

Dartmouth, N. S.

June 3/80.

Regularly called meeting of City Council  
held this date at 7:30 p.m.

Present - Mayor Brownlow

Ald. Ibsen	Sarto
Williams	Cunningham
Crawford	Brennan
Valardo	Withers
Hart	Greenwood
Hawley	Greenough
Ritchie.	
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
City Clerk-Treasurer, B. Smith.	

Several items were added to the agenda, with the concurrence of Council, and Ald. Crawford raised an inquiry as to when tenders are to be awarded for the canteen facilities in the ferry terminals. Mr. Moir pointed out that the new terminal buildings will not be taken over by the City until the week of June 16th; also, time is needed to analyze a tender for the canteen concession that was included in with one of the restaurant proposals received.

Council adopted the minutes of meetings held on May 6th and May 20th, on motion of Ald. Williams and Ibsen.

Referring to page 8 of the May 6th minutes, Ald. Crawford asked about the series of questions he presented on the subject of the 107 by-pass; the Mayor replied that he is waiting on the results of inquiries being made before he can respond to all of the questions.

Mr. Moir has submitted a report to Council on the tenders received for insurance to the hull and machinery (as well as protection and indemnity marine liability) for the Dartmouth ferries. Following a review of the seven tenders received (as per the attached copy), it is recommended that Council accept the low tender submitted by Reed Stenhouse Ltd. in the amount of \$10,800. for hull & machinery, for both boats for one year, and \$7,340. for excess protection and indemnity over the coverage under the hull policy

MINUTES

WARD TENDER:  
INSURANCE ON  
FERRIES

(\$1,200,000. to \$5,000,000.) for both boats for one year. The quote tendered by Reed Stenhouse Ltd. is from an organization called 'The Shipowners Mutual protection & Indemnity Assn.' or 'The Club'. Mr. Moir's report contains details of this 'club' concept and the financial advantage that is able to be realized through such mutual associations; in the City's case, the saving over the previous year's premium is considerable.

Council adopted the report as presented and awarded the tender on the basis recommended, on motion of Ald. Valardo and Sarto.

TH WOODSIDE NIP:  
NEAR ARK

Council considered a report from Mr. Moir on a request from the North Woodside NIP organization to abandon a park development identified in their original plan for a large area south of Pleasant Street, so that funds can be reallocated for a walkway that would link the proposed linear park (Renfrew to Marvin St.) to the Sobeys Shopping Plaza, over the back portion of properties on Pleasant Street. This change in the NIP plan was occasioned by the unwillingness of Toulon Construction to sell lands that were required for the park development originally proposed. The revised concept has been approved by the neighbourhood community group, the NIP staff, and the Director of Planning & Development, and it is Mr. Moir's recommendation that Council authorize the change in the North Woodside NIP program to accommodate the park development change.

Ald. Ritchie and Sarto moved the adoption of the recommendation. Questions raised by Ald. Valardo and Cunningham were discussed with Mr. Bayer and he pointed out that Council is only approving the concept change at this time. Property acquisition decisions will come before Council at a later date for individual approvals as negotiations are completed. Ald. Ritchie noted that the problem area recently before the Board of Health is involved, and this new proposal will resolve the situation. The motion was supported by Council and it carried.

NIP AREA: 1980

In a report to Council on the identification of an area in the City for continuation of the NIP program, Mr. Moir has advised that the NIP staff have selected area #2, the Jamieson St. area, as being appropriate for this purpose, and the approval of Council has been recommended. Details of the criteria applied to each of the six areas looked at, have been set out in an accompanying report and the areas concerned have been designated on maps for the information of Council. Ald. Valardo and Hart moved the adoption of the recommendation identifying the Jamieson Street area as the section of the City for continuation of the NIP program.

Ald. Greenough and Hawley commented on the closeness in the number of points assigned to the Jamieson St. area, as compared with the Admiral Westphal area. Ald. Greenough suggested that if it turns out that two NIP areas can be designated, with the funds available, Admiral Westphal should have first consideration as the second designated area. Ald. Hawley questioned the point system procedure followed to identify the NIP area being chosen, and felt that in future, there should be a more careful evaluation of points in relation to sidewalks required, streets that need work, etc. Ald. Brennan noted that the average family income criteria previously used resulted in the Admiral Westphal area not being selected in the past, when the comparison was made with the other neighbourhoods under consideration. The motion to adopt Mr. Moir's report carried.

RESOLUTION #80-24

On motion of Ald. Sarto and Ritchie, Council adopted the attached Resolution #80-24, authorizing the expropriation of a portion of land owned by Samir and Ramza Toulany for easement purposes to permit the piping of a brook behind properties on Pleasant Street, running from the south boundary of the Imperial Oil property to Belmont Ave. Ald. Valardo said he could be of assistance in negotiations for this property easement and the Mayor agreed that this would be in order if the Alderman wished to follow up further.

MMER ICE RENTALS

As requested during the budget debate, estimates have been provided for the cost of operating the Gray Arena for the summer, beginning June 30th and closing the first week in September, a period of approx. ten weeks. The report from Mr. Atkinson on the operating costs, goes on to recommend that the rates for summer ice rental be established at \$55. per hour for adults and \$45. per hour for minor organizations. Council adopted the recommendation on summer ice rentals, on motion of Ald. Cunningham and Hart.

SPACE PROBLEMS:  
LIBRARY & MUSEUM

A letter has been forwarded to Council by the Chief Librarian, as directed by the Library Board, on the subject of space requirements for the library and museum facilities, which are now sharing the same building and experiencing problems with the over-crowding conditions that exist in it. The Library Board has made the request that the subject of a new library building be placed on Council's agenda, and that Council direct this matter to the Planning Dept. staff and the W.D.C. for possible inclusion in their plans. Ald. Williams and Ibsen moved the approval of the Board's request.

Ald. Brennan suggested that Council might demonstrate a more positive course of action by forming a steering committee to work on the project, and possibly dovetail with other community requests for facilities of a broader scope, along the lines of a complete cultural centre for the City. Ald. Greenough noted that a committee comprised of Library Board members and citizens-at-large is in the process of being formed to look at ways of proceeding with a new library building, and he invited any members of Council to participate with the committee if they so wish. Ald. Brennan's idea of widening the concept of a new building to take in other cultural aspects, was well received, and with the agreement of Council, the Mayor said he would make a recommendation on the formation of a committee for the next meeting. The motion on the floor carried.

GRANTS COMMITTEE  
RECOMMENDATIONS

Recommendations from the Grants Committee for the allocation of funds provided in the budget for the year 1980, have been presented for Council's consideration. The Committee has met with representatives of the various agencies and organizations making application to the City, and in addition to the specific individual allocations listed, has recommended, with respect to cost-sharable agencies, that the grants as recommended be conditioned upon the maximum of 75% being recoverable from the cost-sharing program. Also, with respect to the Dartmouth General Hospital request of \$300,000. over a five-year period, commencing with \$60,000. in 1980, the Committee recommends this payment of \$60,000. for 1980 and makes a further recommendation that Council give serious consideration to honoring a five-year pledge to the hospital, totalling \$300,000.

