

Dartmouth, N. S.

October 4/83.

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

Present - Mayor Brownlow

Ald. Romkey	Sarto
Crawford	Levandier
DeMont	Withers
Stubbs	Greenwood
Hawley	Greenough
Bregante	Hetherington
Beeler	

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

MINUTES

On motion of Ald. Crawford and Bregante, Council
approved the minutes of meetings held on Sept. 6, 7, 13,
20, 26 (2) and 27th, with the following amendments:

- 1) Sept. 20th minutes: amended at the request
of Brenda Gorman-Wright to record her question-
ing of the legality of the second hearing held
on Sept. 20th, with respect to the contract
development application from Dell Holdings Ltd.
for their lands in downtown Dartmouth. The
question asked by Ms. Gorman-Wright was:

'Is it legal for the City to hold a public
hearing on a contract development that is
in conflict with the Municipal Planning
Strategy?'

- 2) Sept. 27th minutes amended, at the request
of Ald. Stubbs, to record the names of those
members of Council voting against the motion
on the Library/Cultural Centre item (page 9).
Members voting against on that occasion were
Ald. Romkey, Stubbs, Hetherington, DeMont,
Sarto and Withers.

RECONSIDERATION:
LIBRARY/CULTURAL
CENTRE

Having given notice of reconsideration on the
Sept. 27th decision of Council to approve a funding
guarantee in the amount of two million dollars for the
proposed Library/Cultural Centre, Ald. Stubbs proceeded
to give her reasons why this item should be reconsidered:
(a) in view of the split Council vote; (b) because of other
capital budget commitments that have to be considered
over and above this project; (c) taking into account other
facilities such as the Sportsplex and the Dartmouth General
Hospital, that have placed additional burdens on the tax-
payers; (d) considering the kind of information Council
should have on projected operating costs for the Centre
and the need for a site reassessment, now that the Park
School lands are available. She said there are other
priority items that require Council's support and will

have to be looked at carefully at budget time. Additionally, Council requires answers to certain questions such as the question of a modified plan if required funding cannot be achieved; the ceiling that will be placed on the City's contribution to the project; what is the final point at which the Steering Committee will recommend going ahead with the project; and what considerations are being given to the impact of a new theatre on the Halifax side of the harbour. Could a series of smaller drama centres be developed in some of our City school buildings as they become available for other uses?

When Ald. Stubbs had presented her arguments in favour of reconsideration, she moved that the decision of Council, taken at the Sept. 27th meeting, be reconsidered at this time; the motion was seconded by Ald. Hetherington and it carried with Ald. Greenwood, Levandier and Hawley voting against.

Ald. Crawford and DeMont then proceeded to introduce an amendment to the motion adopted by Council at the meeting of September 27th. They moved in amendment that the funding guarantee be for one million dollars, plus the cost of the site, for an amount equal to the two million dollars being requested.

Ald. Greenough felt that the project, if it is to proceed, should have the support of a majority of Council members. He had some reservations about the commitment of two million dollars in the 1984 capital budget, when there are so many other budgetary considerations. He preferred to attach several conditions to any funding guarantee commitment: these are: (1) that the commitment would be to the 1985 capital budget, in the amount of two million dollars; (2) that between now and October of 1984, Council would have a report from the Steering Committee on the success of their fund-raising efforts to see if there is support by other government levels; (3) that Council be provided with a statement of projected operating costs for the Centre; and (4) that the Steering Committee would be asked to reassess the location recommended, in order to

give consideration to the Park School site.

Ald. Crawford said that in proposing his amendment, he wished to make the City's guarantee more acceptable to those members of Council who could not go along with the two million dollars approved at the Sept. 27th meeting. He pointed out that essentially, Council is giving the Steering Committee a mandate to continue with their efforts to secure funding, on the understanding that City funds will not be expended without a definite funding commitment on the part of those other government levels. He was not opposed, however, to the several conditions outlined by Ald. Greenough if majority support of Council could be given to the project on this basis.

Ald. Levandier felt that much of the incentive and momentum for the centre will be lost if Council does not agree to some kind of guarantee at this point; he said he would still like to see the two million dollars committed, but could accept the amendment since it was what he had originally proposed when the item first came to Council.

Council heard Mr. Fredericks, Chairman of the Steering Committee, and he indicated the willingness of the Committee to abide by the wishes of Council, if it is felt that the full two million dollars cannot be guaranteed because of other capital priorities that have to be taken into consideration. He agreed to comply with the conditions that Ald. Greenough has suggested and stated that a change from the 1984 to 1985 capital budget would not be critical since the Committee would still be able to go ahead with its fund-raising program in the meantime. He felt that it is important for the Committee to have concurrence from as many Council members as possible if the project is to be successful, and said the Committee is prepared to do the best they can with either the one or two-million-dollar guarantee.

Ald. Greenwood said he still favoured the two-million-dollar figure approved in September, but he would go along with the amendment. There was a similar response from other members and when the vote was taken, the amendment

City Council, Oct. 4/8

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PETITION:
'NO LEFT TURN'
WOODLAND AVE.

A petition was before Council from residents who object to the 'No Left Turn' sign on Woodland Ave. at Slayter Street. A communication from Ald. Withers has also been circulated in connection with this petition, requesting that the petition be received and filed, in view of comments he has subsequently received from signatories to the petition. Ald. Hetherington and Sarto moved that the petition be received and filed.

Ald. Crawford and Levandier first spoke against the motion and moved referral to the T.M.G. for the consideration of the concerns that have been expressed by area residents through their petition.

Mr. Bayer was asked to comment on the T.M.G. response to what has become a continuing problem with this intersection. Mr. Bayer pointed out that the item has been to the T.M.G. on four previous occasions already and to date the controversy over the sign has still not

carried unanimously.

AMENDMENT: Moved by Ald. Crawford & DeMont that the City's funding guarantee for the Library/Cultural Centre, be for one million dollars, plus the cost of the site, for an amount equal to the two million dollars being requested.

Ald. Greenough and Stubbs introduced a second amendment, containing the conditions referred to earlier by Ald. Greenough: (1) the funding guarantee would be allocated in the 1985 capital budget; (2) a report on fund-raising activities will come to Council from the Committee no later than October of 1984; (3) a statement of projected operating costs for the Centre will be provided within that period; (4) a reassessment of the site will be undertaken, with consideration to be given to the Park School location; and (5) the Steering Committee will be authorized to proceed with the fund-raising activities required. This amendment also carried and the amended main motion (from Sept. 27th meeting) carried unanimously.

AMENDMENT: Moved by Ald. Greenough and Stubbs that the above conditions will apply to the funding guarantee of one million dollars plus the site for the Library/Cultural Centre.

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Mr. Bayer was asked to comment on the T.M.G. response to what has become a continuing problem with this intersection. Mr. Bayer pointed out that the item has been to the T.M.G. on four previous occasions already and to date the controversy over the sign has still not

been resolved. He said there is too much of a proliferation of traffic signs in the City generally, and it is the opinion of the T.M.G. that this sign should come down, along with a lot of others. Ald. Hawley agreed there are too many signs, but felt that this particular one is warranted.

Ald. Withers reviewed the submission he has made to Council on the subject of the petition and spoke against the motion to refer. Reference was made to the location of some of the signatories and Ald. Crawford questioned the validity of the petition in view of the distance they live from the intersection and the lack of impact it has on their streets. When the vote was taken on the motion to refer, it was defeated. The main motion, to receive and file the petition, carried.

MOTION: Moved by Ald. Hetherington & Sarto that the petition from residents opposed to the 'No Left Turn' sign on Woodland Ave. at Slayter Street, be received and filed.

REPORTS:
PLANNING DEPT.

The following motion introduced by Ald. Stubbs was again before Council for a decision:

"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."

In further debate on the motion, concerns raised originally were again indicated with respect to having Council retain a degree of flexibility in dealing with Planning Dept. reports and recommendations, so that there is no undue delay in the processing of them. It was indicated that the reference made by Ald. Stubbs in her motion is to the monthly Development Officer's report, which now goes to Committee as an information item, along with the other departmental reports. The members generally agreed that there should be an adherence of existing policies with regard to this particular report and also to those reports, such as the building permit item on the present agenda, originating with the Planning Dept. They were not willing, however, to take away the degree of flexibility now inherent in that system, as explained

by Mr. Bayer, in response to questions put to him about his department's procedures. For this reason and because the motion makes specific reference to recommendations from the Planning Dept. (ie. as opposed to singling out the Development Officer's monthly report specifically), the motion did not receive the necessary support of Council and it was defeated.

LETTER: METRO AREA
TENANTS' UNION

Ald. Stubbs asked about a letter received from an organization known as the Metro Area Tenants' Union with regard to tenants who have been given notice to quit their apartments at 234 Victoria Road. The Mayor advised that the Building Inspector is monitoring this situation on a daily basis and alterations to the building cannot be carried out without the necessary permits from the City. Members of Council will receive copies of the letter of response to this communication, when it goes out from the Mayor's office. Ald. Withers also indicated his concerns about a careful monitoring of the building.

LETTER: DND
DEPUTY MINISTER

Ald. Stubbs also made an inquiry about a letter that members of Council have received from the Deputy Minister, Dept. of National Defence, explaining his concerns about the proposed Portland Estates development, which is located approx. 2 km. from the end of the main Shearwater runway. The Mayor noted that representatives of the developer have indicated a considerable difference in the information they have received on the building restrictions applicable to lands that fall within the Shearwater flight path; the City Solicitor is looking at these points so that a response can be ready on this question by the public hearing set for October 11th on the Portland Estate lands.

Mr. Bayer was asked to comment on the reference in the Deputy Minister's letter to the fact that the City would not attempt to 'interfere' with the proposed development. He explained that as the City's Development Officer, he can make sure that a development complies with all of the municipal regulations, but he does not have authority to administer Federal regulations that may affect

that same development.

