

Dartmouth, N. S.

May 2nd. 1981.

Regularly called meeting of City Council held  
this date at 9:00 a.m.

Present - Mayor Brownlow

Ald. Ibsen	Sarto
Williams	Cunningham
Hart	Greenwood
Valardo	Withers
Ritchie	Fredericks
Hawley	Greenough
Crawford	
City Administrator, C. A. Moir	
City Clerk-Treasurer, B. Smith	
Budget Officer, J. Rowinski	

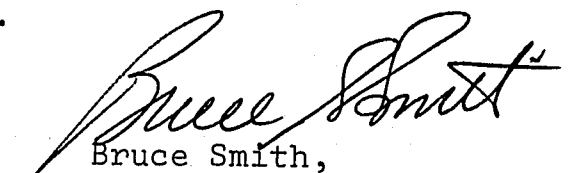
TABLE 1981  
OPERATING  
ESTIMATES

Council met to begin the 1981 operating budget discussions and proceeded to first table the estimates, on motion of Ald. Valardo and Williams.

MOTION: Moved by Ald. Valardo and Williams that the 1981 operating budget estimates be tabled.

Council then adjourned to go into Committee, on motion of Ald. Williams and Valardo.

At 1:00 p.m., the Committee reconvened in open Council and ratified the action taken in Committee with respect to the formation of a committee of Council to approach the Province for additional cost-sharing on specific items discussed, such as metro transit, the Correctional Centre, education costs, etc., on motion of Ald. Ibsen and Sarto.  
The meeting then adjourned.

  
Bruce Smith,  
City Clerk-Treasurer.

City Council, May 2/81

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City Council, May 2/81

ITEM:

- 1) Table 1981 operating estimates and approve motion adopted in Committee re cost-sharing from the Province on items as detailed.

Dartmouth, N. S.

May 5/81.

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

Present - Mayor Brownlow

Ald. Ibsen	Sarto
Williams	Cunningham
Crawford	Brennan
Valardo	Withers
Hart	Greenwood
Hawley	Greenough
Fredericks	

City Administrator, C. A. Moir  
City Solicitor, M. Moreash  
Deputy City Clerk, G. Brady

Three items were withdrawn from the agenda at Mr. Moir's request, namely, the 1981 Capital Estimates, the 1981 Street Construction Program, and the tender for Contract #81-04. Some changes in the figures are required in the Capital Estimates, after which the items will be back before Council for consideration.

Ald. Sarto asked permission to add two petitions to the agenda, one from residents of Power Street and the second, pertaining to the rezoning request for the property at 663 Portland Street.

MINUTES

The minutes of the meetings held on April 7th and April 21st were approved as circulated, on motion of Ald. Williams and Greenwood.

In connection with the minutes of April 7th, Ald. Ibsen asked why the questions he raised at that time have not been included in the agenda for this meeting. The Mayor said it was his understanding that Mr. Smith was waiting to hear from Ald. Ibsen about further information he is seeking. He agreed to put the item on the Committee agenda for next week.

APPOINTMENTS:  
SALARY COMMITTEE

The appointment of the Department Heads Salary Committee was deferred some time ago until the first May Council meeting, and three names were placed in nomination at this time for appointment to the committee. After Ald. Williams, Valardo and Greenwood had been duly appointed to the committee, it was noted that the original intent was to retain only one member from the previous year and to appoint two new members each time. The appointments

were then rescinded, on motion of Ald. Crawford and Fredericks.

When the new nominations were presented, Ald. Williams was retained on the committee and the two new members appointed were Ald. Brennan (nominated by Ald. Cunningham) and Ald. Withers (nominated by Ald. Sarto). The committee will therefore be comprised of Ald. Williams, Ald. Brennan and Ald. Withers.

PETITION:  
WINDMILL ROAD  
PARK

A petition opposing the project known as the Windmill Road Park, was before Council and on motion of Ald. Greenwood and Greenough, it was deferred until the NIP people have an opportunity to make their submission on this item.

MOTION: Moved by Ald. Greenwood and Greenough that the petition objecting to the Windmill Road Park be deferred until the NIP people have an opportunity to make their submission on this item.

Ald. Hart also asked that the item be placed on the Continuing Agenda.

PETITION:  
MICMAC VILLAGE

A second petition to Council concerned the removal of trees and vegetation in the MicMac Village community, and the lack of a playground space in the Village area for younger children. A motion was put forward by Ald. Hart to have the petition received and filed, but other members tended to feel that it should receive staff attention, particularly from the Planning and Recreation Departments. Ald. Fredericks and Withers moved referral to these departments for report to Council.

Several members were concerned about the destruction of trees that has taken place in the MicMac development area, and the lack of any landscaping to compensate for the trees and vegetation removed. Mr. Bayer advised that a landscaping plan for the area is being prepared by the developers and it will be coming to Council before too long. Ald. Hart asked about the portion of land deeded to the City in connection with the MicMac development, and Mr. Bayer noted that most of this was taken along the lakeshore to give the necessary protection to the lake from the development.

Ald. Greenough suggested that the referral should be to the Lakes Advisory Board as well as staff and Mr. Bayer made a note of this. The motion to refer carried.

MOTION: Moved by Ald. Fredericks and Withers that a petition from residents of the MicMac Village be referred to the Planning and Recreation Departments (also to the Lakes Advisory Board) for attention and report to Council.

TITION:  
WER ST.

Ald. Sarto indicated that he wished to table a petition for pavement and curbs, from residents of Power Street. He said this street is included in the construction program for 1982 and will be brought forward for further consideration at that time. The petition was tabled on motion of Ald. Sarto, seconded by Ald. Greenough.

MOTION: Moved by Ald. Sarto and Greenough that a petition be tabled from residents on Power Street, for paving and curbs.

TITION:  
63 PORTLAND ST.

Ald. Sarto then presented a petition from residents who are opposed to the rezoning request for the property at 663 Portland Street. He asked that copies be circulated for Council's information, and Mr. Moir pointed out that this petition should go out to Council with the agenda for the public hearing on 663 Portland Street, since it relates specifically to that rezoning application. The petition was therefore referred to the public hearing, to be circulated with the agenda for that Council meeting, on motion of Ald. Sarto, seconded by Ald. Cunningham.

MOTION: Moved by Ald. Sarto and Cunningham that the petition from residents re 663 Portland St. be referred to the public hearing for that rezoning request, to be circulated with the agenda for the Council meeting when the hearing is held.

LETTER: COMM.  
SERVICES  
ADVISORY BOARD

The Community Services Advisory Board has forwarded a letter to Council, expressing their concern that plans for the thirty-unit senior citizens residence on the former St. Paul's School site, were approved without being referred to the Board for consideration. The particular concern noted in the letter is with regard to the fact that this two-and-a-half storey facility will not have an elevator and will therefore involve some seniors in a considerable climb up and down stairs each time they return to their apartments.

The letter suggests that it may not be too late for some modifications to be made in the building to correct this deficiency in it, and on motion of Ald. Hart and Cunningham, the matter was referred to staff to determine from the Housing Commission whether in fact it is too late for modifications to be made in the plans. Ald. Brennan said it is unfortunate that the Board was not consulted about the plans when they were in their initial stages, and he again referred to a lack of adequate parking for the complex, a point which he raised on other occasions when this item was before Council. The motion to refer carried.

MOTION; Moved by Ald. Hart and Cunningham that the letter from the Community Services Advisory Board re modifications to the thirty-unit senior citizens complex (St. Paul's property) be referred to staff to determine if it is too late for modifications to be made in the plans.

LETTER: UNION  
OF NOVA SCOTIA  
MUNICIPALITIES

The Executive Director of the Union of Nova Scotia Municipalities has forwarded a letter seeking information from municipal Councils on current local priorities with respect to Federal programs through which financial assistance is received, so that the Atlantic Regional Committee of the Federation of Canadian Municipalities can prepare a consolidated position on behalf of Municipal Government in the Atlantic Provinces. Council has been asked to indicate in order of priority, those items which reflect Dartmouth's current local capital expenditure priorities.

