

CHANDLER & MOORE
Mr. R. H. Stoddard

- 2 -

April 26th, 1972

If Fawson Street was to be closed my client would have no alternate means of motor vehicle ingress and egress to the rear of its property. Consequently the Hotel service entrance would be useless and there would be no motor vehicle access to the second building located at the rear of the site and its uses would be limited resulting in a substantial loss of revenue. The Street closure would also necessitate an expenditure of money for alterations to the Hotel building, i.e. new service entrance.

If the Council passed the necessary Resolution for the closure of Fawson Street the City would not only be divesting itself of its duty to maintain the means of access, that is the public street which serves my client's property, but it would be as well depriving my client of its present unrestricted use of a part of a public street (Fawson Street) leading eastwardly from Hollis Street to the eastern boundary of the Hotel property.

If the City Council sees fit to overrule the valid objections of the Cornwallis Hotel Limited to the closure of Fawson Street and passes the necessary Resolution for the closure, my client herewith serves notice pursuant to Section 569 of the City Charter that it will be seeking compensation from the City on the ground that it has sustained damages as a result of being deprived of means of access to its property.

All of which is respectfully submitted.

Yours very truly,

MEDJUCK & DICKSON



Fred J. Dickson

FJD/jad

c.c. Mr. C. McC. Henderson
City Manager

Mr. J. Fraser Mooney
Minister of Municipal Affairs
Aldermen, City of Halifax

CHANDLER & MOORE

Barristers, Solicitors & Notaries

IAN P. D. CHANDLER, B.B.A., LL.B.
FRED P. MOORE, B.COM., LL.B.

205 THE VILLAGE CENTRE
FAIRVIEW
HALIFAX, CANADA

April 28, 1972

City of Halifax
Office of the City Clerk
City Hall, 2nd Floor
Halifax, Nova Scotia

Attention Ralph H. Stoddard, Esq. - City Clerk

Dear Mr. Stoddard:

RE: APPLICATION OF MILLER & JOHNSON AUCTIONEERS LTD.
FOR THE REZONING OF CIVIC NO. 2882 GOTTINGEN ST.
FROM P - PARK AND INSTITUTIONAL TO C-2
GENERAL BUSINESS

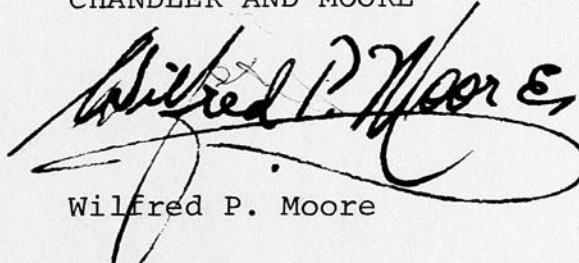
Please find enclosed herewith thirteen (13) copies of a Brief of the Applicant to be presented at the Public Hearing on May 3rd next, in connection with the above application.

One copy is to be retained by you, and I ask that you see to it that a copy is delivered to the Mayor, the City Manager, and each of the ten Aldermen for their perusal.

Thanking you for your assistance in this matter, I remain

Yours very truly,

CHANDLER AND MOORE



Wilfred P. Moore

WPM/sdc
Enclosures

Case No. 2598
Plan No. P200/4956
Public Hearing
May 3, 1972
Time: 8:00 p.m.

TO: His Worship the Mayor and Members
of the City Planning Committee

FROM: Miller & Johnson Auctioneers Limited-Applicant
2519 Phillip Street
Halifax, Nova Scotia

DATE: April 28, 1972

SUBJECT: Brief of Applicant- Civic No. 2882 Gottingen Street
Rezoning from P-Park and Institutional to C-2
General Business

INTRODUCTION

This brief is submitted on behalf of the Applicant in support of its request to have Civic No. 2882 Gottingen Street rezoned from P - Park and Institutional to C-2 General Business. The purpose of the rezoning is that the Applicant has negotiated an option on the site, and intends to renovate the existing building and occupy it for the purpose of carrying on its business as auctioneers. In this supporting brief the Applicant will deal with certain issues contained in the Report of Staff dated March 13th, 1972, and which was presented to the City Planning Committee on March 22nd, 1972.

REQUEST

Rezoning of Civic No. 2882 Gottingen Street from P-Park and Institutional to C-2 General Business.

INFORMATION

A. APPLICANT

The Applicant is a body corporate with its head office at 2519 Phillip Street, Halifax, Nova Scotia, and has been carrying on its business as auctioneers in and about the Halifax-Dartmouth metropolitan area for approximately three years. The Applicant is presently operating its business out of the Industrial Building at the Halifax Forum complex on Almon Street and desires to maintain the location of its business in the Northend of the peninsula area of Halifax. Including its president, Mr. George H. Miller, the Applicant permanently employs four persons, together with as many as seven part time employees (usually students). The Applicant is a corporate citizen in good standing and provides a definitely valued service for the community.

