

Dartmouth, N. S.

January 3/84.

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

Present - Mayor Brownlow

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

UTES

The minutes of the Dec. 6th and Dec. 13th meetings were approved as circulated, on motion of Ald. Bregante and Hetherington.

PETITION:
DARTMOUTH
COMMON

A petition was received from citizens who are requesting a municipal act that will create a set of permanent boundary lines for the Dartmouth Commons, to insure the protection of these lands from further encroachments so they can be retained for public use. Ald. Crawford questioned the inclusion of a number of signatures by people who reside in the County of Halifax, outside our City boundaries; he said he questioned the responsibility of the City to maintain common lands for people who are not even Dartmouth residents. He then proceeded to move that the petition be referred to the committee looking at the disposition of the Park School and adjacent lands, for review of the citizen request set out in the petition. The motion to refer was seconded by Ald. Greenwood.

Ald. Levandier moved in amendment that the petition also be referred to the Heritage Advisory Committee for their consideration and input. The amendment was seconded by Ald. Crawford and it carried. The amended motion to refer carried.

MOTION: Moved by Ald. Crawford & Greenwood that the petition from citizens re the protection of Dartmouth Commons, be referred to the committee looking at the disposition of Park School and adjacent lands.

AMENDMENT: Moved in amendment by Ald. Levandier and Crawford that the petition also be referred to the Heritage Advisory Committee for consideration and input.

WINDMILL RD.

Mr. Moir has submitted a further report on City-owned property at 382 Windmill Road, advising that the building formerly located on the property has been demolished, as authorized by Council, and recommending that whereas the land is surplus to City needs, a plan of the property now be prepared and the property advertised for sale by tender. Council adopted this recommendation, on motion of Ald. Sarto and Greenwood.

MOTION: Moved by Ald. Sarto and Greenwood that a plan of the property at 382 Windmill Road be prepared, and the property advertised for sale by tender, as recommended by Mr. Moir in his report to Council of Dec. 12/83.

CITY LAND:
LYNGBY AVE.

Council considered a report from Mr. Moir on the possibility of servicing City-owned land on Lyngby Ave. between Hillside Ave. and Crichton Ave., in order to make this land available for development. The report recommends:

- a) that Council authorize the subdivision of these lands, the servicing of the property, including the reconnection of Lyngby Ave. to Crichton Ave., and that the lots be offered for sale at a minimum cost of \$30,000. per lot.
- b) that the five lots on the north side of Lyngby Ave. contain a clause in the deed indicating that the purchaser recognize that the area is a school and recreation site.

Ald. Crawford and Hetherington moved the adoption of the above recommendations, and at the request of Ald. Crawford, Mr. Moir provided additional information on the lots that will be available for development (ie. the number that will be created) and on the proximity of recreation facilities to some of the lots. Ald. Withers also had several questions about the servicing provisions and the possibility of extending services to Crichton Ave. Ext. and to correct flooding problems on Mount Pleasant Ave. Ald. Peters questioned the asking price for the properties, suggesting that it should be considerably higher than the \$30,000. figure being suggested. Mr. Moir noted that \$30,000. is a minimum price and Council could approve any figure over this amount that is considered to be acceptable. Ald.

Bregante requested information on the amount paid by the City originally for this land at the time of acquisition. He said he would want to know this before trying to establish an asking price for the lots that will be created. The motion on the floor carried.

MOTION: Moved by Ald. Crawford & Hetherington that Mr. Moir's recommendations on the servicing of City-owned land on Lyngby Ave., as outlined on page 2 of these minutes, be adopted.

(Notation was also made of a concern raised by Ald. Levandier that the sale of the lots be limited, insofar as possible, to one lot per individual when they are offered for sale.)

REPAIRS:
BOWLES ARENA
ELECTRICAL
SYSTEM

Mr. Moir has reported to Council on damage caused to the electrical panel in the compressor room of the Bowles Arena, as the result of an electrical default. The Arena has since been working under make-shift repairs and the quotation received for the supply and installation of a new electric panel is in the amount of \$14,879. It is recommended that Council authorize this expenditure so that an order can be placed with Cimco Ltd., the company from whom the quote was received. Council approved the recommendation, on motion of Ald. Hetherington and Greenwood.

MOTION: Moved by Ald. Hetherington & Greenwood that Council authorize an expenditure in the amount of \$14,879., for the supply and installation of a new electric panel at the Bowles Arena, to replace the one that has been damaged, as recommended in Mr. Moir's report of Dec. 28/83.

1 FERGUSON RD.
371 WINDMILL RD.

A further report has been received from Mr. Moir on City-owned lands at 1 Ferguson Road/371 Windmill Road, which have now been surveyed and found to be not large enough for approval as one lot on its own. The abutting property owner, Action Sports Ltd., has indicated an interest in acquiring this surplus land, and it has been recommended that Council authorize the sale of the parcel of land to Action Sports Ltd. for the price of \$7,152.68, on the understanding that the new owner will make the necessary applications to rezone the property, so it will conform to his property at

3 Ferguson Road. Council approved this recommendation, on motion of Ald. Greenwood and Stubbs.

MOTION: Moved by Ald. Greenwood & Stubbs that Council authorize the sale of a parcel of City-owned land at 1 Ferguson Road/ 371 Windmill Road, to the abutting property owner, Action Sports Ltd., for the price of \$7,152.68, on the understanding that the new owner will make the necessary applications to rezone the property, so it will conform to his property at 3 Ferguson Road. This recommendation is contained in Mr. Moir's report to Council, dated Nov. 28/83.

LEASE OF PROPERTY:
MOUNT HOPE AVE./
PLEASANT STREET

RESOLUTION #84-1

Mr. Moir has recommended approval, for a further ten-year period, of a lease from the Province by the City of Dartmouth, of Lot M1, Mount Hope Ave./Pleasant Street; copies of the lease have been circulated with Mr. Moir's report on this item. Resolution #84-1 has also been prepared and circulated for Council's approval, covering the execution of the lease.

Council approved the adoption of Resolution #84-1, as recommended, on motion of Ald. Withers and Bregante.

MOTION: Moved by Ald. Withers and Bregante that Council approve the adoption of Resolution #84-1, covering the execution of the lease by the City of Lot M1 (Mount Hope Ave./ Pleasant St.) from the Province.

(Ald. Hetherington asked about other lands in this area of interest to the City, and requested that the Mayor make a follow-up request to the Province.)

SECOND TRANSFER
STATION

As requested by Council, staff have prepared a cost breakdown for converting the Dartmouth incinerator to a transfer station, referred to as Option C in the Metropolitan Authority report on a second transfer station, if one were to be approved for the City of Dartmouth.

Mr. Moir's report on this item makes the following recommendations:

- a) that Council adopt Option C, that is, full service modified design for conversion of the existing Dartmouth incinerator: capital cost, \$0.75M.
- b) that Council have the Metropolitan Authority approach the other participating municipalities to cost-share in this option.
- c) that City staff be authorized to work with the Metropolitan Authority staff regarding the necessary changes to traffic movements in the area, and that costs for these improvements be added to the total conversion cost.

Council approved the recommendations as presented, on motion of Ald. Crawford and Greenwood.

MOTION: Moved by Ald. Crawford & Greenwood that Council approve the recommendations outlined on page 4 of these minutes, with respect to a second transfer station, to be located in the City of Dartmouth, as per Mr. Moir's report of Dec. 29/83 to Council.

RESOLUTIONS 84-2
AND 84-3:
SIGNING AUTHORITY

On motion of Ald. Sarto and Bregante, Council approved Resolutions #84-2 and 84-3, covering General Signing Authority for Lawrence T. Corrigan, the new Deputy City Treasurer, as recommended by the City Clerk-Treasurer.

MOTION: Moved by Ald. Sarto and Bregante that Council approve Resolutions #84-2 and 84-3, covering General Signing Authority for Lawrence T. Corrigan, the new Deputy City Treasurer.

SCHOOL BOARD
REGISTRATION,
SCHEDULING &
REPORT CARD
SYSTEMS

Mr. Smith has submitted a report for information on the development by School Board and City staff of a scheduling, registration and report card system, as described in the report. The report was received and filed by Council, on motion of Ald. Levandier and Romkey. Ald. Greenough suggested that attention be given to the points made on page 2 of the report, with respect to the interest of other local School Boards in our system and possibly contracting for it. It was noted that there is discussion at the staff levels in this connection.

MOTION: Moved by Ald. Levandier and Romkey that the report submitted by Mr. Smith on the scheduling, registration and report card system, devised by School Board and City staff, be received and filed for information.

PENSION BY-LAW
AMENDMENTS:
BY-LAW C-510

A number of proposed amendments to the Pension By-law have been drafted and incorporated into proposed By-law C-510, which was presented at this time for Council's approval, accompanied by reports from the Solicitor, dated Dec. 29/83 and Jan. 3/84. These amendments have been recommended to Council by the Pension Committee and have been prepared in consultation with Mr. Brian Burnell of the Wyatt Company.

It was moved by Ald. Levandier and Bregante and carried that leave be given to introduce the said

By-law C-510 and that it now be read a first time.

It was moved by Ald. Hetherington and Levandier that By-law C-510 be read a second time.

Ald. Greenough said he would like to have a further explanation of some of the amendments being recommended, if Mr. Burnell could be present for this purpose, and he moved a one-week deferral of the by-law to have Mr. Burnell in attendance to provide additional information for Council. The motion to defer was seconded by Ald. Hetherington and it carried.

Mr. Burnell will be heard by Council prior to the Committee meeting of Jan. 10th.

MOTION: Moved by Ald. Greenough and Hetherington that By-law C-510 be deferred (in second reading) for one week, to have Mr. Brian Burnell in attendance to explain the Pension Plan amendments being proposed. (Ald. Hawley was present from this point in the meeting.) Proposed amendments to the City Charter, as

AMENDMENTS
TO CHARTER

RESOLUTION #84-6

contained in Schedule "A" of Resolution #84-6, were before Council for approval, so they can be submitted to the 1984 sitting of the Provincial Legislature. These amendments will implement Resolution #83-51, previously adopted by Council, dealing with the installation of trunk services and the means of collecting the costs associated therewith.

Ald. Crawford and Hetherington moved the adoption of Resolution #84-6, after which the Solicitor proceeded with a section-by-section review of Schedule "A" with Council. Members had the opportunity to raise any points they wished to have clarified during this review.