Ald. Valardo and Fredericks moved that the City's priorities be indicated as follows:

1. Water
2. Sewer
3. Housing
4. Streets
5. Sidewalks
6. Sewage Treatment

Basically, Council concurred with the order of priority proposed in the motion, although there was some debate as to whether housing should be ranked higher than streets, and this point was debated. Ald. Fredericks felt that it would be desirable if Federal programs could be of a five-year duration from their inception and said he would

see this as an improvement that is worth being recommended. When the vote was taken on the motion, it carried in the priority order given.

MOTION: Moved by Ald. Valardo and Fredericks that the ranking order of priority to be indicated by Council in response to the request from the Executive Director of the Union of N. S. Municipalities be:

1. Water
2. Sewer
3. Housing
4. Streets
5. Sidewalks
6. Sewage Treatment

GN APPLICATION:  
BAN OUTDOORS LTD.

A sign application has been received from Urban Outdoors Ltd., to erect a sign at 62 Lyle Street, and approval has been recommended by the City Administrator, with no objections indicated by the T.M.G. or the Planning Dept. Ald. Greenough and Ibsen moved that the application be granted as recommended. Ald. Ibsen said he felt, however, that Council should have legislation that would prohibit such signs and billboards altogether.

Ald. Crawford felt that the Bridge Commission should have been consulted about this application, in view of the location involved, and he moved referral to the Commission for an opinion and report back to Council. There were opinions expressed both for and against referral to the Commission. Those members opposed did not consider this to be a Commission matter and felt that it is a decision to be made by Council. Members who spoke in favour of referral suggested that the sign would be distracting to drivers on the bridge and as such, would be a concern of the Commission. Ald. Withers said it is important for the T.M.G. to have a continuing dialogue with the Bridge Commission on traffic items such as this one.

Questions arose as to the jurisdiction that Council has over sign applications and whether or not they can be refused under the existing sign by-law, which Mr. Bayer noted is in need of revisions. He pointed out that an application could be refused on the basis of a recommendation from the Traffic Authority (the Chief of Police), if in his opinion, a traffic hazard would be created by the erection of

a sign at a particular location.

Ald. Ibsen and Valardo moved in amendment that the item be referred to staff (the Legal Dept.) for an interpretation of the sign by-law with respect to Council's right to deny a permit, and report back to Council. The amendment carried (Ald. Hart & Fredericks voting against) and the amended motion carried.

MOTION : Moved by Ald. Crawford and Withers that the sign application for 62 Lyle Street be referred to the Bridge Commission for and opinion and report back to Council.

AMENDMENT: Moved by Ald. Ibsen and Valardo that the item be referred to staff (City Legal Dept.) for an interpretation of the sign by-law with respect to Council's right to deny a permit, and report back to Council.

AND ASSEMBLY:  
KUHNS ROAD

A report has been submitted by Mr. Bayer on properties at 13 and 15 Kuhns Road, which have been offered for sale to the City by the owners. An offer of \$8,000. per lot has been made (based on the 1980 assessment of \$7,100. per lot), but the owners are asking \$14,000. for each property. Mr. Bayer has indicated that he could not recommend in favour of an amount in excess of \$8,000. and Mr. Moir has concurred in that recommendation. Ald. Hart and Valardo moved that Mr. Bayer be authorized to offer \$8,000. per lot as recommended, but on motion of Ald. Brennan and Ibsen, further discussion of the item was referred to the in camera portion of the meeting.

BY-LAW C-431:  
SMOKE DETECTORS

Proposed By-law C-431 (installation of smoke & heat detectors) has been prepared and was before Council at this time, accompanied by a report from Mr. Rath on the item.

It was moved by Ald. Valardo and Ibsen and carried that leave be given to introduce the said By-law C-431 and that it now be read a first time.

It was moved by Ald. Ibsen and Sarto that By-law C-431 be read a second time.

Ald. Sarto said he would like to have seen provision included for one-storey and two-storey duplexes; he discussed this point with the Fire Chief. Ald. Brennan felt that the by-law should be referred for discussion in Committee



and he moved referral to the Committee meeting of May 12th, seconded by Ald. Crawford. The motion to refer carried.

MOTION: Moved by Ald. Brennan and Crawford that By-law C-431 be referred to Committee for discussion in second reading (Committee meeting of May 12th).

(It was suggested by Mr. Moir that members with questions about sections of the by-law, bring these to staff<sup>SO</sup> that answers can be prepared prior to the Committee meeting.)

TERMS OF REFERENCE:  
DOWNTOWN COMMITTEE

As requested by Council, staff have reviewed the terms of reference proposed by the Downtown Revitalization Committee, and revised terms of reference are being recommended by staff, accompanied by a report from Mr. Moir on this subject. His report suggests that if the terms of reference proposed by staff are adopted, they will more than meet the policy statements and the public participation statement for the downtown section of the City's Municipal Development Plan (in which the Committee was initially recommended). Ald. Williams and Cunningham moved the adoption of Mr. Moir's report and the terms of reference proposed with it.

Mr. Moir made particular note of the section of the terms relating to the election of a Chairman & Vice-Chairman, which differs from the present procedure of the Chairman being appointed jointly by the Mayor and the Minister of Development.

Ald. Valardo proposed in amendment that section (a) of the Composition section of the terms of reference be changed to read 'two Aldermen, one of whom shall be from Ward 3 and one at large'; the amendment was seconded by Ald. Ibsen. Ald. Crawford and Brennan disagreed with the amendment, also Ald. Fredericks. Ald. Greenough suggested that one way to accomplish the addition of an Alderman-at-large member, would be to retain both of the Ward 3 members and increase the Council representation by one additional member. When the vote was taken on the amendment, it was defeated.

Ald. Greenough and Ibsen then introduced an amend-

ment to the effect that the Council representation on the Committee would be comprised of 'three Aldermen, two of whom will be from Ward 3 and one of whom will be an Alderman-at-large'. This amendment carried with Ald. Crawford voting against.

Amendments made by Ald. Valardo and seconded by Ald. Hart, changed several sections of the terms of reference to make them applicable to both male and female members, as follows:

- 1) Under the term of appointment, the last sentence was changed to read 'who is replaced' (from '. . . the member whom he replaced'.)
- 2) Under the Remuneration section, the reference to 'him' was replaced by the words 'the member', the word 'his' being deleted in the same line.
- 3) In the section Members Ceasing to be Qualified, the word 'his' was deleted and further on, the sentence will now read '. . . he/she shall cease to be a member of the Committee, etc.'

The amendment incorporating these changes was approved by Council, as presented by Ald. Valardo and Hart.

Ald. Brennan asked about the Committee's line of communication and whether it is intended that they should report directly to Council or to the Minister of Development, as they have been asked to do on recent issues. The Mayor said it was his understanding that Council's intention was to set up a committee along the lines of other advisory boards in the City, which make recommendations to Council and function basically in an advisory capacity.

Ald. Brennan expressed his feelings about the departure from the terms of reference recommended to Council by the Downtown Committee, drafted after hours of discussion and careful consideration. He was concerned about the fact that the structure proposed by staff calls for a committee and not a commission duly constituted through a City by-law, but his main concern was about the deletion of item #10 in the proposed list of functions for the Committee (as recommended by the Committee itself) which recognizes this group as an umbrella organization encompassing

all the various bodies and agencies involved in the redevelopment of the downtown area. He said that without this section, the committee cannot function in an effective manner and Council will be back to dealing with each of the individual groups without the necessary coordination of effort that was so desirable for the success of the total project. He therefore moved in amendment that section #10 of the committee report be added to the terms of reference recommended by staff as item #4 under the heading of 'Purpose'. The amendment was seconded by Ald. Crawford. (The section in question reads: "To stimulate, incorporate and coordinate the combined efforts of the City, the merchants, the Chamber of Commerce, the W. D. C., the Downtown Development Corp., the Downtown Residents Assn., service clubs, civic organizations, etc.")

The majority of Council did not see the addition of this section as being necessary to insure the effectiveness of the Downtown Committee, and felt, instead, that the section would give the Committee an authority not intended when it was proposed in the Municipal Development Plan. Ald. Fredericks and Williams said that City Council is the umbrella body that should be in charge of coordinating the downtown program, rather than the Committee. It was also felt that the leeway is already there for the Committee to accomplish what they are seeking, in the provisions set out under the terms of reference (Purpose) recommended by staff. At one point during the debate, Ald. Withers asked if the Section 10 referred to by Ald. Brennan and proposed as section #4 in the amendment, would give the Downtown Committee any authority over the various groups referred to in the section. The Solicitor indicated that the groups would be free to do as they saw fit and would also remain free to approach Council directly as they have done in the past. The only difficulty might be that Council could feel constrained to have the line of communication with any one of the groups, through the Committee.