B. PROPERTY

This property, owned by the Children's Aid Society, has a large wooden-framed structure located on it, which has been vacant since July 4, 1969, being the date on which this property was conveyed to the Children's Aid Society. The building has been allowed to fall into a state of disrepair, and the Applicant intends to alter this condition by making certain repairs and renovations: completely paint the exterior of the

building; repair all waterspouts and drainage pipes; install new glass in the window frames; erect proper steps at the entrances of the building; completely refurbish the interior of the first level of the building; and make whatever renovations that it may be directed to make by the authorities of the City of Halifax, in order to render the premises presentable to the general public for the purpose of carrying on its business as auctioneers. (A colored rendering was handed to the Development Department showing the renovations which the Applicant intends to effect to the building, as well as improvements to the landscape.) The City Building Inspector, following his inspection of the site, indicated that it is not detrimental to the amenities of the neighbourhood. The Applicant submits that upon completion of the intended renovations and alternations this property will definitely enhance the neighbourhood in which it is located.

C. USE

The building is well suited in consideration of the matter of the business of the Applicant. The first level contains a stage and a seating area such as are required by the Applicant. The Applicant intends to use the first level of this building for the purpose of conducting auction sales.

The nature of the Applicants business requires space for the storage of items to be offered for sale, as well as space to store items on behalf of successful bidders, until such bidders have had an opportunity to pick up these items. With this in mind the Applicant intends to utilize the second level of the building for such storage space as it may require in carrying on its business.

On the North side of the building there are two large doors which provide the entrances required by the Applicant for the delivery of items to be offered for sale and the removal of items purchased.

To the North of the building and included in this property is a vacant area which the Applicant intends to use as a parking lot; this area will provide parking spaces for a minimum of 18 cars. This area will also provide access to the above mentioned large entrance on the North side of the building, of course.

D. NEIGHBOURHOOD

This property is located to the North of a city block which is presently zoned C-2 General Business, in fact, approximately the Western half of the city block in which this property is located is presently zoned C-2 General Business, and the same holds true for the city block immediately to the North of the block containing the subject property.

This property is bounded on the East, North, and Northwest by lands that are presently zoned P-Park and Institutional and Armed Forces. The Applicant submits that the intended use of this property would not be detrimental to the residential and institutional property. Such a commercial use is far from the exception in Halifax; there are numerous such situations wherein residential and institutional properties are located adjacent to or are surrounded by properties of commercial use. For example the Applicant refers to the following neighbourhood situations: Edgewood United Church, Connaught Avenue; St. Paul's Anglican Church, St. Paul's Hill; Shaar Shalom Synagogue, 1891 Oxford Street; St. Mary's Basilica, Spring Garden Road and Barrington Street; Westend Baptist Church, Quinpool Road and Preston Street.

Directly across Gottingen Street from this property is St. Joseph's Junior High School. The Applicant submits this neighbouring institutional property will experience no detrimental effect from the intended use of this property. The Applicant points out that the warehousing traffic in connection with its business is low and is usually done during the hours of a regular business day, for the most part of which the students attending St. Joseph's would be in class.

E. HOURS OF BUSINESS

The Applicant intends to maintain an office in the building during the hours of a regular work day. The actual auction sales are conducted during the evening of Wednesday, of each week, during the hours of 7:00 o'clock to 10:00 o'clock. The only variation of these business hours would be to conduct auction sales which are the result of bankruptcy or liquidation; such infrequent sales are usually held on Saturday afternoon between the hours of 2:00 o'clock to 5:00 o'clock.

F. PARKING AND TRAFFIC

It is mentioned herein that the Applicant intends to use the open space to the North of the building for parking space for a minimum of 18 cars. The Applicant obviously requires parking space for more than 18 cars, and in fact, it enjoys the attendance of approximately twice that number of cars. However, it is suggested that sufficient parking space is available in the neighbourhood such that the neighbouring streets will not experience any overload of demand for parking space, let alone traffic.

The Applicant points out that automobile traffic enjoyed by its business is of a quiet, conservative nature and submits that the hours of this traffic are such that the neighbourhood will not experience any detrimental effect. Furthermore the majority of items purchased at auction sales are taken away by the successful bidders on the same evening, thereby keeping traffic flow at a minimum.

In its report, staff suggested that this property would be better used for a site for an apartment development of 20 units. The Applicant suggests that such a use would generate far more traffic than the use intended by the Applicant. Such a use would not only have the traffic generated by the occupants of such a development, and their visitors, but one must also consider the traffic generated by the various concerns which would be supplying services to the development and its occupants. It is obvious that such a development would bring with it much more traffic, and at all hours of the day and night, than would accompany the Applicant, therefore resulting in additional noise and inconvenience.

As mentioned in the report of staff this property is located on a transit route which is capable of commuting the residents to any part of the City. The Applicant suggests that this is a factor which can serve to reduce the automobile traffic generated by its business.

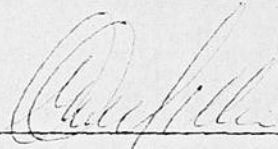
SUMMATION

The Applicant desires to take occupancy of this property as soon as possible. The Applicant has attempted to locate suitable premises in the Northend of Halifax to no avail, with the exception of this property, which is ideal for the intended use. The Applicant states that the intended use is compatible

with the existing land use, and that sufficient parking facilities exist so as not to cause any hardships on nearby residents. The Applicant is prepared to commence renovations and alterations immediately, and to re-locate its business on this property as soon as thereafter. In conclusion the Applicant asks your favourable consideration, and that Civic No. 2882 Gottingen Street be rezoned from P-Park and Institutional to C-2 General Business.