Ald. Valardo and Sarto moved the adoption of the recommendations from the Grants Committee. Ald. Ibsen gave a verbal report on the meetings at which presentations were heard from the grant applicants and he responded to questions from several members of Council. In connection with the Community Contact organization and the fact that no grant is being recommended for this group, Ald. Crawford was informed of the indication given by the representatives that Community Contact could continue to operate without a grant from the City. When the vote was taken, the motion carried.

PROPOSAL METER  
PARKING

As directed, the Planning Dept. has prepared a report on the proposal presented by the Downtown Dartmouth Business Assn. for improved meter parking for the downtown section of the City. The Police Chief, as Traffic Authority, is in basic agreement with the proposal and the Planning Dept. report from Mr. John Lukan makes the following recommendations:

- a) that Council give direction to the Traffic Authority to draw up regulations to:
  - (1) increase the parking meter rates from 10¢/hr to 25¢/hr. (5¢/12 min., 25¢/hr.)
  - (2) increase the penalty to \$5. but if paid within seven days, it shall be \$4.
- b) to immediately increase enforcement of the meters.
- c) authorize staff to relocate the existing long-term parkers now on Green Street Parking lot to the waterfront area and place the surplus meters, from the downtown area, on the lot for the short-term parking.

Cost of the above changes is estimated at \$30,000.; this amount will be recovered within the first year because of the increased rates, fines and enforcement. Council approved the recommendations, as detailed above, on motion of Ald. Cunningham and Brennan.

BUILDING PERMITS:

SUSSEX LEASEHOLDS

Building permit applications added to the agenda were approved by Council as follows:

- 1) Application for permit to build an office & warehouse, Lot 59-B Akerley Blvd., submitted by Sussex Leaseholds: permit granted, on motion of Ald. Greenough and Sarto, subject to compliance with City requirements, as set out in the staff report to Council.
- 2) Application for addition to lounge and banquet rooms, 9 Braemar Drive, submitted by the Dartmouth Inn: permit granted, on motion of Ald. Greenough and Brennan, subject to compliance with City requirements, as set out in the staff report to Council.
- 3) Application for a roller skating rink, Lot B-2 Windmill Road, submitted by Tom Jones & Sons Ltd.: permit granted, on motion of Ald. Hart and Greenwood, subject to compliance with City requirements, as outlined in the staff report.
- 4) Application for renovations for a dining room and lounge, 300 Prince Albert Road, submitted by Spectrum Developments Ltd.: permit granted, on motion of Ald. Crawford and Greenwood, subject to compliance with City requirements as outlined in the staff report.

DMARTMOUTH INN

DM JONES & SONS LTD.

DM SPECTRUM DEVELOP-  
MENTS LTD.

Two citizens of the neighbourhood were heard in connection with this latter application, and the developer, Mr. Covey, responded to questions from them about the hours of operation for the lounge, the type of entertainment it will feature, etc. He explained the type of development that it being proposed

and gave assurance that there will not be a problem with loud music or disruption of the neighbourhood as a result of the restaurant/lounge operation. Plans and sketches were available for further information.

REQUIRED LEGISLATION:  
'20% OR . . .' REPORT

Legislative changes required in order to implement a number of the '20% or . . .' recommendations, have been prepared and were before Council for consideration at this time.

RESOLUTION #80-21

Resolution #80-21, a copy of which is attached, authorizes the introduction of amendments to the City Charter to permit:

- 1) relating to minimum and maximum fines for violations under the penalties section of the Charter.
- 2) permits Council to enact a by-law for the levying of a hotel and motel bed tax.
- 3) permits Council to set an interest rate not to exceed 24% (maximum now is 15%) by resolution.
- 4) permits Council to establish by by-law, a revenue reserve investment fund.
- 5) will permit the licensing of motel and hotel operators.
- 6) will permit an increase in the amount of the fee charged for Tax Certificates (presently \$5.).

The Resolution was adopted by Council on motion of Ald. Brennan and Ibsen.

BY-LAW C-405

By-law C-405, increasing the dog license fee to \$15. for 1981 and \$20. for 1982, was also presented for approval as part of the required legislation.

It was moved by Ald. Brennan and Hart and carried that leave be given to introduce the said By-law C-405 and that it now be read a first time.

It was moved by Ald. Williams and Ritchie and carried that By-law C-405 be read a second time.

Unanimous consent was given by Council for third reading of the by-law.

It was moved by Ald. Valardo and Hart and carried that By-law C-405 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

LAW C-406

The next by-law presented was C-406, to provide for increasing the building permit fees to \$3.00 per \$1,000. of value.

It was moved by Ald. Brennan and Ibsen and carried that leave be given to introduce the said By-law C-406 and that it now be read a first time.

It was moved by Ald. Greenough and Hart and carried that By-law C-406 be read a second time.

Unanimous consent was given by Council for third reading of the by-law.

It was moved by Ald. Valardo and Ritchie and carried that By-law C-406 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

LAW C-407

The final by-law in the series was C-407, to institute a 10¢ per ton charge on all materials removed from quarries or excavations.

It was moved by Ald. Brennan and Hart and carried that leave be given to introduce the said By-law C-407 and that it now be read a first time.

It was moved by Ald. Hart and Ibsen that By-law C-407 be read a second time.

Ald. Crawford considered the by-law to be discriminatory in its application to the one quarry operator in the City, and felt that the Steed & Evans operation would be placed at a disadvantage if the per ton charge were levied by the City on quarried materials. Ald. Cunningham, Valardo and Greenough expressed similar points of view about the by-law and were not willing to support it. Ald. Brennan felt, however, that the operator located in the City is already in an advantageous position from the point of view of his close proximity to the



local markets, and would not be adversely affected by the additional charge.

Mr. Bill Young spoke briefly on the issue before Council; he also considered the proposed per ton charge to be a discrimination against the Steed & Evans company and was opposed to it. When the vote was taken on the motion, it was defeated with Ald. Ibsen, Brennan and Sarto voting in favour.

TEMPORARY BORROWING  
RESOLUTIONS

Temporary Borrowing Resolutions, as attached, were approved by Council as follows:

- 1) \$300,000. - Water - 80-1: adopted on motion of Ald. Brennan and Ibsen.
- 2) \$200,000. - Street - 80-2: adopted on motion of Ald. Greenough and Hart.

MAPC MEMBERSHIP

Council has been asked for an indication of the representation favoured for the new Town of Bedford on MAPC. Ald. Hart and Ibsen moved Council's endorsement for two representatives on MAPC from the Town of Bedford, one being the Mayor and the second, a member of the Council. Ald. Hart drew a comparison between the Metropolitan Authority, which is a decision-making body, and MAPC, which functions in an advisory capacity..

Ald. Valardo did not support the motion and felt that Bedford should have only one representative, the Mayor, on MAPC. He moved this in amendment, seconded by Ald. Greenough. Ald. Crawford and Hart spoke against the amendment; Ald. Hart explained the difficulty this would create in securing a quorum for meetings with only one member from Bedford. Ald. Greenough suggested that perhaps Council should have further information on the functions and authority that MAPC has before trying to come to a decision on representation for another municipality. He moved referral to staff for additional information, and the motion to refer was seconded by Ald. Cunningham. The motion to refer was defeated.