As requested in the letter from the Deputy Minister, DND have been informed of the date of the public hearing and it is expected that their position will be made known at that time.

LETTER: DARTMOUTH
CIVIC EMPLOYEES'
COUNCIL

Ald. Stubbs made reference to a letter circulated to members of Council from the newly-formed Dartmouth Civic Employees' Council, with a copy of their constitution and a request to have the Council officially recognized by the City. This letter was referred to Mayor Brownlow, since he has not yet received a copy of it, on motion of Ald. Stubbs and Hetherington.

MOTION: Moved by Ald. Stubbs & Hetherington that a letter from the Dartmouth Civic Employees' Council, be referred to the Mayor; a copy of this communication has not yet been received by him.

MONTHLY REPORTS

Monthly reports recommended from Committee, were approved as follows:

- 1) Social Services (Aug.): approved on motion of Ald. Hetherington & Withers.
- 2) Development Officer (Aug.): approved on motion of Ald. Sarto and Greenwood.
- 3) Building Inspector (Aug.): approved on motion of Ald. Bregante and Greenough.
- 4) Minimum Standards (Aug.): approved on motion of Ald. Bregante and Greenwood.
- 5) Fire Chief (Aug.): approved on motion of Ald. Greenough and Levandier.
- 6) Dog Control (Aug.): approved on motion of Ald. Withers and Bregante.
- 7) Tourism Director (registration for Aug. and to date): approved on motion of Ald. Greenough and Greenwood.

MOTIONS: To approve monthly reports as detailed above.

SUMMARY: REVENUE
& EXPENDITURES

On motion of Ald. Romkey and Hetherington, Council approved the Summary of Revenue & Expenditures to Sept. 8/83, as recommended from Committee.

MOTION: Moved by Ald. Romkey & Hetherington that the Summary of Revenue & Expenditures to Sept. 8/83 be approved by Council, as recommended from Committee.

WATER LINE RATES:
ANGUS L. BRIDGE

Council considered a report from Mr. Moir on a proposed 6% increase in the annual rental paid by the City to the Halifax-Dartmouth Bridge Commission for use of the Angus L. MacDonald Bridge to carry the water main from Dartmouth to Halifax. The present rental rate would be increased from \$22,700. per annum to \$23,744., effective as of 1984. Additional costs resulting will be passed along to the Halifax Public Service Commission, since they are the only customer using this water line. Mr. Kline, General Manager of the P.S.C., has advised that the Commission has no argument against the 6% increase in the rental fee. Mr. Moir has therefore recommended that Council agree to this amendment in the rental rate, to become effective in 1984. The recommendation was adopted by Council, on motion of Ald. Greenough and Bregante.

MOTION: Moved by Ald. Greenough and Bregante that Council adopt Mr. Moir's recommendation on the proposed 6% rental rate increase for the water main carried on the Angus L. MacDonald Bridge, effective in 1984; the new annual rate becomes \$23,744.

STREET TAKEOVER:
LINDEN LEA/ST.
GEORGE'S LANE

A further report has been submitted to Council on the subject of Linden Lea/St. George's Lane, previously dealt with at the Council meeting of Dec. 7/82, when a series of recommendations from the City Engineer were adopted. This report, from Mr. Moir, deals with an easement over the property of Mr. C. G. Roome for the purpose of laying a water line to service lots involved. Linden Lea would not connect to St. George's Lane, but would dead-end at the Braid and MacDonald properties at numbers 12 and 14. It is therefore recommended to Council by Mr. Moir that Council agree to accept a right-of-way over Mr. Roome's property for the purpose of installing water lines, and that Linden Lea be terminated as a dead-end street near property numbers 12 and 14. The recommendation was adopted, on motion of Ald. Beeler and Greenough.

MOTION: Moved by Ald. Beeler and Greenough that Council adopt Mr. Moir's recommendation on acceptance of a right-of-way over the Roome property for the purpose of installing water lines, and that Linden Lea be terminated as a dead end street near property numbers 12 and 14.

ART DISPLAY:
FERRY TERMINAL
BUILDINGS

Mr. Moir has reported to Council on a request from a group of artists known as the Terminal Show Assn., for permission to exhibit their art work at the Dartmouth and Halifax Ferry Terminal buildings. Having explained the type of art display that is being proposed and its effect on passenger flows through the terminals, Mr. Moir has referred the matter to Council for a decision, while indicating his opinion that a better place for the art show would be a location such as the Heritage Museum gallery, or in a shopping mall in the metropolitan area, where people could stop and look at the art work in the normal way. It was moved by Ald. Greenough and Withers that the request from the Terminal Show Association be denied and that the suggestion made by Mr. Moir be communicated to the Association (ie. that they hold their art show at some other location such as the Heritage Museum gallery or in one of the metropolitan shopping malls. The vote was taken and the motion carried.

MOTION: Moved by Ald. Greenough and Withers that the request from the Terminal Show Assn. to exhibit art works at the Dartmouth & Halifax Ferry Terminal buildings, be denied and that Mr. Moir's alternate suggestion (detailed above) be communicated to the Association.

VEHICLE:
POLICE OFFICER
CANINE DIVISION

Mr. Moir has reported to Council on the need for a vehicle in the Canine Division of the City Police Dept., estimated to cost somewhere between \$10,000. and \$12,000. He has recommended the purchase of a two-wheel-drive vehicle for this purpose, and Council adopted the recommendation as presented, on motion of Ald. Crawford and Hetherington.

MOTION: Moved by Ald. Crawford & Hetherington that Council adopt Mr. Moir's recommendation on the purchase of a two-wheel-drive vehicle for use in the Canine Division of the City Police Dept.; estimated cost of the vehicle would be between \$10,000. and \$12,000.

LAND PURCHASE:
4 MICMAC DR.

A report from Mr. Moir was considered on the recommended acquisition by the City of land owned by

Mr. & Mrs. Frobels, at 14 MicMac Drive, designated as Parcel 3B. The land is required to facilitate construction of the street corner at this location and its purchase would eliminate the need for a retaining wall, estimated to cost in excess of \$20,000. The recommendation is that Council authorize the purchase of ^{the} parcel of land for the negotiated price of \$2,034. or \$2. per sq. ft., and the recommendation was adopted, on motion of Ald. Sarto and Bregante.

MOTION: Moved by Ald. Sarto and Bregante that Council authorize the purchase of land designated as Parcel 3B, from Mr. & Mrs. Frobels at 14 MicMac Drive, for the negotiated price of \$2,034. (\$2.00 per sq. ft.), as recommended in Mr. Moir's report of Sept. 28/83

AWARD TENDER:
HIGHWAY SALT

Tenders have been received as follows for highway salt for 1983/84 winter season:

Canadian Salt Co.	\$29.05/tonne (early delivery)
Iroquois Salt Products	33.50/tonne " "

Acceptance of the low bid, received from the Canadian Salt Co. Ltd., has been recommended by the Purchasing Agent, with the concurrence of Mr. Moir. The tender was awarded by Council, as recommended, on motion of Ald. Withers and Romkey.

MOTION: Moved by Ald. Withers and Romkey that the low bid for highway salt for the year 1983/84, from the Canadian Salt Co. Ltd., in the amount of \$29.05/tonne (early delivery) be accepted, as recommended by the Purchasing Agent and Mr. Moir.

AWARD TENDER:
STORM SEWER
INLET GRATING
CONTRACT

The following tenders have been received for the work required under the storm sewer inlet grating contract, covering inlets of a size 12" or larger:

Nelson Bros. Welding	\$15,837.00
Dartmouth Fuels Ltd.	21,762.84
L.J. Casavechia Contr.	39,580.00
Seaport Contractors Ltd.	43,968.00

It has been recommended to Council that the tender be awarded to the low bidder, Nelson Bros. Welding, in the amount of \$15,837.00, and this recommendation was adopted, on motion of Ald. Hetherington and Bregante.

Ald. Sarto later asked if the Patterson Street culvert has been included for a grating and the City Engineer explained why this culvert was not included in the contract. Ald. Sarto said he wished to go on

record as having requested it.

MOTION: Moved by Ald. Hetherington & Bregante that the low tender received from Nelson Bros. Welding for the work required under the storm sewer inlet grating contract, be accepted, as recommended by Mr. Bernard of the Engineering Dept. and Mr. Moir.

AWARD TENDER:
CONTRACT #83-04

The following tenders have been received for Contract #83-04, reconstruction of curb and sidewalk on the north side of Ochterloney Street, from Edward St. to Victoria Road, under the 1983 Mainstreet program:

Municipal Contracting Ltd.	\$45,540.
Standard Paving Maritimes Ltd.	50,670.
Steed & Evans Ltd.	58,494.

This project is cost-shared with the Dept. of Development at 60%, with the City's share of 40%.

Acceptance of the low tender, submitted by Municipal Contracting Ltd., has been recommended by Mr. Purdy, in concurrence with Mr. Moir. Ald. Crawford questioned the length of time that has been taken by this company to complete the Windmill Road project, noting that there has been a considerable inconvenience to businesses affected and to traffic using the street. Mr. Fougere advised that the Windmill Road project is not over the stipulated time for completion and said he felt the contractor has put a lot of effort into the project in trying to minimize the amount of inconvenience to the public. Ald. Greenwood agreed that the company is doing a good job, but suggested that it would be helpful to ask that they complete sections they are working on (ie. in front of individual properties) more quickly to reduce the length of time during which homeowners and businesses are inconvenienced.

Council awarded the tender to Municipal Contracting Ltd., as recommended, on motion of Ald. Levandier and Greenwood.