Ald. Brennan asked how the Committee could be expected

to comment on development proposals without being permitted the confidentiality provision that was proposed in the Committee's terms of reference. Mr. Moir noted that the Committee would be able to go in camera for these purposes, in accordance with the procedural by-law under which meetings of the Committee would be conducted.

At the conclusion of a lengthy debate, the amendment to add section #10 of the Committee terms of reference came to the vote and it was defeated with Ald. Crawford, Withers, Brennan and Ibsen voting in favour.

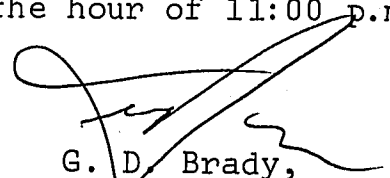
One final amendment was made to the terms of reference, under the section Members Ceasing to be Qualified; the following wording was added:

'Should any member of the Committee fail to attend three consecutive meetings, without just cause, his/her membership shall cease, the member shall be deemed to have resigned, and City Council shall make an appointment to fill the vacancy for the unexpired term.'

The above amendment, moved by Ald. Crawford and Brennan, was adopted and the original motion, as amended, carried.

MOTION: Moved by Ald. Williams and Cunningham that Mr. Moir's report and recommended terms of reference prepared by staff for the Downtown Revitalization Committee, be adopted by Council, with the amendments recorded on pages 8 & 10 of the minutes.

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

  
G. D. Brady,  
Deputy City Clerk.

City Council, May 5/81 :

ITEMS:

- 1) Appointments, Salary Committee, page 1.
- 2) Petition, Windmill Rd. Park, page 2.
- 3) Petition, MicMac Village, page 2.
- 4) Petition, Power St., page 3.
- 5) Petition, 663 Portland St., page 3.
- 6) Letter, Comm. Services Advisory Bd., page 3
- 7) Capital priorities, page 4.
- 8) Sign Application, Urban Outdoors Ltd., page 5.
- 9) Land assembly, Kuhn Rd., page 6.
- 10) By-law C-431 (Smoke Detectors), page 6.
- 11) Terms of Reference, Downtown Committee, pages 7 to 10 incl.

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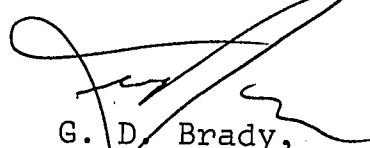
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- 11) Terms of Reference, Downtown Committee, pages 7 to 10 incl.

Dartmouth, N. S.

May 7/81.

Joint meeting of City Council and the Board of School Commissioners held this date at 12:15 p.m.

Present - Mayor Brownlow

Ald. Ibsen	Sarto	Comm. Worth
Williams	Cunningham	Savage
Hart	Greenwood	Brownlow
Hawley	Greenough	Rissesco
Crawford	Fredericks	Ross
Valardo	Withers	Smith
City Administrator, C. A. Moir		
School Admin. Office, G. Hubley		
M. Harris		
Budget Officer, John Rowinski		

FORMATION SESSION:  
KER COMMISSION  
REPORT

This joint meeting of Council and the School Board was called as an information session on the Walker Commission report. Mr. Bill Hayward of H. R. Doane & Co. was present to give a review of the report and an assessment of its impact on the Dartmouth school system and on the City's financial position.

He began the presentation with an overview of the recommendations and the implication of certain specific recommendations for Dartmouth. His overall assessment of the report was that the Commission has responded positively to a number of concerns that the School Boards Assn. and the Union of Nova Scotia Municipalities have been pushing for over the past number of years. He indicated that the application of the funding formula and recommendations of the Commission, from the point of view of the City of Dartmouth and the School Board (as the 'manager' of the school system), will lead to what he called a more rational system. From a financial point of view, based on the figure of two million dollars in debt charges and a School Board budget of 29 million dollars, the contribution of the City toward the cost of education, under the proposed formula, would decrease from 12.5 million dollars to 7.5 million, a reduction of approx. five million dollars. Other positive aspects referred to in the presentation were:

- 1) there would appear to be an increase in the Library (Regional public library) grant that Dartmouth would receive from the Province (recommendation #59).

- 2) the 2% of funding provision for capital equipment and/or minor capital repairs, would be significant for Dartmouth, in that approx. \$500,000. would be made available for capital expenditures (recommendation #40).

He also commented in some detail on recommendation #19, which calls for approval of expenditures (beyond the amount recognized by the Province) to be contingent upon at least 80% of the membership of a district board being in favour. According to Mr. Hayward's calculation, this provision gives City appointees to the Board a veto majority for any expenditures they consider to be excessive from the City's point of view.


Another recommendation that received particular attention was #39, which calls for the deeds to all school property to be turned over to the district boards at no charge to the boards. Mr. Hayward said it is important that there be some legislation to provide for school properties to revert to the City when they are no longer required for educational use. Mr. Moir stated his reservations about this recommendation and its application in a municipality like Dartmouth where a number of our schools are already completely paid for and the properties represent a part of the City's assets. His concerns were discussed further with Mr. Hayward.

The question of the disposition of surplus funds also received attention. Mr. Hayward suggested that the retention of such funds could be looked on as an incentive to operate the school system economically and the funds could provide for some contingencies. During his presentation, he touched on most of the recommendations, as they relate to the City of Dartmouth and impact on the City's school system. He said it is important to have the new provisions enacted in legislation form, rather than as regulations, and he felt this point should be emphasized in any position taken by Council and/or the School Board on the Commission report.

Basically, it appeared from Mr. Hayward's assessment of the report that many of the recommendations are to

Dartmouth's advantage, especially from a financial viewpoint, and that the best interests of the school system would be served generally, Reservations with respect to the transferring of school properties to district boards have been noted; other negative aspects were of a less significant nature.

At the conclusion of a general discussion period, the meeting adjourned.

  
E. A. Moir,  
City Administrator.



Dartmouth, N. S.

May 12/81.

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

Present - Mayor Brownlow

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

ONING REQUEST:  
PORTLAND STREET

This meeting of Council constituted a public hearing for the rezoning request involving the property at 663 Portland Street; the request is to rezone from the existing R-1 Zone to R-3, to permit construction of a three-storey apartment building that would contain 32 units. The Development Officer, Mr. L'Esperance, has recommended that the request be denied, and a petition, tabled previously by Ald. Sarto, has been circulated, bearing 450 signatures of residents opposed to the application. Proposed By-law C-430 has been prepared to amend By-law C-357 with respect to the zoning change.

It was moved by Ald. Sarto and Ritchie and carried that leave be given to introduce the said By-law C-430 and that it now be read a first time.

It was moved by Ald. Ritchie and Greenough that By-law C-430 be read a second time.

Mr. Frank Cordon, the Solicitor representing the developer, addressed Council on behalf of his client, suggesting that there is a need for this type of apartment accommodation in the area of the City where it is being proposed. He said the development will bring additional tax revenue to the City and it will not create traffic or servicing problems. Also, the development would enhance the property and would be an improvement over the existing building located there. Sketches were available to give Council an idea of the proposal and landscaping features. A total of forty parking spaces would be provided to serve the development.

As Chairman of the voluntary public meeting held for area residents, Ald. Hart commented further on the points noted in a report from Mr. L'Esperance on the concerns expressed by residents and the general opposition that was indicated to the development and the rezoning. These points were elaborated on in more detail in presentations given by Mr. Craig of 16 Carver Street and Mrs. Hodgson of 9 Cathy Cross Drive. They maintained that an apartment building at 663 Portland Street is completely out of character with the surrounding R-1 neighbourhoods around the property, that such a development would be contrary to the best interests of the citizens living in the area and to the City from the point of view of the spot rezoning which it represents. Reference was made to other instances where spot rezoning has created problems for both area residents and for City Council with subsequent problems that have occurred as a result of such decisions being taken. It was considered that the parking provisions for the proposed apartment building would be inadequate, and that in fact, there is insufficient space altogether on the property in question for a multiple-unit development. It was also noted that the Development Officer has recommended against the application and that the development is not in keeping with the City's Municipal Development Plan. For the above reasons and for others, set out in the written submissions made to Council, the resident group present for the hearing were completely opposed to the zoning change.

