

Dartmouth, N. S.

June 1/82.

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

Present - Mayor Brownlow

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

MINUTES

On motion of Ald. Sarto and Hart, Council approved the minutes of the meetings held on May 4th and 25th. Two pages were missing from the minutes of the May 18th meeting, and as soon as these could be provided, they were also approved, on motion of Ald. Valardo and Ibsen.

BOUNDARIES:
BUSINESS IMPROVE-
MENT DISTRICT

A letter was before Council from the Chairman of the Business Improvement District Committee, with regard to the recommendation of the Committee that the boundaries of the District be extended to cover a larger areas than those designated as 4 and 5 in the Municipal Development Plan. It has been requested that the Committee's recommendation be considered when the M.D. Plan is reviewed next year. On motion of Ald. Hart and Ritchie, Council agreed to refer the recommendation for consideration in conjunction with the Municipal Development Plan review, as requested by the B.I.D.C.

Ald. Fredericks felt that at the same time, the B.I.D.C., with Council's cooperation, should continue to press the Province for an extension of the boundaries, and he moved that a letter go forward to the B.I.D.C., suggesting to them that they re-apply when it is feasible to do so for an extension of the boundaries and seek Council's support for their request when it is made. The motion was seconded by Ald. Crawford and it carried.

MOTIONS: Moved by Ald. Hart & Ritchie that the recommendation of the B.I.D.C. with respect to the extension of District boundaries, be referred for consideration in conjunction with the Municipal Development Plan review, as requested by the B.I.D.C.

Moved by Ald. Fredericks and Crawford that a letter go forward to the B.I.D.C., suggesting to them that they re-apply when it is feasible to do so for an extension of the boundaries, and seek Council's support for their request when it is made.

JOSEPH HOWE
TRADE DOLLARS

On motion of Ald. Valardo and Greenwood, Council gave approval to a request from the organizers of the Joseph Howe Festival for permission to conduct their Trade Dollar Program in Dartmouth for the coming festival year, as outlined in their letter of May 18/82.

MOTION: Moved by Ald. Valardo and Greenwood that Council approve a request from the Joseph Howe Festival organizers for permission to conduct their Trade Dollar Program in Dartmouth for the coming festival year.

LETTER: CHAMBER
OF COMMERCE

The Vice-President of the Dartmouth Chamber of Commerce has forwarded a letter, requesting a meeting with Chamber representatives, the Mayor, members of City Council, and senior City staff, to resolve areas of misunderstanding that have arisen recently between the Chamber and City Council. The Mayor said it would be possible to arrange a meeting during the week of June 14th, when members of Council return to the City from the FCM conference, and it was moved by Ald. Valardo and Hart that the Mayor be empowered to set up such a meeting for the week of the 14th. Ald. Crawford said he would only support the motion on the understanding that the entire Council would meet with the Chamber representatives. The Mayor agreed that all members of Council would be invited to attend.

Ald. Ibsen suggested that union representatives who received letters from the Chamber should be permitted to attend the meeting also, if the specifics of union contracts and negotiations are going to be discussed. The Mayor said he felt that discussions would be of a more general nature, aimed at a resolution of the differences that have arisen between Council and the Chamber over the issue of having staff provide information requested by the Chamber in conjunction with their review of City budgets. Ald. Crawford shared the opinion expressed by Ald. Ibsen on the attendance of union representatives at the meeting, and moved in amendment that the Presidents of the unions

Moved by Ald. Fredericks and Crawford that a letter go forward to the B.I.D.C., suggesting to them that they re-apply when it is feasible to do so for an extension of the boundaries, and seek Council's support for their request when it is made.

JOSEPH HOWE
TRADE DOLLARS

On motion of Ald. Valardo and Greenwood, Council gave approval to a request from the organizers of the Joseph Howe Festival for permission to conduct their Trade Dollar Program in Dartmouth for the coming festival year, as outlined in their letter of May 18/82.

MOTION: Moved by Ald. Valardo and Greenwood that Council approve a request from the Joseph Howe Festival organizers for permission to conduct their Trade Dollar Program in Dartmouth for the coming festival year.

LETTER: CHAMBER
OF COMMERCE

The Vice-President of the Dartmouth Chamber of Commerce has forwarded a letter, requesting a meeting with Chamber representatives, the Mayor, members of City Council, and senior City staff, to resolve areas of misunderstanding that have arisen recently between the Chamber and City Council. The Mayor said it would be possible to arrange a meeting during the week of June 14th, when members of Council return to the City from the FCM conference, and it was moved by Ald. Valardo and Hart that the Mayor be empowered to set up such a meeting for the week of the 14th. Ald. Crawford said he would only support the motion on the understanding that the entire Council would meet with the Chamber representatives. The Mayor agreed that all members of Council would be invited to attend.

Ald. Ibsen suggested that union representatives who received letters from the Chamber should be permitted to attend the meeting also, if the specifics of union contracts and negotiations are going to be discussed. The Mayor said he felt that discussions would be of a more general nature, aimed at a resolution of the differences that have arisen between Council and the Chamber over the issue of having staff provide information requested by the Chamber in conjunction with their review of City budgets. Ald. Crawford shared the opinion expressed by Ald. Ibsen on the attendance of union representatives at the meeting, and moved in amendment that the Presidents of the unions

involved, who have received letters from the Chamber, be invited to sit in on the meeting as observers. The amendment was seconded by Ald. Ibsen but it was defeated.

Ald. Fredericks said he would like to see the Chamber working in a more productive way with Council for the good of the City; he suggested that there should be two joint meetings of Council and the Chamber each year for an exchange of ideas and viewpoints to serve the best interests of the City and to avoid the kind of misunderstanding that has now arisen. When the vote was taken on the motion, it carried.

MOTION: Moved by Ald. Valardo and Hart that the Mayor be empowered to set up a meeting of Council and senior staff members with representatives of the Chamber of Commerce, as requested by the Chamber in their letter of May 27/82.

RESERVATION:
RAILROAD ARTIFACTS

Ald. Brennan requested and received permission to add an item of some urgency, involving the demolition of rolling stock artifacts belonging to the Scotian Railroad Society, if some action is not initiated to save these artifacts. He moved that Council request the Mayor to approach the Scotian Railroad Society and the CNR, along with City staff, to explore any possibility of saving the rolling stock artifacts of the Society. The motion was seconded by Ald. Crawford and it carried.

MOTION: Moved by Ald. Brennan and Crawford that Council request the Mayor to approach the Scotian Railroad Society and the CNR, along with City staff, to explore any possibility of saving the rolling stock artifacts of the Society.

SECOND APPROVAL:
OVER-EXPENDITURE
OF REPAIRS

On motion of Ald. Valardo and Hawley, Council gave second approval to an over-expenditure in the amount of \$24,568. for roof renovations to the Police Station building; first approval for the over-expenditure was given at the May 25th Council meeting. Additional information requested from Ald. Brennan on the per sq. ft. cost of the repairs has been provided in a report to Council from Mr. Moir.

MOTION: Moved by Ald. Valardo and Hawley that second approval be given for an over-expenditure in the amount of \$24,568. for roof renovations to the Police Station building; first approval given at the May 25th meeting of Council.

82 DOWNTOWN
STREETS PROGRAM

A list of projects for inclusion in the 1982 Downtown Street Construction Program (which will supplement the Mainstreet Program projects), has been recommended to Council in a report from Mr. Moir; funds for these projects have been allocated in the 1982 Capital Budget. Council approved the projects, as recommended, in the total amount of \$125,000., on motion of Ald. Valardo and Brennan.

MOTION: Moved by Ald. Valardo and Brennan that Council approve the projects recommended for inclusion in the 1982 Downtown Street Construction Program, provision for which has been made in the 1982 Capital Budget.

COST-SHARING:
DEPT. OF TRANS-
PORTATION

Mr. Moir has reported to Council on the implications for the City of reductions in the Dept. of Transportation estimates, as they relate to cost-sharing in the two main projects provided for in the City's 1982 Capital Estimates, namely: (1) Windmill Road reconstruction from Fernhill Road to the CNR overpass; and (2) curb & sidewalks on a portion of Waverley Road (cost-sharing on the installation of the curb only). The indication is that the City will have very little chance of obtaining cost-sharing on Windmill Road or on the installation of curbs on Waverley Road. Mr. Moir has recommended:

- (1) That the City Engineering Dept. be instructed to finalize its plans & specs. for the reconstruction of Windmill Road and to proceed with a tender call for this project, the tender call to clearly indicate that the amount of the tender awarded may be revised in accordance with unit costs.
- (2) That a delegation of members of City Council, with appropriate City staff, meet with the Minister of Transportation to see if this project cannot be included in the 1982/83 Capital Expenditures program for the Dept. of Transportation.

Ald. Greenough and Valardo moved the adoption of Mr. Moir's recommendations, which were supported by Ald. Fredericks and Ald. Greenough during the debate. Ald. Crawford and Ibsen moved in amendment that the delegation referred to in the motion include the following Council members: Ald. Hart, Greenwood, Hawley & Greenough (all representing the wards involved in the two projects proposed for cost-sharing). The amendment carried and the amended motion also carried.

