

Dartmouth, N. S.

December 3/85.

Regularly called meeting of City Council  
held this date at 6:30 p.m.

Present - Mayor Savage

Ald. Billard	Thompson
Connors	MacFarlane
Withers	Levandier
Pye	McCluskey
Hawley	Woods
Bregante	Greenough
	Hetherington
City Solicitor, S. Hood/M. Moreash	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady.	

MINUTES

On motion of Ald. Bregante and Hetherington,  
Council approved the minutes of meetings held on  
November 4, 5, 12, 19 and 26.

REQUEST FOR  
DEREGISTRATION:  
15 PINE ST.

A request has been received to have the  
heritage property at 15 Pine Street deregistered.  
Such a request requires a hearing process, under an  
amendment to the Heritage Properties Act, and on motion  
of Ald. Hetherington and Levandier, Council set the  
date of Jan. 21st for the public hearing.

MOTION: Moved by Ald. Hetherington & Levandier  
that Jan. 21st be set by Council as the  
date for public hearing of a request to  
have the heritage property at 15 Pine  
Street deregistered.

REQUEST FOR  
DEREGISTRATION:  
24 TULIP ST.

A second request for deregistration has been  
received from the owners of the property at 24 Tulip  
Street, registered as a heritage property. On motion  
of Ald. Thompson and Connors, Council set Jan. 21st  
as the date for public hearing of this request also.

MOTION: Moved by Ald. Thompson and Connors  
that Jan. 21st be set by Council as  
the date for public hearing of a request  
to have the heritage property at 24 Tulip  
Street deregistered.

NOISE COMPLAINT  
HEARING DATE

A public hearing has been requested by residents  
living in the area of the MicMac Aquatic Club, under  
the Nuisance By-law, C-211. Ald. MacFarlane and Pye  
moved that Council set Jan. 21st as the date for public  
hearing.

Ald. Levandier felt that complaints under  
By-law C-211 should be more substantiated before Council  
sets hearing dates, and the parties involved should be

making more of an effort to resolve their difficulties before these matters come to Council for public hearing. Mr. Moir noted that correspondence has gone out <sup>to</sup> the MicMac Club, suggesting a meeting of the residents with the organization. Ald. Greenough noted that just because a date has been set for a hearing, this does not preclude the two parties getting together for discussion in the meantime. The Mayor said he would be quite willing to have both parties brought together in his office, in an effort to have the differences between them resolved. Ald. Levandier said he would favour this approach, and he moved deferral in setting a date for public hearing until after such a meeting has taken place in the Mayor's office; the motion was seconded by Ald. Greenough.

Members who spoke on the motion to defer were not in favour of it. Ald. Hawley questioned whether such a meeting of the Mayor with the two groups would possibly prejudice his position at the time of a public hearing. When the vote was taken on the motion to defer, it was defeated. The main motion carried with Ald. Levandier voting against.

MOTION: Moved by Ald. MacFarlane and Pye that Council set Jan. 21st as the date for public hearing of a complaint against the MicMac Aquatic Club, under By-law C-211.

REPORT: HOUSING  
CRISIS

Members of Council have received the staff report prepared at the request of Council, in response to the report of the Dartmouth Housing Crisis Committee. In his accompanying report, Mr. Moir has made the following recommendations:

- 1) that Council approve the housing needs and types.
- 2) that the Mayor be authorized to appoint a small committee of City Council and staff to deal with the N. S. Dept. of Housing and CMHC, to explore with these two bodies, the housing programs which are available to meet the needs identified in the report.
- 3) that City staff, including the Legal Dept., be authorized to assess the committee's recommendations regarding administration, and that City staff, including the Clerk-Treasurer's office, study the capital funding aspect of this staff report.

Ald. Bregante and Greenough moved the adoption of Mr. Moir's recommendations. Ald. McCluskey was in agreement with the report basically, but felt the composition of the committee recommended should include two women who have experienced housing problems and are able to bring this first-hand knowledge to the discussions. She later proposed an amendment to have such representation included in the make-up of the committee, but at the Mayor's suggestion, Council agreed to incorporate the provision in the main motion instead. The reference would be not just to women affected by housing needs, but could include those with expertise on the subject from the point of view of such women.

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

The general response of Council to the motion was favourable. Ald. Bregante said he was pleased to see the report before Council and the general response to it. He commented on the pressing need for additional housing units in Dartmouth of the various types that have been identified. Ald. Levandier asked why efforts are not being made to secure the use of vacant DND units, and the Mayor advised that he will be meeting with the Base Commander for the Armed Forces to discuss this particular matter. Ald. Woods was concerned that in adopting recommendation #1 in Mr. Moir's report, Council may be 'casting in stone' the number and type of housing units identified in the staff report. This point was clarified by the Mayor and Mr. Moir, when they pointed out that the committee will have responsibility for debating points such as these and determining the specifics.

Ald. Connors had a similar concern about the needs for various types of housing. He referred to a letter received recently from the representatives of Phoenix House, an organization involved with homeless young people; he said the needs of this group must not

be overlooked and should be addressed by the committee.

Ald. Hawley said he would be concerned about any land banking suggestion involving the City, recognizing Council's efforts to avoid ghetto housing developments in the city, with all their associated problems. Housing units of the type required should be integrated throughout the community instead for better results. He asked that the committee take this point into account.

Several members of Council spoke about the urgency of this item, and the Mayor advised that it will be back before Council for the first meeting in January.

Council heard briefly from Rev. Ferguson, a member of the Housing Crisis Committee. He said he was pleased with the approach being taken by Council to the report, and offered further comments on the work of the Housing Crisis Committee during the time it has been formed. The Mayor thanked the Committee members for their efforts.

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

MOTION: Moved by Ald. Bregante and Greenough that Council adopt Mr. Moir's recommendations with respect to the Housing Crisis Committee report, as detailed on page 2 of these minutes. The composition of the committee referred to in recommendation #2 to include two women representing the specific area of need described by Ald. McCluskey (ie. affected by housing needs &/or represented through an umbrella organization).

Members of Council named to serve on the committee at this time, were: Ald. Woods, Bregante and Hawley.

SECOND APPROVAL:  
CROSSWALK GUARD  
OAKDALE CRES.

On motion of Ald. McCluskey and Hawley, Council gave second approval for an over-expenditure in the amount of \$453., for a crosswalk guard at the intersection of Oakdale Crescent and Crichton Ave., for the remainder of the year 1985.

MOTION: Moved by Ald. McCluskey and Hawley that second approval be given for an over-expenditure in the amount of \$453., to cover the cost of a crosswalk guard at Oakdale Cres. & Crichton Ave., for the remainder of 1985.

BY-LAW C-547:  
THIRD READING

By-law C-547 (tax exemption: W. Williams Non-Profit Housing Assn.) was before Council for third reading, with a report from Mr. Brady on the taxes

for 1985 on the two properties involved; this information was requested by Council during second reading of the by-law.

It was moved by Ald. Greenough and Hetherington and carried that By-law C-547 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-547 (tax exemption: W. Williams Non-Profit Housing Assn.) First & second reading were given at the Nov. 19th meeting of Council.

AWARD TENDERS:  
SAND, GRAVEL &  
STONE 1986

Tenders for sand, gravel and stone for the year 1986, have been received as per the Purchasing Dept. report of Nov. 14/85. Tenders have been recommended in that report and Mr. Moir has concurred with the recommendations of the Purchasing Agent.

The tenders were awarded by Council, as recommended, on motion of Ald. Bregante and Hawley.

MOTION: Moved by Ald. Bregante and Hawley that tenders for sand, gravel and stone for the year 1986, be awarded as recommended by the Purchasing Agent, with Mr. Moir's concurrence.

AWARD TENDERS:  
VEHICLES

Tenders have been received for vehicles to be used in the City Police Dept., the Water Dept., and the School Bus operation. The awarding of tenders has been recommended by Mr. Harry George, as per his memo of Nov. 25/85, with Mr. Moir's concurrence.

Ald. Hetherington and Greenough moved that the tenders be awarded as recommended, but Ald. Hetherington asked why tender specifications have not been included with the reports. Mr. Moir noted that the specifications were dealt with and approved previously by the committee appointed for that purpose, and it was not considered necessary to circulate them again.

(Mr. Moreash was present in the capacity of City Solicitor from this point in the meeting.)

Ald. Hetherington also objected to the inclusion of air conditioning for the marked police units and police vans. He considered that this is an unnecessary waste of taxpayers' money. Chief Trider was asked to

comment and stated that air conditioning in the marked units and patrol wagons has made a big difference to the police officers who work in these units. He was in favour of retaining this option for the 12 vehicles involved.

Questions from Ald. Greenough to the Fleet Manager, Mr. Lalonde, pertained to the trade-in value we are able to receive as a result of including air conditioning in last year's cars. Mr. Lalonde pointed out that the full value of the air conditioning will be recovered this year. The initial \$10,000. investment for air conditioning was made with last year's models. Having been advised that the major expenditure involved has already taken place, and noting that some trade-in value will be lost if air conditioning is now deleted, most members of Council were willing to support the motion.

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

MOTION: Moved by Ald. Hetherington and Greenough that tenders be awarded as recommended for City vehicles for the Police Dept., the Water Dept., and the School Bus operation.

RELOCATION  
OF CN TRACKS

Council was asked to appoint two members to serve on the CN track relocation committee, to replace former Aldermen from the previous Council. Ald. Connors volunteered to serve on the committee and Ald. Billard has also indicated his interest. These two Council members were duly appointed to the committee. The Council third/member of the committee is Ald. Levandier.

PRICING POLICY:  
BY-LAW C-563

The City Solicitor has reported to Council on an error in Schedule "A" of By-law C-559, with respect to the price per sq. ft. for Sites L-13B and L-14B in the Burnside Park; these two parcels should have been priced at \$1.35 per sq. ft. or \$58,806. per acre.

It has therefore been recommended that Council enact By-law C-563, which will change the price for the two sites concerned, from \$1.50 to \$1.35 per sq. ft.

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

By-law C-563 and that it now be read a first time.

It was moved by Ald. Hetherington and Withers and carried that By-law C-563 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 Withers and carried that By-law C-563 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-563 (to amend By-law C-559 with respect to the price of Sites L-13B and L-14B in the Burnside Park).

CITY LAND:  
611 PORTLAND ST.

Mr. Moir has submitted a report to Council on a letter received from the firm of Pat King Real Estate, expressing interest in purchasing the City-owned land at 611 Portland Street. This property and the building on it have been taken over by the Works Dept. as a central location for the storage and distribution of salt, sand, and construction materials; the garage area is used for storage of out-of-season equipment.

The staff recommendation is that this property be retained by the City for the uses it presently serves. Mr. Moir noted in his report that if Council wishes to dispose of the property, it would be his recommendation that it be sold by tender, due to the fact that companies other than Pat King Real Estate have also indicated an interest in it.

