

Council, October 15, 1964.

Remuneration - Returning Officer

MOVED by Alderman Lane, seconded by Alderman Abbott that, as recommended by the Finance and Executive Committee, a supplementary appropriation in the amount of \$1,800 be approved for account #34-187 under the authority of Section 316C of the City Charter, to provide for payment of \$1,200 and \$600 to the City Clerk and Deputy City Clerk, respectively, as remuneration for their duties in connection with the civic elections.

Motion passed with Alderman Trainor voting against.

Repeal of Section 17-3, City Charter

MOVED by Alderman Abbott, seconded by Alderman H. W. Butler, that, as recommended by the Finance and Executive Committee, no action be taken to repeal Section 17-3 of the City Charter, and that the law remain as it is at present.

The motion was put and passed as follows:

<u>FOR THE MOTION:</u> Aldermen Abbott, Lane, A.M. Butler, Meagher, Trainor, Healy and H. W. Butler	- 7 -
<u>AGAINST:</u> Alderman Black, Macdonald, Wyman, Richard and O'Brien	- 5 -

The Council also considered the report of the meeting of the Finance and Executive Committee held on October 15, 1964, with respect to the following matters:

Supplementary Appropriation 316C - City Solicitor

MOVED by Alderman Abbott, seconded by Alderman Lane, that, as recommended by the Finance and Executive Committee, an additional appropriation in the amount of \$300 be approved under the authority of Section 316C of the City Charter, 1931 for the purchase of a new adding machine for use in the office of the Clerk of the City Court. Motion passed with Aldermen Trainor and A. M. Butler voting against.

Alderman Trainor gave notice that at the next regular meeting of City Council, he would move that the matter be re-considered.

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Borrowing Resolution - \$8,600.00 - Repairs Halifax Convalescent Hospital

MOVED by Alderman A. M. Butler, seconded by Alderman Abbott that, as recommended by the Finance and Executive Committee, a Borrowing Resolution in the amount of \$8,600.00 to cover the cost of repairs to the roof and windows, and renovations to the X-Ray Department of the Halifax Convalescent Hospital, be approved. Motion passed unanimously.

Proposed Relocation - City Field

MOVED by Alderman Abbott, seconded by Alderman O'Brien that, as recommended by the Finance and Executive Committee, the City Manager be directed to submit a report at the next meeting of the Committee on Works indicating the estimated time required for relocation of the City Field operation at another site. Motion passed.

REPORT - TOWN PLANNING BOARD

The Council considered the report of the meeting of the Town Planning Board held on October 5, 1964, with respect to the following matters:

Extension to Non-conforming Building - #2056 Harvard Street

MOVED by Alderman H. W. Butler, seconded by Alderman Abbott that, as recommended by the Town Planning Board, an application for an extension to a Non-conforming Building at 2056 (4) Harvard Street, as shown on Drawing No. P200/1506, be approved. Motion passed.

Modification of Sideyards - #5411 Glebe Street

MOVED by Alderman Trainor, seconded by Alderman O'Brien that, as recommended by the Town Planning Board, an application for modification of sideyard requirements to allow conversion of an existing single-family dwelling to a duplex at #5411(45) Glebe Street, as shown on Drawing No. P200/1535-37, be approved. Motion passed.

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Nursing Home - #2836 Connolly Street

MOVED by Alderman H. W. Butler, seconded by Alderman Healy, that this matter be referred back to the Town Planning Board, in order to give the applicant an opportunity to submit a revised proposal.

Motion passed.

Alteration to a Subdivision and Modification of Frontyard - #3005 Dutch Village Road

MOVED by Alderman H. W. Butler, seconded by Alderman Richard that, as recommended by the Town Planning Board,

- (a) an alteration to a subdivision at #3005 Dutch Village Road, whereby Lots 2A and 2B are created, as shown on Drawing No. P200/1538-00-9-16081, be approved; and
- (b) that a modification of frontyard requirements to allow the erection of a single-family dwelling on Lot 2B be approved in accordance with Part XV, para. 1(f) of the Zoning By-Law.

Motion passed.

REPORT - PUBLIC HEALTH & WELFARE COMMITTEE

The Council considered the report of the meeting of the Public Health and Welfare Committee held on October 8, 1964, with respect to the following matters:

Tenders for Mattresses and Covers - Halifax Mental Hospital

MOVED by Alderman Abbott, seconded by Alderman Trainor that, as recommended by the Public Health and Welfare Committee, the tender of Glube's Limited in the amount of \$23.93 each for the supply of forty-eight (48) foam mattresses and covers, 72" x 36"; and \$25.85 each for the supply of twelve (12) foam mattresses and covers, 78" x 36", for use at the Halifax Mental Hospital, be approved.

Motion passed.

