

Dartmouth, N. S.

February 5/85.

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

Present - Mayor Brownlow

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

The Mayor welcomed to the meeting, the First and Second Girl Guide troop from Port Wallace, with their leaders.

INCREASE IN
RENTALS

Rising on a point of privilege, Ald. Crawford brought to the attention of Council, the concerns that have been raised by a number of senior citizens who are residents of the Alderney, Eastwood and Craythorne Manors, about notices of upcoming rental increases they have received from the Dartmouth Housing Authority. Ald. Crawford quoted from one of the letters of notification from the Authority, suggesting that the tone of the letter is dictatorial and the letter is lacking in any adequate explanation as to the basis for the rental increase or the policy that may be involved. He noted that the City shares in the operating deficit for these senior citizen complexes (12½%) and should have been informed before rental increases were imposed by the Housing Authority. He asked if we were notified as a contributing partner and why a policy letter was not sent to the tenants with some explanation for them if the rental increase was considered necessary.

Mr. Smith advised that his department is notified of anticipated operating deficits for any given ensuing year, but we would not be advised of rental increases and were not advised in this instance.

The Mayor commented on the basic policy under

which rentals are determined for senior citizen complexes (25% of income), and in the present situation, the Housing Authority is attempting to catch up on rentals that were not previously at the proper levels. He admitted that a more careful screening may have been in order where major rental increases are being requested, and that it would have been in order to explain the rental policy in the letters of notification that went out to the tenants.

He suggested that the matter be left with Mr. Smith, Ald. Crawford and himself, for further discussion with representatives of the Housing Authority. Council concurred with this suggestion.

MINUTES

On motion of Ald. Bregante and Sarto, Council approved the minutes of meetings held on Jan. 8th, 15th and 22nd. Ald. Hetherington referred to the minutes of the Jan. 22nd meeting, where a prepared statement made by him has been quoted in its entirety. While he did not object to the complete text appearing in the minutes, he said he did not include paragraphs 4 and 5 when the statement was read at the Jan. 22nd meeting. This point was noted for the record.

At this point in the meeting, Ald. Levandier and Crawford moved that a report from Mr. Moir on the Tourist Bureau tender, be added to the agenda as item 7 (b) (ii). The required two-thirds majority was obtained to have the item added, with ten members voting in favour.

TAX EXEMPTION
REQUEST:
EASTERN STAR
LODGE

A letter has been received from Trustees of the Eastern Star Lodge (No. 51 R.N.S. of A.F. & A.M.), requesting that the Masonic Hall property at 70/72 Ochterloney Street be exempted from taxation, on the basis that the property is owned and operated as a non-profit fraternal body.

Council heard Mr. Wagner, one of the Trustees for the Lodge; he provided information on the current assessment for the property (\$78,600.) and on the tax

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bills received for years 1983 and 1984.

Ald. Sarto and Peters then moved referral to staff for preparation of the appropriate by-law that will exempt the premises at 70/72 Ochterloney St. from taxation. Ald. Hetherington said he would like to see the condition about the Masonic Hall not being rented to non-masonic groups maintained, as noted in the final paragraph of page 1 of the letter received, dated Dec. 22/84. The motion to refer carried.

MOTION: Moved by Ald. Sarto and Peters that the letter from the Trustees of the Eastern Star Lodge, be referred to staff for preparation of the appropriate by-law that will exempt the property and premises at 70/72 Ochterloney Street, from taxation.

LANDS EAST OF
BURNSIDE DR.

Members of Council have received copies of reports prepared by CBCL on the lands located to the east of Burnside Drive, one being an overall conceptual development plan, the second, a development plan for the section designated as the Burnside Prestige Business Park, and the third, containing cost estimates for Phase C1 fully graded. All of these reports have been previously dealt with by the Industrial Commission and subsequently, the following recommendations have been made to Council:

- 1) approval of the Conceptual Development Plan for the lands to the east of Burnside Dr.
- 2) establishment of the area known as Phase C and in particular, areas 2, 10, 11 & 12 as the Burnside Business Park.
- 3) designation of land uses in the initial areas of the Business Park as set out in Mr. Rath's report of Jan. 22/85 (page 7).
- 4) servicing of areas 2, 10, 11 & 12 in 1985 at an estimated cost of \$5,219,000., with funds to be drawn from the sale of Industrial Land Account.
- 5) establishment of a selling price of \$120,000. per acre for sites in areas 2, 10, 11 & 12 of the Burnside Business Park.
- 6) revenue realized from the sale of sites in these areas of the Burnside Business Park to be applied against the costs of servicing.
- 7) the estimated shortfall of \$1,145,500. to be funded from the Revenue - Sale of Land Account.

Ald. Greenough and Greenwood moved that adoption of the above recommendations from the Commission.

Mr. Jim Axell of Canadian British highlighted for Council the main points from the three reports prepared by his company, indicating the phasing of development that has been proposed, with particular attention given to Phase C where development would take place first in what is being referred to as the commercial area. The high-profile sites in this section are expected to lend themselves to the kind of office and hotel projects in which interest has already been expressed by potential developers.

Mr. Axell was available to answer questions from Council following his presentation. Ald. Crawford asked about the feasibility of allowing developers to prepare their own sites as suggested by Mr. Hampson of Sussex Leaseholds. Mr. Axell commented on the importance of properly coordinated servicing in the area concerned, taking into account the critical elevations that have to be maintained. He said that servicing problems could result if any one developer were not working within the framework of the overall conceptual plan. Ald. Crawford felt that such considerations could be adequately addressed by on-site inspectors just as the City would have available to oversee development of the land.

Ald. Crawford had another question about the extension of Akerley Blvd. to connect at a future time with Highway 118. Mr. Axell said his company has had discussions with the Transportation Department and they still maintain that there is no provision for such a connection with 118. He showed on one of the overhead projections how provision has still been retained to extend Akerley Blvd. around either side of Juniper Lake if the extension is ever able to be made in the future. The Mayor noted that a recommendation on this subject will be coming to Council from the Industrial Commission, since there is concern that allowance should be made in the configuration of the

107 by-pass interchange for future access to and from the Burnside Park, in order to form a complete network highway on the outskirts of the City.

One other point raised by Ald. Crawford concerned the provision for access roadway patterns that will connect with land holdings adjacent to those of the City. Mr. Bayer noted that all such connectors will be constructed to the boundaries of the City land holdings, as indicated on the plan presented by Mr. Axell; these roadways would not be extended, however, into private land holdings.

Ald. Stubbs had a number of questions about the financing arrangements for developing Phase C, and it was her opinion that all of the funding required should come from the seven million dollars we have in the Sale of Land account, rather than having the City subsidize the development costs. Ald. Crawford felt there is a considerable amount of risk involved in proceeding with the development of Phase C, in view of the selling price that will have to be charged for sites and the fact that we are now in competition with a number of other industrial parks locally. Ald. Greenough and Hawley wanted to see the present momentum of the Burnside Park continue, recognizing its importance over the years in helping to maintain the City's tax rate through increased assessment and the taxes we derive from businesses in the Park. Ald. Hawley asked if developers will be interested in sites behind the strip of prime land along Burnside Drive. Mr. Axell pointed out that areas behind the front strip will be attractive for development, such as area 11 which overlooks a lake and the green area around it. He also explained the problems with servicing if only a strip along the highway were to be developed and not the back portions of land.

There was further discussion pertaining to the arrangements for financing, and it was explained

how the temporary borrowing for development of Phase C1 will be repaid as land continues to be sold, recognizing that the City still has a 9.9 million-dollar land inventory still available on the west side of Burnside Drive. The anticipated shortfall of \$1,145,500. could be further reduced if interest rates are below 13%, the figure on which original calculations have been based. Mr. Smith explained for Council the present compensating offsetting balance agreement the City has with the Royal Bank, covering borrowings up to ten million dollars, which benefits the City in situations such as this one. Ald. Withers spoke in support of the motion, referring to our existing land inventory and the fact that funds will continue to be reinstated as more land is sold.

When the vote was taken on the motion, it carried with Ald. Stubbs voting against.

MOTION: Moved by Ald. Greenough & Greenwood that the recommendations of the Industrial Commission, as per Mr. Rath's report of Jan. 22/85 (Page 7) be adopted; these recommendations are detailed on page 3 of the minutes.

61 COURTNEY RD.

Mr. Moir has reported to Council on interest expressed in the City-owned property at 61 Courtney Road. He has recommended that staff be authorized to have the property appraised and to continue negotiations for the sale of the lot, with the final sale price and conditions being brought to Council for approval.

Ald. Stubbs and Greenwood moved referral to staff in order to have the property go up for sale by public tender. Other conditions added to the motion were as follows:

- 1) that the property be advertised as a single-family lot.
- 2) that the tender price not be less than the appraised value, plus the cost of appraisal.
- 3) that the highest or lowest tender received will not necessarily be accepted.

With the above amendments, moved by Ald. Hawley and Stubbs, the amended motion carried.

MOTION: Moved by Ald. Stubbs and Greenwood that the item on 61 Courtney Road be referred to staff in order to have the property advertised for sale by public tender.

AMENDMENT: Moved in amendment by Ald. Hawley and Stubbs that the conditions noted at the bottom of page 6 apply in the advertising of the property.

TOURIST BUREAU

Mr. Moir has circulated a further report on the awarding of the tender for alterations and an addition to the Tourist Bureau. He has referred to a letter received from Mr. A. L. Graham, solicitor retained by the Friends of the Dartmouth Commons, to represent their concerns in relation to the proposed addition to the Tourist Bureau. These two main areas of concern are in relation to the status of the Dartmouth Commons as City property, and secondly, to the Municipal Development Strategy and Zoning By-laws. Mr. Graham feels that his clients would authorize him to seek an injunction if work on the Tourist Bureau proceeds, and also, to appeal the action of Council in awarding the tender, to the Municipal Board.