Mr. Fougere was asked to comment on the use of the property and building. He explained in further detail the need for this kind of garage and storage facility to serve the east and south ends of the City.

Ald. Levandier preferred to see the land developed and moved that proposals be called for the site; the motion did not receive a seconder. Ald. Hetherington and Connors moved the adoption of the staff recommendation, as presented in Mr. Moir's report of Nov. 28/85.

Ald. Connors asked about the R-1 zoning this property presently has. He was advised of the legal

non-conforming use the property has (having been used by the Dept. of Highways previously for a similar purpose), but he maintained the City should be setting a proper zoning example with this property.

Ald. Greenough questioned whether the present use of the property is really the best one, and he moved referral to staff to look at other possible alternate locations for salt and storage purposes, for report back to Council; the motion was seconded by Ald. Connors. Mr. Moir noted that staff have looked at other locations in this section of the City and there is nothing available with this kind of access to the Circumferential Highway and other major traffic arteries in south and east Dartmouth.

Ald. Hawley and McCluskey were opposed to referral, but Ald. Woods and Levandier spoke in favour of the motion. Ald. Woods felt that site should be looked at for a possible housing project. Ald. MacFarlane wanted to have a decision made by Council at this time, and pointed out that staff have already looked for other Works Dept. locations and are unable to find any in the immediate area.

The vote was taken on the motion to refer and it was defeated with Ald. Greenough, Woods and Levandier voting in favour. The main motion carried with Ald. Levandier voting against.

MOTION: Moved by Ald. Hetherington & Connors that the staff recommendation be adopted on the use of the City-owned property at 611 Portland Street, as per Mr. Moir's report to Council, dated Nov. 28/85.

LEASE: FERRY  
TERMINAL RESTAURANT

A report from Mr. Moir was considered on a proposed new lease recommended for the Ferry Terminal Restaurant, with Host Restaurateurs Ltd., based on the terms and conditions of the previous lease (with Ferry Terminal Restaurant Ltd.), with amendments requested by Mr. Fiske, the new operator.

Ald. Hetherington and Pye moved that Council authorize the entering into of a new lease, as recommended.



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The vote was taken on the motion to refer and it was defeated with Ald. Greenough, Woods and Levandier voting in favour. The main motion carried with Ald. Levandier voting against.

MOTION: Moved by Ald. Hetherington & Connors that the staff recommendation be adopted on the use of the City-owned property at 611 Portland Street, as per Mr. Moir's report to Council, dated Nov. 28/85.

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Ald. Hetherington and Pye moved that Council authorize the entering into of a new lease, as recommended.

Ald. Withers was concerned that the City could be obligated to the owners involved for the next fifteen years, under the terms of the proposed agreement. Ald. Connors said he had no difficulty with the terms that apply to the first five years, but he could not agree with the sections of the lease that apply to the two five-year periods beyond that point. He proposed an amendment, covering those five-year periods, and with reference to clause 15 of the lease; the amendment was seconded by Ald. Hawley. The City Solicitor subsequently drafted a resolution to cover the amendment, which reads as follows:

BE IT RESOLVED that the City of Dartmouth lease the property described in Schedule "A" hereto attached, to Host Restaurateurs Ltd., for a term of five years, upon the terms and conditions of the previous lease to Ferry Terminal Restaurant Ltd., with the following changes:

- 1) an option to renew for one further period of five years at a rental to be negotiated, and upon failure to agree, the rental to be determined by arbitration.
- 2) the lease may be assigned with leave of the Lessor, which leave shall not be unreasonably withheld.

This amendment carried and the amended motion carried.

MOTION: Moved by Ald. Hetherington and Pye that Council authorize the entering into of a new lease for the Ferry Terminal Restaurant, as recommended.

AMENDMENT: Moved in amendment by Ald. Connors and Hawley that the above resolution be adopted, with the changes noted in the new lease.

POLICE HEAD-  
QUARTERS SITE  
SELECTION

Mr. Moir has submitted a report to Council on behalf of the Police Site Selection Committee, recommending that the firm of Forsyth & Dobbs, Architects, in association with Shore, Tilbe, Henschel, Irwin & Peters, be engaged to undertake the pre-design study for the new police headquarters for the City.

Ald. Levandier and Hetherington moved the adoption of the recommendation. Ald. Connors felt that there have to be some decisions made about priorities for the City before Council goes ahead with approval

of a study involving any one particular project. It was noted that Ald. Hawley will be introducing a motion calling for a determination of priority items by Council, and Ald. Connors proceeded to move that this matter be deferred until January of the new year. The motion to defer was seconded by Ald. Hawley.

Ald. Levandier and Hetherington were opposed to deferral. Ald. Levandier noted that funds were budgeted for a pre-design study and the need for new police facilities has been under consideration for some time now. Ald. Hetherington said that no useful purpose will be served by the motion to defer.

Ald. Greenough said he could understand the concern of new Council members who have not been briefed on the reasons why the pre-design study should proceed. He was in favour of having new members brought up to date on the entire subject, even if some time is required to do this. When the vote was taken on the motion to defer, it was defeated. The main motion carried with Ald. Connors voting against.

MOTION: Moved by Ald. Levandier & Hetherington that the firm of Forsyth & Dobbs, in association with Shore, Tilbe, Henschel, Irwin & Peters, be engaged to undertake the pre-design study for the new police headquarters, as recommended by Mr. Moir, on behalf of the Police Site Selection Committee.

JOINT USE OF  
SEWER FACILITIES:  
CITY & COUNTY

Mr. Moir has provided Council with background information on sewage disposal arrangements that have existed over the years, between the County of Halifax and the City of Dartmouth, with respect to developments on the boundary areas of both municipalities. It is now proposed that an agreement be entered with the County, as per the fee structure set out in Mr. Moir's report of Nov. 28/85, based on housing units involved, and recommended that Council authorize the cost-sharing arrangement between the City and the County for the joint use of their sewer systems, as detailed in the report.

Ald. Hetherington wanted to know why there has been no agreement with the County to this time, and felt Council members should have an opportunity to make further inquiries of staff before coming to any decision on the recommendation. He therefore moved a two-week deferral (later changed to one week) for this purpose; the motion was seconded by Ald. Connors.

Mr. Moir pointed out that this is a rather urgent item, since a developer with approx. 100 lots in Bel Ayr Park is waiting to connect his sewer service to the County system before he can proceed with development. Also, the fee structure being recommended has been approved already by the Halifax County Urban Services Committee, and the County is anxious to have the structure ratified by the City. At this point, it was agreed that the deferral would be changed from two weeks to one week, and on that basis, the motion carried.

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

MOTION: Moved by Ald. Hetherington and Connors that a decision on the joint sewer agreement with the County be deferred for a one-week period, to give members of Council the opportunity to make further inquiries about the details.

CONTRACT 85-18:  
STREET CONSTRUCTION

Tenders have been received as follows for

Contract 85-18 (Street Construction):

Municipal Contracting Ltd.	\$478,445.
Ocean Contractors Ltd.	485,246.
Steed & Evans Ltd.	502,641.

Acceptance of the low bid, received from Municipal Contracting Ltd., has been recommended by Mr. Purdy, with Mr. Moir's concurrence. Council awarded the tender, as recommended, on motion of Ald. Greenough and Withers.

MOTION: Moved by Ald. Greenough & Withers that the tender for Contract 85-18 be awarded to the low bidder, Municipal Contracting Ltd., as recommended. Contract 85-18 is for street construction: Alpine Drive, Garden Court, Lakewater Court, Lakewood Court, and Lake Charles Drive. Also, the new culvert for the brook on Waverley Dr. and across Lake Charles Drive.

TAX CERTIFICATE  
FEE: BY-LAW C-558

Proposed By-law C-558, which would increase the City fee for tax certificates, has been recommended to Council by Mr. Corrigan; the fee would be increased to \$15. for each certificate under this by-law.

It was moved by Ald. Bregante and Withers and carried that leave be given to introduce the said By-law C-558 and that it now be read a first time.

It was moved by Ald. Withers and Connors and carried that By-law C-558 be read a second time.

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

It was moved by Ald. Bregante and Greenough and carried that By-law C-558 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-558, which increases the City fee for tax certificates to \$15., as recommended by the Deputy City Treasurer.

LAND PURCHASE:  
LAKE CHARLES DR.

The City Solicitor has reported to Council on negotiations for the purchase of a small parcel of land at 8 Lake Charles Drive, required by the City for street construction purposes. She has recommended that the land (141.95 sq. meters) be acquired from Thomas and Belinda Patterson, the owners, for the price of \$3,500. Mr. Moir has concurred with the recommendation, and it was approved by Council, on motion of Ald. Greenough and Bregante.

MOTION: Moved by Ald. Greenough and Bregante that Council approve the recommended purchase of a parcel of land at 8 Lake Charles Drive, for the negotiated price of \$3,500. This land is required by the City for street construction purposes.

M.P.S. PAPER:  
"HERITAGE"

On motion of Ald. Levandier and Hetherington, Council received and filed for information, the background paper circulated, from the M.P.S. Review Committee, on the subject of "Heritage". This background paper will be used by the Committee and its sub-committees in drafting policies for the new Municipal Planning Strategy.

PERMIT TO BUILD:  
200 WAVERLEY RD.

MOTION: Moved by Ald. Levandier & Hetherington that Council receive and file for information, the background paper circulated on the subject of "Heritage".

On motion of Ald. Hetherington and Greenough, Council approved an application for permit to build a repair and storage garage at 200 Waverley Road. Estimated value of construction is \$585,000. and the application is submitted by J. W. Lindsay Enterprises Ltd. Approval would be subject to compliance with the requirements set out in the staff report, dated Nov. 26/85.

MOTION: Moved by Ald. Hetherington & Greenough that Council approve an application for permit to build a repair & storage garage at 200 Waverley Road, subject to compliance with the requirements set out in the staff report of Nov. 26/85.

VIDEO APPLICATION:  
739 WINDMILL RD.

On motion of Ald. Hetherington and Thompson, Council indicated no objection to a video outlet application for premises at 739 Windmill Road.

MOTION: Moved by Ald. Hetherington & Thompson that Council indicate no objection to a video outlet application for premises at 739 Windmill Road.

PLACE OF AMUSEMENT  
LICENSE:  
132 STRAND PLAZA

An application for a place of amusement license (theatre, arcade and dance hall) was before Council for an expression of opinion in favour or against. The location is at 132 Strand Plaza on Main Street in Dartmouth.

Ald. Hetherington said he would be objecting to this application because of problems experienced with arcades in the past and with this one in particular. Ald. Greenough also objected to the application.