MILLER AND JOHNSON AUCTIONEERS LIMITED

per: _____



President

CITY COUNCIL MEETING
MINUTES

Record

Council Chamber,
City Hall,
Halifax, N.S.
May 11, 1972
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: Deputy Mayor Moir, Chairman; and Aldermen Bell, Connolly, Hogan, MacKeen, Meagher, Stanbury, Stapells, Sullivan, and Wentzell.

MINUTES

Minutes of meetings held on April 27, and May 3, 1972 were approved on motion of Alderman Connolly, seconded by Alderman Meagher.

APPROVAL OF ORDER OF BUSINESS, ADDITIONS AND DELETIONS

Council agreed to the Chairman's request to add:

- Item 4 (a) - Collective Agreement - Halifax Police Patrolmen's Association.

Council agreed to the City Clerk's request to add:

- Item 20 (a)- Police Station
- 20 (b)- Pavement Marking Unit (Centerlines)
- 20 (c)- Appointment Voting Delegates - CFMM
- 20 (d)- Tenders Sewer - Keating Road.

and to delete 11 (b) - Encroachment License - The Herring Choker and add in its place:

- 11 (b)- Petition - Williams Lake Road - Flooding.

Council also agreed to defer the following items until the next regular meeting of City Council:

- Item 5 (a) - Cancellation of Sewer Betterment Assessment - Lot 4 - Emscote Drive (Report from City Solicitor)
- Item 5 (c) - (i) To alter the eastern street line of Lower Water St. between Prince and Salter Streets;
- (ii) To alter the western official street line of Lower Water Street from Salter St. to 250' more or less northwardly;
- (iii) to alter the western official street line of Lower Water St. between Terminal Road and Morris St.

- 5 (d) Closing of Fawson Street from Hollis Street to Lower Water Street and the closure of Salter Street from Lower Water Street to Harbour.

MOVED by Alderman MacKeen, seconded by Alderman Wentzell that the agenda, as amended, be approved. Motion passed.

UNION CONTRACT BETWEEN THE CITY OF HALIFAX AND THE HALIFAX POLICE PATROLMEN'S ASSOCIATION

MOVED by Alderman Stapells, seconded by Alderman Stanbury, that His Worship the Mayor and the City Clerk be granted authority to sign on behalf of the City of Halifax the agreement reached and submitted by the Conciliation Team for the contract covering the Halifax Police Patrolmen's Association.

Alderman MacKeen said he was not arguing the fact that the policemen were presently underpaid and were entitled to the increase this agreement would provide, but in view of the guidelines which the Council had agreed to adhere to in dealing with all Unions, the City was breaking faith in making an exception in this case. He suggested that in future guidelines set by the City would not be taken seriously by any Union.

Both Aldermen Connolly and Sullivan agreed with Alderman MacKeen's statement, for which reason they said they could not support the motion.

Aldermen MacKeen, Connolly, and Sullivan also expressed the fear that despite the increase being granted the Policemen at this time, their Association would be seeking further increases when the contract expired next year. Alderman Stapells said he hoped that the bargaining agents for the Policemen who were present at tonight's meeting would take note of this fear and the fact that it would be considered irresponsible of them to make massive demands for increases when the contract expired next year.

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

For - Aldermen Bell, Hogan, MacKeen, Meagher,
Stanbury, Stapells, and Wentzell..... 7

Against - Aldermen Connolly and Sullivan 2

REZONING - 2882 GOTTINGEN STREET FROM PARK AND INSTITUTIONAL ZONE TO C-2 GENERAL BUSINESS ZONE

A Public Hearing was held on May 3rd into the subject matter at which time a decision was deferred until this meeting of the Council.

Alderman Sullivan said he had spoken with the residents in the area and they were not opposed to the rezoning for the purposes set forth in the applicant's request, but expressed fears that the building would be used for other purposes once the rezoning was granted. He felt therefore that if the rezoning was to be approved, the applicant should make some commitment which would safeguard the property being used for purposes other than those presently suggested.

The City Solicitor replied that he did not know that such assurances could be given, stating that if the property is rezoned for C-2 purposes than any business which fit into the C-2 category would have a right to use the property.

During the debate the question arose of whether or not an Alderman who was not present at the Public Hearing should be allowed to speak on the matter tonight, even though he would not be participating in the vote. The City Solicitor said he could think of no precedent to base a decision on but would do some research on the matter and advise Council at a later date.

MOVED by Alderman Sullivan, seconded by Alderman Wentzell, that the application for rezoning of Civic No. 2882 Gottingen Street from P-Park and Institutional to C-2 General Business, as shown on Plan No. P200/4956 of Case No. 2598, be refused.

Mr. Wilfred P. Moore, Solicitor for the applicant, addressed the Council and said that his client had no other idea in mind but to use the premises as an auctioneering centre and that he felt the matter should proceed on this basis. He felt it was no different than any other rezoning application which Council received, in which cases the applicants were not asked to make commitments regarding the possible future use of the properties concerned.

After further discussion the motion was put and lost, Aldermen Hogan and Stapells abstaining from the vote.

