

**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., OCT 5/93
7:30 PM
COUNCIL CHAMBER**

INVOCATION

1. PUBLIC HEARING

- Inglewood Avenue - Russell Lake Area
- Resolution 93-35, Inglewood Avenue - Russell Lake Area

2. APPROVE THE MINUTES FROM THE MEETINGS: Sept. 7, 14, 21 & 28/93

3. BUSINESS ARISING FROM THE MINUTES

4. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

5. DELEGATIONS & HEARINGS OF PROTEST

6. ORIGINAL COMMUNICATION

7. PRESENTATION

- i) Society of Canoe Championships - Mr. Bob Russell

8. PETITION

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

- 9.1.1 Provincial Budget - Effect on City of Dartmouth
- 9.1.2 Status of Boards and Committees
- 9.1.3 Hiring of Firefighters (oral)
- 9.1.4 Tender for Single Axle Cab and Chassis #93-49
- 9.1.5 Contract PR93-07, Alderney Drive Landscaping
- 9.1.6 Application for Development Agreement, 83-87 Portland Street
(Set date for Neighbourhood Information Meeting and Public Hearing)
- 9.1.7 Restructuring Legal Service
- 9.1.8 Accident - Kelly Drive near Virginia Avenue

CITY COUNCIL AGENDA

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9.2 SOLICITOR

9.2.1 Automatic Machine By-law Amendment A-502

9.3 WATER UTILITY COMMITTEE

9.3.1 Approval of Water Extensions

10. MOTIONS

10.1 ALD. HETHERINGTON

WHEREAS most property owners, but not all, cut the grass between the sidewalk, or sidewalk reserve, and the curb in front of their properties;

AND WHEREAS the City does not have the resources to do grass cutting between the sidewalk, or sidewalk reserve, and the curb;

BE IT THEREFORE RESOLVED that the Dartmouth City Charter be amended to allow Council to pass a by-law requiring all property owners to cut the grass between the sidewalk, or sidewalk reserve, and the curb.

10.2 ALD. MACFARLANE

WHEREAS the Nova Scotia Power Corp. is now a private body corporate in this province;

AND WHEREAS this company should be treated with the rights, responsibilities, and obligations of a corporation operating in municipalities across this province;

BE IT RESOLVED that the City of Dartmouth request that the Government of Nova Scotia introduce legislation which will eliminate the Corporation's tax-exempt status, in the next sitting of the Provincial Legislature.

CITY COUNCIL AGENDA

OCT. 5/93

10.3 **ALD. HAWLEY**

WHEREAS groups of citizens gather from time to time, to partake in some special occasion, event or activity;

AND WHEREAS some of these groups produce sounds, traffic, and amplified speeches, etc., which sometimes cause discomfort and stress to the immediate community;

AND WHEREAS the City has no by-laws enacted which empower the police to cause these groups to cease and desist;

BE IT RESOLVED that the Council direct the Solicitor to draft a by-law that would empower the police to control these groups;

AND BE IT FURTHER RESOLVED that included in the by-law, would be a requirement for such groups to apply to the City for a license to hold such gatherings.

11. NOTICES OF MOTION

LOCATION: CITY COUNCIL CHAMBER
TIME: 7:30 P.M.

MEMBERS PRESENT: MAYOR MCCLUSKEY
ALDERMEN SARTO, THOMPSON
CUNNINGHAM, MACFARLANE
MAY, LEVANDIER, RODGERS
MACDONALD, PYE, WOODS
HAWLEY, GREENOUGH
WALTON, HETHERINGTON

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEADS & ASSISTANTS

INVOCATION

The meeting was opened with the Invocation, led by Mayor McCluskey.

The Mayor asked Council to add an in camera item to the agenda, dealing with a land matter.

1.0 PUBLIC HEARING

INGLEWOOD AVE. - RUSSELL LAKE AREA - RESOLUTION 93-35

PUBLIC HEARING:
INGLEWOOD AVE.

This meeting of Council constituted the public hearing with respect to the conveyance of parkland, as required by the City Charter, to accommodate a land exchange between the City and a consortium of business property owners constructing Inglewood Ave. Resolution 93-35 has been prepared by the Solicitor, in the event of Council's decision to convey the parkland. The decision to allow Inglewood Ave. to proceed and to exchange lands, was made by Council at the September 21st meeting. This hearing relates to the conveyance of parkland areas only, and has been duly advertised as required.

All members of Council were recorded as being present for purposes of the hearing.

The Mayor opened the public hearing by calling for speakers in favour of Resolution 93-35, and hearing none, she called for speakers opposed. Council first heard David Scott of 1631 Preston Street in Halifax. He questioned the land conveyance and the building of the street in a wetland area, and was advised that the street construction has already been approved. This present hearing therefore pertains only to the conveyance of parkland, as shown on the plan displayed in the Council Chamber.

The second speaker heard in opposition was Mr. Paul Mandell of Steed Court, a limnologist, who objected to what he considered to be a destruction of an important wetland required to preserve the water quality of Russell Lake. He said a natural duck habitat will be lost, along with the filtering benefits that Russell Lake receives from the wetlands. Ald. Greenough noted, for Mr. Mandell's information, that the Lakes Advisory Board has reviewed the proposal in considerable detail, and has not objected to it, provided that appropriate precautions are taken for lake protection. A submission, containing information on lake protection measures, was previously before Council, with other documentation, at the September 21st meeting.

Mr. David Scott spoke briefly a second time, seeking information on the environmental terms, and Ald. Hetherington made available to him, the four-page report from U.M.A., the consultants for the project.

After the Mayor had called two more times for any speakers opposed, and when there were none, the hearing was declared to be closed, on motion of Ald. Thompson and Sarto.

RESOLUTION
93-35

Council then proceeded to the approval of Resolution 93-35, which conveys the parkland.

MOTION: To approve Resolution 93-35, conveying parkland which is part of the land exchange associated with the construction of Inglewood Ave.

Moved: Ald. Sarto

Second: Ald. Greenough

Ald. May asked why he has not received information from Parks & Recreation Dept., requested at the Sept. 21st meeting; also, why written reports from the Lakes Advisory Board did not come directly to Council, rather than being quoted from only in the staff report. For these two reasons, he was not willing to support the resolution.

In Favour: All members except

Against: Ald. May

Motion Carried

2.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on September 7, 14, 21, and 28/93.

Moved: Ald. Sarto
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

3.0 BUSINESS ARISING FROM THE MINUTES

Ald. May asked if Ald. Hawley has received information requested by him at the Sept. 7th meeting (page 3) on the increase in average earnings figure, in comparison with the figure for employees. Mr. Corrigan advised that the information provided to the actuary included an extra pay period, which accounts for this comparison difference.

Referring to page 7 of the same minutes, Ald. May asked if a second letter has been sent to the Justice Minister, as requested, with specific reference to sections 104 through 108 of the collective agreement with the Police Association. He again asked to have the letter sent from the Mayor's office.

4.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. CUNNINGHAM

Ald. Cunningham brought to Council's attention, the concerns of residents living in Manor Park area, about the construction of houses at number 43 and 45 Mountain Ash Court, on lots with 33-foot frontage and only six feet between them. They are also concerned that similar housing units will be built on lots 29 to 41 on the same street. A petition of objection, signed by residents, was submitted by Ald. Cunningham at this time, and he recommended a meeting of residents with the ward Aldermen and the Planning Director, as soon as possible.

ALD. MACFARLANE

Further to this same petition, Ald. MacFarlane asked why elected representatives were not notified of this development, so as to be aware of it before the project got started. He felt that in future, it should be understood that Aldermen will be advised of proposals for land in their wards where development is likely to be in conflict with existing neighborhoods. He presented a motion, requesting notification in future, when these situations arise. The required two-thirds majority vote of Council was received to add the motion.

MOTION: That in future, Aldermen be notified of proposals for land in their wards where the proposed development is in conflict with the existing fabric of the neighborhood (particularly where lots are being re-subdivided).

Moved: Ald. MacFarlane

Second: Ald. Cunningham

The Solicitor was asked about restrictive covenants that applied to properties in Manor Park; she said they do not apply to the lands in question, which are outside the Manor Park Subdivision, having been subdivided in 1918. Mr. Corrigan has met with the Planning Director and the Development Officer, and received assurance that the project is completely legal and there is nothing about it that does not conform with City regulations. Building permits were therefore issued because there was no reason not to do so. He informed the two ward Aldermen that the meeting requested with area residents will be held tomorrow.

Ald. Hawley felt that when developers are selling land, they should be required to provide areamaps, showing zoning and lot sizes, so that prospective buyers are fully aware of this kind of information in advance.

AMENDMENT: That developers be required to make maps available, to show prospective buyers the zoning and lot sizes in the area where properties are being sold. Also, that appraisal information be included.

Moved: Ald. Hawley

Second: Ald. Sarto

In Favour: All

Against: None

Amendment Carried

The vote was taken on the motion, as amended.

In Favour: All

Against: None

Motion Carried, as amended

ALD. PYE

Ald. Pye inquired about the Charter amendment being sought by the City, relating to City liability for damage resulting from water and sewer problems. The Solicitor explained the difference between negligence and nuisance in the case of claims against the City for damage, and Ald. Pye requested examples in writing, from the Solicitor, so he will have this information for future reference and to respond to questions from citizens on the subject.

ALD. MACDONALD

Ald. MacDonald asked what is to be done about the City's deficit of 2.3 million dollars. Mr. Corrigan noted that when Council discussed this matter last week, it was suggested that we wait to get the budget forecast started for next year and address the issue of the deficit in conjunction with it. By next week, he will be bringing to Council a timetable for this process and a proposal for undertaking it. Mr. Corrigan said it is unrealistic to bring the deficit figure to zero this year.

Ald. MacDonald asked if the City could request the N.S. Housing Dept. to apply restrictive covenants to the Albro Lake lands being developed. The Mayor said a letter to this effect should be forwarded to her by Ald. MacDonald, setting out his specific request.

Ald. MacDonald asked if there have been discussions between senior staff of the School Board and the City, with regard to next year's budget. Mr. Corrigan said he has had a brief conversation with Mr. Harrison, indicating the hope for co-operation in the budgeting process.

ALD. HETHERINGTON

Concerns and questions: Ald. Hetherington:

- 1) asked to have a street light in the Franklyn Street park (a pole is already installed).
- 2) asked to have the white line painted on Lynn Drive, where it meets Clement Street.
- 3) asked how Nova Scotia Power could begin to apply a 3% tax without PUB approval.

MOTION: That Council register an objection to the 3% surcharge being imposed by the Province on electricity use.

Moved: Ald. Hetherington
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

5.0 DELEGATIONS & HEARINGS OF PROTEST6.0 ORIGINAL COMMUNICATION

7.0 PRESENTATIONi) SOCIETY OF CANOE CHAMPIONSHIPS - MR. BOB RUSSELL

PRESENTATION:
BOB RUSSELL

A presentation was made to Council by Mr. Bob Russell on behalf of the Society of Canoe Championships. He gave an update on the planning for the 1997 World Canoe Championship, which has been preceded in Dartmouth already by major national and international competitions. He informed Council of the 1994 priorities the Society will be concentrating on, including their efforts to secure Federal and Provincial funding and to develop corporate sponsorships. They will also be bidding for the C.C.A. 1996 Canadian competition. He noted the financial commitment the City has made toward the World Championship, and the benefits the City can expect to receive in terms of an international profile and recognition; also, the tourism impact is significant.

