

Dartmouth, N. S.

October 7/86.

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

Present - Mayor Savage

Ald. Sarto	Thompson
Connors	Levandier
Withers	McCluskey
Pye	Woods
Hawley	Greenough
Bregante	Hetherington
MacFarlane	

City Solicitor, S. Hood  
Acting City Administrator, Bruce S. Smith.

At the beginning of the meeting, Ald. Hetherington rose on a point of privilege to ask about a privately-owned property on Irving Street (at Pleasant Street) where surveyors have been working. He said it was his understanding that no private properties were to be used for the trunk sewer installation through south Dartmouth. He requested a response from the Solicitor by tomorrow's date.

MINUTES

On motion of Ald. MacFarlane and Greenough, Council approved minutes of the meetings held on August 26, Sept. 2, 16, 23, and 25th.

With reference to the August 26th minutes, Ald. Hetherington noted that he has not yet received any answer to an inquiry made about a property on Esson Road. Mr. Fougere said he would contact the Alderman with the information requested.

PUBLIC HEARING:  
DEVELOPMENT  
AGREEMENTS

This date was set by Council for public hearing in connection with proposed amendments to the M.P.S. and the Land Use By-law, relating to development agreements. Such changes would permit Council to enter into agreements for the following developments:

- 1) day nurseries in residential zones.
- 2) commercial developments which are proposed in close proximity to existing residential areas.
- 3) changes to structures containing non-conforming commercial uses.
- 4) innovative housing designs for existing undersized lots.

At present, the only provisions are for Council to enter into agreements pertaining to medical

clinics and corner stores.

The Planning Dept. presentation was made by Ms. Patricia Richards. She provided background information on the use of development agreements (similar in effect to contract zoning) and the change in requirements which occurred under the 1983 Planning Act. She then reviewed for Council each of the four areas proposed for coverage by development agreement, thereby providing for requests and development proposals to be considered under conditions where detailed control of the project is required.

Members of Council were given time to ask questions about the changes and their implications in terms of Council control, right of appeal, hearing process and public notification, exclusion of the urban core area in the application of the proposed legislation, input from the M.P.S. Review Committee, etc. Council was advised that the process followed for development agreements is the same as any rezoning process, with a public hearing and control retained by Council accordingly. Also, there would be an appeal process that could be followed by an applicant in a similar way. A development agreement, once approved for a property, would stand even if the property were to be sold later on. Mr. Bayer explained why the urban core area of the City has been excluded from the amendments, being a much more complex area and requiring a more detailed consideration before being included.

The public hearing was opened to representation from the public. A submission was made to Council by Ms. Mim Fraser of 13 Slayter Street, copies of which were circulated. The submission dealt with her four main areas of concern about the proposed legislation; these are:

- 1) notice to property owners.
- 2) site plan requirement.
- 3) land use map
- 4) General Land Use Classification: Urban Core

She felt that affected property owners, living in areas where application for a development agreement are taking place, should be notified personally, by ordinary or certified mail, of proposed development agreements. Also, there should be a site plan requirement, and a new, accurate, up-to-date G.L.U. map should be provided, and should be on a scale large enough to be readable. She questioned why the urban core has not been included in the legislation, suggesting that without the downtown area being included, development agreements for the land uses being proposed could not legally be considered.

Ms. Fraser said she was not opposed to the intent of the proposed legislation, but the legislation in its present form would have to be changed in a number of places before it could become effective.

The second speaker was Ms. Sandra MacKenzie of 33 Maple Street, whose concern was about the public participation components of the legislation. She felt there should be provision for a public information-gathering meeting early in the development agreement process, so that the wishes of residents are communicated at the beginning stages of negotiation.

After the Mayor had called three times for speakers both for and against the amendments, the public hearing was declared to be over, on motion of Ald. Levandier and McCluskey.

By-laws C-599 and C-600 were before Council in conjunction with the proposed amendments to the M.P.S. and Land Use By-law. Mr. Lukan had circulated a report, correcting an error in the text of By-law C-599, with reference to Policy M-11, dealing with residential development of undersized lots. Mr. Lukan brought this correction to the attention of Council just prior to the Planning Dept. presentation.

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

BY-LAWS C-599  
& C-600

said By-law C-599 and that it now be read a first time.

It was moved by Ald. Withers and Sarto that By-law C-599 be read a second time.

Ald. McCluskey said there are too many unknowns in the legislation for her to support it. She felt that such control factors as noise would be difficult for Council to define and enforce, and she was particularly concerned about any non-conforming use provisions that would expand the scope for use of such properties. Instead of expanding such uses, Council should be looking at ways of restricting them, in view of the adverse effect that many non-conforming properties have on adjacent residents.

Ald. Levandier was also opposed to the changes and considered that they only open the door to zoning violations and have legal ramifications that will be detrimental for the City. He noted that an M.P.S. review is in progress and the Review Committee should have a chance to look at the amendments before any decision is made on them. Other members also felt the Review Committee should have been involved, and favoured referral to them for input.

A motion proposed by Ald. Greenough and Sarto, that would have referred the amendments back to staff to identify areas of concern raised during the hearing and in debate, and to indicate the benefits associated with the amendments, was ruled to be out of order by the Mayor, based on concerns expressed about the implications of altering the amendments in any way from what was originally advertised for the public hearing.

Debate therefore continued on second reading. Ald. Connors felt the urban core should not have been excluded from the amendments, and he questioned the reference in item 2 (commercial developments in proximity to residential areas) to 'areas' and not to 'properties'. He said people in the downtown core

of the City should expect to have the same protection as other parts of the City. He questioned also the references to 'adequate' buffering and 'buffering' without that qualification.

Ald. MacFarlane's particular concerns were along the lines of those expressed by Ald. McCluskey with respect to non-conforming uses and the granting of even more latitude to permit further expansion of commercial uses where this type of property is concerned. Ald. Woods said he was not in favour of allowing staff to be the negotiators; the citizens should be making more of a contribution in this capacity.

When the vote was taken on second reading, it was defeated. Ald. Hawley made some additional points for staff to consider:

- 1) the amendments be brought back individually, one at a time, for Council to consider.
- 2) Rather than expanding the scope for non-conforming uses, emphasis be placed on more effective control of the existing square footage occupied by such commercial uses.
- 3) the items brought out in Mim Fraser's submission be given consideration.

Ald. Pye requested that input be sought from the M.P.S. Review Committee when staff is giving further consideration to the amendments.

A petition was before Council from residents of the Port Wallis community, who are objecting to any plan the City may have to locate low-income housing units on City land located near the corner of Locks Road and the entrance road to the Shubenacadie Park and fitness trail system.

Since there were a number of petitions to be heard at this meeting of Council, members agreed to hear two spokesmen for each (one for and one against) from the citizen groups present in the gallery.

Mrs. Marilyn Seaman addressed Council on behalf of the Port Wallis residents opposed to housing units on the City lands in question. She said that anything

PETITION:  
LOCKS ROAD  
DEVELOPMENT

over R-1 zoning would be too high a density for the site, and would not be in keeping with the canal and park development being undertaken nearby. Therefore, the City land should be restricted to R-1 development only or left vacant.

Ald. Hetherington and Levandier questioned how these concerns of the residents have arisen in the first place, considering that Council has not yet held the special housing meeting or made any decisions on housing units or their location. Ald. Hawley explained that information he provided on the sites under consideration for housing units has obviously been misinterpreted. His only intent was to indicate those locations being looked at as possible sites after decisions have been made on the housing program.

Council agreed to hear from a second speaker opposed to the Locks Road location for housing units. The speaker was Ms. Lynn Day of 17 Locks Road, and she felt the City land on Locks Road would not be an appropriate place to put housing units; she said the land should be retained for park use instead.

Ald. Greenough commented on the narrow width of Locks Road and problems this has caused for traffic in the past, even with the residential development that is there already. It can be expected that traffic will increase still more as a result of the improvements to the canal system and the opening of the new interpretive centre. He suggested that perhaps the City land on Locks Road will be required in time to improve the access route to the park and the canal.

Ald. Greenough then moved that in view of the points raised by area residents, and in particular, the uncertainty over land required because of the major undertaking by the Federal and Provincial Governments, in the restoration of the canal, the proposal to build housing units on City-owned land on Locks Road, be abandoned. Ald. Hawley seconded the

motion, but Ald. Bregante was not in favour of Council taking any action on the petition until after the October 16th Council meeting, when housing will be discussed by Council. He moved referral to the October 16th meeting when the entire housing issue will be debated. The motion to refer was seconded by Ald. MacFarlane. Ald. MacFarlane further suggested that it would be a good idea to have some input from the Canal Commission on requirements the Commission may see for entrance improvements to the park, this point having been raised several times by speakers.

Ald. Hawley explained his position on the issue of affordable housing, as a members of the Housing Committee and recognizing the need for such housing units in the community. He agreed, however, that Locks Road is very narrow and there have been alignment difficulties with it in the past. He said he would be guided by the wishes of the people he represents in this situation.

When the vote was taken on the motion to refer, it carried by a vote of 7 to 6.

MOTION: Moved by Ald. Bregante and MacFarlane that the petition from Locks Road residents (re housing units on City lands) be referred to the Oct. 16th Council meeting, when the entire housing issue will be debated.

PETITION:  
SIDEWALKS  
MONTEBELLO DR.

The next petition was from residents of the Montebello Subdivision, seeking to have sidewalks constructed on Montebello Drive for the safety of school children who travel this route to and from their schools.

Council heard Mr. Phil Nelson of 38 Bonita Drive, who presented the petition on behalf of the residents. He said it is just a matter of time until a child is killed on this heavily-travelled street. He described the traffic conditions that exist there already, and it was pointed out that as other streets in the subdivision continue to be completed, the traffic gets heavier and the danger to children is further compounded.

The next person to address Council was Mr. Duffy of Montebello Drive, who said that while he could support the spirit of the petition, he objected to the fact that a group of petitioning citizens from another part of the subdivision can impose a financial obligation on abutting property owners who have to bear the cost of the sidewalks once they are installed.

He did not consider this to be a fair procedure and made reference to section 256 of the City Charter, requesting that the petition be set aside under the provisions of that section. Responding to questions about the cost-sharing formula for sidewalks, Mr. Fougere advised that it is 50/50 between the City and the abutters, with the abutters on the sidewalk side of the street sharing 75% of the citizen component and the abutters on the opposite side, 25%.

The Solicitor gave advice on the relevant sections of the City Charter, and it did not appear that Mr. Duffy could accomplish what he sought to do (have the petition set aside), in accordance with section 256. Ald. Connors suggested there may be some ambiguity with the sections quoted (256 and 262) and he wondered if the City might be left open to litigation without further clarification of them.

Having heard from the two citizen representatives, Council was asked to deal with the petition. Ald. McCluskey and MacFarlane moved that the item be referred for consideration in the 1987 capital budget (ie. in relation to all the other budget items).

Ald. Levandier asked if developers do not have any responsibility for sidewalk installations in their subdivisions. Mr. Bayer said there is no provision in existing subdivision regulations, requiring the developer to provide sidewalks. Ald. Levandier felt that staff should bring back a recommendation to the effect that it would become a requirement, especially in the case of main collector streets such as the one under discussion.



Ald. Greenough and Hawley agreed there is an urgent need for sidewalks on Montebello Drive, although they could understand the residents on that street not wanting to bear all of the cost. Ald. MacFarlane said that perhaps the time has come to look at some more equitable way of distributing costs so that one group of property owners does not have to bear an unfair financial burden.

A resident named Mrs. Janice Hilton, 76 Montebello Road asked that in the interim period, until there are sidewalks, consideration be given to a three-way Stop sign at the intersection opposite her house. The Mayor asked to have the request referred to the T.M.G. and suggested the two Aldermen for Ward 6 follow up further on the request.

The motion to refer carried.

MOTION: Moved by Ald. McCluskey & MacFarlane that the item be referred for consideration in the 1987 capital budget (ie. in relation to all the other budget items).

PETITIONS &  
LETTER:  
BREEZE DR. EXT.

Two related petitions have been received, one from the residents of Breeze Drive, opposed to the widening of their street to a fifty-foot width, to permit four traffic lanes, and the second, from Montebello Drive residents, requesting reaffirmation of the intention to have Caledonia Road completed through to Waverley Road via Breeze Drive, as a major collector street. A letter, making a similar request, on behalf of Montebello Developments Ltd., has also been received from Mr. Frank Stevens, President of the company. The concern of Mr. Stevens and the Montebello Drive residents is that without the Caledonia Road/Breeze Drive connection, Montebello Drive will become the main traffic artery through to Waverley Road, with all the associated traffic and safety problems.

Since all of these submissions are related, Council agreed to deal with them together.

Mr. Fougere was asked to provide background information on the Breeze Drive widening project and the Caledonia Road extension proposed to connect into Breeze Drive. The Breeze Drive project was approved in the 1986 capital budget and is ready to go to tender call; at the request of the Aldermen for the ward, the tender call was delayed in anticipation of petitions being received.

Mr. Bob Mann made the Montebello Subdivision presentation, stressing to Council that the Caledonia Road/Breeze Drive connection is absolutely necessary as an alternate route for traffic to and from the Waverley Road area; otherwise, all of it will be directed through residential neighborhoods where the streets were not intended to carry heavy loads of traffic.

The submission on behalf of Breeze Drive residents was made by Mr. Paul Currie, assisted by Mr. Ed Low. The concern of these residents was not so much about the Caledonia Road extension through to their street, although they questioned the need for it, but their concern centered mainly around the fifty-foot-wide street planned through a residential area, to create a four-lane collector street. They preferred to have a thirty-six-foot width for their street, and showed a series of slides, comparing Breeze Drive with its present width to streets in other parts of the City that are thirty-six feet wide and are bearing heavy traffic volumes, such as Valleyfield Road. The slides were intended to show that a street fifty feet wide would be unacceptable in a residential neighborhood like Breeze Drive.

Mr. Frank Stevens addressed Council also, indicating his concern that Caledonia Road might not be completed as intended. He noted that certain requirements expected of Montebello Developments Ltd. and complied with, were based on the premise that Caledonia Road was to be completed by another developer.

Ald. Levandier said he could sympathize with the Breeze Drive residents not wanting a fifty-foot highway through their area; he referred to it as another by-pass highway if it is constructed with four traffic lanes. Ald. Greenough also considered the residents' concerns to be valid, and while fifty feet would be unacceptable as a width for their street, they might be willing to compromise with forty feet. In accordance with the request of the residents, however, he moved that the width of pavement from curb to curb on Breeze Drive, be constructed at a 36-foot width. Ald. Hawley seconded the motion and spoke in support of it.

Ald. Thompson asked several questions about the plans that have already been drawn for the street in the fifty-foot width. Mr. Fougere advised that those plans are completed, and he noted that the catch basins previously installed were located in accordance with the plans for a fifty-foot street on an eighty-foot right-of-way. Ald. Thompson questioned the adequacy of thirty-six feet for a street that will probably carry heavier volumes of traffic once the Caledonia Road extension is connected up with Breeze Drive. When the vote was taken on the motion, it carried with Ald. Thompson voting against.

MOTION: Moved by Ald. Greenough & Hawley that the width of pavement on Breeze Drive, be constructed at 36 feet.

SCOREBOARDS:  
GRAY & BOWLES  
ARENAS

A report from Mr. Atkinson was before Council on the subject of scoreboards for the Gray and Bowles Arenas, a proposal for their installation and maintenance having been received from Maritime Beverages. The company is willing to install and maintain scoreboards at no cost to the City, provided they have the exclusive right to advertise and supply soft drink products to the canteens for a period of ten years.

A Memorandum of Agreement has been prepared to this effect with the company, and Mr. Atkinson has recommended approval of the proposal, as outlined

in his memo of Sept. 30/86. Mr. Moir has concurred in the recommendation.

At this meeting, a report from the Solicitor has been circulated, recommending certain minor changes in the proposed agreement, as he has outlined.

Council approved the scoreboard proposal, as it has been recommended and with the changes noted and recommended by Mr. Moreash, on motion of Ald. MacFarlane and Pye.