The Chairman suggested that the matter should be settled by a positive motion and it was MOVED by Alderman Connolly, seconded by Alderman Stanbury, that the application for rezoning of Civic No. 2882 Gottingen Street from P-Park and Institutional to C-2 General Business, as shown on Plan No. P200/4956 of Case No. 2598, be approved.

The motion was put and passed unanimously, Aldermen Hogan and Stapells abstaining from the vote since they had not been present at the Public Hearing into the rezoning.

A formal resolution was submitted giving effect to the foregoing motion of Council.

MOVED by Alderman Connolly, seconded by Alderman Bell that the formal resolution, as submitted, be approved. Motion passed with Aldermen Hogan and Stapells abstaining.

PETITIONS AND DELEGATIONS

Petition - Residents - Clayton Park Re: Flooding of Basements,
Glenforest Drive and Plateau Crescent

The City Clerk read the following petition containing nine signatures:

"Re: Flooding of basements in homes near the intersection of Glenforest Drive and Plateau Crescent, Clayton Park.

"In the period from February, 1971 to March 1972 basements of homes in this area have been flooded up to four times after experiencing no such problem in the first two and one-half years of their existence. We attribute this, in part, to several factors including:

- (1) continued construction higher on the hill resulting in increased run-off, with no provision for dealing with the larger volumes of water at this elevation.
- (2) sedimentation in the brook running parallel to Glenforest Drive has raised the bed of the brook and has interfered with drainage away from our immediate area.
- (3) the culvert under the short road linking Glenforest Drive to Evans Avenue is too small and frequently becomes blocked with debris thus creating a dam so that the water backs up into our basements.

"We are concerned that the Evans Avenue interceptor now under construction will not provide a solution to our immediate problem. We, the undersigned, strongly urge the City to consider an extension of that storm sewer at least as far as the intersection of Plateau Crescent and Glenforest Drive in order that water may be effectively drawn away from this area."

Mr. Sheflin advised that staff would be meeting with the citizens concerned and would report back to Council.

MOVED by Alderman Connolly, seconded by Alderman Sullivan, that the petition be tabled pending a further report from staff. Motion passed.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on May 11, 1972 with respect to the following matters:

Possible Acquisition - 11 Mayo Street, Kline Heights - Part Taking

MOVED by Alderman Stapells, seconded by Alderman Wentzell that, as recommended by the Finance and Executive Committee, the land designated as Lot #155-B on Plan No. TT-15-19476 and containing 498 square feet, be purchased by the City of Halifax and that the owners of the property, Kenneth F. and Mildred Conley, 11 Mayo Street, Kline Heights, be paid the sum of \$144.50 as compensation in full for all claims arising from this acquisition; funds to be made available from Account No. 54-33. Motion passed.

Possible Acquisition - 7 Marriott Street, Kline Heights - Part Taking

MOVED by Alderman Stapells, seconded by Alderman Hogan that, as recommended by the Finance and Executive Committee, the City of Halifax purchase the land designated as Lot #92B on Plan No. TT-14-19115 and containing 517 square feet, and that the owner of the property, Miss Margaret E. Marriott, 58 Withrod Drive, Kline Heights, be paid the sum of \$149.25 as compensation in full for all claims arising from this acquisition; funds to be made available from Account No. 54-33. Motion passed.

Possible Acquisition - Possible Sale of Partnership Owned Land - Karlsten Shipping Co. Ltd. - 2089 Upper Water Street.

MOVED by Alderman MacKeen, seconded by Alderman Stapells that, as recommended by the Finance and Executive Committee:

1. Compensation for expropriation of a portion of Karlsten Shipping Co. Ltd's land at 2089 Upper Water Street be settled for an amount of \$84,671 less advance payment, plus 6 per cent interest to respective dates of payments, as settlement in full for all claims.
2. Parcel A be purchased from Karlsten Shipping Co. Ltd. for \$462.50 as settlement in full for all claims.
3. Parcels B and C, shown on Plan No. TT-16-19548, be sold to Karlsten Shipping Co. Ltd. for \$22,569.50, subject to ratification by Central Mortgage and Housing Corporation Executive Committee, all items to be settled concurrently, each being contingent on the others.

Alderman Connolly referred to a \$6500 figure for appraisal fees which he felt was exorbitant, amounting as it does to 8% of the total settlement. He hoped that in future the City would not get involved in picking up such fees.

The motion was put and passed with Aldermen Connolly, Hogan, Stanbury and Sullivan against.

Possible Expropriation - 33 Idlwyld Road - Kline Heights

MOVED by Alderman Stapells, seconded by Alderman Bell that, as recommended by the Finance and Executive Committee:

1. The land of Scot Swinimer, shown as Lot #133-B on Plan No. TT-14-19148, be expropriated by the City of Halifax and that the owner of the property be paid the sum of \$109.50 as compensation in full for all claims arising from this expropriation.
2. In accordance with the requirements of the Provincial Act respecting Expropriation of Land Procedures, the City Council authorize the payment of the recommended compensation; funds to be made available from Account No. 54-33.

Motion passed.