Members of Council did not support the request either, recognizing the effects of spot rezoning in what is a stable single-family residential area. It was felt that the residents should expect to receive some protection for the investment they have made in their R-1 properties and should not face the risk of having their properties devalued by the encroachment of multiple-family development. Ald. Crawford said that Council does want to encourage development in the City, but not in a location such as the one proposed,

where it could have a detrimental effect on existing homes. Both Aldermen for the area, Ald. Sarto and Ibsen, spoke against the rezoning and the development proposal. When the vote was taken on second reading, it was defeated.

MOTION: Second reading of By-law C-430: defeated.

81 CAPITAL ESTIMATES

The proposed 1981 capital estimates have been recommended from Committee, with two amendments noted in an accompanying report from Mr. Moir. Ald. Brennan and Ibsen moved that the estimates be approved as recommended.

Ald. Valardo did not agree that any provision should be included for work on Main Street, in conjunction with the MicMac Rotary improvements, until clarification has been received as to the Province's position on a 107 by-pass, in response to the City's request for reconsideration of this alternative. He moved in amendment, seconded by Ald. Ibsen, that the sum of \$700,000. be deleted from the 1981 estimates for the Main Street project (Gordon to Raymoor Dr.) until such time as we are assured of the total package, the ramifications associated with the improvements and the question of the 107 by-pass and the Rotary has been resolved.

The Mayor commented on discussions with the Premier regarding the possibility of additional cost-sharing for the City on the Main Street project, which, under the present arrangements, would be shared 50/50 between the City and the Province; the City would be required to bear the responsibility for land acquisition costs, and the cost-sharing would be for construction only unless the Province were willing to consider the possibility of additional assistance.

A lengthy debate on the amendment followed, with the main concerns expressed being for (a) the business disruption that will result from the work on Main Street, and (b) the need for an alternate by-pass route to carry traffic before any work is started at the Rotary; otherwise, we will be faced with major traffic tie-ups that will affect not only east Dartmouth, but other areas of the City as well.

Mr. Bayer explained that staff have not been in a position so far to proceed with the kind of design work that would

be required in order to give the owners of businesses on Main Street, specific information on where the street alignment will go and what portion of their properties will be needed for street widening purposes. It has always been intended that a line of communication will be established from the beginning with the business owners, and a committee set up to work with them as the project proceeds, so business disruption can be minimized and they have a full opportunity for input into the planning process. The general indication was that Council would support this approach and in fact, would want to see a committee working with the people on Main Street just as soon as possible. Mr. Bayer pointed out that none of these procedures could be implemented until Council decided whether or not provision is to be included in this year's capital budget for the three necessary facets of the Main Street project, namely, design, legal survey work and the right to negotiate. Even though reserves for street widening have already been designated in the case of many of the properties, negotiations still have to be carried out for their acquisition.

Members opposed to the amendment did not want to see the 107 by-pass issue reopened and felt that work should be allowed to proceed on Main Street so that the total improvement program can be tied in together as the Province now intends. Ald. Crawford maintained that Council should at least have the opportunity to look at a new 107 concept plan that some members did see, before a final decision is reached on the Rotary and Main Street. Ald. Valardo said that by approving the \$700,000. projection in the capital budget, Council is being locked into the Rotary improvements from this point on without any other alternatives and without an alternate highway system to handle traffic while work on the Rotary is proceeding. Ald. Cunningham and Sarto also supported the amendment, but other members were not willing to delete the Main Street item from the budget and considered that the necessary

preliminary work described by Mr. Bayer has been delayed too long already. Ald. Greenough said it was his opinion that something has to be done to improve Main Street and there is not very much choice in the matter one way or the other.

When the vote was taken on the amendment, it was defeated with Ald. Crawford, Sarto, Valardo and Cunningham voting in favour. The original motion carried.

MOTION: Moved by Ald. Brennan and Ibsen that the 1981 Capital Estimates be approved as recommended from Committee, with the amendments noted in Mr. Moir's report of May 7/81.

1981 STREET  
CONSTRUCTION  
PROGRAM

The 1981 construction program for residential streets, has been recommended from Committee, with estimates changed for Shawinigan Road and Farquharson Street (based on prices received for Rannoch Road & Tobermory Road). Ald. Sarto and Greenough moved the adoption of the 1981 street construction program, as recommended. Ald. Brennan asked about the sidewalks he mentioned previously for Dahlia Street (in the area of the senior citizens complex), and discussed this item further with Mr. Purdy. The motion carried.

On motion of Ald. Hart and Brennan, Council deferred a decision on the 1982 - 1985 program until the next meeting, to give additional time for consideration of this report.

MOTION: Moved by Ald. Sarto and Greenough that the 1981 residential street construction program be approved, as recommended from Committee.

The 1982 - 1985 program was deferred until the next meeting, on motion of Ald. Hart and Brennan.

WARD TENDER:  
CONTRACT #81-04

Tenders have been received as follows for Contract #81-04, street construction, Rannoch Rd. & Tobermory Rd.:

	Asphalt	Concrete
Steed & Evans Ltd.	\$228,860.	\$297,210.
Stewiacke Construction Ltd.	236,285.	-----
Ocean Contractors Ltd.	243,685.	321,245.
Fred Smithers Concrete Services Ltd.	-----	256,100.

The recommendation to Council is to accept the low bid for asphalt paving, from Steed & Evans Ltd., in

the amount of \$228,860. The recommendation was adopted by Council, on motion of Ald. Greenough and Brennan.

MOTION: Moved by Ald. Greenough and Brennan that the low bid received from Steed & Evans be accepted for Contract #81-04 (asphalt paving of Rannoch Road and Tobermory Road.

TION:  
HOOL BOARD

The School Board has discussed the future utilization of vacant lands in the vicinity of schools, prompted as a result of the consequences of falling school enrollment and its effect on City schools, and has forwarded the following motion to Council:

That in view of declining enrollment in our schools, the Board urges City Council to consider ways of encouraging home building in those areas where there are vacant lands in the vicinity of schools.

Ald. Brennan and Valardo moved that the report from the School Board be received and filed, but on motion of Ald. Fredericks and Cunningham, it was referred to staff for a further report back to Council (Ald. Valardo voting against).

MOTION: Moved by Ald. Fredericks and Cunningham that a communication from the School Board with respect to vacant lands in the areas near City schools, be referred to staff for report back to Council.

PORTLAND ST.  
OPENING

A list of activities tentatively scheduled for the opening of Portland Street on August 21st and 22nd, has been submitted for Council's approval, and since <sup>the</sup> person making this presentation had left the Council Chamber before the item could be discussed, Ald. Crawford requested that she be permitted to make a brief presentation during the budget session on Wednesday evening. Council agreed.

APPOINTMENTS:  
HERITAGE  
ADVISORY BOARD

On motion of Ald. Hart and Ibsen, Council approved two appointments to the Heritage Advisory Board, as recommended by the Museum Board; the names recommended are Mr. Aaron Solomon and Mr. John MacLeod. (Only two appointments are outstanding, pending the approval of an amendment to the by-law, that would permit the appointment of two additional citizen-at-large representatives.)

MOTION: Moved by Ald. Hart and Ibsen that two appointments be approved to the Heritage Advisory Board, as recommended by the Museum Board, namely, Mr. Aaron Solomon and Mr. John MacLeod.

the amount of \$228,860. The recommendation was adopted by Council, on motion of Ald. Greenough and Brennan.

MOTION: Moved by Ald. Greenough and Brennan that the low bid received from Steed & Evans be accepted for Contract #81-04 (asphalt paving of Rannoch Road and Tobermory Road.

TION:  
SCHOOL BOARD

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That in view of declining enrollment in our schools, the Board urges City Council to consider ways of encouraging home building in those areas where there are vacant lands in the vicinity of schools.