Tenders for Groceries

MOVED by Alderman Lane, seconded by Alderman Meagher that,



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as recommended by the Public Health and Welfare Committee, the following tenders covering the supply of groceries to the Halifax Mental Hospital, the Halifax Convalescent Hospital, Basinview Home and the Halifax City Prison, for the period beginning November 1, 1965 and terminating January 31, 1964, be accepted:

	<u>Halifax</u> <u>Wholesalers</u>	<u>Howards</u> <u>Limited</u>	<u>Scotia Flour &amp;</u> <u>Feed Co. Ltd.</u>
Group 1, Baking Ingredients	\$ 148.43	-	-
Group 2, Fruits, Dry & Canned	-	-	\$1429.02
Group 3, Spices & Seasoning	-	\$276.90	-
Group 4, Vegetables, Bulk & Canned	1238.45	-	-
Group 5, Biscuits, Breakfast Foods	-	744.56	-
Group 6, Beverages, Soups	-	1639.81	-
Group 7, Miscellaneous	1323.55	-	-
Group 8, Cleaning Materials	561.64	-	-
Group 9, Diabetic Fruits	248.80	-	0
Group 10, Juices	-	-	883.29
Group 11, Fish, Canned	-	320.80	-

Motion passed.

#### REPORT - SAFETY COMMITTEE

The Council considered a report of the meeting of the Safety Committee held on October 5, 1964 with respect to the following matter:

#### Tenders for Hose

MOVED by Alderman Black, seconded by Alderman Healy that, as recommended by the Safety Committee, the tender of A. B. MacLean & Company, Dartmouth, Nova Scotia, in the amount of \$2,028.90, for the supply of two and one-half inch hose with couplings to the Halifax Fire Department, be accepted. Motion passed.

#### QUESTIONS

#### Question - Alderman Healy Re: Home Owners in Ward 5

Alderman Healy referred to the fact that a number of people in Ward 5 are concerned because a considerable number of houses in the Ward are being torn down and no action is being taken to replace them; and he asked if home owners in the Ward would be permitted to make repairs to their houses. He also stated that the residents are concerned about the housing study now underway in Phase 2

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of the Uniacke Square Redevelopment Area, and the effect it will have on the properties on Brunswick Street and the lower portion of Gerrish Street.

His Worship the Mayor stated that the properties are being examined with reference to their physical condition before action is taken to demolish them and that there is no question of a massive clearance operation in the area, but that only badly blighted housing will be removed and properties that are in good condition or capable of being restored will be retained.

Question - Alderman Healy Re: Photographing of Houses in  
Maitland-Gerrish Street Area

Alderman Healy asked the reason for photographing the buildings in the area of Maitland Street and Gerrish Street, and by whom it was being done.

The Development Officer said that the photographs are being taken at the request of the Federal member of the partnership who require them for record purposes.

NOTICES OF MOTION

Notice of Motion - Alderman Black Re: Management Consultants

Alderman Black gave notice that at the next meeting of City Council he will move that the Finance and Executive Committee take no further action on the question of management consultants until such time as the report of the City Manager dealing with the question of civic reorganization has been dealt with.

MOTION - ALDERMAN A. M. BUTLER RE: PENSION CONTRIBUTIONS - NEWLY  
APPOINTED DEPUTY GOVERNOR OF CITY PRISON

Alderman A. M. Butler stated that he would not make the motion respecting Pension Contributions of the newly appointed Deputy Governor of the City Prison, notice of which he had given at the previous meeting of Council.

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MOTION - ALDERMAN A. M. BUTLER RE: STATEMENTS PERTAINING TO MANAGERIAL  
FORM OF CITY GOVERNMENT

Alderman A. M. Butler stated that he would not make the motion respecting statements in the Press pertaining to the Managerial Form of City Government, notice of which he had given at the last meeting.

MOTION - ALDERMAN BLACK RE: VOTE ON REPEAL OF  
SECTION 17-3 OF THE CITY CHARTER

Alderman Black stated that he would not make the motion respecting Repeal of Section 17-3 of the City Charter, notice of which he had given at the last meeting, the matter having been dealt with earlier on the agenda.

MOTION - ALDERMAN BLACK RE: COURT HOUSE EXPENDITURES - \$40,000.00

MOVED by Alderman Black, seconded by Alderman O'Brien, that City Council go on record as deploring the expenditure of \$40,000.00 for repairs to the Court House on Spring Garden Road in light of the need for its early replacement; and that the Court House Commission be requested to seek some method of avoiding this entirely unnecessary expenditure in view of the fact that the building is condemnable at the present time. Motion passed.

MOTION - ALDERMAN RICHARD RE: DEVELOPMENT OF CITY PRISON PROPERTY

MOVED by Alderman Richard, seconded by Alderman H. W. Butler, that the Development Department be instructed to prepare development plans for the entire City Prison property and Marden Wild Land and that the plan include immediate development of the vacant property along with plans for the Prison building land when it becomes available.

MOVED by Alderman Trainor, seconded by Alderman Abbott, that the matter be referred to the Development Committee for consideration. Motion passed.



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MOTION - ALDERMAN O'BRIEN RE: DEVELOPMENT BLOCK "P" -  
EXHIBITION GROUNDS

MOVED by Alderman O'Brien, seconded by Alderman Abbott, that: (a) the resolution passed by City Council on April 16, with respect to an agreement between the City and Metropolitan Development Company for the development of Block "P" Exhibition Grounds be rescinded; and (b) the resolution of Council passed on August 27, 1964, with respect to an agreement between the City and Metropolitan Developments Limited for the development of Block "P" Exhibition Grounds be rescinded. Motion passed.

REPORT - SPECIAL COMMITTEE RE: R-3 ZONING CONTROLS

To His Worship the Mayor and  
Members of the City Council.