Debate then continued on the amendment, with Ald. Brennan speaking in favour and Ald. Ritchie against. When the vote was taken, the amendment carried and the amended motion also carried, with Ald. Hart, Williams and Ibsen voting against. Ald. Williams asked to be provided with the additional information on MAPC that was previously requested in the motion to refer.

OTION: ALD. CRAWFORD

In accordance with his notice of motion given at the May meeting, Ald. Crawford introduced the following motion at this time:

As per Section 339 (1) (b) of the Dartmouth City Charter (1978), Dartmouth City Council request a judicial inquiry into the purchase of the Commodore lands at a cost of \$1.6 million dollars plus interest, to the tax-payers of the City of Dartmouth.

Ald. Crawford circulated a brief with related attachments in making his presentation to Council, and quoted from portions of the brief in a resume form by way of introducing his motion. The motion was seconded by Ald. Hart. The brief questions the authority of the City Administrator to proceed with negotiations for the Commodore lands, questions the price paid for the lands, the wisdom in acquiring them, and the procedures followed in the negotiation process. The inference is made that the jurisdictions of Council and the Industrial Commission were superceded by the City Administrator, and that sufficient time was not taken during the in camera meeting of Council to deal in enough detail with the Commodore item.

Ald. Valardo expressed concern that Council, the Industrial Commission, and the citizens of Dartmouth have been held up to ridicule by the accusations put forward by Ald. Crawford. He said that in his opinion, the City Administrator had been empowered to proceed with the Commodore negotiations and that members of Council and the Industrial Commission knew what he was doing and had ample opportunity for input as the

negotiations were proceeding and when the outcome of them came back for ratification. In conclusion, Ald. Valardo stated his opinion that an apology is owed to the City Administrator, City staff and the Mayor, and if such an apology is not offered, the member should resign.

Ald. Ibsen said that by proceeding under the Charter section he has quoted, Ald. Crawford has in fact directed his accusations at City Council and not at the City Administrator. He quoted from various sets of minutes to support his contention that Ald. Crawford's concern has not been for the expenditure of funds as such, but for this one particular land acquisition cost.

Ald. Ritchie and other members who spoke on the motion indicated their support for the action taken by the City Administrator in the case of the Commodore negotiations and in the general course of his duties and responsibilities on the City's behalf. The general opinion was that a judicial inquiry is not warranted on the basis of information provided in Ald. Crawford's brief, that there is no evidence of any wrong-doing in connection with the Commodore land acquisition, and that Council and the Industrial Commission acted in good faith and made the right decision in purchasing these lands at the time they were available. Reference was made to the continuing need for additional land for industrial expansion, particularly if offshore oil development goes ahead and related industries establish in Dartmouth.

It was noted that Ald. Crawford was a member of the Industrial Commission when the negotiations for the Commodore lands were proceeding, and that status reports came to the Commission on several occasions during the course of the negotiations. The negotiations could have been terminated at any point during this course of time.

Ald. Hawley said he was concerned about the effects on the community of the innuendo and inferences that have been given considerable press coverage. He felt that this kind of undermining of confidence in City officials and staff can do a great deal of damage in the community and creates a fear that is difficult to overcome. He also spoke in support of Mr. Moir's efforts to work for the City as a dedicated employee and said he was prepared to move a vote of confidence in Mr. Moir at this time. The Mayor pointed out that a motion was already on the floor, but this could be done later if the Alderman wished.

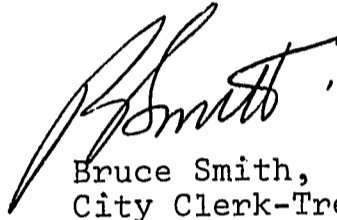
As the debate continued, Ald. Hart, Brennan, Greenough, Sarto and Cunningham all expressed their doubts that a judicial inquiry would be called for by the information presented, even though a large number of facts have been produced and presented in the brief submitted. Ald. Greenough suggested that it is information that was already known to Council. Ald. Brennan said that if there is one thing to be learned from this experience, it is that a better line of communication is required between the Industrial Commission and Council, in order to avoid any recurrence of misunderstandings over land transactions in the future.

Ald. Crawford was heard again in defence of his motion and he made reference to a number of unanswered questions, such as the interest rate paid on the first \$400,000. payment for the land, the interest rate paid this year, where the payments came from, and why there was no resolution received by Council in the usual way, setting out the details of the agreement to purchase. Mr. Moir responded to the questions about the two \$400,000. payments and the financing of these, while Mr. Bayer was available to answer questions about the zoning on the various sections of the Commodore lands, another point raised by Ald. Crawford as

to the usefulness of the lands for development purposes. He maintained that only an inquiry could answer once and for all, the questions he still has about the Commodore transaction, and he defended his right to pursue these until answers have been provided to his satisfaction. Ald. Withers also spoke in support of the right that an Alderman has to raise questions and seek information as an elected representative.

When the vote was taken, the motion was defeated with Ald. Crawford voting in favour.

The meeting then adjourned at the hour of 11:00 p.m.



Bruce Smith,  
City Clerk-Treasurer.

CITY OF DARTMOUTH  
TEMPORARY BORROWING RESOLUTION

\$300,000

1979 Water - 80-1

WHEREAS the Municipal Affairs Act provides that the City of Dartmouth may, subject to the approval of the Minister of Municipal Affairs, borrow for the purpose of constructing, acquiring, altering, extending or improving waterworks or water system for the city, and acquiring or purchasing materials, machinery, implements and plant deemed requisite or advisable therefor or for maintaining such waterworks or water system;

AND WHEREAS the Municipal Affairs Act provides that the Minister of Municipal Affairs may, in his discretion, require before giving approval to a proposed borrowing or the Council may, by resolution, determine that the approval of the voters to any proposed borrowing be obtained;

AND WHEREAS the Minister of Municipal Affairs has not required and the Council has not determined that the approval of the voters be obtained;

BE IT THEREFORE RESOLVED

THAT under the authority of the Municipal Affairs Act the City of Dartmouth borrow a sum or sums not exceeding Three Hundred Thousand Dollars (\$300,000) in total for the purpose set out above, subject to the approval of the Minister of Municipal Affairs;

THAT the sum be borrowed by the issue and sale of debentures of the City to such an amount as the Council deems necessary;

THAT the issue of the debentures be postponed pursuant to the Municipal Affairs Act and that the City borrow from time to time a sum or sums not exceeding Three Hundred Thousand Dollars (\$300,000) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding twelve months from the date of the approval of the Minister of Municipal Affairs of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

APPROVED  
AS TO FORM

*J.R.*  
SOLICITOR

APPROVED  
AS TO AMOUNT.

*[Signature]*

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution duly passed at a duly called meeting of the Council of the City of Dartmouth held on the 3rd day of June, 1980.

