

Dartmouth, N. S.

March 3/81.

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

Present - Mayor Brownlow

Ald. Sarto	Ibsen
Williams	Cunningham
Brennan	Crawford
Hart	Greenwood
Hawley	Greenough
Ritchie	Fredericks
Withers	
City Solicitor, M. Moreash	
City Administrator, C. A. Moir	
Acting Deputy City Clerk, M. Procos	

The Mayor welcomed to the meeting, members of the 9th Dartmouth Scout Troop and their leaders.

MINUTES

The minutes of the meetings of Feb. 3rd and 17th were adopted, on motion of Ald. Ritchie and Williams. Ald. Ibsen commended the changes that have been made in the format of the minutes.

PETITION:
CLYSDALE DR.
RESIDENTS

A petition has been received from Clysdale Drive residents, requesting that safety improvements be made to the section of Portland Street from Jersey Drive outbound, presently serviced by a 70 km/hr speed limit. This speed limit is considered to be too high for the residential area adjacent to the highway and for the safety of pedestrians trying to cross Portland Street at almost any time of the day or evening. The residents are seeking to have the speed limit reduced to 50 km/hr and also, to have crosswalks equipped with lights and flashing signals so that pedestrians can be seen by oncoming traffic in all the traffic lanes.

Mr. D. Willis made the presentation on behalf of the citizen group present. He explained the seriousness of the present traffic situation and its effect on the residents and pedestrians. He requested that action be taken to effect the improvements outlined in the petition.

Ald. Hart asked what position Council can now take on this matter when the Provincial Traffic Authority has indicated that there will not be a reduction in the speed limit on this highway section. The Mayor said that Council

could ask to have the decision reviewed again, in the light of the concerns that have been expressed by citizens at this meeting. Ald. Hart therefore moved, seconded by Ald. Sarto, that the attention of the Minister of Transportation (Provincial Traffic Authority) be drawn again to this traffic problem, with a request that it be reviewed, and that the other items be referred to staff for consideration and costing. Ald. Greenough asked that the referral to staff include the T.M.G. so that Council can receive an in-depth report on how best to separate the pedestrian and vehicular traffic in this area.

Other members of Council concurred with the course of action proposed in the motion and with Ald. Greenough's point about referral to the T.M.G. for assessment and a report. The motion was put and carried.

MOTION: Moved by Ald. Hart, seconded by Ald. Sarto, that the Provincial Traffic Authority be asked to again review the traffic situation on the section of Portland St. from Jersey Drive outbound, and that staff (including the T.M.G.) look at the items in the resident petition that relate to pedestrian safety and report back to Council.

PETITION RE
97 WOODLAWN RD.

A second petition before Council from residents had to do with the establishment of a grocery store in the premises at 97 Woodlawn Road, the upper section of which is currently occupied by a scrap metal and bottle exchange.

The citizen presentation was made by a resident, Mr. Davison, and his arguments in support of their position were based mainly on the provisions of the Planning Act as set out for the non-conforming use of a property, and his contention that there has been a breach of these provisions with the structural changes that have been made in the building at 97 Woodlawn Road, plus the fact that a change in use has been made from light industrial to commercial. He said there has been a strained interpretation of the Planning Act and the City Zoning By-law in this instance, and he felt the permit granted should be looked at in this light to determine whether such violations have in fact occurred.

Ald. Williams asked what action can be initiated to stop the project at this point, and was advised by the Solicitor that if the owner is in compliance with the regulations covering the property, the project cannot be stopped without facing the prospect of a legal action against the City. Ald. Ibsen commented on the traffic along this section of Woodlawn Road and the hazardous conditions that exist for pedestrians already, without adding to the problem with a grocery outlet at the location where it is being proposed. This point was also brought out in Mr. Davison's presentation, when he expressed concern about children crossing the street to get to the store in such a heavily-travelled area.

The discussion following centered mainly around the points raised about compliance with non-conforming use provisions and whether these are being violated by the structural alterations to the building and/or by the change in use from the original light industrial that was permitted to a commercial use. Another factor considered was the question of whether or not health regulations are being met by establishing a grocery outlet in the same building where a scrap metal and bottle exchange operation are being carried on. Ald. Ritchie wanted to see the petition tabled until the Dept. of Health has been contacted and had an opportunity to assess the situation and determine whether or not the owner is entitled to proceed with a store under these circumstances. Several members of Council were concerned at being unable to take any action to have the project stopped at this point, but it was pointed out by Mr. Lukan that the non-conforming use on the property at 97 Woodlawn Road is controlled by a Provincial statute and not by City regulations.

At the conclusion of the discussion, Ald. Sarto and Ibsen proceeded to move that the matter be referred to staff for report back to the Committee meeting of March 10th on the issues involved, and that no decision be taken until that time. The staff concerned would include the City

Administrator, the Building Inspection and Planning Departments, the Solicitor's department, the T.M.G., and the Board of Health. The motion to refer received the support of Council and it carried.

MOTION: Moved by Ald. Sarto and Ibsen that the petition re97 Woodlawn Road be referred to staff (as detailed above) for a report to the Committee meeting of March 10th on the alterations to the building and other issues relating to the granting of a permit for the establishment of a grocery store at this location.

AWARD TENDERS:
DEMOLITION OF
BUILDINGS

Tenders have been called for the demolition of the following buildings:

- 1) 16 Kuhn Rd - house & garage
- 2) 1 Ferguson Rd. - house & garage
- 3) 371 Windmill Rd. - house
- 4) 377 Windmill Rd. - house & garage

It is the recommendation of the Purchasing Agent, in conjunction with Mr. Moir, that the tenders be awarded as follows for demolition:

- 1) 16 Kuhn Rd.: to Mills Heavy Hauling Ltd. (\$1,400.)
- 2) 1 Ferguson Rd.: to Mills Heavy Hauling Ltd. (\$800.)
- 3) 371 Windmill Rd.: to Mr. Ron Cooley who will pay the City \$200. for the house and move it to a lot he owns in the same area.
- 4) 377 Windmill Rd.: to Mills Heavy Hauling Ltd. (\$800.)

The tenders were awarded as recommended to Council, on motion of Ald. Greenough and Sarto.

MOTION: Moved by Ald. Greenough and Sarto that tenders for the demolition of City-owned buildings be awarded as detailed above.

AWARD TENDERS:
POLICE VEHICLES

Tenders have been received for Police Dept. vehicles, covering the trading in of 10 market cars and two vans; all vehicles are used for police patrol duty. Mr. Moir has recommended acceptance of the report from the Purchasing Agent on the quotations received and recommending that the tender for marked police vehicles be awarded to Chebucto Ford, in the amount of \$64,570., and for the two vans, to Harbour View Plymouth Chrysler Ltd., in the amount of \$11,156. Ald. Hart and Ibsen moved the adoption of the recommendation.

Ald. Fredericks asked that consideration be given by staff to the merits of changing to diesel vehicles as a means of saving on fuel costs, and Ald. Brennan suggested

that staff also look at the possibility of using the vans in other City departments in future rather than offering them for trade-in in the purchase of new ones. The motion was put and carried.

MOTION: Moved by Ald. Hart and Ibsen that tenders for marked police vehicles and two vans for the Police Dept. be awarded as recommended by Mr. Moir and the Purchasing Agent.

AWARD TENDERS:
SAND, GRAVEL
& STONE

The Purchasing Agent has reported on tenders received for the supply of sand, gravel & stone for the Works Dept. for the year 1981, recommending that tenders be awarded as outlined in the report; Mr. Moir has concurred in these recommendations and the tenders were awarded accordingly, on motion of Ald. Ibsen and Greenough.

MOTION: Moved by Ald. Ibsen and Greenough that the tenders for sand, gravel and stone be awarded as recommended by Mr. Moir and the Purchasing Agent in the report to Council.

SALE OF LAND:
650 PORTLAND ST.

As requested, a further report has been submitted by Mr. Moir on the sale of land at 650 Portland Street, with particular attention to the points raised when this item was previously before Council with respect to the construction of a street for conveyance to the City, the number of driveways that will be permitted with access onto Portland Street from the property, and the adequacy of the asking price for the property at \$4.50 per sq. ft. Resolution #81-4 has also been prepared, authorizing the conveyance of the property to Mr. Pothier for the negotiated sale price of \$166,185., if Council approves the transaction.

Ald. Fredericks and Ritchie moved the adoption of Mr. Moir's report which recommends that Council proceed with the adoption of the resolution (as amended at the Feb. 3rd meeting), that the City enter into an agreement with Wedgeport Plaza Ltd. & Mr. Pothier regarding the conveyance of the street, the construction of the street and its return to the City; and establishing the fact that there will be two street entrances to the total property - one located on the plan as shown and the second to be established.

Ald. Hawley again objected to the price at which the property is being sold and did not consider it to be adequate or in line with what other properties have sold for in the same area. Mr. Moir said it should be taken into account that the land concerned is surrounded by the holdings of Wedgeport Plaza Ltd. and it is therefore most beneficial to work out a better development plan for the total land holding with this owner rather than trying to introduce a new development with additional driveway entrances to Portland Street and no coordination possible as we have been able to negotiate with Mr. Pothier. Other members of Council agreed with Mr. Moir's assessment and Ald. Fredericks said it is time to put the property back into a productive state so that the City can again realize the tax revenue that should be received from it.

The main area of concern among the members of Council who spoke on the motion, was the construction and conveyance of the street, so that the City has some guarantee that (1) it will be constructed by the developer, and (2) that it will be constructed within a specified period of time and not delayed over a period of years. An amendment was proposed by Ald. Brennan and Greenough to insure the City's protection by requiring that the street be constructed and conveyed to the City within six months of conveyance of the deed to the property. The Solicitor noted that the agreement to be drafted will also include a provision for the City to take an option to re-purchase the property if the terms of the agreement are not met for any reason by Mr. Pothier.

When the vote was taken on the amendment, it carried with Ald. Fredericks and Hawley voting against. The amended motion carried with Ald. Hawley voting against.

MOTION: Moved by Ald. Fredericks and Ritchie that Mr. Moir's report on the sale of 650 Portland St., dated March 3/81, be adopted with the

AMENDMENT: moved by Ald. Brennan and Greenough that the street be constructed and conveyed to the City within six months of the conveyance of the deed to the property.

Amendment to the minutes of March 3rd,
second paragraph of page 7, as introduced by
Ald. Hart at the Council meeting of April 7th.

' . . . reminding M.T.C. of the priority routes specified originally by staff and Council and correspondence from the previous Minister of Municipal Affairs with regard to the commitment to fund all new routes as demonstration projects in the City.'

(Ald. Crawford requested at the April 7th meeting that copies of the above amendment be circulated to all members of Council.)

RESOLUTION #81-4

On motion of Ald. Crawford and Ritchie, Council also proceeded with the adoption of the attached Resolution #81-4, authorizing the conveyance of the property at 650 Portland St. to Mr. Pothier for the negotiated settlement price.

MOTION: Moved by Ald. Crawford and Ritchie that the attached Resolution #81-4 be adopted, authorizing the conveyance of 650 Portland St. to Mr. Pothier of Wedgeport Plaza Ltd.

EXTENDED BUS
SERVICE:
ROUTES 6 & 5

The Transit Advisory Board has discussed a report on the hours of operation of the bus routes #6 (Westphal) and #5 (Port Wallace), and has adopted a motion, referring the report to Council for a recommendation to the M.T.C. that it be studied with a view to eliminating the inequality in hours of service on these two routes vs. other routes in the current Dartmouth schedule. Ald. Greenough and Ibsen moved the adoption of the Board's recommendation. Ald. Hart suggested that when the report is forwarded to M.T.C. with an accompanying letter, copies of previous correspondence should also be forwarded, reminding M.T.C. of the condition specified originally with regard to the commitment to fund new routes as demonstration routes in the City.

Ald. Fredericks also raised several questions on the expectation that Council has that new routes, such as those proposed in the next item on the agenda (to serve the Greenough and Wildwood Subdivisions), will be funded on a demonstration basis, and Council is not making any commitment at this time to assume responsibility for the funding. He asked that this point be noted for the record.

Ald. Brennan questioned the cost benefits involved in the proposed hours of extended service, particularly on the Port Wallace run, where ridership has not increased enough to justify such improvements in the service. Ald. Greenough commented on some of the problems with the present service, which prevent a better utilization of transit as a viable means of transportation for people trying to get to work in Halifax, and back home at night.

Before the vote was taken, Ald. Fredericks asked that the M.T.C. take a look at the merit of waiving bridge tolls for transit vehicles; Mr. Moir said this matter would have to be addressed by the Bridge Commission first. The motion on the floor carried. Ald. Brennan said he would like to see a breakdown of the cost benefits referred to by him during the debate in connection with Route 5.

MOTION: Moved by Ald. Greenough and Ibsen that Council adopt the recommendation of the Transit Advisory Board concerning a proposed extension in the hours of service on Routes 5 (Port Wallace) and 6 (Westphal) and a recommendation to this effect to the M.T.C.

SERVICE EXTENSION:
GREENOUGH & WILDWOOD
SUBDIVISIONS

The Transit Advisory Board has also referred to Council for recommendation to the M.T.C., a motion on the feasibility of providing transit service to the Greenough and Wildwood Subdivisions, a request for service that was received from the residents some time ago. The recommendation from the Board was adopted, on motion of Ald. Crawford and Williams.

MOTION: Moved by Ald. Crawford and Williams that the recommendation of the Transit Advisory Board on the feasibility of providing transit service to the Greenough & Wildwood Subdivisions (recommendation to the M.T.C.) be adopted.