MOTION: Moved by Ald. Levandier & Greenwood that the low tender for Contract #83-04 be accepted from Municipal Contracting Ltd., as recommended by Mr. Purdy and Mr. Moir.

LAND REQUIREMENTS:
CANAL PROJECT

Mr. Moir has submitted a report to Council on the letter of request from Harvey Doane for City lands to be deeded to the Province in connection with the Canal project recently announced jointly by the Provincial and Federal Governments. One requirement is for a strip of land 150' wide on each side of the City-owned property running between the Mossman property and the Starr Manufacturing property. Mr. Moir has stated that he would see no objection to the deeding of this 300' strip (150' on each side), this land having been purchased some years ago for the purpose of canal restoration.

With respect to City-owned land in Zone 1 being deeded to the Province, Mr. Moir has recommended that such lands be identified and once that has been done, consideration can be given as to whether or not they need to be deeded to the Province.

On motion of Ald. Crawford and Romkey, Council approved the deeding of the land required in Zone 3, and adopted Mr. Moir's recommendation on the land in Zone 1, as per his report of Sept. 29/83.

MOTION: Moved by Ald. Crawford and Romkey that Council approve the deeding of City lands along the Shubenacadie Canal in the section designated as Zone 3 (a 150' strip on each side), and adopt Mr. Moir's recommendation with respect to the City lands in Zone 1 (ie. that they first be identified and consideration then be given to whether or not they need to be deeded).

AWARD TENDER:
CONTRACT #83-05

The following tenders have been received for Contract #83-05, which includes storm & sanitary sewers and water main on Lake Charles Drive, sanitary sewer, water main, and pressure sewer on Waverley Road, from Civic #779 to Civic #823, and a sewage pumping station:

Lakeport Contracting Ltd.	\$325,971.96
Antigonish Construction Ltd.	387,935.00
W. Eric Wheby Ltd.	423,208.00
Seaport Contractors Ltd.	439,957.00
L. J. Casavechia Contracting Ltd.	447,335.00
Harbour Construction Co. Ltd.	448,800.00
Stewiacke Construction Ltd.	469,133.00
Woodlawn Construction Ltd.	497,833.00

Mr. Moir's report provides details on a mistake made in the Lakeport Contracting Ltd. tender (subsequently withdrawn), and in conclusion recommends:

- 1) acceptance of the tender from Antigonish Construction Ltd., in the amount of \$387,935.
- 2) that Lakeport Contracting Ltd. be permitted to withdraw its tender without penalty.
- 3) that the provisions of the existing sewer frontage by-law apply, in keeping with charges to other residents in the area when they were supplied with these services during the first and second phases of construction.

The tender was awarded as recommended, on motion of Ald. Greenough and Sarto.

MOTION: Moved by Ald. Greenough and Sarto that the tender for Contract #83-05 be awarded to Antigonish Construction Ltd., in the amount of \$387,935., as per the above recommendations from Mr. Moir, contained in his report to Council of Sept. 30/83.

CAPITAL CONTRIBUTION:
WATER EXTENSION
WAVERLEY RD. & LAKE
CHARLES DRIVE

In connection with the previous item, Mr. Moir has prepared a report on the capital contribution required to the Water Utility, in the amount of \$47,270., associated with the water extension on Waverley Road and Lake Charles Drive. Details showing how this figure was arrived at are included in the report. In keeping with previous decisions of Council on Phases 1 and 2 of the Port Wallis servicing, it has been recommended that a capital contribution be made to the Water Utility in the amount of \$47,270. Ald. Greenough and Hawley moved the adoption of this recommendation.

Ald. Stubbs moved referral of this item to the Finance & Program Review Committee for consideration of the existing policy on additional financing in the case of water extensions such as this one; the motion to refer was seconded by Ald. Greenwood.

Ald. Greenough said he was not opposed to the Committee reviewing the capital contribution policy as such, in situations where new developments are involved, but he did not want to see the present extension included when these are long-time residents who have been waiting for many years for such basic services as water. Ald. Hawley agreed that area residents in this instance should not be treated any differently than in other areas of the City where capital contributions have already been made, such as the second phase of servicing on Waverley Road and in the Belmont/Carlton Street area.

When the vote was taken on the motion to refer, it was defeated. The main motion carried with Ald. Stubbs voting against.

MOTION: Moved by Ald. Greenough and Hawley that Council adopt Mr. Moir's recommendation that a capital contribution in the amount of \$47,270. be made to the Water Utility in connection with the water extension on Waverley Road and Lake Charles Drive.

Ald. Stubbs and Crawford then moved that the policy of additional financing for water extensions, be referred to the Finance & Program Review Committee for consideration. The motion was put and carried.

MOTION: Moved by Ald. Stubbs and Crawford that the policy of additional financing for water extensions, be referred to the Finance & Program Review Committee for consideration.

PENALTY ENFORCEMENT:
MINIMUM STANDARDS
BY-LAW

A report was before Council from the City Solicitor on a motion adopted at the July 26th meeting, regarding penalty enforcement under the Minimum Standards By-law. The problem involved is with chronic offenders under the by-law, who continue to pay tickets and thereby avoid the court system by paying small fines.

The Solicitor has recommended that once one ticket has been issued within a six-month period to the same owner for the same property, that the Building Inspection Dept. be instructed to proceed directly to prosecution of that owner for the second complaint and not issue a ticket. She further suggests that this procedure could be checked after six months (or a year) and if it is still not having the desired effect, then a look would have to be taken at a change to either the Minimum Standards By-law or the Penalties By-law.

Ald. Sarto and Romkey moved the adoption of the recommendation from the Solicitor. Ald. Withers said he would prefer to see the procedure checked out after six months rather than waiting the full year. His suggestion was noted. The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Sarto and Romkey that Council adopt the recommendation of the City Solicitor on a procedural change under the Minimum Standards By-law, to improve its effectiveness in the case of chronic offenders, as outlined above.

DOG BY-LAW
AMENDMENTS

As requested by Council, the City Solicitor has reviewed the Dog By-law and has suggested a number of changes that are needed in it; these are set out in her report of Sept. 21/83. She has recommended that Council authorize her to draft amendments to the By-law (C-420) to cover the items suggested in her report and pertaining to any other matter Council may wish to have changed in the by-law. Ald. Hetherington and Bregante moved the adoption of the recommendation.

Ald. Hetherington requested information on the number of dogs presently licensed in the City. He discussed with Mr. Moir, steps that are taken by the City to enforce dog licensing requirements. The motion on the floor carried.

MOTION: Moved by Ald. Hetherington & Bregante that the Solicitor's recommendation on the drafting of amendments to the Dog By-law (C-420), as per her report of Sept. 21/83, be adopted.

PERMIT TO BUILD:
MOTEL YORKSHIRE
AVE. & WINDMILL RD.

An application for permit to build an 81-unit motel at the corner of Yorkshire Ave. & Windmill Road, was considered by Council; estimated value of construction is \$1,060,000. The plans were available for this project and Mr. Bayer explained details of them to Council. The permit was granted, on motion of Ald. Greenwood and Hetherington, subject to compliance with City requirements, as per the staff report of Sept. 27/83.

MOTION: Moved by Ald. Greenwood & Hetherington that a building permit be granted for an 81-unit motel, to be located at the corner of Yorkshire Ave. & Windmill Road, subject to compliance with City requirements.

REASONS FOR DECISION:
EMPRESS DEVELOPMENTS
LTD.

As required under Section 72 of the new Planning Act, reasons for denial of the Empress Ventures Ltd. application for a contract agreement (Dartmouth Academy lands) have been outlined in a report to Council from the Solicitor. They are recommended to Council for adoption.

The following additional reasons were agreed to by Council in discussing the Solicitor's report:

- 1) Approval of the application could set a precedent for spot zoning in other areas of the City.
- 2) Undeveloped R-3 lands already exist in this area and Council does not wish to create a greater concentration of R-3 development than exists.
- 3) In addition to traffic turning into the site, it would be exiting into two lanes of traffic also, and traffic lights cannot be installed at this location to control resulting traffic problems.

With these three additional reasons, combined with the four presented by the Solicitor, Council adopted all seven, on motion of Ald. Crawford and Romkey. Ald. Greenough was unable to vote or participate in the debate, having been absent from the public hearing for this application.

MOTION: Moved by Ald. Crawford and Romkey that the seven reasons compiled for denial by Council of the application from Empress Ventures Ltd. for a contract agreement, be adopted by Council.

CROSSWALK LIGHT:
PLEASANT STREET

The T.M.G. has considered a request from a representative of Woodside Manor for the installation of an overhead crosswalk light at the existing crosswalk in front of the Manor, and has recommended that Council authorize the installation from monies available in the 1983 capital budget. The recommendation was adopted, on motion of Ald. Hetherington and Crawford.

MOTION: Moved by Ald. Hetherington & Crawford that Council authorize the installation of an overhead crosswalk light at the crosswalk in front of Woodside Manor, as recommended by the T.M.G.

COSTS: ADDITIONAL
ENFORCEMENT
OFFICERS

As requested by Council, Mr. Rath has provided information on the cost of providing two-way radios and a van for use during the summer months by Dog By-law enforcement officers. Ald. Greenwood said he thought the only information requested was for the two-way radios, and he moved referral back to the City Administrator to review the minutes on this item, in the light of all the costs that have been included in Mr. Rath's report. The motion to refer was seconded by Ald. Crawford and it carried.

MOTION: Moved by Ald. Greenwood and Crawford that the item on additional costs associated with enforcement of the Dog By-law, be referred back to Mr. Moir for a review of the minutes of the Aug. 23rd minutes, in the light of all the costs included in Mr. Rath's report, over and above the cost of providing two-way radios for the officers.

