

Dartmouth, N. S.

October 1/85.

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

Present - Mayor Brownlow

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

At the opening of the meeting, Ald. Levandier acknowledged the recent accomplishment of Bob Mills, a Dartmouth rower who has recently won a gold medal in Belgium for Canada. He moved that Council recognize this tremendous accomplishment on behalf of the City. The motion was seconded by Ald. Hetherington and it carried.

MOTION: Moved by Ald. Levandier & Hetherington that Council recognize the tremendous accomplishment of Bob Mills, a Dartmouth rower, on behalf of the City.

Council agreed to add to the agenda, a motion adopted as of today's date, by the Housing Crisis Committee; the request to add the item was made by Ald. Bregante, Chairman of the Committee.

MINUTES

On motion of Ald. Hetherington and Levandier, Council approved the minutes of meetings held on Sept. 3, 10, and 17th, with the addition of the following wording to page 3 of the Sept. 10th minutes, as requested by Ald. Stubbs:

'I pointed out the surplus funds invested were not \$4.5 million, as stated by the chair, but quoted from the sheet from Mr. Smith, which indicated \$38 million.

I noted the report was prepared by Brian McCrae, former Deputy Treasurer and investment manager of the City.

I noted that he had been in total control of the Non-Profit Housing Society when I assumed the chair in 1982. I further reviewed for Council the fact that the accounts were in a serious state, with missing funds, no records of rental deposits, no proper deposit books, etc.

All this was verified at a meeting in Mr. Moir's office with other Aldermen present, with the auditors. I noted he had gone to the North West Territories.

Mr. Smith, Acting City Administrator, said:
"The Society isn't under the City anyway and

Mr. McCrae was donating his time. I said that any staffer who assists any agency or group in this city, I assume, is acting in the highest professional manner."

COND APPROVAL:
CROSSWALK GUARD
MOUNTAIN AVE.

On motion of Ald. Hawley and Bregante, Council gave second approval to an over-expenditure in the amount of \$1,500. for a crosswalk guard on Mountain Ave. at the point where the stairs come down from Helene Ave.

MOTION: Moved by Ald. Hawley and Bregante that Council give second approval to an over-expenditure in the amount of \$1,500. for a crosswalk guard on Mountain Ave.

SEWAGE PROBLEM:
18 & 19 LANGLEY AVE.

Mr. Moir has forwarded a report to Council on a sewer problem at 18 and 19 Langley Ave. Several alternatives for correcting this problem have been explored by the Engineering Dept., and it has been recommended that the City connect the older sewer to the new one in the cul-de-sac, as shown on the plan attached to Mr. Moir's report. The work involved would cost approx. \$7,000. and can be funded from the operating budget for sanitary sewer improvements.

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

MOTION: Moved by Ald. Withers and Hawley that the recommendation from Mr. Moir for correcting the sewer problem at 18 & 19 Langley Ave., be adopted.

USE OF SAINT
PETER'S GRAMMAR
SCHOOL

A report from Mr. Moir was before Council on the subject of Saint Peter's Grammar School and future use of the building, now that it is no longer required for school purposes. The Committee formed to deal with this item has concluded that the building has potential for future usage by the City, and that it cannot be operated without City subsidy. The Committee has also indicated that the building is in relatively good condition and it has some community uses, as outlined in the report. Their recommendation is that Council seriously consider keeping the building for the uses suggested, and that staff be instructed to prepare detailed information on the phasing and cost

of renovations required, as well as an operating and maintenance budget for the building.

Mr. Moir recommends the adoption of the Committee's recommendation, and it was approved by Council, on motion of Ald. Levandier and Hawley.

MOTION: Moved by Ald. Levandier and Hawley that the recommendation of the St. Peter's Grammar School Review Committee be adopted, as recommended by Mr. Moir in his report of Sept. 25/85.

LOTS: LYNGBY AVE.

Tenders were again called for the sale of six City-owned lots on Lyngby Ave., with only one bid being received, for Lot D4, from S. E. Mombourquette, in the amount of \$38,100. (the minimum price per lot as advertised being \$36,930.).

Mr. Moir has recommended acceptance of the tender received and further, that the five remaining lots be held by the City until the spring of 1986, at which time they would again be advertised for sale.

Council adopted Mr. Moir's recommendations, on motion of Ald. Hetherington and Withers.

MOTION: Moved by Ald. Hetherington and Withers that Mr. Moir's recommendations be adopted with respect to the City-owned properties on Lyngby Ave., as detailed above.

AWARD TENDER:
CONTRACT 85-05

Tenders have been received as follows for
Contract 85-05 (street resurfacing):

Dillman Enterprises Ltd.	\$216,340.
Standard Paving Maritimes Ltd.	225,790.
Municipal Contracting Ltd.	237,010.
Ocean Contractors Ltd.	262,350.
Steed and Evans Ltd.	274,350.

Acceptance of the low bid received has been recommended and Council awarded the tender to Dillman Enterprises Ltd., in the amount of \$216,340., on motion of Ald. Greenough and Withers.

Ald. Crawford later raised a point about the contract being awarded to a firm from outside Dartmouth, suggesting that it is always preferable to see contracts go to local companies. While Ald. Greenough agreed, he felt that the tendering process cannot be effective if this kind of limitation is put on it.

MOTION: Moved by Ald. Greenough and Withers that the low bid received from Dillman Enterprises Ltd., be accepted for Contract 85-05 (street resurfacing), as recommended.

AWARD TENDER:
CONTRACT 85-22

The following tenders have been received for Contract 85-22, Mitchell Brook Bridge Extension:

Dineen Construction Atlantic Ltd. \$29,450.
Harbour Construction Co. Ltd. 39,830.

Acceptance of the low bid, received from Dineen Atlantic Ltd., has been recommended, and the tender was awarded, on motion of Ald. Greenough and Hawley.

MOTION: Moved by Ald. Greenough and Hawley that the low bid for Contract 85-22, (Mitchell Brook Bridge Extension), be accepted as recommended; the low bidder was Dineen Construction Atlantic Ltd.

REQUEST TO ENTER
CITY LAND:
ALDERNEY CONSULT-
ANTS LTD.

Mr. Moir has reported to Council on a request from Alderney Consultants Ltd. for permission to enter City land to carry out clearing, in order to carry on surveys and design for construction of Phase I of the Highland Park development, and to carry out certain soil tests.

He has recommended that Alderney Consultants Ltd. be granted permission to enter the City-owned land, as requested, and that consultation take place between the Recreation Dept. and Alderney Consultants Ltd., regarding the continued use of the lacrosse pitch until such time as it is relocated.

Council approved Mr. Moir's recommendations, on motion of Ald. Greenough and Withers.

MOTION: Moved by Ald. Greenough and Withers that Council approve Mr. Moir's recommendations with regard to the request from Alderney Consultants Ltd., for permission to enter City land, in connection with Phase I of the Highland Park development.

LAND: 1 CHURCH ST.

As directed by Council, Mr. Moir has carried on negotiations for the possible acquisition of the property at 1 Church Street, owned by MacKenzie's Sales Ltd. They are prepared to sell the property to the City for the price of \$275,000., provided the closing takes place within a short period of time. MacKenzie

Sales Ltd. would be allowed to remain and operate from the building until Dec. 30/85; if the company is not moved by that date, they would agree to pay the City, \$2,500. per month for the continued use of the premises.

Mr. Moir has recommended the acquisition of the property at the price negotiated, and the recommendation was approved by Council, on motion of Ald. Levandier and Withers. Ald. Hawley and Levandier spoke in favour of the motion. Ald. Levandier asked about the status of Mr. Mettam's report, and Mr. Moir pointed out that he has not yet been awarded a contract by Council to proceed with a study and report. Mr. Moir said he hopes to have a further report for Council on meetings with Mr. Mettam, for Tues., Oct. 8th.

MOTION: Moved by Ald. Levandier and Withers that Council approve the purchase of 1 Church Street, for the negotiated price of \$275,000., as recommended by Mr. Moir.

REQUESTED OVER-
EXPENDITURE

Mr. McNeil has made a request to Council for an over-expenditure in General Assistance, in the amount of \$210,000., representing the City's share in additional Social Services expenditures, as they have been outlined in the report to Council, dated Sept. 25/85.

Ald. Greenough and Beeler moved first approval of the over-expenditure requested. Mr. McNeil was available to answer questions from the members, and Ald. Levandier requested a further breakdown in information from him for the October 8th meeting, when the item comes back for second approval. The motion carried.

MOTION: Moved by Ald. Greenough and Beeler that first approval be given to an over-expenditure required for General Assistance, as per Mr. McNeil's request of Sept. 25/85.

EXTENSION OF
SERVICES:
INFORMATION TABLED

At this point in the meeting, Ald. Stubbs tabled information she has gathered on the extension of services into the Colby Village area, discussed previously by the City Finance & Program Review Committee.