There is also the problem of signing the contract with the contractor in the event of construction being stopped at some future date. The contractor is willing to wait for two weeks to see if there can be some resolution of the issue before any construction starts, and Mr. Moir has suggested that a committee be formed to meet with the Friends of the Commons to explain the City's position and perhaps reach an understanding that will permit the City to proceed.

Ald. Levandier and Sarto moved that the suggestion made by Mr. Moir in his last paragraph be approved by Council.

Ald. Beeler said she would not want to see this overall issue narrowed simply to the Tourist Bureau expansion question or negotiated just from that point of view, since there are much broader questions involved. Other members of Council shared the basic opinion expressed by Ald. Beeler, and wished to see the Tourist

Bureau improvements proceed, recognizing the fact that the building is already located on the commons and the addition being proposed will occupy only a very small portion of land over and above what the Tourist Bureau is already sitting on. Ald. Hawley said the buildings that already exist on commons lands are of benefit to all the citizens of Dartmouth and were not located there to damage the commons but to serve the citizens in ways they require, such as the providing of school, library, museum and recreation facilities.

Ald. Hetherington, Greenough and Greenwood were prepared to stand by the decision taken by Council to proceed with improvements to the Tourist Bureau. Ald. Hetherington noted that Council cannot be more specific about what the members want to do, having now made the decision first in the capital budget, then in a motion of Council and through a rejection of reconsideration.

The Mayor pointed out to Council that if a committee is formed, as suggested, it will in no way affect the decision taken by Council; only a motion to rescind could do that. All it will do is delay the signing of the contract with Accord Construction Services up to the two-week extension they have given in order to try to clarify the position of the City with the Friends of the Commons, in the hope that they will be receptive to the explanation and information they will receive. Once discussions have been held with them, the information will come back to Council, but the original motion adopted will still stand until and unless action is taken by Council to change that decision. On this understanding, members were willing to allow the meeting to go ahead, provided the item is back before the two-week period has elapsed.

(Ald. Levandier left the meeting and was not present from this point onward.)

The vote was taken on the motion and it carried with Ald. Beeler voting against.

Council asked that the committee include the Mayor, Mr. Moir and other members of staff as required and no other members of Council.

MOTION: Moved by Ald. Levandier and Sarto that the suggestion made by Mr. Moir in the last paragraph of his report dated Feb. 4/85 on the subject of the Tourist Bureau, be approved; the suggestion is to have a committee meet with Friends of the Commons representatives to explain the position of the City and provide information on the Tourist Bureau addition.

VIDEO LICENSE
APPLICATION:
32 ALBRO LAKE RD.

An application was before Council for a video license to be granted for 32 Albro Lake Road. Ald. Sarto and Crawford moved that Council indicate no objection to the granting of the license.

Ald. Hetherington and Withers were concerned about the control of these video outlets and what appears to be a lack of regulation as to what they are allowed to distribute in the way of films. Ald. Hetherington wanted to see some kind of restriction placed on videos and films that fall into the category of being pornographic, suggesting that all such material should be restricted to a separate area of a store and not located with the material that is accessible to children and young people.

After the vote was taken on the motion and it carried, Ald. Hetherington proceeded to introduce a motion, requesting that the Dept. of Consumer Affairs impose regulations on films and videos that fall within restricted categories, so that they have to be located separate and apart from the films and videos regularly sold, with special provision for the distribution of such material in order to prevent it from being accessible to young people. The motion was seconded by Ald. Stubbs and it carried.

MOTIONS; Moved by Ald. Sarto and Crawford that Council indicate no objection to the video license application for 32 Albro Lake Road.

(see page 10 for second motion)

Moved by Ald. Hetherington and Stubbs that the Dept. of Consumer Affairs be requested to impose regulations on films and videos that fall within restricted categories, so that they have to be located separate and apart from the films and videos regularly sold, with special provision for the distribution of such material in order to prevent it from being accessible to young people.

LORD'S DAY ACT
ENFORCEMENT

A further report was before Council from the Solicitor on the question of whether or not to proceed with a prosecution under the Lord's Day Act, this item having been previously before Council on Dec. 11/84, when Council instructed staff to refrain from prosecuting until such time as the Supreme Court decision has been rendered in the Big M Drug Mart case, or one month of elapsed time, whichever came first.

On motion of Ald. Crawford and Romkey, Council agreed to have the situation remain as it presently stands, pending a decision by the Supreme Court on the Big M Drug Mart case.

MOTION: Moved by Ald. Crawford and Romkey that the situation with respect to prosecutions under the Lord's Day Act, remain as it presently stands, pending a decision by the Supreme Court on the Big M Drug Mart case.

SUNDAY/HOLIDAY
SERVICE:
ROUTES 56, 57, 59.

The Transit Advisory Board has recommended to Council that Sunday/^{Holiday}service be provided on transit routes 56, 57 and 59, as per the report of Jan. 9/85 from M.T.C. staff, adopted by the Board.

Council approved this recommendation, on motion of Ald. Greenough and Sarto.

MOTION: Moved by Ald. Greenough and Sarto that Council approve the recommendation from the Transit Advisory Board on the provision of Sunday/Holiday service on transit routes 56, 57, and 59 in the City of Dartmouth.

APPOINTMENT:
LAKES ADVISORY
BOARD

On motion of Ald. Greenough and Romkey, Council approved the reappointment to the Lakes Advisory Board of Mr. Bernard Hart, representing the Abenaki Aquatic Club, for a three-year term, expiring in Nov., 1987.

MOTION: Moved by Ald. Greenough and Romkey that Council approve the reappointment of Bernard Hart to the Lakes Advisory Board, representing the Abenaki Aquatic Club, for a three-year term.

HOUSING CRISIS
COMMITTEE

Council has been requested to approve a replacement member to serve on the Housing Crisis Committee, since Mr. Joseph Zatzman has advised that he is unable to be a member.

Ald. Stubbs moved that this replacement be left to the Committee to make a recommendation on the appointment. The motion was seconded by Ald. Sarto and it carried.

MOTION: Moved by Ald. Stubbs and Sarto that a recommendation on the replacement member for Mr. Zatzman on the Housing Crisis Committee, be left up to the Committee; the recommendation on an appointment will be made to Council by the Committee.

LEFT TURNS:
MACDONALD
BRIDGE/WYSE RD.

As directed by Council, the T.M.G. has studied the possibility of introducing left turns from the Angus L. MacDonald Bridge Plaza onto Wyse Road, and Mr. Bayer has submitted a report, setting out three alternatives considered in this connection, following discussions with M.T.C. and Bridge Commission representatives. These agencies were consulted because of their involvement in any changes that are made in traffic patterns at the bridgehead.

Mr. Bayer made a presentation to Council on the three alternate schemes considered, explaining how each would function and the impact of each on existing traffic lanes and the bus lane that is controlled at present with an electronic device in order to expedite the movement of buses. The report from Mr. Bayer to Council, concludes with the following assessment:

Evaluating the three schemes and attempting to address the concerns expressed by all parties, leads us to recommend that the most workable solution, considering the present toll-gate configuration, is Scheme 2 - reverse the middle westbound toll gate. This would allow eastbound vehicles, wishing to turn left at Wyse Road, to use this lane exclusively. Transit buses would then continue to use the present eastbound electronic gate and vehicular bus conflicts would be reduced to a minimum.

Directional signage would be required on the bridge, additional token equipment would be required, and the present truck restriction sign on the plaza would have to be removed. Estimated cost of modifications is \$17,800., plus toll equipment.

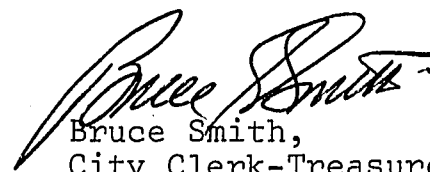
Several members had reservations about the impact that an additional traffic movement will have at what is already a very difficult intersection to control. Ald. Greenwood and Crawford felt the situation there will only be aggravated by allowing a left-hand turn, and Ald. Hawley said he could see long lines of traffic forming on the bridge as cars line up to make the left turn at toll gate 6, the only one through which left-turning traffic will be permitted. Ald. Crawford did not think the modification would be workable under any circumstances. Ald. Greenough wanted to know who would be responsible for the costs involved, the City or the Bridge Commission. He felt this point should be clarified before going any further with the item.

Mr. Bayer was asked if this is a recommendation from him and/or the T.M.G., and he emphasized that the report to Council has been prepared in response to Council's request and did not originate with him or with the T.M.G. He referred to reports the T.M.G. has made in the past, where left-turning traffic patterns were not recommended, and stated that the option of Scheme 2 is being recommended only as a way it can be done if Council wishes to proceed with it. He noted that traffic movement at the intersection is not going to be improved as a result of this change.

The members who spoke on the matter, with the exception of Ald. Withers who indicated that the traffic movement will not be worsened, felt that any additional change will further compound the problems at the bridgehead. There was also the question of the funding for the modifications required, and Ald. Greenough moved referral back to staff for further consultation with the Bridge Commission to ascertain their opinion as to the compatibility of the proposal with their thinking, and to determine whether they have funds available to cover the cost of modifications. The motion was seconded by Ald. Crawford and it carried

with Ald. Stubbs, Greenwood, Sarto and Crawford voting against.

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


Bruce Smith,
City Clerk-Treasurer.