Ald. Hetherington and Withers moved that Council indicate an objection to the application. Ald. Billard felt it would be helpful in the case of such applications if Council could have information on the cost of tax revenue that would be received from the operation, as compared with the cost of City services required in connection with the operation (ie. policing, etc.) Ald. McCluskey asked if the same person is making application as owned this business previously. She asked if staff could obtain this information from the

Amusements Regulations people.

Ald. Withers and Thompson moved deferral of the application for one week to give staff time to contact the Provincial department concerned, to obtain additional information about the application and the owner involved. The motion to defer carried.

MOTION: Moved by Ald. Withers and Thompson that the place of amusement application for 132 Strand Plaza, be deferred for one week to give staff time to contact the Provincial department concerned, to obtain additional information about the application and the owner involved.

LEASE OF LAND:  
639 WINDMILL RD.

Council considered a report from Mr. Rath on the proposed leasing to HRDA Enterprises Ltd. of a 10,000 sq. ft. parcel of City-owned land in the south-east corner of 639 Windmill Road, as shown on the plan attached to the report. A rental of \$2,400. per year has been negotiated with the company, and in addition, as provided for in the lease, the company will pay a one-time fee of \$500. to cover survey and legal expenses associated with the transaction. Mr. Rath has recommended approval of the land lease, subject to the eight terms and conditions detailed in his report, dated Nov. 15/85. Resolution 85-67 has been prepared to accomplish this transaction. Mr. Moreash requested that Council make two corrections to the resolution, as follows:

RESOLUTION 85-67

- 1) the annual rental figure should read \$2,400. instead of \$2,900.
- 2) the second paragraph, with reference to the approval of the Minister of Municipal Affairs, is deleted.

With the above-noted corrections, Resolution 85-67 was approved by Council, on motion of Ald. Levandier and MacFarlane. Ald. McCluskey requested information on the appraisal cost involved, and asked if it has ever been suggested that appraisal costs be borne by the company involved rather than the City.

MOTION: Moved by Ald. Levandier & MacFarlane that Council approve Resolution 85-67, authorizing the lease of City-owned land at 639 Windmill Road to HRDA Enterprises Ltd., as per the terms and conditions set out in Mr. Rath's report to Council, dated Nov. 15/85.

LYLE STREET  
SCRAP YARD

The Board of Health has recommended to Council that the Minister of the Environment be requested to issue an order to shut down the Dominion Metals smelter on Lyle Street, until the company's smoke stack emissions are corrected. Ald. Hetherington and Bregante moved the adoption of the recommendation.

Ald. Levandier supported the motion, and produced a copy of a document which he considered to be binding on the company, based on the Planning Appeal decision which upheld the granting of a permit to this company (Regional Development Permit) but with added conditions. The document was passed to the City Solicitor for review and he later acknowledged that the company may be in violation of conditions imposed at the time.

Ald. Connors was in agreement with the motion on the floor, but wanted to see Council's action go further. He moved in amendment that the Minister of Municipal Affairs be requested to take action immediately with respect to a breach of the Regional Development Permit granted this company. The amendment was seconded by Ald. Pye. Ald. Connors noted that his amendment is applicable to the smelter operation which is causing the present emission problems in the area, and the action proposed for Council's approval, would not result in a closure of the junk yard operation itself.

Members of Council who spoke on the amendment were in favour of it and it carried. The amended motion carried.

MOTION: Moved by Ald. Hetherington and Bregante that Council adopt the recommendation of the Board of Health with respect to the Lyle Street smelter operation; text of the recommendation is stated above.

AMENDMENT: Moved in amendment by Ald. Connors and Pye that the Minister of Municipal Affairs be requested to take action immediately with respect to a breach of the Regional Development Permit granted this company.



FERRY OPERATION  
REPORTS: AUG. &  
SEPTEMBER

On motion of Ald. Bregante and McCluskey, Council adopted the Ferry Operation reports for the months of August and September, as approved and recommended by the Transit Advisory Board.

MOTION: Moved by Ald. Bregante & McCluskey that Ferry Operation reports for the months of August & September, be adopted, as recommended by the Transit Advisory Board.

ROUTE 53:  
NOTTING PARK

The Transit Advisory Board has dealt with an MTC report on proposed service adjustments to bus route 53 (Notting Park), which could result in a saving of \$15,000. annually. The proposed change is to discontinue service Monday through Saturday, to the Dartmouth Ferry Terminal.

The Board has recommended that Council approve this change, as outlined in the MTC report, and the recommendation was adopted, on motion of Ald. Greenough and MacFarlane.

MOTION: Moved by Ald. Greenough & MacFarlane that Council approve the recommendation of the Transit Advisory Board with respect to proposed service adjustments to bus route 53, as they have been outlined in the MTC report circulated.

BEDFORD/DART.  
TRIAL RUN

At the November Transit Advisory Board meeting, a motion was passed, ratifying a decision taken in September to reject a request for a proposed Bedford/Dartmouth trial bus route, and recommending the same to Council. A letter to this effect has been forwarded to Mayor Roberts of Bedford.

Council adopted the Board's recommendation, on motion of Ald. Levandier and Hetherington.

MOTION: Moved by Ald. Levandier & Hetherington that Council adopt the recommendation of the Transit Advisory Board, to reject a request for a proposed Bedford/Dart. trial bus route.

SPACE SHORTAGE:  
HERITAGE MUSEUM

The Museum Board has discussed the serious space shortage in the present library-museum building, and on the basis of the decision already made by Council to have the museum take over the building completely, once a new library has been provided, the Board has recommended that Council be requested to provide

funding for a study and assessment of the building. Such a study would be to determine what would be required and what the costs would be to convert the entire building for museum purposes.

A motion to receive and file was first proposed by Ald. Greenough and MacFarlane, but at Ald. Hawley's request, it was changed to a tabling motion. In this revised form, the motion carried.

MOTION: Moved by Ald. Greenough and MacFarlane that the report from the Museum Board on space shortage, be tabled.

MONTHLY REPORTS

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

- 1) Social Services (Oct.): approved on motion of Ald. Withers and Thompson.
- 2) Development Officer (Oct.): approved on motion of Ald. Hetherington and MacFarlane.
- 3) Building Inspection (Oct.): approved on motion of Ald. Thompson and McCluskey.
- 4) Minimum Standards (Oct.): approved on motion of Ald. Hetherington and Bregante.  
Ald. Levandier noted that there have been no further improvements made to the premises at 191 Portland Street; he asked if legal action can be taken against the owner. Mr. Bayer advised that the property has again changed hands, and said he would prepare a report for the Alderman on the situation there.
- 5) Fire Chief (Oct.): approved on motion of Ald. Hetherington and Greenough.
- 6) Dog Control (Sept.) : approved on motion of Ald. Bregante and Withers.
- 7) Tourism Director(Tourist Bureau Registrations for summer, 1985): approved on motion of Ald. Bregante and Withers.
- 8) Summary of Revenue & Expenditures to Nov. 2/85: received and filed for information, on motion of Ald. Hetherington and Bregante.

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

MOTIONS:  
ALD. GREENOUGH

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

- 1) Ald. Greenough moved, seconded by Ald. Bregante, that: WHEREAS new subdivisions within the City of Dartmouth, such as Montebello Estates and Portland Estates, etc., are not presently being served with door-to-door mail delivery;

AND WHEREAS this represents a discrimination and inequitable treatment of taxpayers living within the City;

AND WHEREAS this represents an unacceptable treatment of our citizens;

THEREFORE, BE IT RESOLVED that Dartmouth City Council respectfully requests the President & Chief Executive Officer of the Canada Post Corp. to authorize the extension of door-to-door mail delivery to new subdivision areas within the City of Dartmouth, at the earliest opportunity.

AND FURTHER, that a copy of this resolution of request be sent to our local M.P.'s, as well as our M.L.A.'s, soliciting their support in this endeavour.

Ald. Greenough said it is ridiculous that mail delivery service is being provided up to certain addresses immediately adjacent to new developments, while homes in these new areas are not receiving home delivery service from the Postal Department. Ald. Hawley supported the motion, but wondered if an approach to Canada Post will be of any use, considering that many other municipalities across Canada are experiencing the same problems and have not been able to change the situation. Ald. Greenough suggested that a further step by the City would be to encourage other municipalities to take similar action, and with a united effort, hopefully something can be accomplished. Ald. MacFarlane was in favour of the motion; he referred to Manor Drive as another example of a street where people are not receiving delivery service.

When the vote was taken, the motion carried.

MOTION: Moved by Ald. Greenough and Bregante:  
text on page 17 of these minutes & above.

2) Ald. Greenough moved, seconded by Ald.

Hetherington, that:

WHEREAS it has been reported that the 107 Highway By-pass will not be completed until the spring of 1986;

AND WHEREAS the Minister of Development, the Hon. R. J. Thornhill, has stated through the media, that the Province would be willing to cost-share in the link-up between the 107 By-pass and Akerley Blvd. in the Burnside Park;

AND WHEREAS it is important for the City to have this extension constructed, in order to achieve the full potential of the 107 By-pass;

THEREFORE, BE IT RESOLVED that Dartmouth City Council authorize the Mayor and a committee of City Council, to seek a meeting with the Minister of Development, the Hon. Roland J. Thornhill and the Hon. Laird Stirling, to discuss possible cost-sharing of this project, and, if possible, to have this work scheduled during 1986.

AND BE IT FURTHER RESOLVED that this committee of Council explore with the Minister, improvements planned for the MicMac Rotary and Main Street.

In presenting his motion, Ald. Greenough explained that it is an opportune time for initiating talks about a connection of the 107 By-pass with Akerley Blvd., while the opening of the by-pass highway is delayed in its completion. Ald. Billard advised that the Minister of Development is willing to sit down and discuss this matter, and he volunteered to serve on the committee proposed in the motion. Ald. Withers also indicated his willingness to serve on such a committee, and agreed the City should initiate a meeting to get on with negotiations as soon as possible.

Most other members of Council were in support of the motion, and were willing to have the committee appointed by Mayor Savage. Ald. Hetherington asked about the status of the City traffic study. Mr. Bayer said he has talked with the consultants today, and a draft of the report is supposed to be ready by Dec. 15th.

Ald. Thompson was another Council member who expressed interest in being on the committee to be appointed. The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Greenough & Hetherington: text as recorded above and on the bottom of page 18 of these minutes.

ALD. BREGANTE

3) Ald. Bregante moved, seconded by Ald.

Hetherington, that:

WHEREAS Dartmouth has By-law C-119 on the books; this by-law has been on the books since 1968 and deals with the littering of City streets; AND WHEREAS this by-law is not being enforced and is most ineffective;

THEREFORE, BE IT RESOLVED that the City Solicitor and the City Police Dept. look at the present by-law, and revamp it so that our City streets and sidewalks will be clean and rubbish-free.

Ald. Bregante explained his concerns about the littering of streets and properties in the City, and felt there should either be some effort made to enforce the existing by-law that prohibits littering, or there is no point in having it at all. Ald. Connors said we cannot expect police officers to worry about these enforcement duties, when they have more pressing duties expected of them. His suggestion was that a better education program for our young people is required.