Mr. Purdy questioned section 3, with respect to the provision for recovering the capital contribution from developers, and was advised by the Solicitor that these repayment details can be adequately covered in the agreement with the developer and do not have to be spelled out in this legislation. When the vote was taken on the motion, it carried.

MOTION: Moved by Ald. Crawford & Hetherington that Council approve Resolution #84-6, covering proposed amendments to the City Charter with respect to the installation of trunk services and collection of associated costs.

EXCHANGE OF LANDS
WITH MT & T:
RESOLUTION #84-7

The Industrial Commission has recommended approval of a proposed exchange of lands in the Burnside Industrial Park area, between the City and M.T. & T. Co. Ltd., as outlined in a report from Mr. Rath, dated Dec. 16/83. Resolution #84-7 has been prepared in this connection, setting out in Schedule "A" all of the conditions being recommended to accomplish the land exchange. The land involved is the 100' right-of-way owned by M.T. & T. that parallels Burnside Drive (a total area of 865,000 sq. ft.) for a 562,500 sq. ft. portion of property on the east side of the Bedford-Sackville Expressway in a location off Akerley Blvd. Council approved the adoption of Resolution #84-7, on motion of Ald. Withers and Romkey.

MOTION: Moved by Ald. Withers and Romkey that Council approve the adoption of Resolution #84-7, covering an exchange of lands in the Burnside Park area, between the City of Dartmouth and M.T. & T. Co. Ltd., as per the conditions set out in Mr. Rath's report to Council of Dec. 16th and 29/83.

MOTIONS:
ALD. WITHERS

At the request of Ald. Withers, Council agreed to a postponement of the motion that was to have been introduced by him, to be brought back to Council at a time of his choosing.

A. SARTO

In accordance with notice of motion previously given, Ald. Sarto now moved:

BE IT RESOLVED that staff be instructed to investigate the feasibility and advise accordingly, of a Fire Sub-station in the Woodlawn/Mount Edward and Forest Hills area.

The motion was seconded by Ald. Greenwood and it carried. Documentation prepared by Ald. Sarto will be made available to the Fire Chief in connection with his motion. Ald. Greenwood suggested that when this matter is under consideration by staff, they look into the possibility of negotiating some arrangement with the Cole Harbour fire fighting unit as well.

MOTION: Moved by Ald. Sarto and Greenwood: motion re Fire Sub-station as detailed above.

NOTICES OF MOTION:
ALD. PETERS

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

Ald. Peters:

WHEREAS the courts have ruled that the death of a Dartmouth citizen, Mr. Earl Hollett, was caused by the actions of at least one Dartmouth employee while on duty in August, 1980;

AND WHEREAS his wife, Lucille Hollett and their two children, have lost not only their husband and father, but their breadwinner as well;

THEREFORE, BE IT RESOLVED that a committee consisting of the Mayor and two Aldermen meet with Mrs. Hollett and her representative to negotiate a fair financial settlement.

Ald. Crawford questioned the position in which Council may be placed by discussing this subject if the matter is still before the courts, and the Solicitor said he would have an opinion ready for Council on the point raised by Ald. Crawford before introduction of the motion by Ald. Peters when it comes up on the Feb. 7th agenda. On this basis, the notice of motion was permitted to stand.

ALD. LEVANDIER

Ald. Levandier:

WHEREAS Eastwood Manor is a large senior citizens complex;

AND WHEREAS it is located on a large hill and not near any convenience store;

THEREFORE BE IT RESOLVED that Dartmouth City Council request the Dartmouth Housing Authority to establish a convenience store in the building similar to the one at Northwood Manor in Halifax.

INQUIRIES:

ALD. HAWLEY

Ald. Hawley's first inquiry was about a large billboard located on Akerley Blvd., advertising office space for rent, and whether it should have been allowed; he felt that the billboard tends to cheapen the appearance of the Park.

Ald. Hawley also asked that steps be taken to have a property cleaned up on Main Street. The property is near the traffic lights at Main and Major Streets, and is occupied by a plumbing business.

ALD. BREGANTE

Ald. Bregante asked for an update on what is happening with the problem of water that is ponding at the top of Marvin and Renfrew Streets. Mr. Fougere to take this item up again with the Building Inspector.

ALD. CRAWFORD

Ald. Crawford's first inquiry pertained to the derelict car located at the back of the apartment building at 27 Prince Albert Road, and some means of having it

removed from the property. The Solicitor agreed to contact the Building Inspection Dept. to see what action can be taken under the Minimum Standards or Unsightly Premises By-laws, also, to look at the possibility of having consent given by the former or present owner, for its removal.

Ald. Crawford referred to an instance which occurred on Portland Street, where a meter was being opened with some difficulty and money from the meter fell out on the ground. It was not picked up by the Brinks guard checking the meters and Ald. Crawford asked for a review of the contract the City has with Brinks as a result of this inattention to responsibility on the part of the guard, to determine whether the terms of the contract have been violated.

Ald. Crawford noted that the Royal Bank is presenting an information session on municipal financing on the evening of Jan. 4th, and he suggested that it would be a worthwhile session for members of Council to attend.

ALD. ROMKEY

Ald. Romkey asked about a previous inquiry he made with respect to fencing on the Circumferential Highway to prevent pedestrians from crossing it. A letter has been received from the Province in connection with this item and it will be circulated to all members.

ALD. WITHERS

Ald. Withers passed two grant requests to Mr. Brady to place on file.

Inquiries made by Ald. Withers were as follows:

- 1) suggested that a schedule of meeting dates be sent out for other Boards and Committees, similar to the one received for the Industrial Commission.
- 2) inquired again about the truck clearance at the CNR underpass on Windmill Road; Mr. Moir said he would discuss with Mr. Fougere the wording for a notice of motion that could be given by Ald. Withers, in order to approach the CNR on this item.
- 3) requested bus shelters on the east side of Windmill Road at Grove Street and at Albro Lake Road and Victoria Road (north side). Ald. Crawford suggested that the request be presented in writing to the Transit Advisory Board, and Mr. Moir noted that members of Council will be meeting with the bus shelter suppliers on Jan. 17th and these two locations could be brought to their attention by Ald. Withers.

- 4) asked about the status of the negotiations between staff and the marina developer. Mr. Moir advised that material received from the developer just prior to Christmas will be reviewed by the staff committee.
- 5) asked about the status of the by-law requested to require extermination procedures prior to the demolition of old buildings. Mr. Moreash said he will try to have the by-law ready for Council in February.
- 6) asked for a copy of the new terms of reference for the Transportation Study. Mr. Moir noted that the terms of reference applicable were those approved by Council.
- 7) referred to a report received from Mr. McNeil in November of 1982 with respect to sub-standard housing complaints, involving social assistance recipients and cooperation with the Building Inspection Dept. in dealing with these instances. Ald. Withers requested an update report from Mr. McNeil on this subject.
- 8) asked what survey work is going on at #3 Averill Street. Mr. Fougere said that damage to a fence by a snowplow is involved and Ald. Withers asked to be kept informed on the item.

ALD. PETERS

Ald. Peters asked for a report from staff, outlining the City's present policy regarding the procedure followed pertaining to the towing of vehicles, including the selection process of the towing company.

ALD. SARTO

Ald. Sarto asked that a marked pedestrian crosswalk be considered for the location at Collins Grove and Spring Ave., where traffic pattern changes have been made.

ALD. HETHERINGTON

Ald. Hetherington again made an inquiry about the lighting on Prince Arthur Drive, and was advised that Mr. Rix is having the lighting levels checked out by the Power Corp.

Ald. Hetherington's second inquiry dealt with the by-law restriction covering barbed wire and electrical fences in the City. Mr. Moir said the provisions of the Street By-law may cover these fences and this possibility is being looked at by the Solicitor.

ALD. LEVANDIER

Ald. Levandier referred to a resolution that has been discussed by the Executive of the Union of N. S. Municipalities, with reference to Provincial sharing in tax revenues, and asked to have this item included in some future Council agenda for consideration. The Mayor explained the intent of the resolution, which

pertains basically to mega-projects associated with offshore oil and gas developments. He agreed to have the item brought before Council in order that it can be fully debated.

Ald. Levandier asked about the status of the new senior citizens complex on King Street. The Mayor advised that the project is in the design stage.

The third inquiry made by Ald. Levandier pertained to a request for an illuminated crosswalk sign at the intersection of Thistle Street and Wyse Road. This request would be referred to the T.M.G. for consideration.

Meeting adjourned.



G. D. Brady,
Deputy City Clerk.

City Council, Jan. 3/84

ITEMS:

- 1) Petition: Dartmouth Common, page 1.
- 2) 382 Windmill Road, page 2.
- 3) City land: Lyngby Ave., page 2.
- 4) Repairs: Bowles Arena Electrical System, page 3.
- 5) 1 Ferguson Rd./371 Windmill Road, page 3.
- 6) Lease of property: Mount Hope Ave/Pleasant St., pg. 4.
Resolution #84-1.
- 7) Second transfer station, page 4.
- 8) Resolutions 84-2 & 84-3: Signing Authority, pg. 5.
- 9) School Board registration, scheduling system, page 5.
- 10) Pension By-law Amendments: By-law C-510, page 5.
- 11) Amendments to Charter: Resolution #84-6, page 6.
- 12) Exchange of lands, MT & T: Resolution #84-7, page 7.
- 13) Motions: Ald. Sarto, page 7.
- 14) Notices of motion: Ald. Peters
Levandier page 8.
- 15) Inquiries, page 8 to 11 incl.

Dartmouth, N. S.

January 10/84.

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

Present - Mayor Brownlow

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

1984 ASSESSMENT

Rising on a point of privilege, Ald. Crawford expressed concern about the major increase in property assessments in the City, ranging from 25% to 42% in the calls he has been receiving from concerned residents. He referred to a report circulated from the City Clerk-Treasurer on the subject of the 1984 assessment roll and his explanation of the impact which the new assessments will have on property taxes and his statement to the effect that 'assessments reflect on taxes only after a revised tax rate has been set'. He suggested that the Mayor bring this report and the assessment increase to the attention of the Executive of the Union of Nova Scotia Municipalities, in view of the general concern that will be reflected among property owners throughout the Province in this year of reassessment.