STORAGE SHED:
DARTMOUTH
SCENIC GARDENS

At the request of Council, the Recreation Director has examined the feasibility of relocating the green storage shed presently situated at the entrance to the Dartmouth Scenic Gardens. In his report to Council on this item, he has recommended:

- 1) that the existing green shed be demolished, the site landscaped, and a new maintenance building, of sufficient size to service the Gardens and the downtown area, be located in the Dartmouth Scenic Gardens.
- 2) that it be located in the area behind the ballfields and adjacent to St. Peters Cemetery. This is an area often referred to by Mr. Layton Dillman as a site for a maintenance building.
- 3) that staff be instructed to determine the requirements and cost of a suitable building for inclusion in the capital estimates.

Council adopted the recommendations from Mr. Atkinson, as per his report of Sept. 22/83, on motion of Ald. Withers and Crawford.

MOTION: Moved by Ald. Withers and Crawford that Council adopt the above recommendations from the Director of Parks & Recreation on the subject of a maintenance building to be located in the Dartmouth Scenic Gardens and the demolition of the existing shed presently used for this purpose.

ALTERATIONS:
SENIOR CITIZENS
CLUB

The Director of Parks & Recreation has reported to Council on a request from the Dartmouth Senior Citizens Club for permission to make several alterations to their accommodation at the Findlay Community Centre, as described in the report. The total cost of the alterations is approx. \$11,000. and would be funded by the Club through a grant and their own resources. The recommendation is that the request be approved, and Council adopted this recommendation, on motion of Ald. Romkey and Bregante.

MOTION: Moved by Ald. Romkey & Bregante that Council approve alterations to the Dartmouth Senior Citizens Club accommodation at the Findlay Community Centre, as requested by the Club, the cost to be funded by them through a grant and their own resources.

MOTIONS:

ALD. SARTO

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

1) Ald. Sarto moved, seconded by Ald. Greenwood, that:

WHEREAS Nova Scotia will be hosting the 1987 lawn bowling championships;

AND WHEREAS these will be held in the metropolitan area;

THEREFORE BE IT RESOLVED that Council request staff to study the feasibility of having the City participate, in terms of a site that could be used and the costs involved.

Ald. Sarto presented a petition signed by 202 people interested in having lawn bowling in Dartmouth and commented on the degree of interest there is in this sport. The motion received the support of Council and it carried.

MOTION: Moved by Ald. Sarto and Greenwood: re lawn bowling championships, as per the text above.

ALD. LEVANDIER

2) Ald. Levandier moved, seconded by Ald. Withers, that the following motion be referred to the 1984 capital budget:

WHEREAS Craythorne 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.

The motion to refer carried.

MOTION: Moved by Ald. Levandier & Withers that the above motion be referred to the 1984 Capital Budget.

ALD. HETHERINGTON

3) Ald. Hetherington moved, seconded by Ald. Crawford that:

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.

There was some discussion about the problems with the present sound system and the attempts that have been made to improve it already. Mr. Moir suggested that the matter be left with Engineering staff to work on and it was requested that a media representative be included when the system is being reviewed. A motion to refer

to staff, as suggested by Mr. Moir, was adopted: moved by Ald. Hetherington and seconded by Ald. Romkey.

MOTION: Moved by Ald. Hetherington and Romkey that the matter of the sound system in the Council Chamber be referred to the Engineering staff to determine what improvements can be made, also to consult with a representative of the media.

ALD. CRAWFORD

4) Ald. Crawford moved, seconded by Ald. Stubbs, that:

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. Crawford presented figures in support of his position that Council members should receive a salary increase this year, pointing out that the 6% increase proposed will amount to only \$57. per month for each member. Ald. Bregante felt that a committee comprised of citizens should review the salaries of Council and recommend any increase if one is to be received. No other opposition was expressed to the motion and it carried, with Ald. Bregante voting against.

MOTION: Moved by Ald. Crawford and Stubbs that the salaries of members of Council be increased by 6% for 1983, as per the above wording.

NOTICES OF MOTION:

ALD. LEVANDIER

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

Ald. Levandier:

WHEREAS the F.C.M. have adopted a Canadian-content policy, when purchasing goods and services, and have urged all member municipalities to adopt the same;

AND WHEREAS Dartmouth is a member of the F.C.M.;

THEREFORE BE IT RESOLVED that the City of Dartmouth undertake steps to adopt the same policy.

ALD. HAWLEY

Ald. Hawley:

WHEREAS the City at present does not have a definite policy in regard to the provision of trunk services such as water lines, storm and sanitary sewers;

BE IT RESOLVED that the City Council develop a clear and concise policy in regard to the provision of such services.

INQUIRIES:

ALD. GREENWOOD

Ald. Greenwood indicated to Council that he does not intend to proceed with a notice of motion calling for a public apology from Ald. Stubbs to Mr. L'Esperance of the Planning Dept. He said he would now prefer to leave this matter with Ald. Stubbs to make such an apology on her own.

ALD. WITHERS

Ald. Withers made the following inquiries:

- 1) asked the City Engineer about a flooded catch-pit at 10 Brookdale Cres.; Mr. Fougere said he thought this one will have to be replaced.
- 2) asked about the resurfacing of Shamrock Street; Mr. Fougere said the street is being looked at for reconstruction rather than resurfacing.
- 3) asked if the T.M.G. have looked at the blind hill on Elmwood Ave. Mr. Bayer explained the vertical alignment problem at that location and advised that it was discussed some time ago by the T.M.G. Ald. Withers requested that a sign be erected to warn motorists of the hill.
- 4) asked to have the T.M.G. look at the need for a Stop sign on Murray Street at Boland Road. Mr. Bayer to put this item on the next T.M.G. agenda.
- 5) Ald. Withers again asked about the level of Windmill Road under the CNR overpass and discussed this inquiry with Mr. Fougere. Mr. Moir noted that the construction work in this area is not completely finished and it would be advisable to wait for completion before taking any further action on this item.

ALD. GREENOUGH

Ald. Greenough's inquiry concerned a zoning violation on Braemar Drive, where an auto body repair shop is being operated. He provided details of the problems being created by this shop for the adjacent homeowner, and agreed to take the matter up further with the City Solicitor.

Ald. Greenough referred to the increasing traffic congestion at the MicMac Rotary, and suggested that the Province should be encouraged to proceed with all haste on the 107 By-pass highway so that some relief can be provided with an alternate route as soon as possible.

Ald. Withers asked if Council could have a briefing by Dept. of Transportation representatives on the highway alignment and a general update on the progress in calling for tenders, etc. Mr. Bayer said he would make this request of the Department.

ALD. BREGANTE

The following inquiries were made by Ald. Bregante:

- 1) asked for an update on cost-sharing discussions re the widening of Pleasant Street. The Mayor advised that cost-sharing has been requested at the meeting with the Minister of Transportation.
- 2) asked about the status of the crosswalk light that is to be installed at Cameron and Pleasant Street; Mr. Bayer said he thought one of the support arms is still required and that is causing the delay.
- 3) asked about the rugby posts installed on the playing field in the Belmont Street area; he discussed the problems these are causing with Mr. Atkinson.
- 4) Ald. Bregante referred to a letter from Vidmac Holdings Ltd. re amusement arcades and licensing of these operations. Mr. Moir advised that Mr. Smith and the Licensing Officer are working on this item and a report will be forthcoming.

ALD. STUBBS

Ald. Stubbs asked when Council will be meeting with the Auditors about the Water Utility. She was advised that no date has been set for the meeting as yet.

Ald. Stubbs' second inquiry concerned the Block Parents Program and the withdrawal of the Liaison Officer by the Police Dept. without members of Council having been notified. Council heard Mrs. Anita Frost briefly in connection with this inquiry. As Chairman of the Block Parents Program, she indicated the concerns of the organization that the participation of the Police Dept. may be withdrawn and pointed out that this precedent would be reflected in other municipalities where the program is also in effect. Ald. Bregante said it is his understanding that the Chief of Police is in favour of participating in the program, but there is a shortage of manpower in his department, making it difficult to provide a liaison officer.

Ald. Stubbs asked the Planning Dept. to provide a copy of the plans for the proposed 83-unit development on the Baker property on Portland Street, a copy of the servicing plans, a report from the Lakes Advisory Board on this project, and information on the on-site costs to be borne by the developer and the City.

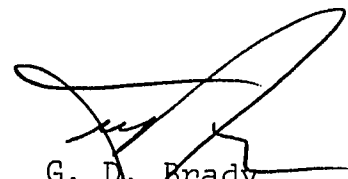
ALD. LEVANDIER

Ald. Levandier asked that repairs be made to the sidewalks on Ochterloney Street on the Greenvale School side.

Ald. Levandier asked to have street lines repainted at Wyse Road and Thistle Street.

Ald. Levandier asked if it would be feasible to hold Council meetings throughout the various areas of the City. The Mayor explained some of the difficulties with trying to hold meetings at other locations, but suggested that consideration could be given to some informal sessions for information purposes.

Meeting adjourned.