Ald. Greenough felt that this must be a problem in other municipalities as well and perhaps it should be determined what has been done elsewhere to cope with litter problems. He moved referral to staff to determine what is being done in other municipalities across the country in this regard. The motion to refer was seconded by Ald. MacFarlane and it carried.

MOTION: Moved by Ald. Greenough & MacFarlane that the motion on the floor be referred to staff to determine what is being done about litter problems in other municipalities across the country.

4) Ald. Bregante moved, seconded by Ald. MacFarlane, that:

WHEREAS break-and-enters, vandalism, and drug abuse, etc. is on the increase;

AND WHEREAS the City of Dartmouth is growing rapidly (ie. Montebello, Portland Estates, Woodside Ocean Industrial Park, and our world-famous Burnside Industrial Park);

AND WHEREAS our Police Dept. is not keeping pace with all these changes;

THEREFORE, BE IT RESOLVED that this Council ask the Police Dept. and the City Administrator for a report on increasing the manpower of the Dartmouth police force by eight to twelve officers over the next year.

Speaking in support of his motion, Ald. Bregante commented on the increasing work-load being placed upon the Police Dept., in comparison with the manpower available to carry out all these police duties. He noted that the Department is receiving about 33,000 calls per year. He said that if additional police officers are to be hired in 1986, provision has to be made now, while budgets are being prepared; also, Holland College

has to be advised in order to have the required number of candidates trained by next year.

Ald. Connors considered that the introductory part of the motion is misleading in that it gives a picture of crime running rampant in the City. He said he could not support the motion as it has been presented, and felt the question of additional manpower for the Police Dept. is a matter for the Police Commission to discuss. He was willing to support a request from the Police Chief for additional officers, if this need was brought to Council's attention. Ald. Hawley pointed out that the motion does not indicate where new officers would be allocated within the department if -they were hired. He agreed that a request for additional officers should come from the Police Chief.

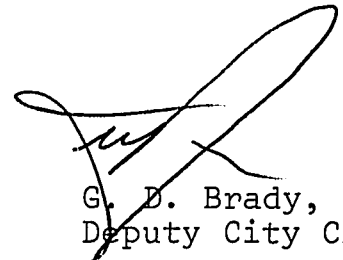
Ald. Levandier and Hetherington moved referral to the Police Commission for evaluation. After further debate, the motion to refer carried with Ald. Connors, Hawley, Billard and McCluskey voting against.

MOTION: Moved by Ald. Levandier & Hetherington that the motion be referred to the Police Commission for evaluation.

On motion of Ald. Levandier and Hawley, Council agreed to go in camera to deal with an item further on the agenda.

Council later reconvened in open meeting and the action taken in camera was ratified, on motion of Ald. Hetherington and Hawley.

Meeting adjourned.



G. D. Brady,  
Deputy City Clerk.

City Council, Dec. 3/85

ITEMS:

- 1) Request for deregistration: 15 Pine St., page 1.
- 2) " " " : 24 Tulip St., page 1.
- 3) Noise complaint hearing date, page 1.
- 4) Report: Housing Crisis, page 2 to 4.
- 5) Second approval: Crosswalk guard, Oakdale Cres., page 4.
- 6) By-law C-547: Third reading, page 4.
- 7) Award tenders: Sand, gravel & stone 1986, page 5.
- 8) Award tenders: Vehicles, page 5.
- 9) Relocation of CN tracks, page 6.
- 10) Pricing policy: By-law C-563, page 6 .
- 11) City land: 611 Portland St., page 7 & 8.
- 12) Lease: Ferry Terminal Restaurant, page 8.
- 13) Police Headquarters Site Selection, page 9.
- 14) Joint use of sewer facilities: City & County, page 10.
- 15) Contract 85-18: Street Construction, page 11.
- 16) Tax certificate fee: By-law C-558, page 12.
- 17) Land purchase: Lake Charles Dr., page 12.
- 18) M.P.S. Paper: "Heritage", page 12.
- 19) Permit to build, 200 Waverley Rd., page 13.
- 20) Video application: 739 Windmill Rd., page 13.
- 21) Place of Amusement License: 132 Strand Plaza, page 13.
- 22) Lease of land: 639 Windmill Rd., page 14.  
Resolution 85-67, page 14.
- 23) Lyle Street scrap yard, page 15.
- 24) Ferry operation reports: Aug. & Sept., page 16.
- 25) Route 53: Notting Park, page 16.
- 26) Bedford/Dartmouth Trial Run, page 16.
- 27) Space shortage: Heritage Museum, page 16.
- 28) Monthly reports, page 17.
- 29) Motions: Ald. Greenough page 17 to 19 incl.
- 30) Bregante, page 19 to 21 incl.

Dartmouth, N. S.

December 10/85.

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

Present - Mayor Savage

Ald. Sarto	Thompson
Billard	MacFarlane
Connors	Levandier
Withers	McClubkey
Pye	Woods
Hawley	Greenough
Bregante	Hetherington
City Solicitor, M. Moreash	
Acting City Administrator, B. Smith.	

At the opening of the meeting, long-service awards were presented to City employees for terms of employment varying from ten years to thirty-five years.

The introductory remarks were made by Mr. Hoganson who explained the nature of the awards and the basis for receiving them at five-year intervals, after the initial ten years of service with the City.

The Mayor then made a short address, commenting on the value of loyal employees to the City and extending congratulations to those employees about to receive their long-service pins. The presentation then proceeded and was followed by a reception held in the First Floor Conference Room and lobby.

After the reception, Council reconvened and began to deal with the agenda for this date.

This date was set by Council for public hearing required in connection with the conveyance of land on Pleasant Street to Esso Petroleum Canada for less than fair market value. The land in question was conveyed to the Province and subsequently to the City for street construction purposes. The lands now remaining (Parcel 7B) are not required further, and in compliance with the requirements of Section 139 of the City Charter, a public hearing must take place before these lands can be conveyed back to Esso Petroleum Canada.

The Mayor called three times for representation from anyone wishing to be heard on the land conveyance, and hearing no response, declared the public hearing to be over.

PUBLIC HEARING:  
LAND CONVEYED  
TO ESSO PETROLEUM



RESOLUTION 85-69

Resolution 85-69 has been prepared to accomplish the land conveyance of Parcel 7B, and it was approved by Council, on motion of Ald. Greenough and Hawley.

MOTION: Moved by Ald. Greenough and Hawley that Council approve Resolution 85-69, conveying lands on Pleasant St. (Parcel 7B) to Esso Petroleum Canada.

PUBLIC HEARING:  
NUISANCE COMPLAINT  
CARLETON STREET  
RESIDENTS

Council has also set this date for public hearing under the Nuisance By-law, of complaints by area residents about the operation at 35 Carleton Street, known as Mid-Town Motors. The complaints are about the odor and smoke nuisance created by this operation, and about the noise that is also associated with it. Other concerns raised by residents have to do with traffic and safety issues that fall outside the terms of the Nuisance By-law, and, as requested, Police Dept. reports have been circulated, addressing these concerns. The Solicitor explained the duties of Council with respect to the hearing and subsequent decision that will be made following.

Mayor Savage then called for presentations from the area residents with whom the complaint has originated. Council heard Mr. Reg McKenzie of 31 Carleton Street, who complained of the odor and smoke caused by the Mid-Town operation, also, about the guard dogs barking at night and creating a disturbance in the neighborhood. Mr. McKenzie responded to questions from Ald. Hawley about the odor problem and about the barking dogs.

Mrs. Elaine Wheatley of 45 Belmont Street was the next speaker heard by Council. She complained of noise from a crusher which she said operated from eight in the morning until dark, also, the noise from backhoes that are clearing land. She was concerned about the safety of children in the area, if they should wander over onto the premises and into trunks of old cars, etc. She questioned whether adequate washroom facilities are being provided for workers on the site, and she provided photographs to show members of Council the general unsightly conditions associated with the operation.

Mrs. Wheatley responded to questions about the proximity of her property to the Mid-Town Motors site and points raised in her presentation with regard to land clearing, the presence of buildings on the site, etc.

Ald. Levandier requested information on the present zoning on the site, and was advised by Mr. L'Esperance that it is industrial (I-2). This zoning allows for a full range of industrial and commercial uses on the land. He described Belmont and Carleton Streets as being surrounded by industrial zones, located as they are between two oil refinery operations.

Ald. Thompson asked about fencing requirements for the Mid-Town Motors property. Mr. L'Esperance noted that the kind of fencing requirements referred to are applicable under the new Scrap Yard Zone, just approved by Council, but they are not applicable in an I-2 Zone such as this one.

The third speaker heard from the delegation of residents, was Mr. Brian Ridgeway, who lives at the bottom of Carleton Street and was worried about traffic safety problems on a narrow street that was not intended to carry the tractors and trailers travelling to and from the car body site. He said the trailers carry from 38 to 40 tons of crushed vehicles from the site, and was concerned that a serious accident could occur with one of these vehicles at any time. His particular concern was about the children who live in an apartment building across from his home.

Mr. Vaughn Baker, the owner of Mid-Town Motors, then had the opportunity to address Council. He did not feel that his business is causing the kind of problems that have been described by area residents, although he admitted that some problems arose recently when the machine in use broke down for one or two days and cars piled up as a result. He described the machine that is used as a hydraulic press rather than a crusher.

The press is only on site once or twice a year when car bodies have accumulated in sufficient number to warrant its use. Mr. Baker said he has attempted to comply with requests from City staff for more fencing to be erected and indicated his willingness to do what he could to avoid further controversy with the residents. Questions to Mr. Baker from members of Council pertained to:

- 1) the use of guard dogs on his site. Mr. Baker explained why the dogs were brought in, due to theft and vandalism that occurred. They are used at night to protect the property and are trained legitimate guard dogs.
- 2) washroom facilities that are available. Mr. Baker advised that chemical toilets are in use, and Mr. Purdy indicated that these units are acceptable in this situation.
- 3) plans for further development on the site. Mr. Baker advised that he plans to erect a building eventually, probably about 30 by 50 feet in size. At present, the employees work in a compound area, and he is not sure just yet where the building will be located. He explained that he buys cars for parts and to use these parts for car repairs. He did not consider his business to be a scrap yard operation, although it was referred to in these terms frequently throughout the hearing.
- 4) the hours of operation. Mr. Baker stated that they are from 8:00 a.m. to 5:00 p.m. on weekdays, and 8:00 a.m. to 1:00 p.m. on Saturday.
- 5) the previous locations at which Mr. Baker operated his business and associated problems at those locations on Windmill Road. Mr. Baker said that in those instances, complaints were not registered by area residents, but he felt there was objection to his business being located there.
- 6) the aspect of traffic safety and its relevance to this present hearing. The Solicitor pointed out that while this aspect may constitute a danger, it does not fall within the terms of the Nuisance By-law and as such, has to be considered outside that context.
- 7) the use of acetylene torches and precaution taken to deal with fire if it occurs again as it did on one occasion already. Mr. Baker advised that he has two or three fire extinguishers on site, but he would have to check on them since they have been used to put out the fire referred to in this line of questioning.
- 8) possible legal action that was to have been taken against Mr. Baker for violation of the Unsightly Premises By-law. Mr. Turner reported on measures that are being taken by Mr. Baker to improve conditions on his property, and indicated that if he continues with these improvements, it will not be necessary to proceed with legal action.