PERMIT TO BUILD:
SR. CITIZEN UNITS
JAMIESON STREET

An application for permit to build a thirty-unit senior citizen housing building on Jamieson Street, was before Council for approval, application submitted by the Nova Scotia Housing Commission. Ald. Williams and Crawford moved that the permit be granted, subject to compliance with the City requirements set out in the staff report.

Ald. Brennan felt that the Senior Citizens Advisory Council and the Community Services Advisory Board should have had an opportunity to look at the plans and offer their comments on them. Mr. Moir said he was not aware that Council had requested a referral of the plans to these groups. Ald. Brennan was also concerned about the parking provisions to serve the new complex, particularly to provide for visitor parking space. He considered the number of spaces that have been provided to be completely inadequate and therefore remained opposed to the motion on this basis.

Ald. Brennan asked if the input received from the Senior Citizens Advisory Council was forwarded to the Housing Commission for their information and requested that this be checked out by staff.

Ald. Greenough said he agreed with the comments about parking being inadequate. Mr. Moir noted that the parking allocation is in compliance with the requirements that cover other apartment buildings and they would have to be changed uniformly for all such buildings if more spaces were to be required per unit. The motion was put and carried (Ald. Brennan voting against).

MOTION: Moved by Ald. Williams and Crawford that a permit to build be granted for the thirty unit senior citizens building on Jamieson Street, subject to compliance with all the necessary City regulations.

PERMIT TO BUILD:
OIL CON SERVICES LTD.

On motion of Ald. Fredericks and Greenwood, Council also approved an application for permit to build an office and construction warehouse at Lot 43G Notting Court, submitted by Oil Con Services Ltd., subject to compliance with the City requirements detailed in the staff report.

MOTION: Moved by Ald. Fredericks and Greenwood that a permit to build be granted for an office and construction warehouse, Lot 43G Notting Court, subject to compliance with City requirements as outlined in the staff report.

PRINCE ALBERT RD.
BEAUTIFICATION
STUDY

The members have received copies of the completed Prince Albert Road Beautification Study, prepared by the Planning Dept., and the report was referred to the Committee meeting of March 10th for consideration, on motion of Ald. Cunningham and Crawford.

MOTION: Moved by Ald. Cunningham and Crawford that the report entitled 'Prince Albert Road Beautification Study' be referred to the Committee meeting of March 10th for consideration.

PIPING:
ELLENVALE BROOK

As requested by Ald. Sarto, a report and cost estimate has been provided for piping the section of the Ellenvale brook from Clifford Drive to Landrace Crescent. The report was referred for consideration with the capital budget, on motion of Ald. Fredericks, seconded by Ald. Ibsen.

MOTION: Moved by Ald. Fredericks and Ibsen that the report on the piping of the Ellenvale brook from Clifford Drive to Landrace Cres. be referred for consideration with the 1981 capital budget.

WATER QUALITY:
LITTLE ALBRO LAKE

As requested, a report has been made to Council by the City Engineer on the recommendations that came from the Lakes Advisory Board for improving the water quality in Little Albro Lake. Mr. Fougere has commented on each of the four recommendations from the Board, from the point of view of the follow-up action required and whether or not any expenditure is involved in each case.

Ald. Withers spoke on each of the recommendations and said he hoped that some action would be taken this year on those which are feasible to proceed with, such as the distribution of a pamphlet (recommendation #2) and the clean-up of the lakeshore area (recommendation #3). It was agreed that the Board should be involved in carrying out these two recommendations in particular and that the Dept. of the Environment should be contacted and involved as well. On motion of Ald. Greenough and Cunningham, the report was received and filed, on the understanding that further action is pending, with participation by the DLAB once the pamphlet has been completed for distribution, also in the organization of a clean-up and collection of debris with resident participation.

MOTION: Moved by Ald. Greenough and Cunningham that a report on recommendations for improving the water quality in Little Albro Lake be received and filed, pending further action on those recommendations which are feasible to proceed with in conjunction with DLAB.

FCM PROCEDURES

On motion of Ald. Fredericks and Greenough, Council tabled the FCM documents on revised procedures (circulated some time ago) for consideration at a separate Council meeting to be scheduled.

MOTION: Moved by Ald. Fredericks and Greenough that Council table the FCM documents previously circulated, on revised procedures, for consideration at a separate meeting to be scheduled.

HERITAGE ADVISORY
COMMITTEE

On motion of Ald. Crawford and Greenough, Council received and filed ^{a report} from the Chairman of the Shubenacadie Canal Commission, advising Council of their support for the establishing of a Heritage Advisory Committee as soon as possible.

BY-LAW C-425:
AMENDMENTS TO
PENSION PLAN

Proposed By-law C-425, which makes two amendments to the City of Dartmouth Employees Retirement Pension Plan, was before Council for consideration and approval.

It was moved by Ald. Williams and Ritchie and carried that leave be given to introduce the said By-law C425 and that it now be read a first time.

It was moved by Ald. Ritchie and Ibsen and carried that By-law C-425 be read a second time.

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

It was moved by Ald. Williams and Ritchie and carried that By-law C-425 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.

MOTIONS: Three readings given to By-law C-425 which amends the City of Dartmouth Employees Retirement Pension Plan with respect to one-time indexing of pensions for persons who retired between the start of the Pension Plan and the end of Dec/79, and secondly, to include widowers in benefit coverage.

BORROWING
RESOLUTIONS

On motion of Ald. Sarto and Cunningham, Council approved the following Borrowing Resolutions, copies of which are attached:

77-11	Paving - Main Street	\$660,000.
77-7	Recreation Facilities	215,000.
77-1	For Parklands	250,000.

MOTION: Moved by Ald. Sarto and Cunningham that Borrowing Resolutions be approved, as listed above.

MOTIONS

Notice of motion having been previously given, the following motions were introduced and debated at this point in the meeting:

ALD. FREDERICKS

1) Ald. Fredericks and Crawford moved:

'That Council request staff to look at the possibility of legislative authority in regards to the location of taverns and liquor outlets in the City, similar to the legislation controlling service stations'.

Ald. Fredericks explained why he felt that such legislation is required to give Council some measure of control over the locations where tavern and liquor outlets are to be situated throughout the City. Members

of Council who were opposed to the motion, considered that sufficient controls already exist in the form of our zoning by-law and building permit requirements, plus the fact that all such applications have to be heard before the Liquor License Board and there is plenty of opportunity for public input at that level.

Members who spoke in support of the motion pointed out that the motion only requests staff to look at the legislative authority available at this point, after which Council would have a further opportunity to decide whether or not it should be enacted.

The Solicitor ruled that Ald. Ritchie could participate in the debate and vote on the motion without being in a conflict of interest position. When the vote was taken, the motion carried with Ald. Hart, Brennan, Greenough, and Cunningham voting against.

MOTION: Moved by Ald. Fredericks and Crawford that staff look at legislative authority available to control the location of taverns & liquor outlets. (Complete motion recorded on pg. 11.)

ALD. WILLIAMS

2) Ald. Williams introduced the following motion, seconded by Ald. Cunningham:

'BE IT RESOLVED that Council acknowledges and agrees that the repair and maintenance of existing streets and sidewalks is of an equal or similar importance to the installation of new streets & sidewalks;

2) City staff be asked to conduct a review of existing curbs, gutters, and sidewalks and existing paved streets, and to establish a five-year plan for the repair and maintenance of these existing facilities.

3) City staff be requested to establish a five-year plan for the installation of new streets and sidewalks;

4) After receipt of the report, Council shall establish five-year plans for implementation which shall be reviewed annually, in order that the citizens, staff and Council will be aware of the programs by which the streets and sidewalks of the City shall be installed, maintained and repaired.'

Ald. Williams commented further on the intent of his motion and it received support from a number of members who considered that the older and downtown sections of the City require a planned approach to their street and sidewalk maintenance problems. Ald. Brennan noted that

he has received a petition from the Downtown Residents Assn., identifying all the streets requiring some form of repair within their area.

Ald. Ibsen said he would support the intent of the motion, provided it did not mean that the program would be at the expense of the newer areas of the City, a position also taken by Ald. Greenough. Ald. Ibsen and Sarto moved in amendment that the word 'may' replace the word 'shall' in reference to the establishment of a five-year implementation program. The amendment was defeated.

As the debate continued on the main motion, there was some reluctance on the part of members to make a commitment at this time to the kind of five-year plan proposed in item four of the motion. (Council agreed to continue meeting beyond the hour of 11:00 p.m. to deal with Ald. Williams' motion and with Ald. Hawley's motion, for which citizens were present in the Council Chamber.)

Ald. Fredericks and Greenough moved the deletion of item #4 from the motion, for a further decision on an implementation program after the plan and cost estimates are available. When the vote was taken on the amendment, it was defeated. The vote on the main motion carried with Ald. Greenough and Sarto voting against.

MOTION: Re a five-year plan for streets and sidewalks as stated on page 12 of the minutes (moved by Ald. Williams, seconded by Ald. Cunningham).

ALD HAWLEY

3) Ald. Hawley introduced the following motion, seconded by Ald. Ibsen:

'WHEREAS, the Block Parent Assn. of Dartmouth is, in particular, dedicated to the safety and protection of our children;

AND WHEREAS, this organization is dedicated, in general, to helping make the total community of Dartmouth a safer and more pleasant place in which to work and raise children;

AND WHEREAS, sign advertisement is generally recognized as a most valuable instrument in promulgating a notice or message;

BE IT RESOLVED that this Council grant permission to the Dartmouth Block Parent Assn. to erect signs on City of Dartmouth property, actual locations to be specified and limited.'

Ald. Hawley referred to the merits of the Block Parent Assn. and the assistance they are rendering in

the protection of children within the community. He outlined the sign program that the Association is proposing at the various main entrance points to the City, starting off with a sign at Brigadoon Ave. on the #7 Highway, one on the Portland Street entrance from Cole Harbour, and one on the Burnside Highway, entering the City from Bedford. He also showed a sample sign of the type to be erected and advised that the signs will be reinforced and installed in such a way that they will not be falling down or look unattractive at the locations where they are displayed.

Basically, Council was in favour of permitting the Association to erect their signs, but Ald. Crawford questioned the precedent that Council may be setting in granting this permission to one particular organization. The Solicitor said that Council can permit one group to erect signs, while not granting the same permission to others, if they wish to do so. In other words, granting permission to this organization does not impose any future legal obligation to grant other such requests. Ald. Hart said she would be in favour of the motion, but it should be clearly understood that the signs are to be as attractive as possible and securely put in place when they are erected. The motion carried.

MOTION: Re the granting of permission for erecting Block Parent Assn. signs on highway entrances to the City, as per the complete motion on page 13 of the minutes (moved by Ald. Hawley, seconded by Ald. Ibsen).

NOTICE OF MOTION:
ALD. HART

The following Notice of motion was given by Ald. Hart for the April meeting of Council:

Ald. Hart: To seek Council's approval for the establishment of a Heritage Advisory Board to advise Council with regard to the preservation of historic buildings, streetscapes, and landmarks, within the boundaries of the City of Dartmouth. This Advisory Board to be established under Chapter 8 Bill #34 Acts of 1980, Provincial Government of Nova Scotia, and work under the terms of reference of Bill #34 with regard to compiling a registry of houses, streetscapes and landmarks deemed to be of historic value and worthy of historic protection and preservation within the City of Dartmouth.

The meeting then adjourned.



Marcia Procos,
Acting Deputy City Clerk.

City Council, March 3/81 :

ITEMS:

- 1) Petition, Clysdale Dr. residents, pages 1 & 2.
- 2) Petition, 97 Woodlawn Rd., pages 2 & 3.
- 3) Award tender, demolition of bldgs., page 4
- 4) Award tender, Police vehicles, page 4.
- 5) Award tenders, Sand, gravel & stone, page 5 .
- 6) Sale of land, 650 Portland St., pages 5 & 6.
- 7) Resolution #81-4, page 7
- 8) Extended hours of service, Rts. 5 & 6, page 7
- 9) Service extension, Greenough & Wildwood, page 8.
- 10) Permit to build, Sr. citizen units, page 8 & 9.
- 11) Permit to build, Oil Con Services Ltd., page 9
- 12) Prince Albert Rd. study, page 9.
- 13) Piping, Ellenvale brook, page 9.
- 14) Water quality, Little Albro Lake, page 10
- 15) FCM procedures, page 10.
- 16) Heritage Advisory Committee, page 10.
- 17) By-law C-425, page 11.
- 18) Borrowing Resolutions, page 11.
- 19) Motions:
 - Ald. Fredericks, page 11 & 12.
 - Ald. Williams, page 12 & 13.
 - Ald. Hawley, page 13 & 14.
- 20) Notice of Motion: Ald. Hart

February 1981

RESOLUTION 81-4

WHEREAS pursuant to Section 139 of the Dartmouth City Charter it is enacted that the City may convey land in any manner that the Council deems advisable or expedient as long as it is conveyed for not less than its fair actual value;

AND WHEREAS it is deemed advisable and expedient to sell Lot D on the south side of Portland Street;

AND WHEREAS the price hereinafter mentioned is considered by Dartmouth City Council to be fair and reasonable and is based upon the appraised value of the lands of \$4.50 per square foot;

AND WHEREAS there are vacant lands behind Lot D which must be serviced by a street;

AND WHEREAS George Pothier or one of his companies is the owner of lands abutting Lot D on which the proposed street would be more properly located to provide alignment with Carver Street on the north side of Portland Street;

BE IT THEREBY RESOLVED that subject to the approval of the Minister of Municipal Affairs the City of Dartmouth do sell and convey the property above described to George Pothier for the price of \$166,185.00 on condition that Parcel D-2 being part of Lot D be used to construct a street and that street reconveyed to the City;

AND BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and instructed to execute on behalf of the City the Deed attached as Schedule "A" to this resolution.