MOTION: Moved by Ald. MacFarlane and Pye that Council approve the scoreboard proposal for the Gray and Bowles Arenas, as recommended, with the changes in the draft agreement, as recommended by Mr. Moreash.

THIRD READING:  
BY-LAW C-602  
HIGHFIELD PARK  
PHASE II

By-law C-602 (Highfield Park rezoning application) was before Council for third reading at this time, first and second readings having been given at the Sept. 23rd Council meeting.

It was moved by Ald. Thompson and Bregante that By-law C-602 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.

CONFLICT OF INTEREST

(Prior to the introduction of third reading, Ald. Connors had declared a conflict of interest, due to the fact that his legal firm represents the principals, and had withdrawn from his place on Council.)

Speaking on the motion for third reading, Ald. Woods cited two main areas of concern about Phase II of the Highfield Park development, namely, the need for park and open space in the R-3 part of the development, and the need for a component of owner occupancy in the development. He questioned the planning principles of the development, and made a number of statements about the failure of the Planning Dept. to consider the impact of the development on Ward 5 and problems that presently exist there. He later requested job descriptions for Mr. Bayer, Mr. Lukan and Mr. L'Esperance. The Mayor said these will be provided. Ald. Woods continued to be opposed to third reading throughout the debate and took strong

exception, on several occasions, to the work and recommendations of the Planning Dept., in connection with this rezoning application.

Ald. McCluskey referred to the fact that the developer appeared to be willing to meet with the Ward 5 Social Action Committee, and wondered why this meeting did not take place. Mr. Swanson was asked to respond for the developer, and explained that the meeting is planned for October 8th, in anticipation of third reading of the necessary by-law having been completed by then. Otherwise, there would be a concern that any decisions arising from the meeting could represent grounds for appeal of the decision of Council and could compromise the rezoning process. The Solicitor acknowledged the difficulties that could arise from such a meeting if it were to take place prior to the completion of third reading. Anything added to or taken away from the original proposal, at this stage, would not have been communicated to the citizens present for the public hearing, and would therefore, not be in order. The decision of Council at this time must be based on information presented at the public hearing; if changes are made, the whole process has to go back to square one again.

Ald. Levandier did not feel that the Planning Dept. deserve the criticism they have received in this instance. He favoured the development and said the City has to encourage developers to locate here or they will go to other local municipalities instead.

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

There was further debate on third reading and members asked a number of questions, to which Mr. Bayer responded. Ald. Hawley suggested that in future, it may be preferable to consider not having any recommendation from the Planning Dept. on a given rezoning application, and in that way, Council will

not have the concern of being unduly influenced. Also, in the case of appeals, Planning staff would be able to be called for the City, which could assist in hearings before the Municipal Board.

When the vote was taken on third reading, it carried with Ald. Pye and Woods voting against.

MOTION: Third reading given to By-law C-602: Highfield Park, Phase II rezoning.

RESOLUTION 86-61:  
PIPELINE LICENSE  
DART. SUBDIVISION

On motion of Ald. Sarto and MacFarlane, Council approved Resolution 86-61, authorizing the signing of a license for a pipe crossing at mil 14.97 of CNR Dartmouth Subdivision. This license is required in connection with the Morris/Russell Lake trunk sewer installation.

MOTION: Moved by Ald. Sarto and MacFarlane that Council approve Resolution 86-61, as detailed above.

LICENSE AGREEMENT:  
IRVING OIL LTD.

Construction of the Morris/Russell Lake trunk sewer outfall will require temporary access over lands of Irving Oil Ltd. The proposed access is via Station Road and along the route shown on a plan circulated with a report from Mr. Purdy. The company has agreed to permit this access and has prepared a form of license recommended to be entered into with the City.


Council approved Mr. Purdy's recommendation on the license agreement, on motion of Ald. Hetherington and Sarto.

MOTION: Moved by Ald. Hetherington and Sarto that Council approve the entering into of a license agreement, described above, as recommended by Mr. Purdy.

On motion of Ald. Hetherington and Thompson, Council agreed to meet in Committee; then on motion of Ald. Withers and Thompson, went in camera to deal with additional items.

After having reconvened in open meeting, the action taken in camera was ratified by Council, on motion of Ald. Greenough and MacFarlane.

Meeting adjourned.

  
Bruce S. Smith,  
Acting City Administrator.

City Council, Oct. 7/86

ITEMS:

- 1) Public hearing: Development Agreements, page 1 to 5 incl.
  - 2) Petition: Locks Road development, page 5 to 7.
  - 3) Petition: Sidewalks, Montebello Dr., page 7 to 9.
  - 4) Petitions & letter: Breeze Drive Ext., page 9 to 11.
  - 5) Scoreboards: Gray & Bowles Arenas, page 11.
  - 6) Third reading: By-law C-602, Highfield Park, page 12 to 14 incl.
  - 7) Res. 86-61: Pipeline License, CNR, page 14.
  - 8) License Agreement: Irving Oil Ltd., page 14.
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Dartmouth, N. S.

October 14/86.

Regularly called meeting of City Council  
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Present - Mayor Savage

Ald. Sarto	Thompson
Billard	MacFarlane
Connors	Levandier
Withers	McCluskey
Pye	Woods
Hawley	Greenough
Bregante	Hetherington
City Solicitor, M. Moreash	
City Administrator, C. A. Moir	
City Clerk-Treasurer, Bruce S. Smith.	

PUBLIC HEARING:  
AMENDMENT TO  
LAND USE BY-LAW  
658 PORTLAND ST.

This date was set by Council for public hearing of an application to amend the Land Use By-law, submitted by the solicitors on behalf of IPCF Properties Inc., by rezoning lots D1 and X on Portland Street from Holding Zone to C-3 Zone. The lands are located at 658 Portland Street and were formerly known as the Eisener Farm property. Access to the site would be via Accord Blvd., opposite to the Carver Street/Portland Street intersection. The proposal for the site is a shopping centre, containing a 'super store', a new marketing concept in supermarkets.

Relevant documentation has been circulated, and Mr. Bayer proceeded with the Planning Dept. presentation. He identified the location of the lands under consideration, and commented on the various developmental aspects such as compliance with the M.P.S., engineering and traffic considerations. About two-thirds of the site will be occupied by the proposed development and there will be a parcel of land that will be held for future commercial purposes. A section of land, 1.5 acres in size (adjacent to Russell Lake), will be deeded to the City for lake protection purposes. Mr. Bayer noted that the developer will be required to complete the installation of a water main from Woodlawn Road (via Day Ave. and Carver Street) to the development site. An adequate water supply for fire protection would not be possible without this water main installation.



With respect to traffic control, Mr. Bayer advised that the single access point for the development is in alignment with Carver Street and traffic lights, provided for in the 1986 capital budget, will be installed at this traffic point when they are required; the necessary underground wiring has already been installed. In conclusion, the Planning Dept. has recommended in favour of the rezoning request, based on the reasons stated.

The presentation for the developer was made by Mr. Jim Stevenson, Atlantic Wholesalers Ltd. (IPCF Properties). Atlantic Wholesalers will be the major tenant of the development, with a 120,000 sq. ft. 'super store'; the total retail space will be slightly over 200,000 sq. ft. in size. The total area of Lots D1 and X combined is 32.5 acres. Mr. Stevenson provided information on the 'super store' concept and on the background of Atlantic Wholesalers Ltd., a Maritime firm with businesses in Dartmouth already. He presented a detailed plan for the development, showing the actual location of the 'super store', and an artist's rendering of the building that is proposed. He said it will be a quality building in a grey and red color combination, and all in all, the development will be attractive on the property.

Mr. Stevenson went on to address the various requirements of the City in connection with the development, including servicing provisions for the site, run-off control and environmental measures, and traffic control. He said the company has complied with City staff wishes by restricting the number of access points on Portland Street to one, which will be regulated by traffic lights the City had already planned to install at Carver and Portland Streets. He referred to the marketing impact study commissioned by the developer, copies of which have been circulated. The study indicates that the additional retail space proposed is well within the limits projected for 1986

and beyond. It is anticipated that with the number of full and part-time jobs, the development will generate about seven to eight hundred employment opportunities. The total investment involved in the project is approx. twenty million dollars.

Mr. Stevenson noted that the timing of the development is very important, and the company would like to be able to start construction on the site this fall, planning an opening in the fall of 1987. He referred to the water main installation required, but did not make a commitment on the part of the developer to assume this cost. He requested as a consideration, that the 1.5 acres of land being deeded to the City be included for mathematical calculations in the coverage requirements for the site, but the Solicitor later advised that the parcel of land could not be used for these purposes once it is deeded to the City.

With reference to a point raised earlier by Ald. Hetherington about the possibility of a name change for the street now being called 'Accord Blvd.'. Mr. Stevenson did not object to a requested change to 'Eisener Blvd.', in recognition of the former property designation.

After Mr. Stevenson had completed his presentation, members of Council had the opportunity to ask questions of him. Ald. Sarto asked if fast food outlets are to be included in the development; Mr. Stevenson said there will likely be some within the development itself, either in a food court or as separate outlets at suggested locations he indicated on the plan. They would be situated somewhere within the 80,000 sq. ft. of retail space available for rentals.

Ald. Hetherington's questions were about noise problems the development can be expected to cause for residents living on Josephine Court, behind the super store. He inquired about the distance between the back of the store and the properties in question. Mr. Bayer said the distance would vary, but on average it

would be between 150 and 200 feet.

Ald. Hawley had similar concerns and asked what provision has been made for tree planting or some other buffering fences that would give residents on Josephine Court some protection from noise. Mr. Stevenson said he would be prepared to look at these possibilities and address them, but to date, such considerations have not arisen and were therefore not discussed up to this point. Other questions from Council pertained to the following items:

- 1) store opening hours for the new shopping centre: Mr. Stevenson advised that the hours will be competitive with those of the marketplace elsewhere in Dartmouth. It is planned that stores will be open seven days a week, 8:00 a.m. to 10:00 p.m. There will be no twenty-four-hour operations. If store hours become regulated in the future, there would be compliance with the regulations.
- 2) the water main installation and whether the developer is willing to assume responsibility for the cost. Ald. Billard asked if this matter should not be resolved with the developer before a decision is made on the rezoning application. The Solicitor said that if the item has to be resolved before the rezoning is decided, it may be necessary to adjourn the public hearing for this purpose and reconvene it again at a later time.
- 3) removal of materials from the development site that could be classed as hazardous wastes: Mr. Stevenson noted that soil tests have been conducted on the site and the materials in question are only on the surface of the land. They will be removed from the property and transported from the area.
- 4) compliance with lake protection requirements, particularly during construction. Mr. Stevenson indicated the willingness of the developer to comply with measures that have been discussed with the Lakes Advisory Board, and to have inspections carried out during construction phases. He suggested that both the Board and the developer's own staff could make the inspections.
- 5) cost-sharing by the developer in the oversizing of sewer lines, approved as a City policy before these installations took place. Mr. Stevenson said he was not aware of this requirement and it came as a surprise to him at this time. He noted that an easement has already been given across the property, and when the easement was discussed, the policy referred to was not raised.

Since there appeared to be several significant items that would need to be resolved at this stage in the hearing process, it was proposed by the Mayor

would be between 150 and 200 feet.

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- 3) removal of materials from the development site that could be classed as hazardous wastes: Mr. Stevenson noted that soil tests have been conducted on the site and the materials in question are only on the surface of the land. They will be removed from the property and transported from the area.
- 4) compliance with lake protection requirements, particularly during construction. Mr. Stevenson indicated the willingness of the developer to comply with measures that have been discussed with the Lakes Advisory Board, and to have inspections carried out during construction phases. He suggested that both the Board and the developer's own staff could make the inspections.
- 5) cost-sharing by the developer in the oversizing of sewer lines, approved as a City policy before these installations took place. Mr. Stevenson said he was not aware of this requirement and it came as a surprise to him at this time. He noted that an easement has already been given across the property, and when the easement was discussed, the policy referred to was not raised.

Since there appeared to be several significant items that would need to be resolved at this stage in the hearing process, it was proposed by the Mayor

that adjournment take place at a certain point in the evening, and staff undertake to reach agreement with the representatives of the developer so that Council is able to come to some decision on the application without having to defer it to another date. The Solicitor advised that as long as only an exchange of information is involved, there would be no problem from a procedural point of view. Ald. Pye did not agree with the procedure being suggested and did not consider it to be in order. He felt that any agreement reached between the developer's representatives and staff would constitute a change in the application.

Mr. Stevenson indicated to Council that the developer is seeking a decision one way or the other at this meeting. He did not feel the developer should be responsible for picking up the cost of over-sizing sewer pipes when such a requirement was not brought up previously by staff or the Solicitor. Ald. Greenough pointed out that this policy decision of Council has been in place for some time now and it cannot be deviated from now that the policy exists. Mr. Purdy was asked to comment on the over-sizing costs, as they relate to the lands under consideration. He noted that about thirty-five acres would be involved and the amount of payment to the City would be based on the total cost of the sewer project.

While Mr. Stevenson was still being questioned by Council, he conferred with the other representatives for the developer, and then stated to Council an offer to pay the first \$100,000. toward the cost of the water main installation, this item having been referred to as a point at issue on several occasions during the hearing. Also, he was willing to discuss the question of sound barriers further to determine what is required to address these concerns, raised by Ald. Hetherington and Ald. Hawley.

Following Mr. Stevenson's presentation, the Mayor called for any other representations in favour of the rezoning application. There being none, he then called for speakers opposed to the application.

Mr. David Craig of 16 Carver Street addressed Council on his own behalf and on behalf of several of his neighbors. He questioned the need for the development in the first place, when Dartmouth is already served by several major shopping malls, and there are other shopping centres in the adjacent County areas. He was particularly concerned about the additional traffic the development will generate and its impact on residential streets in the area. He referred to Settle, Elizabeth, and Carver Streets as three that will be adversely affected, and felt the traffic situation on this section of Portland Street is bad enough now without adding to it further.

His other points had to do with the present need for additional open space in this section of east Dartmouth, and to the problems that residents living around the development site can expect from noise, truck traffic, and general disturbances associated with the operation of a super store in what is essentially a residential neighborhood.

Mr. Harry Lawrence of 25 Josephine Court, and Mrs. Arya of 14 Josephine Court, were concerned that their properties will be devalued by the proposed development, and their other main concern was about noise and nuisance from it. Mrs. Norma Hodgson of Cathy Cross Drive said the peace and quiet of what is now a residential area will be disrupted and changed if the development is allowed to proceed. She questioned what additional costs will be required for extra fire and police protection, as a result of such a major development being located in east Dartmouth.

There being no further speakers opposed to the application, the Mayor proposed adjournment of

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There being no further speakers opposed to the application, the Mayor proposed adjournment of



the hearing at this point, to permit discussions between the developer's representatives and City staff members that hopefully could resolve the main points at issue that have been identified, namely: (1) cost-sharing in the over-sizing of sewer lines that service the development site; (2) completion of the water main installation by the developer; and (3) provision of some type of noise barrier for the protection of residents living in the area behind the super store.

On motion of Ald. Greenough and MacFarlane, Council agreed to a half-hour adjournment of the public hearing, to 10:25 p.m., to permit discussions that could lead to a resolution of the points noted. (Ald. Pye and Levandier voting against.)

At the appointed time, the public hearing was reconvened and the Solicitor advised that staff were prepared to make a presentation on the items discussed with the representatives of the developer. Mr. Bayer presented the staff report, advising Council that:

- 1) there is no objection to the street name change that has been proposed (the developer had already indicated concurrence with this request prior to adjournment).
- 2) the developer is willing to make a commitment of \$100,000. to the water main installation.
- 3) the developer has agreed to make a \$5,000. contribution to the City toward noise abatement, the form of buffering to be determined by staff.
- 4) the estimated cost for over-sizing of sewer pipes, in relation to this site, would be approx. \$40,000., but agreement on this point had not been reached with the developer during adjournment.

Mr. Stevenson confirmed to Council a corresponding understanding of the information communicated by Mr. Bayer, and he went on to explain why he did not feel the developer should be expected to bear over-sizing costs when this requirement was not made known from the beginning, and when the formula for assessing the charges is not based on useage of the system, as it should be, but on an acreage charge.