DEPARTMENT OF MUNICIPAL AFFAIRS	
Recommended for approval of the Minister	
<i>[Signature]</i> Deputy Minister	
APPROVED this <i>24th</i> day	
of <i>June</i> 19 <i>80</i>	
<i>[Signature]</i> Minister of Municipal Affairs	

GIVEN under the hands of the Mayor and Clerk and under the seal of the City this 12th day of June, 1980.

*[Signature]*  
MAYOR

*[Signature]*  
CLERK

CITY OF DARTMOUTH  
TEMPORARY BORROWING RESOLUTION

\$200,000

1979 Street - 80-2

WHEREAS the Municipal Affairs Act provides that the City of Dartmouth may, subject to the approval of the Minister of Municipal Affairs, borrow for the purpose of laying out, opening, constructing, widening, making and draining streets, roads, bridges, culverts or retaining walls in the city, and acquiring or purchasing materials, machinery, implements and plant deemed requisite or advisable therefor, or for maintaining, clearing or improving such streets, roads, bridges, culverts or retaining walls;

AND WHEREAS the Municipal Affairs Act provides that the Minister of Municipal Affairs may, in his discretion, require before giving approval to a proposed borrowing or the Council may, by resolution, determine that the approval of the voters to any proposed borrowing be obtained;

AND WHEREAS the Minister of Municipal Affairs has not required and the Council has not determined that the approval of the voters be obtained;

BE IT THEREFORE RESOLVED

THAT under the authority of the Municipal Affairs Act the City of Dartmouth borrow a sum or sums not exceeding Two Hundred Thousand Dollars (\$200,000) in total for the purpose set out above, subject to the approval of the Minister of Municipal Affairs;

THAT the sum be borrowed by the issue and sale of debentures of the City to such an amount as the Council deems necessary;

THAT the issue of the debentures be postponed pursuant to the Municipal Affairs Act and that the City borrow from time to time a sum or sums not exceeding Two Hundred Thousand Dollars (\$200,000) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding twelve months from the date of the approval of the Minister of Municipal Affairs of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

APPROVED  
AS TO FORM

*JR*  
SOLICITOR

APPROVED  
AS TO AMOUNT

*[Signature]*  
SOLICITOR

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution duly passed at a duly called meeting of the Council of the City of Dartmouth held on the 3rd day of June, 1980.

GIVEN under the hands of the Mayor and Clerk and under the seal of the City this 12th day of June, 1980.

DEPARTMENT OF MUNICIPAL AFFAIRS	
Recommended for approval of the Minister	
<i>[Signature]</i>	
Deputy Minister	
APPROVED this <i>24<sup>th</sup></i> day	
of <i>June</i> 19 <i>80</i>	
<i>[Signature]</i>	
Minister of Municipal Affairs	

*[Signature]*  
MAYOR

*[Signature]*  
CLERK



C.A. MOIR  
ADMINISTRATOR

# City of Dartmouth

P.O. BOX 817  
DARTMOUTH, NOVA SCOTIA  
B2Y 3Z3

Date: May 29, 1980  
To: His Worship the Mayor and  
Members of City Council  
From: C. A. Moir, City Administrator  
Re: Resolution 80-24, Toulany Exp.

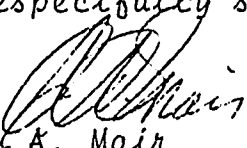
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Two years ago, City Council provided capital funds to eliminate several drainage problems throughout the City. One project which has not been completed is the piping of the brook behind properties on Pleasant Street running from the south boundary of Imperial Oil property to Belmont Avenue.

The Engineering Department has been attempting to obtain easements over private property and has obtained easements from all of the property owners except that owned by Samir and Ramza Toulany. While the installation of piping in this brook will improve the back of the property, and make it more useable, the owners are requesting a payment of \$5,000. In our opinion, this is more than the easement is worth. As a matter of fact, the property will be tremendously improved once the brook is piped.

In view of the foregoing and in order that the project may proceed during the year 1980, I would respectfully request that City Council adopt Resolution #80-24, copy of which is attached.

Respectfully submitted,

  
C. A. Moir,  
City Administrator

CAM:mgm  
enc.



May 1980

RESOLUTION 80-24

WHEREAS the Council of the City of Dartmouth desires to acquire the land described and outlined in black in the plan and description attached hereto.

AND WHEREAS the City has negotiated with the owner for the acquisition of the land and is unable to obtain a clear title to the land at a fair price by agreement.

AND WHEREAS the City Clerk has caused a plan and description of the land and a list of the owners thereof according to the last revised assessment roll to be prepared.

BE IT THEREFORE RESOLVED that the City now expropriates the land described in Schedule "A" hereto and shown on the plan attached hereto as Schedule "B".

The owner of the land according to the last revised assessment roll is Samir and Ramza Toulany.

The interest intended to be expropriated is an easement for drainage purposes and such interest is not to be subject to any existing interest in the land.

The land is being expropriated for a drainage easement.

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SCHEDULE "A"

ALL that certain easement situate, lying and being Easement D-739, off the northeastern side of Pleasant Street as shown on a plan (City of Dartmouth Engineering Department Plan No. 33-172) showing Easement D-739 over lands of John Toulany and Josephine Toulany, Easement D-740 over lands of John Clark Keating and Heather Mae Keating dated February 12, 1980, signed by L. Paul Zinck, N.S.L.S., being in the City of Dartmouth, County of Halifax, Province of Nova Scotia, the said easement being more particularly described as follows:

BEGINNING at a point on the northwestern boundary of Lot 1-B at the most southerly corner of Easement D-740 being N 28° 38' 57" W, 315.10 feet of Nova Scotia Control Monument Number 5331;

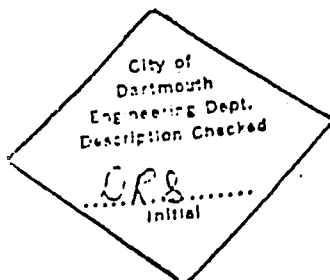
THENCE N 40° 07' 48" E, 37.60 feet along the southeastern boundary of lands of John Clark Keating and Heather Mae Keating to the most easterly corner of Easement D-740;

THENCE S 49° 52' 12" E, 61.41 feet along the southwestern boundary of lands of Imperial Oil and lands assessed to Carleton S. Tait which intersects the northern side of the main part of Civic Number 729 produced easterly;

THENCE S 46° 55' 27" W, 42.06 feet along the northern side of the main part of Civic Number 729 produced easterly and the northern side of the main part of Civic Number 729 to a point;

THENCE N 45° 38' 50" W, 56.59 feet to the point of beginning.

ALL bearings being 3° modified transverse mercator grid bearings, Central Meridian 64° 30' west longitude.