MOTION: Moved by Ald. Greenough and Valardo that the recommendations contained in Mr. Moir's report on the subject of Dept. of Transportation cost-sharing in City projects for 1982, be adopted.

AMENDMENT: Moved in amendment by Ald. Crawford and Ibsen that the delegation referred to in the motion (recommendation #2) include Ald. Hart, Greenwood, Hawley and Greenough, representing the wards involved, Ward 5 and 6.

RESOLUTION #82-15

Resolution #82-15, which provides for the expropriation of a parcel of land, designated as Parcel E-3, in the Burnside Industrial Park, was before Council for approval, together with a report from Mr. Moir, recommending the adoption of the Resolution. Council approved Resolution #82-15, as attached, on motion of Ald. Valardo and Sarto.

MOTION: Moved by Ald. Valardo and Sarto that Resolution #82-15 be approved, to provide for the expropriation of Parcel E-3 in the Burnside Industrial Park.

WARD TENDER:
UNMARKED POLICE
VEHICLES

Tenders have been received for six unmarked intermediate-size vehicles for the Police Dept., as detailed in the Purchasing Dept. report of May 21/82. Mr. Moir has recommended acceptance of the tender submitted by Chebucto Ford for six 1982 Fairmonts, with no trade-ins, at a price of \$49,167.60. Further, that the Purchasing Dept. immediately offer the six used vehicles for sale by public tender; the vehicles are:

3 1979 Plymouth Volares
2 1978 AMC Concords
1 1976 Toyota Corolla

Council approved the awarding of the tender, as recommended, and the sale by public tender of the used vehicles, on motion of Ald. Sarto and Valardo.

MOTION: Moved by Ald. Sarto and Valardo that the tender for six unmarked Police cars be awarded to Chebucto Ford, in the amount of \$49,167.60, and that the six used vehicles to be replaced, be offered for sale by public tender, as recommended.

WRITE-OFF
OF BAD DEBTS

The City Clerk-Treasurer has prepared a report for Council on Water, General Receivable & Business Occupancy accounts considered to be uncollectable. His recommendation is that the accounts listed, totalling \$231,438.37, be written off, along with any additional interest which may accrue on the accounts prior to being written off. Ald. Greenough and

Valardo moved the adoption of the recommendation.

Mr. Brian MacRae was present to respond to questions from the members about the collection procedures followed in attempting to clear as many of these accounts as possible before they are declared to be uncollectable. He then answered questions about individual accounts in each of the three classifications under which they have been listed. Ald. Valardo and Brennan asked about additional measures that might be taken by the City to provide better security against bad debts, especially in the case of individuals and companies that already owe the City money and then reopen businesses under new names, becoming a further financial risk to the City. Ald. Brennan suggested that such persons should be required to post some kind of security with the City, but Mr. Moir pointed out that this would not be a permissible requirement under the Assessment Act. Ald. Ibsen felt that judgements should be taken against some of the individuals and companies listed, where large sums of money are involved. The Solicitor explained the legal procedures that would have to be followed to do this and in most of the cases, the costs involved would not be warranted.

At the end of the question and information period, the vote was taken on the motion and it carried.

MOTION: Moved by Ald. Greenough and Valardo that the uncollectable accounts presented, in the total amount of \$231,438.37, be written off, along with additional interest, as recommended to Council by the City Clerk-Treasurer.

Y-LAW C-462

By-law C-462, which would allow a City staff member to serve on the Shubenacadie Canal Commission, has been drafted by the Solicitor and was presented for Council's approval. Preparation of the by-law was prompted by a motion adopted by the Commission, requesting representation from the Parks & Recreation Dept. to serve as a Commission member.

It was moved by Ald. Sarto and Fredericks and carried that leave be given to introduce the said By-law C-462 and that it now be read a first time.

It was moved by Ald. Valardo and Ibsen and carried

that By-law C-462 be read a second time.

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

It was moved by Ald. Ibsen and Crawford and carried that By-law C-462 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-462, providing for a City staff member to serve on the Shubenacadie Canal Commission.

CREASED
IL RATES

A report has been submitted by the Deputy City Clerk on the subject of increased mail rates and several possible means of reducing mail costs through incentive rates available to volume users of the mail service. A series of recommendations are contained in the report, the final one being that the City continue to use the services of the post office for mail delivery (as opposed to the use of alternate mail services), taking advantage of incentive rates whenever possible. Council adopted the report and recommendation, on motion of Ald. Hart and Cunningham.

MOTION: Moved by Ald. Hart and Cunningham that Council adopt the report and recommendation from the Deputy City Clerk on the use of post office services and making use of incentive postal rates whenever possible.

AVAILABILITY
DOCUMENTS

On motion of Ald. Hart and Valardo, Council received and filed for information, a report from the Deputy City Clerk on the availability of documents from various City departments and from City Hall, when they are requested by taxpayers.

MOTION: Moved by Ald. Hart and Valardo that Council receive and file for information, a report from Mr. Brady on the availability of documents from City departments and from City Hall, when they are requested by taxpayers.

MANAGEMENT:
CANAL RESOURCES

The Shubenacadie Canal Commission has adopted a motion, requesting Council's endorsement of Section 27, Part 1 of the Final Report, Shubenacadie/Stewiacke River Basin Board, and further, that Council forward a letter to the Provincial Government, asking that help be extended to the City in their effort to initiate discussions with riparian landowners within the boundaries of the City of Dartmouth,

for the purpose of the Canal's recreational and historical resources.

The request of the Commission was approved by Council, on motion of Ald. Fredericks and Ibsen.

MOTION: Moved by Ald. Fredericks and Ibsen that Council approve the request from the Shubenacadie Canal Commission for endorsement of Section 27, Part 1 of the Final Report, Shubenacadie/Stewiacke River Basin Board, and a request for a letter to be forwarded to the Province, as stated at the bottom of page 7 of these minutes.

F.L. FRANCHISE

On motion of Ald. Cunningham and Valardo, Council received and filed a report from the Tourist Commission, indicating their support for a C.F.L. franchise in the Dartmouth/Halifax area, from the point of view of the potential benefits to tourism.

MOTION: Moved by Ald. Cunningham and Valardo that Council receive and file a report from the Tourist Commission, indicating support for a C.F.L. franchise in the Dartmouth/Halifax area, from the point of view of the potential benefits to tourism.

PARK & RIDE STUDY

The Dartmouth Transit Advisory Board has requested that Council approve a study to locate areas suitable for park and ride facilities, as outlined in a report to Council from the Chairman, dated May 20/82. Council approved the request from the Board, on motion of Ald. Valardo and Ritchie. Ald. Crawford said he would like to see this report completed by September of this year.

MOTION: Moved by Ald. Valardo and Ritchie that Council approve a request from the Transit Advisory Board for a study to be conducted to locate areas suitable for park and ride facilities.

MOTIONS:
D. CRAWFORD

Notice of motion having been duly given, the following motions were introduced for Council's consideration:

1) Ald. Crawford and Fredericks moved that:

WHEREAS the Halifax-Dartmouth metro area is being considered for a CFL franchise;

AND WHEREAS a group of metro businessmen have formed a consortium to obtain said franchise and will be looking for a suitable location in the metro area;

THEREFORE BE IT RESOLVED that a committee of this Council be struck to meet with the business group involved for discussion, as to site location for the stadium in Dartmouth, and all other factors pertaining thereto, with recommendations back to Council.

Ald. Crawford explained why he felt that a committee should be meeting with representatives of the consortium who are working on a CFL franchise for this metropolitan area, because of the advantages that would come to the City if the stadium were to be located here. The Mayor updated Council on the discussions and meetings that have been taking place since the idea of a franchise for this area was first put forward, up to the present point where the formative stages of a conceptual plan are in progress. He said that as soon as possible, Council will be briefed by the consortium principals and information on the proposal will be provided at that time.

Ald. Fredericks was in favour of forming a committee to assist the Mayor and Mr. Bayer in their discussions, and he moved in amendment that Ald. Greenough and Greenwood be appointed by Council to serve on the committee. Ald. Greenough said he considered that Dartmouth has the finest site in eastern Canada for a stadium and that a CFL franchise would be a major attraction for the City to have. Ald. Valardo supported the motion and the formation of a committee, but considered the franchise and the stadium to be a very ambitious project in the present economic climate.

Ald. Hart considered the formation of a committee to be premature until after Council has an opportunity to meet with the consortium principals, and she moved deferral until after such a meeting is held. The motion to defer was seconded by Ald. Cunningham but it was defeated with Ald. Williams, Withers, Hart, Ibsen and Cunningham voting in favour. When the vote was taken on the amendment, it carried and the amended motion carried with Ald. Cunningham, Hart, Ibsen and Williams voting against.

MOTION: Moved by Ald. Crawford and Fredericks that a committee be formed as per the text of the motion set out at the bottom of page 8 of these minutes.

