

Dartmouth, N. S.

June 11/85.

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

Present - Deputy Mayor Sarto

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

At the opening of the meeting, two items were deleted from the agenda and one item was added.

The items deleted were the letter from the Downtown Community Development Assn. (Original Communications), and the in camera item, Acquisition of Land. The awarding of tenders for Contract 85-03 (Street Reconstruction) was added to the agenda under the heading of Reports: City Administrator.

GRANT REQUEST:
FAMILY SOS

Ald. Romkey sought the permission of Council for a representative of the organization, Family SOS to be heard in connection with their request for a grant from the City. The Deputy Mayor noted that presentations have also been made to the Mayor on behalf of the V.O.N., the Red Cross, and the Black Cultural Centre. Ald. Stubbs noted that the item on grant applications for 1985 has already been dealt with at a previous Council meeting, and upon consultation with the Solicitor, she was advised that a two-thirds majority vote of Council would be required to rescind any decision taken with respect to this previous action.

Ald. Romkey and Levandier proceeded to move referral of these four additional requests to the Grants Committee for review and recommendation. Ald. Hawley felt it would be unfair to hear from any one particular agency at this time, when the Grants Committee made a decision not to hear from other similar groups, based on the criteria that new grant requests would not be funded, due to the limited finances available and decisions that had to be made with this consideration in mind.

He moved in amendment that all such agencies be given equal opportunity for hearing and review by the Committee, if these four are to be heard and reviewed. The amendment was seconded by Ald. Crawford.

Ald. Crawford felt that the recommendations of the Grants Committee, as they have already been approved, were in order, and the policy of not accepting new agencies for funding was adhered to in the acceptance of those recommendations. He said that if additional recommendations now come back from the Committee, the necessary two-thirds majority of Council is not likely to be secured to change the decision already taken anyway. Ald. Greenough questioned whether the matter of additional recommendations would require a two-thirds majority vote, and discussed this point of order further with the Solicitor. The vote was taken on the amendment and it was defeated.

A second amendment was then presented, to add a request received from Adsum House as a fifth organization to be reviewed by the Grants Committee. This amendment was moved by Ald. Hawley and seconded by Ald. Peters.

At this point in the proceedings, Ald. Crawford questioned whether this entire item has been properly placed on the agenda in the first place. The Deputy Mayor acknowledged that a two-thirds majority vote of Council is required to add an item, and when a vote was taken, this necessary number of votes was not secured to add the item. Council therefore proceeded to the regular agenda for this meeting.

MINUTES

On motion of Ald. Bregante and Greenwood, Council approved the minutes of meetings held on May 7, 14, 21, and 28.

PETITIONS

Ald. Crawford brought to the attention of Council, the fact that a petition was to have been received at this time from a group of senior citizens opposed to the tree-cutting that has been taking place on the Findlay School grounds. The petition was not presented, however, at this time.

LETTER: HOSPITAL
DISCHARGE POLICY

The Municipality of Barrington, Nova Scotia, has forwarded a copy of a resolution adopted with respect to the 28-day discharge procedure recently adopted by the Provincial Health Dept. The resolution proposes that the Union of Nova Scotia Municipalities examine the ramifications of this policy in detail, and request an early meeting with the Dept. of Health and the Dept. of Social Services, for the purpose of exploring solutions to this problem.

On motion of Ald. Stubbs and Crawford, Council proceeded to endorse the resolution for submission to the U.N.S.M., as proposed.

MOTION: Moved by Ald. Stubbs and Crawford that Council endorse the resolution received from the Municipality of Barrington, for submission to the U.N.S.M.

LEASE OF SPACE:
QUEEN SQUARE

As requested by Council, additional information has been provided in connection with Mr. Moir's report on the lease of space by the City (Social Services Dept.) in the Queen Square building. The two items of particular concern dealt with the arrangements for paying business occupancy tax for the City-leased space, and secondly, with parking arrangements for Social Services staff members.

Mr. Moir noted that he still has to meet with Mr. McNeil to discuss this second matter in further detail and to look at what alternate parking provisions can be made for employees affected.

Having received the further clarification requested, Council was now willing to proceed with approval of the lease for space being rented in Queen Square, and a motion to this effect was adopted, moved by Ald. Levandier and seconded by Ald. Hawley.

MOTION: Moved by Ald. Levandier and Hawley that Council approve the lease for the rental of space in Queen Square, as per the reports on this subject, dated May 27th and June 5th.

7/9 JACKSON ROAD

Council has been asked to set a date for public hearing of an appeal application received from Mr. James Chen, Pentagon Investments Ltd., in connection with a variance request rejected by the Development Officer,

involving the apartment building at 7-9 Jackson Road. The date suggested for public hearing is July 16th.

Ald. Levandier and Greenough moved that July 16th be set as the date for public hearing of the appeal. Ald. Greenwood questioned the need for this hearing when four living units have been created in a building approved for only two units. The Solicitor explained the appeal provision that exists in the Planning Act, under Section 81, in cases such as this where a request for a minor variance has been denied by the Development Officer. He said it is the duty of Council to proceed with such a hearing when an appeal application has been duly received in accordance with that Planning Act provision. Having received this information from Mr. Moreash on the requirement of the Planning Act, Council proceeded to adopt the motion on the floor, setting July 16th for the public hearing.

MOTION: Moved by Ald. Levandier & Greenough that Council set July 16th as the date for public hearing of an appeal application from Mr. James Chen, as per the procedure set out under Sections 81 and 82 of the Planning Act.

FALSE FIRE
ALARMS

On motion of Ald. Romkey and Withers, Council received and filed a report from Mr. Moir on the subject of fire alarm calls, based on the request made at the May 14th Committee meeting to have this matter looked at further by City staff.

MOTION: Moved by Ald. Romkey and Withers that Council receive and file a report from Mr. Moir, dated May 24/85, on the subject of fire alarm calls, submitted in response to a request made at the May 14th Committee meeting, to have this matter looked at further by City staff.

CONTRACT 85-02:
BEL AYR PARK
PHASE II

Tenders have been received as follows for the upgrading of streets and services in Bel Ayr Park; streets involved are Swanton Drive, Muriel Drive, Garnet Street and Robar Drive:

Seaport Contractors Ltd.	\$ 973,887.00
Antigonish Construction Ltd.	974,599.00
Municipal Contracting Ltd.	1,026,718.00
Lakeport Contractors	1,111,312.35
Harbour Construction Ltd.	1,146,770.00
Woodlawn Construction Ltd.	1,177,910.00
Gael Contractors Ltd.	1,189,654.00

Acceptance of the low bid, received from Seaport Contractors Ltd., in the amount of \$973,887.00, has been recommended, and Council awarded the tender as recommended, on motion of Ald. Greenough and Withers.

MOTION: Moved by Ald. Greenough and Withers that the tender for Contract 85-02 (Bel Ayr Park, Phase II) be awarded to the low bidder, Seaport Contractors Ltd., as recommended.

SALE OF LAND:
GOVERNOR ST.
RESOLUTION 85-44

On motion of Ald. Withers and Romkey, Council adopted Resolution 85-44, authorizing the conveyance of land to the Province of Nova Scotia, required for the reconstruction of Governor Street (Halifax County), for the purchase price of \$516.

MOTION: Moved by Ald. Withers and Romkey that Council adopt Resolution 85-44, authorizing the conveyance of land to the Province of Nova Scotia, required for the reconstruction of Governor Street (Halifax County).

CONTRACT 85-03:
STREET RECONSTRUCTION

The following tenders have been received for Contract 85-03, street reconstruction; streets included are Celtic Drive, Glenwood Ave., Cleveland Cres., and Rodney Road and Shamrock Drive:

Municipal Contracting Ltd.	\$629,441.00
Ocean Contractors Ltd.	646,847.50
Steed and Evans Ltd.	668,150.00

Acceptance of the low bid, received from Municipal Contracting Ltd., has been recommended, and Council awarded the tender as recommended, on motion of Ald. Bregante and Peters.

MOTION: Moved by Ald. Bregante and Peters that the tender for Contract 85-03 (street reconstruction) be awarded to the low bidder, Municipal Contracting Ltd., as recommended.

REQUEST FOR PARTIAL
TAX RELIEF: EASTERN
STAR LODGE
BY-LAW C-551

Further correspondence has been received from the Trustees for Eastern Star Lodge #51, seeking partial tax relief for their property at 70-72 Ochterloney Street, until such time as they can be registered under the Income Tax Act as a charitable organization (ie. in order to be eligible for complete tax exemption). Proposed By-law C-551, which would grant partial tax relief to this organization, has been prepared and was before Council for approval.

It was moved by Ald. Crawford and Greenough and carried that leave be given to introduce the said By-law C-551 and that it now be read a first time.

It was moved by Ald. Withers and Greenwood and carried that By-law C-551 be read a second time.

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

It was moved by Ald. Levandier and Greenough and carried that By-law C-551 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-551 (partial tax relief, Eastern Star Lodge property at 70/72 Ochterloney Street.

VIDEO RETAIL APPLICATION:

SOBEYS, PENHORN MALL indicated no objection to a video retail application for the Sobeys store located in the Penhorn Mall.

MOTION: Moved by Ald. Greenwood and Hawley that Council indicate no objection to a video retail application for the Sobeys store in the Penhorn Mall.

GUARANTEE RESOLUTIONS: METROPOLITAN AUTHORITY

On motion of Ald. Greenough and Crawford, Council approved the following Guarantee Resolutions from the Metropolitan Authority, as recommended by Mr. Smith in his report to Council, dated May 29/85:

<u>Resolution</u>	<u>Amount</u>	<u>Description</u>
85-01	\$1,350,100.	14 Diesel Buses & Fleet System
85-02	92,000.	Correctional Centre Equipment
85-03	25,000.	Expand Public Dump Area: Landfill
85-04	1,451,000.	Dartmouth Transfer Station, County Transfer Stations & Miscellaneous
85-05	85,000.	Solid Waste - Paving
85-06	562,000.	Solid Waste - Equipment.

MOTION: Moved by Ald. Greenough and Crawford that Council approve Guarantee Resolutions from the Metropolitan Authority, as listed above.

SPECIAL CONSTABLES:

RESOLUTIONS 85-41
85-42
85-43

Resolutions 85-41, 85-42, and 85-43 have been prepared, covering the appointment of Special Constables, as detailed in a report from Mr. Smith to Council.

Ald. Crawford raised a point about recently-announced amendments to the Police Act, under which

municipalities will become responsible for the action of their police officers; he asked if this responsibility would extend to Special Constables as well. Mr. Moreash said he was not certain as to just when these new regulations will come into effect, but he acknowledged that the aspect of liability on the part of the City can be expected to encompass Special Constables, as well as regular police officers. He noted that Mr. Heustis will be making a report on this subject to the Police Commission. Ald. Crawford discussed the point further with the Solicitor, suggesting that it would be advisable to keep these Special Constable appointments in mind as the new regulations are enacted.

On motion of Ald. Levandier and Romkey, Council adopted Resolution 85-41, appointing Steven Sacre, Hugh MacLean, Troy Steeves, and Peter Burdock as Special Constables for the period June 15th to Sept. 10th, 1985 (according to terms & conditions specified).

On motion of Ald. Levandier and Hawley, Council adopted Resolution 85-42, appointing Roy Snow as a Special Constable for the period June 12th to Sept. 22nd, 1985, for the purposes of enforcing the rules and regulations of Shubie Park.

On motion of Ald. Bregante and Greenwood, Council adopted Resolution 85-43, appointing Robert Andrews & Conrad Houghton as Special Constables for a twelve-month period to issue parking tickets at the Dartmouth General Hospital.

MOTIONS: To appoint Special Constables, as per the adoption of Resolutions 85-41, 85-42, and 85-43 (detailed above).

65/67 FAIRBANKS ST.