- 9) the sound level associated with the hydraulic press in operation. Mr. Baker said it would not be much louder than an ordinary small tractor.
- 10) the number of trips made by the wrecker on Carleton Street on any given day. Mr. Baker said there would be one or two trips a day.

Ald. Billard asked for a statement from Mr. Baker about his intentions to comply with City fencing and property maintenance requirements. Mr. Baker indicated to Council his willingness to comply, and also, to abide by the twenty-foot lot line regulation. He gave assurance that he will do what he can to 'keep peace in the neighborhood', and will do what the Building Inspection Dept. requests of him.

At the conclusion of the question period, the Mayor closed the public hearing and opened the meeting to Council debate.

Ald. Greenough made several inquiries about the present land use, applicable to 35 Carleton Street, in accordance with the I-2 zoning on the land. From the answers given by Mr. L'Esperance, Ald. Greenough expressed the opinion that Council cannot prevent the present land use and therefore does not have another recourse except to deal with unsightliness under our appropriate by-law, and if a nuisance is determined to exist, attempt to have it corrected. He noted that Mr. Baker has shown a willingness to do what is necessary to remove conflict with the residents, and favoured a mediation effort between him and citizen representatives, together with members of City staff. Ald. Connors also favoured this kind of approach and moved that without deciding whether the matters raised, constitute a nuisance or not, this matter be referred to members of the Planning and Building Inspection Departments, plus the Police Dept. Traffic Division, to work with a committee of residents and Mr. Baker, to see if a resolution satisfactory to all parties can be worked out; the Ward 7 Aldermen to be included as well. A Feb. 1st deadline was set for these negotiations to be concluded.

The motion was seconded by Ald. MacFarlane and debate proceeded. The motion was opposed by Ald. Levandier, Hetherington, Billard and Bregante, and Ald. Hawley subsequently indicated that he could not support it with the opening phrase '. . . without deciding whether the matters raised, constitute a nuisance or not' included. Ald. Levandier wanted to have any decision deferred until members of Council have time to visit the site and make a first-hand evaluation for themselves. Ald. Hetherington objected to several aspects of the car body operation and did not feel the issue will be resolved by the action proposed in the motion. Ald. Bregante's idea was to negotiate a purchase of the land with Mr. Baker and build houses on it.

Ald. Greenough asked what alternate course of action members would suggest if they are not in agreement with the motion, considering the options open to Council. Ald. Connors' comments pertained to the narrow definition of 'nuisance' that presently applies under the Nuisance By-law, making it difficult for Council to deal effectively with complaints registered under it. He pointed out that the traffic and safety concerns, which are of importance in this case, do not fall within the definition of the by-law and therefore have to be addressed through other means. The motion before Council would permit this to happen.

Following further debate, the vote was taken on the motion and it was defeated by a vote of 9 to 5.

The next motion was introduced by Ald. Hetherington, seconded by Ald. Bregante. He moved that under By-law C-211, the operation known as Mid-Town Motors, at the top of Carleton Street, be classified as a nuisance, in the area of sound emanating from the operation and offensive odor from the use of torches in dismantling car body parts. The Solicitor explained the onus that is on Council to decide whether the interference with residents' enjoyment of their properties is unreasonable,

and if it is determined that a nuisance exists, specific abatement steps then have to be decided. Ald. Billard said he did not feel that the noise or odor problems described in this situation constitute a nuisance. He took the position that Mr. Baker has shown and stated publicly, an adequate degree of willingness to comply with City requirements. If he does not comply, as he has stated, then further and more drastic steps can be taken by Council.

Ald. Levandier said he would like to see the land in question zoned to a more compatible use that would be acceptable to the residents. He felt they have a legitimate concern about devaluation of their properties due to the close proximity of this car body operation. The general response of Council to the motion on the floor was negative, and Ald. Hetherington subsequently moved deferral until the Council meeting of Feb. 4th, at which time it can be determined if improvements have been made by Mr. Baker to the satisfaction of the residents. The motion was seconded by Ald. Connors and it carried with Ald. Levandier voting against.

MOTION: Moved by Ald. Hetherington & Connors that the matter be deferred until the Feb. 4th Council meeting, at which time it can be determined if improvements have been made by Mr. Baker to the satisfaction of the residents.

Ald. Connors and Greenough went on to move that a committee be struck immediately, composed of staff members from the Planning, Building Inspection and Police Dept. Traffic Division, to meet with the Ward 7 Aldermen, citizen representatives and Mr. Baker, to attempt to work out solutions to the problems that exist. Results from these discussions to come back to the Feb. 4th Council meeting, as per the motion to defer, already adopted. This motion carried with Ald. Levandier voting against.

MOTION: Moved by Ald. Connors and Greenough that a committee be struck immediately, composed of staff members from the Planning, Bldg. Inspection and Police Dept. Traffic Division to meet with the Ward 7 Aldermen, citizen representatives and Mr. Baker, to attempt to work out solutions to the problems that exist. Results from these discussions to come back to the Feb. 4th Council meeting, as per the motion to defer, previously adopted, as recorded on page 7 of these minutes.

JOINT USE OF  
SEWAGE SYSTEM:  
CITY & COUNTY

An item deferred from the Dec. 3rd meeting was again before Council, with respect to the proposed agreement between the City of Dartmouth and the County of Halifax, for the joint use of sewer systems, as outlined in Mr. Moir's report of Nov. 28/85. This item was deferred to give members of Council time to have questions about the agreement answered to their satisfaction.

Ald. Thompson and Greenough moved the adoption of Mr. Moir's recommendation, which is that Council authorize the cost-sharing arrangement with the County for joint use of the sewer systems referred to in Mr. Moir's report. Ald. Hawley and Hetherington considered that it is about time the County started to pay the City for some of the services we provide to County residents, but they did not oppose the motion with regard to sewer services. Ald. Connors was concerned about the expenditure faced by the City for the years 1984 and 1985 when provision was not included in the budget to cover this amount (\$100,000. in total). When the vote was taken on the motion, it carried with Ald. Connors voting against.

MOTION: Moved by Ald. Thompson & Greenough that Mr. Moir's recommendation be adopted, giving Council's authorization for the cost-sharing arrangement with the County with respect to joint use of sewer systems, as outlined in Mr. Moir's report of Nov. 28/85.

APPLICATION:  
AMUSEMENT LICENSE  
132 STRAND PLAZA

Another item deferred from the Dec. 3rd meeting was the amusement license application for 132 Strand Plaza, with a request for some additional information on the applicant. Besides the information requested, members have received copies of the fire inspection

report on these premises, as carried out by the City Fire Dept. The report is signed jointly by Lloyd Caines, Fire Inspector and Kenneth Ruggles, Divisional Chief, Fire Prevention.

Ald. Withers provided Council with additional facts about the kind of operation proposed, being a nightclub for people nineteen years of age and under. He described the kind of amusement centre planned by the applicant, advising that the location is next door to the premises that were fire-bombed some time ago; there does not appear to be any connection between these two operations. Ald. Withers noted that this business has been operating without a license since August of 1985, and is now making application as they should have done previously. Ald. Withers proceeded to move that Council not object to an Amusement License being issued to 132 Strand Plaza (Don MacLellan, owner), if the following conditions are adhered to:

- 1) all fire regulations have been met and confirmed by the City Fire Dept.
- 2) that the license be of a probationary period of three months, and will clearly define times of operation, and that such license could be subject to suspension or cancellation by the Dept. of Consumer Affairs, should problems experienced by our Police and/or Fire Departments warrant such action.
- 3) provided that loitering does not become a nuisance problem in the area of the arcade.

(This third provision was added during the course of debate, as an amendment presented by Ald. Greenough and Thompson.) The main motion was seconded by Ald. Pye.

Ald. Hetherington took exception to the fact that the business has been allowed to operate without a license up to this point, and other concerns from members and Mayor Savage, dealt specifically with the lack of proper panic hardware on exit doors, as noted in the Fire Inspection report. It was felt that this deficiency must be corrected at once; the Fire Chief was asked to give immediate attention to this requirement.



Ald. Hawley suggested the establishment should be closed until panic bars have been installed on the doors. Ald. Thompson asked if the City has a copy of the regulations applicable to this type of application, and Mr. Moreash advised that he has requested this information from the Dept. of Consumer Affairs. When the department provides it, members of Council will receive copies. General discussion followed as to the desirability of amusement arcades and problems that have been associated with them in the past. Ald. Greenough raised the point about loitering at this time, and the amendment referred to on page 9 of these minutes was introduced by him, seconded by Ald. Thompson. The amendment carried, and the amended motion carried with Ald. Hetherington, Bregante, McCluskey, Sarto and Woods voting against.

MOTION: Moved by Ald. Withers and Pye that Council not object to an Amusement License being issued to 132 Strand Plaza, subject to the conditions set out on page 9 of these minutes.

AMENDMENT: Moved in amendment by Ald. Greenough & Thompson that the third condition be incorporated with the motion, with reference to the problem of loitering.

On motion of Ald. Thompson and Withers, Council agreed to continue meeting beyond 11:00 p.m. to deal with other items of business requiring attention.

TAXI FARE  
INCREASE:  
BY-LAW C-566

Proposed By-law C-566 has been prepared to amend the Taxi Licensing By-law (C-451) with respect to the initial fee charged for engaging a taxi; under this amendment, the initial drop fee would increase from \$1. to \$1.50 and other taxi fare elements would remain unchanged.

Ald. Bregante declared a conflict of interest, based on the fact that his father is employed in a taxi business, and he withdrew from Council to sit in the gallery while the item was before Council.

It was moved by Ald. Hetherington and Thompson and carried that leave be given to introduce the

said By-law C-566 and that it be read a first time.

It was moved by Ald. Hetherington and MacFarlane and carried that By-law C-566 be read a second time.

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

It was moved by Ald. Withers and Hetherington and carried that By-law C-566 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-566: Taxi By-law amendment to increase the initial drop fee from \$1.00 to \$1.50.

REPORT:HOUSING  
ADMINISTRATOR

An item added to the agenda was a report to Council from Mayor Savage on meetings of the committee appointed to deal with housing problems in the City. The report concludes with the recommendation that Council appoint a person to be on senior staff, to be called a Housing Administrator, for a period of at least three years, effective as soon as possible.

