

Dartmouth, N. S.

September 6/83.

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

Present - Mayor Brownlow

Ald. Romkey	Greenough
Beeler	Peters
Crawford	Levandier
DeMont	Withers
Stubbs	Greenwood
Bregante	Hetherington
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
City Clerk-Treasurer, B. Smith.	

MINUTES

The minutes of the August 23rd and 30th meetings were approved by Council, on motion of Ald. Romkey and Crawford.

An item was added to the agenda dealing with the sale of the City property at 36/36A Gaston Road.

COST-SHARING:
PEDESTRIAN
IMPROVEMENTS
ROTARY & MAIN ST.

Mr. Moir has submitted a report to Council on the matter of cost-sharing that will be required on the part of the City, in order for the Dept. of Transportation to proceed with pedestrian crossing improvements at the MicMac Rotary and on Main Street. This project has been under discussion for some time with the Department and they have indicated that they expect the City to assume responsibility for the cost of the sidewalk portion of the work, the crosswalk signs and the lighting. Total cost involved for the City would be \$26,000., which would necessitate an over-expenditure in the 1983 Capital Budget. In view of the difference of opinion on cost-sharing between City representatives and those of the Dept. of Transportation, Council has been asked to indicate whether or not the project is to proceed.

Ald. Levandier questioned the expenditure of any funds on improvements at the Rotary without first knowing what the ultimate plans are for major improvements to it by the Province. The Mayor commented on the high priority that has been given to pedestrian safety and crossing, even though this project under consideration may only be an interim measure to improve the situation.

Mr. Purdy presented a plan showing the improvements

that are proposed and Ald. Greenough stressed the need for a safer means of crossing the Rotary for children on their way to and from schools in east Dartmouth. Council adopted Mr. Moir's report, approving the \$26,000. over-expenditure in the 1983 capital budget, on motion of Ald. Crawford and Bregante.

MOTION: Moved by Ald. Crawford & Bregante that Council approve the over-expenditure of \$26,000. in the capital budget as the City's share in the cost of improvements for pedestrian crossing at the MicMac Rotary and on Main Street, as outlined in Mr. Moir's report of Aug. 31/83.

RESOLUTION #83-45:
MAIN STREET
SIDEWALKS

On motion of Ald. Bregante and Greenough, Council adopted Resolution #83-45, submitted in connection with the previous item, authorizing the Mayor and the City Clerk to sign Construction Agreement #4Z between the Dept. of Transportation and the City of Dartmouth, covering sidewalk construction on Main Street.

MOTION: Moved by Ald. Bregante & Greenough that Council adopt Resolution #83-45, authorizing the agreement between the City and the Dept. of Transportation, covering the sidewalk construction on Main Street.

AWARD TENDER:
WORKS DEPT.
EQUIPMENT

As requested by Council, Mr. Fougere has provided a further report on the tenders submitted for an hydraulic demolition and rock hammer, giving further details about the units on which bids were submitted by W. N. White and by Coastal Rentals Sales, the latter company being a Dartmouth firm. The report concludes with a confirmation of the original recommendation that the low tender of W. N. White & Co. Ltd., in the amount of \$40,871. be accepted for this item. Ald. Withers and Bregante moved the adoption of the recommendation.

Ald. Levandier continued to be in favour of awarding the tender to the Dartmouth firm instead and Ald. Crawford was also willing to accept the Coastal tender. Other members speaking on the motion felt that the principles of the tendering process should be adhered to, even though a Dartmouth company is involved. When the vote was taken, it carried by a 7 to 5 majority.

MOTION: Moved by Ald. Withers and Bregante that the low tender submitted by W. N. White & Co. Ltd., in the amount of \$40,871., be accepted for the hydraulic demolition and rock hammer, as recommended by Mr. Fougere in his reports to Council.

ADDITIONAL
MANPOWER:
FIRE DEPT.

An item on the subject of additional manpower for the City Fire Dept. has been included in the agenda for this meeting, as directed at the meeting of August 23rd when a motion was introduced by Ald. Levandier. Members of Council have received copies of an information report from the Fire Chief, outlining the manpower situation in his department and recommending the hiring of sixteen new personnel.

Ald. Levandier and Romkey moved that Chief Patterson be given authority to hire eight men in 1984 and eight more in 1985 to bring his manpower up to a level that is adequate to serve the City of Dartmouth. Ald. Crawford was not in favour of approving any decisions such as this out of context with other budget requirements for 1984, and he therefore moved referral of the item to be looked at in conjunction with the 1984 budget requirements. The motion was seconded by Ald. Greenough and debated.

Chief Patterson was asked about the adequacy of his present manpower complement in the Fire Dept., particularly with respect to the manning of aerial trucks at the scene of a fire where they are required. The indication given was that the department is lacking in sufficient personnel to man aerial equipment, although it was noted by Ald. Crawford that when this equipment was first purchased, its effectiveness was demonstrated at Eastwood Manor by personnel trained for this purpose. Ald. Greenough suggested that a staff analysis of the Fire Dept. should be available when this item is reviewed at budget time, so that members of Council have answers to some of the manpower questions raised at this meeting. The vote was taken on the motion to refer and it carried.

Ald. Greenough and Romkey then moved that the subject of manpower requirements for the Fire Dept. be analyzed by Mr. Moir's office to determine if there is

a shortage of personnel, what that shortage is, and what the requirement would be to bring the staff level up to a proper standard. The motion carried.

MOTIONS: Moved by Ald. Crawford and Greenough that the motion on the subject of manpower for the Fire Dept., be referred for consideration in conjunction with the 1984 budget requirements.

Moved by Ald. Greenough and Romkey that the subject of manpower requirements for the Fire Dept. be analyzed by Mr. Moir's office, to determine if there is a shortage of personnel, what that shortage is, and what the requirement would be to bring the staff level up to a proper standard.

MOTION:
WATER UTILITY

A motion presented by Ald. Stubbs on the subject of the City Water Utility has been deferred until this meeting of Council for further consideration. Ald. Stubbs said that in view of the report now being prepared by Doane Raymond on the Water Utility (cost of extension into the Forest Hills area), she would like to have her motion deferred until the Doane Raymond report is available and is being dealt with by Council. A motion to defer, moved by Ald. Stubbs and Hetherington, was therefore adopted.

MOTION: Moved by Ald. Stubbs & Hetherington that the motion introduced by Ald. Stubbs at the meeting of July 26th on the Water Utility, be deferred until such time as Council deals with the Doane Raymond report being prepared on the extension of City water services into the Forest Hills area.

36/36A GASTON RD.

A letter was before Council from the Nova Scotia Housing Commission on the subject of the property at 36/36A Gaston Road, advising that the Commission is prepared to construct the two housing units originally proposed for this site, elsewhere in the City of Dartmouth. Also, the Commission is prepared to pay for the cost of the water and sewer extension to this property. These are the two points of clarification sought by Council from the August 23rd meeting, when this item was previously discussed. Having received the above information from the Housing Commission, Council proceeded to approve the sale of the property at 36/36A Gaston Road to the Church of the Holy Spirit, for the sum of \$18,200. and Resolution #83-44 was adopted in this connection, on motion of Ald. Crawford and Withers.

RESOLUTION #83-44:
SALE OF 36/36A
GASTON RD.

MOTION: Moved by Ald. Crawford and Withers that Council adopt Resolution #83-44, authorizing the sale of 36/36A Gaston Road to the Church of the Holy Spirit, for the sum of \$18,200.

REQUEST FOR
FUNDING:
LIBRARY/CULTURAL
STEERING COMMITTEE

The Library/Cultural Steering Committee has made a submission, seeking a financial commitment from the City of two million dollars toward the Library/Cultural Centre project, and seeking authorization for the Committee to approach other levels of government and private organizations for funding assistance. Members of Council have received the Preliminary Design & Feasibility Analysis prepared by Lydon Lynch Associates Ltd. for the Committee and it was accompanied by the funding request, with details of the cost of the project.

Ald. Levandier and Hetherington moved that the item be tabled for two weeks until after Council has had an opportunity to deal with the 1982 Financial Statement for the City. Council heard Mr. Lauchie Fredericks, the Chairman of the Library/Cultural Steering Committee, who presented the request for financial backing from the City and endorsement from Council so that the Committee can proceed with an approach to the Federal and Provincial government levels. He referred to the importance of such a facility in the downtown area and as an asset in attracting visitors to the City. Ald. Stubbs asked if consideration was given to the use of the Park School site for the Centre instead of the waterfront site being proposed. Mr. Fredericks explained how a site was selected and noted that the Park School site was not available for consideration when planning for the Centre was undertaken. The vote was taken on the motion to table for a two-week period and it carried.

MOTION: Moved by Ald. Levandier & Hetherington that the Library/Cultural Centre request for a funding commitment, be tabled for two weeks until Council has an opportunity to deal with the 1982 Financial Statement.

MOTIONS:
ALD. WITHERS

Notice of motion having been previously given, the following motions were presented:

1) It was moved by Ald. Withers, seconded by Ald. Crawford:

That the City Solicitor be instructed to draft a by-law which would guarantee that steps be taken to exterminate pests immediately prior to the demolition of old buildings.

