

**DARTMOUTH CITY COUNCIL
AGENDA**

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

INVOCATION

1. **APPROVE THE MINUTES FROM THE MEETINGS:** December 6, 13 & 22, 1994.
2. **BUSINESS ARISING FROM THE MINUTES**
3. **DELEGATIONS & HEARINGS OF PROTEST**
4. **ORIGINAL COMMUNICATIONS**
 - i) Representation on Board of Directors of Neptune Theatre
 - ii) Proposed By-law C-101

5. PRESENTATION

- i) Metro Ped - Bikeways & Footpaths in the Metro
Halifax-Dartmouth area - Mr. Gene Keyes

6. PETITION

7. REPORTS

7.1 MAYOR

- 7.1.1 Update on Regional Meeting with MLA's

7.2 CHIEF ADMINISTRATIVE OFFICER

- 7.2.1 Applications, Retail Video Outlets, Shoppers Drug Marts,
21 Mic Mac Boulevard and 118 Wyse Road
- 7.2.2 Application, Retail Video Outlet, Capitol Store, 102 Albro Lake Road
- 7.2.3 Application, Retail Video Outlet, Gateway Cigar Stores, 40 Alderney Drive
- 7.2.4 Proposed Amendment to Land Use By-law - Montebello West
(set date for public information meeting)

7.3 **DARTMOUTH YOUTH COMMITTEE**

7.3.1 Annual Report

7.4 **PUBLIC TRANSPORTATION ADVISORY COMMITTEE**

7.4.1 New Bus Shelters

7.5 **BOARD OF POLICE COMMISSIONERS**

7.5.1 Posters - Oldham Engineering

8. **MOTION**

8.1 **ALD. MACFARLANE**

WHEREAS City Council has been advised through petition of residents and the Aldermen for the area, that Chestnut Lane is a neighborhood street, supporting heavy volumes of commuter traffic;

BE IT RESOLVED that staff with responsibility for traffic management, take action immediately, to resolve this problem, with due consideration to observations and ideas submitted by residents and elected representatives for the area.

9. **NOTICES OF MOTION**

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

IN CAMERA SESSION 10:00 P.M.

1. Land Matter.

DARTMOUTH CITY COUNCIL
JANUARY 10, 1995.

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

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

REGRETS: ALD. HETHERINGTON

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL

INVOCATION

The meeting was opened by Mayor McCluskey, with the Invocation, following which, she read a Proclamation, proclaiming January, 1995, as Alzheimer Awareness Month. Mayor McCluskey is Honorary Chairman for Alzheimer Awareness Month.

Council was requested by the Mayor to add items to the agenda, namely:

- 7.1.2 Appointment to the Solid Waste Steering Committee.
- 7.1.3 Appointment to the Advisory Committee on Amalgamation.
An in camera Personnel item.

Ald. Pye asked why the appointment to the Solid Waste Committee would not have been advertised, and the Mayor explained why there was not enough time in advance to do this. Ald. Pye said he hoped that in future, all such appointments would be advertised.

Ald. Smeltzer requested an opportunity to speak on item 7.1.1 (Regional meeting with MLA's). The Mayor said members will be able to discuss the item when it comes up on the agenda.

Ald. Pye asked to have item 7.3.1 (Annual report, Youth Committee) moved up on the agenda. Council agreed.

1.0

APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on Dec. 6, 13, 22/94, as circulated.

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

2.0 BUSINESS ARISING FROM THE MINUTES

Reference page 10 of the Dec. 13th minutes, Ald. Levandier asked when Council will be receiving a report on questions previously raised in connection with the air quality problems at the Police Headquarters Building. Mr. Corrigan provided information on the reports that have been prepared on this subject, which went to the Police Commission for discussion. The dossier prepared by Doane Raymond is available for any member of Council to read, and questions of legality and/or liability will be directed to the City Solicitor.

Ald. Greenough also asked if there is to be a report to Council, and Ald. Levandier said he would be pursuing this matter further, after reading the Doane Raymond document. Mr. Corrigan noted that the capital costs involved, to rectify the problems, will have to be discussed by the Police Commission, and will come to Council in the form of capital budget expenditures.

3.0 DELEGATIONS & HEARINGS OF PROTEST

4.0 ORIGINAL COMMUNICATIONS

i) REPRESENTATION ON BOARD OF DIRECTORS, NEPTUNE THEATRE

APPOINTMENT:
NEPTUNE BOARD

Council has been requested to appoint a City of Dartmouth representative to serve on the Board of Directors of the Neptune Theatre Foundation, following recent changes in City Council. Ald. MacFarlane advised that Colin May, who has been serving on the Board, is interested in reoffering, and Ald. Schofield indicated his interest as well. Both names were placed in nomination, and a vote by secret ballot followed. After the ballots had been counted and destroyed, the Mayor informed Council of the appointment of Ald. Schofield to represent the City on the Neptune Board.

ii)

PROPOSED BY-LAW C-101

PROPOSED
BY-LAW C-101

A letter has been received from Colin May on the subject of proposed By-law C-101, and his concern about section 1 being in violation of the Police Act, section 14 (3). He has also referred to sections of By-law C-100, considered to be in violation of the Police Act as well.

The Mayor advised that By-law C-101 has been withdrawn for review by the City Solicitor, and it was therefore suggested that Mr. May's letter be referred to the Solicitor for consideration in conjunction with the review.

MOTION: To refer Mr. May's letter to the City Solicitor, for consideration, in conjunction with her review of proposed By-law C-101.

<u>Moved:</u>	Ald. Withers
<u>Second:</u>	Ald. Sarto
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

5.0

PRESENTATION

i)

METRO PED - BIKEWAYS & FOOTPATHS IN METRO
HALIFAX-DARTMOUTH AREA

METRO PED
PRESENTATION

Members of Council received with their agenda, Metro-Ped maps of existing and proposed bikeways and footpaths in the metro Halifax-Dartmouth area (including Bedford, Sackville, Cole Harbour, etc.), and a presentation was made to Council at this time by Gene Keyes, who compiled the bikeway data and map format.

Mr. Keyes commended the bikeway project for Dartmouth, to run from Ferry Park to Lake Charles, noting the present lack of bikeways in metro generally, compared with other cities elsewhere in Canada, and other countries. He informed Council of a local group, Bicycle Dartmouth, with a particular interest in bikeway education and bikeway improvements.

The Angus L. MacDonald Bridge was singled out as one of the main biking obstacles in all of metro. Ald. Woods said the cost of adding a

bicycle lane to the bridge would be four million dollars, and the fare that would have to be charged to cyclists would be about \$5.00 per trip, to try and recoup the costs. However, he will take a copy of the Metro-Ped map to his next Bridge Commission meeting, for the information of the Commission members.

Mr. Keyes advised that the map is being made available at various public locations, such as the Library. He was commended by the Mayor and Council for this worthwhile project.

6.0 PETITION

7.3 DARTMOUTH YOUTH COMMITTEE

7.3.1 ANNUAL REPORT

ANNUAL REPORT:
YOUTH COMMITTEE

Ms. Izabella Gutt presented the annual report of the Dartmouth Youth Committee, to Council; copies of the report had been previously circulated with the agenda.

Ms. Gutt began with a review of the history of the Youth Advisory Committee, noting several issues on which the Committee has made recommendations since its inception. She then proceeded to future projects on which the Committee will be working, giving details to Council of the Metro Youth Forum, being planned for March 24th, at the Penhorn Youth Centre. Planning is well underway for the Forum, and Ms. Gutt passed to the Asst. City Clerk, copies of minutes from several meetings, where various items, including the Forum, have been discussed.

Presented, in conjunction with the Youth Committee report, were three recommendations, the first consisting of proposed amendments to the Terms of Reference for the Committee. These were referred to the City Solicitor, on motion of Ald. Pye and MacFarlane.

MOTION: To refer the proposed amendments, comprising recommendation #1, to the City Solicitor for consideration.

<u>Moved:</u>	Ald. Pye
<u>Second:</u>	Ald. MacFarlane
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

Recommendations #2 and 3 were then adopted by Council, in one motion, as follows:

MOTION: To adopt recommendation #2:
To allow and assist the Youth Advisory Committee to proceed with development of a Youth Recognition Awards Night Ceremony.

To adopt recommendation #3:
To allow the Youth Advisory Committee to proceed with development of the Youth Forum project.

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

The Mayor and Council acknowledged the Youth Committee presentation, and the work they are doing. Ald. Walton commended their representative on the Healthy Dartmouth Committee, and the contribution this member is making.

7.0

REPORTS

7.1

MAYOR

7.1.1

UPDATE ON REGIONAL MEETING WITH MLA'S

MEETING WITH
MLA'S

The Mayor has reported to Council on the requested meeting with Dartmouth MLA's for purposes of an information exchange on the matter of amalgamation. From the response she has received, it is indicated that such a meeting is not able to be arranged, and members contacted would not be available to discuss this particular subject.

Ald. Levandier stated his concerns about what he called the refusal of the MLA's to meet with Council, and their lack of concern about the questions Council has and the many unknown factors associated with amalgamation. He wanted to see a letter go to the Premier, expressing the dissatisfaction of Council with the response to Council's request. Members agreed to have the Mayor forward the kind of letter suggested by Ald. Levandier.

Ald. Smeltzer said it should be noted that Minister Smith felt it would not be worthwhile attending a meeting at which none of the other MLA's would be present. He regretted that the meeting could not take place, but proposed to Council that with the commonality of some interests, shared by the Province and the City, it would still be advisable to move forward in any possible areas where such interests can be pursued. He suggested the formation of a five or six-member committee, from Council, to develop, with the resources of staff, some bottom-line principles for the whole Council to discuss, and from which a position paper could evolve. In this process, information could be communicated to residents as part of the process. The Mayor noted that the consultants engaged by the municipalities will be seeking public input and participation. Members received, at this time, copies of the press release, which includes the reference to a public input process.

Ald. Dexter and Hawley favoured the approach that Ald. Smeltzer proposed to Council, but several other members did not feel that the Province is willing to listen to any position paper the City would prepare, given their reluctance to hear from any elected representatives, to date, on any aspect of the amalgamation issue. Ald. Withers said it would be '. . . an effort in futility', since the Premier has spelled out his intention not to discuss amalgamation with members of Council.

Ald. MacFarlane said that at some point, we need to move forward beyond the stage that has been reached, and that some kind of communication process has to be kept going, toward this end. He said he is saddened by the present unfortunate state of affairs. Several members stated their objection to the lack of information the public is receiving, upon which citizens could form opinions. Ald. Withers and Pye said the residents of their wards favour a plebiscite. It was pointed out to Council that with the analysis process for the municipalities, information compiled will be released to the Mayors and Council, as it is compiled, rather than waiting until the final report has been completed in the spring. In this way, information will begin to get out to the public, as it should.

Ald. Greenough felt that the main reason behind the Provincial move toward amalgamation, is to facilitate further down-loading of government costs onto the municipalities; he referred to such areas of expenditure as education and policing, presently provided in the County by the RCMP, a cost the unicity will be expected to assume. Other members also expressed their concerns about the implications for our education system, which both Dartmouth and Halifax have assisted in the past with non-mandatory financial contributions.

Ald. Smeltzer suggested positive aspects of amalgamation, such as a more efficient government, and the development of Metro as a growth area. He quoted from a paper he has prepared, entitled "Municipal Government Toward the Year 2000", a vision for local government, by way of further substantiating some of the points he had been bringing out in debate.

Ald. Schofield said he felt the correct course was the one followed, in engaging consultants to provide information, based on reality, for the municipalities. Mr. Corrigan noted that there will be regular briefings of Council, as the analysis of the consultants proceeds, and Council will also receive further information on the process at the joint meeting of Jan. 18th. Mr. Hayward will be present for the meeting of Jan. 18th, and he would be willing to speak directly to Dartmouth Council also.

There were no motions presented in connection with this item, and at the conclusion of the general discuss period, Council proceeded to the next item on the agenda.

7.1.2

APPOINTMENT - SOLID WASTE STEERING COMMITTEE

**APPOINTMENT:
STEERING COMM.**

Three names were placed in nomination for the City's citizen appointment to the Solid Waste Steering Committee, an item added to the agenda at the beginning of the meeting. Nominated, were: Don Wright, Mary Brothers, and Byrne Williams. A vote by secret ballot followed, after which the Mayor advised Council of the appointment of Don Wright to represent the City on this committee.

7.1.3 APPOINTMENT - HAYWARD ADVISORY COMMITTEE

APPOINTMENT;
ADVISORY COMM.

Names placed in nomination, for appointment to represent the City on the Hayward Advisory Committee, were: Gloria Kelly, Ritchie Boyd, and Jim Connors.

Before a vote by secret ballot proceeded, Ald. Levandier questioned the appointment of someone other than an elected representative to serve on such a strategic committee, taking the position that the representative should be someone who represents the people of Dartmouth and has been duly elected by them. Other members shared this opinion, and the person favoured by Council for Dartmouth's appointment was Mayor McCluskey.

MOTION: That Mayor McCluskey be the City's appointment to the Hayward Advisory Committee.

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

7.2 CHIEF ADMINISTRATIVE OFFICER

7.2.1 RETAIL VIDEO APPLICATIONS: 21 MICMAC BLVD. & 118 WYSE ROAD

7.2.2 APPLICATION: 102 ALBRO LAKE RD.

7.2.3 APPLICATION: 40 ALDERNEY DRIVE

RETAIL VIDEO
APPLICATIONS

Retail video outlet applications for all of the above-noted addresses were dealt with in one motion of Council. Ald. Hawley took the position that by indicating no objection, Council is in fact, condoning the continuing distribution of X-rated videos, without the kind of restrictive procedures the Ad Hoc Committee has recommended to Council, and which Council approved. He therefore proposed a motion to receive and file all of the applications, by which action, Council does not participate in any concurrence with the granting of the applications by the Consumer Affairs Dept.

MOTION: To receive and file the
retail video applications
before Council for:
21 MicMac Blvd.
118 Wyse Road
102 Albro Lake Road
40 Alderney Drive

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

7.2.4

PROPOSED AMENDMENT: LAND USE BY-LAW
MONTEBELLO WEST

AMENDMENT:
MONTEBELLO WEST

A staff report, with accompanying separate report from Mr. Corrigan, has been submitted to Council, on the subject of a rezoning application to rezone Lots 6-9, 34-37, 54-59, 62-72 and 82-86, in the Montebello West subdivision, from H Zone to R-2 Zone.

The staff report recommends that Council reject this application, but notwithstanding this recommendation, Mr. Corrigan has pointed out that Council may proceed with the process of informing area residents of the proposal, and, accordingly, has recommended that Council direct staff to proceed with a public information meeting for this purpose.

The Mayor informed Council of a request from the developer for Mr. Armoyan, or a representative of his company, to be heard by Council in conjunction with this item. Council agreed to hear Darrell Dixon, representing the Armoyan interests. He said it would not be unreasonable for Council to allow due Planning Act process for the application, and requested this.

Ald. Greenough asked about the implications of not allowing the process to go forward. The Solicitor said that in the event of an appeal, the grounds would be based on such factors as lack of compliance with the MPS and not on the procedural considerations, such as allowing the information meeting to take place or not take place.

MOTION: To adopt the recommendation:
That Council direct staff to
proceed with a public information
meeting for the Montebello West
rezoning application.

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

7.4 PUBLIC TRANSPORTATION ADVISORY COMMITTEE

7.4.1 NEW BUS SHELTERS

NEW BUS
SHELTERS

The Public Transportation Advisory Committee has made a recommendation to Council that \$55,000. be placed in the capital budget for the construction of bus shelters. Attached to the report from the Committee, is a list of bus shelter requests, along with a copy of the relevant minutes from the meeting where this item was discussed.

MOTION: To adopt the recommendation:
That \$55,000. be placed in the
capital budget for the construction
of bus shelters.

Moved: Ald. Pye
Second: Ald. Sarto

Ald. Sarto asked that members of Council contact Ken Silver to indicate first and second option locations for bus shelter requests. Ald. Withers felt that Ward 4 has not been receiving a fair share of shelters, over the years, and Ald. Pye noted locations in Burnside and on Highfield Park Drive, where bus shelters are long overdue.

Mr. Corrigan asked for clarification as to whether the intent is to have this cost included in our own City budget, or in the Metro Authority budget. Members who serve on the Transportation Committee indicated that the intent was to have the item in the City's capital budget. Mr. Corrigan pointed out that it would have to be ranked, along with all the other capital items, which now total about thirty million dollars. Ald. Hawley said it should be determined if there is some way of receiving cost-sharing, and suggested deferral

until this information is provided. However, a motion to defer was not presented. The vote was taken on the motion on the floor.

In Favour: All
Against: None
Motion Carried

7.5 BOARD OF POLICE COMMISSIONERS

7.5.1 POSTERS - OLDHAM ENGINEERING

POSTERS:
OLDHAM
ENGINEERING

The Police Commission has considered the request of Oldham Engineering, that they be permitted the use of pictures of the Dartmouth Police Headquarters, a police car, and a member of the Police Service, on posters displaying their work, and has recommended that the request not be approved for the poster use. Members of the Commission have agreed that there should be a policy in place for this type of request, not only for the Commission, but as a general policy of the City. Therefore, a draft policy will be prepared by the Chief of Police, with the assistance of the City Solicitor, for approval of the Commission and Council.

MOTION: To adopt the recommendation:
That the request of Oldham
Engineering not be approved.

Moved: Ald. Pye
Second: Ald. Withers

Ald. Woods did not support the motion, and was in favour of having Council register no objection to the request instead. Ald. Pye explained the basis for objection by the Police Commission, and Ald. Dexter felt the problem area is in getting into the whole question of endorsements, where a clear policy is needed.

Ald. Withers suggested deferring the item until the policy referred to in the report from the Commission, is in place.

MOTION: To defer a decision on this
item for one week, until the
policy to be prepared, is in
place.

Moved: Ald. Greenough
Second: Ald. Withers
In Favour: Six members
Against: Seven members
Motion Defeated

MOTION: That Council register no objection to the request.

Moved: Ald. Woods
Second: Ald. Cunningham
In Favour: Seven members
Against: Six members
Motion Carried

8.0 MOTION

8.1 ALD. MACFARLANE

MOTION: WHEREAS City Council has been advised through petition of residents and the Aldermen for the area, that Chestnut Lane is a neighborhood street, supporting heavy volumes of commuter traffic;

BE IT RESOLVED that staff with responsibility for traffic management, take action immediately, to resolve this problem, with due consideration to observations and ideas submitted by residents and elected representatives for the area.

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

9.0 NOTICES OF MOTION

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

Ald. Levandier

WHEREAS the Province is moving ahead with legalized gambling in metro;

AND WHEREAS this will have an overall negative effect on the area, including Dartmouth;

THEREFORE BE IT RESOLVED that City Council go on record as opposing casino gambling; and further, that we convey this message to the Premier.

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;

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.

The Mayor asked for an indication from Council as to whether or not members would be willing to hear representation from a Citizens Coalition against casinos, at a future meeting. A majority of members were willing to hear the presentation.

10.0

CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. HAWLEY

Ald. Hawley was concerned about a Federal request that fire fighters from the City Fire Service would respond to any calls from Federal locations such as the Bedford Magazine, thereby eliminating about twenty jobs, in order to reduce costs for that level of government. Mr. Corrigan said this matter is only in preliminary discussion, following an approach made to the City, and is being considered by the Fire Chief. After a report from Chief Greene, Mr. Corrigan will be in a position to provide Council with information.

ALD. CUNNINGHAM

Ald. Cunningham's concern was about public skating sessions in the City rinks, which seem to be inadequate with present schedules for

them. He requested a report on public skating hours available, and if possible, a schedule of the hours. Ald. MacFarlane had a similar concern about the apparent reduction in skating times, and agreed that a report is in order.

ALD. DEXTER

Ald. Dexter asked about the status of orientation sessions for the new Aldermen, and Mr. Corrigan said he would like to have a twenty-minute session with Council, to find out just exactly what members want in the way of an orientation. Ald. Smeltzer later made reference to a publication he has co-authored, a Guide to Briefing Councillors, and advised that he is willing to make fourteen copies of the publication available to facilitate briefing procedures.

ALD. SCHOFIELD

Ald. Schofield asked for a report from Parks & Recreation on the problems with jetskis on some City lakes, which precipitated the Council request to have the matter taken over for resolution by the Lakes Advisory Board.

Ald. Schofield also requested that all members of Council be provided with copies of an a Halifax County/Dartmouth Housing Authority audit.

ALD. MACFARLANE

Ald. MacFarlane brought to Council's attention, the inadequate response noted by him when phoning about snow and ice control problems. Mr. Bernard was present at this time, and discussed Ald. MacFarlane's concern with him, suggesting that contact be made through the number of the foreman provided to Council members.

ALD. SARTO

Ald. Sarto requested information on the taking over of Adeor Drive, and when this will take place.

Council went in camera at 10:30 p.m., on motion of Ald. Hawley and Withers. 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 matter, personnel item.)

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Council went in camera at 10:30 p.m., on motion of Ald. Hawley and Withers. 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 matter, personnel item.)

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

Meeting adjourned at 11:10 p.m.

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

**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., JAN. 17, 1995
8:00 P.M.
COUNCIL CHAMBER
IN CAMERA SESSION
10:00 P.M.**

1. PRESENTATION

- i) Water Treatment Plant - Price Waterhouse (oral)

2. REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

- 2.1.1 Amendments to the Municipal Planning Strategy and Land Use By-law - 36 Wentworth Street
(set date for neighborhood information meeting & public hearing)
2.1.2 Contract 94-18, North Dartmouth Storm Drainage System
2.1.3 Amendment to Land Use By-law - 91 Tacama Drive
(set date for public information meeting)
2.1.4 Proposed Metropolitan Halifax Economic Development Partnership

3. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

IN CAMERA SESSION 10:00 P.M.

1. Land Matter
2. Land Matter
3. Land Matter
4. Land Matter

DARTMOUTH CITY COUNCIL
JANUARY 17, 1995

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

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

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

Deputy Mayor Cunningham opened the meeting, and with the agreement of Council, added two items to the agenda: (1) Appointment of a representative to the Hayward Advisory Committee; and item 2.1.5, a Capital Budget update by Mr. Corrigan.

1.0

PRESENTATION

i)

WATER TREATMENT PLANT - PRICE WATERHOUSE

WATER TREATMENT
PLANT

A Water Treatment Plant presentation was made to Council by Terry Stephen, representing Price Waterhouse. The presentation was intended to identify for Council the best approach for a new water treatment plant for the City.

The primary objectives for the project were first stated, followed by a description of the two delivery options (a conventional City process, or a public-private partnership). The second option will prove to be feasible if private sector partners are found to commit to constructing and operating the facility; private sector interest can be gauged through a request for qualifications process (referred to throughout the remainder of the presentation, as the RFQ Process). Details of this process were provided, and the structure of a public-private partnership, were presented. The presentation concluded with a proposed workplan schedule for Phase 1 and Phase 2 of the process.

Ald. Pye had questions about any required water rate increases, and the opportunity the public would have for representation at the time of a rate hearing before the Utility Review Board.

Ald. Woods was concerned about a possible waste of time if a change in direction has to be made after the RFQ process. Mr. Corrigan said there will be a pause point at which there will be an opportunity to look at the situation and assess it, without the risk of time being lost. He gave assurance to Council that there is adequate provision in the process to preclude the kind of direction change delay about which Ald. Woods has inquired.

APPOINTMENT - HAYWARD ADVISORY COMMITTEE

APPOINTMENT:
HAYWARD COMM.

The Deputy Mayor informed Council that the Province has rejected Council's appointment of Mayor McCluskey to represent the City on the Hayward Advisory Committee. If Council does not make a citizen appointment to the Committee, the Province will make an appointment for it.

Ald. Dexter objected to the action of the Province, and maintained that Council should reaffirm the appointment of Mayor McCluskey, and state to them that we do not want any other nominee. Ald. Pye said it is not appropriate for Council to make a citizen appointment without advertising for applications from the public, as the City does for other boards and committees. Both members maintained their positions throughout the discussion of this item.

Other members who spoke on the issue felt it is important for the City to have someone representing the City on the Committee, and preferred to have someone chosen by Council rather than the Province. They were therefore willing to proceed with the citizen appointment, and to have the names placed in nomination and vote on them. Nominated by members of Council were: Harry Taggart, Ritchie Boyd, Gloria Kelly, and Jim Connors.

A vote by secret ballot followed, and the Deputy Mayor informed Council that Harry Taggart will be the City's appointee. Ald. Pye and Dexter did not participate in the vote, submitting a spoiled and unmarked ballot respectively.

2.0

REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

2.1.1 AMENDMENTS TO MPS & LAND USE BY-LAW
36 WENTWORTH STREET

AMENDMENTS:
36 WENTWORTH ST.

Report from Mr. Corrigan, accompanied by a staff report on proposed MPS and Land Use By-law amendments required in connection with the redevelopment of the property at 36 Wentworth Street. The report makes two recommendations to Council for proceeding with these amendments.

MOTION: To adopt the recommendations to Council:

- (a) that Council direct staff to hold a neighbourhood information meeting.
- (b) that Feb. 28/95 be set as the date for public hearing of the application.

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

2.1.2 CONTRACT 94-18, NORTH DARTMOUTH STORM DRAINAGE SYSTEM

AWARD TENDER:
CONTRACT 94-18

Report from Mr. Corrigan (R. Fougere, E. Purdy) on tenders received for Contract 94-18, North Dartmouth Storm Drainage System, recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$1,094,632.26; completion time: 160 working days from the date of awarding the tender.

MOTION: To award the tender for Contract 94-18 to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$1,094,632.26, as recommended.

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

2.1.3 AMENDMENT TO LAND USE BY-LAW - 91 TACOMA DR.

AMENDMENT:
91 TACOMA DR.

Report from Mr. Corrigan, with accompanying staff report on an application to rezone a parcel of land which forms part of 91 Tacoma Drive, from R-2 Zone to C-3 Zone, recommending in favour of the application, and that Council direct staff to proceed with a public information meeting.

MOTION: To adopt the recommendation:

That Council direct staff to proceed with a public information meeting, in connection with a rezoning application for a parcel of land which forms part of 91 Tacoma Dr.

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

2.1.4 PROPOSED METROPOLITAN HALIFAX ECONOMIC
DEVELOPMENT PARTNERSHIP

PARTNERSHIP:
ECONOMIC
DEVELOPMENT

A report was presented to Council, from Mr. Corrigan (V. Spencer, T. Rath) on a proposed Metropolitan Halifax Economic Development Partnership, recommending that Council support the concept as the basis for a joint submission to the Province and ACOA for financial support to assist the establishment and operation of the Partnership. The joint submission would be referred to each of the four municipal councils and the Metro Chamber of Commerce for approval, prior to be submitted to the Province and ACOA.

MOTION: To adopt the recommendation for supporting the concept of a proposed Metropolitan Halifax Economic Development Partnership as the basis for preparation of a joint submission to the Province and ACOA.

Moved: Ald. Greenough
Second: Ald. Hetherington

Mr. Corrigan explained that direction is being sought from Council on this item because of a fundamental shift proposed for delivering

economic development services, through a regional authority being discussed by a Steering Committee established as a result of a meeting with Hon. Ross Bragg. Mr. Rath provided further information on the thinking behind this proposal for a regional approach to the attraction of new business investment and the marketing of the metro area.

Ald. Smeltzer felt that in these discussions, any organization being considered should be identified as metro Halifax-Dartmouth, rather than just Halifax alone. Mr. Corrigan said he felt that the connotation to date has been intended to mean Halifax County, all inclusive, and not just a City of Halifax identification.

Ald. Walton tended to favour option three, from page 2 of the report to Council, and moved in amendment that it be accepted instead; the amendment did not receive a seconder. (Option three reads: 'request the Province to instruct the Municipal Amalgamation Coordinator to give immediate thought to whether an agency originally designed to coordinate four municipalities, has continuing relevance, in view of a unicity'.)

Ald. Hawley said the proposal being made does not seem to be definitive enough, and Mr. Rath explained that it is a basic concept, from which a detailed document would have to evolve. He noted that there is presently not a consensus among the municipal units as to what form a regional body should take, and the option of reactivating GHEDA is still under consideration. The partnership concept is however, the proposal favoured by the Metro Chamber. Ald. Hawley suggested that Council indicate a willingness to have the City participate in some sort of partnership, and let Mr. Rath go forward with that direction as our representative on the Steering Committee.

Ald. Greenough took the position that it is in our best interests to become a party to the regional development authority concept, from the beginning of these discussions. Otherwise, we may not be able to participate as we need to, and the process may go ahead without us. Ald. Pye agreed with Ald. Greenough that we 'have to be there', and Ald. Dexter said it is important for us to pursue these initiatives wholeheartedly.

In Favour: All
Against: None
Motion Carried

2.1.5 CAPITAL BUDGET UPDATE

A verbal update on the Capital Budget was given to Council by Mr. Corrigan. He said the schedule for the Capital Budget has fallen slightly behind, and it will now be tabled on January 31st, for debate on Feb. 7th, with City department heads present for that meeting.

3.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. PYE

Ald. Pye asked for periodic checks on the condition of Wright's Cove Road, so that residents do not have to continually call to report on the need for attention to it.

He also had questions about vacation time owed to retired employees with pensions from the City. He referred to a letter in this connection, from Mr. Stockton to Roddy MacDonald. Mr. Corrigan said he could provide an update on this matter during the in camera meeting.

ALD. SARTO

Noting the expansion of adult video outlets on Main Street, Ald. Sarto advised that he has received information on a by-law in effect in the Town of Parrsboro, through which they are able to control the location of such outlets. He tabled the letter on this subject with Ms. Carmichael, for review by the City Solicitor; Ms. Spencer will be provided with a copy also.