A report from Mr. Bayer was before Council on the building at 65/67 Fairbanks Street, which is in violation of the Zoning By-law, in that there are more than two independent living units contained in the building. Council approved the action taken to proceed with legal action against the owner, on motion of Ald. Levandier and Hawley.

MOTION: Moved by Ald. Levandier and Hawley that Council approve legal action proceeding against the owner of 65/67 Fairbanks St., where a Zoning By-law violation exists.

REQUEST FOR AMENDMENT
TO LAND USE BY-LAW:
453 PORTLAND ST.

An application has been received from the Penhorn Area Residents Assn., to have the property at 453 Portland Street, rezoned from R-2 to R-1 Zone. The Planning Dept. has recommended that Council not proceed with this rezoning request, based on the points raised in the report submitted jointly by Mr. Bayer and Mr. L'Esperance.

Ald. Peters spoke on behalf of the Residents Association, explaining why they are seeking the rezoning, and suggesting that the Planning Dept. points do not justify the recommendation that has been made against proceeding further with the application. He made particular reference to the final paragraph of the report, where he felt the statement made by Planning Dept. staff is in contradiction with the recommendation to Council. He proceeded to move that Council reject the staff recommendation and proceed with the rezoning process, in accordance with the rezoning application received. The motion was seconded by Ald. Crawford.

Before debate could proceed, the Solicitor cautioned Council about jeopardizing the validity of the rezoning proceedings by getting into any discussion of the merits or demerits of the rezoning itself. The vote was then taken on the motion on the floor and it carried.

On motion of Ald. Peters and Crawford, Council then set July 16th as the date for public hearing of this rezoning request from the Penhorn Area Residents Association.

MOTIONS: Moved by Ald. Peters and Crawford that Council reject the staff recommendation on the rezoning application for 453 Portland Street, and proceed with the rezoning process, in accordance with the application received.

Moved by Ald. Peters and Crawford that Council set July 16th as the date for public hearing of the rezoning request for 453 Portland Street.

DARTMOUTH MINI
MARINA PROPOSAL

A proposal has been submitted by Mr. Bayer for development of a mini-marina at the Ferry Terminal Basin, consisting of ten berths against the inner dock (east wall), as per the sketch accompanying Mr. Bayer's report. Mr. Kenneth Isles is prepared to give some of his time to oversee the construction and installation of the facility, and to become involved in the ongoing management of it. An expenditure of \$10,000. is required to construct and install the marina, and the proposal recommends that five of the spaces be leased annually at a rate of between \$400. and \$500.; the other five, at a daily rate of \$10., with a weekly rate of \$50.

The recommendation is that Council give approval to this project and the necessary expenditure; further, that staff be authorized to carry out negotiations with Mr. Isles respecting the supervision and management of the marina. Ald. Greenwood and Hetherington moved the adoption of the recommendation.

Questions from Ald. Hawley and Ald. Peters were addressed by Mr. Moir: these pertained to possible expansion of the facility in the future, insurance coverage, and whether any dredging is required to relieve the sidiment build-up in the Basin. Ald. Stubbs also asked about the background that Mr. Isles has in connection with a marina operation, and Ald. Withers wanted to know if the rates proposed are reasonable. Mr. Moir said that it is the feeling of staff that the rates proposed are compatible with those charged at other locations in the area. When the vote was taken on the motion, it carried.

MOTION: Moved by Ald. Greenwood & Hetherington that Council adopt Mr. Bayer's recommendation with respect to the mini-marina proposal, as presented in his report of June 5/85.

As directed by Council, the T.M.G. has considered a request from the M.T.C. for traffic signals at the intersections of 1) Hartlen Street & Main Street; (2) Ilsley Ave. & Ronald Smith Drive; and 3) Ronald Smith

MTC REQUEST:
TRAFFIC LIGHTS

Drive and Burnside Drive. The T.M.G. has subsequently recommended:

- 1) that signals be installed at the intersection of Main and Hartlen Streets, as soon as possible, and that the installation be consistent with plans for the future widening of Main Street, requiring a decision of Council on the widening program.
- 2) that signals not be installed at Ilsley Ave. and Ronald Smith Drive.
- 3) that provision for signals at the Ronald Smith & Burnside Drive intersection, be included in the 1986 Capital Budget.

Ald. Greenwood and Romkey moved the adoption of the recommendations from the T.M.G. It was agreed that the item 'Proposed Parking Lot Improvements: Main Street' should be dealt with in conjunction with the traffic lights item, since a decision on the widening of Main Street is involved in each case. Mr. Bayer explained why it is considered important to make Council aware of the ramifications involved in both these items, if some provision is to be made at this time for the future widening of Main Street, the right-of-way that will be required and land acquisitions that will follow. If development is permitted to proceed now on the lands involved, acquisition costs will escalate, and the City will also have to bear the additional cost of relocating the traffic lights at Hartlen and Main Streets at some future time if provision for the additional width is not made now.

Members of Council speaking on the motion generally agreed that the lights at Hartlen and Main Streets are needed now and should not be delayed. There was some difference of opinion, however, on their location and whether provision should be made at this time for the future Main Street widening. Ald. Crawford took the position that if the City attempts to acquire land now for street widening, land expropriations will be before the courts for years and the traffic lights will also be held up for the same length of time. He moved in amendment that recommendation #1 end with the words

' . . . as soon as possible', deleting the remainder of the sentence and the following sentence. The amendment was seconded by Ald. Levandier.

Ald. Hawley said it is important to have the traffic lights installed right away, but at the same time, make known to the property owners, the City's intent to proceed with a widening of Main Street as the ultimate resolution to the existing traffic problems there. Ald. Greenough also felt that some widening of Main Street will be required, but he wanted to have the plans for those improvements brought back to Council for a review before any action is taken in the way of setting a policy on street widening. Ald. Romkey was another member who would like to have the plans for Main Street reviewed for Council's information.

Several members asked about the traffic study and were concerned that it is not yet available to assist in making decisions about traffic movements and patterns for the future. Mr. Bayer explained that it has been delayed while awaiting access to the Provincial computer. The hope now is that it will be completed in July.

Although the urgency of traffic lights at Hartlen and Main Streets was considered to be a priority item by Council, the concensus was that a one-week delay would not be detrimental, in order to give time for the plans to widen Main Street to be brought before Council for information and review. Ald. Greenough and Hetherington moved a one-week deferral of both the traffic lights item and the 'Proposed Parking Lot Improvements: Main Street' item, so that plans can be presented by Planning Dept. at the June 18th meeting. Ald. Crawford said he was not opposed to a familiarization for members, but in fact, he could not go along with any decision on the widening of Main Street until the impact of the 107 By-pass has been determined on traffic patterns. He said that according to the

projections, about 50% to 70% of the traffic from the Eastern Shore highway would begin to use this alternate route, and if these percentages prove to be correct, the thinking on Main Street would have to change considerably.

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

Ald. Levandier and Romkey then moved that Council once again request that representatives from the Provincial Transportation Dept., be requested to appear before Council to give an overview of plans for improvements to the MicMac Rotary (this being part of the overall highway network involved with the Main Street improvements). This motion also carried.

MOTIONS: Moved by Ald. Greenough & Hetherington that the two items pertaining to Main Street traffic and widening, be deferred for one week, so that plans for Main St. can be reviewed by Council.

Moved by Ald. Levandier and Romkey that Council once again request that representatives from the Provincial Transportation Dept. be requested to appear before Council to give an overview of plans for improvements to the MicMac Rotary.

TRAFFIC IMPROVEMENTS:
CIRCUMFERENTIAL HIGHWAY
& PLEASANT STREET

The T.M.G. has considered a Traffic Division report on traffic problems in the South Woodside area, and has proposed the creation of a 'T' intersection at the Circumferential Highway and Pleasant Street, with signalization, as a solution to help alleviate these problems. Since the Dept. of Transportation is presently widening the Circumferential Highway to four lanes from the Gaston Road area to Pleasant Street, a request could be made to extend their contract to include the removal of the present channelization, and creation of the 'T' intersection with traffic lights.

The recommendation to Council is that the proposed changes be approved, as outlined, and further, that a formal request be forwarded to the Transportation Dept., requesting that the present contract be extended to include the redesign of the intersection and the installation of traffic signals, as soon as possible.

This recommendation was adopted, on motion of Ald. Hetherington and Bregante.

MOTION: Moved by Ald. Hetherington and Bregante that Council adopt the recommendation of the T.M.G. with respect to the proposed improvements to the intersection of the Circumferential Highway and Pleasant Street; text of the recommendation is on page 12 of these minutes.

MEMBERSHIP:
PUBLIC PARTICIPATION
SUB-COMMITTEE

Council has been asked to approve the following appointments to the Public Participation Sub-Committee, as recommended by the Municipal Planning Strategy Review Committee:

- | | |
|-------------------|-----------------|
| Jill Grant | Kent Robinson |
| Steve MacDonald | Linda Forbes |
| Sandra McKenzie | John MacLeod |
| Patricia Richards | Tom Fredericks. |

The above-listed members were approved, on motion of Ald. Hetherington and Greenwood.

MOTION: Moved by Ald. Hetherington & Greenwood that Council approve the appointment of the above-listed members to serve on the Public Participation Sub-committee, as recommended by the M.P.S. Review Committee.

MEMBERSHIP:
RECREATION
SUB-COMMITTEE

Council has been asked to approve the following appointments to the Recreation Sub-committee, as recommended by the Municipal Planning Strategy Review Committee:

- | | |
|------------------|----------------|
| Robert Stitchman | Carmen Moir |
| Patricia Myatt | Steven Gilmore |
| Alasdair McKay | Kevin McNamara |
| Kara Moore | Helen Foote |
| Carolyn Amrault | |

On motion of Ald. Hetherington and Romkey, this list of appointments was referred back to the M.P.S. Review Committee for clarification of the question as to whether or not Ward 7 is represented, in view of the point raised about the address at 140 Portland Street, which is actually in Ward 3 and not Ward 7.

MOTION: Moved by Ald. Hetherington & Romkey that the list of appointments to the Recreation Sub-committee be referred back to the M.P.S. Review Committee for clarification of the point raised about Ward 7 representation.

MEMBERSHIP:
TRANSPORTATION
SUB-COMMITTEE

Council has been asked to approve the following appointments to the Transportation Sub-committee, as recommended by the Municipal Planning Strategy Review Committee:

Kent Robinson
Richard Scott
William Mills
John Osborne

John Pearston
Philip Corkum
Richard Boomer

The above-listed members were approved, on motion of Ald. Withers and Greenwood.

MOTION: Moved by Ald. Withers and Greenwood that Council approve the appointment of the above-listed members to serve on the Transportation Sub-committee, as recommended by the M.P.S. Review Committee.

VOLUNTEERS:
M.P.S. REVIEW
SUB-COMMITTEES

The M.P.S. Review Committee has requested Council's approval to place and advertise for additional volunteers to serve on other sub-committees that will be required later in the summer and fall. It is therefore recommended that Council authorize the Committee to advertise for more volunteers for membership to its sub-committees.

The recommendation was adopted by Council, on motion of Ald. Crawford and Hetherington.

MOTION: Moved by Ald. Crawford & Hetherington that Council adopt a recommendation from the M.P.S. Review Committee, to the effect that the Committee be authorized to advertise for more volunteers for membership to its sub-committees.

BROCHURE: PUBLIC
PARTICIPATION

On motion of Ald. Hetherington and Greenough, Council received and filed a report from the Secretary of the M.P.S. Review Committee, advising that the Committee will comment back to Council on material referred to the Committee for study; this material was received from the City of Ottawa.

MOTION: Moved by Ald. Hetherington & Greenough that Council receive and file a report from the Secretary of the M.P.S. Review Committee, advising that the Committee will comment back to Council on material referred to the Committee for study.