Ald. May asked about trying to secure the Canadian Championship on a regular basis; he saw the potential for a business opportunity if this event were held regularly in Dartmouth. Mr. Russell agreed that it would be desirable, but pointed out that the volunteers involved can only take on so many events and the organization of them. Also, there is the matter of costs involved and the fact that there is very little in the way of capital investment available. Ald. Pye did not feel it is realistic to look at these competitions as a business venture.

At the conclusion of discussion with Mr. Russell, both he and Mr. Gallant were thanked by the Mayor for all their work, and she extended thanks to the Society and its volunteers as well.

8.0 PETITIONTENDER NO. 89564B - AKERLEY BLVD. EXTENSION: PAVING

AWARD CONTRACT:
TENDER #89564B

An item added to the agenda was the tender for paving Akerley Blvd. Extension, Tender No. 89564B.

Report from Mr. Corrigan (R. Fougere, D. Rix) on tenders received for this project, recommending that the tender be awarded to the low bidder, Ocean Contractors Ltd., for the tendered amount of \$947,328.78.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, involving CBCL, the firm with which he is employed. He did not participate in the motion or in the vote.

MOTION: That Council award the contract for Tender No. 89564B to the low bidder, Ocean Contractors Ltd., for the tendered amount of \$947,328.78, as recommended; completion date: Nov. 30/93.

Moved: Ald. Greenough
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

9.1.8 ACCIDENT - KELLY DRIVE NEAR VIRGINIA AVE.

ACCIDENT:
 KELLY DR.

Also dealt with at this point, was the report from Mr. Corrigan (E. Purdy) on an accident that occurred on Kelly Drive, near Virginia, along a section of street where there have been a number of other accidents, with recommendations on possible action to improve safety conditions there. The T.M.G. has considered three possible options for improving this safety problem, recommending in favour of Option #1. This is Mr. Corrigan's recommendation to Council as well.

MOTION: To adopt the recommendation:

That guard rail be installed in front of Civic 37, 39, and 41 Kelly Drive, at an estimated cost of \$4,000. This project to be funded from the Ward 1 allocation in the 1994/95 capital budget.

Moved: Ald. Thompson
Second: Ald. Sarto
In Favour: All
Against: None
Motion Carried

9.0 REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 PROVINCIAL BUDGET - EFFECT ON CITY OF DARTMOUTH

BUDGET EFFECTS

Members of Council received copies of Provincial Budget Highlights, and copies of overheads used in a presentation made by Mr. Corrigan on the effect of the budget on the City of Dartmouth. The main items that will impact on the City are: (1) decreased transfer payments; (2) expected impact on School Board and Social Services; (3) the furlough program, from which the estimated \$650,000. saving will have to be turned over to the Province; (4) effect on existing collective agreements; (5) promised rationalization of municipal government.

Specific impact on individual City departments was also explained, and effects on the community generally, were indicated to Council.

The general response of Council was one of concern, particularly over the fact that money saved through the furlough program, will have to be turned over to the Province and will not assist the City in any way with our own debt problems. In fact, it is likely to cost the City money to carry out the furlough program, in view of essential services that will have to be maintained.

Ald. Pye, who said he was offended by the budget, objected to the lack of consultation with the municipalities prior to budget decisions, considering the major impact that various budget items will have on municipal budgets. He proposed that Council express their strong objection to the way in which the Province has dealt with municipal units, through a communication directed to the UNSM, with a copy to the Minister of Municipal Affairs.

By a two-thirds majority vote, Council agreed to permit the introduction of a motion to this effect by Ald. Pye.

MOTION: That an expression of strong objection, from Council, be forwarded to the UNSM, to the way in which the Province has dealt with municipal units (ie. in the budget); a copy to be forwarded to the Minister of Municipal Affairs.

Moved: Ald. Pye
Second: Ald. May
In Favour: All
Against: None
Motion Carried

9.1.2 STATUS OF BOARDS & COMMITTEES

STATUS OF BOARDS & COMMITTEES

A report from Mr. Corrigan (B. Smith, V. Carmichael) was before Council on the subject of the Boards and Committees of Council, and their status. Presentation of the report to Council was made by Ms. Carmichael. She explained the several categories into which the Boards and Committees have been divided, for purposes of this report, and to determine their future. Proposed terms of reference have been submitted for: (1) the

Advisory Committee on Human Rights; (2) the Natal Day Committee; and (3) revised terms of reference for the Grants Committee. Since the Natal Day Committee terms of reference were still in draft form and had not been reviewed by the Solicitor, they were withdrawn from the item presently before Council.

Ald. May said that any concerns the chairmen of committees may have, should be addressed directly to Council and^{not} through the route by which they have come to Council on this occasion.

Council agreed to first make decisions on a number of committees and boards requiring clarification of their status, for inclusion or not in the City's advertisement. Council took the following action:

- 1) Healthy Dartmouth Committee - Council heard Ms. Jeffries, who outlined some of the projects the Committee has undertaken, and explained why the Committee is seeking \$5,000. in staff support and funding, in order to go ahead with other projects they have planned.

Council decided to have this Committee continue their operation, at the \$5,000. figure requested, on motion of Ald. Pye and MacFarlane.

Ald. Cunningham suggested that someone from the Committee act as a volunteer Recording Secretary, to avoid this cost.

- 2) Heritage Advisory Committee - Council decided to drop this committee, on motion of Ald. Hetherington and Walton. Ald. Pye objected and voted against.
- 3) Housing Committee - Abolished, on motion of Ald. Levandier and Thompson (Ald. May voting against).
- 4) Investment Committee - On motion of Ald. Hetherington and Hawley, Council agreed to retain this Committee with the present membership and it will not be advertised.
- 5) Museum Board - Referred to the Solicitor on motion of Ald. Greenough and Woods.
- 6) Police Commission/Public Works & Safety Committee - The Police Commission was retained, but the Public Works & Safety Committee was abolished, on motion of Ald. Hetherington & MacFarlane (Ald. May voting against).

- 7) Tourist Commission - Abolished on motion of Ald. Pye and May.
- 8) Waterfront Development Task Force - Retained but not to be advertised, on motion of Ald. Hetherington and Thompson
- 9) Water Utility Committee - Retained on motion of Ald. Hetherington and Hawley.
- 10) Wyse Road Business Improvement District Committee - Abolished on motion of Ald. Levandier and Woods (Ald. May & MacDonald voting against.)
- 11) Court House Commission - To be advertised, with the agreement of Council.
- 12) Both the Youth Advisory Committee and the Five Star Committee are to be advertised, on motion of Ald. Woods and Levandier.

Ald. Woods explained the composition of the Waste-to-Energy Monitoring Committee, which includes Aldermen and citizens from Wards 4, 5, and 6. It was therefore agreed that this committee will not need to be advertised. Terms of Reference for the Committee will be coming to Council.

Further to the Terms of Reference for the Advisory Committee on Human Rights, the following amendments were proposed by Ald. May:

Section 1.2.2 (b) - To be deleted.

- 1.2.3 - To be deleted (already a function of the Police Liaison Committee)
- 2.1 - The word 'persons' to be changed to read 'residents'.
- 3.3 - To be deleted.
- 5.1 - Addition of the word 'written'.
' . . . written notice of each meeting
- 6.1 - Deletion of words 'and the Chief Administrative Officer'.
- 6.2 - Deletion of the word 'shall', to be replaced by the word 'may'.
- 7.0 to be deleted
- 9.2 - Additional section, drafted by the Solicitor, to read:
'Seven appointments shall be made for a one-year term and eight for a two-year term, initially. Thereafter, all appointments shall be for a two-year term.'

- Section 10 - Addition of the wording: '. . . and Council, through the City Clerk'.
- 12.2.2 Deletion of the word 'shall', to be replaced by the word 'may'.
- 12.3 - Deletion of wording after the word 'public', to read: 'All meetings of the Committee shall be open to the public.'

Members of Council preferred to have these amendments in front of them before trying to decide on them, and a motion of deferral until they can be circulated, was adopted.

MOTION: That a decision on the Terms of Reference for the Advisory Committee on Human Rights, be deferred until amendments proposed by Ald. May can be circulated.

Moved: Ald. Levandier
Second: Ald. Sarto
In Favour: All
Against: None
Motion Carried

9.1.4 TENDER FOR SINGLE AXLE CAB & CHASSIS #93-49

AWARD TENDER:
CONTRACT 93-49

Report from Mr. Corrigan (H. George, R. Fougere, R. MacDonald) on tenders for Contract 93-49, single axle cab & chassis, provided for in the 1993/94 Water Utility capital budget, recommending that the tender be awarded to MacKay's Truck & Trailer Centre Ltd., for the total cost of \$32,232.00, without trade-in and including GST.

MOTION: To award the tender for Contract 93-49 (single axle cab & chassis) to MacKay's Truck & Trailer Centre Ltd., as recommended, for the total cost of \$32,232.00, without trade-in and including GST.

Moved: Ald. Sarto
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

9.1.5 CONTRACT PR93-07, ALDERNEY DRIVE LANDSCAPING

AWARD TENDER: Report from Mr. Corrigan (Bill Stevens) on tenders
CONTRACT PR93-07 for Contract PR93-07, landscape improvements to
Downtown entry, along Alderney Drive, recommending
that the project be awarded to the low bidder, Elmsdale
Landscaping, for a total tender price of \$44,213.90,
GST included.

MOTION: To award the tender for Contract
PR93-07 to the low bidder, Elmsdale
Landscaping, for a total tender price
of \$44,213.90, GST included.

Moved: Ald. May
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

9.1.6 APPLICATION FOR DEVELOPMENT AGREEMENT, 83/87 PORTLAND ST.

APPLICATION: Report to Council from Mr. Corrigan (V. Spencer, R. Wells)
83/87 PORTLAND on an application for Development Agreement to permit
STREET the conversion of existing office space to apartment
units, at 83/87 Portland Street, with two recommendations.

MOTION: To adopt the recommendations:
1) that Council instruct staff to proceed
with a neighbourhood information meeting.
2) that Council schedule Tues., November
2/93 as the Public Hearing date for
this application.

Moved: Ald. Sarto
Second: Ald. May
In Favour: All
Against: None
Motion Carried

11.0 NOTICES OF MOTION

Ald. Woods gave the following Notice of motion
for the next regular Council meeting:

WHEREAS By-law R-200 respecting Residential
Parking Permits, provides for special parking
privileges for local area residents on their
respective neighborhood streets;

AND WHEREAS commercial parking problems continue
to plague the residential streets which connect
to the Windmill Road corridor;

AND WHEREAS a broad application of No Parking signs places an unfair burden on area residents;

THEREFORE BE IT RESOLVED that the following streets be designated as special streets under By-law R-200, requiring residential parking permits:

Lovett Street	(1 side only)
Pinewood Drive	(1 " ")
Sunnydale Ave.	(South side only)
Courtney Road	(Replacing existing restrictions)
Springhill Road	(North side only)
Middle Street	(North & South sides)

AND BE IT FURTHER RESOLVED that the existing No Parking restrictions be maintained on:

Lovett Street	(The remaining side)
Pinewood Drive	(" " ")
Sunnydale Ave.	(North side)
Springhill Road	(South side)

Council went in camera at 10:50 p.m., on motion of Ald. MacFarlane and Thompson. After reconvening in open meeting, the action taken in camera was ratified.

