parking spaces on its property on Peperel Street for employees;

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- (ii) it has installed equipment for the bulk handling of flour and in this way, has reduced deliveries to the plant from twenty-five to eight per week;
- (iii) it has erected a new warehouse at Howe Avenue which has reduced the number of deliveries of other items to the plant from twenty to four per week;
- (iv) it has transferred its fleet maintenance department from Pepperel Street to Howe Avenue;
- (v) it has established off-street loading on Pepperel Street for its transport vehicles;
- (vi) it has established sales departments in Dartmouth and at Howe Avenue, thereby reducing route vehicle traffic by more than 30%.

Thus, in spite of the substantial increase in the volume of business done by Ben's Limited during the past 12 years, the volume of traffic attracted to the plant has decreased during the same period.

- 4. The purpose of the expansion is to enable the Company to serve its present customers and to create a new and desirable industry for the City of Halifax.
- 5. The Company has been located on this property for many years. If it cannot reasonably expand in this area eventually it will have to move outside the City. It certainly does not wish to do so and indeed could not do so in any short period of time, but in the long run this would have to happen.
- 6. The City has requested the Federal Government to provide financial assistance for the development of new industry in Halifax. The Federal Government is prepared to make this financial assistance available in this case if the rezoning is approved.

In closing, Mr. Rhude referred to a statement in the staff report to the effect that if Council decided to approve the rezoning, it should be on the condition that the extension be not closer than six feet to the east of the property line at 6253 Shirley, presumably because of the window which it was stated was in a habitable room facing the proposed extension. Mr. Rhude said that since the window in question was in fact on a stairwell, and the owner of the property at 6253 Shirley Mrs. Zwicker was not opposed to the

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extension being built, his client, Ben's Limited, would like permission to construct the extension right up to the lot line.

Alderman Ivany asked if Ben's had any alternative in mind should the application be refused, and Mr. Rhude replied "none immediately" but added that eventually the Company would probably have to move outside the City. Alderman Ivany then asked Mr. Rhude if he knew of any plans of his client for expansion in the future, and Mr. Rhude said he knew of no such plans at the moment, but naturally if business enlarged he could not guarantee that they would not be back for further rezonings. However, Mr. Rhude said, with regard to the properties which Ben's had purchased none were east of the plant on Shirley, so it could be assumed that there would be no expansion in that direction. Furthermore, he added, there had been only nine, and not eleven, properties acquired.

Alderman Connolly then asked that in the case of Ben's application being refused, and the Company in due course, vacating its present premises, would that not leave the property open for use by other businesses which could prove of more nuisance to the residents in the area?

The Director of Planning answered the question by stating that the zoning by-law would allow quite a range of businesses to locate in the C-2 Zone, except for cases where, in the opinion of the Building Inspector, a certain business would cause a nuisance or hazard to the public.

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A Mrs. M.B. Fineburg asked permission to be heard at this time in opposition to the rezoning, although she had not indicated her desire to speak at the appropriate time. However, since Mr. Rhude had been allowed more than the customary ten minutes for his presentation, Council agreed to hear from Mrs. Fineburg.

Mrs. Fineburg said she owned property on Shirley Street and had lived there for thirty one years. She said that the spot rezoning taking place was opening the area to commercial use. She stated that some persons had been living on the street for 45 years, and were too old to move at this point. She also stressed the number of children in the area who walked to and from their schools and the danger imposed by additional trucks using the neighbourhood. She also felt that the acquisition by Ben's of properties in the area could only mean they intended still further expansion, so that there was no way of knowing just what the end results would be unless a stop was called to further rezonings.

Following Mrs. Fineburg's submission, His Worship the Mayor said that the matter was now before the Council for debate.

Alderman McGuire said the present situation was much like that which had arisen because of recent expansion by Dalhousie University and its effects on private property in the area. He said that most of the arguments against the rezoning were ones that existed today, irregardless of whether the present application was granted. He also voiced Alderman Connolly's fear that should Ben's be forced to relocate elsewhere,

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they could be replaced by a business which would cause the residents in the area more discomfort. He said it was necessary to keep in mind the value of this particular industry to the community, in regard to the number of persons it employed. On the other hand, he agreed that one must sympathize with the residents who were objecting to the rezoning, despite the evidence that the Company had tried its best to be a good neighbour. He said that obviously staff had not been able to come up with a realistic alternative for the Company, and that this was the significance of the closing remarks in the staff report. He felt it was only proper that staff uphold the zoning by-law and leave the matter of a policy decision to Council.