NEW POLICE
HEADQUARTERS:
TERMS OF REFERENCE
PRE-DESIGN STUDY

A report was before Council from the Police Headquarters Site Selection Committee, accompanied by proposed terms of reference for a pre-design planning and programming study for a new police headquarters for the City of Dartmouth. The Committee has recommended that Council approve the terms of reference and authorize the undertaking of the study.

Ald. Levandier and Hetherington moved the adoption of the recommendation, but it was opposed by Ald. Crawford on the basis that it is unfair for this present Council to make any commitments toward a new police building, which will subsequently become the responsibility of a new Council. He felt the entire matter should be referred to the new Council incoming after the October election, and during the course of the election campaign, candidates for public office will have a good opportunity to determine public reaction and, in this way, receive a mandate to proceed with the building if the public is in favour of it. He said that once Council agrees to go ahead with the hiring of consultants, financial commitments start to be made, and he felt the City cannot take on the five to seven-million-dollar cost involved for police headquarters of the size being proposed. He moved referral to the incoming Council after the October election, for a decision to be made at that time, based on public response that will be indicated to candidates during the election campaign. The motion to refer was seconded by Ald. Stubbs.

Ald. Hawley and other members speaking on the motion felt they have been placed in office to make decisions right up until the election is decided, and they did not want to leave any such decisions to another Council. When Ald. Levandier rose to speak on the motion, Ald. Crawford questioned the possible conflict-of-interest position he may be in, based on the fact that he has a family member employed with the Police Dept.

Ald. Levandier did not feel that he is in any conflict position and proceeded to speak further on the motion. He said he has not heard negative comments from the public about a new police station being built, and he commented on the mandate given the Site Selection Committee, to bring a recommendation forward to Council as their area of responsibility. He went on to explain the background thinking at the Committee level, which has

resulted in this present recommendation, and provided information on the input that has been received from various staff sources, including the Police Chief who is a Committee member. He said it is important to plan for the future growth of the City and this factor has to be considered in projecting the size of the building that will be required. He also suggested that if the Police Dept. was able to relocate in a new facility, their existing building would be free for other City uses.

Ald. Levandier proposed that Council at least take the present step toward an invitation for consultants to tender, and in this way, we will be able to obtain some actual cost figures on which a firm decision can then be based. Ald. Greenough also favoured this approach, pointing out that at this stage, Council is only inviting the submission of proposals and no funding is required unless a decision is taken to proceed with the next step, which is the study. Cost factors will then have been identified and Council will have the kind of information required for a decision.

Ald. Hawley was concerned that Council has not established a priority listing of facilities that the City requires, so these needs can be approached in some organized way. He referred to the serious situation that exists at the Library and said that in his view, it is more pressing than the police headquarters building. He said these are the requirements that Council should be looking at in an overall picture, instead of continuing with the present approach of responding to each need separately.

Ald. Stubbs did not want to see the City get into a major expenditure for a new police station, when there are City buildings available to accommodate some of the police functions, such as Greenvale School. She felt these avenues should be explored further instead of talking about a new building and all the costs associated with it.

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

MOTION: Moved by Ald. Levandier & Hetherington that Council adopt the terms of reference for a pre-design study for Dartmouth police headquarters, as recommended by the Police Headquarters Site Selection Committee.

MOTIONS:

ALD. LEVANDIER
& GREENWOOD

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

1) Moved by Ald. Levandier, seconded by Ald. Greenwood that:

WHEREAS the City of Dartmouth provides funding for the Natal Day activities, and whereas this year will be the 90th Anniversary of Dartmouth's Natal Day;

AND WHEREAS the Natal Day Committee would like to provide all Dartmouthians with the best Natal Day possible, especially as we proceed towards the 100th Anniversary of Dartmouth's Natal Day;

BE IT RESOLVED that in order to provide a properly planned Natal Day, and especially during the 100th Anniversary, City staff be instructed to meet with the Natal Day Committee; the purpose of these meetings would be to increase the Committee's funding so as to maintain our present festivity in a high profile manner, and also, to ensure a proper program is in place as we progress to the 100th Anniversary of Dartmouth's Natal Day.

Ald. Levandier explained why he felt the level of funding for the Natal Day program should be increasing as we move toward the 100th Anniversary of this observance, and Ald. Greenwood also spoke in support of the motion, suggesting a 10% budget increase each year in order to insure adequate funding by the time planning is underway for the 100th Anniversary program.

Ald. Romkey said he would like to have the Natal Day Committee look at the possibility of centering activities in the downtown area, rather than at the lakes; he favoured a return of the reviewing stand to the City Plaza from the recent location at Lake Banook. Other members who spoke on the motion were not opposed to some progressive increase in the budget item for Natal Day, but tended to think that the matter should be reviewed annually at budget time and not out

of context with other budget items. Also, they were not willing to go along with a 10% increase in funding on a regular basis. Mr. Moir suggested that a recommendation could come back to Council after the meeting with City staff, proposed in the motion. Ald. Levandier said it might be a good idea to think about establishing a sinking fund now, in preparation for the 100th Anniversary program. Ald. Greenough was one of the members in favour of retaining the concentration of Natal Day activities around the lakes, since they represent a unique asset to the City.

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

MOTION: Moved by Ald. Levandier and Greenwood:
text on page 17 of these minutes.

ALD. LEVANDIER

2) Moved by Ald. Levandier, seconded by Ald.

Romkey:

That the pound-keeper keep accurate records of the names of dog owners convicted on violations of the Dog By-law, and that this information be made available to the prosecutor if a dog owner appears in court on a subsequent charge.

Ald. Levandier commented on the intent of his motion and it did not receive any objection from members of Council. The motion carried.

MOTION: Moved by Ald. Levandier and Romkey:
text above.

ALD. GREENWOOD

3) Moved by Ald. Greenwood, seconded by Ald.

Stubbs:

That the Engineering Dept. be asked to bring back a plan and cost of repairing a water storm drain on Ferguson Road, as soon as possible.

Ald. Greenwood advised Council that the Department already has an estimate for this project, being in the amount of \$15,000. The vote was taken on the motion and it carried.

Ald. Greenwood then moved, seconded by Ald. Crawford, that Council give approval for the expenditure to carry out this project, from the Small Drainage budget item. The motion was adopted.

MOTIONS: Moved by Ald. Greenwood and Stubbs that the Engineering Dept. be asked to bring back a plan and cost of repairing a water storm drain on Ferguson Road, as soon as possible.

Moved by Ald. Greenwood and Crawford that Council give approval for the expenditure (\$15,000.) to carry out this project, from the Small Drainage budget item.

ALD. CRAWFORD

4) Ald. Crawford moved, seconded by Ald. Withers,

that:

WHEREAS development in the City of Dartmouth has been accelerating yearly, requiring continued inspections on site by Dartmouth Building Inspectors;

AND WHEREAS there is a dire need for inspections of properties which do not meet the required standards, with said properties not getting the ongoing inspections that are required, due in part to so much new development and a requirement for additional inspection personnel;

THEREFORE BE IT RESOLVED that two additional staff persons be hired for the Building Inspection Dept., for the furtherance of the required inspections

Ald. Crawford first provided statistics to substantiate his arguments in favour of increasing the Building Inspection staff complement, pointing out that most of the present staff are completely tied up with new development and with industrial development in the Burnside Park, so that they do not have time to give to older buildings in the City where substandard building conditions exist. Under these conditions, slum landlords are able to victimize tenants who cannot find other accommodations, and unsatisfactory living conditions are able to exist for people who cannot afford better housing standards. Ald. Crawford made the point that the fees being received for new construction more than cover the salaries for additional staff, and these additional people could be specifically designated to deal with substandard housing situations.

Ald. Hetherington said he could support the hiring of one additional inspector and one clerk, with a review at budget time to see if a second inspector is warranted. Mr. Turner was asked to respond to a question about the actual staff complement required, and admitted that his department would be hard-pressed to manage, as of September, with additional inspectors and no corresponding increase in clerical staff.

Mr. Moir suggested that a one-week deferral of

any decision might be in order, so that a specific staff recommendation can be made to Council, and a motion to this effect was moved by Ald. Hetherington, seconded by Ald. Greenough.

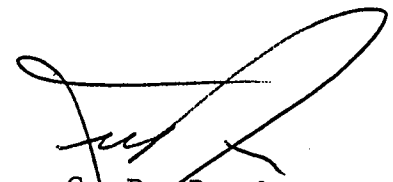
Ald. Levandier and Hetherington had reservations about the effectiveness of the Minimum Standards By-law and whether it is adequate to deal with substandard situations faced by City Building Inspectors. They felt that if it is not, it should be reviewed and strengthened.

Ald. Withers acknowledged the attendance for this item of Rev. Chang who has been involved in ecumenical action to alleviate substandard housing conditions, and he went on to describe some of the existing conditions in which people are living and over which they have no control, due to their income level or because they are on Social Assistance. He provided information on the rentals being paid for accommodations that are totally inadequate, and sought Council's support for the motion as a step toward improving the substandard housing situation in Dartmouth.

The vote was taken on the motion to defer and it carried.

MOTION: Moved by Ald. Hetherington & Greenough that a decision be deferred by Council for one week on the motion, so that a specific staff recommendation can be made to Council.

At the hour of 11:00 p.m., the meeting adjourned and the remaining motions, plus other items on the agenda not dealt with, will be included in the June 18th agenda.



G. D. Brady,
Deputy City Clerk.

City Council, June 11/85

ITEMS:

- 1) Grant request: Family SOS, page 1 & 2.
 - 2) Letter: Hospital Discharge Policy, page 3.
 - 3) Lease of space: Queen Square, page 3.
 - 4) 7/9 Jackson Road, page 3.
 - 5) False fire alarms, page 4.
 - 6) Contract 85-02: Bel Ayr Park, Phase II, page 4.
 - 7) Sale of land: Governor St., page 5.
Resolution 85-44, page 5.
 - 8) Contract 85-03: Street Reconstruction, page 5.
 - 9) Request for partial tax relief: Eastern Star Lodge,
By-law C-551, page 5.
 - 10) Video Retail Application: Sobeys, Penhorn Mall, pg. 6.
 - 11) Guarantee Resolutions: Metro Authority, page 6.
 - 12) Special Constables: Res. 85-41
42) Page 6 & 7.
 - 13) 65/67 Fairbanks Street, page ⁴³7.
 - 14) Request for amendment to Land Use By-law:
453 Portland Street, page 8.
 - 15) Dartmouth Mini-Marine proposal, page 9.
 - 16) MTC request: Traffic Lights, page 9 to 12 incl.
 - 17) Traffic Improvements: Circum. Highway & Pleasant
Street, page 12.
 - 18) Membership: Public Participation Sub-committee, pg.13.
 - 19) " : Recreation Sub-committee, page 13.
 - 20) " : Transportation Sub-committee, page 13.
 - 21) Volunteers: MPS Review Sub-committee, page 14.
 - 22) Brochure: Public Participation, page 14.
 - 23) New Police Headquarters: Terms of reference, Pre-
Design Study, page 14 to 17 incl.
 - 24) Motions: Ald. Levandier & Greenwood, page 17.
Levandier, page 18.
Greenwood, page 18.
Crawford, page 19 & 20.
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Dartmouth, N. S.

June 18/85.

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
Stubbs	Greenwood
Hawley	Greenough
Bregante	Hetherington
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
City Clerk-Treasurer, B. Smith.	

TRAIN
DERAILMENT

At the opening of the meeting, Ald. Levandier rose to express concerns on behalf of Shore Road residents, over the recent train derailment which occurred this week, being the third derailment in this railway section within a month. Council agreed to permit the introduction of a motion on this subject, and Ald. Levandier moved, seconded by Ald. Hetherington, that Council forward a letter to CN, expressing grave concern about the derailments, and requesting that steps be taken immediately to rectify this situation. The motion carried.

