

DARTMOUTH CITY COUNCIL  
FEBRUARY 3, 1995.

LOCATION: CITY COUNCIL CHAMBER  
TIME: 7:00 P.M.

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, SMELTZER  
CUNNINGHAM, MACFARLANE  
LEVANDIER, DEXTER  
SCHOFIELD, WITHERS  
WOODS, PYE, HAWLEY  
GREENOUGH, WALTON  
HETHERINGTON

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN  
CITY SOLICITOR: S. HOOD  
CITY CLERK-TREASURER: B. SMITH  
DEPARTMENT HEADS & ASSISTANTS

1.0

CAPITAL BUDGET  
DELIBERATIONS

CAPITAL BUDGET DELIBERATIONS

Council met to deal with the proposed 1995/96 Capital Budget, presented by Mr. Corrigan and tabled at the January 31st meeting.

A motion to accept the Capital Budget was placed on the floor, in order to begin debate.

MOTION: To accept the 1995/96  
Capital Budget.

Moved: Ald. Pye  
Second: Ald. Greenough

Subsequent motions made, throughout the meeting, related to specific individual items that members wished to have added to a list that was compiled, or wished to have deleted from the budget, as in the case of the semi-automatic pistols for the Police Dept.

In the general comments, prior to the specifics, Ald. Pye asked about flexibility within the budget, and Mr. Corrigan said the flexibility is at the discretion of Council. Council can debate the budget and decide whether to accept some or all of the recommendations that have been made. Mr. Corrigan noted that Council specifically decided, by vote, that there would be no ward allocations, and accordingly, there is no break-out of projects by ward. Items were ranked on technical merit, and he therefore did not see this as a ward issue.

Ald. Greenough asked about the Breeze Drive/Caledonia Road project, and Mr. Corrigan advised that we have not yet heard back from the Province. The project is still at Municipal Affairs, and has not been included in the capital budget before Council. Ald. Greenough asked if it is approved as a Federal/Provincial Infrastructure project, are we able to proceed with it. Mr. Corrigan said 'if it is approved'.

Ald. Hawley asked if a call to the Minister's office would help in having this matter decided. The Mayor said a call to M.P. Ron MacDonald would be in order also.

Ald. MacFarlane was concerned that there is nothing in the budget for work on Prince Albert Road; he asked about the future for projects such as this one, under a unicity government. The Mayor said she was not able to provide any information whatsoever on capital projects and how they will be handled under the unicity structure. Mr. Corrigan noted that questions such as this will not be answered until the new CAO is in place.

Ald. Withers did not feel that the needs of Ward 4 have been addressed at all by the capital budget, especially in consideration of what he called 'indiscriminate development patterns, without any thought for traffic control.' When Council dealt with the section under the heading of Local Streets, he asked to have several items included for Ward 4.

Ald. Smeltzer noted the projects he would like to have seen included for Ward 1, and with reference to the Tacoma Drive project (Collector Streets), said he hoped that phase two would be included next year as a high priority, considering the use this street receives, and its present condition.

Ald. Hawley stated his concern about operating costs for a north-end library facility in the new community centre, and Ms. Spencer explained that there will not be a 'stand-alone' library service as such, but only some possible uses of shared space for whatever kind of innovative library 'presence' can be provided under those circumstances.

As the period of general comments continued, and with members wanting to have items added and/or changed, in various sections of the budget, Ald. Greenough suggested a section-by-section review, as a means of moving forward from this point. Members agreed with the suggestion, and the minutes reflect, from here onward, the specific requests from members, as each individual section came up for review. No votes were taken on the motions presented.

LOCAL STREETS

MOTION: Ald. Withers & Schofield.

To add to the list of projects for consideration:

Ernest Ave. (Limardo to Albro  
Lake Rd., \$148,000.)  
Banook Ave. (\$72,000.)

MOTION: Ald. Pye & Woods

To delete Robert Burns Dr.  
(\$187,000.), and replace this  
project with the following:

Clarence St. (curb & sidewalk,  
\$12,000.)  
John MacNeil ballfield (lights,  
\$70,000.)  
Gray Arena (lighting, \$6,000.)  
Ward 5 tree-planting (\$10,000.)  
Yorkshire Ave. (sidewalks,  
\$8,000.)

MOTION: Ald. Hawley & Greenough.

To add to the list of projects  
for consideration:

Myrer Dr. (Hemlock to end,  
\$85,000.)

MOTION: Ald. Levandier & Dexter.

To add to list of projects for  
consideration:

Hazlehurst St. (Old Ferry  
to end, \$197,000.)

ARTERIAL STREETS

Unchanged from budget items recommended.

COLLECTOR STREETS

In this section, although motions were not made as with previous items, a strong case was made by Ald. MacFarlane and Ald. Cunningham, for the Prince Albert Road project (Ochterloney to Glenwood), in view of the on-going problems with drainage and water build-up on the section just beyond MicMac AAC, and given the fact that two major canoe championships will be taking place, when this street is used extensively as part of the events.

The other project of particular concern, raised by Ald. Walton and Hetherington, was Baker Drive (Portland to Norm Newman Dr.), where there are already starting to be major traffic problems, expected to worsen as development in Portland Estates continues.

It was felt, in both these cases, that if there is to be a list of items for consideration, the two projects mentioned should be included, and therefore, with the agreement of Council, the items added for consideration, under Collector Streets, were:

Baker Dr. (\$210,000.)  
Prince Albert Rd.(\$270,000.)

CURBS & SIDEWALKS

MOTION: Ald. Sarto & Smeltzer.

To add to the list of projects  
for consideration:

Stewart Harris Dr. (Grimes to  
Mount Edward, \$29,000.)  
Wanda Lane (Bellevista to Tobin  
\$87,000.)  
Guysborough Ave.(Spikenard to  
Woodlawn, \$111,000.)

MOTION: Ald. Greenough & Hawley.

To add to the list of projects  
for consideration:

Waverley Rd.(Jaybe to Montebello  
\$200,000. additional to the  
\$200,000. recommended)  
Montebello Drive (\$18,000.)

Reference has already been made previously in the minutes to the Yorkshire Ave. and Clarence Street projects for this section, two items from the list for replacement of the Robert Burns Drive project. When the list was presented, Ald. Pye also referred to Lahey Road as a project for inclusion as well, at \$23,000.

Ald. Withers was permitted to add Victoria Road (Civic 21 to Boland Road, \$54,000.) with Council's agreement.

The sections: SEWERS, DRAINAGE & LAND ACQUISITION remained unchanged from the items recommended.

LAND DEVELOPMENT

Ald. Hetherington has been approached by the Lawn Bowling Assn., regarding the replacement and upgrading of the lawn bowling greens, in order for the Association to qualify to bid for the 1997 National Championships.

MOTION: Ald. Hetherington & Pye.

To add to the list of projects for consideration:

Lawn bowling greens (\$160,000.)

Ald. MacFarlane said that with the World Canoe Championships coming here in 1997, the upgrading of Silver's Hill should be targeted as an important future project.

MOTION: Ald. Hawley & Greenough.

To add to the list of projects for consideration:

Lynwood Dr. play area (\$40,000.)

Reference has already been made previously in the minutes to the John MacNeil ballfield and Ward 5 tree-planting projects for this section, two items from the list for replacement of the Robert Burns Dr. project.

Further to the item for control of purple loosestrife (priority #3, \$20,000.), Ald. Woods requested further reports to Council on this control program, and its success, as it proceeds next spring and summer.

TRAFFIC IMPROVEMENTS

Unchanged from the budget items recommended.

VEHICLES

MOTION: Ald. Hetherington & Walton

To include in the final discussion, the deletion of the Fleet Services item, priority #2, replacement of a 1987 Mack catchbasin cleaner/flusher unit (\$225,000.).

There were quite a number of questions from members about the state of the present catchbasin cleaner, and Mr. Bernard advised that it is difficult to maintain the cleaning program with it, since it is out of service much of the time. Ald. Sarto felt that no decision should be made on this item without first having some information on what it is costing to maintain the present cleaner. He moved deferral, but the motion was not seconded.

Mr. Corrigan noted the priority that has been given to this particular item, even though many other pieces of equipment are also required by the City. Mr. Smith made the point that it may not be possible to provide the service that is proposed, without equipment to carry out the work.

As with the other motions, no vote was taken on this one either.

BUILDINGS

Unchanged except for the Gray Arena item from the list of Ald. Pye and Woods, one of the replacement items for Robert Burns Dr.

EQUIPMENT

The items discussed at some length were the two for semi-automatic pistols for the Police Dept., recommended by the Police Commission. Taking the two items together, a total of 160 pistols are being recommended, but several members of Council questioned the need for any of them. The Police Chief was available to provide Council with information on firearm requirements for his department, and to explain

why the replacement of present Police Dept. guns is considered to be necessary.

The majority of Council appeared to be willing to retain the item for 120 pistols (\$120,000.), but did not consider the additional 40 to be required, considering the number of police officers who will be using them.

MOTION: To include, in the final discussion, the deletion of the Equipment item, priority #24, 40 semi-automatic pistols (\$40,000.)

Ald. Hetherington & Levandier

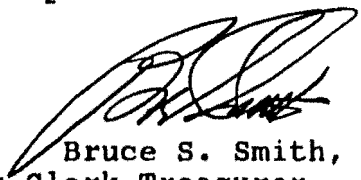
INFORMATION SYSTEMS

Unchanged from items recommended.

Council was informed by Mr. Corrigan of the new capital budget total, based on the list of items compiled throughout the meeting; the revised net total would be \$9,058,000.

Ald. Greenough asked to have a breakdown of this information faxed to Council members.

On motion of Ald. Levandier and MacFarlane, Council adjourned at 10:55 p.m.

  
Bruce S. Smith,  
City Clerk-Treasurer.

DARTMOUTH CITY COUNCIL  
FEBRUARY 3, 1995.

ITEMS:

1.0 Capital Budget deliberations, page 1 to 7 incl.

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**DARTMOUTH CITY COUNCIL  
AGENDA**

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**TUES., FEB. 7/95  
7:30 PM  
COUNCIL CHAMBER  
IN CAMERA SESSION  
10:00 PM**

**INVOCATION**

1. **CONTINUATION OF CAPITAL BUDGET DELIBERATIONS (supplementary)**
2. **APPROVE THE MINUTES FROM THE MEETINGS:** January 10, 17, 24 & 31, 1995.
3. **BUSINESS ARISING FROM THE MINUTES**
4. **DELEGATIONS & HEARINGS OF PROTEST**
5. **ORIGINAL COMMUNICATIONS**
6. **PRESENTATION**
7. **PETITION**
8. **REPORTS**

8.2 **CHIEF ADMINISTRATIVE OFFICER**

- 8.2.1 Analysis - Community Development Commission Poll  
(deferred from Jan. 24, 1995 - supplementary information)
- 8.2.2 Street Closure - Brule Street & Victoria Road  
(set date for public hearing)
- 8.2.3. Appointment of Deputy Traffic Authority  
- Resolution 95-09
- 8.2.4 Appointment of Building Inspectors  
- Resolution 95-10
- 8.2.5 Appointment of Fire Inspectors  
- Resolution 95-11

9. **MOTION**

9.1 **ALD. WOODS**

WHEREAS Wrights Cove Road, although a private roadway, is used by both the National Gypsum Company, and the residents of Greenbank Court/Cove Rd.;

AND WHEREAS the condition of the road surface is often far below the standard which has come to be expected in Dartmouth;

**MOTION - ALD. WOODS - continuation**

THEREFORE BE IT RESOLVED that the Engineering Dept. develop a cost estimate(s) to upgrade the road and report back to Council on the various cost-sharing/takeover options which might be available to National Gypsum and the City.