MOTIONS:

ALD. HETHERINGTON

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

1) Ald. Hetherington moved, seconded by Ald. Bregante, that:

WHEREAS Alpine Drive is under construction for sewer pipes and also, for repaving this year;
BE IT SO RESOLVED that the twenty property owners on Alpine Drive have the \$135. street opening permit fee for sewer laterals, waived.

Ald. Hawley declared a conflict of interest on this motion, since his property will be connected to a new sewer installation in Port Wallis, and he withdrew from his place on Council to sit in the gallery while the item was debated.

Ald. Hetherington explained why he felt the residents on Alpine Drive should not have to pay the street opening charge, especially when they are only being connected to a dry sewer and it may be up to five or ten years before the sewer is actually in service.

Ald. Greenough said he would be prepared to support the motion, provided it would apply similarly to all such sewer installations, including those new ones in Ward 6 on streets such as Lake Charles Drive, Garden Court, Lakewater Court, etc. He did not feel it would be fair to make an exception for only some residents, while expecting others to pay the fee.

Ald. Bregante said he would have no objection to other streets being exempted in the same manner and he seconded an amendment put forward by Ald. Greenough to the effect that principle of waiving the \$135. street opening charge apply to streets in Ward 6 in similar circumstances, such as Lake Charles Drive, Lakewater Court and Garden Court. Ald. Beeler raised a number of questions about the Alpine Drive connections and Mr. Purdy provided additional information in response.

Ald. Withers said it might be a good idea to

find out from staff just what the financial implications for the City-wide application of this exemption are. Mr. Fougere noted that the question of whether the exemptions can be retroactive, should be addressed by the Solicitor, in view of the fact that some people have already paid their fees for street openings on Alpine Drive; he referred here to By-law C-468.

On motion of Ald. Withers, seconded by Ald. Levandier, the matter was referred to staff for a report for the October 15th meeting (ie. on the financial implications). The fact that Alpine Drive properties are being connected to a dry sewer will also be looked at, to see if this makes any difference. Also, the Solicitor will comment on the retroactive question raised by Mr. Fougere. The motion to refer carried with Ald. Bregante and Hetherington voting against.

MOTION: Moved by Ald. Bregante & Hetherington that the motion to exempt street opening permit fees, be referred to staff for a report by October 15th on the financial implications of a City-wide policy, plus a report from the Solicitor on the question of making the exemptions retroactive (By-law C-468).

ALD. LEVANDIER

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

WHEREAS the new senior citizens' building will be occupied in the new year;

THEREFORE BE IT RESOLVED that money be included in the 1986 capital budget for the placement of overhead crosswalk lights in appropriate locations, to facilitate the residents of the new building.

The vote was taken on the motion and it carried.

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

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

WHEREAS North Street, Edward Street & Church Street paved and concrete surfaces have been allowed to deteriorate over the past several years;

THEREFORE BE IT RESOLVED that staff be authorized to give a cost estimate on the reconstruction of these streets, and bring it back at the earliest possible date for consideration and discussion.

This motion also carried.

MOTION: Moved by Ald. Levandier and Crawford:
text on page 7 of these minutes.

ALD. CRAWFORD

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

That lines of communication be opened with senior levels of government, for an immediate, forthright discussion with respect to an early solution to the MicMac Rotary, either by an overpass or some other intelligent solution that can be implemented to move the traffic and ease the congested traffic situation which is being compounded daily at the Rotary entrances, and it does not appear that this congestion will be relieved for some time to come.

Ald. Crawford said he ^{would}ask that Planning staff reopen discussions about and start looking at other possible ways of improving the situation at the MicMac Rotary. He felt it is necessary at this point to sit down with Transportation Dept. people to talk about all the alternatives available, including previous plans that go back over the years, and the initiative must be undertaken soon. The Mayor referred to discussions he has been involved in with regard to the possible connection of Akerley Blvd. with the 107 by-pass highway, also considered to be an important decision for the good of the City. Ald. Greenough said he supports the Mayor's efforts to accomplish this necessary link-up of Akerley Blvd., and felt the intent of the motion should be broadened to include initiatives in this direction as well. He moved in amendment that Council strongly support and encourage the Mayor to work out with the Transportation Minister, financial arrangements for the Akerley Blvd/107 by-pass connector, so that plans for this connection can go ahead now and not at some later time when it will be more costly to accomplish; the amendment was seconded by Ald. Withers.

Ald. Hawley said it is important for Council to realize that the Rotary has to be improved, no matter what other steps are taken to divert traffic from Main Street and the Rotary. The vote was taken on the amendment and it carried; the amended motion carried.

MOTION: Moved by Ald. Crawford and Stubbs:
text on page 8 of these minutes.

AMENDMENT: Moved in amendment by Ald. Greenough and Withers that Council strongly support and encourage the Mayor to work out with the Transportation Minister, financial arrangements for the Akerley Blvd/107 by-pass connector, so that plans for this connection can go ahead now and not at some later time when it will be more costly to accomplish.

MOTION:
ALD. BREGANTE
HOUSING UNITS

As agreed to at the beginning of the meeting, Ald. Bregante was now permitted to introduce the following motion, which was seconded by Ald. Stubbs:

That Council give its approval to the creation of units for crisis housing^{ing} and middle-income housing, by offering City-owned land, as well as engaging in land-banking, to ensure that lands will be available as needed;

And that the City investigate various means of funding of this program which could include direct funding from the City, as well as from other public or private sources;

And further, that the program be administered through the City of Dartmouth Non-Profit Housing Society;

And further, that action be taken immediately by having City staff bring a report to Council with a detailed plan for implementation of the program and with a list of City-owned lands which are available and also of lands which could be obtained and made available for the program in future;

And further, that to show its good faith in supporting the program, the City of Dartmouth provide land and a maximum of one million dollars so that construction of 20 units (under the supervision of the City Non-Profit Housing Society) may commence by the spring of 1986.

Ald. Bregante provided statistics that show the need for housing units in Dartmouth in the income ranges covered by the motion, and he went on to explain how units can be provided, at reasonable rental figures, through the Non-Profit Housing Society, a number of which would be retained for housing emergency purposes. He pointed out that at present, families in these emergency situations are having to be housed in motels, and one of the over-expenditure items included in Mr. McNeil's report to Council, provides for the cost of emergency housing, estimated to have added \$100,000. in costs for the Social Services Dept.

During the debate on the motion, various types of housing units were discussed, and Ald. Bregante indicated that the Committee would be quite willing to consider the purchase of existing buildings, if they were available and would meet the necessary housing requirements. Ald. Beeler said she would like to see some of the background material on which the Committee has based their request to Council, but she also felt that Council should respond positively to the request by giving it approval in principle at this time. She later moved that approval in principle be given, but also, that the matter be referred to staff for a report that would be brought back for discussion at a joint meeting of Council with the Housing Crisis Committee; the motion was seconded by Ald. Hawley.

Some members of Council did not want to make such a commitment at this time, even though they admitted that there is a great need for additional housing units to accommodate people in the categories covered by the request from the Housing Crisis Committee. The Solicitor was asked to comment, and suggested that the motion presented is really two separate ones. She said approval in principle does not commit Council to anything, but if members were concerned, they could have it apply only to the first four paragraphs of the original motion. Some discussion followed as to whether or not the motion on the floor should be divided into two separate motions, but Ald. Beeler indicated that she would prefer to leave it in the form presented.

The vote was therefore taken on the motion, as it was introduced, and the motion carried.

MOTION: Moved by Ald. Beeler and Hawley that approval in principle be given to the request from the Housing Crisis Committee, but also, that the matter be referred to staff for a report that would be brought back to a joint meeting of Council with the Housing Crisis Committee.

NOTICES OF MOTION:
ALD. LEVANDIER

The following notices of motion were given by
Ald. Levandier for the next regular meeting of Council:

Ald. Levandier

- (a) WHEREAS the City of Dartmouth has millions of dollars invested;
AND WHEREAS the investment policy has not been reviewed for some years;
AND WHEREAS some of the firms holding City money are questionable;
THEREFORE BE IT RESOLVED that a committee of Aldermen be formed immediately to review these practices.
- (b) WHEREAS the sidewalks from Portland Street to Pleasant Street, on the east side of Prince Albert Road, are in extremely poor condition;
THEREFORE BE IT RESOLVED that capital money be put in the 1986 budget to undertake this project.

INQUIRIES:
ALD. STUBBS

Ald. Stubbs commented on the provisions for refunding money invested with the Northland Bank, 60% of which will be refunded when the legislation is passed this fall, and 40%, not until next April. She said the money that will be lost in interest is a high price to pay for risk dollars, and asked if it is about \$60,000. the City stands to lose in this case. Mr. Smith said he has not yet worked this figure out.

Ald. Stubbs then asked if any consideration has been given to hiring a broker or securing bond-rating services for investment purposes. Mr. Smith noted that we currently subscribe to Dominion Bond Rating Services for information. Ald. Stubbs noted that Mr. Smith is preparing a report for Council on investment procedures; she asked when the report will be ready. Mr. Smith advised that it will probably be before the end of the month.