MOTION: Moved by Ald. Levandier & Hetherington that Council forward a letter to CN, expressing grave concern about the recent train derailments, and requesting that steps be taken immediately to rectify this situation.

PUBLIC HEARING:
APPLICATION TO
AMEND LAND USE
BY-LAW: 200 MAIN ST.

This date was set by Council for public hearing of an application from C & M Care Ltd., to rezone the property at 200 Main Street, from R-1 Zone to S, Institutional Zone; this zoning change would permit the use of the existing residence as a Home for Special Care for nine senior citizens.

The Planning Dept. has recommended in favour of the proposed amendment, and Mr. L'Esperance, in making the presentation on behalf of Planning, reviewed the intended use plan and indicated the reasons why the Department is in favour of the application. He noted that the zoning change and use of the building would not generate additional traffic on Main Street and

therefore, there is no objection from a traffic point of view.

Mayor Brownlow called for representations in favour of the application and Council heard Mr. Andrew Wilson, Solicitor representing the owner of the property, Mr. Clark Dorey. Mr. Wilson said the proposed change would be compatible with existing dwellings in the neighborhood and would not detract from them in any way. He referred to the staff approval given the application, pointing out that traffic is not considered to be a problem in relation to this zoning change.

There was no one else wishing to be heard in favour of the application, and the Mayor proceeded to call three times for representations against. No presentations were made and no written submissions were received. The public hearing was therefore declared to be ended and Council proceeded with three readings of By-law C-549, which will accomplish the rezoning.

BY-LAW C-549

It was moved by Ald. Greenough and Hawley and carried that leave be given to introduce said By-law C-549 and that it now be read a first time.

It was moved by Ald. Hetherington and Hawley and carried that By-law C-549 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 Stubbs and carried that By-law C-549 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-549: rezoning the property at 200 Main St. from the existing R-1 Zone to S Zone (Institutional).

HEARING: NUISANCE
COMPLAINT AT
37 LAKEVIEW AVE.

Council also set this date for hearing of a nuisance complaint under By-law C-211, this complaint having been made by Mr. & Mrs. James Charles of 35 Lakeview Ave. against the owners of the property at 37 Lakeview Ave., Mr. & Mrs. Smith. The cause of the complaint is a heat pump operating on the Smith

property in the area between the two houses, and the noise associated with this pump.

Council first heard Mr. Forsyth, Solicitor speaking on behalf of Mr. & Mrs. Charles. He explained to Council the annoyance and continuing disturbance being caused both inside and outside the Charles home by the noise and vibration created by the operation of the heat pump. He described the condition as a low, audible background noise from which the Charles family never have any relief, since the pump is located in the side yard between the two dwellings and windows on that side of the Charles residence face directly onto the heat pump location. Mr. & Mrs. Charles have no control over this noise and have to put up with the situation continually day and night, inside and outside their home. Mr. Charles has agreed to pay half the cost of relocating the heat pump to another point on the Smith property if Mr. Smith would agree to go along with this compromise.

Mr. Charles addressed Council next, explaining why he and his wife selected this particular lot and section of the City for their home. They expected to find it a quiet location in a residential area. All of this changed with the installation and operation of the heat pump on the Smith property; since then, there has been a constant disturbance in their lives from the noise of the heat pump and the fan that runs when it is on. Mr. Charles circulated a series of photos to show the location of the heat pump in proximity to his own house, and reviewed with Council the various points he wished to make to support his arguments, referring to the photos in their numbered sequence.

He then went on to give a chronological account of his attempts to have Mr. Smith do something about the noise problem so that it would not ultimately be necessary to have the issue reach the point of a hearing. As the weeks went on, Mr. Smith did not act to resolve the problem, although Mr. Charles said he did offer to

cost-share in relocating the pump as a solution, if Mr. Smith were agreeable to do so. Mr. Charles referred to the final effort he made to resolve the matter with Mr. Smith, at which time Mrs. Smith came out of her house and said 'we will let City Council decide this'. He said that after that comment, he had no alternative but to approach his lawyer since it appeared that no reasonable compromise could be reached.

Mr. Charles stated that the noise problem has made life unbearable for his family, depriving them of the peace and quiet they should be able to expect in a residential neighborhood. He felt that the reason Mr. Smith does not want to relocate the heat pump is that he does not want to be bothered by the noise himself. At present, there are no windows on the end of the Smith residence where the pump is situated and therefore, the noise level does not affect their home in the same way it does the Charles home.

At this point in the hearing, Ald. Peters questioned the amount of time being taken up by this item when there is a lengthy agenda still to be dealt with by Council and items of City business requiring attention. The Mayor noted, for Ald. Peters' information, that he would be disqualified from taking part in any debate on the nuisance hearing, having arrived late and not being present for Mr. Forsyth's submission. Members of Council wished to have the hearing proceed and as much time as required given to the parties involved in their presentations. Ald. Peters withdrew from his seat and subsequently from the Council meeting.

Mr. Charles then resumed his presentation, indicating to Council his willingness to pay the full amount that would be required to relocate the heat pump, estimated at about \$700. He said it would be worth paying this amount to have some relief from the stress that has been experienced as a result of the noise problem. From this point, Mr. Charles went through the items contained in an affidavit that has been

signed by Mr. Smith and submitted, through his lawyer, to the City. He refuted a number of the points contained in the affidavit, particularly those dealing with harassment of Mr. Smith, and he stated that when he (Mr. Charles) built his house, he did not get a price quotation on a heat pump or investigate heat pumps at all.

Mr. Charles continued to maintain that Mr. Smith does not want to discuss relocating the heat pump in any meaningful way, because he does not want to have to put up with the noise if it were in a location facing on windows in the Smith house.

Mr. Alan McNeil, a carpenter who has worked on the Charles residence, described the heat pump noise as being constant and bothersome. He said it interfered with a conversation held outside the Charles residence to discuss plans for building a patio/ deck on the house. It was necessary to speak over the noise in this exchange of conversation.

Ms. Kay Cohoon commented on her own personal experience with the noise from a heat pump on the property where she was living for two years in Ontario. She said this kind of continuous nuisance is detrimental to a person's health and well-being. It may seem like a trivial complaint, but she pointed out that problems with these units may increase as they come into more common use and there are more of them in residential communities.

Ms. Theresa Morrison, who has been a visitor to the Charles home, said she was asked to express her opinion about the noise in various sections of the house and found herself having to speak above it and always a little louder than normal. She said not only was there a noise level of sound, but a vibration that could be detected along with the noise. She said she would be heart-broken if it were her home and she had to live with the problem that the Charles family is facing.

Council heard Mrs. Charles, and her statements dealt with the adverse impact the noise problem has had on her life, disturbing her sleep at night-time and generally interfering with the enjoyment of her home and her family's enjoyment of it. She circulated a letter from her doctor, whom she had to consult for sleeping pills due to the lack of sleep caused by the noise disturbance at night. She made reference to comments from both her son and daughter about the noise as they have been affected by it in their home. She said it is her understanding, based on information provided to her and Mr. Charles, that the heat pump could be relocated without much trouble, and she suggested that any such units, when they are installed on a property, should be located equidistant from neighboring homes so that no one particular dwelling has to be disturbed, as they have been in this case.

Mr. Forsyth posed a series of questions next, to which the answers were all in the affirmative, such as can you hear the fan and compressor inside the Charles home?; is the noise annoying?; is it interfering with the Charles' enjoyment of their home?; can the noise be reasonably abated? He took the position that Mr. Smith has placed the heat pump where it is most convenient to him and causes him the least amount of disturbance. The pump could be quite easily moved from its present position where it is only sitting on a wooden pallet, and not set in concrete. The irritation factor was again referred to by Mr. Forsyth, and he responded to questions from Ald. Crawford about the significance of decibel readings outside the Charles house, whereas inside, the main irritation is the constant back-ground noise that is always present. Both Mr. Forsyth and Mr. Charles noted that the situation will be worsened during the summer months when windows are open more of the time, thereby magnifying the sound even further.

Mr. Ken Langille represented Mr. & Mrs. Smith at the hearing. He acknowledged that the Nuisance By-law is probably the form of last resort in this kind of a dispute between neighbors. He maintained that the Charles' pre-judged the situation from 'day one' and were objecting to the heat pump immediately after it was installed without ever having determined whether or not they could become accustomed to the sound. He did not agree with the statements made by Mr. Charles about his willingness to discuss the matter reasonably with Mr. Smith, in the hope of reaching a compromise. In fact, he said, 'they have been holding a gun to the heads of the Smiths' during this controversy. They came to the Smiths' and said 'that machine must be out of sight and out of sound; we will be satisfied with nothing less than out of sight and out of sound'. Mr. Langille did not consider this to be a conciliatory attitude on the part of the Charles' in any way.

Mr. Langille said Mr. Smith does not want to be told what he can or cannot do on his own property. He (Mr. Smith) said (to the Charles') that he would look into abatement possibilities and all he did was to plead for some time to do this. Various measures are being undertaken to improve the situation, but these take time to carry out; all that is being asked is for Mr. & Mrs. Charles to be patient while they are progressing. A wall is being constructed between the two properties and it will have a chain-link fence along the top of it. This was referred to as one of the improvements that Mr. Smith was willing to undertake, along with other steps such as setting the heat pump in concrete, etc.

Mr. Langille made the statement that heat pumps are here with us as an economical form of heating and air conditioning, and many units have already been installed in residential areas around Dartmouth and Halifax. Mr. Weldon, whose firm installed this particular

unit, indicates that this is the first complaint he has received about any noise problem associated with their operation. While not denying that there is some noise from the pump, Mr. Langille felt that there is nothing to cause undue alarm or distress to anyone. He noted that there are no such problems from noise or disturbance in the Smith home.

The next section of the presentation by Mr. Langille concentrated on the various sound level readings that Mr. Weldon has taken in connection with this issue. He said Mr. Charles refused to let Mr. Weldon into his house to do any readings until last night. The results of readings taken were circulated, accompanying a letter from Mr. Weldon, President of the firm Indotec Equipment (N.S.) Inc. It was pointed out by Mr. Langille that the readings for the Master Bedroom, where Mrs. Charles would have been sleeping, are the same when the unit was off and when the unit was on (34 dBA). Mr. Langille went on to explain why alternate locations for the heat pump are not satisfactory and it is felt that such a relocation would not result in appreciably lower noise levels anyway; readings would not improve significantly and the Charles' living conditions would not be improved by doing this. It was his contention that the position of the heat pump is reasonable where it is, it does not affect the Smith home adversely, and should not unduly affect the Charles home either.

Mr. Weldon appeared before Council after Mr. Langille. He advised that he is the distributor for York heat pumps, and he has installed the unit on the Smith property. He considered the noise levels within the Charles home to be in a satisfactory level, noting that there was no sound power level increase in the master bedroom when the unit was operating. He made the comparison that a room with normal conversation would measure approx. 50 dBA, also, with the operation of a fridge that was running. He compared this figure of 50

with the sound level reading of 34 dBA for the master bedroom. He likened the sound to the fan operating at the time in the Council Chamber, directly over the podium from which he was speaking. He said that noise would approximate the sound coming from the heat pump in question.

The Mayor asked about the psychological impact of this kind of noise frequency; Mr. Weldon agreed that lower frequencies tend to be more annoying than higher frequencies. The Mayor asked also about the possible use of a baffle to deflect the sound away from the Charles property. Mr. Weldon explained why the sound would not be absorbed through this means in the present situation. Ald. Romkey asked if the noise from the pump would be comparable to that of a swimming pool system; Mr. Weldon said yes, it would be comparable. He stated that the relocation of the unit would not really solve the problem and there would not be any real improvement in the noise level. Ald. Hetherington asked about the number of these units that have been sold, and Mr. Weldon advised that he has sold at least fifty of them and his competitors, a comparable number as well.