MOVED by Alderman McGuire, seconded by Alderman Allen, that the application for rezoning, as submitted, be approved.

Alderman Ivany referred to the uncertainty that was being created for residents throughout Ward 2 because of commercial expansion, and the fact that residential areas were being destroyed or threatened. Dalhousie University's expansion was an example of this encroachment into residential areas. He said he had been against the location of the heating plant for Dalhousie, and to be consistent he was against the present application also. He said that although staff had recommended refusal of the rezoning, it was a weak refusal since it included a "but". He felt that the new Planning Director should take a good look at what was happening to good residential areas in Ward 2.

9:26 P.M. - Alderman LeBlanc arrived.

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His Worship the Mayor advised that the City Solicitor had ruled that although Alderman LeBlanc had not been present for the Public Hearing, he would be allowed to vote on the matter.

MOVED by Alderman Connolly, seconded by Alderman McGuire, that the matter be deferred for two weeks to allow an opportunity for Ben's Limited and the people of the area to further discuss their differences. Motion passed with Alderman LeBlanc against.

9:30 P.M. - Council adjourned for a recess.

9:45 P.M. - Council reconvened, the following members being present: His Worship the Mayor, Chairman; and Aldermen Abbott, MacKeen, Connolly, Hogan, Ivany, LeBlanc, McGuire, Meagher, and Allen.

REPORT OF FINANCE AND EXECUTIVE COMMITTEE

The report of the Finance and Executive Committee from its meeting of February 4th, 1970, was considered with respect to the following items:

Feasibility Study - In-House Computer:

The recommendation of the Finance and Executive Committee read as follows:

"It is recommended that approval be given for staff to carry out a detailed feasibility study concerning possible installation of an "In House" computer before the year's end."

The Director of Finance was asked to confirm that it was his understanding of the recommendation that approval was being sought at this time only for a feasibility study.

Mr. Hyndman said this was the case, and that a further recommenda-

True Chief
M. H. Brandege
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AMENDED
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tion would come forward Council regarding the actual purchase of any equipment.

MOVED by Alderman Hogan, seconded by Alderman Ivany that, as recommended by the Finance and Executive Committee, approval be given for staff to carry out a detailed feasibility study concerning the possible installation of an "In-House" computer before the year's end. Motion passed.

Mobile Classrooms for Board of School Commissioners:

MOVED by Alderman McGuire, seconded by Alderman Abbott that, as recommended by the Finance and Executive Committee, approval be given to the purchase of four (4) mobile classrooms for use by the Board of School Commissioners, at a total cost of \$24,820.00, which sum will be taken from current revenue and not capital and approved as part of the School Board's Current budget for 1970. Motion passed.

Door-to-Door Canvass - Lions Club - December 9, 10, and 11, 1970:

MOVED by Alderman Abbott, seconded by Alderman Allen that, as recommended by the Finance and Executive Committee, approval be granted to the application of the Lions Club of Halifax to hold a door-to-door canvass on December 9, 10, and 11, 1970. Motion passed.

Acquisition - 2287 Brunswick Street - Land at Rear:

MOVED by Alderman Allen, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, approval be given to the acquisition of land at the rear of 2287 Brunswick Street, as shown on Plan TT-10-17868, at a cost of \$2,695.00 which is required for the Barrington Street Housing Project, on the basis that the City is to undertake to reinstate

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tion would come forward Council regarding the actual purchase of any equipment.

MOVED by Alderman Hogan, seconded by Alderman Ivany that, as recommended by the Finance and Executive Committee, approval be given for staff to carry out a detailed feasibility study concerning the possible installation of an "In-House" computer before the year's end. Motion passed.

Mobile Classrooms for Board of School Commissioners:

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Acquisition - 2287 Brunswick Street - Land at Rear:

MOVED by Alderman Allen, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, approval be given to the acquisition of land at the rear of 2287 Brunswick Street, as shown on Plan TT-10-17868, which is required for the Barrington Street Housing Project, on the basis that the City is to undertake to reinstate

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the existing boundary fence on the new boundary line, and also pay for legal costs involved in effecting the transfer. Motion passed.

Acquisition - 2253 and 2263-67 Brunswick Street - Land at Rear:

MOVED by Alderman Meagher, seconded by Alderman LeBlanc that, as recommended by the Finance and Executive Committee, the land shown on Plans TT-10-17900 and TT-10-17899, which is required for the Barrington Street Housing Project, be purchased for \$3,840.00, on the basis that the City undertake to carry out the work required to move the present fence to the new boundary line and that it pay for the legal costs involved in effecting the transfer. Motion passed.