Ald. Stubbs asked if it is true that before 1982, interest from the sale of land account was used as general revenue, whereas in 1982, this policy was changed without the authority of Council. In 1982, interest of about one million dollars went back into investments and capital assets. She said there was

no discussion of this change with the auditors at the Sept. 27/83 Council meeting. Mr. Smith said the auditors would not have commented specifically on those figures.

Ald. Stubbs maintained that Council was not informed about what she called 'this manipulation of accounts', and she asked who approved this policy change and when. She said, "This move by staff to cover up a mistake, understated our surplus for 1982 by one million dollars". She went on to say, "Following this change in accounting policy, the total accumulated surplus from 1982 and including 1985, is an estimated total of \$3.2 million and represents an understated accumulated surplus; this represents over-taxation, using each year's assessment, of some 22 cents."

The next question raised by Ald. Stubbs pertained to what she called a 'debt plug' or to a paying down of capital unauthorized by Council. The item referred to (page 63 of the 1985 operating budget) appears as 'capital principal', with \$900,000. inserted in 1985 and \$500,000. recorded in 1984. She said, "As a result of this manipulation of the tax rate, by overstating expenditures of some \$1.4 million, it represents an additional 15 cents to the taxpayer for those two years".

Ald. Stubbs went on to another question about deferred revenue, advising that her research has revealed that '. . . deed transfer tax from at least two large transactions late in 1984 were recorded as revenue in 1985 instead, thereby understating another surplus of about one-quarter-million dollars for 1984; this would represent about one cent on the tax rate. The total impact on the tax rate for these three items amounts to at least 38 cents over the last three years'. Ald. Stubbs then proceeded to give examples of the impact this over-payment of taxes would have had on typical residential and business properties, from a taxation point of view.

She cited these as examples and not representative of ' . . . the total amount the taxpayers have overpaid because of staff decisions unknown to Council'.

Information sheets were circulated, setting out in further detail, the impact of over-taxation, and giving a summary of charges for violations committed in connection with the information she has presented.

She said she considered this to be 'robbery of a severe type' and that 'false and misleading statements' have been made. Further, 'the auditors have been compromised in this situation' and have not answered to Council as they should have. She stated that a group of citizens are now thinking of starting a class action to sue the City for over-payment of taxes.

Ald. Stubbs advised that the information she has compiled has been presented to the RCMP and the Attorney-General for further action by them, and she proceeded to move that the Attorney-General be asked to conduct an inquiry into the operation of the City of Dartmouth. The motion was not seconded, and the Mayor pointed out that a two-thirds majority vote of Council would be required to introduce a motion on this subject.

Ald. Hawley expressed concern that Council has not had an opportunity to be fully informed on the allegations being made, and Ald. Greenough noted that the existence of a surplus has been made known to Council by the auditors for three years now. He said this is nothing more than political grand-standing, and wanted to have the auditors back before Council to clear up the questions that have been raised. He felt the integrity of the auditors has been called into question, and they should be permitted to respond.

Other members were in agreement about having the auditors meet with Council, but Ald. Hetherington also felt the Attorney-General should be contacted and asked about the matter as well, since he has already

received the information. Ald. Greenough said it would be advisable to have all the figures verified first of all, before anything further is done.

The necessary two-thirds majority was received to introduce a motion, and Ald. Hetherington proceeded to move that the Mayor contact the Attorney-General to determine if there is any truth to these facts, and report back to Council; further, that a meeting be arranged with the auditors as soon as possible. The motion was seconded by Ald. Hawley. Ald. Bregante asked to have a representative of the Municipal Affairs Dept. invited to the meeting also. He requested copies of the Municipal Affairs Act, and the relevant sections of the Accounting Manual for Nova Scotia Municipalities, as referred to in the summary of charges circulated by Ald. Stubbs.

The motion carried.

MOTION: Moved by Ald. Hetherington & Hawley that the Mayor contact the Attorney-General, to determine if there is any truth to these facts, and report back to Council; further, that a meeting be arranged with the auditors as soon as possible.

ALD. WITHERS

Ald. Withers made the following inquiries:

- 1) asked about 217 Windmill Road, and the Solicitor advised that this matter has been forwarded for prosecution. Ald. Withers asked to have the prosecution expedited if that is possible.
- 2) asked when the Crichton Ave. Extension project will be started. Mr. Purdy said the Engineering Dept. will be starting the design work fairly shortly.
- 3) Ald. Withers asked about an inquiry he made previously, concerning injury sustained by a young person at a construction site. He sought clarification as to where the area of responsibility lies in these situations, and requested an opportunity to discuss the matter further with the Solicitor. She suggested that it would also be helpful to have the Building Inspector present for the discussion.

ALD. HETHERINGTON

Ald. Hetherington asked to have the T.M.G. look at the possibility of having an overhead crosswalk light at Regal Road on Portland Street, where children are crossing to the Woodlawn area.

He also had an inquiry about the dust problem on Foston Street and on Rodney Road, where street

construction has been in progress. Mr. Fougere said he will bring this inquiry to the attention of the contractor.

ALD. BREGANTE

Ald. Bregante referred to an inquiry made by him about the cost of installing overhead flashing lights at Crawford and Shirley Streets; he asked to have this information by next week's meeting.

He asked to have attention given by the Engineering Dept. to the catch basin in front of 5 Dustan Street, which is sinking into the street.

He requested information on the cost of replacing curbs on Tupper Street.

ALD. HAWLEY

Ald. Hawley requested a cost estimate for installing sidewalk on Major Street, from Main St. to the Admiral Westphal School.

His second inquiry concerned the work on Braemar Drive and the disruption to the bus schedule for Waverley Road area as a result of construction along this section. Ald. Greenough suggested that it may be possible to give the buses priority in traffic so their schedule can be maintained. Mr. Moir said he would see if something like this can be done.

Meeting adjourned.

Bruce Smith,
City Clerk-Treasurer.

City Council, Oct. 1/85

ITEMS:

- 1) Second approval: Crosswalk guard, Mountain Ave., page 2.
- 2) Sewage problem: 18 & 19 Langley Ave., page 2.
- 3) Use of St. Peter's Grammar School, page 2.
- 4) Lots: Lyngby Ave., page 3.
- 5) Award tender: Contract 85-05, page 3.
- 6) Award tender: Contract 85-22, page 4.
- 7) Request to enter City land: Ald. Consultants, page 4.
- 8) Land: 1 Church St., page 4.
- 9) Requested over-expenditure, page 5.
- 10) Extension of services: Information tabled, page 5.
- 11) Motions: Ald. Hetherington, page 6.
Levandier, page 7.
Crawford, page 8.
Bregante, page 9 & 10.
- 12) Notices of Motion: Ald. Levandier, page 11.
- 13) Inquiries & Answers, page 11 to 15 incl.

Dartmouth, N. S.

October 8/85.

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

Present - Mayor Brownlow

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

JOINT MEETING
WITH AUDITORS

As directed by Council at the October 1st meeting, the Auditors were present to meet with Council, in connection with issues raised by Ald. Stubbs on October 1st. The Mayor reported to Council on his efforts to contact the Attorney-General, which Council also requested. The Attorney-General will be responding with a letter and when it is received, copies will be provided to all members of Council.

Mr. Jamieson, Mr. Thompson and Mr. Maloney were present representing the Doane Raymond firm, and an opening statement was read, as follows, by Mr. Bill Hayward, on behalf of Doane Raymond:

"The purpose of our attendance tonight is to respond to various allegations, charges and statements made by Ald. Stubbs at a meeting of this Council on October 1, 1985. We have been provided with minutes of this meeting, as well as documents presented to Council by Ald. Stubbs. We consider the allegations contained in these documents to be very serious, requiring an immediate and full response.

We have been the external auditors of the City of Dartmouth since 1961, and state categorically that during that time:

- 1) all financial statements with which we have been associated, have been prepared in accordance with generally accepted accounting principles;
- 2) all audit examinations have been conducted in accordance with generally accepted auditing standards;
- 3) all audit examinations and the financial statements with which we have been associated have adhered to the standards required by the Accounting Manual for Nova Scotia Municipalities, since the Manual's inception in 1983;
- 4) we have conducted ourselves in a professional manner and have upheld the code of ethics of the Institute of Chartered Accountants of Nova Scotia;

- 5) at no time have we participated in any activity that could in any way be considered fraudulent misrepresentation, manipulation of the accounts, or false and misleading statements.

Any statements or allegations which indicate otherwise are false and without support.

It appears that there has been a serious misunderstanding of the role of an external auditor. The role of an external auditor is to express an opinion that the financial position and the results of operations are presented fairly in the financial statements. In performing an examination, the auditor seeks reasonable assurance that the financial statements, taken as a whole, are not materially mistated.

It is not the role of an external auditor to determine fiscal policy, which includes setting the tax rate.

The City has maintained a conservative approach to budgeting which has resulted in a strong financial position. Council decides annually, at budget time, the amount of prior years' surplus to appropriate, if any, when determining the annual tax rate. This is fiscal policy. It is not a 'right' or 'wrong' issue, but rather the exercise of judgement by this Council."

