

Dartmouth, N. S.

July 2/85.

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

Present - Deputy Mayor Sarto

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

The Deputy Mayor advised at the opening of the meeting that he has received regrets from Ald. Withers, Hawley, Bregante and Hetherington, unable to be present for this meeting.

MINUTES

The minutes of the meetings held on June 11th and 18th were adopted, on motion of Ald. Greenwood and Greenough.

DOWNTOWN
DARTMOUTH DAYS

Members of Council have received a letter from the Downtown Dartmouth Corp. Ltd., containing information on the Downtown Dartmouth Days, to be held this year from August 6th to 10th; a tentative schedule of events has also been provided.

The information was received and filed by Council, on motion of Ald. Stubbs and Greenough.

MOTION: Moved by Ald. Stubbs and Greenough that information provided on the Downtown Dartmouth Days (Aug. 6 to 10) program, be received and filed.

SECOND APPROVAL:
CONTRACT 85-04
BRAEMAR DRIVE

On motion of Ald. Greenough and Romkey, Council gave second approval to an over-expenditure in the amount of \$261,300. for Contract 85-04, Braemar Drive upgrading. First approval was given at the June 25th Council meeting.

With reference to the proposed deletion of the gravity sanitary sewer main, in the amount of \$42,215., Ald. Greenough advised that the property owners involved would like to see this project reinstated and they would be willing to bear the cost required. He therefore moved the inclusion of the gravity sewer as part of this tender, subject to acceptable cost-sharing among the residents concerned. The motion was seconded by

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Ald. Crawford and it carried.

MOTIONS: Moved by Ald. Greenough and Romkey that second approval be given to an over-expenditure in the amount of \$261,300. for Contract 85-04, Braemar Drive upgrading.

Moved by Ald. Greenough and Crawford that the gravity sanitary sewer main (\$42,215.) be included in the tender, subject to acceptable cost-sharing among the residents concerned.

EXCHANGE OF LANDS:
SUPERIOR PROPANE
RESOLUTION 85-46

On motion of Ald. Romkey and Greenwood, Council approved Resolution 85-46, authorizing a land exchange between the City and Superior Propane, relating to the May 21st closure of portions of the old Eastern Passage Road and Green Street in Woodside and land required for street construction on Pleasant Street. A report from the Solicitor accompanied this resolution, recommending its adoption.

MOTION: Moved by Ald. Romkey and Greenwood that Council approve Resolution 85-46, authorizing a land exchange between the City and Superior Propane, relating to the May 21st closure of portions of the old Eastern Passage Road and Green Street in Woodside.

BY-LAW C-486:
STREET OPENINGS
& SERVICE CONNECTIONS

Proposed By-law C-486 was before Council, being a by-law which sets out the conditions under which individuals may make service connections, and setting out provisions for openings and excavations in streets. This new by-law would give the City Engineer authority to refuse permits for making excavations in streets if the applicant has in the past failed to comply with the requirements of the by-law. It also provides for an appeal procedure to City Council for a refusal by the City Engineer to grant a permit, and it provides that tapping of City sewer and water mains is to be done exclusively by the City.

The Solicitor reviewed the provisions of By-law C-486 with Council, after which the by-law was given three readings.

It was moved by Ald. Greenough and Crawford and carried that leave be given to introduce the said By-law C-486 and that it now be read a first time.

It was moved by Ald. Greenwood and Greenough and carried that By-law C-486 be read a second time.

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

It was moved by Ald. Greenough and Greenwood and carried that By-law C-486 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-486.

M.T.C. REQUEST:
TRAFFIC LIGHTS

PROPOSED PARKING
LOT IMPROVEMENTS:
MAIN STREET

At the June 18th meeting, Council deferred a decision on two reports, the M.T.C. request for traffic lights and secondly, proposed parking lot improvements, Main Street - pending a presentation by Planning Dept. of the plans for widening and improving Main Street. Both these items involve a decision on the part of Council with respect to the acquisition of lands along Main Street that can be reserved for future street widening purposes, and whether this provision for street widening should be commenced now or at a later time.

Mr. Bayer presented the plan originally before Council for widening and improving the section of Main Street where traffic congestion now exists, including the Main Street/Hartlen Street intersection referred to in the T.M.G. report to Council. The street would be widened to four lanes, with signalization at the intersections, and with proposed improvements for pedestrian movements and greater traffic safety, involving the Helene Ave/Lakecrest Drive access points. Mr. Bayer noted that when this plan was originally presented, there was considerable concern on the part of Main Street business owners about business disruption.

The second plan presented by Mr. Bayer showed the land required for a street reserve along Main Street in order to be able to carry out the widening program at some future time. A total of 39,000 sq. ft. of land is required in total, and funds in the amount of

\$750,000. have been allocated in a former capital budget for this land acquisition program. With authorization from Council, the future street lines could be established and negotiations could go ahead for specific parcels of land as items such as the two before Council come up. It was noted that once improvements to individual properties along Main Street have been made, the land will be more costly to acquire in the future than it is in its present state. Also, the relocation of traffic signals, such as those at Hartlen Street, can be avoided in the future.

Ald. Levandier asked if anything should be done until the Province has given some indication of the improvements to the MicMac Rotary. Mr. Bayer said we should be looking at the widening of Main Street, setting the street lines, and proceeding with land negotiations now.

Ald. Crawford was not in favour of acquiring a street reserve on Main Street until the impact of the 107 By-pass has been determined on traffic patterns in east Dartmouth. He said it will take at least a year after the opening of the highway to find out just how much traffic from the eastern shore and County areas will make use of the new route, and until then, no decision should be taken on the widening of Main Street. He moved that the traffic lights be installed at Main and Hartlen Streets, but that Main Street be left as it is at present, until the impact of the 107 By-pass can be assessed; the motion was seconded by Ald. Levandier.

Ald. Greenough felt that improvements to Main Street are needed, no matter how traffic patterns in east Dartmouth are affected by the new highway. He suggested that some effort should at least be made to acquire land that would permit the traffic signals to be properly situated at Main and Hartlen, so they would not have to be relocated in the future. Ald. Romkey agreed that this is an important consideration if the

City is to avoid relocation costs. His opinion about the need for improvements to Main Street was similar to that of Ald. Greenough; he said they are needed anyway, regardless of the opening of the new highway.

Ald. Stubbs asked why it would not be possible to do something about Helene Ave. immediately, rather than waiting for the complete street-widening plan to be approved. She felt that some of the individual improvements, such as the one at Helene, could proceed in the meantime while we are waiting for the 107 By-pass assessment. Ald. Levandier's idea was to approach the improvements to Main Street as a Main Street Program, with a different emphasis altogether, instead of just widening it to four lanes of traffic.

Ald. Beeler asked if we should not be looking at negotiations with the owners of the property for which parking lot improvements are now being proposed. (Mr. Bayer advised that the land holding involved takes in 68 Lakecrest Drive and 141 & 143 Main Street.) In this way, the proper grades can be established on the property at the time of improvements being made and they will correspond with the City's future requirements. She moved in amendment, seconded by Ald. Stubbs, that negotiations be carried on for the purchase of land from the property owners involved (68 Lakecrest Drive, 141 & 143 Main Street) so that a street reserve can be established in front of this property. The amendment received the support of Council and it carried; the amended motion carried.

MOTION: Moved by Ald. Crawford and Levandier that traffic lights be installed at Main and Hartlen Streets, but that Main Street be left as it is at present, until the impact of the 107 By-pass can be assessed.

AMENDMENT: Moved in amendment by Ald. Beeler & Stubbs that negotiations be carried on for the purchase of land from the property owners of 68 Lakecrest Dr., 141 & 143 Main Street, so that a street reserve can be established in front of this property and the proper grades established at this time.

Having been informed by Mr. Bayer that the allocation for the Main/Hartlen Street lights will have to be included in the 1986 budget, members of Council were concerned about the resulting delay, and a motion was adopted, directing that the lights be installed in 1985, even if an over-expenditure is required to permit this (ie. funds would not be reallocated from one of the other traffic signal installations on the list for 1985, but additional funds would be approved). The motion to this effect, moved by Ald. Greenough and seconded by Ald. Crawford, carried.

MOTION: Moved by Ald. Greenough and Crawford that the traffic lights at Main and Hartlen Streets be installed in 1985, even if an over-expenditure is required; funds would not be reallocated from one of the other traffic signal installations listed for this year.

On motion of Ald. Crawford and Levandier, Council then proceeded to adopt recommendations 2 and 3 from the T.M.G. report of May 30/85. These are as follows:

- 2) Ilsley Ave. & Ronald Smith Drive: signals not recommended.
- 3) Ronald Smith Drive & Burnside Drive: signals recommended for inclusion in the 1986 capital budget.

MOTION: Moved by Ald. Crawford and Levandier that Council adopt recommendations 2 and 3 from the T.M.G. report of May 30/85, as noted above.

MEMBERSHIP:
RECREATION
SUB-COMMITTEE

On motion of Ald. Beeler and Greenwood, Council approved the following members of the Recreation Sub-Committee, as recommended by the M.P.S. Review Committee:

Robert Stitchman	Carmen Moir
Patricia Myatt	Steven Gilmore
Alasdair McKay	Kevin McNamara
Kara Moore	Carolyn Amrault
Helen Foote (residence in Ward 7)	

MOTION: Moved by Ald. Beeler and Greenwood that the above list of names be approved as members of the Recreation Sub-Committee, as recommended by the M.P.S. Review Committee.

Y-LAW C-552:
LAKE SAFETY BY-LAW

Proposed By-law C-552 (Lake Safety) was before Council in its redrafted form, having received first and second reading, with a number of amendments, at the June 25th meeting of Council.

Ald. Romkey said he would like to see further debate on the by-law and more opportunity for input from the public at this point before it is given third reading. He noted that there is considerable concern on the part of windsurfers and the owners of motorized boats, about the restrictions imposed under the by-law. He wanted to see as much access as possible to the lakes for all types of recreational use.

Ald. Crawford asked for procedural clarification and was advised by the Solicitor that debate can go ahead as the by-law presently stands (having received second reading) or a motion for third reading can be introduced and debated also.

It was moved by Ald. Crawford and Stubbs that By-law C-552 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

Ald. Crawford made reference to the submissions that have been received on this subject since the June 25th meeting; these include:

- 1) a petition from members of the MicMac Aquatic Club.
- 2) a letter from Dawna J. Ring, dated June 27/85.
- 3) a letter from D.K. Blamire, dated June 26/85.
- 4) a petition submitted by Vivien A. Blanive, signed by 227 people.
- 5) a letter from George F. Hack, dated June 28/85.
- 6) a petition bearing 12 signatures, the first two being E. Jean Ring & Donald Ring, 2 Clearview Cres.
- 7) a letter from Jane M. Arbour, dated June 30/85.

Ald. Crawford commented on the difficult position in which Council is placed, with the opposing points of view being expressed by interest groups who use Lake Banook. He asked for a response from the Chairman of the Lake Safety Committee, Ald. Greenwood, as to whether suggestions that have been made in the submissions were looked at during the Committee discussions.

Ald. Greenwood pointed out that the prime concern of the Committee was with the safety aspect and the

by-law has been prepared with this important consideration in mind. Consideration was given to the interests of all the groups that appeared before the Committee or sent written submissions, and in all the subsequent discussions, the main concern still focused on safe uses of the lake and the prevention of accidents.

Ald. Greenwood felt that provision in the by-law for an assessment of the situation after a trial period of time is a fair one. He did want to have section 5 of the by-law further clarified, however, and moved in amendment that the sub-sections be changed by adding the word 'dive' in (a), (b), (d) and (e) and 'swim' in sub-sections (c) and (f); the words 'dive' and 'swim' would then be excluded from the opening sentence - eg. No one shall: This amendment was seconded by Ald. Greenough and it carried.

AMENDMENT: Moved in amendment by Ald. Greenwood and Greenough that Section 5 of By-law C-552 be amended to clarify the intent, as noted above.

Ald. Greenwood noted that the Committee did look at the kind of suggestions referred to by Ald. Crawford at the opening of the debate, when he quoted from several of the recently-received submissions.

Ald. Levandier favoured further public meetings to receive additional input on the lake safety issue. He did not think the by-law would receive approval in time to be implemented this summer anyway. The Solicitor provided information on the opportunities given to date for presentations to be made to the Committee, noting that these opportunities were advertised and publicized in the regular way. She suggested it might be helpful for members of Council to have copies of all the material submitted to the Committee during the various meetings held.

Ald. Greenough, a member of the Lake Safety Committee, concurred with the points made by the Chairman of the Committee about the fairness of the trial period provided for to monitor the provisions

of By-law C-552. He suggested that Council might want to consider advancing the review date and directing the Recreation Dept. and the lake patrol service to monitor the situation. Ald. Stubbs asked why all the activities of the various clubs has to be centered around one lake when there are so many others in the City available for use. She favoured some kind of coordination of activities through a schedule, in order to permit better control over the use of Lake Banook by all the interest groups using it.

During the course of the debate, Deputy Mayor Sarto informed Council of a call that Mayor Brownlow has received from an interested citizen, Mrs. Pellerine, and the point of view expressed by her to the Mayor on this item.

At this point, Ald. Romkey proceeded to introduce the following motion, seconded by Ald. Levandier:

That windsurfers and motorized boats be restricted from entering the racing and practice lanes of the paddlers and rowers, and that there be areas, parallel with the racing lanes, to be marked with buoys, for the windsurfers and motorized boats to use, except when the boating clubs are in competition. These areas to be designated after a public meeting is held with the boat clubs, the windsurfers and the general public to be invited to attend, to resolve the problem which now exists in the use of Lake Banook. Also, to find out when the lake is not in use and how it can be scheduled to meet everyone's needs.

The intent of this motion was one of referral to the Lake Safety Committee, and it was presented and voted on as such. The motion to refer carried with Ald. Greenwood, Greenough and Beeler voting against.

MOTION: Referral to the Lake Safety Committee, based on the above motion introduced by Ald. Romkey and Levandier.

Ald. Stubbs then proceeded to move that the Parks & Recreation Dept. undertake to arrange a schedule of activities on Lake Banook, so that they can be coordinated in some orderly form to improve safety on the lake. The motion was seconded by Ald. Crawford and it carried.

MOTION: Moved by Ald. Stubbs and Crawford that the Parks & Recreation Dept. undertake to arrange a schedule of activities on Lake Banook (ie. practice times, events, etc.) so that they can be coordinated in some orderly form to improve safety on the lake.

It was suggested that the Recreation Dept. report back to Council on the degree of cooperation exhibited by the various groups involved, in order to assist in future decisions that may be made about any possible restrictions that have to be placed on the lake.