The Committee appointed by His Worship Mayor C. A. Vaughan at the request of City Council, to review and comment on the proposed high density controls for residential development in R-3 Zones, has met and now wishes to report as follows:

Due to the problems which the City has been confronted with in the past months it was the general consensus of the Committee that the present by-laws of the City with respect to this type of development were inadequate to afford the necessary control. As a result the Committee placed a certain urgency on the adoption by Council of workable by-laws for R-3 Zones.

The Committee is most happy to report that general agreement was reached on the main recommendation which will appear at the end of this report. It is felt, however, that some of the points raised during discussions will be of interest to Council during their further deliberations on this matter.

BONUS FOR OPEN LAND

Some members of the Committee felt that a bonus equal to the full width (60') of a street be permitted developers who acquire lands across from or adjacent to open land areas which are preserved in perpetuity. The basis of this contention is that under the proposed by-law, developers are permitted to take one half (30') the street width in setting up the horizontal and vertical angles. By permitting the extra bonus in cases where open land was involved, it was thought that these areas would become more attractive for development. However, several members of the Committee expressed the view that a developer should not receive preferred treatment merely because his land happened to face on a park or other public area.

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#### PROPOSED LIMITS

Some concern was expressed re the basis for establishing the limits such as 250 persons per acre, 60 degree horizontal and vertical angles and the minimum 120 sq. ft. per person requirement of landscaped open land area. It was pointed out that no absolute rule can be cited in this regard but that standards which have been in existence elsewhere and have proven satisfactory are about the only criteria available to establish such maximums.

#### BUILDING BULK

The horizontal and vertical controls outlined pertain to the actual exterior size of the building. It was suggested by one member of the Committee that because of this, developers may be encouraged to plan for smaller rooms and less internal amenities in order to reach maximum economic development. However, the general consensus of the Committee was that apartment dwellers would ultimately control this since they would not find such smaller accommodations adequate and would therefore endeavour to find apartments with the desired amenities.

#### RIGIDITY OF THE BY-LAWS

Some question was raised that the proposed by-law lacked some flexibility and did not allow for any special considerations which may arise and for which there is no provision in the by-law. It was suggested that a margin could be incorporated in the by-law and that the use of this margin be at the discretion of Council on the advice of Staff.

#### CONCLUSIONS

The foregoing remarks are by no means meant to weaken or restrict the effectiveness of the proposed by-law but rather to permit a more efficient administration of it. The Committee generally felt that the proposed by-law is necessary at this time and is desirable for the future planned development of the City. The Committee found it very difficult to consider this portion of the Zoning By-Law in a vacuum, that is, apart and separate from the other aspects of the R-3 Zone as well as the R-2 requirements. The Committee therefore stressed that the adoption of a complete Zoning By-Law accompanied by an over-all Development Plan would be necessary in order to treat this matter in its proper context.

#### RECOMMENDATION

The Committee unanimously passed the following recommendation:

"THAT this Committee recommend to City Council the adoption of the proposed zoning controls for high density residential development as contained in the Staff Report dated May 6, 1964, with a strong recommendation that if Council accepts the proposed controls, it direct the City Staff to submit a revised, complete Zoning By-Law together with a Development Plan of the City within the next six months."



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The Committee is very much aware of the need for a revised Zoning By-Law and Development Plan, and it was thought that complete consideration of the Zoning By-Law in its various contexts could only be satisfactorily given if the complete picture was presented.

All of which is respectfully submitted,

ALDERMAN K. PETER RICHARD  
CHAIRMAN

MOVED by Alderman Richard, seconded by Alderman Black, that the matter be referred to the Town Planning Board for consideration and report.

Alderman Wyman asked that the staff be directed to prepare a number of drawings to show graphically how the various controls will apply to different type lots so that the members of Council would have a clearer understanding of the new law.

His Worship the Mayor said that the staff would be so directed.

The motion was passed.

ACCOUNTS OVER \$500.00

The following accounts over \$500.00 were submitted and recommended for payment by the City Manager:

Province of Nova Scotia.....	\$12,991.40
Atlantic Bldg. Materials.....	948.03
Foulis Engineering Sales.....	760.58
Francis Hankin & Co. Ltd.....	2,208.43
	<u>\$16,908.44</u>

MOVED by Alderman Abbott, seconded by Alderman Healy, that the accounts be approved for payment. Motion passed.

PERMIT APPLICATIONS - LORD'S DAY ORDINANCE

The following permit applications to operate a business on the Lord's Day were submitted and approved individually:

<u>Name of Applicant</u>	<u>Address of Business</u>
John Frank Mansour, Grocery.....	6406 Chebucto Road
Leonard Knickle, Grocery.....	2650 Dublin Street
Miss Helen D. Pottie, Grocery.....	5661 Cogswell Street

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<u>Name of Applicant</u>	<u>Address of Business</u>
S. Saade, Billiard Hall	2358 Gottingen Street
Westcliff Co. Ltd., Grocery	3091 Oxford Street
Louis Whitzman, Grocery	1840 Vernon Street
Arthur J. Taplin, Grocery	6196 Jubilee Road
Gerald Roy Settle, Confectionery	6211 North Street

MOVED by Alderman O'Brien, seconded by Alderman

H. W. Butler, that the applications be approved. Motion passed.

REPORT - CITY MANAGER RE: LORD'S DAY ORDINANCE

A report was submitted from the City Manager respecting the Lord's Day Ordinance No. 109, in which he advised that a number of requests have been received from store owners, whose business occupancy assessment exceeds \$5,000.00 for permits to remain open on Sunday.