Ald. Withers outlined his reasons for bringing this motion forward for Council to consider. It is understood that the by-law called for in the motion would be applicable to those situations where extermination procedures are required. The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Withers and Crawford: see the above wording.

The motion proposed by Ald. Sarto was deferred in his absence until another meeting of Council.

STUBBS

2) It was moved by Ald. Stubbs, seconded by Ald. Crawford:

That reports and recommendations submitted by and originating with the Planning Dept. shall be tabled at the monthly Committee-of-the-Whole meeting, with a lapse of at least one week before Council renders a decision on such reports.

Ald. Stubbs distributed copies of a presentation she has prepared to substantiate her position that Council needs to exercise more control over planning decisions in the City, based on recent examples cited of reports that were inadequately dealt with and on which information was lacking.

Ald. Levandier said he would not want to see any more stumbling blocks placed in the way of developers by a further delay in approvals that are required from the City, a concern also indicated by Ald. Greenough. Ald. Greenough asked about the processing of building permits with value in excess of \$250,000. and whether these would be delayed to the next Committee meeting if they were not received in time to be processed in a given month. Ald. Withers spoke in favour of the motion and Ald. Crawford said he would support it because basically, it is what Council is doing already. As the debate went on; there appeared to be some uncertainty as to how building permits in excess of \$250,000. would be handled and just what the implications would be in terms of holding

up development while waiting for Council approvals. Members did not want to see undue delays created for developers by a change in procedures, and it was noted that the regular monthly Planning Dept. report came directly to Council in August because of the fact that there was no Committee meeting earlier in the month, a situation that does not normally occur.

Ald. Greenough and Hetherington moved a two-week deferral of this item for additional information on the implications of the change in procedures being proposed in the motion. Ald. Hetherington referred to recent occasions where Council has received insufficient information on development proposals and been asked to set dates for public hearings without background reports from the Planning Dept. The vote was taken on the motion to defer and it carried with Ald. Stubbs and Peters voting against.

MOTION: Moved by Ald. Greenough & Hetherington that the motion introduced by Ald. Stubbs (text on page 6 of these minutes) be deferred for two weeks for additional information on the implications of the change in procedures being proposed.

NOTICES OF MOTION:
ALD. LEVANDIER

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

1) Ald. Levandier:

WHEREAS Craighorne Manor is a senior citizens complex;

AND WHEREAS it is adjacent to a busy artery, Windmill Road;

THEREFORE, BE IT RESOLVED that money be included as a priority item, in the 1984 Capital Budget to erect an illuminated crosswalk sign in this area.

ALD. HETHERINGTON

2) Ald. Hetherington:

WHEREAS the sound system in the Council Chamber is so poor;

BE IT RESOLVED that Council approve the purchase of a new and improved sound system.

ALD. CRAWFORD

3) Ald. Crawford:

WHEREAS Council did not receive a percentage increase in salary for 1983;

THEREFORE, BE IT RESOLVED that a salary increase of 6%, in conformance with Federal and Provincial guidelines, be set, retroactive to the first of January of 1983.

(Ald. Peters withdrew from the meeting at this point in the agenda.)

INQUIRIES:

ALD. ROMKEY

Ald. Romkey's first inquiry concerned the condition of the corner lot at the intersection of Mount Edward Road and Bellevista Drive. Mr. Fougere said he has prepared a report on this problem and would make sure that Ald. Romkey received a copy.

Ald. Romkey asked when work will begin on the brook between Spring Ave. and Pauline Crescent. Mr. Purdy said the design work is just about complete and work on the project should start around the first of October.

ALD. CRAWFORD

Ald. Crawford said he was pleased with the stand taken by the Premier on the Moscow Circus which was to have opened this week at the Metro Centre. He felt that a letter of support should be sent on behalf of Dartmouth City Council for the action taken by the Premier, and with Council's approval, he introduced a motion to the effect that a letter be forwarded by the Mayor, endorsing the action of the Premier and indicating that Dartmouth City Council is in agreement with it. The motion was seconded by Ald. Hetherington and it carried.

MOTION: Moved by Ald. Crawford & Hetherington that a letter be forwarded by the Mayor to the Premier, endorsing his action in cancelling the local performance of the Moscow Circus, and indicating the Dartmouth City Council is in agreement with it.

ALD. GREENOUGH

Ald. Greenough's inquiry pertained to cost-sharing for the improvements required to Braemar Drive. The Mayor said a meeting is set to discuss this matter and he would inform the Alderman of the date and time so that he can attend.

ALD. GREENWOOD

Ald. Greenwood asked who is responsible for repairs to CN tracks in the Burnside Industrial Park. Mr. Moir advised that these repairs would be covered under a maintenance agreement; the CNR would carry out the repairs and the City would bear the cost.

Ald. Greenwood requested a report on what can be done about the steam problem in the Sunnydale Ave. area,

originating with the Power Corp. plant. He said he has already discussed this continuing problem with Mr. Mark Bernard of the Engineering Dept.

ALD. BREGANTE

Ald. Bregante asked to have attention given by the Recreation Director to swings that have been vandalized and are in need of repair at the Brompton Street playground.

Ald. Bregante also asked to have repaving work carried out at the top of Chadwick Street where there is new construction.

ALD. HETHERINGTON

Ald. Hetherington asked for a report from the Fire Dept. on the I.M.P. operation on Akerley Blvd., where an open flame is still coming from the building.

Ald. Hetherington referred to a public notice inserted in the local newspaper for a public meeting that is to be held in the Aldermen's Room. The room is referred to as a meeting room and the Alderman asked when this change in designation was made and by whom.

ALD. STUBBS

Ald. Stubbs asked about the status of the report she has requested on the L. & J. development in the Waverley Road area. The Solicitor advised that the report has been dictated by Mr. Moreash and it will be typed tomorrow.

ALD. WITHERS

Ald. Withers asked about the lowering of the level of Windmill Road under the CNR overpass in order to be able to facilitate a truck route at this location. Mr. Fougere advised that everything possible is being done to facilitate truck clearance at this point, but the street cannot be lowered any further than two inches because of the pipes and conduit that are in the ground.

On motion of Ald. Crawford and Romkey, Council adjourned to meet in camera as Committee-of-the-Whole to discuss PANS negotiations, the one remaining item on the agenda.

Having later reconvened in open meeting, Council concurred with the discussion that took place in camera, on motion of Ald. Crawford and Hetherington.

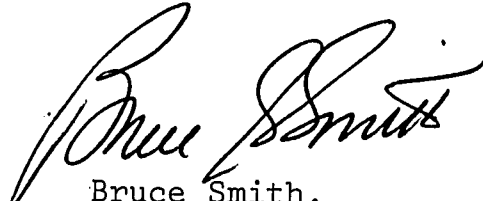
APC STUDY

The Mayor informed Council of the proposal at

MAPC to proceed with a study of the waters of Halifax harbour and Bedford Basin, which represent the receiving waters for sewage from the metropolitan municipalities. It is proposed that the former Regional Pollution Control Advisory Group be reactivated for purposes of the study and a motion requesting that this Group be reorganized and terms of reference drafted for them, is required from the participating municipalities. It was therefore moved By Ald. Hetherington and Greenough that MAPC be requested to reactivate the Regional Pollution Control Advisory Group and have them meet to draft terms of reference for a study of the receiving waters in the region, Halifax harbour and Bedford Basin. It is understood that no expenditures will be incurred without the matter first coming back to the local Councils for approval. The motion carried.

MOTION: Moved by Ald. Hetherington & Greenough that MAPC be requested to reactivate the Regional Pollution Control Advisory Group and have them meet to draft terms of reference for a study of the receiving waters in the region, Halifax harbour and Bedford Basin.

Meeting adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council, Sept. 6/83

ITEMS:

- 1) Cost-sharing: Pedestrian improvements, Rotary & Main Street, page 1.
- 2) Resolution #83-45: Main St. sidewalks, page 2.
- 3) Award tender: Works Dept. equipment, page 3.
- 4) Additional manpower: Fire Dept., page 3.
- 5) Motion: Water Utility, page 4.
- 6) 36/36A Gaston Road, page 4.
- 7) Resolution #83-44: Sale of 36/36A Gaston Rd., page 4.
- 8) Request for funding: Library/Cultural Centre, page 5.
- 9) Motions: Ald. Withers, page 6.
Stubbs, page 6.
- 10) Notices of Motion: Ald. Levandier)
Hetherington) page 7
Crawford)
- 11) Inquiries, pages 8 and 9.
- 12) MAPC Study, page 10.

Dartmouth, N. S.

September 7/83.

Regularly called meeting of City Council held
this date at 5:30 p.m.

Present - Mayor Brownlow

Ald. Romkey	Greenough
Beeler	Peters
Crawford	Levandier
DeMont	Withers
Stubbs	Greenwood
Bregante	

City Solicitor, M. Moreash
City Clerk-Treasurer, B. Smith
City Administrator, C. A. Moir
City Comptroller, D. McBain
Deputy City Treasurer, B. MacRae

Representing Doane Raymond: Mr. G. Thompson
J. Mallowney

1982 FINANCIAL
STATEMENT

Council met with the Auditors to review the 1982 Financial Statement for the City. Mr. Thompson conducted the review, responding to questions from the members of Council throughout. Mr. Smith and the other staff members present also provided information for Council.