2) Ald. Crawford moved, seconded by Ald. Ibsen:

WHEREAS the Dartmouth Senior Citizens Service Centre, located at 13 Windmill Road, in the City of Dartmouth, and which was formed in August, 1976, has grown to such an extent that there are 1500 seniors a month participating in activities initiated by the Centre;

AND WHEREAS there are approx. 600 seniors enjoying hot lunches twice a week at the Centre:

AND WHEREAS the Centre is now taxed to the limit as to space, etc.;

BE IT THEREFORE RESOLVED that a committee, comprised of three Aldermen, three members of the Dartmouth Senior Citizens Services Advisory Committee, a member of the Social Services Dept., and a resource person from the Centre, be established to ascertain the needs of the Centre and to actively seek out sources of funding for the physical expansion of the Centre, in order to meet the needs of the elderly throughout the City of Dartmouth.

Ald. Crawford circulated a presentation in support of his motion and Council also has received a report from the Mayor on a proposal that the Knights of Columbus have been considering for a combined centre, linking the existing building with one adjacent to it, to provide an expanded facility at the present location. If such a proposal can be put together to the satisfaction of the groups concerned, it would be presented by the July meeting of Council for further consideration and approval.

The Mayor referred to the policy decision taken some time ago not to construct any new buildings on the section of Windmill Road where the City has been acquiring buildings for some time to protect the viewplane from Synott's Hill. Mr. Bayer reviewed the long-term commitment made to this policy decision of Council, pointing out that buildings purchased in this area have only remained as long as they are economically viable and once removed, the site has been converted to park and open space in keeping with the policy. These factors are relevant in the present situation involving the Senior Citizens Centre at the existing location.

Members of Council who spoke on the motion tended to feel that if the Knights of Columbus are interested in proceeding with a proposal for enlarging the present Centre and if it is feasible to do so, Council should wait for the outcome of those discussions before proceeding with the formation of a committee, as called for in the motion. Ald. Withers and Crawford subsequently moved deferral of the motion until after the Knights of Columbus proposal can be considered, and, if it does not materialize, then

Council can proceed with the formation of a committee as the motion suggests. The motion to defer carried.

MOTION: Moved by Ald. Withers and Crawford that the motion dealing with the Senior Citizens Centre be deferred until after the Knights of Columbus proposal for the Centre can be considered, and, if it does not materialize, then Council can proceed with the formation of a committee as suggested in the motion.

3) Ald. Crawford moved, seconded by Ald. Ibsen:

WHEREAS the Dartmouth Industrial Commission serves a vital need for the development of industry in this City;

AND WHEREAS the members thereof are placed in a position of trust while so serving; it is therefore expected that no said member should pursue his own interests in matters being dealt with or to be dealt with by the said Commission;

AND WHEREAS the minutes of 11th, February, A.D., 1982 of the said Commission, clearly indicate that Comm. Peter Mettam as the representative of the Dartmouth Chamber of Commerce on the said Commission, did violate his position on the Commission by pursuing his own interests concerning property in the Burnside Industrial Park, thereby placing himself in a conflict-of-interest position;

THEREFORE BE IT RESOLVED and I so move, that Comm. Peter Mettam be requested by this Council to submit his resignation from the Dartmouth Industrial Commission and permit the Dartmouth Chamber of Commerce to name a substitute.

(Final paragraph of the original notice of motion was deleted on the advice of the Solicitor as representing a new motion.)

Ald. Crawford circulated material to substantiate his contention that Mr. Mettam placed himself in a conflict-of-interest situation in his position as a member of the Industrial Commission, by submitting a letter on behalf of his own company with an interest in property in the Industrial Park, involving a monetary use that would be made of the site. He made specific reference to the minutes of the Industrial Commission meeting, when this item was discussed, and also, to a Bill before the Legislature intended to prevent conflict of interest in the conduct of municipal government. He maintained that Mr. Mettam should have withdrawn from the Commission meeting as soon as the possible conflict of interest question was drawn to his attention by one of the other Commissioners. He asked the Solicitor what advice she would have given to Mr. Mettam under the circumstances. The Solicitor later responded by

indicating to Council her practice in the past of advising members of Council that it is preferable to err on the safe side when in doubt about a possible conflict of interest between the two areas of public duty and private interests.

Members of Council who serve on the Industrial Commission and who were present for the Feb. 11th meeting in question, did not feel that Mr. Mettam was trying to hide anything from the Commission or secure personal gain for his company through his action as a Commissioner. It was noted that as soon as the question of a possible conflict of interest was brought to his attention, Mr. Mettam did not pursue the matter further with the Commission and agreed to approach the M.T.C. as suggested to him. Ald. Hawley and other members felt that the minutes of the Commission meeting indicate that the item was raised for information purposes only and pointed out that the Commission did not take any action or pass any motion in connection with the item. The general concensus of Council was that there are no grounds for a conflict of interest charge against Mr. Mettam and that at the most, it could only have been considered an indiscretion or a judgement error on his part to have brought the item to the Commission in the first place.

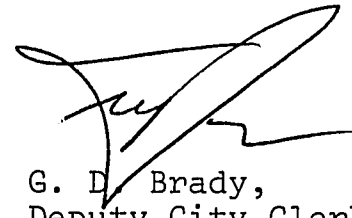
Mr. Mettam indicated his wish to be heard by Council and was permitted to explain his position. He stated that in fact, he had tabled the letter from his firm with the Industrial Commission to avoid being accused of a conflict of interest since the park & ride proposal was already underway when he came to the Commission as a member. He said he felt it was in his best interest to table the letter so that everyone on the Commission was aware of the proposal.

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

On motion of Ald. Hawley and Valardo, Council adjourned to meet in camera.

Council later reconvened and ratified the action taken in camera, on motion of Ald. Hart and Valardo (Ald. Crawford, Hawley & Fredericks voting against).

The meeting then adjourned at the hour of 11:45 p.m.



G. D. Brady,
Deputy City Clerk.

City Council, June 1/82

ITEMS:

- 1) Boundaries: B.I.D.C., page 1.
- 2) Joseph Howe trade dollar program, page 2.
- 3) Letter: Chamber of Commerce, page 2.
- 4) Preservation: Railroad artifacts, page 3.
- 5) Second approval: roof repairs, Police Station, page 3.
- 6) 1982 Downtown Street Program, page 4.
- 7) Cost-sharing: Dept. of Transportation, page 4.
- 8) Resolution #82-15: expropriation, page 5.
- 9) Award tender: unmarked Police vehicles, page 5.
- 10) Write-off: Bad debts, page 5 & 6.
- 11) By-law C-462 (staff member, Shubie. Commission) page 6.
- 12) Increased mail rates, page 7.
- 13) Availability of documents, page 7.
- 14) Management: Canal resources, page 7.
- 15) C.F.L. Franchise, page 8.
- 16) Park & Ride-Study, page 8.
- 17) Motions: Ald. Crawford, page 8 to 12 incl.

Dartmouth, N. S.

June 15/82.

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

Present - Mayor Brownlow

Ald. Sarto	Ibsen
Williams	Cunningham
Crawford	Brennan
Valardo	Withers
Hart	Greenwood
Hawley	Greenough
Ritchie	Fredericks
City Solicitor, M. Moreash	
Acting City Administrator, B. Smith.	

The Mayor acknowledged the attendance of the
Second Westphal Guide troop and their leader, Mrs. McMaster.

PUBLIC HEARING:
CASCADE DEVELOPMENTS

This meeting of Council constituted the public
hearing for a proposed development agreement under By-law
C-188, submitted by Cascade Development Corp., for a
twelve-acre site on Mount Edward Road. The proposal
is comprised of five low-rise apartment buildings on
half the acreage and R-1 development on the other half.

Thirteen members of Council were present at the
commencement of the public hearing and were therefore
eligible to vote and to take part in the debate. Ald.
Cunningham arrived mid-way through the hearing and was
unable to participate in the debate or to vote.

Documentation on this development proposal included
the Planning Dept. report, which recommends in favour of
the proposal, a report from the Solicitor on the provisions
of By-law C-188, covering Development Agreements, and a
petition from area residents opposed to the development.
Ald. Crawford reported to Council, as Chairman of the
voluntary public meeting held with area residents. He
reviewed the main areas of concern indicated by residents
attending the voluntary public meeting; these are:

- 1) possible decline in property values.
- 2) increased traffic volumes.
- 3) increased vandalism.
- 4) a concern for the quality of proposed buildings.
- 5) increased noise.
- 6) possible flooding.

Mr. Bill Young, the developer, was then heard by
Council. He requested a ruling on Ald. Greenough's
participation in the hearing when his property abuts the

lands proposed for development. The Solicitor advised that he has given consideration to this question and since Ald. Greenough does not have any personal interest involved in a land transaction and since it is his duty to participate in decision-making on an issue before Council, there is not considered to be any bias or personal interest that would influence his vote. Based on this opinion from the Solicitor, the Mayor ruled that Ald. Greenough would be able to take part in the debate and to vote.

Mr. Young proceeded with his presentation, first reviewing the several attempts that have been made to develop the site under consideration, from the first rezoning application when a nursing home was planned but the developer was unable to secure the necessary license from the Province to proceed. He explained that in the present economic climate, it is not possible to recoup development costs without the inclusion of some multiple-family units, and the proposal being presented includes both apartment units and single-family dwellings. He said the overall cost of the development would be in the area of six million dollars, and the tax revenue accruing to the City from it would be about \$13,000. a year.