The report points out that in order for these stores to obtain permits; Subsection (2) of Section 3 of Ordinance #109 would have to be amended.

MOVED by Alderman Trainor, seconded by Alderman Meagher, that no change be made in the Ordinance and that the law remain as is. Motion passed with Aldermen Healy and Wyman voting against.

9:20 p.m. Council adjourned for a short recess.

9:30 p.m. Council re-convened, the following members being present: His Worship the Mayor, Aldermen Black, Abbott, Lane, Macdonald, A. M. Butler, Meagher, Trainor, Healy, Wyman, Richard and O'Brien.

ACQUISITION - D.N.D. LAND AND BUILDINGS - COGSWELL ST.

MOVED by Alderman O'Brien, seconded by Alderman Lane, that as recommended by the Finance and Executive Committee meeting prior to Council meeting this date, that staff be authorized to negotiate with Crown Assets Disposal Corporation for acquisition of land and buildings owned by the Dept. of National Defence on Cogswell and Gottingen Streets, subject to existing leases. Motion passed.

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LETTER - CITY FIREFIGHTERS BENEVOLENT AND PROTECTIVE ASSOCIATION  
RE: BARGAINING PROPOSAL

A letter was submitted from Local #268 of the International Association of Firefighters suggesting that in view of the failure of the negotiations between the City's Bargaining Agent and representatives of Local #268 that Council may wish to appoint three or four members of the Safety Committee to negotiate with Local #268.

The City Solicitor advised that under the terms of the City Charter the City Manager only is authorized to negotiate bargaining agreements on behalf of the City.

MOVED by Alderman Trainor, seconded by Alderman Black, that Local Union #268 of the International Association of Firefighters be advised accordingly. Motion passed.

REPORT - CITY MANAGER RE: APPOINTMENT CONCILIATION OFFICER LOCAL  
UNION #268 RE: COLLECTIVE AGREEMENT

A letter was submitted from the City Manager respecting the services of a Conciliation Officer to assist in negotiations with Local #268 of the International Association of Firefighters.

MOVED by Alderman Lane, seconded by Alderman Abbott, that the City Council seek the services of a Conciliation Officer from the Department of Labour to endeavour to reach a satisfactory settlement between the City and the International Association of Firefighters, Local Union #268, for a new collective bargaining agreement to replace the agreement which expires December 31, 1964. Motion passed.

APPLICATION TO REZONE PROPERTY - BAYERS ROAD AND DUTCH VILLAGE RD.  
(REFER TO TOWN PLANNING BOARD FOR REPORT)

An application from the Corporation of Saint John's Church to rezone a portion of the property at the corner of Bayers Road and Dutch Village Road was referred to the Town Planning Board



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for consideration on motion of Alderman Trainor, seconded by Alderman Abbott.

#### 1965 LEGISLATION

No legislation was submitted at this time.

#### DRAFT DEVELOPMENT PLAN - CENTRAL BUSINESS DISTRICT

MOVED by Alderman Lane, seconded by Alderman O'Brien, that as recommended by the Town Planning Board at a meeting held this date, that the Central Business District Development Plan be adopted in principle, subject to the adoption of a satisfactory development ordinance; and that the Staff be directed to prepare a necessary draft ordinance for submission to the Town Planning Board and City Council. Motion passed.

#### REPORT - CITY SOLICITOR RE: CORNWALLIS CENTRE AGREEMENT

A report was submitted from the City Solicitor indicating to what extent Provinces and Central Properties Limited have failed to make the required submissions in accordance with the agreement between the Company and the City. (A copy of the report is attached to the original copy of these minutes.)

Alderman Black asked for assurance from the City Solicitor that, in his opinion, the City has honored all obligations demanded of it under the terms of the agreement with Provinces and Central Properties Limited as of 12:00 midnight October 15, 1964.

The City Solicitor said that the only question that could arise is the question of Section 36 of the Agreement to the effect that the City must by June 15, 1964, complete a plan of the Central Development Area; and he said that the City Council had instructed the City Staff to prepare such a plan which was ready in June.

Alderman O'Brien said that the matter is of sufficient importance that the City Solicitor should be directed to submit a

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written report respecting the City's obligations under the terms of the Agreement.

His Worship the Mayor agreed and indicated that the City Solicitor would be directed accordingly.

His Worship the Mayor stated that Mr. D. J. Osborn of Provinces and Central Properties Limited was present in the Council Chamber.

MOVED by Alderman O'Brien, seconded by Alderman Wyman, that Mr. Osborn be permitted to address the Council.

After considerable discussion during which Aldermen Trainor, Abbott and A. M. Butler expressed opposition to hearing Mr. Osborn, and Aldermen O'Brien, Lane, Macdonald and Richard spoke in favor of granting permission, it was MOVED by Alderman Richard and seconded by Alderman O'Brien, that the question be put.

His Worship the Mayor stated that before putting the motion, he felt that in fairness to the members of Council, the information that had been received in confidence and discussed at the Development Committee, should be made available to them; and he suggested that Council be adjourned and the members meet in his office.

10:02 p.m. Council adjourned to confer in private in the Mayor's Office.