Ald. Greenough again referred to the fact that the over-sizing requirement is a policy already in existence, and therefore, Council does not have any alternative but to request compliance with it. Mr. Stevenson felt the developer has already gone considerably beyond City requirements and he did not understand at this point where it would all stop.

Ald. Hawley raised a point with the Solicitor about responsibility for noise complaints that might be made by residents at some future time. The Solicitor said the by-law applicable to noise nuisance will still apply as it has in the past, and the \$5,000. contribution does not place an onus on the City. The owners of the development will be responsible and any noise complaint registered will be against them and not the City.

A further series of questions to Mr. Stevenson followed; they related to:

- 1) plans for the brook on the left of the property: Mr. Stevenson said the plan is to install a culvert and allow the brook to flow unobstructed.
- 2) traffic projections and customer projections: Mr. Stevenson said about 2,000 plus vehicles per day are projected, but he was not able to give accurate customer projections. Ald. Connors felt this information should have been provided to Council. He also questioned the market analysis information that the developer has made available, suggesting that the focus should not have been just on local conditions, but on a metropolitan basis.
- 3) the hiring of an acoustical consultant, whose recommendations for noise abatement would be followed: Mr. Stevenson agreed to this request, made by Ald. Woods, and to cooperate with staff in meeting whatever requirements are necessary to prevent noise problems.
- 4) the willingness of the developer to leave trees on the site wherever this can be done. Mr. Stevenson said that he was agreeable to leave existing trees wherever they can be saved.

(During the course of the question period, Council agreed to continue meeting beyond the hour of 11:00 p.m., on motion of Ald. Connors and Thompson.)

The Mayor advised that any speakers wishing to ask questions with respect to the items dealt with during adjournment, would now have the opportunity to do so. Council heard from Mr. Ron Murray of 11 Josephine Court and again, from Mr. David Craig. Both speakers had questions about traffic through Portland Estates to and from the proposed development, and Mr. Murray did not feel the one access point on Portland Street would be adequate to handle the number of cars projected to be leaving and entering the site on any given day.

The Mayor called three times for speakers who might want to be heard with any questions on the items at issue, and there being no further citizens from the gallery wishing to speak, the public hearing was declared to be over, on motion of Ald. Greenough and Sarto.

BY-LAW C-606

Proposed By-law C-606 was before Council to accomplish the requested rezoning. It was moved by Ald. Levandier and Greenough and carried that leave be given to introduce the said By-law C-606 and that it now be read a first time.

It was moved by Ald. Greenough and MacFarlane that By-law C-606 be read a second time.

Ald. Pye raised objections he had previously expressed on the procedure followed in allowing discussions to take place between staff and the developer during the course of the public hearing. He did not speak against the rezoning, however. Members of Council who supported the application and the development being proposed, generally felt the developer has made a number of concessions and an effort to comply with what the City expects of him. While they recognized that the development will generate additional traffic, it was pointed out that the site is located on a main traffic artery and there will be traffic lights installed at the main access point on

Portland Street.

Members opposed to second reading did not feel that potential traffic problems have been adequately addressed, and their general opinion was that the quality of life residents expect to enjoy in the immediate area, will be affected by the development.

When the vote was taken on second reading, it carried by a vote of 9 to 5 with Ald. Sarto, Thompson, Hetherington, Connors and Woods voting against.

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

MOTIONS: First & second reading given to By-law C-606: rezoning application, 658 Portland Street.

REZONING APPLICATION:  
ALBRO LAKE LANDS

Two letters from the Dept. of Housing have been circulated just prior to this meeting of Council, one, advising of their intent to withdraw the application for the rezoning of the Albro Lake lands, and the second, indicating that the Dept. of Housing will submit a <sup>new</sup> application for rezoning of these lands. The second letter requests that a date be set for the voluntary public meeting in the area.

On motion of Ald. Bregante and Thompson, Council agreed with the suggested date of October 29th for the voluntary public meeting. Ald. McCluskey requested that the meeting be widely publicized.

MOTION: Moved by Ald. Bregante & Thompson that October 29th be set as the date for the voluntary public meeting in connection with a new rezoning application for the Albro Lake lands.

CONFLICT OF INTEREST

Before discussion commenced on the previous item, Ald. Withers declared a conflict of interest, because of his employment with the Provincial Government, and withdrew from his place on Council.

REZONING APPLICATION:  
335 PRINCE ALBERT RD.

On motion of Ald. Hetherington and MacFarlane, Council agreed to have staff proceed with a neighbourhood information meeting in connection with an application to rezone property situated at the rear of 335 Prince Albert Road, from R-2 Zone to C-2 Zone.

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MOTION: Moved by Ald. Hetherington & MacFarlane that Council agree to have staff proceed with a neighbourhood information meeting in connection with an application to rezone property located at the rear of 335 Prince Albert Road.

LETTER: CHAMBER  
OF COMMERCE  
ANNEXATION

The Dartmouth Chamber of Commerce has forwarded a letter to the Mayor, requesting that Council reconsider the decision taken with respect to a study of the annexation of Cole Harbour.

Ald. Levandier said it would first have to be determined just what a study would cost, and whether or not such a cost would be worthwhile. He therefore moved referral to staff for a cost analysis and recommendation on whether or not the money would be well-spent on a study. The motion was seconded by Ald. Hetherington and it carried.

MOTION: Moved by Ald. Levandier & Hetherington that the letter from the Chamber of Commerce on annexation, be referred to staff for a cost analysis of a study and recommendation on whether or not money would be well-spent on a study.

NOTICES OF MOTION:

Notices of motion were given as follows for

ALD. MACFARLANE

the next regular Council meeting:

1) Ald. MacFarlane:

WHEREAS access to Southdale School for children from Manor Park is restricted;

AND WHEREAS children currently need to travel through a densely-wooded area from Lorne Ave. extension to Joffre Street, in order to get to school, on land which is privately owned;

BE IT RESOLVED that the matter be referred to City Planning staff, to determine the feasibility of providing a safe and direct route through this area, reporting back to Council at the earliest possible date, with recommendation in this regard.

(b) WHEREAS the section of Lorne Ave. below Sinclair Street is confusing in that properties bear Prince Albert Road street numbers;

AND WHEREAS the two sections of Lorne Ave. are separated by private property;

AND WHEREAS the two sections of Lorne Ave. are not aligned and cannot be connected;

BE IT RESOLVED that the lower portion of Lorne Ave. be renamed Meaden Drive, with the appropriate adjustments in civic numbers and the closure of this street to through traffic of a vehicular and pedestrian nature.

ALD. MACFARLANE

(c) WHEREAS deliveries and unloading in the downtown of Dartmouth continues to create congestion for motorists and shoppers at inopportune times;

AND WHEREAS there are many complaints from residents who shop in the downtown area;

AND WHEREAS it would be agreed by all parties that it is desirable to make downtown shopping convenient and accessible through peak shopping hours;

BE IT RESOLVED that representatives of the Downtown Development Corp., the Chamber of Commerce, the T.M.G., and Aldermen for the area, meet to resolve this problem, with particular attention to the possibility of restricting hours for the delivery and receipt of goods.

(d) WHEREAS the City of Dartmouth lacks a policy with respect to traffic management;

BE IT RESOLVED that the T.M.G. develop a policy and priority for action, with particular reference to recommendations in the Traffic Management Study and concerns of the people of Dartmouth, paying particular attention to the problem of short-cutting, pedestrian safety, speed and volume of through-traffic in residential areas.

ALD. LEVANDIER

2) Ald. Levandier:

(a) WHEREAS the hill running from Newcastle Street to Maitland Street is extremely dangerous;

THEREFORE BE IT RESOLVED that funds be provided in the 1987 Capital Budget to have this situation corrected, and that the work be carried out as soon as possible in the new construction season. (Memo dated Feb. 21/86 from R. Fougere.)

(b) In an effort to encourage the revitalization of the Downtown Core;

BE IT RESOLVED that staff investigate the possibility of providing a one year only tax holiday/on Business Occupancy Tax/ to new small businesses wishing to open up in the Downtown Core;

AND BE IT FURTHER RESOLVED that staff point out any ramifications, if any, for providing such an incentive.

ALD. CONNORS

3) Ald. Connors

WHEREAS the intersection of Alderney Drive and Ochterloney Street is used by a considerable number of pedestrians travelling to and from the ferries and other locations;

AND WHEREAS there are no pedestrian 'Walk/Don't Walk' lights, and the configuration of existing traffic lights, including a flashing green turning phase, makes it dangerous for pedestrians using the intersection;

BE IT RESOLVED that the Engineering Dept., in consultation with the T.M.G. and any other appropriate staff, prepare an estimate for the installation of pedestrian lights and include that estimate in the 1987 Capital Budget for consideration at that time.

ALD. PYE

4) Ald. Pye:

WHEREAS the City of Dartmouth prides itself on citizen participation;

AND WHEREAS the citizens are actively involved in many of the City's festive seasons;

AND WHEREAS many citizens of Dartmouth spend countless hours to beautify their properties for the Christmas season;

THEREFORE BE IT RESOLVED that the City of Dartmouth form a committee to award prizes for the best decorated properties during the Christmas season.

ALD. HETHERINGTON

5) Ald. Hetherington:

WHEREAS there is a very serious problem for residents and children crossing Portland Street at Regal Road;

BE IT RESOLVED that overhead crosswalk signs be placed at that location, and that this amount be placed in the 1987 budget.

ALD. MCCLUSKEY

6) Ald. McCluskey:

WHEREAS all residential property owners expect the basic services for their tax dollars, such as police protection, fire protection, garbage removal;

AND WHEREAS condominium owners in this City, for the most part, are not receiving garbage collection from the City and must pay extra for separate garbage removal;

BE IT RESOLVED that the Engineering Dept. review this problem and report back to City Council.

PROPERTY:  
9 KUHN ROAD

A report was before Council on the proposed acquisition of property at 9 Kuhn Road, offered for sale to the City at the price of \$70,000. This is one of the properties identified some time ago for purchase as part of the Kuhn Road Land Assembly Project.

The Planning Dept. has recommended approval of the land acquisition, with Mr. Moir's concurrence, and Council approved the recommendation, on motion of Ald. Greenough and Sarto.

MOTION: Moved by Ald. Greenough and Sarto that Council approve the acquisition of 9 Kuhn Road, for the purchase price of \$70,000., as recommended by the Planning Dept., with Mr. Moir's concurrence.

Ald. Woods requested at this point in the meeting, that the Recreation Advisory Board be asked to research appropriate names for the playground at Nivens Ave. and Windmill Road, and report back on this item. Council agreed to the request.



AWARD TENDER:  
HIGHWAY SALT

Tenders have been received as follows for  
the supply of highway salt, 1986/87 season:

Canadian Salt Company	\$31. per tonne	\$31.30 per t.
	(early delivery)	(winter delivery)
Iroquois Salt Products Ltd.	\$41. per tonne	\$41. per tonne

Acceptance of the low bid, submitted by the Canadian Salt Company, has been recommended by the Purchasing Agent, with Mr. Moir's concurrence, and the tender was awarded by Council, as recommended, on motion of Ald. Greenough and Hawley.

MOTION: Moved by Ald. Greenough & Hawley that the tender for highway salt, 1986/87 season, be awarded to the low bidder, Canadian Salt Co., as recommended to Council.

AWARD TENDER:  
CONTRACT 86-13  
GRAHAM'S GROVE  
PARKING LOT

Tenders have been received as follows for  
Contract 86-13 (Graham's Grove parking lot):

L. J. Gillespie Structures Ltd.	\$23,670.00
Ocean Contractors Ltd.	29,943.25
B. & L. Contracting Ltd.	30,975.82
Municipal Contracting Ltd.	38,970.00
Seaport Contracting Ltd.	48,409.00

Acceptance of the low bid, received from L. J. Gillespie Structures Ltd., has been recommended by Mr. Purdy, with the concurrence of Mr. Smith, Acting City Administrator. The tender was awarded by Council, as recommended, on motion of Ald. MacFarlane and Sarto.

MOTION: Moved by Ald. MacFarlane and Sarto that Council award the tender for Contract 86-13 (Graham's Grove parking lot) to the low bidder, L. J. Gillespie Structures Ltd., as recommended.

AWARD TENDER:  
CONTRACT 86-06  
STREET RECONSTRUCTION

The following tenders have been received for  
Contract 86-06 (street reconstruction):

Ocean Contractors Ltd.	\$583,300.
Municipal Contracting Ltd.	595,164.

This tender includes work on the following streets:  
Brenton Street                      Chadwick Street  
Church Street                        Lakeview Ave.  
Trinity Ave.

The recommendation to Council is that the tender be awarded to the low bidder, Ocean Contractors Ltd., and the recommendation was adopted, on motion of Ald. Thompson and Hetherington.



MOTION: Moved by Ald. Thompson & Hetherington that the tender for Contract 86-06 (street reconstruction) be awarded to the low bidder, Ocean Contractors Ltd., as recommended to Council.

AUTOMATED PARKING  
TICKET SYSTEM

The Information Services Steering Committee has approved the implementation of an automated parking ticket system for the City Police Dept., subject to authorization by Council of an expenditure amounting to \$17,350. for the purchase of equipment and supplies necessary to run the system; this equipment to be purchased now and charged to the 1987 capital budget.

Mr. Moir has recommended that Council authorize the expenditure of \$17,350. for the supplies & equipment, and further, that this expenditure be financed in the 1987 capital budget. The recommendation was adopted by Council, on motion of Ald. Sarto and Thompson.

MOTION: Moved by Ald. Sarto and Thompson that Council authorize an expenditure of \$17,350. for supplies & equipment, required to implement an automated parking ticket system for the City Police Dept., and further, that this expenditure be financed in the 1987 capital budget., as recommended in Mr. Moir's report to Council, dated Oct. 2/86.

LETTER: DEPT. OF  
MINES & ENERGY

Mr. Bayer has reported to Council on the context of a letter received from the Dept. of Mines and Energy, extracts of which have been forwarded by the Executive Director for the Union of Nova Scotia Municipalities. Ald. Hetherington and Pye were in favour of referring this item to the M.P.S. Review Committee for consideration and comment, but Ald. Woods felt that Planning Dept. staff should be reporting further to Council on the main issues involved. He moved referral back to Planning staff to report to Council on the issues with respect to pits and quarries in the City, also, the degree of control we have, if any, over quarry operations that impact on the City but are not located within City boundaries; the motion to refer was seconded by Ald. Hawley. Ald. Greenough said it is also important to have staff address the area of control over blasting charges and relevant blasting controls that are able to be enforced.

The motion to refer to staff carried by a vote of 10 to 4; members were willing to have this matter go to the M.P.S. Review Committee as well, as Ald. Pye and Hetherington had previously suggested.

MOTION: Moved by Ald. Woods and Hawley that the extracts from a letter received from the Dept. of Mines & Energy, be referred back to Planning staff for a further report to Council, based on the points noted on page 15 of these minutes.

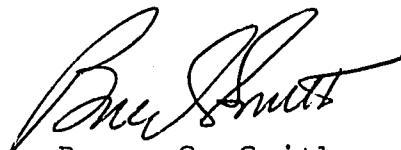
APPOINTMENT:  
M.P.S. SUB-COMMITTEES

On motion of Ald. Hetherington and MacFarlane, Council approved the recommended appointments to M.P.S. sub-committees (Commercial Development and Residential Development), and the resignation of Mr. Robert Brownrigg from the Residential sub-committee, as per the report to Council from Mr. Roger Wells, dated Oct. 8/86. Mr. Gordon Sears is appointed to the Commercial Development Sub-Committee, and Ms. Fran Gavel is appointed to the Residential Sub-Committee.

MOTION: Moved by Ald. Hetherington & MacFarlane that two appointments to M.P.S. sub-committees, plus one resignation, be approved, as noted above.

After having dealt with these items from the agenda, the public hearing for 658 Portland Street reconvened, as reported elsewhere in these minutes.

Following second reading of By-law C-606, the meeting adjourned.



Bruce S. Smith,  
City Clerk-Treasurer.