ALD. WITHERS

Ald. Withers advised that there has been no improvement in the dumpster problem at the location on the corner of Albro Lake Road and Wyse Road, even though a letter has gone to the owner, informing him that action will be taken by January 31st, if the condition is not improved.

His second concern was about a dumpster on Fraser Street, and the business establishment on Rosedale Drive, where trucks are making deliveries to Sunrise Industries at the back entrance, creating a dangerous situation in a small cul-de-sac. The Solicitor said this problem should be referred to Mr. Purdy, the Traffic Authority.

Ald. Withers asked when preliminary work will be completed on the re-naming of the east end of Albro Lake Road. The Solicitor said Mr. L'Esperance may be able to provide this information. Ald. Withers asked to be advised.

ALD. HETHERINGTON

Ald. Hetherington requested a copy of the letter sent from the Solicitor's office to the owner of the dumpster, at the corner of Carleton and Pleasant Street.

He next asked to have a sewer leak checked out, causing flooding problems at the home of Mr. Richardson, 17 Franklyn Street.

Ald. Hetherington passed to Mr. Corrigan, a proposed budget from the Youth Committee, in the amount of \$1200., for expenditures associated with two projects they are planning, the Youth Awards Ceremony and the Youth Forum. He requested any support that could be given toward the cost of these projects.

ALD. WALTON

Ald. Walton again raised concerns about the garbage problem at 525 Pleasant Street, and the fact that the owner is ignoring warnings he has received about this matter. Also, he asked for information on a liquor license request that has been submitted for this same address. Ald. Hetherington passed a communication from the Liquor License Board, in this connection, to Ms. Carmichael.

Ald. Walton also asked for an update on 25 Irving Street, a problem brought to Council's attention previously.

ALD. HAWLEY

Ald. Hawley asked to have added to the list of capital budget items, a curb/gutter & paving project for Mountbatten Ave. Ald. Greenough noted that some work on estimates has already been done by Engineering.

ALD. SCHOFIELD

Ald. Schofield asked that DND be contacted about the status of houses on Cannon Cres., nineteen of which are vacant and having been declared surplus by DND. He said there are people with an interest in buying the houses.

At 10:00 p.m., Council went in camera, on motion of Ald. Hawley and Sarto.

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

MOTION: To ratify the action taken while meeting in camera on this date (Land Matters).

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

Meeting adjourned at 10:30 p.m.

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

DARTMOUTH CITY COUNCIL
JANUARY 17, 1995

ITEMS.

- 1.0 Presentation, page 1.
 - i) Water Treatment Plant, Price Waterhouse, pg. 1
Appointment, Hayward Advisory Comm., page 2.
- 2.0 Reports, page 2.
 - 2.1 Chief Administrative Officer, page 3.
 - 2.1.1 Amendments, 36 Wentworth St., page 3.
 - 2.1.2 Contract 94-18, Nth. Dartmouth storm
drainage system, pg. 3.
 - 2.1.3 Amendment, Land Use By-law, 91 Tacoma Dr., pg.4.
 - 2.1.4 Proposed Metro Development Partnership, pg.4/6.
 - 2.1.5 Capital Budget update, page 6.
 - 3.0 Concerns of Council or questions, pg. 6 & 7.

DARTMOUTH CITY COUNCIL

**TUES., JAN. 24/95
7:30 P.M.
COUNCIL CHAMBER
IN CAMERA SESSION
10:00 P.M.**

PROCLAMATION - VON Week

1. **PRESENTATION**

- i) People Against Casinos in Nova Scotia - Ian Coll

2. **REPORTS**

2.1 **CHIEF ADMINISTRATIVE OFFICER**

- 2.1.1 Proposed Development Agreement - 303 Main Street
2.1.2 Orientation Session for Council Members

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

IN CAMERA SESSION 10:00 P.M.

1. Land Matter.

DARTMOUTH CITY COUNCIL
JANUARY 24, 1995.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY
ALDERMEN SARTO, SMELTZER
CUNNINGHAM, DEXTER
LEVANDIER, WITHERS
SCHOFIELD, WOODS, PYE
HAWLEY, GREENOUGH
WALTON, HETHERINGTON
REGRETS: ALD. MACFARLANE (ILLNESS)

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: M. MOREASH
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEAD, STAFF MEMBERS

PROCLAMATION

Mayor McCluskey opened the meeting, and read a Proclamation for VON Week, from January 22nd to January 28th, 1995. She noted that the VON flag is being flown on one of the City Hall standards.

At the Mayor's request, Council agreed to add three items to the agenda:

- 1) naming of Art Merrick Ballfield
- 2) Item 2.1.3 Downtown B.I.C.
- 3) Item 2.1.4 Capital Budget

MOTION: ARTHUR H. MERRICK BALLFIELD

Ald. Withers addressed Council on the subject of naming a ballfield after Art Merrick, as a way of recognizing his contributions to the community during his lifetime. He commended his service as a member of the Lions Club, in minor baseball, and as a member of the Natal Day committee. For 24 years, he served as Natal Day Parade Marshall.

In conclusion, Ald. Withers presented the following motion:

MOTION: WHEREAS the late Arthur H. Merrick did give unselfishly of himself during his lifetime, whether it be in the service of his country or his community;

THEREFORE BE IT RESOLVED that the ball fields situated on the Dartmouth Common and lying south of Bicentennial Junior High School, be henceforth known as the Arthur H. Merrick Ball Fields; and furthermore, that necessary funds be allocated in the Parks & Recreation budget to acquire a plaque denoting such designation.

Ald. Dexter informed Council that the Common Committee is in unanimous agreement with the motion.

<u>Moved:</u>	Ald. Withers
<u>Second:</u>	Ald. Schofield
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

The Mayor recognized Brian Merrick, present in the gallery, and advised that the family will be contacted at the time of the dedication.

1.0

PRESENTATION

i)

PEOPLE AGAINST CASINOS IN NOVA SCOTIA

PEOPLE AGAINST
CASINOS

A presentation was made to Council by Ian Coll on behalf of the organization People Against Casinos in Nova Scotia. In his opening comments, he noted the response from all over the province, from people opposed to the operation of casinos in Nova Scotia; 45,000 signatures have been collected on the petition opposing casinos.

His organization is seeking support and funding assistance for an independent study, in order to provide the Provincial Government with an informed basis on which to make a decision on such an important issue. It is the position of Mr. Coll and his organization that decisions being made by the Province are not based on the kind of facts required about economic, social and ethical considerations. Some of these, referred to in his presentation, are: gambling addiction, the impact on existing businesses, competition with community fund-raising initiatives, negligible fiscal gains (even losses) for the Province, and a general negative effect on our quality of life,

overall. Mr. Coll sought Council's participation and support for efforts to have the Provincial legislation delayed until an independent study can be carried out, as proposed.

Ald. Dexter noted that a notice of motion on this subject has been presented by Ald. Levandier, and it would be in order to have it presented at this meeting, in conjunction with the presentation made to Council. Other members of Council were in agreement with this suggested procedure.

Many of the concerns brought out in Mr. Coll's presentation were shared by members who indicated their opposition to casino operations in the province, and locally in particular. It was felt that this is not the way to deal with the provincial deficit, or to try and improve the economy. Further, that the government projections for casino operations have been overly optimistic. The general opinion was that these operations will not attract tourists in large numbers to the province or metro, and that local bars and restaurants stand to lose business to a major extent, from the Sheraton casino. The social and ethical concerns were expressed by Council as well.

MOTION: WHEREAS the Province is moving ahead with legalized gambling in metro;

AND WHEREAS this will have an overall negative effect on the area, including Dartmouth;

THEREFORE BE IT RESOLVED that City Council go on record as opposing casino gambling; and further, that we convey this message to the Premier.

<u>Moved:</u>	Ald. Levandier
<u>Second:</u>	Ald. Withers
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

Mr. Coll thanked Council for the response to his presentation.

2.0 REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

2.1.1 PROPOSED DEVELOPMENT AGREEMENT - 303 MAIN STREET

DEVELOPMENT
AGREEMENT:
303 MAIN ST.

Council has received a report from Mr. Corrigan (V. Spencer, R. Wells) in connection with the proposed Development Agreement for 303 Main Street, with the recommendation that Council adopt Resolution 95-07, approving the entering into of the Development Agreement with Mary Gladys Gazzola, for redevelopment of the property at civic number 303 Main Street.

Council heard Roger Wells, Planner for this item. He referred to the Nov. 8/94 meeting of Council, when amendments were approved to the M.P.S., the Land Use By-law, and for the proposed Development Agreement, which could not be approved by Council until after ministerial approval had been given for the amendments. Mr. Wells noted the staff recommendation that no changes be made to the proposed development agreement, with respect to the prohibition of a convenience store use.

MOTION: To adopt Resolution 95-07, as recommended, approving the Development Agreement for 303 Main Street.

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

2.1.3 ANALYSIS - COMMUNITY DEVELOPMENT COMMISSION POLL

ANALYSIS:
C.D.C. POLL

At the Council meeting of Dec. 13/94, Council agreed to the notification process with respect to the proposed establishment of a Community Development Commission for Downtown Dartmouth, and subsequently, the polling process required has taken place. Results of that process were presented at this time for the information of Council.

Mr. Smith, who is Returning Officer for the City, verified the results as all falling below the 40% criteria, from the 479 ballots sent out for purposes of the poll. The actual percentage figures, in the two applicable

categories polled, were provided to substantiate the results reported.

A number of pros and cons were presented for Council to consider, by Mr. Corrigan; these included:

Most effective way to generate revenue.
Would help to revitalize the downtown core.
Objection rate falls below the 40% criteria.
Would have the effect of decentralizing decision-making.
but -
Would take away from the continuity of City operations.
Some loss of control by City Council.
The area rate would be an additional tax.
Would be another layer of bureaucracy.

Ald. Dexter said he would like to table the report, and defer discussion for two weeks, to give members time to study it. Ald. Hetherington asked for copies of the report, for Council, and asked that the percentages of the voters be faxed to members.

MOTION: To table the report and defer discussion for two weeks.

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

2.1.2

ORIENTATION SESSION FOR COUNCIL MEMBERS

ORIENTATION
SESSION

Mr. Corrigan has sought direction from Council as to topics and issues that would be of most benefit to members in an orientation session. Several members mentioned a tour of the various City workplaces, and it was suggested that perhaps an orientation day could begin at 9:00 a.m., with a tour of facilities, followed by an orientation program that would continue on to about 3:00 p.m. Ald. Smeltzer said he has gone ahead with briefings, with City department heads, on his own, but he felt that departmental briefings should take place as a matter of course. Several members provided information on their own experiences as new

Aldermen, some having received an orientation, and some not.

There ere no specific directions given, except for the suggested tour of City workplaces, either on a Saturday or on a weekday, whichever would be better, in order to see the actual operation in progress.

2.1.4 CAPITAL BUDGET UPDATE

Mr. Corrigan advised Council that he will be making the capital budget presentation and tabling it on January 31st, to be followed by a budget meeting at 7:00 p.m., on Thurs., Feb. 2nd.

3.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. PYE

Ald. Pye asked for information, in camera, on a question he raised at a previous meeting, about vacation time for retired employees.

Ald. Pye asked if Dartmouth will be sending any representatives to the FCM conference. The Mayor said there is no decision on this yet.

ALD. HETHERINGTON

Ald. Hetherington asked about the Youth Committee budget for Youth Committee events, and Mr. Corrigan said a meeting is being arranged with the Youth Committee contact person. Ald. Hetherington said he would like to be informed further on this item.

Ald. Hetherington asked that the Dept. of Transportation be requested to look at the dangerous traffic situation, at the off ramp from Burnside Drive to Highway 111, where two lanes of traffic come into one lane. He suggested a No Passing section beyond the point of the white line.

ALD. SMELTZER

Ald. Smeltzer asked that the Director of Social Services get back to him on a matter dealt with in material from a person in his ward, passed to Ms. Carmichael at this time.

Council went in camera at 9:00 p.m., on motion of Ald. Hetherington and Greenough.

After reconvening in open meeting, the action taken in camera was ratified, on motion of Ald. Greenough and Cunningham.

MOTION: To ratify the action taken
while meeting in camera on
this date (land matter).

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

Meeting adjourned at 9:40 p.m.

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

DARTMOUTH CITY COUNCIL
JANUARY 24, 1995.

ITEMS:

- Proclamation, page 1.
 - Motion, Arthur H. Merrick ballfield, page 1.
 - 1.0 Presentation, page 2.
 - i) People Against Casinos in Nova Scotia, pg. 2/3.
 - 2.0 Reports, page 4.
 - 2.1 Chief Administrative Officer, page 4.
 - 2.1.1 Proposed Development Agreement, 303 Main
St., pg.4.
 - 2.1.3 Analysis, Comm. Development Commission
Poll, page 4.
 - 2.1.2 Orientation session, Council members, pg 5.
 - 2.1.4 Capital Budget update, page 6.
 - 3.0 Concerns of Council members or questions, pg. 6.
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DARTMOUTH CITY COUNCIL

TUES., JAN. 31/95
7:30 P.M.
COUNCIL CHAMBER
IN CAMERA
10:00 P.M.

1. **PUBLIC HEARING**

- i) Sale of Surplus Property at rear of 200 Waverley Road

2. **REPORTS**

2.1 **CHIEF ADMINISTRATIVE OFFICER**

- 2.1.1 Table Capital Budget - Presentation
2.1.2 Amendment to Land Use By-law - 41 Wentworth St
(set date for public hearing)
2.1.3 Proposed Comprehensive Development District
- Stonebridge (supplementary report)

2.2 **CITY SOLICITOR**

- 2.2.1 Foy Enterprises Appeal Decision

IN CAMERA SESSION 10:00 P.M.

1. Land Matter

DARTMOUTH CITY COUNCIL
JANUARY 31, 1995.

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

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

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

PROCLAMATIONS

Mayor McCluskey opened the meeting, and read Proclamations for:

- 1) African Heritage Month during February, 1995.
- 2) International Development Week, Feb. 5th to 11th, 1995.

1.0

PUBLIC HEARING

- i) SALE OF SURPLUS PROPERTY, 200 WAVERLEY RD.

PUBLIC HEARING:
200 WAVERLEY RD.

This date was set by Council for public hearing in connection with the proposed sale of surplus City property located at the rear of 200 Waverley Road: Parcel X, to National Trust Co. The report to Council from Mr. Corrigan (T. Rath, V. Spencer) recommends approval of Resolution 95-05, authorizing the property sale, subject to the terms and conditions contained in the report.

Ald. Levandier was recorded as being absent, for purposes of the public hearing, not having arrived for the meeting at this point. All other members of Council were recorded as being present.

The Mayor opened the public hearing and called for any speakers in favour of the sale of the property. After calling three times, and hearing no speakers, she called three times for any speakers against. There were no speakers against, and the public hearing was therefore

closed, on motion of Ald. Greenough and Hetherington.

Members received revised copies of Resolution 95-05, as prepared by the Solicitor, and Council proceeded with the approval of the resolution, as redrafted.

MOTION: To approve Resolution 95-05, as recommended, authorizing the sale of land at 200 Waverley Road, as recommended, subject to the terms and conditions from the report of Jan 9/95.

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

- 2.0 REPORTS
- 2.1 CHIEF ADMINISTRATIVE OFFICER
- 2.1.1 TABLE CAPITAL BUDGET - PRESENTATION

**PRESENTATION:
CAPITAL BUDGET**

The proposed Capital Budget for 1995/96 was tabled at this time by Mr. Corrigan, and he proceeded with the budget presentation. Members of Council received copies of the document containing capital program recommendations, plus summary information & analysis; also, working copies of the budget.

Of the almost \$20 million worth of capital projects submitted for consideration, the budget amount being recommended is \$7.7 million. With cost recoveries and the capital grant, this amount is reduced to \$6.2 million, the actual long-term debt requirement.

The Capital Budget for the Water Utility, in total, is \$33,926 million, \$32 million of which is required for construction of a water treatment plant.

The Capital Budget for Burnside Park totals \$1.8 million, and Mr. Corrigan recommends that it be approved, conditional on there being funds available in the Sale of Land account.

The recommended budget figure of \$7.7 million, the net Capital Budget allowance, is in keeping with the formula applied, whereby the allowance should correspond with the amount of the City's debenture debt retirement, which for 1995/96 is \$7,055,000. Information provided by Mr. Corrigan, during the presentation, showed that the three-year budget restriction plan, just past, has successfully resulted in a declining trend in long-term debt charges - eg. 12% this year, and forecast at 10% by the year 2000.

(Ald. Levandier arrived for the meeting during the budget presentation.)

Mr. Corrigan noted that no capital program is required for the School Bus operation, which has now been consolidated with the City fleet. The School Board will be calling for proposals for transportation services, and it could happen that the City will make a proposal that may be accepted. The City does not have to buy any new school busses.

Other items noted in the presentation were: the \$400 thousand dollar City allocation being recommended for the North End Community Centre, which, with Provincial and Federal cost-sharing, will provide the revised project amount of \$1.7 million required; the declining Provincial grant, for 1995/96, being \$1.5 million; a break-down summary of the various capital program allocations, with related explanations; the 1993/94 'report card', with a favourable variance of \$210 thousand, which has been added to the 1995/96 capital budget.

MOTION: To table the 1995/96 Capital Budget.

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

2.1.2

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

AMENDMENT:
41 WENTWORTH ST.

Mr. Corrigan has recommended, in a report to Council, that Feb. 21/95 be set as the date for public hearing of a Land Use By-law amendment application, for 41 Wentworth Street. His report was accompanied by a staff report on the

neighborhood information meeting for this application, held on January 19, 1995.

MOTION: To set Feb. 21/95 as the date for public hearing of the Land Use By-law amendment application, for 41 Wentworth Street, as recommended.

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

2.1.3 PROPOSED CDD - STONEBRIDGE PROPOSAL

PROPOSED CDD:
STONEBRIDGE
PROPOSAL

Reports have been provided to Council, with supplementary planning and traffic information, requested in connection with the planning approval process for the Stonebridge CDD development proposal. Mr. Corrigan recommends that staff be directed to proceed with finalizing planning reports and draft development agreement for this development, and forward the documentation to Council; Council may then schedule dates for a public meeting and a public hearing.

MOTION: To adopt the recommendation:

That staff be directed to proceed with finalizing planning reports and draft development agreement for this development, and forward the documentation to Council; Council may then schedule dates for a public meeting and a public hearing.

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

2.1.4 PROPOSED TOUR - WATER TREATMENT PLANTS

PROPOSED TOUR:
WATER TREATMENT
PLANTS

An item added to the agenda, was a FAX from Price Waterhouse, advising Council of two privately-operated water treatment plants,

located in New Jersey, U.S.A., willing to provide a plant tour for any members of the Water Treatment Work Group, plus representatives of the consulting firm, who may be designated to make the trip for this purpose.

As the Chairman of the Work Group, Ald. Hetherington recommended that four members of the Group, and two members of the consulting firm, be approved for the tour to the New Jersey area.

MOTION: That approval be given for a total of six members to make the trip for the tour, as per the recommendation made to Council.

Moved: Ald. Hetherington
Second: Ald. Greenough

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, due to his firm's potential interest in the treatment plant project. He withdrew from his place on Council to sit in the gallery.

Ald. Pye and Dexter were opposed to the motion, while Ald. Schofield and MacFarlane questioned the need for six people to go on the tour.

Some concerns were expressed that there is no information on the cost involved, but members speaking in favour of the motion felt it is important for members of both the Work Group and the consulting firm, to see a private plant in operation and talk to local municipal officials first-hand. Several members of Council referred to trips they have made to see other facilities on-site, and the benefit this provided in helping to come to decisions later. Ald. Pye took the position that all the information required could be received through other, less expensive means, such as a video, conference call, and other electronic processes.

Mr. Corrigan answered questions from Council, with whatever additional information he could. He informed Council of the approval for funding of the Public/Private Partnership proposal for a water treatment facility for Dartmouth. This would mean that the \$32 million capital debt would not have to be publicly funded in total for the project.

After a lengthy debate, the vote was taken.

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

2.2 CITY SOLICITOR

2.2.1 FOY ENTERPRISES APPEAL DECISION

FOY ENTERPRISES
APPEAL DECISION

A report from the Solicitor was before Council on the decision of the Utility & Review Board, with respect to the appeal of Foy Enterprises Inc., of the City's refusal to rezone properties at 4 York Lane and 111 Tacoma Drive to C-3, as requested by Foy Enterprises.

The Solicitor has not found any basis for appeal of the Board's decision, and has therefore recommended that Council comply with the Board Order, by passing By-law C-704, copies of which have been provided to members of Council.

BY-LAW C-704

MOTION: That leave be given to introduce the said By-law C-704, 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-704 be read a second time.

Moved: Ald. Hetherington
Second: Ald. Greenough

Ald. Smeltzer said it is unfortunate the Board has made the decision they did, considering the great disappointment among residents on Tacoma Drive, and their concern about the ultimate outcome of rezoning for commercial uses. He said that maybe the time has come to look at other streets, like this, with MPS designations that could affect residential properties in the future. Ald. Sarto also expressed his objection to the Board's decision.

The vote was taken on second reading.

In Favour: All members except
Against: Ald. Smeltzer, Sarto
Hawley
Motion Carried

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

Moved: Ald. Greenough
Second: Ald. Hetherington
In Favour: All members except
Against: Ald. Smeltzer, Sarto,
Hawley

Council went in camera at 9:30 p.m., on motion of Ald. Hetherington and Sarto. After reconvening in open meeting, the action taken in camera was ratified.

MOTION: To ratify the action taken in camera on this date (land matter).

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

Meeting adjourned at 9:45 p.m.

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

DARTMOUTH CITY COUNCIL
JANUARY 31, 1995.

ITEMS:

- Proclamations, page 1.
- 1.0 Public Hearing, page 1.
- i) Sale of surplus property, 200 Waverley Rd.,
 pg.1.
- 2.0 Reports, page 2.
- 2.1 Chief Administrative Officer, page 2.
- 2.1.1 Table Capital Budget, presentation, page 2.
- 2.1.2 Amendment to Land Use By-law, 41 Wentworth, pg.3
- 2.1.3 Proposed CDD, Stonebridge proposal, page 4.
- 2.1.4 Proposed tour, water treatment plants, page 4.
- 2.2 City Solicitor, page 6.
- 2.2.1 Foy Enterprises appeal decision, page 6.
 By-law C-704, page 6.



City of DARTMOUTH

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

"A healthy community"

DATE: January 9, 1995 COUNCIL DATE: January 31, 1995
 TO: Her Worship the Mayor and Members of City Council
 FROM: Larry Corrigan, Chief Administrative Officer
 SUBJECT: PUBLIC HEARING ON PROPOSED SALE OF SURPLUS PROPERTY
 PARCEL X TO THE REAR OF 200 WAVERLEY ROAD

Council has set January 31, 1995 as the date for a public hearing on its intention to sell surplus City property to the rear of 200 Waverley Road - Parcel X - to National Trust Company. It is recommended that City Council approve Resolution 95-05 authorizing the sale subject to the following terms and conditions:

1. a price of \$1.00 per square foot for an approximate area of 6,448 square feet for an estimated purchase price of \$6,448.
2. the survey plan and legal description to be prepared by the purchaser at the purchaser's expense;
3. the property is to be sold on an "as is" basis;
4. the purchaser is to reimburse the City for its legal costs associated with the conveyance of the property to a maximum of \$500.;
5. fulfillment of Charter requirements for the sale of Park land: Section 139 requires that City Council advertise and hold a public hearing on the disposition of the parkland;
6. the purchaser is to reimburse the City for the cost of the advertisements regardless of the outcome of the public hearing and whether the sale is closed;
7. the purchaser is to prepare and submit a plan of landscaping improvements for the area of encroachment prior to the closing. The plan is subject to approval by the City's Parks and Recreation Department;
8. the approved landscaping plan is to be implemented by no later than 120 days after the closing of the sale;

9. permission for the City of Dartmouth to access City owned parkland from the subject property and the property which is to be consolidated;
10. as a provision of the conveyance of title the purchaser agrees to ongoing maintenance of the retaining wall and ongoing maintenance of the landscaping as provided for in clauses 7 and 8 above;
11. unless otherwise determined by the City, the City will set a closing date of approximately 60 days from the date of approval by City Council;
12. easements D-1367 and D-1368 are to be granted to the City prior to or at the time of closing; and
13. if through no fault of the City, the purchaser is not in a position to close the transaction on the closing date established by the City, and in the event another date cannot be mutually agreed upon, interest is to accrue on the outstanding balance of the purchase price at the rate of bank prime, plus 3%, from the originally scheduled closing date to a subsequent closing date, established by the City; or the City, at its discretion, may terminate the transaction. The prospective purchaser, thereby, forfeits any future claim or interest in the site and the City shall not be liable for any costs or damages.

Submitted by:



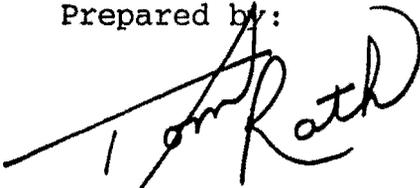
Larry Corrigan
Chief Administrative Officer

Approved by:



Valerie Spencer, Director
Development Services

Prepared by:



Tom Rath, Manager
Economic Development Group

RESOLUTION 95-05

WHEREAS pursuant to Section 139 of the Dartmouth City Charter, it is enacted that the City may convey land in any manner that the Council deems advisable or expedient, as long as it is conveyed for not less than its fair actual value;

AND WHEREAS it is deemed advisable and expedient to sell the property shown on Attachment 3 attached to National Trust Company;

AND WHEREAS the price hereinafter mentioned is considered by Dartmouth City Council to be the fair actual value of the lands;

BE IT RESOLVED THAT the City of Dartmouth sell to National Trust Company the property shown on Attachment 3 attached consisting of 6,448 square feet for a price of \$6,448.00 on the terms and conditions set out in the report of Tom Rath dated January 9, 1995;

AND BE IT FURTHER RESOLVED THAT the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Dartmouth the deed necessary to complete the conveyance of the said lands.

DATED this day of January, A.D. 1995.

Mayor

City Clerk

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

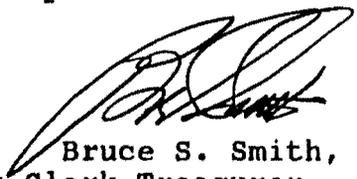
INFORMATION SYSTEMS

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.

**DARTMOUTH CITY COUNCIL
AGENDA**

**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**

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.
-

Sub. Ref Dept.

**DARTMOUTH CITY COUNCIL
AGENDA**

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

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

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

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.

DARTMOUTH CITY COUNCIL AGENDA

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**

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 Armoian 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:

- 1.0 Proclamations, page 1.
 - 1.0 Public Hearing, page 1.
 - i) 36 Wentworth Street, page 1 to 4 incl.
 - 2.0 Reports, page 5.
 - 2.1 Chief Administrative Officer, page 5.
 - 2.1.1 Request for Qualifications, Water Treatment Plant, page 5.
 - 2.1.2 Supplementary: Block X & Kent Development Proposals, pg. 6.
 - 2.1.3 Proposed Greater Halifax Economic Development Partnership, pg. 8.
 - 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.
 - 3.0 Presentations, pg. 12.
 - i) Dartmouth School Board budget briefing, pg. 12.
 - ii) 100th Anniversary, Dartmouth Natal Day, pg. 14.
 - iii) Nebooktook Tour Promotion, page 15.
 - 4.0 Reports, page 15.
 - 4.1 Chief Administrative Officer, page 15.
 - 4.1.1 March Break, page 15.
 - 4.1.2 Municipal Insurance Coverage, 1995/96, pg. 16.
 - 4.1.3 Requests to amend MPS, Armoyan Group, pg. 16.
 - 4.1.4 Council contact information, page 17.
 - 4.1.5 HarbourEdge design, page 17.
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**DARTMOUTH CITY COUNCIL
AGENDA**

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

INVOCATION

1. **APPROVE THE MINUTES FROM THE MEETINGS:** Feb. 3, 7, 14, 21, & 28 1995.
2. **BUSINESS ARISING FROM THE MINUTES**
3. **DELEGATIONS & HEARINGS OF PROTEST**
4. **ORIGINAL COMMUNICATIONS**
5. **PRESENTATION**

- i) Bicycle Dartmouth - Tony Case

6. **PETITION**

7. **REPORTS**

7.1 **CHIEF ADMINISTRATIVE OFFICER**

- 7.1.1 Cost Sharing Agreement, Craighburn Drive - Armoyan Group
- 7.1.2 Proposed Development Agreement - Stonebridge
- 7.1.3 Budget Timetable

7.2 **CITY SOLICITOR**

- 7.2.1 Terms of Reference - Advisory Committee for Persons with Disabilities

8. **MOTION**

8.1 **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;

8.1 ALD. DEXTER (MOTION CONT'D)

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.

9. NOTICES OF MOTION

10. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

IN CAMERA SESSION 10:00 P.M.

1. Personnel Matter (deferred from Feb. 28th mtg)

DARTMOUTH CITY COUNCIL
MARCH 7, 1995.

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

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

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL
CITY STAFF MEMBERS

INVOCATION

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

Council agreed with two requested agenda changes: (1) the addition of item 7.2.2 (By-law I-212), and (2) the deletion of the in camera item, and therefore, no in camera meeting for this date.

1.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on Feb. 3, 7, 14, 21, & 28/95.