Ald. Bregante and Pye moved the adoption of the recommendation. Ald. Billard did not support the motion, taking the position that this is not an answer to the housing problem and will only result in the expenditure of money that could be used to better effect in addressing housing needs directly. Ald. Levandier was also opposed to the motion, suggesting that a city the size of Dartmouth does not need a Housing Dept. as such. He said this action on the part of Council will only create another beaurocracy in the City, and the ultimate responsibility for housing should rest with the Province anyway. Otherwise, the response of Council to the motion was favourable, with members generally agreeing that a person in the capacity of housing coordinator is required before any substantial progress can be made in resolving the present housing crisis in Dartmouth. Ald. Woods described the position as the kind of 'catalyst' that is needed to put a housing program into effect; other members who spoke in favour of the motion had similar viewpoints.

Ald. Connors said there is no reason why the committee appointed cannot proceed to deal with the housing crisis, coincidentally with the hiring of a Housing Administrator. In other words, the hiring of such a person should not result in any delay in housing discussions, although the person hired to fill this position will be the one in a capacity to advise the committee and put the ideas into effect.

Ald. Billard moved in amendment that the wording of the motion be changed to read '. . . for a minimum of six months', replacing the words 'for a period of at least three years'; the amendment was not seconded.

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

MOTION: Moved by Ald. Bregante and Pye that Council adopt Mayor Savage's recommendation on the appointment of a Housing Administrator for the City, for a period of three years, effective as soon as possible.

SURPLUS LANDS:  
WINDMILL RD.

A report was before Council from the City Solicitor and Mr. Moir on City lands along the former street line of Windmill Road that have been declared surplus. Mr. Zambolin of 335 Windmill Road has expressed an interest in acquiring these lands from the City at a total purchase price of \$3,970.20. Conveyance of the lands to Attilio Zambolin has been recommended, and the adoption of Resolution 85-68 to accomplish this land conveyance.

RESOLUTION 85-68

Ald. Pye and Bregante moved that the resolution be referred back to staff, to consider the viewplane factor involved and the implications for traffic safety on Windmill Road. Ald. Pye commented on the hazardous traffic conditions that exist on Windmill Road with the number of streets branching off it within a one-mile section and the number of businesses, etc. that exit onto the street. He was concerned about this property being sold without due consideration for the viewplane involved, but Ald. Woods said he hoped it would be possible to reach a compromise whereby a portion

of the land could be retained, while at the same time, Mr. Zambolin would be permitted to purchase some of the land for his purposes. Ald. McCluskey asked if it would be possible to see a copy of the appraisal report for this land, and Ald. Hawley said he would like to see a plan showing the exact location of the property under discussion. Mr. Smith made available, a plan of the property and it was presented for the information of Council members.

When the vote was taken on the motion to refer, it carried with Ald. Levandier voting against. Ald. Pye requested that the Ward 5 Aldermen have the opportunity to review the staff report with area residents, once it is available.

MOTION: Moved by Ald. Pye & Bregante that Resolution 85-68 be referred back to staff, to consider the viewplane factor involved and the implications for traffic safety on Windmill Road.

VIDEO ARCADE:  
185 WINDMILL RD.

Mr. L'Esperance has submitted a report to Council on a request received for a license to operate a video arcade at 185 Windmill Road. This building presently houses a second-hand store and the zoning on the property is P (Park) Zone, making both the present use and the one proposed, non-conforming. City records indicate that the second-hand store has been at this location in excess of six months, and while a video arcade existed there previously, Mr. Riley (the applicant) has been advised by staff that he is not entitled to a license (based on Section 86(2) of the Planning Act, which states that a "non-conforming use of land or a structure, shall not be recommenced if it has been discontinued for a continuous period of 6 months."

Staff has requested endorsation of the position taken by them on this matter, since Mr. Riley has asked to have the matter aired before City Council.

Ald. Withers and Connors first moved the endorsation requested by Council, but as debate on the motion proceeded, it became evident that a

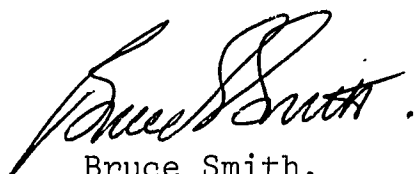
license cannot be issued by the City, under the circumstances described by Mr. L'Esperance, and the recourse appeal for Mr. Riley in this situation is to the Nova Scotia Municipal Board. In effect, Council is not able to overturn the decision of the Development Officer in this instance.

The motion on the floor was therefore withdrawn in favour of a motion introduced by Ald. Greenough and Hawley, to the effect that Council is ineligible to rule on this issue and accordingly, no action can be taken. The motion carried.

Mayor Savage advised Mr. Riley of his recourse to appeal to the Municipal Board, and thanked him for waiting throughout the evening to have this item discussed.

MOTION: Moved by Ald. Greenough & Hawley that Council is ineligible to rule on this issue (ie. that no action can be taken) on the video arcade application for 185 Windmill Road.

The meeting adjourned at the hour of midnight and the remainder of the agenda will be dealt with next week at a meeting to commence at 6:30 p.m. instead of 7:30 p.m.

  
Bruce Smith,  
City Clerk-Treasurer.

City Council, Dec. 10/85

ITEMS:

- 1) Public hearing: Land conveyed to Esso Petroleum, pg. 1
- 2) " " : Nuisance complaint, Carleton St. residents, page 2 to 8 incl.
- 3) Joint use of sewage systems: City & County, page. 8.
- 4) Application: Amusement License, 132 Strang Plaza, pg. 8 to 10 incl.
- 5) Taxi fare increase: By-law C-556, page 10.
- 6) Report: Housing Administrator, page 11 & 12.
- 7) Surplus lands: Windmill Rd., page 12  
Resolution 85-68, page 12.
- 8) Video Arcade: 185 Windmill Rd., page 13 & 14.

Dartmouth, N. S.

December 17/85.

Regularly called meeting of City Council  
held this date at 7:00 p.m.

Present - Mayor Savage

Ald. Thompson	Hawley
Billard	MacFarlane
Connors	Levandier
Withers	McCluskey
Pye	Woods
Bregante	Hetherington
City Solicitor,	S. Hood
City Administrator,	C. A. Moir
Deputy City Clerk,	G. D. Brady.

MOTIONS:  
ALD. BREGANTE  
DEFERRED

Council agreed to defer three motions for which notice was given by Ald. Bregante. These motions are deferred until the first January meeting.

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

ALD. LEVANDIER

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

In order to ensure that proper taxation is levied, and in order to ensure that budget deliberations are carried out in a complete and prudent manner;

BE IT RESOLVED that the 1986 Operating Budget not be presented to City Council until all figures are in from all City departments, including the Dartmouth District School Board;

AND BE IT FURTHER RESOLVED that staff initiate more discussion between the District School Board and City Hall in the months leading up to budget deliberations, in order to avoid confrontations as have been experienced in the past.

In presenting his motion, Ald. Levandier referred to the budget situation that occurred last year when the tax rate was set prior to receiving budget estimates from the School Board; he felt the Board was placed in a difficult position by that action and did not want to see a recurrence of it.

Mr. Moir noted that the effect of the motion could result in a delay in setting the tax rate and this can cause billing problems for the City.

Ald. Thompson said there is no reason why budget discussions for other departments could not proceed while Council is waiting for the School Board budget to be presented.

(Ald. Hawley arrived at the meeting during debate on the motion and abstained from voting on the basis that he was not present to hear the entire debate.)

Ald. Hetherington was opposed to the motion, but Ald. Connors spoke in support of it. When the vote was taken, the motion carried with Ald. Withers, Woods, Hetherington and McCluskey voting against. Ald. Hawley abstaining from the vote.

MOTION: Moved by Ald. Levandier and Thompson: text on page 1 of these minutes.

ALD. MACFARLANE

2) Ald. MacFarlane moved, seconded by Ald.

Hetherington:

That the area developed for recreational purposes at Peddars Way and Bow Street, of Manor Park, be given a fitting designation in honor of our former Mayor Daniel Brownlow, and accordingly, that it be named the Daniel Brownlow Recreation Park, and designated as such;

This I believe to be a fitting step in honor of a man who has served the City well in all areas of community life, and always with particular interest in children and recreational pursuits.

Ald. Billard said he had some problems with the motion and the honoring of former Mayor Brownlow during his life-time. He also noted that a street has been named after him in the Burnside Park, in keeping with a policy of naming streets there after former City mayors. Ald. Hetherington and Hawley considered the naming of the park after former Mayor Brownlow to be a worthy gesture on the part of the City. Ald. Hawley favoured the idea of honoring people while they are still living. He asked if there has been any consultation with the Brownlow family. Ald. MacFarlane advised that the family was consulted and they are in agreement.

The vote was taken on the motion and it carried.

MOTION: Moved by Ald. MacFarlane & Hetherington: text of motion above.

ALD. HAWLEY

3) Ald. Hawley moved, seconded by Ald. Thompson,

that:

WHEREAS a number of major capital projects have been discussed, considered, studied, and brought to the attention of Council over the past few years;

AND WHEREAS it seems that there is no apparent concensus as to which project should be funded first;

AND WHEREAS it is important that Council spend funds in relation to capital projects with care, to ensure good value for public funds:

THEREFORE BE IT RESOLVED that this Council compile a list of major projects requiring funding over the next number of years, and that these be prioritized into a list in order that a united effort can be made to deal intelligently with one project at a time.

Ald. Hawley made reference to the major capital projects that have been discussed in recent years, including a new police headquarters building, a new library, a fire station for east Dartmouth, etc. He felt that an organized approach is needed to get such projects into an order of priority, instead of continuing to deal with them according to the random approach taken in the past. He said the projects should be compiled in a list by the City Administrator, then a committee of Council, with citizen members, would review the list and it would be brought to Council to have priorities established.

The general response of Council to the motion was positive and when the vote was taken, it carried.

(Ald. Hawley left the meeting at this point.)

NOTICES OF MOTION:

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

ALD. CONNORS

1) Ald. Connors

WHEREAS By-law C-211, as amended, being a by-law of the City of Dartmouth in regard to the abatement of nuisances, contains a procedure for the hearing of complaints of nuisance, which procedure is authorized by Subsection 152 (c) of the Dartmouth City Charter Act;

AND WHEREAS the procedure so established is unduly cumbersome in that the whole Council is required to hear such complaints, and in so doing, spends far more time in consideration of such matters than it ought to in relation to the other and often more important business of Council;

AND WHEREAS Council cannot delegate the power to hear complaints of nuisance to a Committee of Council without amendment to the Dartmouth City Charter Act;

AND WHEREAS By-law C-211 is also unsatisfactory in that the definition of nuisance contained therein does not adequately set out objective standards by which citizens may be reasonably certain as to what constitutes a nuisance;



THEREFORE, BE IT RESOLVED that the City Solicitor prepare a draft amendment to Subsection 152 (c) of the Dartmouth City Charter Act, to allow the hearing of complaints of nuisance to be heard and determined by a Committee of three members of Council, rather than by the entire Council;

AND BE IT FURTHER RESOLVED that when the draft amendment has been approved by Council, that the appropriate steps be taken to have the proposal placed before the Legislature of the Province of Nova Scotia for enactment.