10:25 p.m. Council reconvened, the same members being present.

The motion "to put the motion" was then passed.

The original motion was then put and passed.

Mr. D. J. Osborn then addressed Council, as follows:

"Mayor Vaughan, Alderman Lane, Gentlemen. If I appear unshaven

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and my voice starts to fade and I start to collapse, it's because it is two o'clock or two-thirty in the morning for me. I have been travelling for fourteen hours.

"Before I get down to the meat of really why we are here this evening, I think it would be fitting to recall the history of this Scheme, from the time I first came to Halifax.

"Mine was the only reply to the Call for Proposals on a Comprehensive basis in December of 1962; and the City and their partners, after five months of deliberation and consideration of that Scheme, gave us a period of time in which to prepare and submit new proposals. The effective period of time on which we have been working on this Scheme is from May of last year. I think --in fact I don't think, I know that in signing this agreement and in preparing this agreement with the City and the partners, we were all extremely optimistic about timings and what could be achieved in the time we set ourselves to do it. If you will remember, negotiating the terms of the agreement, we moved ahead of that and, in fact, produced the goods a month ahead of the first date that we had to meet. In meeting that date, at the request of the partnership, we appointed consultants; we went out, we got among the best consultants in the world--Sir Robert Mathew and Percy Johnson-Marshall.

"Over the period since September last, which is just over twelve months, the Scheme which was approved in September has, at the Consultants' instigation, and in their best views, and in consultation with the City, undergone substantial further revision.

"Now, the City Solicitor in this report to Council this evening, refers to some omissions on our part in meeting the pro-



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visions of Section 10. No one is denying that these conditions haven't been met, but all of those points are in the hands of the Consultants. True, they are our Consultants, but I would repeat again, they were appointed at the request of the Partnership. I would also add that at the time they were appointed and when we got them to undertake the scheme they expressed great concern at the time allowed them to prepare the scheme. Other factors which must be considered in our preparing the scheme are the difficulties of the site -- the tremendous slope and topographical conditions that have to be contended with on the site. These are met in other places, I know, but in planning a comprehensive multi-use complex such as the Cornwallis Center comprises, to maximize and make use of those topographical features is not only a very expensive and very costly operation but requires a tremendous amount of research and analysis and exploring of alternatives, and it is for this reason that the Consultants and the Working Group, -- well, we have -- and have had for a long time now -- considerable staff working on the scheme. It is for this reason that the delays have taken place.

"I think that other factors which should be borne in mind are that in negotiating the agreement with the City, we undertook to meet quite a substantial land acquisition costs and contribution to road works. Some of these contributions have no effect whatsoever on the site as far as the development is concerned. In other words, we are not getting any benefit out of them. I refer to those on Barrington Street where the residential sector abuts the proposed Harbor Drive. We made alternative suggestions for the Cogswell Street extension which are all known to you now as the

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Cogswell Street Flyover. This has for some time been the subject of discussion between the Consultants and the City Staff as to exactly what form it should take; and it was only recently that the full scope of these works has been determined. When I was here in February, there was further consideration being given to the possible alignment of Harbor Drive.

"All of these factors have a very great bearing on how quickly one can perform in wrapping up a scheme of this magnitude; and whether you accept this or not, this will be (I hope) the most comprehensive downtown development in Canada. There are no two ways about this.

"The City, I believe, have a good agreement. I am satisfied with the terms, as far as I am concerned, but the terms as far as the City is concerned, are good; and I am convinced that you will not get equal terms from any other developer in the space of time that we have achieved what we have done.

"As far as financing is concerned, one of the factors which has slowed up completing the financial arrangements is, of course, the continual change to which the scheme has been subject. We completed the residential detailing, which is to be the first phase, as late as September; and, having already established in principle with the mortgage institutions that we could get the financing, we immediately gave them all the detail. The institutions and the correspondents involved are known to you; and it was a great surprise to me that the recommendation did not go to the lending institution until this week. I fully expected, when I was here in September, that I would have my detailed commitment by this date.

"I am in the hands of so many people on this thing--so many people that I have to correspond with and that have to fall

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into line that it is very difficult and (I go further) virtually impossible to tie one's self down to a date.

"We had a date in the Agreement -- yes -- but what I say, and I repeat, is that we were both -- both parties to the agreement, were far too optimistic in the timing and the time allowed. I have today received a copy of a letter from the correspondents to the lending institution, recommending the mortgage advance, and recommending the development as a suitable subject for an advance, and the Institution concerned, their field man is coming up to Halifax early next week to go into this. I have been dealing with the Institution at vice-president level and as far as they are concerned there appears to be no great difficulty in jacking this thing up.

"I didn't come here to make an impassioned appeal as somebody suggested earlier on or plead, but what I do say is, from the City's point of view. I know that you will not be acting in the best interests of the City if you break this agreement at this point in time, because you will not get the same deal if we come back or if anybody else comes back, and I say that without qualification.

"I have been coming back and forth to Halifax for nearly two years. This is my fifteenth trip which amounts to quite a lot of time, and I have always had a good reception and got on extremely well with the staff in negotiating and handling this development. As far as I know, with one exception, I have always got on well with the Council; and, Alderman Trainor, your question which you phrased at that supper party -- at that point in time, my remark was, in my opinion, quite justified. However, if it gave you offence, I apologize now.