10. **NOTICES OF MOTION**

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

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**IN CAMERA SESSION 10:00 P.M.**

1. Legal Matter

DARTMOUTH CITY COUNCIL  
FEBRUARY 7, 1995.

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

MEMBERS PRESENT: DEPUTY MAYOR CUNNINGHAM  
ALDERMEN SARTO, SMELTZER, PYE  
WOODS, WITHERS, SCHOFIELD  
LEVANDIER, DEXTER, HAWLEY  
MACFARLANE, GREENOUGH  
WALTON, HETHERINGTON

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

INVOCATION

Deputy Mayor Cunningham opened the meeting with the Invocation. He welcomed to the meeting, the Second Woodlawn Scout troop, present with their leader.

Council was asked to add two items to the in camera agenda - a negotiation matter, and a legal matter. Council agreed, and with these additions, the agenda for the Feb. 7/95 meeting was approved, on motion of Ald. Hetherington and Levandier.

1.0

CONTINUATION OF CAPITAL BUDGET DELIBERATIONS

CONTINUATION:  
CAPITAL BUDGET

Members of Council have received from Mr. Corrigan, the capital budget revisions from the Feb. 2nd meeting, which have produced a revised net budget with a total of \$9,058,000. Mr. Corrigan brought to Council's attention, at this time, an adjustment required in the figures for the Craighburn Drive project, which has to be amortized in 1995/96, and not over five years, as originally shown in the capital estimates. The total impact of this change is a difference of \$394,000., which now has to be added to the existing capital budget total, bringing the new total up to \$9,452,000. (net).

Ald. Greenough did not feel that Council is acting irresponsibly in wanting to bring forward some additional capital projects that have been delayed during three previous years of restraint. A similar position was taken by Ald. Levandier; he said the infrastructure of the City cannot be allowed to deteriorate further than it already has, after three years

of reduced capital spending.

Mr. Corrigan acknowledged the prudent course that Council has taken in reducing the City's debt charges to their present level, and confirmed that in terms of long-term debt, 'we have a handle on the situation'. He reviewed with Council, at this point, the charts showing declining debt charges, which are down this year to 12%.

Ald. Schofield felt the capital budget should be maintained at the original \$7.7 million-dollar limit, and was in favour of deleting items such as the 120 semi-automatic pistols for Police Service, and the catchbasin cleaner, to stay within that limit. Ald. MacFarlane suggested that the first thing for Council to do is to decide how much money is to be spent for capital items, and then decide the list of budget additions and deletions accordingly.

Ald. Hawley agreed with the suggestion of Ald. MacFarlane, but before introduction of a motion to set a budget limit, another item for consideration was added to the list from the Feb. 2nd meeting, for final review by Council. As with the other items on the list, a motion was presented, but no vote was taken.

MOTION: Ald. Schofield & Dexter.

To include, in the final discussion, the deletion of Equipment item, priority #5, 120 semi-automatic pistols (\$120,000.)

Ald. Dexter advised that the conversion to 9 mm. pistols, for Ontario police forces, is taking place over a period of time, with a target date of 1999 to complete the conversion. He felt that decisions on a conversion locally, could be better taken in the context of an amalgamated municipal unit.

MOTION: To set the limit for the 1995/96 Capital Budget at \$8,094,000

Moved: Ald. Hawley  
Second: Ald. Schofield

The majority of Council preferred to deal with the individual items on the list of additions and deletions, and to have the capital budget determined in this way, rather than imposing a restriction and trying to work from that figure. Therefore, they did not support the motion, and it was defeated.

In Favour: Ald. Dexter, Woods, Hawley  
Schofield, MacFarlane  
Against: All other members  
Motion Defeated

Council proceeded to the review of the individual budget revisions, from the Feb. 2nd meeting, and with the one addition from this meeting, namely, the proposed deletion of 120 semi-automatic pistols for the Police Service. The decisions taken were as follows:

- 1) The deletion of Robert Burns Dr. (\$187,000.), to be replaced with the following projects:

Clarence St. (\$12,000.)  
John MacNeil ballfield (\$70,000.)  
Gray Arena (\$6,000.)  
\*Ward 5 tree-planting (\$20,000.)  
Yorkshire Ave. (\$8,000.)

MOTION CARRIED

\*During the review, the \$10,000. item for Ward 5 tree-planting was increased to \$20,000., on motion of Ald. Woods & Pye.

(Ald. Woods voted against approvals for budget additions from this point.)

- 2) The addition of Myrer Dr. (\$85,000.)  
MOTION CARRIED
- 3) The addition of Hazlehurst St. (\$197,000.) and the deletion of King Street (\$121,000.)  
MOTION CARRIED
- 4) The addition of Banook Ave. (\$72,000.) and the deletion of Ernest Ave. (\$148,000.)  
MOTION CARRIED
- 5) The addition of Prince Albert Road (\$270,000.)  
MOTION CARRIED

- 6) The addition of Baker Dr. (\$210,000.)  
MOTION CARRIED
- 7) Reinstatement of the original  
\$200,000. figure for Waverley  
Road, a reduction from the  
\$400,000. request on the list.  
MOTION: Ald. Greenough & Hawley  
MOTION CARRIED
- 8) Montebello Drive (\$18,000.)  
MOTION CARRIED
- 9) Victoria Road (\$54,000)  
MOTION CARRIED
- 10) Stewart Harris Dr. (\$29,000.)  
MOTION CARRIED
- 11) Wanda Lane (\$87,000.)  
MOTION CARRIED
- 12) Guysborough Ave. (\$111,000.)  
MOTION DEFEATED  
(Ald. Sarto & Smeltzer voting in favour)
- 13) Lahey Road (\$23,000.)  
MOTION CARRIED
- 14) Lawn Bowling Greens (\$160,000.)  
MOTION CARRIED
- 15) Lynwood Dr. play area (\$40,000.)  
MOTION CARRIED

Before Council, was additional information on the proposed replacement of the catchbasin cleaner/flusher (Vehicles, priority #2, \$225,000.), included in the list, for deletion, at the Feb. 2nd meeting. Mr. Smith and Mr. Bernard were available to answer questions from members about the state of the present unit, in need of replacement; repair and maintenance costs to keep it operating; and alternatives for Council's consideration (ie. to purchasing a new unit). Mr. Bernard stated that with the existing unit, there will be a decreased response time in emergencies, and considerable difficulty in attempting to carry out the program for which this vehicle is required.

- 16) Deletion of 1987 Mack catchbasin  
cleaner/flusher unit (\$225,000.)  
MOTION DEFEATED
- 17) Deletion of 120 semi-automatic  
pistols (\$120,000.)  
MOTION CARRIED
- 18) Deletion of 40 semi-automatic  
pistols (\$40,000.)

MOTION CARRIED

With the list of items for consideration having been completed, Mr. Corrigan informed Council of the revised capital budget total - \$8,987,000. - after the Provincial grant, \$7,487,000.

The vote was then taken on the original motion, recorded on page 1 of the Feb. 2/95 minutes, with the subsequent amendments as recorded. That motion was moved by Ald. Pye, seconded by Ald. Greenough.

In Favour: All  
Against: None  
Motion Carried, with amendments

Mr. Rath next presented the Burnside Park Capital Program, to be funded by the Burnside Land Sales Account for the next fiscal year. Mr. Corrigan noted the funding contingency being recommended, in that approval is conditional on there being sufficient land sales to fund the capital items in this budget.

MOTION: To approve the Burnside Park Capital Budget, as per the recommendation. (\$1,798,000.)

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

Council agreed to deal with the Capital Budget for the Water Utility, since the major item, the water treatment plant (\$32,000,000.), has already been before the Water Utility Committee for their consideration.

MOTION: To approve the Water Utility Capital Budget, as recommended, in the amount of \$33,926,000.

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

The final motion required was for the School Bus Capital Budget, for which no capital program is recommended.

MOTION: To approve the School Bus  
Capital Budget, with no  
capital program required,  
as recommended.

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

2.0

APPROVAL OF MINUTES

MOTION: To approve the minutes of  
meetings held on January 10,  
17, 24, & 31, 1995.

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

3.0

BUSINESS ARISING FROM THE MINUTES

Further to the January 10th minutes (pg. 5),  
Ald. Smeltzer informed Council that six members  
are meeting with Minister Jim Smith for  
discussions, which it is hoped will open lines  
of communication and dialogue, along the lines  
of the Council debate.

4.0

DELEGATIONS & HEARINGS OF PROTEST

5.0

ORIGINAL COMMUNICATIONS

6.0

PRESENTATION

7.0

PETITION

8.0

REPORTS

8.2

CHIEF ADMINISTRATIVE OFFICER

8.2.1

ANALYSIS - COMMUNITY DEVELOPMENT COMMISSION POLL

ANALYSIS:  
COMMISSION POLL

Members have received supplementary information  
in connection with the proposed Downtown  
Dartmouth Community Development Commission,  
including draft By-law D-400, prepared by the  
Municipal Solicitor. Council proceeded with  
first reading of the by-law.



BY-LAW D-400

MOTION: That leave be given to introduce the said By-law D-400, and that it now be read a first time.

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

MOTION: That By-law D-400 be read a second time.

Moved: Ald. Hetherington  
Second: Ald. Withers

Ald. Dexter commended the Development Commission, quoting from several favourable letters he has received, which he tabled with Ms. Carmichael. He felt the provisions for establishing business improvement rates are satisfactory, including the provision for maximum CAPS for individual assessment accounts.

Responding to questions about a third rate, the Solicitor advised that there can be only two rates, one for real property and one for business occupancy.

Council agreed to hear from downtown business owners who were present in the gallery for this item. Mr. Roger Eckoldt stated his objections to the imposition of the business improvement rates, to the 'silence of consent' process, and to the way the whole concept of a Downtown Development Commission has been introduced. He said the downtown of Dartmouth should be receiving the same considerations as Burnside Park, and the same special attention. He said what Council should be doing, is reviewing the development policy for the downtown, and it could be dealt with under the Development Dept. of the City, without the additional structure that is being proposed.

A second speaker opposed was Mr. Photios Keramaris, who questioned, like Mr. Eckholt, the amount he will have to pay in business improvement rates, as compared with large businesses in the downtown, such as the Royal Bank and Queen Square. Mr. Keramaris said he will be paying \$3,700. for his business at 46 Queen Street, whereas Queen Square will only

pay \$250. Similar concerns had been raised and similar figures given by Mr. Eckholt.

Mr. David Neima responded to some of the concerns and objections from the two previous speakers. He said there has been a lengthy consultation process going on for some time, and a series of committee meetings taking place over a two-year period, to get to this point in establishing the Commission. He agreed with Ald. Dexter that protective provisions and checks-and-balances are in place, and the concept of a CAP was included especially to limit any adverse impact on small business and property owners. He pointed out that there has been no determination of the rates as yet, and, as with the other decisions reached, the people themselves will do this. He considered the whole process followed to have been completely democratic.

