

RETAIL ESTABLISHMENTS  
BUSINESS HOURS ACT

1. In this Act,

Definitions

- (a) "retail establishment" means any establishment or other place where commodities are or merchandise is sold or offered for sale by retail or auction;
- (b) "closed" means not open for the serving of customers or for the receiving of orders from customers;
- (c) "municipality" means municipality to which the Municipal Act applies, city or incorporated town;

2. (1) Subject to ordinances or by-laws passed by municipalities under Section 5 of this Act, all retail establishments and all classes of retail establishments shall be closed during the whole of the year

Hours of  
Closing

- (a) on Monday and Tuesday of each week at six o'clock in the afternoon of each of such days and shall remain closed until five o'clock in the forenoon of the day next following each of such days;
- (b) on Wednesday, Thursday and Friday of each week at ten o'clock in the afternoon of each of such days and shall remain closed until five o'clock in the forenoon of the day next following each of such days; and
- (c) on Saturday of each week at six o'clock in the afternoon of such day through Sunday until five o'clock in the forenoon of the Monday following such days.

(2) Notwithstanding subsection (1) of this Section, but subject to ordinances or by-laws passed by municipalities under Section 5 of this Act, all retail establishments and all classes of retail establishments shall not be required to close

- (a) on Monday, Tuesday and Saturday immediately preceding Easter Sunday in each year;
- (b) on any day immediately preceding any holiday enumerated in Section 3;
- (c) on any Tuesday immediately preceding any holiday enumerated in Section 3 which is celebrated on Friday; and
- (d) on each Monday, Tuesday and Saturday including the first day of December to and including the thirty-first day of December in each year

until ten o'clock in the afternoon of each of such days.

3. All retail establishments and all classes of retail establishments shall, notwithstanding Section 2 of this Act, close and remain closed during the whole of each day hereafter mentioned and remain closed until five o'clock in the forenoon of the day next following each such day:

Holidays

- (a) New Year's Day;
- (b) Good Friday;
- (c) Victoria Day;
- (d) Dominion (Canada) Day;
- (e) Labour Day;
- (f) Thanksgiving Day;
- (g) Remembrance Day;
- (h) Christmas Day;
- (i) Boxing Day.

4. (1) Subject to Section 5, Sections 2 and 3 of this Act shall not apply to any of the following classes of retail establishments:

Exemptions

- (a) a beauty parlour or barbershop;
- (b) a shoe repair shop;
- (c) a shoe shine shop;
- (d) a hat cleaning and blacking shop;
- (e) a shop for the retail sale of fresh fruit and fresh vegetables, or either;
- (f) a drugstore;
- (g) a gasoline retail outlet, if sanctioned by the Gasoline Licencing Act and regulations made thereafter;
- (h) a dealership for retail sale of motor vehicles and trailers;
- (i) a tobacco shop;
- (j) a news and magazines shop;
- (k) a confectionery shop;
- (l) a shop for the sale of boats and marine supplies;
- (m) a grocery store whose business occupancy assessment is nine thousand five hundred dollars or less;
- (n) a butcher shop;
- (o) a shop for the retail sale of poultry;
- (p) a shop for the retail sale of fish;
- (q) a shop for the retail sale of dairy products, including a dairy bar;
- (r) a delicatessen shop;
- (s) a shop for the retail sale of bakery products;
- (t) a refreshment house for the providing to the public of prepared food and any drink that may lawfully be sold for consumption either on or off the premises;
- (u) a laundromat;
- (v) a drycleaning establishment.

(2) Sections 2 and 3 of this Act shall not apply to any retail establishments or classes of retail establishments for which exemption is granted by the Governor in Council where he deems it to be in the best interests of tourism in the Province to do so.

Tourism

5. (1) Notwithstanding Section 2, the Council of a municipality may, by ordinance or by-law, vary the closing hours as set forth in Section 2 as follows:
- Local  
Options
- (a) by requiring that retail establishments shall be and remain closed on Wednesday or Thursday or Friday, or two or all of such days from six o'clock in the afternoon of any such day or days to five o'clock in the forenoon of the day next following any such day or days;
- (b) by requiring that retail establishments shall be and remain closed:
- (i) during the whole of any one day of the week; or
  - (ii) during the afternoon of any one day of the week; or
  - (iii) during the afternoon of any one designated day of the week and until the hour of twelve o'clock noon of the next following day; or
  - (iv) on each Saturday after the hour of twelve o'clock noon or such later hour as the Council may deem fit but not later than six o'clock in the evening;
- (c) by requiring that during the whole or any part of a day proclaimed as a civic holiday shops shall be and remain closed.
- (2) The Council of a municipality may, by ordinance or by-law, declare that certain classes of retail establishments for which exemption is provided by Section 4 of this Act, shall not be exempt but shall observe the closing hours established by this Act or by ordinance or by-law of the municipality, and the Council of a municipality may provide by ordinance or by-law, any closing hours it may see fit for such classes of retail establishments declared by the municipality not to be exempt from Section 4 of this Act.
6. Nothing in this act shall relieve a retail establishment from obtaining licences or permits that may be required under any ordinance or by-law of a municipality or any other Act of the Legislature or regulation made thereunder, including but not so as to restrict the generality of the foregoing, the Lord's Day (Nova Scotia) Act, or by-laws or ordinances enacted under the municipality of this Act.
- Lord's Day  
(Nova Scotia)  
Act
7. (1) The proprietor of any retail establishment and the person or persons in charge thereof, when a contravention of any provision of Sections 2 or 3 occur, are all guilty of an offence and each liable on summary conviction to a fine not exceeding five thousand dollars, exclusive of costs, and, in default of payment of a fine imposed under this Section, the person or persons upon whom the fine is imposed, is liable to imprisonment for a term not exceeding six months.
- Offences and  
Penalties

8. The times specified in this Act shall be either Atlantic Standard Time or Atlantic Daylight Saving Time, whichever is in force on the date of the alleged offence, in the municipality in which the offence occurs.
  
9. "Atlantic Daylight Saving Time" shall be reckoned as three hours behind Greenwich Mean Solar Time and "Atlantic Standard Time" shall be reckoned as four hours behind Greenwich Mean Solar Time.



CITY COUNCIL  
M I N U T E S

*Record*

Council Chamber,  
City Hall,  
Halifax, N. S.,  
January 31, 1974  
8:00 p.m.

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

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

Present: His Worship the Mayor, Chairman, Aldermen Bell, Connolly, Hogan, MacKeen, Meagher, Moir, Stanbury, Stapells, Sullivan and Wentzell.

Also Present: Acting City Manager, City Solicitor, City Clerk, Director of Engineering and Works, Director of Finance, Director of Social Services, Director of Planning and other Staff members.

WELCOME TO MAYOR EILEEN STUBBS, CITY OF DARTMOUTH

His Worship the Mayor extended a warm welcome to Mayor Eileen Stubbs of Dartmouth on behalf of the City Council of Halifax and he said that he was certain Council would accept her remarks with some pleasure. He appreciated the fact that Mayor Stubbs could only stay a short time but hoped that her presence at this meeting indicated an increased interest in developments and events which affect both cities and will lead to greater co-operation between the two Councils.

Members of Council welcomed Mayor Stubbs with applause.