Acquisition - 2450 Barrington Street:

MOVED by Alderman LeBlanc, seconded by Alderman Connolly that, as recommended by the Finance and Executive Committee, approval be given to the purchase of the property of Mrs. Pearl MacLeod, at Civic No. 2450 Barrington Street, for the amount of \$2,700 as settlement in full for all claims, which property is required for the future development of Uniacke Square; the settlement being subject to an adjustment for private work, property taxes and any other costs owing to the City. Motion passed.

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REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on February 4, 1970 with respect to the following matters:

Encroachment Licence for Conveyor Bridge - Oland & Son Ltd.,
3055 Agricola Street

MOVED by Alderman Abbott, seconded by Alderman Meagher that, as recommended by the Committee on Works, Council approve an encroachment licence for Oland and Son Ltd., 3055 Agricola Street for a conveyor bridge across Sullivan Street 25' west of Isleville Street at an annual rental fee of \$112.50 in accordance with the provisions of Ordinance No. 112. Motion passed.

Parking - Egg Pond Area - Central Commons

MOVED by Alderman Allen, seconded by Alderman Meagher that, as recommended by the Committee on Works, no action be taken at this time concerning the request to allow parking on the Commons grounds around the Egg Pond during the ice-skating season, but that the matter could be given further consideration at the beginning of next winter's skating season. Motion passed.

Addition to Imperial Oil Service Center - 3055 Kempt Road

MOVED by Alderman Abbott, seconded by Alderman Connolly that, as recommended by the Committee on Works, the application for expansion of the Imperial Oil Diagnostic Center at No. 3055 Kempt Road by the addition of an extension to the south end of the building, measuring 69.5 feet by 25 feet, be approved. Motion passed with Alderman Ivany voting against and Alderman Allen abstaining.

Council,
February 12, 1970

REPORT - PUBLIC HEALTH & WELFARE COMMITTEE

Council considered the report of the Public Health and Welfare Committee from its meeting held on February 4, 1970 with respect to the following matter:

Installation of Sewer and Water - Kline Heights

MOVED by Alderman Abbott, seconded by Alderman LeBlanc that, as recommended by the Public Health and Welfare Committee, a copy of a report dated January 22, 1970 from Doctors J. R. Cameron and E. M. Fogo, Director and Associate Director of the Atlantic Health Unit be forwarded to the Department of Regional Economic Expansion and the Secretary to the Cabinet Committee on Planning and Programs to underline the urgency of carrying out the complete sewer and water installation in Kline Heights this year, if feasible at all, and undertaken with a view to be completed as early as possible. Motion passed.

REPORT - COMMITTEE OF THE WHOLE COUNCIL, BOARDS AND COMMISSIONS

Amendments to Ordinance No. 119 "Respecting The Levying and Collection of Poll Tax" - Second Reading

MOVED by Alderman Abbott, seconded by Alderman McGuire that, as recommended by the Committee of the Whole Council, the following Amendments to Ordinance No. 119, Respecting "The Levying and Collection of Poll Tax", be read and passed a Second Time:

BE IT ENACTED by the City Council of the City of Halifax, that Section 7 of Ordinance Number 119, Respecting the Levying and Collection of Poll Tax, is amended by striking out the word "seven" in the third line thereof and substituting therefor the word "twelve".

Motion passed.

Council,
February 12, 1970

REPORT - TOWN PLANNING BOARD

Council considered the report of the Town Planning Board from its meeting held on February 4, 1970, with respect to the following matters:

Official Street Lines - Brunswick, Market, Duke, Cogswell and Barrington Streets - Date for Hearing

MOVED by Alderman LeBlanc, seconded by Alderman Allen that, as recommended by the Town Planning Board, a date be set for a public hearing to lay down official street lines, as shown in Section 18-F of the Official City Plan; being streets in the vicinity of Scotia Square namely: Brunswick Street, Market Street, Duke Street, Cogswell Street and Barrington Street. Motion passed.