TOURIST BUREAU
RELOCATION

A recommendation has been made to Council by the Tourist Commission, that the existing Tourist Bureau be relocated from its present site to the other side of Thistle Street, on lands associated with the additional Sportsplex parking lot, assuming that it is feasible for the building to be relocated on this alternate site. Members of Council have also received a cost breakdown, from Ledaire, Morris & Associates Ltd., showing the estimated relocation cost (\$42,600.) and the total cost for the project with the addition planned originally for the building (\$74,000.); altogether the total estimate is \$116,600.

Ald. Levandier considered this cost to be prohibitive, and he moved that a small committee of Council be formed, to meet with various groups in the community to discuss the need for a new Tourist Bureau in the City and where it should be located. The motion was seconded by Ald. Romkey.

Ald. Greenwood did not agree with the motion, pointing out that the Tourist Commission already represents groups within the City who are associated with the tourism industry and their input has gone into this recommendation. He felt the new location being recommended is very suitable and would make use of the Sportsplex parking facilities that are available.

Ald. Crawford referred to a letter received from the Dartmouth Commons Committee, dated June 29/85, on the subject of the proposed relocation, and he

questioned the fact that equipment is now in place to begin working behind the Sportsplex and whether authorization was given for this work to start.

Mr. Fougere advised that a section of land has been allocated to enlarge the Sportsplex parking lot, in keeping with the series of recommendations adopted by Council recently for use of the lands between the Sportsplex and Dartmouth High School. Ald. Crawford wished to have Council's action clarified in this connection, and minutes of the May 7th meeting were reviewed to confirm the decision of Council to adopt Mr. Moir's report and recommendations with respect to the subject of Commons lands.

Ald. Romkey did not think the Tourist Bureau building could be moved for the figure quoted (\$8,000.) and said he would never support such a major expenditure as \$116,000. for the relocation of the Bureau. Ald. Beeler was in favour of the Commission's recommendation, but wanted to see a staff report on the allocation of space in the entire parcel of land that is situated between the Sportsplex and Dartmouth High. She suggested it might be possible to locate the lawn bowling greens in this area. She therefore moved referral to staff (particularly the Recreation Dept.) to prepare some type of visual plan showing proposed land uses for the total area concerned. The motion was seconded by Ald. Greenough.

Ald. Stubbs said she didn't see why the Tourist Bureau could not be located in a section of the Sportsplex. Referring back to the May 7th Council meeting, Ald. Crawford maintained that Council wished to have the Commons recommendations reviewed by the M.P.S. Review Committee, but it was pointed out that the wording of the motion was to 'incorporate' the recommendations in the Municipal Planning Strategy, rather than to have them reviewed. Ald. Beeler made the suggestion that members of Council attend one or two meetings of the

M.P.S. Review Committee to learn more about the review process being followed. She pointed out that everything having to do with planning cannot be put on hold during the next two years while the review process is continuing. Decisions have to be made by Council during this period of time and these then have to become part of the total plan once it is evolved. The Deputy Mayor concurred with the assessment given by Ald. Beeler with respect to the mandate of the Review Committee.

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

MOTION: Moved by Ald. Beeler and Greenough that the item be referred to staff (particularly Recreation Dept.) to prepare some type of visual plan showing proposed land uses for the total area concerned (between the Sportsplex and D.H.S.)

MINUTES:
COMMITTEE MEETING

On motion of Ald. Romkey and Greenwood, the minutes of the May 14th Committee meeting were approved, having been forwarded to Council from the June 25th meeting.

MONTHLY REPORTS

The monthly reports, also forwarded without recommendation from the June 25th meeting, were approved as follows:

- 1) Social Services (May): approved on motion of Ald. Greenough and Greenwood.

Mr. McNeil was available to address some of the financial concerns noted in his report to Council. He suggested that the Community Care Committee may want to meet to discuss the matter of Homes for Special Care billing in excess of the per diem rate approved by the Province. Ald. Stubbs and Crawford agreed that the Committee should meet to deal with this item and to make some recommendation on it.

- 2) Development Officer (May): approved on motion of Ald. Greenwood and Greenough.

Ald. Romkey asked about the number of units that Portland Estates Ltd. is being permitted to connect into the Carver Street sewer system. He was given assurance by Mr. L'Esperance that only the lots in Phase 1 of the development can be tied into this system, and although there have been some changes in lot size, only the number authorized for Phase 1 (237) will be allowed to connect, as originally intended.

Ald. Crawford had an inquiry about item 11 (lands of Dr. S. K. Ummat - Lots A & B, Wyse Road & George Street) and discussed it with Planning Dept. staff.

- 3) Building Inspection (May): approved on motion of Ald. Romkey and Greenwood.
- 4) Minimum Standards (May): approved on motion of Ald. Romkey and Levandier.
- 5) Fire Chief (May): approved on motion of Ald. Greenough and Greenwood.
- 6) Dog Control (May): approved on motion of Ald. Romkey and Greenwood.
- 7) Tourism Director (Bus Tour Statistics, 1984): approved on motion of Ald. Greenwood & Romkey.
- 8) Summary of Revenue & Expenditures, June 2/85: received and filed, on motion of Ald. Greenough and Romkey.

MOTIONS: To approve the regular monthly reports, as detailed above and on page 12 of minutes.

CONTRACT 85536D:
MUNICIPAL SERVICES
BURNSIDE BUSINESS PARK

A report has been submitted to Council on tenders received for Contract 85536D (Municipal Services, Burnside Business Park). Acceptance of the low tender, submitted by Harbour Construction Co. Ltd., in the amount of \$937,660., has been recommended, and the tender was awarded by Council, on motion of Ald. Romkey and Greenough.

Ald. Stubbs inquired where the funds are coming from for this project, and Mr. Fougere said they will come from the Sale of Land Account. Ald. Greenough went on to explain the funding arrangements that were made for the Burnside Business Park, noting that proposals have already been received for a considerable amount of land there already. He said the City is in a good financial position as far as cost recovery goes, being ahead of expectations already with respect to the sale of sites. The motion carried.

MOTION: Moved by Ald. Romkey and Greenough that the tender for Contract 85536D (Municipal Services, Burnside Business Park) be awarded to the low bidder, Harbour Construction Co. Ltd., as recommended.

TENDER FOR
EQUIPMENT:
WORKS DEPT.

Council considered a report on tenders received for Works Dept. equipment, the total for all these items being \$11,180. over the \$174,000. allotted in the Capital from Revenue Budget for them. Approval of an over-expenditure in this amount has been recommended, and the tenders were awarded and first approval given for the over-expenditure, on motion of Ald. Crawford

and Greenwood.

MOTION: Moved by Ald. Crawford and Greenwood that tenders be awarded as recommended for Works Dept. equipment, totalling \$185,180.), and that first approval be given for an over-expenditure in the amount of \$11,180., as recommended.

DRAINAGE:
WAVERLEY ROAD

In a report to Council on servicing plans for Iberia Court and a portion of Montebello Subdivision, Mr. Purdy has recommended that the City construct an extension of the storm sewer on Waverley Road from the existing system at the Irving Service Station, to the existing pipe at Civic #270, with cost-sharing from Iberian Construction Ltd. for the cost of 205 feet of 36-inch pipe, less the cost of 140 feet of 8-inch pipe. Further, that \$60,000. be allocated from the 1984 capital budget for this project.

The recommendation was adopted, on motion of Ald. Greenough and Romkey. Questions from Ald. Stubbs about the cost-sharing arrangements were discussed with Mr. Purdy to her satisfaction.

MOTION: Moved by Ald. Greenough and Romkey that Mr. Purdy's recommendation on the extension of storm sewer on Waverley Road, as detailed above, be adopted.

(On motion of Ald. Levandier and Romkey, Council agreed to continue with the meeting until 11:15 p.m.).

APPLICATION TO
AMEND LAND USE
BY-LAW: 73-77
LAKECREST DR.

An application has been received to rezone the property at 73-77 Lakecrest Drive from the present R-2 Zone to R-3 Zone to permit an apartment building development. Mr. Bayer has recommended that the request be denied for the reasons set out in his report to Council.

Ald. Greenough and Crawford moved the adoption of the Planning Dept. recommendation, but Ald. Levandier felt that the application should at least be allowed to go to the point of a public hearing so that people from the area can be heard. Ald. Greenough questioned whether the property is owned at present by the developer. Mr. Mettam advised Council that the property is completely owned by the applicant.

Ald. Greenough made reference to the Planning

Dept. report and the basis for their recommendation to deny the application. The vote was then taken on the motion and it carried with Ald. Greenwood, Levandier and Beeler voting against.

The Solicitor responded to a question from the floor by explaining the right of appeal procedures available to the developer in this situation.

MOTION: Moved by Ald. Greenough and Crawford that the rezoning application for 73-77 Lakecrest Drive be denied, as recommended by the Planning Dept.

Mr. Bayer gave a brief verbal update on the improvements proposed for the Circumferential Highway/ Pleasant Street intersection, approved by Council at an earlier June meeting.

EXTENSION OF
BUS SERVICE:
EASTERN PASSAGE

On motion of Ald. Crawford and Romkey, Council approved a recommendation from the Transit Advisory Board for the extension of bus route 60 (Eastern Passage), and first approval for an over-expenditure in the amount of \$1,100. for this extension in 1985. (Ald. Stubbs, Greenwood and Levandier voting against.)


NATAL DAY BUS
SERVICE

On motion of Ald. Levandier and Romkey, Council also approved a recommendation from the Transit Advisory Board for additional bus service in Dartmouth on Natal Day, and first approval for an over-expenditure in the amount of \$2,800. to fund the cost involved. (Ald. Stubbs voting against.)

MOTIONS: Moved by Ald. Crawford and Romkey that Council approve a recommendation for the extension of bus route 60 (Eastern Passage) and first approval for the over-expenditure involved (\$1,100.)

Moved by Ald. Levandier and Romkey that Council approve a recommendation for additional bus service in Dartmouth on Natal Day, and first approval for the over-expenditure required (\$2,800.)

Meeting adjourned.


G. D. Brady,
Deputy City Clerk.

City Council, July 2/85

ITEMS:

- 1) Downtown Dartmouth Days, page 1.
- 2) Second approval: Contract 85-04
Braemar Drive, page 1.
- 3) Exchange of lands: Superior Propane,
Resolution 85-46, page 2.
- 4) By-law C-486: Street openings & service connections,
page 2.
- 5) MTC request: Traffic lights)
Proposed parking lot improvements) page 3 to 6.
- 6) Membership: Recreation Sub-committee, page 6.
- 7) By-law C-552: Lake Safety, page 6 to 10 incl.
- 8) Tourist Bureau relocation, page 10 to 12.
- 9) Monthly Reports, page 12 & 13.
- 10) Contract 85536D: Municipal Services
Burnside Business Park, page 13.
- 11) Tender for Equipment: Works Dept. page 13.
- 12) Drainage: Waverley Road, page 14.
- 13) Application to amend Land Use By-law,
73-77 Lakecrest Dr., page 14.
- 14) Extension of bus service: Eastern Passage, page 15.
- 15) Natal Day bus service, page 15.

Dartmouth, N. S.

July 9/85.

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

Present - Mayor Brownlow

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

On motion of Ald. Levandier and Hetherington,
Council agreed to add an item dealing with lands
behind the Sportsplex, and to discuss the item in
conjunction with the Recreation Dept. report on the
subject of lawn bowling, item 5. (g) i) on the agenda.

MOTIONS:

ALD. LEVANDIER

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

1) Ald. Levandier moved, seconded by Ald. Romkey,
that:

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.

Ald. Levandier asked to have his motion, if
adopted, referred to the Police Dept. for further
action. The vote was taken on the motion and it carried.

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

2) Ald. Levandier moved, seconded by Ald.
Hetherington, that:

WHEREAS the City of Dartmouth has a responsibility
to fulfill the planning objectives in the M.P.S.
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.

Speaking on his motion, Ald. Levandier objected to the procedures followed by Council in dealing with the item involving the MacCulloch lands, suggesting that the principles of the public hearing process were undermined by Council's action at the May 14th meeting. He wanted to see the land acquired by the City and protected, instead of carrying on negotiations with a developer, as Council authorized. Mr. Bayer later noted that at this point, there is no rezoning application involved, and Council's action was simply to give staff the authority to proceed with further negotiations with the interested developer. To date, there has been only one brief meeting with the developer, which took place four or five weeks ago; nothing further has been heard from the developer since then.

The Mayor pointed out that a vote would first have to be taken on the motion to rescind, since Council has specified action that is to be taken by staff. Ald. Levandier challenged the ruling of the chair, but the Solicitor explained further why a motion to rescind is first required, in order to nullify Council's original action before going on to do something else. In the case of a motion to reconsider, the exact same issue is again opened up for debate, and this is a different situation than in a motion to rescind.

When the vote was taken on the motion to rescind, it was defeated.

ALD. SARTO

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

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. Sarto explained the intent of his motion to Council and it carried.

MOTION: Moved by Ald. Sarto and Hetherington; text above.

MOTIONS:

ALD. CRAWFORD
BREGANTE
(DEFERRED)

At the request of Ald. Crawford and Bregante, Council agreed to defer their motions until the first regular Council meeting in August.

INQUIRIES:

D. HETHERINGTON

Ald. Hetherington said he wished to congratulate Mr. Turner for the efforts of his staff in having the building demolished on Woodside Ave.; also, to thank the owner, Mr. Pothier for proceeding with the demolition.

ALD. GREENWOOD

Ald. Greenwood asked about the status of the Dartmouth Shipyard, in the light of the financial difficulties faced by the Halifax Shipyard and the uncertain future of that operation. He proceeded to move, seconded by Ald. Hetherington, that a strongly-worded letter of concern be forwarded to the Federal and Provincial Governments, seeking support in order to keep the Dartmouth Shipyard operation going, in view of the impact that its closure would have on the people employed there and on the community. Ald. Hetherington spoke in favour of this motion and stressed the importance of Council's action in trying to save the shipyard operation. The motion carried.

MOTION: Moved by Ald. Greenwood & Hetherington that a strongly-worded letter of concern be forwarded to the Federal and Provincial Governments, seeking support in order to keep the Dartmouth Shipyard operation going, in view of the impact that its closure would have on the people employed there and on the community.

Ald. Greenwood asked to have the T.M.G. look at the possibility of a Stop sign being erected at the bottom of Middle Street.

(Ald. Beeler was present from this point onward in the meeting.)

ALD. LEVANDIER

Ald. Levandier asked to have someone from staff meet with Murray Logan of Claude W. Vincent to discuss improvements needed to the sidewalk area in front of this business.