Several members had reservations about the rates and any possible disadvantage that some business owners could be facing over others. The Solicitor said that ultimately, an amendment to the legislation may be needed to achieve the equitability desired. This by-law before Council is only to establish the Commission, and if further changes are to be made, with respect to the setting of rates, those changes would require a charter amendment and legislation that would have to come before the next sitting of the legislature.

Ald. Levandier questioned unforeseen imbalances that could affect individual business owners, and took exception to the emphasis put on developing Burnside, to the detriment of the downtown.

Ms. Ruth Kraushar, owner of Interlude, addressed Council briefly, encouraging Council to support the Commission and its formation.

As debate continued on second reading, the general trend of Council was to support the Commission concept as a means of enhancing development and progress in the downtown. The only real concerns pertained to the business improvement rates and some guarantee that they will be equitable and not affect any business adversely.

The vote was taken on second reading.

In Favour: All members except  
Against: Ald. Hetherington  
Motion Carried

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

Ald. Greenough asked if Mr. Neima and his group could provide additional information that would address some of the concerns expressed at this meeting about possible imbalances and inequitable situations that could arise, once the business improvement rates have been put in place.

Council went in camera at 10:55 p.m., on motion of Ald. MacFarlane and Levandier.

After reconvening in open meeting, the action taken in camera was ratified.

MOTION: To ratify the action taken while meeting in camera on this date.  
(Two legal matters, one item of negotiation.)

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

Meeting adjourned at 11:55 p.m.

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

DARTMOUTH CITY COUNCIL  
FEBRUARY 7, 1995.

ITEMS:

- Invocation, page 1.
  - 1.0 Continuation, capital budget, pg. 1 to 6.
  - 2.0 Approve minutes, page 6.
  - 3.0 Business Arising from Minutes, page 6.
  - 4.0 Delegations & Hearings of Protest, page 6.
  - 5.0 Original Communications, page 6.
  - 6.0 Presentation, page 6.
  - 7.0 Petition, page 6.
  - 8.0 Reports, page 6.
  - 8.2 Chief Administrative Officer, page 6.
  - 8.2.1 Analysis, C.D.C. Poll, pg. 6 to 9.  
By-law D-400, pg. 7.
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Sub. Ref Dept.

**DARTMOUTH CITY COUNCIL  
AGENDA**

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**TUES., FEB. 14, 1995**

**7:30 P.M.**

**COUNCIL CHAMBER**

1. **3RD READING BY-LAW D-400 - To establish the Downtown Dartmouth Community Development Commission**

**CONTINUATION OF COUNCIL AGENDA OF FEB. 7, 1995  
(REPORTS PREVIOUSLY CIRCULATED)**

2. **REPORTS**

- 2.2 **CHIEF ADMINISTRATIVE OFFICER**

- 2.2.1 Street Closure - Brule Street & Victoria Road  
(set date for public hearing)
    - 2.2.2 Appointment of Deputy Traffic Authority  
- Resolution 95-09
    - 2.2.3 Appointment of Building Inspectors  
- Resolution 95-10
    - 2.2.4 Appointment of Fire Inspectors  
- Resolution 95-11

3. **MOTION**

- 3.1 **ALD. WOODS**

WHEREAS Wrights Cove Road, although a private roadway, is used by both the National Gypsum Company, and the residents of Greenbank Court/Cove Rd.;

AND WHEREAS the condition of the road surface is often far below the standard which has come to be expected in Dartmouth;

**MOTION - ALD. WOODS - continuation**

THEREFORE BE IT RESOLVED that the Engineering Dept. develop a cost estimate(s) to upgrade the road and report back to Council on the various cost-sharing/takeover options which might be available to National Gypsum and the City.

4. **NOTICES OF MOTION**

COUNCIL AGENDA OF FEB. 14, 1995

5. **PRESENTATION**

- i) Update from the Steering Committee for the Solid Waste Management Program - Don Wright

6. **REPORTS**

6.1 **CHIEF ADMINISTRATIVE OFFICER**

- 6.1.1 Amendment to Land Use By-law - Montebello West
- 6.1.2 Application, Retail Video Outlet, Disney Store, Mic Mac Mall
- 6.1.3 Supplementary Information from Committee-of-the-Whole meeting - Block X and Kent Development Proposals
- 6.1.4 Appointment - Lakes Advisory Board

6.2 **CITY SOLICITOR**

- 6.2.1 Renewal of Lease - Dartmouth Crematorium Limited

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

DARTMOUTH CITY COUNCIL  
FEBRUARY 14, 1995.

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

MEMBERS PRESENT: DEPUTY MAYOR CUNNINGHAM  
ALDERMEN SARTO, SMELTZER  
MACFARLANE, PYE, WOODS  
LEVANDIER, DEXTER  
WITHERS, SCHOFIELD  
HAWLEY, GREENOUGH  
WALTON, HETHERINGTON

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

Deputy Mayor Cunningham opened the meeting, advising Council that Mayor McCluskey is still out of the city, and has called to give her regrets for being absent from the meeting.

The Deputy Mayor noted that tomorrow, Feb. 15th, is a 30th anniversary commemoration of the Canadian maple leaf flag, which was first raised as our national flag on Feb. 15, 1965. Members of Council received an information pamphlet about the flag, and small flags, in recognition of this special anniversary.

A proclamation was read by the Deputy Mayor, in honour of the 90th Anniversary of the Rotary Club, and proclaiming Feb. 25/95 as Rotary Day in the City of Dartmouth.

Council agreed to add two items to the agenda: item 6.1.5 Police Vehicle Purchase, and a Youth Awards item, to be dealt with immediately after item 1.0 on the agenda.

1.0

THIRD READING - BY-LAW D-400

THIRD READING:  
BY-LAW D-400

Proposed By-law D-400 (Downtown Development Commission) received first and second readings at the Feb. 7th meeting of Council, and was before Council at this time for third reading.

MOTION: That By-law D-400 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. Sarto  
Second: Ald. Walton

Ald. Schofield proposed a motion of deferral, in order to take the Commission process back to the point where a new poll would be taken of business and property owners in favour, and in order to allow time for holding a series of public meetings. The wording of this motion was later changed, at the suggestion of Ald. Hetherington, to one of deferral for a public meeting, within two weeks time, after which, the by-law would come back to Council again.

MOTION: To defer the decision on third reading, pending a public meeting, to be held within two weeks time, after which, the by-law would come back to Council again.

Moved: Ald. Schofield  
Second: Ald. Hetherington

Ald. Dexter and the majority of members speaking on deferral, were opposed to the motion. They saw the Commission for the downtown as the best way to move forward with progressive initiatives and ultimate economic benefits for the businesses located there. Ald. Greenough and Hetherington felt it would be a better idea to resolve the differences that have arisen between groups for and against the Commission, before going any further with the Commission concept.

In Favour: Ald. Levandier, Schofield,  
Greenough, Hetherington  
Against: All other members  
Motion Defeated

Debate proceeded on third reading of By-law D-400. Ald. Levandier stated his objection to the imposition of a business improvement rate for the downtown. He said businesses in the downtown are already paying an extra tax, in the form of parking meters, and suggested that parking meter revenues should be designated for downtown development purposes. He again referred to the preference that has been given to Burnside Park development, to the detriment of downtown development. Ald. Dexter said the suggested use of parking meter revenues could be an item for discussion by the Commission, once it is in place.



Ald. Greenough and Pye were willing to support the motion for third reading. Ald. Hawley said the success of other similar commissions, in other municipalities, has already been demonstrated; he felt the Dartmouth experience would be similar.

Council was willing to hear from people present in the gallery for this item. The following citizens addressed Council:

- 1) Mr. Al Kellough, Krag Holdings Ltd.: requested that Council defer a decision on the Commission, until a more business-like proposal can be made by the Dartmouth Downtown Development Corp., and presented to all concerned parties for ratification.

In addition to his letter of Feb.13/95 which he read to Council, he presented a second letter, from Mr. Charles Keating, owner of properties at 62 Queen Street and 119 Ochterloney Street, asking Council's consideration, before approving the formation of any body other than elected Council, with the right to 'literally increase taxes'.

Copies of both letters read into the record by Mr. Kellough, were passed to Ms. Carmichael.

- 2) Business owner, 109 Portland Street: questioned the legality of letters sent to business and property owners, in conjunction with the poll (vote) process, and felt that some people probably didn't even understand them. Objected to additional taxes in the downtown.
- 3) Ms. Susan Kapsalis, Halifax retailer: supported the Commission concept for downtown Dartmouth, and felt that it has been well planned. She referred to the Halifax experience with a Commission, which she felt is starting to produce good results. She said it is a long-term investment.
- 4) Mr. Don Franklyn, DG Enterprises: opposed to a Commission and business

understanding that Council will, in fact, consider some form of cost-sharing, as suggested.

The vote was taken on third reading of By-law D-400.

In Favour: All members except  
Against: Ald. Hetherington, Levandier,  
Schofield  
Motion Carried

YOUTH COMMITTEE REQUEST

YOUTH COMM.  
REQUEST

Ald. Hetherington reported to Council on the status of the Youth Forum being planned by the Youth Advisory Committee, for which no funding assistance is being requested from Council. The Committee is seeking the support of Council for the Youth Forum program, now finalized.

MOTION: To indicate support and approval for the Youth Forum, as per the report given to Council by Ald. Hetherington.

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

Further to the second item, the Awards Night, Ald. Hetherington explained what has been done by the Committee to reduce their budget from the \$1,200. proposed, to the point where they are now requesting a contribution from the City in the amount of \$500., to cover their costs.

MOTION: To approve the \$500. request for costs associated with the Awards Night event planned by the Youth Advisory Committee.

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

Deputy Mayor Cunningham acknowledged the attendance of the Hon. Jim Smith, present in the Chamber for the meeting.

improvement rates. He said there are enough problems for downtown businesses now, without compounding them further.

- 5) Mr. Danny Chedrawe, business owner: felt that the funds generated for downtown by the business improvement rates will be completely inadequate to make a difference, without at least a matching of funds by the City. Council still has to have a hand in the downtown's future.
- 6) Mr. Keith Ramey, Ramey Investments, Queen Street: all of the Dartmouth taxpayers should share in funding a Commission for downtown. The downtown business and property owners are being penalized otherwise, if rates are imposed on them only.
- 7) Mr. Kevin Richardson, Dartmouth Ambulance, 69 Windmill Road: felt the Commission is another level of government, and 'Council should not allow another level of government to tax the people in the downtown'. Favoured a continuation of the Downtown Development Corp.
- 8) Mr. Bill Skerett, business owner, Portland and Ochterloney Streets: pointed out that hundreds of hours of planning have gone into developing a plan for the downtown. He said his companies are prepared to pay the business improvement rate, and he also supported the idea of having parking meter revenues go toward downtown development.

Ald. Hawley asked about the matching of funds by the City, to assist the work of the Commission, and suggested that consideration be given to a budget item up to \$100,000. for this purpose. Mr. Corrigan said it would be preferable to discuss any suggestion along these lines at the time of the public consultation process, rather than dealing with any one specific item out of context with the total budget estimates. Ald. Hawley was prepared to accept this opinion, on the

- 2.0            REPORTS
- 2.2            CHIEF ADMINISTRATIVE OFFICER
- 2.2.1        STREET CLOSURE - BRULE ST. & VICTORIA RD.

STREET CLOSURE:  
BRULE STREET &  
VICTORIA ROAD

Report from Mr. Corrigan (R. Fougere, E. Purdy) on a street closure required to facilitate street pattern improvements in the north end of the City, recommending that a date be set for the formal public hearing for the closing of portions of Brule Street and Victoria Road, between John Martin School driveway and Primrose Street.