Compensation - George Michalos - Expropriation of 1896 Barrington Street

MOVED by Alderman Bell, seconded by Alderman Hogan that, as recommended by the Finance and Executive Committee, the City of Halifax pay to Mr. George Michalos the sum of Four Hundred and Fifty Dollars (\$450.00) as settlement in full for all claims arising from the expropriation by the City of the premises rented by George Michalos from Mr. Wilfred Mosher at 1896 Barrington Street. Motion passed.

Social Assistance Policy - Scale of Payments

MOVED by Alderman Hogan, seconded by Alderman Bell that, as recommended by the Finance and Executive Committee the following proposal be accepted by City Council and the appropriate changes made in City policy:

1. That single people receive a pre-added budget at the rate of \$100 per month, this amount to cover all basic needs, food, clothing, personal essentials, and shelter, regardless of type of housing chosen. Exceptions to this would be those people who, by reason of age, health or disability, need special consideration.
2. That allowances for shelter costs be graduated in accordance with the size of the family:

Shelter costs to include:

rent	-	actual cost
power	-	actual cost
water	-	actual cost
fuel	-	actual cost to a maximum of \$15 per month from May 1st to October 31st and to a maximum of \$30 per month from November 1st to April 30th

No combination of the above costs per month to exceed:

Family of two - actual shelter costs to a maximum of \$130 per month.

Family of three - Actual shelter costs to a maximum of \$140 per month

Family of Four and Five - Actual shelter costs to a maximum of \$150 per month

Family of six - actual shelter costs to a maximum of \$160 per month

Family of seven or more - actual shelter costs to a maximum of \$175 per month.

3. Persons, not of the same family unit, but living together would be eligible to receive the same financial consideration as a family unit of the same size - income received by all members of such a unit to be considered in determining eligibility.

Motion passed.

Local Initiatives Program

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

1. City Council request that the Minister of Manpower and Immigration give consent to extending those programs which his Department may evaluate as having provided an essential service;
2. The Minister be made aware of the benefit that this City has derived from the implementation of the Programs and perhaps it might also be pointed out that the Federal Government benefits most from a reduction in social assistance payments since this level of Government bears 50% of the cost.
3. If the Minister does not feel he can make new funds available to carry on these programs, it is recommended that unused portions of grants already allocated to Local Initiative Programs be applied to continue a number of essential programs.

Mr. Crowell said that since the matter was discussed in Committee he has been informed that the Minister is already thinking of continuing some of the projects, and the City had been requested to resubmit some of the projects it felt should be continued.

After a short discussion, it was MOVED by Alderman Connolly seconded by Alderman Sullivan that ALL Local Initiatives Programs that can logically be continued be applied for and continued if at all possible as well as exploring the possibility of any new projects. Motion passed.

Slurry Sealing Contract

MOVED by Alderman Connolly, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, the Municipal Spraying and Contracting Ltd. be awarded the contract for slurry sealing of streets for unit price of \$0.65 per square yard. Motion passed.

Two Motor Controls - Roches Pond Pumping Station

MOVED by Alderman Wentzell, seconded by Alderman Stapells that, as recommended by the Finance and Executive Committee, authority be granted to allow the purchase of interchangeable Cutler Hammer Controls at a cost of \$2,600.00 for the Roches Pond Pumping Station.

Alderman Stapells mentioned several other pumping Stations throughout the City which he said were not operating to capacity. Mr. Sheflin replied that the lead work for this type of job took approximately one year, but it was the intention to upgrade all seventeen stations in the City as soon as possible.

The motion was put and passed.

Resolution - City of London - Exemption from Import Duty and Federal Sales Tax - Chemicals Used in the Treatment of Sewage in Sewage Disposal Plants

The recommendation of the Finance and Executive Committee was that the subject resolution be tabled. Alderman Connolly however felt that stronger action was called and MOVED, seconded by Alderman Stapells, that the Resolution be referred to staff to investigate with the view that the City of Halifax might at some time be in the position of wishing to claim such exemption. Motion passed.

Possible Expropriation - 2317 Barrington Street - Vacant Land - Southeast Corner Gray and Barrington Streets and 2337-39 Barrington Street

MOVED by Alderman Hogan, seconded by Alderman Meagher that, as recommended by the Finance and Executive Committee, City Council authorize the initiation of expropriation proceedings and the payment of an amount equal to one-half the recommended compensation in accordance with the requirements of the Provincial Act respecting Expropriation of Land Procedure, in respect of the following properties: 2317 Barrington Street; Vacant Land - Southeast Corner of Gray and Barrington Streets; and 2337-39 Barrington Street. Motion passed.

Audited Financial Statement - Board of School Commissioners - 1971

MOVED by Alderman Connolly, seconded by Alderman Hogan that, as recommended by the Finance and Executive Committee the Audited Financial Statement of the Board of School Commissioners for the year 1971 be tabled. Motion passed.

Staff Report - REPORT - COMMITTEE ON WORKS - Private Property

Council considered the report of the Committee on Works from its meeting held on May 3, 1972 with respect to the following matters:-

City Maintaining Sewers, Ditches, Watercourses on Private Property

MOVED by Alderman Connolly, seconded by Alderman Sullivan that, as recommended by the Committee on Works, the City not seek changes in existing laws and ordinances requiring property owners to maintain sewers, ditches and watercourses on their respective properties, but that each case be considered on its own merits.