He asked when the item dealing with left turns at the Angus L. MacDonald bridgehead, will be back before Council, and was advised that Ald. Withers has requested that it be on the agenda for next Tuesday, July 16th.

Ald. Levandier asked that something be done immediately about the scrap yard on Shore Road and the infilling and dumping taking place there.

ALD. BREGANTE

Ald. Bregante's first inquiry concerned the delay in demolition of the old Jebailey store on Pleasant Street. Mr. Fougere noted that the tender has been awarded for this and said he would follow up further on the inquiry.

Ald. Bregante was concerned about equipment left in the back of a City vehicle parked at the City Hall parking lot over the weekend. He said he removed the tools himself from this vehicle. The inquiry was discussed further by Ald. Bregante with Mr. Moir.

ALD. STUBBS

Ald. Stubbs presented a petition signed by sixteen residents of Trinity Ave., concerning the condition of the roadway through to Springhill Road. She asked for a report for next Tuesday as to the feasibility of expropriation to resolve the property boundary dispute involved in this instance.

Ald. Stubbs' second inquiry pertained to the provisions of the Election Act as they relate to the qualifications of a full-time vs a part-time Mayor and the proportionate payment received for services in both cases. The Solicitor noted that an amendment to what is Provincial legislation, would be required to make such a provision, but she pointed out that if the Council of the day felt strongly about this question of stipend, they could deal with it at the municipal level.

Ald. Stubbs was concerned about the decision of the Municipal Board in the case of the Lund property, against the refusal by City Council to rezone the property from R-1 to TH Zone. She asked if Council could contest the legality of such a decision, considering that it was made by only one member of the Board. The Solicitor explained that decisions of the Municipal Board, rendered by only one member, are valid, and it is not in order for Council to contest such decisions.

In response to other questions from Ald. Stubbs about other points contained in Mr. Morash's report to Council on the decision (July 3/85), the Solicitor provided information on the case made for the City and on the efforts that were made to secure expert planning and traffic witnesses. Area residents were called as witnesses, along with a police officer from the Traffic Division, to attest to the traffic problems already existing in the area. The Solicitor said the best possible case was mounted for the City that it could be without the benefit of expert evidence.

Ald. Greenough and Romkey were two other members who indicated their objection to a process which allows one person to overturn the decision of a municipal Council. Ald. Romkey subsequently moved that a letter be forwarded to the Minister responsible for the Municipal Board, indicating displeasure with the rendering of such decisions by one person who is thereby able to overturn decisions made by an entire municipal council on a local issue. The motion was seconded by Ald. Hawley and it carried.

MOTION: Moved by Ald. Romkey and Hawley that a letter be forwarded to the Minister responsible for the Municipal Board, indicating displeasure with the rendering of decisions by one Board member, who is thereby able to overturn decisions made by an entire municipal council on a local issue. (ie. the majority of an entire Council.)

ALD. SARTO

Ald. Sarto's inquiry had to do with flooding problems on Cranberry Crescent, involving a number of properties from 140 to 148. Mr. Moir advised that a meeting with those residents is planned for the morning of July 12th. to discuss this problem.

ALD. HETHERINGTON

Ald. Hetherington advised that a petition for 24-hour operation is being circulated by the owners of the Texaco station in Woodside. He said his fourteen-year-old daughter was asked to sign the petition when it was presented at his address. He wanted to have Council take some action to oppose this application and to give area residents a forum for expressing their opposition also. (Ald. Greenwood declared a conflict of interest in connection with this item and withdrew from his seat on Council while it was discussed. Ald. Greenwood operates a Texaco service station in the north end of Dartmouth.)

Since the application will have to go to the Board of Public Utilities, it was suggested by the Mayor that representations could be made at the time of the application being heard. Ald. Hetherington subsequently introduced the following motion, which was seconded by Ald. Sarto:

That staff be instructed to take whatever steps are necessary and possible to try to ensure that the residents in the area of Woodside Texaco are notified of any hearing before the P.U.B., and have an opportunity to appear before the Board to express their opinions on the desirability of that operating opening for 24-hour service.

The motion carried.

MOTION: Moved by Ald. Hetherington and Sarto:
text above.

LETTER: REQUEST
FROM WIDOWS

Members of Council have received copies of a letter from June B. Rudderham, on the subject of property taxes being paid by widows and requesting tax relief. Council agreed to deal with this request at the July 16th Council meeting.

NOTICE OF MOTION:
ALD. LEVANDIER

The following notice of motion was given by
Ald. Levandier for the regular August meeting of
Council:

WHEREAS it is my opinion that the Minimum
Standards By-law is presently not strong enough;
THEREFORE, BE IT RESOLVED that Council ask
the Solicitor to review the by-law, with the
intent being to strengthen it.

SECOND APPROVALS:
OVER-EXPENDITURES

Second approvals were given as follows by
Council for over-expenditure items approved at the
July 2nd meeting:

TENDER: WORKS
DEPT. EQUIPMENT

1) On motion of Ald. Sarto and Greenough, second
approval was given to an over expenditure in the amount
of \$11,180., covering the tender for Works Dept. equip-
ment, as per the report to Council of June 26/85.

MOTION: Moved by Ald. Sarto and Greenough that
second approval be given to an over-
expenditure in the amount of \$11,180.,
covering the tender for Works Dept.
equipment.

TRAFFIC LIGHTS:
HARTLEN & MAIN STS.

2) On motion of Ald. Greenough and Greenwood,
second approval was given for an over-expenditure
that will be required in order to proceed with the
installation of traffic lights at Main and Hartlen
Streets in 1985, as per the decision of Council, taken
at the July 2nd meeting.

MOTION: Moved by Ald. Greenough & Greenwood
that second approval be given for an
over-expenditure that will be required
in order to proceed with the installation
of traffic lights at Main & Hartlen Sts.
in 1985.

EXTENSION OF BUS
SERVICE: EASTERN
PASSAGE

3) On motion of Ald. Sarto and Bregante, Council
gave second approval for an over-expenditure in the
amount of \$1,100., for the extension of bus service
on Route 60, to be implemented as part of the August
pick/schedule change. Ald. Stubbs opposed the motion
and voted against.

MOTION: Moved by Ald. Sarto and Bregante that
second approval be given for an over-
expenditure in the amount of \$1,100.
for the extension of bus service on
Route 60, to be implemented as part of
the August pick.

NATAL DAY BUS SERVICE

4) On motion of Ald. Hetherington and Greenwood, Council gave second approval for an over-expenditure in the amount of \$2,800. for additional bus service in Dartmouth on Natal Day, as per the M.T.C. staff report of June 1/85 (approved and recommended by the Transit Advisory Board).

MOTION: Moved by Ald. Hetherington & Greenwood that second approval be given for an over-expenditure in the amount of \$2,800. for additional bus service in Dartmouth on Natal Day.

PRESENTATION:
SCHOOL COMMUNITY
CENTRE

Mr. George Cottreau, representing Le Comite du Centre Scolaire-Communautaire, made a presentation to Council in connection with the proposed establishment of a French school-community centre for the Halifax-Dartmouth metro area. He circulated copies of the submission from his organization, which outlines the services and facilities that the proposed centre would encompass. Support for this project is being sought from Dartmouth City Council, although funding for the centre would come from the Federal and Provincial levels of government and not from the municipality in which it would be located. Possibly, however, a site might be requested at some future time if a decision were made to locate the centre in Dartmouth.

Ald. Levandier and Hetherington moved approval of the request in principle, although it was noted by Ald. Hetherington that he had seconded the motion for purposes of debate only. His concern was that such a program would end up costing the City money and would result in adverse budget decisions that would impact on existing programs within the City school system. He referred to difficult decisions that had to be made at budget time in order to prevent drastic cuts in education services, and suggested that if funding arrangements with other government levels were to be terminated, the City would end up with the expense, as it has done with other programs in the past. Ald. Romkey had similar concerns, and felt that the City already has an adequate French-

language program without becoming involved in the one proposed. He said he was opposed to the implementation of programs that the City cannot afford, and it was his opinion that French-speaking families will be segregated from the Anglophone community if this community centre concept is adopted. Mr. Cottreau responded by saying that his group does not intend to create a ghetto situation for French-speaking citizens, but the centre proposed would provide an outlet for the desire of some people to express themselves in their own language and culture. If other people wished to participate as well, they would be free to do so.

Asked if the French School Community Centre would come under the jurisdiction of the Dartmouth District School Board, Mr. Cottreau said that if the present legislation does not change, it would have to be administered by the Dartmouth Board. However, the Francophone community would hope to have changes in the legislation that would permit the kind of input they wish to have. This point came up several times during the debate and Ald. Hetherington pointed out that if the centre were administered by the Dartmouth Board, the funding impact would be felt within our own school system. It was noted that Council would be under no obligation to approve funding for operational expenses at budget time if this were the case.

Ald. Greenough, Levandier and Beeler supported the request for a 'moral' endorsement of the community centre concept; they felt that the culture of a community is enriched as a whole through the participation of its language and ethnic groups when they are able to make a contribution through their own individual cultures. Ald. Greenough referred to the value that has been derived through the Shannon Park School, which has been completely funded through other government levels, with no financial commitment at all on the part of the City.

Ald. Hetherington remained opposed to the concept,

based on the possibility of its detrimental effect on our own school system, and Ald. Stubbs also felt that other government levels will not maintain the necessary funding commitments to keep such a centre operating. She felt the organization should have put a package together before making an approach to the City and/or to the Federal Government and the Province. Such a centre should be operated, she said, by a separate Board (similar to that of the Regional Vocational School) and not the the Dartmouth District School Board.

When the vote was taken on the motion on the floor, it carried with Ald. Stubbs, DeMont, Bregante, Hetherington and Romkey voting against.

MOTION : Moved by Ald. Levandier & Hetherington that Council give approval in principle to the request for support of a French School Community Centre, as outlined in the presentation of Mr. George Cottreau.

CN RAIL
RELOCATION

Mr. Moir has submitted a report to Council on the subject of CN rail relocation in the downtown, recommending the establishment of a Committee, comprised of three Council members, plus three staff members recommended, to study this matter and to meet with Provincial, Federal and CNR officials regarding the possibility of: (1) relocating the marshalling yard to a location in the Burnside area; and (2) also, to discuss the possibility of the relocation of the rail line through the downtown area of the City. Ald. Greenough and Sarto moved the adoption of Mr. Moir's recommendation.

Ald. Levandier spoke in support of the recommendation, and there^{was} some further debate on the effect of removing CN lines from the downtown, in relation to businesses that require rail service in south Dartmouth. Ald. Hetherington said he would not want to see the Woodside Industrial Park adversely affected when it is just starting to attract new industries. Members felt that all of these points will be addressed when the Committee proposed starts to meet for discussion.

The vote was taken on the motion and it carried.

On motion of Ald. Sarto and Hetherington, Council then approved the appointment of Ald. Romkey, Levandier and Greenwood to the Committee, along with the staff members noted in Mr. Moir's report, namely, the Director of Planning & Development, the City Engineer, and the City Administrator (or their designates).

MOTIONS: Moved by Ald. Greenough and Sarto that Mr. Moir's recommendation on the subject of the CN rail relocation, be adopted.

Moved by Ald. Sarto & Hetherington that Council approve the appointment of Ald. Romkey, Levandier and Greenwood to serve on the Committee recommended, representing Council, along with the staff members noted above.

PLAQUE: MUSEUM
SOCIETY

On motion of Ald. Bregante and Romkey, Council adopted a recommendation from Mr. Moir that the Dartmouth Museum Society be granted permission to erect a bronze plaque, marking the Hartshorne/Tremaine gristmill, this site selection to be made in cooperation with the City Recreation Dept.

MOTION: Moved by Ald. Bregante and Romkey that Council give permission, as recommended, for a bronze plaque to be erected by the Dartmouth Museum Society, marking the Hartshorne/Tremaine gristmill; site selection to be made in cooperation with the City Recreation Dept.

DOG CONTROL
CONTRACT

Council considered a report prepared by Mr. Moir in connection with points raised when the dog control contract for this year was being debated. Mr. Moir has recommended: (a) that Council adopt Section 4 as an amendment to the contract (use of dogs for medical or related research); (b) that Section 3 (a monthly fee for appearance before Committee meetings) not be accepted; and (c) that the suggestion of an orientation session with the new Council, to explain the authority of the dog pound operator, be adopted.

These recommendations were approved by Council, on motion of Ald. Sarto and Greenough. Ald. Beeler requested that when the tender is being prepared next year, part of the contract conditions include the provision for appearance at Committee meetings by the pound operator (or his designate).

MOTION: Moved by Ald. Sarto and Greenough that Mr. Moir's recommendations be adopted with respect to the dog control contract, as per his report of July 2/85. These recommendations are detailed on page 11 of the minutes.

BUS SHELTER:
ALDERNEY DR.

Another report from Mr. Moir was before Council on the subject of the bus shelter on Alderney Drive and repairs to it. Based on the direction given by Council at the May 28th meeting (ie. to have the building repaired 'as was'), this work can be done for \$21,361.36, based on a quotation received from Thomas R. Inkpen. If Council were to want tempered glass used in the window replacements, the design of the building has to be changed somewhat and the extra cost would be \$14,738.64.

Based on Council's previous decision on this matter, Mr. Moir has recommended that the tender submitted by Mr. Inkpen be accepted, in the amount of \$21,361.36 to have the bus shelter repaired 'as was'.

Ald. Hetherington and Sarto moved the adoption of the recommendation, but Ald. Greenough and Beeler felt that the tempered glass should have been used, due to concerns expressed already at Council (by Ald. Crawford) about the use again of the plastic substance, such as was used in the structure originally. An amendment moved by Ald. Greenough and Greenwood, to go to the tempered glass, was ruled out of order as being contrary to the intent of Council's original directive. The vote was taken on the motion and it carried with Ald. Beeler, Greenough, DeMont, and Greenwood voting against.

MOTION: Moved by Ald. Hetherington and Sarto that the bus shelter on Alderney Drive be repaired 'as was', based on the tender received from Thomas R. Inkpen, in the amount of \$21,361.36 (covered by the insurance on the structure).

INTEREST RATE
FOR IMPROVEMENTS
RESOLUTION #85-47

On motion of Ald. Stubbs and Sarto, Council adopted Resolution #85-47, setting the interest rate for improvements installed in 1983 and 1984, at the rate of 12% for 1985.

MOTION: Moved by Ald. Stubbs and Sarto that Council adopt Resolution #85-47, setting the interest rate for improvements installed in 1983 and 1984, at the rate of 12% for 1985.

UNCOLLECTIBLE
ACCOUNTS RECEIVABLE

On motion of Ald. Stubbs and Sarto, Council approved a report and recommendation from the Deputy City Treasurer, to write off accounts receivable totalling \$67,915.82, as they have been listed in the report.