IMPERIAL OIL  
BOOK 1409 PAGE 366

JAMES DONALD WHEATLEY &  
SHIRLEY MARIE WHEATLEY  
BOOK 2255 PAGE 161

IMPERIAL OIL  
BOOK 1409 PAGE 366

BRIDGE

LOT 2 ASSESSED TO CARLETON S TAIT  
EXISTING 25' EASEMENT  
BOOK 2220 PAGE 937

EXISTING

EASEMENT  
D-740  
BOOK 2241 PAGE 536  
N52°44'33"W 71.79'

EASEMENT  
D-739  
N49°52'12"W 61.41'

JOHN TOLLANY &  
JOSEPHINE TOLLANY  
BOOK 2953 PAGE 3

EASEMENT  
D-740  
N45°38'50"W 56.59'

JOHN CLARK KEATING &  
HEATHER MAE KEATING  
BOOK 3019 PAGE 82

PAVED  
D/W

CIVIC  
729

CIVIC  
731

BEVERLY ANNE  
MacDONALD  
BOOK 2954 PAGE 397

ASSESSED TO IMPERIAL OIL LIMITED

CIVIC  
727

PAV  
D/W  
N40°07'48"E 37.60'

EDGE OF PAVEMENT

STREET

(EASTERN PASSAGE ROAD)

CARLETON STREET

STREET

Fd I.B.

Fd I.B.

Fd NAIL

Fd SPIKE

N28°38'57"W 315.10'  
(TIE LINE)

N.S.C.M  
533'

PLEASANT

322)

Dartmouth, N. S.

June 18/80.

Regularly called meeting of City Council  
held this date at 12:00 noon.

Present - Mayor Brownlow

Ald. Ibsen	Fredericks
Hart	Greenwood
Ritchie	Cunningham
Crawford	Valardo
City Administrator, C. A. Moir	
City Clerk-Treasurer, B. Smith	

Representing Dineen Construction:  
Mr. Doug Turner  
Keith MacRae

Representing Sperry & Associates:  
Mr. H. Soosaar

PRELIMINARY PLANS:  
NOTTING PARK SCHOOL

Council first met in the Council Chamber to view the preliminary plans for the renovations to Notting Park School, which include the addition of a gymnasium and associated renovations to the existing building. The plans have been to the School Board's Finance & Buildings Committee, and it has been recommended by the City Clerk that the plans be approved by Council for submission to the Provincial Dept. of Education. A motion to adopt this recommendation and approve the plans as presented was moved by Ald. Fredericks, seconded by Ald. Ritchie. The motion carried.

The remainder of the meeting was chaired by Deputy Mayor Ibsen.

TAKE-OVER OF FERRY  
TERMINAL BUILDINGS

RESOLUTION #80-25

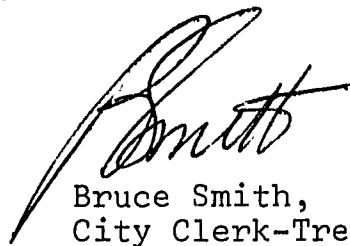
Council then left the Chamber to tour the new ferry terminal buildings prior to their official take-over by the City. The terminal on the Dartmouth side of the harbour was inspected first and Council adopted the attached Resolution #80-25, taking the building over on behalf of the City, on motion of Ald. Crawford and Hart. Mr. Moir advised that the total list of deficiencies for both terminal buildings has been estimated at \$50,000.; approval of their take-over would be subject to these outstanding deficiencies, plus other provisions of the contract.

On the Halifax side of the harbour, following an inspection of the second terminal building,

RESOLUTION #80-26

Council proceeded to adopt the attached Resolution #80-26, taking over that building also, on motion of Ald. Hart and Crawford.

Council returned to Dartmouth on the ferry and the meeting adjourned.



Bruce Smith,  
City Clerk-Treasurer.

June 18, 1980

RESOLUTION #80-25

Whereas by Contract #7715 dated the 19th day of February, 1979 Dineen Construction (Atlantic) Limited agreed to construct the Dartmouth Ferry Terminal.

BE IT THEREFORE RESOLVED that the City of Dartmouth hereby accepts the works subject to any outstanding deficiencies as provided by The Architects Sperry Associates Limited and subject to the provisions of the said contract including those relating to warranty, maintenance, and mechanics liens.

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June 18, 1980

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---

Dartmouth, N. S.

June 24/80.

Regularly called meeting of City Council  
held this date at 7:30 p.m.

Present - Mayor Brownlow

Ald. Ibsen	Sarto
Williams	Cunningham
Brennan	Crawford
Withers	Valardo
Hart	Greenwood
Hawley	Greenough
Ritchie	Fredericks
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady	

PETITION: JOHN MACNEIL  
HIGH CLOSING

At the beginning of the meeting, Ald. Hart received permission to table two petitions for the information of Council, relating to the proposed closure of junior high school classes at the John MacNeil School and the opposition to this closure, expressed by both parents and students through two separate petitions circulated in the area. The Mayor said it was his understanding that the item will come before the July meeting of the School Board, when area residents will have an opportunity to present their views on the issue.

Ald. Greenough also requested and received permission to add to the agenda, his report previously circulated on the subject of a site for the A.W.F. trade and exhibition facility.

REPORTS

Reports recommended from Committee were approved as follows:

- 1) Building Inspector (May): approved on motion of Ald. Ibsen and Valardo.
- 2) V.O.N. (April & May): approved on motion of Ald. Valardo and Cunningham.
- 3) Ferry Supt. (May): approved on motion of Ald. Greenough and Sarto.
- 4) Fire Chief (May): approved on motion of Ald. Valardo and Ritchie.
- 5) Transit Manager (May): approved on motion of Ald. Hart and Brennan.
- 6) Social Services (April): approved on motion of Ald. Ibsen and Greenough.
- 7) Development Officer (May): approved on motion of Ald. Valardo and Greenough.



Dartmouth, N. S.

June 24/80.

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Present - Mayor Brownlow

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Williams	Cunningham
Brennan	Crawford
Withers	Valardo
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Hawley	Greenough
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- 6) Social Services (April): approved on motion of Ald. Ibsen and Greenough.
- 7) Development Officer (May): approved on motion of Ald. Valardo and Greenough.

PERMIT TO BUILD:  
JACKSON RD.

On motion of Ald. Valardo and Sarto, Council approved an application for permit to build a fifteen-unit apartment building at 36 Jackson Road, as recommended by Committee, subject to compliance with all of the necessary City requirements, as detailed in the staff report.

107 BY-PASS

The staff report on the 107 By-pass issue has been discussed in Committee and the recommendation to Council is that a date be set for a public hearing to permit representatives from interested groups to make presentations, also that members of the Provincial Dept. of Transportation staff be invited to make a presentation at the public hearing. A further recommendation from Committee is that copies of the staff report be sent to the local MLA's, the Dept. of Transportation, and the Planning Department for the Province, with appropriate covering letters. Ald. Valardo and Ritchie moved the adoption of the recommendations from Committee. Ald. Ibsen and Valardo moved in amendment that the date for the public hearing be set by the Mayor and that a time constraint of 90 days be placed on the holding of the meeting. The amendment and the amended motion carried (Ald. Brennan abstaining from the vote).

PERMIT TO BUILD:  
5 PORTLAND ST.