One item in particular that received attention was the status of the working capital reserve fund and the fact that 4.25 million dollars of that fund will now be required to meet the new Provincial requirement for municipalities to provide coverage for uncollected taxes in a given year. If we did not have this amount available through the reserve fund, it would have to be rated for annually.

Ald. Peters felt that the two million dollars shown in receivables for the Sportsplex should be capitalized, and that attention should be given to this item. Mr. Moir noted that the matter will be coming before the Board of Dartmouth Recreation Ltd. and the Board will subsequently be meeting with Council to discuss this point and other items. Ald. Peters also requested information on the per capita debt in Dartmouth, as compared with other municipalities, and whether the figure shown in the statement is average or above average when compared with other municipalities.

At about this point in the meeting, Ald. Greenough took the chair in the absence of Mayor Brownlow and Deputy

Deputy Mayor Crawford, who withdrew from the meeting.
Ald. Peters also withdrew from the meeting.

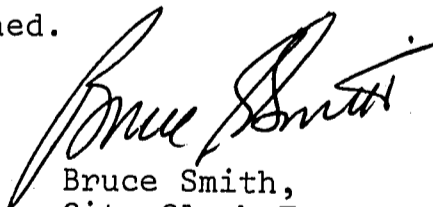
Ald. Stubbs had a series of financial questions which she discussed with Mr. Thompson, relative to City operations generally and to specific departments. She also asked about the role of the Auditors and whether consideration should be given to an Auditor-General type of report, similar to those prepared at the other government levels. She felt that such a report would provide an unbiased professional assessment of the effectiveness of our operations and indicate any possible overlapping of services, etc. Mr. Thompson explained how the present financial audit would have to be expanded into a much more comprehensive one, and Council would first have to decide if that is the kind of audit they would want to have.

The 1982 Financial Statement was approved by Council, as presented by the Auditors, on motion of Ald. Greenwood and Romkey.

MOTION: Moved by Ald. Greenwood and Romkey that the 1982 Financial Statement be approved as presented by the Auditors.

Mr. Thompson said he wished to thank members of City staff for their assistance in preparation of the financial statement, and Mr. Thompson was thanked by the Chairman for his presentation to Council.

The meeting then adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council, Sept. 7/83

ITEMS:

- 1) 1982 Financial Statement, pages 1 and 2.

Dartmouth, N. S.

September 13/83.

Special meeting of City Council held following
the Committee meeting of this date, which began at 7:30 p.m.

Present - Mayor Brownlow

Ald. Sarto	Beeler
Crawford	Romkey
DeMont	Levandier
Stubbs	Withers
Hawley	Greenwood
Bregante	Greenough
	Hetherington
City Solicitor, M. Moreash	
Acting City Administrator, B. Smith	

Having waived notice of motion, Council met to
ratify the action taken on several items dealt with in
Committee, immediately preceding this meeting.

S INCREASE:
U.S.M.

In dealing with the an item on the proposed increase
in dues for the Union of Nova Scotia Municipalities, the
Committee endorsed the resolution calling for the increase,
but agreed that voting delegates from the City to the
upcoming Union conference should be free to use their
own discretion in voting on this issue when it is raised
at the conference, taking into account the discussion
which took place in Committee. On motion of Ald. Greenough
and Crawford, Council adopted a motion to leave this
matter up to the voting delegates' discretion, after they
have heard the arguements presented at the conference on
the resolution and taking into consideration the views
expressed by Dartmouth members during the Committee meeting
of this date.

MOTION: Moved by Ald. Greenough & Crawford that
Council leave the matter of the proposed
dues increase to the voting delegates'
discretion, after they have heard the
arguements presented at the U.N.S.M.
conference on the resolution, and taking
into consideration the views expressed by
Dartmouth members during the Committee
meeting of this date.

AWARD TENDER:
CONTRACT 83526

Tenders have been received as follows for
Contract 83526, which covers the curbing, paving and
related works on MacDonald Ave., Ilsley Ave., and Ronald
Drive, plus landscaping, etc., as outlined in the report
from Mr. Purdy:

Steed & Evans Ltd.	\$435,390.00
Municipal Contracting Ltd.	448,392.25
Standard Paving	473,599.00

Acceptance of the low bid, from Steed & Evans Ltd., has been recommended from Committee, and the tender was awarded as recommended, on motion of Ald. Hetherington and Withers.

MOTION: Moved by Ald. Hetherington & Withers that the tender for Contract 83526 (MacDonald Ave., Ilsley Ave., and Ronald Drive) be awarded to the low bidder, Steed & Evans Ltd., in the amount of \$435,390.00, as recommended from Committee.

AWARD
DEMOLITION
TENDERS

Tenders have been received, as per Mr. Purdy's report of Sept. 8/83, for the demolition of buildings at 1 Park Ave. and 49 Wentworth Street. It has been recommended from Committee that the tender for demolition of the Liquid Carbonic building at 1 Park Ave. be awarded to L. B. Stevens Construction Ltd., for the lump sum price of \$8,792.90, and the tender for demolition of the Works Dept. building at 49 Wentworth Street, be awarded to Lanthier Construction for the lump sum price of \$4,600. Council adopted the recommendation on the awarding of these tenders, on motion of Ald. Withers and Greenough.

MOTION: Moved by Ald. Withers and Greenough that tenders for the demolition of the buildings at 1 Park Ave. and at 49 Wentworth Street, be awarded as outlined above and recommended from Committee.

RESOLUTION #83-47:
PUBLIC PARTICIPATION
PROGRAM

Resolution #83-47, recommended from Committee, was before Council for approval. The resolution adopts a public participation program pursuant to Section 34 (1) of the Planning Act, Stats. N. S. 1983, Chapter 9, for the purpose of Municipal Planning Strategy amendments. The resolution was approved by Council, on motion of Ald. Bregante and Sarto.

MOTION: Moved by Ald. Bregante and Sarto that Council adopt Resolution #83-47, recommended from Committee. This resolution adopts a public participation program for the purpose of Municipal Planning Strategy amendments.

UPDATE:
TRANSFER STATION

In connection with a matter raised previously at Council and before the Finance & Program Review Committee, pertaining to the possibility of establishing a transfer station in the City of Dartmouth, Ald. Crawford and Stubbs moved that Council request an update on this

item from the Metropolitan Authority. The motion carried.

MOTION: Moved by Ald. Crawford and Stubbs that Council request an update from the Metropolitan Authority on the subject of a transfer station being established in the City of Dartmouth.

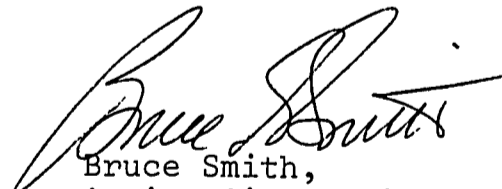
FENCE:
CIRCUMFERENTIAL
HIGHWAY

With the concurrence of Council, Ald. Romkey introduced a motion to ask the Provincial Government to erect a suitable fence along the Circumferential Highway to prevent people from crossing on the section between the overhead walkway and the end of Gaston Road, and/or an overhead walkway across the highway that would provide a safe route for pedestrians to cross. The motion was seconded by Ald. Stubbs and it carried.

MOTION: Moved by Ald. Romkey and Stubbs that the Provincial Government be asked to erect a suitable fence along the Circumferential Highway to prevent people from crossing on the section between the overhead walkway and the end of Gaston Road, and/or an overhead walkway across the highway that would provide a safe route for pedestrians to cross.

Ald. Greenwood sought the permission of Council to add an item to the agenda, calling for Ald. Stubbs to issue an apology to Mr. L'Esperance of the Planning Dept. for allegations made in her submission of July 19/83. The necessary two-thirds majority vote was not obtained to permit Ald. Greenwood to add this item and he therefore indicated that he would give notice of motion at a subsequent meeting.

Meeting adjourned.


Bruce Smith,
Acting City Administrator.

City Council, Sept. 13/83

ITEMS:

- 1) Dues increase: U.N.S.M., page 1.
- 2) Award tender: Contract 83526, page 1.
- 3) Award demolition tenders, page 2.
- 4) Resolution #83-47: Participation program, page 2.
- 5) Update: Transfer station, page 2.
- 6) Fence: Circumferential Highway, page 3.

Dartmouth, N. S.

September 20/83.

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

Present - Mayor Brownlow

Ald. Sarto	Romkey
Peters	Beeler
Crawford	Levandier
DeMont	Withers
Stubbs	Greenwood
Hawley	Greenough
Bregante	Hetherington
City Solicitor, M. Moreash	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady.	

PUBLIC HEARING:
DELL HOLDINGS LTD.
M.P.S. AMENDMENT

This meeting of Council constituted the public hearing for a proposed amendment to the Municipal Planning Strategy that would change the designation on lands in the downtown area known as Dell Holdings from the present medium density classification to high density. This change in designation would permit a development proposal for the site to proceed, with a zoning change from the present R2/TH to Contract Agreement; the public hearing for this second proposed change followed the hearing on the M.P.S. amendment. The Planning Dept. has recommended in favour of the M.P.S. amendment in order to permit the development being proposed by Dell Holdings Ltd, and the proposal has the support of the Downtown Revitalization Committee.