MOTION: Moved by Ald. Stubbs and Sarto that Council approve a report and recommendation from Mr. Corrigan, to write off accounts receivable totalling \$67,915.82, as listed in the report.

LAWN BOWLING
GREENS

As requested, Mr. Atkinson has submitted a report on the matter of lawn bowling greens and a suitable location for these, taking into account the concerns that were expressed when the proposed location was next to the Findlay Community Centre. Along with this report, a plan has been prepared (as requested) showing how lands can be allocated for use between the Sportsplex and Dartmouth High School, including a section set aside for the creation of lawn bowling greens. Included in this overall plan is an allocation for additional Sportsplex parking, for two soccer fields, and for the retention of passive park areas in conjunction with the total plan. Tennis courts are shown on the conceptual plan as well.

Ald. Beeler proceeded to move the adoption of the four recommendations from Mr. Atkinson's report, which are as follows:

- 1) that an alternate site be chosen for the construction of the lawn bowling greens (ie. other than at Findlay Community Centre).
- 2) that consideration be given to locating the greens on the Commons lands between the Sportsplex and the existing soccer field.
- 3) that suitable landscaping improvement be developed at Findlay Community Centre lands to retain the park environment.
- 4) that means be explored to obtain funds to construct a pavilion for the storage of equipment such as lawn bowls and provide shelter for lawn bowlers.

The motion was seconded by Ald. Sarto. Ald.

Beeler indicated her intention to add another recommendation as a separate motion later.

Ald. Levandier felt that there is a need to have the issue of the lands behind the Sportsplex clarified, in view of the controversy generated over the parking lot project and information that has been communicated, causing undue concern to citizens when both sides of the issue have not been presented. He was concerned that the integrity of Council has been challenged in this instance, without justification, and said that procedures followed were correct. Nothing wrong or underhanded has been done, contrary to the impression that has been given to the public through media reports on this matter. He said it is time for the other side of the issue to be presented and for the air to be cleared once and for all. He was prepared to stand by the decision of Council from the May 7th meeting, when a series of recommendations were adopted by Council with respect to the Dartmouth Common and its uses.

Ald. Bregante said he was under the impression at that time that the individual items, such as the Sportsplex parking lot, would come back to Council through the M.P.S. planning review process. He asked if the additional parking lot being developed is to be paved. Mr. Moir said it will be gravelled only at this time, and Ald. Bregante suggested that if the Sportsplex had waited for another year, money could have been budgeted for paving instead.

Ald. Stubbs presented a series of questions about the parking lot being developed and the authority for this project; the questions are as follows:

- 1) What was the purpose of the bulldozing and clearing of about 160-foot strip of land behind the Sportsplex? Mr. Moir said it was to create an additional parking lot, in accordance with the recommendations approved at the May 7th Council meeting.

- 2) By what or whose authority was it done? Did City Council approve a plan detailing the size and use of this land following a general conceptual report to Council, dated April 30/85, which refers to ' . . . a portion of the land . . . for additional parking at the Sportsplex'? Mr. Moir advised that the work was performed on the authority of D.R.L. (Dartmouth Sportsplex Commission).
- 3) Was there a development plan indicating the boundaries of the bulldozed area? Was there a deed transfer to any commission or agency of the City of Dartmouth? If not, who was the surveyor who marked the boundary of this property without such guarantee of ownership and rights? Mr. Moir said there was no deed transfer since the land is still in the ownership of the City, as is the site of the Sportsplex itself. The Engineering Dept. and a City survey crew prepared the plan, and Mr. Moir discussed the plan with staff on June 22nd. Originally, a 180-foot strip of land was to have been included, but it has since been reduced to 150 feet.
- 4) What was the cash price or asset credit assessed for this land? If so, were there negotiations in any form for recovery of its value? Mr. Moir again pointed out that the property in question is still owned by the City.
- 5) What legal action can be taken by City Council for this improper and illegal manipulation of public lands? Mr. Moir did not feel that an improper or illegal action has been taken. He said only the Solicitor could respond to this question.
- 6) What is the relationship of the Dartmouth Recreation Ltd. to City Council? Is the legislation creating the Dartmouth Sportsplex Commission and all the regulations in effect? In reality, who is responsible to whom in this case? The Solicitor advised that the Sportsplex Commission is constituted in a manner similar to the Non-Profit Housing Society, that is, associated with but independent of the City. An Act was proclaimed to establish the Commission and Council is represented on it in the same way as the Non-Profit Housing Society and the Dart. District School Board.
- 7) Is any report of parking needs prepared for the managers of the Sportsplex, available for the information of Council? It was noted that such a presentation has been made to Council last summer by Mr. Rogers.
- 8) Was a decision made firstly about the primary role of the Sportsplex (ie. community vs. commercial)? Then, was consideration given to the usual planning statistic of one parking space for each seats in the complex? Mr. Moir said it was always intended to be a community centre, but some commercial events are scheduled to help the complex pay for itself and meet operating costs. When these take place, there are larger numbers of people attending and more parking is required. (Other events requiring additional parking would be school music programs, graduations, etc.)

- 9) Will Council receive any parking extension plans for the Sporrplex for their approval before that body starts on any such program? Mr. Moir said that if Council wishes to see the parking lot layout, it can be made available.
- 10) Has the Chairman and the General Manager been informed of their role in relationship to City Council? Or is Council merely a rubber stamp and expected to bail this group out each year with the taxpayers' money? Mr. Moir advised the duties of the General Manager and the Chairman's duties are spelled out in the legislation, and Council has control over the Sportsplex budget when it is submitted each year. This operation expects to be in a break-even position this year and is already well on the way to meeting this commitment.
- 11) Since the Chairman has already publicly and arrogantly told callers on one occasion "that the authority had been given by City staff to proceed, and this authority was given by City Council when they adopted the policy" (apparently referring to the City Administrator's report dated April 30/85), did the General Manager also agree with this premature and illegal parking expansion? Mr. Moir said the plan was prepared by City staff, it went to the Sportsplex Finance Committee, and from there, on recommendation of the Committee, was approved by the Board. When the Board gave approval, it was conditional upon a review in consultation with City staff.
- 13) If this erroneous assumption by the Chairman is proven incorrect, should Council call for his resignation? For the same reason, if the General Manager gave the directive, or was aware of it, does this warrant his dismissal? Mr. Moir said this would be up to Council and he could not respond.
- 14) If the Sportsplex Board/Commission had authority to do the work, why was it stopped after the first day, following complaints and embarrassing questions by City Council? Mr. Moir said it was his understanding that the equipment operating there had problems and had to be replaced when other equipment was available.
- 15) If there was a question about this project, what happened by the following Saturday (July 5) when three earth movers, a bulldozer and trucks moved in and finished the job? See answer given to question 14.
- 16) If Eric Whebby was the contractor, how much was he paid for the work he did on this site? Were public tenders called for the project? What did the contract with the contractor include? Mr. Moir said this information is not available here at the present time.

Ald. Stubbs took the position that there should have been a public hearing after the staff recommendations to the Dartmouth Common came to Council, so they could have been discussed by interested groups.

Ald. Greenough noted that a public hearing was

held initially, when all interested parties had an opportunity to make presentations and be heard by Council. The matter was then referred to staff for a report and recommendations, based on the public input received; this was done and staff presented their report at the May 7th Council meeting, when the recommendations were adopted. He said Council has made a decision and should now stand by it. The other point he made concerned the purchase by the City of the Trizec land holdings in this area for over one million dollars. He said it was never Council's intention to make such a major purchase without making use of the land for the kind of purposes required, including use by Dartmouth High School. Ald. Romkey said he wanted to congratulate the Sportsplex for getting on with the parking lot project as quickly as they have, since this was the direction given by Council.

Ald. Stubbs moved in amendment that this matter be referred back to staff to relocate the lawn bowling greens on a section of the area designated now for additional Sportsplex parking; the amendment did not receive a seconder.

Before the vote was taken on the motion, Ald. Beeler referred to the letter received from Mr. Earl Cooke, copies of which have been circulated, noting that Mr. Cooke's name has been removed from the petition (re the bowling greens at Findlay Centre), as he has requested. The vote was then taken, and the motion on the floor carried, with Ald. Stubbs voting against.

Ald. Beeler then moved, seconded by Ald. Sarto, that the Dept. of Parks & Recreation be instructed to develop a plan in conjunction with the residents, to rejuvenate and revitalize the park at Findlay Community Centre. This motion also carried.

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Ald. Beeler then moved, seconded by Ald. Sarto, that the Dept. of Parks & Recreation be instructed to develop a plan in conjunction with the residents, to rejuvenate and revitalize the park at Findlay Community Centre. This motion also carried.

MOTIONS: Moved by Ald. Beeler and Sarto that Council approve the four recommendations contained in Mr. Atkinson's report to Council, dated July 4/85, re lawn bowling greens.

Moved by Ald. Beeler and Sarto that the Dept. of Parks & Recreation be instructed to develop a plan, in conjunction with residents, to rejuvenate and revitalize the park at Findlay Community Centre.

(On motion of Ald. Greenough and Levandier, Council agreed to continue meeting beyond the hour of 11:00 p.m.)

Mr. Earl Cooke wished to be heard by Council and he proceeded to read the contents of his letter, copies of which had been circulated. This letter is referred to on page 17 of these minutes. He has indicated a preference for the location originally proposed for the bowling greens, as opposed to their location on lands behind the Sportsplex.

After Mr. Cooke's presentation, the meeting was adjourned. ⁱⁱⁱ

Bruce Smith,
City Clerk-Treasurer.

City Council, July 9/85

ITEMS:

- 1) Motions: Ald. Levandier, page 1 & 2.
Sarto, page 2 & 3.
- 2) Inquiries: page 3 to 6 incl.
- 3) Letter: Request from widows, page 6.
- 4) Notice of Motion: Ald. Levandier, page 7.
- 5) Second approvals: Over-expenditures
Tender: Works Dept. equipment
Traffic lights: Hartlen & Main Sts. page 7
Extension of bus service: Eastern Passage
Natal Day bus service, page 8.
- 6) Presentation: School Community Centre, page 8 to 10.
- 7) CN Rail relocation, page 10.
- 8) Plaque: Museum Society, page 11.
- 9) Dog control contract, page 11.
- 10) Bus shelter: Alderney Dr., page 12.
- 11) Interest rate for improvements: Res. 85-47, page 12.
- 12) Uncollectible accounts receivable, page 13.
- 13) Lawn bowling greens, page 13 to 18 incl.

Dartmouth, N. S.

July 15/85.

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

Present - Mayor Brownlow

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

LAKE SAFETY
BY-LAW

The Lake Safety Committee has met, as requested by Council at the July 2nd meeting, and has looked at the possibility of scheduling uses on the lake, either by providing for scheduling in the Lake Safety By-law (C-552) or by agreement among the various users of the lake. The Committee has made the following recommendations back to Council:

- 1) that the by-law be referred back to the Solicitor to incorporate in the by-law, provision for windsurfers to use the lakes, along with anyone else, on Sunday and Tuesday nights in the summertime; and in the months of April, May, September, October & November, that the lakes be available for use by windsurfers and others between 9:00 a.m. and 6:00 p.m. daily.
- 2) that the various groups and individuals using the lakes be encouraged to abide by this scheduling on the honour system, bearing in mind that compliance or lack of compliance, will have a bearing on the future deliberations of the Lake Safety Committee

Other material circulated at this time included:

- 1) a proposed amendment to By-law C-552, submitted by Ald. Romkey.
- 2) a letter from Jane M. Arbour, dated July 15/85, with accompanying data compiled by her on the use of Lake Banook.
- 3) a letter from Dr. Helen Creighton, dated July 13/85.
- 4) a letter from Dr. & Mrs. Frank Ahman, dated July 10/85.
- 5) a petition from MicMac A.A.C., indicating support for a by-law which restricts the use of Lake Banook by windsurfers, to the Paddler's Cove area for the summer of 1985.
- 6) a letter from Mr. Scott Logan, dated July 9/85.
- 7) a letter from Mr. & Mrs. George Pelton, dated July 15/85.

- 8) a letter from Mrs. Vivien Blanive, dated July 15/85.

In view of the large attendance in the public gallery for this item, Ald. Levandier proceeded to move that Council hear representations from the public, on the understanding that just one spokesman be heard on behalf of each of the groups present. The motion was seconded by Ald. Romkey and it carried.

MOTION: Moved by Ald. Levandier and Romkey that Council hear representations from the public at this meeting, on the understanding that just one spokesman be heard on behalf of each of the groups present for the lake safety item.

Ald. Stubbs asked if there may be a conflict of interest involved in the case of Council members who are also members of a boat club. Mr. Moreash noted that he is not in a position to advise members of Council in this regard, but since the conflict-of-interest aspect refers to a pecuniary or monetary interest, it would be unlikely that any such interest would be involved in the case of a boat club membership.

FIRE & EXPLOSION:
IMPERIAL OIL
REFINERY

Ald. Bregante indicated to Council his wish to present a motion pertaining to the recent explosion and fire at the Imperial Oil Refinery. With the concurrence of Council, he proceeded to move that letters of thanks be forwarded to the following, for their assistance:

The R.C.M.P. Halifax Police Dept.
Ports Canada Police Military Police
Dartmouth Police Dept. & Fire Dept.
Shearwater Fire Dept.
Imperial Oil Fire Dept. and staff.

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

Ald. Bregante also requested that Council be brought up-to-date on the City EMO plan and how people would be notified if they were required to leave an area. He further requested that Council be informed of the results of the Imperial Oil investigation as soon as they become available. Mayor Brownlow advised that the investigation is not yet complete, but the City will receive information once the results are known.

MOTION: Moved by Ald. Bregante and Stubbs that letters of thanks be forwarded to the various departments and agencies listed on page 2 of these minutes, thanking them for their assistance during the recent explosion and fire at the Imperial Oil refinery.

Circulated for the information of Council in this connection, were reports from Mr. Fougere, the Emergency Measures Coordinator, a report from the Chief of Police, and a report from the Fire Chief.

LAKE SAFETY
BY-LAW

The Mayor advised Council of the action taken to date on proposed By-law C-552, which has now received first and second reading, and was referred to the Lake Safety Committee in third reading, from the July 2nd meeting. He suggested that it would be in order to have the report from the Committee read aloud for the benefit of the public present in the gallery and this was done. Ald. Greenough explained that the Chairman of the Committee, Ald. Greenwood, has been called away from the meeting to deal with a personal problem and for that reason, would be unable to be present for the lake safety item. He commended the amount of time and effort the Chairman has put into the Committee and trying to resolve the issue. The meeting was then turned over to presentations from those interested groups in attendance.