Alderman Stapells felt that some explanation is required on this matter. He asked what recourse citizens have or what assistance is available to them from the City in the cleaning of watercourses on their property.

Alderman Bell was of the opinion that the City should make sure that adequate pipe sizes are installed when new construction takes place.

The Acting City Manager advised that the City as a property owner is required to clean its own sewers, ditches and watercourses and every effort is being made to do this. He said that assistance is rendered to citizens when the circumstances demand it.

Alderman Stapells referred to flooding conditions which have occurred in the Colindale and Redwood Avenue areas where there appears to be a storm sewer with a dead-end. He asked what answers should be given to questions from concerned residents. He said that some assurance is necessary from the City that every effort will be made to correct the situation. He also said that the signs are that the problem will get worse unless something is done quickly.

Alderman Wentzell said that he has noticed over the last couple of weeks a number of ditches and culverts which are cluttered with debris. He asked what the City is going to do about situations where culverts go under roadways and end on someone's private property with consequent flooding, about situations where ditches overflow on to private property or situations where the water empties out on to a roadway.

The Deputy Mayor suggested that the Acting City Manager take the questions under advisement and report on them in writing to the next meeting of the Committee of the Whole Council.

2. Council accepted the suggestion of the Deputy Mayor.

The motion was then put and passed.

Staff Report - Residents' Petition - Williams Lake Road

MOVED by Alderman Connolly, seconded by Alderman Hogan that, as recommended by the Committee on Works, the Staff Report be tabled and a copy forwarded to the Nova Scotia Water Resources Commission for their information.
Motion passed.

REPORT - SAFETY COMMITTEE

Council considered the report of the Safety Committee from its meeting held on May 3, 1972 with respect to the following matter:-

North West Arm Patrol Services

MOVED by Alderman Stapells, seconded by Alderman Meagher that, as recommended by the Safety Committee, Captain George A. Perry who operates a Police Patrol on the North West Arm during the summer months, be granted an increase of 50¢ per hour (From \$5.50 to \$6.00) for providing this service.

Alderman Connolly referred to the Information Report submitted from Staff on this matter and noted that the total cost of the service is \$9,972.00. He questioned the fact that the City pays for the Insurance on Captain Perry's boats.

The City Solicitor advised that the insurance coverage taken by the City relates to Public Liability only.

The Acting City Manager advised that the only increase in the cost is the 50¢ additional per hour.

The motion was then put and passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on May 3, 1972 with respect to the following matters:-

Rezoning from R-3 Residential Zone to P Park and Institutional Zone - Civic Nos. 5290-92 Kent Street (Date for Hearing)

MOVED by Alderman Connolly, seconded by Alderman Meagher that, as recommended by the City Planning Committee:

1. the rezoning of Civic Nos. 5290-92 Kent Street from R-3 Residential to P Park and Institutional, as shown on Plans No. P200/4970 and P200/4999-5000 of Case No. 2606, be approved by Council, subject to the outcome of a Public Hearing;
2. a date be set for a Public Hearing into the matter; and
3. persons in the area affected by the rezoning, as shown on the map attached to the Staff Report, be advised of the date of the Public Hearing.

In reply to a question, the City Clerk advised that the Public Hearing will be held on June 8, 1972.

The motion was then put and passed.

Resubdivision of Lands of Foster and Dorothy Boutilier
into Lots A and B, Parkhill Road

MOVED by Alderman Connolly, seconded by Alderman Wentzell that, as recommended by the City Planning Committee, the application for the resubdivision of lands owned by Foster and Dorothy Boutilier, Parkhill Road, forming new Lots A and B, as shown on Plan No. P200/4996 of Case No. 2613, be approved by City Council and that a Hearing into the matter be waived. Motion passed.

Modification of the Lot Frontage Requirement - Lot No. 287
Spencer Avenue

MOVED by Alderman Connolly, seconded by Alderman Hogan that, as recommended by the City Planning Committee, the application for modification of the lot frontage requirement which will allow construction and occupancy of an additional dwelling unit in the basement of a 4-unit apartment building at Lot No. 287 Spencer Avenue, as shown on Plans No. P200/5007-5010 of Case No. 2618, be approved. Motion passed.

Rezoning from R-2 Residential to R-4 Residential - Lands
Spencer Avenue

MOVED by Alderman Wentzell, seconded by Alderman Stapells that, as recommended by the City Planning Committee,

1. the rezoning from R-2 Residential to R-4 Residential, lands of Mr. Arnold Levick, Spencer Avenue be the subject of a Public Hearing, at which time the applicant should be prepared to submit plans of exactly what he intends to build on the site;
2. a date for a public hearing be set;
3. persons in the area affected by the rezoning, as shown on the map attached to the Staff Report, be advised of the date of the Public Hearing.

Motion passed.

In reply to a question, the City Clerk advised that the Public Hearing will be held on June 8, 1972.

Resubdivision of Lands of Elizabeth Brown into Lots X and
Y, Drysdale Road

MOVED by Alderman Connolly, seconded by Alderman MacKeen that, as recommended by the City Planning Committee, the application for resubdivision of lands owned by Elizabeth Brown, Drysdale Road forming new Lots X and Y,

as shown on Plan No. P200/5024 of Case No. 2624, be approved and a Public Hearing into the matter be waived. Motion passed.