An application for permit to build an addition to the Penhorn Mall has been recommended for approval from Committee, subject to compliance with the recommendations contained in the Development Officer's report. A further recommendation from Committee is that the Planning Dept. be directed to negotiate with the Province, with reference to a slip-on entrance from the Circumferential Highway into Penhorn Mall, in light of the new addition to the Mall. Ald. Valardo and Ibsen moved the adoption of the recommendations from Committee.

Ald. Crawford questioned the association of the principals of Toulon Construction with a man named Joe Burnett and other figures of questionable integrity,

named in a CBC program called 'The MacIntyre File' and referred to by MLA Wm. MacEachern in the Provincial House, in connection with another shopping centre application in the Province. He expressed concern that small contractors associated with the company could stand to be hurt financially, as experienced by tradesmen in other similar situations elsewhere in Canada, and in view of his doubts about the company, he moved that the matter be referred to staff so that contact can be made with the proper authorities, including the Attorney-General's Dept., to obtain more information about the company before deciding to grant a building permit; the motion did not receive a seconder.

Ald. Hart questioned the relevance of the concerns put forward in relation to Council's approval of the application for permit to build. The Solicitor advised that Council does not have any further discretionary powers once the requirements of our various City by-laws and regulations have been met by a developer. The jurisdictions over which Council has control are represented by these by-laws and regulations and an applicant is entitled to receive a permit based on compliance with these specific requirements. Ald. Hawley took exception to this advice, suggesting that there is no point in having the applications come before Council if the members have no authority to approve or reject them as they see fit to do. He felt that the City already has too many malls and should not be enlarging one that is already in financial trouble.

Ald. Valardo did not agree with the manner in which information has been brought forward about alleged associations of the Toulon principals, and said that any such concerns should have been dealt with in camera or privately with the Mayor and the City Administrator. Ald. Ibsen again stressed his concerns about the possibility of additional traffic problems likely to be created as a result of the additional development

at Penhorn. Ald. Greenough spoke in favour of granting the permit and did not feel that an open forum such as this meeting is a suitable place to make judgements on the principals of the company involved.

Ald. Crawford said he considered it his duty as an Alderman to bring forward any information he is able to provide in relation to the protection of the City and local contractors who could suffer financially as a result of their association with this project.

Mr. Alper, the President of Toulon Construction, was very concerned about the statements made by Ald. Crawford and said he had never met Joe Burnett or been associated with him. He made reference to other malls built by Toulon in other locations and stated that the contractors were paid as they should have been upon completion of their work. He pointed out that his company has been chosen by the Sears people for the Penhorn Mall project and as a major merchandising company, they have showed faith in Toulon Construction to develop a revitalized shopping complex out of a mall that is not financially viable at the present time. A principal of the Sears company was later heard by Council as well. He said he had been impressed with Council as a whole and he commented on the company's decision to locate at Penhorn and on their choice of Toulon Construction to develop the project. When the vote was taken on the motion to approve the building permit, it carried with Ald. Crawford voting against.

DOWNTOWN COMMITTEE

A recommendation has been made to Council from Committee on the formation of a Downtown Revitalization Committee that would include participation by area residents. It is recommended that the two ward Aldermen, Mr. Fred Evans and other residents meet with the Planning Dept. staff to bring in a report on this matter, with suggested terms of reference, composition of the committee, etc., for recommendation to Council. Ald. Brennan suggested that the proposed

committee should include the Chairman of the Downtown Residents Assn. and the Chairman of the Downtown Dartmouth Business Assn. Ald. Brennan and Crawford moved the adoption of the recommendation from Committee. Ald. Crawford suggested that anyone wishing to submit names for consideration is free to do so, prior to the meeting called for Thurs., June 26th. Ald. Fredericks said that an architect should be named to the committee to assist in a consulting capacity. The motion carried.

DAY CARE SERVICES

An interim report on the subject of Day Care Services has been submitted by the Director of Social Services for Council's information. Mr. McNeil was present to respond to questions from the members, and said he hoped that firm recommendations on this item can be made by the end of July.

Concerns were expressed about the status of the South Woodside Day Care Centre and a location for this service when the South Woodside Annex has to be vacated. Mr. Moir explained that an alternate location is being sought for the day care centre and it will not be forced to move until some other building can be made available. The Director of the Centre spoke briefly to Council, noting that space large enough to accommodate 53 children is required when the relocation takes place. Ald. Fredericks moved that the report from Mr. McNeil be received, that Council continue to be informed on a regular basis by staff, and that the Provincial Dept. of Social Services be approached for any possible help that can be received from that source. Ald. Ritchie seconded the motion and it carried.

Information on the negotiations with the City for the South Woodside Annex (not required by the Roman Catholic Episcopal Corp.) was provided by Mr. Moir during the discussion on this item.

REQUEST FOR FUNDING:  
SENIOR CENTRE CO-ORDINATOR

A second report before Council from the Director of Social Services dealt with the position of the Senior Citizens Centre Co-ordinator and the question of funding for this position in the light of an indication that funding for the New Horizons program will not be extended beyond June of 1981. Ald. Hawley suggested that the functions of the Co-ordinator tend more toward the area of recreational services than social services, and he moved that the City Recreation Director and Mr. McNeil meet to discuss the position further in terms of its jurisdiction and decide which department it should come under; the motion was seconded by Ald. Withers.

Mr. McNeil pointed out that the Co-ordinator does not in fact come under the City's jurisdiction at all, this position having been established under New Horizons and assisted through other government programs. Members of Council did not indicate support for the motion and favoured ideas put forward by Ald. Fredericks on other possible sources of funding to keep Mrs. Wenaus in the position she is presently occupying as Co-ordinator, recognizing the work she has done for senior citizens and the time and effort she puts into the job. When the vote was taken on the motion, it was defeated.

Ald. Fredericks then moved, seconded by Ald. Ritchie, that Mr. McNeil and his staff be asked to look at the other possible funding sources referred to in his report to Council, plus the possibility of senior citizens paying dues toward the salary cost of the Co-ordinator, and if all of these approaches are unsuccessful, that the matter be referred to the Grants Committee to come back with a recommendation to Council. This motion received the support of Council and it carried.

POLICY STATEMENT:  
COMMUNITY CARE OF  
THE ELDERLY & DISABLED

The Director of Social Services has submitted a policy statement on Community Care of the Elderly and Disabled, prepared in conjunction with the other metropolitan municipal Social Services Departments. Ald. Crawford and Ibsen moved the adoption of the policy statement, but Ald. Brennan objected to a number of the points contained in it, primarily the following:

- 1) the complete erosion of personal rights, autonomy and self-esteem.
- 2) the lack of family responsibility in the statement.
- 3) the heavy dependence on pre-deceased estate granting by persons to their families.
- 4) the apathetic approach to levels of service and care in nursing homes.
- 5) the fact that the statment is in conflict with the Provincial Government's stated intention to make it possible for people to remain in their own homes for as long as possible.
- 6) the heavy beaurocracy involved to service the policy statement.