City Council, Oct. 14/86

ITEMS:

- 1) Public hearing: Amendment to Land Use By-law, 658 Portland St., page 1 to 10 incl. By-law C-606, page 9.
- 2) Rezoning application: Albro Lake lands, page 10.
- 3) Rezoning application: 335 Prince Albert Rd., page 10.
- 4) Letter: Chamber of Commerce (Annexation), page 11.
- 5) Notices of Motion: Ald. MacFarlane, page 11 & 12. Levandier, page 12. Connors, page 12. Pye, page 13. Hetherington, page 13. McCluskey, page 13.
- 6) Property: 9 Kuhn Rd., page 13.
- 7) Award tender: Highway salt, page 14
- 8) " " : Contract 86-13, Graham's Grove Parking Lot, page 14.
- 9) " " : Contract 86-06, Street Reconstruction, page 14.

City Council, Oct. 14/86

ITEMS (continued)

- 10) Automated parking ticket system, page 15.
  - 11) Letter: Dept. of Mines & Energy, page 15.
  - 12) Appointment: M.P.S. Sub-Committees, page 16.
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Dartmouth, N.S.

October 16, 1986

Regularly called meeting of Council was held this date at 7:30 p.m. to discuss Housing in Dartmouth.

Present - Mayor Savage

Ald. Sarto	McCluskey
Thompson	Woods
MacFarlane	Pye
Billard	Hawley
Levandier	Greenough
Connors	Hetherington
Bregante	
City Solicitor, M. Moreash	
City Administrator, C.A. Moir	
City Clerk, Bruce S. Smith	

REPORT FROM  
DARTMOUTH HOUSING  
COMMITTEE

At the commencement of the meeting, Ald. Hetherington rose on a point of privilege to suggest that the Housing issue be discussed in two parts. The first portion of the meeting be set aside to listen to the Housing Coordinator and settle the matter. The second portion to deal with the lands located on Williams Street, Locks Road and Ridgecrest Drive. A motion to this effect was moved by Ald. Hetherington and seconded by Ald. Greenough. The motion carried.

MOTION: Moved by Ald. Hetherington and Ald. Greenough that the first portion of the meeting be set aside to listen to the Housing Coordinator's presentation of the proposal, then Council would deal with it and make a decision. The second portion to deal with issues postponed from previous meetings dealing with the lands at Williams St., Locks Road and Ridgecrest Drive.

Ms. Chisholm then proceeded to present the Housing Committee's report. Highlights of the report were made available to the audience and the complete report dated October 10th was circulated with the agenda to Council. During the presentation Ms. Chisholm referred to slides of examples of well maintained non-profit and co-operative housing.

Besides reviewing the Highlights of the Report of the Dartmouth Housing Committee, Ms. Chisholm discussed the Project Agreement, Management and Operations, not contained in the handout. She also reviewed briefly the background of Council's involvement in housing.

The four policies that the committee is asking for approval of are as follows:

- 1) That the City shall encourage and assist where possible the production of private non-profit and cooperative housing projects, wherein a portion

of the units are provided on a rent-gear-to-income basis. In order to accomplish this development, that the Dartmouth Housing Committee be asked to return to Council with a report on ways in which the City can facilitate the development of Federal and Provincial non-profit housing programs.

- 2) That the development of all housing initiatives encourage the integration of families into existing city neighbourhoods recognizing the locational requirements of some projects and that projects be small in size whenever practical and possible.
- 3) That a public relations program be instituted as a counterpart to the development of housing so that the public will become more aware of the nature and operations of non-profit housing.
- 4) That the City of Dartmouth shall encourage proposals from private non-profit associations with experience in housing management for the development and management of Housing Demonstration Units and that these proposals comply with the criteria set out in the Project Agreement - Management and Operations.

It was moved by Ald. Hetherington and Ald. Bregante that the report from the Housing Committee be adopted.

Ald. Hetherington requested that copies of the report be made available at the Library. Mayor Savage concurred with this request.

Ald. Connors expressed his endorsement of the policies presented. He was especially pleased to see that the City isn't becoming a landowner or landlord, a route that has not been successful elsewhere. His second reason for endorsing the policy related to the Demonstration Project's focus on three kinds of housing. In the case of the family type housing, he foresaw that by following the co-operative route, some individuals could eventually become the owners of their own homes. He also felt that by putting the management and ownership in the hands of private groups but at the same time retaining a policy to regulate, the City was living up to its responsibilities.

He stressed that governments cannot look at social housing in isolation however, but must also address the issue to the breakdown in families and chronic under-employment and unemployment, especially in the case of younger people. The social and economic issues cannot be ignored.

Ald. Greenough felt that Council had taken a step in the right direction. He noted that the agencies which have made presentations have not been stated publicly. Ms. Chisholm listed the names of the agencies which have made presentations, listed on page 5 of the Housing Committee's report. He felt it was a positive move to place these units in the hands of organizations which have been successful in the past and are currently involved.

Ald. Levandier felt the report to be one-sided as it did not address long-term needs or long-term financial aspects. He did not support the shift in responsibility for housing from the Province to the municipal units. He felt he could support subsidizing families and leaving housing in the hands of the private sector. He expressed concern about the replacement fund referred to.

It was Ald. MacFarlane's opinion that it was a good report, with a number of checks and balances in the management area. He felt it was also successful in addressing the concerns of the residents. He felt it was important to realize that housing problems contribute to other serious problems in the community.

Ald. McCluskey also supported the motion, noting that she had come to the meeting discouraged and upset but the events of this evening have been encouraging.

Ald. Sarto also endorsed the report, but had some changes he would like to see in the report. The first change was under "Policies", page 4 of the report, second to last paragraph. He suggested that the following be inserted. ....that projects be compatible in size and physical appearance with dwellings in that particular area. Council agreed with this amendment. The second amendment was to the word "building" in point 4 of Schedule "D". An "s" is to be added. Council agreed with this change.

In expressing his support of the report, Ald. Bregante also referred to problems associated with sub-standard housing and he felt there was merit in pressuring the Provincial and Federal governments for tighter legislation to help crack

down on some of these landlords doing minimum maintenance on their properties. He also referred to the current downturn in the economy and its effect on the community.

Ald. Hawley also expressed support of the policies, especially the one dealing with integration into the community. He reflected upon the positive benefits that will result from such an approach. He also referred to a point raised by Ald. Levandier re the Replacement Reserve Fund, point 10 of Schedule "D". This money does not come from the City of Dartmouth, but comes from the rents that are charged.

Ald. Thompson felt that a lot of the negative feedback from the general public resulted in them being misinformed. He felt confident that the report presented tonight will dispel many of their concerns. He questioned Ms. Chisholm as to whether the Housing Committee would still receive other proposals. Ms. Chisholm indicated they would be happy to sit down with other interested groups.

Ald. Levandier stressed that he was as concerned about the welfare of people, as any one in the room and did not deny the need for people to be adequately housed, but he felt another level of bureaucracy was being created. If there is sub-standard housing out there he felt the City was at fault, because the building code is not being strictly enforced. The courts are not dealing with these situations adequately either. He noted that the Dartmouth Housing Authority is already in place and is geared to do the job and has been doing it successfully. He questioned whether the City should be responsible for bad tenants and inflict them on neighbourhoods. He isn't saying however that everyone would be a bad tenant but there was that potential in some cases.

Ald. Pye stated that he would have no problem supporting another level of government if it offers a new direction in assisting the less fortunate obtain affordable housing.

Ald. Woods did not feel another bureaucracy was being created but was placing the task of providing housing units in the hands of the agencies that have demonstrated they

are good at providing and managing them. He also was pleased with the control defined in the policies.

He suggested a slight modification of the Project Agreement, item 33, page 13. He recommended the addition of "or to accommodation reserved for the handicapped". Council agreed to have it incorporated in the major motion.

The last alderman to speak on the motion was Ald. Billard. He felt the principle was far more important than the process. He felt Council should not be dealing with such details, as the amendment suggested by Ald. Woods but Council had to decide yes or no to the overall need. He felt that the only thing that Council was doing this evening was making a policy to endorse more of the same of what the City already has. He referred to all the groups actively involved and the encouragement of a slight expansion of their operations. He wondered if all this time, energy and expertise was required. He questioned whether the situations referred to this evening, will be improved in any more than a minor way. He had suggested last year that the \$1 million be made available to the existing societies and it is still sitting in the bank. He wondered why this proposal required Council's approval, when in effect the existing organizations were being encouraged. He felt that policy no. 1 was a statement of status quo. He maintained that Appendix C illustrates that Policy no. 2 is a statement of the status quo.

He questioned Ms. Chisholm on how she proposes to deal with the "not in my backyard you don't" attitude. He did not feel public information and relations sessions will be enough to dispel opposition.

He concluded that he could not support the report as it is.

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



Ald. Connors moved an amendment, seconded by Ald. Hawley that the properties known as the Williams Street reserve, bordering on Faulkner Street, the Locks Road property and the Ridgecrest property not be utilized for social housing in any form as contemplated by the Housing policy but that instead they be preserved as green space or, if feasible, sold. If sold, they are to be sold at fair market value, through the usual tendering process for R-1, single family residential development only and no other development and that the proceeds of sale be used in funding the implementation of the Housing Policy in other areas of the City.

Referring to the Williams Street property, Ald. Connors gave several reasons for not locating a multi-unit social housing project on that property. There is a substantial amount of social housing in the immediate area, for one. Secondly, the buffer to the encroaching commercial district would be destroyed. Thirdly, such a development would run contrary to the whole planning and public input process which took place in the late 1970s, with regard to the N.I.P. program. His motion however would allow the use of the asset by using cash acquired for the Demonstration Project.

Ald. Greenough spoke in support of the amendment, as he felt it important to "wipe the slate clean". He referred to the situation facing Locks Road, related to the restoration of the locks and construction of the Interpretive Centre. The road is narrow and the residents are concerned about the increase in traffic. With this in mind and the future needs of the Park system, he moved the following amendment, seconded by Ald. MacFarlane. That the Locks Road lands be referred to staff as well as the Shubenacadie Canal Commission for an assessment and analysis to determine if this land or any part of this land might be reserved or become part of the Shubenacadie Canal System in order to improve and enhance that park system.

Addressing the motion, Ald. Levandier felt that the residents of Williams Street would be satisfied only with the

lot remaining as a green area.

Ald. Hetherington expressed reservations about not including the Ridgecrest Road property and Williams Street property. Since they are all City owned properties and the word "sell" has arisen, he suggested that nothing be put on any of the three unless the public is invited to see what is proposed, and if they don't agree, the sale can be turned down. He felt this would alleviate the fears of the residents.

Being chairman of a previous public information meeting for 500 Main Street, Ald. Pye expressed concern about the timing of this motion. He felt Council had caved into the "not in my backyard you don't" attitude and was inviting difficulty in locating units in other areas of the City.

Concerns were raised by Ald. Sarto about the meaning of Ald. Connors' motion and Ald. Connors explained that he was not saying that zoning be changed. He is saying that since these are City properties, Council is free to put restrictions on / <sup>them</sup> within the context of the overall zoning and is free to restrict the land(s) to a narrower use than the areas zonings would imply or allow.

Mr. Moir gave an example of such a procedure, as was done with the Courtney Road lands.

When the vote was taken, it carried. Ald. Billard and Ald. Pye voting against.

Ald. Hetherington then moved a motion, seconded by Ald. Pye that the three properties, Williams Street reserve, Locks Road and Ridgecrest Drive, now in the hands of the City of Dartmouth, have zonings in place which would allow for public input on any proposal that would be put forward for those pieces of property. The vote was unanimous.

MOTION:: Moved by Ald. Hetherington and Ald. Bregante that the report from the Housing Committee be adopted.

AMENDMENT: Moved by Ald. Connors and Ald. Hawley that the properties known as the Williams Street reserve, bordering on Faulker Street, the Locks Road property and the Ridgecrest property not be utilized for social housing in any form as contemplated by the Housing policy but that

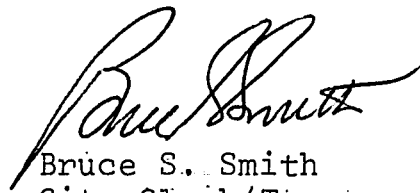
instead they be preserved as green space or, if feasible, sold. If sold, they are to be sold at fair market value, through the usual tendering process for R-1, single family residential development only and no other development and that the proceeds of sale be used in funding the implementation of the Housing Policy in other areas of the City.

MOTION: Moved by Ald. Hetherington and Ald. Pye that the three properties, Williams Street reserve, Locks Road and Ridgecrest Drive, now in the hands of the City of Dartmouth, have zonings in place which would allow for public input on any proposal that would be put forward for those pieces of property.

COUNCIL'S  
SCHEDULE

Mayor Savage noted that November 4th will be a regular Council meeting. He proposed that November 5th, be the evening the Boards and Commissions are appointed. Ald. Hetherington expressed concern that this is the same evening as the Taxi Commission, which plans to hold hearings. The Mayor will discuss the implications with the Solicitor. As November 11th is Remembrance Day, Mayor Savage proposed holding the Committee of the Whole, November 10th instead. Council expressed agreement with this schedule.

Meeting adjourned on motion of Ald. MacFarlane and Ald. Thompson.

  
Bruce S. Smith  
City Clerk/Treasurer

City Council, October 16th, 1986

ITEMS:

- 1) Special Meeting - Housing in Dartmouth, pages 1 to 8.
- 2) Council's Schedule, page 8.

Dartmouth, N.S.

October 20, 1986

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

Present - Mayor Savage

Ald. Thompson	McCluskey
MacFarlane	Woods
Billard	Pye
Levandier	Hawley
Connors	Greenough
Withers	Bregante

City Administrator, C.A. Moir  
City Solicitor, Ms. S. Hood  
City Clerk/Treasurer, Bruce S. Smith

Regrets were received from Ald. Hetherington and  
Ald. Sarto.

Mr. R.S. Jamieson, C.A. and Mr. J.L. Mallowney, C.A.  
presented to Council the 1985 audited financial statements.  
These financial statements had been tabled in February.  
Mr. Jamieson proceeded by highlighting various sections  
of the statements and discussing some of the more relevant  
issues. The aldermen were invited to pose questions during  
this presentation. The report was divided into two sections,  
the non-consolidated financial statements and the consolidated  
financial statements. He commenced the presentation with  
the non-consolidated financial statements.

Concerns were raised re contingencies, (b), page A-33.  
Mr. Jamieson noted that other assessment appeals are pending  
which may have an impact on the City in the future. Referring  
to a letter to the Mayor earlier in the year from Doane Raymond  
on this subject, he noted that substantial amounts might be  
involved. Ald. Connors wondered if any estimate of the poten-  
tial liability has been given. In light of the matter being be-  
fore the courts, Mr. Moir suggested that discussions be held  
in camera. Ald. Connors appeared satisfied that any information  
will be circulated, as it becomes available.

On page A-2A, Mr. Jamieson noted that Council has approved  
the use of \$300,000 of the \$3,207,258 surplus indicated for the  
year end. Approximately \$3 million is in the City's surplus  
account.

Ald. Levandier wondered if this was the only surplus the  
City had. Mr. Jamieson noted that there are other

PRESENTATION  
BY DOANE RAYMOND  
1985 AUDITED  
FINANCIAL  
STATEMENTS

identified surpluses in other accounts. These were discussed later in the meeting, under consolidated surpluses and the restrictions on them.

Referring to page A-5, Mr. Jamieson noted that the cash and temporary investments (assets) are down approximately \$2.2 million from last year. It was noted on page A-33, that a large portion of this results from receivables owing from the Province of Nova Scotia and its agencies in the amount of \$1.1 million. This amount is mainly in the area of social assistance.

Ald. Levandier expressed concern that there are differences in the 1984 statements versus 1985 statements. Mr. Jamieson attributed the changes to reclassifications of some receivables. As part of his explanation he referred to page A-35, item 10, comparative figures. Ald. Connors referred to the municipal accounting manual and its requirement that Council deal with comparative figures. He interpreted the manual as requiring the identification of where changes have been made and disclosure of the amounts. Mr. Mallowney noted that the accounting policy has not been changed, only the grouping of certain amounts. He did not feel the regrouping of the numbers was a change in accounting policy. The only accounting/<sup>policy</sup> change was in respect to the water utility. Ald. Connors requested a list of those items which have been reclassified. It was noted that staff would be in a position to note the changes in figures from 1984 over 1985.