MOTION: To ratify the action while meeting in camera on this date.

Moved: Ald. Hetherington
Second: Ald. Pye
In Favour: All
Against: None
Motion Carried

Meeting adjourned at 11:15 p.m.



V. Carmichael,
Asst. City Clerk.

ITEMS:

- Invocation, page 1.
 - 1.0 Public Hearing, page 1.
Inglewood Ave., Russell Lake area, Res. 93-35, pg. 1 & 2.
 - 2.0 Approval of minutes, page 3.
 - 3.0 Business Arising from the minutes, page 3.
 - 4.0 Concerns of Council members or questions, page 3 to 5.
 - 5.0 Delegations & Hearings of Protest, page 5.
 - 6.0 Original Communication, page 5.
 - 7.0 Presentation, page 6.
 - i) Society of Canoe Championships, Mr. Bob Russell, page 6.
 - 8.0 Petition, page 6.
Tender No. 89564B, Akerley Blvd. Extension, paving, page 6.
 - 9.1.8 Accident, Kelly Drive near Virginia Ave., page 7.
 - 9.0 Reports, page 7.
 - 9.1 Chief Administrative Officer, page 7.
 - 9.1.1 Provincial budget, effect on City of Dartmouth, pg. 7.
 - 9.1.2 Status of Boards & Committees, page 8 to 11.
 - 9.1.4 Tender for single axle cab & chasses, #93-49, pg. 11.
 - 9.1.5 Contract PR93-07, Alderney Dr. landscaping, page 12.
 - 9.1.6 Application for Development Agreement, 83/87 Portland St, pg.1
 - 11.0 Notices of Motion, page 12.
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Lib. Ref. Dept.

**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., OCTOBER 12/93
7:30 PM
COUNCIL CHAMBER
IN-CAMERA
10:30 P.M.**

PROCLAMATION - REDUCING WASTE

1. PUBLIC MEETING

- i) Ward Boundaries Review Committee
(Report previously circulated)

**CONTINUATION OF COUNCIL AGENDA OF OCTOBER 5, 1993
(REPORTS PREVIOUSLY CIRCULATED)**

2. REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

- 2.1.1 Hiring of Firefighters (oral)
- 2.1.2 Restructuring Legal Service

2.2 SOLICITOR

- 2.2.1 Automatic Machine By-law Amendment A-502

2.3 WATER UTILITY COMMITTEE

- 2.3.1 Approval of Water Extensions

3. MOTIONS

3.1 ALD. HETHERINGTON

WHEREAS most property owners, but not all, cut the grass between the sidewalk, or sidewalk reserve, and the curb in front of their properties;

AND WHEREAS the City does not have the resources to do grass cutting between the sidewalk, or sidewalk reserve, and the curb;

BE IT THEREFORE RESOLVED that the Dartmouth City Charter be amended to allow Council to pass a by-law requiring all property owners to cut the grass between the sidewalk, or sidewalk reserve, and the curb.

3.2 ALD. MACFARLANE

WHEREAS the Nova Scotia Power Corp. is now a private body corporate in this province;

AND WHEREAS this company should be treated with the rights, responsibilities, and obligations of a corporation operating in municipalities across this province;

BE IT RESOLVED that the City of Dartmouth request that the Government of Nova Scotia introduce legislation which will eliminate the Corporation's tax-exempt status, in the next sitting of the Provincial Legislature.

3.3 ALD. HAWLEY

WHEREAS groups of citizens gather from time to time, to partake in some special occasion, event or activity;

AND WHEREAS some of these groups produce sounds, traffic, and amplified speeches, etc., which sometimes cause discomfort and stress to the immediate community;

AND WHEREAS the City has no by-laws enacted which empower the police to cause these groups to cease and desist;

BE IT RESOLVED that the Council direct the Solicitor to draft a by-law that would empower the police to control these groups;

AND BE IT FURTHER RESOLVED that included in the by-law, would be a requirement for such groups to apply to the City for a license to hold such gatherings.

COUNCIL AGENDA OF OCTOBER 12, 1993

4. **REPORTS**

4.1 **CHIEF ADMINISTRATIVE OFFICER**

- 4.1.1 Tender Contract 93-28: Gordon Avenue
at Tacoma Drive - Traffic Improvements
- 4.1.2 Shubenacadie Canal Restoration
- 4.1.3 Street Closure - West End Fosten St.
(Set date for Public Hearing)

4.2 **BOARD OF HEALTH**

- 4.2.1 Pamphlet - Dartmouth Lakes

4.3 **PUBLIC WORKS AND SAFETY**

- 4.3.1 Proposed Change of Name: Dartmouth Fire Service

4.4 **INDUSTRIAL COMMISSION**

- 4.4.1 Akerley Boulevard - Access to Lots

5. **CONCERNS OF COUNCIL MEMBERS OR QUESTIONS**

IN-CAMERA SESSION 10:30 P.M.

- 1. Claim Against City

LOCATION: CITY COUNCIL CHAMBERS
TIME: 7:30 P.M.

PRESENT: MAYOR MCCLUSKEY
ALDERMEN SARTO, THOMPSON
WALTON, PYE, WOODS
HAWLEY, GREENOUGH
MAY, LEVANDIER
RODGERS, MACDONALD
MACFARLANE, CUNNINGHAM

MEMBER ABSENT: ALD. HETHERINGTON

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: (PART OF MEETING): S. HOOD
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEADS & ASSISTANTS

The Mayor asked that a report from the Grants Committee be added to the agenda, item 4.5; Council agreed. Council was also willing to add an item requested by Ald. MacDonald, to set a date for a special meeting of Council to discuss the City deficit, item 4.1.4.

PROCLAMATIONS

Two Proclamations were read by the Mayor, the first, proclaiming the week of October 16th to 23rd as Waste Reduction Week, and October 20th as Wasteless Wednesday; the second, proclaiming October 18th as Cooperative Housing Day.

1.0 PUBLIC MEETING

i) WARD BOUNDARIES REVIEW COMMITTEE

PUBLIC MEETING

Council set this date for a public meeting, to hear public representations with respect to the report of the Ward Boundaries Review Committee, officially presented to Council at the June 22nd meeting.

In order to familiarize Council again with the options and recommendations from the report, and to make members of the public in the gallery, aware of the conclusions it contains, members of the Ward Boundaries Review Committee were present and available to assist in the public meeting. Following a few introductory remarks by the Chairman, Dan Brownlow, the individual members of the Committee were introduced.

Presentation of an overview of the report was given by Phil Elliott, the Ward 1 representative on the Committee.

As in the June 22nd presentation, by the Committee, Council was reminded that the Committee is not trying to convince the members to accept one option over another, but only to present the information compiled and prepared, in such a way as to be of assistance to Council in reaching any decision they may want to make. The main point stressed to Council, however, at this point in the presentation, was that current ward boundaries should be realigned to achieve voter parity. This applies particularly to Ward 1, which has by far the largest population, and whose residents are under-represented in comparison with the other City wards.

In keeping with this conclusion, the Committee has recommended in favour of Option 3, that is, the creation of five equal population wards of 13,500, plus or minus 10%; each ward would have two aldermen, for a total of ten for the whole City. Also recommended, is the formation of a Ward Committee for each ward.

It is felt by the Committee that in the event of municipal reform, the five-ward scenario would serve Dartmouth best in achieving representation by five members on a metro council comprised of representatives from all of the local municipalities.

Mr. Chris Hartt, the Ward 3 member of the Committee, also addressed Council, providing some additional information on public response during the hearing process conducted by the Committee. He noted that only one of nineteen speakers heard by the Committee, favoured the present Council structure, and the absolute maximum number of aldermen people wanted to have, was ten. People heard, did like the idea of two aldermen per ward, however. He said that while some people are going to be dissatisfied with the ward boundaries proposed, they do solve the existing state of inequality and are an attempt to fairly distribute population representation among the wards of the City.

When the Mayor had opened the meeting to speakers from the public, Mr. Don Smeltzer of Skeena Street in Ward 1, made a presentation of objection to the Ward 1 boundary alignment that would affect the Woodlawn area bounded by Main Street, Woodlawn Road, and the Circumferential Highway. He felt that an alternative proposal, which a group of interested Woodlawn area residents were willing to put forward, has been overlooked and ignored by the Ward Boundaries Review Committee, and that in this regard, the public participation process, while supposedly being encouraged, has been circumvented and therefore, not represented in the Committee's final report.

Mr. Smeltzer's position was that the Woodlawn community identifies itself with the east end of the City, and not with the north end, the identification that would have been reflected in the Charles/MicMac boundary alignment. He felt that a division of a traditional community is the wrong thing to do, after that community has established ties and patterns over a long period of years.

Other Ward 1 residents, who supported Mr. Smeltzer's position, were: Jackie Condron, Richard Sanschagrin, and Brian Moores. The area of Ward 1 designated for realignment was referred to by Mr. Sanschagrin as the 'heartland' of the ward, and he asked that Council not disrupt the community by taking this integral part of it into another ward, with what Ms. Condron referred to as a new ward with 'divergent interests'. Mr. Moores noted that the perimeters of Main Street and the Circumferential Highway form natural boundary lines for the Woodlawn community, and that the affinity of Ward 1 people is not toward Waverley Road, but toward Portland Street. He favoured Main Street and Portland Street as the boundaries for Ward 1, with Portland Estates development falling more naturally into the south end ward.

Ward 4 residents heard by Council were: Sandra Everett, Susan Jones, Keith Moir, and Fred Moir. The last three speakers noted did not agree with the ward boundary realignment for their ward, objecting to its extension into Ward 5 industrial areas and downtown areas. They felt that their residential interests will be lost in what is likely to become a commercial ward. Ms. Jones said that most residents she talked to were not even aware of the ward boundary change being proposed, or of this public meeting. It was pointed out, however, to the residents in attendance, that the public meeting has been duly advertised, and that hearings before the Ward Boundaries Committee were advertised on several occasions over the past year. Copies of these advertisements have been included as part of the Committee's submission.

Ms. Everett reminded Council of the need to give particular consideration to the needs of Ward 5, so that serious mistakes made in the past are not repeated if ward boundaries are ultimately changed. Ms. Linda Young, a Ward 5 resident, also spoke about some of the problems unique to her ward, with its large number of apartment buildings, in comparison with so few private dwellings. She felt the ward would benefit from a combined residential mix that could be achieved with a boundary realignment.

Mr. Alec Lennox, from Ward 4, disagreed with the

realignment into five wards, and felt the present structure should be maintained. Other speakers, not representing specific ward interests, were: David Harrison (Chamber of Commerce), Louise Moores, and Gloria Kelly. Ms. Kelly reminded residents and Council that we are all citizens of Dartmouth and this fact seems to be forgotten in a lot of cases. Mr. Harrison supported the down-sizing of Council, but questioned the rationale for the recommended five-ward structure. He said the Chamber would encourage more business representation on committees and on Ward Committees, if established - in general, a closer link between the residential and business communities.