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MOTION: Moved by Ald. Fredericks and Cunningham that a communication from the School Board with respect to vacant lands in the areas near City schools, be referred to staff for report back to Council.

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MOTION: Moved by Ald. Hart and Ibsen that two appointments be approved to the Heritage Advisory Board, as recommended by the Museum Board, namely, Mr. Aaron Solomon and Mr. John MacLeod.

WORKING: DOWNTOWN  
DARTMOUTH

On motion of Ald. Fredericks and Greenough, Council referred to Planning Dept. staff, a submission from the Downtown Revitalization Committee, for parking improvements in the Downtown area, for consideration and report back to Council. Ald. Crawford passed a series of photographs to Mr. Lukan for staff to consider in conjunction with the recommendations from the Downtown Committee.

MOTION: Moved by Ald. Fredericks and Greenough that a submission from the Downtown Revitalization Committee, for parking improvements in the downtown area, be referred to Planning Dept. staff for consideration & report back to Council.

MOTIONS:

D. SARTO

The following motions were introduced, for which notice was previously given:

1) Ald. Sarto moved, seconded by Ald. Crawford:

WHEREAS the entrance to the playground known as the Landrace Recreation Area, presently has no barrier of any kind to deter vehicles from entering the playground;

AND WHEREAS cars and motorcycles, anytime after dark, do in fact, take advantage of the open entrance to the play area, and use it as a mini-racecourse, and in doing so, create a two-fold problem: (1) for one thing, severe damage to the playground, and (2) the other element of the problem is that a disturbance is created in the form of noise pollution, which is very annoying to the residents living in the area;

THEREFORE BE IT RESOLVED that Council request staff to take the steps necessary to counteract the problem by installing some form of barrier that will eliminate the after-dark vehicular entrance to the playground.

Ald. Sarto said that boulders would not serve the purpose of his motion and that a chain-link fence would be required. The motion carried.

MOTION: Moved by Ald. Sarto, seconded by Ald. Crawford, that a barrier be erected as proposed in the above resolution, at the entrance to the Landrace recreation area.

D. HAWLEY

2) Ald. Hawley moved, seconded by Ald. Crawford,

that:

WHEREAS the City of Dartmouth Parks & Recreation Dept. has worked diligently and wisely over the years, establishing many outdoor public areas where large groups of citizens can enjoy swimming, watching canoe races, sun-bathing, listening to band performances, etc.

AND WHEREAS this Department has to provide restrooms in these public areas;

AND WHEREAS these restrooms are often found unuseable when most needed;



BE IT RESOLVED that the Council of the City of Dartmouth direct the Parks & Recreation Dept. to study the problem and provide a viable solution in time for this summer's season.

Ald. Hawley explained the intent of his motion, which received the support of Council and carried.

MOTION: Moved by Ald. Hawley and Crawford that the problem of restrooms in public areas (as detailed in the above motion) be studied by the Recreation Dept. and a viable solution provided in time for this summer's season.

NOTICES OF MOTION:

D. VALARDO

Notices of motion were given as follows for the next regular Council meeting:

1) Ald. Valardo:

(a) WHEREAS the operating budget of the City of Dartmouth is growing every year;

AND WHEREAS the residential & commercial taxes are increasing to the point where people could be forced to sell their homes and possibly go out of business because of the pressure of increasing taxes;

I would move that Council establish a Budget Committee to consider such things as:

- 1) alternative revenue sources.
- 2) future budget guidelines for operating City departments.
- 3) establish and/or review criteria and guidelines for new and/or expanded services.
- 4) review & study departments, with the view in mind of developing more productivity and efficiency within the departments.

(b) WHEREAS speeders are using Chapman Street, at the entrance to the Northbrook Community Centre, for a speed-way;

AND WHEREAS the life and limb of residents in the area and those residents using the Community Centre is in danger of these speeders;

I move that speed bumps be installed on the section of Chapman Street entering the Northbrook Community Centre, to prevent the operators of motor vehicles using the area as a speed-way.

Ald. HAWLEY

2) Ald. Hawley:

WHEREAS the St. Lawrence Cement Co. has withdrawn its application to build on the properties known as Marine Properties Ltd.;

AND WHEREAS application is now being made to allow development of a major apartment complex on this site;

AND WHEREAS use of these properties has a much greater value to the future of Dartmouth being used for ocean-orientated industry;

BE IT RESOLVED that Council direct the Mayor and City Administrator to contact the owners of said property in an attempt to redirect the use of the property toward a use more conducive to a stronger development of Dartmouth's future, as an ocean-orientated industrial area.

D. CRAWFORD

3) Ald. Crawford:

That Council appoint a committee to commence and develop an Emergency Measures Organization (E.M.O.) within the City of Dartmouth, with the purpose of being a catalytic and viable body to combat major emergencies and disasters that may befall this City, and will include the compilation of an evacuation plan which will be applicable to any zone of the City, and as well, co-ordinate with other emergency measures organizations.

D. WITHERS

4) Ald. Withers:

WHEREAS the Dept. of National Defence owns property commonly known as the Albro Lake lands; AND WHEREAS these lands are used by citizens for recreation purposes such as fishing, strolling, etc.

AND WHEREAS this land is now being utilized as a garbage disposal site;

BE IT RESOLVED that City staff be directed to contact D.N.D. to study the problem and provide a viable solution in time for the summer season, such as erection of barricades to prevent entrance of vehicular traffic and in addition, a general clean-up of the area.

D. BRENNAN

5) Ald. Brennan:

That the City advise the Union of Nova Scotia Municipalities and the Province of Nova Scotia, that the City is on record as supporting a publicly-owned natural gas distribution system, as proposed by N.S.P.C., and solicit the support of the Union members;

And that the City request the N.S.P.C. to enter into negotiations to examine a joint venture (City/N.S.P.C.) for the distribution of natural gas in the City of Dartmouth.

INQUIRIES:

D. CUNNINGHAM

Ald. Cunningham asked if any precautions have been taken to insure that no damage will be done to the ferries following the rock concert in Halifax ; Mr. Smith advised that they have been arranged.

D. CRAWFORD

Inquiries made by Ald. Crawford:

- 1) asked about the information requested on zoning and parking in the downtown area. Mr. Bayer advised that the report that will come from staff will cover the total strategy for parking in the downtown and will include the zoning question referred to by Ald. Crawford.
- 2) asked if Council will meet in camera to hear a report from the committee which approached the Province for additional funding; the Mayor said he intended to have Council do this.
- 3) asked if Prof. Grant will be reviewing the applications for the position of Police Chief. Mr. Bayer said he would take this inquiry up with Mr. Moir for an answer.

- 4) asked about the status of the parking that will be available for City Hall use. Mr. Bayer said an area is being provided for this purpose and about six of the spaces will be reserved for parking by the members of Council.
- 5) what is the status of the space to be allocated for use by the Aldermen in the City Hall building? Mr. Bayer noted that funds for this work were approved at this meeting in the capital budget, and tenders will be called in the near future.
- 6) asked about the jurisdiction of the School Board to decide on the closure of Park School; the City Solicitor advised that the decision on Park School is within the jurisdiction of the Board.

D. FREDERICKS

Inquiries made by Ald. Fredericks:

- 1) asked about the responsibility of the Province to have its assessment roll out by a certain date. The Solicitor said it was his understanding that the Assessment Act requires the roll to be completed by a certain date, but there is no obligation on the part of the Province to compensate for lateness.
- 2) referred to a concern by the Union of N. S. Municipalities about the Minister of Labour setting up a committee to look at volunteer fire services in Nova Scotia. Ald. Fredericks said he would like to have this item discussed by Council, and also the fact that the print-out of tax rolls is likely to be replaced by microfiche; he felt that Council should protest such a change in service.
- 3) asked if the T.M.G. is looking at the traffic-light pattern at the Five Corners intersection. Mr. Bayer advised that signs have been ordered to permit right turns after 5:00 p.m. as requested.
- 4) asked about problems with the rental of premises by the Metro Authority in the Halifax terminal building; inquiry discussed further with the Mayor and Mr. Rath.

WITHERS

Ald. Withers asked if a decision has been made about the Stop sign at Forest Road and Lyngby Ave. Mr. Bayer agreed to bring this matter up at the T.M.G. meeting to be held this week.