Alteration to a Subdivision - Lots No. F-9, F-10, F-11 and F-12 Edward Laurie Drive, Rockingham

MOVED by Alderman Hogan, seconded by Alderman Meagher that, as recommended by the Town Planning Board, the application for a subdivision alteration of Lots No. F-9, F-10, F-11 and F-12, Edward Laurie Drive, Rockingham, to:

1. add a portion of Lot F-10 to Lot F-9 to create a new Lot F-13, and
2. add the remaining portion of Lot F-10 to Lot F-11 and combine the enlarged Lot F-11 with Lot F-12 to create a new Lot F-14,

as shown in Case No. 2022 on Plan No. P200/3501, be approved and a public hearing waived.

Motion passed.

Rezoning from R-2 Residential to R-4 Residential - 14 Williams Lake Road

The report of the Town Planning Board reads as follows:

Council,
February 12, 1970

It is recommended that the application for rezoning from R-2 Residential to R-4 Residential of the property known as Civic No. 14 Williams Lake Road, to permit the conversion of a duplex dwelling to a three-unit apartment building, as shown in Case No. 1766 on Plan No. P200/2808, be refused.

Alderman Allen advised that the applicant is presently out of the City and is not aware of the Board's recommendation, it was then MOVED by Alderman Allen, seconded by Alderman Meagher that the matter be deferred for a period of two weeks to permit the applicant to be informed of the recommendation. Motion passed.

Subdivision Alteration - Lands of Upper Randall Park, Fairview

MOVED by Alderman McGuire, seconded by Alderman Ivany that, as recommended by the Town Planning Board, the application for a subdivision alteration of the lands of Upper Randall Park, as shown on Plan No. P200/3411 of Case No. 1985, be approved and that a public hearing be waived.

Motion passed.

Modification of Front Yard and Side Yard Requirements -
12 Williams Lake Road

MOVED by Alderman Allen, seconded by Alderman Abbott that, as recommended by the Town Planning Board, the application for modification of the front and side yard requirements, to permit the construction of a 19 ft. by 13 ft. carport to the side of a new single family dwelling (now under construction), at 12 Williams Lake Road, as shown in Case No. 2032, be approved. Motion passed.

Rezoning From R-2 Residential to R-3 Residential - 6287-6311
Liverpool Street

The report of the Town Planning Board reads as follows:

Council,
February 12, 1970

It is recommended that the application for rezoning of the property at 6287-6311 Liverpool Street from R-2 to R-3 Residential be approved, subject to a letter being received from the applicant or his solicitor before the next regular Council meeting either confirming the verbal withdrawal of the application or requesting Council approval of the rezoning.

MOVED by Alderman Abbott, seconded by Alderman Hogan that the application for rezoning of the property at 6287-6311 Liverpool Street from R-2 to R-3 Residential be approved.

The following letter was submitted from the solicitor for the applicant, in accordance with the motion passed at the last meeting of the Town Planning Board:

STEWART, MACKEEN & COVERT

P. O. Box. 997
500 Bank of Canada Building
1583 Hollis Street
Halifax, N. S.

February 12, 1970

To The Mayor and Members of City Council
City Hall
Halifax, N. S.

Gentlemen:

Re: Herman Newman - Application for Rezoning of
6287-6311 Liverpool Street, Halifax

We are solicitors for Mr. Herman Newman and have been retained by him in respect of the above named application.

We understand that at a recent meeting of the Town Planning Board Mr. Newman stated verbally that he was withdrawing the above application. We further understand that the Town Planning Board passed a resolution of February 4th, 1970 to the effect that the approval of the rezoning should be subject to a letter being received from Mr. Newman or his solicitors before the next regular Council meeting either confirming the verbal withdrawal of the application or requesting Council approval of the rezoning.

We have been instructed by Mr. Newman to advise

Council,
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that he is not withdrawing his application for rezoning and would appreciate this matter going to a vote.

Yours very truly,

STEWART, MACKEN & COVERT

Per: Brian Flemming

Several questions were asked by Aldermen who were not present at the last Town Planning Board meeting when the City Solicitor presented his ruling on Mr. Newman's verbal withdrawal of his application, and he repeated the ruling.

Alderman Hogan read briefly from the Minutes of the Town Planning Board which set out the ruling and the discussion which followed.

Alderman Meagher asked whether the residents of the area were informed that the matter would be included on tonight's Order of Business.

He was advised in the negative, since it was not a public hearing.

He was of the opinion that the residents have been subjected to a wearing down process so that the rezoning will eventually be approved.

Alderman Connolly indicated his intention to vote against the rezoning since he maintained that Mr. Newman's verbal withdrawal of his application should have been accepted as fact.

The discussion which followed followed a similar course as the discussion at the meeting of the Town Planning Board when the matter was considered.