The Mayor noted that notification of assessment is received from the Province and not from the City, and that all property owners have the right to appeal if they feel their assessment is out of line with comparable properties located in their own area. The assessments established are intended to reflect market value for the properties assessed as of Jan. 1/83. He said he would bring the points raised by Ald. Crawford to the attention of the Executive, although as Mr. Smith has pointed out, the taxes that will be charged for any given property cannot be determined at this time until a tax rate has been set for 1984.

PUBLIC HEARING:
NUISANCE COMPLAINT
146 BRAEMAR DRIVE

This date was set by Council for public hearing of a nuisance complaint from Mrs. Joan MacDonald of 146 Braemar Drive, under By-law C-211, against Mr. B. Vickery of 148 Braemar Drive. Mrs. MacDonald has complained of noise, odor, and a problem with paint particles, resulting from auto body repair work being carried out at 148 Braemar Drive at various periods during the day and evening. These problems have affected her quality of life and caused her considerable distress over the period of a year-and-a-half since they began. Mrs. MacDonald has resided at 146 Braemar Drive for 32 years, while Mr. Vickery has lived next door for two years of that time. (The address identified by him as 4 Islandview Drive.)

The Solicitor noted that the relevant sections of By-law C-211 for Council to consider, are Section 1 (definition of a nuisance for purposes of the by-law) and Section 4, which provides for Council to issue an order to the assessed owner if a nuisance has been determined to originate with his or her property. The Mayor reviewed the procedures to be followed during the course of the hearing, commencing with a hearing of Mrs. MacDonald's complaint.

Mrs. Joan MacDonald addressed Council, stating her complaints about noise, odor, and the presence of paint dust, all of which have made life unpleasant for her and upset her a great deal since they became problems. In response to questions directed to her from members of Council, Mrs. MacDonald provided the following information:

- a) the proximity of 148 Braemar Drive to her house is fifteen feet.
- b) a power interference is caused in her house when a compressor is being operated in the garage at 148 Braemar Drive.
- c) up until recently, the disturbance from auto body work being carried out has been consistently steady, including weekends.
- d) the advice of a lawyer has been sought, but the bill for this advice has not yet been received by Mrs. MacDonald so she was not able to provide information on the cost.

- e) the window near where Mrs. MacDonald rests on the ground floor of her dwelling, is right next to the building from which noise originates.
- f) paint particles from the garage have coated window screens both up and downstairs.

Dr. Margaret Ross, who accompanied Mrs. MacDonald at the hearing, was asked by Ald. Crawford whether the noise and odor experienced have been injurious to Mrs. MacDonald's health. Dr. Ross commented on the several health problems that Mrs. MacDonald has and indicated that the concerns associated with the auto body work at 148 Braemar Drive are injurious to her health, including the annoyance and disturbance that she has experienced, being a person who suffers from hypertension. Several questions from Council members pertained to the continuing efforts that have gone on to deal with the situation through the Planning and Building Inspection Departments. The matter of a possible zoning violation was raised (148 Braemar Dr. being zoned for R-3 use), but it was pointed out by the Solicitor that the question of a zoning violation and/or use of the building at this address for auto body work (commercially) are not covered under By-law C-211, which relates to nuisance conditions and not compliance with other City by-laws. Such questions were therefore not considered to be relevant in the context of this present hearing, taking place under the provisions of By-law C-211.

Council then heard Mr. Brian Vickery of 4 Islandview Drive (148 Braemar Drive), who stated that the auto body work carried out at his address is not a commercial business but a hobby shop used for this purpose by himself and some of his friends. In addition to the air compressor that is used, other equipment includes sanders and machines used for grinding. Asked about the number of cars he has worked on, especially in recent weeks, Mr. Vickery said he has not been 'working down there since the first of November', except for some work on his wife's car during the past weekend. He also advised that he is not working on cars now, but is building a wood splitter.

He said he had put in a filter system that he thought would cut down on the fumes from the garage, and suggested that the power fluctuations could be caused by some source other than his equipment. He did acknowledge that an electric welder being used would draw heavily on power use. Ald. Hawley asked about any possible compromise solution that could be reached in this situation. Mr. Vickery said he has relocated the air compressor and unhooked the exhaust fan; also, he has looked into insulating possibilities to cut down on noise from the equipment use.

Ald. Withers asked about any possible dialogue between Mr. Vickery and Mrs. MacDonald, in trying to resolve their differences. Mr. Vickery said that Mrs. MacDonald has never discussed her complaints with him and spoke to his wife only on one occasion.

Mrs. MacDonald had a second opportunity to be heard by Council, and with reference to a statement made by her to the effect that the noise and disturbance from the garage has continued up to Jan. 5th, she provided a list of dates and times compiled by her, from Oct. 15th (1983) to Jan. 5th (1984), during which machinery was being operated. The incidence of use went from being almost continuous in the month of October to a more sporadic use pattern toward the end of November and throughout December until Dec. 18th. The two January dates noted were January 2nd and 5th.

In summation, Mrs. MacDonald said she has been greatly upset by the nuisance created (by the auto body work) and it has interfered with her health.

Mr. Vickery also had a second chance to speak to Council on his own behalf. He indicated that he would not be doing any more spray painting at this location and that he would be willing to insulate the garage to reduce the noise levels. He noted that there is a commercial auto body shop close by that could be causing some of the problems, particularly those involving power fluctuations.

After hearing from both parties, Council proceeded to discuss the complaint that has been made by Mrs. MacDonald. Ald. Levandier said it was clear to him that after living in her home for thirty-two years, Mrs. MacDonald has been disturbed for the past two by the noise and odor caused by the body work being carried on by Mr. Vickery. He moved that staff be instructed to take whatever action is necessary to see that these problems cease and desist immediately. The motion was seconded by Ald. Crawford, but the Solicitor again referred to the provisions of By-law C-211, which require (a) that Council must decide if a nuisance exists, and (b) must then specify what is to be done by the assessed owner, in accordance with section 4 of the by-law. Having received this advice from the Solicitor, the Mayor ruled the motion on the floor to be out of order.

A new motion was then introduced by Ald. Crawford and Levandier, to the effect that sufficient information has been presented to establish that a nuisance exists. Ald. Romkey felt that it is the right of any resident to have a hobby and said he thought the differences between these two parties could be mutually resolved without placing undue limitations on a person with a hobby. Ald. Hawley also favoured an attempt to find a compromise solution, pointing out that Mr. Vickery is willing to stop the spray painting and suggesting that it may be possible to reduce the noise levels if he is willing to provide adequate insulation.

Ald. Greenough said that if there had been any willingness to cooperate, the matter would have been resolved a long time ago and not allowed to go on for a one-and-a-half-year period. His opinion was that the issue has to be resolved at this hearing. Ald. Greenwood agreed that a nuisance exists and the sources of disturbance should be terminated.

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

MOTION: Moved by Ald. Crawford & Levandier that sufficient information has been presented to establish that a nuisance exists.

Members of Council next tried to determine what should be required of Mr. Vickery in order to insure abatement of the three main problems involved, namely, noise, odor and flying paint particles. In order to accomplish this, the spray painting would have to cease and the equipment causing the noise would either have to be removed from the garage or sound-proofing measures taken to overcome the noise problem; the other alternative would be not to use the machinery at all at its present location. The Solicitor suggested wording for a motion to the effect that the spray painting cease and that the machinery not be used until appropriate sound-proofing has been installed.

After considerable discussion about the conditions to be imposed and the specifics that will meet the requirements of Section 4 of By-law C-211, Ald. Beeler proceeded to moved that effective forthwith, (a) there be no spray painting allowed on the premises (4 Islandview Drive); and (b) that no machinery be used on the premises (4 Islandview Drive) until sound-proofing sufficient to stop the nuisance is installed. The motion was seconded by Ald. Hawley and it carried unanimously.

MOTION: Moved by Ald. Beeler and Hawley that effective forthwith, (a) there be no spray painting allowed on the premises (4 Islandview Drive); and (b) that no machinery be used on the premises (4 Islandview Drive) until sound-proofing sufficient to stop the nuisance is installed.

BY-LAW C-510:
PENSION BY-LAW
AMENDMENTS

By-law C-510, consisting of proposed amendments to the City Pension Plan By-law, was again before Council and as requested, Mr. Brian Burnell of the Wyatt Company was available to explain the various amendments to the members.

It was moved by Ald. Crawford and Withers that By-law C-510 be read a second time. (First reading was given at the Council meeting of January 3rd.)

Ald. Peters pointed out to Council that the

changes being recommended by the Pension Committee will not cost the City any additional dollars, since they are to be funded from the surplus assets in the fund, amounting to 1.3 million dollars. Particular reference was made later by Mr. Burnell to the funding involved to cover Section 5.7 of the by-law; the surplus will be sufficient for this new provision.

Mr. Burnell proceeded with a section-by-section review of the by-law, when members of Council had an opportunity to discuss their questions with him. Questions raised were answered to the satisfaction of the members and no amendments were introduced during the course of the review. Ald. Withers asked if any consideration has been given in preparing the amendments to the benefits being received by present retirees and whether adjustments may be in order for these people from the surplus assets available. Mr. Burnell said that one of his recommendations to the Pension Committee pertained to people in this category, but it did not appear to have been included in the amendments recommended by the Committee. Mr. Peters, who is Chairman of the Pension Committee, said he would have the item included in the next Committee meeting to determine the status of the recommendation and discuss it further.

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

It was moved by Ald. Sarto and Withers and carried that By-law C-510 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

MOTIONS: Second & third readings given to
By-law C-510.

Pursuant to Section 10.3 of the new by-law, which calls for an annual actuarial valuation, Ald. Peters moved that the services of the Wyatt Company be engaged to carry out an actuarial valuation as at Dec. 31/83.

The motion was seconded by Ald. Crawford and it carried.

MOTION: Moved by Ald. Peters and Crawford that the services of the Wyatt Company be engaged to carry out an actuarial valuation of the City Pension Plan as at Dec. 31/83.

BY-LAW C-513:
FIRE PREVENTION

Proposed By-law C-513, which would amend the Fire Prevention By-law C-463, was before Council for approval, accompanied by a report from Mr. Moir, explaining the need for the by-law amendment and recommending the adoption of it.

It was moved by Ald. Bregante and Crawford and carried that leave be given to introduce the said By-law C-513 and that it now be read a first time.

It was moved by Ald. Sarto and Levandier that By-law C-513 be read a second time.