Council first heard from Mr. Owen Sawler, who spoke on behalf of rowers who use Lake Banook. He noted that there are many other lakes in the City that could be used by the windsurfers and Halifax harbour is also available for this sport. He did not feel that there is enough room on Lake Banook for rowers, paddlers and windsurfers, especially when any one of these craft are being operated by inexperienced people. He said that inexperienced windsurfers cannot stop their boards any faster than an inexperienced rower can stop a shell or a kayak. He referred to the Olympic quality of rowers from Dartmouth and the significance of rowing over the many years it has been associated with the Dartmouth lakes.

He noted that on one evening recently, there were no less than 48 windsurfers on Lake Banook, leaving no room for any other type of activity. Besides the safety aspect that should be considered, there is the matter of damage to the boats themselves, and Mr. Sawler pointed out that it costs \$15,000. to replace an eight-oared shell. Referring to the recent accident on Lake Banook, involving a rower and a windsurfer, he said the rower was in his own lane when the accident occurred; the accident resulted in considerable damage to the shell involved.

Mr. George Hack spoke on behalf of residents and boardsailors in the City, suggesting that the present controversial situation on Lake Banook could have been avoided if guidelines for use of the lake had been in place some time ago, and if a schedule of events were to be posted, identifying clearly those times when the lake is required for specific events and by the various groups wishing to use it. He took exception to the fact that the sailboards are always identified as being the problem and considered this to be an unfair attitude which reflects badly on the sport. He said there are times when there is hardly anyone on the lake at all, and felt there should be sections of it that boardsailors can be permitted to use without jeopardizing the safety of canoeists and rowers. He was in favour of having a fair and equitable distribution of time worked out among the clubs on the lake, so that all sports can be accommodated, and residents living along the lake have an opportunity to make use of it as well. With a proper enforcement of guidelines, the lake would be large enough to permit all the groups wanting to use it.

Mr. Jim Slayter of the Senobe Club addressed Council on behalf of canoeists who use Lake Banook. He compared Lake Banook to a ski slope, pointing out that 'hot-doggers' and inexperienced skiers would not be permitted on slopes where they present a danger,

and a similar situation can be seen on the lake when inexperienced windsurfers come into the path of shells, war canoes, kayaks, etc. He said the importance of enforcement by the lake patrol has to be emphasized and anyone causing a problem on the lake should be removed. The canoe clubs have a big investment on Lake Banook and it is considerably larger than that of the windsurfers. Mr. Slayter was in favour of giving the lake patrol more authority to enforce controls on the lake.

Ms. Linda Ahman , a resident living on the lake, commented on the survey she conducted, documenting lake useage over a period of days, the results of which have been circulated to members of Council with her accompanying letter. She noted that at times during the period of the survey, there were no rowers or canoists on the lake at all, and she questioned any restriction that would require residents living on the lake to take their boards to another lake altogether to sail them. She felt that the patrol boat on Lake Banook is spending an undue amount of time at the MicMac Club instead of patrolling the lake as required, and she questioned a possible bias on the part of the operator in favour of rowers and canoists. She said she would like to know just how much time the operator is spending just parked and not carrying out his patrol duties. She went on to comment on instances where the patrol boat operator has picked up people from privately-owned boats to transport them to and from locations on the lake. Her suggestion was that the patrol boat should be operated by someone from the City Police Dept. instead. She also favoured a better attempt at compromise through a scheduling of events and activities on the lake. She noted that during the recent windsurfing regatta, war canoes and shells came into the section of the lake where the regatta was being held, causing a problem and creating a possible safety risk when it could have been avoided. Her opinion of

the Lake Safety Committee was that it has not been impartial enough and has tended to favour the canoe clubs. She maintained that the Chairman and the Committee should have taken a more neutral position, and that the proposed safety by-law should not be slanted in one direction only.

Mr. Sandy Fraser, a resident of Oakdale Crescent, would have liked to see the by-law address the problem of noise in connection with lake useage and dangerous practices on the water, such as people standing up in boats and operating them in an unsafe manner. He agreed that the lake patrol operator should perform his duties in an impartial way, without showing any preference for one group over another.

Ms. Jean Ring expressed her concern that development has been allowed to take place around Lake Banook, thereby intruding on a lake that should have been retained for paddling and rowing uses. She said there is no consideration being shown on the lake now, and she did not see how sports can continue to be added to it with any degree of enjoyment for people using it.

One of the young paddlers present also spoke on behalf of that group, pointing out that many of the children and young people on the lake are inexperienced rowers and paddlers who are placed in danger when wind-surfers are in the rowing course.

On motion of Ald. Levandier and Stubbs, the public hearing portion of the meeting was ended at this point, and Council went on to discuss the item.

Speaking on behalf of the Lake Safety Committee, Ald. Greenough explained the efforts that have been made to concentrate primarily on the safety aspect of the use of Lake Banook, without restricting unduly the activities of any one particular group. The intent was to accommodate the interests of all, but mainly to address the question of safety, and it was originally felt that a monitoring of the situation during a trial

period would assist the Committee in their assessment of how the proposed by-law was working out, over a period of time. Ald. Greenough and Hetherington moved that the recommendations of the Committee be adopted (ie. referring the by-law to the Solicitor and the scheduling of an honour system for useage of the lake, as detailed on page 1 of the minutes).

Ald. Romkey did not support the motion and instead, presented a proposed amendment to By-law C-552, that would control the use of the lake through a flag system, as outlined in the submission circulated by him. Ald. Greenough said the Committee reviewed this idea, but felt that in order for the system to work, times for use would still have to be designated and therefore, the idea has not been recommended.

Ald. Levandier was willing to support the recommendations of the Lake Safety Committee, but he asked if some area other than on Lake Banook could not be developed with a launching ramp, on City land, for the use of windsurfers. Mr. Bayer noted that the City owns a considerable amount of land on Lake MicMac, but it is not accessible by roadway to the lake. The other point made was that there is not time to prepare such a launch area for use this summer anyway. Ald. Hawley was concerned that if windsurfers make the move to Lake MicMac, there could be further problems there with power boats and water skiers. Ald. Hawley asked about the rights of residents living on the lake (to make use of it) and discussed the point further with the Solicitor.

Ald. Stubbs said she could not go along with the report from the Committee because it does not suggest any alternatives. She felt the groups involved have to be responsible for their own action and such responsibility should not be expected of City Council. The people who want to use the lake must get together, she said and reconcile their differences. She wanted to have further information obtained on the lake patrol boat and the

service being provided by the operator. Mr. Moir said he is intending to take the matter up further with the Chief of Police.

Ald. Stubbs was in favour of trying the flag system proposed by Ald. Romkey and opposed the motion on the floor. Ald. Hetherington said the use of the lake by swimmers is an important consideration that has not been touched on much in the debate. He described the windsurfers as the 'new kids on the block' and felt that their interests have to be regarded in this light, recognizing the paddling traditions of the City that have existed over the years.

When the vote was taken on the motion, it carried with Ald. Withers, Romkey, Bregante, Stubbs and DeMont voting against.

MOTION: Moved by Ald. Greenough & Hetherington that the recommendations of the Lake Safety Committee be adopted (ie. referral to the Solicitor, etc. as outlined on page 1 of these minutes).

Council took a short recess at this point, and then reconvened. Ald. Stubbs said it is important for the public to recognize the point made earlier about the responsibility these groups must take upon themselves, rather than expecting Council to assume this role. The Mayor agreed with the point made by Ald. Stubbs and asked if the Committee could contact the groups involved to impress upon their representatives, the onus that rests with them to be responsible among themselves. Ald. Greenough noted that if the honour system referred to in recommendation #2 is not adhered to, the Committee will act accordingly and the by-law will reflect that.

Council proceeded to deal with some of the items on the July 16th agenda, as previously suggested.

LAND: WADDELL AVE.

A report from Mr. Rath was considered on the sale of City lots located on Waddell Ave., this item having been before Council previously at the March 19th meeting. It has been recommended that tenders be called for the sale of lots X-5, X-4 and X-3 on Waddell Ave.,

subject to the conditions contained in Mr. Rath's report of June 25/85.

Council adopted this recommendation, on motion of Ald. Greenough and Hawley.

MOTION: Moved by Ald. Greenough and Hawley that Council adopt a recommendation from Mr. Rath, pertaining to the sale of City lots on Waddell Ave., to the effect that tenders be called for sale of lots X-5, X-4 and X-3 (subject to conditions specified in Mr. Rath's report).

LAND: SHELL
CANADA PRODUCTS

As authorized some time ago by Council, negotiations have been carried on with Shell Canada, for acquisition of a 35-acre parcel of land owned by them, off MacDonald Ave. in the Burnside Industrial Park. The company has now agreed to sell Parcel A to the City for a price of \$210,000., and to a right-of-first-refusal on the purchase of Parcel B.

In a report to Council on this item, Mr. Rath has recommended the purchase of Parcel A for the price of \$210,000., under the conditions set out on pages 2 and 3 of the report, dated June 21/85. Funds for the acquisition of the land would be drawn from the Surplus Sale of Land account.

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

MOTION: Moved by Ald. Greenough and Romkey that Council approve the recommendation from Mr. Rath with respect to the acquisition of land owned by Shell Canada in the Burnside Park, as it has been outlined above.

FAMILY HOUSING
UNIT LOCATIONS

In a report to Council, Mr. Moir has recommended Council's approval for the locations proposed for five family housing units in Dartmouth, these being:

9 Lilac Street (2 units)
373 Prince Albert Road (2 units)
50 Irving Street (1 unit)

Ald. Beeler and Romkey moved the adoption of the recommendation, but Ald. Hetherington again objected to the fact that most of these units are to be located in ward 7 when he has requested previously that other locations be found throughout the City instead of con-

centrating such units in the south end of Dartmouth.

It was noted that there is only a certain amount of money allocated for the purchase of lots in conjunction with family housing units, and properties tend to be too expensive in other sections of the City. Ald. Hawley said if this is the case, maybe the City should be looking at some form of subsidization that would make it possible for other lots to be acquired and thereby spread the housing units across the City and not just in one or two areas. Ald. Stubbs said the importance of tenant selection should not be overlooked in resolving this problem.

When the vote was taken on the motion, it carried with Ald. Hetherington and Bregante voting against.

MOTION: Moved by Ald. Beeler and Romkey that the locations proposed for five family housing units in the City, be approved as recommended; the locations are noted on page 9 of these minutes.

LAND: 92 HAWTHORNE ST. In keeping with the policy established some years ago by Council, to purchase properties around Sullivan's Pond, as they become available, Mr. Moir has recommended the acquisition of 92 Hawthorne Street for the negotiated price of \$78,000.; this amount to be taken from the Capital authorization: Purchase of land. Details of this land acquisition are contained in Mr. Moir's report to Council, dated July 11/85.

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

MOTION: Moved by Ald. Stubbs and Bregante that Council approve the purchase of the property at 92 Hawthorne Street, for the negotiated price of \$78,000., as recommended in Mr. Moir's report of July 11/85.

SCHOOL BOARD
REVIEW

As directed by Council at the June 25th meeting, Mr. Moir has submitted proposed terms of reference for a study of the funding and efficiency and educational effect of the Dartmouth District School Board. It has been recommended that the terms of reference be adopted in order for the study to proceed.

Ald. Romkey and Bregante moved the adoption of the recommendation, but Ald. Romkey subsequently asked why these terms of reference did not go to the School Board, as well as to Council. Mr. Moir explained why this was not done, and at the request of Ald. Greenough, agreed to have them circulated to Board members for their information.

Ald. Peters brought Council's attention to the reference in Mr. Moir's report to the objection raised by School Administration staff to the study being conducted by Mr. Bill Hayward (ie. on the basis of possible bias due to his involvement with the Union of Nova Scotia Municipalities). He considered this to be a 'ridiculous' comment on the part of Administration staff and asked to have it noted. When the vote was taken on the motion, it carried.

MOTION: Moved by Ald. Romkey and Bregante that terms of reference for the School Board study, as submitted and recommended by Mr. Moir, be approved.

REQUEST: DARTMOUTH
LIONS CLUB

A report from Mr. Moir was before Council on a large willow tree on Prince Albert Road, that has to be removed, since it is uprooted and presents a danger to the public in the state it is in. The Dartmouth Lions Club would like to plant a tree at Sullivan's Pond, in memory of a fellow Lion, the late Gerry Clancey, and Mr. Moir has therefore recommended that the Parks & Recreation Dept. be granted permission to remove the uprooted tree and the Lions Club permitted to plant a maple tree as requested; the planting of this tree to be under the supervision of the Parks & Rec. Dept.

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

MOTION: Moved by Ald. Bregante and Withers that approval be given to a recommendation from Mr. Moir, on the removal of a tree from the Sullivan's Pond area, to be replaced with a maple tree that will be planted by the Dartmouth Lions Club.

CONTRACT 85-06:
SIDEWALK CONSTRUCTION

Contracts have been received as follows for

Contract 85-06, Sidewalk Construction:

Municipal Contracting Ltd.	\$617,096.90
Steed & Evans Ltd.	687,954.00
Ocean Contractors Ltd.	729,135.50

Acceptance of the low bid, submitted by Municipal Contracting Ltd., has been recommended by Mr. Purdy, with Mr. Moir's concurrence, and Council approved the awarding of the tender, as recommended, on motion of Ald. Withers and Hawley.

MOTION: Moved by Ald. Withers and Hawley that the low bid for Contract 85-06, received from Municipal Contracting Ltd., be accepted as recommended.

WATER & SEWER
REPLACEMENTS

A report from Mr. Moir was considered, in connection with a memo prepared by Mr. Purdy on the subject of water and sewer replacements required on Celtic Drive and Cleveland Crescent. Since Contract 85-03 is underway in this area (street construction), it is being recommended that Council approve an extension to the contract with Municipal Contracting Ltd. to cover the replacement of 1770 feet of 6" watermain and reconnection of 55 services on Celtic Drive, at a cost of \$98,680. Further, that the cost of these replacements be charged to the Water Utility's depreciation funds and that application be made to the Public Utilities Board for permission to use this amount from the fund.

The other recommendation is that Contract 85-03 also be extended to include the replacement of 788 feet of sewer on Cleveland Crescent, at a cost of \$46,760., the cost of this project to be classified as a prepaid item and included in the 1986 capital budget.

Council approved the above recommendations, on motion of Ald. Bregante and Peters.

MOTION: Moved by Ald. Bregante and Peters that Council approve Mr. Moir's recommendations with respect to water and sewer replacements, as extensions to Contract 85-03, as detailed above.