Ms. Moores had a number of comments and suggestions, coming from her observations of Council meetings she has been attending. She felt that when debate is overly long and repetitious, important issues do not get dealt with by Council; that Council should not take such long vacations; that the public should be more interested and participating more than they do at present; that Ward 5 should perhaps have three Aldermen, if Burnside Park is retained as part of that ward.

As a general concensus, speakers tended to feel that two Aldermen per ward are required to deal with the needs of constituents, regardless of the number of wards, and while not opposed to the recommended Ward Committees, did not seem to feel that in the final analysis, these committees could address ward concerns as adequately as direct contact between citizens and their Aldermen. Some speakers felt that full-time Aldermen would be preferable, but there were questions about the cost of having full-time elected representatives, and not all speakers agreed on this point.

When there were no other speakers wanting to address Council, Ald. Greenough presented a motion of referral to a joint committee, comprised of the Finance & Program Review Committee and staff, to address the issues and concerns raised in the public presentations, and to report back to Council, no later than December.

MOTION: To refer the report to a joint committee, comprised of staff and the Finance & Program Review Committee, to study and address the issues and concerns raised in the public presentation, for report back to Council, no later than December.

Moved: Ald. Greenough

Second: Ald. Thompson

Ald. Sarto asked that all members of Council be invited to the meeting, if this motion is adopted.

Ald. May preferred to have the Ward Boundaries Committee reconvene for thirty days instead, but Ald. Rodgers said that with municipal reform being an imminent certainty, referral to the Finance Committee for the interim period until December would be appropriate. Ald. Levandier's opinion was that Council should make a decision one way or the other at this meeting, considering that the whole ward system is likely to disappear anyway in a metropolitan amalgamation.

Ald. Pye asked about the School Board decision on electoral boundaries for their election purposes. The Board Chairman, Linda Brennan, gave a report on the process being followed to determine their electoral boundaries, advising that the item comes before the regular Board meeting on October 14th. The likelihood is two regions, comprised of (1) Wards 1, 6 & 7 and (2) Wards 2, 3, 4, & 5, each electing four members to the School Board. If Council makes a decision on ward boundaries that does not coincide with what the Board plans to do, the Board would have to meet again for reconsideration.

Ald. Hawley said the Ward Boundaries Committee has been trying to resolve a problem that does not really exist; he wondered why the City went through this exercise in the first place. Ald. Woods took exception to the fact that the rest of the City does not want to have anything to do with Ward 5, and he objected particularly to the attitude of Ward 1 residents, both tonight and on the occasion of a previous public hearing before Council. He favoured any change for the north end that will help to improve life for the residents there, suggesting they have been overlooked for too long.

All members of Council speaking on the motion acknowledged the work the Ward Boundaries Committee has undertaken for the City, under the chairmanship of Dan Brownlow, and public speakers also commended the report the Committee has produced, for the most part. The Mayor extended thanks to Mr. Brownlow and to members of his Committee for the many hours they put into this whole project. The vote was taken.

In Favour: All members except
Against: Ald. May and Walton
Motion Carried

2.3 WATER UTILITY COMMITTEE

2.3.1 APPROVAL OF WATER EXTENSIONS

WATER EXTENSIONS

A report from the Chairman of the Water Utility Committee was before Council, recommending approval of water extensions into County areas.

MOTION: To adopt the recommendation of the Water Utility Committee:

That the following water extensions be approved, subject to technical approval of design drawings:

- 1) Extension of water service, Montague Estates Subdivision, Phase 4.
- 2) Extension of water service, Heritage Hills, Phase 1.
- 3) Extension of water service, Heritage Hills, Phase 2.
- 4) Extension of water service, Erindale Subdivision, Phase 2.
- 5) Extension of water service, Willowdale Estates, Phase 3.
- 6) Extension of water service, Oknah Park, Phase 4

Moved: Ald. Pye
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

4.0 REPORTS

4.1 CHIEF ADMINISTRATIVE OFFICER

4.1.1 TENDER, CONTRACT 93-28: GORDON AVE. & TACOMA DR.

AWARD TENDER:
 CONTRACT 93-28

Report from Mr. Corrigan (R. Fougere, G.M.Boyd) on tenders received for Contract 93-28, traffic improvements at Gordon Ave. & Tacoma Drive, recommending that the tender be awarded to the lowest bidder, Mardo Construction Ltd., with a bid price of \$52,694.83; completion time: 18 workdays.

MOTION: To award the tender for Contract 93-28 to the lowest bidder, Mardo Construction Ltd., with a bid price of \$52,694.83, as recommended.

Moved: Ald. Sarto
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

4.1.2 SHUBENACADIE CANAL RESTORATION

CANAL RESTORATION

Report from Mr. Corrigan (E. Purdy, R. Fougere) on restoration work being proposed by the Shubenacadie Canal Commission for the Canal, at the north end of Lake Charles, the south end of Lake Charles, and at Lock No. 3.

The Commission has requested permission from the City to access the work sites, over City-owned lands, and it has been recommended that permission be granted, on the condition that any damage caused by vehicles or equipment be repaired on completion of the project, at no cost to the City.

MOTION: To adopt the recommendation:

That the Shubenacadie Canal Commission be granted permission to access the canal at the north and south ends of Lake Charles, via City-owned land, on the condition that any damage caused by vehicles or equipment be repaired on completion of the project, at no cost to the City.

Moved: Ald. Thompson
Second: Ald. Hawley
In Favour: All
Against: None
Motion Carried

4.1.3 STREET CLOSURE - WEST END FOSTON STREET

STREET CLOSURE:
 FOSTON STREET

Report from Mr. Corrigan (R. Fougere, E. Purdy) on the proposed closure of Foston Street at Amelia Place, required to correct a safety hazard for motorists and pedestrians at the intersection of Portland Street with Foston Street, Old Ferry Rd., and Maynard St. It is recommended that a date be set for public hearing of the closure of Foston Street, between Amelia Place and Portland Street.

MOTION: To set November 9th as the date for public hearing of the proposed closure of Foston Street, between Amelia Place and Portland Street.

Moved: Ald. Thompson
Second: Ald. Sarto
In Favour: All
Against: None
Motion Carried

Ald. Walton asked that area residents be duly notified.

4.1.4 GRANTS COMMITTEE RECOMMENDATION

GRANTS COMM.
 RECOMMENDATION

Members of the Grants Committee have responded to Council referrals, for an additional \$2,000. for the VON, and a \$1,000. grant for the Eastern Front Theatre, advising that it is not possible to come up with any additional funding, and therefore

recommending approval of the Committee's original recommendation to Council.

CONFLICT OF INTEREST

Ald. Cunningham declared a conflict of interest on this item, being employed with the Red Cross, one of the organizations that has applied for a City grant. He withdrew from his place on Council during this item.

MOTION: To adopt the recommendation of the Grants Committee, that is, to approve their original recommendation to Council, prior to the two referrals from Council.

Moved: Ald. Hawley
Second: Ald. Sarto
In Favour: All members except
Against: Ald. Thompson
Motion Carried

4.2 BOARD OF HEALTH

4.2.1 PAMPHLET - DARTMOUTH LAKES

PAMPHLET:
CITY LAKES

The Board of Health has recommended to Council that copies of the pamphlet "Dartmouth Lakes" be sent out to homeowners with their water bills.

A motion was presented by Ald. Greenough and Thompson, to adopt the recommendation, but Mr. Corrigan explained costs involved, for postage, to produce copies of the pamphlet, and to make it fit into the envelopes used for water billings.

MOTION: To refer the item to staff for further consideration of the cost factors and points raised by Mr. Corrigan.

Moved: Ald. Greenough
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

4.3 PUBLIC WORKS AND SAFETY

4.3.1 PROPOSED CHANGE OF NAME: DARTMOUTH FIRE SERVICE

NAME CHANGE:
FIRE SERVICE

Report from the Chair of the Public Works & Safety Committee, recommending a name change for the Dartmouth

Fire Department, to the Dartmouth Fire Service.

MOTION: To adopt the recommendation of the Public Works & Safety Committee, on a name change for the Dartmouth Fire Department, to the Dartmouth Fire Service.

Moved: Ald. Pye
Second: Ald. Sarto
In Favour: All
Against: None
Motion Carried

Council went in camera at 10:30 p.m., on motion of Ald. MacFarlane and Hawley. After having reconvened in open meeting, the action taken in camera was ratified, on motion of Ald. Thompson and Greenough.

MOTION: To ratify the action taken while meeting in camera on this date.
(Claim against the City.)

Moved: Ald. Thompson
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

Meeting adjourned at 10:40 p.m.

V. Carmichael
V. Carmichael,
Asst. City Clerk.

ITEMS:

- Proclamations, page 1.
 - 1.0 Public meeting, page 1.
 - i) Ward Boundaries Review Committee, page 1 to 5 incl.
 - 2.3 Water Utility Committee, page 5.
 - 2.3.1 Approval of water extensions, page 5.
 - 4.0 Reports, page 6.
 - 4.1 Chief Administrative Officer, page 6.
 - 4.1.1 Tender, Contract 93-28, Gordon Ave. & Tacoma Dr., pg. 6.
 - 4.1.2 Shubenacadie Canal restoration, page 6.
 - 4.1.3 Street closure, west end Foston St., page 7.
 - 4.1.4 Grants Committee recommendation, page 7.
 - 4.2 Board of Health, page 8.
 - 4.2.1 Pamphlet, Dartmouth lakes, page 8.
 - 4.3 Public Works and Safety, page 8.
 - 4.3.1 Proposed change of name, Dartmouth Fire Service, page 8.
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Lib. Ref. Dept.

**DARTMOUTH CITY COUNCIL
AGENDA**

TUES., OCT. 19/93

7:30 P.M.

COUNCIL CHAMBER

PROCLAMATION - NATIONAL BLOOD DONOR APPRECIATION WEEK

**CONTINUATION OF COUNCIL AGENDA OF OCTOBER 12, 1993
(REPORTS PREVIOUSLY CIRCULATED)**

1. REPORTS

1.1 CHIEF ADMINISTRATIVE OFFICER

- 1.1.1 Hiring of Firefighters (oral)
- 1.1.2 Restructuring of Legal Service

1.2 SOLICITORS

- 1.2.1 Automatic Machine By-Law Amendment A-502

1.3 INDUSTRIAL COMMISSION

- 1.3.1 Akerley Boulevard - Access to Lots

2. MOTIONS

2.1 ALD. HETHERINGTON

WHEREAS most property owners, but not all, cut the grass between the sidewalk, or sidewalk reserve, and the curb in front of their properties;

AND WHEREAS the City does not have the resources to do grass cutting between the sidewalk, or sidewalk reserve, and the curb;

BE IT THEREFORE RESOLVED that the Dartmouth City Charter be amended to allow Council to pass a by-law requiring all property owners to cut the grass between the sidewalk, or sidewalk reserve, and the curb.

2.2 ALD. MACFARLANE

WHEREAS the Nova Scotia Power Corp. is now a private body corporate in this province;

AND WHEREAS this company should be treated with the rights, responsibilities, and obligations of a corporation operating in municipalities across this province;

BE IT RESOLVED that the City of Dartmouth request that the Government of Nova Scotia introduce legislation which will eliminate the Corporation's tax exempt status, in the next sitting of the Provincial Legislature.