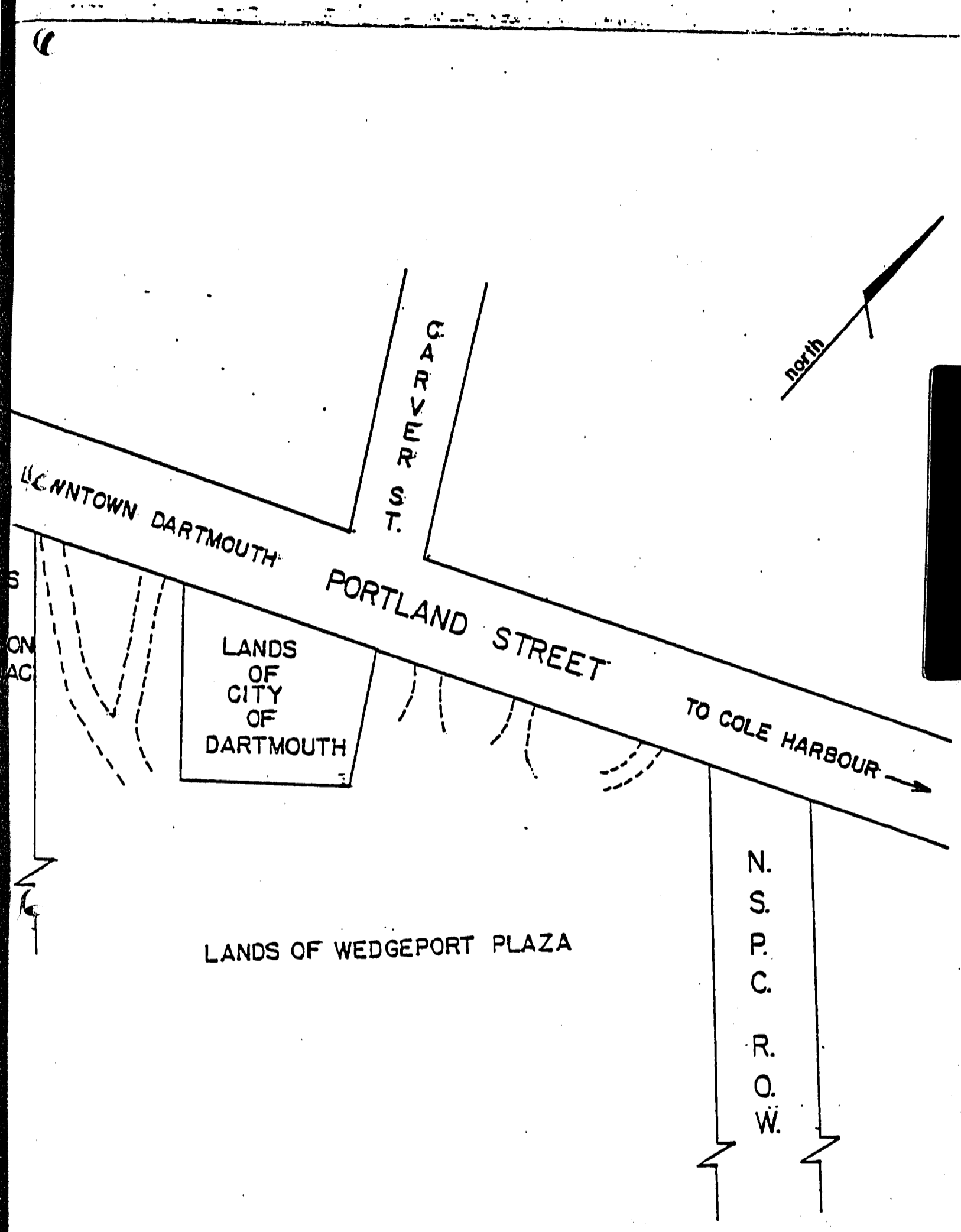
DEPARTMENT OF MUNICIPAL AFFAIRS	
Recommended for approval of the Minister	
<i>M. Muller</i> Departmental Director	
APPROVED this <u>10th</u> day of <u>May</u> 19 <u>81</u>	
<i>[Signature]</i> Minister of Municipal Affairs	

[Signature]
Mayor

[Signature]
City Clerk

I, Bruce S. Smith, City Clerk-Treasurer of the City of Dartmouth do hereby certify that the foregoing is a true and correct copy of Resolution #81-4 of the City of Dartmouth duly passed by City Council on March 3, 1981.

[Signature]
City Clerk



DOWNTOWN DARTMOUTH

BARKER ST.

LANDS OF CITY OF DARTMOUTH

LANDS OF WEDGEPORT PLAZA

TO COLE HARBOUR →

N. S. P. C. R. O. W.

North

N.T.S.

This Indenture made this

day of , A. D., 19

Between

CITY OF DARTMOUTH, a Body corporate

hereinafter called the "GRANTOR "

of the One Part

— and —

GEORGE POTHIER

hereinafter called the "GRANTEE "

of the Other Part

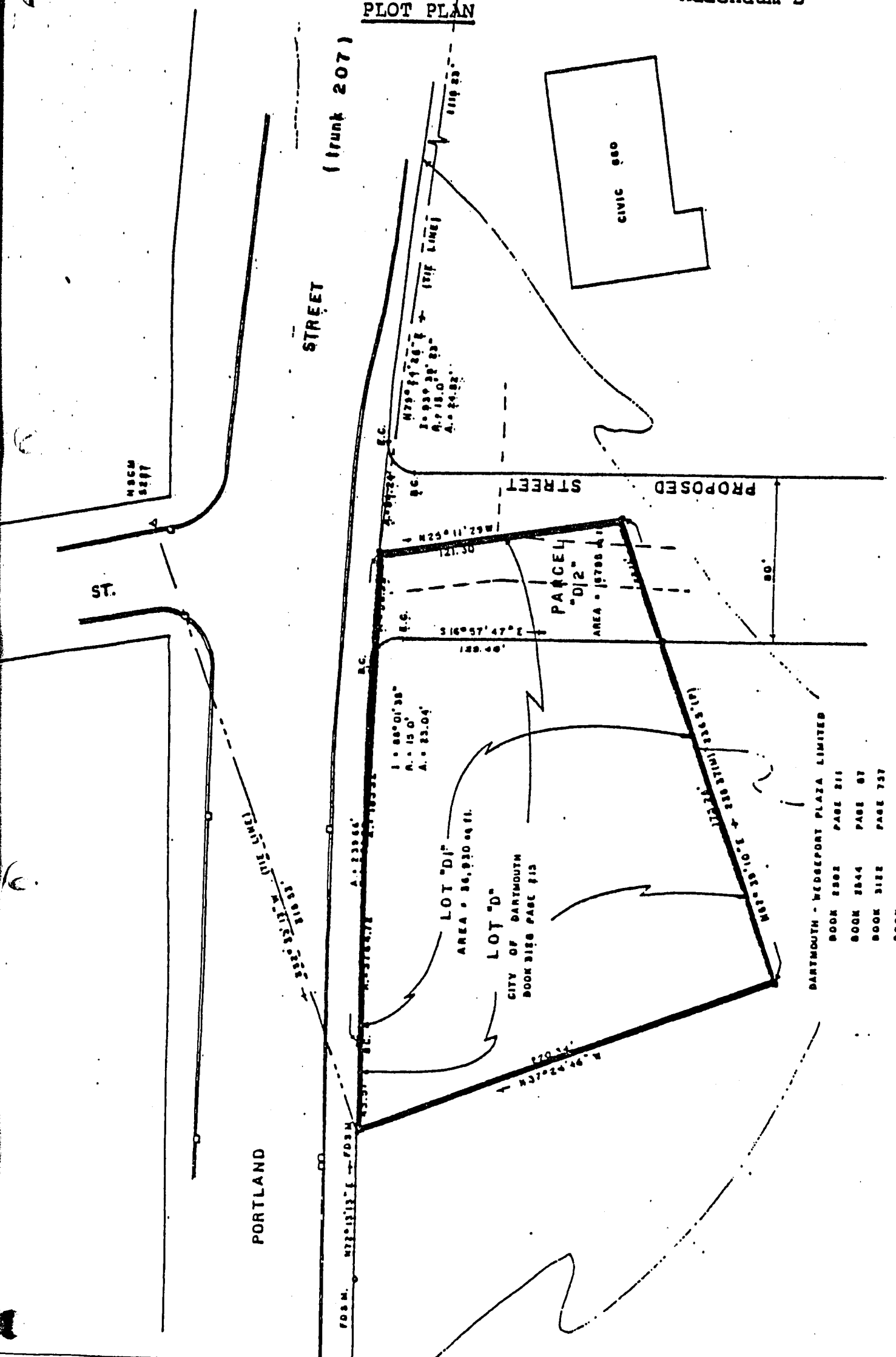
Witnesseth that in consideration of

- one -

Dollar

The Grantor hereby conveys to the Grantee the lands described in the Schedule marked "A" hereto annexed.

PLOT PLAN



BARTMOUTH - WEDGEMOUNT PLAZA LIMITED

BOOK 2382	PAGE 211
BOOK 2844	PAGE 87
BOOK 3182	PAGE 757
BOOK 3128	PAGE 218

PORTLAND

STREET (Trunk 207)

PROPOSED STREET

CIVIC 880

PARCEL "D12" AREA = 18788

LOT "D" CITY OF BARTMOUTH BOOK 3188 PAGE 813

LOT "D1" AREA = 26,920 sq ft.

A = 2326'

703 M. N 72° 13' 12" E → 703 M

S 88° 01' 38" A = 15' 0" A = 23.04'

S 88° 01' 38" A = 15' 0" A = 23.04'

2.47' 47" 121.30' 182.11' 52M

4.7' 18.0' 23' 23" 4.7' 18.0' 23' 23" 4.7' 18.0' 23' 23"

MSCH 2877

ST.

SCHEDULE "A"

ALL that certain lot situate, lying and being Lot "D" on the southern side of Portland Street, in the City of Dartmouth, County of Halifax, Province of Nova Scotia, the said Lot "D" being more particularly described as follows:

BEGINNING on the southern boundary of Portland Street at a northern corner of lands of Dartmouth-Wedgeport Plaza Limited, the said point being S 52° 33' 13" W, 315.53 feet of Nova Scotia Control Monument 5227;

THENCE N 72° 13' 13" E, 43.57 feet along the southern boundary of Portland Street to the beginning of a curve;

THENCE easterly following the arc of said curve to the right of radius 3764.72 feet, 239.66 feet to a northwestern corner of lands of Dartmouth-Wedgeport Plaza Limited;

THENCE S 25° 11' 29" E, 121.30 feet along a southwestern boundary of lands of Dartmouth-Wedgeport Plaza Limited to an angle therein;

THENCE S 52° 39' 10" W, 238.37 feet along a northwestern boundary of lands of Dartmouth-Wedgeport Plaza Limited to an angle therein;

THENCE N 37° 24' 46" W, 220.34 feet along a northeastern boundary of lands of Dartmouth-Wedgeport Plaza Limited to the point of beginning.

CONTAINING an area of 43,725 square feet.

ALL bearings being 3° Modified Transverse Mercator Grid Bearings, Central Meridian 64° 30' West.

THE GRANTOR

covenants with the Grantee that the Grantee shall have quiet enjoyment of the lands, that the said Grantor hath a good title in fee simple to the lands and the right to convey them as hereby conveyed, that they are free from encumbrances and that the said Grantor will procure such further assurances as may be reasonably required.

IN WITNESS WHEREOF the said Grantor hath hereunto set its corporate seal and subscribed these presents by the hands of its proper officers, its Mayor and its City Clerk, in that behalf duly authorized the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of

CITY OF DARTMOUTH

Mayor

City Clerk

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, SS

ON THIS _____ day of _____, A.D., 19 _____

before me, the subscriber personally came _____
subscribing witness to the foregoing instrument who being by me sworn, made oath, and said
that _____ Mayor, and _____ clerk of
the City of Dartmouth signed the same and affixed the seal of the said
City thereto in his presence.

A Commissioner of the Supreme
Court of Nova Scotia

March 9, 1981
7:30 p.m.
Council Chamber

Present:

Mayor Brownlow	
Aldermen Valardo	Hawley
Hart	Williams
Ibsen	Greenwood
Fredericks	Crawford
Hawley	Greenough
Cunningham	Sarto
C. A. Moir, City Administrator	
Tom Rath, Assistant to the City Administrator	
Marcia Carlyn, Systems and Methods Officer	

CURRENT
STATUS -
NEGOTI-
ATIONS

1. CURRENT STATUS OF NEGOTIATIONS WITH NOVA SCOTIA UNION OF PUBLIC EMPLOYEES AND DARTMOUTH POLICE ASSOCIATION

Members of Council met with Mr. Moir, at his request, to discuss the current status of contract negotiations between the Nova Scotia Union of Public Employees, the Dartmouth Police Association and the City of Dartmouth. Mr. Moir explained to Council the demands of the Unions which include a firm position on major improvements to the City of Dartmouth Pension Plan. Based on several meetings with the Unions' Negotiating Committees, the position is that the Unions are not prepared to withdraw demands for major improvements to the pension plan as part of the current negotiations. The City's position has been that any improvements to the Pension Plan should be, first of all, reviewed in detail by the recently established pension committee and then recommended to City Council. Mr. Moir noted that the Unions have little, if any, confidence in the Pension Committee and do not feel that it will result in any noticeable improvements in the benefits under the Pension Plan. If it is possible to have the pension plan eventually referred to the Pension Committee, Mr. Moir noted that those members of Council and City Staff on the committee will have to be prepared to commit a great deal of time to ensuring that the Committee meets on a regular basis, that the members of

March 9, 1981

the Committee have their homework done and that they are prepared to deal with the demands from the Unions for improvements to the plan.