Ald. Crawford took exception to the fact that the auditors had access to the Council minutes of October 1st, when members of Council have not yet received copies. Mr. Smith noted that the minutes of the October 1st meeting would normally be circulated for approval at the beginning of November. Mr. Moir explained that the auditors received only the portion of the minutes dealing with the issues presently before Council. Ald. Crawford did not want to proceed further with the auditors' presentation until copies of the minutes had been provided, but on motion of Ald. Greenough and Levandier, Council agreed to proceed (Ald. Stubbs and Crawford voting against). (From this point on in the meeting, copies of the minutes were available, but were not circulated.)

Mr. Thompson's presentation to Council was as follows:

"At the October 1, 1985 Council meeting, Ald. Stubbs stated that the policy for reporting interest 'was changed without Council's authority and with no discussions by the auditors . . .' I would like to review certain information with you at this time which will show this statement to be incorrect.

Council minutes of Jan. 31/83 indicate that a change in the funding policy for the Industrial Park was dealt with in Mr. Moir's recommendations with respect to the 1983 capital budget. It was recommended that all future capital costs in the Park be financed by revenue from the present and future sale of lots. The capital budget and this related policy was approved on Feb. 21/83 by Council, clearly prior to the finalization of the 1982 financial statements.

The record shows that the 1982 financial statements presented and approved by Council on Sept. 7/83 clearly noted and disclosed this change in reporting policy. Page 10 of the 1982 financial statements clearly sets out the interest amount separately, with no comparative amount, and refers to Note 6, which documents the change in policy.

Interest earned: Industrial Park

In prior years, interest earned on accumulated funds from land sales was recognized in the General Revenue Fund as a source of revenue. Commencing in 1982, interest earned on the balance due from General Revenue is being credited to investment in capital assets. This amounts to \$991,453. in 1982. In addition, in my verbal presentation, I made the following comments:

Industrial Park: The Industrial Park of the City of Dartmouth continues to be one of the bright spots in the City's operations. Total sales of serviced land in 1982 amounted to \$700,000., with sales of additional properties ready to close early in 1983. In addition, two properties that had previously been sold were re-acquired in 1982 by the Industrial Commission at a cost of \$623,000. The surplus funds of the Industrial Park amount to \$5.7 million dollars at Dec. 31/82. This interest was credited to the investment in capital assets account and the interest on these surplus funds, together with the proceeds from all future sales, are to be used to fund future development costs in the park area.

This treatment of interest was again discussed in our review of the financial statements for 1983. My comments at that time were as follows:

Industrial Park: The Burnside Industrial Park continues to be a tremendous asset of the City of Dartmouth. Total sales of serviced land in 1983 amounted to \$2,812,000. as compared to \$700,000. in 1982, and you will note on Page A8 that sales options amounting to \$168,000. were on hand, representing deposits on sales that are to close in 1984. The surplus funds of the Industrial Park were invested during 1983 and earned interest of \$728,000. The amount of serviced land in the Park continues to expand and the proceeds from all future land sales will be used to fund future development costs in the park area.

Minutes of the July 11, 1984 Council meeting, during which we presented the 1983 financial statements, state: 'The Burnside Park sale-of-land account and its use was discussed; Mr. Smith noted that a decision was taken by Council to have these funds and the interest from them go back into further development of the Park, and this is being done.' Our notes from that July 11/84 meeting show that considerable discussion about the Burnside Park took place.

I noted that in Mr. Jamieson's report to you of Aug. 27/85 on the 1984 financial statements, he also specifically addressed the Burnside interest matter. The amount of \$700,000. referred to by Ald. Stubbs as Burnside interest for 1985, is a budget matter approved by Council during the budget process on Feb. 20/85.

In terms of technical accounting principles, we believe that the policy adopted by the City in 1982 to account for this interest, is the most appropriate treatment. The N. S. Municipal Accounting & Reporting Manual supports this treatment of interest being earned and retained within the capital fund (ie. interest generally accrues to and remains in the fund holding the related assets.) The change adopted in 1982 was consistent with the manual and represents a good conservative accounting policy.

In summary, it is clear to us that the treatment of interest paid on Burnside funds is consistent with approved reporting by the Dept. of Municipal Affairs, and that City Council was made fully aware of this treatment. In fact, we have brought it to Council's attention in each of the last three years since the change."

Ald. Crawford raised a series of questions at this point about Council's approval of the change in reporting policy, referred to by Mr. Thompson in his submission. Mr. Thompson said the change was fully disclosed, as noted by him, and that in approving the financial statement, Council in fact gave approval to it. Ald. Crawford questioned whether the adoption by Council of the financial statement, constituted approval of a policy change.

Ald. Greenough asked if the crediting of interest to a capital asset account in this way was appropriate and in keeping with the Municipal Accounting & Reporting Manual. Mr. Thompson said it is the recommended manner set out in the Manual and reflects the instructions of the Manual. He went on to point out that in every subsequent year, this procedure has been brought to the attention of Council in conjunction with the presentation of the financial statements. The funds represented by this interest are in the Industrial Park account and continue to be used to fund expansion and development expenditures.

Ald. Stubbs followed a line of questioning to the effect that the change came about as the result

of a mistake made by a staff member and not just because of a directive in the Municipal Accounting & Reporting Manual. She maintained the change was made without the consent of Council and that it cost the City twenty-two cents on the tax rate as a result of the total accumulated surplus it represents. She asked where the interest is going now, and was advised by Mr. Thompson that it is staying in the fund from which it is derived. Mr. Smith was asked to provide the figure for the B.I.P. sale-of-land account, and stated that as of Dec. 31/84, it stood at \$7.546 million.

Ald. Hawley pointed out that the fund was established for the purpose of providing capital as it is needed in the development of the Park; therefore, the development costs do not have to be rated for in the tax rate. Mr. Thompson said that is correct. The interest, over a four-year period and amounting to \$3.2 million dollars has been credited to the account and is there for use in improving and developing it further. Ald. Greenough noted that until the account was available to cover development costs, they had to form part of the capital budget, to the exclusion of other City services also required. He made the point that the Accounting & Reporting Manual was brought to Council for review before it came into use and the various procedures and changes would have been made known to members of Council at that time.

The Mayor asked if the auditors felt that the policy change was fully documented, and Mr. Thompson said the change was noted in the 1982 financial statement (the year of the change), and it was subsequently brought to the attention of Council in each succeeding year. In each of these years, the financial statement presented was adopted by Council and became an official City document. A copy of the statement has to be forwarded each year to the Dept. of Municipal Affairs, and Mr. Thompson said he has not received any questions from the Department subsequent to the statements being

received by them.

Ald. Crawford wanted to know if and when an actual decision was made by Council to have these funds go back into the sale-of-land account. Reference was made at this point to the recommendation made by Mr. Moir and adopted, in conjunction with the 1983 capital estimates, which reads as follows:

'That Council establish a policy whereby the capital costs for development in the Burnside Park, projected at \$4,281,000., will be financed by an offset of revenue from the sale of all present and future sales of lots in the Park, until the principal and interest costs of this funding are recouped.'

Copies of the minutes of the Jan. 31/83 meeting, when this policy was approved, have been circulated, along with other documentation prepared by staff in response to the issues raised by Ald. Stubbs. An accompanying memo has addressed each of the specific items concerned, under the headings: Burnside Industrial Park - Interest, Sale-of-Land Account; (2) Capital Paydowns - Operating Budget; and (3) Deferred Revenue - Deed Transfer Tax. Present for this meeting with the auditors (in addition to Mr. Smith and Mr. Moir) were Mr. McBain, Mr. Corrigan and Mr. Rowinski.

There appeared to be some confusion about the adoption of this specific policy in relation to the point at issue, which relates to the transfer of interest from general revenue to the sale-of-land account. Ald. Beeler attempted to clarify the two issues involved, noting that the recommendation from Mr. Moir came to Council in conjunction with the budget, where the other issue relates to the financial statement and reporting of information to Council in that context.

Ald. Hetherington was concerned that unnecessary over-taxation has occurred as a result of the policy change with respect to interest; he asked Mr. Thompson to respond to that concern. Mr. Thompson said he felt the policy was a correct one and did not result in over-taxation. Asked about the twenty-two-cent- figure

(ie. added to the tax rate), Mr. Thompson did not consider this to be a true and accurate statement.

Ald. Stubbs said the pay-as-you-go policy had nothing to do with the interest overlooked by a former staff member who is no longer with the City, and the two should not be confused. She asked for a comment from Mr. Rowinski and he acknowledged that there are two separate issues involved. He said the interest policy change was made in response to a mistake made when interest was not included in operating revenue as it had previously been. He went on to state that Mr. Thompson tried to resist the policy change at that time, while Mr. Smith was insistent that it be changed. Ald. Levandier wanted to know why Council was not made aware of the mistake, and how a member of staff could insist that a change such as this was to be made. Mr. Hayward explained the position of Doane Raymond in this particular situation, advising Council of his discussions with Mr. Thompson when it was felt that in the light of requirements being introduced through the Accounting & Reporting Manual and with proper disclosure in conjunction with the presentation of the financial statements, such a change in accounting procedure would be acceptable. It was judged to be an appropriate treatment of the interest and was going to become a requirement in accordance with the Manual. Mr. Hayward said the matter was treated as independently and as objectively as any other issue.