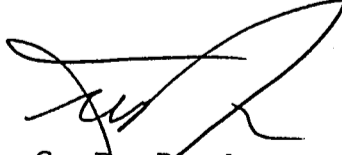
It was moved in amendment by Ald. Stubbs and Crawford that Section 1.6 (2) be amended by adding the words '. . . or to clear underbrush' to the present wording of the sub-section. The amendment carried and the amended motion on second reading carried.

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

It was moved by Ald. Greenwood and Hawley and carried that By-law C-513 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

MOTIONS: Three readings given to By-law C-513, which amends the Fire Prevention By-law C-463.

On motion of Ald. Levandier and Hawley, Council adjourned to meet in Committee to deal with the agenda for this date.


G. D. Brady,
Deputy City Clerk.

City Council, Jan. 10/84.

ITEMS:

- 1) 1984 Assessment, page 1.
- 2) Public hearing: Nuisance complaint, 146 Braemar Dr.,
pages 2 to 6 incl.
- 3) By-law C-510: Pension By-law amendments, page 6 & 7.
- 4) By-law C-513: Fire Prevention By-law amendment, pg. 8.

Dartmouth, N. S.

January 12/84.

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

Present - Mayor Brownlow

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

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

REPORT: MUNICIPAL
ELECTIONS ACT
REVIEW COMMITTEE

This meeting of Council was an information session with Mr. Bill Cox, the Solicitor for the Union of Nova Scotia Municipalities, to review the report of the Municipal Elections Act Review Committee, copies of which have been circulated to members of Council.

The report contains recommendations on each of the sections in the Act and Mr. Cox proceeded with a section-by-section review, during which members could raise any points of clarification or have questions answered; the recommendations of the Committee were not debated at this time.

(Just prior to the beginning of the review, Ald. Levandier rose on a point of privilege and suggested that because of the considerable concern generated among residents by the new assessments that have gone out, it would be advisable to have a press release issued through the Mayor's office, to clarify the points that are causing concern.)

Mr. Cox initially made reference to those sections of the report which deal with disqualification of persons to be candidates or to serve on municipal councils. He suggested that any members who may consider themselves to be in a conflict-of-interest position with regard to these sections, can decide whether or not they should participate or declare a conflict-of-interest and withdraw.

Sections that received particular attention during the review were:

- 1) Section 7 (size of polling divisions): questions pertained to the additional cost that could

result for a municipality with the designation of polling stations in apartment buildings and in homes for the aged and homes for special care. Mr. Smith explained the procedures that are followed during municipal elections in Dartmouth without having to set up polls in all of the senior and special care buildings. He and Mr. Moir considered these procedures to be adequate and more practical than requiring separate polls in all buildings of this kind. Mr. Moir said this section should be looked at further because of the cost implications involved in the recommendation.

- 2) Section 29 (use of electors lists prepared within a previous twelve-month period): Ald. Crawford commented on problems created by the use of Provincial lists for the last municipal election in Dartmouth. Mr. Cox pointed out that the recommendation of the Committee on this section is not mandatory, but is permissive. A municipality may carry out an enumeration rather than choosing to use a previous list of electors.
- 3) Section 67 (appointment of agent to represent a candidate): This section received considerable attention because of problems that have arisen in past elections with the designation of agents and their identification.

Sections 68 and 69 also relate to the same subject and were discussed in conjunction with Section 67.

- 4) Section 72B: It was felt that this section is one that should also receive further attention due to the controversial problems associated with proxy votes and the procedures followed to permit their use in an election.

When Mr. Cox returned to Section 16 of the report, which deals with the disqualification of persons to serve on municipal councils and/or school boards, the Mayor declared a conflict-of-interest (because of his son being a teacher in the Dartmouth school system), and withdrew from the meeting. The remainder of the meeting was then chaired by the Deputy Mayor, Ald. Greenwood.

Ald. Romkey, Sarto, Greenough and Hawley also withdrew from their seats to sit in the gallery for the remainder of the meeting. Ald. Romkey, Sarto and Greenough declared their conflict-of-interest, Ald. Romkey being a teacher in the Halifax County system), Ald. Sarto, a teacher in the Dartmouth system, and Ald. Greenough, Vice-Principal (teacher) with the Dartmouth Regional Vocational School. Ald. Hawley stated that he was withdrawing because of his democratic rights.


Ald. Beeler questioned the rationale for the recommendations of the Committee with respect to candidate disqualifications. Mr. Cox said the thinking was to avoid conflict-of-interest problems before they arise. Ald. Beeler asked about the implications of Section 16 (1A) (c), which would prevent member of Council from serving on a school board. Mr. Cox said this is a good point and should be clarified by adding the word 'elected' in order to convey the correct interpretation of the section.

Ald. Levandier asked whether in fact, some of the recommendations from the Committee may not be infringing on rights established under the Constitution. It was noted that such decisions would have to be decided before the courts if the provisions of the Act were to be challenged in individual situations.

Mr. Cox concluded his presentation with a brief review of the recommendations from the Committee on the Municipal Conflict of Interest Act and the School Boards Membership Act, these being minor in nature.

The four Aldermen in the gallery returned to their seats for the purpose of adjournment.

Meeting adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council, Jan. 12/83

ITEMS:

- 1) Report: Municipal Elections Act Review Committee, pages 1 to 3 incl.
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Dartmouth, N. S.

January 17/84.

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

Present - Mayor Brownlow

Ald. Romkey	Sarto
Beeler	Levandier
DeMont	Withers
Stubbs	Greenwood
Hawley	Greenough
Bregante	Hetherington
City Solicitor, M. Moreash	
Acting City Administrator, R. Fougere	
Deputy City Clerk, G. D. Brady.	

PUBLIC HEARING
MPS AMENDMENT:
MARKET MALLS

This meeting of Council constituted the public hearing for an application from Sonco Property Development & Services Co. Inc., for an amendment to the Municipal Planning Strategy, which would change the land use designation in the M.P.S. on a portion of the lands owned by Market Malls Canada Ltd., from residential to commercial. This change, together with zoning changes that have also been requested, would permit a major development proposal for 98 acres of land in north Dartmouth to proceed.

At the opening of the meeting, Ald. Greenwood declared a conflict of interest, based on the fact that a service station is one of the development components proposed for inclusion in the Market Malls plan. He withdrew from his seat to sit in the gallery for the entire public hearing on both the MPS amendment and on the rezoning request for the Market Malls lands, which followed this hearing.

Mr. Bayer began the Planning Dept. presentation by indicating to Council the 98-acres site that is involved in this development proposal. The lands lie between the Circumferential Highway and existing development in the Albro Lake area. The development will be comprised of a residential/commercial mix, and would be served by a main collector road dividing the property into two separate parcels, one of which would be basically residential, and the other, commercial. The commercial uses lie adjacent to Highway 111, while the residential

portion is adjacent to existing north-end residential development. In keeping with the wishes of area residents, however, there will be no connecting roadways leading from the new development into the existing residential neighborhoods and the additional traffic created will therefore not be funneled through these existing areas. In this respect, the development is self-sufficient and will make use of the new connector road to be built by the developer, with access to and from Victoria Road (in Phase 2) and to and from the Burnside Drive interchange (in Phase 1).

Two recommendations are contained in the Planning Dept. report to Council in connection with the above-noted highway connections; they are:

- 1) that the City of Dartmouth permit the developer to construct a connector road from the eastern end of the development over City lands to connect with the Burnside Interchange. The costs associated with this construction should not be borne by the City, and it is the recommendation of the T.M.G. that Council support a request from the developer to the Dept. of Transportation for upgrading the interchange, to accommodate the development of these lands.
- 2) That the City grant permission to the developer to build a connection onto Victoria Road over a portion of City-owned land at the western end of the property, and before final approval is given for Phase II, the developer be required to negotiate with the City for the recovering of costs associated with any improvements on Victoria Road which will be necessitated by the construction of this western entrance.

Another cost to be borne by the developer will be the replacement of the box lacrosse facility, at a location and to the specifications of the City Recreation Dept. Further, prior to final approval of the subdivision of Phase 1, the parkland dedications for both Phases 1 and 2 (7.9 acres in total) should be deeded to the City at no charge.

During the Planning Dept. presentation, Mr. Lukan and Mr. L'Esperance provided additional information on (a) the MPS amendment and (b) the overall development concept for Phase 1, comprised of 34.1 acres in total. Phase 1 is capable of being serviced by the existing sewer on Leaman Drive and storm drainage would be to

the ditch adjacent to Trunk 111 and/or to Albro Lake.

Questions from members of Council at this point were about the Circumferential interchange connection and the Victoria Road connection, responsibility for the costs, the alignment and design aspects, and the impact, if any, on existing traffic patterns in the area. Mr. Bayer responded to the questions, explaining the discussions that have gone on with the developers and the Dept. of Transportation to date, in trying to work out some of these details. He noted that before development could proceed, the Burnside connector details would have to be resolved and the necessary Provincial approvals obtained by the developer, since it has been recommended that the developer make the necessary request to the Dept. of Transportation rather than the City initiating such a request.

Documentation circulated with the agenda for this meeting of Council, contains a letter of understanding from Mr. Novac, on behalf of Sonco Property Development & Services Co. Inc., with regard to the items noted above and on preceding pages of these minutes; the letter is dated October 7/83. Other related Planning Dept. material has also been circulated, and a report was available on the neighbourhood meeting held by Market Malls Ltd. on Jan. 12th, attended by 15 residents. The Planning Dept. recommendation is that Council amend the Municipal Planning Strategy's Generalized Land Use map such that the lands shown as commercial development on the Market Malls Canada Ltd. concept plan are designated Commercial on the MPS Generalized land use map, as attached to the report. Proposed By-law C-504 has been prepared to accomplish this proposed amendment to the Municipal Planning Strategy.

Mr. Peter McDonough, Solicitor representing the developer, addressed Council on the matter of land ownership, since this matter was brought into question by the presence in the Council Chamber of a number of

people carrying placards in protest over the sale of the land since its expropriation some time ago by the Federal Government. Mr. McDonough indicated to Council that he has provided the City Solicitor with legal documents confirming the land ownership of Market Malls, including a deed of the land to CADAC, dated May 29/73 and a deed conveyed by CADAC to the present owners, Market Malls of Canada Ltd. Certification of title from Mr. McDonough's law firm has also been presented and he said that these three documents firmly establish the ownership of the lands by Market Malls.

Mr. McDonough said he hoped that Council would bear in mind that the claims of the people in attendance are against the Federal Government for a previous expropriation, and in fact, have nothing to do with the present MPS amendment and rezoning request that is presently before Council.