MINUTES

The City Clerk advised that the Minutes of the City Council Meeting held on January 17, 1974 should be amended. He referred to Page 12 of the Minutes and the item "Sale of Portion of Carleton Street to Trizec Equities Ltd." and informed Council that the figure in section 2. of the Motion should read \$240,000 and not \$246,000.

MOVED by Alderman Connolly, seconded by Alderman Sullivan that the Minutes of January 17, 1974 be amended accordingly. Motion passed with Alderman Moir abstaining.

The Minutes of meetings of City Council held on January 16, 17, as amended, and 23, 1974 were approved on motion of Alderman Connolly, seconded by Alderman Sullivan.

APPROVAL OF ORDER OF BUSINESS, ADDITIONS AND DELETIONS

The City Clerk advised that the following items are

to be added to the Order of Business:

- 20(a) Dentith Road Shopping Centre
- 20(b) Appeal - 33 Withrod Drive

MOVED by Alderman Bell, seconded by Alderman Moir that the items be added to the Order of Business. Motion passed.

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

DEFERRED ITEMS

Views By-Law - Citadel Hill -

Alderman Hogan spoke on the above matter and said that the motion he is going to make indicates a fair compromise. He said that there are good views still possible from Point Pleasant Park, York Redoubt and other places and Council had attempted to save as many of the views from the Citadel as possible.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that the following resolution be approved:

BE IT RESOLVED that Views B-1, C-4 and R (Ramparts) be accepted; and

BE IT FURTHER RESOLVED that Views B-6 and C-3 be rejected; and

BE IT FURTHER RESOLVED that the following Views be accepted with the noted modifications:

C-1 and B-3: that the base line be the roof top of Moirs;

B-4 and C-2: that the base line be the roof of the Provincial Building and the Bank of Nova Scotia, or their extensions;

C-5: that the base line be the roof line of the older section of the Hotel Nova Scotian;

C-6 and E-2: that the base line be the roof line of the Grain Elevator, or its extension.

Alderman Stanbury spoke to the motion and said that in her opinion it offered the best of both worlds.

Alderman Moir asked that the motion be divided and each view plane dealt with individually.

His Worship the Mayor said that he fully intended

to divide the motion and he asked if it would not make sense to give some direction to the City Solicitor in drafting the legislation in connection with the building height on Brunswick Street. He referred to the possibility of the inclusion of an additional clause to the motion as follows:

BE IT FURTHER RESOLVED that the base line of C-3 be used to determine the building height from Sackville Street to the C-4 plane along Brunswick Street.

Alderman MacKeen said that something of this nature might be acceptable and he would raise the matter again a little later.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View B-1 be accepted. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View C-4 be accepted. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View R (Ramparts) be accepted. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View B-6 be rejected.

Alderman Moir spoke against the motion saying that in his opinion this view and the C-3 View should be retained.

Alderman MacKeen felt that other views compensate to some degree the loss of these views and he said he would go along with the motion.

The motion was then put and passed with Alderman Moir voting against.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View C-3 be rejected. Motion passed with Alderman Moir voting against.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View C-1 be accepted with the modification that the base line be the roof top of Moirs. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View B-3 be accepted with the modification that the base line be the roof top of Moirs. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View B-4 be accepted with the modification that the base line be the roof of the Provincial Building and the Bank of Nova Scotia, or their extensions. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View C-2 be accepted with the modification that the base line be the roof of the Provincial Building and the Bank of Nova Scotia, or their extensions. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View C-5 be accepted with the modification that the base line be the roof line of the older section of the Hotel Nova Scotian. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View C-6 be accepted with the modification that the base line be the roof line of the Grain Elevator, or its extension. Motion passed.

MOVED by Alderman Hogan, seconded by Alderman Stanbury that View E-2 be accepted with the modification that the base line be the roof line of the Grain Elevator, or its extension. Motion passed.

Some discussion took place as to whether or not the wording, as suggested by His Worship the Mayor should form part of the motion which would give some direction to the Solicitor when drafting the legislation.

Alderman MacKeen felt that it is important to include something which would determine the building height along Brunswick Street.

MOVED by Alderman Meagher, seconded by Alderman Stanbury that the base line of C-3 or C-2 be used, whichever is the lowest, to determine the building height from Sackville Street to the C-4 plane line along Brunswick Street.

His Worship the Mayor did not consider it necessary to approve a motion in this respect but to indicate to the Solicitor the wishes of Council. He thought that further discussion could take place at the time the proposed legislation is submitted to Council for consideration.

Council agreed to the suggestion of His Worship the Mayor.

His Worship the Mayor said that before he leaves the subject of the Views By-law, he would like to thank members of Council for their efforts over the past number of months in coming to grips with this problem. He felt that there has been give and take on both sides and he was certain that some members of Council have voted for more than they had originally intended. He felt that a very successful compromise has been reached and many of the suggestions made at the Public Hearing have been incorporated. He again thanked Council for their diligence and appreciated their co-operation.



Store Hours

His Worship the Mayor introduced the subject and suggested that after Mayor Eileen Stubbs has spoken, he would accept a motion to defer the matter.

Her Worship Mayor Eileen Stubbs addressed Council on the above matter. She suggested that history be made and a joint meeting be convened of the City Councils of Halifax and Dartmouth to deal with the Store Hours question. She said that a number of smaller merchants located in Dartmouth have approached her with suggestions that there be some regulation in the City of Dartmouth which would provide for night closing on one or two nights a week. She pointed out that Dartmouth has no regulation of this nature. She realized that it will be some considerable time before any Provincial legislation will be forthcoming and suggested that it would be to the benefit of both cities if some type of regional control be instituted. She proposed that at the joint meeting the matter of store hours be viewed from both sides, that of the retailer and that of the customer. She said that she and Mayor Fitzgerald have agreed to meet two or three times a month to discuss mutual problems and difficulties and she hoped that this will not be the last of any joint meetings of the two Councils. She could see that joint meetings could be of great benefit in all kinds of areas. She thanked Council for permitting her to speak and she expressed the hope that greater co-operation between the two cities will be forthcoming.

MOVED by Alderman Connolly, seconded by Alderman MacKeen that the matter be deferred for a period of 60 days.

Alderman Moir questioned whether the time period should be 90 days in light of the heavy February schedule.

Alderman Connolly suggested that the item could be brought back in 60 days and further deferred at that time.

The motion was then put and passed.

Alderman Stapells spoke on behalf of Council and thanked Mayor Stubbs for taking the time to attend this meeting and he hoped that various contentious items might be discussed jointly with the City of Dartmouth Council in the future.

His Worship the Mayor said that he was certain that there will be other joint meetings in the future.

Alderman Stanbury expressed her delight in the presence of Mayor Stubbs and thanked her for her interest. She concluded her remarks by saying "never underestimate the power of a woman".



MOTIONS OF RECONSIDERATION

No Motions of Reconsideration were heard at this time.

MOTIONS OF RESCISSION

No Motions of Rescission were heard at this time.

PUBLIC HEARINGS AND HEARINGS

No Public Hearings or Hearings were scheduled for this time.