REQUEST:
ADMIRALTY PLACE

Mr. Moir has reported to Council on a request from the Marketing Coordinator for Admiralty Place, for permission to place a banner (flag) and three musicians on the Dartmouth ferry on Dartmouth Natal Day, Mon., August 5th. The possibility of them purchasing sufficient ferry tokens to present one to each traveller on that day, is also being explored with City staff.

Mr. Moir has recommended that Admiralty Place be granted permission, as requested, and that details be worked out with City staff. The recommendation was adopted, on motion of Ald. Romkey and Greenough. Mr. Moir noted that a flag will be flown on the ferry rather than a banner, as originally proposed.

MOTION: Moved by Ald. Romkey and Greenough that Admiralty Place be granted permission to place a flag and three musicians on the Dartmouth ferry on Natal Day, details to be worked out with City staff. The possibility of them giving out ferry tokens that day is also being explored.

VIDEO APPLICATION:
222 PLEASANT ST.

On motion of Ald. Hetherington and Bregante, Council indicated no objection to an application for a retail video outlet at 222 Pleasant Street, Tony's Grocery.

MOTION: Moved by Ald. Hetherington & Bregante that Council indicate no objection to an application for a retail video outlet at 222 Pleasant Street.

LAND USE BY-LAW
AMENDMENT: HEIGHT
RESTRICTION

As directed by Council, the Planning Dept. has looked into the need for height restrictions on accessory buildings in residential zones, and has recommended that the Zoning By-law be amended accordingly, and that staff be instructed by Council to hold an information meeting in this connection.

The recommendation was adopted, on motion of Ald. Hetherington and Romkey.

MOTION: Moved by Ald. Hetherington & Romkey that staff be instructed to hold an information meeting in connection with the proposed amendment to the Zoning By-law, which would impose height restrictions on accessory buildings in residential zones.

BY-LAW C-525:
LUND PROPERTY

As required, based on the recent Municipal Board decision with respect to the Lund property, Council has been asked to approve By-law C-525, which will amend the Land Use By-law by rezoning the Lund property from R-1 Zone to Townhouse (TH) Zone.

Members of Council were reluctant to proceed with the approval of the by-law, since a decision of Council on this rezoning application was overturned by the Municipal Board and only one member of the Board was able to make this decision. The concerns of Council in this connection were voiced and a motion adopted at the July 9th meeting. The Solicitor noted that Council has a legal duty to proceed with the by-law, since the order from the Municipal Board is a valid one and must be duly carried out by Council. A motion proposed by Ald. Hawley and Hetherington, not to approve the by-law, was declared by the Mayor to be out of order.

Having received the Solicitor's information on Council's obligation with respect to the By-law, the members agreed to proceed with it, but remained opposed to the action of the Municipal Board and objected to the fact that one Board member is able to overturn a decision made by a duly elected municipal council.

It was moved by Ald. Levandier and Hetherington and carried that leave be given to introduce the said By-law C-525 and that it now be read a first time.

It was moved by Ald. Hetherington and Levandier and carried that By-law C-525 be read a second time.

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

MOTIONS: First and second reading given to By-law C-525, rezoning of the Lund property.

Ald. Beeler asked to have a letter from the Lakes Advisory Board re the Nicole Court development and siltation from that development entering Oathill Lake, either dealt with at this meeting or on July 16th. Council agreed to put the item on the July 16th agenda.

NICOLE COURT
DEVELOPMENT

UPDATE: DART.
TRANSPORTATION STUDY

On motion of Ald. Levandier and Greenough, Council received and filed an update report from Mr. Bayer on the status of the Dartmouth Transportation Study. The report explains why there have been delays in completion of the study, and Mr. Bayer advised Council that his department is in receipt of the large amount of technical information and data that has been compiled to date. Ald. Levandier expressed his dissatisfaction with the way the study has proceeded and the amount of time taken to finish it.

MOTION: Moved by Ald. Levandier & Greenough that Council receive and file a report from Mr. Bayer, giving an update on the status of the Dartmouth Transportation Study.

DAHLIA STREET
PETITION

As requested, the T.M.G. has discussed a petition from Dahlia Street residents, seeking parking restrictions on their street, and has recommended to Council that parking be removed from the south side of Dahlia St. between the hours of 10:00 a.m. to 11:00 a.m., Monday to Friday.

Council adopted this recommendation, on motion of Ald. Levandier and Bregante.

MOTION: Moved by Ald. Levandier and Bregante that the recommendation of the T.M.G. on the restriction of parking on Dahlia Street (as detailed above) be adopted.

PLEASANT ST.
HIGHWAY 111
INTERSECTION

On motion of Ald. Hetherington and Bregante, Council received and filed for information, a report submitted by Mr. Bayer on the proposed redesign of the Pleasant Street/Highway 111 intersection; this report was accompanied by a plan for the redesign.

MOTION: Moved by Ald. Hetherington & Bregante that Council receive and file for information, a report from Mr. Bayer (with accompanying plan) for the proposed redesign of the Pleasant Street/Highway 111 intersection.

MONTHLY REPORTS

The regular monthly reports to Council were approved as follows:

- 1) Social Services (June): approved on motion of Ald. Greenough and Bregante.

- 2) Development Officer (June): approved on motion of Ald. Hetherington and Levandier.

Ald. Hetherington inquired about the subdivision application involving Lots DC-1A & 1B (Gaston Rd.) and questioned the adequacy of the existing sewer to take this additional development; he also questioned problems with additional traffic. It was requested by Ald. Hetherington that both these points be addressed by staff and the T.M.G.

- 3) Building Inspection (June): approved on motion of Ald. Hawley and Bregante.

- 4) Minimum Standards (June): approved on motion of Ald. Hawley and Bregante.

- 5) Fire Chief (June): approved on motion of Ald. Hetherington and Withers.

Ald. Hetherington requested additional information for the June 16th meeting on the number of false alarms received.

- 6) Tourism Director (Tourist Bureau registrations for June, 1985, and season to date): approved on motion of Ald. Greenough and Beeler.

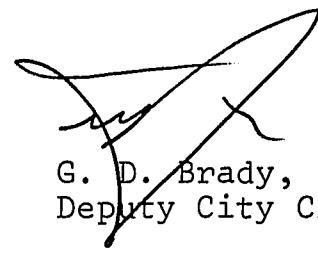
Ald. Hetherington made reference to a flyer which appeared with the June 18th Mail-Star, entitled 'Summer in the City'. He wanted to know why Dartmouth was not promoted in this tourism flyer, and asked to have the matter taken up with the Tourism Director.

- 7) Ferry Supt. (Feb., March, April & May): approved on motion of Ald. Greenough and Withers.

MOTIONS: To approve the regular monthly reports, as detailed above and on page 15 of these minutes.

The remainder of the agenda is to be completed at the July 16th meeting.

Meeting adjourned.



G. D. Brady,
Deputy City Clerk.

City Council, July 15/85

ITEMS:

- 1) Lake Safety By-law, page 1 & 2.
- 2) Fire & explosion: Imp. Oil Refinery, page 2.
- 3) Lake Safety By-law, page 3 to 8 incl.
- 4) Land: Waddell Ave., page 8.
- 5) Land: Shell Canada Products, page 9.
- 6) Family Housing Unit locations, page 9 & 10.
- 7) Land: 92 Hawthorne St., page 10.
- 8) School Board review, page 10 & 11.
- 9) Request: Dartmouth Lions Club, page 11.
- 10) Contract 85-06: Sidewalk construction, page 12.
- 11) Water & sewer replacements, page 12.
- 12) Request: Admiralty Place, page 13.
- 13) Video application: 222 Pleasant St., page 13
- 14) Land Use By-law Amendment: Height restriction, page 13.
- 15) By-law C-525: Lund property, page 14.
- 16) Nicole Court development, page 14.

City Council, July 15/85

ITEMS: (continued)

- 17) Update: Dartmouth Transportation Study, page 15.
- 18) Dahlia Street petition, page 15.
- 19) Pleasant Street/Highway 111 intersection, page 15.
- 20) Monthly reports, page 15 & 16.

Dartmouth, N. S.

July 16/85.

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

Present - Mayor Brownlow

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

MINOR VARIANCE
APPEAL HEARING:
7-9 JACKSON RD.

This meeting of Council constituted the public hearing of a minor variance appeal, from Pentagon Investments Ltd., assessed owner of property at 7-9 Jackson Road, against the decision of the Development Officer to deny the granting of a minor variance under Section 79 of the Planning Act. This request was denied on the basis that it does not fall within those areas identified in the Planning Act which permit the Development Officer to make such a variance. A letter, communicating this decision of the Development Officer, was forwarded to Mr. James Chen, on behalf of Pentagon Investments Ltd., in a letter dated April 10/85. The applicant was informed at that time of his right to appeal the decision of the Development Officer, directly to City Council, as per Section 81 of the Planning Act.

The Mayor reviewed the process to be followed during the course of the hearing, advising that any persons living within 100 feet of the address 7-9 Jackson Road have the opportunity to speak either for or against the appeal application.

Mr. Bayer made the Planning Dept. presentation, outlining in chronological order the development processes which took place in north Dartmouth on long linear lots with apartment buildings until a consolidation of such lots was encouraged and accomplished in order to improve development standards in this section of the City. He then went on to review the development process applicable to the property under consideration, namely,

7-9 Jackson Road, where an application was originally granted for construction of a two-family dwelling. This building has subsequently been converted to four units, but the property does not meet the 100-foot street frontage requirement for such a building, under the R-3 Zone, and therefore Pentagon Investments Ltd. has applied for a minor variance so that this number of units can be maintained; at present, the lot in question has only a 50-foot frontage.

Mr. Bayer went on to explain why the request for a minor variance was not granted by his department, pointing out that the recourse of the property owner in this instance is through a direct appeal to Council.

Council then heard Mr. Chen, on behalf of Pentagon Investments Ltd., and he stated that Mr. Bayer has correctly outlined the history of the apartment building in question. He circulated copies of a plan showing Lots 45Y and 45Z, owned by Pentagon Investments Ltd. on Jackson Road, and reviewed the land transactions which have taken place, leading up to the present ownership status of the land and building at 7-9 Jackson Road. One of his purposes in circulating this plan was to show members of Council how an additional 50-foot frontage could be secured to make up the 100 feet required in order to permit four units in the building at 7-9 Jackson Road. He said that when the company first acquired the building, it was in a dilapidated condition and cost \$150,000. to renovate. In view of the size of the two units in the building, it was decided to seek a variance so that four units could be created in the building. He said he was willing to concede that the present lot size does not meet the zoning requirement, but he felt that the amenity space available in conjunction with the 45-unit apartment building next door (also owned by the company) is quite adequate to serve the needs of the tenants at 7-9 Jackson Road. He said the company did not intentionally violate the zoning by-law, but

considered that a request for a minor variance would be preferable than proceeding by means of a request for a zoning change.

Mr. Chen said it is the opinion of neighbors in the area that the appearance of 7-9 Jackson Road has been enhanced since it was acquired by Pentagon, and he indicated to Council that he has received a letter of support from several adjacent property owners who are not opposed to the variance request. Ald. Greenwood later asked to have this letter read for the information of Council, and it was read aloud by Mr. Chen. The letter has been signed by the owners of property at 10, 11, and 12 Jackson Road. Mr. Chen also commented on the present lack of housing accommodation in the City and suggested that Pentagon are trying to create additional housing units by increasing the number to four in this particular building.

Ald. Hawley said he could not understand why the company went ahead with additional units when they only had a permit for two. Mr. Chen noted that an application for the variance was submitted to the City to permit these additional units, but Ald. Hawley pointed out that according to Mr. Bayer's report of July 9/85, the units were being created in February of this year, whereas the request for a minor variance was not made until April. Ald. Hawley said that no one should think they can circumvent the regulations of the City in this manner.

Ald. Greenough felt it was important to clarify the point made by Mr. Chen about a lot consolidation that would provide the necessary 100-foot frontage required to permit four units. Mr. Bayer referred to the plan circulated by Mr. Chen, noting the location of the DeWolfe property in the middle of the Pentagon land holding; with the DeWolfe property in this position, he said he could not see how a continuous 100-foot frontage could be established.

The Mayor called for representations either for

or against the appeal, from any person living within 100 feet of the property concerned. Hearing none, the public hearing was declared to be over.

It was then moved by Ald. Greenwood and Stubbs that the request for a minor variance, from Pentagon Investments Ltd., be denied. The motion carried.

The Solicitor advised that no further action on the part of Council would be required. If there is any violation of the building permit or a by-law existing, action can now be initiated by staff to deal with it.

MOTION: Moved by Ald. Greenwood and Stubbs that the request for a minor variance, received from Pentagon Investments Ltd., for the property at 7-9 Jackson Road, be denied.

APPLICATION TO
AMEND LAND USE

BY-LAW: 453 PORTLAND ST.

This date was set by Council for the public hearing in connection with an application from the Penhorn Area Residents Association, to have the property known as 453 Portland Street (under option to Trico Construction Ltd.) rezoned from R-2 Zone to R-1 Zone. The Planning Dept. has recommended that Council not proceed with this rezoning request, based on the opinion of the department that the use of the property for a duplex or semi-detached housing use is reasonable and provides a compatible transition to other land uses in the area; it is felt that there is no justification for the removal of the existing R-2 Zone. (Planning Dept. report of June 5/85.)

Also circulated in connection with this item were: (a) a letter from Mr. Robert MacDiarmid of 66 Lorne Ave.; (b) a letter from Mr. Murray Ritch of the Penhorn Area Residents Assn; and (c) a petition, bearing over 200 names of people who support the rezoning application.

The Mayor noted that the petition bears the name of Ald. Peters, and he advised the Alderman that his participation in the debate or in a decision by Council on this issue, could jeopardize the disposition

of the matter. Having received this information, Ald. Peters acknowledged that he has signed the petition as a resident living in the area, and he indicated his intent to participate in the debate.

Mr. Bayer made the Planning Dept. presentation, showing Council a plan of the 4.1 acre site under consideration, in its relation to existing development around it. He also showed Council a typical development plan that could be applied to the site, producing either 26 single housing units with R-1 zoning or 52 units with R-2 zoning.

The Mayor then called for representations from the public on the part of anyone in favour of the rezoning application. Mr. Barry Romkey of 34 Beckfoot Drive addressed Council on behalf of the Penhorn Area Residents Assn., speaking in support of a change to R-1 zoning. He said the application was brought about as a result of the concerns of area residents about R-2 development taking place on the land in question and the incompatibility of such development with R-1 homes already in the area. He referred to the petition circulated and the fact that it received endorsement from almost one hundred percent of the residents living in Manor Park and on Joffre Street. He felt that the integrity of existing neighborhoods should be maintained, since the people who have purchased homes in Manor Park have made substantial commitments in doing so, from a financial point of view. They are concerned that R-2 development next to their properties will have a detrimental effect on property values.