Ald. Sarto asked if a 10% land reserve is to be taken in conjunction with the development. Mr. Young noted that a land reserve was taken at the time of the original Mount Edward Park subdivision and consisted mainly of lands adjacent to Settle Lake. Mr. L'Esperance suggested that if Council wished to have a further 10% reserve taken in conjunction with the new development, it could be discussed with the developer. Other members of Council had questions about such concerns as: (a) the elevation of the apartment buildings in relation to the hill that rises up to the City reservoir; (b) completion of the R-1 development proposed for the back six acres of the site; (c) the quality of the apartment buildings and the degree of control the City has over the maintaining of standards for these buildings. Mr. Young said the cost range per unit would be in the

vicinity of \$40,000. or from \$35. to \$45. per sq. ft. The exterior of the buildings would be finished in brick and wood. The market for which these units are intended would be in the upper/middle income bracket, with rentals at a minimum of \$700.

Mr. Don Lohnes, the Architect for the development, presented concept plans showing the development on the site and also, the elevation of the apartment buildings in relation to the levels of the land and to the existing dwellings in the area. Ald. Brennan asked for a response from the developer to the concerns that have been identified by the area residents, and Mr. Young went through the list of items as requested, presenting the position of his company on each of the six objections on which opposition to the development has been based. He said his company would not want to be associated with a development of poor quality and suggested that rather than causing a decline in property values in the area, the new development would in fact , improve the community since it would represent a completion of the undeveloped portion of Mount Edward Park.

The Mayor then opened the meeting to any members of the public wishing to speak in favour of the proposal and since there were none, he asked for presentations from citizens opposed to the development. During the course of the public presentations, Council heard from:

- (1) Mr. Ronald Burbidge of 30 Grimes Ave. - his main concerns were:
 - a) the degree of assurance that can be given that R-1 development will take place on the six-acre section of the site where it has been shown. Mr. L'Esperance pointed out that the developer would be bound by clause 10 of the agreement which states: "The developer shall develop 26 single-family lots located on Grimes Ave. and Stewart Harris Drive".
 - b) apartment buildings should not be permitted in this section of the City where there has been no such multiple-unit development up to this time.
 - c) favoured the street alignment for Stewart Harris Drive (through to Mount Edward Road) that was originally proposed in the Steed & Evans presentation for R-1 and R-2 development back in 1972.

(2) Mr. Bob Pettipas, 12 Edmond Drive - expressed his concern about vandalism associated with apartment buildings, and other noise and general disruption of a residential neighbourhood that apartment buildings cause. There are no recreational facilities for children from such a complex, and in general, the present quality of life enjoyed by area residents will be affected by the additional people and traffic.

(3) Mr. Don Uhrich, 14 Ellen Drive - commented on existing drainage problems on Ellen Drive, Stewart Harris Drive and Grimes Ave., and the efforts that residents have made already to cope with these. Such problems would be aggravated further with a development of the size being proposed.

He asked if the developer would be draining the swamp from which the run-off water drains to the existing residential areas, before any construction begins and who would maintain adequate drainage provisions thereafter. Mr. Young later indicated that the development would not be able to proceed without first draining the swamp.

Other problems referred to by Mr. Uhrich included:

a) pedestrian safety and the need for sidewalks on Ellen Drive and Ruth Drive with the additional traffic the development will generate.

b) the constant struggle of the area residents to protect their vested rights in what should remain as an R-1 area.

c) the question as to when the R-1 portion of the development would proceed and would it be required to commence within a specified time period. Mr. Young said it is hoped that the entire development could proceed at one time.

d) traffic should not be brought through a residential street like Ellen Drive and access and egress should be by way of Stewart Harris Drive, which should be linked up with Mount Edward Road.

e) inadequacy of Mount Edward Road to handle the extra traffic generated by apartment development.

(4) Mrs. Carole MacKay, 193 Mount Edward Road - the principal concern raised by Mrs. MacKay had to do with the protection of City watershed lands from the additional run-off that could be expected from the new development. She maintained that the quality of the City's drinking water may be jeopardized unless serious attention is given to drainage and adequate filtering provisions before any development is permitted to take place.

Mr. L'Esperance noted that detailed engineering drawings have not yet been prepared since the development proposal is still only in a conceptual stage. He agreed that a filtering system would have to be devised if drainage were to the City watershed lands.

Mrs. MacKay later spoke a second time, about the lack of a storm drain along the section of Mount Edward Road in front of her property, which, she said, is presently served by a French drain only. Ald. Greenough confirmed that there is no storm system to serve the section of Mount Edward Road in question.

(2) Mr. Bob Pettipas, 12 Edmond Drive - expressed his concern about vandalism associated with apartment buildings, and other noise and general disruption of a residential neighbourhood that apartment buildings cause. There are no recreational facilities for children from such a complex, and in general, the present quality of life enjoyed by area residents will be affected by the additional people and traffic.

(3) Mr. Don Uhrich, 14 Ellen Drive - commented on existing drainage problems on Ellen Drive, Stewart Harris Drive and Grimes Ave., and the efforts that residents have made already to cope with these. Such problems would be aggravated further with a development of the size being proposed.

He asked if the developer would be draining the swamp from which the run-off water drains to the existing residential areas, before any construction begins and who would maintain adequate drainage provisions thereafter. Mr. Young later indicated that the development would not be able to proceed without first draining the swamp.

Other problems referred to by Mr. Uhrich included:

a) pedestrian safety and the need for sidewalks on Ellen Drive and Ruth Drive with the additional traffic the development will generate.

b) the constant struggle of the area residents to protect their vested rights in what should remain as an R-1 area.

c) the question as to when the R-1 portion of the development would proceed and would it be required to commence within a specified time period. Mr. Young said it is hoped that the entire development could proceed at one time.

d) traffic should not be brought through a residential street like Ellen Drive and access and egress should be by way of Stewart Harris Drive, which should be linked up with Mount Edward Road.

e) inadequacy of Mount Edward Road to handle the extra traffic generated by apartment development.

(4) Mrs. Carole MacKay, 193 Mount Edward Road - the principal concern raised by Mrs. MacKay had to do with the protection of City watershed lands from the additional run-off that could be expected from the new development. She maintained that the quality of the City's drinking water may be jeopardized unless serious attention is given to drainage and adequate filtering provisions before any development is permitted to take place.

Mr. L'Esperance noted that detailed engineering drawings have not yet been prepared since the development proposal is still only in a conceptual stage. He agreed that a filtering system would have to be devised if drainage were to the City watershed lands.

Mrs. MacKay later spoke a second time, about the lack of a storm drain along the section of Mount Edward Road in front of her property, which, she said, is presently served by a French drain only. Ald. Greenough confirmed that there is no storm system to serve the section of Mount Edward Road in question.

- (5) Mr. Andy Horgan, 43 Stewart Harris Drive - reviewed a number of policies from the Municipal Development Plan, commenting on those implications and facets of the development proposal that are not in compliance with the stated policies, such as:
- a) the inadequacy of Ellen Drive and Mount Edward Road to handle the traffic likely to be generated by the development.
 - b) the inadequacy of pedestrian access and any provision for pedestrian traffic.
 - c) insufficient parking provisions associated with the apartment buildings.
 - d) relationship of the land uses to one another; questioned who would want to purchase R-1 lots or homes next to apartment buildings once they are in existence.
 - e) need for a buffer zone of shrubs and trees between the proposed development and existing housing to reduce levels of noise and disturbance.
 - f) inadequacy of useable open space and playgrounds, forcing children from the apartment development to either play in the streets and parking lots, or in the wooded section around the reservoir.
 - g) inadequacy of storm drainage to serve a development of this size. Consultation is required with the Departments of Health & Environment and agencies such as the Lakes Advisory Board.

Mr. Horgan felt that provisions of the Municipal Development Plan and the City Zoning By-laws should give area residents the kind of protection they need. He said there are too many unanswered questions still to be addressed, for Council to make any decision on the development without these answers.

Mayor Brownlow advised the members of the public present for hearing that under the Provincial Planning Act, the owners of property have a right to make application for zoning changes, and the City has no authority to legislate such action.

Mr. L'Esperance said that the review process followed by the Planning Dept. in dealing with such a development proposal, involves all of the staff members and not just one individual. In this case, it is the staff consensus that the proposal complies with the Municipal Development Plan and the staff feel that the proposal is a good one; it is for that reason they have recommended it to Council.

- (6) Mr. Arnold Brown, 53 Stewart Harris Drive - he suggested that the land in question was originally purchased for speculation purposes, and the owner is naturally trying to recoup the money invested in acquiring the land. He brought several items to Council's attention:
- a) problems anticipated with access for emergency vehicles into the Stewart Harris Drive area with the proposed street configurations.
 - b) the costs that the City will have to face for the widening and improvement of Mount Edward Road, installation of adequate storm sewer lines and other associated costs that can be expected as a direct result of this development.
 - c) suggested the possibility of such a development being undertaken on Portland Estate lands or in some other similar area more suited to apartment units.

Other speakers heard by Council were Mr. David Jenkins, on the matter of storm drain services on Mount Edward Road, and Mr. Smith of 251 Mount Edward Road. Ald. Greenough questioned the information provided by Mr. Jenkins on the storm sewer system that presently exists on Mount Edward Road and its adequacy to handle additional development .