Modification of Lot Coverage and Side Yard Requirements -
6141-6145 North Street

MOVED by Alderman Meagher, seconded by Alderman MacKeen that, as recommended by the City Planning Committee, modification of the lot coverage and side yard requirements at No. 6141-6145 North Street, Plans No. P200/5030-5034, Case No. 2628, be approved to permit construction of an additional two rooms at the rear of an existing three-unit apartment building, on the condition that the owner removes the existing garage and provides a paved area for parking.

In reply to a question for clarification, Mr. Keefe of the Development Department advised that a further report will be submitted to the next meeting of the City Planning Committee dealing with other variances which are not considered minor, an extension to a non-conforming building and modification of lot frontage and lot area, and which are required before a building permit can be issued.

The motion was then put and passed.

Resubdivision - Lots A and B, Carson Street

MOVED by Alderman Wentzell, seconded by Alderman Hogan that, as recommended by the City Planning Committee, the resubdivision of Lot Z to create Lots A and B, Carson Street, as shown on Plan No. P200/5095 of Case No. 2632, be approved and a Public Hearing into the matter be waived. Motion passed.

MOTIONS

No Motions were given at this time.

MISCELLANEOUS BUSINESS

Change in Date - Next City Council Meeting (May 29, 1972)

The City Clerk advised that since a number of Aldermen will be away for the next scheduled Council meeting set for May 25, 1972, it is suggested that the meeting be held on Monday, May 29, 1972.

MOVED by Alderman Connolly, seconded by Alderman Sullivan that the next regular meeting of City Council be held on Monday, May 29, 1972. Motion passed.

At this time Alderman Connolly asked whether members of Council would permit him to introduce a resolution relating to the Provincial Liquor Control Act.

The Deputy Mayor informed the Alderman that the matter should be introduced under Notices of Motion.

QUESTIONS

Question Alderman Bell Re: Tax Relief for Pensioners

Alderman Bell referred to a request that had been forwarded to Staff some time ago with respect to suggestions for amendments to the ordinance respecting tax relief for pensioner property owners and he asked if this report could be presented as soon as possible.

The Deputy Mayor advised that he had asked a similar question of Staff and was informed that the report is presently in preparation.

Question Alderman MacKeen Re: Parking Meters on College Street

Alderman MacKeen asked for a report from the Traffic Authority respecting the location of parking meters on College Street. He said that he has received a number of complaints and questions from the residents and would like to be able to answer them.

Question Alderman Stanbury Re: Possible Tax Relief for Women's Charitable Organizations

Alderman Stanbury asked if there are any provisions for providing some form of tax relief on those properties which are used purely by women's charitable organizations. She said that the occupants are presently assessed at the business rate. She asked for a report on the situation.

Question Alderman Sullivan Re: One-way Street - Young Street

Alderman Sullivan said that he understood the one-way street system involving Young Street was to be implemented on a trial basis for the winter only and that a report was to be submitted evaluating the situation. He asked that such report be prepared and presented to Council as soon as possible.

Question Alderman Wentzell Re: City Clean-up - Herring Cove Road

Alderman Wentzell commended the Girl Guides and Brownies in Ward 7 who within 2½ hours last Saturday morning collected some 200 plastic bags full of debris and garbage from the Herring Cove Road. He said that many reports have been made of other garbage and debris on the shoulders of the road and he asked if the City is making any plans to clean-up the area. He pointed out that much of the garbage is in the areas of small grocery stores.

It was facetiously suggested that the City might do well to hire the Girl Guides and Brownies to assist in its clean-up program.

Question Alderman Stapells Re: Clean-up - Forest Avenue,
Rexdale and Mabou Avenues

Alderman Stapells referred to complaints he has received from the residents of Forest, Rexdale and Mabou Avenues about the appearance of the streets and he asked if the City is intending to implement a clean-up program in that area.

Question Alderman Connolly Re: Possible Ban on On-Street
Parking to Facilitate City Clean-up Programs

Alderman Connolly asked if any thought has been given to the imposition of an on-street parking ban for a week-long period between certain hours to enable the City to carry out a successful clean-up program.

The Acting City Manager said he would report on the question.

Alderman Stapells asked how many street sweepers the City has been able to keep on the roads.

The Acting City Manager advised that tenders have been called for two new sweepers with delivery expected next Fall. He said that it is exceedingly difficult to keep two or three sweepers on the roads but the City is making every effort to proceed with the street sweeping program.

NOTICES OF MOTION

Notice of Motion - Alderman Connolly - Suggested Amendments
to Provincial Legislation Respecting Liquor Outlets

Alderman Connolly gave notice that, at the next regular meeting of City Council to be held on May 29, 1972, he would introduce a resolution relating to the issuance of liquor licenses, occupancy permits for such premises and where they might or might not be allowed.

ADDED ITEMS

Police Station

A Staff Report was submitted relating to the above matter and outlining details of negotiations which have taken place with Fundy Construction Limited in an attempt to reach a lower construction contract figure.