MOTION: That an appropriate date be set by staff for this public hearing, taking into account the time required to advertise the public hearing.

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

- 2.2.2        APPOINTMENT - DEPUTY TRAFFIC AUTHORITY -  
   RESOLUTION 95-09

APPOINTMENT:  
DEPUTY TRAFFIC  
AUTHORITY  
RES. 95-09

Report from Mr. Corrigan (R. Fougere) on the appointment of a Deputy Traffic Authority, to act in the absence of the Traffic Authority. It is recommended that Council approve Resolution 95-09, appointing Paul Connors, the Acting Supervisor, Traffic Services, as Deputy Traffic Authority for the City.

MOTION: That Council approve Resolution 95-09, appointing Paul Connors (Acting Supervisor, Traffic Services), as Deputy Traffic Authority for the City.

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

2.2.3

APPOINTMENT - BUILDING INSPECTORS - RES.95-10

APPOINTMENT:  
BUILDING  
INSPECTORS  
RES. 95-10

Report from Mr. Corrigan (V. Spencer),  
requesting Council's appointment of the  
following Building Inspectors, as recommended  
by the Director of Development Services:

Paul Himelman  
Jim Holt  
John O'Toole  
Ed Thornhill  
Ivan Truen  
Hawley Turner

MOTION: To approve Resolution  
95-10, appointing the  
above-listed Building  
Inspectors, as recommended.

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

2.2.4

APPOINTMENT - FIRE INSPECTORS - RES.95-11

APPOINTMENT:  
FIRE INSPECTORS  
RES. 95-11

Report from Mr. Corrigan (Fire Chief Greene),  
requesting Council's appointment of the  
following Fire Inspectors, as recommended by  
Fire Chief Greene:

Div. Chief Lloyd Caines  
Lt. Robert Bowser  
Ins. Don Conrod  
Ins. Wayne MacKenzie  
Ins. Robert Walsh

MOTION: To approve Resolution  
95-11, appointing the  
above-listed Fire  
Inspectors, as recommended.

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

3.0 MOTION

3.1 ALD. WOODS

MOTION: WHEREAS Wrights Cove Road, although a private roadway, is used by both the National Gypsum Company, and the residents of Greenbank Court/Cove Road;

AND WHEREAS the condition of the road surface is often far below the standard which has come to be expected in Dartmouth;

THEREFORE BE IT RESOLVED that the Engineering Dept. develop a cost estimate(s) to upgrade the road, and report back to Council on the various cost-sharing/takeover options which might be available to National Gypsum and the City.

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

4.0 NOTICES OF MOTION

The following notice of motion was given for the next regular meeting of Council:

Ald. Dexter

RECOGNIZING that the proposed sewage system designed by HHCI is not appropriate for the needs of the City of Dartmouth and the Metro area;

And RECOGNIZING that there appears to be wide agreement among stakeholders on the essential elements of a responsible and affordable management plan for cleanup of Halifax Harbour;

And SEEKING to validate that agreement through a 'Concensus Conference';

CITY COUNCIL DIRECTS its Chief Administrative Officer, as its representative on the Board of Directors of HHCI, to have HHCI organize such a conference of stakeholders forthwith;

And CITY COUNCIL further directs its Chief Administrative Officer to cooperate with the other municipalities surrounding the Harbour, to organize such a conference independently of HHCI, if HHCI is unable to hold such a conference.

5.0

PRESENTATION

i)

UPDATE: STEERING COMMITTEE, SOLID WASTE  
MANAGEMENT PROGRAM - DON WRIGHT

PRESENTATION:  
DON WRIGHT

Members of Council received copies of a presentation given by Don Wright, the City's citizen representative on the Project Steering Committee for the Regional Solid Waste Management Project. The presentation was intended to bring Council up-to-date on the work of the Steering Committee, and the action of the Community Stakeholder Committee, of which Mr. Wright is also a member.

Council has been asked to adopt a statement of principle, with regard to waste diversion, as approved by consensus motions, on the part of both the Project Steering Committee and the Community Stakeholder Committee.

Council has also been urged to participate in initiation and demonstration projects, elements of the Solid Waste Management Strategy, as outlined in the presentation. Further, members were invited to attend upcoming meetings of the Community Stakeholder Committee, as noted. A reference material package, provided by Mr. Wright, was passed to Ms. Carmichael and is available if members of Council wish to go through it.

Council members were willing to adopt the statement of principle, as requested in the presentation, and a motion to this effect followed.

MOTION: That Council adopt the following statement of principle:

That Halifax County Municipality, the Cities of Halifax & Dartmouth, and the Town of Bedford, commit to the immediate implementation of significant diversion, as a necessary step for the success of the new system, and to demonstrate good faith to potential host communities of facilities, especially landfill.

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

Mr. Wright was thanked by the Deputy Mayor for his work on behalf of the City, and for making his presentation to Council.

Ald. Hawley asked if there is some way to keep track of vehicles from Bedford and/or the County, when they carry garbage into our transfer station and thereby add to our tonnage figures. Mr. Fougere explained the difficulties in attempting to determine these figures, but Ald. Hawley asked that staff at least look at some possible means of doing it and inform Council. Ald. Pye said he would like to see some kind of comparison between assessment and tonnage rates.

Ald. Pye asked about the record of Dartmouth's recycling program; also, has the Project Steering Committee looked at apartment complexes and their participation in the program. Mr. Wright said that apartments will be covered in the discussions of the Committee.

- 6.0 REPORTS
- 6.1 CHIEF ADMINISTRATIVE OFFICER
- 6.1.1 AMENDMENT, LAND USE BY-LAW: MONTEBELLO WEST

AMENDMENT:  
MONTEBELLO WEST

A report from Mr. Corrigan was before Council on the application to rezone lands in the Montebello West subdivision from H Zone to R-2 Zone, accompanied by an outline of questions raised by residents attending the public information meeting held in the Montebello



neighborhood.

The previous report to Council on this application, recommended that it be rejected, and staff are now recommending that Council not proceed with a public hearing.

CONFLICT OF  
INTEREST

Ald. Woods declared a conflict of interest on this item, by reason of business association with the proposal, and withdrew from his place on Council to sit in the gallery.

MOTION: That the recommendation of staff be adopted, that is, that Council not proceed with a public hearing for the Montebello West rezoning application.

Moved: Ald. Greenough  
Second: Ald. Hawley

In keeping with a letter of request forwarded by Mr. Armoyan, the developer, to the Mayor's office, Council agreed to hear from him at this time.

Mr. Armoyan said he would like to know why his application is being rejected. The Solicitor advised that in this instance, there is no requirement for Council to give a reason. Council is relying on the recommendation of staff, which is to reject the application on grounds that it is not in compliance with the MPS. This same test of consistency with the MPS would be applied by the Utility & Review Board, in the case of an appeal.

Mr. Armoyan was asked if he has received a copy of the Development Services report, and indicated that he has one.

Ald. Schofield questioned why this area would have been singled out for R-1 development. He said he has no problem with duplex units; they provide a type of housing required by a segment of the population. Ms. Spencer noted that many considerations are involved in making MPS decisions, which go beyond any one factor.

Ald. Hawley explained the original development concept for Montebello, and the pattern that has to be followed in order to maintain a development consistency. He and Ald. Greenough

commented on the major traffic problems already existing, and the need for these to be addressed before adding to them with further development proposals.

In Favour: All  
Against: None  
Motion Carried

6.1.2 APPLICATION, RETAIL VIDEO OUTLET - DISNEY STORE  
MICMAC MALL

APPLICATION:  
DISNEY STORE

Council has been asked to indicate any objection to an application for a retail video outlet at the Disney Store #659, MicMac Mall. This location is in a C-3 Zone, and Police Service has expressed no concerns about this application.

MOTION: To indicate no objection to the retail video application for Disney Store #659, at MicMac Mall.

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

6.1.3 SUPPLEMENTARY INFORMATION - BLOCK X, KENT  
DEVELOPMENT PROPOSAL

BLOCK X: KENT  
DEVELOPMENT  
PROPOSAL

Supplementary information has been provided to Council by staff, in connection with the proposed Block X and Kent developments, with a recommendation that staff be directed to proceed with finalizing the planning reports and draft development agreements.

CONFLICT OF  
INTEREST

Ald. Woods declared a conflict of interest on this item, by reason of business association with the development proposal. He withdrew from his place on Council and did not return until the item was completed.

A motion was first presented for approval of the staff recommendation, but Ald. Withers requested deferral of the item, in the absence of Mayor McCluskey, to give her an opportunity to review the supplementary information when she returns.

MOTION: To defer the item until after Mayor McCluskey has an opportunity to review the supplementary information provided by staff.

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

6.1.4

APPOINTMENT - LAKES ADVISORY BOARD

APPOINTMENT:  
LAKES ADVISORY  
BOARD

Report from Mr. Corrigan (B. Smith, V. Carmichael) on the appointment of a MicMac A.A.C. representative to the Lakes Advisory Board. It is recommended that Council approve the appointment of Mr. Lawrence McDonald to the Board as the MicMac A.A.C. representative.

MOTION: To adopt the recommendation:

That Council approve the appointment of Mr. Lawrence McDonald to the Lakes Advisory Board, as the MicMac A.A.C. representative on the Board.

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

6.1.5

CAPITAL EQUIPMENT - POLICE VEHICLES

CAPITAL EQUIPMENT:  
POLICE VEHICLES

Report from Mr. Corrigan (H. George, Deputy Chief Tipert, R. MacDonald) on tenders received for the purchase of six marked police cars, recommending that the tender be awarded to Wood Motors Ltd., the lowest net bid with a net price of \$142,196.58, including GST. Further, that the tender for one marked police van be awarded to Forbes Chevrolet Oldsmobile Ltd., with the tendered lowest net price of \$22,847.71, including GST.

MOTION: That the tender for six marked police cars be awarded to Wood Motors Ltd. (\$142,196.58) as recommended; further, that the tender for one marked police van be awarded to Forbes Chev.

Oldsmobile Ltd., (22,847.71) as recommended.

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

6.2 CITY SOLICITOR

6.2.1 RENEWAL OF LEASE - DARTMOUTH CREMATORIUM LTD.

RENEWAL OF LEASE:  
DARTMOUTH  
CREMATORIUM LTD.

The Solicitor has prepared a report on a lease renewal with Dartmouth Crematorium Ltd., for the crematorium site in Mount Hermon Cemetery, for five years, at a rental fee of \$2,000. per year, with an option to renew for a further five years after 1999. She recommends that Council approve Resolution 95-12 in this connection, authorizing the execution by the City of the lease renewal (Schedule "A").

CONFLICT OF  
INTEREST

Ald. Levandier declared a conflict of interest and withdrew from the meeting, since the company he owns has a direct interest in the matter of this item.

RESOLUTION  
95-12

MOTION: To adopt Resolution 95-12, as recommended (lease for crematorium site, Mount Hermon Cemetery).

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

7.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. PYE

Ald. Pye asked about an International truck not in use in the Works Dept. Mr. Corrigan said this vehicle is now in service.

Ald. Pye stated his concerns about the image problem being created by police officers who have described sections of the north end of the City as 'high crime rate areas'. He took strong exception to this negative connotation. Mr. Corrigan suggested that Ald. Pye, as a

member of the Police Commission, bring this concern to the attention of the Police Chief and the Commission.