Ald. Withers said it has been brought to his attention that the former home of the Dartmouth Academy headmaster is being converted into some sort of dormitory; he asked if this change is in keeping with the zoning for the property.

HAWLEY

Ald. Hawley asked if funds have been paid up-to-date by the County for bus service provided in County areas. He was advised that they are not up-to-date.

WITHERS

Ald. Withers asked that attention be given to the vacant lot at 38 Guy Street, which is in an unsightly condition.

Ald. Withers asked about the piping of the brook in the Russell Street area, which might help with the rat problem being experienced there. Mr. Fougere advised that we will be tendering for this project during the summer, but said he did not feel that piping the brook would be the answer to the rat problem since it exists in a number of other areas throughout the City as well.

PERMIT TO BUILD:  
NURSING HOME

At the request of Ald. Ritchie, Council agreed to deal with an application for permit to build, an item included in the Committee agenda for this date. The application is for a one-storey nursing home to be located on Mount Hope Ave., the applicant being the Dartmouth Senior Care Society. The permit was approved by Council, on motion of Ald. Crawford and Ritchie, subject to the City requirements set out in the staff report to Council.

Council adjourned to meet in camera, on motion of Ald. Crawford and Ibsen..

After reconvening in open Council, the action taken in camera was ratified, on motion of Ald. Hawley and Ritchie.

Meeting adjourned.

Bruce Smith,  
City Clerk-Treasurer.

City Council, May 12/81:

ITEMS:

- 1) Rezoning request, 663 Portland St., page 1 to 3..
- 2) 1981 Capital Estimates, page 3 to 5.
- 3) 1981 street construction program, page 5.
- 4) Award tender, Contract #81-04, page 5.
- 5) Motion, School Board, page 6.
- 6) Portland St. opening, page 6.
- 7) Appointments, Her. Advisory Bd., page 6.
- 8) Parking, downtown area, page 7.
- 9) Motions: Ald. Sarto  
Hawley page 7.
- 10) Notices of motion: Ald. Valardo , page 8.  
Hawley, page 8.  
Crawford, page 9.  
Withers, page 9.  
Brennan, page 9.
- 11) Inquiries, page 9 to page 11.
- 12) Permit to build, nursing home, page 11.

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Dartmouth, N. S.

May 14/81.

Having waived notice of meeting, Council met to set the 1981 Tax Rate.

Present - Mayor Brownlow

Ald. Ibsen	Sarto
Williams	Cunningham
Hart	Greenwood
Crawford	Brennan
Hawley	Greenough
Ritchie	Fredericks
Valardo	

City Administrator, C. A. Moir  
City Clerk-Treasurer, B. Smith  
Budget Officer, J. Rowinski

On motion of Ald. Greenough and Valardo, Council agreed to add two items to this agenda, namely Resolutions #81-18 and #81-14.

RESOLUTION #81-18

On motion of Ald. Valardo and Greenough, Council adopted the following Resolution #81-18, setting the 1981 Tax Rate, based on the action taken in Committee during consideration of the Operating Budget Estimates.

Resolution #81-18

WHEREAS Dartmouth City Council has caused to be prepared and approved a detailed estimate of the probable expenditure of the City of Dartmouth for the year 1981;

AND WHEREAS Dartmouth City Council has caused to be prepared an estimate of the probable revenues of the City of Dartmouth for the year 1981 to be derived from all sources other than taxes on property;

BE IT THEREFORE RESOLVED that Dartmouth City Council authorizes the levying and collecting of a property tax on the assessed owners of all property in the City that is taxable by the City under the terms of the Assessment Act at a rate of \$3.49 per \$100. of Assessment and that this rate be applied to:

1. the full assessed value of taxable commercial property, and
2. 88.5% of the assessed value of taxable residential property, and
3. business occupancy assessment as set out in Section 7 (2) of the Assessment Act.

PROVIDED that the Special Education Sharing Grants provided by the Province of Nova Scotia shall apply only to taxable residential property, thus producing a net residential tax rate of \$2.08 applied to 88.5% of the assessed value of taxable residential property.

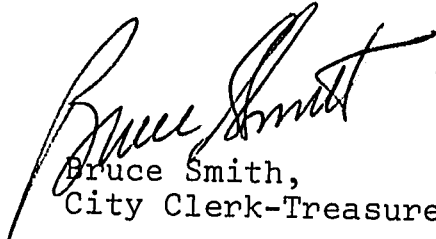
AND BE IT FURTHER RESOLVED that Section 41 (2) and (9) inclusive of the Assessment Act shall not apply to the City of Dartmouth, with the result that there shall be no residential occupancy tax in the City of Dartmouth for the year 1981.

The rate set herein is the equivalent of \$1.84 per \$100. of taxable residential assessment and \$3.49 per \$100. of the taxable non-residential assessment.

OLUTION #81-14

The second Resolution adopted by Council was #81-14, setting the interest rate on unpaid taxes at 22.25%, effective June 15/81; a copy of the Resolution is attached. The Resolution was adopted on motion of Ald. Cunningham and Valardo. (Ald. Hawley voting against.)

Meeting adjourned.

  
Bruce Smith,  
City Clerk-Treasurer.

City Council, May 14/81.

ITEMS:

- 1) Resolution #81-18, page 1.
- 2) Resolution #81-14, page 2.

May 1981

RESOLUTION 81-14

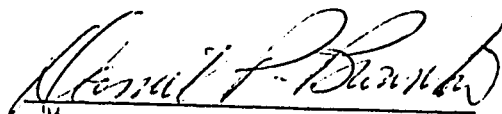
WHEREAS the Assessment Act, Revised Statutes of Nova Scotia, 1967, Chapter 14, as amended, provides that Dartmouth City Council may impose an additional charge for interest at a rate determined by Council for non-payment of taxes by a date set by Council;


AND WHEREAS Dartmouth City Council deems it advisable to increase the rate of interest charged on overdue taxes which was established by Resolution #80-47;

AND WHEREAS Dartmouth City Council further deems it advisable to impose an interest charge on the second instalment of overdue taxes in the 1981 tax year commencing on June 15, 1981 and not earlier;

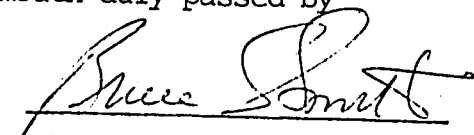
THEREFORE BE IT RESOLVED that:

1. Effective the 15th day of June, 1981, the interest rate on taxes pursuant to sub-section 3 of Section 120 of the Assessment Act shall be 22.25 percent per annum.
2. Notwithstanding Resolution #80-47, all taxes which become due and payable on the the 31st day of May, 1981 shall bear interest at the rate of 22.25 percent per annum commencing the 15th day of June, 1981 and shall not bear interest before that date.

  
Mayor

  
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 81-14 of the City of Dartmouth duly passed by City Council on May 14, 1981.

  
City Clerk Treasurer



RESOLUTION # 81-18'

WHEREAS Dartmouth City Council has caused to be prepared and approved a detailed estimate of the probable expenditure of the City of Dartmouth for the year 1981;

AND WHEREAS Dartmouth City Council has caused to be prepared an estimate of the probable revenues of the City of Dartmouth for the year 1981 to be derived from all sources other than taxes on property;

BE IT THEREFORE RESOLVED that Dartmouth City Council authorizes the levying and collecting of a property tax on the assessed owners of all property in the City that is taxable by the City under the terms of the Assessment Act at a rate of 3.49 per One Hundred Dollars (\$100) of Assessment and that this rate be applied to:

1. the full assessed value of taxable commercial property, and
2. 88.5% of the assessed value of taxable residential property, and
3. business occupancy assessment as set out in Section 7 (2) of the Assessment Act.

PROVIDED that the Special Education Sharing Grants provided by the Province of Nova Scotia shall apply only to taxable residential property, thus producing a net residential tax rate of 2.08 applied to 88.5% of the assessed value of taxable residential property.

AND BE IT FURTHER RESOLVED that Section 41 (2) and (9) inclusive of the Assessment Act shall not apply to the City of Dartmouth, with the result that there shall be no residential occupancy tax in the City of Dartmouth for the year 1981.