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

2.0 BUSINESS ARISING FROM THE MINUTES

Ald. Smeltzer asked about the status of the Economic Development Partnership, an item from the Feb. 28th meeting. Mr. Corrigan said he understood that the Dartmouth amendment (name change) was not well received. The Councils of both Halifax and Bedford had problems with the 50% Chamber representation on the Board proposed, and amendments have been made in this connection. Halifax County Council has not yet addressed this matter.

3.0 DELEGATIONS & HEARINGS OF PROTEST

4.0 ORIGINAL COMMUNICATIONS

5.0 PRESENTATION

i) BICYCLE DARTMOUTH - TONY CASE

PRESENTATION:
BICYCLE DARTMOUTH

A presentation was made to Council by Tony Case, on behalf of Bicycle Dartmouth, a group that has been founded to promote safe cycling and the benefits of cycling generally, healthwise and as an alternative form of transportation.

Mr. Case reported on the accomplishments of Bicycle Dartmouth to date, and on future goals the organization has, such as: the collection of data on people who are cycling; the creation of a more bicycle-friendly environment; to insure that the needs of cyclists are being met in the designs and development of future roads and upgrading of roads.

Some of the things that Council can do to encourage and support Bicycle Dartmouth, were noted, and Mayor McCluskey was thanked for her participation in the Bike to Work Week, held last fall. Mr. Case said that at a future meeting, he would like to show Council a twelve-minute video, targeted toward municipalities, in relation to bicycling.

At the conclusion of his presentation, Mr. Case was thanked by the Mayor, on behalf of Council.

6.0 PETITION

7.0 REPORTS

7.1 CHIEF ADMINISTRATIVE OFFICER

7.1.1 COST-SHARING AGREEMENT, CRAIGBURN DR.- ARMOYAN GROUP

COST-SHARING
AGREEMENT:
CRAIGBURN DR.

Council dealt with a report from Mr. Corrigan (R. Fougere, E. Purdy) on the cost-sharing agreement with the Armoyan Group, for the installation of water and sewer systems, and street construction on Craighburn Drive.

Armoyan Group Ltd. have now advised that the company is looking for a further \$200,000. contribution from the City, over what was

originally negotiated with them. Further discussions with them followed, at the end of which, a counter proposal has evolved, whereby the City costs would coincide with the amount approved in the budget for this project, that is, \$543,000.), plus 7% GST. With the GST rebate, the City's cost would now be \$559,300.

Revenue accruing to the City from this project includes \$13,700. in sewer assessment charges, and approx. \$50,000. in street construction charges. Two recommendations have been made to Council, at the conclusion of the report.

CONFLICT OF
INTEREST (2)

Conflict of interest was declared by two members of Council on this item. Ald. Greenough, by reason of his home being located on Craighburn Drive, and Ald. Woods, due to the involvement of the company with whom he is employed. Both members left their places on Council to sit in the gallery while the item was before Council.

MOTION: To adopt the recommendations from Mr. Corrigan's report:

- (1) That City Council approve the increase in the cost-sharing for the Craighburn Drive services and street construction, to the amount of \$559,300., under the terms set out in the revised cost-sharing agreement with the Armoyan Group. Funds for the additional \$16,300. required, to be taken from the \$200,000. street construction project for Waverley Road.
- (2) Further, that should this final cost-sharing proposal not be acceptable to the developer, the project be deleted from the Capital Budget, and the funds remaining, be allocated to other City projects.

Moved: Ald. Sarto
Second: Ald. Hetherington

Ald. Hawley was concerned that the revised agreement is not favourable to the City, in that we will not be compensated as previously negotiated, and only the developer is

benefiting financially under the counter proposal for cost-sharing. He did recognize, with other members, that there is a consideration involved where the existing Craighburn Drive residents are concerned, but tended to feel that another attempt should be made to improve the City's position with the Armoyan Group. It was noted by Mr. Corrigan that as late as March 3rd, a letter has been received from the company, indicating their firm position on the offer before Council. Several previous attempts to move them from that position have been unsuccessful.

Ald. Levandier noted that the servicing and street construction on Craighburn Drive would have probably cost the City a comparable amount to what has been negotiated anyway; he was in favour of the motion and of proceeding with the project. Ald. Hetherington agreed that the over-riding consideration here is the assurance given to Craighburn Drive residents, last year, that this project was to go ahead. There were other members who shared this opinion.

In Favour: Majority of members
Against: Ald. Hawley
Motion Carried

7.1.2 PROPOSED DEVELOPMENT AGREEMENT - STONEBRIDGE

STONEBRIDGE
DEVELOPMENT

Report from Mr. Corrigan (V. Spencer, R. Wells) on the proposed development agreement for the Stonebridge Comprehensive Development District, advising Council that Development Services have been unable to reach an agreement with the proponent on two items relating to the construction of Baker Drive, as outlined on pages 11 and 12 of the staff report dated Feb. 27/95. It is noted that at some point in the development agreement process, Council will have to determine its wishes in this regard.

The recommendation from the report is that Council instruct staff to hold a neighbourhood information meeting.

MOTION: That Council instruct staff to hold a neighbourhood information meeting, as recommended.

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

7.1.3 BUDGET TIMETABLE

BUDGET TIMETABLE

Report from Mr. Corrigan on the proposed operating budget timetable for 1995/96, scheduled to begin on March 30th, with the presentation of draft budget and overview by the CAO. The final budget proposal would be tabled on Tues., April 11th.

MOTION: To approve the recommended operating budget timetable, as set out in Mr. Corrigan's report of March 2/95.

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

7.2 CITY SOLICITOR

7.2.1 TERMS OF REFERENCE - ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

TERMS OF REFERENCE:
ADVISORY COMMITTEE

At the request of the Five Star Committee, renamed the Advisory Committee for Persons with Disabilities, new terms of reference have been drafted by the Solicitor and recommended by her and by the Committee, for Council's approval.

MOTION: To approve the new terms of reference for the renamed Committee, as recommended.

Moved: Ald. Walton
Second: Ald. MacFarlane

Ald. Smeltzer suggested two changes the Committee might want to consider, both in section 12 of the terms of reference. He suggested first that the word 'should' be changed to 'shall' (first line under the heading of MANDATE); and the addition of one more mandate item: '. . . and perform such other responsibilities as may be asked of the Committee.'

Under the heading COMPOSITION, an amendment to sub-section (3) was proposed by Ald. Walton, whereby the appointment of a Council member would be for a one-year term only, taking into account that amalgamation is expected in April of 1996.

AMENDMENT: That sub-section (3) of section 2 of the Terms of Reference, be amended to reflect a one-year appointment to the Committee for the member of Dartmouth City Council.

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

The vote was taken on the motion, as amended.

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

7.2.2

INDUSTRIAL COMMISSION BY-LAW - I-212

BY-LAW I-212

In keeping with Council's decision to change the price of land in Lot 816B Williams Ave., to \$2.95 per sq. ft., By-law I-212 has been prepared by the Solicitor, and recommended to Council for approval.

MOTION: That leave be given to introduce the said By-law I-212, 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 I-212 be read a second time.

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

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

MOTION: That By-law I-212 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. Greenough
Second: Ald. Hetherington
In Favour: All
Against: None
Motion Carried

8.0 MOTION

8.1 ALD. DEXTER

MOTION: 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 CAO, 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 CAO 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.

Moved: Ald. Dexter
Second: Ald. Pye

In presenting his motion, Ald. Dexter noted the expiration of the harbour clean-up agreement and the winding down of HHCI operations, to the point now where even Federal and Provincial funding commitments are in doubt for the future. He said there has to be a complete re-focus on the project, and political will to go forward with it, has to be reactivated.

He felt the process proposed by his motion will provide for a first step forward to be taken, and if the initiative cannot originate with HHCI, the Chief Administrative Officers can come together to organize the conference.

Ald. Hetherington proposed in amendment that the second last paragraph of the motion be deleted altogether, and the wording of the final paragraph altered somewhat.

AMENDMENT: To delete the second last paragraph of the motion, and to alter the final paragraph, from its present wording, to begin:

BE IT RESOLVED that Council suggests that its Chief Administrative Officer cooperate, etc., as presented up to the words ' . . . such a conference independently of HHCI'. The remainder of the sentence to be deleted.

Moved: Ald. Hetherington
Second: Ald. Greenough

Members of Council speaking on the amendment, were in favour of it. Ald. Sarto suggested that it would be important to have both Federal and Provincial representatives present for the conference. Ald. Woods felt the best decision would be to solve our own problems on this side of the harbour with our own treatment plant.

In Favour: All
Against: None
Amendment Carried

The vote was taken on the motion, as amended.

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

9.0 NOTICES OF MOTION

The following Notice of Motion was given for the next regular meeting of Council:

Ald. Hetherington

WHEREAS the streets of MacKenzie Street, Provost Street, High Street, Trenholme St., and Novawood Drive, have always been dead end residential streets;

AND WHEREAS they abut industrial lands;

BE IT SO RESOLVED that these four streets and one drive, remain closed to commercial traffic, and only be allowed to be opened up for emergency vehicles only.

Ald. Pye asked to have Council go in camera to discuss a personnel matter from the Feb. 28th in camera meeting. The required two-thirds majority of Council did not agree to deal with the item, having previously determined at the beginning of the meeting that there would be no in camera meeting on this date. Ald. Pye requested that this item be back on the agenda in two weeks time.

10.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. HETHERINGTON

Ald. Hetherington asked about the recent advertisement for appointments to the Downtown Dartmouth Community Development Commission, and whether or not these appointments are to be made by Council. Ms. Hood said the Commission has not yet been officially established, and any advertisement for appointments was premature at this time. Also, appointments are to be made by the City, and she is drafting a letter to the Director of the Downtown Dartmouth Corporation, clarifying this misunderstanding, and a further one about election ballots being circulated.

ALD. SCHOFIELD

Ald. Schofield asked again about the houses on Cannon Crescent, and whether it would be possible to expedite some action on them, through the office of our M.P. The Mayor made a note of this request.

Ald. Schofield also had a concern about a person in his ward who has had recent problems with the pound service. He asked if a complaint in this connection could be made through the Police Dept., and was advised that it could.

ALD. SMELTZER

Ald. Smeltzer asked if members of Council could be provided with information on approved policies that are in effect. He went on to inquire about information marked Confidential, which relates to litigations involving the City. The Solicitor explained that this information is confidential in the same way as any legal matter where a solicitor-client privilege is involved, the City being the client in this instance. Comments from the Solicitor on the likely outcome of court cases is definitely of a confidential nature, as are other legal opinions affecting the City's position.

Ald. Smeltzer's other inquiry concerned items dealt with in camera. He felt that before amalgamation takes place, some attention should be given to certain policies applicable to in camera meetings and the designation of items for them. The Mayor noted the present criteria: personnel items, contract/collective agreement items, items involving litigation and involving land matters. The Solicitor commented on some of the problems associated with the specific approval of in camera items, coming back into open meeting. She felt that hard and fast rules for such procedures are not the best way to go, and not always in the best interest of the City.

ALD. MACFARLANE

Ald. MacFarlane asked about progress with Chestnut Lane; Mr. Purdy said he has no final report.

Ald. MacFarlane asked to be informed as to whether the operators of Access-a-Bus have first aid training, and if so, is it updated on a regular basis.

Meeting adjourned at 9:15 p.m.

V. Carmichael
V. Carmichael
Asst. City Clerk

LOCATION: NANTUCKET SENIOR CITIZENS CENTRE
TIME: 1:00 P.M.

MEMBERS PRESENT: MAYOR MCCLUSKEY
ALDERMEN: SARTO, SCHOFIELD
HAWLEY, PYE
CUNNINGHAM, SMELTZER
GREENOUGH, WOODS
LEVANDIER, DEXTER
CHIEF ADMINISTRATIVE OFFICER: L. Corrigan
ASSISTANT CITY CLERK: VI CARMICHAEL

1.0 CONSULTING SERVICES FOR DESIGN AND CONSTRUCTION OF FERRY
TERMINAL PARK IMPROVEMENTS

At the February 28th meeting of Council, Mr. Corrigan indicated there would have to be a special Council meeting dealing with the awarding of tender for the HarbourEdge. He suggested it be included in the tour of city operations and Council agreed. Council met for lunch in the Multi-purpose Room of Nantucket Senior Citizens Centre and following the meal the Special Council meeting was held.

Circulated at the meeting were copies of a report dated March 10th. The report related to a Parks and Recreation call for proposals for consulting services for the design and construction of the Ferry Terminal Park Improvements. Mr. Corrigan explained that there is some urgency with dealing with this matter, as the proposed peace monument, events plaza and breakwater are part of the G-7 infrastructure, requiring completion by the middle of June. Mr. Corrigan noted that there is a small amount of risk attached to commencing work on this First Phase, as he only has a verbal commitment from the Federal and Provincial Government on funding of this \$1.2 million capital works project.

In the review of the report, it was noted that only two proposals were received. Technical staff, consisting of Bill Stevens, Director, Parks and Recreation; Val Spencer, Director, Development Services; Ed Purdy, Assistant Director, Engineering and Public Works and Carol Macomber, Park Planner were assembled to review the proposals. Upon reviewing the proposals, it was determined that one was clearly superior, as it had technical merit, although the other was less expensive. Due to the tight timetable being faced for completion of Phase I, the need for an effective construction management component of the project was recognized to fast track the project.

Mr. Stevens noted that in addition to Phase I, Phase II hopefully would be completed by the end of 1996.

In his highlighting of the report, he noted that the proposal from Sperry & Partners Ltd. for design and contract administration totalled \$542,938 for Phases I and II.

Byrne Architects' proposal for this same work totaled \$394,000 but they included construction management for both phases for a total of \$744,000. It would be later ascertained that the call for proposals did not call for a construction management proposal, but upon interviewing representatives of both firms, the technical staff recognized the merit of including this component to meet the deadlines.

In conclusion, the evaluation team suggested the following options:

Request Byrne et al to detail the final costs of the construction management element (as there may be certain components that can be negotiated, as some services may be provided by the City) and request Sperry et al to provide detailed costs for the addition of a construction management element. The evaluation team could then compare balanced proposals.

In the absence of this information, the evaluating team recommended that, subject to funding, the project be awarded to the Byrne Architects team, for a price not to exceed \$744,000. Secondly, due to the number of contracts requiring approval through the fast tracking process, that the CAO be granted permission to award tenders above the maximum of \$25,000 to ensure that the fast tracking of the tendering process can be maintained for the Phase I, Ferry Terminal Park Improvements.

Concern was expressed that preliminary design proposals have not been submitted, thus no one knows what the project will look like. A discussion followed on how the prices would have been arrived at and whether it is to the advantage of the City to have a fixed price or percentage of total cost, which is yet to be determined.

Mr. Corrigan stressed that although the project is considered as one, it is being dealt with as two separate components, until ACOA approves Phase II, a \$6.2 million project.

Mr. Stevens noted that the City isn't committed to any expenditures regarding Phase II. Passing of the recommendation to award the contract to Byrne will be committing the City to one-third of the contract price or approximately \$190,000.

Concern was expressed by various aldermen that in order to be fair to Sperry and Associates, they should be given an opportunity to bid on the construction management element. It was subsequently moved by Ald. Greenough and seconded by Ald. Cunningham, that Byrne be requested to submit final costs of this element and Sperry be requested to provide detailed costs for the addition of this element and the CAO be granted permission to award tenders above the maximum of \$25,000.

During debate of the above motion, Ald. Pye expressed his reservations about giving Mr. Corrigan permission to award tenders. Ald. Pye felt Council should have input into the tendering process. Mr. Corrigan emphasized the importance of this aspect of staff's recommendation. He felt it would be impossible to finish the project for the June 15th deadline if Council's approval was required for each of the fifteen (15) tenders. He suggested an alternative might be a small committee consisting of himself, the Mayor and Deputy Mayor. Council was assured that they will be kept abreast of developments by fax and E-mail, on a daily basis when tenders are awarded and concepts are received.

A discussion followed regarding the merits and disadvantages of only committing the City to the completion of Phase I. Concern was expressed that should only Phase I be done, it should be designed in such a way as to not stick out as a "sore thumb". Mr. Stevens explained that there are some components in the construction of Phase I that will have to be included in Phase II. It has to be considered as a package from beginning to end.

During clarification of Ald. Greenough's motion, he noted that it was not his intention that Mr. Corrigan return to Council for a decision on the granting of the contract to Sperry or Byrne, once the additional information has been provided. Mr. Corrigan was to have the authority to make this decision.

Before the vote was taken on the motion, Ald. Pye requested that the vote be taken separately on both recommendations. This request was agreed to.

MOTION: That Byrne et al be requested to detail the final costs of the construction management element and Sperry et al be requested to provide detailed costs for the addition of a construction management element.

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

MOTION: That the CAO be granted permission to award tenders above the maximum of \$25,000 to ensure that the fast tracking of the tendering process can be maintained on a schedule necessary to complete the project.

Moved: Ald. Greenough
Second: Ald. Cunningham
In Favour: All members except
Against: Ald. Pye
Motion Carried

City Council, March 10, 1995

Page 4

Meeting adjourned at approximately 2:10 p.m.

V. Carmichael
Vi Carmichael,
Assistant City Clerk

City Council March 10, 1995

ITEM:

Consulting Services for Design and Construction of Ferry
Terminal Park, pages 1 - 4

LLeB

DARTMOUTH CITY COUNCIL AGENDA

TUES., MAR. 21/95

7:30 P.M.

COUNCIL CHAMBER

PROCLAMATIONS: - Elimination of Racial Discrimination
- Hunger Awareness Week

1. **PUBLIC HEARING**

i) 91 Tacoma Drive - Amendment to Land-Use By-law

2. **PRESENTATION**

i) Bill Hayward (oral)

3. **REPORTS**

3.1 **MAYOR**

3.1.1 Resolution - National Packaging Protocol

3.2 **CHIEF ADMINISTRATIVE OFFICER**

3.2.1 Resolution 95-15, Extend Date for Setting Tax Rate

3.2.2 348 Pleasant Street (set date for neighborhood info mtg)

DARTMOUTH CITY COUNCIL
MARCH 21, 1995.

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

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

MEMBER ABSENT: ALD. HETHERINGTON

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

The Mayor opened the meeting and welcomed to it, the Second Westphal Scout troop, present with their leaders.

PROCLAMATIONS

Proclamations were read by Mayor McCluskey for:

- 1) International Day for the Elimination of Racial Discrimination, March 21/95.
- 2) Hunger Awareness Week, the week of March 27th, 1995.

1.0 PUBLIC HEARING

i) 91 TACOMA DRIVE - AMENDMENT TO LAND USE BY-LAW

PUBLIC HEARING:
91 TACOMA DR.

This date was set by Council for public hearing of an application from Canadian Tire Corp., to rezone a small parcel of 91 Tacoma Drive, from R-2 Zone, to C-3 Zone, so the owners can construct a loading dock to be used for the existing store. The staff report on this application recommends in favour of it.

All members of Council were recorded as being present, except for Ald. Hetherington, and Ald. Hawley, who was not present until later in the meeting.

The presentation to Council for Development Services was made by Patricia Richards. She explained the intent of the rezoning request, and advised that the owners of Canadian Tire

are prepared to install fencing and carry out the various buffering measures that have been requested by area residents, to deal with littering problems associated with the Canadian Tire property. She said Development Services are recommending that Council approve the Land Use By-law amendment being requested.

The Mayor opened the public hearing, calling three times for any speakers in favour. There were no speakers in favour, so she called three times for speakers opposed. Again, there were no speakers, and the public hearing was declared to be closed, on motion of Ald. Pye and Greenough.

Ald. Sarto asked Mr. Crewe, the Canadian Tire representative present for the hearing, about the commitment of his company to the items requested from the public information meeting. Mr. Crewe confirmed, for the record, that all of the requirements from that meeting will be carried out, as they have been detailed in the staff report on the meeting.

BY-LAW C-717

Council proceeded with three readings of By-law C-717, to amend the Land Use By-law.

MOTION: That leave be given to introduce the said By-law C-717 and that it now be read a first time.

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

MOTION: That By-law C-717 be read a second time.

Moved: Ald. Withers
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-717 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. Greenough
Second: Ald. Walton
In Favour: All
Against: None
Motion Carried

2.0 PRESENTATION

i) BILL HAYWARD (ORAL)

PRESENTATION:
BILL HAYWARD

Mr. Bill Hayward was present for this meeting, one of the scheduled public meetings where members of the public and Council are able to raise questions and comment on issues associated with metro amalgamation, and to hear a presentation by Mr. Hayward on the subject.

Ald. Pye asked about what he felt was a lack of advertising for this public meeting. Mr. Hayward said it was identified in the Newsletter that went out to anyone requesting it. The question of adequate publicity for these meetings came up several times, and Mr. Hayward stated his willingness to hold another meeting in Dartmouth and to give it more publicity.

Mr. Hayward proceeded with his presentation to Council and citizens who were in the gallery.

Mr. Hayward first stated his mandate, to have a new municipal unit established by April of 1996, and gave details of the schedule for meeting this commitment. The legislation required will be introduced at the spring sitting of the Legislature, after which, in June, Mr. Hayward will be filing his recommendations with the Utility & Review Board, with respect to polling districts for the fall election of the new council. A CAO will be hired in June, followed subsequently by department heads. Any members of existing councils can run for the new regional council, and there will be a three or four-month overlap between the election and the local councils coming to an end in April.

Points of information from Mr. Hayward's presentation, were as follows:

- 1) the new Council will be comprised of twenty councillors and one Mayor. The Mayor will be elected at large.
- 2) based on the total projected population for the new regional municipality (330,000 people), the representation breakdown will be 16,500 people per councillor. Comparison figures were provided for various other Canadian cities, some with higher ratios per councillor, and some lower.
- 3) it is recommended that the present external boundaries for Halifax County, be set as the external boundaries for the new regional municipality.
- 4) communities will be able to retain their identity through the retention of community names; through community councils and community advisory committees, allowing for input on planning decisions, area rates, community services; through volunteer participation in fire, recreation services, etc. Where there are already area plans in place, these will be maintained.

The community advisory committees will be made up of a councillor and three elected members, who will be chosen at a general public meeting. The community councils will consist of three or more councillors, from the regional council.

- 5) volunteer fire departments will be retained, and volunteer roles in recreation will be retained.
- 6) land use and development controls will be exercised by community council, based on area plans.

- 7) a cost-saving of \$9.8 million dollars is projected, through the elimination of a duplication in administrative services; 175 positions in administration will be eliminated in all.

The anticipated saving will recover one-time costs for start up and employment adjustment programs, in less than one year.

- 8) some of the benefits of amalgamation are seen to be:

- a) the economic promotion and development of the whole area on a coordinated basis, by a single municipal unit.
- b) regional services provided by a single municipal unit.
- c) planning possible for the whole municipal unit for transportation, economic development, recreation, water, sewer, etc.
- d) a more efficient & effective municipal unit.

- 9) the regional council will have to come up with a split tax rate structure acceptable to the whole region, and this will be a complicated problem for the new council to resolve.

- 10) a scenario for proposed polling districts for Dartmouth was outlined, and members received maps, with population figures for the districts, designated as Dartmouth Albrow lake/Burnside; Dartmouth Westphal/Waverley Rd.; Dartmouth Woodlawn; Dartmouth Woodside; and Dartmouth Downtown.

After Mr. Hayward had completed his presentation, the meeting was opened up to comments and questions from members of the public, present in the gallery. The following speakers were heard:

- 1) Arthur Canning - he gave a brief run-down of the negative comments on amalgamation, that he has received, in response to requests he made for expressions of opinion. ("Cumbersome and clumsy", "Bigger does not mean better", "Not able to find out what the good points are", "People have not been asked", etc.)

Mr. Canning objected to the fact that there are no provisions for plebiscites to be held, and suggested, with reference to the Official Languages Act, that the reason for a larger municipality may have something to do with the population numbers required for purposes of bilingualism. He was concerned about the protection of our rural communities; he said they should be there 'for people to escape to'.

- 2) Louise Moores - Ms. Moores said she was concerned that Dartmouth residents are not able to talk to their MLA's about amalgamation. Her other particular concern was about the City school system, and the implications of amalgamation for it. Asked by Ms. Moores about the supplementary funding Dartmouth has provided in the past for education, Mr. Hayward said it will be his recommendation that the funding be continued, through an area rate, and phased out over a ten-year period. The question of a new amalgamated School Board for metro gives rise to other questions, however, as to how this would all work.

Ms. Moores also wondered about the access that citizens will have to council meetings, and where they would be held. Mr. Hayward could

not give a definite answer on the location. With respect to policing services, Mr. Hayward said a decision would have to be made in 1997 on the replacement of RCMP in County areas such as Cole Harbour and Sackville. He explained the three-stage process for evaluating and deciding on rural policing.

- 3) Jane MacKay, Chair of the Dartmouth District School Board - Ms. MacKay saw problems with supplementary funding, in the event of an amalgamated school board. Mr. Hayward admitted there would be more trouble with an amalgamated board system, and pointed out that his recommendation for continuing the supplementary funding process, was based on the concept of separate school boards rather than one amalgamated board. Ms. MacKay felt it would be preferable to maintain the present system of funding for the Dartmouth unit, instead of going to area rates, involving the various sections of the County. She explained how this could result in uneven education standards.

Mr. Hayward said he is available to meet with School Board members to hear their opinions on this and other education questions.

- 4) Harry Taggart, Dartmouth representative on the Amalgamation Committee - Mr. Taggart stated his concerns that Dartmouth citizens are not coming forward with questions about the amalgamation process, or making their views known on the issue. He later gave his phone number (434-7284), asking that people get in touch with him whenever they want to.

Mr. Taggart asked whether full or part-time salaries are being projected for regional councillors, and whether they will have support staff. Mr.

Hayward said the level of remuneration he is thinking of is around \$20,000. plus, for councillors; support staff would be provided.

Mr. Taggart's other questions dealt with the advisory committees and their role, any remuneration for members, etc.

- 5) Emmett Austin - asked about the advertising of the public meetings and the adequacy of it. He then asked about Dartmouth's total debt, and was advised by Mr. Hayward that it is about \$60 million dollars. The City's assets are in excess of \$200 million dollars. It was noted that the City's tax rates cover the debt and interest on the debt, in the regular way, while the water debt is covered by water rates.

Future tax rates will not transfer the cost of one unit's debt to the taxpayers in another unit.

Mr. Hayward had some comments at this point about the intent of the service exchange program. He said the aim is 'to get the new municipality out of social services' (and associated costs).

- 6) Frances Taggart - she expressed concern about the lack of publicity for this meeting, and felt that Dartmouth needs a well-advertised meeting, such as the one held in Cole Harbour area. Mr. Hayward again stated his willingness to book a school and advertise another Dartmouth meeting.
- 7) Roel Vis - asked about allowances for future growth. He Hayward said that such allowances have been made, some areas being affected more so than others.
- 8) Mary Jane Faye, Rose St.- asked if taxpayers will find it harder to get in touch with regional councillors than is now the case with ward aldermen, who are accessible to their residents.

Mr. Hayward felt there would be the same degree of accessibility to elected representatives of the polling districts in which residents live, and did not see this as a situation any different from the present one, from that point of view.

Mr. Arthur Canning spoke a second time, briefly, and in response to questions he had about municipal employees who will lose their jobs, Mr. Hayward provided information on the ten meetings he has taken part in, with municipal employees, to try and give them as much information as he is able to on the effects of amalgamation, where their jobs are concerned. He said job reductions will not come in those areas where employees deliver services; the reductions will be mainly in administration areas.

After hearing from members of the public, Council members were able to direct their own questions to Mr. Hayward, and discuss their particular concerns with him. A summary of those points and concerns is as follows:

- 1) Remuneration for councillors: several members did not feel that salaries in the \$20,000. range are adequate, considering the number of constituents that each councillor will have to represent, not unlike the responsibility of Provincial MLA's.

The question of full or part-time councillors was raised a number of times. Mr. Hayward did not have a firm response, and Ald. Smeltzer felt that it is preferable to look at what would be an appropriate remuneration, rather than worrying about this question now.

- 2) Problems with the consultation process - in addition to the points already noted with respect to lack of attendance at public meetings, due to insufficient advertising of them, Council members also objected to being excluded from any initial consultation on amalgamation, and from any opportunity to sit down at a much earlier point, with Mr. Hayward and elected Provincial

representatives - in other words, having no part in decisions that will impact on the future of Dartmouth. Several members felt that amalgamation should have been approached differently, based on municipal reform and integration of services, on a gradual basis.

Ald. Dexter said that disrespect was shown to duly elected Council members through the process that has been followed. Ald. Pye considered it to be 'an erosion of the democratic process'.

Ald. Pye, Withers and Greenough were of the opinion that amalgamation represents a down-loading of costs by the Province onto the municipal unit being created. Ald. Greenough said that in the long term, this whole thing is 'going to end up costing us all more'. There were other members who questioned the savings that are supposed to come with amalgamation. Ald. Hawley referred to the different salary scales and benefits that exist among employees in the present municipal units, and costs that could be incurred in trying to reconcile these under one municipality.

Mr. Hayward said that basically, people will be working where they are working now, and there will be no provision to change salaries, with the restraint program still in effect until November of 1997.

- 3) Degree of accessibility for citizens to regional councillors: Ald. Dexter stated his concern about citizens not having the same direct access to regional councillors, as they presently have to ward aldermen. He said that at present, aldermen are advocates for the people they represent, and he could see this situation changing. Ald. MacFarlane also spoke about the value of representation and all that goes with it. He said it is hard for

the general public to understand some of the losses there will be in this area and in services that may be lost as well.

- 4) Implications for staff: there were questions to Mr. Hayward about the implications of amalgamation for existing City staff, and in particular, those whose jobs will be terminated. Ald. Woods said there is a responsibility to these employees, and he suggested there should be re-training initiatives offered to try and provide alternate employment wherever possible for staff who will be without jobs.