Mr. Novac, President of the company making application for the MPS amendment, was next heard by Council. He explained the efforts that have been made by his company to take into account the input of citizens living in the area, City staff and Council, in evolving a development plan for the lands of Market Malls. He felt that the previous concerns of areas residents have been overcome with the vehicular traffic provisions of the new plan, and he commented on the favourable impact the development is likely to have on the north end of the City, and the additional tax base it will provide, estimated to be sixty-million dollars in Phase 1, and 125-million for the total project.

The Mayor called for any representations in favour of the proposed MPS amendment, but none were presented.

He then called for representations opposed and Council heard from Mr. Ron Gay, who led the delegation of people objecting to the development on the basis of the land-ownership question. Mr. Gay said that

Market Malls 'are in possession of stolen land' and that he has 'evidence of a fraud committed by the Federal Government'. He stated that the documents he has prove the truth of his claims and said he plans to take his protest to the Government.

Mr. Gay's position was supported by Mr. Jack Lowe of Pictou and Mr. Ron Carpenter of Dartmouth.

Mrs. Mim Fraser also addressed Council during this part of the public hearing. She presented a paper questioning the effect of the MPS amendment proposed on the present strategy for Dartmouth, the proposed review of that strategy, and the future strategy for the City. She went on to say: "One must seriously question the purpose intended in undertaking so many changes to the current M.P.S., particularly at this time when a review of that planning strategy is supposedly underway. She asked about the current status of the planning strategy review and the appointment of the Planning Strategy Review Committee, recommended by staff and approved by Council.

Page two of the paper presented by Mrs. Fraser raises the following questions:

- 1) Why is Council entertaining so many changes to an old M.P.S. at this time, when prior to the spring of this year M.P.S. changes were an unknown factor?
- 2) Why is Council approving M.P.S. amendments in order to accommodate particular developments without taking into consideration how these amendments will alter the planning strategy for the entire City?
- 3) Why, instead, is not more effort being put into doing a really good review which will consider the total planning picture for the City of Dartmouth?

A copy of her submission to Council was passed to Mr. Brady to be placed on file at the conclusion of Mrs. Fraser's presentation. The submission is dated Jan. 17/84. She then proceeded to state a number of concerns about the impact of the development on traffic patterns, the sanitary sewer system which serves the area, relocation of the lacrosse playing field, massive site grading that will be required, etc. She felt that

a freeze should be placed on any further applications for amendments to the M.P.S. until the review is completed.

There being no further public representations, the Mayor declared the public hearing to be at an end.

BY-LAW C-504:
M.P.S. AMENDMENT

Council proceeded with first reading of proposed By-law C-504, required to permit the M.P.S. amendment being requested by Market Malls.

It was moved by Ald. Greenough and Hetherington and carried that leave be given to introduce the said By-law C-504 and that it now be read a first time.

It was moved by Ald. Sarto and Hetherington that By-law C-504 be read a second time.

Ald. Stubbs made a number of inquiries about the following items, which she discussed with Mr. Bayer, Mr. Fougere, and the Solicitor:

- 1) the granting of permission for roadway construction over lands owned by the City.
- 2) the allocation of parkland reserve and the condition of the land to be dedicated for this purpose.
- 3) consultation with the Lakes Advisory Board in view of the impact this development could have on Albro Lake.
- 4) the adequacy of the existing sanitary sewer to accommodate Phase 1 of the development without problems resulting from overloading of the system. She referred to the McLaren report carried out for the Province in 1971, which indicated a maximum capacity of 600 additional people as being all the system is capable of accommodating. Phase 1 of the Market Malls development will place a considerably heavier load on the system than that. Mr. Fougere said it is considered by his department that Phase 1 can be handled with the present system but Phase 2 will require the installation of additional lines and will have to be looked at carefully. The matter of costs involved will also have to be considered at that time.

Ald. Withers and Romkey were two other members of Council with particular concern about the ability of the present Leaman Drive system to handle the number of residential units that will be added in Phase 1 of the Market Malls development. Like Ald. Stubbs, they felt that a study of the sewer capacity should be undertaken, as in the case of the Portland Estates development, before approving any development that will place additional demands on the system.

Ald. Levanider and Greenough spoke in support of the M.P.S. amendment, considering the new development would be an advantage for the City and would make good use of the land it is planned for. Ald. Beeler pointed out that the section of land actually involved in the amendment is well-suited for commercial purposes, backing as it does on the Circumferential Highway and not infringing on the residential component of the development or on existing residential areas. She felt it is the most sensible use that could be made of this particular piece of land, taking its location into account.

Ald. Stubbs questioned the population figures projected for the Phase 1 development, suggesting that they are more likely to be higher with the number of townhouse units included. The other questions and concerns of Council pertained to the connector roadway at its access and egress points, the traffic control at these points and conditional provisions for all of these details to be tied down before the development is able to proceed. Mr. Bayer gave assurances to Council that the development will not go ahead without the Provincial confirmation of all conditions associated with the Burnside interchange and the upgrading that is required to permit acceptable traffic patterns at this access point. He spoke in favour of the 'spine' roadway concept that has been used to divide the proposed development into two separate uses, one being commercial and the other, residential. He said that in the opinion of his department, this represents sound planning practice.

In view of the considerable concern on the part of some Council members about the adequacy of the sewer system in the north end and its capacity, Ald. Greenough and Beeler moved a one-week deferral to give those members time to receive additional information on this subject. The motion to defer was defeated.

The vote was then taken on second reading and it carried with Ald. Stubbs voting against.

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

MOTIONS: First & second readings given to By-law C-504 (M.P.S. amendment, Market Malls).

PUBLIC HEARING
REZONING REQUEST:
MARKET MALLS

Council has also set this date for public hearing of a rezoning request from Market Malls of Canada Ltd. for their lands in north Dartmouth, Phase 1 of the development being proposed. The request is a change from the Present H (Holding) Zone to:

TH (Townhouse Zone)	5.5 acres
R3 (Multiple Family Zone)	10.9
C2 (General Business Zone)	12.9
P (Park and Open Space Zone)	4.6

The Planning Dept. has recommended in favour of the request and related documentation has been circulated with the agenda for this Council meeting. Included are reports from the Planning, Engineering, Recreation Departments, the T.M.G., a market study report prepared for Sonco Property & Services, and By-law C-505 which will accomplish the zoning changes being requested.

The public hearing proceeded with Mr. Novac being heard by Council on behalf of the developers. He again referred to the consideration given by his company to the wishes of area residents so that as little intrusion as possible will be made on their neighbourhoods by the new development. His company has been working on this development for two years and the collector designs that are planned for the Burnside and Victoria Road junctions have been reviewed by the T.M.G. and the Dept. of Transportation as they were prepared. They now incorporate the various changes that the City and the Province wished to have made in them.

The Mayor called for representations in favour of the rezoning, but none were presented. He then called for anyone wishing to speak in opposition to the rezoning. No one was heard in objection and no written submissions were presented.

Hearing no representations either for or against the rezoning request, the Mayor declared the public hearing to be at an end.

BY-LAW C-505:
REZONING REQUEST
MARKET MALLS

Council next give first reading to proposed By-law C-505, required to permit the zoning changes that have been requested by Market Malls, as outlined on page 8 of these minutes.

It was moved by Ald. Levandier and Sarto and carried that leave be given to introduce the said By-law C-505 and that it now be read a first time.

It was moved by Ald. Greenough and Sarto and carried that By-law C-505 be read a second time. (Ald. Stubbs voting against.)

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

MOTIONS: First & second readings given to By-law C-505 (rezoning request, Market Malls).

Ald. Stubbs and Romkey moved that the Engineering Dept. prepare an information report for Council on the total north-end sewer system, its capacity and capabilities. The vote was taken on this motion and it carried.

MOTION: Moved by Ald. Stubbs & Romkey that the Engineering Dept. prepare an information report for Council on the total north-end sewer system, its capacity and capabilities.

PUBLIC HEARING
MPS AMENDMENT:
MEDICAL CLINICS

Council has set this date for public hearing of a proposed M.P.S. amendment that would permit the establishment of medical clinics in residential areas, resulting from a request that has been received originally for such a clinic to be located at 107 Albro Lake Road. In order for Council to be able to process this application, under the requirements of the new Planning Act, it is necessary to have the M.P.S. applicable to all residential areas in the City and not specifically to any one location (ie. with respect to its application to medical clinics).

The Planning Dept. presentation was made by

Ms. Kim Stewart, and she presented a review of the amendment that is being proposed, which provides for each development to be judged on its own merits; gives a definition of the term 'medical clinic'; and sets out the criteria for an evaluation of each proposal as it comes before Council.

In order for Council to consider development agreements for medical clinics in residential areas, the Land Use By-law must be amended as well, and the hearing for this amendment followed immediately after the M.P.S. amendment hearing.

The Mayor called for any representations in favour of the M.P.S. amendment and residents indicating their support were:

Mr. Cyril Hubley
Middleton, Albro Lake Road
Harry Soper, Courtney Road
Mr. Strum
Keith Moir
Terry Dion
James Roach
Mrs. Madeleine Gammon

All of these residents favoured the location of a medical clinic within easy access of their homes, specifically with reference to the clinic proposed for the location at 107 Albro Lake Road, the application for which was heard at a later point in the meeting.

The Mayor asked if anyone wished to be heard in opposition to the M.P.S. amendment. Mr. Ross Smith said he was not sure whether he supported the amendment or not, in view of its City-wide implications. While it might be satisfactory in some locations such as the one proposed for the north end, there could be possible problems with other areas that cannot be foreseen now. Mrs. Mim Fraser questioned the position that Council will be placed in if there is opposition to a location, but the application received is in compliance with all of the criteria that have been set out in the amendment.

Ms. Stewart commented on this point and it was generally felt that the provisions of the amendment would adequately ^{cover} such an eventuality, recognizing that each application is to be considered separately on its

own merits.

There being no further representations to be heard, the Mayor declared the public hearing to be at an end.

BY-LAW C-507:
M.P.S. AMENDMENT

By-law C-507 was before Council for consideration, having been prepared to accomplish the M.P.S. amendment to permit medical clinics in residential areas of the City.

It was moved by Ald. Levandier and Withers and carried that leave be given to introduce the said By-law C-507 and that it now be read a first time.

It was moved by Ald. Hetherington and Sarto that By-law C-507 be read a second time.