PETITIONS AND DELEGATIONS

No Petitions and Delegations were submitted or heard at this time.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee from its meeting held on January 23, 1974 with respect to the following matters:

Lease and Grants - Ward Five Resources Council - Community Centre and Rink

MOVED by Alderman Sullivan, seconded by Alderman Wentzell that, as recommended by the Finance and Executive Committee:

1. the Lease between the City and the Ward 5 Resources Council be executed in its present form providing for payment of the stipulated rental.
2. City Council approve payment of a grant in the amount of \$18,000 to the Ward 5 Resources Council to assist in meeting the outstanding rental obligations.
3. City Council approve a further grant of \$9,000 for the year 1974 and confirm its intention to pay similar grants through the years to 1978 inclusive, subject to submission to the Tax Concession and Grants Committee by the Ward 5 Resources Council of the usual information required in justification of the payment of grants by the City.
4. the foregoing recommended grants be identified as being in lieu of rental and that any additional grants be applied for on an annual basis.

Alderman MacKeen said that he was extremely pleased with the enlightened negotiations which took place on this matter and congratulated the Acting City Manager on his efforts.

The motion was then put and passed.

Increase - Social Assistance

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

1. in order to ensure that no family receives less income as a result of the increase in Family Allowance benefits, an increase of \$8.00 per person per month be made in the rates of Social Assistance granted by the City. This increase would be classified as a discretionary income and would allow recipients to decide how it might best be used for the benefit of the individual or family unit;
2. Staff be instructed to prepare a report on the possibility of making changes in the Social Assistance Policy Manual to reflect the proposal suggested by the Welfare Rights Group or some alternative; such report to contain full information on the implications of any changes proposed.

Motion passed.

Additional Funds, Contract 73-07 Dunbrack Street Collector Road, Rough Grading

MOVED by Alderman Wentzell, seconded by Alderman Sullivan that, as recommended by the Finance and Executive Committee, additional funds in the amount of \$40,000 be approved and provided in Account No. 427-CD-010 of the 1974 Capital Budget to cover the extra construction costs of Contract 73-07 Dunbrack Street Collector Road, rough grading. Motion passed.

Call for Tenders for Bathhouse Facilities

MOVED by Alderman Meagher, seconded by Alderman Moir that, as recommended by the Finance and Executive Committee, Council give approval to proceed with the call for tenders for the construction of the bathhouse facilities at Horseshoe Island. Motion passed with Alderman Connolly voting against.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on January 23, 1974 with respect to the following matters:

Policy - Storm Sewers

MOVED by Alderman Bell, seconded by Alderman MacKeen that, as recommended by the Committee on Works, the policy for installation of storm sewers in developed areas

with sanitary sewers be that the costs therefore be assumed by the City of Halifax to be paid out of general tax revenue via the Capital Budget. Motion passed.

Street Acceptance - Hazelholme Drive

MOVED by Alderman Hogan, seconded by Alderman Stanbury that, as recommended by the Committee on Works, in accordance with Section 348(3) of the City Charter, the portion of Hazelholme Drive which extends from Clayton Park Drive eastward 620 feet be accepted as a part of the official street system as this section fulfills the minimum standards required by Staff. Motion passed.

Encroachment on Street - 232 Purcell's Cove Road

MOVED by Alderman Connolly, seconded by Alderman Stapells that, as recommended by the Committee on Works, City Council approve an encroachment license on Purcell's Cove Road, a city street, by a portion of the dwelling known as Civic No. 232 Purcell's Cove Road (the future Lot "C" of Wm. J. Jessup subdivision) at an initial fee of \$25.00 and an annual rental of \$.25 per square foot. The total encroachment is 13.6 square feet and the annual fee would be \$3.30. Motion passed.

REPORT - COMMITTEE OF THE WHOLE COUNCIL, BOARDS & COMMISSIONS

Ordinance No. 162 Respecting the Design, Construction and Operation of a Regional Solid Waste Management System - Second Reading

MOVED by Alderman Moir, seconded by Alderman Meagher that Ordinance No. 162, Respecting the Design, Construction and Operation of a Regional Solid Waste Management System be read and passed a Second Time. Motion passed.

with sanitary sewers be that the costs therefore be assumed by the City of Halifax to be paid out of general tax revenue via the Capital Budget. Motion passed.

Street Acceptance - Hazelholme Drive

MOVED by Alderman Hogan, seconded by Alderman Stanbury that, as recommended by the Committee on Works, in accordance with Section 384(3) of the City Charter, the portion of Hazelholme Drive which extends from Clayton Park Drive eastward 620 feet be accepted as a part of the official street system as this section fulfills the minimum standards required by Staff. Motion passed.

Encroachment on Street - 232 Purcell's Cove Road

MOVED by Alderman Connolly, seconded by Alderman Stapells that, as recommended by the Committee on Works, City Council approve an encroachment license on Purcell's Cove Road, a city street, by a portion of the dwelling known as Civic No. 232 Purcell's Cove Road (the future Lot "C" of Wm. J. Jessup subdivision) at an initial fee of \$25.00 and an annual rental of \$.25 per square foot. The total encroachment is 13.6 square feet and the annual fee would be \$3.30. Motion passed.

REPORT - COMMITTEE OF THE WHOLE COUNCIL, BOARDS & COMMISSIONS

Ordinance No. 162 Respecting the Design, Construction and Operation of a Regional Solid Waste Management System - Second Reading

MOVED by Alderman Moir, seconded by Alderman Meagher that Ordinance No. 162, Respecting the Design, Construction and Operation of a Regional Solid Waste Management System be read and passed a Second Time. Motion passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning Committee from its meeting held on January 23, 1974 as follows:

Application for Final Approval of Lots A, B, and C - Lands of the Estate of Wm. J. Jessup, Corner of Purcell's Cove Road and Parkhill Drive

MOVED by Alderman Stapells, seconded by Alderman Connolly that, as recommended by the City Planning Committee, the application for final approval of Lots A, B, and C as shown on Plan No. P200/6155 of Case No. 2788, be granted by City Council. Motion passed.

Application for Lot Consolidation to Create Lot 1A - Lands of National Radiator Limited, Sullivan and Young Streets

MOVED by Alderman Sullivan, seconded by Alderman Bell that, as recommended by the City Planning Committee, the application for consolidation of Lots 1 and A to create Lot 1A as shown on Plan No. P200/6154 of Case No. 2989, be granted by City Council. Motion passed.

MOTIONS

Motion - Alderman Moir Re: Amendments to Ordinance No. 116 -  
"The Taxi Ordinance: FIRST READING

MOVED by Alderman Moir, seconded by Alderman Bell that the following amendment to Ordinance No. 116, "The Taxi Ordinance" be read and passed a FIRST TIME:

"The Third Schedule to Ordinance Number 116 is hereby repealed and the following substituted therefor:

THIRD SCHEDULE

SEVENTY CENTS initial charge;  
FIVE CENTS each 1/10 mile or TEN CENTS each 2/10 mile;  
FIVE CENTS each 45 seconds waiting time or TEN CENTS each 90 seconds waiting time;  
Five Minutes grace to be allowed on pick-ups;  
TWENTY-FIVE CENTS each additional passenger;  
Hourly driving rates by arrangement between driver and passenger, without meter - Five Dollars per hour;  
FIFTY CENTS for each trunk;  
TWENTY-FIVE CENTS for each piece of luggage handled by the driver;  
TEN CENTS for each parcel of groceries handled by the driver;  
Children under five years of age shall be carried FREE when accompanied by an adult;  
Special Rates for the conveyance of children to and from School may be made by private arrangement with the owner or driver of the motor vehicle."