Mr. Moir mentioned that the Unions have got together, have hired actuaries to study the City of Dartmouth pension plan, how it compares to other plans and that they will certainly be in a position to make a strong presentation on the need to improve benefits payable under the plan.

2. PRESENTATION ON COSTS OF PROPOSALS UNDER NEGOTIATION

COST OF PROPOSALS Tom Rath gave a presentation setting out the cost of the Unions as they relate to both wages and fringe benefits.

The three main items still at issue are:

- 1) higher salaries
- 2) pension plan
- 3) improvement to the vacation schedule

It was noted that the established policy of Council is to pass along any improvements in fringe benefits negotiated with the outside workers to the non-unionized group within City Hall. Accordingly, any improvement in the present schedule of vacation benefits would likely also carry the added cost of this benefit being passed along to the non-unionized group.

Tom Rath outlined the cost of the various proposals from the Unions for the pension plan indicating that the Unions' proposals that all the additional benefits to the plan, as proposed, would be paid for totally by the City. Mr. Moir noted that, under the present provisions of the City of Dartmouth Pension By-law, the City of Dartmouth has a legal obligation to maintain the financial integrity of the plan. The present size of the pension plan is to the advantage of the City and also to its employees in that it allows for greater flexibility and effectiveness in the investment of the funds

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in the plan.

The police are standing firm on pension plans and salary. Their proposed pension plan would cost \$600,000. a year over what they are presently being paid. The union would pick up no more than 2% of this total cost.

The 3 major issues of the union are:

1. All pension benefits be based upon the best 5 years of a person's salary. A 70% cost of \$140,000.
2. Pension Plan indexing 4% per year as if June 1, 1981, a cost of \$300,000.
3. Option to retire after 25 years of service at full pension benefits. A cost of \$586,000.

Mr. Moir raised the point that if Council wishes to remain firm in negotiations, that we must be prepared for a strike of a reasonable length of time by the Police. Mr. Moir commented on how the City could be policed if the strike does take place. There was discussion of recruiting the Armed Forces and the RCMP if the City is left without police service. The strike would not be imminent, however, because the Union must first go into conciliation and a 45 day period would ensue before a legal strike could take place.

The Police Association is looking for an increase in salary from \$20,000. to \$30,000. over a two year period. This, in turn, would effect the Fire Fighers' contract wherein is stated that by January 1, 1982, the salary of a first class fire fighter will not be more than \$1,000 less than that of a first class constable. An increase in excess of 6.5% in 1981 and a further increase of 4.6% in 1982 would trigger this clause. Tom Rath explained to Council that, if no improvements were made in the Pension Plan, then the Union would expect Council to agree on an increased salary for the first class constable to be tabled as follows:

	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
	\$20,000	\$23,500.	\$26,500.	\$30,000.

March 9, 1981

The total cost to the City of this proposed increase would amount of 3¼ million dollars.

A vote was taken in Council not to meet the pension plans of either union, Alderman Hart's being the only dissenting vote. There was a general consensus that staff should attempt to negotiate a settlement with the outside workers in the range of 14-15% over an 18 month Collective Agreement, and proceed to negotiate on the matters outstanding with the Dartmouth Police Association.

Mr. Moir mentioned that if the police are satisfied with the negotiated salary, this in turn would have a positive effect on the demands of the Fire Fighters. The issues of salary and pension must be the first items dealt with before the other proposals of the Union can be considered.

The meeting adjourned.

Dartmouth, N. S.

March 10/81.

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

Present - Deputy Mayor Brennan

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

Council met to complete the March 3rd agenda and to deal with the Committee agenda for this date.

MOTIONS:

Ald. GREENWOOD

The introduction of motions was resumed, with Ald. Greenwood moving that the Engineering Dept. be requested to prepare a design with estimated cost, for the extension of Yorkshire Ave., a distance of 200 feet, from Springhill Road to Trinity Ave.; the motion was seconded by Ald. Valardo.

Ald. Greenwood commented on some of the existing problems with Yorkshire Ave. and the fact that the narrow width of the street has resulted in snow removal difficulties during the winter months, also, there has been difficulty in even getting a fire truck through the street in a recent instance. The motion received the support of Council and it carried.

MOTION: Moved by Ald. Greenwood, seconded by Ald. Valardo, that the Engineering Dept. be requested to prepare a design with estimated cost, for the extension of Yorkshire Ave., a distance of 200 feet, from Springhill Road to Trinity Ave.

Rising on a point of order, Ald. Ibsen asked if it would not be possible to combine the next two motions being presented since they pertained essentially to the same subject matter. The Deputy Mayor then presented a ruling given by the Solicitor on the motion proposed by Ald. Crawford on the matter of the 107 by-pass and the upgrading of the MicMac Rotary. The Solicitor has ruled that in view of the decision taken previously by Council on the 107 by-pass route via Port Wallis, it would be necessary to have a two-thirds majority vote of Council to rescind that decision before being able to deal with Ald. Crawford's

proposed motion. Ald. Crawford did not agree with the ruling and felt that the interpretation of the motion he planned to introduce has to do with the acceptability of one alternative over the other and does not represent a change in the decision already taken by Council on the 107 by-pass routing. The Deputy Mayor ruled, however, that a vote of Council would be required, based on the Solicitor's ruling, and when the vote was taken, the necessary two-thirds majority was not obtained for the motion and Council proceeded to the next item on the agenda.

Further to the motion proposed by Ald. Valardo; also dealing with the Rotary improvements and seeking reconsideration of the Provincial decision on a by-pass route, the Solicitor ruled that the motion would be in order, provided there is no reference made to the Port Wallis route or that debate does not get into the pros and cons of that issue. On the basis of the Solicitor's opinion, Ald. Valardo proceeded with his introduction of the following motion, seconded by Ald. Crawford:

ALD. VALARDO

WHEREAS the Provincial Government has opted to make band-aid improvements to the MicMac Rotary, in lieu of the 107 by-pass;

AND WHEREAS on January 28, 1981, an Association was formed, called the Ward 4 Residents Association;

AND WHEREAS this Association saw fit to move and pass a motion, opposing the MicMac Rotary improvements and favouring the 107 by-pass;

AND WHEREAS many Dartmouth residents believe that the decision brought down by the Provincial Government is not in the best interest of the residents of Dartmouth;

THEREFORE BE IT RESOLVED that Dartmouth City Council petition the Minister of Transportation to reconsider his Department's decision on the implementation of the 107 by-pass.

Speaking in support of his motion, Ald. Valardo referred to a number of major traffic problem areas throughout the City, all of which tend to be affected either directly or indirectly by the Circumferential Highway system and the Rotary interchange. He did not feel that it is in the best interests of Dartmouth residents generally, to have improvements to that highway system or the Rotary proceed without being done in conjunction with a by-pass highway to not only insure the

effectiveness of the improvements, but to carry traffic in some sort of orderly transition while the improvements are in progress. Other members of Council who spoke during the debate in favour of the motion, took basically the same position, particularly with regard to the need for an alternate highway facility to move traffic during the lengthy construction period that will be required for the Rotary improvements.

Ald. Valardo referred to statements made by the Minister of Transportation, at a meeting with Council, to the effect that a by-pass route is still favoured by his department and would ultimately be required. He said there appeared to be a serious lack of communication between the two levels of government (the City and the Province) on this issue, and he looked on the motion as a means of resuming a dialogue once again with the Dept. of Transportation on the need for a by-pass route around the outskirts of the City, especially to handle traffic while improvements to the Rotary are in progress so that major problems with traffic tie-ups do not result during that period.

Ald. Crawford also made reference to the difficulties that businesses on Main Street and in the K-Mart area will experience while work on the Rotary and on Main Street is proceeding, and noted that the total capital contribution that the City will have to make over the next several years to the Main Street project will amount to approx. two-and-a-half-million dollars. He was in favour of proceeding with a 107 by-pass highway at this time rather than sometime in the future.

Ald. Ibsen was another member of Council who spoke in favour of the motion, based mainly on his concern about the traffic that will be generated through the residential areas of Woodlawn while improvements to the Rotary and Main Street are being carried out, unless there is some alternate route for traffic to get to the bridges from the east end of the City and from the County areas on the eastern outskirts of the City.

Ald. Hawley and Fredericks took the position that a decision has been made by Council on the by-pass issue and by the Province on improvements to the Rotary, and that the City should now be prepared to abide by these decisions. Ald. Withers also considered that Council has gotten what was requested from the Province, as indicated in a motion presented at the meeting of October 7/80, calling for the Province to proceed with improvements to the Rotary and four lanes on Main Street, as soon as possible.

Ald. Hart was not prepared to accept the motion without an amendment, adding the words 'considering all other avenues with the exception of a Waverley/Port Wallis route' and changing 'the' to 'a' before the words '. . . 107 by-pass' in the resolution section of the motion. Her amendment to this effect was seconded by Ald. Williams, but it was defeated (Ald. Williams, Hawley & Hart voting in favour).

Debate resumed on the motion along the same lines as before - the need for an alternate route for traffic to take during reconstruction of the Rotary and to improve the effectiveness of traffic patterns throughout the eastern side of the harbour; the adverse effect on Main Street businesses during the street construction; and the need to re-open discussions with the Dept. of Transportation at this point before the project goes any further. A question was raised as to how the Province is to be approached if the motion is adopted, and Ald. Valardo suggested that the Mayor and a committee of Council should approach the Minister directly to communicate Council's decision. The vote was then taken on the motion and it carried with Ald. Hart, Williams, Withers, Hawley, and Fredericks voting against.

MOTION: Adoption of Ald. Valardo's motion to approach the Minister of Transportation and seek reconsideration of his department's decision on a 107 by-pass highway. Complete motion stated on page 2 of the minutes and seconded by Ald. Crawford.

MOTION: ALD. RITCHIE
DEFERRED

In Ald. Ritchie's absence, his motion was deferred to the next meeting, on motion of Ald. Fredericks and Sarto.

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NOTICES OF MOTION:

Notices of motion were given as follows for the first

ALD. HART

April meeting of Council:

1) Ald. Hart - Re the establishment of the Heritage Advisory Board; wording of the proposed motion was included in the March 3rd minutes.

ALD. CRAWFORD

2) Ald. Crawford - That the City of Dartmouth give full support for the retention of Dart Container Lines in the metropolitan area.

3) Ald. Fredericks - That Council direct the City Solicitor to examine and report on clauses in agreements with all City workers requiring retirement at certain ages, in view of the fact of certain changes developing in our society and also, possible consequences of constitutional change, specifically as to the:
(a) effect on persons;
(b) effect on the operations of the City.

INQUIRIES:

ALD. IBSEN

Ald. Ibsen circulated copies of a number of inquiries directed to the City Clerk-Treasurer; other members requested copies of the answers when they are provided.

The questions are as follows:

- (1) When was the policy set that allows a City employee going to normal retirement to claim reimbursement for 50% of his or her accumulated sick leave?
- (2) I would like a copy of the staff recommendation which presumably led to adoption of this policy.
- (3) I would like a copy of the minutes, including the date, when Council approved the recommendation of the policy; please include a list of the members of City Council who were present at that meeting, and how each member voted.
- (4) How many City employees retired under this policy? Provide a list of their names and amounts paid.
- (5) Are we paying retiring employees half of their accumulated sick leave for periods prior to the implementation of sick leave policy?
- (6) If a retiring employee was making 70 cents per hour in 1945, is that the pay on which we are basing his 1945 sick leave, or are we paying his entire sick leave accumulation based on his salary at the time of retirement?
- (7) I would like a complete breakdown, on a year-by-year basis, of the accumulated sick leave of the first and last retirees paid under this policy.
- (8) For how much time after their last day of work for the City did each of the above remain on full salary? How is this calculated? Did they receive full salary or salary plus all or any City staff benefits?
- (9) If the City Administrator were to retire on the 1981 anniversary date of his first employment by Dartmouth, how long would his full-time pay continue? How much accumulated sick leave benefits would he receive as a cash benefit? How were each of these amounts calculated?

- (10) Of the approximate 2,000 City employees, what would be the total cost to the taxpayers if they retired at their present salaries with minimum pensionable service and under this policy? The total average salary paid to all 2,000 employees is probably \$20,000. or so. Would I be correct in assuming that if we pay six months sick leave to each and every employee, that the City would be facing an expenditure of approx. \$20,000,000.? If so, has the City been budgeting for this, and is there a reserve established for this potential \$20,000,000. expenditure?

One other inquiry made by Ald. Ibsen concerned the undertaking of a project to commemorate the Year of the Disabled; he suggested that staff look at the possibility of participation with the Y. in improvements to facilitate the movement of disabled persons from the area where they are brought in by bus to the YM/YWCA property, to the pool for their swim program.

D. HART

Ald. Hart asked when the street sweeper will be working in Ward 5 areas; Mr. Fougere said it will be within the next week.