During the hearing, a brief recess was declared by the Mayor and when the hearing reconvened, all thirteen Aldermen eligible to participate in the debate were again present.

Ald. Ibsen and Sarto moved that the contract agreement with Cascade Developments Ltd. be denied. Council then proceeded to debate this motion. While Ald. Fredericks defended the right that a developer has to develop his lands, he did not feel there should be a deviation from R-1 development in this particular area. He suggested that even a buffer of R-2 or townhouse development would have been preferable as a transition between the existing R-1 homes and the reservoir lands.

Ald. Hawley also had doubts about the proposal and said he could not agree with the concept in its present form. He said he might be able to support it if the developer were prepared to make some revisions and come back with these for further consideration. Ald. Greenwood said he had concerns about the drainage and its effect on the City water supply, but otherwise, he was not opposed to the development. Ald. Greenough spoke about the responsibility and obligation that Council has to the area residents, who bought their homes in good faith in what they believed to be a single-family residential area. He referred to the proposed apartment development as a disruptive intrusion into this traditional R-1 neighborhood.

Ald. Valardo, Williams, Withers, Ritchie and Hart felt that the residents have made good points and presented valid arguments to support their case, but they pointed out that development has to take place if the City is to

survive and grow; otherwise, development is driven out of the City altogether and it goes outside the City boundaries as can be seen all along the eastern border in areas such as Forest Hills and Colby Village. It was recognized by these members that single-family residential development is uneconomical for developers in the present economic situation, and once the houses are built, people cannot afford to buy them any more. Alternate forms of living accommodation therefore have to be provided and developers are therefore changing their development patterns accordingly.

Ald. Ibsen and Sarto spoke in support of the motion, both from the point of view of the residents who do not want the development and from the aspect of the costs that the City will have to face for drainage and street improvements if the development is allowed to proceed. Ald. Sarto again made reference to the lack of any provision for a 10% land reserve for park and recreational purposes, in conjunction with the new proposal.

(On motion of Ald. Valardo and Greenough, Council agreed to continue meeting beyond the hour of 11:00 p.m. to complete the debate on the Cascade Developments item.)

Because of the points that have been raised about the adequacy of the storm drainage system on Mount Edward Road and existing drainage problems, the possible impact of the City water system, and difficulties in access for emergency vehicles with the street alignments being proposed, Ald. Withers and Hart moved adjournment of the hearing until July 15th at 7:30 p.m. in the Council Chamber, at which time information can be provided on these various concerns for further consideration. Ald. Greenough, Fredericks and Crawford were opposed to adjournment and wanted to see a decision reached on the contract agreement at this meeting. When the vote was taken on adjournment of the hearing to July 15th, it was defeated (Ald. Cunningham abstaining from the vote). The vote was then taken on

the main motion and it was also defeated with Ald. Ibsen, Sarto, Hawley, Fredericks, Crawford and Greenough voting in favour. (Ald. Cunningham abstaining from voting.)

Ald. Brennan then moved that the development proposal be referred back to the developer for his consideration of the points that have been made during the hearing, and in conjunction with staff, to negotiate a more acceptable development proposal, ^{seconded by Ald. Valardo,} the Solicitor pointed out that any substantive changes in the proposal would necessitate another public hearing, since the proposal would no longer be the one advertised for the public hearing now in progress. In other words, the proposal cannot be altered without being advertised again and going through the entire public hearing process from the start.

Having received this information from the Solicitor, the motion on the floor was not considered to be the right approach to take, even though most members of Council wanted to receive additional information on the drainage and City water questions, also, the matter of access for emergency vehicles. Since the motion to adjourn the hearing had already been defeated, it could not be made again to the same date. Ald. Greenough and Crawford therefore moved that the hearing be adjourned until 7:30 p.m. on July 22nd in the Council Chamber, for the express purpose of the Planning Dept. staff meeting with the developer. Ald. Valardo said the Planning and Engineering Dept. staff should address the drainage and run-off problems and provide accurate information for Council on these concerns.

The Solicitor advised that during the interim period until the hearing resumes, members of Council should not receive any further submissions from the residents or from the developer, since these additional communications could prejudice the decisions of the members.

When the vote was taken on the motion, it carried with Ald. Greenwood voting against. (Ald. Cunningham abstaining from the vote.)

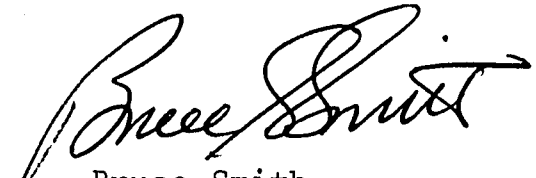
MOTION: Moved by Ald. Greenough and Crawford that the hearing be adjourned until 7:30 p.m. on July 22nd in the Council Chamber, for the express purpose of the Planning Dept. staff meeting with the developer.

OCTAGON TOWER

A groups of residents from Octagon Tower were present with Mrs. Joan Merrick, Chairman of the Community Services Advisory Board, their concern being the proposed conversion of their apartment building into condominium units. The Mayor reported to the residents and to Council that a meeting has been arranged with the Minister of Consumer Affairs for June 18th to discuss this situation and see if anything can be done for the residents. Ald. Hart made reference to Bill 88, presently before the Legislature, and pointed out that it could be passed before the House rises, which could also take place on June 18th. The Mayor said he would check on this point in the morning.

A meeting to discuss items contained in the annual report tendered by Mrs. Merrick, will be held on July 5th; Council was so advised by the Mayor.

Meeting adjourned.


Bruce Smith,
Acting City Administrator.

City Council, June 15/82.

ITEMS:

- 1) Contract agreement: Cascade Developments, pages 1 to 8 inclusive.
- 2) Octagon Tower, page 9.

Dartmouth, N. S.

June 17/82.

Regularly called meeting of City Council held
this date at 5:00 p.m.

Present - Mayor Brownlow

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

City Solicitor, M. Moreash
City Administrator, C. A. Moir
City Clerk-Treasurer, B. Smith

Council met to complete the June 15th agenda.

NOTICES OF MOTION:

D. SARTO

The following notices of motion were given for
the next regular meeting of Council:

1) Ald. Sarto: That staff investigate the possibility of changing the method of cost-sharing the cost of sidewalks, including having property owners on both sides of a street share in the cost of installing a sidewalk on one side and also, including the possibility of having a proportion other than 50% City - 50% abutters apply.

D. CUNNINGHAM

2) Ald. Cunningham: That the City of Dartmouth initiate immediate action to take over Linden Lea as a City street, and that a cost estimate be prepared to supply homes on this street with City water services.

D. BRENNAN

3) Ald. Brennan: That staff be requested by Council to bring in a report leading to the demolition of 116 and 122 Prince Albert Road.

D. FREDERICKS

4) Ald. Fredericks: That staff begin now to look at programs and expenditures in all areas and to institute savings immediately wherever possible, with the view in mind to have no increase in taxes in 1983, if at all possible; any savings from 1982 to be used to keep the tax rate for 1983 down. Also, that staff do a forecast of revenues expected and report to Council in December of 1982.

INQUIRIES:

D. CUNNINGHAM

Ald. Cunningham said there seem to be increasing difficulties with enforcement of the Minimum Standards By-law, and he asked if the procedures under the by-law could be expedited in any way to make it more effective. He discussed his inquiry further with Mr. Moir and the Solicitor. Mr. Moreash said he would contact the Building Inspector to see how procedures might be speeded up so that infractions of the by-law can be acted upon more quickly.

Ald. Cunningham asked about the opening date for the new ferry terminal restaurant. Mr. Moir said they hope to be open by the end of this month.

D. GREENOUGH

Ald. Greenough asked if there is any update on Main Street/Rotary improvements. The Mayor said he has been advised that the Province is still prepared to proceed with the Rotary if the City is willing to go ahead with the Main Street improvements. Ald. Greenough suggested that further discussions should now be reopened on this matter and he asked to have it included as an item in the agenda for next week's Council and/or Committee meeting.

D. SARTO

Ald. Sarto said there have been a number of accidents at the Topsail Blvd/Dorothea Drive intersection, and he asked that the T.M.G. give consideration to three-way Stop signs at the intersection to improve the safety of it.

D. CRAWFORD

Inquiries made by Ald. Crawford were as follows:

- 1) asked about a meeting of the School Board, to be held at noon on June 18th to discuss the Park School issue. The Chairman, Ald. Valardo, said it is a private meeting with the Minister of Education and is expected to be an exchange of information only. If anything transpires from the meeting, otherwise, a statement will be prepared for the press.

Ald. Crawford asked about the disposition of Park School if it is closed. The Mayor advised that once the School Board is through with the school, it becomes the responsibility of the City since the City owns the building.

- 2) asked if legal action can be taken to have the remains of the Collings house on Brookside Ave. demolished. Mr. Moireash said he would be in touch with the Building Inspector to discuss the present state of the property and what, if anything, can be done about it.
- 3) asked if anything is being done to improve the condition of the bus terminal on Alderney Drive and the bank behind it. Mr. Moir said this matter was discussed at M.T.C. and orders were given in April to have the building painted and to replace the plexiglass. The Recreation and Engineering Departments are working jointly on a project to improve the bank and to stop people from running down through the newly-planted flower beds around it.
- 4) asked is any further consideration has been given to the question of left-turns being permitted off the Angus L. MacDonald Bridge. The Alderman was informed that this item is on the next Committee agenda.