Ald. Hawley did not support the proposed amendment and felt that there must be commercial areas of the City that can be designated for medical clinic use, rather than permitting this use throughout the City in residential sections. He said he could see potential problems with this change if it is made by Council and he could not go along with it. While other members had some lesser reservations, along the lines of those expressed by Ald. Hawley, they tended to feel that the criteria requirements are stringent and wide-ranging enough to provide the kind of control Council will need in dealing with applications for medical clinics. Mr. Bayer explained why it is not possible to designate specific areas for medical clinics and not others; this selection process could be seen as a form of discrimination and the amendment must therefore be applicable on a City-wide basis.

Ald. Greenwood raised a point about traffic and parking requirements, and was advised by the Solicitor that if such changes are to be made, being substantive in nature, they will require another public hearing process; these two points are now covered under the criteria set out in the by-law. Ald. Hawley remained opposed to the amendment throughout the debate on second reading and voted against; the motion for second

reading carried.

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

MOTION: First & second readings given to By-law C-507 (M.P.S. Amendment: Medical clinics in residential areas).

PUBLIC HEARING:
LAND USE BY-LAW
AMENDMENT

Council has also set this date for public hearing of the Land Use By-law amendment that will permit Council to consider allowing medical clinics in residentially-zoned areas (as provided for in the previous M.P.S. amendment) through contract agreement.

Ms. Kim Stewart made the Planning Dept. presentation, after which the Mayor called for representations in favour of the by-law amendment. Council heard Mrs. Sharma, who supported the concept of contract zoning to permit clinics in areas where they are needed. Mr. Cyril Hubley also spoke in favour.

There were no speakers or submissions opposed to the amendment and the public hearing was declared by the Mayor to be at an end.

BY-LAW C-508

Proposed By-law C-508, which provides for the Land Use By-law amendment to permit medical clinics in residential areas of the City, was presented for approval.

It was moved by Ald. Sarto and Hetherington and carried that leave be given to introduce the said By-law C-508 and that it now be read a first time.

It was moved by Ald. Hetherington and Levandier and carried that By-law C-508 be read a second time. (Ald. Hawley voting against.)

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

MOTIONS: First & second readings given to By-law C-508 (Land Use By-law amendment: Medical clinics in residential areas).

PUBLIC HEARING:
107 ALBRO LAKE RD.

Council set this date for public hearing of a request for a development agreement for a medical clinic to be established at 107 Albro Lake Road. It was this application that necessitated the procedures

initiated to process the M.P.S. amendment and the Land Use By-law amendment, permitting medical clinics to be located in residential areas under the terms of contract agreement.

A report has been circulated on the voluntary public meeting where the proposed clinic at 107 Albro Lake Road was discussed, and Mr. L'Esperance commented briefly on the application before Council. Ald. Stubbs presented petitions bearing 500 signatures of citizens who support the clinic at this location.

The Mayor called for representations in favour of the request for a development agreement for 107 Albro Lake Road. Mrs. Shashi Sharma advised Council that a small clinic with three doctors is being proposed in a single-storey building. She felt the clinic will be of benefit to the community and that it is needed at the present time. Mr. Keith Moir and Mr. Harry Soper, two areas residents, agreed there is a need for the medical clinic and spoke in favour of it.

The Mayor asked if anyone wished to speak against the application and Mrs. Marilyn Worth said that while she was not opposed to the clinic itself, she had concerns about possible traffic and parking problems that will be added to the congestion there is on Albro Lake Road already at this point. Mr. Bayer agreed there is congestion on Albro Lake Road from time to time, but in the opinion of his department, it is not considered to be a serious problem. No detailed traffic study has been carried out, however, in the immediate area of 107 Albro Lake Road.

There being no further speakers wishing to be heard, the Mayor declared the public hearing to be at an end.

RESOLUTION #83-59:
DEFERRED

In view of the fact that By-laws C-507 and C-508 have not yet received third reading, the contract agreement between the City and Dr. & Mrs. Sharma (Resolution #83-59) could not approved at this time. Resolution

#83-59 was therefore deferred, on motion of Ald. Levandier and Bregante.

MOTION: Moved by Ald. Levandier & Bregante that Resolution #83-59 (contract agreement: 107 Albro Lake Road) be deferred (due to the fact that By-laws C-507 & C-508 have not yet received third reading).

PUBLIC HEARING
LAND USE BY-LAW
AMENDMENTS:
HOME OCCUPATIONS

This date was set by Council for public hearing of proposed Land Use By-law amendments with respect to home occupations, initiated at the request of Council in an effort to 'eliminate the possibility of an undesirable commercial business being established within residential zones of the City'.

Ald. Bregante declared a conflict of interest, due to the fact that he operates a business from his home, and withdrew from his seat to sit in the gallery during the hearing and until the item was completed.

Members of Council have received a report from Mr. L'Esperance on the proposed amendments and he explained them further to Council, referring to the recent noise complaint hearing occasioned by noise and disturbance from a dwelling, caused by work being carried out there. Ald. Romkey noted that repairs to industrial equipment have not been included in the amendments, but the Solicitor advised that such an addition would require a substantive enough change to the wording, that a new hearing process would have to be followed; a new amendment to this effect could be made in future if Council so wished.

The Mayor called for representations for and against the proposed amendments; hearing none, he declared the public hearing to be over.

BY-LAW C-514

Proposed By-law C-514, to amend the Land Use By-law (C-357) with respect to home occupations, was then presented for Council's approval.

It was moved by Ald. Hetherington and Levandier and carried that leave be given to introduce the said By-law C-514 and that it now be read a first time.

It was moved by Ald. Greenwood and Sarto and

#83-59 was therefore deferred, on motion of Ald. Levandier and Bregante.

MOTION: Moved by Ald. Levandier & Bregante that Resolution #83-59 (contract agreement: 107 Albro Lake Road) be deferred (due to the fact that By-laws C-507 & C-508 have not yet received third reading).

PUBLIC HEARING
LAND USE BY-LAW
AMENDMENTS:
HOME OCCUPATIONS

This date was set by Council for public hearing of proposed Land Use By-law amendments with respect to home occupations, initiated at the request of Council in an effort to 'eliminate the possibility of an undesirable commercial business being established within residential zones of the City'.

Ald. Bregante declared a conflict of interest, due to the fact that he operates a business from his home, and withdrew from his seat to sit in the gallery during the hearing and until the item was completed.

Members of Council have received a report from Mr. L'Esperance on the proposed amendments and he explained them further to Council, referring to the recent noise complaint hearing occasioned by noise and disturbance from a dwelling, caused by work being carried out there. Ald. Romkey noted that repairs to industrial equipment have not been included in the amendments, but the Solicitor advised that such an addition would require a substantive enough change to the wording, that a new hearing process would have to be followed; a new amendment to this effect could be made in future if Council so wished.

The Mayor called for representations for and against the proposed amendments; hearing none, he declared the public hearing to be over.

BY-LAW C-514

Proposed By-law C-514, to amend the Land Use By-law (C-357) with respect to home occupations, was then presented for Council's approval.

It was moved by Ald. Hetherington and Levandier and carried that leave be given to introduce the said By-law C-514 and that it now be read a first time.

It was moved by Ald. Greenwood and Sarto and

carried that By-law C-514 be read a second time.

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

It was moved by Ald. Hetherington and Stubbs and carried that By-law C-514 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

MOTIONS: Three readings given to By-law C-514 (amendments to the Land Use By-law with respect to Home Occupations).

PUBLIC HEARING
REZONING REQUEST:
349 PLEASANT ST.

This meeting of Council constituted the public hearing for a rezoning request from Twin Maples Villa Ltd., to have their property at 349 Pleasant Street rezoned from H (Holding) Zone to S (Institutional) Zone. The application is in conformance with the policies and provisions of the M.P.S. and approval has been recommended by the Planning Dept. No opposition to the request was presented at the public information meeting held in the area on January 11/84.

Following a brief presentation of the request by Mr. L'Esperance, the Mayor called for representations either for or against the rezoning request. There were no speakers wishing to be heard and the Mayor declared the public hearing to be over.

BY-LAW C-509

Proposed By-law C-509, to accomplish the rezoning of 349 from H Zone to S Zone, as requested by Twin Maples Villa Ltd., was presented for the approval of Council.

It was moved by Ald. Bregante and Hetherington and carried that leave be given to introduce the said By-law C-509 and that it now be read a first time.


It was moved by Ald. Bregante and Hawley and carried that By-law C-509 be read a second time.

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

It was moved by Ald. Hetherington and Hawley and carried that By-law C-509 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

MOTIONS: Three readings given to By-law C-509
(rezoning of 349 Pleasant Street from
H Zone to S Zone).

Meeting adjourned.


G. D. Brady,
Deputy City Clerk.

City Council, Jan. 17/84

ITEMS:

- 1) Public hearing, MPS Amendment: Market Malls, pg. 1 to 8 incl.
By-law C-504: MPS Amendment, pg. 6
- 2) Public hearing, Rezoning request: Market Malls, pg 8 and 9.
By-law C-505: Rezoning request:, pg. 9.
- 3) Public hearing, MPS Amendment: Medical Clinics, pg. 9 to 12 incl.
By-law C-507: MPS Amendment, pg. 11.
- 4) Public hearing: Land Use By-law Amendment: Medical Clinics, pg. 12.
By-law C-508, pg. 12.
- 5) Public hearing: 107 Albro Lake Rd., pg. 12 & 13.
- 6) Land Use By-law amendments: Home occupations, pg. 14.
By-law C-514, pg. 14.
- 7) Rezoning request: 349 Pleasant St., pg. 15.
By-law C-509, pg. 15

Dartmouth, N. S.

January 24/84.

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

Present - Mayor Brownlow

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

JOINT DATE:
NATAL DAY

Ald. Levandier rose on a point of privilege to inquire about the accuracy of a recent press release on the proposed joint date for Halifax and Dartmouth Natal Days. The Mayor said the newspaper item did not reflect the discussion that actually took place between himself and Mayor Wallace. A positive response was indicated to Mayor Wallace when the idea was discussed, and while there has been no official request from the City of Halifax to date, it is felt that the general reaction of Council members contacted was positive and this reaction was communicated to Mayor Wallace.