At the request of Council, Mr. Don MacLeod, City Architect outlined the main points contained in the Staff Report.

In reply to a question from Alderman Connolly, he listed the structural changes and deletions that have been made to the building.

After some discussion, it was MOVED by Alderman

Meagher, seconded by Alderman Stanbury that:-

1. the following budget for the Police Headquarters be approved:

Building Contract (Fundy)	\$2,133,000
Contingency Allowance (3%) (minus tax refund of \$48,000)	16,000
Land	250,000
Fees	132,000
Communication Equipment	165,000
Furniture and Equipment	150,000
	<u>\$2,846,000</u>

2. Staff be given the option of incorporating certain "furniture" items (i.e. lockers) back into the building if it proves that no cost savings are gained by leaving them out of the contract.

Alderman Connolly referred to the recommendation of the City Manager in the Staff Report of March 21, 1972 that the bids received be rejected and the architects instructed to proceed forthwith to redesign the entire structure, with a view to recalling tenders on plans and specifications designed to achieve the end results sought within the budget allocation authorized by Council. He also referred to the motion passed by Council at its meeting on March 21st, 1972 wherein it reads "(to negotiate with the low bidder with a view to reducing costs to an expenditure that is within the budget)". He contended that this has not been done since the budget is still exceeded and in addition substantial structural changes have been made to the building. He stated, quite forcefully, that he could not support the motion.

After some discussion, it was agreed to hear from Mr. Earle Bowman, Vice-President of Fundy Construction Ltd.

Mr. Bowman outlined the work that has been done in attempting to reduce the construction costs of the building and he said that much time and effort has been put into the negotiations. He said that the fact that the City agreed to negotiate with the low bidder is not an unusual occurrence.

Alderman Hogan pointed out that the City negotiated with the low bidder on the St. Patrick's School project in an attempt to reduce costs.

Alderman Connolly said that he agreed that there are precedents relating to this matter but he spoke strongly against the motion on the grounds that the City cannot afford to pay more than the budget allowed for the building and he was of the opinion that the changes made might take away from the usefulness and appearance of the building. He again referred to the recommendation of the City Manager in the Staff Report of March 21, 1972.

Alderman Stapells contended that it would be irresponsible for the City to redesign the building and recall tenders at this time. He referred to the fact that Halifax Developments will be wanting to develop the site of the Old Police Station, it being part of their contract.

Alderman Bell pointed out that if the building is redesigned at this time and tenders recalled, with the rising costs of construction the budget could be exceeded by much more than the amount recommended.

Alderman Connolly rose to speak again and Alderman MacKeen rose to a point of order saying that Alderman Connolly had already spoken twice on the matter.

After some discussion, it was MOVED by Alderman Sullivan, seconded by Alderman Meagher that Alderman Connolly be permitted to speak a third time on the matter, such speech to be no longer than five minutes.

Although Alderman Connolly indicated that he would not speak again on the matter, the motion was put and lost.

The motion to approve the Staff Report was then put and passed with Alderman Connolly voting against.

10:35 p.m. Alderman Hogan retires.

Pavement Marking Unit - (Centrelines)

A report was submitted from Staff recommending that the City Council accept the tender submission from Kelly Creswell Company for a Model WV-50 Mini-liner at a price of \$7,625.00 plus an additional \$300.00 for training an operator.

After some discussion, during which time Alderman Meagher asked how long this machine would be used and the costs associated with the renting of such equipment from the Department of Highways, it was MOVED by Alderman Meagher, seconded by Alderman MacKeen that the matter be referred to the Committee of the Whole Council for further consideration. Motion passed with Alderman Connolly voting against.

Appointment Voting Delegates - Conference - Canadian Federation of Mayors and Municipalities

The following report was submitted from Staff:

The Mayors' Conference will be held in Quebec City May 21 to 25 inclusive and it is necessary to appoint voting delegates to represent this City.

1. Under existing By-laws of the Federation, the City is entitled to one and it is usually the Mayor;

2. If a proposed revision to the By-laws is approved at the opening session, the number of delegates would then be three, presumably the Mayor and two Aldermen.

Would Council appoint the voting delegates tonight so that the Federation may know as soon as possible.

MOVED by Alderman Stapells, seconded by Alderman Wentzell that if one voting delegate is required it should be His Worship the Mayor. Motion passed.

MOVED by Alderman Meagher, seconded by Alderman Sullivan that if three voting delegates are required, they be His Worship the Mayor, Aldermen Connolly and Stapells. Motion passed with Alderman MacKeen voting against.

Tenders Sewer - Keating Road

A report was submitted from Staff relating to the Award of Tender for the above project.

MOVED by Alderman Stapells, seconded by Alderman Wentzell that:

1. Council award the tender to the lowest bidder, Cameron Construction Co. Ltd. in the amount of \$40,950.60.
2. Council approve additional expenditures above the approved estimate in the amount of \$16,945.

In reply to a question, the Acting City Manager advised that this is the second call for tenders, none having been received in reply to the first call.

The motion was then put and passed.

City Clean-up Week

The Deputy Mayor reminded members of Council that it is proposed to hold Clean-up Week in the City from June 5th to June 9th, 1972.

10:43 p.m. Council adjourned.

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