The rate set herein is the equivalent of 1.84 per One Hundred Dollars (\$100) of taxable residential assessment and 3.49 per One Hundred Dollars (\$100) of the taxable non-residential assessment.

Harold S. Brown

Bruce S. 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 81-18 of the City of Dartmouth duly passed by City Council on May 14, 1981.

Bruce S. Smith  
City Clerk Treasurer

Dartmouth, N. S.

May 26/81.

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

Present - Mayor Brownlow

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

1 LEGISLATION

Resolution #81-15 Council met to deal with the 1981 Legislation proposed for presentation to the Provincial Legislature; Resolution #81-15 has been prepared in this connection. Ald. Ibsen and Brennan moved the adoption of Resolution #81-15, a copy of which is attached.

A section-by-section review of the legislation followed, with the most contentious item being Section 4 (2), which will permit Council to enact a by-law providing for reimbursement to property owners of all or part of the cost of installing sewer laterals (occasioned by the Bel Ayr sewer system project and submitted at the direction of Council from the April 21st meeting when this item was last discussed). Ald. Valardo was opposed to the inclusion of any provision for the City to bear all or any part of the cost of sewer laterals, and moved in amendment that the section be deleted from the legislation; the amendment was seconded by Ald. Brennan.

Members of Council who supported the amendment basically agreed with the position taken by Ald. Valardo that this is precedent-setting legislation that will open the door for numerous requests for assistance whenever there are problems with sewer laterals, not only in Bel Ayr Park but elsewhere in the City as well. Those opposed to deleting the section pointed out that legislation is only being sought to proceed with a by-law as it may be required in specific situations. Each situation can be dealt with by Council as it arises and on the basis of its own merit. When the vote was taken, the amendment was defeated by a vote of 7 to 6 with

Dartmouth, N. S.

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1 LEGISLATION

Council met to deal with the 1981 Legislation proposed Resolution #81-15 for presentation to the Provincial Legislature; Resolution #81-15 has been prepared in this connection. Ald. Ibsen and Brennan moved the adoption of Resolution #81-15, a copy of which is attached.

A section-by-section review of the legislation followed, with the most contentious item being Section 4 (2), which will permit Council to enact a by-law providing for reimbursement to property owners of all or part of the cost of installing sewer laterals (occasioned by the Bel Ayr sewer system project and submitted at the direction of Council from the April 21st meeting when this item was last discussed). Ald. Valardo was opposed to the inclusion of any provision for the City to bear all or any part of the cost of sewer laterals, and moved in amendment that the section be deleted from the legislation; the amendment was seconded by Ald. Brennan.

Members of Council who supported the amendment basically agreed with the position taken by Ald. Valardo that this is precedent-setting legislation that will open the door for numerous requests for assistance whenever there are problems with sewer laterals, not only in Bel Ayr Park but elsewhere in the City as well. Those opposed to deleting the section pointed out that legislation is only being sought to proceed with a by-law as it may be required in specific situations. Each situation can be dealt with by Council as it arises and on the basis of its own merit. When the vote was taken, the amendment was defeated by a vote of 7 to 6 with

Ald. Ibsen, Brennan, Williams, Withers, Valardo and Cunningham voting in favour.

Other amendments introduced, that did receive the approval of Council, were as follows:

- 1) Section 6, which would have repealed Sections 186 & 187 of the Charter, which are no longer necessary since planning is now covered by the Provincial Planning Act and its provisions.

The section was deleted, on motion of Ald. Fredericks and Brennan, with the idea that if the Planning Dept. and City staff can substantiate the reasons for repealing Sections 186 & 187 of the Charter, it can be done in next year's legislation.

- 2) Section 14, amending Charter Section 262, which would have permitted Council in some circumstances, to determine that such construction of sidewalks, curbs and gutters, when it is for the benefit of a larger area, is to have the entire cost borne by the City.

The section was deleted, on motion of Ald. Valardo and Greenwood (Ald. Crawford and Greenough voting against).

- 3) Section 8, authorizing the addition of a section in the City Charter to permit the levying of hotel and motel bed taxes by by-law (as recommended in the 20% or . . . report.

On motion of Ald. Cunningham and Greenough, subsection (c) of the proposed new Charter Section 227A was amended by deleting the words 'not exceeding twenty-four per cent per annum'.

One other amendment introduced but not adopted when the vote was taken, pertained to Section 16 of the legislation, also tied in with licensing in various categories. Ald. Brennan objected to what he considered to be a discriminatory provision in subsection (v), with reference to residents and non-residents and the amount of the license fee to be charged in each case. He moved in amendment, seconded by Ald. Ibsen, that the words 'with power to discriminate between residents and non-residents' be deleted from subsection (v). Ald. Hart suggested that it is not a good idea to try to amend individual subsections out of context with the total Charter section being added, and that these kinds of changes could be brought in separately later as notices of motion. Other members tended to agree and after a period of debate, the amendment was defeated.

The vote was then taken on the amended motion to approve Resolution #81-15 for introduction to the Legislature

and it carried.

MOTION: Moved by Ald. Ibsen and Brennan that Resolution #81-15 be approved, as amended, for introduction to the Provincial Legislature.

On motion of Ald. Williams and Valardo, Council then adjourned to meet as the Planning Committee.

  
G. D. Brady,  
Deputy City Clerk.

City Council, May 26/81:

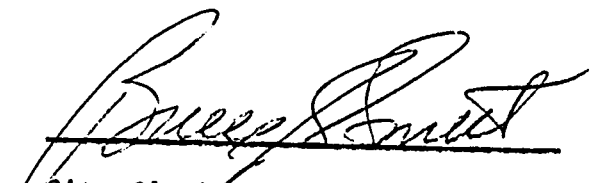
ITEMS:

- 1) 1981 Legislation, Resolution #81-15, pages 1 to 3.

Resolution No. 81-15

BE IT RESOLVED that the Council of the City of Dartmouth approves introduction to the Third Session of the 52nd General Assembly of the Province of Nova Scotia of the proposed legislation in substantially the form contained in Schedule "A" attached to and forming part of this resolution.

I, Bruce S. Smith, City Clerk-Treasurer of the City of Dartmouth do hereby certify that the foregoing, and attached Schedule "A" is a true and correct copy of Resolution 81-15 of the City of Dartmouth, duly passed by City Council on May 26, 1981.

  
City Clerk-Treasurer

BSS:jlb

BE IT ENACTED BY THE GOVERNOR AND ASSEMBLY AS FOLLOWS:

1. Clause (g) of Section 2 of Chapter 43A of the Statutes of Nova Scotia 1978 is amended by deleting therefrom the word and figures "Section 18" and substituting therefor the words "the Municipal Elections Act".
2. Clause (a) of subsection (1) of Section 130 of said Chapter 43A is amended by:
  - (a) striking out the word "fifty" in the first line thereof and substituting therefor the words "one hundred", and
  - (b) striking out the words "five hundred" in the second and third lines thereof and substituting therefor the words "five thousand".
3. Section 144 of said Chapter 43A is amended by deleting therefrom in the first line thereof the word "by-law" and substituting therefor the word "resolution".
4. (1) Subsection (k) of Section 152 is amended by deleting therefrom in the seventh and eighth lines thereof the words "which shall not exceed fifteen per centum per annum" and substituting therefor the words "at a rate set from time to time by Council".
  - (2) Section 152 of said Chapter 43A is amended by adding thereto, immediately following clause (kb), the following:
    - (kc) authorizing the City in such circumstances as are set out in the by-law to pay the owner of property for all or part of the cost of construction of a sewer from the buildings on the property to the public sewer, provided such construction is done in such manner as is laid down by the by-laws and regulations of the City.
  - (3) Clause (1) of Section 152 of said Chapter 43A is amended by adding thereto at the end thereof the words "and may be collected in the same manner and with the same remedies as real property taxes in the City".
5. Subsection (3) of Section 181 of said Chapter 43A is amended by adding thereto at the end thereof the words "the amount of which lien is to be added to the next yearly taxes thereon and may be collected therewith and with the same rights and remedies".
6. Sections 186 and 187 of said Chapter 43A are repealed.

7. Clause (d) of Section 227 of said Chapter 43A is amended by deleting therefrom in the fourth and fifth lines thereof the words "not exceeding one half of one per centum per month".