2.3 ALD. HAWLEY

WHEREAS groups of citizens gather from time to time, to partake in some special occasion, event or activity;

AND WHEREAS some of these groups produce sounds, traffic, and amplified speeches, etc., which sometimes cause discomfort and stress to the immediate community;

AND WHEREAS the City has no by-laws enacted which empower the police to cause these groups to cease and desist;

BE IT RESOLVED that the Council direct the Solicitor to draft a by-law that would empower the police to control these groups;

AND BE IT FURTHER RESOLVED that included in the by-law, would be a requirement for such groups to apply to the City for a license to hold such gatherings.

COUNCIL AGENDA OF OCTOBER 19, 1993**3. REPORTS****3.1 CHIEF ADMINISTRATIVE OFFICER**

- 3.1.1 Mandatory Unpaid Leave in the Public Sector
- 3.1.2 Tender Contract 93-29: Harbour View School Sports Courts
- 3.1.3 Tender Contract 93-30: Spring Ave. and Waverley Rd. Drainage
- 3.1.4 Tender Underground Storage Tanks
- 3.1.5 City Hall Entry Steps
- 3.1.6 Advisory Committee on Human Rights - Terms of Reference - (Supplementary Report)
- 3.1.7 Museum Board (Supplementary Report)
- 3.1.8 Application, Place of Amusement, Harbour Lodge #53 - (Supplementary Report)
- 3.1.9 Application, Retail Video Outlets, McDonald's Restaurants
- 3.1.10 Budget Timetable (presentation)

3.2 INVESTMENT COMMITTEE

3.2.1 Interim Report 1993/94 - 1st Quarter - April 1 to June 30

4. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

LOCATION: CITY COUNCIL CHAMBERS
TIME: 7:30 P.M.

MEMBERS PRESENT: MAYOR MCCLUSKEY
ALDERMEN SARTO, THOMPSON
HAWLEY, PYE, MAY
LEVANDIER, RODGERS
MACDONALD, MACFARLANE
CUNNINGHAM, WALTON
HETHERINGTON

MEMBERS ABSENT: ALD. GREENOUGH, WOODS

C/A OFFICER : L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEADS & ASSISTANTS

PROCLAMATIONS

Mayor McCluskey opened the meeting with three Proclamations, read to Council: the first, proclaiming October 17th to 24th as National Blood Donor Appreciation Week; the second, proclaiming the week of October 24th to 30th as Insurance Information Week; and the third, proclaiming the month of October as MicMac History Month.

Rising on a point of privilege, Ald. MacFarlane extended congratulations to Mayor & Mr. McCluskey, on their 41st Wedding Anniversary, and to Ms. Vi Carmichael, on her recent "29 Again" birthday (age 18 plus 32 years of experience). Happy Birthday was sung by Council with enthusiasm!

1.0 REPORTS

1.1 CHIEF ADMINISTRATIVE OFFICER

1.1.1 HIRING OF FIREFIGHTERS

HIRING OF
FIREFIGHTERS

Fire Chief Greene was present to provide Council with information on procedures that are now beginning for the hiring of firefighters, to replace eight employees retiring from the City Fire Department. He explained the seven-stage program that applicants will go through, to the point where it is hoped that the eight new recruits can be hired by April 1st of next year, or even earlier. The present staff complement of the Fire Dept. is 127, of which 109 are firefighters. Chief Greene said the Dartmouth force is now the lowest personnel per population in eastern Canada, and, asked about overtime required, he advised that he is already having to bring staff in for overtime and this will increase as the retirements continue.

A general discussion with Council followed, during which the following points were raised:

- 1) Ald. May - felt that consideration should be given to the possibility of able-bodied unemployed, from our Social Services rolls, filling these positions.
- 2) Ald. Levandier & Rodgers - were in favour of looking at an internal restructuring of the Fire Dept. Mr. Corrigan said that Chief Greene is already working on a plan, and should be in a position to make some recommendations in the near future.
- 3) Ald. Hetherington, Sarto, Thompson : wanted to have the report on fire station locations reviewed again, in view of cost savings possible with three new stations to replace the four existing ones. The new locations would better serve the City's east end, where present fire response times are not up to standard. Mr. Corrigan informed Council that the report referred to is receiving attention, and in due course, recommendations will be made to Council on it. Ald. Sarto and Thompson preferred to have these recommendations made sooner than later.
- 4) Ald. Levandier: the feasibility of merging fire services with County areas such as Cole Harbour and Eastern Passage should be looked at more seriously.
- 5) Ald. Hetherington: asked if fire fighters could be brought in on a six-month term basis. Chief Greene said this is something being looked at as well.

Ald. Hawley had a series of questions for Chief Greene on the integrity of the process followed in selecting candidates for the Fire Dept., resulting from concerns that have been brought to his attention. He took each one of these up separately with Chief Greene, who said in summary, that he would stand by '... anything we do', in the process. Basically, he regarded the information communicated to Ald. Hawley as being false and not based on any valid facts. Ald. Hawley indicated that he was satisfied with the responses given by Chief Greene.

Ald. Hetherington agreed that the screening process for the eight firefighters should go ahead, but that no final decision to fund these positions or hire applicants should be taken until after completion of the operating budget.

Several other members shared this same opinion and were willing to support a motion to this effect.

MOTION: To proceed with the screening process for eight firefighters, but not fill these positions until after the operating budget has been completed.

Moved: Ald. Hetherington
Second: Ald. Pye
In Favour: All members except
Against: Ald. May & Levandier
Motion Carried

Mayor McCluskey welcomed to the meeting, the new President of the Dartmouth Chamber of Commerce, who was present in the gallery for the meeting. The new President is Mr. Myles Sweeney.

1.1.2 RESTRUCTURING OF LEGAL SERVICES

RESTRUCTURING: LEGAL SERVICES

A report from Mr. Corrigan on the proposed restructuring of legal services for the City, was again before Council, having been deferred from previous meetings.

In presenting his report, Mr. Corrigan explained the rationale for his recommendations, the two main benefits being a \$50,000. saving per year for the City, and the availability of at least 500 more hours of legal service per year than at present.

MOTION: To adopt Mr. Corrigan's recommendations:

- 1) that Council authorize the CAO to hire an in-house City Solicitor. This position to be offered to Suzanne Hood, QC. The terms of employment would be equivalent to that of Department Head, although there will not be a legal "department" as such.
- 2) that Council authorize the City Solicitor and the CAO to negotiate with Huestis Holm and prepare a recommendation for City Council, regarding options for the provision of ancillary legal services. The options to be considered will include the possible hiring of a Deputy City Solicitor, as well as a discussion of the cost/benefit of calling for proposals from other legal firms.

Moved: Ald. Hetherington
Second: Ald. Sarto

Speaking against the motion were Ald. May, Levandier, MacDonald, and Thompson. All other members were willing to support it. Ald. May wanted to have proposals called for legal services; Ald. MacDonald preferred to stay with the contracting out of legal services; and Ald. Levandier said this is the wrong time to be starting another on-line City department. Asked by Ald. Walton if this would be an on-line department, Mr. Corrigan said it would not; he pointed out that the present arrangement for legal services is similar to an in-house one already. Under the proposal to Council, the City Solicitor would have a staff relationship to the CAO, in providing legal services required on a daily basis. Other members of Council did not have a problem with the position, as described in concept by Mr. Corrigan. Ald. Rodgers did not want to have such items as tenure or back service included in negotiations with Ms. Hood, for the position of City Solicitor.

During the debate, Mr. Corrigan noted that the City of Halifax, with five in-house lawyers, will be in a stronger position relative to Dartmouth, in the event of amalgamation, if we do not have our own Solicitor to look after our interests and with a good working knowledge of our by-laws and regulations.

Ald. May proposed an amendment to recommendation #2, but it was ruled to be contrary to the intent of the wording, and was therefore not presented. Ald. May requested and received permission, to have the vote taken on each recommendation, as a separate proposition.

The vote was taken on recommendation #1.

In Favour: All members except
Against: Ald. May, Levandier, MacDonald & Thompson
Motion Carried

A second vote was taken, on recommendation #2.

In Favour: All members except
Against: Ald. May, Levandier, MacDonald & Thompson
Motion Carried

NOTICE OF
RECONSIDERATION

Notice of reconsideration was given, for both recommendations, by Ald. May, seconded by Ald. Levandier. Reconsideration will be heard at the next Council meeting, October 26th.

1.2 SOLICITORS1.2.1 AUTOMATIC MACHINE BY-LAW AMENDMENT: A-502

BY-LAW A-502

The Solicitor has recommended, for Council's approval, proposed By-law A-502 (an amendment to the Automatic Machine By-law). This amendment clarifies the fact that it is an offence not to have a license for an automatic machine, game table, vending machine or mechanical ride. Council proceeded with three readings.

MOTION: That leave be given to introduce the said By-law A-502 and that it now be read a first time.

Moved: Ald. Sarto
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

MOTION: That By-law A-502 be read a second time.

Moved: Ald. Hetherington
Second: Ald. Levandier
In Favour: All
Against: None
Motion Carried

During second reading, Ald. Levandier asked the Solicitor to take under advisement, a point raised by him concerning the status of gambling machines. Ald. Hetherington suggested that it would be worthwhile hiring some students to start checking out all the small corner stores for licenses, where machines are located.

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

MOTION: That By-law A-502 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.

Moved: Ald. Hetherington
Second: Ald. Sarto
In Favour: All
Against: None
Motion Carried

1.3 INDUSTRIAL COMMISSION1.3.1 AKERLEY BLVD. - ACCESS TO LOTS

AKERLEY BLVD.:
ACCESS TO LOTS

Mr. Rath was present for the next item, a recommendation from the Industrial Commission to Council that the limited access designation on Akerley Blvd. be relaxed to allow for one driveway entrance off Akerley Blvd., for each of the lots between Williams Ave. and John Savage Ave. The use of the driveways would be limited to a right-hand turn lane in, and a right-hand turn lane out, only. No break in the existing median would be permitted.

The report to Council on this item notes that the T.M.G. does not support this recommendation, for the same reason they originally upheld limited access designation in 1990, ie. that priority should be given to safe and efficient traffic movement on this section of Akerley Blvd.

Following Mr. Rath's presentation of the report and recommendation, a motion was introduced by Ald. Thompson and Sarto.

MOTION: To adopt the recommendation of the Industrial Commission:

That the limited access designation on Akerley Blvd. be relaxed to allow for one driveway entrance off Akerley Blvd., for each of the lots between Williams Ave. and John Savage Avenue.

Moved: Ald. Thompson

Second: Ald. Sarto

Ald. Walton asked for further comment on the T.M.G. recommendation, and Mr. Purdy explained why it is felt that driveway access on this arterial will be a detriment to free-flowing traffic movement. Council discussed the pros and cons of this consideration vs. the position of the Industrial Commission on the desirability of making the lots on Akerley more saleable, by giving them driveway access. Most members tended to feel that right-turn only driveways would not impede traffic unduly on a 50 km. arterial, and were prepared to support the motion. Ald. Rodgers suggested that with this change, the price of the lots should be looked at again. Ald. May and Pye opposed the motion, on the basis of the T.M.G. recommendation.