5) asked to have No Parking signs erected on School Street in the area from fifty feet to the corner (Victoria Road) so that the resident living there can get in and out of his driveway.

6) asked to have attention given to the disturbance being caused by barking dogs at 78 Rose Street; complaints are being received from the residents at 76 and 82 Rose Street.

FREDERICKS

Ald. Fredericks made the following inquiries:

1) asked about an inquiry raised by him some months ago concerning the replacement of glass in bus shelters where it has been broken out. Mr. Moir to bring this item up again at an M.T.C. meeting.

2) asked if a parking area is to be created on the section of Geary Street where the houses have been torn down. Mr. Moir said this will be for rental parking and some of the parking will also be made available for the use of senior citizens at Alderney Manor where there is a parking shortage.

3) asked if vegetable sellers around the City are licensed; Mr. Smith advised that we do not have any authority to license them at present. Ald. Fredericks said this should be looked into further and a by-law drafted if one is required.

WITHERS

Ald. Withers referred to a motion introduced by him last December in connection with the housing situation in the City and a better dialogue between City departments in this connection. He said he has received favourable verbal reports that the situation has improved considerably, but he would like to have a report submitted by the Social Services Director for Council's information on just what has transpired during that six-month period since the motion was presented. Mr. Moir to contact Mr. McNeil.

Ald. Withers inquired about the status of the report being prepared on video game amusement centres by the committee studying this problem. Mr. Moir said that hopefully, there will be a report from the committee by the end of the month.

BRENNAN

Inquiries made by Ald. Brennan were as follows:

1) asked that a publication containing an inventory of programs available to municipalities, be reviewed by staff, so that Council can be provided with a report on which programs we are now able to take advantage of and those we are not; if not, why not, if there is money available.

2) asked about the closure of pedestrian traffic on the Angus L. MacDonald Bridge, without any alternate way for pedestrians to get back and forth from Dartmouth and Halifax. This inquiry was noted by the Mayor as the City's representative on the Bridge Commission.

- 3) Asked that attention be given to problems with Dartmouth Salvage blocking off the street where they are located under the Angus L. Bridge and also blocking access where the street leads to the harbour and encroaching on City lands.
- 4) asked about the status of a report he requested some time ago, giving an inventory of waterfront lots controlled by the City.
- 5) asked what has happened to the ward boundary study that Ald. Greenough requested; he felt that any ward boundary changes required should be in place prior to the next municipal election. Mr. Moir advised that these changes could not be implemented in time for this fall's election. Ald. Brennan said he would still like to have a report on the status of the information being compiled.
- 6) requested information on the criteria followed in determining which tenders are brought to Council for decisions; what are the dollar limits when tender items are considered, what is the range of dollar decisions on bids and why are they brought to Council?
- 7) requested information ^{on} the Festival of Clowning. Later provided by Mr. Ray Pierce who appeared before Council with a funding guarantee request.

CONTRACT:
SPORTSPLEX
OPERATION

A proposed contract between the City and Dartmouth Recreation Ltd., providing for the operation of the Sportsplex by D.R.L., was before Council for consideration, having been approved by the D.R.L. Board of Directors and recommended for approval by the City Solicitor.

Ald. Crawford and Ritchie moved that the contract be approved and that the Mayor and City Clerk be authorized to execute it on behalf of the City. Ald. Fredericks was concerned about the clause in section 15 of the contract, calling for the City to assume responsibility for all contractual obligations undertaken until December of 1986 (ie. in the event of the contract being terminated with D.R.L.) It was pointed out by the Solicitor that this provision is required for the protection of Sportsplex employees hired under contract and also, because some events under contract are booked well in advance of being held.

Ald. Brennan's main concern was about the degree of accountability that D.R.L. has to the City and the fact that Council only has one representative on the Board of Directors. He maintained that Council representation should be increased by at least one member and preferably, two. Mr. Moir said he would bring this matter up at the next

D.R.L. meeting to see just how additional Council representation can be accommodated on the Board.

Ald. Brennan also wanted to have further consideration given by D.R.L. to an increase in the liability insurance provision (section 11) from the present limit of 'not less than six million dollars'. Ald. Greenough said he felt there is a need for an information session with the D.R.L. Board of Directors so that Council can be completely informed about details of the operation, upcoming events that are planned, contractual terms that are being negotiated, etc. Mr. Moir and the Mayor said that such a meeting could be arranged with the Board at Council's convenience.

Ald. Withers had questions about the status of the fund-raising campaign for the complex and the amount of money that has been collected to date. He asked to be provided with information on the funds expended by the City to date (capital) and the interest figure on that amount. Several members asked about the preparation of audited statements and whether or not these will be made available to Council.

Figures were filled in to complete three sections of the contract:

- 1) Section 3. will now read '. . . the 30th day of November, 1982.
- 2) Section 5. will now read '. . . than 60 days following the presentation of', etc.
- 3) Section 11. will now read 'not less than six million dollars', etc.

In addition, Section 7. of the contract was revised by adding the words '. . . at a cost to D.R.L. after the opening words 'The City shall provide to D.R.L.'.

When the vote was taken on the motion to approve the contract, it carried.

MOTION: Moved by Ald. Crawford and Ritchie that the contract between the City and D.R.L. for the operation of the Sportsplex, be approved and that the Mayor and the City Clerk be authorized to execute it on behalf of the City.

Recognition was paid by members of Council to the work that has been done by the D.R.L. Board of Directors

in the planning and construction of the Sportsplex, and on motion of Ald. Ritchie and Crawford, Council directed that a letter of congratulations be sent to the Board of Directors in acknowledgement of their efforts.

MOTION: Moved by Ald. Ritchie and Crawford that a letter be forwarded on Council's behalf to the D.R.L. Board of Directors, in recognition of their work accomplished in the planning and construction of the Sportsplex.

QUEST: FESTIVAL
CLOWNING

Council agreed to hear from Mr. Ray Pierce, Chairman of the Board of Directors for the International Festival of Clowning organization. Mr. Pierce outlined the program that is planned for the Festival and explained the financial difficulty facing the organization because of the fact that only about forty of the one hundred and twenty people registered for the workshop sessions, will be able to attend, thereby causing a significant reduction in the anticipated registration revenue which would have provided 'up front' funds for the expenses that have to be met for the Festival. The organization requires \$12,000. by June 24th to meet these costs and Mr. Pierce requested assistance from the City either in the form of cash or a financial guarantee from the City to cover a cash flow while it is required and to be repaid by November of this year at the latest.

Ald. Valardo directed a number of questions to Mr. Pierce about the Festival organization and his position with it. Mr. Pierce said he is a Festival Consultant with the Province and serves as Chairman of the Board for the Festival, a non-profit registered society under the Societies Act of Nova Scotia. The other members who serve on the Board, eight in number, are all volunteers, as are the other various committees that have been working to organize the Festival. He attributed the decline in workshop registration to the present economic situation and said that in this regard, the Festival is no different than any of the conventions being held locally that are also feeling the adverse affects of the economy.

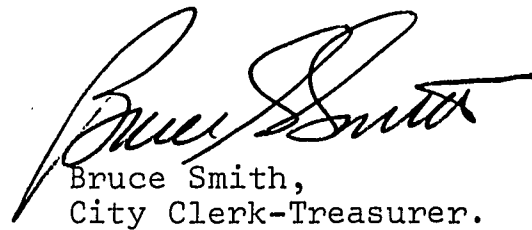
Having received information about the structure of the Festival organization and its funding provisions, Ald. Valardo moved that the request from the Festival people be referred to City staff to work out an agreement covering their request, to a maximum of \$12,000., for ratification by Council. The motion was seconded by Ald. Crawford.

Ald. Fredericks felt that any such arrangement to assist the Festival should be worked out jointly with the Provincial Dept. of Recreation, Culture & Fitness. He moved this in amendment, seconded by Ald. Crawford. It was felt that the amendment will unduly delay the arrangements for some kind of guarantee from the City, beyond the June 24th deadline when the funds are required. The amendment was therefore defeated. Mr. Pierce noted that the Provincial Department of Recreation, Culture & Fitness has already assisted the organization through various means to an amount of approx. \$80,000.

Ald. Cunningham advised that the Festival has the full support and endorsement of the Tourist Commission and the Commission has recommended a \$2,000. grant under the Provincial Festival & Events Incentive grant program. Ald. Williams said he had concerns about the entire project and he could not support this kind of an expenditure when there are so many other more important items in the City that require attention and funding. Ald. Brennan questioned why school facilities hired by the Festival are being charged at the prime commercial rate. He asked that Council request the School Board to reconsider the rates charged, with the idea of providing this space at the lowest possible rate to cover costs. When the vote was taken on the motion, it carried with Ald. Williams and Fredericks voting against.