A slide was referred to to illustrate where the auditors see the Burnside Account at this stage. Proceeds from sale of land are \$9.3 million, plus future sales. This money will be used to acquire future lands or used at the discretion of Council for other purposes. Mr. Jamieson noted that Burnside land is considered as inventory, bought for the specific purpose to attract development.

He referred to the recent controversy about whether Burnside funds should be placed in the capital reserve fund or placed in a fund to be used by the City at its discretion, which is the present case. He referred to the correspondence on the subject from Doane Raymond, dated September 29th, 1986. The alternatives were illustrated on the overhead. The main focus of concern is that Ministerial approval would be required to withdraw funds from a Special Reserve fund. It was suggested that changes be made to the by-law or City charter to effectively retain the status quo, but comply with provincial requirements.

Ald. Levandier asked Mr. Jamieson if to the best of their knowledge there has ever been a deviation from the accounting manual with respect to the Industrial Park. Mr. Jamieson stated that from their point of view, the presentation of the Industrial Park is the appropriate treatment, as there are no specific requirements for the Industrial Park in the manual. Ald. Levandier felt other industrial parks followed similar accounting practices. To the best of their knowledge, this was the auditors' opinion as well. Ald. Levandier wondered if Municipal Affairs has ever questioned them in the past. Mr. Jamieson noted that <sup>Doane Raymond</sup> / met with Municipal Affairs in 1983 when the manual came out and at that stage it was the Department's opinion that the manual was not intended for industrial parks. Ald. Levandier questioned what the danger was of putting the funds in a Special Capital Reserve. Mr. Jamieson noted that everytime money was required to develop the Park, approval would be required of the Minister of Municipal Affairs. The alternative is to place the funds in an appropriate account, where decisions of City Council would be made on their use and release.

Ald. McCluskey questioned whether the Department of Municipal Affairs had stated that the City was not following the Manual. Mr. Jamieson indicated that they had not. However,

Ald. Connors felt this confusing, when you refer to correspondence dated September 23rd, 1986 from Mr. Cramm, which states "the proceeds must be deposited to the capital reserve section of the special reserve fund....."

Mr. Jamieson felt this was a technicality as the Industrial Park has been created by a by-law of the City. Most other parks have been created through a commission as separately constituted legal entities. Ald. Connors interpreted Municipal Affairs' stand to be that if the necessary by-law amendments are not put in place or Charter changed, then the money will have to be deposited in the Capital Reserve Fund. It was suggested that perhaps the City could challenge that particular provision. Mr. Jamieson stressed that the presentation in terms of financial statements has not been wrong. He was confident that any change to the City by-law or Charter would not be opposed by Municipal Affairs. It was noted that any changes to the Charter have to<sup>be</sup> made by the Province and it is not anticipated that the legislature will meet again this year. Referring to the treatment of the lands as inventory rather than a capital item, Ald. Connors wondered if this was a deliberate policy in terms of the accounting approach by the auditors or staff in 1984.

Mr. Mallowney advised that there were meetings with Municipal Affairs and they concurred with current presentation up to and including 1985. This information was confirmed as late as this August. The first time the matter was addressed differently was in the September letter.

Ald. Connors asked the Solicitor if an amendment to the by-law would suffice. Ms. Hood did not feel this would solve the problem but an amendment to the Charter or using provisions of the Industrial Commission's Act might be the options to pursue. Ald. Connors expressed reservations that Council might lose control of the use of the money if the Industrial Commissions Act's provisions are used. Money might not be available for purposes other than use in the Industrial Park. Ms. Hood felt a similar



situation as the Water Utilities Account could be expected. There are restrictions on transferring money from each account. In effect the ministerial approval would be removed but substituted by other restrictions under the Industrial Act.

Ms. Hood suggested that if an amendment is made to the Charter, it could be made retroactive for 1986.

Referring to a transfer of funds into the operating account for 1986 from the Sale of Land Account, Ald. Connors felt this technicality must be resolved quickly, as it is a legal issue. Mayor Savage assured Ald. Connors that staff will follow-up this matter.

Ald. MacFarlane suggested that another option might be for the Department of Municipal Affairs to change its legislation. Mr. Moir noted that from conversations he has had in the past, they realize that the Act requires rewriting. It was written in 1924 and a slide presentation was shown to indicate the number of amendments to it. Ald. MacFarlane doubted that this could be done in time to respond to the problems facing the City. In reply to a question from Ald. MacFarlane as to what advantages there would be to having these funds in a capital reserve account, Mr. Jamieson indicated he did not believe there were any. It would restrict the use of the funds for only capital and debt retirements purposes. He felt there would be more flexibility if the fund was controlled by the City through the Industrial Commission, as opposed with final decisions being made by Municipal Affairs. Ald. MacFarlane wondered if there is any other municipality placing money in this reserve. Mr. Jamieson felt that Halifax may be going in this direction for some property.

Referring to the fact that this problem came to light over a borrowing resolution for the Library, which required the Minister's approval, Ald. MacFarlane wondered if in fact there was a need to get permission from the Minister at that time, as the money wasn't in the special reserve fund. Ms. Hood attempted to clarify the matter by explaining that the amount was to come from the present reserve fund containing.



\$2.2 million. Ald. MacFarlane wasn't sure that Council understood which fund the money was coming from, in this instance.

In Ald. Levandier's opinion the problems with the accounting manual are clearly a matter of interpretation and nothing sinister is involved. He felt it was an oversight by Municipal Affairs not to have raised the issue earlier, however. Ald. Levandier then discussed with Mr. Smith and Mr. Jamieson the investment of the Industrial Park funds.

Ald. Greenough also expressed the opinion that he felt the Department of Municipal Affairs was looking at the issue as only a technicality, as is obvious by their attempts to help the City search for an alternative. He felt the legislation was obviously unclear and it was up to Municipal Affairs to clarify it. He felt that the City should work with them to clarify the Act.

Ald. Greenough reflected upon the fact that other industrial parks have similar accounting practices, however Mayor Savage noted that the other parks are separate corporate bodies incorporated under the Industrial Commissions Act, while Burnside was created under provisions of the City Charter. Mr. Moir cautioned that if the City followed a similar route, the City might not have as much control.

Mr. Jamieson stressed that although \$15.5 million of property is on the balance sheet and over \$9 million is invested, the Industrial Park could end up with no cash on hand if funds <sup>were</sup> transferred to the Capital Reserve Fund. Up to now the cash policy has reflected Council's intention. Besides the issue of losing control, the evaluation of lands and development costs are a larger issue.

Ald. Connors questioned the Solicitor on Section 22B which relates to the investment of funds. Ms. Hood did not believe that the section restricted where the City could invest, except in the instance of special reserve funds.

She did not believe it covered all City money, under all circumstances. Ald. Connors wondered if there was any rule that funds cannot be commingled when money is invested. Ms. Hood was not aware of any such rule.

Replying to a question from Ald. Pye, Mr. Smith advised that there has not been an instance to his knowledge where the Minister of Municipal Affairs has refused the withdrawal of funds. This process of receiving approval takes from six to eight weeks, however. Ald. Pye expressed concern about the City losing control of its destiny, as sometimes happens in the instance of planning appeal decisions. He wondered what the ramifications would be if the City continued to follow the same accounting procedures for 1986. Ms. Hood noted that Municipal Affairs could reject the financial statements and if they were satisfied that Council was mishandling the finances of the City, they have the power to vacate all seats on Council and appoint replacements. Other less drastic options were also available, however.

The last aldermen to speak on the subject was Ald. Withers. He asked Mr. Smith if there had been any directions or communications from the Department of Municipal Affairs to the City Clerk/Treasurer or his subordinates re the Special Reserve Funds. Mr. Smith indicated that there had not been any discussions re the treatment of the Burnside Fund. They had not had specific instructions other than requirements in the manual. The matter was first brought to their attention when \$1 million was approved for the Library. This was in response to a letter from the Mayor. In the drafting of the reply back, it was referred to as an allocation from Special Reserve. The legalities were referred to only after this request was made.

In conclusion, Mr. Jamieson reiterated that the Dept. of Municipal Affairs wishes to cooperate with the City and the decision how to proceed is up to Council.

Mr. Jamieson then proceeded to discuss the accounts of the Sportsplex and the Water Utility. Specific reference was made to the change in policy of the P.U.B. effective 1985 re the Water Utility. This is an instance where there is a

change in the accounting policy. Refer page A-32.

The School Bus section was reviewed, followed by the Ferry portion. Mayor Savage wondered what the effect of the additional ferry at Woodside would do to the operating costs. Mr. Moir referred to ongoing conversations with the Department of Municipal Affairs regarding the operating budget and sharing of the deficit. It is anticipated that the existing ferry will lose some passengers and have the added cost of peak hour service for Woodside. There will be some added deficit on the total three ferry operation.

Ald. Connors wondered if the surplus for the Ferry Operation, \$423,000 for 1985, was one of the restricted surpluses. Mr. Moir explained that the surplus is being built-up for replacement of machinery, major overhauls, etc. Mr. Jamieson did not believe that there were any legal restrictions on this surplus.

Mr. Jamieson then reviewed the sections on the Regional Library and Heritage Museum, plus the Sinking Fund Reserve. The last two sections on Special Reserve Funds and Trust Funds were perused, together with policies followed by the City on pages A-31 to A-35.

Ald. Connors had some specific concerns re Accounting policies, item (e), page A-32, with respect to interest. Mr. Corrigan noted the point raised by Ald. Connors was a valid one which was addressed towards the end of 1985 when<sup>a</sup> uniform municipal interest allocation policy was developed. The auditors had pointed out there were some inequities. There is a uniform policy for 1986 to address concerns raised by Ald. Connors. Ald. Connors also wondered if there is a loss of investment, would it be shared among the funds. Mr. Corrigan felt that since the City is sharing revenues, losses would be shared in a similar manner. Mr. Jamieson concluded that a policy should be adopted by Council re these losses. It would be preferable to adopt a policy now, rather than after the fact.

Ald. Connors also raised the question of the City's investment in the Northland Bank. This loss was not recorded because the Federal Government intervened on the behalf of uninsured depositors.

Mayor Savage questioned whether the investment policy covered the sharing of losses on a pro rata basis. Ald. Connors indicated the committee had studied how the City should be investing its funds but did not deal with how funds should be dealt with in accounting terms.

Some questions arose when discussing Contingencies, (c), page A-33. There is some question as to whether the Federal Government will be continuing its grants to the City on the same basis as in the past. It is possible that an overpayment may have been made. In light of the above, Ald. Connors suggested taking a cautious approach in budgeting for this item in future years.

With reference to point 5, Long-term debt, page A-34, Mayor Savage wondered if this was a reasonable debt load for the City. Mr. Jamieson had no particular comments, but pointed out that the City have taken the position not to increase their net debt. Ald. Connors noted that the per capita debt for Dartmouth is \$660.00 versus \$425.00 for Halifax residents. He wondered if there is any rule of thumb, as to the City's position relative to income. Ald. Connors suggested that a breakdown of debts and interest rates, etc. should be provided. This had been done in the past, and Mr. Smith agreed to include them in the future to make the statements more complete.

Ald. Thompson posed a question re Land and buildings, schools, item 7, page A-34. Mr. Moir explained that the schools owned by the Halifax Archdiocese originally, when not being used for school purposes, will be offered back. The first option would be given to the Archdiocese.

Referring to page A-37, Ald. Connors wondered why the Sale of land, Industrial Park, in the amount of \$3,717,369 appears here, if it is an inventory item not capital. He wondered if the auditors were being consistent. Mr. Mallowney noted that it doesn't contain all capital items, but included some items of interest and depreciation, for example. Mr. Jamieson stressed that land is considered as inventory and source of funds.

Mr. Jamieson then proceeded with an explanation of section B, Consolidated Financial Statements.

Ald. Connors noted that some other municipalities list what their temporary investments are at the end of the year. He felt this would provide some assurance to the general public that the City was being prudent. He requested that this statement be included for the year end. The Investment Policy, adopted by Council, already recommended quarterly reporting to Council.

Mr. Jamieson referred to a slide to demonstrate a summary of the accumulated surplus position as of Dec. 31/85. There was \$3.2 million, \$1,741 million from the Water Utility (some restrictions) and \$423,000 from Ferry (not restricted by law), totalling \$5,406,000 total operating surplus. \$300,000 has been already appropriated to 1986 operations from the general account, however. Mr. Mallowney noted that it is possible to pay dividends from the Water Utility up to General Surplus Funds, with the approval of the P.U.B.

It was moved by Ald. McCluskey and Ald. Greenough that the financial statements for 1985 be approved.

Ald. Connors made reference to a letter sent to Mr. Moir by Mr. Jamieson in which it was noted on the 4th page that during 1985 an amount of \$900,000 was in excess of the minimum requirement of 5%. It was recommended that it be corrected, that it be reallocated for recording purposes only. Mr. Mallowney explained that in the capital budget, Council approved \$900,000 for 1985. It is a requirement in the

Accounting Manual that any project must have 5% principal pay down. The \$900,000 for principal pay down more than covers. The figures are just to be put into the City's internal accounting records. Ald. Connors questioned whether it had not already been paid. Mr. MULLOWNEY advised that entries were made on a couple of projects in 1985. Ald. Connors wondered how this can be done for specific projects. In conclusion, Mr. MOIR indicated that he will discuss the matter further with staff and report back to Council. Ald. Connors referred to the fact that this letter contained a number of very good recommendations. Mr. MOIR noted that the majority of the recommendations have already been implemented. Ald. Connors felt that if Council is going to adopt this report this evening, Council should have some word on whether staff has agreed with recommendations and if they have not agreed, why not.

A further concern raised by Ald. Connors was whether the auditors are in a conflict of interest position, arising from the wording of the City Charter. The Charter states that the auditors are not to have particular interest in any contract by the City. He wondered what the Solicitor had to say about this wording in light of the work done for the School Board last year. Ms. HOOD noted that the wording of Section 194 refers to "at the time of the appointment". This may be something which Council wishes to address in changes to the Charter. The rule stipulates one year, however the auditors are not appointed annually. She felt compared to the conflict of interest requirements for Council, it is different. Mr. JAMIESON noted that it is common practice for auditors to provide other services other than just annual audits. He suggested it might be an issue the Municipal Affairs Department might wish to address, if it is a problem. In the case of the School Board contract, Mr. JAMIESON did not feel it was an audit of any books, but a financial consultant's report. It did not address the issue of auditing at all. The Act could be amended to clarify

what services are included as auditing services. The Department of Municipal Affairs did not consider the matter to be anything more than a financial consultants report. He did not believe his firm or any of its partners were in a conflict of interest position in this instance, but it may be something the City, as a whole, will have to look at.

Ald. Levandier wondered if there are any negotiations with the City before the audited statements are presented, or are completely independent. Mr. Jamieson indicated that there were issues that have to be discussed with staff, i.e. in the current years financial statements if provision was to be made if a decision comes down from the Supreme Court. Ald. Levandier indicated he had no hesitation on voting for the motion and noted the absence of a representative of the Department of Municipal Affairs. He felt if there was any suggestion of wrongdoing, they would be present.

Ald. Withers also expressed support of the motion, however he wondered what the procedure was for the appointment of auditors. Ms. Hood indicated there was no particular procedure, only the one section of the Act referred to earlier.

Ald. Billard suggested that there might be merit in Council considering the appointment of auditors annually, a procedure followed by many organizations. Mayor Savage noted that this question has been raised in the past and the Finance and Review Committee is addressing the suggestion. Ald. Connors confirmed that recommendations from this Committee will be ready by late November or early December.

Ald. MacFarlane also raised the subject of the conflict of interest. Ms. Hood indicated that she was familiar with the rules related to her own profession and those applied to Council but not the ones applied to chartered accountants. She felt that it was a question the auditors would have to address themselves. However, if Council perceived a problem with a conflict of two reports by Doane Raymond, she would advise Council to get independent opinions on each matter, bearing in mind that Council had hired Doane Raymond for the second matter, while they were the City auditors.