Ald. Crawford asked for a response from Mr. Thompson as to any discussions which took place between him and Mr. Smith. Mr. Thompson said there were discussions with Mr. Smith and his initial reaction to the change was not favourable. He went back and did some research and then met with Mr. Hayward and based on discussions with him, and in view of the fact that the Accounting Manual was coming into effect, he agreed to reflect the change in the financial statement prepar-

ation and to disclose this through notation and verbally. He stated that he did not believe there was any attempt to cover up the policy change.

Ald. Levandier asked why the procedure of the time was not followed. Mr. Thompson said that prior to the 'Accounting & Reporting Manual coming into effect, no such directives existed.

(The relevant note referred to as appearing in the 1982 Financial Statement, under the heading Interest earned - Industrial Park, reads as follows:

'In prior years, interest earned on accumulated funds from land sales was recognized in the General Revenue Fund as a source of revenue. Commencing in 1982, interest earned on the balance due from General Revenue is being credited to investment in capital assets. This amounts to \$991,453. in 1982.')

Ald. Levandier questioned why Ald. Stubbs did not object when the financial statements were presented, if she felt there was something wrong. He pointed out that the statements were approved without a dissenting vote. Ald. Stubbs commented on assumptions that are made as to the validity of financial statements, when they are presented to Council, and Ald. Crawford noted that it is only subsequent to their acceptance that these questions have arisen.

The auditors then moved on to address the second issue raised by Ald. Stubbs in her submission, pertaining to debt charges. Mr. Jamieson made the following presentation in this connection:

"Firstly, I would like to point out that Ald. Stubbs' wording 'debt plug' is entirely inappropriate and inaccurate. The amounts in question represent part of debt charges approved by City Council each year during the budget approval and tax-rate-setting process.

As external auditors, it is not our duty or responsibility to become involved in the preparation or approval of City budgets.

When it became evident that it would not be prudent to issue new debt in 1984 because of interest rates, \$500,000. of the total approved amount of \$13,201,000. budgeted in 1984 for debt charges, was used to repay inter-fund debts owed general revenue for approved and completed capital projects. This amount had been provided in the 1984 budget for debt charges. Actual debt charges for 1984 of \$13,197,189. were within the approved budget level.

Clearly, the amounts recorded as debt charges for 1984 have received the authority of Council and do not represent unauthorized expenditures.

The same treatment will be accorded the \$900,000. included in the 1985 budget as Capital-Principal, which was approved by Council during the approval of the operating budget on Feb. 20/85.

It is clear that the \$1.4 million referred to by Ald. Stubbs has been approved by Council as debt charges."

Ald. Stubbs maintained that the total \$1.4 million referred to represents a fifteen-cent increase on the tax rate that citizens should not have had to pay, as a result of overstated expenditures in the budget. She asked if these amounts were arrived at to make the budget balance; Mr. Smith said they were not. He noted that one of the provisions of the Accounting & Reporting Manual requires a minimum allowance of 5% for debt retirement in a given year; anything over and above 5% is optional.

Ald. Stubbs requested Mr. Rowinski to comment on the \$500,000. and \$900,000. amounts provided for in the 1984 and 1985 budgets. Mr. Rowinski reported to Council on discussions with Mr. Smith in February of 1984, when he was preparing the preliminary budget, and subsequently presented the final figures to Mr. Smith. He said at that time, he was asked to add another \$500,000. in the debt charges section of the budget, while in 1985, when a negative tax rate could have been recommended, \$900,000. was added similarly to achieve a zero increase instead; also, it would be possible to 'beat the School Board in presenting their budget to Council'. Mr. Smith pointed out that the figures referred to were identified in the budget and fully disclosed to Council at that time.

Mr. Rowinski said he has documentation to substantiate the facts he is presenting and the Data Processing Manager can corroborate information. this information also. He felt these decisions represented a policy change that should have come to Council for a decision.

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Ald. Hawley said he could sense something negative in the information being communicated to Council, and suggested that this is the wrong forum for such a difference of opinion on the part of staff members. Discussion followed as to the merit in providing for the retirement of debt charges, over and above the 5% requirement stipulated. Ald. Crawford felt there is cause for concern and that in this instance, the auditors have been compromised and placed in a difficult position as a result of action taken by senior City staff members. An investigation is likely to be required, he said, into what now appears to be a number of violations that have occurred and are only now, coming to light.

Ald. Greenough sought a statement from the auditors as to the validity of the charges that have been made by Ald. Stubbs, as listed in her summary presented at the October 1st meeting of Council. Mr. Jamieson pointed out that the auditors are not involved in the City's budgetary process and would only become involved if this were to be a decision of Council. He said the amounts reflected in the 1984 and 1985 budgets for debt charge repayment, are only reasonable indications as to what is expected to happen in a given year, and he stressed again that the auditors have not asked by Council to participate in the budget process. Commenting on the necessity for the \$900,000. amount included in the 1985 budget, Ald. Greenough noted that a decision was made to transfer \$602,000. from surplus funds and \$500,000. had to be transferred to the School Board as it was.

The following observations are included in the staff report to Council, in the section entitled Capital Paydowns - Operating Budget:

'It should be noted that in 1985, it was the first time that Capital-Principal paydown was fully disclosed as a line item. . . . The inclusion of such capital paydowns in the operating budget is twofold:

- (1) to provide for debt repayment/paydown of Capital Projects, based on sporadic or slow completion of approved Capital Programs, and
- (2) by budgeting specific paydown amounts annual debt charges, budget is kept fairly constant to avoid drastic increases or decreases in that budget activity, from one budget to the next.

Ald. Stubbs made the comment that it is easier to manipulate budget figures when budgets are dealt with at one session, such as Council decided upon this year. The Mayor said this decision could not be blamed on staff.

The third issue before Council for discussion with the auditors was the question Ald. Stubbs has raised about two deed transfer tax transactions, and the fact that they were credited to 1985 revenues. She has maintained that this understating of the surplus for 1984 represented another cent on the tax rate. The staff report to Council indicates that the two transactions referred to by Ald. Stubbs, changed hands on Dec. 31/84, but the deed transfer tax for the transactions was not received by the Royal Bank, Portland Street, until Jan. 2/85. Consistent with past practice and revenue on a cash basis, revenue was credited to 1985 revenues.

Mr. Jamieson, in his presentation on this item, informed Council that the recording practice followed was in order and consistent with Section 2040 of the Accounting & Reporting Manual. While the actual closing on the transactions involved, may have taken place on Dec. 31/84, the deposits for the deed transfer tax were not made to the City's bank until Jan. 2/85. The amounts received were recorded accordingly in 1985 as they should have been.

Ald. Stubbs did not agree that the transaction was handled properly, and asked Mr. Rowinski to comment on why Council was not informed. Mr. Rowinski then provided information on a staff meeting when Mr. Corrigan 'bragged to the City Comptroller about deferring some taxes (deed transfer items) so that he

managed to reduce the 1984 surplus'.

Ald. Crawford asked if the auditors saw nothing wrong with that procedure. Mr. Jamieson again stated that the revenue should have been recorded for 1985, since the bank received the money in January of that year; Mr. Thompson substantiated the information communicated by Mr. Jamieson, stating that this is a normal municipal accounting procedure for revenue recorded on a cash basis. Ald. Greenough asked if the procedure followed is consistent with the Municipal Accounting & Reporting Manual. Mr. Thompson said it was consistent.

Ald. Levandier asked if the budget was deliberately padded by \$500,000. (ie. in 1984 for debt charges). Mr. Smith responded in the negative to this question. Ald. Levandier then asked Mr. Rowinski if the budget in question was deliberately padded or have budgets been padded in any other manner. Mr. Rowinski answered, 'as far as I am concerned and to my knowledge, no'. He admitted, however, that the Burnside Park interest and the debt charges were a concern; he said these were the 'only two areas I would see as a problem'.

The Mayor asked if the \$500,000. was used improperly to reduce the City's unfunded debt. Mr. Rowinski said, 'nothing is improper if Council authorizes it. The problem with the \$500,000. and the \$900,000. was that decisions to put these in (the budget) were independent'. Mr. Rowinski went on to mention the purchase of eight Rainbow computers in 1984, purchased without the authorization of Council, also, the buy-out of a 1170 computer for \$50,000. Ald. Crawford questioned whether these items ever came to Council for approval. Mr. Moir noted that funds were included in the budget for computer equipment, but Mr. Rowinski said there was no provision to buy Rainbow computers specifically and they were purchased on a 'two-for-one' basis.

The Mayor asked if there was money provided for

the purchase of this equipment. Mr. Rowinski said, 'if you want to purchase equipment such as this, you can always find money to do it.' Mr. McBain responded to a question put to him by explaining that a number of the Rainbows were bought in place of items in the budget and were paid for out of appropriate accounts. Mr. Smith said all the relevant information in this connection has been documented.