Ald. Greenough suggested that if there are members who do not agree with the idea, it would be advisable to have these opinions expressed now. No negative opinions were indicated on the part of Council members and Council appeared willing to try the idea of a joint date on a two-year experimental basis. The Halifax parade would be held on Saturday and the Dartmouth parade, on Monday. Next year, this choice of days would be reversed with the Dartmouth parade on Saturday and the Halifax parade on Monday. The date under consideration is the first Monday in August, the 6th which would normally be designated as Dartmouth Natal Day anyway.

MONTHLY REPORTS

The following monthly reports, recommended from Committee, were adopted by Council:

- 1) Social Services (Dec/83): adopted on motion of Ald. Crawford and Greenwood.
- 2) Development Officer (Dec/83): adopted on motion of Ald. Hetherington and Bregante.

- 3) Building Inspection (Dec/83): adopted on motion of Ald. Bregante and Greenwood.
- 4) Minimum Standards (Dec/83): adopted on motion of Ald. Hetherington and Bregante.
- 5) Fire Chief (Dec/83): adopted on motion of Ald. Bregante and Crawford.
- 6) Animal Control (Dec/83): adopted on motion of Ald. Withers and Bregante.
- 7) Tourism Director (Summary, Tour Bus Marketplace Involvement, City of Dartmouth): adopted on motion of Ald. Levandier and Greenwood.

MOTIONS: To approve the monthly reports, as recorded above and on page 1 of these minutes.

Ald. Stubbs inquired about the status of the Committee on Nursing Home Services. Mr. Moir advised that the Committee has been named but has not met to date; he agreed to check on plans for a meeting.

On motion of Ald. Levandier and Hawley, Council adopted a recommendation from Committee that Public Works Canada be permitted to erect a Federal identification sign, as required under the Federal Identity Program, on the outside of the Halifax Ferry Terminal building at second-floor level, as per Mr. Moir's report of Jan. 3/84.

MOTION: Moved by Ald. Levandier & Hawley that Council adopt a recommendation from Committee to the effect that Public Works Canada be permitted to erect a Federal identification sign, as required under the Federal Identity Program, on the outside of the Halifax Ferry Terminal building at second-floor level, as per Mr. Moir's report of Jan. 3/84.

Mr. Moir has reported to Council on the interest expressed by Mrs. Hazel Martin in selling to the City, a waterlot owned by her in the Dartmouth Cove area at the foot of Old Ferry Road. The asking price is \$60,000. and Mr. Moir has made the following recommendations:

- 1) that City Council authorize the purchase of this property for the sum of \$60,000., on the basis that control of this waterlot would ensure the protection of the residential community immediately adjacent to it.
- 2) that the City Engineering Dept. be authorized to prepare a new survey and plan of the area.

Ald. Hetherington and Levandier moved the adoption of these recommendations. There were a number of questions

FEDERAL
IDENTITY
PROGRAM

LAND: DARTMOUTH
COVE AREA

from Council about the purchase of the waterlot, one from Ald. Stubbs pertaining to the accuracy of former deeds and whether or not the City will end up with the actual square footage area that has been negotiated. Ald. Beeler suggested overcoming this possibility by making the purchase subject to the survey results so that we are sure of the total area we are getting. Members were in agreement with this kind of condition since a new survey and plan has been recommended. The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Hetterington & Levandier that Council approve the two recommendations on the purchase of a waterlot in the Dartmouth Cove area, at the foot of Old Ferry Road, as outlined on page 2 of these minutes. Negotiated purchase price is \$60,000.

SETTLEMENT:
CITY v. WILLIS

A legal settlement in the total amount of \$4,264.08 has been recommended by the City Solicitor and Mr. Moir in the action taken by the City against Vincent Willis, as the result of a City police vehicle being damaged and in collision with a vehicle driven by Mr. Willis during a pursuit. Council adopted the recommendation on motion of Ald. Hawley and Greenwood.

MOTION: Moved by Ald. Hawley & Greenwood that the recommendation of the City Solicitor and Mr. Moir on a legal settlement in the case of the City vs. Vincent Willis, be adopted. Total amount of the settlement approved is \$4,264.08.

EXCAVATION PERMIT:
W.ERIC WHEBBY LTD.

A report from the City Engineer was before Council on a request from W. Eric Whebby Ltd. for an excavation permit on Country View Ltd. lands in north Dartmouth, immediately northwest of Lakeview Drive. His report is accompanied by Engineering Dept. and Lakes Advisory Board reports, stipulating conditions for approval of the application. Approval has been recommended accordingly, subject to the conditions specified. Ald. Greenwood and Bregante moved the adoption of the recommendation, but Ald. Hawley felt there has not been sufficient provision to cover all the possible blasting eventualities; he wanted to see specific reference to the Dept. of Labor requirements

included as part of the conditional terms of the agreement between the City and W. Eric Whebby Ltd. He therefore moved in amendment that the provisions of the Dept. of Labor blasting regulations be included in the agreement; the amendment was seconded by Ald. Stubbs.

Ald. Greenough asked about the monitoring of noise levels and vibrations associated with the blasting, and suggested that the services of an independent consultant should be required rather than leaving the monitoring up to the operator. Discussion with the Solicitor followed as to just how specific conditions of the agreement can be and what requirements can actually be included. Ald. Crawford was opposed to the amendment, considering that the the concern about blasting and possible damage to homes across the lake from the site, is already provided for adequately in the terms that have been agreed to by the company and signed by Mr. Wayne Whebby on the company's behalf. Ald. Levandier agreed that adequate protection has already been written into the agreement.

Ald. Hawley and Greenough referred to problems that have arisen in the Port Wallis area in the past with blasting damage to homes; they wanted to have as many protective measures as possible from the start in order to avoid a recurrence of these problems. When the vote was taken on the amendment, it resulted in a tie, with Ald. Hawley, Stubbs, Bregante, Beeler, Greenough, Sarto and Hetherington voting in favour. The Mayor cast the deciding vote in favour and declared the amendment to be carried.

Ald. Stubbs then raised a number of concerns she has about the condition the land will be left in after the excavation work is completed. She was in favour of requiring a restoration plan from the operator so that an eyesore is not left behind on Lakeview Drive to ruin the landscape. She introduced an amendment to the effect

that a restoration plan be required from the applicant, to include grading, levelling and seeding, similar to the rehabilitation measures required for the grassy brook area. The amendment was seconded by Ald. Hetherington and it carried.

Ald. Greenough said he would not make an amendment with respect to monitoring procedures, but would strongly suggest that independent consultants be engaged by the operator, in his own best interests and in those of the City. The vote was taken on the amended motion and it carried unanimously.

MOTION: Moved by Ald. Greenwood and Bregante that the W. Eric Wheby Ltd. application for an excavation permit be approved, subject to the conditions specified in the Engineering Dept. and L.A.B. reports.

AMENDMENTS: Moved in amendment by Ald. Hawley & Stubbs that the provisions of the Dept. of Labor blasting regulations be included in the agreement.

Moved in amendment by Ald. Stubbs & Hetherington that a restoration plan be required from the applicant, to include grading, levelling and seeding, similar to the rehabilitation measures required for the grassy brook area. (ie. restoration plan for the area being excavated).

CAVATION PERMIT:
STEED & EVANS LTD.

A second excavation permit application, this one from Steed & Evans Ltd., was before Council for Country View Ltd. lands northwest of the Mackay Bridge Road/Lakeview Drive interchange. This application is actually for an extension of a permit for a four-year period, and approval has been recommended by the City Engineer, subject to the terms and conditions that have been set out in accompanying Engineering Dept. and Lakes Advisory Board reports. Council approved the recommendation of the City Engineer, subject to the terms and conditions outlined, on motion of Ald. Greenough and Bregante.

MOTION: Moved by Ald. Greenough & Bregante that the recommendation of the City Engineer on the extension of the Steed & Evans permit for a four year period, be approved subject to the terms and conditions set out in the Engineering Dept. and L.A.B. reports.

SEWAGE SYSTEM
CAPACITY:
MARKET MALLS
PHASE 1

As requested by Council, an Engineering Dept. report has been submitted for this meeting on the capacity of the main trunk sewer from Leaman Drive to the Harbour outfall; along with the local sewers presently discharging to the trunk sewer, in relation to the adequacy of the system to service Phase 1 of the proposed Market Malls development. The report provides information on the population figures capable of being accommodated by the system and other relative information on the system, and on page 4 states the following: 'Based on the information available to us and the past experience with the system, we are confident that the two housing developments (Phase 1, Market Malls and the Albro Lake lands) can be serviced by the trunk sewer system without causing problems for the current homeowners.'

Mr. Fougere was present to respond to questions from the members about the Leaman Drive system, after which it was moved by Ald. Greenough and Hawley that the report be received and filed. The motion carried.

MOTION: Moved by Ald. Greenough and Hawley that the Engineering Dept. report on the capacity of the Leaman Drive trunk sewer system, be received and filed.

By-law C-504, which received first and second reading at the meeting of January 17th, was before Council for third reading. This by-law will change the land-use designation in the M.P.S. on a portion of the lands owned by Market Malls Canada Ltd., from residential to commercial.

Ald. Greenwood withdrew from his place on Council to sit in the gallery, having already declared his conflict of interest position at the Jan. 17th meeting, due to the fact that the proposed development includes plans for a service station. Ald. Peters and Crawford were unable to participate in this item or to vote, having been absent from the public hearing on January 17th.

THIRD READING:
BY-LAW C-504
MPS AMENDMENT
MARKET MALLS

THIRD READING:
BY-LAW C-505
REZONING
MARKET MALLS
PHASE 1

It was moved by Ald. Greenough and Levandier and carried that By-law C-504 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

(Ald. Peters and Crawford abstaining from the vote.)

MOTION: Third reading given to By-law C-504.

By-law C-505 was also before Council for third reading, first and second reading having been given at the meeting of January 17th. This by-law will rezone lands in Phase 1 of the Market Malls development proposal from the present Holding Zone to various categories of Residential, Commercial and Park Zone.

Ald. Greenwood remained in the gallery for this item and did not take part in it. Ald. Crawford and Peters did not participate either, having been absent from the public hearing on January 17th.

It was moved by Ald. Hawley and Bregante and carried that By-law C-505 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

(Ald. Peters and Crawford abstaining from the vote.)