In Favour: All members except

Against: Ald. May & Pye
Motion Carried

Members agreed to move item 2.0 Motions to the end of the agenda.

3.0 REPORTS

3.1 CHIEF ADMINISTRATIVE OFFICER

3.1.1 MANDATORY UNPAID LEAVE IN THE PUBLIC SECTOR

MANDATORY
UNPAID LEAVE

Members of Council have received copies of the Public Sector Unpaid Leave Act, with their agenda, and Mr. Gordon Roussel presented at this time, a summary of the Act, its effect on the City of Dartmouth, and a number of reasons for the City to oppose this legislation. Employees with annual earnings over \$22,000. are required to take five days of unpaid leave between Nov. 1/93 and March 31/94. The equivalent for firefighters is two shifts per year, and for police officers, 3½ shifts per year. Salary equivalent of unpaid leave is to be deducted from employees' wages by a 2% reduction in regular earnings between Nov. 1/93 and October 31/94. If operational requirements prevent the unpaid leave from being taken by March 31/94, it must be taken by March 31/96. Total lost earnings for City staff, amount to \$544,000. In the case of essential services, replacements would have to be brought in on overtime pay, substantially increasing costs to the City.

In view of the very negative impact of this bill on the City, financially and otherwise, Mr. Corrigan recommended that Council take a position in opposing the legislation and make representation accordingly to the Law Amendments Committee.

The recommendation was strongly supported by Council; members were greatly concerned about what Ald. MacFarlane described as ' . . . an unprecedented intervention into municipal affairs and finances by the Provincial Government'. Ald. May suggested that this is basically a 'Payroll Tax', being imposed without any prior consultation with UNSM or the municipalities.

MOTION: That the Mayor, the Chairman of the Finance Committee, and Mr. Corrigan, go before the Law Amendments Committee on behalf of the City, to present the views of Council.

Moved: Ald. May
Second: Ald. Walton

Ald. May favoured a position similar to that already taken by the universities, since they have been successful in having their percentage reduced, but Ald. Hawley suggested that a better approach would be to offer the idea of an

alternative, whereby a small percentage would be added to the income of all taxpayers in the province, to collect the 78 million dollars the government requires.

AMENDMENT: That a positive approach be taken by offering the suggested concept of a small percentage added to the income of all taxpayers in the province, as an alternative to the unpaid leave for employees in the public sector.

Moved: Ald. Hawley
Second: Ald. MacDonald
In Favour: Minority of members
Against: Majority of members
Amendment Defeated

A second amendment was then proposed by Ald. Rodgers, based on the same idea of alternative suggestions being offered when the City's position is presented to the Law Amendments Committee.

AMENDMENT: That senior staff come forward with some serious alternatives that can be presented and discussed with the Province.

Moved: Ald. Rodgers
Second: Ald. Walton
In Favour: All members except
Against: Ald. Pye & MacDonald
Amendment Carried

The motion, as amended.

In Favour: All members except
Against: Ald. Pye & MacDonald
Motion Carried, as amended

Ald. Hetherington requested that members be advised, if possible, when the City's hearing before the Law Amendments Committee, is scheduled.

3.1.2 TENDER CONTRACT 93-29: HARBOUR VIEW SCHOOL SPORTS COURTS

AWARD TENDER:
CONTRACT 93-29

Report from Mr. Corrigan (R. Fougere, H. Hatcher) on tenders received for Contract 93-29 (Harbourview School, sports courts), recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$36,166.00.

MOTION: To award the tender for Contract 93-29 to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$36,166.00, as recommended. Completion time: 20 workdays.

Moved: Ald. Thompson
Second: Ald. May
In Favour: All
Against: None
Motion Carried

3.1.3 TENDER CONTRACT 93-30: SPRING AVE. AND WAVERLEY RD. DRAINAGE

AWARD TENDER:
CONTRACT 93-30

Report from Mr. Corrigan, (R. Fougere, H. Hatcher) on tenders received for Contract 93-30 (Spring Ave. and Waverley Road storm drainage), recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$36,214.15; completion time: 20 workdays.

MOTION: To award the tender for Contract 93-30 to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$36,214.15, as recommended.

Moved: Ald. Sarto
Second: Ald. Cunningham
In Favour: All
Against: None
Motion Carried

3.1.4 TENDER UNDERGROUND STORAGE TANKS

AWARD TENDER:
UNDERGROUND
STORAGE TANKS

Report from Mr. Corrigan (R. Fougere, D. Rix) on tenders received for the replacement of four underground fuel storage tanks at the Operations Centre, recommending that the tender be awarded to the low bidder, Nicholson Petroleum Inc., with a bid price of \$34,592.03; gas and diesel tanks to be replaced under next year's capital program.

MOTION: To award the tender for replacement of four underground fuel storage tanks at the Operations Centre, to the low bidder, Nicholson Petroleum Inc., with a bid price of \$34,592.03, as recommended. Gas & diesel tanks to be replaced under next year's capital program.

Moved: Ald. Hetherington
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

3.1.5 CITY HALL ENTRY STEPSCITY HALL
ENTRY STEPS

Report from Mr. Corrigan (R. Fougere) on the subject of repairs to the entrance steps at City Hall, giving four options for proceeding with repairs required to the entrance steps at City Hall, and recommending in favour of Option #4, the contract for the work to be awarded to D. & M. Moreash Steeplejacks Co. Ltd., in the amount of \$25,414.49.

MOTION: To adopt the recommendation:

That repairs to the City Hall entrance steps be carried out in accordance with Option #4, as recommended, and that the contract for the work be awarded to D. & M. Moreash Steeplejacks Co. Ltd., in the amount of \$25,414.49.

Moved: Ald. Thompson
Second: Ald. MacFarlane
In Favour: All
Against: None
Motion Carried

ITEM 3.1.6:
DEFERRED

In the interest of time, Council agreed to defer item 3.1.6 Terms of Reference, Advisory Committee on Human Rights, until next week's Council meeting; deferred on motion of Ald. Sarto and Thompson

3.1.7 MUSEUM BOARD - BY-LAW M-503

BY-LAW M-503

Mr. Corrigan has submitted a report on the Museum Board, recommending that the Museum be organized as a line department of the City, and that Council approve By-law M-503, which would result in the Museum Board being disbanded.

MOTION: That leave be given to introduce the said By-law M-503 and that it now be read a first time.

Moved: Ald. Levandier
Second: Ald. MacFarlane
In Favour: All
Against: None
Motion Carried

MOTION: That By-law M-503 be read a second time.

Moved: Ald. Pye
Second: Ald. Hetherington

Ald. MacDonald felt the Museum Board should be allowed to continue as a citizen Board associated with the operation of the museum, and he therefore opposed the by-law before Council. He said there are interested citizens in the community with concerns about the status of the museum, without the interest and participation of the community. Other members of Council were willing to defer this item, at the hour of 11:00 p.m., for further discussion at the October 26th meeting. It was suggested that members of the former Museum Board should be invited to attend, so they could have some input and respond to any questions from members of Council.

MOTION: To defer By-law M-503 in second reading, for further discussion at the October 26th Council meeting.

Moved: Ald. MacDonald
Second: Ald. Hawley
In Favour: All
Against: None
Motion Carried

Meeting adjourned at 11:00 p.m.

V. Carmichael
V. Carmichael,
Asst. City Clerk.

ITEMS:

- Proclamations, page 1.
 - 1.0 Reports, page 1.
 - 1.1 Chief Administrative Officer, page 1.
 - 1.1.1 Hiring of Firefighters, page 1 to 3.
 - 1.1.2 Restructuring of legal services, page 3 & 4.
Notice of reconsideration, pge. 4.
 - 1.2 Solicitors, page 5.
 - 1.2.1 Automatic Machine By-law Amendment, A-502, page 5.
 - 1.3 Industrial Commission, page 6.
 - 1.3.1 Akerley Blvd., access to lots, page 6.
 - 3.0 Reports, page 7.
 - 3.1 Chief Administrative Officer, page 7.
 - 3.1.1 Mandatory Unpaid Leave in the Public Sector, pg. 7 & 8.
 - 3.1.2 Tender Contract 93-29, Harbourview School sports courts, pg.8.
 - 3.1.3 Tender Contract 93-30, Spring Ave. & Waverley Rd. drainage,
pg. 9.
 - 3.1.4 Tender Underground Storage Tanks, page 9.
 - 3.1.5 City Hall entry steps, page 10.
 - 3.1.7 Museum Board, By-law M-503, page 10 & 11.
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Lib. Ref. Dept.

**DARTMOUTH CITY COUNCIL
AGENDA**

TUES., OCTOBER 26, 1993

8:00 PM

COUNCIL CHAMBER

1. **NOTICE OF RECONSIDERATION**

Restructuring of Legal Service

2. **PRESENTATION**

White Ribbon Against Pornography - Janet MacLennan

**CONTINUATION OF COUNCIL AGENDA OF OCTOBER 19, 1993
(REPORTS PREVIOUSLY CIRCULATED)**

3. **MOTIONS**

3.1 **ALD. HETHERINGTON**

WHEREAS most property owners, but not all, cut the grass between the sidewalk, or sidewalk reserve, and the curb in front of their properties;

AND WHEREAS the City does not have the resources to do grass cutting between the sidewalk, or sidewalk reserve, and the curb;

BE IT THEREFORE RESOLVED that the Dartmouth City Charter be amended to allow Council to pass a by-law requiring all property owners to cut the grass between the sidewalk, or sidewalk reserve, and the curb.

3.2 **ALD. MACFARLANE**

WHEREAS the Nova Scotia Power Corp. is now a private body corporate in this province;

AND WHEREAS this company should be treated with the rights, responsibilities, and obligations of a corporation operating in municipalities across this province;

BE IT RESOLVED that the City of Dartmouth request that the Government of Nova Scotia introduce legislation which will eliminate the Corporation's tax-exempt status, in the next sitting of the Provincial Legislature.

3.3 ALD. HAWLEY

WHEREAS groups of citizens gather from time to time, to partake in some special occasion, event or activity;

AND WHEREAS some of these groups produce sounds, traffic, and amplified speeches, etc., which sometimes cause discomfort and stress to the immediate community;

AND WHEREAS the City has no by-laws enacted which empower the police to cause these groups to cease and desist;

BE IT RESOLVED that the Council direct the Solicitor to draft a by-law that would empower the police to control these groups;

AND BE IT FURTHER RESOLVED that included in the by-law, would be a requirement for such groups to apply to the City for a license to hold such gatherings.

4. REPORTS**4.1 CHIEF ADMINISTRATIVE OFFICER**

- 4.1.1 Advisory Committee on Human Rights - Terms of Reference - (Supplementary Report)
- 4.1.2 Museum Board (Supplementary Report)
- 4.1.3 Application, Place of Amusement, Harbour Lodge #53 (Supplementary Report)
- 4.1.4 Application, Retail Video Outlets, McDonald's Restaurants
- 4.1.5 Budget Timetable (presentation)

4.2 INVESTMENT COMMITTEE

- 4.2.1 Interim Report 1993/94 - 1st Quarter - April 1 to June 30

COUNCIL AGENDA OF OCTOBER 26, 1993**5. REPORTS****5.1 CHIEF ADMINISTRATIVE OFFICER**

- 5.1.1 Amendment to Development Agreement, Horizon Estates II Apartment Building Development: Neighbourhood Information Meeting and Set Date for Public Hearing
- 5.1.2 1993/94 Debt Issue
- 5.1.3 Land Exchange - Montebello

5.2 SOLICITOR

- 5.2.1 Terms of Reference:
 - Dartmouth Youth Committee
 - Natal Day Committee
 - Grants Committee
 - Five Star Committee
- 5.2.2 Inglewood Avenue, Resolution 93-35A

6. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

LOCATION: CITY COUNCIL CHAMBER
TIME: 8:00 P.M.