Ald. MacFarlane was concerned about the loss of morale and uncertainty facing municipal employees. He said he questioned whether this is the way to create a productive work force in the province.

Asked about the holding of a plebiscite on amalgamation, Mr. Hayward stated that there is no provision in his terms of reference for a plebiscite. It was noted by one of the Council members that the amalgamation legislation will already be in place by the time a plebiscite could be organized and held. From that point of view, it was not seen as a viable option for determining the wish of the residents.

Questions and discussion with Mr. Hayward continued for a lengthy period of time, during which Council agreed to carry on with the meeting after 11:00 p.m., on motion of Ald. Pye and Dexter (Ald. Hawley voting against). Ald. Smeltzer suggested that a full morning or afternoon of consultation, between Mr. Hayward and Council, would be beneficial.

Mr. Hayward gave assurance of his willingness to hold a well-advertised additional public meeting in Dartmouth. Before he left the meeting, he and his assistant were thanked by the Mayor for their attendance and presentation.

3.0 REPORTS

3.1 MAYOR

3.1.1 RESOLUTION - NATIONAL PACKAGING PROTOCOL

RESOLUTION:
NATIONAL
PACKAGING
PROTOCOL

The Mayor has received a letter from FCM, seeking the support of Council for a resolution, urging the Federal Government to reaffirm its commitment to the National Packaging Protocol, and the targets and policies of the Protocol. Environment Canada has recently discontinued support for NAPP, and it is felt by the FCM that the Minister of the Environment should be urged to maintain federal leadership in this area.

MOTION: That Dartmouth City Council support the resolution on NAPP, as requested by the FCM.

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

3.2 CHIEF ADMINISTRATIVE OFFICER

3.2.1 RESOLUTION 95-15, EXTEND DATE FOR SETTING TAX RATE

RESOLUTION 95-15:
DATE FOR TAX RATE

Council was asked to approve Resolution 95-15, extending the date for setting this year's tax rate, from March 31/95, to April 30/95.

MOTION: To approve Resolution 95-15, extending the date for setting the tax rate to April 30/95.

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

3.2.2 348 PLEASANT STREET - REZONING REQUEST

REZONING REQUEST:
348 PLEASANT ST.

In connection with a rezoning request received for 348 Pleasant St. (to rezone from R-3 to S Zone), it has been recommended that Council direct staff to proceed with a public information meeting.

MOTION: That staff be directed to proceed with a public information meeting for the rezoning request for 348 Pleasant Street, as recommended.

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

Council went in camera at 11:30 p.m., on motion of Ald. Sarto and Woods. Adjournment was from the in camera meeting.

V. Carmichael
V. Carmichael
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
MARCH 21, 1995.

ITEMS:

- 1.0 Public Hearing, page 1.
 - i) 91 Tacoma Drive, pages 1 to 3.
 - 2.0 Presentation, page 3.
 - i) Bill Hayward, pages 3 to 11.
 - 3.0 Reports, page 12.
 - 3.1 Mayor, page 12.
 - 3.1.1 Resolution, National Packaging Protocol, pg. 12.
 - 3.2 Chief Administrative Officer, page 12.
 - 3.2.1 Resolution 95-15, Extend Date for Setting Tax Rate, page 12.
 - 3.2.2 348 Pleasant Street, Rezoning Request, pages 12 & 13.
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Lib. Ref. Dept.

**DARTMOUTH CITY COUNCIL
AGENDA**

TUES., MAR. 28, 1995

7:30 P.M.

COUNCIL CHAMBER

1. PRESENTATIONS

- i) Advisory Committee on Human Rights - Tom Rissesco
- ii) Dartmouth Visitors & Convention Bureau
- iii) Water Utility Committee - Water Rate Study

2. ORIGINAL COMMUNICATION

- i) Economic Development Partnership

3. REPORTS

3.1 CHIEF ADMINISTRATIVE OFFICER

- 3.1.1 Application, Retail Video Outlet, Metro Weekend Market
- 3.1.2 Application, Place of Amusement, Saba Amusements
- 3.1.3 Amendment to Development Agreement, Portland West
(set date for neighborhood information meeting)
- 3.1.4 Comprehensive Development District Proposal, Block X
(set date for neighborhood information meeting)
- 3.1.5 36 Wentworth Street (set date for public hearing for
development agreement)
- 3.1.6 92/94/96 Portland Street (set date for public hearing)
- 3.1.7 Shubenacadie Canal Commission Appointments

3.2 FINANCE & PROGRAM REVIEW COMMITTEE

- 3.2.1 Mic Mac A.A.C. Taxes
- 3.2.2 Alarm By-law

3.3 CULTURAL & HERITAGE ADVISORY COMMITTEE

- 3.3.1 i) Promotional Banners for the Dartmouth Heritage Museum
- ii) Bronze Heritage Plaques and Pen/Ink Sketches

4. ALD. MACFARLANE - Leave of Absence

5. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

DARTMOUTH CITY COUNCIL
MARCH 28, 1995.

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

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

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

MEMBERS ABSENT: ALD. WALTON (ILLNESS)
WITHERS (ILLNESS: FAMILY
MEMBER)

The Mayor opened the meeting, and read to Council, a memo from Ald. Sarto, on behalf of a resident living at 25 Anderson Street, who was recently assisted by staff from the Operations Centre, during flooding problems at his home. Staff have been commended by both the resident and Ald. Sarto for their assistance in these circumstances.

1.0 PRESENTATIONS

i) ADVISORY COMMITTEE ON HUMAN RIGHTS - TOM
RISSESCO

PRESENTATION:
ADVISORY COMMITTEE

A presentation was made to Council by Tom Rissesco, on behalf of the Advisory Committee on Human Rights. The following recommendations were made during the course of the presentation:

- 1) That one person be given responsibility for administering the Affirmative Action Employment Equity Program.
- 2) That the City undertake to obtain statistics on present employees by whatever means necessary, so that the Advisory Committee may have access to the data necessary to assess compliance with the Affirmative Action Employment Equity Program, espoused by the City in May, 1990.

- 3) That a sub-committee be set up, consisting of three members of City Council, and three members of the Advisory Committee, to explore ways in which the organizations in the target communities themselves, can be utilized, so as to "get the word out" in these communities, and encourage more candidates to come forward, so that in future job competitions, a much higher percentage of applicants from these groups is available.
- 4) That the Set Aside Program henceforth be known as the Educational Business Development Program
 - b) That the purpose of the Program be clearly identified, with a focus on the education component.
 - c) That a broad-based committee be established to manage the implementation of the Educational Business Development Program.
 - d) The management committee referred to above must immediately review some operational matters.
 - e) That metro Community Education Departments be invited to develop education programs that support the goals of the Program.
 - f) The Mission Statement for the Educational Business Development Program will be as follows:

Participants will acquire the skills and capital necessary to successfully compete for majority projects, and, upon graduation from the program, to compete in an open market place.
- 5) That the City of Dartmouth continue an educational program to deal with the question of abuse in the workplace, and to encourage the private sector to take steps to create a more appropriate work environment to

deal with the problem. Further, that the City's Human Resources Dept. contact the Nova Scotia Women Abuse in the Workplace Committee, with a view to implementing a program to sensitize Dartmouth employees to the issues, and creation of a safe working environment.

MOTION: To accept the report presented and adopt the recommendations.

Moved: Ald. Pye
Second: Ald. Woods

Mr. Rissesco answered a number of questions from members of Council as the motion was debated. Ald. Greenough pointed out that the question of amalgamation is likely to impact on some of the recommendations the Committee has made, particularly those relating to staff positions such as the administration of Employment Equity/Affirmative Action. He was therefore in favour of referring the recommendations to the CAO and the Management Advisory Committee, plus the Human Resources Department, for a report on those areas where we can proceed.

MOTION: To refer the recommendations to the CAO, the Management Advisory Committee, and Human Resources Dept., for a report on those areas where we can proceed.

Moved: Ald. Greenough
Second: Ald. Hawley

The majority of Council were in favour of referral, but Ald. Pye said the recommendations are straight-forward and we should proceed with them. Ald. Sarto suggested a change in the mission statement, to read 'any City projects', rather than 'major City projects'.

In Favour: All members except
Against: Ald. Dexter, Woods, Pye, Smeltzer
Motion Carried

ii)

DARTMOUTH VISITORS & CONVENTION BUREAU

DARTMOUTH
VISITORS &
CONVENTION BUREAU

The next presentation to Council was made by Scott McCrea, present with other representatives of the Dartmouth Visitors &

Convention Bureau. This was their Year Two report, detailing their operating activities during the past year and their plans for the next tourism season. Successes to date have resulted in an increase in the number of visitors to Dartmouth, a commitment to over 6,000 room nights for conferences in Dartmouth, 65 motorcoach tours to Dartmouth properties, etc.

Plans and priorities, goals and benchmarks for 1995/96 were outlined, and in presenting the budget for 1995/96, the same City grant as last year is being requested, in the amount of \$100,000.

Ald. Pye, Council's representative, commended the amount of work the Bureau has undertaken, and was prepared to approve their report and funding request, subject to the budget deliberations.

MOTION: To approve the report of the Dartmouth Visitor & Convention Bureau, and their funding request, subject to the budget deliberations.

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

iii)

WATER UTILITY COMMITTEE - WATER RATE STUDY

WATER RATE STUDY

Introductory remarks were made by Ald. Hetherington, prior to the presentation by Peter Weedon of Doane Raymond, of the Water Rate Study Report. The Water Utility Committee has recommended to Council that the water rates shown on Tables 16 and 17 of the report prepared, for Base and Consumption Charges, be approved.

In his presentation to Council, Mr. Weedon provided a series of tables, with calculations, intended to substantiate the stated need for a substantial increase in water rates, warranted for the years 1995/96 and 1996/97. It was noted that Dartmouth water rates have not been increased since 1977. Also, that on past occasions, dividends from the Water Utility operation, have been used by the City for other

financial requirements. It is expected that the Utility will not be required to pay property taxes in 1996/97, with amalgamation likely in effect, which will result in a revenue requirement reduction of approx. \$750,000. in that year.

Based on the various assumptions Mr. Weedon explained to Council, including the funding of a special reserve account in the amount of \$2,500,000. annually, to assist in offsetting future costs of either a capital or operating nature, tables of rates have been prepared for implementation, covering service sizes from 5/8" to 10" uses. The former represents a typical household use, and the cost increase, with the proposed new rate, would go from \$120. at present, to \$221. annually. As the service sizes increase, the resulting costs increase significantly. Mr. Weedon indicated some of the major water users that would feel the impact of the higher rates being proposed, such as Shearwater, the Nova Scotia Hospital, Baxter's Dairy, etc.

Asked to give comparative figures for other metro municipalities, Mr. Weedon provided a comparison for Halifax City (\$176.) and County areas such as Sackville (\$185.), with the \$221. cost for Dartmouth. He noted that the City of Halifax Water Utility has been paying for their treatment plant for a long time, and this is reflected in their present financial position.

Ald. Greenough said, at the conclusion of the presentation, that it is essential to find some alternatives in funding assistance, so the rate increases being proposed, can be modified. He suggested making use of the Pollution Control Fund, since it appears that the harbour clean-up project is not going to proceed.

Ald. Levandier asked about the merging of Water Utility services, in the event of amalgamation, but Mr. Corrigan said that even under those circumstances, the Dartmouth plant will be required. Ald. Greenough and other members favoured referral of the report to staff for consideration of options that could help to offset the major water rate increases being proposed.

MOTION: To refer the study report to staff for consideration of options that could help to offset the major water rate increases proposed.

Moved: Ald. Greenough
Second: Ald. Sarto

In addition to the possible option already suggested (using Pollution Control Fund), other options were suggested in debate, for consideration, and were therefore incorporated with the motion; these were:

- 1) the possibility of a smaller and less costly treatment plant.
- 2) use of the interest from the Pollution Control Fund, without taking the Fund itself for this purpose.
- 3) a phasing-in of the rate increases, over a period of years and not all at once.
- 4) elimination of the pollution control charge.
- 5) elimination of \$1 million-dollar-plus surplus provision, shown in the rate study.

Ald. Smeltzer said he would like to know how many residences are using 100,000 gals or more of water presently. He and Ald. Pye felt that many citizens will not be able to afford the higher water bills, with increased rates, and several other members were concerned about the effects the rates will have on businesses in the City. Ald. Hetherington pointed out that Council has an obligation to proceed with the treatment plant, and members have to make a decision on an application for the rate increase, considering that May 15/95 has been tentatively set for hearing before the Utility and Review Board. He said it is not possible to have water improvements without a treatment plant and associated costs that go with it.

Several members agreed that it is essential to proceed with the plant, but wanted to try and minimize the financial impact on the water rates, if possible, through any viable means.

The vote was taken on the motion to refer.

In Favour: All
Against: None
Motion Carried

iv)

TRANSIT TERMINAL - SPORTSPLEX PARKING LOT

TRANSIT TERMINAL

The final presentation to Council was made by Brian Smith and Kenny Silver of Metro Transit. They presented a proposal for a Metro Transit terminal to be located within the Sportsplex parking lot, replacing the terminal at Dartmouth Shopping Centre, which has to be vacated by June of this year.

The proposal, which includes improvements to both the lower and upper parking lots at the Sportsplex, and a landscaping plan, has been worked out in conjunction with both the Sportsplex staff and Commission, and the Commons Committee. The proposal has the support of both the Commission and the Committee.

During the presentation, a motion was adopted to continue meeting after 11:00p.m., moved by Ald. Greenough and seconded by Ald. Dexter.

Mr. Smith advised that the cost of the project (\$435,000.) is to be borne by Metro Transit, and they have agreed to requirements and recommendations from the Sportsplex Commission meeting, at which the proposal was approved in principle and recommended to Council.

Asked about the MPS amendment and Common legislation amendment required, in connection with the proposal, Ms. Spencer said that with Council having had this briefing, the staff work to follow, would proceed in the normal course, as required.

Speaking for the Common Committee, Ald. Dexter commended the landscaping plan; he said it will be a real improvement in the look of this whole property. He was pleased with the co-operative way in which the details of the landscaping plan have been developed, with the Sportsplex and Metro Transit representatives.

MOTION: To approve the proposal in principle, subject to the details being worked out by staff.

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

2.0 ORIGINAL COMMUNICATION

i) ECONOMIC DEVELOPMENT PARTNERSHIP

ECONOMIC
DEVELOPMENT
PARTNERSHIP

A letter of concern has been received from the interim Minister of Economic Renewal, seeking Council's reconsideration of the proviso attached to approval of the Memorandum of Understanding for the Establishment of the Greater Halifax Economic Development Partnership, conditional to Dartmouth's name being included in the Partnership title.

A motion to rescind the action taken in this connection, at the February 28th Council meeting, has been requested.

Ald. Smeltzer indicated his intention to present a motion to rescind. A two-third majority vote of Council was received to allow the motion to be presented.

MOTION: To rescind the motion adopted by Council, requiring the name of Dartmouth to be included in the Partnership title, and to endorse the Memorandum for the Greater Halifax Economic Development Partnership, on the understanding that the names of all participating municipalities will appear on the letterhead of the organization and all its official documents, as indicated in the Minister's letter.

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

- 3.0 REPORTS
- 3.1 CHIEF ADMINISTRATIVE OFFICER
- 3.1.1 APPLICATION, RETAIL VIDEO OUTLET, METRO WEEKEND MARKET

APPLICATION:
METRO WEEKEND
MARKET

Council was asked to indicate any objection to an application for a retail video outlet at 656 Windmill Road, Metro Weekend Market. Police Service has expressed no concerns to this application.

MOTION: To indicate no objection to the retail video application for 656 Windmill Road, Metro Weekend Market.

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

- 3.1.2 APPLICATION, PLACE OF AMUSEMENT, SABA AMUSEMENTS

This item was deferred for one week.

- 3.1.3 AMENDMENT, DEVELOPMENT AGREEMENT, PORTLAND WEST

AMENDMENT:
PORTLAND WEST

Report from Mr. Corrigan, plus a staff report, on the application for an amendment to the Development Agreement for Portland West, to allow certain development options on specified sites. Two recommendations have been made to Council.

MOTION: To adopt the recommendations:

- 1) that Council waive the requirement to hold a neighbourhood consultation meeting, given the nature of the proposed amendment.
- 2) that Council instruct staff to proceed with a neighbourhood information meeting.

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

3.1.4 COMPREHENSIVE DEVELOPMENT DISTRICT PROPOSAL,
BLOCK X

CDD PROPOSAL:
BLOCK X

Report from Mr. Corrigan (V. Spencer) on the CDD proposal for Block X on Woodland Ave., recommending that Council instruct staff to hold a neighbourhood information meeting with respect to the proposed development.

MOTION: To adopt the recommendation:
That Council instruct staff to hold a neighbourhood information meeting with respect to the Block X CDD proposal.

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

3.1.5 36 WENTWORTH STREET - DEVELOPMENT AGREEMENT

36 WENTWORTH ST:
DEVELOPMENT
AGREEMENT

Report from Mr. Corrigan (V. Spencer) on the Development Agreement for 36 Wentworth Street, recommending that Council set April 18/95 as the date for public hearing to consider the proposed Development Agreement for this property.

MOTION: To adopt the recommendation:
That April 18/95 be set as the date for public hearing of the Development Agreement application for 36 Wentworth Street.

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

3.1.6 92/94/96 PORTLAND STREET

92/94/96 PORTLAND
STREET

Report from Mr. Corrigan (V. Spencer, P. Richards) on the application for Development Agreement for 92/94/96 Portland Street, recommending that Council set April 18/95 as the date for public hearing of this application.

MOTION: To adopt the recommendation:
That Council set April 18/95 as the date for public hearing of

the Development Agreement
application for 92/94/96
Portland Street.

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

3.1.8 BUDGET TIMETABLE - OPERATIONS OVERVIEW

BUDGET TIMETABLE

Council had agreed to add to the agenda, a proposed schedule for the Operations Overview, part of the budget schedule, set for Sat., April 1st. The schedule is for both the morning and afternoon sessions. Members of Council indicated agreement with the proposed schedule and it will stand without change.

Council began to deal with item 3.2.1, MicMac A.A.C. taxes, but agreed to defer it, when it was indicated that some discussion would be required and in view of the lateness of the hour.

3.3 CULTURAL & HERITAGE ADVISORY COMMITTEE

3.3.1 i) PROMOTIONAL BANNERS FOR DARTMOUTH MUSEUM
ii) BRONZE HERITAGE PLAQUES & SKETCHES

RECOMMENDATIONS:
CULTURAL COMM.

The Cultural & Heritage Advisory Committee has recommended that Council authorize, from the 1994/95 operating budget: (a) an amount of \$1,800. for acquisition of promotional banners for the Dartmouth Heritage Museum; and (b) an amount of \$6,000. for the acquisition of plaques to be placed on heritage properties, and to include pen and ink sketches of these properties to accompany the plaques.

MOTION: To approve these expenditures in principle, subject to budget deliberations.

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

4.0

ALD. MACFARLANE - LEAVE OF ABSENCE

ALD. MACFARLANE:
LEAVE OF ABSENCE

A leave of absence request from Ald. MacFarlane was before Council, for three consecutive Council meetings: May 9, 16 and 23, 1995. None of these will be the date designated as Council's regular meeting date (first Tuesday in the month).

MOTION: To approve the request from Ald. MacFarlane, to be absent from three consecutive Council meetings, on May 9, 16 & 23/95.

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

5.0

CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

Ald. Smeltzer raised a concern about the involvement of staff in preparing for the unicity legislation, without any input from Council and without members having been informed or consulted in any way. He felt there should have been some communication on such important legislation, and was concerned that once again, elected members have been circumvented in the amalgamation process.

Ald. Pye said that Council should be provided with information on all the material that has been given to Mr. Hayward and Mr. Cameron. Ald. MacFarlane said he was bothered by the whole tone of the process to date, and Ald. Dexter also commented on the lack of consultation throughout. Mr. Corrigan acknowledged that municipal directors have been meeting with Mr. Hayward on a regular basis, in a cooperative manner; he felt that Council was expecting this kind of cooperation. He said information can be provided, if members want to receive it. To date, work has only been done with the Cape Breton legislation as a reference, and he has not seen the proposed metro legislation. When it is available, Council will be able to prepare a submission and make any recommendations they want to, for the Law Amendments Committee.

DARTMOUTH CITY COUNCIL
MARCH 28, 1995.

PAGE 13.

Meeting adjourned at 11:40 p.m.

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

DARTMOUTH CITY COUNCIL
MARCH 28, 1995.

ITEMS:

- 1.0 Presentations, page 1.
- i) Advisory Committee on Human Rights, pg. 1 to 3.
- ii) Dartmouth Visitors & Convention Bureau, pg. 3
- iii) Water Utility Committee, Water Rate Study, pg.4.
- iv) Transit terminal, Sportsplex lot, page 7.
- 2.0 Original Communication, page 8.
- i) Economic Development Partnership, page 8.
- 3.0 Reports, page 9.
- 3.1 Chief Administrative Officer, pg. 9
- 3.1.1 Application, Retail Video, Metro Weekend
Market, pg. 9.
- 3.1.2 Application, Saba Amusements, (deferred), pg. 9.
- 3.1.3 Amendment, Development Agreement, Portland
West, page 9.
- 3.1.4 CDD Proposal, Block X, page 10.
- 3.1.5 36 Wentworth Street, page 10.
- 3.1.6 92/94/96 Portland Street, page 10.
- 3.1.8 Budget Timetable, operations overview, pg. 11.
- 3.2.1 MicMac A.A.C. taxes (deferred), pg. 11.
- 3.3 Cultural & Heritage Advisory Comm., page 11.
- 3.3.1 i) Promotional Banners & ii) Bronze Heritage
Plaques, pg. 11.
- 4.0 Ald. MacFarlane, leave of absence, pg. 12.
- 5.0 Concerns of Council members, page 12.

DARTMOUTH CITY COUNCIL
APRIL 1, 1995.

LOCATION: CITY COUNCIL CHAMBER
TIME: 8:30 A.M.

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

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

OPERATIONS
REVIEW

OPERATIONS REVIEW

Council met to review departmental operations and budgets, with department heads and assistants. The review proceeded according to a previously-arranged schedule, received by members of Council at the March 28th Council meeting.

POLICE SERVICE

POLICE SERVICE

Police Chief MacRae began with the Police Service presentation, which included a Mission Statement, a statement of Police Service values, an organizational chart (showing a staff complement the same as last year), facts about the Dartmouth Police Service, and budgetary details. Salaries have been reduced by \$158,000. over last year, and benefit and clothing costs are also down. The budget item for training has been increased, in order to bring Dartmouth officers into position for the new metro force.

The main item for discussion, in reviewing the budget for Police Service, was the crossing guards expenditure, and provision for these services in 1995/96; also, a provision for the pay equity ruling by the courts. Mr. Corrigan advised that the contingency allowance, under Fiscal Services in the budget, will adequately cover this additional expenditure. He said that Council will still have to deal with the Eagle contract, and the question of whether or not this is an expenditure the City wants to continue.

Ald. MacFarlane felt the matter should be referred to staff for assessment, before Council attempts to deal with it, but Mr. Corrigan noted that there are political issues involved as well; therefore, referral should take this fact into account. With this in mind, the motion to refer presented, was to the Police Commission rather than to staff.

MOTION: To refer the matter of crossing guard services, and the Eagle contract, to the Police Commission for consideration and report.

<u>Moved:</u>	Ald. MacFarlane
<u>Second:</u>	Ald. Dexter
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

Ald. Greenough said he hoped the amalgamation legislation would include a provision for contracting out these kinds of services, but the safety of children is of primary importance.

Several members commented on improvements they have observed in the work of the Traffic Division, and Chief MacRae was asked to pass the favourable comments on to the members of that division.

FIRE SERVICE

FIRE SERVICE

The Fire Service presentation to Council was made by Deputy Chief Lawlor and Gordon Roussel. The Mission Statement of the Service was followed by organizational chart details (showing a manpower reduction from 132 staff to 126), and budgetary costs in the various areas of administration, fire fighting, communications, fire prevention, training, mechanical & building maintenance. Operating details for the Service were provided throughout the presentation.

As with the Police Service, Deputy Chief Lawlor advised that the Fire Service is working toward amalgamation, and the training of staff to meet these new requirements.

Ald. Hetherington requested information on what fires in the City have been costing us over the past number of years. Deputy Chief Lawlor said this information, going back five years, will be contained in the annual report from his department. Ald. Hetherington also requested statistics on the ratio of fire fighters to officers, in the Dartmouth force, as compared with other fire departments (to be provided for all members of Council).

SOCIAL SERVICES

SOCIAL SERVICES

Present for Social Services Dept. were: Tom Cleary, Peter Newbery, and Mary Lou Griswold.

Budget details were presented in the four main areas of: General Assistance, Community Care, other Social Welfare (grants, payment to other municipalities), and other (administration, building, support services).

It was noted that General Assistance & Community Care, account for 86.1% of Social Services expenditures. Ald. Pye had some questions about the percentages for people receiving social assistance - in particular, the figures for single parents and expectant mothers/students. After receiving further information on these categories, he said it should be made clear to the public that they do not make up a major percentage of caseload, as is usually perceived.

Ald. Levandier asked what is being done to try and recoup apprehension costs from the Province. Mr. Corrigan advised that Halifax and Dartmouth are suing the Province, to try and recoup what is owed to both cities. Ald. Levandier asked to be kept informed of the status of this lawsuit.

Ald. Hetherington had a number of questions, directed to Mr. Cleary, on the licensing and regulation of residential care facilities. He asked to receive copies of the regulations applicable to these facilities and their operation; also, for a list of all of them presently operating in Dartmouth (to be provided for all members of Council).

Ald. Pye was concerned that nothing has been included in the Social Services budget to increase the food allowance. Asked to comment

on the food scales for Halifax and the County, Mr. Cleary advised that the County is proposing that their food scales go up to the Family Benefit rates, subject to Provincial cost-sharing, as of September of this year.

MOTION: In consideration of Halifax and the County increasing food scales, and the Province taking over General Assistance next year, that Dartmouth move to the Family Benefit rates, based on the proviso of cost-sharing by the Province, using the same time-frame proposed by the County.

Moved: Ald. Pye
Second: Ald. Dexter
In Favour: All members except
Against: Ald. Hetherington
Motion Carried

This item, which would represent an additional budget expenditure, with cost-sharing, was designated for a list of items to receive further consideration at the end of the budget review process. Ald. Levandier asked for a short one-page information report from staff, in relation to Council's discussion.

Ald. Levandier asked if it would be possible for the Parent Resource Centre to be accommodated as part of the new North End Community Centre. Ald. Pye asked why the North End Centre has been included in the Social Services budget, in the first place. Ms. Spencer explained that the Centre really involves social planning, and there is no department in the City with that specific responsibility. She pointed out that several decisions still have to be made by Council as to how the Centre is going to be operated, and the services it will provide.

MUSEUM

MUSEUM

Mr. Corrigan read into the record, a written report from Dr. Field, who was unable to be present for the Heritage Museum budget. The report detailed the activities and accomplishments of the Museum during the past year,

including cooperative ventures with various groups in the community. Information was provided on the 27 exhibitions held at the Museum, and over thirty are planned for next year.

Visitor figures broke the 20,000 mark in attendance, and it is hoped that this trend will continue in 1995/96. The same level of City funding (76.5%) is being requested in the budget; efforts will continue to increase sources of funding, other than the City.

Ald. Schofield asked about the inclusion of two additional expenditures being requested by the Cultural & Heritage Advisory Committee - heritage plaques and banners. The Mayor noted that a motion for consideration of these items, in the amount of \$8,000., has already been adopted by Council, at the March 28th meeting. They will therefore be on the final list for Council to consider, along with other items being noted as the budget review goes along.

Ald. Woods commended the relocation of the Mount Blanc cannon, in the north end of the City, asking that consideration be given to the similar relocation of other artifacts that are not presently on their original sites.

CORPORATE SERVICES

CORPORATE SERVICES

Mr. Bruce Smith made the Corporate Services presentation, followed at a later point by Roddy Macdonald, who presented the Human Resources section.

Mr. Smith provided Council with information on the organizational changes that have taken place within the Corporate Services department, and service and program changes that have been accomplished, resulting in efficiencies and economies, as outlined.

The operating plan budget for 1995/96 shows a decrease of \$6,000., and the staff decrease for Corporate Services is two. Mr. Smith said there are no new programs that will affect the operation, beyond April 1/96.

Asked about the provision for staff training and development, Mr. Smith advised that an

allocation of \$25,000. has been made for this item, within his division. Mr. Corrigan had earlier indicated to Council that an overall budget item, in the amount of \$174,000., has been included for Training & Development.

A considerable part of Mr. Smith's presentation dealt with electronic communication, and advancement in these areas, including access to Internet and Chebucto Freenet. Ald. Smeltzer stressed the importance of access to both, and of providing public access to documents, such as Council agendas, minutes, reports, etc., wherever possible.

Ald. Dexter requested from Mr. Smith, information about parking tickets issued in the downtown part of the city.

Information on Human Resources and the budget projections for this service for 1995/96, was provided by Roddy Macdonald, in his presentation to Council. The significance of this division, in relation to the amalgamation process, was noted, and it was agreed that the possibility of amalgamation with the other HR divisions, should be pursued early in the process. Council commended the progress that Mr. Macdonald has made with Human Resources since he came on staff.

Ald. MacFarlane said the entire Corporate Services department is to be commended as an extremely well-run unit, and should be leading the way in the amalgamation of these services.