City Council, Feb. 5/85

ITEMS:

- 1) Increase in rentals, page 1.
- 2) Minutes, page 2.
- 3) Tax Exemption request: Eastern Star Lodge, page 2.
- 4) Lands east of Burnside Dr., page 3 to 6 incl.
- 5) 61 Courtney Road, page 6.
- 6) Tourist Bureau, page 7 to 9 incl.
- 7) Video License application: 32 Albro Lake Rd., pg. 9.
- 8) Lord's Day Act enforcement, page 10.
- 9) Sunday/Holiday Service: Routes 56, 57 & 59, pg. 10.
- 10) Appointment: Lakes Advisory Board, page 10.
- 11) Housing Committee appointment, page 11.
- 12) Left turns: MacDonald Bridge/Wyse Rd., page 11 & 12.

Dartmouth, N. S.

February 11/85.

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Present - Mayor Brownlow

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

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

1985 CAPITAL
BUDGET

Council met to deal with the 1985 Capital Budget, which was previously circulated. In his accompanying report, Mr. Moir has noted that a net capital expenditure of \$5,263,600. is being projected for the year 1985, and this figure will maintain the established policy of keeping net expenditures at the level of the current year's principal debt repayment.

At the opening of the meeting, Ald. Crawford moved approval of the capital budget as projected at the amount of \$5,263,600. The motion was seconded by Ald. Greenough. After the introduction of this motion, members of Council were permitted to indicate projects they would like to have added and a listing of these was kept for the subsequent introduction of amendments to be considered by Council. The amendments proceeded in the following order:

- 1) Street Construction, Leamont Terrace: Ald. Beeler moved in amendment, seconded by Ald. Crawford, that an amount of \$15,000. be added for street construction work on Leamont Street in Ward 2. The amendment carried.
- 2) Sidewalks, Brule & Primrose Streets: Ald. Greenwood moved in amendment, seconded by Ald. Stubbs, that an amount of \$62,600. be added for the construction of sidewalks on Brule Street and Primrose St. The amendment carried.
- 3) Right-hand lane, Portland St. & Caldwell Rd.: Ald. Hetherington moved in amendment, seconded

by Ald. Sarto, that an amount of \$30,000. be added for the construction of a right-turning lane on Portland Street at Caldwell Road intersection. The amendment carried.

- 4) Fencing, Feetham Park: Ald. Hetherington moved in amendment, seconded by Ald. Bregante, that an amount of \$10,000. be added to permit fencing required at Feetham Park in Ward 7. The amendment carried.

- 5) Sidewalk construction: City-wide: Ald. Levandier moved in amendment, seconded by Ald. Romkey, that \$350,000. be added for a City-wide sidewalk construction program. Ald. Crawford was opposed to this major addition at budget time without any sidewalk-construction program having been established on which to base such a financial commitment. He felt it would be preferable to begin projecting such a program in 1986, if in fact, Council wishes to begin the allocation of capital funds for sidewalk construction on a City-wide basis.

Other members tended to share this opinion and felt that a sidewalk construction program could be looked at if Ald. Levandier were to bring forward a motion in the regular way at Council through due notice of motion. The amendment was defeated.

- 6) Traffic signals, Manor Dr. & Portland St.: Ald. Peters moved in amendment, seconded by Ald. Beeler, that traffic lights be installed at Manor Drive and Portland Street and that they be synchronized with existing lights at Gaston Road and Portland St., at the estimated cost of \$72,000.

There was considerable debate on this amendment, in view of the fact that this item was to have been dealt with through notice of motion at the Feb. 12th Council meeting, and because of the staff report which has recommended the traffic lights at Manor Drive & Portland St., but not in conjunction with the present lights at Gaston Road & Portland Street. The other point noted was the fact that the Transportation Study has not yet been received or considered, and this intersection is likely to have been included in the study report.

Ald. Peters provided information on the number of accidents that have already occurred at the Manor Drive/Portland St. intersection in 1984, and members generally recognized the traffic hazard, particularly for pedestrians, that exists there. They felt, however, that the subject should have been debated out of the context of the capital budget. Ald. Greenough suggested approving the funding required for the traffic signals, but subject to an additional staff report being brought to Council and debated in the regular way. At first, there was some confusion as to what status the notice of motion on the Feb. 12th agenda will have if a decision is made on the amendment presently before Council. The opinion reached was that a decision on the amendment would preclude another motion on the same subject being introduced at the Feb. 12th Council meeting; therefore, the notice of motion given by Ald. Peters becomes redundant.

Ald. Crawford was opposed to another set of traffic lights in such close proximity to the ones at Gaston Road and taking into account the staff recommendation, which was to discontinue the lights at Gaston Road and put new lights at Prince Arthur Ave. Ald. Hawley and Greenwood were also concerned about approving the amendment without due consideration for the staff report on this section of Portland Street and without the results of the Transportation Study being known. Ald. Bregante and Hetherington were not in favour of having the present lights at Gaston Road removed, and were willing to support the amendment.

Ald. Peters noted that area residents who are requesting the lights at Manor Drive, have asked to have the No Left Turn restriction between 4:00 and 6:00 p.m. continued with the light signals, to discourage commuter traffic through their subdivision at rush hours. When the vote was taken on the amendment, it carried with Ald. Crawford, Hawley, and Greenwood voting against.

- 7) Fencing, Penhorn School: Ald. Romkey moved in amendment, seconded by Ald. Sarto, that an amount of \$15,000. be added for fencing at Penhorn School.

Amendment carried

8) Ald. Withers proposed the use of the \$196,000. allocation for a T-intersection at MicMac Blvd. and Woodland Ave. for some other capital purpose in 1985, on the assumption that development of the Albro Lake lands will not proceed to the point where plans for the intersection will go ahead this year. He later moved in amendment that the amount of \$196,000. be deleted from the capital budget for 1985, and included in 1986, if the project comes on-stream by then. The amendment was seconded by Ald. Hetherington, but it was defeated since members of Council felt the provision for the intersection change should be retained. They also felt the Albro Lake housing development could be delayed if provision is not made now for the necessary traffic patterns.

Mr. Moir advised that the revised capital expenditure figure, with the additions approved, is \$5,468,200.

Ald. Stubbs raised several concerns regarding the source of funds to develop 44 acres of land in Phase C of the Burnside Industrial Park. She questioned why funding for this work is being handled differently from the funding of the initial phases. She was concerned that tax-payers' money will be tied up in the development.

Mr. Smith discussed the funding of the past developments in the Burnside Park, versus the development of the 44 acres referred to above. He confirmed that these are being dealt with differently, and referred to a motion passed in 1982 by Council, relating to the self-financing of Burnside. Ald. Stubbs requested that she be advised of the actual date of this motion, which was subsequently the basis for deal with capital expenditures in the Industrial Park.

Ald. Crawford expressed concern about his impression from the last Council meeting that the City had hired CBCL as consultants to estimate the cost of developing the 44 acres in the Burnside Park.

However, he was alarmed to find out that CBCL are going to do the complete job, whereas he thought these other functions would go out to tender.

Mr. Moir confirmed that no instructions have been given to CBCL to proceed with construction and design. He indicated that the City could prepare specifications and proposals for this work, but emphasized that with CBCL having been involved in the Park since its inception, they are the most familiar with the development.

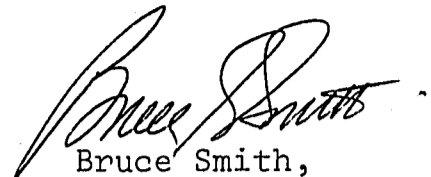
Ald. Crawford said it would seem that the City of Dartmouth is 'married' to CBCL forever, when it comes to development in the Industrial Park. It was suggested by Mr. Moir that this matter should be addressed at tomorrow's Council meeting. He cautioned that by going to tender, the project could be delayed by as much as six months.

Mr. Fougere was requested for an opinion, and he indicated that it is not the City's practice to go to tender for professional services; he felt there is no engineering reason why the City should change consultants. One advantage with CBCL is that they have all basic information about the Park on hand (ie. field notes, etc.). He felt that CBCL have done a good job over the years and efforts have been made to share the balance of consulting work for the City with other firms.

Ald. Peters raised a point of order as to how this matter related to the capital budget. The Mayor suggested that it would be more appropriate if a motion were made after the capital budget discussions were completed, on this subject.

The vote was taken on the amended motion on the floor, approval of the capital budget in the amount of \$5,468,200. The motion carried unanimously.

Meeting adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council, Feb. 11/85

ITEM:

- 1) 1985 Capital Budget, page 1 to 5 incl.

Dartmouth, N. S.

Feb. 12/85.

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
Hawley	Greenough
Bregante	Hetherington
Stubbs	
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady.	

At the opening of the meeting, a certificate of appreciation was presented to Fire Chief Patterson by the Provincial Fire Marshall in recognition of outstanding achievement by the Dartmouth Fire Dept. in fire safety, education and prevention.

The presentation of safety awards followed to Cst. Maureen White, Cst. Borden (City police officers), City Fire Fighter Brian Clarke, and to Mr. George Harding, an employee of the Bridge Commission. These employees participated in the rescue of a young woman from underneath the Angus L. MacDonald Bridge and were instrumental in saving her from death, at considerable risk to their own safety, in cold night-time winter conditions. In addition to the City safety awards presented by Mayor Brownlow, Fire Fighter Clarke was also presented a St. John Ambulance award by Mr. Peter Holmes of the Association. Congratulations were extended by Mayor Brownlow to all of the recipients.

SECURITY:
N.S. HOSPITAL

Ald. Crawford then rose on a point of privilege to indicate his concerns about the security situation at the Nova Scotia Hospital, from which two dangerous persons escaped on the weekend. Ald. Levandier questioned whether this matter represents a point of privilege, and requested a ruling from the chair. The Mayor then asked for a motion from the floor in order for Ald. Crawford to be heard. Ald. Sarto and Greenough moved that Ald. Crawford be heard on the subject raised

by him. The motion carried by a 9 to 5 vote and Ald. Crawford was permitted to proceed.