Mrs. June Rudderham said she did not understand how R-2 zoning could be considered for such a low wet piece of land with a stream running through it. She referred to problems that are already occurring with the Nicole Court development and run-off from that site entering Oathill Lake.

The other speaker heard in favour of the application was Ms. Linda Tanner of 9 Beckfoot Drive. She asked about the type of duplexes that would be put on the R-2 lots if the present zoning were maintained. She also referred to the considerable investment that area residents have made in their homes and the taxes that are paid on houses with this kind of assessment. She was concerned about statements attributed to the developer when TH zoning was being considered for these lands, with respect to low-cost duplexes that could be put on the site. This point was later clarified by the developer and by Mr. Tom Swanson. According to Mr. Swanson's statement, the developer said that if he did not buy this land and develop it, someone else might and put low-cost housing on it.

Representations were called from anyone opposed to the rezoning application, and Council heard Mr. Shamus Rooney, on behalf of the developer, Trico Construction Ltd. Mr. Rooney informed Council of the efforts that were made to proceed with a townhouse development, but it was not acceptable to the residents. Since that time, he said he has tried to consult with them on an R-2 development, but instead, the residents went ahead with an application to have the land zoned to R-1 Zone. He assured Council of his intent to proceed with a high-quality development and one that would not detract from or be detrimental to existing development in any way.

Mr. Drew Sperry of Sperry Associates Ltd., showed to Council a number of lot configurations that can produce various numbers of housing units on the total land holding. The one being proposed is for 36 semi-detached units on a cul-de-sac, comprised of eighteen buildings. He said the developer has been attempting to come up with a proposal that would be acceptable to the residents and has been working on the project in good faith. Therefore, it does not seem fair to take

away zoning that has stood on the land for some time now and on which this development plan is based.

Ald. Hawley asked if some guarantee could be given by the developer that the plan shown to Council would be adhered to. Mr. Rooney said he would guarantee that the developer would not exceed the thirty-six units now being proposed. Ald. Greenough asked about the exterior of the buildings, and was given assurance by Mr. Sperry that they would be compatible with the houses in existing neighborhoods around the site.

Since the area residents have not had an opportunity to look at this most recent plan, presented here by Mr. Sperry, Ald. Hawley asked if it would be possible to have some type of response from them at this point in the hearing. The Solicitor pointed out that Council is not obligated to make any decision on the application this evening, and the hearing could be adjourned to a specific date and time, in order to give the residents an opportunity to review the plan with the developer.

Ald. Peters and Beeler proceeded to move that the public hearing be adjourned to Wed., July 31st at 5:30 p.m. Most members of Council were in favour of the motion, but it was opposed by Ald. Levandier and Greenwood. They felt that a decision on the application should be made one way or the other at this meeting, instead of adjourning the hearing to another date.

Mr. Romkey and Ms. Tanner spoke again at this point in the debate, both indicating the position of area residents in favour of R-1 zoning for the land and the opposition to date, to R-2 development of any nature.

Mr. Tom Swanson of Alderney Consultants was present to respond to questions about the installation of municipal services, and advised that servicing plans are 70% complete, but they cannot be finalized until lot sizes have been established. Mr. Fougere advised that the plans for drainage would have to go to the

Lakes Advisory Board as well, for their consideration.

Council did not want to hold up the developer, if a compromise can be reached with area residents and development is allowed to proceed. It was for this reason that the date of adjournment was set for July 31st rather than August 27th, as proposed initially. Ald. Levandier's objection was based on this lengthy delay during the construction season. It was noted that if the residents decided to withdraw their application in the interim, this would be in order and would permit the development to go ahead, since the land is properly zoned R-2 for the development being proposed.

Mr. Paul Downing of 17 Peddars Way also stated to Council the wish of area residents to have R-1 zoning on the land involved.

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

MOTION: Moved by Ald. Peter and Beeler that the public hearing be adjourned to Wed., July 31st at 5:30 p.m. (to give residents an opportunity to review the development plan).

Ald. Greenough presented a petition from residents of Mountain Ave., requesting traffic pattern changes, sidewalk installation, and a reduction in the posted speed limit, in order to improve traffic safety on this street. On motion of Ald. Greenough and Stubbs, the petition was referred to the T.M.G. for consideration and report.

MOTION: Moved by Ald. Greenough and Stubbs that a petition from residents of Mountain Ave., be referred to the T.M.G. for consideration and report.

Ald. Withers was also permitted to introduce a petition, signed by residents of Lakeview Ave. who are seeking to have their street repaved because of the poor condition it is in. When this item came before Council, at a later point in the agenda, Ald. Withers introduced the following motion, seconded by Ald. DeMont:

PETITION:
MOUNTAIN AVE.
RESIDENTS

PETITION:
LAKEVIEW AVE.

That this matter be referred to the Engineering Dept., with instructions to have a report submitted to Council within the next sixty days, giving estimates of cost for the improvements and recommendation on how and when these improvements can be carried out.

MOTION: Moved by Ald. Withers and DeMont:
text above.

REQUEST FOR
TAX RELIEF
FOR WIDOWS

A letter received from Mrs. June Rudderham, seeking some form of tax relief for widows in their early fifties, was before Council, and was accompanied by related documentation on the subject of tax relief measures, including the staff report of April 25/85 and minutes of the April 23rd Council meeting when this subject was previously dealt with.

Ald. Greenough noted that it would be unlikely that Council could implement any further changes in By-law C-297 until 1986, and he proceeded to move referral of the letter to staff for an additional update on relevant statistics, the cost implications and any other information staff would deem to be helpful to Council in this connection. The motion was seconded by Ald. Levandier and it carried.

MOTION: Moved by Ald. Greenough & Levandier that the letter from Mrs. J. B. Rudderham re tax relief for widows, be referred to staff for an additional update on relevant statistics, the cost implications, and any other information staff would deem to be helpful to Council in this connection.

LETTER: CHAMBER
OF COMMERCE
BILL 70

Members of Council have received copies of a letter from the Dartmouth Chamber of Commerce, expressing their concern about the implications of Bill 70, recently passed by the Provincial Legislature; Bill 70 is 'An Act Respecting a Uniform Closing Day for Retail Businesses'.

While the Chamber has no objection to Sunday store closing, they are opposed to the requirement that stores be closed on the following holidays: Labour Day, Thanksgiving Day, Victoria Day and Boxing Day; in recent years, stores have remained open in Dartmouth for shopping on those holidays, if they wished to do so.

Council heard from Ms. Kaye Collins, Chairman of the Retail Committee for the Chamber, and she commented

further on the points of objection raised by ^{the} Chamber. She noted that there is provision in the new bill for designation of a tourist area by the municipality, and within the area so designated, stores will be permitted to remain open on the holidays specified. The Solicitor provided further information to Council on the exceptions permitted under Bill 70, especially that section which pertains to the designation of a tourist area, wherein businesses wishing to operate on a holiday would also have to secure a permit.

Ald. Levandier was concerned that Bill 70 came into being without any consultation with the municipalities who end up having to deal with the store-closing issues, and make the by-laws to enforce provisions of the bill. Ald. Hawley felt there is a need for Council to have a report from the Solicitor on the implications of Bill 70, after it can be studied by him more thoroughly.

Mr. Fred Crooks also spoke for the Chamber and it was his suggestion that Council might wish to consider proceeding with the designation of a tourist area to overcome the present store-opening problems. He said he would be willing to meet with Mr. Moreash and to do anything he could to assist in this designation.

Ald. Greenough and Stubbs moved referral to the Solicitor for a report (as proposed by Ald. Hawley) and to prepare a by-law for the July 31st meeting, that would permit stores to stay open on the four holidays mentioned earlier, namely, Victoria Day, Labour Day, Thanksgiving Day, and Boxing Day. This would be accomplished through the tourist area designation referred to and would be applicable to all retail areas in the City. Ms. Collins asked if it would be possible for the Chamber representatives to consult with Mr. Moreash in the interim, and the Mayor said this would be acceptable to Council.

Mr. Chester Smith, President of the MicMac Mall Tenants Assn., advised Council that approx. \$76,000.

is paid out in wages on a holiday at the MicMac Mall. He provided other statistics to show the financial impact of being able to have retail businesses open in Dartmouth on a holiday. The motion on the floor carried.

MOTION: Moved by Ald. Greenough and Stubbs that the matter of the store closing provisions of Bill 70 be referred to the Solicitor for a report on the implications of this bill, and to prepare a by-law, for the July 31st meeting, that would permit stores to stay open on the four holidays noted: Victoria Day, Labour Day, Thanksgiving Day & Boxing Day.

LETTER:
SHINERAMA

On motion of Ald. Sarto and Romkey, Council received and filed a letter from Shinerama (Canadian Cystic Fibrosis Foundation), regarding their Shinerama blitz to be held on Sept. 5/85. The request is to permit this event, held annually by Dalhousie students. Council did not indicate any objection to the event.

MOTION: Moved by Ald. Sarto and Romkey that Council receive and file a letter from the Shinerama organization, requesting permission to hold this event on Sept. 5/85. Council did not indicate any objection to the event.

Ald. Stubbs inquired again about the petition she submitted on behalf of Trinity Ave. residents, and asked to have a report from the Solicitor for the July 31st meeting on possible expropriation.

Ald. Stubbs was concerned about the possible misconception that has been left with people over the action of Council at the July 15th meeting, with regard to the use of Lake Banook by the boat clubs and the windsurfers. Ald. Greenough and the Mayor pointed out that while the by-law has not been enacted yet, all of these organizations have been put on an honour system and the situation will be monitored to determine which groups are abiding by the recommendations of the Lake Safety Committee. It was felt that this adherence to an honour system has been communicated to the groups and understood by them. Therefore, they must be willing to accept responsibility for the actions of their own members.

AWARD TENDER:
CONTRACT 85-08A

Tenders have been received as follows for
Contract 85-08A, diesel standby generator and automatic
transfer switch for the Lake Lamont Pumping Station:

Seaborad GM Diesel	\$125,650.00
Sanson Equipment	131,981.00
GEC Diesels Inc.	138,158.36
N. S. Tractors	143,091.00

Acceptance of the bid submitted by GEC Diesels
Inc. has been recommended, based on the analysis of
the bids carried out by Fenco Shawinigan Engineering,
and the tender was awarded as recommended, on motion
of Ald. Sarto and Bregante.

MOTION: Moved by Ald. Sarto and Bregante that
the tender for Contract 85-08A be
awarded to GEC Diesels Inc., as
recommended by Mr. Purdy, with Mr.
Moir's concurrence.

AWARD TENDER:
CONTRACT 85-20A

The following tenders have been received for
Contract 85-20A, Beazley ballfield lighting:

Black & MacDonald Ltd.	\$60,608.00
Westburn Industries Ltd.	72,304.26

Acceptance of the low bid, submitted by Black &
MacDonald Ltd., has been recommended and the tender
was awarded to that company, on motion of Ald. Greenwood
and Sarto.

MOTION: Moved by Ald. Greenwood and Sarto
that the tender for Contract 85-20A
(Beazley ballfield lighting) be awarded
to the low bidder, Black & MacDonald Ltd.
as recommended.

AWARD TENDER:
CONTRACT 85-21

Tenders have been received, as per Mr. Purdy's
report of July 12/85, for Contract 85-21, Drainage
Project, Old Ferry Road to Hastings Drive. Acceptance
of the low bid, received from Antigonish Construction
Ltd., in the amount of \$563,775.00, has been recommended
and in an accompanying report, Mr. Moir has explained
why this tender price is substantially above the estimated
cost for the project, involving a rebuilding of Foston
Street, which is in poor condition.

Council awarded the tender for Contract 85-21
to Antigonish Construction Ltd., as recommended, on
motion of Ald. Bregante and Greenwood.

MOTION: Moved by Ald. Bregante and Greenwood that the tender for Contract 85-21 be awarded to the low bidder, Antigonish Construction Ltd., as recommended.

AWARD TENDER:
FERRY DOCK REPAIRS

Tenders have been received as follows for ferry dock repairs, specifically the cathodic protection system:

F. A. Tucker Atlantic Ltd.	\$48,900
Charles E. Henderson	65,000.
Corexo Inc.	70,500.
Wolf Sub-ocean Ltd.	71,535.
Black & McDonald Ltd.	96,760.

Acceptance of the low tender, received from F. A. Tucker Atlantic Ltd. has been recommended by Mr. Moir, and in addition to his first report on this item, dated July 12/85, he has circulated a second report for Council's information, explaining in more detail what the cathodic protection system is and its present condition.

Council awarded the tender as recommended, on motion of Ald. Bregante and Sarto.

MOTION: Moved by Ald. Bregante and Sarto that Council award the tender for ferry dock repairs (cathodic protection system) to the low bidder, F. A. Tucker Atlantic Ltd., as recommended.

PLAYGROUND
STAFFING

Mr. Moir has provided Council with information on City playground staffing reductions and their related impact on playground trips that were able to be taken in the past. There has been a large increase this year in playground registrations, and in order to provide the kind of former program that existed, an additional 17 staff members would be required, costing about \$14,941. in total. Parks & Recreation Dept. have made a decision to discontinue the day trips, under the existing staffing circumstances, and it is suggested that perhaps provision can be made to reinstate them in the 1986 budget.

On motion of Ald. Greenough and Sarto, Council endorsed the action of the Parks & Recreation Dept., agreeing that if it considered desirable to reinstate the day trips next year, provision should be included in the 1986 budget.

MOTION: Moved by Ald. Greenough and Sarto that Council endorse the action of the Parks & Recreation Dept. with regard to the discontinuation of playground day trips this summer, and if it is considered desirable to reinstate these activities for next year, provisions be included in the 1986 budget to do so.

ACCEPTANCE OF
BANOOK AVE.:

RESOLUTIONS 85-50
AND 85-51

As directed by Council, the Engineering Dept. has prepared the necessary documentation for the take-over of Banook Ave. as a City street. Council has now been asked to approve Resolution 85-50, taking Banook Ave. over as a City street, and Resolution 85-51, expropriating Banook Ave. from Owner Unknown.

The Solicitor provided the plan for viewing by members of Council and details of the description are contained in Schedule "A", attached to the resolutions. The Solicitor has recommended approval of the resolutions.

It was moved by Ald. Withers and Stubbs that Council approve Resolution 85-50, taking Banook Ave. over as a City Street. The motion carried.

On motion of Ald. Withers and Sarto, Council also approved Resolution 85-51, expropriating Banook Ave. from Owner Unknown.

MOTIONS: Approval of Resolutions 85-50 (taking Banook Ave. over as a City street), and 85-51 (expropriating Banook Ave. from Owner Unknown) as detailed above.