In addition to the staff report circulated, Council has received all the necessary related documentation, including proposed By-law C-491, to accomplish the M.P.S. amendment, if it is approved by Council. Mr. L'Esperance explained why the existing medium density designation would have to be removed from the Dell Holdings lands and replaced with a high density designation in order for the development proposal to proceed, if Council subsequently approves the contract agreement with Dell Holdings.

Mr. Ron Pugsley represented Dell Holdings Ltd. in their request for the M.P.S. amendment. He provided details on the density of the development being proposed, 178 units in all, and referred to density comparisons that have been provided for other recently-approved developments in the downtown area, noting that 178 units

on a 2.05 acre site is well within an acceptable standard, in comparison with these other developments. He went on to address the concerns of the residents, as they have been voiced at the voluntary public meeting held on Sept. 13th, and he commented on the positive aspects of the development, pointing out that a number of revisions have already been incorporated in the development plan to improve its compatibility with the existing residential neighborhood.

Mr. Russell, the Architect for the project, then proceeded with his presentation of the model for the development, and he responded to two questions at this time, one, pertaining to the landscaping of the podium, and the second, relating to parking provisions.

The Mayor called for representations in favour of the M.P.S. amendment or anyone wishing to submit a written brief. No representations were made in favour and no submissions were received.

Representations were then called for in opposition to the M.P.S. amendment and the following people were

heard during the course of this portion of the hearing:

- | | |
|---------------------------------------|-----------------------------------|
| 1) Mrs. Dorothy Birks | 5) Mrs. Joanne Lamey Representing |
| 2) Mrs. Mim Fraser, 13 Slayter St, | C.P.A.C. |
| 3) Mrs. Brenda Gorman-Wright | 6) Ms. Mildred Smith |
| 4) Mrs. Monica Kennedy, Wentworth St. | 7) Ms. Margie Clark, Fairbank St. |

Mrs. Gorman-Wright asked the following question:

"Is it legal for the city of hold a public hearing on a contract development that is in conflict with the Muncipal Planning Strategy?"

Mrs. Birks spoke on behalf of the Downtown Dartmouth Residents Assn. and first commented on the faith that has been demonstrated by area residents in the revitalization of downtown Dartmouth. She then expressed the concerns of the residents for problems than can be anticipated with a high density development of the type that is planned. These concerns were identified as being: the present inadequacy of streets in the area to handle additional traffic; low water pressure problems that would be further aggravated; parking problems; insufficient school space; blasting damage to existing homes. She suggested that Planning staff have not given full consideration to the impact of high density development on the existing

residential areas, and she called for studies into the impact on the infrastructure of the existing neighbourhood and for a feasibility study into the minimum number of units that would be required on the site under discussion, in order to render the development economically sound.

Ms. Lamey, in her submission to Council, requested that no M.P.S. amendments be approved until consideration has been given in an open public forum to a review of the Strategy, a process that will be undertaken in the months to come.

Both Mim Fraser and Brenda Gorman-Wright questioned the procedures that are being followed in processing both the M.P.S. amendment and the contract agreement in the same evening, at the same meeting of Council, taking into consideration the fact that the amendment first has to be signed by the Minister of Municipal Affairs before it can come into effect. The Solicitor said that in his opinion, Council is proceeding properly. Both he and Mr. Bayer explained during the hearing why it is necessary for both the M.P.S. amendment and the contract agreement to proceed in tandem, since one is predicated on the other. The ultimate finalization of the contract would be contingent upon the approval of the Minister, if the M.P.S. amendment is first approved by Council. Mr. Bayer pointed out that the R2/TH zoning would remain on the Dell Holdings land until the present contract before Council has received final approval. If the contract were not approved, the present zoning would be retained.

Mrs. Mim Fraser submitted a copy of her presentation for the record of the hearing and at a later point, she submitted several questions, with a request for answers to them; the questions are as follows:

- 1) It is my understanding that under the current Planning Act (Section 45), (a) Council cannot regulate from a policy, and (b) Council cannot undertake any development inconsistent with the strategy.
- 2) Section 55: (1) Where in the Municipal Development Strategy does it identify matters that the Council shall consider prior to the approval of an agreement and the developments that are subject to agreement?

- 3) By adopting the planning strategy amendment, how does that give Council the authority to enter into contract zoning on that land?
- 4) Section 55 (2) Where is the land-use by-law identified that enables Council to enter into a contract for residential development in a Classification 3 area.

Mr. Bayer referred to page 60 of the Implementation Section by way of responding to question #2. He and the Solicitor attempted to clarify the points raised by Mrs. Fraser; it was noted that clarification is made difficult by the fact that references are being made to both the old and new Planning Acts, involving changes that are still subject to interpretation. The Solicitor admitted that he has some concerns about the land-use by-law aspect, relating to question #4 in the submission. He therefore suggested deferral of any decision on the contract agreement until he has had further opportunity to discuss the legal points involved with the Planning Dept. and report back to Council. In the meantime, it would still be in order for the public hearings to proceed since notice has been duly given.

By way of illustrating how these procedures were dealt with jointly on a recent occasion, Mr. Bayer referred to an M.D.P. boundary change in the Burnside Park, in tandem with a zoning change from Holding to Industrial Zone, to permit an expansion of industrial development in north Dartmouth. In that situation, it was not necessary to go to Contract Zoning since there was no existing development in the area to be considered.

Mrs. Gorman-Wright maintained that it is not possible to deal with both the M.P.S. amendment and the contract agreement at the same time; she did not agree with Mr. Bayer's opinion and stated her position on this argument several times throughout the evening.

The other speakers from the gallery indicated concerns about high density development along the lines of those stated initially by Mrs. Birks in her presentation.

Mr. Pugsley was given an opportunity to respond to any of the presentations made, but he did not wish to

make any additional comments at this point.

Council then proceeded with first reading of proposed By-law C-491, to amend the M.P.S. with respect to the classification change from medium to high density on the lands in question, thereby amending By-law C-356.

It was moved by Ald. Greenwood and Hetherington and carried that leave be given to introduce the said By-law C-491 and that it now be read a first time.

It was moved by Ald. Sarto and Greenough that By-law C-491 be read a second time.

Ald. Crawford felt that Council should not proceed further than second reading at this meeting, to give the Solicitor time to research the questions presented by Mim Fraser and provide Council with a report, as suggested. He commented on some of the items of concern raised by the area residents, particularly the narrowness of streets such as Edward and North and their inadequacy to carry additional traffic the development would generate. Ald. Crawford and other members who spoke on second reading considered it to be difficult to deal with the density amendment without also referring to the development itself and the contract agreement associated with it, since the amendment would not have been required without the development proposal.

Ald. Stubbs directed questions to Mr. Purdy about the adequacy of existing water and sewer services to accommodate the needs of the proposed development. Mr. Purdy advised that the Engineering Dept. would not anticipate any problem with the capacity of the new sewer system installed on Park Ave. in 1969. The present low pressure water service would not be adequate for the upper levels of the development, but this service can be supplemented by inter-connection with the high service line to increase the water pressure level.

Other questions from Ald. Stubbs pertained to the street alignments and their present width, in relation to their ability to carry additional traffic from the

development. Mr. Purdy agreed that the configuration of the streets is less than desirable, and he pointed out that nothing can be done about the vertical alignment of some of them. Others could have improvements made to increase their ability to carry traffic.

The other point raised by Ald. Stubbs had to do with the portions of Edward Street and Park Ave. deeded over by the City at the time of the street closures. These portions of street were deeded over in 1969 and Ald. Stubbs also requested information on the amount paid for them. Ald. Crawford questioned the adequacy of amenity provisions in conjunction with the development, and Mr. L'Esperance explained the position taken by staff that the close proximity of the Dartmouth Commons would serve the open space and recreational needs of this particular development. Ald. Romkey felt that information should be provided on the impact of the development on existing school facilities in the area.

When the vote was taken on second reading, it carried with Ald. Withers, Sarto, Levandier and Crawford voting against.

MOTION: Second reading of proposed By-law C-491; moved by Ald. Sarto and seconded by Ald. Greenough.

Unanimous consent was not given by Council for third reading of the by-law.

PUBLIC HEARING:
CONTRACT ZONING
REQUEST
DELL HOLDINGS LRD.

This meeting of Council also constituted the public hearing of a contract zoning request from Dell Holdings Ltd. for their lands in downtown Dartmouth, comprised of 2.05 acres, bordered by Park Ave., Edward Street and King Street. A development proposal has been made for these lands for two multi-unit buildings joined by a three-level parking structure. The podium thus created would correspond with the level of the King and Church Street intersection. A turning circle for cars and some landscaping features are proposed for the podium. The total number of residential units included in the development is 178 and parking provisions are in accordance with the

the one-space-per-unit requirement, in the underground parking area and at the podium level. Other details of the development proposal are contained in the documentation circulated with the Council agenda for this meeting.

The Planning Dept. has recommended in favour of the project and it is endorsed also by the Downtown Revitalization Committee. Minutes of the meeting of June 23/83, when the Committee gave approval in principle, have been circulated. Resolution #83-46, which would approve the development proposal and authorize the contract agreement between Dell Holdings Ltd. and the City, was also before Council.

Dell Holdings Ltd. was again represented by Mr. Ron Pugsley and he indicated to Council that he would have nothing further to add to the presentation made by him during the earlier hearing in the evening.