"One of the factors which disturbs me not a little in my negotiations with the City Council -- on one or two occasions that occasion, the party, I regarded as a private dinner party and



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what was said wasn't for public knowledge. But the following day I learned from the editorial board of the paper, I was told exactly what I had said at the dinner party. Further, when I wrote to Mayor Vaughan the other day a confidential letter, some of the contents of that letter were quoted by one of the news media the following day.

"Now, this to me isn't very satisfactory. I've played ball all the way down the line and all I ask from everybody here is that they play ball with me; and, if we play ball together, then we can achieve the Cornwallis Centre.

"Financial institutions and people, when you are negotiating with them at this level, don't want their negotiations splashed around and spread around until - - they don't mind it being publicized when it's finalized - - but they don't want it splashed around before they are finally committed. This is why such things are made confidential. I don't think, Mayor Vaughan, Alderman Lane and gentlemen, that I need say any more.

"I am not asking for an extension in time and I am not asking for an open-ended agreement. I've reached the stage where - or we have reached the stage where our negotiations will be finalized in a matter of days and all I ask is your tolerance and cooperation to achieve what will literally put Halifax on the map as far as development is concerned. We've started the ball rolling. Undoubtedly, a lot of people want to climb on the bandwagon, but, for goodness sake, recognize what we have done and what we have spent and allow us to see the fruits of it and the City to see the fruits of it, as well. Thank you."

Alderman O'Brien: "Your Worship, may I ask Mr. Osborn a question? He says that he is not asking for an extension - he  
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is not asking for an open-ended agreement. Does he expect the Council to take any action, and, if not, what does he see the position tomorrow, since he is talking of going on."

Mr. Osborn: "It is a fair question. I have put my case to the Council - I have put the position to Council as fairly as I think I can. Perhaps there is one point that I should also mention and that is one of the partners or the equity holders in this Company, now that they do not want their name disclosed for the very reason that I have just outlined as far as financial institutions are concerned. Once we have got the mortgage commitment in detail, they are happy. It is a public company. They cannot go jacking their name around in a negotiation stage, although they are committed to come in on the Company. They do not want it spread around until we are committed with the mortgage company. That was a little aside from the point, but as far as the agreement in time is concerned, I have said I wasn't asking for any particular time, and I also said it would be a matter of days before it would be completed - I hope. I have been wrong in time before. We have all been wrong in time before - but I honestly don't think it will be very long, and I would leave it to the Council to say: "Limit it in time"; or, to deal with it as best they think fit."

Alderman Harry Butler: "You say a matter of days. How many?"

Mr. Osborn: "Well, I think I have just said I have been wrong in time before, and we're all at a very critical stage on this and I don't want to set a period of time and then be in this position again in another ten days' time. This is wasting everybody's time doing this. We're not hanging around. We're not

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slouching around and doing nothing. We know that we can achieve it and we are doing our darnedest to achieve it in the shortest possible time."

Alderman O'Brien: "Your Worship, may I ask if Mr. Osborn would be happy with a situation which would result if Council takes no action tonight - - the deadline goes by and the days that he refers to go by, and his financing proves out, and he then comes back to talk to the City. Is this a satisfactory position to him?"

Mr. Osborn: "On the agreement as it stands now, yes."

His Worship the Mayor: "We cannot guarantee that."

Alderman O'Brien: "Your Worship, might I ask whether Mr. Osborn expects to stay here until the financing is completed?"

Mr. Osborn: "That is my intention. I've never run away. That's why I am here tonight; and I've never gone away for the sake of going away; but this is only one aspect of our business and there are other things at home to attend to. I am not saying that this isn't one of the most important because I say again without reservation, without qualification that there are very, very few schemes that have had so much money spent on them in developing them as this one has; and, in fact, the Company which is now participating looked at this scheme when the Call for Proposals came out and decided that they wouldn't have a go because they thought it would cost too much to jack up and it would take too long to jack up."

Alderman O'Brien: "What does the phrase 'jack-up' mean?"



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Mr. Osborn: "To get mobile - - to get off the ground. And, it is only the fact that we've got it as far as we have in the period of time that they've come in.

His Worship the Mayor: "Thank you, Mr. Osborn. Is there anything you want to add in confidence to us - anything more than you have told us?"

Mr. Osborn: "There is only this letter to which I referred earlier which I would be happy for you to read."

Alderman O'Brien: "Does Mr. Osborn expect there is any advantage to him and Council members seeing the letter in confidence?"

Mr. Osborne: "I am not seeking any advantages or anything like that. I have stated my case as clearly as I can and been as frank as I possibly can. Just one last final word, if I may - I repeat what I said earlier - that I am convinced and all right, you may say I have a vested interest. Yes, I have - but I am convinced that you will not be acting in the best interests of the City if you throw us out. O. K.? Thank you!"

DEFERRED BUSINESS

Petition Re: Halifax Grammar School - Atlantic Street

Further deferred

Property Acquisition - #12 Uniacke Street

MOVED by Alderman Black, seconded by Alderman Abbott, that this matter be referred to the Finance and Executive Committee for further consideration. Motion passed.