If there is a contract, Ald. McCluskey wondered what does it say re services. In her opinion, when you have auditors



you refer to them as consultants, financial advisors, etc. She felt that the contract probably left it open for them to perform other duties. Mayor Savage questioned whether there was a specific contract. Mr. Moir noted the provisions are referred to in the bylaw.

Referring to the Burnside Sale of Land Account, Ald. Woods felt there were a number of options open to Council. He wondered when they would be addressed. He also wondered how the recommendations contained in Doane Raymond's letter of July 31st would be handled. Mr. Moir will have staff look at them and reply. Ald. Woods had specifically referred to the recommendation on a new computer. Mr. Smith indicated that these matters are also being addressed by the Information Services Committee.

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

Ald. Greenough referred to the fact that the main issue surrounding the financial statements is the handling of the Burnside Sale of Land Account, therefore he moved, seconded by Ald. MacFarlane that the City Administrator meet with the appropriate officials of the Department of Municipal Affairs, i.e. the Deputy Minister and members of the financial division, to discuss the various options open to the City regarding due to, due from account, i.e. Sale of Land Account Burnside Industrial Park and report back to Council as soon as possible on options, including definite recommendations on how Council proceeds. The motion carried.

Ald. Connors noted that the Finance and Review Committee is discussing a number of issues and perhaps the role of the auditors should also be reviewed by them. He therefore moved that the question of the proper role of auditors of the City of Dartmouth be considered by the Finance and Review Committee and recommendation be included with others. Ald. MacFarlane seconded this motion. The motion carried.

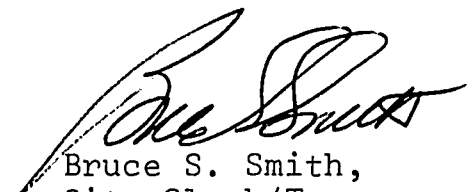


MOTIONS: Moved by Ald. McCluskey and Ald. Greenough that the financial statements for 1985 be approved.

Moved by Ald. Greenough and Ald. MacFarlane that the City Administrator meet with the appropriate officials of the Department of Municipal Affairs, i.e. the Deputy Minister and members of the financial division to discuss the various options open to the City regarding due to, due from account, i.e. Sale of Land Account Burnside Industrial Park, & report back to Council as soon as possible on options, including definite recommendations on how Council proceed.

Moved by Ald. Connors and Ald. MacFarlane that the question of the proper role of auditors of the City of Dartmouth be considered by the Finance and Review Committee and recommendation be included with others.

Meeting adjourned.

  
Bruce S. Smith,  
City Clerk/Treasurer

City Council, October 20, 1986

ITEM:

- 1) Presentation by Doane Raymond, 1985 Audited Financial Statements, pages 1 to 14.

Dartmouth, N. S.

October 21/86.

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	McCluskey
Pye	Woods
Hawley	Greenough
Bregante	Hetherington
City Solicitor, M. Moreash	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady	

Ald. Pye rose on a point of privilege to congratulate the Mayor on reaching agreement among representatives of the various shopping malls with respect to store closing on Boxing Day. Members of Council acknowledged the Mayor's efforts in reaching an agreement.

THIRD READING:  
BY-LAW C-606  
658 PORTLAND ST.

By-law C-606, which would rezone lands at 658 Portland Street, to permit a commercial development (including a super store) was before Council for third reading; first and second reading were given the by-law at the October 14th meeting when the public hearing was held.

It was moved by Ald. Withers and Greenough that said By-law C-606 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

Ald. Hetherington had questions about the charge to the developer for the over-sizing of sewer lines, discussed previously on October 14th, and had a suggestion to make about the retention of what he called a natural buffer area along the waterway between the property to be developed and properties on Josephine Court. He asked if the developer could be requested to leave this slope of land in its present state, as a means of providing further protection from noise for the Josephine Court residents. It was pointed out by the Mayor that at this stage in the rezoning process, the developer cannot be asked to make commitments of this kind, and that any attempt to do so could jeopardize the procedure in

Ald. Hetherington: Is the plans for Isnor to go from Portland St. right straight through past Russell Lake?

Glenn L'Esperance: Yes, it is hoped that it will hook up with one of the major roads that is yet to be developed in Portland Estates.

progress. The suggestion can be communicated to the developer by staff, however, in the hope that he will take it under advisement. Ald. Hetherington asked why more ground-work is not done by staff before applications come to Council, so that items such as this are brought to Council's attention earlier. Mr. Moir pointed out that it is not possible for staff to anticipate all of the questions that will be raised during the course of a rezoning application.

Ald. Greenough said that obviously the developer will want to take whatever steps he can, in his own best interests, to address the concerns of residents living near his development, from a PR point of view. Ald. Levandier was not convinced that all the environmental concerns associated with the project, have been adequately considered and he raised some of these points. It was noted, however, that in third reading, commitments cannot be sought from the developer and his opinion cannot be requested when other people with a differing point of view are not present and therefore unable to respond.

The vote was taken on third reading and the motion carried, with Ald. Thompson voting against.

MOTION: Third reading given to By-law C-606.

Ald. Hetherington then moved, seconded by Ald. Thompson, that the name of the street through the development, be changed from 'Accord Blvd.' to 'Eisener Blvd.'. The motion carried. (The developer had previously indicated concurrence with this street name change.)

MOTION: Moved by Ald. Hetherington & Thompson that the name of the street through the development at 658 Portland Street be changed from 'Accord Blvd.' to 'Eisener Blvd.'.

This date was set by Council to receive public input on the subject of downtown parking, as proposed to Council by the Finance & Program Review Committee.

The Mayor welcomed anyone wishing to make a presentation, to do so at this time.

PUBLIC INPUT:  
DOWNTOWN PARKING

Council first heard from Ms. Linda Forbes, representing the Austenville Residents Assn. Her comments pertained mainly to the problems that area residents experience with commuter parking on residential streets such as Pine, Myrtle and Rose Streets. Cars are parked all day on the streets, while the owners are at work, and these cars represent both a safety hazard and an inconvenience to the residents. The Association she represents would support a restriction of on-street parking by commuters, and takes the position that any new development occurring in the downtown should be required to provide sufficient parking facilities for the cars it will generate.

Mr. Kirk MacCulloch spoke on behalf of the Chamber of Commerce. He noted that the Chamber has made other submissions on this subject in the past, and these submissions are on file at City Hall for reference. He said the 1982 study and report, 'People and Parking' is valid and in the opinion of the Chamber, should be followed up on further. The matter of parking should be dealt with in a comprehensive, overall strategy, he said, and it should be looked at in terms of civic objectives. He went on to describe the types of parking that have to be considered, indicating the following categories: (1) short-term parking; (2) long-term parking for workers; (3) long-term parking for commuters or parking for ferry users. He noted that the third category is unique to Dartmouth, and suggested that with the Woodside ferry in operation, the parking situation in downtown Dartmouth may be somewhat relieved since it is expected that commuters from County areas will leave their cars at the Woodside ferry terminal.

Specific points made by Mr. MacCulloch in his presentation were that:

- 1) better use should be made of the Dell Holdings property than at present.
- 2) monthly parking rates charged by the City for parking should be increased, and rates charged to members of City staff should be brought up to a comparable level.

- 3) signage directing people to parking available is inadequate at present and should be improved.
- 4) a parking structure should be considered in the long-range future plans for downtown Dartmouth.

Mr. MacCulloch indicated to Council that the Civic Affairs Committee of the Chamber would be willing to have further discussions with the City and to assist wherever they can in addressing parking needs and problems.

Ald. Levandier noted that he introduced a motion some time ago on the subject of permit parking for residential streets in the downtown, and it was referred to the T.M.G. He requested information on the status of it.

Ald. Connors expressed concern that the Traffic Coordinator and no members of the T.M.G. were in attendance for this item on parking.

Mr. Colin May addressed Council on behalf of the Downtown Residents Association. He noted that the Association made submissions previously and these are on file for reference.

His first point was that residents in the downtown are mainly troubled by commuter parking, and they would like to see a residential permit system implemented as a means of eliminating all-day on-street parking in residential areas. He acknowledged the same point made by Mr. MacCulloch about the possibility of commuter parking being somewhat improved with the start-up of the Woodside ferry operation.

He was doubtful that any private enterprise would recover sufficient revenue from a parking facility to make it worthwhile as a business undertaking; therefore, it would probably be necessary to either have such a project subsidized by the City or to have the City undertake it alone. His other comments were about the Dell Holdings property and the way in which use of the property for parking could be restricted by means of the road that bisects the property.

Mr. May said the Residents Association will

continue to communicate opinions and comments through the M.P.S. review process.

The Downtown Dartmouth Corp. presentation was made by Mr. Reg Horner, the Executive Director.

A written submission has been received from the Corporation and was circulated with the agenda for this meeting. The suggestion has been made in this submission that Council consider implementing many of the recommendations contained in the 'People and Parking' report, also referred to previously in the Chamber of Commerce presentation.

Mr. Horner's presentation centered mainly on steps that could be taken to address the need for a parking facility, the recommendation being that Council consider the development of a parking management system involving facility construction in combination with the private enterprise community wherever possible. It is suggested that Council could accept cash-in-lieu of parking space provisions, as required by zoning regulations, and that such monies when collected, could be used to provide parking facilities. This would allow for private development cost-sharing on public facilities, which would be operated and controlled by the municipality. Mr. Horner explained these parking concept ideas with the aid of a map showing the properties in the downtown and specifically, land that could be designated for a central parking facility. The map showed potential development sites and sites with existing development already on them.

Mr. Horner also touched on other parking aspects such as the problems of commuter traffic in residential sections, parking problems on Portland Street and the impact of these on local businesses (traffic congestion and maneuverability problems), the park-and-ride concept recommended in the 'People and Parking' study (Maitland Street parking area - an express bus would take commuters to and from the ferry terminal at peak traffic hours).

The final speaker heard was Mr. Roger Eckoldt, a local developer, who suggested the idea of a parkade structure built on the condominium principle. This type of facility would provide parking spaces for people who are interested in some of the smaller downtown properties that are without sufficient space around them to meet City parking requirements. The developers of these small lots would then be able to buy their required number of parking spaces in the parkade, and would own them for their own use. If this were to be a municipal investment, the development cost would be recouped through the selling of parking spaces, as in a regular condominium project.

The Mayor thanked all of the presenters for their input, and advised that the Finance & Program Review Committee will meet to assess the information and submissions received. Ald. Connors, chairman of the Committee, also expressed his thanks for the presentations to Council. Ald. Levandier requested that when the Committee is discussing the parking item, the lot at the Sportsplex and its availability during day-time hours should be taken into consideration.

PARKING BY-LAW:  
BY-LAW C-605

By-law C-605 has been drafted by the Solicitor, in order for the City to be able to increase parking meter fines to \$7.50 and \$15.00 and to implement pyramid ticketing, these decisions having been approved during the 1986 budget discussions. The by-law was before Council for approval at this time, with an accompanying report from the Solicitor. The report points out to Council that the amended provisions are found in Sections 12 and 17 of the by-law.

It was moved by Ald. Sarto and Pye and carried that leave be given to introduce the said By-law C-605 and that it now be read a first time.

It was moved by Ald. Hetherington and Thompson that By-law C-605 be read a second time.



Ald. Levandier opposed the motion, particularly the provision for pyramid ticketing. He felt there should be an emphasis on encouraging people to shop downtown and the proposed parking fine increases and pyramid ticketing will tend to discourage them instead. Ald. Billard noted that pyramid ticketing is intended to be a deterrent factor as far as the all-day parking problem is concerned; he supported the by-law and the motion for second reading.

Ald. Hetherington considered section 10 of the by-law to be in conflict with section 12, and he seconded an amendment introduced by Ald. Connors, to delete section 10 from the by-law. The amendment carried.

When the vote was taken on second reading, as amended, the amended motion carried with Ald. Levandier voting against.

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

MOTIONS: First and second reading given to By-law C-605: increase in parking meter fines and the implementation of pyramid ticketing.

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

Council has been advised by the Solicitor of the decision of the Municipal Board to allow the appeal of Council's decision on the rezoning application for property at 3 Ferguson Road. Council denied the application for a zoning change from R-2 to C-2, but the decision has been appealed to the Municipal Board, and Council is now required to enact By-law C-567, which will permit the rezoning to proceed. Members of Council have received copies of the proposed By-law C-567, and the Solicitor has recommended its approval.

It was moved by Ald. Sarto and Greenough and carried that leave be given to introduce the said By-law C-567 and that it now be read a first time.

It was moved by Ald. Thompson and Withers that By-law C-567 be read a second time.

HERITAGE MOTORS  
APPEAL:  
3 FERGUSON RD.  
BY-LAW C-567



Ald. Hetherington asked a number of questions about the Municipal Board hearing and the position that City Planning staff are placed in when they are not substantiating the position of Council in these circumstances. He questioned the implications of staff recommendations that are made to Council early in the rezoning process, and the Solicitor pointed out that these are for Council's guidance and to make Council aware of compliance (or not) with the M.P.S. He said it may be possible to indicate this to Council in a different form, leaving more flexibility for an independent Council decision, not necessarily based on a staff recommendation. Ald. Woods, who was present at the Municipal Board hearing, was critical of staff opinions offered at that time and said that in effect, Planning Dept. staff are 'now controlling the destiny of the City'. He said it is important for secondary planning documents to be incorporated in the M.P.S. process, as this appears to be the only way that local citizen groups will be able to protect their neighbourhoods and prevent future zoning encroachments. He took the position that Planning staff should not be making recommendations, and they should not be referring to only sections of the M.P.S. they want to use to back up their opinions.

Ald. Connors asked if it is absolutely necessary for Planning staff to make recommendations on rezoning applications in the first place; he suggested they look at the possibility of holding off on initial recommendations to Council and consider whether in fact, they have to make a recommendation to Council at all in the final analysis.

Ald. Woods asked how the Ferguson Road area is to be protected at all, given the present appeal process and the lack of M.P.S. protection that appears to exist. Ald. McCluskey also had concerns about the basis on which Municipal Board decisions are made and

the lack of control that ultimately rests with Council if a given development complies with the M.P.S. plan for a property under appeal. The Solicitor acknowledged that the Municipal Board tends to be guided by M.P.S. policies in reaching their decisions, and about the only way Council can insure specific land uses for sections of the City, is to tie down specific details through the M.P.S. review process. Mr. Lukan noted that the Planning Dept. is not opposed to the secondary planning process referred to by Ald. Woods, but staff have not been available in the department to deal with it in the past. Anyone wanting to make such a submission is welcome to do so, however.

Ald. Greenough noted that staff are under oath when they appear before the Municipal Board (having been subpoenaed to appear in the first place) and have no alternative but to give a truthful opinion to the Board, based on the information available to them, whether members of Council are in agreement with that opinion or not. He said he would hope this policy of expecting staff to be truthful under these circumstances would not change, even if Council does not like the decision of the Municipal Board.

The Mayor suggested that the Solicitor make some observations for Council to consider, and solicit opinions from members of Council who have a particular interest in this subject; then they can be compiled for submission from Council. Members felt this would be a good idea.

When the vote was taken on second reading, it carried with Ald. Pye and Woods voting against.

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

MOTIONS: First & second reading given by  
By-law C-567: rezoning of 3 Ferguson  
Road, appealed to the Municipal Board.

UNIFORM CLOSING  
DAYS:  
BY-LAW C-607

Further to press releases circulated as a result of petitions received from mall workers and store owners,

seeking to have stores and malls closed in the Halifax/Dartmouth and area, on Boxing Day, the Solicitor has prepared By-law C-607, which was presented for Council's approval at this time.

It was moved by Ald. Sarto and Greenough and carried that leave be given to introduce the said By-law C-607 and that it now be read a first time.

It was moved by Ald. Greenough and Thompson that By-law C-607 be read a second time.

Ald. Levandier said it is now essential for Council to direct a letter to the Premier, requesting that the Province look at the entire uniform closing issue and the legislation enacted. The vote was taken on second reading and it carried.

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

It was moved by Ald. Hetherington and Withers that By-law C-607 be read a third time, and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

Ald. Levandier inquired about the fines that are able to be imposed for violations and Mr. Moreash advised that they are \$1,000. and \$5,000. There is the question, however, of whether prosecutions under the Provincial statute can be successful since the validity of the legislation is open to a number of questions. Also, the cases before the Supreme Court of Canada have not yet been decided, which places the Provincial statute in an uncertain position until the outcome of those cases is known. The vote was taken on third reading and it carried.