The Mayor called for representations in favour of the contract zoning request or from anyone wishing to submit a written brief. No representations were made in favour and no submissions were received.

Representations were next called from those in opposition to the contract, during which time Council heard from:

- 1) Mrs. Dorothy Birks
- 2) Ms. Margie Clarke
- 3) Miss Pearl Daly
- 4) Mrs. Mim Fraser
- 5) Mrs. Brenda Gorman-Wright
- 6) Ms. Elaine Robertson
- 7) Ms. Mildred Smith
- 8) Ms. Joanne Lamey
- 9) Mr. Dick Charlton
- 10) Ms. Jean Campbell
- 11) Mrs. Francois Howard

Mrs. Birks and several of the other speakers were unsure how to go about their presentations in the context of an unfinalized M.P.S. amendment. They noted that there are contract details they would want to see negotiated, such as those that relate to blasting protection for existing homeowners, amenity space requirements, a construction completion deadline, etc. The Solicitor advised that points communicated by the residents in regard to

these various items, from the voluntary public meeting, can be taken into account (as per the report of Sept. 13th from Mr. L'Esperance), as can the minutes of the Downtown Revitalization Committee meeting of June 23/83, copies of which have been circulated, as referred to earlier in these minutes. They represent facts and considerations known to Council and as such, can be taken into account in reaching a decision on the request for a contract agreement.

Ms. Lamey felt that Council should be taking a stronger position on the amenity space requirements, and it was not felt by the residents that the Dartmouth Commons should be expected to meet the recreational and open space needs of the development, since a portion of the Commons is comprised of the Dartmouth Scenic Gardens and the playing fields are intended for organized league sports. Mr. Russell said that if additional recreation space is required of the developer, it may be possible to relocate the turning circle on the podium and provide space for recreation in that location. The development also includes a pool and balconies are provided in conjunction with the individual units.

Mrs. Fraser said the area residents would like to have an indication from Planning staff as to why there have been no medium-density proposals received for this particular land holding, and just what medium density level of development would make development of the site economically viable. She requested this information from the Planning Dept. Ald. Withers requested a report from the T.M.G. and from the Fire Dept. (ie. on the adequacy of water pressure levels); the T.M.G. report would deal with traffic safety aspects.

On motion of Ald. Crawford and Greenough, Council agreed to continue meeting beyond the hour of 11:00 p.m. to complete the public hearing in progress.

Ald. Stubbs made an inquiry about the adequacy of water pressure levels for fire protection purposes,

this item now being covered in the request to the Fire Dept. for a report to Council. Ald. Crawford also had concerns about the amenity space requirements for the development and quoted from existing M.D.P. standards. Mr. L'Esperance noted that the references being made are to requirements under specific zoning, whereas the present request before Council is for contract zoning. He pointed out that any such additional stipulations Council may wish to make can be incorporated in the contract and form part of the agreement with the developer.

Mrs. Howard said she would like to see the buildings in the development reduced by three floors and this represented a general feeling of the speakers against the development; they wanted to see a lower-density proposal than the one being made, with up to a maximum of 100 units comprising the development. Mr. Charlton referred to a mock-up that he has prepared to show Council the scope of the development in relation of the existing neighbourhood and how it will impact visually. The mock-up was before Council for consideration and on display during the hearing. Ald. Stubbs asked if it would be feasible to reduce the buildings by three storeys as suggested. Mr. Pugsley responded on behalf of the developer, indicating to Council that it would not be economically viable to reduce the number of units any further than the present number.

When there were no further representations to be heard either for or against the contract zoning request, and when members of Council had completed their observations and inquiries about the development, the Mayor declared the public hearing to be at an end. No action was taken by Council on Resolution #83-46 at this time, pending a report from the Solicitor on the questions raised by Mrs. Fraser at the previous public hearing, and receipt of information that has been requested on school facilities, traffic safety (T.M.G.), water pressure adequacy (Fire Dept.), and the questions raised about medium-density proposals for the site and their economic viability.

On motion of Ald. Crawford and Hetherington, Council deferred a decision on the contract zoning request from Dell Holdings, pending receipt of the information noted on page 9 of these minutes.

MOTION: Moved by Ald. Crawford & Hetherington that Council defer a decision on the request for contract zoning from Dell Holdings Ltd., pending receipt of the information that has been requested from several departments, as noted elsewhere in these minutes.

COUNTRY VIEW
HEARINGS:
ADJOURNED

In view of the lateness of the hour, Council agreed to adjourn the public hearings for Country View Ltd., involving an amendment to the M.P.S. and an application to rezone Country View lands in north Dartmouth. These hearings were adjourned to Monday, Sept. 26th at the hour of 7:30 p.m., and a motion to this effect was adopted, as moved by Ald. Crawford and seconded by Ald. Hetherington.

MOTION: Moved by Ald. Crawford & Hetherington that public hearings for the Country View applications, involving an amendment to the M.P.S. and an application to rezone Country View lands in north Dartmouth, be adjourned to Monday, Sept. 26th at the hour of 7:30 p.m.

BOWPORT ENTER-
PRISES LTD.:

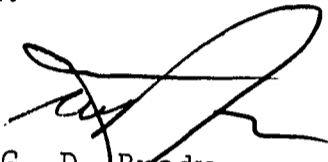
SUBDIVISION REQUEST

Council agreed to deal with one more item at this meeting, namely, a recommendation from Committee on the Bowport Enterprises request for subdivision in the Sunset Drive/Applewood Lane area. It has been recommended from Committee that staff be authorized to proceed with approval of the subdivision plans for the development, provided the plans meet all the necessary Planning regulations and Engineering Dept. requirements.

The motion to move this item forward on the agenda for consideration was moved by Ald. Crawford, seconded by Ald. Greenough, and it carried. Ald. Greenough and Romkey then moved the adoption of the recommendation from Committee. Ald. Stubbs and Hetherington moved deferral of the item until the next Council meeting, when Ald. Stubbs would have additional information ready for presentation on this matter. The motion to defer was defeated.

Ald. Greenough noted that a family waiting to move into a new home in this area, is affected by the delay in proceeding with the development, and Ald. Hawley advised that the Lakes Advisory Board has had to approve a time extension from Sept. 30th to October 21st for the servicing work so that land stabilization can be completed by that date. In view of these additional considerations and with the recommendation from Committee, Council was willing to approve the subdivision at this time and the motion on the floor carried with Ald. Stubbs voting against.

The meeting then adjourned.



G. D. Brady,
Deputy City Clerk.

City Council, Sept. 20/83

ITEMS:

- 1) Public hearing: Dell Holdings Ltd., M.P.S. amendment, pages 1 to 6 incl.
- 2) " " " " Contract zoning request, pages 6 to 10 incl.
- 3) Country View hearings: Adjourned, page 10.
- 4) Bowport Enterprises Ltd: Subdivision request, page 10 & 11

Dartmouth, N. S.

September 26/83.

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

Present - Mayor Brownlow

Ald. Beeler	Peters
Crawford	Levandier
DeMont	Withers
Stubbs	Greenwood
Hawley	Greenough
Bregante	Hetherington
Romkey	
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady.	

PUBLIC HEARING:
M.P.S. AMENDMENT
COUNTRY VIEW LTD.

This meeting of Council constituted the public hearing for an application from Country View Ltd. for an amendment to the Municipal Planning Strategy that would extend the M.D. boundary to include their lands in north Dartmouth; this hearing was originally set for Sept. 20th and was adjourned by Council to Sept. 26th when there was not time to deal with the application at the Sept. 20th meeting. The application for an extension in the M.D. boundary is accompanied by an application to rezone the lands in question from Holding to General Industrial Zone (I-2). The public hearing for the zoning request followed the hearing on the M.P.S. amendment.

Documentation circulated in connection with the application included reports from D. S. Jenkins & Associates, entitled 'North Dartmouth Industrial Park Proposal: Lands of Country View Ltd.' and 'Case Study: MicMac Lake Water Quality & Development Effects', plus a report from the Planning Dept. with the following recommendations to Council:

- 1) that the land within 3,000 feet of Burnside Drive (ie. owned by Country View Ltd.) be included within the Municipal Development Boundary and zoned I-2. (approx. 72 acres).
- 2) that extensions to the Municipal Development Boundary not be considered until such time as Council establishes a policy respecting extensions and implementation programs for the installation of new trunk services.
- 3) that the Country View land falling 3,000 feet beyond Burnside Drive not be zoned I-2.
- 4) that City policy concerning the use of on-site services not be altered.

The Planning Dept. presentation was made by Ms. Kim Stewart, during which she reviewed the four main recommendations set out on page 1 of these minutes. She has submitted a report on the voluntary public meeting held by Country View Ltd., indicating that at the hearing, no one spoke either for or against the development proposal. Ald. Levandier, who chaired the meeting, made a similar verbal report to Council.

Following the Planning Dept. presentation, Mr. Harold Jackson was heard by Council as the Solicitor representing Country View Ltd. His submission was that the developer has met the criteria of the M.D.P. with the proposal that has been made to Council, and that opening of the Country View lands for development would compliment the industrial growth that has already taken place in the City's own Burnside Industrial Park. He referred to the length of time that the Country View interests have been waiting to develop their lands, and felt that Country View should be permitted the use of their lands as the City has proceeded with adjacent lands on Burnside Drive, previously designated like those of Country View, for residential development.