Ald. Hawley was concerned that equipment items have been substituted in this way and he did not like the idea of budgeting for one thing and having something else purchased instead. If a change was being made, it should have come back to Council. Ald. Romkey felt that it is 'splitting hairs' to be this restrictive with equipment such as terminals and computers. He said it would be difficult for members of Council to decide whether Rainbow units should have been purchased or not, and minor items of this nature can surely be left up to staff without having to take up Council's time for decisions.

Ald. Stubbs then questioned a series of record adjustments that were made, relating to completed and unfinished capital projects, and was advised that this action was taken to bring our City records in line with those of the Municipal Affairs Dept. Mr. McBain noted that the report on this item came to Council for approval, and there was no gain or loss in funds resulting. It was simply a matter of paper-work required (as carried out by Mr. Corrigan) to have the City records conform with those of the Municipal Affairs Dept.

Ald. Stubbs proceeded to inquire about missing Non-Profit Housing funds, and money that has not been accounted for, resulting from incomplete records kept by the former Deputy Treasurer. Mr. Thompson said no specific amount has been identified as missing. Because records were not kept as they should have been for

rentals received, it was not possible to determine just who had paid their rent to date and who may not have been paid up completely. Once these irregularities were detected, they were immediately reported and steps were taken to have proper accounting procedures put in place. The Mayor asked about Council's involvement in this situation and Mr. Thompson said the financial reports were presented to the Chairman and Board of Directors of the Society, not to Council. The accounting and auditing deficiencies were detailed in a letter dated Jan. 6/84 from Mr. Thompson, following a series of meetings with Mr. Moir and Ald. Stubbs, who became chairman of the Society. Ald. Hetherington acknowledged that when the present Board took over the Society, the books were in a mess and all of the accounts had to be put in order. This situation has been completely corrected and up-to-date printouts are now able to be received at any time through the City computer system. Mr. Thompson said it is not known still whether in fact money is missing or if it is, how much. The necessary accounting functions that should have taken place were not performed, he said, by either the former Deputy Treasurer or the Director.

Ald. Stubbs asked if a directive was sent out in 1984 by Mr. Smith, advising department heads to spend as much of their budget as possible to avoid surpluses. Mr. Smith replied that if such a memo went out, it was to advise department heads to proceed with projects budgeted for as they were expected to do.

Ald. Stubbs asked Mr. Smith about his involvement in National Video. Mr. Smith advised that he and his wife own shares in a limited partnership and are involved as limited partners only. Ald. Stubbs asked about any advantage Mr. Smith may have in this involvement, and he pointed out that the applications which come before Council from the Amusements Regulation Division have nothing to do with him whatsoever. Ald. Stubbs asked

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if trips to Toronto by Mr. Smith combine City business with National Video business. Mr. Smith said absolutely not. The Solicitor explained the involvement of limited partners in a business; in this capacity, partners are strictly shareholders and do not have any direct involvement in the conduct of the business as such.

Ald. Stubbs closed her remarks by reading sections of a memo from Mr. Moir with respect to the complete removal of staff members from any conflict-of-interest areas; she supported the statements Mr. Moir has made in the memo about this matter.

Ald. Crawford said that in this discussion with the auditors, Council has only been trying to elicit the truth about the allegations made, and answers to questions from Council members have been given in a straight-forward manner. He demanded that the City Administrator make sure no punitive action is taken against Mr. Rowinski as a result of the straight-forward response he has been giving to the questions put to him. He made reference to a letter from the Doane Raymond firm, commending Mr. Rowinski's work in the budget process and improvements as a result of it. Ald. Crawford said that in view of conflicting answers received at this meeting, Council will now have to decide if there is to be a further investigation and if so, who is to carry it out. He suggested that Mr. Moir have a report ready for Council by the October 15th meeting, but Mr. Moir indicated it would not be possible to do that, especially with a long weekend in the interim.

Ald. Stubbs took the position that Council now has an alternative to proceed with an inquiry, through the office of the Attorney-General, under section 339 of the City Charter. She therefore moved that Council proceed under section 339 of the Charter, by requesting the Attorney-General to appoint a judge, to make inquiry into the items presented; the motion was seconded by Ald. Crawford.

Ald. Greenough said in view of the information that has been received with respect to the three main items raised, he did not consider an inquiry of the type called for in the motion, to be warranted. It appeared to him that what this has come down to is nothing more than a dispute among staff, aired before Council. He did not believe there has been any wrong-doing, as alleged, and said he would have 'nothing further to do with this witch-hunt'.

Ald. Levandier wanted to see Mr. Moir sit down with the staff members involved and determine for himself who is right and who is wrong. He was not willing to support the motion on the floor.

Ald. Greenwood asked if it is the auditors' opinion that any money is missing from the City. Mr. Thompson and Mr. Jamieson both responded by saying 'absolutely not'. Ald. Bregante supported the motion and suggested that the RCMP Commercial Crime Division should become involved as well. Ald. Sarto preferred to have Mr. Moir meet with the staff members concerned to work out the differences that exist. Ald. Hawley was not in favour of an inquiry either, but expressed the reservations he still has about the purchase of the computers and about any mishandling of Non-Profit Housing Society funds.

Ald. Greenough asked for a statement from the auditors on the charges made by Ald. Stubbs, which include breach of trust, fraudulent misrepresentation, misappropriation of public funds, conduct unbecoming a professional and mismanagement. Ald. Crawford objected to this question being directed to the auditors, but Ald. Greenough considered it to be in order. Mr. Thompson said that from 'my association in the preceding years (with the City) I would answer no to each of the questions put by Ald. Greenough'. Mr. Jamieson said, 'we have not in any way been involved or associated (with the charges) nor do we believe there is any

misrepresentation, breach of trust, etc., speaking for ourselves as auditors'.

Ald. Withers' opinion was that there has been an error in judgement on the part of staff and there appears to be a morale problem which has to be looked into further. He did not feel there are grounds for an investigation, however. It is the obligation of the City Administrator to take these internal problems in hand, and that is where the action should be taken.

The Solicitor advised Council that if an inquiry is to be called for under Section 339 of the Charter, the motion would have to be much more specific before the Attorney-General would be able to act on it. Unless this is done, the motion will not accomplish what is intended by it. Ald. Hawley suggested that Council simply vote on the basic intent of an inquiry at this time, and if the motion is adopted, have a properly worded resolution prepared.

Ald. Hetherington asked if it would not be advisable to wait for the letter from the Attorney-General before proceeding with any action. He moved deferral for this purpose, but the motion was not seconded. Mr. Moreash again informed Council that the motion, in its present form, will not provide the necessary jurisdiction for conducting an inquiry. It would have to be completely specific in order to fulfill the requirements of Section 339. The question was called on the motion in the form presented, and when the vote was taken, the motion was defeated, with Ald. Stubbs, Crawford and Bregante voting in favour.

Prior to adjournment, and with the necessary two-thirds majority vote of Council, a motion was placed on the floor by Ald. Levandier, to the effect that the City Administrator immediately investigate the allegations made and the conflict that appears to exist with staff, and report back to Council, or to the new Council, as soon as possible. The motion

was seconded by Ald. Withers and it carried.

MOTION: Moved by Ald. Levandier & Withers that the City Administrator immediately investigate the allegations made and the conflict that appears to exist with staff, and report back to Council, or the new Council, as soon as possible.

Before the above motion was introduced, Ald. Romkey raised a point about an advertisement which appeared in a recent daily newspaper, considered by him to be misleading and untrue in its reference to the present City government. He felt it was a slur on the Mayor's reputation and that such criticism is completely unwarranted. He moved that the Mayor write a press release or hold a press conference to outline for the public the many difficult issues that have been dealt with by this Council over the last three-year period. The Mayor said this matter is something the citizens have to decide themselves (about what Council has been able to accomplish), and he did not feel it would be appropriate for him to make any press releases at this time, in case it would be construed as interfering with the election process.

SALE OF
650 PORTLAND ST.

RESOLUTION 85-60

Just before adjourning, Council agreed to deal with Mr. Moir's report on the City-owned property at 650 Portland Street, for which negotiations have been carried on for some time with Bowport Enterprises. They are now prepared to purchase Lot D, containing 36,930 sq. ft. at a price of \$9. per sq. ft., for a total purchase price of \$332,370.00.

Mr. Moir has recommended the adoption of Resolution 85-60, authorizing the sale of the land, as described in the resolution; approval would be subject to the conditions with respect to Items 1 & 2 in the Bowport proposal, as noted in Mr. Moir's report to Council, dated Oct. 2/85. A copy of the Bowport proposal (letter of Aug. 9/85) has been circulated with Mr. Moir's report and the other related documentation.

Council adopted Resolution 85-60, as recommended, on motion of Ald. Greenwood and Sarto.

MOTION: Moved by Ald. Greenwood and Sarto that Council adopt Resolution 85-60, authorizing the sale of City-owned land at 650 Portland Street, as per Mr. Moir's recommendation and report, dated Oct. 2/85.