(During a brief debate on third reading, Mr. Bayer was again asked for assurance that the commencement of development will be contingent upon the roadway access provisions that were discussed at the Jan. 17th meeting, including the left-turning ramps at the Burnside interchange. Mr. Bayer repeated his assurance that building permits cannot be granted without the roadway conditions being adhered to by the developer, as they have been detailed and recommended in the staff reports that were previously before Council. Ald. Stubbs reviewed the points of concern she raised on Jan. 17th, the main ones having been addressed with respect to the sewer system and the roadway access conditions. Ald. Withers raised a point about the access route behind the town-house development for emergency vehicles and discussed the provision for these vehicles to get into the area, with Mr. Bayer. Use of Leaman Drive during construction

was another concern and Mr. Bayer said it may be necessary to make some use of this route initially to get equipment onto the site since there will be no other access point; use of the street will be limited, however and will be monitored.)

MOTION: Third reading given to By-law C-505.

THIRD READING:
BY-LAW C-507
MPS AMENDMENT
MEDICAL CLINICS

By-law C-507 was presented for third reading, first and second reading having been received at the January 17th meeting of Council. The by-law will amend the M.P.S. by permitting medical clinics to be considered by contract agreement in areas designated residential. Ald. Peters and Crawford did not participate in the debate or the vote on third reading, having been absent from the public hearing when it was held on Jan. 17th.

It was moved by Ald. Hetherington and Bregante that By-law C-507 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

Ald. Hawley remained opposed to the by-law, as he was at the previous meeting, and registered his objection to it. The vote was then taken on third reading and the motion carried with Ald. Hawley voting against. (Ald. Peters and Crawford abstaining from the vote.)

MOTION: Third reading given to By-law C-507.

THIRD READING:
BY-LAW C-508
LAND USE BY-LAW
AMENDMENT
MEDICAL CLINICS

Council then proceeded with third reading of By-law C-508, which will amend the Land Use By-law to permit Council to consider allowing medical clinics in residentially-zoned areas through contract agreement. By-law C-508 received first and second reading at the Jan. 17th meeting. Ald. Peters and Crawford did not participate in this item, having been absent from the public hearing on January 17th.

It was moved by Ald. Sarto and Withers and carried that By-law C-508 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

(Ald. Hawley voting against; Ald. Peters and Crawford abstaining from voting.)

RES. #83-59:
MEDICAL CLINIC
107 ALBRO LAKE RD.

On motion of Ald. Hetherington and Stubbs, Council approved Resolution #83-59, authorizing the contract agreement for a medical clinic at 107 Albro Lake Road, between the City and Dr. Shiv R. Sharma & Mrs. Shashi Sharma, the developers. Details of the agreement are contained in Schedule A as an attachment to the Resolution. (Ald. Crawford & Peters abstaining from the vote.)

MOTION: Moved by Ald. Hetherington & Stubbs that Council approve Resolution #83-59, authorizing the contract agreement for a medical clinic at 107 Albro Lake Road.

SET DATE
FOR HEARING:
MPS AMENDMENT
CLAYTON DEVELOP-
MENT LTD.

On motion of Ald. Greenough and Sarto, Council set Feb. 21st as the date for public hearing of an application from Clayton Development Ltd. for an M.P.S. amendment for land owned by them at the corner of Portland Street and Caldwell Road.

MOTION: Moved by Ald. Greenough & Sarto that Council set Feb. 21st for public hearing of an MPS amendment application from Clayton Development Ltd.; the land involved is located at the corner of Portland St. and Caldwell Road.

SET DATE FOR
HEARING:
REZONING REQUEST
CLAYTON DEVELOP-
MENT LTD.

On motion of Ald. Bregante and Crawford, Council set Feb. 21st as the date for public hearing of a rezoning request from Clayton Development Ltd. for land owned by them at the corner of Portland Street and Caldwell Road. The request is to rezone this property from Holding Zone to C-2 (General Business).

MOTION: Moved by Ald. Bregante & Crawford that Council set Feb. 21st as the date for public hearing of a rezoning request from Clayton Development Ltd. for land at the corner of Portland Street and Caldwell Road.

PERMIT TO BUILD:
RENFREW STREET
ASTIK ENTERPRISES

On motion of Ald. Hetherington and Bregante, Council approved an application for permit to build seven townhouse units on Renfrew Street, submitted by Astik Enterprises, subject to compliance with City requirements, as outlined in the staff report of Jan. 9/84. Estimated value of construction is \$350,000.

MOTION: Moved by Ald. Hetherington & Bregante that Council approve an application for permit to build seven townhouse units on Renfrew Street, subject to compliance with City requirements, as noted in the staff report of Jan. 9/84.

RECORDING OF MEETINGS

The Committee appointed to consider the recording of Council and Committee-of-the-Whole meetings, has reported to Council with recommendations, as set out in Mr. Brady's report of Jan. 18/84. The report was adopted as presented, including the guidelines for use of the recordings, on motion of Ald. Sarto and Bregante.

MOTION: Moved by Ald. Sarto and Bregante that the report submitted by Mr. Brady with recommendations for the recording of Council and Committee meetings, be adopted as presented, including the guidelines recommended for use of the recordings.

REQUEST: SILVER ANNIVERSARY PROJECT

The Library/Cultural Steering Committee have requested of Council that the year 1986 be designated the City's 'Silver Anniversary' year, and that Council endorse the Library/Cultural Centre as the project to commemorate this anniversary. Ald. Bregante and Greenwood moved that Council approve this request from the Committee. Ald. Greenough moved in amendment that approval be subject to the previous action taken by Council with respect to funding being secured for the project. The amendment was seconded by Ald. Greenwood and it carried. The amended motion carried.

MOTION: Moved by Ald. Bregante and Greenwood that Council approve the request from the Library/Cultural Steering Committee to have 1986 designated as the City's 'Silver Anniversary' year and the Library/Cultural Centre endorsed by Council as the project to commemorate this anniversary.

AMENDMENT: Moved in amendment by Ald. Greenough and Greenwood that approval be subject to the previous action taken by Council with respect to funding being secured for the project.

LIBRARY/MUSEUM BUILDING

The Museum Board has requested that if and when the present Library/Museum building becomes available, the Museum be given authorization to take over the entire building. Council approved this request from the Museum Board, on motion of Ald. Crawford and Bregante.

MOTION: Moved by Ald. Crawford & Bregante that Council approve a request from the Museum Board to the effect that if and when the present Library/Museum building becomes available, the Museum be given authorization to take over the entire building.

DATE: DOWN-
TOWN STUDY

The Downtown Revitalization Committee has recommended to Council that staff be requested to update the Downtown Dartmouth Planning Study, Phase 1, dated Feb/78, relative to the physical, economic and social factors outlined in the report. Council approved this recommendation from the Committee, on motion of Ald. Levandier and Bregante.

MOTION: Moved by Ald. Levandier & Bregante that Council approve a recommendation from the Downtown Revitalization Committee on the updating of the Downtown Dartmouth Planning Study, Phase 1, as detailed above.

LIBRARY/
CULTURAL CENTRE

Council has been advised of the motion recently adopted by the Downtown Revitalization Committee, which reads as follows:

That a letter of appreciation be written to City Council, commending them for their position in supporting the Library/Cultural Centre, which would be an asset to the downtown. Mention is also made of the Committee's endorsement of the waterfront site.

On motion of Ald. Levandier and Bregante, Council received and filed the report from Mr. Lukan, advising Council of the Committee's action.

MOTION: Moved by Ald. Levandier & Bregante that Council receive and file a report from Mr. Lukan, advising Council of a motion adopted by the Downtown Revitalization Committee re the Library/Cultural Centre, the text of which is given above.

RAILWAY TOURS

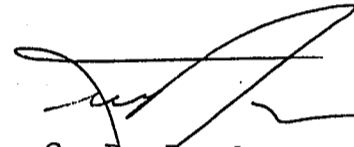
The Downtown Revitalization Committee has recommended to Council that the Director of Tourism be requested to investigate the feasibility of running a commuter train or tour train from the Dartmouth Ferry Terminal to the Musquodoboit Railway Museum. Ald. Hetherington and Sarto moved the adoption of the recommendation. The Mayor noted that a tender is now out for removal of the tracks on this line, and Ald. Stubbs expressed concern at the possible loss of this railway right-of-way if the tracks are removed. The motion on the floor carried, after which she proceeded to move that the Mayor be empowered to write to all the authorities concerned, requesting that the land on the railway route between Dartmouth and Musquodoboit

be reserved for a public right-of-way, to be used for future rapid transit services between Dartmouth and the Eastern Shore area. The motion was seconded by Ald. Crawford and it carried.

MOTIONS: (1) Moved by Ald. Hetherington & Sarto that Council adopt the recommendation of the Downtown Revitalization Committee with respect to an investigation of the feasibility of running a commuter or tour train from Dartmouth to Musquodoboit.

(2) Moved by Ald. Stubbs and Crawford that the Mayor be empowered to write to all the authorities concerned, requesting that the land on the railway route between Dartmouth and Musquodoboit be reserved for a public right-of-way, to be used for possible future rapid transit services between Dartmouth and the Eastern Shore area.

Meeting adjourned.


G. D. Brady,
Deputy City Clerk.

City Council, Jan. 24/84

ITEMS:

- 1) Joint date: Natal Day, page 1.
- 2) Monthly reports, page 1 & 2.
- 3) Federal identity program, page 2.
- 4) Land: Dartmouth Cove area, page 2.
- 5) Settlement: City vs. Willis, page 3.
- 6) Excavation permit: W. Eric Whebby Ltd., page 3 to 5 inc.
- 7) " " : Steed & Evans Ltd., page 5.
- 8) Sewage system capacity: Market Malls, Phase 1, pg. 6.
- 9) Third reading: By-law C-504, MPS Amendment, Market Malls, page 6.
- 10) " " : By-law C-505, Rezoning, Market Malls, Phase 1, pg. 7.
- 11) " " : By-law C-507, MPS Amendment, Medical Clinics, page 8.
- 12) " " : By-law C-508, Land Use By-law Amendment, Medical Clinics, pg. 8.
- 13) Resolution #83-59: Medical Clinic, 107 Albro Lake Road, page 9.
- 14) Date for hearing: Clayton Development Ltd., pg. 9.
- 15) " " " : Rezoning, Clayton Development, pg.9.
- 16) Permit to build: Renfrew St., pg 9.
- 17) Recording of meetings, page 10.
- 18) Request: Silver Anniversary project, pg. 10
- 19) Library/Museum Building, page 10.
- 20) Update: Downtown Study, page 11.
- 21) Library/Cultural Centre, page 11.
- 22) Railway tours, page 11 and 12.