G. D. Brady,
Deputy City Clerk.

City Council, Oct. 4/83

ITEMS:

- 1) Reconsideration: Library/Cultural Centre, page 1 to 4.
- 2) Petition: No Left Turn, Woodland Ave., page 4.
- 3) Reports: Planning Dept., page 5.
- 4) Letter: Metro Area Tenants' Union, page 6.
- 5) " : DND Deputy Minister, page 6.
- 6) " : Dart. Civic Employees' Council, page 7.
- 7) Monthly reports, page 7.
- 8) Summary: Revenue & Expenditures, page 7.
- 9) Water line rates: Angus L. Bridge, page 8.
- 10) Street take-over: Linden Lea/St. George's Lane, page 8.
- 11) Art display: Ferry Terminal buildings, page 9.
- 12) Vehicle: Police Officer, Canine Div., page 9.
- 13) Land purchase: 14 MicMac Drive, page 9 & 10.
- 14) Award tender: Highway salt, page 10.
- 15) " " : Storm grating contract, page 10.
- 16) " " : Contract #83-04, page 11.
- 17) Land requirements: Canal project, page 12.
- 18) Award tender: Contract #83-05, page 12.
- 19) Capital contribution: Water ext. Waverley Rd. & Lake Charles Drive, page 13.
- 20) Penalty enforcement: Minimum Standards By-law, page 14.
- 21) Dog By-law amendments, page 15.
- 22) Permit to build: Motel, Yorkshire Ave., page 15.
- 23) Reasons for decision: Empress Ventures Ltd., pg. 15 & 16.
- 24) Storage shed: Dart. Scenic Gardens, page 17.
- 25) Alterations: Sr. citizens Club, page 17.
- 26) Motions: Ald. Sarto)
Levandier) page 18
Hetherington)
Crawford) page 19.
- 27) Notices of Motion: Ald. Levandier
Hawley
- 28) Inquiries, pages 20 to 22 incl.

Dartmouth, N. S.

October 11/83.

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, S. Hood	
Acting City Administrator, B. Smith.	

PUBLIC HEARING:
REQUEST FOR M.P.S.
AMENDMENT
PORTLAND ESTATES

This meeting of Council constituted the public hearing for an application from Portland Estates Ltd. to have the Municipal Development Boundary in south Dartmouth extended to the City limits.

The Mayor first explained the procedure to be followed in conducting the public hearing, advising that Maj. Scovill of DND would be permitted to make a submission at a point in the hearing prior to the public representations.

The Planning Dept. presentation was made by Ms. Kim Stewart, in conjunction with Mr. Bayer, who gave the introduction to his department's report. The lands involved encompass 850 acres located in the Russell/Morris Lake area of the City; of these, Portland Estates own 383 acres within the City of Dartmouth. A total of 28 landowners are involved, all told, in the holdings that are included. Phase 1 of the Portland Estates development being proposed for a portion of their lands, will provide 237 lots for residential development.

Mr. Bayer commented on the broader issue of trunk services that has to be taken into consideration in conjunction with this particular application, since the Portland Estate lands are presently not served by an existing trunk sewer line. The proposal is that Phase 1 of the development would be connected into the Ellenvale system, and CBCL have been engaged by the City to carry out a study that will determine the capability of the Ellenvale system to carry the additional 237 properties. An interim report from CBCL was before Council in this

connection, and their presentation to Council was made by Mr. Mike Murphy. The preliminary conclusions and observations to this point in the study, are set out on pages 6 and 7 of the report circulated. Mr. Murphy said that basically, it is considered that the Anderson Street drainage area presently has some problems already, and the addition of any flows, aside from the remaining Nantucket development, will compound these. The flow gauging program being carried out has not provided conclusive results to date that can be reported.

Ms. Stewart then continued with her report on the other elements involved in considering the application, such as the additional school requirements to serve this population, storm drainage provisions and the relation of this factor to the protection of the environment when two major lakes are affected, the impact on existing traffic arteries, and the proximity of the lands in question to the Shearwater airbase and the NEF zone extending into the Portland Estate lands. Mr. Bayer commented on the subdivision layout for Phase 1, noting that it is satisfactory. He went on to address the question of trunk servicing for the total catchment area in south Dartmouth, also taking in areas of the County of Halifax and therefore involving two municipal jurisdictions in addition to a number of different landowners. He used a map to show the probable route that a major trunk system in south Dartmouth would take to serve all the lands within the total catchment area. The outfall from such a system would be to Halifax harbour and it is not yet known whether or not an additional outfall will be permitted by the Dept. of the Environment. Mr. Fougere subsequently advised that he has received a letter as of this date from the Dept. of the Environment, indicating that no new outfalls to the harbour will be approved without treatment. Mr. Stockall said he has been advised that an outfall would be permitted without treatment.

Mr. Bayer concluded his department's presentation with the recommendation that no extensions of the Municipal Development Boundary be made until such time as Council establishes a clear policy respecting the installation of new trunk services in the City. Now that the development community has indicated a willingness to participate in the cost of trunk sewer installations, a policy needs to be determined by Council on questions of over-sizing and whether there will be cost-sharing on the part of the City if there is over-sizing to service other developments as well. This situation is similar to the recent application from Country View in north Dartmouth, which was deferred in second reading for the preparation of a staff report that will form the basis for a decision by Council on a trunk servicing policy. It was pointed out that the present application is not for the Phase 1 development in Portland Estates, but rather to extend the Development Boundary to the City limits, a wider-ranging matter with different implications for future development.

Staff reports to Council, from both the Planning and Engineering Departments, together with comments from the Lakes Advisory Board, have been previously circulated with other documentation connected with the application. Also included, is a report from Ms. Stewart on the voluntary public meeting held on October 3rd at Penhorn School, and a copy of a letter from the Deputy Minister, Dept. of National Defence.

Representatives of Portland Estates proceeded with their presentation, and Mr. Stockall read a letter directed to Council, dealing in particular with the Anderson Street pumping station and a proposal being submitted jointly by his company and Bowport Enterprises Ltd. for a temporary sewer hook-up that would serve as a solution to the servicing problems affecting Phase 1 of Portland Estates and the Wedgeport Plaza land holding on Portland Street. Mr. Osmond of Bowport Enterprises also read a letter from his company which explains the

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alternate servicing arrangement being proposed, which involves the connection of a gravity sanitary sewer to connect Wedgeport Plaza to the pumping station proposed for Phase 1 and the routing of the force main over Wedgeport lands and via Carver Street to Day Ave., downstream of the Anderson Street pumping station.

Ald. Greenough questioned how temporary this alternate system would be, in view of the uncertainty that exists about trunk services for South Dartmouth, the two municipal jurisdictions concerned, the question of another outfall being permitted in Halifax harbour, and so on. Ald. Hawley also raised questions about the adequacy of the Ellenvale system and the lines further down the system where they ultimately come out at Chrysler Ave. and on down Prince Albert Road. Ald. Romkey asked about the additional flows and was advised that 100 gallons per minute would come from the Wedgeport development and about 200 gallons per minute, from Phase 1 of the Portland Estates, resulting in an average flow rate of about one-third those amounts.

Other questions from Ald. Greenough had to do with the figures provided in Mr. Stockall's letter on the revenue the City can expect to receive from Phase 1 of his development, especially the sewer frontage revenue, based on an increased charge of \$1,450. per unit, that has recently been discussed by Council and the Finance & Program Review Committee. Ald. Greenough noted that such a change has yet to be approved by Council and if approved, would not be implemented for some time; therefore, it could not be retroactively applied to the Phase 1 development. Mr. Stockall said the development is likely to come on stream after the new frontage charge is in place and his units would therefore be subject to the new rates. Ald. Greenough commented on the rule-of-thumb that residential construction is a break-even situation and does not produce the kind of revenue projected for the Phase 1 development. Mr. Stockall did not share this

opinion and stated later in the meeting that the figures he has presented have been accurately compiled by qualified consultants and auditors to reflect the revenue the City could expect to receive.

In calling for presentations in support of the Portland Estates application, the Mayor noted that he has received a telephone call from a gentleman who is in favour of the proposal, but thought from reading the advertisement for the hearing that only members of the public opposed to the application were to be heard.

Maj. Scovill of National Defence Headquarters addressed Council at this point in the hearing and clarified the DND position on height zoning as it applies to the Portland Estate lands. The statement made originally by the Deputy Minister to the effect that '... the allowable maximum height of any structure in the Portland Estates area will be 25 feet' was corrected to read '... the allowable maximum height of structures in some areas of Portland Estates will be 25 feet'. The second area of concern to DND is aircraft noise associated with the proximity of Shearwater to the lands in question and the Noise Exposure Forecast factor, as it relates to the impact on residential development affected. Maj. Scovill pointed out that NEF studies are being conducted for CFB Shearwater and when these results are compiled, they will be communicated to the City Planning Dept. for consideration in the planning processes for south Dartmouth. He said the proposed development will be affected to some degree by the noise from the Shearwater airbase and DND would like the developer to acknowledge that fact in his development plans (by 'acknowledge' he meant, take a look at the noise levels and take appropriate action accordingly). Reference was made to the additional insulation standards, location of houses on site, etc., as a means of modifying the effects of aircraft noise levels.

Mr. Parke of Acres Consulting presented a map showing how the Phase 1 development location falls within

DND requirements and does not present a problem in this regard.

The related question of CMHC lending for residential development where NEF criteria apply, was addressed by Mr. Welsh for the Portland Estate interests. He advised that CMHC are not normally direct lenders in residential housing, unless it is subsidized housing. Private lenders provide the majority of funds for residential mortgages, and Portland Estates Ltd. has made arrangements with two national private lenders to provide mortgage financing to builders and individuals wishing to construct single-family homes in the development.

During that portion of the hearing while presentations in favour were being made, Council heard Mr. P. Hunter, who resides on lands that are included in the application for boundary change. He indicated that noise from Shearwater has not been a problem as far as he is concerned and said he would be in support of the boundary change to the City limits.

Mr. Paul Wile of the Carpenter's Union, favoured the application as well, because of the employment that will be generated when development is opened up in the area. Mr. Alan McPhee of McPhee, Pontiac, Buick, was another member of the public speaking in favour.

Mr. Tom Swanson of Alderney Consultants commented on the by-passing of the existing lift station in the Anderson Street area, as a viable solution to the sewer problem faced for the Wedgeport and Phase 1 developments. He felt that if a capacity is available down-stream in the Ellenvale system, it should be utilized, so in that case, it does not really matter whether the alternate servicing arrangement proposed is temporary or not. If the capacity exists, it should be used. His position was that the developer will not take any steps that are detrimental to residents who already live in the area. For instance, as additional traffic is generated, lights will be provided at points such as Spring Ave. and Carver Street to meet these additional traffic requirements.