Ald. Brennan and Valardo moved referral of the policy statement to the Community Services Advisory Board and the Dartmouth Medical Society for review and report back to Council, taking into account the points brought out by Ald. Brennan and his concerns expressed about the over-regulation and heavy beaurocracy aspects. The motion carried.

WARD TENDER:  
REPAINTING BURNSIDE  
RESERVOIR

Tenders have been received as follows for the repainting of the interior of the Burnside steel reservoir:

Kimber & Whittle	\$95,100.
Argus Contracting	98,700.
Stanfield & Miles	122,400.
Parker Brothers Ltd.	128,500.

Mr. Moir recommends that the low tender submitted by Kimber & Whittle, in the amount of \$95,100., be accepted and that this project be charged to the City Water Utility operating account. The tender was awarded as recommended, on motion of Ald. Valardo and Ibsen.

WATER MAIN:  
KING ST.

On motion of Ald. Valardo and Sarto, Council adopted a report from Mr. Moir, recommending the replacement of a 6" water main on King Street, between Portland St. and Alderney Drive, with a new 8" main, estimated to cost \$35,000. The cost of this project will be charged to the City Water Utility, depreciation account.

LANDSCAPING: AREA  
OF CITY HALL & FERRY  
TERMINAL BUILDING

A report from Mr. Moir was considered on the proposed paving of an area between City Hall, the railway tracks at the ferry terminal building, Ochterloney Street extension, and the backs of the properties fronting on Alderney Drive, estimated to cost \$18,000. Funds are available in the 1980 Capital budget (land & improvements associated with WDC) for this project and it is Mr. Moir's recommendation that Council authorize a call for tenders for paving this area, the paving to be done immediately upon completion of the grading to be done by WDC. The recommendation was adopted, on motion of Ald. Ritchie and Valardo.

DART. HANDCRAFTERS  
GUILD

Council has received copies of a letter from the Dartmouth Handcrafters Guild, with a request for permission to erect a building on property adjacent to the Dartmouth Tourist Bureau on Thistle Street. In his accompanying report, Mr. Moir suggested that City staff can give this matter some consideration for further recommendation to City Council. Ald. Williams and Ritchie moved the adoption of the report, and Ald. Fredericks made a further suggestion that consideration should also be given to a possible relocation of the Tourist Bureau itself, maybe into one of the new buildings being proposed, such as the recreation complex or the new library. He asked that staff take a look at the feasibility of his suggestion in conjunction with the request for a building from the Handcrafters Guild. The motion was put and carried.



CONTRACT 8002:  
SIDEWALK CONSTRUCTION

Tenders have been received for the installation of concrete sidewalks on the following streets:

Pine Street - Ochterloney - Dahlia  
Springhill Road  
Yorkshire Ave.  
Symonds Street - Victoria Rd. to Slayter St.

The first three streets are located in NIP areas and the cost of installing the sidewalk is provided in NIP funds. The fourth street, Symonds Street, etc. was authorized in the 1980 capital budget.

The tenders were received from:

Ocean Contractors Ltd.	\$61,467.75
Steed & Evans Ltd.	73,060.00

Acceptance of the tender submitted by Ocean Contractors Ltd. is recommended in Mr. Moir's report, and the tender was awarded as recommended, on motion of Ald. Valardo and Sarto.

BUS SERVICE:  
COLBY VILLAGE

Mr. Moir has submitted a report to Council on the status of the Colby Village bus run, with particular reference to the fact that the City of Dartmouth, as the operator of Dartmouth Transit, should have been officially notified by the Dept. of Municipal Affairs of the termination of the subsidy for the Colby Village demonstration route. In view of the fact that the City has yet to be officially notified, the report recommends that the Mayor, the Chairman of the Transit Advisory Board, and the City Administrator be authorized to meet with the Minister of Municipal Affairs to request and negotiate an extension of the financing of the Colby Village bus service, in view of the lack of official notification to the City, and to request that the subsidy be continued until such time as the City can give official and adequate notification to the users that the service will be discontinued.

Mr. Moir further recommends that the same people be authorized to negotiate with the Municipality of the County of Halifax, regarding termination of the Colby Village run or the financing of it, either through subsidy by the County or through MTC.

Mr. Moir's recommendations were adopted as presented, on motion of Ald. Greenough and Hart.

RESOLUTION #80-27

On motion of Ald. Greenough and Valardo, Council adopted the attached Resolution #80-27, giving an easement across DND lands for a sewer line connection to service lands on the east side of Windmill Road, owned by the Hardman Group.

COST-SHARING:  
MAINSTREET PROGRAM

Mr. Larry Graham, Chairman of the Business Improvement District Committee, presented a request in connection with the Mainstreet Program, seeking Council's support for the establishment of a Downtown Development Corp. concept, and secondly, seeking cost-sharing from the City in the salary of a full-time Co-ordinator who would be hired to supervise the downtown commercial redevelopment program and for promotion of the downtown area. In relation to the second request, the Committee recommends that Council:

- a) approve funding to a maximum of \$6,000. to be allocated to the Co-ordinator's salary.
- b) approve funding to a maximum of \$2,000. to be allocated to advertise the position.
- c) authorize the Committee to advertise and review applications and recommend a candidate to Council.

Ald. Cunningham and Ritchie moved the approval of the requests from the Committee, as detailed above. Ald. Fredericks wanted to see some of the revenues from downtown parking lots designated specifically toward the City's contribution to the salary of a Co-ordinator, and he also felt that the position should be one of a term employment only as far as the City is concerned. He moved in amendment, seconded by Ald. Williams, that when the Mainstreet program terminates, the City's involvement in any salary contribution lapses also. The amendment was not opposed to any extent by Council and it carried.

Council's general reaction to the motion was a positive one, although Ald. Williams said he would like to have a job description presented when the

Ald. Brennan suggested that perhaps the Grants Committee should be reviewing the request from the Society as other similar groups have been dealt with, and he subsequently moved referral to the Grants Committee for their consideration. Ald. Greenough seconded the motion to refer, but it was defeated also. (Council continued to meet beyond the regular 11:00 p.m. hour, on motion of Ald. Hawley and Williams.)

Following further debate on the main motion, the vote was taken and the motion carried with Ald. Valardo voting against.

The meeting then adjourned.



G. D. Brady,  
Deputy City Clerk.

Committee comes back with a recommendation for filling the position of Co-ordinator. The amended motion was put and carried.

WARD TENDER:  
NORTH WOODSIDE  
SCHOOL PARK

Tenders were received as follows for the construction of the North Woodside School Park, under the North Woodside NIP Program:

Fundy Construction Co. Ltd.	\$109,857.00
Ocean Contractors Ltd.	105,930.00
Dineen Construction Ltd.	89,850.00
W. Eric Wheby Ltd.	84,206.00
Bic Enterprises Ltd.	74,250.00

Mr. Moir recommends acceptance of the tender submitted by Bic Enterprises Ltd. and his recommendation was adopted, on motion of Ald. Fredericks and Ritchie. The cost of supervision of the project by CBCL is estimated at \$2,000.