MOTION: Moved by Ald. Valardo and Crawford that the request from the Festival people be referred to City staff to work out an agreement covering their request, to a maximum of \$12,000., for ratification by Council.

Having completed the agenda, Council adjourned
for the Police Commission meeting which followed immediately.


Bruce Smith,
City Clerk-Treasurer.

City Council, June 17/82

ITEMS:

- 1) Notices of Motion: Ald. Sarto
Cunningham Page 1.
Brennan
Fredericks
 - 2) Inquiries: Pages 1 to 4 incl.
 - 3) Contract: Sportsplex operation, page 4 to 6 incl.
 - 4) Request: Festival of Clowning, pages 6 & 7.
-

Dartmouth, N.S.

June 22/82.

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

Present - Deputy Mayor Hart

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

CONTINUATION:
ICE HOUSE
NOISE COMPLAINT HEARING

This date was set by Council for a continuation of the noise complaint hearing against the Ice House Lounge, which originated at the meeting of April 27 and continued May 25. In the interim Council directed that the owners of the lounge and the area residents work together to resolve the problems that led to the hearing under the Noise Complaint By-law.

Deputy Mayor Hart was in the chair for this item, since Mayor Brownlow was not able to be present for the April 27th meeting; Ald. Ritchie was also required to abstain from participating in the debate and from voting.

Mr. Ed MacLeod of 7 Lakeview Point Road, an area resident addressed Council. He advised that for the past week there has been no problem with sound from the Lounge. He requested of Council what procedure would be required in future if the problems were to return. The Solicitor advised that they should contact their alderman to speak with the owners of the Ice House Lounge to resolve the problem. If the problem is not resolved, it would not be necessary to have another petition, but the by-law requires at least 10 days notice to the operator.

Mr. Young, the Solicitor representing the owners of the Lounge, outlined the efforts made to correct the problem of the low frequency sound. \$12,000 has been expended to correct the problem, which includes detaching the stage from the building, a 'black box' has been attached to the P.A. system, etc. and additional sound insulation has been placed over portions of the ceiling. The sound engineer has further suggested the tearing down of an interior wall which will be done.

Mr. Young suggested that the problems regarding traffic might be solved by prohibiting parking in the resident's area and more strict traffic enforcement.

Since the problems regarding the Ice House Lounge had apparently been resolved to the satisfaction of the area residents, it was moved by Ald. Greenough, seconded by Ald. Hawley that the public hearing be adjourned.

MOTION: Moved by Ald. Greenough and Hawley that the noise complaint hearing against the Ice House Lounge be adjourned.

In connection with a request by Mr. Ray Pierce, Chairman of the International Festival of Clowning, made at the June 17th meeting of Council, for a guarantee of a loan in the amount of \$12,000, a report with staff's recommendations was submitted. Mr. Ray Pierce was present to answer questions from Council. It was stated in this report that the organization plans to hold bingos in the future to raise additional funds.

Aldermen Withers and Ibsen spoke against supporting the staff recommendation, as they did not feel that the bingos would necessarily generate the anticipated revenues. They also expressed concern that a dangerous precedent would be set if the City of Dartmouth is called upon to help out this Festival financially, particularly at such a late hour. Alderman Williams expressed similar reservations, particularly as Mr. Pierce's contract is up at the end of June. Mr. Pierce explained that he is voluntary Chairman of the Board of Directors in any event and would not leave an organization with such a debt owing.

Several alderman expressed concern that if this event doesn't take place there will be considerable negative publicity given to the City of Dartmouth as well as the Festival and that it is important the Sportsplex be opened on a positive note, as this will be one of first functions to take place there.

Aldermen Hawley and Brennan reminded Council that this is not just a one time festival but will continue on a regular basis and should in fact grow and attract to the City participants both nationally and internationally.

INTERNATIONAL
FESTIVAL OF
CLOWNING

Todate the Province has generously supported the Festival with the City of Dartmouth having made no financial contribution.

Ald. Brennan and Crawford moved that Council recommend approval of Staff's recommendation that City Council guarantee a loan to the maximum of \$11,500. The motion carried with Aldermen Withers, Williams and Ibsen voting against.

MOTION: Moved by Ald. Brennan and Crawford that Council adopt staff's recommendation to guarantee a loan to the maximum of \$11,500 for the International Festival of Clowning.

A further motion was made by Ald. Hawley, seconded by Ald. Crawford that a letter of intent be obtained stating that all proceeds from the two bingos which are to be held are forwarded to the City of Dartmouth to offset the guarantee and a third bingo be held if required. After further discussions relating to the above, Ald. Greenough and Crawford moved in amendment that the bingo portion of the motion be deleted. The motion carried and the amendment.

MOTION: Moved by Ald. Hawley, seconded by Ald. Crawford that a letter of intent be obtained from the International Festival of Clowning, stating that all proceeds from the two bingos which are held be forwarded to the City of Dartmouth to offset the guarantee and a third bingo be held if required.

AMENDMENT: Moved by Ald. Greenough, seconded by Ald. Crawford that the bingo portion of the motion be withdrawn. Thus, letter of intent to be signed by Mr. Pierce's group that \$11,500 be paid back.

On motion of Ald. Crawford and Ibsen it was moved that Council authorize the Mayor and Clerk to sign this agreement. (RESOLUTION 82-27)

MOTION: Moved by Ald. Crawford, seconded by Ald. Ibsen that Council approves Resolution 82 - 27 authorizing the Mayor and Clerk to sign this agreement..

On motion of Ald. Crawford and Greenough, it was moved that Council authorize the amendment of Borrowing Resolution 82-28, prepared in accordance with Section 265(1) of the Dartmouth City Charter.

MOTION: Moved by Ald. Crawford, seconded by Ald. Greenough that the borrowing resolution be approved as presented in the amount of \$17,667,750.

RESOLUTION
82-27
Dartmouth
Borrowing

BORROWING
RESOLUTION
82-28

NDOMINIUM
USING - MRS.
MERRICK

Council agreed to hear from Mrs. Merrick regarding the subject of condominium housing specifically as it relates to Bill 88. She explained that she was not just addressing this matter because she was a resident of Octagon Towers, whose residents ^{MAY BE} may be given a notice of intent but also for the residents of Dartmouth, a large percentage of which live in rental accommodations. There was urgency regarding this matter as Bill 88 has received two readings in legislature and will shortly be going to third reading. She indicated that after all the suggestions given regarding this bill, the only positive change will be the extension from 9 months to 15 months the grace period given to people who have received a notice of intent that their building will be made into a condominium. Mrs. Merrick requested that Council consider the possibility of asking the Premier of Nova Scotia to impose a freeze on condominium conversions to allow time for a task force to look at this problem from all angles.

It was moved by Ald. Crawford, seconded by Ald. Fredericks that a motion to this affect be approved by Council. It was further suggested by Ald. Ibsen that such a motion should be amended to also include the three points presented by Mrs. Merrick's association to strengthen legislation in this matter.

Ald. Williams expressed reservations about this action as he indicated that following a meeting with Mr. Stirling on the matter, Ald. Ritchie was to collect the comments of those in attendance, so that the Mayor could consider their remarks when preparing his report to Council.

Considering the extended hours in the legislature, Ald. Greenough cautioned that by the time the report is presented to Council it may be redundant as the third reading of the bill will have taken place. He felt by Council supporting this motion and amendment, concern will be expressed by the City of Dartmouth regarding the serious social impact this bill will have. Ald. Fredericks agreed with Ald. Greenough that there is a crisis situation with regard to this matter and a letter expressing Council's

concern should be sent to the Premier immediately.

Ald. Withers expressed the opinion that he felt Bill 88 does protect the interests of tenants and Council should await the Mayor's report before making a decision. Ald. Brennan supported the motion and amendment cautioning that he did not believe the housing crisis will improve in the next 15 months. Ald. Crawford concurred with him and emphasized the urgency of the matter, especially as it was placing those affected under much stress not knowing how their lifestyle will be affected.

Ald. Withers was concerned that if the Bill does not pass that what has been gained could be lost and there will still be no guarantee of a freeze. He suggested that the Bill should pass and recommendations be made to protect apartment dwellers interests when the house next sits. Ald. Williams having attended the meeting with the Minister and Mrs. MacNutt felt similarly.

Mrs. Merrick felt that too much time had been spent at this meeting discussing the difference between condominiums and cooperatives and not enough time was devoted to discussing the issues in the brief. She emphasized that there is presently a freeze on condominium conversions but once this Bill is passed they come off immediately.

Ald. Fredericks stated that the intent is not to throw the bill out but to express to the Premier and Cabinet Council's wish to see it strengthened.

Ald. Greenough pinpointed the difficulty and thus the urgency of the matter by clarifying that once the Bill is passed, notices of intent can be given to tenants with fifteen months grace and even if new legislation is enacted in the future it cannot be retroactive for these tenants.

Ald. Williams stressed that he felt the Minister was acting in good faith and that this issue is very complex involving the rights of the owners as well. Mrs. Merrick expressed sympathy with the owners, but emphasized the need for restraint on both sides. Instead of a 15 month grace period, it may take a task force only six months to

thoroughly review the matter.

A vote was taken on the motion and the amendment, both of which carried. Aldermen Williams and Withers voting against.