(Mayor Brownlow took the chair at this point in the meeting and was present for the remainder of the agenda and for the Committee meeting which followed.)

ALD. WITHERS

Ald. Withers made the following inquiries:

- 1) asked about the status of the cul-de-sac discussed for Brookdale Crescent. Mr. Bayer advised that his department has prepared the additional alternatives requested, but no scheme has since been approved by Council, pending a meeting that was to be held with area residents.
- 2) his second inquiry was directed to the Parks & Recreation Dept.; asked if the parking plan will be proceeded with in the area behind Kingston Crescent, to accommodate people making use of and attending the MicMac field complex.
- 3) asked about the status of the Dog By-law; the Solicitor advised that we are still waiting for the approval of the Minister of Municipal Affairs.
- 4) asked if the Works Dept. is giving attention to the potholes that are starting to cause problems on City streets, and requested that one be repaired at Woodland and Laurier Street.
- 4) asked that the T.M.G. look at a Stop sign for Lyngby Ave. and Forest Road; Ald. Valardo noted that this has already been done.

FR. ERICKS

Ald. Fredericks made the following inquiries:

- 1) asked that consideration be given to the installation of a change machine in the Ferry Terminal. (Ald. Valardo made a similar request with his inquiries.)

- 2) asked about the status of negotiations with the Province on the take-over of costs for the Correctional Centre. The Mayor and Ald. Hart responded on the status of the report under consideration in connection with this item.
- 3) he questioned the effect of statements made by the Minister of Social Services on issues that should be the main concern of City Council, and suggested that such matters are best left in the hands of Council and the other jurisdictional bodies responsible, such as the Planning Appeal Board (ie. in the case of the St. Lawrence Cement application).
- 4) asked that consideration be given to a stop on the Woodside bus route somewhere on Portland Street, rather than having the first stop opposite St. James' Church where it is presently being made. The Mayor said the Ald. Hart or Mr. Moir can make the request to the M.T.C.
- 5) asked that an item be added to the agenda on the decision taken to abandon the CNR line between Imperoyal and Musquodoboit. Council agreed to add the item to the end of the agenda.
- 6) asked when Council will begin to discuss the operating budget estimates; Mr. Moir explained that we are still waiting for information from the Province before any decisions can be made on the estimates.

LD. CRAWFORD

Ald. Crawford asked for clarification on the St. Lawrence Cement Company appeal to be heard before the Planning Appeal Board, and discussed his inquiry further with Mr. L'Esperance, in relation to the effect that the appeal will have on the contract that would have been signed with the company. He was informed that the signing of the contract was never finalized and therefore the terms of the contract zoning are not in effect.

Ald. Crawford asked to have a pot-hole repaired on Portland Street, in front of the Warner's store building.

He also concurred with the request from Ald. Fredericks and Valardo that a change machine is required for the use of ferry patrons.

LD. VALARDO

Ald. Valardo asked if truck owners can be held responsible for cleaning up mud they have dropped on City streets when they are travelling from construction sites. He referred to a problem with mud from trucks on Lyngby Ave. and Forest Road; Mr. Moir said it will be looked into by staff.

Ald. Valardo also inquired about the enforcement of traffic regulations that require motorists to stop for pedestrians in a crosswalk, and asked that the Police Dept. take immediate steps to start prosecuting motorists who are not observing these regulations.

Ald. Valardo said he felt that it would be in order for the Mayor to direct a letter to the Federal Minister of Finance, expressing the concern of Council about the current high interest rates, a matter of concern to Dartmouth citizens as well as people in other cities throughout the country. He referred to the recent release of information indicating the excessive profits shown by Canadian banks. The Mayor agreed to forward a letter as requested.

ALD. CUNNINGHAM

Ald. Cunningham asked when the cards will be available with lists of Board and Committee members for the current year; Mr. Moir advised that they should be available in about two weeks time.

ALD. BRENNAN

Ald. Brennan said he has been receiving phone calls about problems with the St. Peter's park during evening hours, and he asked about the status of the by-law requested in this connection. Mr. Moir said he has taken this matter up with the Recreation and Police Departments, and has asked that they do whatever is possible to control the situation. Ald. Brennan also requested that the by-law be brought to Council for consideration as soon as possible.

Ald. Brennan commented on several instances of damage that has been caused to new curbing during the winter snow plowing operations. He suggested that these spots should be noted and the City should put in damage claims against the operators.

ABANDONMENT OF
ON LINE

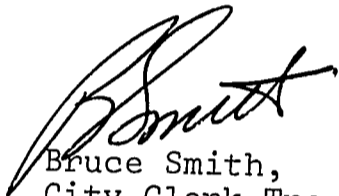
As requested by Ald. Fredericks, the Mayor added an item on the recent C.T.C decision to permit the CNR to abandon rail service on the line between Imperoyal and Musquodoboit. He noted that both the County of Halifax and the Provincial Dept. of Transportation are objecting

to this ruling, and on motion of Ald. Greenough and Valardo, Council agreed to join in the protest about this CN line being abandoned.

MOTION: Moved by Ald. Greenough and Valardo that the City protest the recent C.T.C. decision to permit the CN to abandon service on the rail line between Imperoyal and Musquodoboit.

Council then adjourned to meet in Committee to deal with the regular agenda for this date. While in Committee, an item was dealt with in camera and Council later reconvened in open meeting to ratify the action taken in camera. The action taken in camera was approved, on motion of Ald. Fredericks and Valardo (land purchase, 298 Prince Albert Road).

Meeting adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council, March 10/81:

ITEMS:

- 1) Motions: Ald. Greenwood, page 1.
Valardo, pages 2, 3, & 4.
Ritchie, deferred.
- 2) Notices of motion, page 5.
- 3) Inquiries, page 5 to page 8 incl.
- 4) Abandonment of CN line, page 8.
- 5) Approval of in camera item (298 Prince
Albert Rd.), pg. 9.

Dartmouth, N. S.

March 17/81.

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

Present - Deputy Mayor Brennan

Ald. Ibsen. Sarto,
Williams. Fredericks.
Valardo. Greenough
Hart. Greenwood,
Crawford. *Howley*
Acting City Administrator, D. Bayer *Wells*
City Clerk-Treasurer, B. Smith *Ritchie*
City Solicitor, S. Hood *Cum*

REZONING REQUEST:
TRIZEC EQUITIES
LTD.

This meeting of Council constituted a public hearing for four rezoning applications, the first being a parcel of land owned by Trizec Equities Ltd. on Nantucket Ave. which the company came into ownership of through a land exchange with the City in 1973. All details of that land transaction were concluded, except that the Trizec land holding did not receive third reading of a rezoning to C-2 and R-4 from Park Zone, and the land acquired by the City in the exchange has similarly not been rezoned from C-2/R-4 to P Zone which was intended when the land exchange took place.

In view of the length of time that has expired since first and second readings were given to the original rezoning application, the complete rezoning process has been repeated, including a new public hearing at this time, and proposed By-law C-428 was presented for Council's consideration to accomplish the two zoning changes in the triangular parcels of land designated A and B.

It was moved by Ald. Ibsen and Valardo and carried that leave be given to introduce the said By-law C-428 and that it now be read a first time. (Ald. Crawford and Williams voting against.)

It was moved by Ald. Sarto and Hart that By-law C-428 be read a second time.

Ald. Crawford noted that the rezoning had already received second reading when it was previously before Council and he questioned why it is necessary to proceed with first and second reading again. The Deputy Mayor explained that

a period of eight years has expired in the meantime and in view of the time that has elapsed, it was considered advisable to repeat the total rezoning process so that a public hearing could be held and duly advertised to give members of the public an ample opportunity to speak on the matter if they so wish.

Mr. L'Esperance then reviewed the land transaction between the City and Trizec and the rezoning procedure followed up to the point where second reading was given, leaving the two parcels of land in the same zoning status as they were originally and therefore not concluding the change that was intended from Park to C-2/R-4 (Parcel A) and C-2/R-4 to Park (Parcel B). The exchange of deeds and other details of the land transaction were completed, however.

Ald. Crawford felt that a decision should not be made by Council on the rezoning until there has been an opportunity for input from the School Board and from Dartmouth Recreation Ltd., because of the proximity of these parcels of land to Dartmouth High School and to the new recreation complex that is underway on the old Memorial Rink site. He therefore moved referral to the School Board and to Dartmouth Recreation Ltd. for input and report back to Council; the motion to refer was seconded by Ald. Williams. Ald. Hart questioned the implications of referral for those members of Council who serve on the School Board and on the Board of Directors of Dartmouth Recreation Ltd. The Solicitor advised that by virtue of their positions on these Boards and the fact that they could be seen to have pre-judged the issue in their capacity as Board members, they would be unable to participate in the debate or the vote on motions when the issue came back to Council; in other words, those members would be disqualified as members of the two Boards mentioned. Members of Council not present for this meeting are also unable to vote or debate the rezoning at any future meeting, and with those four members disqualified as well, there would not be a quorum to deal with the rezoning application at a future meeting if School Board and Dartmouth Rec. Board members are also disqualified.

Having received this information from the Solicitor, Council recognized the significance of referral to the two Boards noted and the effect this would have on Council's future ability to deal with the rezoning at all. The motion to refer was therefore defeated with no members of Council voting in favour.

The Deputy Mayor then called for presentations by members of the public wishing to be heard. Mr. Alan Ruffman spoke on behalf of the Ecology Action Centre and placed on record a copy of a letter forwarded to the Mayor & members of Council, dated Jan. 22/81, in addition to a letter from Ecology Action (dated March 16/81) circulated to all members of Council. He also submitted a copy of historical documentation prepared as the result of a study of the Dartmouth Commons and other common lands and right-of-ways, and suggested that the members and the City Solicitor receive copies of the section from pages 27 to 36, relative to the Dartmouth Commons in particular. Copies of this relevant section will be circulated.

Mr. Ruffman's position was that the Trizec land should be maintained in the present Park zoning and that perhaps the City should attempt to acquire the land back from Trizec to insure that it can be retained for park purposes and enhanced as one of the main entrance points to the City.

Council also heard Mr. Ames, the senior Vice-President for Trizec in charge of planning for the company. He said the company has tried to be a good corporate citizen in Dartmouth and only wanted at this time what they thought had been settled eight years ago when the rezoning was to have been completed. He suggested that back in 1973 would have been the time to put conditions on the property and not in 1981 when the company has had to go through the rezoning again because of a technicality that was overlooked. Mr. John Ross questioned the eight-year lapse in time before the issue came up again. Mr. Ames commented on the oversight that has occurred.

Also on record and circulated with the other material pertaining to this rezoning, was a letter and information received from Mr. D. F. Chard of 85 Newcastle Street. Council also received a report on the neighbourhood meeting held on March 12th, attended by four area residents and several Council members. Ald. Hart later commented on the lack of signs directly people to the location in the Bi-Hi School building where the meeting took place. She said she understood that some citizens left the building without being able to locate the room where the public meeting was being held.

After the public opportunity to be heard, the debate resumed on second reading. While there was some sympathy for the position of the Trizec people and the circumstances in which they have been placed, the general feeling of Council was that no final decision should be taken on the rezoning until the interests of the School Administration staff have been addressed and there has been some further discussions with Trizec about the possibility of a land exchange or the acquisition of their property by the City. Ald. Crawford and Greenough moved referral to the School Administration staff and the Planning staff for further input along these lines, also to look at the overall conceptual plan for the Dartmouth Commons and including the plans for improvements to Nantucket Ave. that are required. Ald. Williams questioned the delay in receiving the letter from Ecology Action, dated Jan. 22/81, addressed to the Mayor and members of Council. Otherwise, most of the debate centered around the referral, with support being indicated for this course of action before the rezoning goes any further.

Mr. Percy Dares explained to Council why these lands went out of the hands of the City originally, as the result of a decision taken by plebiscite, to provide funds for the construction of Wyse Road in conjunction with the building of the Angus L. MacDonald Bridge.

The vote was then taken on the motion to refer and it carried unanimously.

MOTION: Moved by Ald. Crawford and Greenough that the matter of the rezoning of the Trizec (and City) lands be referred to the School Administration staff and Planning staff for their input before a decision is taken on the rezoning by Council.

ZONING REQUEST:
CASCADE DEVELOP-
MENT CORP.

The second rezoning application has been submitted by the Cascade Development Corp., for lands in the Stewart Harris Drive area; the request is to rezone from the existing S Zone (Institutional) to R-1 Zone (Single-family Residential) to permit the construction of approx. 30 single family homes. The Planning Dept. recommends approval of the rezoning and no objection to it was raised at the voluntary public meeting held in the area.

Proposed By-law C427 was before Council to accomplish the rezoning. It was moved by Ald. Crawford and Sarto and carried that leave be given to introduce the said By-law C-427 and that it now be read a first time.

It was moved by Ald. Crawford and Williams that By-law C-427 be read a second time.

There was no one wishing to be heard in the public gallery during second reading and no written communications have been received either for or against the rezoning.

The vote was taken on second reading and it carried. Unanimous consent was given by Council for third reading of the by-law.

It was moved by Ald. Williams and Greenough and carried that By-law C-427 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.

MOTION: Three readings given to By-law C-427 which rezones lands on Stewart Harris Drive from S Zone to R-1 Zone.