Meeting adjourned at 10:00 p.m.



V. Carmichael  
Asst. City Clerk.

DARTMOUTH CITY COUNCIL  
FEBRUARY 14, 1995.

ITEMS:

- 1.0 Third reading, By-law D-400, page 1 to 5.  
Youth Committee request, page 5.
  - 2.0 Reports, page 6.
  - 2.2 Chief Administrative Officer, page 6.
  - 2.2.1 Street closure: Brule & Victoria Rd., pg. 6.
  - 2.2.2 Appointment, Deputy Traffic Authority, pg.6.  
Resolution 95-09, pg. 6.
  - 2.2.3 Appointment, Bldg. Inspectors, pg. 7.  
Resolution 95-10, pg. 7
  - 2.2.4 Appointment, Fire Inspectors, pg.7.  
Resolution 95-11, pg. 7.
  - 3.0 Motion, page 8.
  - 3.1 Ald. Woods, page 8.
  - 4.0 Notices of Motion, page 8 & 9.
  - 5.0 Presentation, page 9.
  - i) Update, Steering Comm., Waste Management, pg.9.
  - 6.0 Reports, page 10.
  - 6.1 Chief Administrative Officer, page 10.
  - 6.1.1 Amendment, Land Use By-law, Montebello West,  
page 10, 11 & 12.
  - 6.1.2 Application, retail video, Disney Store,  
MicMac Mall, page 12.
  - 6.1.3 Block X & Kent Development proposal, pg. 12 & 13.
  - 6.1.4 Appointment: Lakes Advisory Board, pg. 13.
  - 6.1.5 Award tender, Police vehicles, page 13 & 14.
  - 6.2 City Solicitor, page 14.
  - 6.2.1 Renewal of lease, Dart. Crematorium Ltd.,  
Page 14.  
Resolution 95-12, page 14.
  - 7.0 Concerns of Council members, page 14 & 15.
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# DARTMOUTH CITY COUNCIL AGENDA

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TUES., FEB. 21/95  
7:30 P.M.  
COUNCIL CHAMBER  
IN CAMERA SESSION  
10:00 P.M.

1. **PUBLIC HEARINGS**

- i) Sale of St. Peter's Jr. High School & Crichton Community Centre
- ii) Amendment to Land Use By-law - 41 Wentworth Street

2. **REPORTS**

2.1 **CHIEF ADMINISTRATIVE OFFICER**

- 2.1.1 Request for Qualifications - Water Treatment Plant
- 2.1.2 Supplementary Information from Committee-of-the-Whole meeting - Block X and Kent Development Proposals (previously circulated - deferred from Feb. 14th)
- 2.1.3 Proposed Greater Halifax Economic Development Partnership
- 2.1.4 91 Tacoma Drive (set date for public hearing)
- 2.1.5 Application for Development Agreement - 92-94-96 Portland Street
- 2.1.6 Proposals - Combined Sewer Outfall Extension at Dartmouth Cove

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**IN CAMERA SESSION 10:00 P.M.**

1. Land Matter (supplementary report)

DARTMOUTH CITY COUNCIL  
FEBRUARY 21, 1995.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, SMELTZER  
CUNNINGHAM, PYE, WOODS  
MACFARLANE, LEVANDIER  
DEXTER, GREENOUGH  
HAWLEY, SCHOFIELD  
WITHERS, WALTON  
HETHERINGTON

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN  
CITY SOLICITOR: M. MOREASH  
ASST. CITY CLERK: V. CARMICHAEL

1.0 PUBLIC HEARINGS

i) SALE, ST. PETER'S SCHOOL & CRICHTON COMMUNITY  
CENTRE

PUBLIC HEARING:  
ST. PETER'S  
SCHOOL/COMM.  
CENTRE

This date was set by Council for public hearing for the conveyance of lands formerly used as a school site, the former St. Peter's High School and Community Centre property. This matter has been before Council previously, and in the most recent staff report, dated Feb. 21/95, it has been recommended that Council approve Resolution 95-03, which authorizes the sale of the former Saint Peter's High School & Community Centre property, to the Roman Catholic Episcopal Corporation, subject to the terms and conditions contained in the report.

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

The staff presentation was made by Mr. Rath. A plan of the subject property was shown to Council and members of the public present for the hearing. Mr. Rath first gave a review of the relevant background information, dating back to 1966, when the buildings and property were purchased from the Episcopal Corp. by the City for school purposes. Now that St. Peter's is no longer required by the City for school purposes, the Parish of St. Peter's wish to have the land revert back to their ownership, as provided for in the 1966 agreement.

A \$15,000. purchase price has been negotiated with the Parish, plus an extended use by the City, of the Community Centre, until the year 2027. At a later point, it was noted that a



1987 amendment to the original agreement gave the City until April 31, 2007 to use the Community Centre, before the right to repurchase would be exercised by St. Peter's Parish. This negotiated extension to the year 2027 was considered to be an important component in the terms of sale now being recommended.

Mr. Rath pointed out in his presentation that the original 1966 agreement did not contemplate a subdivision of the St. Peter's property, providing only for one property with two buildings, to be sold back to the Corporation. The Parish has indicated that they would now want to exercise subdivision rights, and, under those conditions, the appraiser has indicated a nominal value of \$1.00, taking into account the Institutional zoning on the property and the subdivision implications.

Ald. Schofield asked if the possibility of subdividing the land has been investigated, if the school were to be torn down. Mr. Rath said it is possible to subdivide the property and create two parcels of land. At a later point, the Solicitor explained the complicating legal aspects of subdivision, in this instance, and their effects on a property sale to a third party. This factor had formerly been taken into consideration by Council when the disposition of the St. Peter's property was being discussed.

Ald. Smeltzer had several questions about the cost of upkeep for the Community Centre, and the cost of repairs to put the school building itself back into useable condition. Mr. Rath said it would be all of the \$200,000. figure that has been quoted. Ald. Hawley's question concerned the subdivision problem and possible litigation that could have arisen in the case of a third-party sale of the high school property. Mr. Rath admitted that it might have become a matter for litigation, if the Parish decided to challenge a subdivision of land by the City.

The Mayor opened the public hearing and called for speakers in favour of the Resolution.

Fr. White, the parish priest for St. Peter's, said it is clear from the agreement with the Episcopal Corporation, that the Church has

the right to re-purchase buildings and property that formerly belonged to them. He saw this re-purchase as a fulfillment of the agreement, and the proper termination of a commitment made in the 1966 contract with the City.

In response to a question from Ald. Schofield about this being a 'done deal', Fr. White said 'it is simply a resolution of property rights executed in 1966'.

Other speakers in favour were: Fred Short and Wilfred Warner. Mr. Warner had several questions about right-of-ways located on the property being considered, and whether they would tend to preclude subdivision of the property. Another speaker in favour, Don Melanson, Chairman of the Volunteer Development Committee for the Parish, noted the present lack of space at St. Peter's, both for parking and for other church uses. He said 'the very soul of the Parish would be harmed if this property were not turned back'. . .it is only right for us to receive it'.

At a later point in the hearing, other speakers in favour were permitted to address Council; these included: Greg MacIsaac, a member of St. Peter's Parish Council, who stated that the parishioners are acting in their own legal interests, and not against any minority group, as may have been inferred from negative connotations during the hearing.

Former Alderman Colin May also pointed out that no matter who came forward with an interest in the St. Peter's property, would have to deal with the Parish and their long-standing wish to have the property returned to them. He referred to the right-of-way and subdivision considerations, legal impediments that would have to be addressed if the property was being negotiated for sale to a third party. He felt the property sale to St. Peter's is in the best interests of the City and the Parish both.

Points raised by Wilfred Warner about the subdivision impediments were responded to by the Solicitor. Mr. Warner felt it was unfortunate that the Moslem representatives were not made more fully aware of these impediments.

After calling three times for speakers in favour, the Mayor called for speakers opposed, and Council heard the following:

- 1) Louise Moores - she was concerned that property at this location would be turned into a parking lot, across from the Sullivan's Pond park. Also, that Council would accept \$15,000. for the property, when an offer of \$150,000. has been received from the Moslem community. She felt that a Moslem school on the site would be preferable to a parking lot, and in general, she was opposed to the process of negotiation that has taken place.
- 2) The Iman for the Moslem community commended the plan for an Islamic school, that would have made use of the existing school building. He said the option for the church to purchase the property had already expired, and it was therefore in order for another offer to be made. He felt the disposal of the property should take place with complete fairness to all citizens, in a democratic society.
- 3) Bill McBride - the real estate agent for the Islamic school interests. He said he was informed this property was available, and that in fact, he had assistance from Mr. Rath in creating the offer for the property. He questioned whether there is a reason for rejecting the \$150,000. offer. In responding to a question from Ald. MacFarlane, Mr. McBride made reference to a letter from Dawn Russell, further to the April/94 deadline for the expiry of the Parish option and lack of interest in proceeding with the purchase of the property.
- 4) Dr. Akhtar - suggested that there is a cloud over this transaction, and that an attempt is being made

to find technical reasons for justifying a decision on the property. As a taxpayer, he said he was appalled that the City would think of accepting the transaction recommended.

- 5) Mark MacMillan - a Shore Drive resident who was concerned about the \$135,000. difference in the two offers before the City. He felt there was something not quite above board with this property issue.
- 6) Sahid Ali - member of the Islamic community. He was concerned that the financial implications of the entire transaction, including the cost of maintaining the community centre, have not been made known. He said there is a legal question as to whether a deed can be overridden by a private agreement.
- 7) Dawn Thornhill - said she was appalled that the City would be prepared to take a \$135,000. loss on the property sale. She felt it should be possible for these two religious groups to work together.
- 8) Trevor Parsons - Tulip Street resident, who wanted to see Council re-visit the entire issue, rather than accepting the Parish offer at this meeting.  
  
Ald. Woods asked if any consideration was given to leasing the property; Mr. Rath said that leasing was not discussed as an option.
- 9) Randy Hoyt - felt that it should be possible for the two groups involved to merge their objectives which he saw as being common to both.
- 10) Matthew MacMillan - felt that discrimination, on the basis of religion, could be perceived

in this issue. This is not an appropriate time to go ahead 'with a deal that has a \$135,000. shortfall'.

Asked by Ald. Hawley about the offering of the school to St. Peter's Parish, Mr. Corrigan explained the circumstances which led to the belief by the Parish that negotiations had not been terminated. He noted the two components of value that have been negotiated with the Parish, namely, the \$15,000. purchase price, plus the twenty-year extension for the use of the Community Centre, an important facility containing a theatre, a daycare, and other ancillary recreation uses.

Ald. MacFarlane asked about the April/94 deadline for the option the Parish had, to proceed with purchasing the property. Mr. Rath said there was a misunderstanding as to the intent of the Parish, in view of the impasse that appeared to have been reached in negotiations. As Council was considering the alternative sale of the property, the Parish re-established negotiations, which they felt had not been terminated, indicating that they were still interested in the property.

- 11) Brian Moores - felt that documents and letters in question should have been brought to the meeting by staff. He said 'it is the group that came forward to buy the property that is the problem'. Mr. Moores later spoke a second time, taking exception to what he felt was a concession made in allowing Fr. White to address Council, prior to the in camera meeting, some time ago, when this item was discussed. He questioned why this was allowed, without hearing a representative from the other interested group. Mr. Corrigan offered an explanation as to what transpired at that meeting, but

Mr. Moores did not appear to find the explanation acceptable.