MEMBERS PRESENT: MAYOR MCCLUSKEY
ALDERMEN SARTO, THOMPSON
CUNNINGHAM, MACFARLANE
MAY, LEVANDIER, RODGERS
MACDONALD, WOODS, PYE
HAWLEY, GREENOUGH, WALTON

MEMBER ABSENT: ALD. HETHERINGTON (REGRETS)

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEADS & ASSISTANTS

1.0 NOTICE OF RECONSIDERATION

RESTRUCTURING OF LEGAL SERVICES

Having given notice of reconsideration on the restructuring of legal services report, adopted by Council at the October 19th meeting, Ald. May stated to Council that after further discussion with Mr. Corrigan, as to services to be negotiated with Ms. Hood, he was prepared to withdraw his notice of reconsideration at this time. Council therefore proceeded to the next item on the agenda.

2.0 PRESENTATION

WHITE RIBBON AGAINST PORNOGRAPHY

A presentation was made to Council by Janet MacLennan, as part of the White Ribbon Against Pornography campaign, which takes place during the last week in October each year. Groups across the country, concerned about the effects of pornography on our society, participate in this public education program, and Ms. MacLennan invited members of Council and the public to sign a petition, at their booth in MicMac Mall, calling for the banning of trading cards known as 'killer cards', which glorify violence and known killers. Members of Council were also presented with white ribbons and asked to wear these as a sign of support.

3.0 MOTIONS

3.1 ALD. HETHERINGTON

In Ald. Hetherington's absence, his motion was deferred by Council, on motion of Ald. Thompson and Pye.

3.2 ALD. MACFARLANE

MOTION: WHEREAS the Nova Scotia Power Corp. is now a private body corporate in this province;

AND WHEREAS this company should be treated with the rights, responsibilities, and obligations of a corporation operating in municipalities across this province;

BE IT RESOLVED that the City of Dartmouth request that the Government of Nova Scotia introduce legislation which will eliminate the Corporation's tax-exempt status, in the next sitting of the Provincial Legislature.

Moved: Ald. MacFarlane

Second: Ald. Greenough

Ald. MacFarlane commended the Mayor for the efforts she has already made to have this matter addressed by the Province, but at the same time, felt it is important for Council to press for whatever legislative change is required to redress the inequitable position the City has been placed in by the grant formula provided for in Bill 204, which has impacted so adversely on Dartmouth's financial situation. Members were provided with copies of a letter to Mayor McCluskey, from the Minister of Municipal Affairs, on her department's review of the grant allocation formula, for possible change, in order to arrive at a more equitable formula.

The Mayor reported to Council on discussions she has taken part in, with Mayor Ducharme of Halifax and the Minister, in the hope of a financial resolution for both cities. She noted that there are other municipalities in the province that have not been similarly affected by the grant formula.

Ald. Greenough said he was greatly concerned that the Power company is paying dividends to shareholders on one hand, and on the other, expecting Dartmouth residents to subsidize the company, to enhance their financial position. Ald. MacDonald said the impact of the legislation should have been dealt with in advance of its introduction, and not after the fact. He asked for information as to why the grant formula was not brought to Council's attention, so that representation could have been made in opposition to it. It was noted by the Mayor that there was considerable difficulty in trying to obtain information the City would have required on kilowatt hours, in order to make a case for Dartmouth.

All members of Council who spoke on the motion were in support of it, and objected strongly to the major revenue loss the City has experienced as a result of the legislation establishing Nova Scotia Power Inc. as a private company.

In Favour: All
Against: None
Motion Carried

3.3 ALD. HAWLEY

MOTION: WHEREAS groups of citizens gather from time to time, to partake in some special occasion, event or activity;

AND WHEREAS some of these groups produce sounds, traffic, and amplified speeches, etc., which sometimes cause discomfort and stress to the immediate community;

AND WHEREAS the City has no by-laws enacted which empower the police to cause these groups to cease and desist;

BE IT RESOLVED that the Council direct the Solicitor to draft a by-law that would empower the police to control these groups;

AND BE IT FURTHER RESOLVED that included in the by-law, would be a requirement for such groups to apply to the City for a license to hold such gatherings.

Moved: Ald. Hawley
Second: Ald. Pye

Ald. Hawley gave examples of the kind of problems he would like to have addressed with a new by-law. The Solicitor, in answer to questions from Ald. Walton about the existing Noise By-law, explained some of its limitations, especially in the case of situations referred to by Ald. Hawley. Ald. Walton said it would not be a major problem to acquire equipment that would measure sound decibels, and not much training would be required for the use of the equipment.

Ald. Cunningham expressed some concern that a by-law of this nature could be too restrictive, and present difficulties for Council that are not apparent now. It was noted by the Solicitor that a Charter amendment would be required to enact the by-law being requested. Members were willing to debate the matter further when the Solicitor brings the legislation to Council.

- 4.0 REPORTS
- 4.1 CHIEF ADMINISTRATIVE OFFICER
- 4.1.1 ADVISORY COMMITTEE ON HUMAN RIGHTS - TERMS OF REFERENCE

TERMS OF
REFERENCE:
HUMAN RIGHTS

As requested, members of Council have received copies of the amendments proposed by Ald. May to the Terms of Reference recommended for the Advisory Committee on Human Rights. Asked about the drafting of the Terms of Reference, Mr. Corrigan said he assisted the Committee in this process, and further to the amendments to be considered, he noted that one in particular relates to and will affect the communication link between the CAO and the Committee, and accordingly, with Council.

Since different members were willing to support different amendments, it was decided that a separate vote should be taken on each of the amendments, and Council proceeded on that basis.

MOTION: To approve the Terms of Reference for the Advisory Committee on Human Rights, with additional Section 9.2, drafted by the City Solicitor for inclusion.

Moved: Ald. Pye
Second: Ald. Sarto

Proposed amendments:

Section 1.2.2(b), for deletion: moved by Ald. May and Thompson. Defeated.

Section 1.2.3, for deletion: moved by Ald. May and MacDonald. Defeated.

*Section 2.1, the word 'persons' changed to 'residents'. Approved on motion of Ald. May and Greenough. Carried.

Section 3.3, for deletion: moved by Ald. May, but not seconded.

*Section 5.1, addition of the word 'written', to read '. . . written notice of each meeting'. Approved on motion of Ald. May and Rodgers. Carried.

Section 6.1, deletion of the words 'and the Chief Administrative Officer'. Moved by Ald. May, but not seconded.

Section 6.2, deletion of the word 'shall' to be replaced by the word 'may'.
Moved by Ald. May, but not seconded.

Section 7.0, for deletion of entire section: moved by Ald. May and Levandier. There was some debate on this amendment, and Mr. Corrigan gave assurance that where high profile positions are involved, there will be liaison and communication with Council. Having received this assurance, Council members were willing to let the section stand. Amendment defeated.

*Section 9.2, drafted by the Solicitor for inclusion: Approved on motion of Ald. Hawley and Thompson. Carried.

*Section 10, addition of the wording '. . . and Council, through the City Clerk'. Approved on motion of Ald. Hawley and Rodgers. Carried.

*Section 12.2.2, deletion of the word 'shall', to be replaced by the word 'may'. Approved on motion of Ald. May and Walton. Carried.

Section 12.3, deletion of wording after the word 'public', to read: 'All meetings of the Committee shall be open to the public'. Moved by Ald. May & Levandier. Debated and defeated.

The vote was taken on the main motion, with amendments approved as noted with an asterisk.

In Favour: All members except
Against: Ald. May
Motion Carried, as amended.

4.1.2 MUSEUM BOARD

MUSEUM BOARD

By-law M-503, which would repeal the Museum Board By-law, was again before Council in second reading, having received first reading at the October 19th Council meeting. The by-law was deferred in second reading, for further discussion requested by Ald. MacDonald, on the future status of the Board and the Museum as a line department of the City.

Ald. MacDonald felt that it is important to have citizen involvement in the areas of community heritage and the preservation of historic artifacts and buildings. He

noted that there are citizens willing and interested in serving the Museum in an advisory capacity, and Mr. Corrigan advised that draft terms of reference for such an advisory committee already exist and could be brought to Council for consideration.

Ald. May felt that a letter of apology should be sent to Museum Board members who have been overlooked for some time, while this matter was waiting to be resolved. Basically, members who spoke on the item (By-law M-503 in second reading) were willing to have the Museum organized as a line department of the City, as recommended by Mr. Corrigan, and at the same time, to give consideration to an Advisory Board that would replace the former Museum Board. Ald. MacDonald said the functions of the Heritage Advisory Committee should be incorporated in any new body, since there is no committee responsible for maintaining the designation of heritage properties in the City, now that the Heritage Advisory Committee has been disbanded.

By-law M-503 was again deferred in second reading, this time to be dealt with in conjunction with the proposed Terms of Reference for a Museum Advisory Committee, as discussed in the Council debate.

MOTION: To defer By-law M-503 in second reading, to be dealt with again in conjunction with the proposed Terms of Reference for a Museum Advisory Committee, as discussed in Council debate.

Moved: Ald. Pye
Second: Ald. Hawley
In Favour: All
Against: None
Motion Carried

4.1.3 APPLICATION, PLACE OF AMUSEMENT, HARBOUR LODGE #53

APPLICATION:
HARBOUR LODGE #53

A supplementary report has been provided to Council, with additional information on the Place of Amusement application from Harbour Lodge #53 R.A.O.B., 2 Wentworth Street, and with the information provided, members were willing to indicate no objection to the application.

MOTION: To indicate no objection to the Place of Amusement application for Harbour Lodge #53 R.A.O.B., at 2 Wentworth Street.

Moved: Ald. Sarto
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

Ald. Hawley asked to have the attention of the Fire Dept. brought to the floor plan section showing a storage area under the stairs (basement level); he felt the safety of this area is questionable, and should be inspected.

Ald. Levandier left the meeting.

4.1.4 APPLICATION, RETAIL VIDEO OUTLETS - MCDONALD'S RESTAURANTS

APPLICATION:
MCDONALD'S
RESTAURANTS

Council has been asked for a response to an application for three retail video outlets, at McDonald's Restaurants, located at 144 Main Street, 588 Portland Street and 160 Wyse Road.

MOTION: To indicate no objection to the McDonald's application, involving videos associated with their own promotions and products.