Meeting adjourned.

Bruce Smith,
City Clerk-Treasurer.

City Council, Oct. 8/85

ITEMS:

- 1) Joint meeting with Auditors, page 1 to 17 incl.
 - 2) Sale of 650 Portland St., page 18.
-

Dartmouth, N. S.

October 15/85.

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

Present - Mayor Brownlow

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

SIDEWALKS:
WOODLAWN MALL

At the opening of the meeting, Ald. Sarto made an inquiry about a sidewalk that was to have been provided this year, for the safety of children walking back and forth to Penhorn School, so they will not continue to cross the Woodlawn Mall parking lot.

Mr. Moir explained that there has been a delay in negotiations with the new mall owners, and one of the mall tenants is opposed to the closure of the gate at the back of the mall, as discussed in conjunction with the sidewalk construction. After further questions were raised by Ald. Sarto about the project, Mr. Moir suggested that the Alderman and Mr. Bayer meet with him to review the situation further.

PUBLIC HEARING:
HEIGHT RESTRICTION
ACCESSORY BUILDINGS

This meeting of Council constituted the public hearing for a proposed amendment to the Land Use By-law with respect to a height restriction for accessory buildings in residential zones.

Mr. L'Esperance made the Planning Dept. presentation, explaining to Council the reasons why his department is in favour of such an amendment, the request for which originated with Council. The Planning Dept. recommendation is that the Zoning By-law be amended, as per the proposed By-law C-554, which would restrict an accessory building in residential zones to fourteen feet in height and a maximum area of 650 sq. ft.

The Mayor then called for representations both for and against the amendment, and hearing none, declared the public hearing to be over.

Proposed By-law C-554 was before Council for approval in this connection. It was moved by Ald. Hetherington and Sarto that leave be given to introduce the said By-law C-554 and that it now be read a first time. The motion carried.

Ald. Hetherington and Hawley moved that By-law C-554 be read a second time.

Ald. Hawley felt there is a need for a one-storey stipulation to be specified in the by-law, together with a roof requirement (ie. requiring a pitched roof rather than a flat one). He discussed this point further with Mr. L'Esperance and was prepared to introduce an amendment in second reading, but the Solicitor advised that a problem could arise with enforcement of the by-law if it were to be changed at this time. The Mayor suggested that such an amendment could be made at a later meeting if Ald. Hawley wished to pursue it further. He agreed to deal with it on this basis. The vote was taken on second reading and it carried.

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

It was moved by Ald. Hetherington and Withers and carried that By-law C-554 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. Greenwood did not vote on second or third reading, having arrived for the meeting in the middle of the item.)

MOTIONS: Three readings given to By-law C-554: amendment to Land Use By-law with respect to height restrictions for accessory buildings in residential zones.

PUBLIC HEARING:
MPS AMENDMENT
METAL SALVAGE ZONE

This date was set by Council for public hearing of a proposed MPS amendment, which would permit the creation of a new zone entitled I-4, a Metal Salvage Zone. The request for this amendment originated with the Industrial Commission, through City Council, and was prompted by the concern of the Commission about

the City's limited authority to regulate the location and operation of scrap yards, especially in the industrial parks.

The Planning Dept. presentation was made by Mr. L'Esperance. He outlined the MPS policy changes required in order to be able to create this new zone, which is being recommended by the Planning Dept. The Mayor called for any representations, either for or against the MPS amendment, and hearing none, declared the public hearing to be over.

The Solicitor requested Council to make a change in the wording of the last line of proposed By-law C-561 by adding the words: '. . . by a majority of the whole Council'. With this change, By-law C-561 was before Council for approval in connection with the MPS amendment.

It was moved by Ald. Hetherington and Greenwood and carried that leave be given to introduce the said By-law C-561 and that it now be read a first time.

It was moved by Ald. Greenwood and Withers that By-law C-561 be read a second time.

During the debate on second reading, points were raised about the non-conforming use of existing scrap yards, the 5,000 sq. ft. lot size and the matter of drainage from scrap yard sites, the present Lyle Street scrap yard, and in general, the specifics that will be provided for in order to be able to control scrap yard operations. It was pointed out by Mr. L'Esperance and by the Solicitor that specific details can be tied down whenever there is an application to Council and an I-4 Zone is created to cover such an application. Also, the Land Use By-law amendment (C-562) establishes some of the specific requirements referred to in the debate, such as the required submission of a site plan, fencing and landscaping requirements, etc. Ald. Hetherington and Bregante indicated their concerns about the scrap yard that has been located at the top of Carleton Street, and about its potential for expansion on a site that is

fourteen acres in size. The concerns of Ald. Crawford and Levandier were also discussed in relation to the Lyle Street scrap yard operation and the problems it has caused for area residents over the years.

The members of Council generally recognized the need for control over scrap yards, even on sites where they may be permitted in the Burnside Park, and they were therefore in favour of the MPS amendment and the motion on the floor. When the vote was taken, the motion carried.

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

It was moved by Ald. Hawley and Sarto and carried that By-law C-561 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. The motion carried unanimously and by a majority of the whole Council, with 11 members being present and voting in favour.

MOTIONS: Three readings given to By-law C-561: MPS amendment to permit the creation of I-4 Zone.

Council has also set this date for public hearing of a proposed amendment to the Land Use By-law, associated with the MPS amendment just approved, in order to be able to create an I-4 Zone, considered necessary for the control of scrap yard operations. The proposed By-law C-562 sets out the related provisions and requirements for salvage yard operations to be established. These were reviewed by Mr. L'Esperance in the Planning Dept. presentation to Council.

The Mayor called for representations in favour of the Land Use By-law amendment, and Council heard Mr. Vaughn Munroe, Chairman of the Harbourview Residents Assn., who spoke in support of it. There were no other members of the public wishing to be heard, either for or against, and the public hearing was therefore declared by the Mayor to be over.

PUBLIC HEARING:
LAND USE BY-LAW
AMENDMENT
METAL SALVAGE ZONE

Proposed By-law C-562 was before Council for approval, to amend the Land Use By-law.

It was moved by Ald. Hetherington and Bregante and carried that leave be given to introduce the said By-law C-562 and that it now be read a first time.

It was moved by Ald. Greenough and Sarto and carried that By-law C-562 be read a second time.

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

It was moved by Ald. Hetherington and Greenwood and carried that By-law C-562 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-562: Land Use By-law amendment with respect to scrap yard operations and creation of the I-4 Zone, as per the MPS amendment approved previously at this meeting.

LETTER:
ALD. STUBBS

Ald. Stubbs circulated copies of a letter from her, dated Oct. 15/85, indicating her concern that a representative of Doane Raymond Ltd. has threatened a lawsuit against her, and that this action represents 'interference in the political process of Dartmouth and her election as a candidate for Mayor'. The letter states that she is therefore '. . . forced to consider my own legal action for any damages inflicted to my political career of some 18 years of dedicated service'.

Ald. Crawford then rose to question the approval given at the end of the October 8th Council, for the sale of City-owned land at 650 Portland Street. He said this action was taken quickly and without adequate attention at the end of a meeting, and the item should be reintroduced for debate at this time. He said the regular due tendering process was not followed in disposing of the property, and further, that Council previously agreed not to have any fast-food outlets or service station operations allowed on the site. This condition has not been adhered to in the property sale.

Mr. Moir noted that he was authorized to continue negotiations with Bowport Enterprises and his report of Oct. 2/85 contained the details of those negotiations. It also included conditions for sale and changes in the Bowport proposal, recommended if Council were to decide to sell the property. Ald. Crawford continued to maintain that the item should come back before Council at this time, and he proceeded to move reconsideration, seconded by Ald. Stubbs. The necessary two-thirds majority vote of Council was not received, with only Ald. Crawford and Stubbs voting in favour.

SECOND APPROVAL:
OVER-EXPENDITURE
SOCIAL SERVICES

A request from the Social Services Dept., for an over-expenditure in the amount of \$210,000., was before Council for second approval. As requested when first approval was given (Oct. 8th), Mr. McNeil has provided a report, with additional information on the factors involved in the need for the over-expenditure. Ald. Greenough and Sarto moved that the over-expenditure be given second approval.

Ald. Levandier and Crawford moved in amendment that approval be given for only 50% of the total amount at this time, that is, an amount of \$105,000. Speaking on the amendment, Ald. Greenough pointed out that if the total \$210,000. is not required by the Social Services Dept., it will not be spent anyway. When the vote was taken on the amendment, it was defeated. The main motion carried.

MOTION: Moved by Ald. Greenough and Sarto that second approval be given to an over-expenditure, in the amount of \$210,000., as requested by the Director of Social Services.

MONTHLY REPORTS

The regular monthly reports, which have been presented this month without recommendation from Committee, were approved as follows:

- 1) Social Services (Aug/Sept.): adopted on motion of Ald. Sarto and Bregante.
- 2) Development Officer (Sept.): adopted on motion of Ald. Hawley and Bregante.
- 3) Building Inspection (Sept.): adopted on motion of Ald. Greenough and Greenwood.