Alderman Sullivan said that when the original presentation was made, he asked if there would be a charge for wheelchairs, and it was advised by the Taxi Association that no charges were made for either wheelchairs or baby carriages.

Alderman Sullivan questioned whether this protection is included in the amendment to the Ordinance or if it will be included.

His Worship then advised that the City Clerk would make note of this and advise the appropriate department.

Alderman Meagher advised that he has spoken to the person who makes adjustment to taxi meters for fare increases. Alderman Meagher said that he has been advised that the proposed adjustments cannot be made to some of the meters being used by taxi drivers. Alderman Meagher then presented the Acting City Manager with the name of the person who makes such adjustments so that staff can check on the matter.

The City Solicitor noted that the amendment allows for charges of Five Cents for each 1/10 mile or Ten Cents for each 2/10 mile, and suggested that the amendment was drafted in this manner to accommodate the different types of meters.

It was agreed that staff would check into the matter.

The Motion was then put and passed.

#### MISCELLANEOUS BUSINESS

#### 1974 Current Budget - Release Time 11:00 P. M.

The City of Halifax Proposed Current Estimates for the year 1974 were submitted with a release time of 11:00 P.M. January 31, 1974.

MOVED by Alderman Connolly, seconded by Alderman Bell that City Council accept the Proposed Current Estimates for the year 1974.

The Acting City Manager then briefly outlined the contents of the budget.

His Worship said that Council in reviewing the budget will see the result of many years of good financial management by the staff of City Hall and by former and present Councils. His Worship advised that in the initial presentation, there is a minor increase saying this does not consider the rebate which is made possible by the equalization payment.

The Motion was put and passed.

#### Appointments

A memo dated January 31, 1974 was submitted from His Worship which contained nominations for appointment to the Municipal Development Plan Committee.

His Worship advised that there is a Labour Representative yet to be appointed as well as one additional member saying that he will be making a recommendation shortly.

It was MOVED by Alderman MacKeen, seconded by Alderman Stanbury that the following appointments to the Municipal Development Plan Committee be approved:

Mr. Harold Crosby	Mr. Ernest Rafuse
Mr. Donald A. Mahon	Professor Roger Dial
Mr. Arnold Grantham	Mrs. Daisy Goodall
Mr. Murray Josey	

Motion passed.

Resolution Re: Halifax Homeowners Association -  
Dalhousie University Sports Complex

A letter dated January 23, 1974 from the Halifax Homeowners Association and addressed to His Worship was submitted containing the following Resolution which was approved by the Association at a general meeting held on January 22, 1974:

"WHEREAS it has long been the expressed view of the Halifax Homeowners Association that expansion of Dalhousie University should not proceed South of South Street, and WHEREAS the decision by City Council to rezone land South of South Street intended by Dalhousie University for a Sports Complex effectively stopped such expansion and, WHEREAS Dalhousie University has publicly declared it will go to the Provincial Planning Appeal Board to seek a reversal of Council's decision THEREFORE BE IT RESOLVED that the Halifax Homeowners Association hereby goes on public record as being in support of the rezoning decision taken by Halifax City Council, AND IT IS FURTHER RESOLVED that the Halifax Homeowners Association stands firmly behind City Council when it comes before the Provincial Planning Appeal Board to defend its own civic decision, taken according to the due process of law, after the requisite public hearing."

MOVED by Alderman Hogan, seconded by Alderman Connolly that the Resolution of the Halifax Homeowners Association be received by City Council.

Alderman MacKeen said he agreed with the contents of the submitted Resolution but questioned why it should be before Council at this time.

Alderman Moir also noted that the issue in question has been resolved by City Council and suggested that once an item has been resolved, it should not be on the agenda as an item that warrants debate.

The Motion was then put and passed.

Final Approval of Lots A & B Lynch Estate, Purcell's Cove Road

An information report dated January 30, 1974 was submitted requesting that the above noted matter be referred to the February 6, 1974 meeting of the Committee of the Whole Council meeting due to the necessity of further in-depth staff discussion on the matter of what form the 5 per cent open space dedication should take, and the subsequent need for substantial additional Committee consideration and debate on the topic.

Alderman Wentzell noted there were a number of points raised at the last meeting of the Committee of the Whole meeting on the matter, and MOVED, seconded by Alderman Stapells that Case No. 2983 be referred to the February 6, 1974 meeting of the Committee of the Whole Council so that staff can deal with the matter of the walkway and the 5 per cent open dedication.

After hearing briefly from staff on the matter, the Motion was put and passed.

Purchase of One Garbage Packer - 1974 Budget

A staff report dated January 18, 1974 was submitted relating to the above noted matter.

Alderman Connolly noted from the staff report it is not the intention of staff to tender for the Garbage Packer. Alderman Connolly suggested that the price would be just as attractive if a tender call were made and felt it would be setting a dangerous precedent by not calling tenders for the Packer.

The Director of Works advised that a previous tender, with some adjustments, was used in preparing the report and said that at this time, delivery of new equipment can take as long as nine months. He said staff is requesting that the report be approved due to an unusual situation rather than as a precedent.

Alderman Connolly suggested that it would be setting a dangerous precedent and felt the particular vehicle in question would be available if tenders were called. It was then MOVED by Alderman Connolly, seconded by Alderman Hogan that tenders be called for the supply of One Garbage Packer.

Motion passed.

Alderman Connolly requested that Council be informed as to what vehicle the Garbage Packer is replacing.

QUESTIONS

Question Alderman Bell Re: Closure of William Hunt Avenue

Alderman Bell referred to the closing of William Hunt Avenue which he said has been on the agenda a number of times advising that he is receiving a number of calls from citizens in the area who have expressed concern that when the new Simpson's Mall is opened, it will create more traffic in this area. Alderman Bell questioned if staff could arrive at a date when the closure of this street can take place.

Question Deputy Mayor Hogan Re: Date for demolition of Building  
on the corner of North and Barrington Streets

Deputy Mayor Hogan questioned when the demolition of the building on the corner of North and Barrington Streets will take place.

Mr. Churchill of the Real Estate Department advised that he could not give a definite date at this time as he was not sure whether the City has obtained title to the building as yet, but suggested that title may have been obtained during the last week or two.

Question Alderman Stapells Re: Controlling of Sewer Outfall

Alderman Stapells referred to a sewer outfall located beside the wharf where the Bluenose docks and questioned whether the City opens and closes it from time to time, or whether it remains open at all times. Alderman Stapells said the outfall creates a terrible mess in this area.

Mr. Sheflin advised that he would check into the situation.

Question Alderman Sullivan Re: Traffic Lights at Gottingen  
and Young Streets

Alderman Sullivan requested that the Traffic Department review the timing of traffic lights on Gottingen and Young Streets. Alderman Sullivan suggested the timing is not adequate for traffic travelling east and west as the lights seem to favour the north and south bound traffic.

NOTICE OF MOTION

Notice of Motion Alderman Moir Re: Introduction of Ordinance  
Number 163, The Cost of Advertising Notice of the Zoning By-law

Alderman Moir gave notice that at the next regular meeting of the City Council of the City of Halifax to be held on the 14th day of February, A.D., 1974, he proposes to introduce Ordinance Number 163, The Cost of Advertising Notice of the Zoning By-law. The purpose of this Ordinance, which is authorized under the provisions of Section 39 of the Planning Act, is to provide for the payment by the applicant for an amendment to the Zoning By-law of the cost of advertising notice of such proposed amendment in a newspaper.