BY-LAW C-525:
LUND PROPERTY

Council was asked to give third reading to By-law C-525 (rezoning, Lund property), first and second readings having been given at the July 15th meeting.

It was moved by Ald. Sarto and Greenough and carried that By-law C-525 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.

MOTION: Third reading given to By-law C-525 (rezoning, Lund property).

LEFT-HAND TURNS:
ANGUS L. BRIDGE

A further report has been submitted to Council by Mr. Bayer on the subject of left-hand turns at the Angus L. MacDonald bridgehead, an item that has been before Council at previous meetings and was deferred from the March 26th meeting without a final decision

being reached.

Since then, City staff, Halifax/Dartmouth Bridge Commission staff, and the M.T.C. have met to review the proposals for left-turning traffic and to clarify certain points which had arisen just prior to the March meeting.

Scheme 2, recommended to Council by the T.M.G., has now been modified slightly to insure proper alignment of lanes and traffic movements, and Mr. Bayer has recommended that if Council wishes to introduce the left-turn signal from the bridge plaza onto Wyse Road, it be done in accordance with Modified Scheme 2. It is further recommended that the left-hand turn not be permitted during the morning peak periods. It is estimated that the maximum expenditure involved for the City will not exceed \$15,000.

Ald. Levandier and Hawley moved the adoption of the recommendation, but Ald. Greenwood felt that the restriction on left turns should apply between the peak hours of 4:00 p.m. and 6:00 p.m. also. He moved this in amendment, but the amendment did not receive a seconder. Mr. Bayer noted that the Bridge Commission has the necessary authority to eliminate the left-turning traffic pattern if traffic were backing up on the bridge span at peak hours (ie. in the afternoon) and causing congestion.

Ald. Withers has circulated petitions from business owners and from residents of Wards 3 and 4 who are in favour of the left-turning traffic movement. He spoke in favour of the motion, pointing out that he has been pressing for this traffic movement for some time. He also referred to changes that have been made at the Dartmouth Shopping Centre, with the new addition, that make the left-turning traffic movement more necessary than ever before. When the vote was taken on the motion, it carried.

MOTION: Moved by Ald. Levandier and Hawley that the T.M.G. recommendation on left-turning traffic at the Angus L. MacDonald bridgehead, be adopted.

LEASE OF LAND:
JOSEPH ZATZMAN DR.
MTM. METAL COATINGS
RESOLUTION 85-48

The Industrial Commission has recommended to Council, approval of a lease with Maritime Metal Coatings for a half acre of land on Site C67 on Joseph Zatzman Drive in the Burnside Park. The land would be leased at a rate of \$2,600. per year, plus applicable municipal taxes, and would be subject to the terms and conditions set out in Mr. Rath's report to Council, dated June 19/85.

Ald. Greenough and Sarto moved that Council approve Resolution 85-48, authorizing the leasing agreement. Ald. Levandier did not support the motion and was opposed to the leasing of land as a policy of the City and the Industrial Commission. Ald. Greenough pointed out that these are unserviced lots and they are not likely to be required as part of the land inventory for sale in the Burnside Park. Ald. Hawley felt there should be some provision for any eventuality that the site might be of interest to a prospective purchaser, and wanted to see the lease renewed each year, subject to this condition (ie. that there is no prospective client wishing to purchase it). Members agreed to have this condition also incorporated in the agreement, and on this basis, the motion was adopted with Ald. Levandier voting against.

MOTION: Moved by Ald. Greenough and Sarto that Council adopt Resolution 85-48, authorizing the leasing agreement with Maritime Metal Coatings for a half acre of land on Site C67, subject to the terms and conditions noted, at an annual lease rate of \$2,600. per year, plus applicable municipal taxes. See above condition suggested by Ald. Hawley and concurred with by Council.

LEASE OF LAND:
ISNOR DRIVE
AUTO-AUCTION LTD.
RESOLUTION 85-49

On motion of Ald. Hawley and Greenwood, Council also adopted Resolution 85-49, authorizing a leasing agreement with Auto-Auction Ltd. for a one-acre unserviced site on Isnor Drive, for a one-year period, subject to the terms and conditions outlined in Mr. Rath's report of June 19/85, as recommended by the Industrial Commission.

The annual rental rate would be \$5,200. per year, plus all applicable municipal taxes, with the term of the lease to commence on or about June 1/85.

MOTION: Moved by Ald. Hawley and Greenwood that Council adopt Resolution 85-49, authorizing the leasing agreement with Auto-Auction Ltd for a one-acre unserviced site on Isnor Drive, for a one-year period, subject to the terms and conditions set out in Mr. Rath's report of June 19/85, as recommended by the Industrial Commission. The annual rate is as detailed above.

NICOLE COURT
DEVELOPMENT

As requested by Ald. Beeler, Council agreed to deal with an information report from the Lakes Advisory Board on run-off and siltation problems in Oathill Lake, associated with the Nicole Court development on Portland Street. This report, dated July 10/85, points out that protection measures recommended by the Board have not been followed by the developer and as a result, silt-laden water has been entering Oathill Lake at its south end, traced upstream to the Nicole Court construction site.


Ald. Beeler asked for some advice on what can be done to have this situation corrected, and was advised that the statutory power for such environmental matters rests with the Minister of the Environment. It was therefore his recommendation that the matter be referred to the Environment Dept. for action by them.

Ald. Hawley reported to Council on the attention this development proposal received when it came before the Lakes Advisory Board, noting that recommendations were made to the developer and concurrence with them was received from him before the development proceeded.

On motion of Ald. Hawley and Beeler, the matter was referred by Council to the Minister of the Environment immediately for his attention.

MOTION: Moved by Ald. Hawley and Beeler that this matter be referred by Council to the Minister of the Environment immediately, for his attention.

Meeting adjourned.


G. D. Brady,
Deputy City Clerk.

City Council, July 16/85

ITEMS:

- 1) Minor Variance Appeal Hearing: 7-9 Jackson Rd.,
page 1 to 4 incl.
- 2) Application to amend Land Use By-law: 453 Portland
St., page 4 to 8 incl.
- 3) Petition: Mountain Ave. residents, page 8.
- 4) Petition: Lakeview Ave., page 8.
- 5) Request for tax relief for widows, page 9.
- 6) Letter: Chamber of Commerce, Bill 70, page 9 to 11.
- 7) Letter: Shinerama, page 11.
- 8) Award tender: Contract 85-08A, page 12.
- 9) " " : Contract 85-20A, page 12.
- 10) " " : Contract 85-21, page 12.
- 11) " " : Ferry dock repairs, page 13.
- 12) Playground staffing, page 13.
- 13) Acceptance of Banook Ave.: Res. 85-50 & 58-51, page 14.
- 14) By-law C-526: Lund property, page 14.
- 15) Left-hand turns: Angus L. Bridge, page 14 & 15.
- 16) Lease of land: Joseph Zatzman Dr.
Resolution 85-48, page 16.
- 17) Lease of land: Isnor Drive, Res. 85-49, page 16.
- 18) Nicole Court development, page 17.

Dartmouth, N. S.

July 31/85.

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

Present - Mayor Brownlow

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

CONTINUATION:
PUBLIC HEARING
453 PORTLAND ST.

This meeting of Council constituted a continuation of the public hearing which began on July 16th, in connection with a request for a zoning change involving the land at 453 Portland Street. This request originated with the resident group known as the Penhorn Area Residents Assn., their request being to have the land rezoned from the existing R-2 Zone to R-1 Zone. The public hearing was adjourned in progress at the July 16th meeting, to give the residents an opportunity to meet with the developer, to discuss a new development proposal he outlined at that time, and to see if a mutually-acceptable plan could be arrived at in the interim before this date.

A letter dated July 29th was circulated, from Mr. Seamus Rooney, President of Trico Construction Ltd., the developer, indicating that subsequent to the meeting with area residents, a decision has been reached by the company to proceed with R-1 development and to not object further to the rezoning application. The Mayor read the letter from the developer for the information of people who were present in the gallery for this item. He then proceeded with the public hearing, calling for any further representations for or against the application.

Mr. John Ross of 36 Beckfoot Drive, spoke briefly on behalf of the residents, advising Council that Mr. Rooney has confirmed to the residents the intent conveyed in his letter and the residents are in agreement with his decision. He said the residents are pleased with the outcome of the issue and request Council to now

proceed with the rezoning to R-1, as agreed to by the developer. There was no representation made at this time on behalf of the developer and there were no other speakers wishing to be heard. The Mayor therefore declared the public hearing to be over.

BY-LAW C-553

Proposed By-law C-553 has been prepared to accomplish the zoning change and was before Council for approval.

It was moved by Ald. Greenough and Withers and carried that leave be given to introduce the said By-law C-553 and that it now be read a first time.

It was moved by Ald. Sarto and Stubbs and carried that By-law C-553 be read a second time.

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

It was moved by Ald. Greenwood and Sarto and carried that By-law C-553 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

(Ald. Crawford, who was not present at the July 16th meeting, took no part in this item and abstained from voting.)

MOTIONS: Three readings given to By-law C-553 (rezoning of 453 Portland Street from R-2 to R-1 Zone).

BY-LAW C-556:
UNIFORM CLOSING
DAY BY-LAW

As requested by Council, the Solicitor has prepared the proposed By-law C-556, which pertains to the legislation recently enacted by the Province, known as the Retail Business Uniform Closing Day Act. The proposed by-law is in three parts, the first part dealing with the Sunday operation of certain specified businesses; part two, dealing with the operation of businesses on certain specified holidays; and part three, setting out the administration provisions for the above.

Ald. Sarto and Greenough moved that leave be given to introduce the said By-law C-556 and that it now be read a first time.

Ald. Crawford questioned the inclusion in Part 1 of the by-law (Sunday permits) for the categories of billiard halls and poolrooms, and discussion followed as to whether or not these businesses should be allowed to operate on Sunday, considering that there is no restriction on the operation of bowling alleys and bingo halls at present. There appeared to be some confusion as to whether or not billiard halls and poolrooms are presently required to be closed on Sunday or not. The Solicitor suggested that if Council wished to have further clarification about the question of billiard halls and poolrooms, Part 1 of the by-law could be deferred to a future date and Parts 2 and 3 only dealt with at this time.

Ald. Beeler was concerned about the enforcement of the new Provincial Act and whether municipalities are expected to become involved in the enforcement and prosecution procedures. She requested further information from the Solicitor on this aspect, when Council meetings resume again in August.

The vote was then taken on first reading and it carried.

It was moved by Ald. Crawford and Withers that By-law C-556 be read a second time.

Ald. Withers and Crawford moved in amendment that category (d) in Part 1 of the by-law (a retail fish store) be moved up for inclusion in category (a) which specifies the floor area permitted for each type of business noted; category (d) is therefore deleted.

The amendment carried.

Ald. Greenough again raised the point about allowing billiard halls and poolrooms to remain open for Sunday operation and moved in amendment that this category be deleted from Part 1 of the by-law. The amendment was seconded by Ald. Greenwood. Ald. Peters spoke against the amendment, suggesting that there is an over-regulation of people's lives by government already

and there should be a limit to government restrictions. Ald. Greenough felt that if these businesses were not permitted to be open on Sunday in the past, it is preferable not to start allowing them to be open now. Ald. Greenwood also shared this opinion.

When the vote was taken on the amendment, it carried with Ald. Crawford, Withers, Peters and Levandier voting against. The amended motion for second reading carried.

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

It was moved by Ald. Greenwood and Stubbs and carried that By-law C-556 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-556:
Uniform Closing Day By-law.

AMENDMENTS IN SECOND READING:

Moved in amendment by Ald. Withers and Crawford that category (d) in Part 1 of the by-law (retail fish store) be moved up for inclusion in category (a).

Moved in amendment by Ald. Greenough and Greenwood that the category applicable to billiard halls & poolrooms, be deleted from Part 1 of the by-law.

In connection with the previous item, members of Council have received copies of a letter from the Area Manager for Penhorn Mall, requesting a by-law that will permit retail businesses to be open on the holidays that have been specified.

EXCHANGE OF LANDS:
RESOLUTION #85-53

Council was asked to approve Resolution #85-53, authorizing a land exchange between the City and Blue Chip Developments Ltd., associated with the street closure of a portion of the Old Cobequid Road, this action having been taken by Council at the meeting of Feb. 19/85.

Resolution #85-53 was adopted, as recommended by the Solicitor in his accompanying report of July 25/85, on motion of Ald. Greenough and Sarto.

MOTION: Moved by Ald. Greenough and Sarto that Council adopt Resolution #85-53, authorizing a land exchange between the City and Blue Chip Developments Ltd., as described on page 4 of these minutes.

RETAIL VIDEO
APPLICATION:
25 PORTLAND ST.

On motion of Ald. Sarto and Crawford, Council indicated no objection to a retail video application for the outlet at 25 Portland Street (Starvin' Marvin's).

MOTION: Moved by Ald. Sarto and Crawford that Council indicate no objection to a retail video application for 25 Portland Street.

LAND PURCHASE:
113 LAKECREST DR.


An item added to the agenda was a report from Mr. Moir on property at 113 Lakecrest Drive, considered to be a key parcel of land in relation to the future improvements in the Main Street area. This property is located at the intersection of Helene Ave. and Lakecrest, and has to be acquired if in future, Helene Ave. is to be connected to Lakecrest, in order to eliminate the hazardous condition existing at this intersection.

Mr. Moir has recommended that Council authorize the purchase of the property for the sum of \$30,000., and further, that the funds for the purchase of the land be taken from the Capital Account: Purchase of Land. The recommendation was adopted, on motion of Ald. Crawford and Sarto.

MOTION: Moved by Ald. Crawford and Sarto that Council adopt Mr. Moir's recommendation with respect to the purchase of land at 113 Lakecrest Drive., for the sum of \$30,000., and further, that funds for the acquisition be taken from the Capital Account: Purchase of Land.

Ald. Stubbs asked for and received further information from the Solicitor on a report he has provided on the question of expropriation, involving lands in the Trinity Ave/Springhill Road area. She said she would like to have further information given at an August meeting, and Mr. Floyd Horne in attendance to discuss the matter further.

Meeting adjourned.


G. D. Brady,
Deputy City Clerk.

City Council, July 31/85

ITEMS:

- 1) Continuation: Public hearing, 453 Portland St., page 1 & 2.
By-law C-553, page 2.
- 2) By-law C-556: Uniform Closing Day By-law, page 2 to 4 incl.
- 3) Exchange of lands: Res. #85-53, page 4.
- 4) Retail video application: 25 Portland St., page 5.
- 5) Land purchase: 113 Lakecrest Dr., page 5.