- 4) Minimum Standards (Sept.): adopted on motion of Ald. Hawley and Greenwood.

Ald. Withers requested further follow-up on two properties on the list, 28½ Albro Lake Road and the Howe Street body shop. He noted that the property at 1 Alfred St. is in Ward 5 and not Ward 4.

Ald. Hawley advised that Alex Taxi, Lakecrest Drive is in Ward 1, and Ald. Bregante noted that 45 Brompton Rd. should be listed in Ward 7 and not in Ward 2.

Ald. Crawford inquired about the property at 189/191 Portland Street, noting that the owner has not followed through on the RRAP application for improving the property. He discussed the possibility of proceeding with a prosecution under the circumstances, and asked for a meeting of the Minimum Standards Inspector and the RRAP Inspector, in the City Solicitor's office to deal with this situation.

Another property referred to by Ald. Crawford was 27 Prince Albert Road, where the garbage container at the back of the building is without any cover and creating a problem.

He asked about the prosecution of the property owner on Fairbanks Street; Mr. L'Esperance said he has received a call this afternoon, advising that the City has won this case.

- 5) Fire Chief (Sept.): adopted on motion of Ald. Sarto and Bregante.
- 6) Ferry Supt. (June & July): adopted on motion of Ald. Greenough and Sarto.
- 7) Dog Control (Aug.) : adopted on motion of Ald. Greenwood and Hawley.
- 8) Tourism Director (Tourist Bureau registrations for Sept. and to date): adopted on motion of Ald. Hawley and Greenwood.
- 9) Summary of Rev. & Expenditures to Sept. 28/85: received and filed on motion of Ald. Sarto and Withers.

MOTIONS: To approve regular monthly reports, as detailed above and on page 6 of these minutes.

AMEND PENSION
COMMITTEE BY-LAW:
BY-LAW C-560

Proposed By-law C-560, which would amend the Pension Committee By-law by providing for representation on the Committee from Unit #4, N. S. Union of Public Employees, was before Council for approval. Adoption of the by-law has been recommended by Mr. Moir in an accompanying report to Council.

It was moved by Ald. Sarto and Hetherington that leave be given to introduce the said By-law C-560 and that it now be read a first time. The motion carried.

It was moved by Ald. Hetherington and Greenwood and carried that By-law C-560 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 Sarto and carried that By-law C-560 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-560: amendment to the Pension Committee By-law.

HERITAGE DESIGNATION:
34 KING ST.

On motion of Ald. Stubbs and Greenwood, Council set November 19th as the date for hearing of a heritage designation for the property at 34 King Street, the former home of Dartmouth historian, Dr. J. P. Martin.

MOTION: Moved by Ald. Stubbs and Greenwood that November 19th be set as the date for hearing of a heritage designation for the property at 34 King St.

PRICING POLICY:
BY-LAW C-559

The Industrial Commission has recommended a number of pricing policy changes for sites in the Burnside Industrial Park, as set out in Mr. Rath's report dated Sept. 30/85, copies of which have been circulated. By-law C-559 has been prepared to accomplish these changes and approval has been recommended to Council.

Ald. Crawford had several questions about the pricing changes, and Mr. Rath responded to these, explaining the reasons why certain specific changes have been recommended at this point in the development of the Burnside Park. Ald. Crawford asked if these pricing changes represent a policy change as such, and Mr. Rath said that is clearly intended and the new prices proposed to Council will come into effect as of November 1st.

It was moved by Ald. Greenough and Hetherington and carried that leave be given to introduce the said By-law C-559 and that it now be read a first time.

It was moved by Ald. Hetherington and Sarto and carried that By-law C-559 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 Hetherington and carried that By-law C-559 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-559: pricing policy, Burnside Park sites.

LETTER:
DOMINION METAL
(N.S. LTD.)

Mr. Rath has submitted a report to Council on a letter received from Dominion Metal (N.S.) Ltd., with regard to a land exchange proposed between the company and the City. The Industrial Commission has indicated to Council that the proposal is unacceptable and that no further action should be taken until the company is prepared to consider purchasing a site, according to the established pricing policy for the Burnside Park. Ald. Greenough and Withers moved the adoption of the report from Mr. Rath.

Ald. Crawford was concerned that negotiations with the company may now be terminated, but Mr. Moir said they will continue and the position of the City will be strengthened by the intent of the Industrial Commission. Ald. Hetherington said that in future, when such reports come to Council, it would be helpful to have the information on the appraisal carried out and on the assessed valuation of the property in question. Ald. Levandier also wanted to have negotiations go forward with the company and felt the matter should have come to Council in the first place.

The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Greenough and Withers that Council adopt Mr. Rath's report of Oct. 1/85, with respect to the letter received from Dominion Metal (N.S.) Ltd. and the response of the Industrial Commission to it.

VIDEO APPLICATION:
6 PRIMROSE ST.

On motion of Ald. Sarto and Hetherington, Council indicated no objection to an application for a retail video outlet for Rainbow Video at 6 Primrose St., in the Sobeys Shopping Plaza.

MOTION: Moved by Ald. Sarto & Hetherington that Council indicate no objection to an application for a retail video outlet at 6 Primrose Street.

PROPOSED AMENDMENT:
DEVELOPMENT AGREE-
MENT, SEACOAST TOWERS

On motion of Ald. Sarto and Withers, Council set November 19th as the date for a public hearing of a proposed amendment to the development agreement between Pacific Investments Ltd. and the City, with respect to the Seacoast Towers development.

MOTION: Moved by Ald. Sarto and Withers that Council set Nov. 19th for public hearing of a proposed amendment to the development agreement between Pacific Investments Ltd and the City, with respect to the Seacoast Towers development.

PERMIT TO BUILD:
660 PORTLAND ST.

On motion of Ald. Sarto and Greenwood, Council approved an application for permit to build a new car dealership at 660 Portland Street; estimated value of construction is \$469,000. Approval is subject to compliance with the requirements outlined in the staff report dated Oct. 9/85.

MOTION: Moved by Ald. Sarto and Greenwood that Council approve an application for permit to build a new car dealership at 660 Portland Street, subject to compliance with the requirements set out in the staff report dated Oct. 9/85.

STREET OPENING
PERMIT FEES

As requested at the October 1st meeting, Mr. Purdy has prepared a report for Council on the financial implications of exempting street opening permit fees for gravel streets, and of making such exemptions retroactive.

Ald. Hawley declared a conflict of interest, on the basis that his property is to be connected to a new sewer line, and withdrew from his place on Council to sit in the gallery while the item was before Council.

The approx. total cost to the City, if this were to be made a City-wide policy and retroactive to Jan. 1/84, has been estimated at \$14,580., and several members of Council were concerned about it.

this cost and the problems involved in making such a policy retroactive. Taking both considerations into account, the report was received and filed without any further action being taken, on motion of Ald. Hetherington and Sarto.

MOTION: Moved by Ald. Hetherington and Sarto that a report from Mr. Purdy on the subject of street opening permit fees, be received and filed.

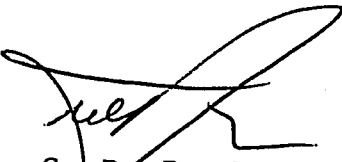
VIDEO APPLICATION:
171/173 MAIN ST.

On motion of Ald. Sarto and Hetherington, Council indicated no objection to an application for a retail video outlet for Teddybear Video at 171/173 Main St.

MOTION: Moved by Ald. Sarto and Hetherington that Council indicate no objection to an application for a retail video outlet at 171/173 Main Street.

This being the final meeting of the present Council and Mayor Brownlow's final meeting as well, he addressed Council briefly on the progress the City has made to this point in time and the contribution made by the present Council. Tribute was paid by several Council members to Mayor Brownlow and his term of office. All members of Council and staff acknowledged this contribution by Mayor Brownlow.

Meeting adjourned.


G. D. Brady,
Deputy City Clerk.

City Council, Oct. 15/85

ITEMS:

- 1) Sidewalks: Woodlawn Mall, page 1.
- 2) Public hearing: Height restriction, accessory bldgs., page 1.
- 3) Public hearing: MPS Amendment, Metal Salvage Zone, pg. 2
- 4) Public hearing: Land Use By-law Amendment, Metal Salvage Zone, page 4
- 5) Letter: Ald. Stubbs, page 5.
- 6) Second approval: Over-expenditure, Social Services, page 6.
- 7) Monthly reports, page 6 & 7.
- 8) Amend Pension Committee By-law: By-law C-560, page 7.
- 9) Heritage designation: 34 King St., page 8.
- 10) Pricing policy: By-law C-559, page 8.
- 11) Letter: Dominion Metal (N.S.) Ltd., page 9.
- 12) Video application: 6 Primrose St., page 10.
- 13) Proposed amendment: Development agreement, Seacoast Towers, page 10.
- 14) Permit to build: 660 Portland St., page 10.
- 15) Street opening permit fees, page 10.
- 16) Video application: 171/173 Main St., page 11.