Council broke for lunch at 12:20 p.m., and the operations review was resumed after 1:00 p.m.

CONTINUATION OF COUNCIL MEETING HELD APRIL 1, 1995:

1:00 p.m.

After the lunch break, Council continued with the operations overview.

Development Services - Val Spencer, Director:

Ms. Spencer gave an overview of Development Services noting that she would provide Council with copies of her presentation later.

Ald. Dexter expressed concern with the funding for the Downtown Dartmouth Development and what it is in terms of a priority for this last Council. He stated that he felt the downtown area was not receiving the correct portion of revenue and money received from parking meters is being taken away from them.

MOTION: Moved by Ald. Dexter that \$135,000 be added to the reconsideration list for the Downtown Dartmouth Development and that this form the basis of the first fiscal year for the commission. Seconded by Ald. Levandier.

Ald. Dexter stated that this would have a significant impact on the downtown area and they would not have to set an area rate the first year.

Ald. Pye expressed concerns with taking money from parking meters and putting it into the downtown area. He stated that he agreed with the concept of an area rate.

Mr. Corrigan stated that he had difficulty with the mechanism of taking money from the parking meters to put into the downtown development. He stated that suggesting a specific amount to be added is fine, but he discouraged the line of thinking of determining where the money should come from.

Ald. Levandier stated that they should give back what belongs to the downtown area. He noted that no other area in the City has meters and the downtown area does not get anything for having them. Ald. Levandier stated that this is also a way to bring some cohesion into the downtown that is not there now. He urged members of Council to give serious thought to reconsidering this item.

On a point of order, Ald. Cunningham stated that there will be time for debate later, and he suggested that the discussion be terminated and a vote taken on the motion.

Ald. Hawley expressed concern with committing a specific amount of dollars to an unknown budget. He asked if Mr. Corrigan could meet with the Downtown Dartmouth Development Corporation to find out what their budget is. Ald. Hawley stated that he wanted more information before this item is brought back for reconsideration.

Ald. Pye stated that he supported the allocation to the downtown, but he did not support making reference to where the funds come from.

Mr. Corrigan stated that the budget is a planning document. He stated that staff will work with the Downtown Dartmouth Development Corporation and come back to Council with input from them to consider. He stated that if they approve putting this money back in, at least it will be there for them to consider. Ald. Hawley stated that he did not agree with allocating the money without having a realistic budget to review before making the decision.

Motion carried unanimously.

Ald. Withers expressed concern with cutting back on promotion. Ms. Spencer replied that they already have the major marketing tools. Therefore, she explained they are only cutting back in expenditures and not in efforts.

(Ald. Levandier left at this time, 1:40 p.m.)

Ms. Spencer continued with her review of Development Services. Ald. Hetherington inquired about amendments to the building code and if it was amended by the municipalities. Ms. Spencer replied that the municipalities could not amend the building code unless they go to the Province to have the legislation amended.

With regards to the North Dartmouth Study, Ms. Spencer urged that Council deal with this as soon as possible. Ald. Smeltzer asked if there was a draft copy of this study that could be made available to the new aldermen who had not yet seen it. Ms. Spencer replied that it was a fairly extensive study and that a presentation should be made for the aldermen who have not already seen it. However, she agreed that the precis could be made available to them right away.

Ald. Hetherington suggested that staff run the computerized permit process through the legal department and the Province to ensure that the forms used meet all legal requirements. Ms. Spencer agreed to do this.

ENGINEERING AND PUBLIC WORKS - Mr. R. Fougere:

Copies of the Engineering and Public Works presentation were distributed to members of Council. Mr. Fougere then reviewed his department's budget overview.

Mayor McCluskey asked about the possibility of running a composting program similar to the ones being done in Bedford and the County. Mr. Mark Bernard replied that they are planning to start a program like this and are hoping to get a grant from the Province to subsidize it. He stated that the program would involve about 200 backyard composters.

Ald. Hethertington asked what the total was for snow and ice control. Mr. Fougere replied that it was in the range of \$1,250,000. He noted that there is also a holding accounting for vehicles and equipment. Mr. Fougere stated that they are looking at a net of \$400,000 for this year. He noted that they have almost the same budget as last year with the exception of the rising cost of salt. Ald. Smeltzer asked if it was fair to say that the City budgets low in this area, and if there is any severe weather there will be an overexpenditure. Mr. Fougere replied that this was correct.

SPORTSPLEX - Mr. D. Valardo, Mr. G. Bagnell & Mr. B. Quigley:

Mr. Valardo gave opening remarks for the Sportsplex presentation. Copies of the presentation were given to members of Council. Mr. Valardo stated that the Sportsplex expects to have a \$50,000 surplus in 1995-96. He thanked Council for the support they have given to the Sportsplex over the years.

Mr. Bagnell gave an overview of the Sportsplex operations noting that he was in the final year of his contract with the Sportsplex. Mr. Quigley then reviewed the Sportsplex programming.

On behalf of Council, Mayor McCluskey thanked Mr. Bagnell for the excellent work he has done over the years at the Sportsplex. Members of Council echoed the Mayor's appreciation.

Ald. Pye inquired about the bingo that will be held at the Sportsplex. Mr. Bagnell replied that their license is for three nights a week. He noted that there will be a fourth bingo night run by the Dartmouth Boys and Girls Club under their own license. The Dartmouth Boys and Girls Club will keep the proceeds of this bingo and will pay the Sportsplex a nightly fee.

Ald. Pye asked how they determined the revenue figure for the bingo. Mr. Bagnell replied that it is based on 1,000 people per week spending \$26-\$31 on average per head. He noted that they used the \$26 figure for their projection. The bingo will commence on

April 23/95. Mr. Bagnell stated that their main competition will be from Cole Harbour and the Halifax Forum.

Ald. Pye asked if they had taken into account the affect the casino may have on the bingo. Mr. Bagnell replied that they have spoken to other major bingo operators and they do not feel that the casinos will attract the same group as the bingos. However, he noted that this is simply a theory and no one knows for sure what will happen.

Ald. Walton asked if there were any on-going negotiations for a major league hockey team. Mr. Valardo replied that there has been some interest indicated but nothing definite as of yet.

Ald. Dexter thanked the Sportsplex for their successful negotiations with Metro Transit and the Common Committee regarding the relocation of the Metro Transit terminal.

Ald. Hetherington asked about Sunday night bingo and its affect on small charity bingos throughout the City. He stated that these smaller bingos, such as the Dartmouth East Lions Club, depend on funds raised through their bingos to run such things as daycare programs. Mr. Bagnell replied that there are seventeen other bingos that operate in the City which they believe have their own localized customers. He explained that the Sportsplex had to keep their bingo days together in order to accommodate other events that will be held in the facility. Mr. Bagnell noted that Sunday night is the largest night of the week for all major bingo operators.

PARKS AND RECREATION - Mr. B. Stevens, Ms. G. Kaiser:

Copies of the Parks and Recreation Department presentation were distributed to members of Council. Mr. Stevens gave an overview of the department and its budget.

Mayor McCluskey expressed concern regarding the loss of general public parking for the Library. Mr. Stevens replied that Mr. Smith was speaking to the Library staff regarding this. It was agreed that this could be addressed with the Library staff during their presentation.

Ald. Sarto asked if the \$20,000 previously cut for grass cutting had been reinstated. Mr. Stevens replied that it had not. He stated that general grass cutting will be the same as last year.

MOTION: Moved by Ald. Sarto that \$20,000 for grass cutting be added to the reconsideration list. Seconded by Ald. Cunningham. Motion carried unanimously.

Ald. MacFarlane expressed concern with the funding for the World Canoe Championships. He stated that there is no guarantee

with amalgamation that the balance of funds would be available for this event. He suggested that Council take steps to ensure that this money is still available. Mr. Corrigan replied that all assets and liabilities will be carried over to the new municipality. Therefore, the new municipality will still be legally bound to provide this funding. Mr. Corrigan suggested that Council could, if they wanted, pass a motion reconfirming this commitment.

MOTION: Moved by Ald. MacFarlane that the City reconfirm their commitment of \$10,000 over a five year period for the World Canoe Championships. Seconded by Ald. Hetherington. Motion carried unanimously.

Discussion followed regarding the Ward Five Community Centre. Mr. Stevens stated that they are considering relocating their office from Northbrook to the new community centre. However, he noted that programs at Northbrook would not be affected.

Ald. Pye asked if they had any statistics indicating that they are losing participants of programs due to the increase in user fees. Mr. Stevens replied that they have found this to be the case in some areas. He noted that they have reduced their revenue expectations and this is included in the budget.

Ald. Smeltzer acknowledged the work at the Penhorn Youth Centre and, in particular, the efforts of Mr. John Charles and the youth camping trip held during March break. Mayor McCluskey also acknowledged the contributions of Mr. Jack Flemming to the Penhorn Youth Centre. Ald. Walton thanked the Parks and Recreation Department for their work and congratulated them on being selected as the provincial representative in a National Communities in Bloom Competition.

There were no other questions from Council regarding Parks and Recreation.

Ald. Hetherington suggested that Council should set the tax rate today as it appeared the public was satisfied with the budget as there were not many present at the meeting today. Ald. MacFarlane agreed with Ald. Hetherington's suggestion stating that by settling the budget today they would be endorsing the phenomenal job done by staff on the budget. However, Ald. Cunningham noted that they were already an hour and half behind schedule and the items put on the list for reconsideration would still have to be debated. Ald. Smeltzer also stated that the schedule stated the public were invited to make comments at Wednesday's meeting not Saturday. He noted that he has passed this schedule on to several citizens for their information, and it would be wrong to settle the budget today.

Mr. Smith distributed copies of the Fiscal Services Revenue Issues and Challenges 1995-96.

Some discussion followed regarding grants in lieu of taxes. Mr. Smith noted that they have been losing money every year in this area.

Mr. Smith also reviewed service exchange benefits to be phased in over the next four years. Mr. Smith stated that this would be about an 8.7 million dollar benefit to the metro region as a whole. He asked that Council not get this benefit confused with the reported benefit of 10 million dollars from proposed amalgamation. He stated that the 10 million should be over and above the 8.7 million.

The presentation was very brief as requested by Council.

There were no other questions regarding Fiscal Services.

Library - Aileen Lewis, Linda Macdonald & Linda Hodgins

Copies of the operational review for the Library were distributed to members of Council. Ms. Lewis reviewed the revenues for the Library.

Ald. Pye asked what the total cost was for the Woodlawn Branch. Ms. Lewis replied that it was \$300,600.

Ald. Sarto asked how many of the Library visitors were from outside the municipality. Ms. Lewis replied that 60 percent of the users are from Dartmouth and the other 40 percent are from the County.

Ms. Lewis stated that amalgamation looks pretty good to the library people considering the new funding formula for next year. With the new funding formula, Ald. Hawley stated that next year Dartmouth and the County both will lose \$162,000 for a total of over \$300,000 for the metro area which will be given to communities across the province. He stated that if amalgamation does not take place the library will be in a real mess.

Ms. MacDonald noted that they have been considering the feasibility of establishing a service in the new North End Community Centre. The service would consist mainly of a paperback selection staffed on a part-time basis during the late morning to early evening hours. She stated this would be funded with \$70,000 from one reserve account and \$50,000 from another leaving \$58,000 operating costs for a three month period. One year of operation would cost about \$150,000. Ms. Macdonald stated that they are asking Council to approve the additional expenditure of \$58,000 for this year as it would provide considerable benefit to both the community and the City.

MOTION: Moved by Ald. Walton that \$58,000 for a North End Library Branch be added to the reconsideration list. Seconded by Ald. Pye.

During discussion of this item, it was noted that residents of the north end often face transportation problems in order to access the main library. It was also noted that Halifax has four city libraries as well as six university libraries.

Ald. Pye noted that the library is something that the north end residents have stated that they want and need. He felt that it was a small amount of money compared to the benefits it would provide.

Ald. Hawley expressed concern with just providing a paperback collection. He stated that programs are needed as well in order to get the children there and to sell it to the parents. He stated that it will be a challenge to the aldermen and the community groups to do this.

Motion carried unanimously.

Discussion followed regarding the public meeting regarding amalgamation to be held on Monday at 6:00 p.m. Ald. Greenough stated that in order to make sure the public is aware of it, there should be some radio advertising.

MOTION: Moved by Ald. Greenough that Council request staff to arrange radio advertising of the meeting regarding amalgamation to be held on Monday, April 3, 1995. Seconded by Ald. Sarto. Motion carried.

Discussion followed regarding the items requested for reconsideration. Mr. Corrigan stated that Council has indicated five items which are as follows:

- 1) Increase food scales to family benefits - \$85,000
- 2) Plaques and items for heritage properties - \$8,000
- 3) Additional allocation to downtown development - \$135,000
- 4) Increase grass cutting budget - \$20,000
- 5) North end branch library - \$58,000

If all items were approved, Mr. Corrigan stated that the surplus would be reduced to \$652,000. The new residential tax rate would be 1.596. The commercial tax rate would not change.

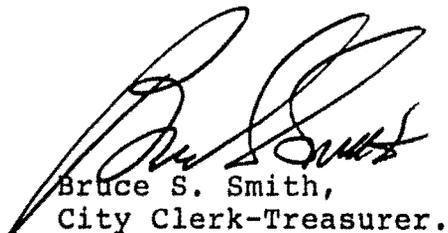
Ald. Greenough stated that he was not happy with eating away at the tax reduction, and he felt that the benefit should be increased instead. He suggested that they look at ways to reduce the rate to 1.55 so it will be closer to Halifax's rate. Ald. Greenough suggested that there were ways to do this including using

the reserve accounts. Mr. Corrigan stated that staff was asked to come in with budgets with zero increases which they met and beat. He stated that his recommendation is against using reserve accounts.

Mayor McCluskey stated that due to the time of day it was not a good idea to get into debate about setting the tax rate.

MOTION: Moved by Ald. Hetherington that the meeting adjourn. Seconded by Ald. Hawley. Motion carried.

Meeting adjourned at 4:40 p.m.



Bruce S. Smith,
City Clerk-Treasurer.

**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., APR. 4/95
7:30 PM
COUNCIL CHAMBER**

INVOCATION

PROCLAMATION - National Wildlife Week

**CONTINUATION OF COUNCIL AGENDA OF MARCH 28, 1995
(REPORTS PREVIOUSLY CIRCULATED)**

1. REPORTS

1.1 CHIEF ADMINISTRATIVE OFFICER

- 1.1.1 Application, Place of Amusement, Saba Amusements
- 1.1.2 Shubenacadie Canal Commission Appointments

1.2 FINANCE & PROGRAM REVIEW COMMITTEE

- 1.2.1 Mic Mac A.A.C. Taxes
- 1.2.2 Alarm By-law

COUNCIL AGENDA OF APRIL 4, 1995

2. APPROVE THE MINUTES FROM THE MEETINGS: Mar. 7, 10, 21 & 28, 1995.

3. BUSINESS ARISING FROM THE MINUTES

4. DELEGATIONS & HEARINGS OF PROTEST

5. ORIGINAL COMMUNICATIONS

6. PRESENTATION

- i) Symphony Nova Scotia (oral)

7. PETITIONS

8. REPORTS

8.1 CHIEF ADMINISTRATIVE OFFICER

- 8.1.1 Stonebridge Comprehensive Development District
(discussion about standing issues)
- 8.1.2 Award Contract for Engineering Services for
Replacement of Water Main & Street Reconstruction

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8. **REPORTS (CONT'D)**

8.1 **CHIEF ADMINISTRATIVE OFFICER**

- 8.1.3 256 Waverley Road (set date for neighborhood information meeting)
- 8.1.4 355 Pleasant Street (set date for neighborhood information meeting)

8.2 **PENSION COMMITTEE**

- 8.2.1 Investment Counsel Agreement

9. **MOTION**

9.1 **ALD. HETHERINGTON**

WHEREAS the streets of MacKenzie Street, Provost Street, High Street, Trenholme St., and Novawood Drive, have always been dead end residential streets;

AND WHEREAS they abut industrial lands;

BE IT SO RESOLVED that these four streets and one drive, remain closed to commercial traffic, and only be allowed to be opened up for emergency vehicles only.

10. **NOTICES OF MOTION**

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

DARTMOUTH CITY COUNCIL
APRIL 4, 1995.

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

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

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

INVOCATION

Mayor McCluskey opened the meeting with the Invocation, and welcomed to the meeting, the First Port Wallis Girl Guides and their leaders.

Council was asked to add item 1.2.3 ,Liquor License application for 525 Pleasant Street, and to add a short in camera meeting. Members agreed, and were also willing to have item 6.0 moved up on the agenda, following the item Proclamation.

PROCLAMATION

A Proclamation was read by the Mayor, which proclaimed the week of April 9th to 15th, 1995 as National Wildlife Week in the City of Dartmouth.

6.0

PRESENTATION

i)

SYMPHONY NOVA SCOTIA (ORAL)

PRESENTATION:
SYMPHONY NOVA
SCOTIA

A presentation was made to Council by Jason Roth, Vice-President of the Symphony Nova Scotia Board of Directors, and Rob McKoch, Principal French Horn for the orchestra.

Mr. Roth outlined to Council, the financial difficulties that Symphony Nova Scotia is presently in, which almost led to the orchestra being disbanded, had it not been for a major ground-swell of support that has enabled them to continue, and to begin making plans for a season of music for next year.

Toward this end, the Symphony is seeking municipal support, having received support in the past from both the Province and Canada Council, in addition to corporate sponsorship. It was noted by Mr. Roth that a financial contribution in the amount of \$50,000. has just been received from the City of Halifax, and a grant is now being requested from Dartmouth. It is proposed that the Baroque concert series be moved to Dartmouth, and the City is asked to assume the cost of one Baroque concert, that is, \$24,000. Mr. Roth advised that in the past two years, attendance at Symphony concerts, by Dartmouth residents, numbered 6,174 people. The listing of names, from which this information was compiled, was later passed to Ald. Hawley, for the information of the Grants Committee.

Ald. Withers requested information on the term of the present lease for Symphony office space at Park Lane, and Ald. Sarto asked to be informed on the number of Dartmouth subscribers to the Symphony. Mr. McKoch responded to a number of questions from Council as to how many musicians reside in Dartmouth, how many live in metro year-round, etc. Mr. McKoch said that in most other cities, the financial contribution to local symphonies is in the 20% range, whereas locally, it stands at 2%.

Ald. Cunningham said the Symphony is at the cultural heart of Nova Scotia, and deserves support. He proposed that their request be referred to the Grants Committee, with the intent of having a positive recommendation back to Council for a funding contribution to be made.

MOTION: To refer the request of Symphony Nova Scotia to the Grants Committee for consideration, and with the intent of a positive recommendation to Council.

Moved: Ald. Cunningham
Second: Ald. Greenough

Members of Council speaking on the motion were in favour of it. Ald. Hawley asked for information on total attendance figures for concerts, and Ald. Sarto advised the Symphony

representatives that certain documents need to be completed, in the process of making application to the Grants Committee. The representatives will be asked to appear before the Committee as well, when their request is being considered. Ald. Dexter said he hoped the Symphony request would be favourably received by the Committee, and there was general support indicated by Council.

In Favour: All
Against: None
Motion Carried

- 1.0 REPORTS
- 1.1 CHIEF ADMINISTRATIVE OFFICER
- 1.1.1. APPLICATION, PLACE OF AMUSEMENT, SABA AMUSEMENTS

APPLICATION:
SABA AMUSEMENTS

Council has been asked to indicate any objection to an application for a Place of Amusement license for an arcade/pool hall at 162 Wyse Road, Saba Amusements. Concerns about this application have been expressed by Police Service, and Ald. Levandier and Dexter felt this kind of establishment would be extremely detrimental in an area where enough problems already exist in the summer months.

MOTION: That Council object, in the strongest possible terms, to the application, and that a Police report, with their objection, be attached to the letter from Council. Also, that the Solicitor write to the Mall owners, asking them to reconsider having this tenant in their mall.

Moved: Ald. Levandier
Second: Ald. Dexter

Ald. Hetherington suggested that the two ward Aldermen make an appointment with Mr. Dennis Smith, and, if the application cannot be stopped, they will at least have a chance to request restrictions on the operation of the establishment. Ald. Pye said it would have been in order to open up some line of communication in advance, to see if there was room for negotiation with the applicants,

rather than just rejecting the application without any discussion. He was opposed to the motion. The vote was taken on the motion.

In Favour: All members except
Against: Ald. Pye & Schofield
Motion Carried

1.1.2 SHUBENACADIE CANAL COMMISSION APPOINTMENTS

CANAL COMMISSION
APPOINTMENTS

Council was asked to make a citizen appointment and a Council appointment to the Shubenacadie Canal Commission. A letter has been received from Bernard Hart, requesting his reappointment as the citizen member, and Ald. Greenough indicated to Council that he would be willing to serve on the Commission as Council's representative. Council agreed to have Ald. Greenough appointed, and a motion was adopted for the appointment of Bernard Hart as citizen representative.

MOTION: To approve the reappointment of Bernard Hart as citizen representative on the Shubenacadie Canal Commission.

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

1.2 FINANCE & PROGRAM REVIEW COMMITTEE

1.2.1 MICMAC A.A.C. TAXES

MICMAC A.A.C.
TAXES

The Finance & Program Review Committee has dealt with the matter of taxes for MicMac A.A.C., and has made a recommendation to Council for approval.

MOTION: To adopt the recommendation:

The write-off of taxes and tax arrears in excess of 14.7% of taxes for the years 1990 through 1994/95, amounting to a tax adjustment of \$24,728.; future years to be reviewed by the Grants Committee in the same way as other clubs and organizations.

Moved: Ald. Sarto
Second: Ald. Cunningham

Ald. MacFarlane said he had concerns about the commercial component of this club's operation, but Ald. Greenough reviewed for Council, the on-going discussions the Committee has had with MicMac representatives, leading to the determination by the Committee that parental involvement and family participation have changed the club's direction; it is felt that the Committee's recommendation is justified accordingly. Ald. Schofield felt that not enough information has been provided on the matter, especially for new members not familiar with the past history of the subject.

In Favour: All
Against: None
Motion Carried

1.2.2

ALARM BY-LAW

ALARM BY-LAW

A second report from Finance & Program Review pertained to the Alarm By-law, recommending that before referral to staff for follow-up information requests, Council indicate their attitude toward having a by-law at all.

It was pointed out that any by-law proceeded with at this time, would have to be harmonized with Alarm By-laws in place in the other metro municipalities. Several members of Council referred to the strong opposition voiced by the public when attempts were made to introduce an Alarm By-law for Dartmouth previously. All things considered, Council did not indicate much of a positive response to going further, except for Ald. Hawley, who felt there should still be some effort made to control false alarms at their source.

MOTION: That no further action be taken on the implementation of the Alarm By-law.

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

Ald. Withers asked to be provided with all the information from previous meetings, relating to the subject of the Alarm By-law.

1.2.3 LIQUOR LICENSE APPLICATION - 525 PLEASANT ST.

APPLICATION:
525 PLEASANT ST.

As agreed by Council, the Liquor License application for premises at 525 Pleasant Street was before Council, being objected to by Ald. Hetherington and Ald. Walton. The location of these premises, immediately next to South Woodside School and the Community Centre was the main objection, plus the fact that there are two other taverns and a Masonic Hall with a license, there already, along the same section of Pleasant Street. The close proximity to a neighbouring residential community was another basis for objecting.

MOTION: That the City oppose this Liquor License application for 525 Pleasant Street, for the reasons given, and that a strong submission be made to the Liquor License Board, represented by the City Solicitor.

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

LIQUOR LICENSE APPLICATION - 126B MAIN ST.

APPLICATION:
126B MAIN ST.

With the concurrence of Council, Ald. Sarto was permitted to raise a similar objection, to the Liquor License application for 126B Main Street. He questioned the adequacy of parking available for the tavern being proposed, in a building where other businesses are already being operated. Both he and Ald. Greenough felt that the proliferation of establishments in this area (both fast food and drinking outlets), would be reason enough to object. Ald. Sarto noted that the Music Conservatory, with children coming and going from it, would be in the same building as the tavern.

Since there was still a question to be answered, as to whether the application meets zoning requirements, Ald. Sarto agreed to a one-week deferral, for the necessary

information to be provided, in response to that question.

MOTION: To defer this item for one week, pending information on the zoning requirements and whether or not the application is in compliance.

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

2.0

APPROVAL OF MINUTES

APPROVE MINUTES

MOTION: To approve the minutes of meetings held on March 7, 10, 21 & 28, 1995.

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

3.0

BUSINESS ARISING FROM THE MINUTES

Further Ald. Smeltzer's concern, raised at the March 28th Council meeting, with respect to a lack of communication and consultation on the unicity legislation, he thanked Mr. Corrigan at this time, for the information package related to the Regional Municipality Act, and the thoughts of staff on it.

He saw the necessity for a lengthy briefing and consultation session with Council, of five or six hours duration, devoted solely to the legislation tabled in the House of Assembly today, so that a meaningful and well-prepared submission can be put together, as the City's position, for the Law Amendments Committee presentation. He said the time has come for Council to be part of the solution and not part of the problem. It is important to concentrate now on the best interests and protection of Dartmouth citizens, and making sure that regional government will work.

Ald. Levandier asked how Council can agree with the process, 'when there was no process'. He did not have the same opinion that Council

should go along with the regionalization, especially with so many unanswered questions about it, and the fact that citizens are still basically uninformed, with the prospect of amalgamation so close.

Proposed, was an entire evening to be given over to the proposed legislation, and members agreed on Tuesday, April 11th, beginning at 5:00 p.m. (food), followed by a meeting to start at 5:30 p.m. Mr. Corrigan said it will be necessary to free up the Solicitor for a week, to work on nothing else but reviewing the legislation, in order to be ready for the April 11th session with Council. He suggested that members start sending a steady flow of comments they may have on the legislation, by E mail, and not wait until just before the meeting to do this; by then, it will be too late for staff to respond.

One other item that will have to be dealt with next Tuesday is the matter of the terms of reference for the Ward 5 Community Centre, after which the legislation review will begin.

MOTION: That Council meet on Tues., April 11th, at 5:00 p.m., for 5:30 p.m., to review the proposed legislation, and prepare the submission to be presented to the Law Amendments Committee.

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

4.0 DELEGATIONS & HEARINGS OF PROTEST

5.0 ORIGINAL COMMUNICATIONS

7.0 PETITIONS

Ald. Hetherington presented a petition from area residents in his ward, supporting the motion he was to introduce later, as item 9.0.

8.0 REPORTS

8.1 CHIEF ADMINISTRATIVE OFFICER

8.1.1 STONEBRIDGE CDD - STANDING ISSUES

STONEBRIDGE CDD:
STANDING ISSUES

A further staff report was before Council in connection with the proposed Stonebridge CDD, and in particular, the two issues still outstanding with the developer, on which a response from Council is being sought. The issues, as explained by Ms. Spencer, and detailed in the report circulated, revolve around the oversizing of Baker Drive and provision of a second sidewalk; and secondly, the completion of Baker Drive within a specified timeframe. The developer is unwilling to commit to a timeframe, and is presently not assuming responsibility for oversizing costs (\$25,000.), or the additional second sidewalk (\$35,000.) that is considered to be required.

While no specific motions were adopted, the opinions of individual members of Council are recorded as follows:

- 1) Ald. Hawley: Timeframe to complete Baker Drive - 8 years maximum, preferably 5 years.
- 2) Ald. Hetherington: Timeframe issue: five-year limit for completion. Developer should take responsibility for both sidewalks, and the street widening should be shared by the City.
- 3) Ald. Sarto: Timeframe issue: five to eight years for completion. Support cost-sharing for street widening. Could live with only one sidewalk, installed by developer.
- 4) Ald. Walton: Timeframe issue: eight years timeframe. Support cost-sharing for widening. Both sidewalks, with developer responsible.
- 5) Ald. Smeltzer: Timeframe issue: between five & ten years would be appropriate. Two sidewalks, developer responsible.

MOTION: To adopt the recommendation:

That Council direct staff to proceed with a public information meeting, for the rezoning application for 256 Waverley Road.

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

8.1.4 355 PLEASANT STREET - INFORMATION MEETING

355 PLEASANT ST.

Report from Mr. Corrigan on the rezoning request for 355 Pleasant Street (from H Zone to C-2 Zone), recommending that Council direct staff to proceed with a public information meeting.

MOTION: To adopt the recommendation:

That Council direct staff to proceed with a public information meeting for the rezoning application for 355 Pleasant St.

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

8.2 PENSION COMMITTEE

8.2.1 INVESTMENT COUNSEL AGREEMENT

INVESTMENT COUNSEL
AGREEMENT

In a report to Council, the Pension Committee has made a recommendation on the entering into of an Investment Counsel Agreement with Knight, Bain, Seath & Holbrook (Atlantic) Ltd., and Council was asked to approve the recommendation.

MOTION: To adopt the recommendation of the Pension Committee:

That the City enter into an Investment Counsel Agreement with Knight, Bain, Seath & Holbrook (Atlantic) Ltd., and the Investment Guidelines be amended to increase the foreign component maximum limit to 20% of the funds under management.

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

9.0 MOTION

9.1 ALD. HETHERINGTON

MOTION: WHEREAS the streets of MacKenzie Street, Provost Street, High St., Trenholme St., and Novawood Drive, have always been dead-end residential streets;

AND WHEREAS they abut industrial lands;

BE IT SO RESOLVED that these four streets and one drive, remain closed to commercial traffic, and only be allowed to be opened up for emergency vehicles only.