Mr. Forsyth made one more presentation to Council, refuting some of the points brought out in Mr. Langille's submission. He said the noise of the heat pump was annoying to Mr. & Mrs. Charles from the beginning--therefore, they complained right away. He did not agree that there was any 'gun to the head of the Smith's', as Mr. Langille inferred, but it has been six weeks and there has been no progress toward an abatement of the nuisance and it is no closer to being resolved than ever. He repeated the position taken by Mr. & Mrs. Charles to the effect that the heat pump should be moved from where it is now. He suggested that members of Council come out to the property in order to hear the noise at first-hand.

Mr. Langille had one further opportunity for

comment on the rights of the Smith's to have the heat pump operating on their property and to indicate to Council that he did not feel they should have to move it.

At this point in the hearing, the Mayor quoted three relevant sections from By-law C-211 for Council to consider. He then asked Mr. Turner about the original application for the Smith property and the location shown for the heat pump. Mr. Turner said there was no indication on the original plan as to where a heat pump would be, and in fact, the only indication of a heating system was for a hot air system.

Mayor Brownlow made the observation that there appears, as in the case of other nuisance hearings before Council, to be a considerable degree of willingness on the part of both neighbors to try to work out some resolution to their problem. He therefore suggested that as Council has done in similar circumstances previously, a period of time be allowed to see if some mutually-acceptable solution can be worked out between them. If Council were to adjourn the hearing until July 16th, this would provide such a time interval and a reassessment of the situation can take place then. Ald. Greenough was also of the opinion that there appears to be a desire between the parties to reach a solution to the impasse that has developed; he favoured the approach being suggested by the Mayor, as Council has tended to do in resolving these matters in the past. He moved that the hearing be adjourned to July 16th, in order to allow time for both parties to work out a mutually-acceptable solution. The motion was seconded by Ald. Crawford.

Ald. Hetherington said that in the meantime, Mr. Turner should come in with some recommendations relative to these units, especially if they are likely to become more widely used. Mr. Moir noted that he intends to bring the matter up for discussion at the next staff meeting as well. When the vote was taken on the motion, it carried (Ald. Hawley abstaining from the vote since

he was absent from the Council Chamber during some of the hearing).

MOTION: Moved by Ald. Greenough and Crawford that the hearing be adjourned to July 16th, in order to allow time for both parties to work out a mutually-acceptable solution.

SUMMER RECESS

At the suggestion of the Mayor, Council agreed to take a summer recess during the period July 23rd to August 20th. A motion to this effect was adopted, moved by Ald. Sarto and seconded by Ald. Romkey.

MOTION: Moved by Ald. Sarto and Romkey that Council take a summer recess during the period July 23rd to August 20th.

MOTION:
ALD. CRAWFORD

Notice of motion having been previously given, Ald. Crawford presented the following motion, seconded by Ald. Hawley:

WHEREAS the mandatory and non-mandatory contributions to operate the Dartmouth District School system, has reached an amount of 13.5 million dollars in 1985, or approx. 20% of overall budget;

AND WHEREAS the operating body, the Dartmouth District School Board, is made up of Provincially-appointed representatives, City Council members, and School Board elected members-at-large;

AND WHEREAS the Dartmouth educational system has attained a high level of excellence which can only be affected by cuts and adversary-style confrontations between the aforesaid Board and City Council.

THEREFORE, BE IT RESOLVED that the City of Dartmouth request the Minister of Municipal Affairs and the Minister of Education to compile legislation to allow for a fully-elected School Board, with authority to rate for their own financial requirements.

In the introduction of his motion, Ald. Crawford outlined his concerns about the present confrontatory process and atmosphere in which School Board budgets are established. He pointed out that if School Boards were fiscally autonomous, this adversarial position would not exist, since the Boards would have authority to rate for their own expenditures and elected members would be responsible for the spending of their own funds. He felt that an impasse has been reached under the present budgeting circumstances, and that School Boards in this province are looking for a change to fully-elected status.

Ald. Levandier said he could not support the motion because the experience with elected School Boards in other parts of Canada has not been a good one. Instead, he favoured an on-going dialogue with the School Board throughout the year, rather than just the present crisis condition that brings Council and the Board together at budget time. He felt that elected School Boards represent another government level that we do not need, and he was not in favour of the kind of autonomy that such bodies would have, especially when it comes to the matter of fiscal responsibility they would be expected to have.

Ald. Romkey said he had to agree with these points, although he did recognize that the mover of the motion had also brought out some good points in his introduction to the motion. His position was that it is necessary to find out what the taxpayers and the public themselves want, and a great deal of study would have to go into this entire subject before Council should try to come to any decision on it. He said that maybe even a plebiscite is required to determine public response to the question of elected Boards.

Ald. Hawley commented on the importance of this issue generally. He said there would have to be some dialogue with the Province in any meaningful discussion of the subject; also, there would have to be a lot of research, based on the experience of other municipalities where elected Boards have been tried, across the country. In summary, he favoured a deferral of the motion until the summer break is over or even until the new Council takes office in the fall, rather than trying to come to any decision on such a controversial item at this meeting. He moved deferral, either until September or until after the municipal election, so that the kind of discussion sessions required can take place; the motion to defer was seconded by Ald. Levandier.

Ald. Greenough's opinion was that since education is a Provincial responsibility, he would be opposed to any autonomy that an elected School Board would have to levy municipal taxes since this would, in fact, shift the burden for education costs even further onto the municipal taxpayer, when this responsibility should be assumed more and more by the Province. Ald. Stubbs preferred to see this matter debated at the U.N.S.M. conference where it rightfully belongs for discussion. She offered some comments on the present School Board structure and the differences of opinion that tend to arise among Board members under that structure.

When the vote was taken on the motion to defer, it was defeated. The main motion was also defeated with Ald. Crawford and Hawley voting in favour.

With reference to the motion still outstanding on the agenda, for which notice was given by Ald. Peters, Ald. Greenough noted that this motion has now been on two agendas and he moved it be deleted. The motion was seconded by Ald. Sarto, but it was defeated.

Ald. Crawford was in favour of deferring the motion, not knowing why the Alderman was unable to be in attendance to present it, and he moved deferral to the next regular meeting of Council. Ald. Withers seconded the motion to defer and it carried.

MOTION: Moved by Ald. Crawford and Withers that the motion still outstanding on the agenda, for which notice was given by Ald. Peters, be deferred to the next regular meeting.

NOTICES OF MOTION:
ALD. LEVANDIER

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

1) Ald. Levandier:

(a) WHEREAS the FCM have endorsed the S.T.E.P. Program (Seniors Taking Extra Precautions), through its Task Force on Community Crime Prevention;

THEREFORE, BE IT RESOLVED that the City of Dartmouth endorse this program and take steps to implement the program through our Police Dept., Public Relations Division.

(b) WHEREAS the City of Dartmouth has a responsibility to fulfill the planning objectives in the Municipal Planning Strategy and the Halifax-Dartmouth Regional Development Plan;

AND WHEREAS there is not enough usable open land around Lake MicMac for public recreational purposes;

AND WHEREAS Dartmouth is known as the City of Lakes, and the lakes are our finest natural resource;

AND WHEREAS City Council's action of May 14/85 has clearly violated and undermined the public hearing process by attempting to negotiate a land transaction in return for a zoning compromise and eventual commercial development;

AND WHEREAS the Planning Dept. have recommended against this action;

THEREFORE, BE IT RESOLVED that Dartmouth City Council, in its wisdom, rescind the motion in relation to the late C. MacCulloch property on Lake MicMac, as noted on pages 3, 4, & 5 of the official May 14/85 Council minutes;

AND BE IT FURTHER RESOLVED that the City of Dartmouth take the appropriate steps to purchase the total thirty-acre site for the recreational enhancement of the City of Dartmouth and its citizens, and for the preservation of our lakes.

(To be seconded by Ald. Hetherington.)

ALD. SARTO

2) Ald. Sarto:

WHEREAS the number of above-ground swimming pools is increasing;

AND WHEREAS in-ground swimming pools must be enclosed by fences, but there is no such requirement for above-ground pools;

THEREFORE, BE IT RESOLVED that staff investigate the need for fencing of above-ground pools, also, site distance from abutting property lines, and report back to Council.

ALD. CRAWFORD

3) Ald. Crawford:

WHEREAS the Provincial Government has not taken over correctional facilities as originally decided;

AND WHEREAS the cost of operating the correctional facility at Sackville has escalated to such an extent that the funding municipalities are finding the costs well-nigh prohibitive;

AND WHEREAS the cost per day per prisoner in 1985 is \$67.00, with Dartmouth contributing \$1,031,622. in operation costs for the year 1985, the overall operating cost for 1985 being \$4,357,258.;

AND WHEREAS the Counties of Humboldt and Delaware, in the State of Iowa in the U.S.A., have commenced charging inmates for room & board at the rate of \$20. or \$30. per day, with much success;

THEREFORE, BE IT RESOLVED that Dartmouth City Council request of its representatives on the Metropolitan Authority, and its staff, to obtain all possible information concerning the charges to inmates, for inclusion in the financial operation of the Sackville Correctional Centre, this information to be obtained from Humboldt County Jail Administrator, Richard Jurgens.

ALD. BREGANTE

4) Ald. Bregante:

WHEREAS there has been constant friction between Dartmouth City Council and the Dartmouth District School Board each year at budget time.

AND WHEREAS we all see the great need for our children to receive a proper education;

AND WHEREAS the cost of education continues to rise;

AND WHEREAS this cost places an unfair burden on our business community and also, on our taxpayers who do not have anyone in the school system;

THEREFORE, BE IT RESOLVED that any further increases in the school system's budget be financed by the taxpayers who have children in the school system;

AND BE IT FURTHER RESOLVED that businesses and taxpayers who do not have anyone in the school system, be given a tax rebate, this figure to be set at budget time and set along with the tax rate.

ADDITIONAL STAFF:
BUILDING INSPECTION
DEPARTMENT

At the June 11th Council meeting, a motion introduced by Ald. Crawford was deferred pending a report from Mr. Moir on the actual number of Building Inspection Dept. staff required to meet the present demands of the inspection workload, particularly as these needs relate to the inspection of older buildings in the City where housing standards are not being kept up and people are living in unsatisfactory conditions.

Mr. Moir's report, dated June 17/85, provides statistics on the current Building Inspection staff complement, on the value of permits processed to the end of May, 1985, and on page 2 of the report, makes the following recommendations:

- 1) that the Building Inspection Division be authorized to engage two additional inspectors to bring the standard of inspection services back up to a level considered to be acceptable. One inspector would be responsible, full-time, for the enforcement of the Minimum Standards By-law, and the second, would be assigned to new construction, both residential and commercial/industrial.
- 2) Further, that a secretarial position be created on or about Sept. 1/85.

Council adopted these recommendations, on motion of Ald. Crawford and Levandier.

MOTION: Moved by Ald. Crawford & Levandier that Mr. Moir's recommendations on additional Building Inspection staff requirements (as per the motion presented on June 11th) be adopted.

PIPING OF BROOK:
TOP OF BELMONT AVE.

In conjunction with the notices of motion recorded on pages 13 to 15 of these minutes. Ald. Hetherington made a request that had to do with piping of the brook at the top of Belmont Ave., before some accident occurs involving a child. Mr. Fougere advised that this work could probably be done under the budget item for Small Drainage Projects, and he agreed to prepare a cost estimate and design report for next week's Council meeting so the item can be dealt with at that time.

During the course of the inquiries & answers section of the meeting, Council approved the two following items so they would be dealt with on this date and not delayed for another Council meeting:

BUILDING PERMIT:
DARTMOUTH TRANSFER
STATION

On motion of Ald. Crawford and Greenwood, Council approved a building permit application from Dineen Construction, in the amount of \$1,321,000., for the Dartmouth Transfer Station. Approval is subject to compliance with the City requirements set out in the staff report dated June 18/85.