Staff Re-organization Report

Alderman A. M. Butler offered an objection to the legality of the Council's action in accepting and adopting the motion of Alderman Richard made at the meeting of City Council

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held on September 24, 1964, which reads as follows:

WHEREAS considerable time has elapsed since the first presentation of the City Manager's Report on Staff Reorganization and;

WHEREAS this time lapse has rendered the scheduling of the report invalid;

WHEREAS Alderman A. M. Butler has made some proposals to the Finance and Executive Committee with respect to administrative re-organization;

IT IS HEREBY moved that the City Manager be instructed to review the Staff Re-organization Report in the light of developments over the past several months and present a revised report to City Council. This Council will also entertain any recommendation re staff changes to ensure a greater degree of efficiency and a more complete implementation of any revised report which the Manager may submit.

and he contended that the City Solicitor should rule that it is right and proper that the motion be expunged from the record.

His Worship the Mayor stated that he had given a ruling at the meeting of September 24, 1964, that the subject matter of Alderman Richard's motion was related closely enough to the matter before Council to be considered at that meeting, and that he still held the same view.

The City Solicitor stated that he was unable to give the legal position until the minutes were available for examination. He said, however, that since the Chair had made the ruling at that meeting, and there apparently, was no appeal from such ruling, it would appear that the matter had been properly considered.

MOVED by Alderman Black, seconded by Alderman Abbott, that the City Manager be requested to forward to the members of City Council the report on Civic Reorganization which has been prepared by him; and that the matter be placed on the agenda for consideration at the next meeting of City Council. Motion passed.

Copies of the report of the City Manager dated October 9, 1964, on the subject of "Proposed Organizational Changes in the

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Civic Service" were then distributed to the members of Council.

ADDITIONAL ITEMS

Lease - Block "A" - Kempt Road

A report was submitted from the City Solicitor to which was attached a proposed lease between the City of Halifax and Maritime Moving and Storage Limited with respect to the land known as Block "A" Kempt Road.

MOVED by Alderman Abbott, seconded by Alderman O'Brien, that the matter be deferred for consideration at the next meeting of City Council. Motion passed.

Agreement to Lease - Block "P" - Exhibition Grounds

A report was submitted from the City Solicitor respecting a proposed agreement between the City of Halifax and Metropolitan Development Limited with respect to the development of the land known as Block "P", Exhibition Grounds.

MOVED by Alderman O'Brien, seconded by Alderman Abbott, that the matter be deferred for consideration at the next meeting of City Council. Motion passed.

Closing of City Hall at 4:00 p.m. on Election Day - October 21, 1964

The City Manager referred to the fact that in accordance with the provisions of the City Charter, 1963, Section 92, arrangements would have to be made to allow the civic staff sufficient time off to enable them to vote on election day.

MOVED by Alderman A. M. Butler, seconded by Alderman O'Brien, that the civic offices be closed at 4:00 p.m. on election day, October 21, 1964. Motion passed.

11:15 p.m.

Meeting adjourned.



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CHARLES A. VAUGHAN  
MAYOR AND CHAIRMAN

R. H. STODDARD  
CITY CLERK

CITY COUNCIL  
MINUTES

Council Chamber,  
City Hall,  
Halifax, N. S.,  
October 29, 1964,  
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 Deputy City Clerk, joined in reciting the Lord's Prayer.

There were present: His Worship the Mayor, Chairman and Aldermen Black, Abbott, Lane, A. M. Butler, Macdonald, Meagher, LeBlanc, Trainor, Healy, Richard, Wyman, O'Brien and H. W. Butler.

Also present were Messrs. F. F. C. Byars, L. Mitchell, Q.C., W. J. Clancey, G. F. West, R. B. Grant, V. W. Mitchell, G. H. Brundige, J. F. Thomson, K. M. Munnich, J. L. Leitch and Dr. E. M. Fogo.

ACCOMMODATION FOR REPRESENTATIVES OF THE NEWS MEDIA

His Worship the Mayor stated that he had been requested by the representatives of the News Media to provide better accommodation during Council meetings because of the difficulty in hearing the proceedings from their present location.

MOVED by Alderman Wyman, seconded by Alderman Lane that the representatives of the News Media be permitted to sit at the centre table, and that the City Officials assume the first row of seats in the gallery. Motion passed with Alderman Black voting "against".

COMMENTS OF HIS WORSHIP THE MAYOR RE: RETIRING MEMBERS OF COUNCIL

His Worship the Mayor paid tribute to the four retiring members of Council, this being the last meeting to be held before their terms expire.



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He said that Alderman Breen had served the City as Alderman for the period 1938 to 1953, and from 1960 to 1964; during which periods he has made substantial contributions to the advancement and the general improvements that have been made in the City. He expressed regret at his leaving Council and hoped that Alderman Breen would now be able to devote his time to restoring his health.

Of Alderman Burton O. Macdonald, His Worship the Mayor said that he had entered Council in 1949 and, except for a brief spell, had served the City faithfully since that time. He referred particularly to the efforts of Alderman Macdonald to effect improved garbage regulations and collection, and the improvement of the Commons.

The City had been well served by Alderman Healy since his election to Council in 1948, said the Mayor; and he expressed the hope that Alderman Healy will have another opportunity to serve the City in some capacity. He said that while Alderman Healy was one of the "quiet" members of Council, he was always impressed with his sincerity and integrity.