Moved: Ald. Hetherington
Second: Ald. Walton

In presenting his motion, Ald. Hetherington made reference to the petition from residents who live in the area affected by the opening up of Provost Street by Imperial Oil Ltd., thereby placing traffic on a street that was formerly safe for children, and generally, a quiet residential street. Traffic counts have been carried out by the residents and were included with other relevant information in the petition submission.

After Ald. Hetherington completed his presentation to Council, the Solicitor made a recommendation that the best way to approach the problem would be to determine the last driveway on the street, and then go through the official process of closing the street to all but emergency traffic. Council was in favour of proceeding in accordance with the Solicitor's recommendation, and to have a public hearing date set in due course, after staff have prepared all of the necessary documentation. Ald. Hawley asked, if in the meantime, the Mayor might call senior staff at Imperial Oil, to discuss the problem first-hand. The Mayor was willing to do this.

The vote was taken on the motion.

In Favour: All
Against: None
Motion Carried

10.0 NOTICES OF MOTION

11.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. PYE

Ald. Pye's question concerned the request for proposals for school busing. Mr. Corrigan said that while the City did not meet the proposal call criteria, a letter of interest was submitted, which had the effect of a 'shadow bid', serving the purpose of a baseline on which to judge the bids they received. It was requested that the present employees be included in any proposal call, and Supt. Welch has concurred with the request.

Ald. Walton said he has also received calls from concerned drivers, wanting to make sure they will have jobs in the future. Ald. MacFarlane had comments as well about the concerns of drivers and their job prospects.

ALD. MACFARLANE

Ald. MacFarlane asked what is being done to address the Chestnut Lane traffic problem. Mr. Fougere said he would speak to Mr. Purdy about this item, and get back to Ald. MacFarlane.

ALD. SMELTZER

Ald. Smeltzer indicated his concern that a presentation was not made by the School Board during the budget review process. He said he would like to have had the opportunity to discuss several issues in conjunction with the Board's budget. It was noted that Supt. Welch and the Board Chair did make a presentation to Council several weeks ago, but not within the context of the budget review process.

ALD. GREENOUGH

Ald. Greenough asked if there is any word yet on the Breeze Drive/Caledonia Road project, and possible Infrastructure funding for it. Mr. Corrigan said the project was submitted, but to date nothing official has been heard about it.

ALD. DEXTER

Ald. Dexter asked if there will be any attempt to involve the public in the HarbourEdge project, at the time of the project announcement. Mr. Corrigan said the announcement will be made through the offices of the MP's; it is their process and not the

City's decision to make about the planning for it.

Ald. Dexter asked about the transfer of funds from the City to Eagle Security, for back-payment to the crossing guards. The Solicitor advised that probably by this time next week, Eagle will have received the remittance from the City, and within two weeks after that, the cheques will be issued to the crossing guards.

ALD. WITHERS

Ald. Withers asked about the status of information he requested on Feb. 21st on MPS amendments for the forty acres of DND land in the Albro Lake area. He felt that he should have been provided with the report and recommendations requested, by this time.

ALD. HETHERINGTON

Ald. Hetherington referred to a safety concern he raised previously about merging traffic on two lanes, with nowhere to go, at the off ramp for south-turning traffic on Burnside Drive, south onto Highway 111. Mr. Fougere said he has taken this concern up with a Transportation Dept. engineer, but has no report back to date. Ald. Hetherington asked to be kept informed on this item.

At 10:30 p.m., Council met briefly in camera and adjournment was from the in camera meeting.

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

DARTMOUTH CITY COUNCIL
APRIL 4, 1995.

ITEMS:

- Invocation, page 1.
 - Proclamation, page 1
 - 6.0 Presentation, page 1.
 - i) Symphony Nova Scotia, page 1.
 - 1.0 Reports, page 3.
 - 1.1 Chief Administrative Officer, page 3.
 - 1.1.1 Application, Saba Amusements, page 3.
 - 1.1.2 Shubenacadie Canal appointments, pg. 4.
 - 1.2 Finance & Program Review Comm., page 4.
 - 1.2.1 MicMac A.A.C. Taxes, page 4.
 - 1.2.2 Alarm By-law, page 5.
 - 1.2.3 Liquor License application, 525 Pleasant
Street, page 6.
 - Liquor License application, 126B Main
Street, pg. 6.
 - 2.0 Approval of minutes, page 7.
 - 3.0 Business arising from minutes, page 7.
 - 4.0 Delegations & Hearings of Protest, page 8.
 - 5.0 Original Communications, page 8.
 - 7.0 Petitions, page 8.
 - 8.0 Reports, page 8.
 - 8.1. Chief Administrative Officer, page 9.
 - 8.1.1 Stonebridge CDD, page 9.
 - 8.1.2 Award contract, engineering services,
replacement of water mains and street
construction, 10.
 - 8.1.3 256 Waverley Road, neighbourhood meeting, pg.10.
 - 8.1.4 355 Pleasant Street, " " Page 11.
 - 8.2 Pension Committee, page 11.
 - 8.2.1 Investment Counsel Agreement, page 11.
 - 9.0 Motion, page 12.
 - 9.1 Ald. Hetherington, page 12.
 - 10.0 Notices of motion page 13.
 - 11.0 Concerns of Council members or questions, pg.13
and page 14.
-

DARTMOUTH CITY COUNCIL
APRIL 5, 1995

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

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

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
DEPARTMENT HEADS & ASSISTANTS

PUBLIC INPUT TO
OPERATING BUDGET

PUBLIC INPUT TO OPERATIONS REVIEW

Mayor McCluskey opened the floor to the public for any comments or recommendations they may have regarding the departmental operations and budgets.

A spokesperson for the Dartmouth Community Network spoke with regards to the social service grants. She commended Council for the \$50,000 increase in grants. She also expressed thanks to Ald. Hawley, Ald. Walton and Ald. Sarto for their support on the Grants Committee.

Ms. Jackie Condran, resident of Woodlawn, expressed concerns with education and the crosswalk guards. She suggested that any possible extra funding should be placed in education and that no crosswalk guards should be cut. She also stressed the importance of the increase to the food scales.

Ms. Pat Briggs, speaking on behalf of the 39 other school bus workers, raised concern with the call for proposals by the School Board for privatization of the school bus service. She also expressed concern with the negative comments of some School Board members towards City Council.

Considerable discussion of the call for proposals and the School Board followed Ms. Briggs' comments. Mr. Corrigan stated that the City insisted that the RFP take into account how the current employees would meld into the new system and how they would use the fleet. However, he noted that the Fleet Manager has since indicated that there is a strong resale market for school buses, and, therefore, the fleet is no longer a

main concern. Mr. Corrigan stated that they intend to monitor the situation with the staff very closely.

Mr. Smith noted that there were specific qualifications identified in the RFP that the City could not meet, and, therefore, were not eligible to submit a proposal. He also noted that the RFP required the contract to extend for a period of five years which the City would not be able to commit to due to pending amalgamation. However, he stated that the City would be prepared to offer a bid to continue the service for one more year.

With regards to reducing the number of crosswalk guards, Ald. Smeltzer stated that he was of the understanding from staff that there is no intention to reduce the number of crosswalk guards.

When asked by Ald. Levandier about the quality of service given by the City school bus drivers, Mr. Smith replied that in the year since has taken over responsibility of this unit he has not had one complaint. On the contrary, he has received compliments about the service. He stated that he felt they provide a good basic service. Ald. Levandier noted that since Metropolitan Authority contracted out the Access-A-Bus service it has been less than satisfactory as the level of service is only what is provided for in the contract and nothing more. He stated that he did not want to see this happen with the school bus service.

Several aldermen expressed concern with the School Board's attitude of being on opposite sides with City Council and its handling of this issue. It was suggested that some conditions should be attached to the additional \$200,000 being given to the School Board to ensure that the job security issue of the bus drivers is settled to Council's satisfaction. Mr. Corrigan noted that it is open to Council to attach conditions, but the history has been not to do so. Several aldermen disagreed with doing this as they felt withholding funds would ultimately take away from the education of the children. Ald. Hawley also felt that \$200,000 was an insignificant amount compared to the cost to provide this service. Ald. Smeltzer expressed

concern with the fact that the Superintendent of Schools and the Chairperson of the School Board were not in attendance to discuss their budget in more detail.

MOTION: That the School Board budget be set at \$17,800,000 with \$200,000 being kept in the discretionary fund until the school bus service issue has been solved to the satisfaction of Council.

Moved: Ald. Hetherington

Second: Ald. Withers

In Favor: Hetherington, Withers, Woods, Schofield, Levandier

Against: All others.

Motion defeated.

As all the aldermen were in favor of protecting the school bus employees, they agreed to Ald. Hawley's suggestion of sending representatives from Council to meet with the School Board to try to settle this issue with a favorable resolution. It was agreed that both the Mayor and the Deputy Mayor should sit on this subcommittee. Ald. Greenough volunteered as well if a third member is required. It was also agreed that the City should also send a letter of interest to offer the current service for one more year.

There were no other submissions from the public. Mr. Corrigan summarized the comments made during the public session noting that the budget meets all six concerns noted. Mr. Corrigan reported that there were no written responses received from the newspaper advertisement. Mr. Corrigan stated that he hoped this shows public acceptance of the budget.

Ald. Smeltzer asked if the CAO's budget would be presented now as it was not done on Saturday. Mr. Corrigan replied that his budget is relatively insignificant in comparison to the overall budget. Mr. Corrigan stated that his department consists of himself, Athena Gelinas, who did a lot of the background budget work and Jane Young, part-time secretary. Mr. Corrigan praised both his staff for their excellent work. Ald. Smeltzer suggested

adding money to the CAO's budget to hire a couple of MBAs or MPAs for a short period leading into amalgamation.

Mr. Corrigan then reviewed two budget scenarios. The first was for a 5 percent decrease in the residential tax rate, and the second was for a 3.2 percent decrease in the residential tax rate.

He noted that there was no use of reserve funds in the second option.

After discussion of both scenarios, the following motions were made:

MOTION: To opt out of UNSM and put the \$24,000 back into Training and Development.

Moved: Ald. Levandier
Second: No seconder.

AMENDMENT: To increase Training and Development by \$24,000 by taking \$24,000 from the contingency account.

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

MOTION: To increase the land sales account by \$50,000.

Moved: Ald. Levandier
Second: Ald. Greenough
In Favor: Levandier, Greenough, Dexter, Withers, Schofield
Against: All others
Motion Defeated

MOTION: To increase the amount allocated to the BIDC by \$60,000 contingent on them providing Council with a plan and a report from staff.

Moved: Ald. Dexter
Second: Ald. Pye
In Favor: All except
Against: Greenough, Withers
Motion Carried .

MOTION: To increase allocation to the Grants Committee by \$25,000.

Moved: Ald. Hawley
Second: Ald. Cunningham
In Favor: Hawley, Cunningham, Dexter, Schofield
Against: All others
Motion Defeated

MOTION: That additional monies be taken out of the BIP account to achieve a 5 percent reduction in the residential tax rate.

Moved: Ald. Greenough
Second: Ald. Withers
In Favor: All except
Against: Hawley, Pye, Woods, Schofield
Motion Carried

RESOLUTION 95-19

MOTION: WHEREAS Dartmouth City Council has caused to be prepared and approved a detailed estimate of the probable expenditure of the City of Dartmouth for the Fiscal year 1995-1996;

AND WHEREAS Dartmouth City Council has caused to be prepared an estimate of the probable revenues of the City of Dartmouth for the fiscal year 1995-1996 to be derived from all sources other than taxes on property;

BE IT THEREFORE RESOLVED that Dartmouth City Council authorizes the levying and collection of a property tax on the assessed owners of all property in the City that is taxable by the City under the terms of the Assessment Act as follows:

- 1) At a rate of \$3.57 per one hundred dollars of assessment to be applied to the full assessed value of taxable commercial property and
- 2) At a rate of \$1.55 per one hundred dollars of assessment to be applied to the full assessed value of taxable residential property and resource property;

AND BE IT FURTHER RESOLVED that Dartmouth City Council authorizes the levying and collecting of a business occupancy tax on the occupants of all property in the City, that is taxable by the City under the terms of the Assessment Act at a rate of \$3.57 per one hundred dollars of business occupancy assessment.

AND BE IT FURTHER RESOLVED that there shall be no residential occupancy tax in the City of Dartmouth for the fiscal year 1995-1996.

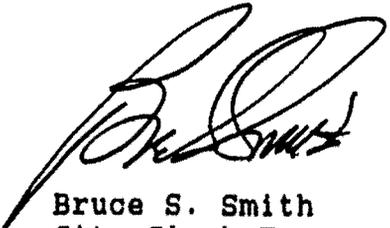
<u>Moved:</u>	Ald. Greenough
<u>Second:</u>	Ald. Levandier
<u>In Favor:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

DARTMOUTH CITY COUNCIL
APRIL 5, 1995

PAGE 7

MOTION: That the meeting adjourn.
Moved: Ald. Hetherington
Second: Ald. Smeltzer
In Favor: All
Against: None
Motion Carried

Meeting adjourned.



Bruce S. Smith
City Clerk Treasurer

Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL AGENDA

TUES., APR. 11/95

5:00 P.M. SUPPER

**5:30 P.M. MEETING
BEGINS**

COUNCIL CHAMBER

1. Ward 5 Community Centre - Call for Proposals.
2. Review of Halifax Regional Municipality Act (oral).
3. FCM Representation (oral).

DARTMOUTH CITY COUNCIL
APRIL 11, 1995.

LOCATION: CITY COUNCIL CHAMBER
TIME: 5:30 P.M.

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

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

1.0 WARD 5 COMMUNITY CENTRE - CALL FOR PROPOSALS

WARD 5 COMMUNITY
CENTRE: CALL FOR
PROPOSALS

The first item on the agenda was the Call for Proposals for the Ward 5 Community Centre, recommended for approval by Mr. Corrigan, in his report to Council, dated April 11/95. Copies of the Proposal Call were circulated with the report.

MOTION: To approve the Call for Proposals for the Ward 5 Community Centre, as recommended.

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

3.0 FCM REPRESENTATION

FCM REPRESENTATION

Council was asked to decide on the City's FCM delegates. The Mayor indicated that she would be willing to attend, and members agreed that she should attend, along with two other representatives from the three Aldermen who expressed an interest - Ald. Smeltzer, Woods and Schofield. Ald. Smeltzer asked to be considered as a City delegate, even though he might secure funding to attend from a source other than the City.

Two names were later drawn from the three submitted; they were Ald. Schofield and Ald. Woods.

4.0

LIQUOR LICENSE HEARING - 126B MAIN STREET

HEARING FOR
126B MAIN ST.

An item deferred from the April 4th Council meeting was the Liquor License application for 126B Main Street. Ald. Sarto indicated to Council that he did not have the same opposition to this application as previously, having determined that 51 parking spaces will be available, and having received assurances of an agreement with the operator that there will be no exotic dancers performing at this establishment.

Ald. Greenough and Smeltzer continued to be opposed to the application, for other reasons that were stated before, such as the proliferation of other similar establishments in this part of the City, and the fact that this new one will be located in the same building as the Music Conservatory, where children and young people are having lessons.

MOTION: That a presentation be made to the Liquor License Board hearing, opposing the application for 126B Main Street.

<u>Moved:</u>	Ald. Smeltzer
<u>Second:</u>	Ald. Greenough
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

2.0

REVIEW OF HALIFAX REGIONAL MUNICIPALITY ACT

REVIEW: HALIFAX
REGIONAL
MUNICIPALITY ACT

The main item for Council's consideration at this meeting was the Halifax Regional Municipality Act, and changes that Council may wish to propose for inclusion in the presentation that will be made to the Law Amendments Committee.

The Solicitor thanked members of Council for the large number of comments and points that have been offered in connection with the legislation, about 230 in all. Unfortunately, there is only time to focus on the most important issues, which have been singled out by her and for which she has prepared opinions and recommendations. Members received a page-by-page notation of these issues, which the Solicitor proceeded to review with Council. Individual motions were made in many instances, and in some others, an agreement consensus was

indicated. The review is recorded as follows:

SECTIONS 14,40

1) Conflicting roles of CAO & Mayor as CEO

Ms. Hood explained the areas of conflict between the powers of the CAO and the Mayor as Chief Executive Officer, recommending that the Act clearly establish the City Manager/Council form of government, which has been used in Dartmouth, Halifax and Halifax County.

MOTION: That the City Manager form of government be the form adopted, so that potential for conflict is eliminated. (Moved by Ald. Cunningham & MacFarlane; motion carried.)

SECTIONS 28-38

2) Community Councils

Ms. Hood provided Council with considerable information on the provision in the Act for Community Councils, which may be established at the request of 500 electors for an area that includes at least parts of three polling districts, and contains a population at least twice that of the average polling district. The Community Council consists only of the area elected representatives. The concern about an over-lapping of polling districts, resulting in several Community Councils, was discussed by the Solicitor with members. Ald. Greenough said this possibility is totally unacceptable, and other members could also see problems associated with such a possibility.

Ald. Smeltzer felt the inclusion of provision for Community Councils, sets up a basis for two-tier government. He suggested that the new Regional Council could, if given the authority, come up with another model, that better meets the needs of the municipality. Other members tended to favour the Community Council idea, provided there is only one for Dartmouth.

MOTION: To support the formation of a Community Council, provided there is only one for Dartmouth. (Moved by Ald. Greenough & Sarto; motion carried by a vote of 10 to 4.

Ald. Fawley said a note of concern should be included about the costs that appear to be involved for operating Community Councils.

SECTION 51

3) Open Books, Records & Accounts

Ms. Hood said the provisions of this section are vague and out-of-date. She recommended that the section be reworded to refer to the financial records of the municipality, and to exclude individual financial information, such as individual tax accounts, individual employees' financial information, except in circumstances specified by her. She said it is not in the public interest to have access to all records.

A number of approaches were suggested in trying to define acceptable specifics. Ald. Dexter spoke about the 'concept of transparency', where records are concerned, and other members referred to possible application of the Freedom of Information Act. A motion proposed by Ald. Greenough was withdrawn in favour of the following motion, presented by Ald. Dexter:

MOTION: All the records of the Regional Municipality shall be open to the public, including, but not to limit, the foregoing; all files, papers, and information held electronically or otherwise, except as specifically exempted by regulation; Copies of all information, except that exempted, will be made available by the Regional Municipality at reasonable cost. (Moved by Ald. Dexter & Woods; motion carried.)

SECTION 83

4) Tax Rates

In discussing specifically Section 83 (8), and the mandatory rural tax rate provided for, several members stated their concerns that this rate would not include fire and police services, or the maintaining of streets and roads in rural areas. The opinion was that the urban areas should not be expected to assume these costs, seen as another form of down-loading onto the municipality.

MOTION: That the rural base rate include fire and police services, plus costs associated with transportation (streets & roads). (Moved

by Ald. Greenough & Walton;
motion carried.)

MOTION: That the reference in Section 83 (8) be to 'net debt', and that the word 'net' be inserted in the sub-section. (Moved by Ald. Greenough & Withers; motion carried.)

SECTIONS 84, 85

5) Education Funding

The Solicitor noted that the Act would require full payment to be made in a lump sum, if the School Board requested it.

MOTION: That payments be made in 12 monthly installments, and not in a lump sum, as provided for in the Act. (Moved by Ald. Levandier and Sarto; motion carried.)

Consideration of sections 84, and 85 especially, led to discussion of Ald. Hawley's concern about 85 (5) (provision for decreasing only), and some way of recouping the additional education costs where they apply, in the case of students coming in from areas which do not pay an area rate. A two-part motion was put forward by Ald. Greenough to address the matter of establishing an area rate allowing for an increase, as well as a decrease, and dealing with the question of students from areas in which the area rates are not being paid.

MOTION: Where there is not an area rate, one can be established for achieving discretionary funding for that section of the region, and area rates can increase. Further, that the existing school boundaries within the present municipal unit, be maintained, in order to respect the continuation of area rates paid specifically for discretionary funding towards education in Dartmouth and Halifax. (Moved by Ald. Greenough & Levandier; motion carried, with Ald. Pye voting against.)

Ald. Woods said he would like to hear from the School Board on this section, and have a report from them. He said if necessary, parents could be mobilized to enforce the position of the City and/or the School Board, in making their views known.

Ald. Hetherington's concern, regarding Section 84 (1), was that if the municipal contribution goes up, what effect will that have on the requirement to pay the additional funding payment in fiscal year 1995/96? His concern was considered valid and was noted.

SECTION 18

6) In Camera Meetings

Council tended to agree with the Solicitor that the list of matters for discussion in camera is too limited at present, and favoured her suggestion that the reference should be instead to land matters generally and negotiations generally. Also, that if decisions are to be made public, after in camera meetings, it be done along the lines of the approach that has been taken by the County, without releasing specifics, or jeopardizing negotiations in progress, either dealing with land or contracts.

SECTION 41

7) Accountability of Directors to CAO

The Solicitor pointed out that Section 41 (1) does not recognize the role of the Police Chief and the Board of Police Commissioners, pursuant to the Police Act. She recommended that the accountability of the Police Chief to the CAO in budgetary matters, be made clear, and that this operate notwithstanding the Police Act. Further, that the power of the Police Commission to prepare a budget should be clearly only a budget to be recommended to the Regional Council.

MOTION: To adopt the above recommendations of the Solicitor.
(Moved by Ald. Hetherington
and MacFarlane; motion carried.)

SECTION 52

8) Power of CAO to appoint Directors

Clarification of Section 52 (2), as per the wording provided by the Solicitor, was recommended.

MOTION: To approve the recommended wording provided by the Solicitor, for Section 52 (2) (Moved by Ald. Cunningham & MacFarlane; motion carried.)

SECTIONS 64 & 8

9) Library Board

The Solicitor drew Council's attention to the fact that under these two sections, the Regional Municipality has the powers of the Regional Library Board, and the Halifax Regional Municipality may provide the library Services directly. Points noted.

SECTION 69

10) Sale of Land

The recommendation of the Solicitor was noted (that the wording of the Dartmouth City Charter, Section 139 (2) be used), but not acted upon; concern was not indicated.

SECTION 70

11) Dartmouth Common

The Solicitor recommended that Section 69 (3) be amended to allow, by a motion of two-thirds of the members of the Council, to use the lands for a purpose consistent with its use as a Common, for the benefit of the inhabitants of the municipality.

MOTION: To adopt the recommendation of the Solicitor, as per the above text. (Moved by Ald. MacFarlane & Greenough; motion carried, with Ald. Dexter voting against.)

Ald. Dexter requested that all members of the Common Committee be provided with a copy of the Solicitor's recommendation, so they will have the opportunity to respond to it.

At this point, Ald. Hetherington and Pye moved that a plebiscite be held in June, in Dartmouth, on the regional government issue. Ald. Greenough felt that Council should first have the benefit of a staff report on a plebiscite, costs involved, logistics, etc., before agreeing to proceed with one.

MOTION: To defer a decision on a plebiscite for two weeks, pending a staff report.

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

RESERVE FUND

12) Reserve Fund

The Solicitor noted that there is no power in the Act to create a Reserve Fund, as the City of Dartmouth has done. Council agreed with the Solicitor's recommendation that there should be a section similar to Section 229A of the Dartmouth City Charter.

INVESTMENT POLICY

13) Investment Policy

Neither is there any power to establish an Investment Policy. Council agreed with the Solicitor's recommendation that the Act be amended to add a section similar to Section 270A of the Dartmouth City Charter.

SECTION 108

14) Passage of by-laws

The procedure for the passage of by-laws is considered by the Solicitor to be cumbersome, with a required publication at two points in the procedure. Members agreed that it should not be necessary to have a publication between first and second reading of by-laws, but did favour the two-meeting requirement for three readings (ie. as opposed to three readings all at one meeting).

MOTION: To adopt the recommendation of the Solicitor: That there be no publication of the intent of Council to pass a by-law, but to offset this, three readings cannot be given at one meeting. (Moved by Ald. Cunningham & Woods; motion carried.)

SECTION 192

15) Complaints about Transit

The Solicitor has recommended a change in Section 192, whereby the number of complainants (about transit service), would be increased from 'any ten adults' provided for in the Act, to at least 50, and the time period within which the matter must be brought before Council, increased from ten to 30 days.

MOTION: To approve the Solicitor's recommendation, as recorded on page 8. (Moved by Ald. Walton & Hetherington; motion carried.)

SECTION 18

16) Mayor Voting

The recommendation of the Solicitor is that the Mayor vote only in the event of a tie vote, and not otherwise.

MOTION: To approve the recommendation of the Solicitor, that the Mayor vote only in the event of a tie vote. (Moved by Ald. Greenough & Woods; motion carried.)

SECTION 39

17) Council appointment of Acting CAO

The recommendation of the Solicitor is that Section 39 (2) be revised to provide for the appointment of an Acting CAO if the CAO is to be absent for a period in excess of three or four weeks. Council felt it should be two weeks, and the recommendation was approved to reflect this.

MOTION: If the CAO is to be absent for more than two weeks, an Acting CAO should be appointed. (Moved by Ald. Greenough & Hetherington; motion carried.)

Ald. Smeltzer proposed that the word 'may' in Section 40 (2) be replaced with the words: 'shall unless otherwise directed by Council'. The Solicitor noted that this was covered previously in another section of the Act.

SECTION 121

18) Regulation of Massage Parlours & Adult Entertainment

The Solicitor noted that there is no provision for the regulation of escort services. Council agreed that this category should be included.

Members discussed with the Solicitor, the issues involved in trying to regulate establishments in the context of Provincial regulations that also apply. Ald. Hawley felt that the municipality should be allowed to determine where such establishments are to locate.

MOTION: To have provision for the regulation of escort services included in the section, and provision for the Council to regulate location, and the Liquor License Board, the other requirements. (Moved by Ald. Hetherington & Greenough; motion carried.)

SECTION 68 (1)

The Mayor raised a concern about Section 68 (1), and payment of compensation to an area where a sanitary landfill is located, once the municipalities are all part of one regional government.

MOTION: To recommend that this subsection be completely deleted. (Moved by Ald. Cunningham & Hetherington; motion carried.)

LIST OF ITEMS:
a) THROUGH e)

List of Items: a) Through e)

- a) Compensation for Deputy Mayor: Council concurred with the Solicitor that there should be compensation for the Deputy Mayor.
- b) No provision for a Solicitor: agreement with the recommendation of Ms. Hood.

MOTION: To approve the recommendation: That the Act be amended to provide that there shall be a solicitor appointed, and to set out the duties of the municipal Solicitor, as the Halifax City Charter does. (Moved by Ald. Greenough & Withers; motion carried.)

- c) Plebiscites (Sections 59,60): the Act leaves the final decision on holding a plebiscite to the Regional Council. Ald. Smeltzer suggests that there should be the ability of 40% of the electorate to force a plebiscite upon the Council.
- d) Grants: Ald. Smeltzer suggests that Council have the power to make any grant that Council thinks is appropriate, and in the best interests of the municipality.

MOTION: To approve the suggestion
of Ald. Smeltzer:

That Council have the power to
make any grant that Council
thinks is appropriate, and in
the best interests of the
municipality. (Moved by Ald.
Greenough & Smeltzer; motion
carried.)

- e) Street takeover (section 147): Solicitor
recommends that the Regional Municipality
have the same power as Dartmouth does now
to take over a narrower street, if it has
been used by the public as a street for
more than ten years; section 138 of the
City Charter. Council indicated agreement
with the Solicitor's recommendation.

TRANSITIONAL PROVISIONS

1. Powers of Co-ordinator: Two issues: (a) the
Co-ordinator has the power to hire the CAO;
(b) it is recommended by the Solicitor that
the Co-ordinator hire from within for the
CAO's position.

MOTION: (a) the CAO should be hired by
the new Council; and (b) approval
of the Solicitor's recommendation.
(Moved by Ald. Hetherington and
Cunningham; motion carried.)

2. Role of CAO & Co-ordinator: employment of
Directors. Solicitor recommends that
the CAO's full authority to hire
Directors be clarified.

MOTION: To adopt the recommendation
of the Solicitor:
That the CAO's full authority
to hire Directors be clarified.
(Moved by Ald. Sarto & Hawley;
motion carried.)

3. Term of Regional Council: the new Council
will serve for more than 4 1/2 years.
General agreement by Council.

4. Interim Powers of Co-ordinator: Two issues:
a) the Co-ordinator must approve any hiring,
promotion, etc., of any employee after
April 4/95. Solicitor recommends that
this be subject to the exception that
any term appointments not require the

Co-ordinator's approval.

- b) the Co-ordinator must approve any land sales or sales of other capital assets, any leases, etc. entered into subsequent to April 4/95. Solicitor recommends that this not apply to any agreement to sell or to lease approved by Council prior to April 4/95, or to any land sale in the Burnside Ind. Park.

MOTION: To approve both recommendations of the Solicitor, applicable to Item 4. (Moved by Ald. Greenough and Hawley; motion carried.)

5. Preference in Employment to Present Municipal Employees

MOTION: To adopt the recommendation of the Solicitor:
That the Act provide that outside applications will not be sought or entertained, unless and until it is determined that no present employee meets these criteria. (Moved by Ald. Sarto & Greenough; motion carried.)

6. CAO to Hire All Employees

MOTION: To adopt the recommendation of the Solicitor:
That the hirings by the CAO be limited to the Directors, officers and Deputies. (Moved by Ald. Hetherington & MacFarlane; motion carried.) Section 3 (4): wording to be left with the Solicitor.

7. Municipal Retirement Plans Subject to Co-ordinator Approval: Council noted the Solicitor's comments.

8. Retirement Plans Limited to Certain Positions: (Section 6 (4) Council noted the Solicitor's comments.

9. Regional Council Decides Upon Severance for Present Councils: (Section 6(8)

MOTION: To change the word 'may' to 'shall' in Section 6 (8).