Having heard from speakers not opposed to the application, the meeting was now opened to members of the public wishing to ^{make} representation against the application. Citizens who spoke at this time were:

- 1) Mr. Bob Conrad: living in an area where sewer flows are critical, he stated his concerns about development taking place in a planned manner so that residents in existing homes are not faced with flooded basements, traffic congestion and other problems that arise when there is no preparation for development.
- 2) Ms. Joanne Lamey, Community Planning Assn. of Canada: circulated a prepared brief, parts of which she read in her presentation. The brief stressed the importance of public participation in planning processes within the community and contends that the Municipal Development Plan should not be amended without consulting and involving all interested parties.
- 3) Mr. Bob Rogers, 23 Clifford Dr.: voiced his concerns about the Anderson Street pumping station and its capacity; he maintained that sewage overflows are entering the brook system already. He questioned the temporary nature of the alternate proposal submitted jointly by Bowport Enterprises and Portland Estates, and also asked if application has been made to the Province for another outfall that would be required for the south Dartmouth trunk system.
- 4) Mr. Jim Ludlow: did not want to see the Portland Estates development approved until after the new trunk sewer system is in place.
- 5) Ms. Mim Fraser: indicated that she was neither for or against the application, but she took exception to comments directed at the length of the CPAC presentation. She felt that if the public participation process is followed as it should be, many of the questions that arise would have been looked into and Council would have the necessary information required to make decisions.
- 6) Mr. Gerald MacDonald, Kelly Drive: neither for or against the application, but objected to the revenue figures presented in the Portland Estates letter of this date. He maintained that the residential development will cost taxpayers money and will not produce the kind of revenue projected.
- 7) Mr. S. Ferguson, Imperial Oil Refinery: stated his concern about storm water run-off to Morris Lake and the reliability of the pumping station proposed insofar as the water quality of Morris Lake is able to be maintained, this matter being of interest to the refinery operation. He indicated he would like to take the concern he has, up further with the developer and Mr. Stockall said he would be willing to talk to him about it.
- 8) Mr. George Pothier: commented on the length of time it has taken to receive permission for development of the Wedgeport Plaza lands.

The Mayor declared the public hearing to be at an end when there were no further representations to be heard. Mr. Stockall was then given an opportunity to respond to some of the points raised in the hearing. Besides commenting on the accuracy of his revenue projections, he said he was unaware of the sewage overflow draining to his land via the brook system, as referred to by Mr. Rogers in his submission to Council. He noted that this observation was not made by any of the people who visited his property during the promotional open-house last year.

Proposed By-law C-494, which would amend the Municipal Planning Strategy By-law (C356), in accordance with the request from Portland Estates, was before Council for consideration.

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

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

Ald. Sarto rose to express reservations about the sewer servicing provisions for the Portland Estates development, and gave the indication that he and Ald. Romkey had indicated to area residents that they would be opposed to the initial proposal. At this point, Ald. Crawford rose on a point of order and the Mayor cautioned Ald. Sarto about any inference that he has pre-judged the Portland Estates application prior to the public hearing of this date. It was unclear as to whether Ald. Sarto was interrupted in mid-sentence, which would have clarified his position for Council. The Mayor then stated his intention to leave the matter to Ald. Sarto's judgement, in view of the uncertainty as to whether he would have completed a sentence with appropriate wording or not. The decision taken by Ald. Sarto was to continue with his participation in the debate.

On motion of Ald. Hetherington and Hawley, Council agreed to continue meeting beyond the hour of 11:00 p.m.

BY-LAW C-494:
AMENDMENT TO
M.P.S.

Ald. Romkey subsequently stated to Council that he had at no time committed himself or Ald. Sarto to extend or not extend the development boundary.

The debate from this point onward pertained mainly to the by-law itself and the wording contained in it, in relation to what is intended and what the duly advertised hearing encompasses. Mr. Stockall referred to the resolution set out in his letter of August 26th, which requests that the development boundary in south Dartmouth be moved to encompass the lands in south Dartmouth as shown on Map 1A (ie. the attachment to his letter of that date). He questioned the need for a by-law in the form that has been presented, and the Solicitor explained that an amendment to the M.P.S. by-law must be enacted before a development boundary change can be effected.

The chief point at issue was in section 1 of the by-law, which contains reference to a policy being adopted by Council on the provision of new trunk sewer services. Mr. Bayer and the Solicitor attempted to explain why the boundary change and a policy decision by Council go together, being contingent one upon the other. Interpretative questions were raised as to just what the existing policy of the City is on trunk sewers and whether a policy can be said to exist at the present time, which means that the development boundary can be moved without the conditional paragraph that has now been included in section 1 of By-law C-494. This point was debated at length, in view of the implications it was considered to have, not only for the Portland Estates application, but for the Country View application heard by Council earlier this month. Ald. Greenough said it would be unfair to deal with one application differently from another, when the Country View interests have already been asked to wait for a policy decision by Council on the installation of trunk services in north Dartmouth. He also felt that any decision on the Portland Estates application should be deferred until the CBCL study has been completed, sometime in November.

Ald. Crawford took the position that the by-law is out of order in its present form and that by including reference to a policy on trunk sewers, the by-law is not in compliance with the hearing that has been advertised for an extension of the development boundary. He therefore moved deferral for a ruling on the validity of By-law C-494 and clarification of the wording; the motion to defer was seconded by Ald. Stubbs.

Several members in favour of deferral felt that it should be for a long enough period of time to include receipt of the CBCL report and the staff report on which a policy is to be determined for trunk sewer installations. Ald. Peters suggested that the City has had a policy all along and that the question now being raised about a policy decision is just a 'red herring' being thrown in the way of development such as this one. He wanted to see the Portland Estates development go ahead, along with any other projects in the City, without roadblocks being put in the way of developers. Ald. Hetherington also supported the development and said that staff have not cooperated with this project as they should have.

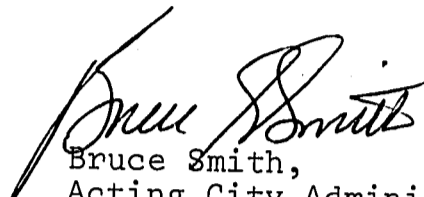
Throughout the debate, legal points continued to be brought up about the implications of moving the development boundary without having a policy on trunk services, or whether there is a policy existing already; also, what expectations can a developer place on the City once the development boundary has been moved and it is assumed that the land released is then developable. All of these arguments revolved around the paragraph in section 1 of the by-law which refers to the conditional requirement about the adoption of a trunk sewer policy.

Ald. Withers suggested that a time limit should be placed on the deferral for the protection of the developer, and it was moved in amendment by Ald. Crawford and Withers that the deferral be for a four-week period. The amendment carried and the amended motion carried, with Ald. Romkey voting against.

MOTION: Moved by Ald. Crawford and Stubbs that By-law C-494 be deferred for a ruling on its validity and clarification of the wording.

AMENDMENT: Moved in amendment by Ald. Crawford and Withers that deferral be for a four-week period.

Meeting adjourned.


Bruce Smith,
Acting City Administrator.

City Council, Oct. 11/83

ITEMS:

- 1) Public hearing: Request for M.P.S. Amendment, Portland Estates, page 1 to 11 incl.
 - 2) By-law C-494, page 7 to 11.
-

Dartmouth, N. S.

October 25/83.

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

Present - Mayor Brownlow

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

Items added to the agenda were: (1) the awarding of tender, Contract #83-06, (2) a letter from the Minister of Municipal Affairs re amendments to the municipal development boundary; and (3) two in camera items.

MONTHLY REPORTS

Monthly reports recommended from Committee were approved by Council as follows:

- 1) Development Officer (Sept.): approved on motion of Ald. Withers and Crawford.
- 2) Building Inspection (Sept.): approved on motion of Ald. Bregante and Greenough.
- 3) Minimum Standards (Sept.): approved on motion of Ald. Hetherington and Bregante.
- 4) Fire Chief (Sept.): approved on motion of Ald. Bregante and Greenwood.
- 5) Dog Control (Sept.): approved on motion of Ald. Bregante and Romkey.
- 6) Tourism Director (Bureau registrations for Sept. and season to date): approved on motion of Ald. Romkey and Withers.
- 7) Social Services (Sept.): approved on motion of Ald. Hetherington and Greenough.

Additional reports from the Director on the 1983 Community Care Budget expenditures to July 31/83, and forecasts to Dec. 31/83, are tabled, as recommended, for review with Mr. McNeil.

MOTIONS: To approve monthly reports as detailed above.

The following tenders have been received for

Contract #83-09, improvements, Burnside Industrial Park:

Municipal Contracting Ltd.	\$111,434.50
Steed & Evans Ltd.	206,913.00

Council approved the awarding of the low tender, from Municipal Contracting Ltd., as recommended by Committee, on motion of Ald. Greenough and Withers.

AWARD TENDER:
CONTRACT #83-09

MOTION: Moved by Ald. Greenough & Withers that the low bid received for Contract #83-09, (intersection improvements, Burnside Park), from Municipal Contracting Ltd., in the amount of \$111,434.50, be accepted, as recommended from Committee.

AWARD TENDERS:
TRUCKS FOR
SNOW PLOWING

Tenders have been received for the rental of trucks for snow plowing for the 1983/84 winter season, as per the Purchasing Dept. report of Oct. 11/83. It has been recommended from Committee that the following two trucks be retained:

MacDonald Trucking @ \$52.00 per hour
Donald J. Clarke @ 62.00 per hour

Council approved the recommendation from Committee on motion of Ald. Hetherington and Romkey.