He stated that the developer is prepared to extend trunk sewer services from the point where they presently end, at Lake Banook, to the Country View land holding, if the use of on-site services is not permitted by the City. He also referred to a letter from a former Minister of Transportation, advising that when the Country View lands are to be developed, access to these lands will be permitted from Lakeview Drive. The other possible access point would be from Burnside Drive.

Members of Council were permitted to raise any questions they wished to have clarified at this point in the hearing; these pertained to the following:

- 1) the relationship between development cost figures quoted by Mr. Jackson for the Country View lands, as compared with development costs for land in the Burnside Park.
- 2) on-site servicing problems and the reasons

why on-site services are not recommended by staff for this development. Mr. Bayer explained that the problems are with control and monitoring, and it is the long-term implications that are of particular concern to staff.

- 3) environmental considerations, especially those associated with Phase II of the Country View development.
- 4) the overall question of allowing developers to install trunk services themselves and the implications of establishing such a policy in relation to the maintaining of a development boundary. Mr. Bayer indicated that if a decision is taken to permit developers to pay for trunk services, then a development boundary is no longer required. He provided a map showing the main trunk sewer systems in the City at the present time and their location relevant to the areas proposed for major development in both north and east Dartmouth.
- 5) the maintaining of development standards that have been adhered to in the Burnside Park, if the Country View lands are opened up for industrial expansion in the same area. Mr. Jackson considered that private developers are capable of maintaining the same standards that have been met by the City, and he pointed out that City regulations and requirements would apply to the Country View development as well.
- 6) the impact of an industrial park in the City of Halifax on the Burnside Park and whether the Dartmouth Industrial Commission is taking this new source of competition into account in maintaining an adequate industrial land inventory in Dartmouth. Mr. Rath commented on the response being made by the Commission to the various areas of competition throughout the metropolitan region. It was with this consideration in mind that the recent opening of Raddall Ave. was recommended.

Throughout the hearing, Council recognized the significance of the issue involved in this application with respect to establishing a policy on the installation of trunk services and whether this is to continue to be undertaken by the City, whether the developers will be permitted to install and maintain such services, or whether there is to be some combination where the over-sizing costs would be assumed by the City so that any City lands involved can also be serviced and/or other landowners connected to the system and assessed for services. Council was reluctant to finalized any decision on the Country View application without a policy being established on trunk services, since there are implications for both this development and the upcoming Portland Estates development in east Dartmouth, which will also require a

new trunk system.

Ald. Peters had circulated a revised sewer frontage by-law proposal which he felt would help to resolve the issue, and this submission will be taken into consideration when the Finance & Program Review Committee again looks at the overall subject of trunk services and the cost of local improvement charges for sewer laterals.

At the conclusion of the general question period, the Mayor asked for representations in favour of the Country View application. Mr. Bill Young spoke in support of development in general terms, whether on-site services are permitted or not. He considered that the Country View development would compliment development in the Burnside Park and not detract from or compete with it.

Mr. Dave Jenkins brought to Council's attention the study carried out for his firm with respect to the water quality of Lake MicMac and the relevance of development effects in the future on that water quality.

There were no representations in opposition to the Country View application and Mr. Jackson was permitted to make any closing comments on behalf of the developer. He noted that in 1972, when Country View made application to erect buildings on a portion of their lands, no objection was made to the proposed servicing with wells and septic tanks. He asked that the present application not be delayed unduly for major policy decisions when the alternative of on-site servicing is available.

There being no further representations or submissions from the developer or members of the public, the Mayor declared the public hearing to be at an end.

BY-LAW C-493

Council then proceeded with the first reading of proposed By-law C-493, which would amend the Municipal Planning Strategy by extending the M.D. boundary in north Dartmouth to take in the Country View lands, as designated on the maps attached to the by-law.

It was moved by Ald. Greenough and Crawford and carried that leave be given to introduce the said By-law C-493 and that it now be read a first time.

It was moved by Ald. Greenough & Hetherington that By-law C-493 be read a second time.

Ald. Greenough suggested that the by-law be deferred in second reading until Council can reach a decision on a trunk services policy and the implications of the options that have been put forward by staff for consideration. Ald. Stubbs agreed that Council has to know what the cost implications are in adopting a new policy, also, what off-site costs, if any, are involved for the City in providing an access road to the Country View lands; she felt that a concept plan should be available for Council's information as well, to give some idea of what is proposed in the way of development for the Country View lands. Most other members who spoke during second reading did not favour the use of on-site services due to the kind of problems referred to by Mr. Bayer that could result in the long term.

Ald. Crawford said it would be in order to approve the Country View application in principle and then allow the Country View and City solicitors to work out a draft agreement for the extension of services, rather than holding the company up for a decision on a trunk servicing policy. Ald. Levandier agreed that there should not be any delay in processing the application.

While the general response of Council to the application was positive and the members did not want to inconvenience the developer unduly, the majority of members favoured deferral at second reading for a decision on the issue of servicing and the cost implications for the City. Ald. Withers said he would like to see the access question looked at also and whether or not it will be permitted from Lakeview Drive or will have to be via Burnside Drive. He also favoured some input from the Industrial Commission on quality control and a maintenance of standards established for the Burnside Park.

Ald. Greenough and Greenwood then moved that the matter be referred to staff to assess the financial impact to the City of entering into a cost-shared method of extending trunk services to the Country View lands, as well as the financial implications of adopting such a policy of extending trunk services to other areas of the City. This report to be brought back to a special meeting of Committee-of-the-Whole, as recommended by staff in their report. Also, that the matter be referred to the Industrial Commission for recommendation as well. The vote was taken on the motion to refer and it carried with Ald. Crawford and Levandier voting against.

MOTION: Moved by Ald. Greenough & Greenwood that the matter be referred to staff to assess the financial impact to the City of entering into a cost-shared method of extending trunk services to the Country View lands, as well as the financial implications of adopting such a policy of extending trunk services to other areas of the City. This report to be brought back to a special meeting of Committee, as recommended by staff in their report. Also, that the matter be referred to the Industrial Commission for recommendation as well.

PUBLIC HEARING:
REZONING REQUEST
COUNTRY VIEW LTD.

Council next proceeded with the public hearing of the request from Country View Ltd. for a rezoning of their lands in north Dartmouth, north of Highway 111 and west of Highway 118, from the present Holding Zone to I-2 Zone, to permit industrial development. I-2 is the zoning in effect in the City's Burnside Park and would permit the range of land uses applicable there.

The Planning Dept. presentation was made by Ms. Kim Stewart. As noted elsewhere in these minutes, the Planning Dept. recommendation with respect to the rezoning application is that the Country View lands falling 3,000 feet beyond Burnside Drive not be zoned I-2.

The Mayor called for any representations to be heard in favour of the application and Mr. Jackson indicated that the Country View position has already been presented at the first public hearing of the evening. Representations were then called for opposition to the rezoning and none were received, either verbally or in

writing. The Mayor therefore declared the public hearing to be at an end.

BY-LAW C-494A

Council then proceeded with first reading of proposed By-law C-494A which would amend By-law C-357 (the Land Use By-law) by rezoning the section of map designated from H Zone to I-2.

It was moved by Ald. Withers and Hetherington and carried that leave be given to introduce the said By-law C-494A and that it now be read a first time.

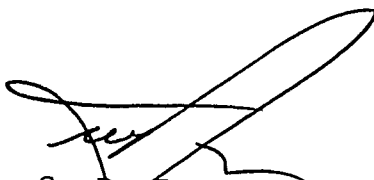
It was moved by Ald. Hetherington and Greenwood that By-law C-494A be read a second time.

Ald. Greenough and Hetherington then moved deferral of the by-law pending the receipt of the staff report requested in connection with the public hearing on the M.P.S. amendment, earlier in the meeting.

Ald. Crawford opposed the motion to defer and considered that another barrier has been placed in the way of the developer when he has already waited eleven years to get one with the development of his property. He and Ald. Levandier felt that procedures should be expedited for Country View and they voted against the motion, which carried.

MOTION: Moved by Ald. Greenough & Hetherington that the by-law (C-494A) be deferred pending receipt of the staff report requested in connection with the public hearing on the M.P.S. amendment, as set out on page 6 of these minutes.

Meeting adjourned.


G. D. Brady,
Deputy City Clerk.

City Council, Sept. 26/83

ITEMS:

- 1) Public hearing: M.P.S. Amendment, Country View, pages 1 to 4 incl.
By-law C-493, page 4 to 6 incl.
- 2) Public hearing: Rezoning request, Country View, page 6 & 7
By-law C-494A page 7.

Dartmouth, N. S.

Sept. 26/83.

Joint meeting of City Council and the Shubenacadie Canal Commission held this date at 5:00 p.m.

Present - Mayor Brownlow

Ald. Stubbs Greenough
 Beeler Withers
 Bregante Hetherington
 Romkey Levandier
 Greenwood
City Solicitor, S. Hood
City Administrator, C. A. Moir
City Clerk-Treasurer, B. Smith

Mrs. M. Williams Mr. J. Clarke
 Mr. S. Gosley Carmen Moir
 B. Stevens S. Gilmore
 B. Hart A. Connors
 Mr. Harvey Doane, Technical Committee
 Michael Reitelman, Technical Committee.