He said he is in possession of information that indicates that during the past year, a total of 123 persons escaped or walked away from the hospital while incarcerated. He considered this to be a serious situation requiring the attention of the Attorney-General, since it means that the City Police Dept. are having to be involved in what amounts to ten escape and apprehension cases per month at the Hospital.

Ald. Greenough said he would like to have the entire item referred to the Police Commission for a report from the Police Chief and discussion by the Commission. He moved referral, seconded by Ald. Crawford. Ald. Beeler said it should be noted that the walk-aways from the Hospital were not from the Forensic Unit, such as the two men who escaped on the weekend, and would not all be dangerous as these two escapees were. Ald. Hetherington explained the three categories into which patients at the Hospital are classified: these are remand, warrant and certified patients. Also, there are patients at the hospital who are there voluntarily. He agreed there should be some recommendations to the Police Commission by the Chief as to what needs to be done to improve security so representation can be made to the Province. Ald. Romkey noted that an investigation is already underway by the Attorney-General's Dept., and if we want to have any input and indicate our concerns, this should be done right away, rather than waiting for a Police Commission meeting. The motion to refer was therefore amended by Ald. Romkey and Hawley, to have a letter forwarded immediately to the Attorney-General, communicating the concerns of Council about security at the Nova Scotia Hospital and the need for an upgrading of it.

The amendment carried and the amended motion carried.

The Mayor made some comments on the use of a point of privilege by members of Council, noting that technically speaking, it applies to a point of personal privilege. He explained that he has tried not to be too restrictive in its procedural use and has tended to be lenient with Council when members have wished to introduce items through this means. Ald. Greenough said that perhaps it is time for Council to have a half-hour session with the City Solicitor some evening, to have procedural areas of confusion clarified. Mayor Brownlow said this would be a good idea.

Council proceeded with the regular agenda for this meeting, the first item being Motions for which notice was previously given.

MOTIONS:

The notice of motion given by Ald. Levandier, with respect to the Earl Hollett case, was withdrawn by him.

ALD. HAWLEY

1) Ald. Hawley moved, seconded by Ald. Crawford, that:

WHEREAS recent medical research has shown that cigarette smoking is detrimental to the health of the individual smoker;

AND WHEREAS recent medical research has shown that non-smokers who inhale second-hand cigarette smoke can and do suffer detrimental effects to their health;

AND WHEREAS the number of persons smoking is now recognized as being in the minority;

THEREFORE BE IT RESOLVED that this Council form a special committee to be charged with the task of preparing a by-law to govern the control of smoking in such places as retail stores, service counters, elevators, public transportation vehicles, restaurants, etc.

AND BE IT RESOLVED that this Council support and encourage educational programs which have as their goals, the exposing of the dangers of smoking, as well as the reduction in the number of persons who have the smoking habit.

Ald. Hawley's presentation in support of his motion, outlined the health hazards that are directly attributable to smoking, and the detrimental effects on non-smokers who breathe 'side-stream' smoke as a result of being in proximity to smokers. He has obtained copies of non-smoking ordinances and by-laws

from other municipalities, including the City of Halifax, and pointed out that it is the psychological impact of such regulations that helps to reduce smoking in a community, rather than attempting to enforce a by-law with prosecutions.

Ald. Hetherington advised that there has never been a charge laid in Halifax under their ordinance, and while he commended the part of the motion that calls for educational programs, he was not convinced that Dartmouth should have a by-law without the resources to enforce it. Ald. Romkey also had doubts about our ability to enforce a non-smoking by-law and preferred to see efforts concentrated in the schools and something being done to prevent smoking at that level first.

Ald. Stubbs had several questions about the designation of non-smoking areas in public buildings and in places such as restaurants. The Solicitor commented on the present Halifax ordinance and its provisions. There is provision for the designation of no smoking areas in restaurants and it is then up to the discretion of individual owners as to whether or not they wish to create a section such as this in their establishment. Ald. Greenough said it would at least be worthwhile having a by-law drafted and brought to Council for consideration, and other members were willing to go that far with the motion also.

Ald. Hetherington continued to question the enforceability of a non-smoking by-law, and asked for a comment from Chief Trider who was present. He made the statement that it would not be possible to have enough police officers in Dartmouth to enforce such a by-law. Ald. Hetherington felt there is not much point in having the by-law at all if it can't be enforced. Ald. Hawley further explained the intent of a by-law as a deterrent and a factor in reducing smoking, even though there may not be prosecutions as a result of having it in effect.

The compliance of the public with non-smoking regulations was compared to the seatbelt law where the success of the legislation depends on compliance and the realization on the part of the public that they can be taken to court for not obeying the law.

It was suggested that rather than forming a special committee, as called for in the motion, there could be a referral directly to the Solicitor for drafting of a by-law for Council to consider. Ald. Hawley and Sarto therefore moved referral directly to the Solicitor and the motion carried. Ald. Romkey asked that particular attention be given to schools and school children in the application of the by-law.

MOTION: Moved by Ald. Hawley and Sarto that the motion introduced by Ald. Hawley be referred directly to the Solicitor for drafting of the proposed by-law for Council's consideration.

The notice of motion given by Ald. Peters, concerning traffic lights at Manor Drive and Portland Street, was withdrawn, since this item was dealt with in conjunction with the 1985 capital budget on Feb. 11th.

ALD. SARTO

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

That the City Solicitor be instructed to draft a by-law, pursuant to Section 221 of the Dartmouth City Charter, to exempt from payment of property taxes, the following persons, if their incomes or combined incomes are less than \$8,000. per year:

- (a) widows or widowers
- (b) those age 65 or over
- (c) a single parent supporting a dependent'

Ald. Sarto had circulated copies of his submission, explaining the intent of his motion and substantiating information to show what is presently available in the way of tax relief programs (provincial & municipal), and what is required for persons in the categories encompassed by his motion. He considered citizens in these categories to be in particular need of some form of tax assistance, over and above the tax deferral program now available to senior citizens living in Dartmouth.

Members of Council who spoke on the motion seemed to feel there are a number of unanswered points as to the implications for the City in financial terms if the people in the categories proposed were all to receive tax exemptions. Also, it has not been specified exactly what the exemption would be, and there is no indication of the number of people it would involve. Ald. Beeler noted that a couple with dependents could be making less than the income criteria suggested, and she asked if people in these circumstances would be eligible. Ald. Stubbs referred to a segment of the population she felt should be considered, that is, widows who receive small pensions and have not yet reached the age of 65 where they qualify to receive the Old Age Pension. Ald. Hawley suggested a number of loop-holes he could see where the exemption might be received by people who do not really qualify and he felt it would be difficult to prevent this from happening if a by-law were to be approved, based on the motion as it presently stands.

Ald. Greenough said it may be preferable to look at a broadening of our tax deferral by-law to take in other categories, such as those that have been proposed. He was also concerned about the financial implications and wanted to have a complete analysis of the impact of the exemptions from staff before proceeding with a by-law. Ald. Crawford was willing to support the motion and have the Solicitor at least draft the by-law for Council to discuss.

Ald. Greenough and Hetherington moved referral to staff (financial staff, Social Services, and the Solicitor) for a report on the implications of a by-law that would provide for the tax exemptions being proposed and whether there is a better way of assisting people who are in difficulty with their taxes. The motion to refer carried.

MOTION: Moved by Ald. Greenough & Hetherington that the motion be referred to staff (financial staff, Social Services & the City Solicitor) for a report on the implications of a by-law that would provide for the tax exemptions being proposed, and whether there is a better way of assisting people who are in difficulty with their taxes.

LAND: WARD 7

With the concurrence of Council, Ald. Hetherington was permitted to bring up a subject that pertained to a land holding located in Ward 7 between the Imperial Oil tanks and Petro Canada tanks, in the Belmont/Carleton Street area, which has been vacant for many years, but was recently purchased for a used car operation in what is otherwise a residential area. Zoning on the land is General Industrial and this use would be permitted.

Ald. Hetherington moved, seconded by Ald. Bregante, that the possibility of expropriating the land be looked into by staff (ie. the Solicitor, Mr. Moir, Planning Dept. staff), and a report made to Council. Ald. Beeler said she would want to have more information on the matter, such as the size of the land involved, is this a proper case for expropriation, etc., and the motion originally introduced was therefore broadened to include Planning Dept. staff for this kind of information. The motion carried.

MOTION: Moved by Ald. Hetherington & Bregante that the possibility of expropriating land in Ward 7 (located in the Belmont/Carleton St. area) be looked into by staff, and a report made to Council.

NOTICES OF MOTION:

ALD. LEVANDIER

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

1) Ald. Levandier:

Council is asked to instruct the Planning staff to submit a three-year comprehensive sidewalk renewal and new construction plan, with equal consideration being given to each ward, and further, that our financial staff recommend how this program can be incorporated in the capital budget, beginning in 1986.

2) Ald. Hawley:

WHEREAS the Museum Board has a small art gallery located within the Dartmouth Museum;
AND WHEREAS this location is unsatisfactory because the floor space is desperately needed for museum displays;

ALD. HAWLEY

AND WHEREAS the floor space presently available for art display is totally inadequate to meet present demands;

AND WHEREAS City Council has recently turned down a property on Slayter St., deemed to be satisfactory by the Museum Board for an art gallery;

BE IT RESOLVED that this Council establish a committee, charged with responsibility of finding potential locations for an art gallery in Dartmouth, and that the committee be required to report back to this Council within a 100-day period from this date.

ALD. SARTO

3) Ald. Sarto:

That the Planning and Legal Departments look into the need for height restrictions on accessory buildings in residential zones and recommend a height limit for such buildings and a means of implementing such a restriction.

Ald. Peters was not present from this point in the meeting.