(Moved by Ald. Withers and
MacFarlane; motion carried.)

10. Protection of Seniority for Non-Union
Positions: no change made.

11. Additional Labour Relations Board
Appointments: The
Solicitor noted the additional appoint-
ments required to deal with the
anticipated heavy workload for this Board.

Mr. Corrigan sought an indication from Council as to whether members want to proceed with an (a) and (b) approach in the presentation - (a) being an expression of opposition to the bill itself, and (b) presenting the specific recommendations Council has just gone through and approved. Ald. Smeltzer did not favour this approach; he felt there is nothing to be gained by a strong opposition to the bill itself. Other members of Council, however, favoured the presentation in the (a) and (b) format.

MOTION: That the (a) part of the present-
ation indicate opposition to the
bill itself, questioning its
integrity and making use of the
UMA study results; the (b) part
to consist of objections to
specific individual sections,
with alternative recommend-
ations, as discussed by Council.

<u>Moved:</u>	Ald. Hetherington
<u>Second:</u>	Ald. Greenough
<u>In Favour:</u>	All members except
<u>Against:</u>	Ald. Smeltzer
	<u>Motion Carried</u>

Council extended thanks to the Solicitor for all the work she has done in reviewing the legislation and preparing recommendations for Council to consider.

Before adjournment, Ald. Hawley clarified statements made by him at the final budget meeting, and apologized for any misunderstanding caused by the statements being reported in the local paper. Ald. Smeltzer also clarified published statements.

DARTMOUTH CITY COUNCIL
APRIL 11, 1995.

PAGE 14.

Meeting adjourned at 10:45 p.m.

V. Carmichael

V. Carmichael
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
APRIL 11, 1995.

ITEMS:

- 1.0 Ward 5 Community Centre, Proposal Call, pg. 1.
 - 3.0 FCM representation, page 1.
 - 4.0 Liquor License, 126B Main St., page 2.
 - 2.0 Review of Halifax Regional Municipality
Act, pg. 2 to 13 incl.
-

DARTMOUTH CITY COUNCIL AGENDA

TUES., APR. 18/95

7:30 P.M.

COUNCIL CHAMBER

RECOGNITION - VOLUNTEER OF THE YEAR
- ONE HONORABLE MENTION

1. **PUBLIC HEARINGS**

- i) 92/94/96 Portland Street
- ii) Proposed Development Agreement - 36 Wentworth Street

2. **REPORTS**

2.1 **CHIEF ADMINISTRATIVE OFFICER**

- 2.1.1 Temporary Borrowing Resolutions
- 2.1.2 Amendment to Development Agreement - Portland West
(set date for public hearing)
- 2.1.3 DND Property, Woodland Avenue
- 2.1.4 Award of Request for Proposals - Marshalling Yards
Study

2.2 **WATER UTILITY COMMITTEE**

- 2.2.1 Water Extension Requests - Halifax County
Municipality
- 2.2.2 Request - Coast Guard Station
- 2.2.3 Water Rate Study Recommendations

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

DARTMOUTH CITY COUNCIL
APRIL 18, 1995.

LOCATION: CITY COUNCIL CHAMBER
TIME: 7:30 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
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEADS & ASSISTANTS

PROCLAMATION

After opening the meeting, Mayor McCluskey read a Proclamation for Provincial Volunteer Week in Dartmouth, during the week of April 23rd to 29th, 1995.

RECOGNITION - VOLUNTEER OF THE YEAR
TWO HONORABLE MENTION

Mayor McCluskey then acknowledged and paid tribute to the City of Dartmouth Volunteer of the Year, Clyde Wm. Rose, followed by similar recognition for two volunteers receiving Honorable Mention: Georgina Lee and Lorna Webber. The contributions made to the community by each of these three people were noted by the Mayor, and after she had done that, she was joined by a former Volunteer of the Year, Mr. Poirier, who assisted her in making presentations to Mr. Rose and Ms. Lee; Ms. Webber was unable to be present. The Mayor noted that Ald. Withers was the City's 1984 Volunteer of the Year.

Also present in the gallery, and acknowledged by Mayor McCluskey, were members of the Dartmouth High School Reach team, who will be going to the School Reach nationals in Toronto, in May. The Mayor congratulated the team and wished them good luck at the nationals. Each member was introduced and recognized separately.

Mayor McCluskey welcomed to the meeting, the 7th Dartmouth Scout troop and the 7th Dartmouth Cub Pack, from First Baptist Church, present with their leaders.

1.0 PUBLIC HEARINGS

i) 92/94/96 PORTLAND STREET

PUBLIC HEARING:
92/94/96 PORTLAND
ST.

Council set this date for public hearing of a Development Agreement application, to add an additional residential unit at 92/94/96 Portland Street. Mr. Corrigan and Ms. Spencer have recommended approval of the application, and approval of Resolution 95-18, which will permit the building at this address to be used for five apartment units and a commercial retail space (Angela's Tailor Shop).

Staff reports on the application were circulated with the agenda for this meeting.

All members of Council were recorded as being present for the public hearing, except for Ald. Woods and Cunningham, who had not yet arrived for the meeting.

The Development Services presentation was made by Patricia Richards. She explained the change proposed in the building, bringing the number of residential units there to five. Required parking is at the back of the building, and there will be a fire escape provided from the second unit being created, with the conversion of the large unit into two.

The Mayor opened the public hearing, calling for speakers in favour of the Development Agreement. A representative for the owner of the building (Ms. Maria Marinatto), addressed Council briefly, noting that the building in question sustained fire damage, and that in carrying out the renovations, an additional residential unit is being created in the process of converting the large residential unit that existed.

Having called three more times for speakers in favour, and there being none, the Mayor then called three times for speakers opposed. Again, there were no speakers, and the hearing was closed, on motion of Ald. Levandier and Greenough.

Council proceeded to the approval of Resolution 95-18, as recommended.

MOTION: To approve Resolution 95-18,
as recommended, permitting
the building at 92/94/96
Portland Street to be used
for five apartment units
and a commercial retail space.

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

ii) PROPOSED DEVELOPMENT AGREEMENT - 36 WENTWORTH
STREET

PUBLIC HEARING:
36 WENTWORTH ST.

The second public hearing set for this date was for 36 Wentworth Street, for which M.P.S. and Land Use By-law amendments have already been previously approved; these amendments now enable Council to deal with the Development Agreement for the property.

Mr. Corrigan and Ms. Spencer have recommended approval of the Development Agreement, and of Resolution 95-16, which will permit the property at 36 Wentworth Street to be developed for use as an apartment building and a semi-detached dwelling.

Staff reports on the application were circulated with the agenda for this meeting.

All members of Council were recorded as being present, except for Ald. Woods and Cunningham, who had not yet arrived for the meeting at this point.

The Development Services presentation was dispensed with, since one was given previously at the time of the M.P.S. and Land Use By-law hearings. Ms. Richards was available to answer any questions from members. Ald. Sarto asked about the zoning on the property, and was advised by Ms. Richards that the Development Agreement overrides and takes precedence over the current zoning.

The Mayor opened the public hearing and called three times for speakers in favour and opposed. There were no speakers wanting to be heard, and the public hearing was therefore closed, on motion of Ald. Levandier and Greenough.

Council proceeded with the approval of Resolution 95-16, as recommended.

MOTION: To approve Resolution 95-16, as recommended, permitting the property at 36 Wentworth Street to be developed for use as an apartment building and semi-detached dwelling.

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

2.0 REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

2.1.1 TEMPORARY BORROWING RESOLUTIONS

TEMPORARY
BORROWING
RESOLUTIONS

Report from Mr. Corrigan (B. Smith, D. McBain) on Temporary Borrowing Resolutions being recommended for Council's approval. Recommended, are the following resolutions: 95/96-01, 95/96-02, 95/96-03, 95/96-04, 95/96-05, 93-01, 93-02, 93-04, 93-05, 93-06, 92-01, 92-02, 92-04, 91-01, 90-02, 88-07, 87-02.

MOTION: To approve the above-listed Temporary Borrowing Resolutions, as recommended.

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

2.1.2 AMENDMENT TO DEVELOPMENT AGREEMENT - PORTLAND WEST

AMENDMENT:
PORTLAND WEST

Report from Mr. Corrigan on the amendment to the Development Agreement for Portland West, recommending that Council set Tuesday, May 9th, 1995, as the date for public hearing to consider this amendment.

MOTION: To set Tues., May 9/95 as the date for public hearing for Portland West, as recommended.

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

2.1.3 DND PROPERTY, WOODLAND AVE.

DND PROPERTY:
WOODLAND AVE.

Before Council, was a report prepared in response to a request for options in dealing with DND lands in the Woodland Ave. area, likely to be declared surplus in the near future. Besides the options presented in the report, it also deals with traffic considerations, concerns having been raised in conjunction with development, when it takes place in this section of the City.

The report concludes that 'if Council wishes to pursue amendments, this can be done. However, there is not an obvious set of amendments which will guarantee improvements in the traffic situation. Development Services can prepare a recommended amendment package, pending Council's determination of whether or not to proceed.'

Ald. Withers did not agree with the CDD and housing- mix options suggested in the report, preferring to see R-1 development taking place on the DND lands. He did not agree with statements in the report, to the effect that '... half of this acreage has very little development potential for other than multi-unit buildings' and '... traffic will increase regardless of amendments which Council may make.' Ald. Schofield supported the position taken by Ald. Withers; he said the development density should be kept down to six units per acre, and later, suggested a development plan based on this maximum, and limited to R-1 and R-2 development.

Ald. Woods was present from this item onwards in the agenda.

Ms. Spencer was available to discuss the options report with Council, and to answer questions about not only the DND lands, but the other 27 acres of land, also with development potential, in the same part of the City. Asked by Ald. Hawley whether it is tenable to maintain an R-1 zoning on the lands, she said it can be technically achieved, but in the long

term, there would likely be requests for changes to mixed-use development.

Reference was made by Ald. Withers, Schofield, and several other members, to the traffic conditions on Woodland Ave., and the worsening of the situation as development continues and more people use the street. The staff report states that a 'preliminary analysis indicates that the traffic impact of single-unit development in the area, would not be significantly less than that if a mix of multi units and CDD development'. Ald. Withers took exception to this statement, and maintained that traffic problems will be compounded with CDD and other forms of multi-unit development (ie. more so than with R-1 development).

Ald. Greenough said there is potential here for rezoning requests to start being received, as the DND lands become available for development. Therefore, the City should take a lead at this point, in having a development plan prepared in advance, based on what Council wants to see in the way of development.

MOTION: To refer the report back to Development Services staff, to meet with the area Aldermen, MLA, and the local M.P., to determine a development plan for the whole area (not just DND lands), for recommendation back to Council.

Moved: Ald. Greenough
Second: Ald. Hetherington

Ms. Spencer noted that it would first be necessary to look at just what is required to proceed with such a plan. Ald. Schofield said it could be simplified by restricting development to R-1 and R-2 units, and the density, to six units per acre. He favoured this approach. Ms. Spencer referred to M.P.S amendments that would be involved.

In Favour: All
Against: None
Motion Carried

Asked about a time-frame for the report, Ms. Spencer indicated she would be willing to meet with the area Aldermen as soon as they wish; the local MLA and MP also, if available.

2.1.4

REQUEST FOR PROPOSALS - CN MARSHALLING YARDS

PROPOSALS:
MARSHALLING YARDS

A report from Mr. Corrigan (V. Spencer, T. Rath) on consulting services for a feasibility study of relocating the downtown Dartmouth CN Rail Marshalling Yard, was before Council. The report recommends that Council approve entering into an agreement with UMA Engineering Ltd., for the provision of consulting services in examining the feasibility of relocating the Downtown Dartmouth CN Rail Marshalling Yard. The services are to be provided for an amount not to exceed \$63,344., and are to fully comply with the provisions of the Request for Proposals, and the proposal of Feb. 17/95, submitted jointly by UMA Engineering Ltd., and R.L. Banks & Associates.

MOTION: To approve the recommendation, the text of which is detailed above.

Moved: Ald. Levandier
Second: Ald. Hetherington

Ald. Pye and Hawley felt that CN should be asked for financial assistance with this project. Mr. Corrigan advised that CN are not willing to assist financially, having been approached already by Mr. Rath in this connection. It was noted that considerable time will be given by their staff, however, in conjunction with the feasibility study, and they are quite willing to provide for this assistance. Ald. Hawley continued to maintain that financial assistance should be sought, at higher CN levels than locally.

Ald. Cunningham was present from this item onward in the agenda.

Ald. Pye and Schofield stated their concerns that the lowest proposal is not being recommended, but it was pointed out by Mr. Corrigan that criteria such as the quality and ability of the project team have to be a major consideration in these circumstances. Ald. Woods said he had no problem with the choice, based on these criteria.

There were questions about the terms of reference for the study and when these may have been approved by Council. Mr. Corrigan drew

Council's attention to the RFQ copies attached to the report submitted, suggesting that if Council had concerns, the time to ask questions would be now, before awarding the contract. If Council needed time to review the RFQ, or had concerns still needing to be addressed, it would be in order to defer the item. No motion of deferral was presented, and Council continued to debate the item until a vote was taken on the motion on the floor.

Ald. Hawley's other concern was that money will be spent on this project, only to find out in the end that some of the land is common land, and therefore, unuseable. He said he did not want to see any of the land recovered, reverting back to common land. Mr. Corrigan said his concern has been noted and will be covered. There were also questions about the environmental considerations, but at this stage, the consultants are only doing a feasibility study, and such considerations would come later, if the project proceeds further.

Ald. Greenough shared Ald. Hawley's opinion about making sure the land is unencumbered by any common-land restrictions. Ald. Dexter and Levandier both supported the motion, stressing the importance of having the marshalling lands relocated, especially in the case of Harbourview residents who have had to put up with them over the years.

At the end of the debate, the vote was taken.

In Favour: All members except
Against: Ald. Pye & Schofield
Motion Carried

2.2 WATER UTILITY COMMITTEE

2.2.1 WATER EXTENSION REQUESTS - HALIFAX COUNTY

WATER EXTENSION
REQUESTS

The Water Utility Committee has recommended approval of water extension requests from Halifax County for:

Colridge Estate, Cole Harbour area
Ritcey Crescent, Cole Harbour area
Broom Road, Westphal area
Cow Bay Road, Eastern Passage area
Heritage Hills Subdivision, Phase 3,
Eastern Passage area
Montague Estates Subdivision, Westphal area

The Committee has further recommended that the Dartmouth Water Utility pay to Halifax County Municipality, a single capital payment of \$201,000. from the Depreciation Reserve Account, on completion of the installation and receipt of the cost breakdown and bill of sale, as required for the Utility plant ledger; the financial arrangement being subject to the approval of the Public Utilities Board.

MOTION: To adopt both recommendations from the Water Utility Committee, as recorded above and on page 8 of these minutes.

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

2.2.2

REQUEST - COAST GUARD STATION

REQUEST; COAST
GUARD STATION

A second report from the Water Utility Committee dealt with a request from the Canadian Coast Guard, for an upgrading of water mains in the vicinity of their Base on Parker Street, to improve fire flows that are now below standard on the Base, as well as in the adjacent apartment complexes and residences.

In order to be able to fund this upgrading project, the Committee has recommended that the pipe replacement project on Windmill Road be reduced by half, for purposes of capital funding, and the funds reallocated for the Esson Road replacement project.

MOTION: To adopt the recommendation of the Committee:
That the pipe replacement project on Windmill Road be reduced by half, for purposes of capital funding, and the funds reallocated for the Esson Road replacement project.

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

2.2.3

WATER RATE STUDY RECOMMENDATIONS

WATER RATE STUDY
RECOMMENDATIONS

The Water Utility Committee has discussed the Water Rate Study, in particular the water rate increases that are proposed, and has recommended three alternatives to help offset the impact of the increases, for Council's consideration and approval. These are:

- 1) the complete elimination of the Pollution Control Charge (60 cents).
- 2) the introduction of a pre-authorized payment system for water bills, to be offered to water users, based on the Halifax Water Commission system. This would be an option available to water users, and they would still have the option of paying their bills in the regular way.
- 3) a phased-in rate increase, over a two-year period, at 50% per year.

MOTION: To adopt the recommendations of the Committee, the text of which is recorded above.

Moved: Ald. Hetherington
Second: Ald. Greenough.

Ald. Hetherington explained the recommendations to Council in further detail, after which Mr. Corrigan brought to Council's attention, two recommendations from a report he has submitted on the subject of eliminating the Pollution Control Charge. Those recommendations are:

- 1) that the Pollution Control Charge not be eliminated.
- 2) also, that consideration be given to the possibility of a portion of the proposed increase in water rates be segregated on water billings as a 'Capital Improvement Charge'.

The point has been made in Mr. Corrigan's report that the Pollution Control Charge does not accrue to the Dartmouth Water Utility; this charge is collected exclusively for the control of pollution caused by sewage in Halifax Harbour.

Council members were divided on the issue of whether or not the Pollution Control Charge should be eliminated, and several were opposed to the use of the Pollution Control Fund for purposes of the water treatment plant, although this option has not been recommended by the Water Utility Committee. The other two recommendations (the pre-authorized payment system and a phased-in rate increase) had some support, but were not separated out of the motion and therefore did not stand on their own when the vote was taken on the motion.

Ald. Cunningham said he did not have information on the implications of the recommendations, to help him decide on them. He asked if it would not be a good idea to defer a decision until all cost implications can be studied further, and perhaps it may be necessary to re-think the cost of the water treatment plant itself.

Ald. Greenough suggested that if members of Council have other ideas for mitigating the impact of water rate increases, it would be appropriate to hear them at this time. If no alternatives are approved, the full impact of major rate increases are going to be felt by all water users, but especially commercial and other large users. Ald. Levandier said he could see the additional costs being passed on to renters in apartment buildings, as only one example.

It was the opinion of some members that the harbour clean-up project is, as Ald. Withers described it, a 'defunct concept'; therefore, funds earmarked for the project should be returned to the taxpayers for a project that is going forward for their benefit. Members defending the harbour project were unwilling to see funds diverted for other purposes, or to give up the Pollution Control Charge.

Ald. Smeltzer proposed an amendment, whereby the Pollution Control Charge would continue to be collected, but reduced by 50%.

AMENDMENT: That the Pollution Control Charge be maintained, but reduced by 50%.

Moved: Ald. Smeltzer
Second: Ald. Walton

There was support for this compromise, but not enough to produce a majority vote on the amendment.

In Favour: Seven members
Against: Seven members
Amendment Defeated (Mayor voting against)

The vote followed on the motion.

In Favour: Seven members
Against: Seven members
Motion Defeated (Mayor voting against)

Members were now concerned that there is no further direction being given by Council with respect to the water rate increases, and Ald. Levandier suggested a referral back to staff to evaluate other scenario and what the Pollution Control Charge means in terms of actual dollars. A motion to refer to Mr. Corrigan and to the Water Utility Committee was adopted.

MOTION: To refer the matter back to Mr. Corrigan and the Water Utility Committee, for one week, to bring back suggested compromise solutions for consideration.

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

Ald. Greenough said that one point that could be looked at would be the suggestion of Ald. Pye, for a phased-in rate increase over three years, rather than the two-year period the Committee recommended. There were no suggestions in debate regarding the pre-authorized payment system recommended.

A motion for adjournment was placed on the floor, but Ald. Walton was given the opportunity to state his concerns about the lack of resolution for the problem he has raised several times, in connection with the garbage container at 525 Pleasant Street. The Mayor agreed to have attention directed to this problem again.

DARTMOUTH CITY COUNCIL
APRIL 18, 1995.

PAGE 13.

Meeting adjourned at 10:45 p.m.

V. Carmichael

V. Carmichael,
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
APRIL 18, 1995.

ITEMS:

- Proclamation, page 1
Recognition, Volunteer of the Year
Two Honorable Mention, page 1.
- 1.0 Public Hearings, page 1.
i) 92/94/96 Portland Street, page 1.
ii) Proposed Development Agreement, 36 Wentworth
Street, page 3.
- 2.0 Reports, page 4.
2.1 Chief Administrative Officer, page 4.
2.1.1 Temporary Borrowing Resolutions, page 4.
2.1.2 Amendment, Development Agreement, Portland
West, page 4.
2.1.3 DND Property, Woodland Ave., page 5.
2.1.4 Award of Request for Proposals, Marshalling
Yards, page 7.
- 2.2 Water Utility Committee, page 8.
2.2.1 Water Extension Requests, Hfx. Co., page 8.
2.2.2 Request, Coast Guard Station, page 9.
2.2.3 Water Rate Study Recommendations, page 10.
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Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL AGENDA

TUES., APR. 25/95

7:30 P.M.

COUNCIL CHAMBER

PROCLAMATION - KIDS SENSE WEEK

PRESENTATION - HEALTHY DARTMOUTH - Environmental Goal (oral)

1. **REPORTS**

1.1 **CHIEF ADMINISTRATIVE OFFICER**

- 1.1.1 Withdrawal from Special Reserve - Capital
- 1.1.2 Plebiscite on Regional Amalgamation
(to be circulated)
- 1.1.3 Amendment to MPS and Land Use By-Law
Transit Terminal on Dartmouth Common
- 1.1.4 Set Date for Public Hearing - 348 Pleasant Street

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

DARTMOUTH CITY COUNCIL
APRIL 25, 1995.

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

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

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

PROCLAMATION

Mayor McCluskey opened the meeting, and read a Proclamation, which proclaimed the week of April 26th to 30th, 1995, as Kids Sense Week in Dartmouth.

With the agreement of Council, three items were added to the agenda: a presentation by Don Wright re Solid Waste/Resource Management Strategy; item 1.1.5 Law Amendments presentation, Bill #3; and an in camera item.

PRESENTATION - HEALTHY DARTMOUTH

PRESENTATION:
HEALTHY DARTMOUTH

Ms. Donna Smith and Ms. Elaine Jeffery made a Healthy Dartmouth presentation to Council. Members of Council received copies of two sections (Environment and Health) from a Provincial document, and the Mayor and each Council member were presented individually with framed statements of the Dartmouth Environmental Goal, which reads: To maintain and promote a healthy environment for Dartmouth and its citizens. The statement goes on to enumerate the means for achieving this goal.

Ms. Smith noted the lead taken by Dartmouth with the Healthy Dartmouth concept, and the tie-in between health issues and environmental ones, the thrust of the Provincial document as well. The Mayor and Council commended the work of the Healthy Dartmouth Committee, and the time that members such as Ms. Smith and Ms. Jeffery have put into Healthy Dartmouth projects. Ald. Walton said he would like to see them come back to Council with another program/activity update, similar to one given previously; he felt this information is valuable for Council to have.

Ald. Pye raised a point of concern about smoking being permitted in the main part of the new multi-purpose room at the Sportsplex, and Ald. Sarto stated his concern about the increasing number of teenagers who are smoking. Ms. Smith commented on some of the anti-smoking programs being undertaken in schools to try and address the high incidence of smoking, especially among teen-age girls.

Ald. Greenough asked if the Healthy Dartmouth Committee could find out about legislation that was supposed to have been drafted by the Province, to deal with smoking in shopping malls. Ald. Hetherington commended the work of the Committee; he said they are owed a debt of gratitude by Dartmouth citizens generally.

PRESENTATION - SOLID WASTE/RESOURCE MANAGEMENT STRATEGY

PRESENTATION:
SOLID WASTE/
RESOURCE
MANAGEMENT

Mr. Don Wright made a presentation to Council on the subject of the Solid Waste/Resource Management Strategy, copies of which were circulated to members.

MOTION: To table the report circulated on Solid Waste/Resource Management Strategy.

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

Mr. Wright noted in his report that the Community Stakeholder Committee approved their Strategy on March 25/95, and released it at a news conference on April 13/95. The Committee is now developing the criteria for siting the landfill. The Strategy will be presented at a Joint Council Session on Thurs., April 27/95, at the Halifax Sheraton, from 4:00 to 6:00 p.m. Members of Council were requested to attend this session.

Mr. Wright responded, insofar as he was able, to questions from Ald. Dexter, Levandier and Pye, pointing out that many of the questions raised will be answered for members at the meeting on April 27th. He was thanked by the Mayor for attending and making his presentation to Council.

1.0 REPORTS

1.1 CHIEF ADMINISTRATIVE OFFICER

1.1.1 WITHDRAWAL FROM SPECIAL RESERVE - CAPITAL

WITHDRAWAL:
SPECIAL RESERVE

Report from Mr. Corrigan (B. Smith, D. McBain) on the withdrawal from Special Reserve, for the fiscal year 1994/95, in the amount of \$333,000. It is recommended that Council approve Resolution 95-20 for this purpose.

MOTION: To approve Resolution 95-20, to provide for the withdrawal from Special Reserve for the fiscal year 1994/95, in the amount of \$333,000.

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

1.1.2 PLEBISCITE ON REGIONAL AMALGAMATION

PLEBISCITE:
REGIONAL
AMALGAMATION

At the April 11th meeting, Council deferred a decision on a motion, calling for a plebiscite in June, on the issue of regional government; deferral was for the purpose of receiving background information required from staff, including costs involved and the timing that would have to be taken into account.

A subsequent report to Council, from Mr. Corrigan, advises that the estimated cost of the plebiscite would be \$50,000., and the suggested polling date is June 8th. Questioned about the cost, Mr. Smith, who is the Returning Officer for the City, advised that the cost is in order, based on requirements that would have to be met, in accordance with the Municipal Elections Act.

Members of Council speaking in favour of the motion (still outstanding from the meeting of April 11th), took the position that citizens deserve at least this one democratic right, in a process they felt has been otherwise, undemocratic. Ald. Levandier said that citizens feel betrayed by the way in which amalgamation is being forced on the metro municipalities, and Ald. Hetherington saw the plebiscite as one way to try and make up for

this. Ald. Pye's opinion was that citizens have a right to vote on such an important issue; Ald. Withers considered it to be the most crucial issue since the City was founded.

Members who were not able to support the motion, questioned what good a plebiscite would do at such a late point, with the amalgamation legislation nearly through the legislature. Ald. Hawley said that regional government is already a foregone conclusion, and Ald. Smeltzer was concerned that a plebiscite would only add to an already divisive situation. He quoted from a paper on municipal amalgamation, written by Harry Kitchen, noting worthwhile results that can be expected, along with some of the negatives that Council has discussed.

Members of Council have received a communication from the Metropolitan Halifax Chamber of Commerce, offering their advice and opinions on the amalgamation issue. Points made in the Chamber submission were referred to occasionally in debate.

Basically, Council was about evenly split on the motion to hold a plebiscite. Asked by Ald. Walton about the legal implications of the outcome, Mr. Moreash informed Council that there would be no legal binding effect from a plebiscite. Ald. Sarto said a plebiscite is not going to change the minds of the Provincial Government, an assessment supported by several other members who did not support the motion.

At the end of a lengthy debate, the vote was taken on the motion, which reads:

That a plebiscite be held in June,
in Dartmouth, on the regional
government issue.

In Favour: Ald. Withers, Levandier
Hetherington, Pye
Dexter, Schofield
Against: All other members
Motion Defeated

1.1.3

AMENDMENT: MPS & LAND USE BY-LAW, TRANSIT
TERMINAL ON DARTMOUTH COMMON

TRANSIT TERMINAL:
DARTMOUTH COMMON

Report from Mr. Corrigan, with accompanying Development Services report, recommending an amendment to both the M.P.S. and Land Use

By-law, to permit a transit terminal on the Dartmouth Common. Council is being requested to direct staff to proceed with a neighbourhood information meeting, and it is being recommended as well, that Council set the date for public hearing at this time. May 23/95 is suggested as the earliest possible date.

MOTION: That Council direct staff to proceed with a neighbourhood information meeting for the M.P.S. & Land Use By-law amendments required to permit a transit terminal on the Dartmouth Common; further, to set May 23/95 as the date for public hearing.

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

1.1.4

SET DATE FOR PUBLIC HEARING: 348 PLEASANT ST.

SET DATE:
348 PLEASANT ST.

Report from Mr. Corrigan, with accompanying report from Development Services on a rezoning request for 348 Pleasant Street, from R-3 Zone to S Zone, recommending that Council set May 16/95 as the date for the public hearing.

MOTION: To set May 16/95 as the date for public hearing of a rezoning request for 348 Pleasant Street, as recommended.

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

1.1.5

LAW AMENDMENTS PRESENTATION: BILL #3, HALIFAX REGIONAL MUNICIPALITY ACT

LAW AMENDMENTS
PRESENTATION

Council was advised that the Dartmouth presentation to the Law Amendments Committee re Bill #3, will be made on April 27th, at 2:30 p.m., by Mayor McCluskey. Members were provided with draft copies of the submission to be made, and had the opportunity to offer any comments, and to make changes or additions.

Mr. Corrigan noted that the submission has been prepared in A. and B. sections, as agreed to by Council when the review of Bill #3 took place. Ald. Smeltzer felt the reference to Mr. Hayward, on page 3 of the submission, is not appropriate and should be changed. He requested this change and it was noted by Mr. Corrigan.

Ald. Smeltzer's other specific concern was with Section 6(8) of the Bill, referred to on page 9 of the submission. He said the statements in this section do not reflect the decision of Council. The minutes pertaining to this section were checked, and showed that the actual motion adopted was to change the word 'shall' to 'may' in sub-section (8). Ald. Withers proposed a further change at this time, being the mover of the original motion, and a motion to this effect was adopted.