For the benefit of people present in the gallery for this item, the Mayor read the text of the press release on the joint meeting with mall representatives, noting that they are willing to close on Boxing Day, ' . . . if all the other Metro area outlets would also remain closed'. This conditional clause has still to

be resolved and the Mayor suggested to the people in attendance that they might want to seek compliance from mall owners in the other local municipalities, thereby insuring that all of the owners will be uniformly in agreement.

MOTIONS: Three readings given to By-law C-607: uniform closing, Boxing Day.

REVISED SIGNAGE:  
ALDERNEY DRIVE

As requested, the T.M.G. has looked at the possibility of allowing trucks to stop and unload in front of Mr. Cyril O'Hearn's building on the westerly side of Alderney Drive. Revised signage for a three-month trial period has been recommended by the T.M.G. as follows: the signage along Alderney Drive, from Ochterloney St. to Queen Street, to be revised in such a way that vehicles would be permitted to stop and pick up and discharge passengers, and entertainers would be permitted to unload their equipment at that location, except for the peak traffic period from 4:00 p.m. to 6:00 p.m.

The T.M.G. recommendation was approved, on motion of Ald. Sarto and Greenough.

MOTION: Moved by Ald. Sarto and Greenough that the T.M.G. recommendation on revised signage for a section of Alderney Drive, be approved, as detailed above.

MONTHLY REPORTS

The regular monthly reports, plus an additional report from Social Services (Research Proposal) have been forwarded to Council without recommendation from Committee; they were dealt with as follows:

- 1) Social Services (Sept.): approved on motion of Ald. McCluskey and Withers.

Mr. McNeil has submitted an accompanying report on the interpretation of financial and caseload statistics. Ald. Withers and McCluskey had a number of follow-up questions, pertaining mainly to the category of Able-Bodied Unemployed. Mr. McNeil was present to respond to these. Ald. McCluskey asked if people in this category have any opportunity to work with non-profit groups. She felt that any such possibilities that exist in the community should be followed up further.

- 2) Social Services: Research Proposal Respecting Dartmouth's Senior Citizen Population.

In connection with this proposal, Council has been requested to give approval in principle

and approve the hiring of a Research Co-ordinator for a three-month term to design the research project and investigate possible sources of funding.

At the end of the three-month period, the proposal would be submitted to Council, together with the estimated cost of completing the project and possible sources of funding.

Council gave approval in principle, as requested, on motion of Ald. MacFarlane and Connors.

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

- 3) Development Officer (Sept.): approved on motion of Ald. MacFarlane and Pye.

Ald. Withers asked why there is no further action being taken on the zoning violation at 6 Hester Street. He referred to a memo on this subject and passed the memo to Planning Dept. staff for action.

Ald. Connors asked to have two properties looked at for possible zoning violation: 35 Pine Street and 27 Maple Street.

- 4) Building Inspection (Sept.): approved on motion of Ald. Greenough and Withers.

- 5) Minimum Standards (Sept.): approved on motion of Ald. Greenough and Thompson.

Ald. Connors had an inquiry about the property at the corner of Myrtle Street and Pine Street. The Mayor said it was his understanding that this matter would be resolved, but not until late October. Ald. McCluskey inquired about 84 Crichton Ave.; discussed with Bldg. Inspector.

- 6) Fire Chief (Sept.): approved on motion of Ald. Withers and Hetherington.

- 7) Dog Control (Aug.): approved on motion of Ald. MacFarlane and Withers.

Ald. Pye noted that some of the cumulative totals in this report are not correct; Mr. Moir agreed to have the figures checked.

- 8) Tourism Director (Tourist Bureau registrations for Sept., 1986 and season to date): approved on motion of Ald. MacFarlane and Sarto.

The Mayor advised members of Council that a Tourism Symposium is planned for Nov. 17th at Brightwood, during the hours of 1:00 to 4:00 p.m. Those members with particular interest in tourism were invited to take part.

- 9) Summary of Revenue & Expenditures, Oct. 4/86: received and filed, on motion of Ald. Hetherington and Greenough.

MOTIONS: To approve monthly reports and one additional Social Services report, as noted above and on page 11 of these minutes.

AWARD TENDER:  
SALT SPREADING  
TRUCKS (2)  
1986/87 SEASON

Tenders have been received, as per the staff report of Oct. 15/86, for two rental trucks for spreading salt for the 1986/87 winter season.

Acceptance of the two following tenders has been

recommended:

M. F. Kelly - \$3,485. per month

Mardo Construction Ltd. - \$2,380. per month

These tenders were awarded, as recommended, on motion of Ald. Greenough and Thompson.

MOTION: Moved by Ald. Greenough and Thompson that the two tenders noted above for salt spreading trucks (rental) be accepted, as recommended in the staff report of Oct. 15/86.

AWARD TENDER:  
SNOW PLOWING  
EQUIPMENT  
1986/87 SEASON

Tenders have been received, as per the staff report of Oct. 15/86, for rental equipment for snow plowing for the 1986/87 winter season. Acceptance of the tenders listed in the report has been recommended to Council, and the tenders were awarded accordingly, on motion of Ald. Sarto and McCluskey.

MOTION: Moved by Ald. Sarto and McCluskey that tenders for rental equipment for snow plowing, be awarded as per the list recommended in the staff report of Oct. 15/86.

AWARD TENDER:  
RENTAL TRUCKS  
SNOW PLOWING  
1986/87 SEASON

Tenders have been received, as per the staff report of Oct. 15/86, for rental trucks for snow plowing for the 1986/87 winter season. Acceptance of the tenders listed in the report has been recommended to Council, and the tenders were awarded, as recommended, on motion of Ald. Hetherington and McCluskey.

MOTION: Moved by Ald. Hetherington & McCluskey that tenders for rental trucks for snow plowing, be awarded as per the list recommended in the staff report of Oct. 15/86.

AWARD TENDER:  
ANNUAL REFIT  
PUNPS & MOTORS  
PUMPING STATIONS

The following bids have been received for the annual refit of the pumps and motors at the Lake Lamont, Lake Major and Mount Edward Road pumping stations:

Westinghouse	\$20,300.
Nova Scotia Armature Works	21,371.

Acceptance of the low bid received from Westinghouse has been recommended by Mr. Moir in his report to Council. The tender was awarded, as recommended, on motion of Ald. Sarto and Hetherington.

MOTION: Moved by Ald. Sarto & Hetherington that the bid received from Westinghouse for the annual refit of pumps and motors (pumping stations), be accepted, as recommended.

AMENDMENT TO  
DEVELOPMENT  
AGREEMENT:  
387 PORTLAND ST.

On motion of Ald. Hetherington and Connors,  
Council approved the recommendation that staff proceed  
with a neighbourhood information meeting in connection  
with an application from Irving Oil Ltd. to amend the  
development agreement with respect to the property,  
387 Portland Street. They wish to demolish the existing  
building on this property and landscape the lot.

MOTION: Moved by Ald. Hetherington & Connors  
that Council approve the recommendation  
to have staff proceed with a neighbour-  
hood information meeting in connection  
with an application from Irving Oil Ltd.  
to amend the development agreement with  
respect to the property, 387 Portland St.

FERRY REPORT:  
AUGUST

On motion of Ald. MacFarland and Hetherington,  
Council approved the Ferry Operation report for the  
month of August, as recommended by the Transit Advisory  
Board.

MOTION: Moved by Ald. MacFarland & Hetherington  
that Council approve the Ferry Operation  
report for August, as recommended by the  
Transit Advisory Board.

APPOINTMENT:  
V.O.N. BOARD

Council has been requested to nominate a  
representative to serve on the V.O.N. Board, and on  
nomination of Ald. Greenough and Sarto, Council named  
Ald. McCluskey to this appointment.

NOMINATION: Ald. McCluskey was named to represent  
Council on the V.O.N. Board, on the  
nomination of Ald. Greenough and Sarto.

Meeting adjourned.

  
G. D. Brady,  
Deputy City Clerk.

City Council, Oct. 21/86

ITEMS:

- 1) Third reading: By-law C-606, 658 Portland St., page 1.
  - 2) Public input: Downtown parking, page 2 to 6 incl.
  - 3) Parking By-law: C-605, page 6.
  - 4) Heritage Motors Appeal: C-567, page 7 to 9.
  - 5) Uniform Closing Days: C-607, page 9 & 10.
  - 6) Revised signage: Alderney Dr., page 11.
  - 7) Monthly reports, page 11 & 12.
  - 8) Award tender: salt spreading trucks, page 12.
  - 9) " " : Snow plowing equipment, page 13.
  - 10) " " : Rental trucks, snow plowing, page 13.
  - 11) " " : Pumps & Motors, page 13.
  - 12) Amendment to Development Agreement, 387 Portland  
Street, page 14.
  - 13) Ferry report: August, page 14.
  - 14) Appointment: V.O.N. Board, page 14.
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Dartmouth, N. S.

October 28/86.

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

Present - Mayor Savage

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

PARKING BY-LAW  
C-605  
THIRD READING

Proposed By-law C-605 (Parking By-law) was before Council for third reading, having been given first and second readings at the Oct. 21st meeting. At that time, second reading was amended by deleting section 10 of the by-law.

It was moved by Ald. Greenough and Thompson that By-law C-605 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

The Solicitor made reference to a memo she has drafted, concerning the implications of Council's action in deleting section 10 of the by-law. Chief Trider was asked to comment and he advised Council that the section is required in order for a parking violation to be established and to implement the pyramid ticketing procedures that have been approved. The Mayor suggested that it would be advisable to have the wording of the section clarified before the by-law receives third reading, and on motion of Ald. Sarto and Greenough, Council agreed to defer third reading pending further clarification of section 10.

MOTION: Moved by Ald. Sarto and Greenough that third reading of By-law C-605 be deferred pending further clarification of section 10 and the need for this section to be reinstated.

REZONING:  
3 FERGUSON RD.  
BY-LAW C-567  
THIRD READING

Proposed By-law C-567 (rezoning, 3 Ferguson Rad.) was also presented for third reading at this time, having received first and second readings at the Oct. 21st Council meeting.

It was moved by Ald. Thompson and Bregante and carried that By-law C-567 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City. (Ald. Woods and Pye voting against.)

MOTION: Third reading given to By-law C-567: rezoning, 3 Ferguson Road.

MOTIONS:  
ALD. WITHERS

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

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

WHEREAS the City of Dartmouth does not have a by-law controlling pollution and emission as such;

AND WHEREAS the non-existence of such a by-law is detrimental to the protection and well-being of our citizens;

THEREFORE, BE IT RESOLVED that our Solicitors be instructed to investigate the feasibility of introducing such a by-law and if so, recommendations on its contents.

Speaking in support of his motion, Ald. Withers outlined the present need for such a by-law, in order to give staff the ability to take action in situations where it is required, and to deal with air pollution problems. With no by-law in place, they cannot deal with violations that are known to exist. The motion received the support of Council and it carried.

ALD. SARTO

2) Ald. Sarto moved, seconded by Ald. Thompson, that:

WHEREAS the City of Dartmouth has non-landscaped and unkept property;

AND WHEREAS some of this property is located in highly visible residential areas;

THEREFORE, BE IT RESOLVED that Council request staff to provide monies in the 1987 capital budget to make a start to upgrade these parcels or pockets of land, as such.

Ald. Sarto described the kind of local areas requiring attention that he has referred to in his motion. In some places, they are small parcels of land between dwellings; other areas are the embankments next to school properties and school playing fields.

There was some concern expressed that no limit has been placed on an expenditure for upgrading costs, and Ald. Sarto said it would be his thought that these improvements would take the form of an on-going program over a period of time. Aldermen would submit a project for their own wards and the areas selected would comprise the budget allocation for one year, beginning with 1987. The Mayor suggested that in fact, the approach would be for staff to prepare a submission for the 1987 capital budget, based on the projects that Aldermen select for their own particular wards. Members agreed to have the motion proceed on this basis and it carried.

MOTION: Moved by Ald. Sarto and Thompson:  
text on page 2 of these minutes.

ALD. BREGANTE

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

WHEREAS it has been brought to our attention that persons are using City sidewalks as bicycle paths;

AND WHEREAS these persons are not yielding to people who are walking on the sidewalks;

AND WHEREAS some of these pedestrians are knocked down and injured;

THEREFORE BE IT RESOLVED that City Council ask the City Solicitor and the Chief of Police to report back to City Council as to how we can prevent a serious accident from happening on our sidewalks, and keep these persons from using the sidewalks as a bike speed-way.

Ald. Bregante pointed out, in presenting his motion, that the control of bicycles comes under the Motor Vehicle Act, and he recognized that there are some problems with enforceability. He felt, however, that there must be some means of enforcing this legislation more effectively and wanted to have the possibilities looked into and a report made to Council, as called for in the motion.

Chief Trider was asked to give his opinion on the enforceability question, and he explained some of the problems his department experiences in controlling the operation of bicycles. There is no offence for young people under the age of twelve who drive their bicycles on a sidewalk, and Chief Trider said he would rather

have thirteen and fourteen-year-olds on the sidewalks with their bicycles than on the streets. The main problem is with adult drivers and in the past, there have been prosecutions where they are concerned. Chief Trider noted that other police departments are not proceeding with prosecutions as Dartmouth has.

Ald. Sarto asked about the benefit of a public awareness program and Chief Trider advised that one was undertaken in 1985, but it was not successful. He made the point that bicycle lanes are provided in other countries and in other parts of Canada, but we do not make them available in the Maritime Provinces. They would be a help in resolving the problems with bicycles. Ald. McCluskey also commented on this point and the fact that bicycles provide a means of transportation for many people and their use is increasing.

Having received information on the enforceability difficulties, some members of Council did not feel that time is warranted on a further report to Council, and preferred to have the Police Dept. monitor the situation and possibly make recommendations at some later time. When the vote was taken on the motion, it was defeated by a vote of 7 to 6. The Mayor said he would take the matter up with Chief Trider and they would discuss it further.

INQUIRIES:  
ALD. LEVANDIER

Ald. Levandier asked about the replacement of the overhead crosswalk sign at Alderney Manor. Mr. Moir said it will be done as soon as a replacement sign can be obtained.

His second inquiry was about the Akerley Blvd. extension and connection with the 107 By-pass. The Mayor noted that this item will be included when Council deals with the Burnside Park report, later on the agenda.

ALD. MCCLUSKEY

Ald. McCluskey asked about the televising of Council meetings by Cable 10. The Mayor advised that a letter will be coming to Council from Mr. Currie and members will then have a chance to deal with it.

Ald. McCluskey later made another inquiry, about the status of the study and report she requested on crosswalk signs and markings. The Mayor explained why the report has been delayed with the major projects that Planning Dept. and the T.M.G. have been working on recently. Ald. McCluskey said the City needs a Traffic Engineering Dept. to deal with traffic and pedestrian problems.

ALD. MACFARLANE

Inquiries made by Ald. MacFarlane were as follows:

- 1) asked when a report from the committee looking at legislation to control cats, will be coming to Council.
- 2) asked when Council can expect the Power Corp. report on lighting in the City. The Mayor said it will be within the next two weeks, possibly sooner.
- 3) he requested an update on the take-over of Cleary Drive as a City street.
- 4) asked about the status of the new library. The Mayor advised that a report is likely to be received shortly from the Library Site Committee. Ald. Hetherington indicated that a press release will be issued tomorrow morning, Oct. 29th.
- 5) Ald. MacFarlane asked if anyone in the City knows about the movement of nuclear submarines in or out of the harbour. The Mayor advised that no one knows about their movement at present. This is an item for discussion with EMO.
- 6) Ald. MacFarlane's final inquiry had to do with the curbing installation in Manor Park and on-going problems with Humford Developments in this connection. Mr. Moir to follow up on the inquiry.

ALD. PYE

Ald. Pye asked to have the Police Dept. monitor the crossing of Iroquois Drive by school children, to determine whether a crosswalk guard is required there.