INQUIRIES:

ALD. GREENOUGH

Ald. Greenough's inquiry was about the formation of the committee approved to meet with Provincial representatives to discuss improvements to the MicMac Rotary, and also, the provision for linking up the 107 By-pass (at the 118 interchange) with a future connector link to the Burnside Park. He said there is some urgency in forming this committee since the interchange at Highway 118 is already under construction. One Alderman from each ward is to serve on the committee and the Mayor requested an indication from members as soon as possible, who is to represent each ward.

ALD. WITHERS

Ald. Withers asked for information on the actuarial study being carried out by the Wyatt Company, and in particular, the modification discussed at the Pension Committee that is applicable to 110 retired employees. Mr. Moir said additional information is still required from City Hall by the Wyatt Co. before the study can be completed, and this is being provided. Ald. Withers asked for a report from Mr. Moir for the next meeting of Council on this matter.

Ald. Withers asked when the survey work on Banook Ave. can be completed and if it will be by early spring. Mr. Fougere said he expected it would be completed then.

ALD. ROMKEY

Ald. Romkey asked the City Engineer to have attention given to a section of Day Ave. where there is a drop of four or five inches in the road at the location where a resident had sewer work done.

ALD. LEVANDIER

Ald. Levandier said he has received complaints about dirty water problems on Beech Street. He also asked to have the Parks & Recreation Dept. give consideration to planting trees on Beech Street in the spring season.

His other inquiry was about the meters on the building at Best and Fairbanks Street, where only two units are allowed but four meters have been installed on the building. Mr. Bayer said this location is being monitored regularly.

ALD. HETHERINGTON

Ald. Hetherington requested additional dog patrols in the area of Brock St., Esson Road, and Hilltop Terrace.

ALD. HAWLEY

Ald. Hawley asked about the status of the new senior citizen building. Mr. Turner advised that he is meeting with the general contractor tomorrow and this item should be before Council by next week.

Ald. Hawley requested sodding from the curb to the lot lines on Westbrook Ave., when this work is able to be done, also, to have some trees planted on this street in the spring.

ALD. BREGANTE

Ald. Bregante asked why the Finance & Program Review Committee has not met; Mr. Moir advised that there has been nothing referred to the Committee by Council for an agenda.

Ald. Bregante asked to have Chadwick Street looked at where a street section has settled.

ALD. STUBBS

Ald. Stubbs inquired about the properties on Lyngby Ave., and Mr. Moir said that some of them have been sold as approved by Council. A further report will come to Council on the disposal of the remainder of the properties once the costs have been finalized.

Ald. Stubbs asked about the status of the Commons meeting with citizen groups involved. Mr. Moir said he will get to this matter as soon as possible, since a staff report has been requested.

Ald. Stubbs asked when the Housing Crisis Committee will meet; Mr. Moir said he has asked for a date to be selected for the meeting.

Ald. Stubbs asked when Council will be dealing with the operating budget; Mr. Moir said it should be ready by next week.

The final inquiry made by Ald. Stubbs dealt with the staff report on private streets. Mr. Bayer noted that Council adopted the report some time ago. The Mayor suggested having this item brought back to Council if the members wished to have it updated; Council agreed to do this.

ALD. CRAWFORD

Ald. Crawford asked the Engineering Dept. to look at the frost bump in the street on Wyse Road, opposite Tim Horton's. He also requested that something be done to improve the sidewalk on Windmill Road, below the Park School site and down.

Ald. Crawford noted that a transfer station site has been approved, and the Mayor advised that official notification by letter will be received before this item is brought to Council.

Ald. Crawford asked if there is anything further that Council can be informed about with regard to the Hollett case. The Mayor said he has no further information for Council at this time.

ALD. SARTO

Ald. Sarto requested that overhead crosswalk lights be considered for the location of Carver and Portland Street, from the budget allocation for 1985.

MTM. MEDICAL
INS. COVERAGE

A report from Mr. Moir was considered on a proposal that has been received for renewal of the employee medical insurance policy with Maritime Medical Care for a further one-year period. It is his recommendation to Council that we continue the policy with

Maritime Medical Care for a further one-year period at the proposed rates of \$12.29 Single and \$35.68 Married.

Council approved the recommendation, on motion of Ald. Greenough and Bregante.

MOTION: Moved by Ald. Greenough and Bregante that Council adopt Mr. Moir's recommendation on the continuation of the Mtm. Medical insurance coverage for employees, for a further one-year period, based on the rates noted above.

CMHC URBAN
NATIVE PROGRAM

As requested at the Jan. 29th Council meeting, Mr. Moir has provided information on the CMHC Co-op Urban Native Program, under which housing units have been purchased in the north end of the City.

He has suggested that this matter be referred to both the Non-Profit Housing Society and to the Housing Crisis Committee, for further study of the program and possible recommendation to Council.

Ald. Greenough and Stubbs moved that the suggestion made by Mr. Moir be adopted. Ald. Stubbs explained to Council her concerns about the people who are being displaced when housing units are provided for native people under this program. She was concerned about the lack of consultation with the municipality and about the problems caused for the people who are being evicted and cannot find other living accommodation in the City. She felt these concerns should be communicated by the City to the Federal Government.

The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Greenough and Stubbs that Council adopt the suggestion made by Mr. Moir to refer the matter of the CMHC Urban Native Housing Program to both the Non-Profit Housing Society and the Housing Crisis Committee, for further study and possible recommendation to Council.

FERRY INSURANCE

Mr. Moir has submitted a report on the subject of insurance coverage on the ferry boats Dartmouth III and Halifax III, recommending that the offer from this company to insure both boats, as outlined in their letter of Jan. 30/85, be accepted for the year

Feb. 20/85 to Feb. 20/86. In November, there will be a further review of the market, and if it is felt that the market has improved, Council can then consider going to public tender for this coverage.

The recommendation was adopted, on motion of Ald. Levandier and Bregante.

MOTION: Moved by Ald. Levandier & Bregante that Council adopt Mr. Moir's recommendation on the subject of insurance coverage for the ferry boats Dartmouth III and Halifax III, for the year Feb. 20/85 to Feb. 20/86.

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



G. D. Brady,
Deputy City Clerk.

City Council, Feb. 12/85

ITEMS:

- 1) Security: N. S. Hospital, page 1 to 3.
- 2) Motions: Ald. Hawley, page 3 to 5.
Sarto, page 5 & 6.
- 3) Land: Ward 7, page 7.
- 4) Notices of Motion: Ald. Levandier)page 7
Hawley)page 7
Sarto, page 8
- 5) Inquiries, page 8 to 10.
- 6) Mtm. Medical Insurance coverage, page 10.
- 7) CMHC Urban Native Program, page 11.
- 8) Ferry Insurance, page 11.

Dartmouth, N. S.

Feb. 19/85.

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

Present - Mayor Brownlow

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

Council agreed to add two items to the agenda; one, pertaining to the appointment of a member to serve on the Housing Crisis Committee, and the second, a building permit application from Karam Holdings Ltd.

MONTHLY REPORTS

The monthly reports, recommended from Committee, were approved by Council as follows:

- 1) Social Services (Jan.): approved on motion of Ald. Bregante and Romkey.
- 2) Development Officer (Jan.): approved on motion of Ald. Hetherington and Withers.
- 3) Building Inspection (Jan.): approved on motion of Ald. Hawley and Bregante.
- 4) Minimum Standards (Jan.): approved on motion of Ald. Withers and Hetherington.

Ald. Levandier again raised a question about the number of dwelling units being permitted in the building at Fairbanks & Best Street. Mr. L'Esperance said the applicant for this building has agreed to remove two of the electricity meters on the building in order to insure there are only two units. Ald. Levandier requested that the Power Corp. be contacted to insure that only two meters are hooked up at this address.

- 5) Fire Chief (Jan.): approved on motion of Ald. Bregante and Withers.
- 6) Ferry Supt. (Dec/84): approved on motion of Ald. Stubbs and Hetherington.
- 7) Dog Control (Dec/84 & Jan/85): approved on motion of Ald. Bregante and Stubbs.

MOTIONS: To approve the monthly reports, as recommended from Committee: details above.

REQUEST: CHAMBER
OF COMMERCE

In response to a request from the Dartmouth Chamber of Commerce for representation on the MPS Review Committee, it has been recommended by Committee that a letter be sent to the Chamber, indicating that we are unable to comply with their request due to the fact that all positions on the MPS Review Committee are

filled at present; further, that a copy of the letter from Mr. Doug Moss on this subject, dated Feb. 11/85, be forwarded to the Chamber as well.

Council adopted the recommendation from Committee, on motion of Ald. Crawford and Bregante.

MOTION: Moved by Ald. Crawford and Bregante that Council adopt the recommendation from Committee on the request received from the Chamber of Commerce, for representation on the MPS Review Committee.

BY-LAW C-543:
SEWER & WATER
LATERALS

It has been recommended by Committee that three readings be given to proposed By-law C-543 (permitting the City to repair or replace sewer or water laterals on private property with the consent of the owner), and that the interest rate under Section 4. (1) of the by-law be set at 14.25% per annum, the rate applicable on past due taxes.

It was moved by Ald. Withers and Crawford and carried that leave be given to introduce the said By-law C-543 and that it now be read a first time.

It was moved by Ald. Hetherington and Hawley and carried that By-law C-543 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 Withers and carried that By-law C-543 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-543: sewer & water laterals on private property.

BY-LAW C-544:
TOURIST COMMISSION

It has been recommended to Council by Committee that proposed By-law C-544 (to amend and consolidate the Dartmouth Tourist Commission By-law) be given three readings.

It was moved by Ald. Hetherington and Bregante and carried that leave be given to introduce the said By-law C-544 and that it now be read a first time.

It was moved by Ald. Greenwood and Bregante and carried that By-law C-544 be read a second time.

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

It was moved by Ald. Withers and Greenwood and carried that By-law C-544 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-544: to amend and consolidate the Tourist Commission By-law.