MOTION: Moved by Ald. Hetherington & Romkey that the two trucks listed above be retained for snow plowing for the 1983/84 winter season, as per the Purchasing Dept. report and recommendation from Committee

AWARD TENDERS:
SNOW PLOWING
EQUIPMENT

Tenders have been received for the rental of equipment required for snow plowing for the 1983/84 winter season, as per the Purchasing Dept. report of Oct. 11/83. It has been recommended from Committee that the following machines be rented:

L.J. Casavechia 1969 Loader \$80. per hr.
W. Hubley Trucking '75 Mich 55 IIIA 52. per hr.
'75 Mich 75B 60. per hr.
Municipal Contracting 966 Cat Loader 90. per hr.
1641 Volvo Loader 90. per hr.
Ocean Contracting Hough 80 Loader 80. per hr.
Woodlawn Constr. (3) Loaders, Hough 90 86. per hr. each
Hough 65 & Cat 930

Council approved the awarding of tenders, as detailed above and recommended from Committee, on motion of Ald. Greenwood and Greenough.

MOTION: Moved by Ald. Greenwood & Greenough that tenders for the rental of snow plowing equipment for the 1983/84 winter season be awarded as outlined above and recommended by Committee.

AWARD TENDERS:
SALT TRUCK
SPREADING

Tenders have been received for the rental of trucks for salt spreading for the 1983/84 winter season, as per the Purchasing Dept. report of Oct. 11/83. It has been recommended from Committee that the following two trucks be accepted for this tender:

MOTION: Moved by Ald. Greenough & Withers that the low bid received for Contract #83-09, (intersection improvements, Burnside Park), from Municipal Contracting Ltd., in the amount of \$111,434.50, be accepted, as recommended from Committee.

AWARD TENDERS:
TRUCKS FOR
SNOW PLOWING

Tenders have been received for the rental of trucks for snow plowing for the 1983/84 winter season, as per the Purchasing Dept. report of Oct. 11/83. It has been recommended from Committee that the following two trucks be retained:

MacDonald Trucking	@ \$52.00 per hour
Donald J. Clarke	@ 62.00 per hour

Council approved the recommendation from Committee on motion of Ald. Hetherington and Romkey.

MOTION: Moved by Ald. Hetherington & Romkey that the two trucks listed above be retained for snow plowing for the 1983/84 winter season, as per the Purchasing Dept. report and recommendation from Committee

AWARD TENDERS:
SNOW PLOWING
EQUIPMENT

Tenders have been received for the rental of equipment required for snow plowing for the 1983/84 winter season, as per the Purchasing Dept. report of Oct. 11/83. It has been recommended from Committee that the following machines be rented:

L.J. Casavechia	1969 Loader	\$80. per hr.
W. Hubley Trucking	'75 Mich 55 IIIA	52. per hr.
	'75 Mich 75B	60. per hr.
Municipal Contracting	966 Cat Loader	90. per hr.
	1641 Volvo Loader	90. per hr.
Ocean Contracting	Hough 80 Loader	80. per hr.
Woodlawn Constr.	(3) Loaders, Hough 90 Hough 65 & Cat 930	86. per hr. each

Council approved the awarding of tenders, as detailed above and recommended from Committee, on motion of Ald. Greenwood and Greenough.

MOTION: Moved by Ald. Greenwood & Greenough that tenders for the rental of snow plowing equipment for the 1983/84 winter season be awarded as outlined above and recommended by Committee.

AWARD TENDERS:
L TRUCK
SPREADING

Tenders have been received for the rental of trucks for salt spreading for the 1983/84 winter season, as per the Purchasing Dept. report of Oct. 11/83. It has been recommended from Committee that the following two trucks be accepted for this tender:

Donald J. Clarke @ \$2,200. per month
M. F. Kelly @ 2,200. per month.

Council approved the recommendation from Committee, on motion of Ald. Greenough and Hetherington.

MOTION: Moved by Ald. Greenough & Hetherington that the two trucks listed above be approved for rental for salt spreading for the 1983/84 winter season, as per the Purchasing Dept. report and recommendation from Committee.

SUMMARY OF
REVENUE &
EXPENDITURES

On motion of Ald. Bregante and Greenough, Council approved the Summary of Revenue & Expenditures statements to Oct. 6/83, as recommended from Committee.

MOTION: Moved by Ald. Bregante & Greenough that the Summary of Revenue & Expenditure statements to Oct. 6/83, be adopted, as recommended from Committee.

REQUEST FOR
ADDITIONAL
MANPOWER

On motion of Ald. Hetherington and Bregante, Council approved a recommendation from Committee on the request from the Police Dept. for five additional police officers, as per the Police Chief's report of Sept. 15/83, adopted by the Police Commission; the five specific recommendations in this connection are contained in the report to Committee and Council, circulated with the respective agendas.

MOTION: Moved by Ald. Hetherington & Bregante that Council approve a recommendation from Committee on the request from the Police Dept. for five additional police officers, as per the Police Chief's report of Sept. 15/83.

RIDERSHIP
FIGURES:
FERRY SYSTEM

On motion of Ald. Crawford and Greenough, Council adopted a recommendation from Committee to receive and file a report on ferry ridership figures, as provided by the City Clerk-Treasurer in his report of Sept. 23/83 and reviewed by the Transit Advisory Board.

Ald. Withers made further inquiries about the reasons for a decrease in ridership during several months in 1983, notably during July, and discussed his questions with Ald. Crawford, Chairman of the Transit Advisory Board. Ald. Romkey suggested that ferry ridership could be increased if bus passengers could obtain transfers from the bus to ferry system, as they presently do when using metro transit services. The motion carried.

MOTION: Moved by Ald. Crawford and Greenough that Council adopt a recommendation from Committee to receive and file a report on ferry ridership figures, as provided in the report from Mr. Smith, dated Sept. 23/83 and reviewed by the Transit Advisory Board.

ADDITIONAL
SERVICE:
ROUTE 50

A recommendation from the Transit Advisory Board has been adopted in Committee, and it has subsequently been recommended to Council that approval be given for additional service on Route 50 (Penhorn) on a six-month trial basis for the 1984 February pick. Ald. Hetherington and Bregante moved the adoption of the recommendation.

Ald. Greenough questioned the need for additional service on this particular bus run, when similar improvements are not being made on other routes, such as Route 55 in the Port Wallis area, where half-hourly service has been previously requested. Ald. Hetherington and Bregante both gave reasons why improved service is needed on Gaston Road and in the other sections of their ward served by Route 50. The vote was then taken on the motion and it carried.

Ald. Greenough and Bregante then moved referral to the Transit Advisory Board of the request for half-hourly service during peak periods on Route 55. This motion also carried. The Aldermen for this area will be notified when the item is to be dealt with by the Board.

MOTIONS: Moved by Ald. Hetherington & Bregante that Council adopt the recommendation from Committee on additional service for Route 50 (Penhorn) on a six-month trial basis, for the 1984 February pick.

Moved by Ald. Greenough and Bregante that the request for half-hourly service during peak periods on Route 55, be referred to the Transit Advisory Board for consideration.

SECOND APPROVAL:
ROUTE 71 OVER-
EXPENDITURE

On motion of Ald. Sarto and Levandier, Council gave second approval for an over-expenditure in the amount of \$12,800. for the M.T.C. Route 71 (Forest Hills Express). First approval was given on May 24/83 and the necessary second approval was inadvertently overlooked until this time. Second approval has been recommended from Committee.

MOTION: Moved by Ald. Sarto and Levandier that second approval be given for an over-expenditure in the amount of \$12,800. for the M.T.C. Route 71 (Forest Hills Express), as recommended from Committee.

Ald. Sarto wished to have further improvements looked at for the Route 71 service, and moved referral to the Transit Advisory Board, to give consideration to additional one-hour runs in off-peak periods until 10:00 p.m. The motion was seconded by Ald. Romkey and it carried.

MOTION: Moved by Ald. Sarto and Romkey that the Transit Advisory Board be asked to consider additional one-hour runs on Route 71, in off-peak periods until 10:00 p.m. (ie. referral of this request to the Board for consideration).

On motion of Ald. Bregante and Hetherington, Council adopted the report of the Ferry Supt. for the month of August, as recommended from Committee.

MOTION: Moved by Ald. Bregante & Hetherington that the report of the Ferry Supt. for the month of August be adopted, as recommended from Committee.

A recommendation was before Council from Committee on the formation of a committee to oversee the project known as Portland Estates. It is recommended that this matter be referred to the Solicitor for a report to Council on possible legal implications of establishing such a committee. The recommendation was adopted, on motion of Ald. Hawley and Hetherington.

MOTION: Moved by Ald. Hawley & Hetherington that the formation of a committee to oversee the project known as Portland Estates, be referred to the Solicitor for a report to Council.

The report from the Solicitor was available at this meeting of Council and states that while there is no legal impediment to Council establishing a committee for the purpose suggested, care must be taken by the individual committee members to ensure they do not, through their actions on the committee, disqualify themselves from participating in the decision concerning the municipal development boundary extension requested by Portland Estates Ltd. It was pointed out that very specific terms of reference would have to be set down for the committee and care would have to be taken not to come to any conclusions on the overall project that could be seen as a prejudgement of the issue.

REPORT:
FERRY SUPT.

COMMITTEE TO
OVERSEE
PORTLAND ESTATES

Ald. Hawley, Greenough and Romkey were against the formation of the kind of committee being proposed and considered that the functions it would serve should be carried out by staff rather than by members of Council who would serve on the committee. Ald. Withers asked if such a committee has ever been formed in the past, and Mr. Moir said he could not recall a committee ever having been set up before to oversee a development boundary change.