MOTION: Moved by Ald. Crawford and Greenwood that Council approve a building permit application from Dineen Construction, for the Dartmouth Transfer Station, subject to compliance with City requirements set out in the staff report, dated June 18/85.

INTEREST ON
OVERDUE TAXES:
RESOLUTION 85-45

On motion of Ald. Greenough and Withers, Council also gave approval to Resolution 85-45, setting the rate of interest charged on overdue taxes at 13% per annum, effective June 19/85, as recommended in Mr. Smith's report to Council on this subject, dated June 10/85.

MOTION: Moved by Ald. Greenough and Withers that Council approve Resolution 85-45, setting the rate of interest charged on overdue taxes at 13% per annum, effective June 19/85, as recommended by Mr. Smith in his report to Council, dated June 10/85.

INQUIRIES:
D. BEELER

Ald. Beeler said she has received a letter and telephone calls about the siltation occurring in Oathill Lake, as a result of run-off from the development on Portland Street, where a marshy area is being filled in and developed. She asked to have the Engineering Dept.

look at the problem as soon as possible, and take what measures are necessary to insure that it does not continue.

Ald. Beeler's second inquiry pertained to the City's liability in the case of the shoreline area next to the pier behind City Hall, where a child recently had a fall on the rocks. Mr. Moir said he will be coming to Council with a report on liability in such instances and on the subject of liability insurance generally.

ALD. SARTO

Ald. Sarto asked that the T.M.G. look at the need for an overhead crosswalk light at the intersection of Regal Road and Portland Street, where the bus bay is located.

ALD. GREENOUGH

Ald. Greenough asked about the awarding of tenders for street construction and other projects during the period of Council's summer break. Mr. Moir said it may be necessary to call a 5:00 p.m. meeting in that case, if tenders have to be awarded.

Ald. Greenough went on to inquire about a number of tenders and received information from Mr. Purdy on the approximate times when various projects will be going to tender.

ALD. CRAWFORD

Inquiries made by Ald. Crawford were as follows:

- 1) asked what modifications, if any, are being made to the piece of equipment involved in a recent incident where a little girl was sucked up into the machine. Mr. Moir advised that modifications are being looked at, and he further advised, in response to a second question on the same subject, that when the report on this matter is received from the insurance company, it will be made available to members of Council.
- 2) asked to have the grass cut in the area between the Dartmouth Mail Star office and Rosedale Ave.
- 3) asked about the status of the sound equipment for the Council Chamber. Mr. Fougere said he would hope to have something to Council on this item prior to the summer recess.
- 4) the next inquiry made by Ald. Crawford pertained to the opposition that is still being expressed to tree-cutting which was taking place in connection with the lawn-bowling greens. Mr. Moir and Ald. Beeler provided information on the meeting scheduled for discussion of this matter.
- 5) asked when the bus shelter next to City Hall is going to be started. Mr. Fougere reported that plans for the new shelter are just about completed now.

- 6) asked about the status of renovations to the Wentworth Street house. Mr. McNeil said it will be ready by the end of the month and Council will be invited to have a tour of the facility.
- 7) Ald. Crawford said there appears to be a great reluctance by City departments to do any advertising in the 'Daily News'; instead, our advertising is done in the Mail Star and 'Dartmouth This Week'. He asked if it would not be possible to start advertising in the 'Daily News', in view of its considerable circulation in Dartmouth (7,000 papers). Mr. Moir said this can be done if Council so directs and provides for the corresponding increase in the advertising budget to permit advertising in one additional paper. No motion was introduced to this effect.
- 8) asked about the delay in taking over Green Road, in order to be able to enlarge that adjacent section of Mount Hermon Cemetery. It was noted that a decision on the street patterns abutting the cemetery has been deferred by Council, pending the transportation study being received. He discussed this inquiry further with Mr. Bayer. Mr. Bayer said it looks like September of this year before the study can be completed. He suggested that it might be possible to carry out part of the project, involving Green Street, by determining from the consultants whether or not there is any recommendation that relates specifically to that street in the study.
- 9) asked Mr. Atkinson to make note of the condition of the Pine Street park and the need for something to be done about it very soon.

ALD. WITHERS

Inquiries made by Ald. Withers were as follows:

- 1) asked when the property acquisitions required in connection with the Woodland Ave. sidewalks will be finalized. Mr. Purdy said there will be a report on the next agenda, this item having been deleted from the June 11th agenda.
- 2) asked to have an inspection of the auto repair business property on Bedford St.; this property is in deplorable condition. Mr. Turner said his department is looking at this property.
- 3) asked to have the grass and vegetation cleaned up in the public access area leading to Little Albro Lake; also, in the area around Haig and Stairs Streets.
- 4) asked about Banook Ave. and Mr. Fougere advised that most of the necessary survey work is done; it is hoped to have this item to Council by July 16th.
- 5) asked that the glass (windows) at the ferry terminal in Halifax be cleaned.
- 6) asked about the seeding or sodding of City areas between the sidewalk and curb on Albro Lake Road (between Slayter St. and Sheridan Street (south side)). Discussed with Mr. Fougere and Mr. Atkinson. Mr. Fougere said his department does not look after these areas and Mr. Atkinson gave a similar answer for his department.

ALD. ROMKEY

Ald. Romkey asked to have attention given to the property at the corner of Bellevista Drive and Pauline Crescent; he said he had calls about old cars and vehicles on this property.

Ald. Romkey's second inquiry was about the planting of shrubs around the Clifford Drive pumping station. Mr. Atkinson said his department has submitted a plan to Engineering Dept. for this landscaping, and Mr. Fougere advised that a few shrubs will be planted this year; the budget did not provide for this project in 1985.

ALD. LEVANDIER

Inquiries made by Ald. Levandier were as follows:

- 1) asked that the T.M.G. look at the feasibility of a flashing green light at the signals where Wyse Road comes down the hill into Windmill Rd.
- 2) asked if the Police Dept. could check on the Wyse Road Sobey's Plaza where groups of young people are hanging around the automatic banking machine.
- 3) asked to have attention given to the Stop sign on Slayter Street at Brightwood Ave.; this sign is not being properly observed by drivers.
- 4) asked to have the Building Inspection Dept. look at the property at 41 Fairbanks St.
- 5) asked to have something done about vendors parking on the sidewalk on Faulkner St., in front of the liquor store property.
- 6) asked if crosswalks could be painted at Pine & Thistle Streets and at Maple and Thistle Streets.
- 7) asked to have the drains cleaned out at the location of 58 Victoria Road.
- 8) asked about the status of discussions with CN regarding the rail marshalling yards; Mr. Moir to check on this inquiry.
- 9) asked about the sidewalk improvement program for the downtown; Mr. Purdy advised that those projects will be included in the sidewalk tender referred to by him earlier in response to an inquiry about tender calls.
- 10) Ald. Levandier said the owners of the junk yard at the foot of Lyle Street are filling in part of the harbour front with all kinds of material. He felt this is an environmental concern and asked to have it looked into.

ALD. BREGANTE

Inquiries made by Ald. Bregante were as follows:

- 1) asked to have the pound operator give particular attention to the Everette Street/ Nova Drive area, where there is a problem with dogs running at large.

- 2) expressed his concern about motorists not yielding to pedestrians on crosswalks and wanted to have this dangerous situation given attention.
- 3) Ald. Bregante was also concerned about bicycles on sidewalks and the danger posed to pedestrians on the sidewalks.
- 4) asked to have the radar put back on Pleasant Street where speeding is a problem.
- 5) asked to have broken floor tiles replaced in the ferry terminal building on the Dartmouth side of the harbour.

ALD. HETHERINGTON

Inquiries made by Ald. Hetherington were as follows:

- 1) he was also concerned about bicycles on sidewalks and a lack of enforcement in this regard.
- 2) asked about the house at 11 Woodside Ave., which he described as being dangerous to children in its present condition. Mr. Turner said the owner is waiting for his insurance settlement on the house and then it will be torn down.
- 3) asked to have a flashing amber light installed at the top of Renfrew Street.
- 4) asked about plans to alleviate the flooding problem in back of Lynn Drive. Mr. Purdy said it should be possible to call tenders for this project early in July.
- 5) asked to have a flooding problem looked at on Fenwick Street, where a water overflow is coming down on the properties from the Prince Arthur ballfield.
- 6) Other flooding problems he made inquiry about were at Osborne^{Ave} and Crawford Street, where the school grounds have been completely flooded; at 40 Chadwick Street; and at Dustan and Fenwick Streets.
- 7) asked if a crosswalk could be provided at the corner of Akerley Blvd. and Wright Ave. Mr. Bayer said consideration is being given to one at the lights.

ALD. GREENWOOD

Ald. Greenwood asked if there is any information as to when the wall is to be removed on Trinity Ave. and Windmill Road. Mr. Fougere gave a report on this matter, advising that the lawyer for the owner has been contacted but nothing has been done to date.

Ald. Greenwood's second inquiry was about the pedestrian walkway over Victoria Road and the danger to children who are walking across on top of it. He asked to have this problem looked at further.

ALD. HAWLEY

Inquiries made by Ald. Hawley were as follows:

- 1) asked if Braemar Drive is going to be done this year. The Mayor said this project will be started this year.
- 2) Ald. Hawley said that speeding is still taking place on Mountain Ave., where an accident recently occurred. He said there is also a disregard for Stop signs in this area and he requested police patrols and a report on the situation.
- 3) asked about the tenders for the fencing of the Ira Settle and Ian Forsyth School grounds; Mr. Atkinson advised that they have been called.
- 4) asked if a tender has been called for work on Waverley Road from Red Bridge Pond to Crest Drive. Mr. Fougere said that project was subject to cost-sharing.
- 5) another project inquired about by Ald. Hawley was the widening of the bridge on Waverley Road. Mr. Fougere advised that it has not yet been designed.
- 6) asked about the sidewalk project on Caledonia Road from Dumbarton Ave. to Gourok Ave.; discussed with Mr. Purdy what this project actually includes and what is to be tendered.
- 7) asked if there has been any decision on the Lund property. The Solicitor said it was to have been received in April, but to date there is no decision.

PETITION:
DAHLIA ST.
RESIDENTS

Ald. Levandier presented a petition from Dahlia Street residents, requesting a two-hour parking ban, between the hours of 8:00 a.m. and 10:00 a.m., on the left-hand side of Dahlia Street, between Victoria Road and Pine Street. He moved referral of this petition to the T.M.G., seconded by Ald. Greenough. The motion carried.

MOTION: Moved by Ald. Levandier and Greenough that a petition from Dahlia Street residents, requesting a two-hour parking ban, as noted above, be referred to the T.M.G.

(At the hour of 11:00 p.m., Council had approved a motion to continue meeting beyond the hour for adjournment, in order to complete the inquiries and answers item. The motion was moved by Ald. Hawley and Greenwood.)

At the conclusion of inquiries and answers, the meeting was adjourned.

Bruce Smith,
City Clerk-Treasurer.

City Council, June 18/85

ITEMS:

- 1) Train derailment, page 1.
 - 2) Public hearing: Amend Land Use By-law, 200 Main St.,
page 1 & 2.
By-law C-549, page 2.
 - 3) Hearing: Nuisance complaint, 37 Lakeview Ave., page 2
to 10 incl.
 - 4) Summer recess, page 11.
 - 5) Motion: Ald. Crawford, page 11 to 13.
 - 6) Notices of Motion: Ald. Levandier, page 13 & 14.
Sarto
Crawford page 14
Bregante, page 15
 - 7) Additional staff: Building Inspection Dept., pg. 15.
 - 8) Piping of brook: Belmont Ave., page 16.
 - 9) Building Permit: Dart. Transfer Station, page 16.
 - 10) Interest on Overdue Taxes: Res. 85-45, page 16.
 - 11) Inquiries, page 16 to 21 incl.
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Dartmouth, N.S.