ZONING REQUEST:
GARSHAN ROAD

The next application to rezone came from Mettam Wright & Associates Ltd. on behalf of Mr. Nino Rossi, for parcels of land at 5 Garshan Road: the lot designated as R3 to be rezoned from C-3 (General Business) to R-3 (Multiple Family Residential), and the lots shown as C3 to be rezoned from R-3 to C-3 Zone, thereby straightening out the common zoning boundary between the commercial & multiple family areas.

Proposed By-law C-426 was presented for Council's approval to carry out this rezoning. It was moved by Ald. Valardo and Crawford and carried that leave be given to introduce the said By-law C-426 and that it now be read a first time.

It was moved by Ald. Ibsen and Hart that By-law C-426 be read a second time.

The Planning Dept. has recommended in favour of the rezoning request and Mr. L'Esperance presented a map showing details of the zoning changes that will be made if the request is approved. Mr. Bob Covey was heard briefly by Council and questioned whether an expansion of the apartment building complex will be permitted with this zoning change. Mr. L'Esperance explained that with the existing zoning, fourteen additional units could have been built; the proposed zoning will permit only five units to be built.

Ald. Greenough also referred to the concerns that area residents had when an expansion of this apartment complex was proposed some time ago, and said it was his understanding that the rezoning before Council is not intended to create a new commercial area as such, but rather to permit a better property use configuration, as outlined by Mr. L'Esperance.

The motion for second reading carried, but unanimous consent was not given by Council for third reading of the By-law.

MOTION: Two readings given by By-law C-426.

CONTRACT ZONING:
5 BRUCE STREET

The final rezoning request, for contract zoning at 5 Bruce Street to permit the establishment of professional offices in the building at this address, was accompanied by Resolution #81-9, with the attached agreement, and the Planning Dept. report, recommending in favour of the request, subject to the five items stipulated for inclusion in the contract.

Ald. Crawford and Valardo moved the adoption of Resolution #81-9, a copy of which is attached. Ald. Hart reported on the voluntary public meeting held in the area, advising that there were not objections raised to the contract zoning being proposed. Mr. Randall, the applicant, was present and available to answer questions from the

members of Council.

No representations were made from the public gallery either for or against the request for contract zoning. The motion to adopt Resolution #81-9 was put and carried unanimously.

MOTION : Moved by Ald. Crawford and Valardo that Resolution #81-9 be adopted, authorizing the contract zoning agreement for the property at 5 Bruce Street, between the City and the owners.

CENTREX TELEPHONE
SYSTEM

A report from Mr. Moir was considered on a proposal to convert from the present telephone system for the City to a Centrex system, in April of 1982. The Centrex system would permit calls to come in to a City department or person on a twenty-four-hour basis, seven days a week, without having to go through a switchboard (8:30 a.m. to 4:30 p.m, Monday to Friday only). Mr. Moir's report goes on to explain the advantages of having this new system, and he has commented on some of the problems that arise with the existing system when all of the lines coming into City Hall are in use. The estimated installation cost for the new Centrex system is \$21,720., and Mr. Moir has recommended that Council authorize Maritime Tel & Tel to proceed with the ordering of the necessary equipment and the installation of a Centrex system, as outlined in the letter from the Company, dated Feb. 6/81. The recommendation was adopted by Council, on motion of Ald. Greenough and Valardo. Questions from Ald. Crawford and Williams were answered by Mr. Smith and Mr. Bayer, after which the motion was put and carried.

MOTION: Moved by Ald. Greenough and Valardo that Council adopted Mr. Moir's recommendation on the installation of a new Centrex telephone system to serve the City, as outlined in the letter from Maritime Tel & Tel, dated Feb. 6/81.

RESOLUTION #81-10

On motion of Ald. Valardo and Greenough, Council adopted the attached Resolution #81-10, requesting Provincial approval for an extension of the deadline for annual budget approval to the 30th day of April, 1981, as recommended by the City Clerk-Treasurer in his accompanying report to Council.


MOTION: Moved by Ald. Valardo and Greenough that Council approve Resolution #81-10, requesting Provincial approval for an extension of the deadline for setting the 1981 tax rate.

ANTENNA: QUEEN
SQUARE BUILDING
T

A report was before Council from the City Clerk-Treasurer on the subject of an antenna to be installed on the Queen Square building to provide for an improvement to the existing Police radio system until the new communications equipment has been installed and becomes operational. It is recommended that Council approve the Antenna/Queen Square Building Agreement, to permit the antenna to be installed, and that the Mayor and the City Clerk be authorized to sign the agreement. The recommendation was adopted on motion of Ald. Williams and Greenwood.

MOTION: Moved by Ald. Williams and Greenwood that the agreement be authorized to permit the installation of an antenna on the Queen Sq. building, as per the recommendation of the City Clerk in his March 13th report.

Meeting adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council, March 17/81:

ITEMS:

- 1) Rezoning request, Trizec: page 1 to 4.
- 2) " " , Stewart Harris Dr., page 5.
- 3) " " , 5 Garshan Rd., page 5 & 6.
- 4) " " , 5 Bruce St., page 6.
- 5) Centrex phone system, page 7.
- 6) Resolution #81-10, page 7.
- 7) Antenna, Queen Square: page 8 .
- 8) Resolution #81-09, Page

RESOLUTION NO. 81-9

RECEIVED
MAY 25 1981
PLANNING AND DEVELOPMENT
DEPARTMENT

WHEREAS Section 18 of By-law C-357, the City of Dartmouth Zoning By-law provides that Dartmouth City Council may, after a Public Hearing approve a development request which might otherwise be permitted by the Zoning By-law, as long as it is not inconsistent with the Municipal Development Plan;

AND WHEREAS Dartmouth City Council has given Notice of its Intention to grant such approval with respect to the lands and premises known as 5 Bruce Street in the City of Dartmouth owned by Favorite Properties Limited, and has inserted Notice of this Intention in the Halifax Chronicle-Herald and Mail-Star once a week for two consecutive weeks;

AND WHEREAS at the time and place set out in the Notice, Council has met and heard all persons desiring to be heard in respect of the proposed development approval.

BE IT THEREFORE RESOLVED that the development proposal be approved to permit use of the said lands for professional offices for lawyers and accountants only;

AND BE IT FURTHER RESOLVED that this approval is subject to the condition that Favorite Properties Ltd. enter into the agreement attached hereto as Schedule "A".

Samuel P. Bruns
MAYOR

RECEIVED
MAY 6 1981

Bruce S. Smith
CITY CLERK

McINNIS, MONT & RANDALL

I, Bruce S. Smith, City Clerk-Treasurer of the City of Dartmouth do hereby certify that the foregoing is a true and correct copy of Resolution No. 81-9 of the City of Dartmouth duly passed by City Council on March 17, 1981.

Bruce S. Smith

THIS AGREEMENT made this day of
1981

BETWEEN: FAVORITE PROPERTIES LIMITED

OF THE ONE PART

-and-

CITY OF DARTMOUTH, a body corporate
(hereinafter called the "City")

OF THE OTHER PART

WHEREAS the Developer wishes to obtain approval to develop the lands at 5 Bruce Street in the City of Dartmouth, which lands are zoned Single Family Residential (R1) zone for professional offices for lawyers and accountants only;

AND WHEREAS a condition of the granting of the approval of City Council to such development is that the developer enter into an agreement with the City;

AND WHEREAS the Council of the City at its meeting on the day of 19 approved the said development to permit professional offices for lawyers and accountants only subject to the registered owner of the lands described herein entering into this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the City of the development requested by the Developer, the Developer agrees as follows:

1. The Developer is the registered owner of the lands known as 5 Bruce Street in the City of Dartmouth and described in Schedule "A" attached hereto (hereinafter called

the "lands".

2. The Developers shall develop the lands as professional offices for lawyers and accountants only and shall not develop or use the lands for any other purpose than as professional offices for lawyers and accountants only.

3. Notwithstanding any other provision of this agreement, the Developer shall not undertake or carry out any development on the lands which does not comply with all City by-laws, including, without restricting the generality of the foregoing, the Building By-law and the Fire Prevention By-law, and no permits shall be issued for any such development which does not so comply.

4. The City shall issue the necessary permits for the development upon the expiration of the appeal period provided by Section 35 of the Planning Act, Stats. N. S. 1969 c.16 or upon the withdrawal or dismissal of any appeal which may be taken.

5. (a) Should the Developer breach any of the conditions or covenants of this agreement, the City may serve written notice on the Developer requiring the Developer to comply with the conditions or covenants of this agreement immediately.

(b) If the Developer fails to do so within thirty (30) days after the service of the notice, the City may enter and perform any of the conditions or covenants contained herein.

6. All reasonable expenses incurred, arising from the entry and the performance of the conditions or covenants, if not paid by the Developer immediately, may be recovered from the Developer by the City by direct suit and shall form a charge upon the lands.

7. Parking shall be permitted at the rear of the building situate on the lands only as shown on the site plan attached hereto as Schedule "B".

8. The Developer shall make no exterior changes to any part of the building on the lands, other than is required for normal maintenance.

9. The Developer shall maintain the landscaping in front of the building on the lands in the same or similar condition as the said landscaping existed on the date this agreement was entered into, as shown on the site plan attached hereto as Schedule "B".

10. The Developer shall not erect any signs on the lands other than one non-illuminated fascia sign measuring not more than two square feet.

This agreement shall be binding upon the parties hereto and their heirs, successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals as of the day and year first above written.

SIGNED, SEALED AND DELIVERED)
in the presence of)

_____)

_____)

_____)

CITY OF DARTMOUTH)

MAYOR)

CITY CLERK)

SCHEDULE "A"

All THAT CERTAIN LOT, piece or parcel of land, situate, lying and being at Woodlawn in the City of Dartmouth and Province of Nova Scotia, known as civic number 5 Bruce Avenue in the said City of Dartmouth, and being Lot no. 32 in the subdivision of the property of the late James Bruce Power as shown on a plan entitled "J. H. Power Subdivision" made by N. E. MacLean, P.L.S., the 7th day of May, 1954, and filed in the Registry of Deeds at Halifax, N.S., as plan no. 2164 the 10th day of June, 1954, the said lot being more particularly bounded and described as follows:

BEGINNING at a point on the western side of Bruce Avenue (previously known as MacLean Street), said point being the north east corner of lot 31 as shown on the above mentioned plan;

THENCE northerly along the said western side of Bruce Avenue (previously known as MacLean Street), for a distance of sixty (60) feet to the south east corner of lot 33 as shown on said plan;

THENCE north 81 degrees and 42 minutes west (N 81° 42' W) along the southern boundary of lot 33 for a distance of one hundred (100) feet to the south west corner of lot no. 33 as shown on said plan;

THENCE south 8 degrees 18 minutes west (S 8° 18' W) along the eastern boundary of lot 36 for a distance of sixty (60) feet to the north west corner of lot 31 as shown on said plan;

THENCE south 81 degrees 42 minutes east (S 81° 42' E) one hundred (100) feet along the northern boundary of Lot 31 to the point of beginning, as shown on said plan.

ALL BEARINGS MAGNETIC 1954 AS SHOWN ON THE SAID PLAN.

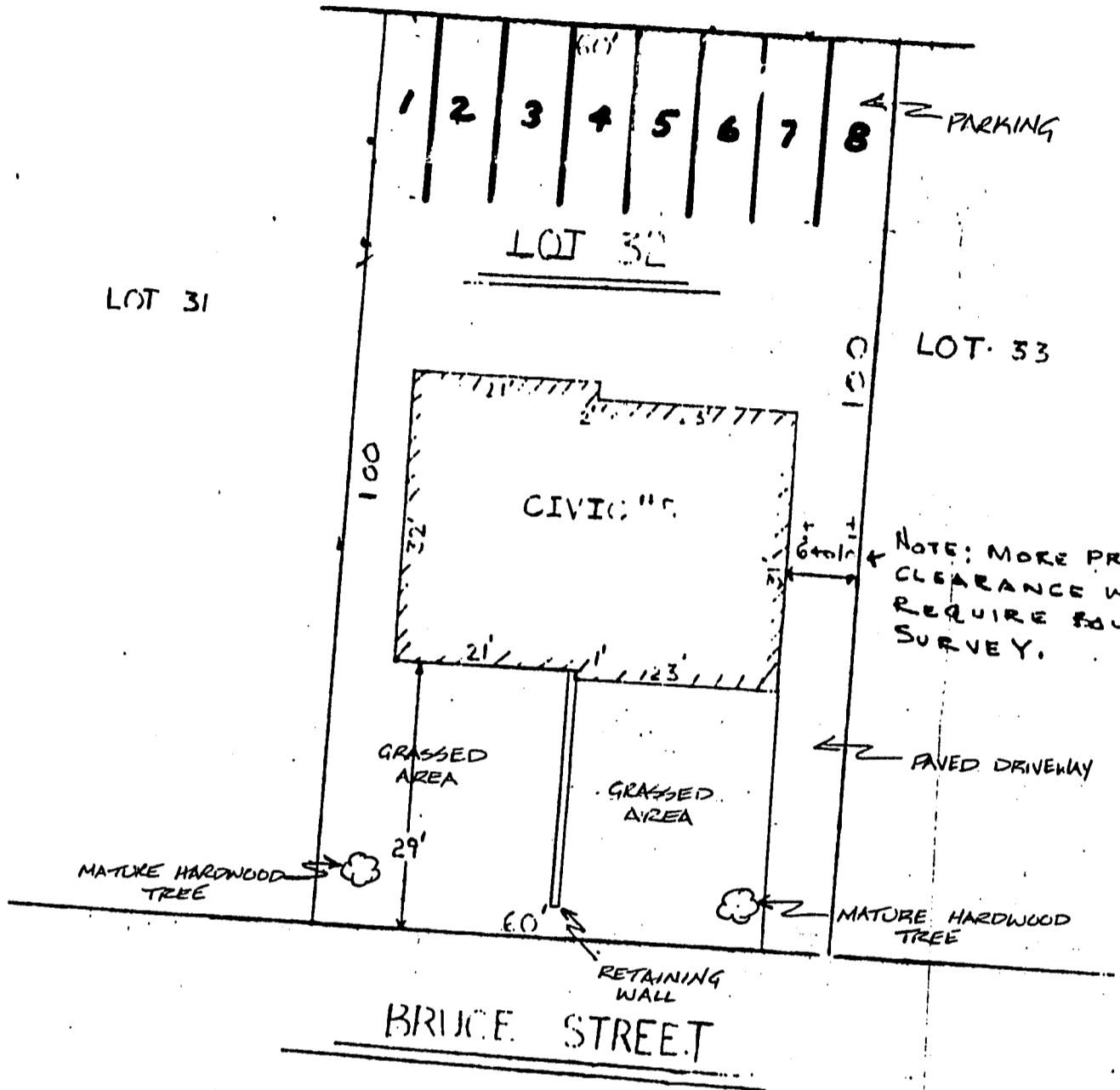
AND BEING and-intended to be the lot conveyed by Medical Realty Limited to the said Bertha Sellars (the grantor herein) by deed dated December 13, 1965, recorded in the Registry of Deeds in Halifax, N.S., in book 2091 at pages 201-203, the said lot being one of those conveyed previously (by deed dated November 30, 1965, recorded at the said registry of deeds in book 2090 at page 618) to the aforesaid Medical Realty Limited.