Notice of Motion Alderman Wentzell Re: Amendment to Ordinance  
Number 145, respecting the Payment and Collection of Taxes

Alderman Wentzell gave notice that at the next regular meeting of the City Council of the City of Halifax to be held on the 14th day of February, A.D., 1974, he proposes to introduce an amendment to Ordinance Number 145, respecting the Payment and Collection of Taxes. The purpose of the amendment is to provide for the increase in the rate of interest on outstanding taxes, from 9% to 10½% per annum.



Notice of Motion Alderman MacKeen Re: Amendment to Ordinance  
Number 130 - The Electrical Ordinance

Alderman MacKeen gave notice that at the next regular meeting of the City Council of the City of Halifax to be held on the 14th day of February A.D., 1974, he proposes to introduce an amendment to Ordinance Number 130, the Electrical Ordinance. The purpose of the amendment is to adopt the latest edition of the Canadian Electrical Code, Part I, as part of the Ordinance.

Notice of Motion Alderman MacKeen Re: Amendment to Ordinance  
Number 132, the Plumbing Ordinance

Alderman MacKeen gave notice that at the next regular meeting of the City Council of the City of Halifax to be held on the 14th day of February, A.D., 1974, he proposes to introduce an amendment to Ordinance Number 132, the Plumbing Ordinance. The purpose of the amendment is to adopt the latest printing of the National Building Code of Canada, 1970, Fifth Edition, and amendments thereto, as part of the Ordinance.

Notice of Motion Alderman MacKeen Re: Amendment to Ordinance  
Number 131, the Building Code Ordinance

Alderman MacKeen gave notice that at the next regular meeting of the City Council of the City of Halifax to be held on the 14th day of February, A.D., 1974, he proposes to introduce an amendment to Ordinance Number 131, the Building Code Ordinance. The purpose of the amendment is to adopt the latest printing of the National Building Code of Canada, 1970, Fifth Edition and amendments thereto, as part of the Ordinance.

ADDED ITEMS

DENTITH ROAD SHOPPING CENTRE

A staff report dated January 31, 1974 was submitted relating to the above noted matter.

The Acting City Manager advised that on January 17, 1974, Council approved a resolution on the above noted matter provided funds can be secured and recommended by the City Manager to cover cost estimates as set out in Appendix A to the staff report of January 17, 1974. The Acting Manager advised that there are no items that can be eliminated or deferred from the capital budget but said the Cowie Hill school is not proceeding as fast as anticipated which would allow some re-alignment of funds in this area. He said that if the upgrading of Dentith Road is to be proceeded with, a spending authority of \$250,000 is required of which one-half will be recoverable from the developer and the abutters. He suggested that it is not a certainty the work will be proceeded with until the abutters have signified their willingness.

Alderman Wentzell said that when this item was last considered, he pointed out the concern that he could see developing among the homeowners on the matter. Alderman Wentzell said the charge in some cases will be in the order of \$2,000 and advised that he has received a number of calls from residents who are not willing to pay such an amount.



Alderman Wentzell advised that he is also of the understanding that the residents are presently putting together a petition against the betterment charges. Alderman Wentzell said the homeowners would like an opportunity to review the figures and felt that a member of staff should meet with this group to explain the situation, and suggested that if this were done, they may feel the services are beneficial to them, and may withdraw the petition.

It was then MOVED by Alderman Wentzell, seconded by Alderman MacKeen that the matter be deferred to the next regular meeting of the Committee of the Whole Council and that staff meet with the residents to explain the situation.

Further discussion ensued, and it was questioned by His Worship if by deferring this item, if it could have the effect that the City could lose the monies to be received from the developer for the required improvements.

Mr. Davidson of the Development Department advised it is his understanding that staff is presently preparing an agreement between the City and the developer that will ensure that these costs will be paid.

The Motion was then put and passed.

Appeal Against the Decision of the Building Inspector in Refusing a Permit for an Apartment Building at 33 Withrod Drive

A Confidential staff report dated January 31, 1974 was submitted relating to the above noted matter.

MOVED by Alderman Stapells, seconded by Alderman MacKeen that the property of Joseph and Elie Salah known as Civic Number 33 Withrod Drive be purchased by the City as outlined in the staff report of January 31, 1974, with interest at the rate of 10 $\frac{1}{4}$ % on the outstanding mortgage and on cash disbursements from the date of acquisition by the present owner to the date of conveyance to the City, subject to:

- (a) The approval of the Minister of Municipal Affairs of withdrawal of the required funds from the Sale of Land Account;
- (b) Withdrawal by the owner of the application dated July 30, 1973 for a Permit to construct an eighteen unit apartment building on the subject property; and
- (c) Release by the owner of all claims against the City arising out of the refusal of the Building Inspector to issue the Building Permit in question.

Motion passed.

9:30 P. M. - Meeting adjourned.

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WALTER R. FITZGERALD  
MAYOR AND CHAIRMAN

R. H. STODDARD  
CITY CLERK

CITY COUNCIL  
MINUTES

Council Chamber,  
City Hall,  
Halifax, N. S.,  
February 14, 1974  
8:05 p.m.

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

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

Present: His Worship the Mayor, Chairman, Aldermen Bell, Connolly, Hogan, MacKeen, Meagher, Moir, Stanbury, Stapells and Wentzell.

Also Present: Acting City Manager, City Solicitor, City Clerk and other Staff members.

MINUTES

Minutes of the meeting of Council held on January 31, 1974 were approved on motion of Alderman Bell, seconded by Alderman Wentzell.

APPROVAL OF ORDER OF BUSINESS, ADDITIONS AND DELETIONS

The City Clerk advised that the following items are to be added to the Order of Business:

- 20(a) Request - Minister of Municipal Affairs - Extension of Time for Completion of Municipal Development Plan
- 20(b) Halifax City Regional Library - Additions and Renovations

Alderman Wentzell requested the addition of an item 20(c) Snow Removal - Herring Cove Road and Spryfield in General.

MOVED by Alderman Moir, seconded by Alderman Stanbury that the above items be added to the Order of Business. Motion passed.

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

CONGRATULATIONS TO PRINCIPAL AND TEACHERS OF ST. AGNES SCHOOL

Alderman Meagher congratulated the Principal and Teachers of St. Agnes School in the orderly evacuation of the School when fire broke out last Friday afternoon. He said that it was a credit to the Principal and Teachers that no loss of life or injuries resulted. He asked His Worship the Mayor to write to the Principal of the School, on behalf of City Council, extending to him and his staff the con-

gratulations and thanks of City Council.

His Worship the Mayor assured Council that he would write on its behalf to the Principal of the School.

WELCOME TO MEMBERS OF THE ARMDALE BISHOPS BANTAM HOCKEY TEAM  
AND COACHES

His Worship the Mayor referred to the fact that the Armdale Bishops Bantam Hockey Team visited Quebec to play in a tournament and just failed by one goal to win the championship. He welcomed the team to City Council and congratulated them on their efforts and the efforts of the coach Mr. Butch Hanson and his assistant. He said that he understood they had a presentation to make.