BRIEFING SESSION:
CANAL PROJECT

Members of Council and the Commission met for a briefing session on the Canal project recently announced by the Federal and Provincial Governments; work on the section of the Canal designated as Zone 3 will proceed under Federal funding (three million dollars) and in Zone 1, under Provincial funding (1 million dollars). Mr. Doane and Mr. Reitelman of the Technical Committee in charge of coordinating the project, made the presentation to Council on behalf of their respective Provincial and Federal departments.

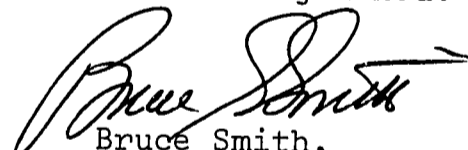
Zone 1 is that section of the Canal running from Dartmouth Cove through to Lake Banook and plans for the section include a number of interpretative centres, clean-up and landscaping in the area from Hawthorne Street to Lake Banook, and construction of a launching ramp for small boats. Mr. Stevens later made an inquiry about the possibility of repairs to the retaining wall system around Sullivan's Pond, which needs to be restored. Mr. Doane agreed to look at this possibility further. Ald. Levandier suggested that consideration should be given to the acquisition of the Lynch property at the end of Lake Banook.

The work in Zone 3, further up the Canal, will be in four main areas, namely, water improvements, stabilization of the locks, landscaping, and provision

of an interpretation centre. Work is being started with a clean-up along the embankment and completion of the walkway and fencing along the top of the lock in the area of City lands. Provision is included in the funding for some land acquisition that will be required in Zone 3. Ald. Greenough asked if the work that will be done in this project will take into account the eventuality of further restoration work being done at some future time. Mr. Reitelman said that nothing will be done under the project that would preclude restoration work at a later date. It was suggested that some public information sessions such as this one with Council and the Commission, would be worthwhile for people living in the areas where work is taking place. Mr. Reitelman said provision for these has been included in the agreement.

Since there are some City approvals required as the project proceeds, the Mayor suggested that Mr. Doane put requests in writing for inclusion in the next Council agenda. Mr. Doane agreed to do this.

After questions from the members of Council and the Commission had been discussed with Mr. Doane and Mr. Reitelman, the information session was adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council & Canal Commission, Sept. 26/83

ITEM:

- 1) Briefing session: Canal project, pages 1 and 2.
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Dartmouth, N. S.

September 27/83.

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

Present - Mayor Brownlow

Ald. Beeler	Hawley
Crawford	Levandier
Sarto	Romkey
DeMont	Withers
Stubbs	Greenwood
Bregante	Hetherington
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady	

PUBLIC HEARING:
REZONING REQUEST
DART. ACADEMY LANDS

This date was set by Council for public hearing of an application for a contract agreement for the lands of the former Dartmouth Academy, consisting of 2.46 acres, with frontage on Glen Manor Drive. Present zoning on the land is single-family residential. The proposal for the property is a 55-unit condominium apartment building. The Planning Dept. has recommended in favour of the contract agreement and copies of their report and other related documentation has been circulated to members of Council with the agenda. Items of concern indicated at the voluntary public meeting were those of traffic, the presence of multiple-family development on the site, landscaping, and a privacy fence between the site and adjacent single-family dwellings. Also, parking problems, maintenance of the steep bank at the rear of the property and guarantees that a fence will be constructed.

Mr. L'Esperance made a brief presentation on behalf of the Planning Dept., followed by Mr. Harold Jackson, the Solicitor representing the developers. Mr. Jackson indicated that the projected population of the development is expected to be 85 people, based on the occupancy of units in similar buildings in the same area, such as the Siriquois. There will be 76 parking spaces provided for the fifty-five units, a parking ratio of 138%. The portion of the site abutting Edenbank Tce. will be developed with a single-family home and Mr. Jackson outlined the other steps that have been taken by the developer to minimize the impact of the development on abutting homes in the neighbourhood. He said the development

is compatible with other buildings in this area, such as Kings Arms, located across the street from the site. He suggested that traffic flows to and from the site will not be greater than if the property were to be developed with single-family units, many of which would be occupied by two-car families. Average cost of the units proposed would be \$100,000., and it was suggested by Mr. Jackson that these units would be very suitable for older people, being in a convenient location close to bus services, a shopping centre, etc. He stated that he has been directed to advise that if the development proposal for condominium units is rejected, the site will not be used for single-family development instead, contrary to a rumor that has arisen to this effect. Mr. Jackson concluded his presentation by emphasizing the need for development in Dartmouth if the City is to grow.

Mr. Russell, Architect for the project, next presented plans showing the location of the proposed apartment building on the site, and the various construction and landscaping features of it. He pointed out the location of the privacy screen between the site and abutting R-1 properties and showed the traffic flow patterns to and from the site on Glen Manor Drive. Ald. Hawley asked if blasting will be required during excavation of the site. Mr. Russell said it will be minimized as much as possible. Ald. Hawley also asked if any of the abutting properties will be shaded as a result of the height of the building and the shadow cast by it. Mr. Russell said that some of the homes to the north-east will have a certain amount of shadow from the building in the wintertime. Mr. Bayer responded to a question from Ald. Stubbs about a review of the traffic situation, advising that the T.M.G. does not feel there will be a problem with the traffic generated by the development; it is not considered that the traffic will be significantly increased over what was previously generated by the operation of the Dartmouth Academy.

The Mayor called for representations in favour of the application and Council heard Mr. R. Sellicker of 40 Garden Court Terrace, who referred to the present condition of the property and the fact that it is now being vandalized. He suggested that the developer has gone out of his way to accommodate the concerns of abutting property owners, and he felt the proposal that has been made by the developer is a positive one for the area.

Representations were called from people opposed to the application, during which time the following presentations were made:

- 1) Mr. Ken Moreash, 6 Brookdale Cres.: referred to a petition bearing 245 names of people objecting to the development proposal and to the contract zoning application. As an abutting property owner, he was concerned about his loss of privacy caused by the several balconies and patios that would overlook his yard from the apartment building. He questioned the traffic patterns on Glen Manor Drive and the fact that traffic from the site will have to cross two lanes on a heavily-travelled street. Referred to other R-3 properties in the area, still to be developed, noting that these additional units will create traffic and parking problems in what is already an overcrowded area. Mr. Moreash was also concerned about a devaluation effect on his property and considered the application to be nothing more than spot rezoning in what is basically an R-1 neighborhood.
- 2) Mr. Harold Sawler, 5 Brookdale Cres.: concerned that the existing R-1 development in the area is constantly being encroached upon by multiple-unit development, thereby changing the quality of life for residents who have lived there for many years. He said he could not understand why staff would recommend this development with the obvious traffic and parking problems it entails.
- 3) Mr. Kirk MacDonald, 12 Brookdale Cres.: also expressed surprise that access to and from a multiple-unit development would be permitted on the main artery that funnels traffic to and from the MicMac Mall. He said that traffic is already a serious problem without contributing to it further.
- 4) Mr. Robert Fraser, 192 Crichton Ave., Pres. of the Ward 4 Residents Assn.: Mr. Fraser spoke on behalf of the Association and suggested that a change in zoning on the Academy lands would set a precedent and lead to rezonings on other properties, such as the church site that is still for sale in the same area. He maintained that residents should not have to fight to protect their R-1 properties from encroachment and stated that the Association is opposed to any development other than R-1 on the Academy site.

- 5) Mr. Jim Meredith, 7 Lakeside Tce.: referred to the contribution that residents of the area and their families in the past, have made to the Dartmouth community. He did not feel that R-1 residents should have to defend their properties from the intrusion of developments such as this and its impact on a single-family neighborhood.
- 6) Mr. Tom Burchell, 17 Brookdale Cres.: felt that the property under discussion can be developed viably with R-1 use. Also concerned about the other multiple-unit properties still to be developed in this section of the City and the prospective number of high density buildings already permissible without rezoning another property for the same use.
- 7) Mr. Bill Harris, 4 Brookdale Ave.: also greatly concerned that R-1 residents should have to defend their properties from zoning changes around them; should have assurance and protection that their R-1 rights are maintained when properties are purchased in good faith on that understanding.
- 8) Mr. Larry Graham, a member of the group who attempted to re-establish the Dartmouth Academy. He indicated that this group is still prepared to continue negotiations for the property with the owner if the present contract application is not granted.
- 9) Mr. W. L. Ryan, Solicitor representing residents on Edensbank Tce. & Brookdale Cres.:
Mr. Ryan presented the original petition bearing 245 names of people opposed to the contract zoning and to the development proposed for the Academy lands. Pointed out that the concerns of the residents are genuine; they are not opposed to R-1 development on the site, but to the development being proposed because it is contrary to the present zoning and will adversely affect their properties. Basically, the zoning change is an upgrading to R-3, even though it goes by the name of contract zoning. Mr. Ryan said the developer has gone on record as stating that single-family development on this property will generate a profit. If he is truly concerned about the impact of the development on the adjacent residential environment of the existing neighborhood, then he should develop the property for single-family use. Staff is not saying that this is the best use for the property, but just indicating that this is the project before Council and they do not object to it. Suggested that Council has the right to decide. Mr. Ryan made several references to the M.D.P. and the policies with respect to public participation in the planning processes which effect the development of the City.
His summary of objections:
 - a) the 16-foot height of the building in an R-1 neighborhood.
 - b) loss of privacy on the part of abutting residents.
 - c) traffic and parking problems.
 - d) deterioration of an existing residential environment.
 - e) concern about a devaluation of adjacent properties.
 - f) general principle of a change in zoning when R-1 properties were purchased in good faith.