AND BE IT FURTHER RESOLVED that the City Solicitor be directed to examine the present definition of nuisance in By-law C-211, and with reference, in part, to the Nuisance By-laws of other North American municipalities, to prepare a report to Council on how the definition of nuisance in By-law C-211 may be improved by setting forth objective standards as to what constitutes a nuisance.

AND BE IT FURTHER RESOLVED that upon the presentation of the report of the City Solicitor, that Council take such steps as may be necessary to debate the report and to decide the action which should be taken with respect to the report.

ALD. WITHERS

2) Ald. Withers

WHEREAS the City has passed a by-law pursuant to Retail Business Uniform Closing Day Act, allowing only certain businesses to remain open on Sundays;

AND WHEREAS other businesses are operating on Sundays contrary to that by-law;

BE IT RESOLVED that City staff take whatever steps are necessary to enforce the by-law and to prosecute businesses operating on Sundays in violation of the Act and the by-law.

ALD. THOMPSON

3) Ald. Thompson

I will move that the Engineering Dept. look into the cost of installing gabion walls for the brook from Mount Edward Road to Tobin Drive, and report to Council for consideration for the 1986 Capital Budget.

ALD. MCCLUSKEY

4) Ald. McCluskey

WHEREAS Aldermen are required to sit on many Boards and Committees;

AND WHEREAS meetings of these various Boards and Committees require a great deal of time;

AND WHEREAS it is important for Aldermen to have time to attend to business within their wards;

THEREFORE, BE IT RESOLVED that a review of all Boards and Committees be carried out to see if the number of Aldermen sitting on the various Boards and Committees could be reduced.

AND BE IT FURTHER RESOLVED that if it is found that the numbers can be reduced, that the respective committee structures be changed accordingly.

ALD. SARTO

5) Ald. Sarto (presented by Mayor Savage in Ald. Sarto's absence)

I hereby give notice of motion to instruct the Solicitor to draft and present to Council, a by-law to amend the Uniform Retail Business Closing Day By-law, to provide that Tourist Area Permits shall not apply to Boxing Day, and that businesses in the Tourist Area, other than those permitted by the statute to operate, shall not be permitted to operate on Boxing Day.

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

Ald. Pye made an inquiry about awards for homes that are decorated in the City for the Christmas season, and was advised by Mr. Moir that there is no program for awards being offered at the present time. Ald. Pye said he would consider bringing forward a notice of motion at a later time after he has received more information on the subject.

INQUIRIES:

ALD. LEVANDIER

Ald. Levandier asked about the status of the investment policy review being undertaken as a result of a motion he introduced some time ago. Mr. Moir said the Finance & Program Review Committee has already met once to deal with the item, they will meet again in the new year and in due course, a report will be submitted to Council.

Ald. Levandier's second inquiry was about snow and ice control on City streets and why it has not been more satisfactory up to this point in December. Mr. Fougere acknowledged that there are always some minor problems in the early part of the winter season, and noted that weather conditions of late have added further to start-up problems. He said he was confident that better results will be achieved as the winter continues.

Referring to the speaking order, controlled by the new sound system, Ald. Levandier asked if the Mayor could keep track of speakers so that if the order is erased, they do not have to miss out on their turn.

Ald. Levandier expressed his concerns about the action of Council in approving a Housing Administrator for the City. He felt the functions of such a position

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Ald. Levandier expressed his concerns about the action of Council in approving a Housing Administrator for the City. He felt the functions of such a position

could have been adequately met by the Dartmouth Housing Authority and there was no need to rush into the creation of a new position. He said he wished to register his objection to the action taken, suggesting that it is a duplication of services already available.

ALD. BILLARD

Ald. Billard's inquiry also pertained to street conditions during the past two weeks, and he asked if vehicles are out of operation that should be available for service in salting the streets. Mr. Fougere said all of the Works Dept. trucks are not ready yet, some of them being new vehicles that have not been made ready yet for winter work. He again referred to the kind of storms we have been experiencing, with small amounts of snow and rapidly-changing temperatures after periods of rain and freezing rain. He gave assurance to Council that the level of service will improve.

ALD. HETHERINGTON

Ald. Hetherington said he recognized that there is usually a problem with the quality of snow and ice removal services in the early part of the winter. He asked to have the on-street parking ban more strictly enforced by the Police Dept. to assist in snow and ice control and removal.

Ald. Hetherington asked about the status of a drainage problem in and around 58 Chadwick Street. After discussion with Mr. Fougere, the Alderman indicated his intention to bring the matter forward in the form of a notice of motion, to make sure it receives further action.

The next inquiry made by Ald. Hetherington pertained to the intersection of Irving and Pleasant Street, and a report from Sgt. Manning of the Police Dept. on this subject. Mr. Fougere said this is not a simple engineering matter and he would like to discuss it further in person with the Alderman. Ald. Hetherington agreed to this suggestion.

Ald. Hetherington asked to have the T.M.G. look at the feasibility of a crosswalk sign (overhead) at the corner of Old Ferry Road and Pleasant Street.

ALD. CONNORS

Ald. Connors' first inquiry had to do with the City traffic study and its status at this point. Mr. Moir advised that the study is now in the hands of staff and will be circulated to members of Council as soon as possible. If fifteen copies of the study have now been provided by the consultant, they will be sent out immediately. Ald. Connors said he did not want to see the report sit around City Hall for the next few weeks until it is on a Council agenda.

Mr. Moir said every effort will be made to have the report sent out, as requested, as soon as copies are available from the consultant who is required to provide 55 of them.

Ald. Connors said that while in most cases, the arrival of the the Council agenda on Fridays is satisfactory, it would be helpful to have copies of major reports circulated prior to that time (ie. when they are ready for distribution). He discussed this point further with the Mayor.

ALD. MCCLUSKEY

Ald. McCluskey asked the Mayor to take under advisement, the possibility of controlling repetitious debate so that Council can function in a more efficient manner and get on with City business. The Mayor explained that he is attempting to do this but without interfering too much in what members of Council want to say. He commented on some of the difficulties involved in chairing Council meetings in order to maintain a balance of free discussion and still accomplish what is required.

ALD. THOMPSON

Ald. Thompson asked about the status of the walkway over the Circumferential Highway. Mr. Moir noted that this is a Dept. of Transportation project, and March of 1986 has been given as a possible completion date.

CROSSWALK:  
DOROTHEA DR/  
LUCIEN DR/  
SWANTON DR.

At the request of the Bel Ayr Home & School Association and Ald. Sarto, the Police Dept. has looked at the intersection of Dorothea Dr/Lucien Dr. and Swanton

Drive, with respect to the possible need for a crosswalk guard at this intersection.

In a subsequent report to Council, Mr. Moir has recommended that a crosswalk guard be placed at the intersection, as of Jan. 6/86. The estimated cost involved (\$3,400. per annum) to be projected in the 1986 operating budget. Ald. Thompson and Withers moved the adoption of the recommendation.

Mr. Moir noted that the Chief of Police would like to review all of these crosswalk guard locations in the City, to see if some of them might possibly be eliminated. Ald. Billard said he would like to have a staff report on this subject and whether in fact, there are more crosswalk guards than we should have and can control. The motion carried.

MOTION: Moved by Ald. Thompson and Withers that Mr. Moir's recommendation be adopted with respect to a crosswalk guard being placed at the intersection of Dorothea Drive/Lucien Drive/Swanton Dr., as of Jan. 6/86. Provision for this cost to be included in the 1986 operating budget.

STORM SEWER  
UPGRADING:  
TULIP ST.

Council considered a joint report from Mr. Fougere and Mr. Moir on a flooding problem at 80 Tulip Street, which can be corrected by renewing and relocating the storm sewer, as per the plan circulated with the report. The recommendation is that this work be carried out at an estimated cost of \$20,000., to be funded out of the Drainage: Unspecified Locations account in the 1985 capital budget.

Council approved the recommendation, on motion of Ald. Levandier and MacFarlane.

MOTION: Moved by Ald. Levandier & MacFarlane that the joint recommendation from Mr. Fougere and Mr. Moir be adopted, to correct the flooding problem at 80 Tulip Street, this work to be carried out at an estimated cost of \$20,000., to be funded out of the Drainage: Unspecified Locations account in the 1985 capital budget.

TAX EXEMPTIONS

A report was before Council from the Deputy City Clerk on tax exemptions granted by the City and the review required every three years, according to the requirements of the Assessment Act. Ald. Connors and

Pye moved that tax exempt status be continued for the organizations listed in the report, namely:

Bide Awhile Animal Shelter  
Dartmouth Boys & Girls Club  
Dartmouth YM/YWCA  
Farrell Benevolent Society  
Regional Residential Services Society.

Ald. Levandier, Thompson and Hetherington felt that a review is in order, but Ald. Hetherington preferred to have the organizations retain their tax exempt status for 1986 while the review is in progress. The Solicitor commented on the provisions of the Assessment Act, which require the review every three years, pointing out that other organizations will come up later, according to the year in which tax exempt status was granted them.

The Mayor suggested that perhaps the Finance & Program Review Committee should be dealing with this item, and on motion of Ald. Hetherington and Connors, the matter was referred to that committee for their consideration; recommendation to be brought back to Council in February.

MOTION: Moved by Ald. Hetherington and Connors that the tax exemption report to Council, dated Dec. 4/85, be referred to the Finance & Program Review Committee for their consideration; recommendation to be brought back to Council in February.

EXTENSION OF  
107 BY-PASS:  
AKERLEY BLVD.

On motion of Ald. Levandier and Withers, Council received and filed a report from Mr. Rath, dated Nov. 28/85 advising that the Industrial Commission has passed a motion, reiterating their request for the support of Council in making representation to and carrying on with all due haste, discussions with the Province, for construction of the highway connection between Highway 118 and Akerley Blvd.

MOTION: Moved by Ald. Levandier and Withers that Council receive and file a report from Mr. Rath, dated Nov. 28/85, as outlined above.

VIDEO LICENSE:  
50 TACOMA DR.

On motion of Ald. Hetherington and Bregante, Council indicated no objection to a video outlet application for 50 Tacoma Drive, Suite 36B, K-Mart Mall.

MOTION: Moved by Ald. Hetherington & Bregante that Council indicate no objection to a video outlet application for 50 Tacoma Drive, Suite 36B, K-Mart Mall.

VIDEO LICENSE:  
744 WAVERLEY RD.