Ald. Hetherington clarified the intent of his motion on the formation of a committee, suggesting that it be called a Development Committee, intended to deal with all the lands included in the boundary change and not just those included in the Portland Estates land holding. He moved that a Development Committee of at least seven Aldermen be established, with the appointments to be made by the Mayor; the motion was seconded by Ald. Crawford. Ald. Hetherington referred to other land holdings under consideration at present for development, that could also be looked at by the committee, and on which recommendations could be made to Council so that development proposals are expedited and able to proceed without long delays.

Ald. Stubbs felt that the present Committee-of-the-Whole system is one of the problems that would be overcome with a Development Committee, and she commented on what she felt is a lack of liaison at present between staff and the members of Council. Ald. Levandier suggested that the committee proposed in the motion could be infringing on the public hearing process, and said he could not support the motion. Ald. Crawford said he could see nothing wrong with a special committee to be appointed, in view of the magnitude of the development that is involved and its impact for the City.

Ald. Hawley did not like the political aspect involved, while Ald. Bregante was not willing to support the motion unless it were broadened to take in development proposals within the City generally, instead of singling out one specific project such as Portland Estates.

When the vote was taken on the motion, it was defeated with Ald. Withers, Bregante, Crawford, Stubbs, Hetherington and DeMont voting in favour.

OVERHEAD CROSSWALK:
PLEASANT STREET

The location of an overhead crosswalk sign on Pleasant Street, in the area of the Nova Scotia Hospital, has been discussed in Committee, with the recommendation that this matter be referred back to the T.M.G. for further study. Since a decision has already been made previously by Council on the specific crosswalk where this sign is to be situated, it was necessary for Council to first rescind the action taken, and this was done on motion of Ald. Hetherington and Bregante.

MOTION: Moved by Ald. Hetherington & Bregante that the action of Council in deciding the location of a crosswalk sign on Pleasant Street, be rescinded at this time.

Mr. Bayer advised that referral to the T.M.G. would not be necessary if the Aldermen for the ward wish to change the crosswalk that is to have the sign. It was therefore moved by Ald. Hetherington and Withers that the location of the crosswalk sign be designated for the crosswalk at John's Lunch instead of the point formerly chosen. The motion carried.

MOTION: Moved by Ald. Hetherington and Withers that the location of the crosswalk sign on Pleasant Street be designated for the crosswalk at John's Lunch instead of the point formerly chosen.

BLASTING PERMITS

In response to questions raised by Ald. Withers with respect to controls over blasting within the City, the Solicitor has submitted a report which outlines the Federal and Provincial regulations that apply. The report states that ' . . . between the Federal Explosives Act and the Provincial Dept. of Labour, there is very little area left to the City for control over blasting operations'. It is therefore recommended that the City of Dartmouth not pass a by-law to licence blasting contractors, or institute a permit system for blasting contractors. Further, that if there are specific concerns with the enforcement of Provincial blasting regulations or control

over blasting contractors in general, these complaints be made known to the Minister of Labour or his department for incorporation in revised regulations by that department.

Ald. Withers commented on the blasting damages that have been sustained by property owners in his ward and the lack of protection that currently exists for people put in these situations. In discussion with the Solicitor, she felt that the best approach is the one recommended in her report (ie. approaching the Minister of Labour or his department), and Ald. Withers indicated that he would support the recommendation if the points he has raised can be best communicated through this means.

Ald. Greenough and Crawford therefore moved the adoption of the Solicitor's report and recommendations, directing her to draft a letter to the Minister, outlining the concerns that have been addressed by Council with regard to blasting damage and controls. Ald. Hawley said he hoped the Solicitor would determine exactly what the controls are and who enforces them at present. The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Greenough and Crawford that the Solicitor's report on blasting permits, dated Sept. 20/83, with recommendations, be adopted, and that she direct a letter to the Minister of Labour, outlining the concerns that have been addressed by Council with regard to blasting damage and controls.

A report from Mr. Rath was before Council, providing details of a request from Norlin Ltd. (Russell Steel), for permission to lease from the City, a 16,000 sq. ft. portion of property under easement to the N. S. Power Corp., adjacent to the Burnside Athletic Club, for the purpose of storing steel plate. It has been recommended that the property be leased on the basis of the eleven conditions set out in Mr. Rath's report. This recommendation has been approved and recommended by the Industrial Commission, and Resolution #83-50 has been prepared to accomplish the leasing agreement. The adoption of Res. #83-50 was moved by Ald. Crawford, seconded by Ald. Sarto.

EASE OF LAND:
NORLIN LTD.
RESOLUTION #83-50

Mr. Rath was present to answer questions about the leasing arrangement and discussed with Ald. Levandier, several reservations he had about the leasing of land in the Burnside Park and the long-term implications of entering into leasing agreements with companies. He felt that the Industrial Commission should be looking at a policy in this connection. The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Crawford and Sarto that Council adopt Resolution #83-50, covering the leasing agreement between the City and Norlin Ltd. for land adjacent to the Burnside Athletic Club.

REZONING REQUEST:
ALBRO LAKE RD.

A rezoning application has been received for the property at 107 Albro Lake Road, to permit construction of a two-storey medical complex on the site. The Planning Dept. has recommended denial of the request on the basis that it does not comply with the policies of the City Municipal Planning Strategy. On motion of Ald. Stubbs and Hetherington, Council set December 13th as the date for public hearing of the application.

MOTION: Moved by Ald. Stubbs and Hetherington that December 13th be set as the date for public hearing of the rezoning application for the property 107 Albro Lake Road. The application would involve a change from R-3 Zone to contract zoning.

BAKER SUBDIVISION:
PORTLAND STREET

On motion of Ald. Greenough and Sarto, Council received and filed for information, a report from the Planning Director on the proposed Baker Subdivision on Portland Street, submitted in response to questions presented by Ald. Stubbs at the Council meeting of Oct. 4th.

MOTION: Moved by Ald. Greenough and Sarto that Council receive and file for information, a report provided by Mr. Bayer on the proposed Baker Subdivision on Portland St., submitted in response to questions raised by Ald. Stubbs at the Oct. 4th meeting.

WARD TENDER:
CONTRACT #83-06

Tenders have been received as follows for Contract 83-06, brook enclosure, Spring Ave. to Pauline Crescent:

W. Eric Wheby Ltd.	\$147,832.00
Cambrian Construction Ltd.	159,493.00
Woodlawn Construction Ltd.	167,335.00
L.J. Casavechia Contracting Ltd.	167,958.00
Harbour Construction Ltd.	169,700.00
Seaport Contractors Ltd.	227,590.00
Sun Construction Co.	230,054.00

Acceptance of the low bid, received from W. Eric Whebby Ltd., in the amount of \$147,832.00, has been recommended to Council, and the tender was awarded as recommended, on motion of Ald. Sarto and Greenough.

MOTION: Moved by Ald. Sarto and Greenough that the low bid received for Contract 83-06, from W. Eric Whebby Ltd., in the amount of \$147,832.00, be accepted as recommended to Council.

LETTER: MINISTER
OF MUNICIPAL AFFAIRS

Members of Council have been provided with copies of a letter from the Minister of Municipal Affairs, clarifying the position of his department on the question of amendments to the municipal development boundary in relation to the provision of trunk services to any new area that falls within the boundary extension. The letter states:

" I want to make it clear that in my view, there is nothing presently contained in the City of Dartmouth's municipal planning strategy which would obligate the City to provide services to an area of land to be included within the City's development boundary."

Ald. Greenough and Romkey moved that the letter from the Minister be received and filed. Ald. Hetherington questioned the information given by Planning staff on this subject during the course of the public hearing for the municipal development boundary extension involving the lands of Portland Estates, and Mr. Bayer indicated that the information communicated by him to Council was also provided by the Dept. of Municipal Affairs.


In view of the difference in interpretation that has now been provided by the Minister, Ald. Hetherington and Greenough moved referral to staff for clarification of the boundary extension question with the trunk services issue, as these matters relate to the two major development proposals currently before Council for lands in north and south Dartmouth. The motion to refer carried.

MOTION: Moved by Ald. Hetherington and Greenough that the letter from the Minister of Municipal Affairs, dated Oct. 25/83, be referred to staff for clarification of the boundary extension question with the trunk services issue, as these matters relate to the two major development proposals currently before Council for lands in north and south Dartmouth.

On motion of Ald. Hetherington and Romkey, Council adjourned to meet in camera to deal with two additional items of business.

Council later reconvened in open meeting and ratified the action taken in camera, on motion of Ald. Crawford and Hetherington.

The meeting then adjourned.



G. D. Brady,
Deputy City Clerk.

City Council, Oct. 25/83

ITEMS:

- 1) Monthly reports, page 1.
- 2) Award tender: Contract #83-09, page 1.
- 3) Award tenders: Trucks for snow plowing, page 2.
- 4) " " : Snow plowing equipment, page 2.
- 5) " " : Rental trucks, salt spreading, page 2.
- 6) Summary of Revenue & Expenditures, page 3.
- 7) Request for additional manpower, page 3.
- 8) Ridership figures: Ferry system, page 3.
- 9) Additional service, Route 50, page 4.
- 10) Second approval: Route 71 over-expenditure, page 4.
- 11) Report: Ferry Supt., page 5.
- 12) Committee to oversee Portland Estates, pg. 5 to 7 incl.
- 13) Overhead crosswalk: Pleasant St., page 7.
- 14) Blasting permits, page 7.
- 15) Lease of land: Norlin Ltd.: Res. #83-50, page 8.
- 16) Rezoning request: 107 Albro Lake Rd., page 9.
- 17) Baker Subdivision: Portland St., page 9.
- 18) Award tender: Contract #83-06, page 9.
- 19) Letter: Min. of Municipal Affairs, page 10.