SURVEY CERTIFICATE

"Schedule B"

VEED NORTH

LOT 30



NOTE: MORE PRECISE CLEARANCE WOULD REQUIRE BOUNDARY SURVEY.

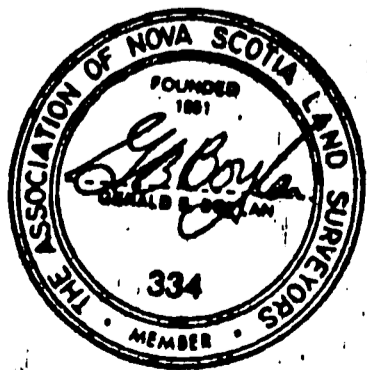
Dimensions shown hereon are approximate and are not to be used in re-establishing boundary lines.

CIVIC #5, LOT 32, J. H. POWER SUBDIVISION
DARTMOUTH, HALIFAX CO., N.S.

CERTIFICATION

SCALE 1 IN. = 20 FT.

This is to certify that I have surveyed and found the foundation of the above shown building or buildings to be entirely within the bounds of the said lot and to be located as shown hereon.



GERALD B. BOYLAN

NOVA SCOTIA LAND SURVEYOR
PROFESSIONAL ENGINEER

2875 DOUG SMITH DR.
HALIFAX, NOVA SCOTIA

D 79

PLAN DATE JULY 30 1979

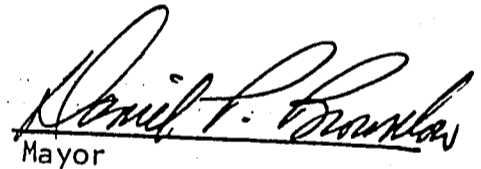
March 10, 1981

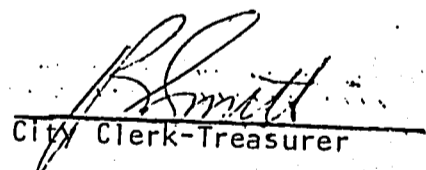
RESOLUTION #81-10

WHEREAS the Governor in Council when requested by the City to do so, may extend the time within which the City of Dartmouth may establish a tax rate by authority of the Municipal Taxation Time Extensions Act, 1970 Statutes of Nova Scotia, Chapter 9;

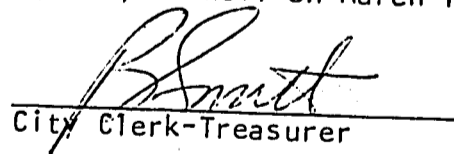
AND WHEREAS the amount of money which may be available to the City for its 1981 budget is not now known and there may be insufficient time for this amount to become fully known and taken into consideration by City Council in its budget considerations prior to March 31, 1981;

THEREFORE BE IT RESOLVED that the Governor in Council be requested to extend the time within which the City of Dartmouth may establish a tax rate for the year 1981 to the 30th day of April, 1981.


Mayor


City Clerk-Treasurer

I, Bruce S. Smith, City Clerk-Treasurer of the City of Dartmouth do hereby certify that the foregoing is a true and correct copy of Resolution #81-10 of the City of Dartmouth duly passed by City Council on March 17, 1981.


City Clerk-Treasurer

Dartmouth, N. S.

March 24/81.

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

Present - Mayor Brownlow

- | | |
|---------------------------------|------------|
| Ald. Sarto | Ibsen |
| Williams | Cunningham |
| Brennan | Valardo |
| Hart | Greenwood |
| Hawley | Greenough |
| Valardo | Fredericks |
| City Solicitor, M. Moreash | |
| City Administrator, C. A. Moir | |
| City Clerk-Treasurer, B. Smith. | |

RESOLUTION #81-12

Resolution #81-12 was added to the agenda at the opening of the meeting, being a resolution prepared in compliance with requirements of the Dept. of Municipal Affairs, to replace a resolution previously adopted for the requested extension to April 30/81 as the deadline for setting the 1981 tax rate. Council approved the redrafted resolution as presented, on motion of Ald. Fredericks and Sarto; a copy of the resolution is attached.

MOTION: Moved by Ald. Fredericks and Sarto that Resolution #81-12 be adopted, requesting an extension of the deadline for setting the 1981 tax rate to April 30/81.

REPORTS

Reports recommended from Committee were approved as follows:

- 1) Development Officer (Feb.): adopted on motion of Ald. Hart and Valardo.
- 2) Building Inspection (Feb.): adopted on motion of Ald. Valardo and Sarto.
- 3) Minimum Standards (Feb.): adopted on motion of Ald. Valardo and Ibsen.
- 4) Fire Chief (Feb.): adopted on motion of Ald. Brennan and Valardo.

Other reports referred from Committee without recommendation were dealt with as follows:

- 1) Animal Control (Jan.): adopted on motion of Ald. Valardo and Fredericks.
- 2) Ferry Operation (Feb.): adopted on motion of Ald. Sarto and Ibsen.

Ald. Cunningham asked how the recently-introduced exact fare system is working out by this time. Mr. Moir said there have been a few problems, but basically, people are adjusting to the idea that they require the correct change for the ferry, as with the bus system.

Ald. Crawford felt there should be some provision to assist people when they require change for use on the buses and asked if this could not be looked into by the M.T.C.

Ald. Greenough suggested that such a provision might be considered for inclusion in the tendering process for the canteen concession, next time it comes up for renewal. Mr. Smith noted that he has had discussions with the concession operator and change is being provided for ferry patrons in this way.

Ald. Ibsen commented on the condition of the bus terminal building next to City Hall, which he felt is detracting from the overall appearance of the new ferry terminal complex. He also suggested that bus schedules should be posted in the bus terminal so that people have this information readily available to them when they are using the service.

Ald. Hart responded to questions from Ald. Crawford about the communication of information about M.T.C. decisions, pointing out that several of the items raised by Ald. Crawford concerning route changes, etc., have, in fact, been to Council and been dealt with at that level first.

- 3) Social Services (Feb. statistics and including Appendix "C" on the subject of Rent Controls and Appendix "D", pertaining to proposed scale increases for social assistance recipients):
Ald. Valardo and Williams moved the adoption of the Social Services report.

Ald. Crawford expressed concern about any possible removal of rent controls without Council having a chance to debate the subject fully and come to a consensus of opinion on the matter. Ald. Brennan and Fredericks agreed that the subject needs further study, and there needs to be a detailed examination of the pros and cons so that a definite position can be indicated by Council to the Province, either for or against the retention of rent controls. Both made reference to the benefits that would come to the City from an impetus in apartment building, both in terms of employment opportunities and in providing additional housing units that are required.

Ald. Fredericks said he would like to have further information on the new homeowner's grant policy from the Federal department responsible, also, on what other cities are doing with regard to rent control policies. He moved in amendment, seconded by Ald. Brennan, that Appendices "C" and "D" be referred to staff (Finance & Social Services) for a further look at the two items (rent control and the proposed scale increase), after which these items will come back to Council (or Committee) for study and discussion. The amendment carried.

Ald. Brennan said he would like to have staff also address the question of the migration of welfare recipients to the City from outside areas and the impact this has on our costs; also, are they influenced to come here because of a difference in the quality of assistance that can be received and housing they can have.

The amended motion carried, having the effect of approving the Feb. statistical report and referring the rent control portion and the proposed scale increases to staff for further input and then to come back to Council for a full debate.

MOTIONS: To adopt the regular monthly reports, with the exception of the Social Services report on Rent Controls and Proposed Scale Increases for Social Assistance. These two latter items referred to staff (Finance & Social Services) for further input and then back to Council (or Committee) for discussion.

WOODLAND AVE/
SLAYTER STREET/
PINEHILL RD.
TRAFFIC STUDY

Another report referred from Committee without recommendation, dealt with the meeting held among the four area Aldermen and staff members, to discuss the matter of traffic problems in the area of Woodland Ave/Slayter Street/Pinehill Road. The meeting identified four items that should be given top priority and be dealt with by the T.M.G. and Council; the items are:

- 1) that the T.M.G. undertake a study to identify the parking problems and recommend solutions in and around the high school area.
- 2) restriction of left turns during the evening peak hours will be considered for those cross streets entering Woodland Ave., in an attempt to reduce 'short-cutting'.
- 3) additional sign control will be considered for Slayter & Thistle Street during the peak hours.
- 4) parking restrictions will be introduced into the bend of Lorraine Street where it meets Birchwood Terrace, to improve visibility and safety at this point.

Item #1 would be initiated in cooperation with consultants, while the remaining items would be handled by the T.M.G., working through the Traffic Authority. Ald. Brennan and Crawford moved the adoption of the report submitted by the Chairman of the T.M.G., Mr. Bayer.

Ald. Valardo said he wished to clarify that the decisions taken at the meeting of the four Aldermen with staff were unanimous, and he was therefore confused about statements subsequently made in the press by one of the Council members involved. He asked Mr. Connors, who was present for the meeting on behalf of the T.M.G. to look at the need for a crosswalk at the intersection of Symonds Street and Elmwood Ave. with Wyse Road, where children are having difficulty crossing in safety. Mr. Connors noted that there is already a crosswalk at this location, but it needs to be repainted. Ald. Crawford spoke in support of the motion and said he was satisfied with the meeting of the area Aldermen with staff to resolve the traffic problems in the Woodland/Slayter/Pinehill Rd. area.

The motion on the floor was put and carried.

MOTION: Moved by Ald. Brennan and Crawford that Council adopt the report from the T.M.G. Chairman, dated March 3rd, on the traffic

problem areas identified in the Woodland/Slayter/Pinehill Road area, and the approach to be taken in resolving some of these problems.

WOODLAWN RD.

Reports from several City departments on the non-conforming use of the property at 97 Woodlawn Road and the legality of this use, were before the Committee at their meeting of March 10th, and the Committee has recommended that the reports be received and filed. Ald. Crawford and Ibsen moved the adoption of the recommendation from Committee. Ald. Williams, Ibsen and Sarto again expressed their concerns about the operation of a grocery store outlet (plus the other uses) at this location, maintaining that it is a disruption to the local area residents and should not be permitted. The Mayor suggested that the Solicitor could take a look at the procedures followed in dealing with non-conforming use properties, to see if some arrangement could be made to have all such applications where non-conforming use is involved, come to Council before approval is granted. The members of Council indicated they would like to have this suggestion followed up by the Solicitor for a further report back on the subject. The motion carried.

REZONING REQUEST:
663 PORTLAND ST.

On motion of Ald. Hart and Greenwood, Council set May 12th as the date for public hearing of a rezoning request for the property at 663 Portland Street, that date having been recommended from Committee.

MOTION: Moved by Ald. Hart and Greenwood that May 12th be set as the date for public hearing of a rezoning request for the property 663 Portland St. (Request is to rezone from the existing R-1 to R-3).

INTERNATIONAL
FESTIVAL OF
CLOWNING

Council considered a report from the Mayor, which accompanied a letter from Mr. Ray Pierce, Festival Consultant to the Provincial Dept. of Tourism, on the subject of an International Festival of Clowning proposed to be held in Dartmouth in the year 1982, if program details can be put together in time for that year. The proposal is outlined in detail in the letter from Mr. Pierce and he was present for the meeting to give a visual presentation and provide further information on the festival. Ald. Valardo and Cunningham moved

that Council endorse the Cloning Festival in principle.

Mr. Pierce explained why Dartmouth has been chosen as the ideal community to host the Cloning Festival, and advised that the next phase in the planning process will be to put together an organization specifically responsible for preparation of a program and for running the festival. A budget will be prepared also and the use of an office will be required for a three-month period while this next phase of the proposal is in progress, along with secretarial services and the use of a phone. A letter has been received from Mr. Squires, the Manager of the Dartmouth Holiday Inn, offering these facilities and services for Mr. Pierce's use at the Inn, and this would mean that the City would not be asked to assist with these requirements, as originally indicated. It is not anticipated that the City will be requested to make any direct financial contribution to the Festival, but the use of facilities and technical staff assistance will probably be sought at the time when the Festival takes place.