Council,
February 12, 1970

After further discussion, the motion was put and passed, five voting for the same and four against it as follows:

For: Aldermen Abbott, MacKeen, Hogan, Ivany
and McGuire 5

Against: Aldermen Connolly, LeBlanc, Meagher and
Allen 4

Alderman LeBlanc immediately arose upon the motion being declared passed and MOVED that Notice of Reconsideration be given to the matter at the next regular meeting of Council.

His Worship the Mayor pointed out that the Notice of Reconsideration would not result in any stay of proceedings up until the next regular Council meeting and the rezoning would be processed in the usual way.

MOTIONS

Motion - Alderman Ivany - Amendments to Ordinance No. 130
Respecting "Wiring & the Use of Electrical Energy" - First
Reading

MOVED by Alderman Ivany, seconded by Alderman MacKeen that the following Amendments to Ordinance No. 130 Respecting Wiring and the Use of Electrical Energy be read and passed a First Time:

BE IT ENACTED by the City Council of the City of Halifax that Ordinance Number 130, respecting Electrical Wiring and the Use of Electrical Energy, as approved by the Minister of Municipal Affairs on the 15th day of January, 1969, and amended and approved by the Minister of Municipal Affairs on the 31st day of July, 1969, is further amended as follows:

1. Subsection (1) of Section 11 of said Ordinance Number 130 is amended, by striking out the word "electrician" in the second line thereof, and substituting therefor the word "wireman".

Council,
February 12, 1970

2. Clause (b) of subsection (2) of Section 11 of said Ordinance Number 130 is amended, by deleting the word "certificate" between the words "valid" and "issued" in the first line thereof and substituting the following immediately following the word "valid" and preceding the word "issued": "Certificate of Qualification in the Electrical Construction Trade".

Motion passed.

Motion passed. MISCELLANEOUS BUSINESS

Accounts Over \$5,000.00

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

Amendment - Administrative Order No. 8 - Second Reading

MOVED by Alderman McGuire, seconded by Alderman Hogan that the following Amendments to Administrative Order No. 8, Respecting Real Property of a Character or Nature Other than Residential or Business, be read and passed a Second Time:

BE IT ENACTED by the City Council of the City of Halifax, that Administrative Order Number 8, Respecting Real Property of a Character or Nature Other than Residential or Business, is amended by adding to the Schedule thereto the properties of:

Maritime School of Social Work
Saint Mary's University
University of King's College
Dalhousie College and University
Ashburn Golf Club
Rockingham Yacht Club
Saraguay Club
Royal Nova Scotia Yacht Squadron
Armdale Yacht Club

Motion passed.

Appointment - Library Board

MOVED by Alderman Hogan, seconded by Alderman Abbott that, as nominated by His Worship the Mayor, Mr. Vernon Maynard be appointed a member of the Halifax Regional Library Board for a term expiring December 31, 1970. Motion passed.

Appointment - Industrial Development Commission

MOVED by Alderman Abbott, seconded by Alderman Allen that, as nominated by His Worship the Mayor, Mr. Ted Jarvis be appointed a member of the Halifax Industrial Development Commission for a term expiring October 31, 1971. Motion passed.

Bond Issue

The following report was submitted from Staff:

On December 29, 1969, a report was submitted to City Council that the City's bankers had placed a limitation on the amount of funds that would be made available in 1970.

The report contained recommendations which were passed and since that time staff have been following up on them.

One of the recommendations was that an attempt be made for a private placement of bonds, temporarily suspending the tender system. Since that time, a number of bond brokers have approached staff, with the result that today two investment syndicates have presented offers to purchase \$5,000,000 City of Halifax 9 3/4% Sinking Fund debentures. Each offer contains an option whereby the holder, upon giving six months prior notice, may redeem the bonds at full value five years after issue date.

The offers were as follows:

	Offer per \$100 Debenture	% Cost to City	
		Over 20 yrs.	Over 5 yrs.
Dominion Securities & Syndicate	\$ 98.125	9.97%	10.22%
Gairdner & Company & Syndicate	98.50	9.92%	10.13%

Staff recommend acceptance of the offer by Gairdner & Company Limited and Syndicate for the following reasons:

1. The need to fund in 1970 of approximately \$9,000,000 for work already approved and under construction.
2. The fact that the bank has not changed, nor is it likely to change, the ceiling of \$11,000,000 which it has placed on the City borrowings.
3. No indication of any change in bond market in the immediate future.