BLACK CULTURAL  
CENTRE

A letter was before Council from Mayor Brownlow, recommending that the City make a \$100,000. capital contribution toward the cost of constructing a Black Cultural Centre which is proposed for land next to the Nova Scotia Home for Colored Children in Westphal. The contribution would be made over a three-year period, first payment to be made during the year the Cultural Centre commences construction. It is the Mayor's further recommendation that this grant be paid to the Black Cultural Society from the City of Dartmouth Water Utility Surplus Account. Ald. Ibsen and Cunningham moved the adoption of the recommendations and the motion was debated.

Ald. Valardo felt that the Black Cultural Society should be submitting a grant application in the regular way, indicating how the Society plans to raise some of the funds required to construct the centre. He moved deferral until such time as the Society provides information on their plans for raising a portion of the funding required; Ald. Hawley seconded the motion to defer. Other members of Council did not support deferral, preferring to decide the matter at this time. The motion was put and defeated.



OFFICE OF  
THE CITY ENGINEER

P. O. BOX 817,  
DARTMOUTH, NOVA SCOTIA  
B2Y 3Z3  
469-9211

June 20, 1980


His Worship the Mayor  
Members of City Council  
City of Dartmouth

The Hardman Group is in the process of developing their property on the east side of Windmill Road opposite Shannon Plaza. One lot at the south end of the property is presently serviced by the City water main on Windmill Road. However, there is no sewer system on this section of Windmill Road.

Under the City's servicing policy the developer must install the necessary municipal services for his development and on completion of the services they are turned over to the City for future operation and maintenance. The servicing of this particular site requires that the sewer be installed from Windmill Road to the City trunk sewer on the CNR right of way. The developer proposes to install his sewer adjacent to the pavement on Nootka Avenue. However, Nootka Avenue is not a City owned street but is owned by the Department of National Defence. In order for the sewer to be installed on this land and for ongoing maintenance and operation, we shall require an easement or licence from D.N.D. The developer has carried out the necessary leg work for obtaining the licence and it is now to the stage where the document must be approved and signed by the City.

We would hereby recommend City Council's approval of the attached resolution which authorizes the Mayor and City Clerk to sign the aforementioned document.

Respectfully submitted,

  
Russell J. Fougere, P. Eng.

For Mr. C. A. Moir  
City Administrator



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THE CITY ENGINEER

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Respectfully submitted,

  
Russell J. Fougere, P. Eng.

For Mr. C. A. Moir  
City Administrator

June 1980

RESOLUTION 80-27

WHEREAS the City of Dartmouth wishes to connect a sewer line across Department of National Defence property to service lands of the Hardman Group;

AND WHEREAS in order to install the sewer line permission must be obtained from the Department of National Defence;

BE IT THEREFORE RESOLVED that the Mayor and City Clerk are hereby authorized and instructed to execute on behalf of the City a document in the form attached as Schedule "A" to this resolution.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

MEMORANDUM OF AGREEMENT made in duplicate

BETWEEN:

HER MAJESTY THE QUEEN in right of Canada,  
 represented herein by the Minister of  
 National Defence (hereinafter referred to  
 as "the Licensor")

AND

CITY OF DARTMOUTH

(hereinafter referred to as "the Licensee")

WHEREAS the Licensor owns and maintains a defence establishment located at CFB Halifax, N.S.

AND WHEREAS the Licensee has requested permission from the Licensor to Connect Sewer Line as per Annex "A" for the purpose of: Sewer Connection.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of and subject to the terms, conditions, covenants and provisos hereinafter contained the Licensor, to the extent of such power and authority as legally exists and no further, hereby grants leave and licence, subject to termination as hereinafter provided, to the Licensee to use, for the purpose aforesaid and for no other purposes whatsoever, the said Sewer Easement as shown on Drawing No. 1 dated March 4, 1980 which is attached as Annex "A" hereto and forms part of this agreement for a term of 5 years commencing on the 1st day of July, 1980.

THE LICENSEE COVENANTS AND AGREES WITH THE LICENSOR:

1.

(a) to pay to the Licensor by way of acknowledgement that the aforesaid and license exists only by leave of the Licensor and not by any right or title whatsoever in the Licensee, the sum of \_\_\_\_\_ the first payment to become due and payable upon execution hereof and subsequent payments upon the anniversary thereof in each and every year during the life of this agreement, provided that on or after the first day of \_\_\_\_\_ the said annual payments are subject to an annual review and may be increased in an amount to be determined by the Licensor;

(b) to pay all taxes, rates, charges or assessments which may be levied in respect of the use of the Easement by the Licensee;

(c) to abide by all applicable orders, instructions and regulations issued by or under the authority of the Licensor;

(d) not to assign or transfer, nor purport to assign or transfer either in whole or in part, the leave and licence;

(e) to assume full responsibility for the care of its property at all times and to assume all risk of loss, damage or injury to itself, its servants, agents, employees, invitees or licensees;

(f) to indemnify and save harmless Her Majesty, Her Officers, servants, agents, employees and members of Her Majesty's armed forces, Her and their heirs, executors, administrators, successors and assigns, from and against all injury, damage, actions, causes of action, suits, claims and demands of whatsoever nature which may result or may be brought or made by reason of any act or default of the Licensee, its servants, agents, employees, invitees, or licensees, or on account of any damage to the property of the Licensee



or in connection with any loss, damage or injury in any manner based upon, arising out of or incidental to the exercise or purported exercise by the Licensee of the leave and licence granted herein;

(g) to compensate the Licensor, Her officers, servants, agents and employees for any injury or damage to the property of the Licensor caused by or directly or indirectly attributable to the exercise by the Licensee of the leave and licence herein conferred;

(h) to comply with all applicable federal, provincial and municipal laws, by-laws and regulations;

(i) upon termination of this agreement to remove all structures, equipment and things attached thereto in the exercise or purported exercise of the leave and licence granted herein, and to restore the property to the satisfaction of the Licensor;

(j) to comply with the special conditions listed at Annex "B".

2. IT IS MUTUALLY COVENANTED AND AGREED BY AND BETWEEN THE PARTIES HERETO THAT:

(a) either party hereto may at any time terminate this agreement and the leave and licence hereby granted upon giving to the other party at least 90 days prior written notice of intention to terminate, PROVIDED, however, that the agreement and the licence it confers shall in the Licensor's discretion, be terminated and withdrawn forthwith and without advance notice in the event of these public lands being required for public purposes by reason of circumstances that, in the opinion of the Minister, constitute an unforeseen emergency;

(b) no member of the House of Commons shall be admitted to any share or part of this agreement or to any benefit to arise therefrom, (Senate and House of Commons Act, R.S.C., 1970, Chapter S-8, subsection 20(1)).

IN WITNESS WHEREOF this agreement has been executed by the Director General Properties and Utilities, Department of National Defence, on behalf of Her Majesty the Queen in right of Canada, and by the Licensee this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_.

SIGNED, SEALED AND DELIVERED in the presence of:

Department of National Defence

.....  
Witness

.....  
Director General  
Properties and Utilities

SIGNED, SEALED AND DELIVERED in the presence of:

.....  
Witness

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