The Captain of the Team presented His Worship the Mayor with a gift from the Mayor of Granby, Quebec which was a gold key mounted on a board depicting the key to the City of Granby.

His Worship the Mayor expressed his appreciation for the gift and offered the Captain of the Team his seat while the other members of the Team introduced themselves. He again congratulated the team on their valiant efforts and he hoped that in their next tournament they will win.

PETITIONS AND DELEGATIONS

Mr. Murray Warrington

Mr. Murray Warrington addressed Council on behalf of some tenants of public housing and said that he resided in Ahern Manor on Gottingen Street. He spoke of the concern of tenants with respect to the operation of the Housing Authority and its policies. He touched on subjects such as repairs to appliances, rent increases, vandalism, etc. and asked that the whole matter be looked into. He called for the removal of the Chairman of the Board and asked that the Board be constituted of an equal number each of citizens and tenants. (A copy of his submission is attached to the Official Minutes of this Meeting)

Alderman Hogan thanked Mr. Warrington for his presentation and his concern and assured him that Council with Staff's assistance will thoroughly discuss the matters he has raised in the hope that something can be done as quickly as possible.

It was MOVED by Alderman Hogan, seconded by Alderman Connolly that the submission of Mr. Warrington be referred to Staff for a report to be submitted to the Committee of the Whole Council for consideration. Motion passed.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and



Executive Committee from its meeting held on February 6, 1974 with respect to the following matters:

Purchase - Buses - Halifax Transit Corporation

The Finance and Executive Committee forwarded this item to Council without recommendation but consideration was given to the item by the Committee of the Whole Council during a budget discussion when it was recommended that City Council approve the purchase of four additional buses for the Halifax Transit Corporation, with a projected cost of \$160,000.

Alderman Meagher spoke on the matter and suggested that the item be deferred until such time as a report is submitted from the Transit Corporation with respect to the possibility of using smaller buses on some routes on Sundays and off-peak hours.

It was MOVED by Alderman Meagher, seconded by Alderman Stanbury that the matter be deferred until such time as a report is received from the Halifax Transit Corporation with respect to the possibility of using a smaller bus on some routes on Sundays and off-peak hours.

The motion to defer was put and passed, five voting for the same and four against it as follows:

For: Aldermen Bell, MacKeen, Meagher, Stanbury  
and Stapells 5

Against: Aldermen Connolly, Hogan, Moir and Wentzell 4

Amendment - City Charter Re: Sale of Land for Taxes

MOVED by Alderman Connolly, seconded by Alderman Bell that, as recommended by the Finance and Executive Committee, City Council approve an amendment to the City Charter, Section 314(1) and (2), to allow preparation of a final corrected list of properties with outstanding taxes in May and June, with tax sale taking place in July or August. Motion passed with Alderman Meagher voting against.

Interest Charges on Outstanding Sewer Development Charges

MOVED by Alderman Connolly, seconded by Alderman Wentzell that, as recommended by the Finance and Executive Committee, effective March 1, 1974, the interest on all outstanding Sewer Development Charges shall be raised from 9% to 10½% per annum to equate to the rate applicable to outstanding taxes as agreed to by Council on January 17, 1974. Motion passed.

Appropriation of Funds from the Sale of Land Account

MOVED by Alderman Stapells, seconded by Alderman



Wentzell that, as recommended by the Finance and Executive Committee, approval be given for the transfer of \$52,264.32 from the Sale of Land Account, subject to the approval of the Minister of Municipal Affairs. Motion passed.

Agreement of Purchase and Sale - City of Halifax and  
McDonald's Restaurants Lands Ltd. - Kempt Road

MOVED by Alderman Bell, seconded by Alderman Stapells that, as recommended by the Finance and Executive Committee, the Agreement of Purchase and Sale between the City of Halifax and McDonald's Restaurants Lands Limited, as attached to the Staff Report of February 4, 1974, be approved by City Council and that His Worship the Mayor and the City Clerk be authorized to execute same on the City's behalf. Motion passed.

REPORT - COMMITTEE ON WORKS

Council considered the report of the Committee on Works from its meeting held on February 6, 1974 with respect to the following matters:

Lacrosse Box and Ice Mat

MOVED by Alderman Connolly, seconded by Alderman Hogan that, as recommended by the Committee on Works, the City proceed with the purchase of the Ice Mat system immediately, and that staff continue to prepare the tender document and specifications for the Lacrosse Box integrating design features that will permit the installation of the Ice Mat system. Motion passed.

Sewer Easement - Birkwood Properties - Bridgeview Drive

MOVED by Alderman Stapells, seconded by Alderman Wentzell that, as recommended by the Committee on Works, Council approve the relocation of the easement, as shown on City of Halifax Plan No. TT-18-20322, to allow the installation of the new sewer on Bridgeview Drive. Motion passed.

Tender for Street Paving, Sidewalks and Traffic Improvements

MOVED by Alderman Bell, seconded by Alderman Wentzell that, as recommended by the Committee on Works:

1. Construction projects for:
  - (a) Street paving on Bayview Road, Main Avenue and Willett Street;
  - (b) Sidewalk, Curb and Gutter installation on Drysdale Road and Herring Cove Road; and
  - (c) Traffic improvements at Dutch Village Road

be awarded to Steed and Evans Maritime Limited, the lowest bidder on this project for a total bid price of \$221,816.00.

2. Construction projects for:
  - (a) Sidewalk, Curb and Gutter installation on Devonshire Avenue;
  - (b) Asphalt walkway between Edward Arab Avenue and Doug Smith Drive; and
  - (c) Median Closure on Robie Street at Pepperell Street

be awarded to Standard Paving Maritime Limited, the lowest bidder on this project for a total bid price of \$17,246.50;

3. The required additional funds in the amount of \$39,000.00 be approved by City Council which may be obtained from surplus funds remaining under each applicable Capital Account due to current projects already completed below their estimated cost or from projects held in by City Council; and

4. Concrete pavement be constructed on Main Avenue and Willett Street due to the low cost difference between the tender Bid Price of asphalt vs. concrete.

Motion passed.

Purchase of Baffles for Fly Ash System - Incinerator

MOVED by Alderman Stanbury, seconded by Alderman Hogan that, as recommended by the Committee on Works, authority be granted to proceed with the purchase of a quantity of 300 baffles for the Halifax Incinerator at a cost of \$6,450.00 plus crating, freight and federal sales tax. Motion passed.