Moved: Ald. MacFarlane
Second: Ald. Walton
In Favour: All
Against: None
Motion Carried

4.1.5 BUDGET TIMETABLE

BUDGET TIMETABLE

In connection with a report circulated with the agenda, Mr. Corrigan made a presentation to Council on his proposals for dealing with the 1994/95 capital budget and operating budget, including plans for public involvement in the initial stages of preparation, through the presentation of budget information in a public forum and the release of an "Exposure Draft" for comment, before any finalization of the budget takes place. Specifics highlighted in Mr. Corrigan's report to Council, were: (1) overall fiscal restraint; (2) priority setting; (3) communication during the budget process; (4) continuation of the wage freeze; (5) capital budget considerations and available funding; (6) details of the actual timetable for all these activities, from October, 1993, up until the end of March, 1994. It is being proposed that operational reviews of two departments per Council meeting, take place for an allotted time, at the start of each meeting, after which regular Council business will follow. In the event that Council cannot complete the assigned review set for a Tuesday meeting, it would continue on Wednesday night following. Wednesday meetings would take precedence

over any Board or Committee meetings planned for the same time.

MOTION: That Council adopt the guidelines and timetable presented and recommended by Mr. Corrigan.

Moved: Ald. Greenough

Second: Ald. Sarto

During the presentation, Ald. May asked about the delay in the Park Ave. project, as a result of Provincial health regulations, and asked to have this allocation carried over for Ward 3 in next year's capital budget, in addition to the \$300,000. ward allocation.

Ald. MacDonald again asked when the City deficit is to be dealt with, and Mr. Corrigan advised that he has a list of cuts prepared, and would take these to the Finance & Program Review Committee, for discussion if Council so wishes. No specific direction was given by Council, further to this list of reductions.

Ald. MacDonald said that department heads should be told to base budget projections on a 10% funding decrease for next year, back to a point of about ten years ago; he said the City has to get back to basics.

Ald. May commended Mr. Corrigan for the approach that has been taken to involve the public in the budgeting process, at an early point. He favoured a series of three public meetings, at John Martin Jr High, Brookhouse School, and at one of the senior citizens' centres in the downtown.

AMENDMENT: That three public information meetings be held at the locations named: John Martin Jr. High, Brookhouse School, and a senior citizen centre in the downtown.

Moved: Ald. May

Second: Ald. MacFarlane

During debate on the amendment, Council agreed to continue meeting after 11:00 p.m., on motion of Ald. Pye & May (Ald. Cunningham voting against).

Ald. Hawley said he could see some problems with a series of meetings like this, suggesting that meetings two and three could turn out to be very contentious, after information was put before the public at the first meeting; this would be particularly true if major budget cuts are planned, involving service reductions or the discontinuing of programs.

MOTION: To defer any decision on the amendment at this time, until members have had a chance to think about it further.

Moved: Ald. Greenough
Second: Ald. Cunningham
In Favour: All members except
Against: Ald. May & MacFarlane
Motion Carried

The vote was then taken on the main motion (page 8).

In Favour: All
Against: None
Motion Carried

5.0 REPORTS

5.1 CHIEF ADMINISTRATIVE OFFICER

5.1.1 AMENDMENT TO DEVELOPMENT AGREEMENT, HORIZON ESTATES II

AMENDMENT: Report from Mr. Corrigan (V. Spencer, R. Wells) on a HORIZON ESTATES II proposed amendment to the development agreement for Parcel P-1 Horizon Court, to permit the construction of a number of parking garages on the site and additional landscaping. Planning staff have recommended in favour of the amendment, and Mr. Corrigan's report makes three recommendations to Council in this connection.

MOTION: To adopt the three recommendations:

- (a) that Council waive the requirement to hold a neighbourhood consultation meeting concerning this particular application.
- (b) that Council instruct staff to proceed with a neighbourhood information meeting.
- (c) that Council schedule Tues., Nov. 30/93 as the date for the public hearing on the proposed amendment.

Moved: Ald. Cunningham
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

5.1.2 1993/94 DEBT ISSUE

1993/94 DEBT ISSUE Report from Mr. Corrigan (B. Smith, Don McBain) on the City's 1993/94 Debt Issue, with accompanying recommendations to Council.

MOTION: To adopt the recommendations:

- 1) to approve Issuing Resolution 93-A-1 (Schedule B).
- 2) to approve the agreement attached to the report, between the City and the Nova Scotia Municipal Finance Corp. (Schedule E).
- 3) to give approval for the Mayor and the City Clerk to execute the related documents referred to in the Dept. of Municipal Affairs Schedules. (Schedule A, Schedule C and Schedule D).

Moved: Ald. Thompson
Second: Ald. Greenough
In Favour: All
Against: None
.Motion Carried

5.2 SOLICITOR

5.2.1 TERMS OF REFERENCE

TERMS OF
 REFERENCE:
 COMMITTEES

DARTMOUTH YOUTH COMMITTEE

The Solicitor has prepared and recommended Terms of Reference for the proposed Dartmouth Youth Committee, the formation of which was recently approved by Council.

MOTION: To approve the Terms of Reference for the Dartmouth Youth Committee, as recommended.

Moved: Ald. Pye
Second: Ald. Sarto

Amendments presented were as follows:

- 1) In Section 2 (Composition), second paragraph, to change the age requirement to read '. . . 13 to 18 years of age'. Moved by Ald. Sarto & Walton
Amendment Carried
- 2) In Section 1. b) (Purpose), to add the words 'prior written' before the words '. . . approval of Dartmouth City Council'. Moved by Ald. MacDonald and Pye.
Amendment Carried

The vote was taken on the motion, with the two above-noted amendments.

In Favour: All
Against: None
Motion Carried, as amended.

NATAL DAY COMMITTEE

Terms of Reference have also been prepared and recommended by the Solicitor for the Natal Day Committee. These were dealt with next by Council.

MOTION: To approve the Terms of Reference for the Natal Day Committee, as recommended.

Moved: Ald. MacFarlane
Second: Ald. Sarto

Mr. Meisner addressed Council on two areas the Committee would like to have changed, the first being Section 2.(1) c) (Composition). They are requesting a change in the number, from 14 to 20, and a change to read: '. . . from service clubs and organizations', without listing these. An amendment to this effect was moved by Ald. Thompson and MacFarlane, with the additional condition that it will be maximum of two persons per club and organization.

AMENDMENT: To amend Section 2.(1) c) by changing the number from 14 to 20, plus a change in text to read: '. . . from service clubs and organizations' (without the list), on the condition that it is to be a maximum of two persons per club and organization.

Moved: Ald. Thompson
Second: Ald. MacFarlane
In Favour: All
Against: None
Motion Carried

Further amendments presented were as follows:

- 1) In Section 2. 3) (Composition), the word 'shall' was changed to 'may'. Moved by Ald. Thompson and Greenough
Amendment Carried
- 2) The second request of the Committee: a change in the wording, Section 2. 4), to read: 'All members of the Committee who were members on Jan. 1, 1992 . . .'. Moved by Ald. Thompson and Hawley.
Amendment Carried
- 3) In Section 9., ten members will constitute a quorum, instead of fifteen members. Moved by Ald. MacDonald and Sarto. Amendment Carried
(Ald. May voting against.)

- 4) In Section 7., addition of the words '. . . may consist of additional members. . .', and a new sentence, to read: 'Sub-committee recommendations must be approved by Natal Day Committee'.

Moved by Ald. MacDonald & Hawley
Amendment Carried

With the above-noted amendments and those on page 11, the vote was taken on the motion, as amended.

In Favour: All members except
Against: Ald. May
Motion Carried, as amended

FIVE STAR COMMITTEE

Terms of Reference for the Five Star Committee, as prepared and recommended by the City Solicitor, were before Council and received approval without being amended.

MOTION: To approve the Terms of Reference for the Five Star Committee, as recommended.

Moved: Ald. Sarto
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

5.2.2 INGLEWOOD AVE., RESOLUTION 93-35A

RESOLUTION
93-35A

The Solicitor has prepared and recommended Resolution 93-35A, which corrects the previously-adopted Resolution 93-35, with respect to land conveyance associated with the construction of Inglewood Ave., specifically, the lands of MacPhee Pontiac Buick GMC Ltd. and the City. The value of the lands being conveyed should be \$351.00, and not \$3,510.00.

MOTION: To adopt Resolution 93-35A as recommended.

Moved: Ald. Thompson
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

Meeting adjourned at 11:30 p.m.

V. Carmichael
V. Carmichael,
Asst. City Clerk.

ITEMS:

- 1.0 Notice of Reconsideration, page 1.
Restructuring of legal services, page 1.
 - 2.0 Presentation, page 1.
White Ribbon Against Pornography, page 1.
 - 3.0 Motions, page 1.
 - 3.1 Ald. Hetherington, page 1.
 - 3.2 Ald. MacFarlane, page 2
 - 3.3 Ald. Hawley, page 3
 - 4.0 Reports, page 4.
 - 4.1 Chief Administrative Officer, page 4.
 - 4.1.1 Advisory Committee on Human Rights: Terms of Reference, pg. 4
 - 4.1.2 Museum Board, page 5 & 6.
 - 4.1.3 Application, Place of Amusement, Harbour Lodge #53, pg. 6.
 - 4.1.4 Application, Retail Video Outlets, McDonald's, page 7.
 - 4.1.5 Budget Timetable, page 7 & 8.
 - 5.0 Reports, page 9.
 - 5.1 Chief Administrative Officer, page 9.
 - 5.1.1 Amendment to Development Agreement, Horizon Estates II, pg. 9.
 - 5.1.2 1993/94 Debt Issue, page 9.
 - 5.2 Solicitor, page 10.
 - 5.2.1 Terms of Reference, page 10.
Dartmouth Youth Committee, page 10
Natal Day Committee, page 11.
Five Star Committee, page 12.
 - 5.2.2 Inglewood Ave., Resolution 93-35A, page 12.
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City of DARTMOUTH

P.O. Box 817, Dartmouth,
Nova Scotia, Canada, B2Y 3Z3

DATE: October 14, 1993 COUNCIL: October 26, 1993
TO: Her Worship, Mayor McCluskey and Members of City Council
FROM: Larry Corrigan, Chief Administrative Officer
RE: **AMENDMENT TO DEVELOPMENT AGREEMENT, HORIZON ESTATES II
APARTMENT BUILDING DEVELOPMENT: NEIGHBOURHOOD INFORMATION
MEETING AND PUBLIC HEARING**

OUR FILE: B-39

Attached is the following documentation:

1. a staff report recommending in favour of an amendment to the development agreement for Parcel P-1 Horizon Court, to permit the construction of a number of parking garages on the site and additional landscaping; and
2. a draft amendment to the development agreement.

It is recommended that Council:

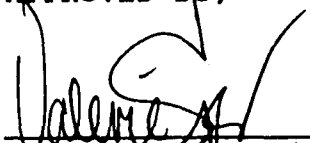
- (a) Waive the requirement to hold a neighbourhood consultation meeting concerning this particular application;
- (b) Instruct staff to proceed with a neighbourhood information meeting; and
- (c) Schedule Tuesday, November 30, 1993, as the date for the Public Hearing on the proposed amendment.

SUBMITTED BY,



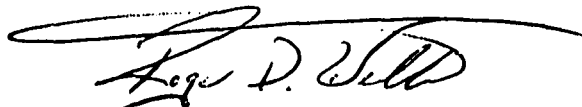
Larry Corrigan, CAO

APPROVED BY,



V.M. Spencer, Director
Planning & Development

PREPARED BY,



Roger Wells,
Planner

RW/lb