June 25, 1985

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

Present - Deputy Mayor Sarto

Ald. Romkey	Greenwood
Beeler	Peters
Crawford	Levandier
Hawley	DeMont
Bregante	Greenough
Hetherington	
City Solicitor, S. Hood	
Acting City Administrator, R. Fougere	
Deputy City Clerk, G.D. Brady	

Council met to complete the June 11th and 18th agendas. Items were added to the agenda dealing with the tender for the Birch Cove Canteen concession and Feasibility of Lake Restoration by Sediment Removal report.

It was also moved by Ald. Levandier and Greenough that items regarding the Tourist Bureau Location and Lake Safety By-law be dealt with as items one and two. The motion carried.

Referring to a report prepared by Ledaire Morris Associates Limited on the Tourist Bureau, Ald. Crawford moved, seconded by Ald. Peters that discussion of the matter be deferred until the next meeting of Council to allow time for the members to review this report. The motion carried.

MOTION: Moved by Ald. Crawford and Peters that the item regarding the Tourist Bureau Location be deferred until the next meeting of Council.

A report was prepared for Council by the Lake Safety Committee following several meetings. The recommendations contained in their report are as follows:

For a one year trial period, that a Special Events Permit be granted to the boardsailors to conduct races on Lake Banook one evening per week, during which time the canoe clubs will not be allowed use of that portion of the lake laid out for the boardsailors' race course.

Furthermore, that there be no prohibition at any time against boardsailing within the strict confines of Paddler's Cove.

That it or a similar committee meet again late in 1985 after the summer season on the lakes has ended to evaluate how

TOURIST
BUREAU
LOCATION

LAKE SAFETY
COMMITTEE

the proposed use of the lakes one night a week by board-sailors has worked in practice. The entire matter will be reviewed at that time with the potential for a further amendment to the Lake Safety By-law before the next board-sailing season, if that is necessary.

In addition the Committee makes recommendations for changes in the draft by-law C-485 (as detailed in their report) and makes some general recommendations (as detailed in their report). The Committee recommends adopting the report and passing of By-law C-552.

At the request of the Ald. Greenwood, Chairman of the Lake Safety Committee, the Solicitor reviewed the changes proposed for the by-law. She also noted that Section 5 should be deleted and a point (f) added under Section 6. A renumbering of the balance of the by-law will be required.

Concern was expressed by both Ald. Beeler and Romkey that perhaps not everyone will be able to launch their windsurfers from Paddlers Cove, as a commercial venture operates out of this area. The remaining shoreline would be unsafe for this purpose.

Ald. Romkey raised the question as to whether the City has the legal right to put in this by-law. The Solicitor explained that the City's Charter is a provincial statute and Section 151 of the Charter gives Council authority in this matter. Ald. Romkey felt these matters fell under the jurisdiction of the Federal Government's small vessel regulations and/or Inland Canada Shipping Act. The Solicitor felt confident that when the by-law was sent to Municipal Affairs, any such conflict would be recognized and then the onus would be on the Province to explain their error in giving the City authority in this area.

It was also confirmed that individuals cannot windsail outside Paddler's Cove, Tuesday night without a Special Event Permit. Ald. Romkey also expressed opposition to any further regulations regarding swimming which would restrict access to the lakes by the average citizen.

Ald. Crawford indicated that he had several amendments

to recommend re the by-law and made reference to a letter from Buchan, Berrick and Ring, dated June 19th. The first amendment referred to Section 2, (6). He suggested the addition of the words 'designated for the special event'. Section 2, (6) would read as follows:

During any Special Event the patrol officer may order the operator of any watercraft or vehicle not participating in the Special Event to remove it from the waters designated for the special event or the ice of the lake or to beach a watercraft, and failure to do so shall be an offence under this by-law.

A motion to this effect was moved by Ald. Crawford and seconded by Ald. Hetherington. The motion carried. Subsequent to first and second readings of By-law C-552.

It was moved by Ald. Crawford and Greenwood that leave be given to introduce the said By-law C-552 and that it now be read a first time. Motion carried.

It was moved by Ald. Hetherington and Levandier that By-law C-552 be read a second time.

A second amendment was proposed by Ald. Crawford. Section 9 should have the words 'not less than \$200 and' inserted. Section 9 would read as follows:

Anyone who violates any provision of this by-law shall be guilty of an offence and shall be liable on conviction to a penalty not less than \$200 and not exceeding one thousand dollars (\$1,000.00) or in default of payment to imprisonment for a period not exceeding sixty (60) days. A motion to this effect was moved by Ald. Crawford and seconded by Ald. Peters.

The Solicitor advised Council that the minimum fine cannot exceed \$100. Both Ald. Romkey and Beeler felt this amount to be too high. They felt \$25.00 more in line. Ald. Greenough felt the amount should be left to the discretion of the courts. Ald. Hawley did not support any fine and noted that no where in the by-law does there seem to be any restrictions against rowers and paddlers. The motion was defeated.

Ald. Levandier thought a compromise should be reached between the two groups and moved referral of the matter back to the Lakes Safety Committee, so that correspondence recently received might be reviewed and bring back a report

in 14 days, hopefully having reached a compromise.

Ald. Hawley seconded this motion.

Ald. Hetherington defended the restrictions placed on swimmers. He noted they are not meant to restrict so much as to protect the lives of swimmers. He felt no purpose would be served in sending the matter back to the Committee and Ald. Crawford supported him, stressing that this by-law will be reviewed in a year.

Speaking in support of the referral, Ald. Levandier stressed the need for Council to see the by-law, with amendments, before passing. He felt that it was unlikely the by-law would be processed through Municipal Affairs until August, in any case.

The Solicitor cautioned that the time limit on the referral would require removal, as there were only six days left before the deadline for the next Council meeting. When the vote on referral was taken, the motion was defeated.

Ald. Hawley stressed that he did not feel it was fair that a property owner of a shoreline property would not be able to launch his sailboard. Mr. Greenough felt similarly and although recognizing the traditional use of the lakes for canoeing and rowing, felt a compromise similar to the one that exists with power boats could be worked out. It was subsequently moved by Ald. Hawley and Beeler that notwithstanding Sub-section 1, no person will be prohibited from launching sailboards from their property and proceeding in a careful manner to Paddlers Cove without crossing paddling lanes. This motion was defeated.

Ald. Crawford moved the following amendment, seconded by Ald. Peters that the words 'for the year 1985' be added to Section 7. Section 7 would read as follows:-

No sailboard shall be used on Lake Banook except within Paddler's Cove for the year 1985, unless a Special Event permit pursuant to Section 2 of this By-law is obtained. The Solicitor cautioned that in the case of the by-law not being reviewed, windsurfers would again be permitted complete access to the lake. Ald. Beeler expressed support of this change as it would ensure the by-law is not overlooked.

This motion was defeated.

To ensure this review, it was moved by Ald. Hetherington and seconded by Ald. Hawley that a standing committee of the Lake Safety Committee be appointed in November 1985. The motion carried.

In conclusion, it was moved by Ald. Greenwood and Hawley that Section 5 be deleted. The motion carried.

It was moved by Ald. Crawford and Hetherington that Section 6(f) be added, the wording to be as follows:-

- from the paddling lanes.

The motion carried.

The required renumbering, was moved by Ald. Hawley and Greenwood. The motion carried.

The motion to read By-law C-552 a second time carried, with Ald. Romkey voting against.

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

It was further moved by Ald. Greenough and Hawley that the recommendations contained in the Lake Safety Committee report be adopted. The motion carried.

MOTIONS: It was moved by Ald. Crawford and Greenwood that leave be given to introduce the said By-law C-552 and that it now be read a first time.

It was moved by Ald. Hetherington and Levandier that By-law C-552 be read a second time.

The following amendments to the by-law were made:

Moved by Ald. Crawford and seconded by Ald. Hetherington that section 2 (6) read as follows:

During any Special Event the patrol officer may order the operator of any watercraft or vehicle not participating in the Special Event to remove it from the waters designated for the special event or the ice of the lake or to beach a watercraft, and failure to do so shall be an offence under this by-law.

Moved by Ald. Greenwood and Hawley that Section 5 be deleted.

Moved by Ald. Crawford and Hetherington that Section 6(f) be added, the wording as follows:

6. (f) from the paddling lanes.

Moved by Ald. Hawley and Greenwood that the required renumbering of Sections 6 through 10 be done.

Moved by Ald. Greenough and Hawley that the recommendations contained in the Lake Safety Committee report be adopted.

Moved by Ald. Hetherington and seconded by Ald. Hawley that a standing committee of the Lake Safety Committee be appointed in November 1985.

REVIEW OF SCHOOL
BOARD BY MANAGEMENT
CONSULTANTS

Having given Notice of Motion, Ald. Peters introduced the following motion which was seconded by Ald. Crawford.

WHEREAS there is great concern within the City of Dartmouth regarding the funding and efficiency and educational effect of the Dartmouth District School Board, and

WHEREAS the School Board has not effected operating changes in accordance with changes that have occurred in the student population and

WHEREAS this City Council does not want to cause levels of funding which would adversely effect the quality of education in this city;

THEREFORE BE IT RESOLVED that this City Council hire the management consulting division of Doane Raymond, under the Direction of Mr. William Hayward, F.C.A., to conduct a review of our School Board and report to City Council within three months; and that application be made to the Province for assistance in funding the study.

If Provincial funding is not available, then such report to be paid for out of the budgeted item 'advisory assistance', and then City Council could make the appropriate decisions after reviewing this unbiased and professionally prepared report of Doane Raymond.

In support of his Motion, Ald. Peters referred to the decline in enrollment in the last seven years, without a corresponding decline in teachers hired. There were approximately 20,000 students, seven years ago with 900 teachers. Now there are approximately 11,000 students with 800 teachers. He felt the system to be overstaffed. Secondly, he referred to student, teacher ratios. At the high school level the ratio is 28 to 1, at the elementary level 23 to 1. He felt that although this ratio might be realistic at the elementary level and for certain subjects at the high school level, some subjects would be taught in a lecture fashion, similar to the situation the students will face when in university. He stressed that it was not his intention to destroy the quality of education in the City of Dartmouth.

Ald. Hawley questioned the City Solicitor on what legal ramifications or justification does City Council have in passing this motion, when the School Board is a separate entity. The City Solicitor noted that the City does provide funding and representatives to the School Board, however, when it comes to implementation of some of the recommendations which might result from the study, implementation may be outside the jurisdiction of Council. This may be something the consultant will have to address, i.e. who has authority to implement recommendations.

Rather than impose a study, it was suggested that better results might be achieved if there was a cooperative effort between the School Board and Council. It was also noted that the Province conducts similar studies.

The Solicitor did not think there would be any legal impediment, as Council gets this information as part of the budget process.

Ald. Greenough expressed disagreement with the preamble. He noted that he has been on the School Board and pointed out that the City of Dartmouth has been a leader in bringing staff in line with declining enrollments. He felt it was always a good practice to review finances and the School Board would welcome such a review, as long as it was along the lines based on acceptable terms of reference. He also felt obtaining the cooperation of the School Board was essential. He felt the terms of reference must be along educational lines as well and he could not support a study based only on finances.

Ald. Levandier spoke in favour of the motion, stressing that no public body should be above public scrutiny. He felt the study might result in spending being kept in line with declining enrollments and result in a better standard of education. He referred to a joint committee being struck of the School Board and Council a couple of years ago. They met a few times but to no avail. As a member of the School Board he has requested monthly financial statements, but they are not provided. He suggested that perhaps a financial consultant rather than an educator might be better qualified to control the \$14 million School Board budget.