Residents are quite prepared to have the Academy continue to be operated on the property.

Mr. Jackson was permitted to address Council with his closing arguments for the developer. He noted that the peace and quiet of most City neighborhoods eventually becomes eroded as development takes place and the City grows. People living in a City have to expect there will be some traffic and noise, no matter what section they live in. He considered the site to be suitable for the use proposed by the developer and did not feel that the traffic and parking concerns expressed are justification for turning down the development.

The Mayor then declared the public hearing to be at an end. Ald. Levandier introduced a motion, pointing out that while he was in favour of development in the City, it has to be acceptable to the people who will be affected by it. He moved that a contract agreement not be entered into for this project; the motion was seconded by Ald. Sarto.

Ald. Hawley commented on the democratic process involved in a public hearing, suggesting that it has been well demonstrated in this particular hearing. His main concern was about additional traffic that is likely to be added to what is already a congested traffic situation in the area of the Academy lands. Not only that, but there are existing R-3 properties still to be developed and when this occurs, further traffic will be generated over and above what is there at present. He commended the Architect for the design of the building and the plans for it, but pointed out that the area residents do not want it in an R-1 Zone. Ald. Sarto agreed that there are plenty of R-3 sites in the City where such a development could go and would be welcome. Ald. Greenwood also considered it to be a good project, but felt the area involved is at a peak traffic capacity already and staff should seriously be looking at the other R-3 lands in the same area in the light of existing traffic conditions. Perhaps consideration should be given to rezoning these lands to R-1 as a means of preventing further traffic problems in the future.

Ald. Stubbs did not want to see any further deterioration in existing R-1 housing stock in the City. She said the area residents bought their homes in good faith and have a right to expect protection of their investment in their homes. She also had reservations about permitting access and egress via Glen Manor Drive.

Ald. Withers said it is time for staff to look at the traffic problems we have now in this section of the City. He did not feel that the population projection for the development is accurate and that in fact, a larger number of people would be living in the apartment building and requiring parking accommodation, adding to traffic congestion, etc. He noted that cars are parked on the streets in the area now at all hours and existing parking provisions on site are not adequate. Ald. DeMont supported the motion and said it is ridiculous to allow apartments on a site that would exit and enter from Glen Manor Drive.

Ald. Bregante felt that twelve single-family lots could be created and developed on the site, from which the developer would receive a fair return from his investment. This development would be preferable and would be acceptable to the area residents. Ald. Bregante was also concerned about the traffic problems and additional ones resulting from density developments such as the one proposed.

Ald. Hetherington supported the motion as well and Ald. Romkey summed up the objections to the development as follows:

- 1) the loss of privacy by adjacent property owners.
- 2) traffic concerns.
- 3) parking problems.
- 4) devaluation of abutting properties.
- 5) infringement of multiple-unit zoning in an R-1 neighborhood.
- 6) the existing potential for other multiple-unit development on properties in the area that are already zoned R-3.
- 7) objection to spot zoning at this location and anywhere in the City.
- 8) the expectation of the R-1 residents that their properties are protected from such zoning changes

Ald. Levandier said he felt that Council would be receptive to an R-1 development proposal for the site if the developer wished to proceed that way. When the

vote was taken on the motion on the floor, it carried unanimously.

MOTION: Moved by Ald. Levandier and Sarto that a contract agreement not be entered into for this project.

The Mayor advised Council that under the new Planning Act, the developer is required to be provided with reasons for denial of a contract zoning request. This is in keeping with appeal procedures which he has recourse to. A report will therefore be prepared by the Solicitor for Council's approval, setting out those reasons why the application has been denied.

FUNDING REQUEST:
LIBRARY/CULTURAL
CENTRE

The second item dealt with by Council at this meeting was the request from the Library/Cultural Steering Committee for a funding guarantee in the amount of two million dollars from the City for construction of a Library/Cultural Centre for the City of Dartmouth, so that other government levels and private groups can be approached for assistance with the project. This item was previously tabled until after Council's consideration of the 1982 Financial Statement with the Auditors.

Ald. Levandier said he considered it to be in the best interests of the City to enter into an agreement, guaranteeing the funding on the part of the City so that the Committee can get on with the job of approaching other available funding sources. He moved that Council enter into an agreement to guarantee funding in the amount of one million dollars, plus the value of the waterfront site on City-owned land, to meet the commitment that the Steering Committee is looking for from the City.

Mr. Fredericks, Chairman of the Steering Committee, commented on the support that has already been indicated for this project on the part of groups in the City, such as the Downtown Dartmouth Corp. He suggested that this is a worthwhile project to commemorate the 25th anniversary of Dartmouth becoming a City, and felt there would be support throughout the community for the project on this basis. Funding for cultural centre projects is available

from a Federal fund and we would stand a good chance of receiving assistance from this source if application is made at this stage in the program.

Members of Council who supported the request from the Steering Committee, spoke about the need for a new library facility to replace the very over-crowded building that presently houses both the library and the museum. It was pointed out that once the library can move out of its present location, the museum can take over the entire building and be expanded. Ald. Hawley described the working conditions in the space that is presently available for library staff, and Ald. Beeler pointed out that a library is a public service in the community in the same way that other services are provided to the public by the City. Members in favour felt that Council must take a positive attitude toward such projects so that the City can progress and attract growth and development.

The members of Council opposed to the motion were not willing to make a financial commitment to the project at the present time and without first looking at it in conjunction with other capital budget priorities for 1984. They referred to the funding that is still outstanding on the Sportsplex and to other capital projects that will have to be looked at when the budget is presented.

As the debate continued, some of the members speaking in support of a funding guarantee, felt it should be in the amount of two million dollars, as the Steering Committee has requested, rather than allowing for the value of the site as part of this amount. It was therefore moved in amendment by Ald. Hawley and Bregante that the amount be increased to the two-million dollars as requested by the Committee.

Ald. Romkey, Withers, Stubbs and Hetherington were opposed to the amendment, while it was supported by Ald. Beeler, Crawford, Greenwood and Bregante.

(During this portion of the debate, Council agreed

to continue meeting beyond 11:00 p.m. to finish this item, on motion of Ald. Crawford and Greenwood.).

Ald. Sarto said he could not support the project at this time without first knowing what the impact of it would be on future tax rates, in relation to other City priorities that also have to be considered. He wanted to have a report from Mr. Moir that would indicate just what this impact would be, although it was pointed out by the Mayor that the priorities are not determined by staff but by Council. It was felt that staff would have difficulty in projecting accurate impact figures without being able to know specifically what capital items are to be included, besides the Library/Cultural Centre. Ald. Sarto and Stubbs moved referral to Mr. Moir for a report on the impact of the contribution the City would make to the project, on future tax rates. When the vote was taken on referral, it resulted in a tie vote and the motion to refer was defeated with the Mayor casting the deciding vote against.

Ald. Hetherington and Romkey then moved deferral of the request to capital budget time. This motion also resulted in a tie and was defeated with the Mayor voting against.

The vote was taken on the amendment and the same tie vote was broken with the Mayor voting in favour. The amended motion carried by the same vote with the Mayor casting the deciding vote in favour. Members voting in favour on each of the foregoing occasions (ie. the amendment and amended motion, were Ald. Crawford, Greenwood, Levandier, Hawley, Bregante, Beeler, Romkey, Stubbs, Hetherington, Demont, Sarto, and Withers. These were the same members voting against referral and deferral.

Submission in support of the Library/Cultural Centre were before Council from the Downtown Dartmouth Corp., the Director of the Aeolian Singers, and the Director of the Chebucto Orchestra. Council had also previously received an information report from the Chairman of the Library Board on the space problems that exist in the present library facility.

NOTICE OF
RECONSIDERATION

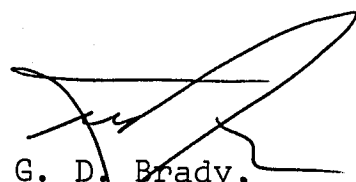
Following the vote on the amendment and the motion, Ald. Stubbs and Hetherington gave notice of reconsideration.

MOTION: Moved by Ald. Levandier and Crawford that Council enter into an agreement to guarantee funding in the amount of one million dollars, plus the value of the waterfront site on City-owned land, to meet the commitment that the Steering Committee is looking for from the City.

AMENDMENT: Moved in amendment by Ald. Hawley and Bregante that the amount be increased to the two million dollars as requested by the Committee.

RECONSIDERATION: Notice of reconsideration given by Ald. Stubbs and Hetherington.

Meeting adjourned.



G. D. Brady,
Deputy City Clerk.

City Council, Sept. 27/83

ITEMS:

- 1) Public hearing: Rezoning request, Dart. Academy lands, page 1 to 7 incl.
- 2) Funding request: Library/Cultural Centre, page 7 to 10 incl.