CALEDONIA ROAD
EXTENSION

A joint Planning and Engineering Dept. report on the subject of the Caledonia Road Extension, has been considered at Committee, and the recommendation to Council is that the recommendations contained in the report be adopted; (2) that Council set a date for public hearing and authorize staff to prepare resolutions for the closure & realignment of Caledonia Road Ext.; and (3) that Council authorize staff to prepare a resolution respecting the control of driveways for those lots which back onto Caledonia Road Extension.

Council approved these recommendations from Committee, on motion of Ald. Hetherington and Stubbs. Ald. Hawley again made reference to the need for improvements on Breeze Drive, to bring this street up to acceptable construction and safety standards, seeking provision for this to be included in the 1986 capital budget. Council was not willing to make a commitment at this time, and the suggestion was again made that the matter can be raised at the time of the public hearing. Council set March 19th as the date for public hearing, on motion of Ald. Crawford & Bregante.

MOTIONS: Moved by Ald. Hetherington & Stubbs that Council adopt the recommendations from Committee, as noted above, on the item Caledonia Road Extension.

Moved by Ald. Crawford and Bregante that Council set March 19th as the date for public hearing in connection with the closure of a portion of Caledonia Road Extension.

DEVELOPMENT
OPPORTUNITIES
DOWNTOWN

A Planning Dept. report under the heading of 'Development Opportunities - Downtown' has been

dealt with in Committee, and the recommendation is that Council instruct the Business Improvement District Committee to prepare a submission for Council's consideration in requesting cost-sharing from the Mainstreet Program for a Downtown Planning Study.

Council approved this recommendation, on motion of Ald. Hetherington and Romkey.

MOTION: Moved by Ald. Hetherington and Romkey that Council adopt the recommendation from Committee on the Planning Dept. report that deals with Development Opportunities in the Downtown, as detailed above.

PIRVATE DRAINAGE
PROBLEMS

A report on the subject of Private Property Drainage Problems has been approved by Committee and the following recommendations made to Council:

- 1) that the City's existing policy of not involving itself in the construction of private property drainage systems, be continued.
- 2) that the City revise its subdivision regulations in such a manner that drainage problems may be identified and dealt with before final subdivision approval is given.
- 3) that the City revise its subdivision regulations in such a manner that it can require a drainage bond from the developer, to be held until a pre-determined period of time after all homes in the subdivision are completed and any associated private drainage problems are solved.
- 4) that the City continue its existing policy of providing, where practical, storm drainage systems on City streets and properties to carry away storm water from private drainage systems.

Council approved the above recommendations, on motion of Ald. Hetherington and Withers.

MOTION: Moved by Ald. Hetherington and Withers that Council approve recommendations from Committee, as outlined above, on the subject of private drainage problems. The recommendations are contained in an Engineering Dept. report, dated Feb. 6/85 and considered at the Committee meeting of Feb. 12/85.

CONNECTION:
HIGHWAY 118

A report from Mayor Brownlow was before Council on concern that has been indicated about provision being made, during construction of the 107 By-pass, for a connection in the future of Highway 118 with Akerley Blvd. On this subject, the Industrial Commission has made the following recommendation to Council:

The Commission recommends to Council their adoption of a motion of support in favour of connecting Highway 118 with Akerley Blvd., in order to ensure that the proper planning and engineering required, is provided for in conjunction with the access point from the 107 By-pass highway.

Council approved this recommendation, on motion of Ald. Crawford and Hetherington. Ald. Greenough requested that letters to this effect go forward to the Minister of Transportation and to all of the MLA's on the eastern side of the harbour; also, that a copy of the resolution be forwarded to the special committee being appointed to discuss the MicMac Rotary improvements with Provincial representatives. The Mayor made note of the Alderman's request.

MOTION: Moved by Ald. Crawford & Hetherington that Council adopt the recommendation of the Industrial Commission on the subject of a connection being requested (and provision required at this time) between Highway 118 and Akerley Blvd. The text of the recommendation is above.

APPOINT
RETURNING
OFFICER

Mr. Moir has recommended the appointment of Bruce Smith, the City Clerk-Treasurer, as Returning Officer for the municipal election to be held on Sat., Oct. 19/85. The recommendation was adopted, on motion of Ald. Levandier and Romkey.

MOTION: Moved by Ald. Levandier and Romkey that Bruce Smith, the City Clerk-Treasurer, be appointed Returning Officer for the 1985 municipal election.

LONG-TERM
DISABILITY
PLAN

Mr. Hoganson has prepared a report on tenders called for a Long-Term Disability Plan for non-union City staff employees, recommending acceptance of the low bid received from Sun Life Insurance. Further, that City staff be empowered to adjust the cost-sharing formula on other employee benefit plans to conform to the requirements of the Income Tax Act with regard to Long-Term Disability Plans.

Mr. Moir has concurred with the recommendations made in Mr. Hoganson's report, and has recommended acceptance of the Sun Life Insurance tender. Council approved the awarding of the tender, as recommended, on motion of Ald. Withers and Hetherington.

MOTION: Moved by Ald. Withers & Hetherington that Council approve the awarding of the tender to Sun Life Insurance for the Long-Term Disability Plan for non-union City employees.

LAND: HARE ST.

A request has been received from S. Jachimowicz Ltd. to purchase a portion of City-owned lands known as Hare Street, and Mr. Moir has recommended that Council agree to the request, the purchase price to be the appraised value of the property, plus survey expenses, legal expenses, and any other expenses incurred by the City if street closure procedures are required. There is still some question as to whether in fact, Hare Street has ever been used as a public street; if it has, then formal street closure procedures would have to take place.

Ald. Levandier and Hetherington moved the adoption of Mr. Moir's recommendation, and that March 19th be set as the date for public hearing if street-closure procedures are required. Ald. Levandier said he would not want to see a total closure of the street in such a way that it would prohibit parking and access that is now available to the public. Ald. Stubbs also made an inquiry about access to the property and the Mayor noted that these points will receive further attention when the item comes back to Council, either at the time of public hearing (if one is required) or when the finalized report is made to Council on the purchase price. The motion carried.

MOTION: Moved by Ald. Levandier & Hetherington that Council agree with the request from S. Jachimowicz Ltd., to purchase a portion of City-owned lands known as Hare St., and that March 19th be set as the date for public hearing if street-closure procedures are required.

TOURIST
BUREAU CONTRACT

As agreed to by Council, Mr. Moir, the Mayor and the City Solicitor have met with representatives of the Friends of the Commons on the subject of the Tourist Bureau addition, and there has been no resolution of the opposition indicated by this group to the proposed Tourist Bureau addition and alterations.

The two-week period granted by the contractor for resolving these differences has now elapsed and Mr. Moir has advised in his report dated Feb. 19/85 that unless further instructions are given by Council, it would be his intention to authorize City staff to proceed with the signing of the contract previously awarded to Accord Construction Ltd. for the work on the Tourist Bureau.

The City Solicitor gave his advice to Council on this matter, stating that because of the implications of signing a contract with Accord Construction and then encountering legal problems which would make it impossible for the contractor to proceed, it would be his recommendation to Council that the decision taken to award the tender, be rescinded and the matter referred to the Legal Dept. for suggestions as to how the legal difficulties involved can be resolved. These problems are with the MPS and Land Use By-laws and not with ownership of the Commons per se. The Solicitor declined to discuss these points of law in public forum, since this information could place the City in a disadvantaged position at such time as the matter may come before the courts or the Municipal Board, whichever route is to be followed in resolving the issue.

Ald. Crawford and Levandier moved that Council rescind the action taken at the meeting of Jan. 15th in awarding the tender for the Tourist Bureau addition to Accord Construction and providing for the additional funding required to carry out the project.

Ald. Hetherington felt that Council should abide by the decision it has already taken to go ahead with the contract, and other members were also reluctant to see the improvements to the Tourist Bureau delayed for a further period of time. They were concerned, however, about the costs that could be incurred by the City if a contract is signed with Accord and then the City is placed in a breach-of-contract position through legal action initiated by a third party.

It was also considered to be difficult to make a decision without the benefit of the legal points the Solicitor could provide with respect to the City's position and chances of being successful in any application made through the courts.

Ald. Beeler noted that she was opposed to any negotiations with one particular private group from the start, and to the sigling out of the Tourist Bureau as an item separate and apart from the whole Commons issue, which she felt should be resolved once and for all in its entirety. She said there are likely to be further problems in the future when we come to the expansion of the Sportsplex parking lot and additional land being requested by Dartmouth High for a playing field. Mr. Moreash pointed out that in both these cases, recreational uses are involved and these are within the MPS provisions and not contrary to the Land Use Bylaw; therefore, the same questions will not arise as with the Tourist Bureau.

Ald. Greenwood said he could not support the motion to rescind without receiving the benefit of additional information the Solicitor is able to give Council on the legal implications for the City. He therefore moved that the item be deferred to the end of the agenda, when it can be discussed with the Solicitor in camera. The motion was seconded by Ald. Stubbs.

Ald. Levandier objected to this motion, calling it a complete violation of the in camera criteria, and suggesting that Council will be seen as deceiving the general public if this item is dealt with in camera. The Solicitor pointed out that if information is to be communicated to Council and advice given with regard to any litigation involving the City, it is in the best interests of the City for it to be given in camera. Otherwise, the City is placed in a position of disadvantage in the event that the matter goes to court,

since all of the bases for our legal arguments will have been disclosed, weakening our case before the courts.

Ald. Levandier continued to express his opposition to going in camera, maintaining that it is a violation of the process. Ald. Crawford said he would not want to see any decision made in camera, but it would be in order to receive information from the Solicitor about points of law involved in any litigation the City may undertake. As debate on the motion to defer continued, members tended to feel that the best course of action would be to follow the recommendation of the City Solicitor, but to have it expedited with whatever legal course can be followed to best advantage in order not to delay the Tourist Bureau project any longer than absolutely necessary. The motion to defer was therefore defeated in favour of another motion subsequently introduced and adopted.