Alderman Wyman served the City as Alderman since 1953, his strong points being in the field of education, having served on both the Vocational School Board and the Halifax Board of School Commissioners for many years.

His Worship also referred to the many times Council has taken advantage of the professional knowledge of Alderman Wyman on technical matters, which had been offered gratuitously.

He summed up his remarks by saying that all four retiring members had served the City well and that their presence in Council will be missed.

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MINUTES - SEPTEMBER 17, 1964

Minutes of the meeting of City Council held on September 17, 1964 were approved on motion of Alderman Abbott, seconded by Alderman Lane.

MINUTES - OCTOBER 1, 1964

Alderman Black questioned the wording of the motion respecting "Modification of Sideyard and Setback Requirements - #1120-1128 Tower Road" recorded on page 479 of the Council minutes of October 1, 1964; and he stated that he had not moved that the modification be approved, but that it be subject to a public hearing.

His Worship the Mayor stated that approval of the minutes would be deferred pending a clarification of the matter after checking the tape recording of the meeting.

AMENDMENT TO MINUTES - AUGUST 13, 1964

To: His Worship the Mayor and Members of City Council  
From: Deputy City Clerk  
Date: October 29, 1964  
Subject: Amendment to Minutes - August 13, 1964

In the minutes of the August 13, 1964 meeting of City Council the following motions are recorded:

Tenders for Equipment

1. Four Model Cars (1500# G.V.W. app.)

MOVED by Alderman A. M. Butler, seconded by Alderman O'Brien, that the tender of Wood Motors Nova Scotia Ltd. for the supply of four (4) 1964 Model Cars (1500# G.V.S.), in the amount of \$15,689.68, be accepted. Motion passed.

2. Two Truck Chassis (1964) 29,000 G.V.W.

MOVED by Alderman Meagher, seconded by Alderman Wyman, that the tender of Citadel Motors Limited in the amount of \$5,812.80 for the supply of two truck chassis (29,000 G.V.W.) be accepted. Motion passed.

Due to a clerical error the figures indicating the

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amount of the recommended tenders in each case were transposed. Therefore the motions should read as follows:

Tenders for Equipment

1. Four Model Cars (1500# G. V. W. App.)

MOVED by Alderman A. M. Butler, seconded by Alderman O'Brien, that the tender of Wood Motors Nova Scotia Ltd. for the supply of four (4) 1964 Model Cars (1500# G. V. W.), in the amount of \$5,812.80, be accepted. Motion passed.

2. Two Truck Chassis (1964) 29,000 G.V.W.

MOVED by Alderman Meagher, seconded by Alderman Wyman, that the tender of Citadel Motors Limited in the amount of \$15,689.68 for the supply of two truck chassis (29,000 G.V.W.) be accepted. Motion passed.

It is respectfully requested that Council approve an amendment to the minutes of August 13, 1964, accordingly.

Respectfully submitted,

W. J. CLANCEY,  
Deputy City Clerk.

MOVED by Alderman O'Brien, seconded by Alderman Healy that the minutes of August 13, 1964 be amended accordingly. Motion passed.

MOTION - ALDERMAN TRAINOR RE: SUPPLEMENTARY APPROPRIATION OF \$300.00 FOR PURCHASE OF AN ADDING MACHINE

Alderman Trainor stated that he wished to withdraw the motion of reconsideration, notice of which he had given at the October 15, 1964 meeting of Council, respecting the matter of a supplementary appropriation of \$300.00 for the purchase of an adding machine for the City Police Court.

He stated that since the last meeting he had been supplied with information which justified in his mind the need for the adding machine in the office of the Clerk of the City Court.

It was agreed to permit Alderman Trainor to withdraw his motion.



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PETITION - RESIDENTS OF BRENTON STREET AND BRENTON PLACE RE: NOISE  
AND DUST NUISANCE

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A petition was submitted signed by approximately sixty residents of Brenton Place and Brenton Street, requesting that action be taken to alleviate the noise and dust nuisance caused by the construction of the apartment project in the block bounded by South Park, Morris and Brenton Streets and Brenton Place.

The petition was endorsed by Alderman Black.

The following report was submitted from the City Solicitor:

To: His Worship the Mayor and Members of City Council

From: Leonard Mitchell, Q.C., City Solicitor

Date: October 29, 1964

Subject: Petition - Residents of Brenton St. and Brenton Place

Recently His Worship the Mayor received a Petition complaining of noise and dust emanating from the construction of a large apartment building on South Park Street. This petition is supposedly signed by sixty-two (62) residents of Brenton Street, Brenton Place and the immediate area generally.

At common law such matters as noise, dust, smell, etc. are all classifications of the general law of nuisance. The more extreme operation of the doctrine has resulted in the curtailment of such things as water pollution, noxious odors, weed control, church services in public places, and funeral homes in residential areas. In some instances some legislative body has seen fit to pass additional statutory provisions relating to a particular variety of nuisance. Examples of this are - Provincial regulation of water pollution, and City regulation under the Zoning By-Law of property use in various zones.

We have several forms of regulation aimed at various types of nuisances within the City. Only two of these, however, bear relevance to the present problem:

(1) Ordinance Number 42 - Respecting the Control of Public Address Systems, Gramophones, Radios and other Amplifying Apparatus.

In this instance, the Chief of Police received several complaints from within the neighborhood and promptly investigated the situation. The result is that a permit was