MOTION: Moved by Ald. Crawford, seconded by Ald. Fredericks that Dartmouth City Council strongly recommend to the Nova Scotia Government that a freeze be put on all condominium conversions until a task force brings back a recommendation to the Province.

AMENDMENT: Moved in amendment by Ald. Ibsen and Crawford that Council would like to include the following three recommendations put forward by the Tenant's Association of Octagon Towers.

- 1) Bill 88 should be extended to include all conversions, both cooperative and condominium;
- 2) This bill should provide protection for tenants whose lease, or notice to vacate, runs out during the winter months;
- 3) It should include a provision that would give tenants, after they have been advised of conversion, the right to leave after giving one month's notice, rather than obliging them to remain until the end of their lease. Great hardship could arise if such tenants were lucky enough to find other accommodation as they would then be obliged to pay rent for two places.

On motion of Ald. Crawford and Ald. Brennan, Council adjourned to meet in Committee.



G.D. Brady,
Deputy City Clerk

City Council, June 22/82.

ITEMS:

- 1) Continuation Ice House Loung Hearing, pages 1 & 2.
- 2) International Festival of Clowning, page 2 & 3.
- 3) Resolution 82-27, Dartmouth Salvage, page 3.
- 4) Borrowing Resolution 82-28, page 3.
- 5) Condominium Housing - Mrs. Joan Merrick, pages 4-6.

thoroughly review the matter.

A vote was taken on the motion and the amendment, both of which carried. Aldermen Williams and Withers voting against.

MOTION: Moved by Ald. Crawford, seconded by Ald. Fredericks that Dartmouth City Council strongly recommend to the Nova Scotia Government that a freeze be put on all condominium conversions until a task force brings back a recommendation to the Province.

AMENDMENT: Moved in amendment by Ald. Ibsen and Crawford that Council would like to include the following three recommendations put forward by the Tenant's Association of Octagon Towers.

- 1) Bill 88 should be extended to include all conversions, both cooperative and condominium;
- 2) This bill should provide protection for tenants whose lease, or notice to vacate, runs out during the winter months;
- 3) It should include a provision that would give tenants, after they have been advised of conversion, the right to leave after giving one month's notice, rather than obliging them to remain until the end of their lease. Great hardship could arise if such tenants were lucky enough to find other accommodation as they would then be obliged to pay rent for two places.

On motion of Ald. Crawford and Ald. Brennan, Council adjourned to meet in Committee.



G.D. Brady,
Deputy City Clerk

City Council, June 22/82.

ITEMS:

- 1) Continuation Ice House Lound Hearing, pages 1 & 2.
- 2) International Festival of Clowning, page 2 & 3.
- 3) Resolution 82-27, Dartmouth Salvage, page 3.
- 4) Borrowing Resolution 82-28, page 3.
- 5) Condominium Housing - Mrs. Joan Merrick, pages 4-6.

Dartmouth, N. S.

June 29/82.

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

Present - Mayor Brownlow

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

Council agreed to add three contract items to
the agenda: Contract #82-06 (Street Construction);
Contract #82-12 (Notting Park school grounds); and
Contract #82-13 (Clifford Drive culvert).

AD TENDERS:
THREE CONTRACTS

On motion of Ald. Sarto and Hawley, Council
awarded tenders for the three contracts added to the
agenda; details are as follows:

CONTRACT #82-06

- 1) Contract #82-06 (Street construction: Garshan
Road, Third Street and Eaton Ave.)

Tenders were received from:

Ocean Contractors Ltd.	\$198,013.00
Steed & Evans Ltd.	213,940.00
Municipal Spraying & Contracting	240,700.00

Tender awarded to the low bidder, Ocean Contracting
Ltd. in the amount of \$198,013.00, as recommended.

CONTRACT #82-12

- 2) Contract #82-12 (Notting Park School grounds)

Tenders were received from:

Edmond Bros. Landscaping Services Ltd.	\$45,364.50
Municipal Contracting Ltd.	49,379.90
Standard Construction Ltd.	51,470.00
Terra Nova Landscaping Ltd.	54,277.50
Twin City Property Maintenance Ltd.	75,505.50

Tender awarded to the low bidder, Edmond Bros.
Landscaping Services Ltd. in the amount of \$45,364.50
as recommended.

CONTRACT #82-13

- 3) Contract #82-13 (Clifford Drive culvert)

Tenders were received from:

Woodlawn Construction Ltd.	\$69,954.75
W. Eric Wheby Ltd.	76,723.74
Stewiacke Construction Ltd.	82,770.80
Harbour Construction Co. Ltd.	84,457.00
L. J. Casavechia Contracting Ltd.	88,955.00
Fred Smithers Concrete Services Ltd.	91,370.00
Seaport Contractors Ltd.	98,906.00
Avecon Ltd.	110,130.00

Tender awarded to the low bidder, Woodlawn Con-
struction Ltd. in the amount of \$69,954.75, as
recommended.

MOTION: Moved by Ald. Sarto and Hawley that the
tenders for Contracts #82-06, #82-12 and
#82-13 be awarded to the low bidder in each
case, as detailed above.

AND: CRICHTON
VE. EXTENSION

A report from Mr. Moir was before Council on the subject of lands located on Crichton Ave. Extension and a clarification of property lines that is required in order to permit the establishment of a right-of-way and road reserve. There is considerable confusion at the present time as to what lands are owned by whom, including lands that are believed to be owned by the City, and in order to clarify these land titles, it is proposed that the area of concern be surveyed at a cost of approx. \$15,000., the funds for this expenditure to be taken from the unexpended portion in the 1982 operating budget under Fiscal Services, Advisory Assistance.

Mr. John MacInnis, Chief Surveyor for the City, presented a plan of the total area involved and explained the problems that presently exist with the unresolved title questions. He responded to questions from the members of Council about the need for this survey work if the situation is ever to be clarified so that a road reserve can be established. Mr. Moir has recommended that Council authorize the detailed survey required at a cost of approx. \$15,000. and that a private survey firm be engaged to carry out the work. His report and recommendation were adopted by Council, on motion of Ald. Williams and Sarto.

MOTION: Moved by Ald. Williams and Sarto that Mr. Moir's report and recommendation on the survey proposed for lands in the area of Crichton Ave. Extension, be adopted. The survey will cost in the vicinity of \$15,000. and will be carried out by a private survey firm to be engaged by the City.

PRESENTATION:
DARTMOUTH
DEVELOPMENT
TRENDS

Members of Council have received copies of a Planning Dept. report entitled "Dartmouth Development Trends", and the presentation by members of the Department took place at this meeting. Mr. Bayer, Mr. Lukan and Ms. Kim Stewart participated in the presentation, which reviewed the main highlights of the report and responded to concerns that have been raised on several occasions at Council with regard to the decline in the City's population and the implications of declining residential

development for the City.

Members of Council had an opportunity to raise any questions they might have during the presentation. In summation, the Planning Dept. report makes four main recommendations for Council's consideration:

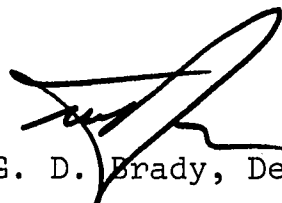
- 1) that the necessary steps be taken to amend the City Charter at the next sitting of the Provincial Legislature, in order to remove the ten-acre restriction in By-law C-188.
- 2) in tandem with the removal of the ten-acre restriction, that changes be made to the development regulations to take advantage of such things as: zero lot line development, smaller lot sizes, reduced street widths, cluster development, flag lots, reduced setbacks and/or the use of private rights-of-way.
- 3) that funds be allocated in the 1983 budget to acquire land to take advantage of current housing programs (estimated cost: \$250,000.).
- 4) that City staff support and funds continue to be provided to further the work of the Dartmouth Non-Profit Housing Society.

The general reaction of Council to the report and presentation was positive. Ald. Hart said she hoped that the proposed amendments to By-law C-188 would come to Council as soon as possible, and Ald. Fredericks suggested that a joint meeting of Council be arranged with CMHC and N. S. Housing Commission representatives, plus the local MLA's, to discuss the thrust of the Planning Dept. report and to impress upon the Province the benefits that can be derived by investing their housing programs in Dartmouth where there is a ready availability of classroom space and other servicing advantages to be gained. He asked that the Planning Dept. put an information package together for such a meeting. Ald. Greenough agreed that the City should become more active in attempting to take advantage of housing and residential development programs offered by other government levels. He noted that in the case of the Sewage Treatment Program that was offered, Dartmouth received only \$809,000. of the \$10.5 million that came to this regional area.

The Planning Dept. was commended for the start

that has been made toward the establishment of certain policy decisions with respect to housing and creation of a climate in the City that will encourage residential development to a greater degree. A further report from the Department can be expected by fall and with specific recommendations in time for next year's capital budget.

At the conclusion of this item, the meeting adjourned.



G. D. Brady, Deputy City Clerk.

City Council, June 29/82

ITEMS:

- 1) Award tenders: Contract #82-06
82-12 Page 1.
- 2) Land: Crichton Ave. Ext., ⁸²⁻¹³ page 2.
- 3) Presentation: Dartmouth Development Trends, page 2 to 4.