The vote was then taken on the motion to rescind and it carried with the necessary two-thirds majority vote required (Ald. Bregante & Hetherington voting against).

Ald. Greenough and Withers made a second motion, requesting the Solicitor to prepare a report, to come back within two weeks time, on the appropriate course of action to be taken to resolve the legal problems in the Tourist Bureau issue; further, that the Solicitor be empowered to proceed, through the authority of the City Administrator, if there is an action he deems appropriate to proceed immediately, and to advise Council accordingly. The motion carried.

MOTIONS: Moved by Ald. Crawford & Levandier that Council rescind the action taken at the Jan. 15th meeting in awarding the tender for the Tourist Bureau addition to Accord Construction and providing for the additional funding required to carry out the project.

Moved by Ald. Greenough and Withers that the Solicitor be requested to prepare a report, to come back within two weeks time, on the appropriate course of action to be taken to resolve the legal problems in the Tourist Bureau issue; further, that the Solicitor be empowered to proceed, through the authority of the City Administrator, if there is an action he deems appropriate to proceed immediately and to advise Council accordingly.

RESOLUTION 85-06
SPECIAL CONSTABLE

On motion of Ald. Withers and Hetherington, Council adopted Resolution 85-06, appointing John Durant a Special Constable for a period of 12 months to enforce the City Dog By-law. Ald. Hetherington requested information on the checks that are made on Special Constables, in time for the Police Commission meeting to be held on Feb. 21st.

MOTION: Moved by Ald. Withers & Hetherington that Council adopt Resolution 85-06, appointing a Special Constable, as noted above.

CRICHTON AVE.
LANDS

A report was before Council from the Solicitor on lands in the Crichton Ave. area, where the clearing of titles is required, and to do this, it is proposed that the City would expropriate the entire land parcel, and then re-convey certain agreed-upon portions back to the land holders of possessory titles. Resolution 85-08, an expropriation resolution has been prepared and submitted to Council for approval, and it has been recommended that Council set March 5th as the date for public hearing to allow anyone an opportunity to object to these land conveyances. This procedure must be followed in order to make sure that the City's deeds are valid.

RESOLUTION 85-08

Ald. Withers and Greenough moved the adoption of Resolution 85-08 and that March 5th be set as the date for public hearing, as recommended. Mr. Blain Kelsey, Solicitor representing some of the residents involved and named in the resolution, asked for clarification of the sets of survey plans presented, and he was given the opportunity to check on all of the plans available with the City Engineer, until his concerns on the point raised were satisfied. The vote was then taken

on the motion and it carried.

MOTION: Moved by Ald. Withers & Greenough that Council adopt Resolution 85-08 (expropriation, Crichton Ave. lands), and that March 5th be set as the date for public hearing, as recommended by the Solicitor.

PERMIT TO BUILD:
S. JACHIMOWICZ LTD.

On motion of Ald. Levandier and Greenough, Council approved an application for permit to build, submitted by S. Jachimowicz Ltd., for the property at 99 Wyse Road. This application is for an addition and alterations to the Holiday Inn, estimated value of construction, \$1,350,000. Approval is subject to compliance with the staff report of Feb. 11/85.

MOTION: Moved by Ald. Levandier & Greenough that Council approve an application for permit to build an addition to and for alterations to the Holiday Inn at 99 Wyse Road, subject to compliance with City regulations, as per the staff report of Feb. 11/85.

PERMIT TO BUILD:
C.J. INVESTMENTS LTD.

On motion of Ald. Hetherington and Romkey, Council approved an application for permit to build a three-storey apartment building at the corner of Caledonia Road and Montebello Drive, submitted by C. J. Investments Ltd. Estimated value of construction is \$960,000. Approval is subject to compliance with the conditions noted in the staff report of Feb. 12/85.

MOTION: Moved by Ald. Hetherington & Romkey that Council approve an application for permit to build a three-storey apartment building at the corner of Caledonia Road and Montebello Drive, subject to compliance with the conditions set out in the staff report of Feb. 12/85.

PERMIT TO BUILD:
SR. CITIZEN APT.
BUILDING &
SERVICE CENTRE

On motion of Ald. Hetherington and Bregante, Council approved an application for permit to build a senior citizens apartment building & Service Centre at the corner of Ochterloney & King Streets, submitted by the N. S. Dept. of Housing. Estimated value of construction is 3.7 million dollars. Approval is subject to compliance with the staff report of Feb. 14/85.

MOTION: Moved by Ald. Hetherington & Bregante that Council approve an application for permit to build a senior citizens apartment building and Service Centre (Ochterloney and King Streets, subject to compliance with the staff report of Feb. 14/85.

PERMIT TO BUILD:
KARAM HOLDINGS LTD.

On motion of Ald. Bregante and Stubbs, Council approved an application for permit to build a three-storey hotel/housekeeping units at 356 Windmill Road, submitted by Karam Holdings Ltd. Estimated value of construction is \$800,000. Approval is subject to compliance with the City regulations contained in the Planning Dept. report of Feb. 18/85.

MOTION: Moved by Ald. Bregante & Stubbs that Council approve an application for permit to build a three-storey hotel/housekeeping units at 356 Windmill Rd., subject to compliance with the City regulations contained in the staff report of Feb. 18/85.

THIRD READING:
AMENDMENT TO
BY-LAW C-357
(NEW BY-LAW C-471)

Council has been requested by the Heritage Advisory Committee to give third reading to an amendment to By-law C-357, which would create a Public Open Space Zone. First and second readings were previously given at the Council meeting of March 15/83.

It was moved by Ald. Stubbs and Hetherington and carried that ^{amendment to} By-law C-357 be given third reading and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

MOTION: Third reading given to ^{C-471} the amendment to By-law C-357, which will create a Public Open Space Zone (OS Zone).

HERITAGE PROPERTY
REGISTRATION

The Heritage Advisory Committee has recommended to Council that the following properties be registered as Heritage Properties, and that April 16/85 be set as the date for hearing for these properties:

- 85 Fairbanks St.
- 90 & 92 Ochterloney St.
- 15 Pine Street
- 119 Prince Albert Road
- 149 Prince Albert Road
- 163 Prince Albert Road
- 7 Rose Street
- 78 Shore Road
- 11 Tulip Street
- 12 Tulip Street
- 13 Tulip Street
- 24 Tulip Street
- 37 Tulip Street
- 41 Tulip Street
- 7 George Street
- 9 George Street
- 11 George Street
- 13 George Street
- 15 George Street
- 17 George Street
- 19 George Street
- 21 George Street
- 23 George Street

Ald. Stubbs and Crawford moved the adoption of the recommendation from the Heritage Advisory Committee. Mr. Fougere noted that the house at 71 Rose Street has been torn down and he suggested that this address be deleted from the recommendation. The recommendation on this property will be clarified. The motion carried.


MOTION: Moved by Ald. Stubbs and Crawford that the properties listed on page 12 of these minutes be approved for recommendation as Heritage Properties, as recommended by the Heritage Advisory Committee, and that April 16/85 be set as the date for hearing for these properties.

APPOINTMENT:
HOUSING CRISIS
COMMITTEE

Ald. Bregante presented the name of Mr. Russell Smith for appointment to the Housing Crisis Committee, representing a retired developer in the community, one of the categories approved by Council for representation. He provided information on Mr. Smith's background and on his motion, seconded by Ald. Levandier, Council approved Mr. Smith's appointment to the Committee.

MOTION: Moved by Ald. Bregante & Levandier that Mr. Russell Smith be appointed to serve on the Housing Crisis Committee, as a retired developer in the community.

Meeting adjourned.



G. D. Brady,
Deputy City Clerk.

City Council, Feb. 19/85

ITEMS:

- 1) Monthly reports, page 1.
- 2) Request: Chamber of Commerce, page 1.
- 3) By-law C-543: Sewer & water laterals, page 2.
- 4) By-law C-544: Tourist Commission By-law, page 2.
- 5) Caledonia Road Ext., page 3.
- 6) Development opportunities: Downtown, page 3.
- 7) Private Drainage Problems, page 4.
- 8) Connection: Highway 118, page 4.
- 9) Appoint Returning Officer, page 5.
- 10) Long-term Disability Plan, page 5.
- 11) Land: Hare St., page 6.
- 12) Tourist Bureau contract, page 6 to 10 incl.
- 13) Res. 85-06: Special Cst., page 10.
- 14) Crichton Ave. Lands, page 10
Res. 85-08, page 10.
- 15) Permit to build: S. Jachimowicz Ltd. page 11.
C.J. Investments Ltd. page 11
Sr. citizen apt. & service centre,
page 11.
Karam Holdings Ltd., page 12.
- 16) Third reading: Amendment to By-law C-357, page 12.
- 17) Heritage property registration, page 12.
- 18) Appointment: Housing Crisis Committee, page 13.

Dartmouth, N. S.

Feb. 20/85.

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

Present - Mayor Brownlow

Ald. Sarto	Romkey
Beeler	Peters
Crawford	Levandier
Withers	DeMont
Stubbs	Greenwood
Hawley	Greenough
Bregante	Hetherington
City Administrator, C. A. Moir	
City Clerk-Treasurer, B. Smith	
Budget Officer, J. Rowinski.	

1985 OPERATING
BUDGET

Council met to deal with the 1985 Operating Budget, copies of which have been circulated.