The Tourist Commission has recommended that the Cloning Festival be endorsed and supported; Ald. Brennan and Cunningham both spoke in support of the motion and Ald. Brennan suggested that a letter should be directed to the Dept. of Tourism, thanking them for Mr. Pierce's services in connection with the Festival proposal. Also, that the City's Tourist Commission should form a part of the support group for the Festival organization. The vote was then taken and the motion carried.

MOTION: Moved by Ald. Valardo and Cunningham that Council endorse the International Festival of Cloning in principle.

The members of Council have received copies of the notes taken and compiled from the public meeting on the Woodland Ave. connector issue for their information. Ald. Hart and Williams moved that the information be received and filed. Other members questioned whether this is the proper course of action to take at this point and whether the motion has the effect of taking the item

WOODLAND AVE.
CONNECTOR:
PUBLIC MEETING

out of Council's hands so that further action is not possible along the lines of further traffic study and citizen input in the future. The Solicitor advised that a motion to receive and file does not preclude further action being taken or further discussion of an item, if members of Council wish to introduce subsequent motions for consideration. After a period of debate as to the possible effect of receiving and filing the information provided by Mr. Bayer in his report, the vote was taken on the motion and it carried, with Ald. Crawford and Fredericks voting against.

Ald. Valardo and Greenwood then moved that the improvements to the MicMac Blvd. intersection be delayed for a period of one year or less, pending traffic studies to be done and for further citizen input, in order to arrive at a satisfactory solution to the problem of the MicMac intersection and connector road between Woodland Ave. and Albro Lake Road. Some members felt that Council should first have a staff report on the cost of a study and procedures that would be required to insure public input is received on the issue and how best to proceed. Ald. Greenough and Hart moved in amendment that prior to the implementation of the study, staff be required to report to Council within a month regarding cost and the procedures to be followed, so that this information can be assessed by Council. The amendment carried and the amended motion carried.

MOTION: Moved by Ald. Hart and Williams that the report from Mr. Bayer on the public meeting re the Woodland Ave. connector, be received and filed.

MOTION: Moved by Ald. Valardo and Greenwood that the improvements to the MicMac Blvd. intersection be delayed for a period of one year or less, pending traffic studies to be done and for further citizen input, in order to arrive at a satisfactory solution to the problem of the MicMac intersection and connector road between Albro Lake Road and Woodland Ave.

AMENDMENT: Moved by Ald. Greenough and Hart that prior to the implementation of the study, staff be required to report to Council, within a month, regarding cost and the procedures to be followed, so that this information can be assessed by Council.

ATTACK WARNING
SIRENS

A report from the City Engineer was considered, recommending that Agreements with DND be signed by the Mayor and City Clerk on behalf of the City, for attack warning sirens at four locations in the City (as detailed), for the period May 1/81 to May 1/86. Council approved the recommendation, on motion of Ald. Crawford and Greenwood, authorizing the Mayor and the City Clerk to sign the Agreements with DND, as recommended.

MOTION: Moved by Ald. Crawford and Greenwood that Agreements with DND be authorized for attack warning sirens at four City locations, covering the period from May 1/81 to May 1/86.

NEW LIBRARY
BUILDING

A request was before Council from the Regional Library Board for a \$20,000. item to be included in the budget for a library consultant/architect as these services may be required in conjunction with planning for a proposed new library building for the City. Ald. Fredericks and Hawley moved that funds be included in the budget in the amount of \$20,000. for this purpose.

Ald. Cunningham suggested that the item should be referred to the budget discussions rather than giving approval out of context with the budget at this time. Ald. Hart also questioned the procedure being followed in approving the library consultant expenditure without first having some additional information on the status of planning for the library and/or cultural centre complex. She therefore moved deferral, pending further information from the Chairman of the Special Committee appointed by the Mayor (Ald. Fredericks); the motion to defer was seconded by Ald. Williams. Ald. Ibsen, Greenough and Brennan considered that some provisions will have to be made in the budget for this kind of an expenditure, even though the funds may not be needed until later in the year; otherwise, it will not be possible to proceed with any conceptual plan work on the project until 1982. Ald. Fredericks said he would have the report requested ready for the April meeting of Council, so there will be adequate time for the members to have additional information before

decisions have to be made on the budget. The motion to defer carried.

MOTION: Moved by Ald. Hart and Williams that a decision be deferred on the \$20,000. requested from the Library Board for consulting/architectural services, pending an information report from the Chairman of the Special Committee, Ald. Fredericks.

DOWNTOWN COMMITTEE:
PURPOSE, FUNCTIONS

TERMS OF REFERENCE

The Downtown Revitalization Committee has submitted its proposed purpose, functions and terms of reference for approval and preparation of the by-law required to be established as a Commission. Ald. Crawford and Brennan moved acceptance of the documents submitted for preparation of the necessary by-law by the Solicitor.

Ald. Valardo questioned the jurisdiction that is being given the Committee under the function and terms of reference being recommended, and moved referral to staff for a report on the effect and implications of what the Committee has proposed in their terms of reference and functions jurisdiction; the motion to refer was seconded by Ald. Greenough.

Ald. Brennan spoke against the motion to refer and pointed out the difficulties this Committee is having to carry out its duties without terms of reference under which to operate. He felt that Council should take the time at this meeting to review the terms in detail and come to a decision on them without any further delay. Ald. Crawford was also opposed to referral, pointing out that the Committee is only authorized to make recommendations to Council in all cases, just as other advisory committees and boards are doing; in the final analysis, the decisions rest with Council after these recommendations have been considered. In view of the concerns expressed about delaying the terms of reference unduly when the Committee requires them to function, Ald. Fredericks and Greenwood moved in amendment that the staff report requested be brought back by the first May meeting of Council. The amendment carried and the amended motion to refer carried.

MOTION: Moved by Ald. Valardo and Greenough that the proposed functions and terms of reference

for the Downtown Revitalization Committee be referred to staff for a report on the effect and implications of what is proposed in these documents.

AMENDMENT: Moved by Ald. Fredericks and Greenwood that the staff report be brought back by the first May Council meeting.

DEMOLITION PERMITS

The Downtown Revitalization Committee has discussed the recent demolition of a building located at 53 King St. and has recommended that Council examine the criteria for issuing demolition permits, with a view to establishing control of such permits in areas where demolition is not warranted for heritage purposes; further, that such applications for permit to demolish be forwarded to the Committee for comment.

Ald. Brennan explained the intent of the recommendation and moved its adoption, seconded by Ald. Crawford. Debate on the motion concentrated mainly on the procedures that are now followed with the issuing of demolition permits and the jurisdiction that Council has, if any, to be involved in that process. The Solicitor noted that the power of Council to deal with demolition permits is limited at present. He made reference to the recently-introduced Heritage legislation that will provide some control over the demolition of buildings that are deemed to be of historical significance, such buildings having been designated as worthy of preservation and therefore protected from destruction. The proposed Heritage Advisory Board, on which Ald. Hart has given notice of motion for the April meeting of Council, would have the jurisdiction to designate historic buildings within the community and in this way would be able to act effectively to protect them from demolition.

Ald. Fredericks suggested that a letter be forwarded to the Downtown Committee, advising them of the anticipated formation of a Heritage Advisory Board that will have certain jurisdictions for the protection of historic buildings, including those that exist in the downtown area. Ald. Crawford and Brennan moved that the matter of demolition permits and their procedures go to the Solicitor for a

review, along the lines of the discussion and including the implications of the new Provincial Heritage legislation. The motion carried.

MOTION: Moved by Ald. Crawford and Brennan that the matter of demolition permits and their procedures go to the Solicitor for review along the lines of the discussion at Council and including the implications of the new Provincial Heritage legislation.

APPLICATION:
21/23/25 PORTLAND ST.

The Downtown Revitalization Committee has discussed the reapplication being made to the Liquor License Board for a beverage room to be located at 21/23/25 Portland Street, and has advised Council that the Committee, by a majority vote, do not endorse this beverage room reapplication on the part of the Ship's Bell Company.

Ald. Brennan and Hart moved that the report from the Committee be received and filed. Ald. Valardo considered that the Committee has over-stepped their authority in making such a report to Council, and Ald. Cunningham was also opposed to an endorsation coming from the Committee on a liquor licensing application. After further discussion along these lines, the vote was taken on the motion and it carried.

Ald. Crawford and Fredericks then moved that Council advise the Liquor License Board of the action taken by the Downtown Revitalization Committee. Ald. Crawford commented on the discussions that took place at the Committee meeting when this item came up for consideration, pointing out that the building in question is not adequate to be used for a beverage room and would be totally unsafe for that purpose, being old and of wooden construction. Ald. Ibsen also had concerns about the safety of the building and the kind of renovations that would be required to put it in satisfactory condition for use as a beverage room. Ald. Fredericks and Williams did not consider that any number of these establishments should be permitted in the newly-renovated downtown area. Otherwise, the members of Council who spoke on the motion, such as Ald. Hawley, Brennan and Valardo, were opposed to it and felt that the

position taken by the Committee is discriminatory and outside what should be considered as the normal functions of the Committee. When the vote was taken, the motion on the floor was defeated.

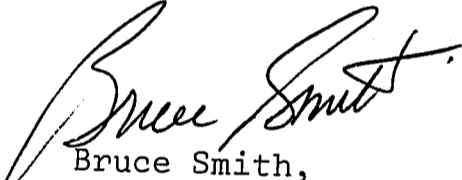
MOTION: Moved by Ald. Brennan and Hart that the report from the Downtown Committee on the reapplication for a beverage room license at 21/23/25 Portland St. be received & filed.

SIGNING OFFICERS:
SOCIAL SERVICES

On motion of Ald. Brennan and Valardo, Council approved the attached Resolution #81-11, amending the list of signing officers for the Social Services Dept., by deleting the name of Mr. S. Langille and adding Mr. Albert Driscoll; all other authorized signing officers remain unchanged.

MOTION: Moved by Ald. Brennan and Valardo that Resolution #81-11 be approved, changing the name of one signing officer in the Social Services Dept.

Meeting adjourned for an informal discussion with the City Administrator.


Bruce Smith,
City Clerk-Treasurer.

City Council, March 24/81.

ITEMS:

- 1) Resolution #81-12, page 1.
 - 2) Reports, pages 1 and 2.
 - 3) Woodland/Slayter/Pinehill Rd. traffic, page 3.
 - 4) 97 Woodlawn Rd., page 4.
 - 5) Rezoning, 663 Portland St., page 4.
 - 6) Cloning Festival, page 4.
 - 7) Woodland Ave Connector, page 5 & 6.
 - 8) Attack warning sirens, page 7.
 - 9) New library building, page 7.
 - 10) Terms of reference, Downtown Committee, page 8.
 - 11) Demolition permits, page 9.
 - 12) 21/23/25 Portland St., page 10.
 - 13) Resolution 81-11, page 11.
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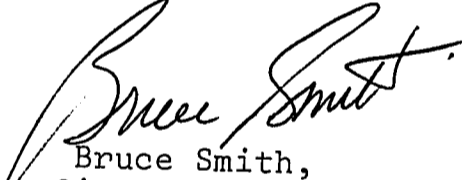
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Dartmouth, N. S.

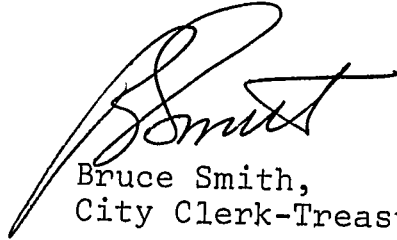
March 24/81.

EPO STATUS
OF NEGOTIATIONS

At the conclusion of the Council meeting of this date, Council met briefly in an informal session with Mr. Moir, at which time the members were provided with a report on the status of negotiations with the Police Assn. of Nova Scotia, Local 101, and the Nova Scotia Union of Public Employees, Units 1 & 2.

In the case of the PANS negotiations, it is recommended that Council join with the Police Assn. in requesting conciliation, and there was general agreement with this recommendation on the part of the members.

Mr. Moir suggested that the report be looked at in more detail for further consideration at a later time.


Bruce Smith,
City Clerk-Treasurer.

24 March 1981

RESOLUTION 81-12

WHEREAS pursuant to Section 266 of the Dartmouth City Charter; Council, not later than the 1st day of April in each year shall cause to be prepared and shall approve a detailed estimate of the probable expenditure of the City for the year;

AND WHEREAS the Governor in Council when requested by the City to do so, may extend the time within which the City of Dartmouth may determine or finalize its estimates of revenues and expenditures by authority of the Municipal Taxation Time Extensions Act, 1970 Statutes of Nova Scotia.

AND WHEREAS the amount of money which may be available to the City for its 1981 budget is not now known and there may be insufficient time for this amount to become fully known and taken into consideration by City Council in its budget considerations prior to March 31, 1981;

THEREFORE BE IT RESOLVED that the Governor in Council be requested to extend the time within which the City of Dartmouth may determine or fix its estimates of revenues and expenditures for the year 1981 to the 30th day of April, 1981.

Donald P. Brantley

B. Smith

I, Bruce S. Smith, City Clerk-Treasurer of the City of Dartmouth do hereby certify that the foregoing is a true and correct copy of Resolution 81 -12 of the City of Dartmouth duly passed by City Council on March 24, 1981.

B. Smith