12) Juan Carlos Canales - felt the minutes from the in camera meeting referred to, should be released and made public. He asked about two conflicting staff recommendations made to Council. Mr. Corrigan said that given the facts, as they are known now, the staff recommendation before Council is the one that stands. Therefore, his advice to Council is to accept the St. Peter's offer.

13) Jeff Gibbons - felt that the option of leasing the building should be considered before any final decision is made.

When there were no further speakers wanting to be heard, the public hearing was declared by the Mayor to be closed, on motion of Ald. Levandier and Greenough.

MOTION: To approve Resolution 95-03, authorizing the sale of the former St. Peter's High School and the Community Centre property to the Roman Catholic Episcopal Corp., subject to the terms and conditions of the report to Council, dated Feb. 15/95.

Moved: Ald. Levandier  
Second: Ald. Greenough

Ald. Levandier said there is nothing suspect or sinister about this property sale. There was a long-standing agreement back to 1966, for the property to be repatriated back to St. Peter's; the offer from the Moslem community should not have been accepted, or any other offer. He said the legal documents speak for themselves, and the City is fulfilling a legal obligation.

Ald. Levandier suggested that all tapes and documents associated with this issue should be released as public information.

Ald. Cunningham said he was saddened by comments that have been made at this public hearing. He said there is no hidden agenda, and that more than a fiscal responsibility,

there is a legal obligation involved here.

Ald. Schofield was in favour of deferring a decision, to look at the possibility of subdividing the St. Peter's lands, and at a possible lease arrangement.

MOTION: To defer a decision until such time as a lease arrangement, and a subdividing of the land, can be discussed with St. Peter's Parish. Deferral would be to four weeks from this date.

Moved: Ald. Schofield  
Second: Ald. Smeltzer

Reviewing the course of events that transpired, before and subsequent to the April/94 deadline for the St. Peter's option, Ald. MacFarlane said in summary that he believed there was a genuine misunderstanding, and with the legal ramifications involved, 'it was a financial consideration complicated by legalities'.

Ald. Pye and other members felt that Council and the City have tried to insure the protection of minority rights, and did not feel that any discriminatory bias has been allowed to influence what has happened in this situation. Nearly all members who spoke during the debate, on deferral and the main motion, referred to the agreement with St. Peter's, and the expectation of the Parish that terms of that agreement would be honored.

Ald. Woods and Smeltzer supported deferral. Ald. Smeltzer wanted to have a concise report from staff, identifying all of the steps that were taken throughout the negotiation process. Ald. Woods said there should be additional discussion as to some joint uses of the Community Centre facility.

Ald. Hetherington was opposed to the motion to defer, and in favour of resolving the issue at this meeting. He said there is an obligation between the City and St. Peter's Parish, but an apology is owed to the Moslem community, when all the facts were not made known to them. Other members expressed regret at any misunderstanding or infringement of minority rights that may have been felt within the community.

The vote was taken on the motion to defer.

In Favour: Ald. Dexter, Woods, Pye  
Schofield, Smeltzer  
MacFarlane  
Against: All other members  
Motion Defeated

After the defeat of the deferral motion, Ald. Pye, Woods and Dexter were willing to support the main motion, but Ald. Schofield and Smeltzer remained opposed, along with Ald. MacFarlane.

In Favour: All members except  
Against: Ald. MacFarlane, Schofield  
Smeltzer  
Motion Carried

ii) AMENDMENT TO LAND USE BY-LAW - 41 WENTWORTH ST.

PUBLIC HEARING:  
41 WENTWORTH ST.

Council proceeded to a second public hearing set for this date, to amend the Land Use By-law by rezoning 41 Wentworth Street from Institutional Zone to C-2 Zone. Rezoning is being requested by Harbour Cleaners (1988) Ltd., to permit a commercial dry-cleaning operation at this location. The staff report to Council on this application recommends that the Land Use By-law be amended, as requested.

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

The staff presentation to Council was made by Stephen Smith of Development Services. He said the proposed development conforms with the policies and intent of the MPS, and is located within the area proposed for a mix of commercial and residential uses. The proposed dry-cleaning operation is completely self-contained, and the fluids used in the process are continuously recycled in an enclosed system. Any residue is packaged and removed by a disposal firm. A spill containment tank is to be installed, and no Environment Department permit is required for this operation.

The public hearing was opened by the Mayor; she called for speakers in favour.



Council heard Sherry Spicer, one of the owners of Harbour Cleaners Ltd. She explained why the owners would like to move from 7 Church Street, their present location, to 41 Wentworth Street, and how the improvements planned for the Wentworth Street building will help to upgrade the neighborhood.

After the Mayor had called three more times for any speakers in favour, she called for speakers against the rezoning application. Council was addressed by Ruth Krausher, the owner of the Interlude, on Ochterloney Street, who had some concerns about chemical odors from the dry-cleaning operation, that might affect her business, if the door and windows at 41 Wentworth Street are left open. She asked what could be done if this problem were to arise.

Mr. Smith said that air pollution matters of this nature would have to be addressed by the Dept. of the Environment. Ms. Spencer also acknowledged that the City would not be taking action under those circumstances.

There were several questions to David Birchard, the other owner of Harbour Cleaners, about the provision for exhaust fans and the ventilation system generally. Ms. Spicer provided copies of a hand-drawn plan she has prepared, showing the location of the blower exhaust fan and the steam vents. The owners did not feel that there will be problems for other business owners in the area, but did agree that the door to their business is often kept open when the weather is warm and the interior temperature goes up considerably. This is done at their present location, and would likely happen on Wentworth Street as well.

The other speaker with concerns about fumes from the dry-cleaning operation, was Danny Chedrawe, the developer of the former police station property, directly across the street. His proposed apartment building will be in close proximity to 41 Wentworth Street, and he expressed concerns similar to those of Ms. Krausher. Ald. Hetherington asked if it would not be possible for these neighboring businesses to have a discussion, and resolve the concerns raised, among themselves. The owners of Harbour Cleaners appeared to be quite willing to do this and to work with Ms. Krausher and Mr. Chedrawe, as suggested by

Ald. Hetherington.

The Mayor called three more times for any speakers opposed, and hearing none, the public hearing was declared to be closed, on motion of Ald. Greenough and MacFarlane.

Council proceeded to By-law C-714, to amend the Land Use By-law, as recommended in the staff report to Council.

MOTION: That leave be given to introduce the said By-law C-714, and that it now be read a first time.

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

MOTION: That By-law C-714 be read a second time.

Moved: Ald. Hetherington  
Second: Ald. Greenough

Ald. Pye said he would want to be sure the community in this area will work together to resolve any difficulties associated with odors that might emanate from the dry-cleaning operation. The Solicitor was asked about the provisions for objecting to a rezoning request, on the basis of objectionable odors. He said that any such objection would have to be an inherently obnoxious use, and in his opinion, a dry-cleaning business would not be an obnoxious use (ie. for purposes of denying the request).

In Favour: All  
Against: None  
Motion Carried

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

MOTION: That By-law C-714 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.

DARTMOUTH CITY COUNCIL  
FEBRUARY 21, 1995.

PAGE 12.

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

Meeting adjourned at 11:45 p.m.

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

DARTMOUTH CITY COUNCIL  
FEBRUARY 21, 1995.

ITEMS:

- 1.0 Public Hearings, page 1 to 12 incl.
- i) Sale of St. Peter's Jr. High & Crichton  
Community Centre, page 1 to 9 incl.
- ii) Amendment to Lane Use By-law, 41 Wentworth  
Street, page 9 to 12 incl.

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# DARTMOUTH CITY COUNCIL AGENDA

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TUES., FEB. 28/95  
7:30 P.M.  
COUNCIL CHAMBER  
IN CAMERA SESSION  
10:00 P.M.

## PROCLAMATION - Learning Disabilities Month

### 1. PUBLIC HEARING

- i) 36 Wentworth Street

### CONTINUATION OF COUNCIL AGENDA OF FEB. 21/95 (REPORTS PREVIOUSLY CIRCULATED)

### 2. REPORTS

#### 2.1 CHIEF ADMINISTRATIVE OFFICER

- 2.1.1 Request for Qualifications - Water Treatment Plant
- 2.1.2 Supplementary Information from Committee-of-the-Whole meeting - Block X and Kent Development Proposals (previously circulated - deferred from Feb. 14th)
- 2.1.3 Proposed Greater Halifax Economic Development Partnership
- 2.1.4 91 Tacoma Drive (set date for public hearing) (supplementary report attached)
- 2.1.5 Application for Development Agreement - 92-94-96 Portland Street
- 2.1.6 Proposals - Combined Sewer Outfall Extension at Dartmouth Cove

### COUNCIL AGENDA OF FEB. 28, 1995

### 3. PRESENTATIONS

- i) Dartmouth District School Board Budget Briefing (oral)
- ii) 100th Anniversary of Dartmouth Natal Day (oral)
- iii) Nebooktook Tour Promotion

4. **REPORTS**

4.1 **CHIEF ADMINISTRATIVE OFFICER**

- 4.1.1 March Break
- 4.1.2 Municipal Insurance Coverage - 1995/96
- 4.1.3 Requests to Amend the MPS - Armoyan Group

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

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**IN CAMERA SESSION 10:00 P.M.**

- 1. Land Matter (previously circulated)
- 2. Land Matter
- 3. Land Matter

DARTMOUTH CITY COUNCIL  
FEBRUARY 28, 1995.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, SMELTZER  
CUNNINGHAM, PYE  
MACFARLANE, DEXTER  
LEVANDIER, WITHERS  
SCHOFIELD, HAWLEY  
GREENOUGH, WALTON  
HETHERINGTON

MEMBER ABSENT: ALD. WOODS (ILLNESS)

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

PROCLAMATIONS

Mayor McCluskey began the meeting by reading two Proclamations; they were for:

- 1) Learning Disabilities Month, during the month of March, 1995.
- 2) Red Cross Month, during the month of March, 1995.

Council agreed to add items 4.1.4 (Council contact information), and 4.1.5 (HarbourEdge Design) to the agenda, and one Human Resources item to the in camera agenda.

PUBLIC HEARING

1.0

36 WENTWORTH STREET

i)

PUBLIC HEARING:  
36 WENTWORTH ST.

This date was set by Council for two public hearings for 36 Wentworth Street, the first, to amend the M.P.S., and the second, to amend the Land Use By-law, in order to implement the M.P.S. amendment. These changes are required to permit the construction of an apartment building and a semi-detached dwelling at 36 Wentworth Street, the site of the former police headquarters building.

Subsequent to Ministerial approval of the enabling by-laws, a further public hearing will be advertised to deal with the specific development agreement for this property.

All members of Council were recorded as being present, with the exception of Ald. Woods.

Documentation pertaining to this application, from Mount Cedar Developments Ltd., was circulated with the agenda, and it included staff reports on both the neighbourhood consultation and information meetings, plus a revised development agreement and Development Services report. The report recommends in favour of By-law C-715 (the M.P.S. amendment), and By-law C-716 (the Land Use By-law amendment), and the entering into of a Development Agreement, once it is possible to do so.