8. Said Chapter 43A is amended by adding the following section:

227A The Council may, by by-law levy a hotel and motel bed tax with respect to overnight hotel and motel accommodation within the City and may

- (a) define any terms used in the by-law;
- (b) impose a daily tax on hotel and motel operations for every hotel or motel bed occupied; and
- (c) provide for the collection of the tax on a monthly basis including the filing of affidavits in prescribed form and the payment of the tax to the City with interest at such rate as is specified in the by-law, not exceeding twenty four per centum per annum on any portion of tax remaining unpaid twenty days after the date on which the tax is to be paid.

9. Said Chapter 43A is amended by adding thereto the following section:

227B Notwithstanding any other provision of this Act the Council may, by resolution, authorize the charging of interest on overdue accounts receivable at such rate as is set out in the resolution.

10. Said Chapter 43A is amended by adding thereto the following section:

229A(1) The Council may by by-law establish a reserve fund in which revenue from such sources, other than the levying of property taxes, as are set out in the by-law, may be invested to provide general revenue for the City.

(2) The by-law shall set out the securities in which the City Treasurer is authorized to invest monies in the fund and the requirements for investing and withdrawing monies from the fund.

11. Section 246 of said Chapter 43A is amended by deleting therefrom in the fourth and fifth lines thereof the words "not exceeding fifteen per centum".

12. Subsection (2) of Section 254 of said Chapter 43A is amended by:



- (a) deleting therefrom in the second line thereof the words "of not more than fifteen per centum per annum" and substituting therefor the words "set from time to time by Council". ;
- (b) deleting therefrom the fifth and sixth lines thereof of the words "of not more than fifteen per centum per annum" and substituting therefor the words "set from time to time by Council".

13. Subsection (3) of Section 257 of said Chapter 43A is amended by:

- (a) deleting therefrom in the second line thereof the words "of not more than fifteen per centum per annum" and substituting therefor the words "set from time to time by Council", and
- (b) deleting therefrom in the fifth and sixth lines thereof the words "of not more than fifteen per centum per annum" and substituting therefor the words "set from time to time by Council".

14. Section 262 of said Chapter 43A is amended by deleting therefrom in the fifth line thereof the word "shall" and substituting therefor the word "may".

15. Subsection (1) of Section 268 of said Chapter 43A is amended by adding thereto at the end thereof the words "the amount of which lien is to be added to the next yearly taxes thereon and may be collected therewith and with the same rights and remedies".

16. Section 273 of said Chapter 43A is amended by adding thereto the following subsections:

- (p) the licensing of persons who operate hotels or motels;
- (q) the regulation of the operation, management and use of any park or playground and preserving good order therein;
- (r) setting aside of land as a parking ground, the regulation of the use of a parking ground, prescribing the conditions or terms upon which vehicles may be parked thereon including providing for the erecting, maintaining and operating or the granting to any person for such period of time not exceeding five years and upon such terms and conditions as council may determine, the right to erect, maintain and operate on any parking ground or portion thereof, parking meters or other devices for the purpose of measuring and recording the duration of parking, and requiring drivers and registered owners of every vehicle using the parking ground to pay for parking such vehicle thereon a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device.

- (s) the regulation of the operation, management and use of a public market in the town;
- (t) the licensing of persons engaged in the business of plumbing or pipe fitting and the manner in which plumbing and pipe fitting shall be done and the character of materials to be employed; and for the appointment of an inspector or inspectors to carry out the provisions of any such by-law;
- (u) the regulation or the carrying on of factories or trades likely to cause or increase fires, or dangerous to the public safety;
- (v) the licensing of chimney sweeps, with power to discriminate between residents and non-residents as to the amount of the license fee to be charged, and fixing and regulating the fees chargeable by chimney sweeps;
- (w) the licensing of persons engaged in the business of removing and collecting garbage, ashes and similar material, with power to limit the number of licenses, to fix the maximum charges to be made by the licensee, to regulate the operation of such business by licenses and to prohibit in whole or in part the business of removing and collecting garbage, ashes and similar material by a person not holding a license;
- (x) the licensing of gravel pits and excavations and without restricting the generality of the foregoing, with power
  - (i) to require the person responsible for the making of the gravel pit or excavation or the owner of the property (if the gravel pit or excavation was made by him or with his consent) to restore the same to a condition not more unsightly than before the gravel pit or excavation was made;
  - (ii) to provide for the giving of notice to restore, to such person or owner, by such person and in such manner as the by-law stipulates, not however to be less than thirty days;
  - (iii) to enter upon the premises in event of failure to comply with such notice and to perform the work required by the notice and recover the cost thereof from the person on whom the notice was lawfully served, by action commenced by the clerk in the name of the City;

- (iv) to provide that failure to comply with a notice is an offence;
- (y) the regulation and prevention of the erection and carrying on of slaughter houses, tanneries, and factories or trades which are likely to become nuisances;
- (z) the licensing of the use or operation of public address systems, phonographs, gramophones, radios and other devices or apparatuses whether operated electrically, mechanically or in any other way whatsoever whether movable or stationary which reproduce, amplify, emit or transmit sounds which are capable of being heard on any street or public place or in any building used wholly or in part as a dwelling other than the dwelling in which they are located, with power to prescribe a distance beyond which such sounds must not be audible and to discriminate between one type of device or apparatus and another, and to authorize the granting of exemptions in such cases as the by-law may provide; and for providing for the issuing of licenses by such official as the by-law may designate, and for cancellation and suspension of such licenses by the council for cause as may by such by-law be provided;
- (aa) the establishment and regulation of markets, market houses and fairs;
- (bb) the licensing of auctioneers, pedlars, hawkers and traders of goods; provided that such by-law shall not affect the products of the farm, the forest or the sea;
- (cc) the licensing of all exhibitions, circuses or other itinerant amusement performances and either fixing and regulating the fees to be paid for any license or authorizing the council to fix the fee, not exceeding five hundred dollars as it may in its discretion determine in each case; provided that nothing herein contained shall be construed as preventing or restricting the licensing of circuses or other itinerant amusement performances under the Theatres and Amusements Act and any regulations made thereunder;

- (dd) the licensing of bowling alleys, billiard tables, bagatelle tables, skating rinks, dance halls, night clubs, shooting galleries and merry-go-rounds, but not including any of the matters in respect of which the Governor in Council is authorized by the Theatres and Amusements Act, to make regulations;
- (ee) the licensing of photographers; in the clause the word "photographers" includes photographers their agents, representatives, canvassers and solicitors respectively, soliciting or taking orders for photographs or enlargements of photographs made by any process where there is to be consideration moving to the photographer for making or delivering the same;
- (ff) the licensing of Junk Dealers;
- (gg) the requiring of all persons who commence to occupy premises in the City and commence sale therein of any goods, at any time after the first day of January in any year, except those
  - (a) who during the calendar year immediately preceding have been assessed for property or business occupancy assessment within the City; or
  - (b) who have within the said year immediately preceding, paid rates to the City in response of property or business occupancy assessment in the City to pay to the City Treasurer before so commencing to sell goods, a sum not exceeding five hundred dollars to be fixed from time to time by the Council; with power to provide for repayment of the said amount to such person, if he continues in business for such period as the by-law determines;
- (hh) the licensing of persons engaged in the business of electric wiring and the manner in which electric wiring shall be done, and the character of materials to be employed therein; and for the appointment of an inspector or inspectors to carry out any such by-law;

(ii) the licensing of trailers when the same are not operated on a public street or highway; provided that no license fee shall exceed two hundred dollars for each trailer and provided that such by-law shall not apply to

(a) a trailer parked in the yard of any residential premises for a period not exceeding three weeks at any one time; or

(b) a trailer parked in the yard of the residential premises of the owner thereof;

if in either case it is not while so parked used for living or eating purposes or for the carrying on of any business; and

(jj) the licensing of persons engaged in the business of blasting.

17. Subsection (3) of Section 294 is amended by striking out the words "not to exceed five dollars" in the first and second lines thereof.

18. Section 318 of said Chapter 43A is amended by deleting the words "approved under the provisions of the Town Planning Act" in the second and third lines thereof, and substituting therefor a comma, followed by the words "where such lands are required for street purposes".