Mr. Moir has prepared an accompanying report, bringing to the attention of Council the highlights of the budget for both the Expenditure and Revenue sections. In the part of his report dealing with Revenues, Mr. Moir has noted that in order to balance the 1985 Operating Budget, the revenue shortfall in the amount of \$602,300. be made up with an appropriation from the 1984 operating surplus. If this recommendation were to be adopted, it would then be possible for Council to establish tax rates for 1985 at the same level as 1984 - that is, \$1.596 residential and \$3.203 for non-residential.

Provision is made in the 1985 budget for a 4% increase in mandatory contribution, as well as an additional 4% for non-mandatory, in the case of the District School Board budget. Mr. Moir points out in his report that the School Board has not yet been advised of their Provincial funding for 1985, a point raised later by members of Council in debate.

The other point made by Mr. Moir with respect to the City's contribution to the School Board budget, is that Council has not yet addressed his previous recommendation made in 1983 and 1984 on a reduction in the non-mandatory contribution to the point where it is finally eliminated.

Opening statements were made by the Mayor about the recommended use of surplus funds to achieve a balanced budget for 1985 and the implications of attempting to reduce the present tax rate further or to allocate more of the City's surplus funds to achieve this purpose. It was later noted by Mr. Smith that interest received by the City from existing surplus accounts, represents fifteen cents that does not have to be rated for on the tax rate. This revenue would not be available to the City if surplus funds were used to reduce the tax rate and such a reduction could only be accomplished for one year and then would have to be made up the next year and in succeeding years.

The Mayor also made reference to the fact that unconditional grants from the Province to Dartmouth have been reduced by 22% over the 1984 budget, based on our 'increased ability to pay'.

Ald. Peters was concerned about the City's surplus position and what he called a policy of staff to increase the surplus every year a budget is prepared. He complained that revenues have been under-estimated again and suggested that residents are being over-taxed needlessly. He felt that surplus funds available could be used and applied against the tax rate without any adverse impact and was in favour of doing this. The Mayor said there has never been any intention to budget for surpluses and that they are created over factors that staff cannot control or predict such as rising interest rates, additional assessment that has not been anticipated.

Ald. Crawford said he was satisfied with the budget as presented and favoured the recommendation for bringing \$602,300. out of surplus funds to bring in the same tax rates as last year. He was prepared to accept the budget as presented and proceeded to introduce Resolution 85-09, setting the non-residential tax rate at \$3.203 per \$100. of assessment and the

RESOLUTION 85-09:
SET TAX RATE

residential rate at \$1.596 per \$100. of assessment. The motion was seconded by Ald. Greenwood.

Ald. Crawford said the setting of these rates would not preclude any discussions Council may still wish to have or questions from the members to which they may want answers from staff.

Ald. Greenough commended the budget as presented and the fact that we are able to have a balanced budget with the same tax rates as last year when many other municipalities are not so fortunate. Ald. Levandier indicated his concern to Council about the position of the School Board, when they have not yet received any information from the Province about what level of funding will be received for 1985. He was not willing to have the tax rate set until such information has been confirmed to the Board, and wanted to look at a further application of surplus funds with the idea of reducing the tax rate rather than just maintaining it. The Mayor reviewed the options that Council could consider in dealing with the School Board budget in the event that the tax rate was set prior to information being received about the level of Provincial funding; Ald. Levandier had requested comments from the Mayor about this possibility.

Ald. Stubbs said she would not support the budget as presented. She felt that residents of the City are being over-taxed to achieve surpluses and the principle of municipal budgeting is not being followed, that is, to come as close as possible to a balanced budget without producing the kind of surpluses we are seeing at the end of the year.

Ald. Stubbs then proceeded to introduce a series of questions about funding provisions for the Burnside Industrial Park, particularly with reference to the lands proposed now for development on the eastern side of Burnside Drive. She was concerned about the borrowing cost of the \$5.2 million-

dollar development costs for the 44 acres involved on the east side of Burnside Drive. Mr. Smith again explained the self-financing policy adopted by Council for development of the Burnside Park lands since 1983, when it was learned that no further DREE funds would be available for cost-sharing with the City. Prior to that time, provision was made for capital projects in the City's capital budget and there were certain off-setting revenue allocations from DREE to assist the City with these capital expenditures.

With respect to the recently-approved funding arrangement for the lands to the east of Burnside Drive, revenues from the sale of sites will be applied against development costs, as they are received, in accordance with the policy decision taken by Council in 1983, and the estimated shortfall of \$1,145,500. is to be provided from the Revenue - Sale of Land Account (Option #2 in the report presented to Council). With this arrangement, the price to be established for these lands will be \$120,000. per acre.

In response to one of the questions from Ald. Stubbs, pertaining to debt charges associated with the Burnside Park (page 64 of the operating budget), it was pointed out that these charges do not relate to the lands on the east side of Burnside Drive, but to past development in the Park. Land continues to be sold from the inventory of industrial sites and these land sales continue to be an offsetting balance against development expenditures as long as there is land available to sell in the Park. Ald. Stubbs was concerned that the taxpayers are being made responsible for 45¢ on the tax rate to cover development costs in the Burnside Park, but Mr. Smith explained that under the present self-financing program, the Park does not cost the taxpayers anything on the tax rate.

Ald. Stubbs asked why the City is not making use of the seven million dollars in the land account

and was advised by Mr. Moir that these funds can only be used for capital assets and cannot be applied to the tax rate. Permission has to be received from the Minister of Municipal Affairs to use the money even for capital asset purposes.

Responding to Ald. Stubbs' question about the former Commodore Park and its acquisition, Mr. Moir advised that these lands were paid for over a five-year period, and that there were no covenants in the agreement of purchase that are applicable as far as development of these lands are concerned.

Further to the question about the policy decision taken on a self-financing arrangement for development costs in the Burnside Park, Mr. Smith said this was a decision of Council, based on a recommendation agreed upon and recommended by the Industrial Commission; all motions pertaining to this policy decision have been recorded in Council and Commission minutes pertaining to the subject.

Ald. Stubbs wanted to see the debt charges for the Burnside Park allocated from the seven million dollars available in the land account, rather than included as a budget item. She said that citizens of Dartmouth have been betrayed by the financial obligations placed upon them by industrial development, and she questioned the motives of Industrial Commissioners in making the kind of recommendations they have with respect to the lands on the eastern side of Burnside Drive. She felt these lands will not sell, after we have borne enormous development costs for them, and the City will end up with a huge debt that the taxpayers will have to assume. She said it is her intent to pursue this whole matter further and to have it resolved once and for all.

Ald. Greenough later made a number of comments about the questions raised by Ald. Stubbs and the policy decision taken to have the Industrial Park become self-

financing rather than taking up most of the City's capital budget allocation which it would do otherwise. He explained the change in thinking that had to take place after the DREE grants were no longer available and the City had to assume full responsibility for development costs in the Park. He said that not only are we able to reach a break-even position through the sale of our land inventory in the Park, but the City also receives the taxation from businesses that have been established in the Park. He also referred to the offsetting compensating balance arrangement the City has with the banks (up to ten million dollars) where we are able to borrow at zero percent up to the point of the offsetting interest being received. He considered this factor to be important in any discussion of the interest the City has to pay for development costs.

With respect to the eastern part of Burnside Drive, only a shortfall of 1.2 million dollars will have to be recovered and this amount will come from the Sale of Land account and will not form part of the tax rate in the future. Ald. Greenough noted that we are presently receiving nearly nine million dollars in taxes from the Burnside Park and this represents an extremely good return on the investment we have made in it.

Ald. Romkey was another member of Council concerned about the status of the School Board budget if the tax rate is set by Council at this time without knowing what the Provincial contribution to education costs will be. Mr. Moir noted that once the tax rate is set, programs approved in the budget will commence as they have been projected. The Mayor said it is not possible to change the rate once it has been established, but there are options that Council could look at if the School Board budget had to be reviewed further. Ald. Greenwood was willing to support the motion on the floor and felt the 4% provision for the School Board (4% mandatory and 4% non-mandatory) is fair.

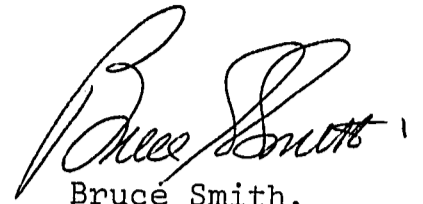
Ald. Withers wanted to see Council proceed with a review and study of the budget as they did in 1984. He quoted from a communication from the Ward Four Residents' Assn., in support of a thorough study of the 1985 operating budget, and suggested that Council is shirking their duties if they do not follow this procedure.

Ald. Levandier continued to oppose the setting of the tax rate until after word is received from the Province on their share in education costs, and he moved that the motion on the floor be deferred until word is received from the Province on their final figures, and that in the meantime, staff bring back a chart, outlining the implications of removing \$500,000. from the accumulated surplus accounts up to the end of the total surplus accounts, and what impact this would have on the tax rate. The motion was seconded by Ald. Withers.

Ald. Crawford said he could not support the motion to defer, since the City has already established an allocation for the School Board and Council has to take a stand on this matter, taking into account the points made by Mr. Moir about reducing the City's non-mandatory contribution for education. Ald. Hetherington said it would have been desirable to have the School Board budget before Council at this time, but he felt that deferral would only result in a delay of a decision that is inevitable anyway. Ald. Withers suggested that Council could meet in the intervening days, until the School Board receives the figures from the Province, and get through a fair amount of the estimates during that period. The Mayor noted that members of Council do have other commitments already made for the evenings between now and Monday of next week.

When the vote was taken on the motion to defer, it was defeated. The vote was then taken on the main motion and it carried with Ald. Withers, Peters, Romkey, Levandier, Hawley and Stubbs voting against.

Meeting adjourned.



Bruce Smith,
City Clerk-Treasurer.

City Council, Feb. 20/85

- 1) 1985 Operating Budget, page 1 to 7 incl.
Resolution 85-09: Set tax rate, page 2.
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