Ald. Levandier would like a cost estimate for the study and if the amount is significant, it would require budgetting for the next fiscal year.

Ald. Romkey referred to a study the Department of Education is planning. He felt by reviewing a report from the financial side and one from the educational side, new insights will be acquired.

Referring to the motion, Ald. Crawford noted that the wording of the motion indicates that Council would "not want to cause levels of funding which would adversely effect the quality of education in this city". This was apparent when Council voted an additional \$500,000 to the School Board earlier in the year. He did not believe the motion is meant to be critical of the School Board, of which four members of Council are members. However, he did refer to the fact that although the Superintendent of School was requested to update Council, four times a year, this has not been done. He wondered if Mr. Hayward has the expertise to do this job and Ald. Levandier and Ald. Peters outlined his education and experience. He concluded that the terms of reference have to be more defined.

An amendment was moved by Ald. Greenough, seconded by Ald. Crawford that Council give approval in principle of the motion, subject to adopting acceptable terms of reference and costs and coming back to this Council prior to July 16/85. Some of the areas to be looked into were cost efficiency versus other municipalities, programs, ratio of administrative staff to teachers, etc., to be conducted in cooperation with the D.D.S.B.

Ald. Bregante cautioned that Council must be prepared to act upon the recommendations. He referred to the difficult decisions Council will have to make if, for example, closure of schools is recommended.

Ald. Hawley concluded the debate referring to the tremendous educational experience this study may be, but doubting that Doane Raymond is necessarily the best agency to carry such a study out. The people hired need to be familiar with the education system.

The vote on the amendment carried as did the vote on the motion.

MOTION: (see page 6)

AMENDMENT: Moved by Ald. Greenough and Ald. Crawford that Council give approval in principle of the motion, subject to adopting acceptable terms of reference and costs and coming back to this Council prior to July 16/85.

It was moved by Ald. Greenough and Hawley that the following items be moved up on the agenda.

- (i) i) - Feasibility of Lake Restoration Report
- (a) i) - Acquisition of Land
- (e) i) - Salaries - Divisional Platoon Chiefs
- ii) - Tender - Birch Cove Canteen Concession

FEASIBILITY OF LAKE
RESTORATION - REPORT

A report was prepared by the Lake Restoration Committee on the feasibility of lake restoration by sediment removal for Little Albro and Cranberry Lakes.

Dr. Donald Gordon, Chairman of the Committee was present to give background information on the report and answer any questions the members of Council might have. On motion of Ald. Hawley and Hetherington, Council adopted the four recommendations contained in the report.

Both aldermen and the Deputy Mayor expressed their thanks and gratitude to Dr. Gordon, Mr. Bernard and their committee for the excellent report they have produced.

In response to a query by Ald. Levandier, regarding a machine to remove vegetation from lakes, the Deputy Mayor indicated that the city is looking into the cost to acquire such a machine.

It is estimated that it will cost \$126,000 and \$160,000 to dredge Little Albro and Cranberry Lake, respectively.

MOTION: Moved by Ald. Hawley and Hetherington that the City of Dartmouth, under the supervision of the Engineering Department, develop during 1985 final plans for dredging sediment from Little Albro Lake and Cranberry Lakes. Remaining aspects to consider include:

- location, design, and operation of sediment dewatering structures,
- utilization of dewatered sediment, including revenues possibly generated by its sale,
- procurement of necessary permits from the Nova Scotia Department of Environment, Fisheries and Oceans, etc.
- refinement of removal methods and cost estimates.

- designing subsequent shoreline cleanup programs to remove rocks, stumps, etc.

Results should be discussed at public meetings before any final decisions are made.

That both sediment removal projects should be budgeted to be conducted some time between April and December 1986. The City should seek outside sources of funding. The Nova Scotia Department of Housing and the County of Halifax should be approached to share the cost of the Cranberry Lake project.

That a monitoring program be designed and funded to follow changes in both lakes before, during, and after the sediment removal projects. All data should be compiled into case studies which will become valuable references to improve the efficiency and effectiveness of any future lake dredging projects.

That consideration should be given to improving City-owned parkland around each lake after dredging so that the general public has better access to the rejuvenated lakes for recreation.

ACQUISITION OF
LAND - PROPOSED
SIDEWALK -
WOODLAND AVE.

A report was submitted by Mr. Purdy regarding the purchase of land required for the construction of a sidewalk along the south side of Woodland Avenue and the construction of a replacement fence. Permission has been obtained from the Department of Transportation to construct the sidewalk on their right-of-way and residents of nine properties along Kingston Crescent have indicated their willingness to sell a strip of land at the rear of their properties. It was therefore moved by Ald. Crawford and Romkey that the recommendations contained in the report be adopted. The motion carried.

MOTION: Moved by Ald. Crawford and Romkey that the City purchase the land required for the construction of sidewalk along the south side of Woodland Avenue from the owners of properties from 23 Kingston Crescent to 39 Kingston Crescent inclusive for the prices outlined in the report (\$59.71 per square metre), construct a new 6' 6" high solid board fence along the property line to replace existing fences, and provide new trees or compensate for loss of trees which cannot be relocated.

SALARIES -
DIVISIONAL
PLATOON
CHIEFS

Council considered a report from Mr. Moir on negotiations with the Divisional and Platoon Chiefs of the Fire Department to attempt to negotiate a 1985-86 salary level. In these negotiations, he sought to maintain a differential above the Captain's rate (Union position). Mr. Moir has recommended that the salary for Divisional Chiefs and Platoon Chiefs

of the Dartmouth Fire Department for the period January 1, 1985 to December 31, 1986 be established as follows:-

January 1, 1985	\$34,837
July 1, 1985	35,708
January 1, 1986	37,420
July 1, 1986	38,386

It was moved by Ald. Crawford and seconded by Ald. Greenough that the recommended salaries be adopted. The motion carried.

MOTION: Moved by Ald. Crawford and Greenough that the salary for Divisional Chiefs and Platoon Chiefs of the Dartmouth Fire Department for the period January 1, 1985 to December 31, 1986 be established, as above.

Tenders have been received and opened for the Canteen Concession for Birch Cove for the period June 29 to September 2, 1985 inclusive (66 days). It was the Purchasing Agent's recommendation that the tender be awarded to the high bidder Shaddow Enterprises for a total tendered price of \$1,404.16. The Acting City Administrator concurred with this recommendation. It was thereby moved by Ald. Levandier and Ald. Greenough that the recommendation be adopted. The motion carried.

MOTION: Moved by Ald. Levandier and Ald. Greenough that the tender for the Birch Cove Canteen concession be awarded to the high bidder Shaddow Enterprises for a total tendered price of \$1,404.16.

A report and recommendation respecting the City Council Chamber Sound System, prepared by the City Engineer was before Council. Mr. Fougere recommended that the revised tender submitted by Standard Sound Systems Limited, including all the options in the report, in the amount of \$49,066.50 be accepted.

A report was attached from Mr. Oldham, dated June 20th. It recommends that subject to clarifying the features associated with the different options of the micro-processor, he recommends the latest proposal from Standard Sound over the previous one. In the longer term, the extra cost over the more limited version of the system will prove its worth to Council.

Mr. Oldham was present to answer any questions Council

BIRCH COVE
CANTEEN
CONCESSION

CITY COUNCIL
CHAMBER SOUND
SYSTEM

might have.

Ald. Crawford indicated that he personally did not think body-worn microphones and earphones were required. Mr. Oldham answered a variety of questions Ald. Crawford had regarding the system.

It was moved by Ald. Peters and seconded by Ald. Hetherington that Council adopt the City Engineer's recommendations.

An amendment to this motion was moved by Ald. Crawford and seconded by Ald. Romkey to delete 15 body-worn microphones in the amount of \$220 a piece and 19 earphones in the amount of \$27.50 a piece. Ald. Hetherington thought having some body-worn microphones would be helpful when staff and developers are making presentations.

Ald. Greenwood expressed concern that the new microphones might not be substantially better than the existing ones and felt body-worn microphones would be more effective. When the vote on the amendment was taken, it carried with Ald. Greenwood voting against. The vote on the main motion also carried, with Ald. Greenwood voting against.

MOTION: Moved by Ald. Peters and Hetherington that the revised tender submitted by Standard Sound Systems Limited, including all the options in the report of Mr. Oldham, dated June 20th, in the amount of \$49,066.50 be accepted.

AMENDMENT: Moved by Ald. Crawford and Ald. Romkey that 15 body-worn microphones, in the amount of \$220 a piece and 19 earphones, in the amount of \$27.50 a piece be deleted from the tender.

It will take eight to twelve weeks from date of placing the order for installation.

The following tenders were received for Contract 85-04, Braemar Drive Upgrading:

Ocean Contractors Limited	\$1,698,918
Municipal Contracting Limited	1,742,370

Ald. Greenough and Hawley moved adoption of the recommendations contained in Mr. Purdy's report of June 24th and first approval for an overexpenditure in the amount of \$261,300. The motion carried.

TENDER 85-04 -
BRAEMAR DRIVE
RECONSTRUCTION

FIRST APPROVAL

MOTION: Moved by Ald. Greenough and Hawley that :

- 1) the tender for Contract 85-04, Braemar Drive Upgrading, be awarded to Ocean Contractors Limited, subject to approval of the Nova Scotia Department of Transportation;
- 2) the items relating to gravity sanitary sewer main be deleted from the contract;
- 3) the water main replacement be charged to the Water Utility accumulated depreciation reserve, subject to approval of the Nova Scotia Board of Commissioners of Public Utilities;
- 4) an over-expenditure of \$261,300 be approved for this project.

PIPING OF BROOK -
BELMONT AVENUE

A report related to the installation of a storm drain between Civic #58 and Civic #60 at a cost of \$15,000 was before Council. The City Engineer recommended that the installation of the above storm drain be approved and that the funding for the project be taken from the "Drainage - Unspecified Locations" project item in the 1985 Capital Budget. Ald. Bregante and Hetherington moved adoption of the recommendation. The motion carried.

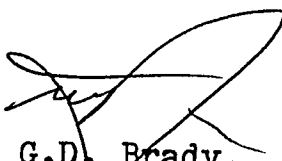
MOTION: Moved by Ald. Bregante and Hetherington that the storm drain between Civic #58 and Civic #60 Belmont Avenue be approved and that the funding for the project be taken from the "Drainage - Unspecified Locations" project item in the 1985 Capital Budget.

COMMITTEE-OF-
THE WHOLE
AGENDA -
MONTHLY
REPORTS

Ald. Greenough and Hawley moved that the Committee-of-the-Whole agenda be forwarded to Council without recommendations. The motion carried.

MOTION: Moved by Ald. Greenough and Hawley that the Committee-of-the-Whole Agenda, Monthly Reports, be forwarded to Council without recommendation.

On motion of Ald. Crawford and seconded by Ald. DeMont Council adjourned.


G.D. Brady,
Deputy City Clerk

Council, June 25, 1985

ITEMS:

- 1) Tourist Bureau Location, page 1.
- 2) Lake Safety Committee, pages 1 to 6.
- 3) Review of School Board by Management Consultants, pages 6 to 9
- 4) Feasibility of Lake Restoration - Report, pages 9 & 10.
- 5) Acquisition of land - proposed sidewalk - Woodlawn Ave., page 10.
- 6) Salaries - Divisional Platoon Chiefs, pages 10 & 11.

ITEMS:

- 7) Birch Cove Canteen Concession, page 11.
- 8) City Council Chamber Sound System, pages 11 & 12.
- 9) Tender 85-04 - Braemar Drive Reconstruction, pages 12 & 13.
- 10) Piping of Brook - Belmont Avenue, page 13.
- 11) Committee-of-the-Whole Agenda - Monthly Reports, page 13.