The presentation for Development Services was made by Roger Wells. He explained the process that is required in order to have the development of 36 Wentworth Street proceed. He identified the site of the development, located in an area designated as urban core, with a mix of commercial, residential and institutional uses. He then reviewed the M.P.S. policies applicable to the downtown, pointing out that the development proposed is a good transition between the adjacent commercial area, and the lower density residential neighbourhood to the north of Ochterloney Street. He referred to it as a 'textbook case, in terms of compliance with policy requirements'.

Mr. Wells' presentation went on to development details, such as parking provisions, landscaping plans, and the attention that has been paid to the design of the two buildings, so that they will compliment the existing historical architecture of several nearby buildings, including Christ Church, located directly across the street. Specialized treatment has been given, in the form of design features that tie in with existing architecture, such as the large arched windows over the front door of the apartment building. Design drawings were shown by Mr. Wells as part of his presentation.

It is considered that the proposed development will greatly improve the appearance of this property, including the aesthetics of the attractive landscaping.

Following the staff presentation, the Mayor opened the public hearing for the M.P.S. amendment (By-law C-715), and called three times for any speakers in favour.



There being no speakers in favour, she called three times for speakers opposed. Again, there were no speakers, and the public hearing was closed, on motion of Ald. Levandier and Hetherington.

Council proceeded to By-law C-715, to amend the M.P.S. for 36 Wentworth Street, as requested by the developer.

MOTION: That leave be given to introduce the said By-law C-715, and that it now be read a first time.

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

MOTION: That By-law C-715 be read a second time.

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

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

MOTION: That By-law C-715 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. Sarto  
Second: Ald. Withers  
In Favour: All  
Against: None  
Motion Carried

The Mayor opened the second public hearing, for the Land Use By-law amendment (By-law C-716), calling for speakers in favour.

Mr. Danny Chedrawe, representing the developers, Mount Cedar Developments Ltd., addressed Council. He said he was excited about this project, which may serve as a model for residential development in the downtown.

He felt there will be a positive impact on the whole area, and will bring residents who will require goods and services, and thereby give an impetus to commercial businesses. He sought the support of Council for the amendment process required, in order to bring about the development as a reality.

There were no further speakers in favour, and the Mayor therefore called for any speakers opposed. After calling three times, and hearing none, the public hearing was declared to be closed, on motion of Ald. Levandier and Sarto.

Council proceeded to By-law C-716, to amend the Land Use By-law, as requested.

MOTION: That leave be given to introduce the said By-law C-716, and that it now be read a first time.

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

MOTION: That By-law C-716 be read a second time.

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

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

MOTION: That By-law C-716 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

REPORTS

2.0

CHIEF ADMINISTRATIVE OFFICER

2.1

REQUEST FOR QUALIFICATIONS - WATER TREATMENT  
PLANT

2.1.1

RFQ: WATER  
TREATMENT PLANT

Mr. Corrigan has prepared a report for Council to accompany the Draft Request for Qualifications for companies interested in designing, constructing, financing and operating the proposed water treatment plant for the City. The report recommends that Council approve the RFQ, and direct staff to immediately communicate this request to potential proponents and to the public.

Ald. Hetherington, the Chair of the Water Treatment Facility Workgroup, outlined for Council, the work that has gone into this project to date, in conjunction with the consultants, Price Waterhouse. He also informed Council of Mr. Hayward's involvement, from the point of view of a regional water utility, necessitating an additional provision in the RFQ, in order to have proponents also give consideration to a regional concept, as per Appendix G of the RFQ document.

A presentation was made to Council at this point, by Terry Stevens of Price Waterhouse. The other representative of the firm, also in attendance, was Pat O'Neil. Mr. Stevens summarized the contents of the RFQ document, and noted in particular, the inclusion of Appendix G, to accommodate the request of Mr. Hayward with regard to a regional facility.

Mr. Stevens then took questions from members of Council. Mr. Fougere, Ald. Hetherington, and Mr. Corrigan also provided answers, to assist with any additional information they could provide. Ald. Dexter had concerns about getting locked into a position where options are no longer possible (build, own, operate, and transfer vs. design, build and transfer), and he discussed these concerns with Mr. Stevens.

Ald. Hawley asked about the power supply, the land for pipelines, land for the treatment plant, and an environmental impact study. Mr. Fougere said the power supply is already there for the existing plant; there is no problem with land for the pipelines, but a location for

the treatment plant has not been determined. Ald. Hetherington said any decision on an environmental impact study would come from the Environment Minister and his department.

A concern of Ald. Pye, about a Free Trade restriction, and the implication for the plant ownership, was addressed by Ald. Hetherington and Mr. Stevens. Both gave assurance that the restriction referred to by Ald. Pye would not apply, and that ownership will revert to the Water Utility, as called for in the contract. Ald. Pye said he hoped there would be an exemption requirement spelled out in the agreement.

MOTION: To adopt Mr. Corrigan's recommend-  
Aden:

That City Council approve the RFQ circulated, and direct staff to immediately communicate this request to potential proponents and to the public.

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

2.1.2

SUPPLEMENTARY REPORT - BLOCK "X" AND KENT  
DEVELOPMENT PROPOSALS

BLOCK "X" & KENT  
DEVELOPMENT  
PROPOSALS

A supplementary report has been prepared for Council and submitted by Mr. Corrigan (V. Spencer), containing planning and traffic information, relating to the Block "X" development proposal (Woodland Ave.), and the Kent development proposal.

The report recommends that staff be directed to proceed with finalizing the planning reports and draft development agreements for the proposed Block "X" and Kent developments, and forward this documentation to Council. Council may then schedule dates for a public meeting and for public hearings.

Ms. Spencer reviewed for Council, the questions raised in Committee, associated with several new developments being proposed in the section of Dartmouth where additional traffic will impact on heavily-travelled streets, such as Woodland Road, and on streets in Lancaster

Ridge. She said Mr. Purdy would present traffic information that has been compiled for some of the streets, about which concerns have been expressed to staff, and she would be prepared to give a Development Services response as to what can be done with the information compiled.

Mr. Purdy proceeded with a traffic analysis of the main traffic arteries that could be expected to feel the impact of further development, such as Woodland Road, Victoria Road, Albro Lake Road, MicMac Blvd., giving some of the current daily traffic figures for these streets. Projected additional traffic figures, with proposed development, were also given. Basically, about 1,000 extra vehicles per day could be expected with the new development.

Ald. Pye referred to short-cutting problems through Lancaster Ridge, where traffic is increasing substantially. Ald. Schofield felt that a study by consultants may be warranted, to determine what is to be done about the traffic situation in the entire area.

MOTION: To adopt Mr. Corrigan's recommendation:

That staff be directed to proceed with finalizing the planning reports and draft development agreements for the proposed Block "X" and Kent developments, and forward this documentation to Council.

Moved: Ald. Hetherington  
Second: Ald. Sarto

Ald. Withers referred to page 3 of Mr. Purdy's traffic report, dated Feb. 6/95, and the statement to the effect that '. . . a major constraint in the street/highway network in the area is the lack of a connection from Woodland Ave. to Trunk 111 north'. The statements following, with regard to the related influence on traffic patterns, were also quoted. Ald. Withers went on to inform Council of statistics the Police Chief has provided on traffic violations on Woodland Ave., for the year 1994. There was a total of 438 summary offence tickets issued for motor vehicle violations on that street during 1994. Ald. Withers asked Council's permission to put forward a separate

motion, after the vote was taken on the motion presently on the floor.

In Favour: All  
Against: None  
Motion Carried

With a two-thirds majority vote of Council, Ald. Withers was then permitted to present the following motion:

MOTION: In view of the anticipated impact on future development of the area outlined in Map 1 attached to the report from Mr. Corrigan, under date of Feb. 7, 1995, re Woodland Ave. area planning, staff is therefore directed to report to Council within the next twenty-one days on alternatives in zoning the DND properties, and with recommendations as to amendments required under the M.P.S.

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

2.1.3 PROPOSED GREATER HALIFAX ECONOMIC DEVELOPMENT PARTNERSHIP

DEVELOPMENT  
PARTNERSHIP

Before Council, was a report from Mr. Corrigan (T. Rath, V. Spencer) on the formation of the proposed Greater Halifax Economic Development Partnership, recommended for approval by the Industrial Commission, and with a recommendation from Mr. Corrigan that the Memorandum of Understanding, accompanying his report be approved; further, that Tom Rath be appointed as the City's representative to the Partnership's interim Board of Directors, as provided for in Clause 2 of the Memorandum of Understanding.

A presentation was made to Council by Mr. Rath, in connection with this item. He explained the background which led up to the concept of forming the Development Partnership, as a means of fostering regional development and attracting business investment to the metro region, while at the same time, retaining the

focus there has been on community development in the individual municipal units.

He gave an overview of the provisions of the Memorandum of Understanding, and the mandate of the Interim Board to be set up initially, whose responsibility it will be to develop a Business Plan for the Partnership, and to prepare an Economic Development Strategy for Metro. The Business Plan and the Strategy will be presented within six months, to the municipalities, the Metro Chamber and other funders, for approval.

At the conclusion of Mr. Rath's presentation, a motion was made, to adopt the recommendation before Council.

MOTION: To adopt Mr. Corrigan's recommendation:

That Council approve the Memorandum of Understanding, attached to his report and recommended by the Industrial Commission; further, that Tom Rath be appointed as the City's representative on the Interim Board of the Greater Halifax Economic Development Partnership, as provided for in Clause 2 of the Memorandum of Understanding.

Moved: Ald. Greenough  
Second: Ald. Cunningham

While there was considerable support for the Partnership concept and its objectives, Ald. Smeltzer felt the name of Dartmouth should be included in the Partnership designation, a point he had previously raised when this item was before the Industrial Commission. He was prepared to have the name of Dartmouth included as an amendment.

AMENDMENT: That the name of the proposed regional development authority be changed to: the Greater Halifax/Dartmouth Economic Development Partnership.

Moved: Ald. Smeltzer  
Second: Ald. Walton

Ald. Greenough suggested, as a compromise, that the names of Halifax, Dartmouth, Bedford and Urban Halifax County be added in parenthesis, under the main title, thereby including all of the municipal units, but retaining the name that has been accepted for the Partnership. Mr. Rath felt this compromise would be acceptable, but the mover of the motion did not make this change, and the vote was taken on the amendment as it had been presented.

In Favour: Ten members  
Against: Four members  
Amendment Carried

Some concerns were discussed with Mr. Rath about the cohesiveness of this new body, and the degree of consensus there will be, to do what is best for the whole region, rather than competing as separate units. Mr. Rath addressed these concerns the best he could, and suggested that it may be possible to have the Board meet with Council, at which time, members could raise these points specifically with the Board themselves.

The vote was taken on the motion, as amended.

In Favour: Majority of members  
Against: Minority of members  
Motion Carried as amended

At the end of this Council meeting, after reconvening from the in camera meeting, a motion to rescind the amendment was presented, but it was defeated; the amendment and the amended motion therefore stand.

2.1.4 91 TACOMA DRIVE - SET DATE FOR HEARING

91 TACOMA DR.:  
DATE FOR PUBLIC  
HEARING

Council was asked by Mr. Corrigan to change the date for the public hearing for a zoning change, 91 Tacoma Drive, from March 14th, to March 21st, 1995. Council will not be meeting on the date originally set (March 14th).

MOTION: To set March 21, 1995 as the date for public hearing of the rezoning request for 91 Tacoma Drive, as recommended by Mr. Corrigan.