On motion of Ald. Hetherington and Withers, Council indicated no objection to a video outlet application for 744 Waverley Road, Lake Charles Grocery.

MOTION: Moved by Ald. Hetherington and Withers that Council indicate no objection to a video outlet application for 744 Waverley Rd. (Lake Charles Grocery).

JANITORIAL SERVICES

Tenders have been received for janitorial services at City Hall, third floor, Ferry Terminal Bldg., the public areas, Terminal Buildings (Halifax & Dartmouth), the two ferries, Queen Square offices, the O'Brien building and the Lesbriel building. The low bid received is from Allied Maintenance Services, in the amount of \$79,356., and acceptance of this tender has been recommended by Mr. Fougere and by Mr. Moir. The bid covers janitorial services for the year 1986. Mr. Moir has pointed out in his report that the present janitorial staff will be transferred to fill existing vacancies in other City departments.

The tender was awarded, as recommended, on motion of Ald. Hetherington and Thompson.

MOTION: Moved by Ald. Hetherington & Thompson that Council accept the low bid received for janitorial services, from Allied Maintenance Services, in the amount of \$79,356., as recommended.

NSUPE UNITS:  
NOS. 1 & 4.

Reports have been submitted by Mr. Hoganson and Mr. Moir on the proposed changes in the collective agreements with Units No. 1 and 4 of the Nova Scotia Union of Public Employees, with respect to a reorganization of the manpower elements of the snow and ice control program and employees involved in this work.

It has been recommended that Council ratify the tentative agreements reached with the Union and authorize the signing of the memoranda of agreement, copies of which have been circulated. Mr. Hoganson was present for this item and available to answer questions from members of Council. Ald. Hetherington asked about time



off in lieu of overtime worked, suggesting that this time should be taken in cash to avoid problems that could occur with a build-up in overtime hours.

Ald. Levandier and Thompson moved that Council authorize the execution of the memoranda of agreement, as recommended. Ald. McCluskey asked if any thought is given to having other people do some of this work, thereby employing people who would otherwise be out of a job. Mr. Hoganson said that some use is made of casual employees to supplement regular employees, but there are some problems associated with hiring people off-the-street with no Works Dept. experience.

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

MOTION: Moved by Ald. Levandier and Thompson that Council authorize the execution of the memoranda of agreement being recommended in connection with the collective agreement with NSUPE, Units 1 and 4.

TEMPORARY BORROWING  
RESOLUTIONS

In a report to Council, Mr. Smith has recommended approval of Temporary Borrowing Resolutions DMA 85-01, 85-02, 85-03, 85-04, 85-05, 85-06, 85-08, 85-09, 85-10 and 81-01, covering the items listed, in the total amount of \$8,120,000.

Mr. Corrigan was present to respond to any questions from the members about this recommendation. Ald. Billard requested additional information on Temporary Borrowing Resolutions and Mr. Corrigan explained their purpose, being a requirement of the Municipal Affairs Dept., in order to be able to fund the capital projects listed at some later time. Ald. Connors also had a number of questions about the procedure and why it is followed. Mr. Corrigan went into further detail as to why the resolutions have to be passed so that they are in place when the various projects have to be funded.

On motion of Ald. Thompson and McCluskey, Council approved the Temporary Borrowing Resolutions noted above.

MOTION: Moved by Ald. Thompson & McCluskey that Council approve the Temporary Borrowing Resolutions noted above, as recommended.

(Ald. Thompson left the meeting at this point in the agenda along with Alderman Hetherington).

REQUEST: FIGURE  
EIGHTS SKATING CLUB

As requested by Council, Mr. Atkinson has met with representatives of the Figure Eights Skating Club, to discuss the availability of free ice time for their superior skaters. He has now recommended:

- 1) that consideration be given to permitting the thirteen superior skaters, as named by the Club, to use ice time at the Bowles Arena on Monday, Wednesdays and Fridays, for the period of 8:00 a.m. to 9:00 a.m.
- 2) that the cost, presently \$42. per hour, be charged to the Club, but that a grant be given to the Club to offset this cost.
- 3) Notwithstanding the above, should, at any time, there be an opportunity for the City Recreation Dept. to rent the ice times, then the Club would be given at least 24 hours notice.
- 4) further, that the cost involved (\$3,276. in total) be included in the Recreation Dept. operating budget for 1986 as part of the activity known as Grants, which includes monies to offset partial subsidization of rink rates for minor organizations.

Ald. Connors and MacFarlane moved the adoption of the recommendations, but Ald. Billard said he could not agree with them because they support basically, people in an upper-income range when financial assistance is really required at a low-income range for young athletes who are in a disadvantaged position financially. The other concern expressed by Ald. Billard and other members who spoke on the motion, including Ald. Woods, was that we can expect to receive similar requests from other recreation and sports organizations if we set a precedent by assisting these people. Ald. MacFarlane did not see it this way, suggesting that by assisting the skating club, the City is in fact acknowledging their efforts and he said there is nothing wrong with this. Ald. Connors had a similar point of view and pointed out that if requests are received from other groups, they will have to be assessed on their merits.

When the vote was taken on the motion, it was defeated, with Ald. Levandier, Connors and MacFarlane voting in favour.

1986 WINTER CARNIVAL

On motion of Ald. Bregante and Pye, Council gave approval for the budget estimates submitted by Mr. Atkinson for the 1986 Winter Carnival, on the understanding that the amount approved will be included in the 1986 estimates.

MOTION: Moved by Ald. Bregante and Pye that Council approve the budget estimates submitted by Mr. Atkinson for the 1986 Winter Carnival; these estimates to be included later in the 1986 estimates.

APPOINTMENT:  
LAKES ADVISORY  
BOARD

On motion of Ald. MacFarlane and Bregante, Council approved the reappointment of the <sup>Senobe Club</sup> representative on the Dartmouth Lakes Advisory Board, Mrs. Denyse Irwin, for a three-year term.

MOTION: Moved by Ald. MacFarlane and Bregante that Council approve the reappointment of Mrs. Denyse Irwin as the Senobe Club representative on the Lakes Advisory Board for a three-year term.

MEMBERSHIP:  
MPS COMMITTEE  
& SUB-COMMITTEES

On motion of Ald. Bregante and MacFarlane, Council approved the following list of volunteers to serve on various MPS Sub-committees, as indicated:

Mr. Paul Richard  
Scott MacKnight  
James Harrison  
Mrs. Gwen Haliburton  
Mr. David Stewart  
Alex Verge  
Henry Pelrine  
Doug Trider  
Rodger Albright  
Mrs. Jean Beeler

MOTION: Moved by Ald. Bregante and MacFarlane that Council approve the above list of volunteers to serve on MPS Sub-committees.

Council dealt with four reports added to the agenda, from Mr. Smith, the City Clerk-Treasurer.

AMENDMENTS:  
BY-LAW C-564

Proposed By-law C-564, which will amend the Pension By-law, in compliance with Revenue Canada requirements, as set out in regulations under the Income Tax Act, has been recommended to Council by the Pension Committee.

It was moved by Ald. Levandier and Bregante and carried that leave be given to introduce the said By-law C-564 and that it now be read a first time.

It was moved by Ald. Bregante and MacFarlane and carried that By-law C-564 be read a second time.

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

It was moved by Ald. Bregante and Woods and carried that By-law C-564 be read a third time and that the Mayor and 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-564: amendments to the Pension By-law.

1984 ACTUARIAL  
VALUATION

The Pension Committee has adopted the following motion:

That the Committee recommend to Council that the actuarial update be effective to Dec. 31/84, and that the Pension By-law be amended to reflect the pension benefit entitlement based on 1984 salaries.

The Committee has requested Council's approval of the recommendation and as well, that Council instruct staff to prepare the appropriate amendment to the Pension By-law. (Ald. Hawley returned to the meeting at this point and was present for the remainder of the meeting.)

On motion of Ald. Withers and MacFarlane, Council approved the recommendation of the Pension Committee.

MOTION: Moved by Ald. Withers and MacFarlane that the recommendation of the Pension Committee, as detailed above, be approved.

PENSION FUND  
INVESTMENT  
REVIEW

At the suggestion of Mayor Savage and on motion of Ald. Levandier and Withers, Council tabled the report entitled Pension Fund Investment Review, for consideration at the next meeting when the Chairman, Ald. Greenough is present.

MOTION: Moved by Ald. Levandier and Withers that Council table the report, Pension Fund Investment Review, for consideration at the next meeting when Ald. Greenough is present.

SECURITY SERVICE  
PROPOSALS

Proposals have been obtained from companies that provide security services (pick-up and delivery of coins), and Mr. Smith has recommended that Atlantic Armoured Services Ltd. be awarded the one-year contract with their quotation of \$16,640., the low quote received. The Purchasing Agent is in agreement with this recommend-


ation, and it was adopted by Council, on motion of Ald. Levandier and Withers.

Ald. Billard suggested that a monitoring of this company and their service be maintained for this coming year.

MOTION: Moved by Ald. Levandier and Withers that Council adopt the recommendation on acceptance of the Atlantic Armoured Services Ltd. proposal for security services. Their quotation is \$16,640. for a one-year contract.

On motion of Ald. Bregante and McCluskey, Council agreed not to meet on Dec. 24th or Dec. 31st, which would be the next two regular meeting dates. The next regular meeting is therefore scheduled for Tues., Jan. 7th.

On motion of Ald. Levandier and Bregante, Council adjourned to meet in Committee.



G. D. Brady,  
Deputy City Clerk.

City Council, Dec. 17/85

ITEMS:

- 1) Motions: Ald. Levandier, page 1.  
MacFarlane, page 2.  
Hawley, page 2 & 3.
- 2) Notices of Motion: Ald. Connors, page 3.  
Withers }  
Thompson } page 4  
McCluskey)  
Sarto, page 5.
- 3) Inquiries, page 5 to 7 incl.
- 4) Crosswalk: Dorothea Dr/Lucien Dr/Swanton Dr., pg. 7.
- 5) Storm sewer upgrading: Tulip St., page 8.
- 6) Tax exemptions, page 8.
- 7) Extension of 107 By-pass, page 9.
- 8) Video license: 50 Tacoma Dr., page 9.
- 9) " " : 744 Waverley Rd., page 10.
- 10) Janitorial services, page 10.
- 11) NSUPE Units: Nos. 1 & 4, page 10.
- 12) Temporary Borrowing Resolutions, pg. 11.
- 13) Request: Figure Eights Skating Club, page 12.
- 14) 1986 Winter Carnival, page 13 .
- 15) Appointment: Lakes Advisory Bd., page 13.
- 16) Membership: MPS Sub-committees, page 13.
- 17) Amendments: By-law C-564, page 13.
- 18) 1984 Actuarial Valuation, page 14.
- 19) Pension Fund Investment Review, page 14.
- 20) Security Service proposala, page 14.