REPORT - COMMITTEE OF THE WHOLE COUNCIL, BOARDS & COMMISSIONS

Amendments to Ordinance No. 116, respecting "Taxis" -  
Second Reading

MOVED by Alderman Moir, seconded by Alderman Stanbury that the following amendment to Ordinance No. 116, respecting "Taxis" be read and passed a Second Time:

BE IT ENACTED by the City Council of the City of Halifax that Ordinance Number 116, respecting the Regulation of Vehicles Transporting Passengers for Hire, as approved by the Minister of Municipal Affairs on the 26th day of September, A.D., 1968, and ratified by the City Council on the 18th day of October, A.D., 1968, and amended and approved by the Minister of Municipal Affairs on the 1st day of September, A.D., 1971, the 8th day of December, A.D., 1971, and the 26th day of January, A.D., 1972, respectively, is further amended as follows:

- 1 The Third Schedule to said Ordinance Number 116 is hereby repealed and the following substituted therefor:

THIRD SCHEDULE

SEVENTY CENTS initial charge, up to 1/10 mile;

FIVE CENTS each 1/10 mile or TEN CENTS each 2/10 mile;

FIVE CENTS each 45 seconds waiting time or TEN CENTS  
each 90 seconds waiting time;

Five minutes grace to be allowed on pick-ups;

TWENTY-FIVE CENTS each additional passenger;

Hourly driving rates by arrangement between driver  
and passenger, without meter - SIX DOLLARS per hour;

ONE DOLLAR for each trunk;

TWENTY-FIVE CENTS for each piece of luggage handled  
by the driver;

TEN CENTS for each parcel or bag of groceries handled  
by the driver;

Children under five years of age shall be carried FREE  
when accompanied by an adult;

Special Rates for the conveyance of children to and  
from school may be made by private arrangement with  
the owner or driver of the motor vehicle.

Motion passed.

REPORT - CITY PLANNING COMMITTEE

Council considered the report of the City Planning  
Committee from its meeting held on February 6, 1974 with  
respect to the following matters:

Approval of Subdivision for Block K of the Cowie Hill  
Housing Project

MOVED by Alderman Wentzell, seconded by Alderman  
Stapells that, as recommended by the City Planning Committee,  
Block K of the Cowie Hill Housing Project, as shown on Plan  
No. P200/5787 of Case No. 2055, be approved. Motion  
passed.

Approval of Lot 1 - Lands of the Halifax-Dartmouth Bridge  
Commission, Lady Hammond Road

MOVED by Alderman Hogan, seconded by Alderman  
Stanbury that, as recommended by the City Planning Committee,  
Lot 1, Lands of the Halifax-Dartmouth Bridge Commission,  
as shown on Plan No. P200/6156 of Case No. 3001, be  
approved. Motion passed.

Application for Approval of Lot C of the Clayton Estate

MOVED by Alderman Connolly, seconded by Alderman Bell that, as recommended by the City Planning Committee, the application for approval of Lot C of the Clayton Estate, as shown on Plan No. P200/6127 of Case No. 2994, be approved. Motion passed.

Rezoning of Lots 1, 2, 3 & B-2 Robie Street from R-3  
Third Density Residential to C-4 Professional - Date  
for Hearing

MOVED by Alderman Moir, seconded by Alderman Bell that, as recommended by the City Planning Committee, a date be set for a public hearing to consider the rezoning of Lots 1, 2, 3 and B-2 Robie Street from R-3 Third Density Residential to C-4 Professional and that all property owners within the designated area of notification be informed of the date of the public hearing. Motion passed.

The City Clerk advised that the public hearing will be held on March 6, 1974.

Final Approval of Lots A, B and C Lynch Estate, Purcell's  
Cove Road

The recommendation from the City Planning Committee reads as follows:

"It is recommended that the Lynch Estate convey to the City of Halifax a 12 foot pathway over the property in question, subject to the abutters rights, with a report to be submitted if Staff feels something else is more advantageous and that staff negotiate the value of the purchase of the 12 foot pathway with the owners disregarding the Williams Lake land and that Lots A, B and C, as shown on Plan No. P200/6177 of Case No. 2983, be approved."

Alderman Moir asked that the Solicitor for the owner of the property be permitted an opportunity to speak on the matter at the appropriate time.

Council agreed that he should be permitted to speak.

Staff referred to a further report dated February 13, 1974 relating to this matter. Mr. Davidson of the Development Department said that under the Planning Act it appears that the City might not have the right to take the full 5% for the subdivision of the whole property, but only for the three lots for which approval is now requested.

Alderman Stapells said that he is against the City taking a deed to the walkway property, he could see no reason why a right-of-way would not be sufficient. He referred to the following items which Pinecrest Realities would request be included as covenants in the Deed:



1. That no motorized vehicles are to use the land.
2. There is to be no parking of trailers, tents or vehicles on the land.
3. The land is not to be used for sleeping accommodations.
4. No erection of buildings on the land.
5. No erection of a fence or similar barricade along the pathway without the consent of the Grantor.
6. No erection of a wall or barricade which would interfere with the normal passage by the Grantor from one side of the pathway to the other side of the pathway.
7. If a Deed is to be conveyed to the City, we would also request that an uninterrupted right-of-way be retained by the Grantor for all time enabling the Grantor to enter upon the lands and to pass and re-pass over the lands in order to reach the lands on the east and west side of the parcel to be conveyed to the City.

The City Solicitor outlined the reasons why the City would prefer to have a Deed to the property.

Considerable discussion ensued with respect to the maintenance of the walkway and problems which might arise if abutters should be unreasonable or members of the general public act improperly with respect to the walkway.

Alderman Connolly said that although he could basically agree with all the covenants listed by the Solicitor for the owner, he could understand why the City Solicitor recommends that a Deed to the property be acquired.

Alderman Stapells felt that the item should be deferred until such time as Staff has prepared a report with respect to the suggested covenants for inclusion in the Deed.

His Worship the Mayor said that he would not accept a motion to defer the item at this time until all persons have been heard who wish to speak.

Alderman Hogan asked how long the City has been able to pick the land it requires as part of the 5% open space dedication. He referred to parcels of land in the Clayton Park area which are practically useless for any type of recreational use.

Mr. Alan Hayman, Solicitor for Pinecrest Realities addressed Council saying that he is somewhat confused at this time. He said that he was prepared to accept the recommendations contained in the Staff Report of February

13, 1974 but was of the opinion that they have been changed again. He said that Pinecrest Realities are prepared to accept the recommendations of Staff and pay the money for the balance of the open space dedication immediately. He said that the Company agrees to pay for the entire subdivision, even though Lots D to G will not be up for approval until next year.

In reply to a question, the City Solicitor said that this can be done by agreement.

Mr. Hayman said that there was just a point he wishes to make in reference to recommendation No. 2 of the Staff Report. He requested that the market value of the Lynch Estate when subdivided should be \$292,000 and not the \$305,500 as put forward by Staff. He said that he understood that Staff have increased the value of the Lots D to G as they might be one year hence. By reducing this amount he said that the money to be paid would amount to \$7,483.32 and this amount the Company is prepared to pay immediately. He urged that the whole matter be settled now rather than deferred until a later date.

After further discussion, it was MOVED by Alderman Moir, seconded by Alderman Stapells that:

1. the determination of 5 percent open space dedication include the entire Lynch Estate and not just the three lots to be currently approved. With this in mind, 5 percent of the entire property yields 23,718 square feet as the open space dedication required by law.
2. the existing pathway over the Lynch Estate and six feet to the left and right of the centre line thereof be deeded to the City of Halifax. This yields approximately 11,550 square feet for open space purposes and leaves approximately 12,168 square feet to be negotiated with the applicant in terms of money in lieu of land. The market value of the Lynch Estate when subdivided into Lots A to G inclusive is estimated at \$292,000. Since the total area of the subdivision is 474,358 square feet, the value of land per square foot is \$.615. Consequently, the 12,168 square feet to be negotiated in money in lieu is valued at \$7,483.32. This sum would then complete the 5 percent open space dedication.
3. a survey of the existing pathway be carried out so as to accurately determine its location on the site. This is critical if the land is to be deeded to the City, and a "walkable" walkway maintained. In this regard, the exact positioning of the 12 foot strip of City owned land to the right or left of the centre of the existing pathway is open to adjustment as the survey plan dictates. It should also be noted that the open space figures used in this report are approximations based on the shoreline length of the Lynch Estate. The

existing pathway is in all probability different in length and so these figures will have to be changed when a survey is completed.