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

2.1.5 APPLICATION, DEVELOPMENT AGREEMENT - 92/94/96  
PORTLAND STREET

APPLICATION:  
92/94/96  
PORTLAND ST.

Report from Mr. Corrigan (V. Spencer, P. Richards) on a development agreement application for 92/94/96 Portland Street, to permit the creation of an additional residential dwelling unit at this location, recommending that Council waive the requirement to hold a neighbourhood consultation meeting, and instruct staff to proceed with a neighbourhood information meeting.

MOTION: To adopt the recommendation:  
That Council waive the requirement to hold a neighbourhood consultation meeting (for 92/94/96 Portland St.), and instruct staff to proceed with a neighbourhood information meeting.

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

2.1.6 PROPOSALS - COMBINED SEWER OUTFALL EXTENSION  
DARTMOUTH COVE

PROPOSALS:  
DARTMOUTH COVE  
OUTFALL

Report from Mr. Corrigan (R. Fougere) on proposals received for the combined sewer outfall extension at Dartmouth Cove, recommending that Council award the contract to CBCL Ltd., to provide engineering services for the design and construction of the combined sewer outfall extension.

MOTION: To award the contract to CBCL Ltd., as recommended, for engineering services for the design and construction of the combined sewer outfall extension at Dartmouth Cove.

Moved: Ald. Levandier  
Second: Ald. Dexter

Ald. Dexter and Levandier commended the awarding of this contract and the fact that this project has been expedited as they requested. Ald. Dexter said it is necessary to get the entire harbour clean-up back on the rails; he referred to a notice of motion he has given in this connection, which will come up for the first March meeting of Council.

Asked by Ald. Levandier when this work will start, Mr. Fougere said the project will be started by this summer.

In Favour: All  
Against: None  
Motion Carried

3.0

PRESENTATIONS

i)

DARTMOUTH DISTRICT SCHOOL BOARD BUDGET BRIEFING

DARTMOUTH SCHOOL  
BOARD BRIEFING

Present for the next item were: Jane MacKay, Chair of the Dartmouth District School Board, Supt. of Schools, Gordon Welch, and their Chief Financial Officer, David Gray.

Ms. MacKay introduced other Board members, in the gallery, and explained the purpose of a presentation being made to Council, to make members aware of information relating to the Board's upcoming budget preparations. Two public meetings have already taken place, to apprise citizens of this same information.

Supt. Welch described this as a crucial time in the history of the School Board, now facing a two-million-dollar budget shortfall, following previous cuts of three million dollars. The impact of this further budget reduction was explained to Council through a series of overheads, showing the effects of continuing teacher reductions, in terms of pupil-teacher ratio figures, and these figures for Dartmouth, as compared with Provincial figures. For example, from 1990/91 to 1994/95, the Provincial ratio has increased 6.9%, while the ratio for Dartmouth has increased 18.8%.

With additional cuts in teaching staff, to make up the projected shortfall in the 1995/96 School Board budget, a major impact can be expected on class sizes, and on the quality of educational services able to provided to students generally. The continued support and

assistance of the City is being requested, in consideration of the Board's difficult financial position.

Mr. Gray followed Supt. Welch with a detailed breakdown of the drop in revenue, reflected in the \$1.8 million-dollar shortfall the Board is facing. Supt. Welch also stated to Council, his concerns about the condition of many of the school buildings in the system, and the fact that major problems are going to be experienced 'down the road', if maintenance continues to be put off year after year. It was noted that funds allocated for plant maintenance usually end up having to be reallocated to cover other financial emergencies.

Ald. Cunningham asked about the response from the public, and Supt. Welch advised that there will be further public meetings, to identify priorities and to seek input, once figures have been prepared to reflect the two-million-dollar shortfall, as it will impact on the operating budget. Then staff will identify program cuts and reductions that have to be made, after which the Board will finalize the budget.

Ald. Smeltzer asked if it would be possible for members of Council to have a listing of suggestions that came from citizens at the public meetings already held. Supt. Welch was willing to provide these.

There were a number of questions for Supt. Welch. Ald. Schofield asked about a reduction in Primary classes to half days. Supt. Welch said a morning program for Primary children would have the effect of reducing the teaching staff complement by thirteen.

Ald. MacFarlane asked about the expected reduction in military personnel and their families. Supt. Welch said his staff have asked the authorities to keep them informed as these numbers begin to be known. Ald. MacFarlane's second question concerned staff morale; Supt. Welch said it is not great. They are being encouraged as much as possible, but it is a 'traumatic time for them'.

The Mayor thanked the School Board members and staff for being present, and giving Council this budget briefing.

ii) 100TH ANNIVERSARY OF DARTMOUTH NATAL DAY

100TH ANNIVERSARY:  
DART. NATAL DAY

Several members of the Natal Day Committee were present for the next item, the 100th Anniversary of Dartmouth Natal Day. The Mayor read a prepared statement on the Anniversary observance, being planned for August 7th, seeking the involvement of citizens, clubs and the corporate community, to become involved in this special Natal Day program.

The Mayor then introduced the Chair of the 100th Anniversary Committee, Audrey Manzer, who addressed Council, providing information on the plans now in progress for events and special activities to mark this milestone in the history of Dartmouth Natal Day. The budget for Natal Day 1995 was presented to Council, and it was noted that in addition to the proposed annual grant from the City, in the amount of \$30,000., a one-time Anniversary grant of \$10,000. is also being requested. Combined with the other revenue sources listed for Council, a total budget figure of \$109,500. is projected. During the course of the presentation, boaters with special crests, were given to all members of Council and the Mayor.

Council agreed to continue meeting beyond 11:00 p.m., on motion of Ald. Pye and Hawley.

Council members were in favour of referring the budget request for Natal Day, in the total amount of \$40,000., for consideration with the operating estimates, but with a recommendation in favour of approving the request.

MOTION: To refer the \$40,000. budget request for Natal Day 1995, for consideration with the City's operating budget, but with a recommendation in favour of approving the request.

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

Ms. Manzer and members of the Natal Day Committee were thanked by the Mayor for their efforts and enthusiasm for the 100th Anniversary program.

iii)

NEBOOKTOOK  
TOUR PROMOTION

NEBOOKTOOK TOUR PROMOTION

The final presentation to Council for this meeting was made by Anna Nibby-Woods, owner of Nebooktook Tour Promotions, with a proposal for replicating a native encampment on a site within the Shubie Park, on Lake MicMac.

The encampment, occupying approx. three to six acres, would present all aspects of Aboriginal life, as portrayed by fourteen native performers, and there would be an additional staff of four to complete the operation. Ms. Nibby-Woods said she is seeking a partnership with the City, in order to proceed with the encampment project, which she felt would be a major tourism attraction for Dartmouth, tying in well with the natural setting of park and lake at Shubie.

Members tended to feel the proposal has merit and is worth looking at further. Questions of funding and ownership should be addressed, however, and input should be sought from the Canal Commission.

MOTION: To refer the encampment proposal to Parks & Rec. Dept. (and other staff, as required), for report back to Council as soon as possible. Referral to the Tourism & Convention Bureau was included also.

|                   |                       |
|-------------------|-----------------------|
| <u>Moved:</u>     | Ald. Hawley           |
| <u>Second:</u>    | Ald. Cunningham       |
| <u>In Favour:</u> | All                   |
| <u>Against:</u>   | None                  |
|                   | <u>Motion Carried</u> |

4.0

REPORTS

4.1

CHIEF ADMINISTRATIVE OFFICER

4.1.1

MARCH BREAK

MARCH BREAK

Report from Mr. Corrigan (B. Smith, V. Carmichael) on the subject of a March break, normally taken each year by Council, recommending that this year's recess be for the week of March 13th through March 17th, 1995.

MOTION: To adopt the recommendation,  
that this year's recess be  
for the week of March 13th  
through March 17th, 1995.

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

4.1.2 MUNICIPAL INSURANCE COVERAGE - 1995/96

INSURANCE  
COVERAGE:  
1995/96

Report from Mr. Corrigan (B. Smith, V. Carmichael, H. George) on the proposed renewal of municipal insurance coverage for the City to March 31, 1996, in view of expected amalgamation by April 1st of that year, rather than going to a tender call for a longer period. A survey of the insurance market has taken place in connection with the renewal process, and it has subsequently been recommended that Council instruct staff to proceed to renew the City's overall insurance requirements, in the amount of \$517,168, with Johnson & Higgins, for one year, to March 31st, 1996.

MOTION: To adopt the recommendation:  
That Council instruct staff to  
proceed to renew the City's  
overall insurance requirements,  
in the amount of \$517,168., with  
Johnson & Higgins, for one year,  
to March 31st, 1996.

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

4.1.3 REQUESTS TO AMEND THE MPS - ARMOYAN GROUP

REQUESTS:  
ARMOYAN GROUP

Report from Mr. Corrigan (V. Spencer) on two MPS amendment requests from the Armoyan Group, for (a) amending the development boundary in the area of the Craigwood Subdivision; and (b) to amend the development boundary near the Montebello West Subdivision.

For the servicing reasons explained in the report, Development Services recommends that Council advise the Armoyan Group that these

requests are premature, and that when the City has sufficient engineering and other information to determine that amendments to the development boundary are in the interests of good planning in the City, it will give due consideration to the Armoynan properties in the context of other properties which may benefit.

MOTION: To adopt the recommendation, as detailed above.

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

4.1.4 COUNCIL CONTACT INFORMATION

COUNCIL CONTACT  
INFORMATION

Mr. Corrigan informed Council that he has received several requests from residents for members' Fax and E-Mail information. Members were willing to have this information given out, in order to be contacted by residents.

4.1.5 HARBOUREDGE DESIGN ITEM

HARBOUREDGE  
DESIGN ITEM

Mr. Corrigan suggested that rather than calling a special meeting to deal with the HarbourEdge design proposals, Council deal with this item on March 10th, when members will be getting together for an operations tour. Members agreed with the suggestion.

Council went in camera at 11:35 p.m., on motion of Ald. MacFarlane and Greenough. After reconvening in open meeting, the action taken in camera was ratified.

MOTION: To ratify the action taken while meeting in camera on this date (land matters, personnel item).

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


By a two-thirds majority vote, Council agreed to have a motion to rescind dealt with, in

connection with the amendment adopted earlier in the meeting, adding the name of Dartmouth to the Development Partnership title.

MOTION: To rescind the amendment adopted, to add the name of Dartmouth to the Development Partnership title.

|                   |                        |
|-------------------|------------------------|
| <u>Moved:</u>     | Ald. Hawley            |
| <u>Second:</u>    | Ald. Cunningham        |
| <u>In Favour:</u> | Minority of members    |
| <u>Against:</u>   | Majority of members    |
|                   | <u>Motion Defeated</u> |

Meeting adjourned at 12.10 a.m.

  
V. Carmichael,  
Asst. City Clerk.



DARTMOUTH CITY COUNCIL  
FEBRUARY 28, 1995.

ITEMS:

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  - i) 36 Wentworth Street, page 1 to 4 incl.
  - 2.0 Reports, page 5.
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  - 2.1.2 Supplementary: Block X & Kent Development Proposals, pg. 6.
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  - 2.1.4 91 Tacoma Drive, Date for Hearing, pg. 10.
  - 2.1.5 Development Agreement application, 92/94/96 Portland St., pg.11.
  - 2.1.6 Proposals, Sewer Outfall, Dartmouth Cove, pg.11.
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