Ald. Pye quoted from an article in a Dalhousie publication, with reference to the treatment received by sexual assault victims at Dartmouth General Hospital. The Mayor advised that this situation is being improved by a group of female doctors who are undertaking to provide services required in these cases at Dartmouth General on a regular basis. Ald. Hetherington requested a copy of the article referred to by Ald. Pye, for the information of Hospital Board members.

Ald. Pye inquired about the status of CanCam, and Ald. Hetherington reported that all materials have been moved out of their building in the Burnside Park. The Mayor stated that no action will be taken or any decision made on a disposal site for hazardous waste without the approval of Council.

ALD. THOMPSON

Ald. Thompson inquired about the completion date for the work taking place on Swanton Drive. Mr. Fougere said the completion date is the fall of 1986. The sidewalk installation will be postponed, however, until spring of 1987; this will provide time for any settling of the service trenches in the meantime.

ALD. BREGANTE

Ald. Bregante asked what has happened to the Fire Station study and report. The Mayor said it has been deferred until Nov. 18th when the N. S. Research people will be available to make their presentation.

ALD. HAWLEY

Ald. Hawley was concerned that tenders for demolition of several buildings have not been included in this Council agenda. His particular concern was about the building at 14 Locks Road, which he felt should have been demolished before Oct. 31st.

In view of the building's location and the fact that it is a potential fire hazard at present, Council was willing to have a motion presented in order to proceed with the immediate demolition of the building. On motion of Ald. Greenough and Thompson, Mr. Moir<sup>was</sup> authorized to take the necessary action to have the building at 14 Locks Road demolished as quickly as possible.

MOTION: Moved by Ald. Greenough & Thompson that Mr. Moir be authorized to take the necessary action to have the building at 14 Locks Road demolished as quickly as possible.

ALD. HETHERINGTON

Ald. Hetherington requested that the owner of the tavern on Rodney Road, be asked not to fill up the easement between Hastings Drive and Rodney Road with snow from his parking lot during the winter months. When this happens, small children cannot be seen in this area.

CONDENSOR:  
GRAY ARENA

A report from Mr. Moir was considered on the condensor unit at the Gray Arena, and three options have been given for a decision of Council. Mr. Moir's recommendation is that Council authorize the Parks & Recreation Dept., through the Purchasing Dept., to receive prices for the supply and installation of a complete new condensor unit, at a cost of approx. \$23,000., the cost of this unit to be projected in the 1987 capital budget.

Ald. Sarto and Thompson moved the adoption of Mr. Moir's recommendation, option #3 in his report. Ald. Woods submitted at this time, a report he has prepared on the possible conversion of the existing ammonia system to a freon refrigerant system, and he has proposed a feasibility study in this connection, estimated to cost \$2,000. Mr. Moir suggested to Council that the two reports be dealt with separately, so that a decision on the condensor unit would not have to be conditional on the study Ald. Woods is proposing.

Questions were raised about the use of ammonia and any possible dangers associated with it. Members felt that any question of safety should be looked into and a conversion from ammonia to freon should be studied if it is determined that the use of ammonia presents any hazard in the arena itself or by being vented to the outside of the building. In the meantime, steps should be taken to replace the condensor unit, apart from this concern; otherwise, the arena may have to be closed and could be out of use for some time. Mr. Atkinson was present for this item and to respond to questions from members of Council about the condition of the condensor unit that is presently in use.

After the vote was taken on the motion, which carried, it was moved by Ald. Greenough and MacFarlane that the report submitted by Ald. Woods be referred to staff to determine the need for a study, as proposed, and to report back to next week's Council meeting. The motion to refer also carried.



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MOTIONS: Moved by Ald. Sarto and Thompson that Council adopt Mr. Moir's recommendation on the replacement of the condensor unit at the Gray arena, as detailed on page 7 of these minutes (option #3 of his report, dated Oct. 20/86).

Moved by Ald. Greenough & MacFarlane that the report submitted by Ald. Woods on possible conversion from ammonia to freon, be referred to staff to determine the need for a study, as he has proposed, and to report back to the Nov. 4th Council meeting.

REPORTING HANDBOOK:  
WATER UTILITIES

Mr. Smith has submitted a report to Council, with accompanying documentation, on the compliance of the Water Utility with sections 3040 and 3120 of the Accounting & Reporting Handbook for Water Utilities, as per approval requested and received from the Public Utilities Board. In summary, the sections state that depreciation is not to be recorded on donated fixed assets after Jan 1/85, and that assistance towards the acquisition of fixed assets is to be amortized to income on the same basis as the related fixed assets are depreciated. The options the Water Utility has received approval for, are to continue to depreciate pre-1985 donated assets and to be exempt from adjusting for any assistance received prior to 1985.

Council has been requested to approve these regulation requirements, and approval was given, as recommended, on motion of Ald. Sarto and Bregante.

MOTION: Moved by Ald. Sarto and Bregante that Council approve the regulation requirements with which the Water Utility is now complying, as outlined above and recommended in Mr. Smith's report of Oct. 24/86.

TAXI BY-LAW C-565

The Taxi Commission has approved amendments to the Taxi Commission By-law, and has recommended the approval of By-law C-565 to Council. An accompanying report from the Solicitor lists the amendments and their effect for the information of Council.

CONFLICT OF INTEREST

Ald. Bregante declared a conflict of interest, due to the fact that his father is a taxi driver, and withdrew from his place on Council while the by-law was being considered.

It was moved by Ald. Hetherington and Pye and carried that leave be given to introduce the said By-law C-565 and that it now be read a first time.

It was moved by Ald. Greenough and Hetherington and carried that By-law C-565 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 Hawley and carried that by-law C-565 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-565:  
Taxi By-law amendments.

On motion of Ald. Thompson and MacFarlane, Council approved Resolution 86-65, authorizing Construction Agreement No. D-3, between the City and the Minister of Transportation, covering the reconstruction of Main St.

MOTION: Moved by Ald. Thompson & MacFarlane that Council approve Resolution 86-65, authorizing Construction Agreement No. D-3 (reconstruction of Main Street).

CONSTRUCTION  
AGREEMENT D-3:  
MAIN STREET  
RESOLUTION 86-65

On motion of Ald. Withers and Sarto, Council approved Resolution 86-64, authorizing Construction Agreement D-4, between the City and the Minister of Transportation, covering the construction of a turning lane and installation of traffic signals at the intersection of Main Street and Ridgecrest Drive.

MOTION: Moved by Ald. Withers and Sarto that Council approve Resolution 86-64, authorizing Construction Agreement No. D-4 (construction of a turning land and installation of traffic signals at the intersection of Main Street and Ridgecrest Drive.)

CONSTRUCTION  
AGREEMENT D-4:  
INTERSECTION OF  
MAIN & RIDGECREST  
RESOLUTION 86-64

On motion of Ald. Withers and McCluskey, Council approved Resolution 86-66, authorizing Construction Agreement No. D-5, covering the raising of the CN overpass bridge at Windmill Road; this agreement is between the City and the Minister of Transportation.

MOTION: Moved by Ald. Withers and McCluskey that Council approve Resolution 86-66, authorizing Construction Agreement D-5 (raising of the CN overpass bridge at Windmill Road).

CONSTRUCTION  
AGREEMENT D-5:  
CN OVERPASS BRIDGE  
WINDMILL ROAD  
RESOLUTION 86-66

POLICE PROTECTION  
SERVICES. B.I.P.

Council considered a report from Mr. Rath on the subject of police protection services for the Burnside Industrial Park, with a series of recommendations that have been approved by both the Police Commission and the Industrial Commission and recommended to Council. One of the main recommendations calls for an increase in the level of police patrol, by the immediate hiring of four Police Constables, and a related recommendation proposes changes in the methods of police service, whereby the Police Dept. will direct the increased manpower towards upgrading and expanding preventive crime and surveillance methods in the Park.

Ald. Greenough and Thompson moved the adoption of the recommendations, but Ald. Billard was concerned about the added cost of hiring four new police officers initially without first implementing changed methods of policing with the staff complement the department presently has. The Mayor noted that even with improved policing methods, police protection services in the Park will not be adequate without the additional personnel being recommended.

Chief Trider responded to questions about the cost of hiring four new officers. He pointed out that they will not be available until November 1st of 1987, so the additional cost involved for next year is only \$24,700. We would also have the services of the new officers during the summer months of July and August for added protection in the Park during that period. Ald. Pye questioned recommendation #4 (type of enforcement), and asked if the patrols in the Park could not also come down into adjacent areas of Ward 5 during certain periods of time; Chief Trider said this would be possible.

Ald. Greenough inquired about increased police patrols for the east end of the City; Chief Trider said he will have the manpower available for these within another year.

Ald. Billard said he would like to have some assurance that recommendations 2 to 5 (d) will be implemented immediately, without waiting for additional manpower in the police force. He maintained that there will not necessarily be any decrease in the crime rate in the Park, as a result of additional manpower being provided, and things will not necessarily improve there.

Ald. Hetherington made a point about businesses with alarm systems and the need for employers to inform their staff about the use of these systems so they are not continually being set off accidentally.

The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Greenough & Thompson that the recommendations for improving police protection services in the Burnside Park, as recommended by both the Industrial Commission and the Police Commission, be adopted.

CAPITAL IMPROVEMENT  
& EXPANSION PROGRAM:  
B.I.P. & CITY OF LAKES  
BUSINESS PARK

Members of Council have received copies of a major report, with recommendations, entitled 'Burnside Industrial Park & City of Lakes Business Park Capital Improvement and Expansion Program, 1986 - 1995'. Approval of this report, prepared by Mr. Rath, has been recommended to Council by the Industrial Commission.

Mr. Rath proceeded with his presentation of the report, first commenting on the past success of development in the Burnside Park, with associated benefits to the City in the form of taxation revenue and employment opportunities. It was noted that the City presently derives 10.2 million dollars in taxation revenue from the Park annually. With the expansion being proposed, between three and four million dollars in additional taxation revenue could be expected, over and above this ten-million-dollar amount.

Mr. Rath used a plan to show Council the areas of expansion that are being proposed for the ten-year time frame the report covers. The development areas are broken down into various phases for purposes of identification and form a development schedule that Mr. Rath highlighted, beginning with 1987, when Phase 7 of

Burnside Park is being recommended, in order to meet requests that are being received presently for a number of smaller lots for development. After that would come the development of Phase 4 and it is expected that sales of land from Phase 7 would offset costs associated with the Phase 4 development. As the development schedule goes beyond that point, however, degrees of subsidization will be required, and these begin to increase as lands are opened up that are more costly to develop, such as Phases 9 and 10.

Another major consideration is the proposed extension of Akerley Blvd. by the City, in the hope that it will ultimately be connected to the Highway 118/107 By-pass intersection. The recommendation is that the City extend this street 3,000 feet, on the basis that acceptable cost-sharing can be negotiated with the Provincial Dept. of Transportation for completion of the highway connection.

The report also makes a number of recommendations for upgrading the existing Burnside Park, in the way of landscaping, signage, etc., recognizing the fact that the Park is over ten years old and an improvement program of this kind has been requested and discussed for some time now. Mr. Rath gave particular attention to the new City of Lakes Business Park, pointing out its unique location and appropriate suburban setting, which is especially suited to certain types of business that may be wanting to place an emphasis on landscaping and development in keeping with the existing natural terrain of the land and environmental considerations. There are two lakes situated within the Business Park setting. The name 'City of Lakes Business Park' has been recommended by the Industrial Commission for this designation.

At the point in the presentation where Mr. Rath dealt with plans for the Business Park, he advised Council that Maritime Medical Care are in the process of relocating from Halifax to a site in the Business Park, and the Mayor made an official announcement to Council at this

time in this connection. Members also received copies of the press release being issued to this effect.

Mr. MacAvoy, President of Maritime Medical, addressed Council briefly, indicating that he is pleased to be locating in the Business Park and is looking forward to his association with the City.

Mr. Rath also included in his presentation, funding details of the expansion program, advising Council of individual costs for separate phases and indicating which development aspects will pay for themselves, as opposed to those that will require subsidization and from which revenue will not be received sufficient to recoup development costs. He noted that if the price of land is increased to a point where land sales offset costs, Dartmouth will not be able to remain competitive with other local industrial parks. Therefore, if we are to compete successfully, it will be necessary to provide subsidization as recommended.

Ald. Levandier was concerned about the impact of the Business Park on the downtown section of the City. Mr. Rath explained how the Business Park is designed to cater to a different market and therefore, it is not expected that the Business Park will impact adversely on the downtown. It simply provides another option for development opportunity by providing land in a suburban setting presently not available in Dartmouth.

Ald. Greenough and Hetherington moved the adoption of recommendations one to twenty incl., as contained on pages 1-18 to 1-20 of the report circulated.

Most members of Council supported the motion and commended the development strategy that has been presented. They acknowledged the important value of the Park to the City and the need to go ahead with further expansion if the years of success are to continue. Ald. Billard was concerned, however, about the use of reserve funds to a point where they are not longer

available for other requirements. He referred to the projected deficit the City will face at the end of the development period being considered, and did not feel this deficit position will be worth the expansion we hope to attract. He said there is also the possibility that reserve funds could be expended and land sales will not materialize as projected, in which case the City would be worse off still financially. The Mayor noted that changes in the program may have to be made as time goes by, depending on economic factors and other influences. He said there will be some financial commitment initially, but a massive commitment up-front is not being requested at this time. Mr. Rath noted that recommendations will come back to Council in the capital budget, as they have done in the past. Council will have the same opportunity each year to review projected expenditures for industrial development, but with the basic development strategy in place, the Industrial Commission will have some definite idea how future expansion is to proceed and this information can then be communicated to the business community and potential developers.

Ald. Levandier agreed that what this really is, is a long-term master plan for industrial development that will be reviewed on an annual basis. He suggested that a copy of the report be forwarded to the Minister of Municipal Affairs; then, if there are any concerns about funding provisions, these can be resolved to the satisfaction of that department.

Ald. Withers asked about the withdrawal of one million dollars for the new library from the sale of land account. Mr. Moir said it was the wish to Council to withdraw this amount for the library and that is where it will come from, through the special reserve fund, as the City has requested.

Ald. Billard remained opposed to the motion throughout the debate, on the basis that the City




will end up in a deficit position ultimately, and Council should not be giving approval to the report in its entirety at this time. The Industrial Commission should come back with a list of priorities, he said, for those items that they want to proceed with, over and above the immediate projects.

Ald. MacFarlane asked if the intent of the motion could not be altered to reflect Council's endorsement of the report, on the understanding that the recommendations will be reviewed annually at capital budget time. The Mayor felt that such a revision to the motion would alter the intent of it substantially, and therefore did not accept the change. He pointed out, however, that the financial items requiring approval will come back at capital budget time, a point that Mr. Rath also made earlier in the debate. When the vote was taken on the motion, it carried with Ald. Billard voting against.

On motion of Ald. Thompson and Hetherington, Council agreed to meet in Committee for the purpose of going in camera. The Committee then went in camera, on motion of Ald. Hetherington and Withers.

After having met in camera, Council reconvened in open meeting and the action taken in camera was ratified, on motion of Ald. Hetherington and MacFarlane.

Meeting adjourned.



G. D. Brady,  
Deputy City Clerk.



City Council, Oct. 28/86

ITEMS:

- 1) Parking By-law C-605: Third reading, page 1.
  - 2) Rezoning: 3 Ferguson Rd., By-law C-567, Third reading, page 1.
  - 3) Motions: Ald. Withers, page 2.  
Sarto, page 2  
Bregante, page 3.
  - 4) Inquiries, page 4 to 6 incl.
  - 5) Condensor: Gray Arena, page 7.
  - 6) Reporting Handbook: Water Utility, page 8.
  - 7) Taxi By-law C-565, page 8.
  - 8) Construction Agreement D-3: Main St.  
Res. 86-65, page 9.
  - 9) " " D-4: Main St. & Ridgecrest Dr.  
Res. 86-64, page 9.
  - 10) " " D-5: CN Overpass, page 9.
  - 11) Police Protection Services, B.I.P., page 10 & 11.
  - 12) Capital Improvement & Expansion Program: B.I.P. &  
City of Lakes Business Park, page 11 to  
15 incl.
-