4. in the deeds of the lands rendered to the City of Halifax, the right of the adjoining owner to use the land as access to the North West Arm be assured in perpetuity.
5. Lots A, B and C Lynch Estate be approved by City Council.

Motion passed.

MOVED by Alderman Moir, seconded by Alderman Stapells that the pathway land be taken by deed and that such covenants as can be agreed to by the Solicitor for Pinecrest Realties and the City Solicitor be included and if no agreement is reached, the matter be referred back to Council for further consideration.

After further discussion, the motion was put and passed.

#### MOTIONS

Motion - Alderman Moir Re: Introduction of Ordinance No. 163, "The Cost of Advertising Notice of the Zoning By-law"  
First Reading

MOVED by Alderman Moir, seconded by Alderman Connolly that Ordinance No. 163, respecting The Cost of Advertising Notice of the Zoning By-law, be read and passed a First Time. Motion passed.

Motion - Alderman Wentzell Re: Amendment to Ordinance No. 145, "The Payment and Collection of Taxes" - First  
Reading

MOVED by Alderman Wentzell, seconded by Alderman Connolly that the amendments to Ordinance No. 145, respecting The Payment and Collection of Taxes, as submitted, be read and passed a First Time. Motion passed.

Motion - Alderman MacKeen Re: Amendment to Ordinance No. 130, "The Electrical Ordinance" - First Reading

MOVED by Alderman MacKeen, seconded by Alderman Meagher that the amendments to Ordinance No. 130, respecting Electrical Wiring and the Use of Electrical Energy, as submitted, be read and passed a First Time. Motion passed.

Motion - Alderman MacKeen Re: Amendment to Ordinance No. 132, "The Plumbing Ordinance" - First Reading

MOVED by Alderman MacKeen, seconded by Alderman Meagher that the amendments to Ordinance No. 132, respecting

Licencing of Plumbers and Regulating the Installation of Plumbing Systems, as submitted, be read and passed a First Time. Motion passed.

Motion - Alderman MacKeen Re: Amendments to Ordinance No. 131, "The Building Code Ordinance" - First Reading

MOVED by Alderman MacKeen, seconded by Alderman Bell that the amendments to Ordinance No. 131, respecting Buildings and the Adoption of the National Building Code, as submitted, be read and passed a First Time. Motion passed.

MISCELLANEOUS BUSINESS

Arbitration - Local 108 - Civic Workers Association vs City of Halifax

The City Clerk read the following letter from the President of the Halifax Civic Workers Union, Local 108.

February 6, 1974

Mr. Ralph Stoddard  
City Clerk,  
City of Halifax  
P. O. Box 1670  
Halifax, N. S.

Dear Mr. Stoddard:

Pursuant to Article 27 of the current collective agreement, section 1, the Union takes this opportunity to advise the Corporation of the City of Halifax, it wishes to proceed to Arbitration in the matter of a dispute between the Corporation of the City of Halifax, and the Halifax Civic Workers Union, Local 108, re: Employee, Gary Gabriel.

If you would be so kind as to notify Council of our intentions to seek Arbitration per the collective agreement, it would be appreciated. I remain

Yours truly,

(Signed) Charles A. MacDougall  
President

MOVED by Alderman Hogan, seconded by Alderman MacKeen that the letter be received. Motion passed.

Appointments  
Halifax-Dartmouth United Appeal  
Atlantic Child Guidance Centre

His Worship the Mayor nominated Mr. Harold Crowell, Director of Social Planning, for appointment as



the City's representative on the Board of Directors of each of these bodies.

MOVED by Alderman Moir, seconded by Alderman MacKeen that the nomination of His Worship the Mayor be approved. Motion passed.

Halifax Athletic Commission

His Worship the Mayor nominated Mr. Murray Sleep to the Halifax Athletic Commission.

MOVED by Alderman MacKeen, seconded by Alderman Connolly that Mr. Murray Sleep be appointed to the Halifax Athletic Commission. Motion passed.

Labour Council's Appointee to the Development Plan Advisory Committee

His Worship the Mayor advised that he has received a communication from the Halifax-Dartmouth and District Labour Council informing him that the Labour Council is appointing Mr. Fred Brodie as its representative on the Municipal Development Plan Advisory Committee.

QUESTIONS

Question Alderman Bell Re: Sidewalk Snow Clearance

Alderman Bell advised of several complaints he has received from persons who shovel their sidewalks, only to find a short time later that the snow plow has passed along the street and buried the sidewalk under approximately 4 to 5 feet of snow. He asked how often a property owner is required to shovel the sidewalk in front of his house?

The Acting City Manager advised that staff are presently preparing a policy with respect to the clearance of sidewalks and the report should be ready shortly.

Question Alderman MacKeen Re: Snow Removal from Streets

Alderman MacKeen asked that something be done immediately about removing the high banks of snow from Brunswick Street between Sackville Street and Cogswell Street which are causing a great deal of danger to motorists.

Question Alderman Wentzell Re: Overhead Crosswalk Signs - Herring Cove Road

Alderman Wentzell referred to a matter which had been discussed more than one and one-half years ago with respect to the installation of overhead crosswalk signs in the Spryfield area and on the Herring Cove Road. He asked the Traffic Engineer for a report as to when these overhead signs will be installed, he said that in spite of his request for a report that long ago, he still has not received one.

9:25 p.m. Alderman Hogan retires.

Question Alderman Moir Re: Scheduled Special Meeting  
Tomorrow Morning

Alderman Moir suggested that it might be advisable to find out how many members of Council will be in attendance at the Special Meeting to be held at 11:00 a.m. tomorrow since it seems unlikely that there will be a quorum.

His Worship the Mayor ascertained that only three members of Council would be present and he advised that the meeting would be cancelled and re-scheduled to a more convenient time. He could not indicate at the present time when the meeting will be held.

NOTICES OF MOTION

No Notices of Motion were given at this time.

ADDED ITEMS

Request - Minister of Municipal Affairs - Extension of  
Time for Completion of Municipal Development Plan

A report was submitted from Staff relating to the above matter.

MOVED by Alderman Connolly, seconded by Alderman Meagher that the City of Halifax request the Minister of Municipal Affairs to order that the time for the completion of a municipal development plan be extended for a further period of two years from February 28, 1974.  
Motion passed.

Halifax City Regional Library - Additions and Renovations

A report was submitted from Staff relating to the above matter.

It was pointed out that additional funds will be required in order to accept the lowest bid.

His Worship the Mayor felt that the bid should be accepted as costs will continue to rise in the future.

MOVED by Alderman Bell, seconded by Alderman MacKeen that:

1. City Council approve, without delay, the awarding of the contract for additions and renovations to the Halifax City Regional Library to D. C. Menchions Construction Ltd. for their fixed tender bid of six hundred eighty-eight thousand dollars (\$688,000).

2. City Council approve the additional expenditure of \$52,700 as outlined in the cost schedules attached to the Staff Report of February 12, 1974, so that construction on