MOTION: And further, that if this recommendation is not acceptable, sub-section (8) be changed to include the word 'shall' instead of 'may'

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

Ald. Dexter still had concerns about Section 70, dealing with the Dartmouth Common, and the powers of Governor-in-Council to prescribe the Common boundaries at any time. He said that with the present provision, if every member were to vote against a proposed development for the Common, it could still be passed. He felt there should be something included in the submission to address this concern, but no change in wording was presented and no motion was put forward to make a change in wording.

Ald. Smeltzer asked to have his concerns recorded about Section 6 (8), and the fact that some points brought out in the Council review may have been overlooked and/or misinterpreted.

MOTION: To approve the submission, with the changes noted, for presentation to the Law Amendments Committee.

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

2.0

CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. LEVANDIER

Ald. Levandier suggested that the Mayor send a letter of sympathy and concern, on behalf of Council, to the people of Oklahoma, and the following motion was adopted:

MOTION: That the Mayor send a letter of sympathy and concern, on Council's behalf, to the people of Oklahoma, USA.

Moved: Ald. Levandier
Second: Ald. Greenough
In Favour: All members of Council
Motion Carried

ALD. PYE

Ald. Pye passed to Ms. Carmichael, a letter from the North End Residents Assn., asking that it be referred to staff, for attention to specific requests the letter contains.

He later asked if there has been any response from MP Ron MacDonald to the housing question raised in Council. The Mayor agreed to call him again about this question.

ALD. MACFARLANE

Ald. MacFarlane commended Council for the good debate at this meeting, on the subject of a plebiscite.

He asked to have referred to Mr. Fougere, a flooding problem at 42 Murray Hill Drive, precipitated by work the City was doing on the street.

Ald. MacFarlane asked for a report from the Solicitor on the status of Yuille's Auto Works.

He asked when correspondence from the Recording Secretary will be dealt with; the Mayor advised that it will be next week.

ALD. DEXTER

Ald. Dexter requested a Minimum Standards inspection of premises at 8 Dawson Street, and that steps be taken to have the premises made safe and cleaned up, after the fire at this address. Ald. Hetherington noted that the premises at 25 Pleasant Street also need the same attention.

ALD. WITHERS

Ald. Withers stated his concerns about a press report on Ward 4 problems, and a statement attributed to Development Services, that a curtailment of development "may prove fruitless". Ald. Withers said he was not certain whether the statement originated with Development Services staff or not, but he questioned it and objected to it.

His second concern was about the lack of coverage in Ward 4 areas, in making residents aware of the neighbourhood information meeting for the proposed Block X development. He said people living on Lancaster Ridge and Albro Lake Road did not receive notices, and he felt that a second information meeting should be held, in view of this lack of notification.

With the agreement of two-thirds of the members of Council, Ald. Withers was able to present a motion, requesting a second neighbourhood information meeting.

MOTION: That a second neighbourhood information meeting be held in connection with the Block X development proposal.

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

Streets mentioned by Ald. Withers, to receive notices for this second meeting, were: the easterly parts of Symonds St., Chappell St., Russell Street, Moira Street. (These would be in addition to Lancaster & Albro Lake Rd., already referred to previously).

Ald. Withers asked that staff contact the Dept. of the Environment about the problem of dog feces on a lawn at 30 Howe Street.

ALD. GREENOUGH

Ald. Greenough referred to the dangerous conditions for anyone walking along the top of Miller's Mountain, and asked that consideration be given by Parks & Recreation, Engineering, and Fire Service, to some protective measures suggested by him, such as appropriate barriers, posted signs, safety inspections. Members agreed to his requested referral to the departments noted, for recommendation back to Council.

ALD. HAWLEY

Ald. Hawley also stressed the importance of something being done at Miller's Mountain, to try and prevent further accidents, such as the one that recently occurred, involving a youth who was injured there.

Ald. Hawley later asked if there is any further word on the Breeze Drive/Caledonia Road extension. He requested that MP Ron MacDonald be contacted and asked about the status of this project.

ALD. WOODS

Ald. Woods asked that Parks & Rec. make repairs to the Albro Lake boardwalk, damaged by vandals, and retrieve the picnic table from the lake.

Ald. Woods asked that a letter be sent to Rwanda, indicating concern about the loss of many lives in the most recent massacre of refugees.

ALD. CUNNINGHAM

Ald. Cunningham inquired about the street-sweeping and line-painting programs, now that spring weather is here. His other inquiry concerned any liaison we have with Shearwater, in the event of any emergency situations, such as this week's loss of a plane under-carriage as it was making an emergency landing at the base. Mr. Corrigan said that our EMO plan includes Shearwater contacts, but in this instance, we would not be involved in the investigation taking place.

ALD. SMELTZER

Ald. Smeltzer made a request of Council, to the effect that Council consider endorsing the candidacy of any one of the City delegates who will be attending this year's FCM conference. Attending are: Ald. Woods, Schofield, Smeltzer, and Mayor McCluskey.

With a two-thirds majority vote of Council, a motion was presented.

MOTION: That Dartmouth City Council endorse the candidacy of any of the City representatives who may decide to run for the FCM Board of Directors.

<u>Moved:</u>	Ald. Cunningham
<u>Second:</u>	Ald. Pye
<u>In Favour:</u>	All members except
<u>Against:</u>	Ald. Levandier
	<u>Motion Carried</u>

ALD. SARTO

Ald. Sarto asked for a clean-up of the strip of land running from Regal Road, down to the west side of Jersey Drive, where there is a considerable amount of litter.

ALD. SCHOFIELD

Ald. Schofield indicated his support for the earlier request of Ald. Pye, for attention to requests from the North End Residents Assn., one of which was for a by-law to deal with the prostitution problem.

Ald. Schofield noted that Lancaster Ridge residents have requested a meeting with the ward Aldermen, with respect to development of Block X. Reference was made to the fact that a second neighbourhood information meeting is now planned, which would likely preclude such a meeting with the ward Aldermen.

ALD. WITHERS

Ald. Withers asked about any G7 funding available to improve the fences along Woodland Ave. Mr. Corrigan advised that there has been no funding approved for operational items.

CONFLICT OF
INTEREST

Ald. Hetherington declared a conflict of interest while this item was being discussed, being employed with the Federal department involved with G7 preparations.

Ald. Withers proposed to add a motion, requesting a staff report in connection with the matter of improvements to the fences. Members of Council did not agree to have a motion presented, and a two-thirds majority vote was not received.

ALD. HETHERINGTON

Ald. Hetherington suggested that a letter of congratulations be sent to the pilot who was able to safely land the plane at Shearwater this week, in an emergency situation. Members of Council agreed with his suggestion.

Ald. Hetherington recommended that the Ward 4 Aldermen not discuss the Block X rezoning with their area residents, due to possible conflict with Planning Act requirements. It was noted that a second information meeting will now be held and it is likely to take the place of the meeting between residents and ward Aldermen.

Ald. Hetherington inquired about the hearing for 525 Pleasant Street; Ald. Walton noted that a decision was reserved.

At 10:15 p.m., Council went in camera, on motion of Ald. MacFarlane and Hawley.

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

MOTION: To ratify the action taken while meeting in camera on this date (legal item).

<u>Moved:</u>	Ald. Hetherington
<u>Second:</u>	Ald. Greenough
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

Meeting adjourned at 11:05 p.m.

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

DARTMOUTH CITY COUNCIL
APRIL 25, 1995.

ITEMS:

- Proclamation, Kids Sense Week, page 1.
Presentation, Healthy Dartmouth, page 1.
Presentation, Solid Waste/Resource Management
Strategy, page 2.
- 1.0 Reports, page 3.
- 1.1 Chief Administrative Officer, page 3.
- 1.1.1 Withdrawal from Special Reserve, page 3.
- 1.1.2 Plebiscite on Regional Amalgamation, pg. 3.
- 1.1.3 MPS/Land Use By-law Amendments, Transit
Terminal, page 4.
- 1.1.4 Set date, public hearing, 348 Pleasant St.,
page 5.
- 1.1.5 Law Amendments, Bill #3, Halifax Regional
Municipality Act, page 5.
- 2,0 Concerns of Council members, page 7 to 10.

**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., MAY 2/95
7:30 PM
COUNCIL CHAMBER
IN CAMERA SESSION
10:00 PM**

INVOCATION

PROCLAMATIONS - Muscular Sclerosis Awareness Month
- World Red Cross Day
- Mental Health Week

1. **APPROVE THE MINUTES FROM THE MEETINGS:** Mar. 30, Apr. 1, 4, 5, 11,
18 & 25, 1995.

2. **BUSINESS ARISING FROM THE MINUTES**

3. **DELEGATIONS & HEARINGS OF PROTEST**

4. **ORIGINAL COMMUNICATIONS**

5. **PUBLIC HEARING**

i) Street Closure - Brule Street & Victoria Road

6. **PRESENTATIONS**

7. **PETITIONS**

8. **REPORTS**

8.1 **CHIEF ADMINISTRATIVE OFFICER**

8.1.1 Stonebridge Comprehensive Development District
Proposal (set date for public hearing)

8.1.2 Comprehensive Development District Proposal, Block X
(set date for neighborhood information meeting) (oral)

8.1.3 Lake Safety Patrol Contract

8.2 **CITY SOLICITOR**

8.2.1 Lot Consolidations - Undersized Lots

8.2.2 Withdrawal from Special Reserve - Subdivision Parklands

9. **MOTIONS**
10. **NOTICES OF MOTION**
11. **CONCERNS OF COUNCIL MEMBERS OR QUESTIONS**

IN CAMERA SESSION - 10:00 P.M.

1. Land Purchase
2. Legal Matter (oral)
3. Personnel Matter

DARTMOUTH CITY COUNCIL
MAY 2, 1995.

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

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

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL

MEMBERS ABSENT: ALD. LEVANDIER
DEXTER (ILLNESS)
MACFARLANE (OUT OF CITY)

INVOCATION

Mayor McCluskey opened the meeting with the
Invocation (the Universal Prayer).

PROCLAMATIONS

The following Proclamations were read by Mayor
McCluskey:

- 1) Proclaiming May as Multiple Sclerosis
Awareness Month.
- 2) Proclaiming May 8, 1995 as World Red
Cross Day in Dartmouth.
- 3) Proclaiming the week of May 1st to 7th,
1995, as Mental Health Week in the City
of Dartmouth.

The Mayor informed Council that Ald. MacFarlane
has contacted her, prior to leaving the City
today for vacation, and she felt it would be in
order for him to have the extra time for
travel, without attending this Council meeting.
Members agreed to approve this additional week
of absence from Council meetings.

MOTION: To approve this additional
week of absence for Ald.
MacFarlane, from May
Council meetings.

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

The Mayor informed Council that she has been contacted by Pat Briggs regarding the May 4th meeting of NSUPE units, inviting any members of Council who are free to attend. Some members indicated that they have previous commitments for meetings on that evening.

1.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on March 30, April 1, 4, 5, 11, 18, & 25, 1995.

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

At the request of Ald. Cunningham, and with a two-thirds majority vote of Council, members were willing to entertain a motion to add the names of Ald. Smeltzer and Hawley to the list of delegates from the City of Dartmouth, attending the FCM conference. Ald. Smeltzer withdrew from his place on Council while his name as a delegate was under consideration. Ald. Hawley's name was subsequently added as well, before the vote was taken on the motion. The motion adopted also included first approval for the over-expenditure required.

FIRST APPROVAL:
OVER-EXPENDITURE

MOTION: To approve the attendance of two additional delegates from the City of Dartmouth, Ald. Smeltzer and Hawley, at the FCM conference, and to give first approval for the over-expenditure required.

2.0 BUSINESS ARISING FROM THE MINUTES

3.0 DELEGATIONS & HEARINGS OF PROTEST

4.0 ORIGINAL COMMUNICATIONS

5.0 PUBLIC HEARING

i) STREET CLOSURE - BRULE STREET & VICTORIA ROAD

STREET CLOSURE:
BRULE STREET &
VICTORIA ROAD

Ms. Hood informed Council that the advertising requirements for street closure public hearing, Brule Street & Victoria Road, were not met, and

therefore, the public hearing will have to be re-advertised. It will be at least four weeks before this item will be back on the agenda. Ald. Woods asked that the report requested from Parks & Rec. Dept., on alternative uses for the land made available, be provided before the next public hearing date.

- 6.0 PRESENTATIONS
- 7.0 PETITIONS
- 8.0 REPORTS
- 8.1 CHIEF ADMINISTRATIVE OFFICER
- 8.1.1 STONEBRIDGE COMPREHENSIVE DEVELOPMENT DISTRICT PROPOSAL

STONEBRIDGE
CDD PROPOSAL

Further documentation has been prepared by Development Services, for submission to Council, on the Stonebridge CDD proposal. The documentation circulated was accompanied by a report from Mr. Corrigan (V. Spencer, R. Wells), recommending that Council set Tuesday, May 23/95 as the date for public hearing of the Stonebridge CDD proposal.

MOTION: That Tuesday, May 23/95 be set by Council as the date for public hearing for the Stonebridge CDD proposal.

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

- 8.1.2 CDD PROPOSAL, BLOCK X: NEIGHBOURHOOD INFORMATION MEETING

CDD PROPOSAL:
BLOCK X

In accordance with Council's decision to permit a second neighbourhood information meeting, in connection with the CDD proposal for Block X, Council was asked to authorize staff to proceed with such a meeting, and to set the date for it.

MOTION: That staff be authorized to proceed with the second neighbourhood information meeting for the Block X CDD proposal, and to set the date for that meeting.

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

8.1.3 LAKE SAFETY PATROL CONTRACT

LAKE SAFETY
PATROL CONTRACT

Report from Mr. Corrigan on the Lake Safety Patrol Contract with MFR Rescue Ltd., who are willing to renew their present contract for one year (to expire March 31/96), for \$30,000. In view of the pending amalgamation, it is being recommended that Council approve the entering into of this contract with MFR Rescue Ltd., for \$30,000; this amount has been budgeted for in the Police Service budget.

MOTION: To adopt the recommendation:
That Council approve the entering into of the Lake Safety Patrol Contract with MFR Rescue Ltd. for one year, for \$30,000.; contract to expire on March 31/96.

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

8.2 CITY SOLICITOR

8.2.1 LOT CONSOLIDATIONS - UNDERSIZED LOTS

LOT CONSOLIDATIONS:
UNDERSIZED LOTS

Council considered a report from the City Solicitor on the lot consolidation of undersized lots, and a proposal for requesting that the Planning Act be amended so as to permit such lot consolidations without the need for a plan of subdivision being submitted by a property owner, and approved. She recommends that Council request the Minister of Municipal Affairs consider an amendment to the Planning Act, which would permit a lot consolidation, consolidating undersized lots, to be done without the need for a plan of subdivision.

MOTION: To adopt the City Solicitor's recommendation on the simplification of the lot consolidation of undersized lots, as detailed above.

Moved: Ald. Hetherington
Second: Ald. Greenough

Ald. Hetherington spoke in favour of the motion, but Ald. Pye and Hawley both had reservations about any consolidations of lots without the benefit of survey requirements. The Solicitor noted that this would only provide for enabling legislation, and any conditions that Council might want to include, could be introduced at the time of the subdivision regulations being amended. She discussed the specific concerns of both members with them further.

In Favour: All
Against: None
Motion Carried

8.2.2 WITHDRAWAL FROM SPECIAL RESERVE - SUBDIVISION
PARKLANDS

WITHDRAWAL:
SPECIAL RESERVE
PARKLANDS

RESOLUTION 95-22

The Solicitor has recommended a withdrawal of approx. \$270,000. from the Capital Reserve Section of the Special Reserve Fund for subdivision parklands, in connection with the expropriation of Country View lands at Shubie Park. Resolution 95-22 has been prepared and recommended for Council's approval, authorizing the withdrawal.

MOTION: To approve Resolution 95-22, as recommended, authorizing the withdrawal of approx. \$270,000. from the Capital Reserve Section of the Special Reserve Fund for subdivision parklands.

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

9.0 MOTIONS

10.0 NOTICES OF MOTION

11.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. CUNNINGHAM

Ald. Cunningham referred to a letter received by FAX from K.H. Forbes, Horizon Estates, on the subject of the Kent Building Supplies proposal.

He said the position of members of Council, with respect to any conflict position on such applications, should be explained. Ald. Hetherington said this has already been done.

ALD. SCHOFIELD

Ald. Schofield asked for a report on the parkland development for the Lancaster Ridge/Albro Lake area, and its status.

He also asked about the status of the report back to Council, from staff, on the request from area residents for a by-law to deal with the prostitution problems. The Mayor said there will be a timetable for this.

ALD. PYE

Ald. Pye had concerns about handicap parking violations on private properties, such as malls and shopping centres. The Mayor suggested bringing these concerns to the Police Commission meeting this week. Ald. Pye said he would do this, but as well, he felt the Solicitor should look at some means of dealing with the problem also. Ald. Hetherington noted that a Provincial statute applies in these situations, and tickets can be issued under it.

ALD. WITHERS

Ald. Withers asked if the Mayor's Secretary would make arrangements for the meeting of Ward 4 Aldermen with Ms. Spencer and Mr. Purdy, for discussions, as agreed to at the April 18th Council meeting. Ms. Spencer advised that she and Mr. Purdy are available at any time for the meeting.

ALD. WALTON

Ald. Walton asked about the Liquor License application for 525 Pleasant Street; the City Solicitor said there has been no word yet on the outcome of that application.

Ald. Walton noted that the garbage bin is finally gone from the property at 525 Pleasant Street. Also, that there are now markings on the jersey barrier on Highway 111, between Gaston Road and Pleasant Street.

ALD. GREENOUGH

Ald. Greenough inquired about the Kent Building Supplies application, and Ms. Spencer said it is hoped to have a staff report to Council for next week's meeting. The neighbourhood information meeting has not yet been held.

ALD. HAWLEY

Ald. Hawley was concerned about a property on Viscaya Dr. that is detracting from the appearance of an abutting property, where a house is for sale. The property in question

has been inspected, but was not found to be in violation of the Minimum Standards By-law. Under the present circumstances, potential sales are being lost by the property owner with the house for sale. Ald. Hawley and Greenough both asked that anything possible be done to resolve this difficulty for the resident concerned.

At 8:30 p. m., Council went in camera, on motion of Ald. Sarto and Hetherington. 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 purchase, legal matter and personnel matter).

<u>Moved:</u>	Ald. Hetherington
<u>Second:</u>	Ald. Cunningham,
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

Meeting adjourned at 10:15 p.m.

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

DARTMOUTH CITY COUNCIL
MAY 2, 1995.

ITEMS:

- Invocation, page 1
- Proclamations, page 1.
- 1.0 Approval of minutes, page 2.
- 2.0 Business Arising from Minutes, page 2.
- 3.0 Delegations & Hearings of Protest, page 2.
- 4.0 Original Communications, page 2.
- 5.0 Public Hearing, page 2.
- i) Street Closure, Brule & Victoria Rd., pg. 2.
- 6.0 Presentations, page 3.
- 7.0 Petitions, page 3.
- 8.0 Reports, page 3.
- 8.1 Chief Administrative Officer, page 3.
- 8.1.1 Stonebridge CDD Proposal, page 3.
- 8.1.2 CDD Proposal, Block X, page 3.
- 8.1.3 Lake Safety Patrol Contract, page 4.
- 8.2 City Solicitor, page 4.
- 8.2.1 Lot Consolidations, undersized lots, pg. 4.
- 8.2.2 Withdrawal from Special Reserve, subdivision
parklands, page 5.
- 9.0 Motions, page 5.
- 10.0 Notices of Motion, page 5.
- 11.0 Concerns of Council members or questions, page
5 to 7.

DARTMOUTH CITY COUNCIL AGENDA

TUES., MAY 9/95
7:30 PM
COUNCIL CHAMBER

1. **PUBLIC HEARING**

i) Development Agreement - Portland West

2. **SECOND APPROVAL - OVER-EXPENDITURE - FCM - \$4,000**

3. **REPORTS**

3.1 **CHIEF ADMINISTRATIVE OFFICER**

- 3.1.1 256 Waverley Road (set date for public hearing)
- 3.1.2 355 Pleasant Street (set date for public hearing)
- 3.1.3 Tender, Contract 95-01, Maple Drive, Plymouth Road, Spar
Crescent, Cross Road - Curb and Sidewalk
- 3.1.4 Proposed Amendments to the MPS Land Use By-law
Markborough Properties Inc. - Kent Building Supplies Ltd.
(set date for neighborhood information meeting)
- 3.1.5 Appointment - Advisory Committee on Human Rights
- 3.1.6 Downtown Dartmouth Community Development Commission

3.2 **WATER UTILITY COMMITTEE**

- 3.2.1 Water Rate Recommendation

4. **INTEGRATED RESOURCE MANAGEMENT STRATEGY**

- PRESENTATION
- DISCUSSION

DARTMOUTH CITY COUNCIL
MAY 9, 1995.

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

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

MEMBER ABSENT: ALD. MACFARLANE

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

PROCLAMATION

Mayor McCluskey opened the meeting and read a Proclamation for Royal Week, during the week of May 12th to 19th, 1995. Royal Week is in keeping with Monarchist League of Canada celebrations in May, and the birthday of our present Queen, Elizabeth the Second, and Queen Victoria.

The Mayor welcomed to the meeting, the Fifth Dartmouth Wolf Cub Pack, from Grace United Church, present with their leaders. Four Cubs were recipients of Blue Star badges, and these were presented by the Mayor.

Rising on a point of order, Ald. Withers stated his concern that citizens were present for item 3.1.4 (Markborough Properties Inc., Kent Building Supplies Ltd.), as a result of incorrect information published in the local newspaper. The information given was to the effect that the public hearing for this application would take place on this date, whereas Council will only be directing staff to proceed with the neighbourhood information meeting. At his request, Ms. Spencer was asked by the Mayor to explain the entire process for public hearing, for the benefit of the people in the gallery.

1.0

PUBLIC HEARING

i)

DEVELOPMENT AGREEMENT - PORTLAND WEST

PUBLIC HEARING:
PORTLAND WEST

Council set this date for public hearing of an application from Portland Lakes Development Ltd.

to amend the Development Agreement for Portland West, to permit the construction of one seniors' residential complex, and to permit the construction of either one or two apartment buildings on specified sites.

All members of Council were recorded as being present for the public hearing, with the exception of Ald. MacFarlane and Ald. Woods. (Ald. Woods did not arrive for the meeting until later in the evening.)

Members of Council received copies of all the relevant staff reports with the agenda for this meeting, including a report on the neighbourhood information meeting. Resolution 95-23 was also circulated in this connection. The staff recommendation is in favour of approving the amendment application, and approving Resolution 95-23, to accomplish it.

The Development Services presentation was made by Stephen Smith. He explained the land uses that Council is being asked to consider, and gave details of the comparison between existing and proposed uses, involving: (a) a commercial use or a seniors' residential complex for the Commercial site; (b) one apartment building or two apartment buildings, or a seniors' residential complex (150 units) for the Number 3 site; and (c) one apartment building or two apartment buildings (92 units) for the Number 2 site. He noted that the number of apartment units permitted on sites 2 and 3 will not increase. Also, that only one seniors' residential complex is proposed for either the commercial site or Number 3, not both.

Asked about the seniors' complex, Mr. Smith said this will be a specialized facility, providing services and amenities intended specifically to accommodate the needs of residents living there. It is therefore differentiated for these purposes.

After members of Council had questions answered by Mr. Smith, to their satisfaction, the Mayor opened the public hearing, calling three times for speakers in favour. When there were no speakers in favour, she called three times for speakers opposed. Again there were no speakers, and the public hearing was closed by the Mayor, on motion of Ald. Pye & Hetherington.

RESOLUTION 95-23

Resolution 95-23 was before Council for approval, to amend the Development Agreement with Portland Lakes Development Ltd. and North American Trust.

MOTION: To approve Resolution 95-23, amending the Development Agreement for Portland West, with Portland Lakes Development Ltd. and North American Trust.

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

2.0

SECOND APPROVAL - OVER-EXPENDITURE - FCM - \$4,000.

SECOND APPROVAL:
FCM OVER-
EXPENDITURE

Council was asked to give second approval for a \$4,000. over-expenditure, for the attendance of two additional members at the FCM conference, first approval having been given when the names were confirmed at the May 2nd Council meeting.

MOTION: To give second approval for a \$4,000. over-expenditure for the attendance of two additional Council delegates to the FCM conference.

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

3.0

REPORTS

3.1

CHIEF ADMINISTRATIVE OFFICER

3.1.1

256 WAVERLEY ROAD - DATE FOR PUBLIC HEARING

SET DATE:
256 WAVERLEY RD.

Report from Mr. Corrigan on the rezoning request for 256 Waverley Road (from R-1 to R-2), recommending to Council that June 6th be set as the date for public hearing of this application.

MOTION: That Council set June 6/95 as the date for public hearing of the rezoning application for 256 Waverley Rd.

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

3.1.2 355 PLEASANT STREET - DATE FOR PUBLIC HEARING

SET DATE:
355 PLEASANT ST.

Report from Mr. Corrigan on the rezoning request for 355 Pleasant Street (H Zone to C-2 Zone), recommending to Council that June 6/95 be set as the date for public hearing of this application.

MOTION: That Council set June 6/95 as the date for public hearing of the rezoning application for 355 Pleasant Street.

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

3.1.3 TENDER, CONTRACT 95-01 - CURB & SIDEWALK

AWARD TENDER:
CONTRACT 95-01

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 95-01, curb & sidewalk, Maple Drive, Plymouth Road, Spar Crescent, and Cross Road, recommending that the tender be awarded to the lowest bidder, B & L Construction Ltd., with a bid price of \$88,747.42; completion time: 30 workdays.

MOTION: To award the tender for Contract 95-01 (curb & sidewalk) to the lowest bidder, B & L. Construction Ltd., with a bid price of \$88,747.42, as recommended.

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

3.1.4 PROPOSED AMENDMENTS - MARKBOROUGH PROPERTIES
INC. - KENT BUILDING SUPPLIES LTD.

KENT BUILDING
SUPPLIES LTD.

Report from Mr. Corrigan, with accompanying staff report and draft development agreement

for proposed MPS and Land Use By-law amendments, with regard to the redesignating of the lands of Markborough Properties Inc., from residential to commercial, recommending that Council direct staff to proceed with a neighbourhood information meeting.

MOTION: To direct staff to proceed with a neighbourhood information meeting, in connection with the proposed amendments for lands owned by Markborough Properties Inc., for which a Kent Building Supplies development is proposed.

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

3.1.5 APPOINTMENTS - ADVISORY COMMITTEE ON HUMAN RIGHTS

APPOINTMENTS:
HUMAN RIGHTS
ADVISORY COMM.

Report from Mr. Corrigan (B. Smith, V. Carmichael) on appointments to the Advisory Committee on Human Rights, recommending that Betty Thomas be appointed to fill one of the two vacancies on the Committee. The name of Ms. Thomas was submitted by the Chair of the Committee, Tom Rissesco, as a replacement member.

MOTION: To approve the appointment of Betty Thomas to the Advisory Committee on Human Rights, as recommended.

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

Council agreed to make the second appointment required, at this time, from the two applications provided, with a report from Ms. Carmichael attached.

MOTION: To also approve the appointment of Rose Marie Walton to serve on the Advisory Committee on Human Rights.

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

3.1.6 DOWNTOWN DARTMOUTH COMMUNITY DEVELOPMENT
COMMISSION

DOWNTOWN DART.
DEVELOPMENT
COMMISSION

Members of Council have received the voting results for the election of a Board of Directors for the Downtown Dartmouth Community Development Commission, with accompanying report from the Executive Director and from Mr. Corrigan. The nominees for appointment were before Council for approval (five business appointments and two members-at-large). Council was also requested to make an aldermanic appointment.

Based on the voting results provided, Council proceeded to appoint five business representatives, and two members-at-large.

MOTION: To make the following appointments, based on voting results received:

Business Representatives

Darrell Blenus
Marina Skerrett
Heather Sparrow
Roger Eckoldt
Brent Krausher

Members-at-Large

Doug Kennedy
Betty Robertson

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

The Aldermanic appointment was then made by Council as well.

MOTION: To approve the appointment of Ald. Dexter to the Downtown Dartmouth Community Development Commission.

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

3.2 WATER UTILITY COMMITTEE

3.2.1 WATER RATE RECOMMENDATIONS

WATER RATE
RECOMMENDATIONS

As requested by Council, the Water Utility Committee has met again, to discuss the water rate increases, and compromise solutions for lessening their impact when they are implemented. Recommendations have been made to Council for consideration and approval.

MOTION: To adopt the recommendations of the Committee, which are as follows:

- 1) that both the water rate increase and the block size be phased in over a four-year period.
- 2) that a pre-authorized payment system be introduced for the payment of water bills, to water users, based on the Halifax Water Commission system.
- 3) that the water bills be re-formatted, to identify the individual components of which the bill is composed.
- 4) further, if the above three recommendations are adopted, citizens be informed of them through an advertisement in their water billings.

Moved: Ald. Hetherington
Second: Ald. Greenough

In conjunction with this item, Mr. Corrigan proceeded to a presentation, which began with information on the financial position of the Dartmouth Water Utility, and went on to the water treatment facility costs and water rate increases required to meet these. Details of the phase-in proposal from the Committee, were explained to Council, and the impact on typical water users (5/8" service size) was outlined. This included a breakdown in figures for Block 1 (low use) and Block 2 (high use), based on the rate change required to fund operations and plant, and the proposed four-year phase-in of

the required water rate. The presentation concluded with the Committee recommendations, in which Mr. Corrigan has concurred.

Mr. Corrigan acknowledged the work done by Mr. Fougere and Sean Burke, in preparing for the information provided; both were present for this item. Ald. Greenough also commended the staff assistance received by the Committee, and spoke in favour of the recommendations. He said the phase-in proposal allows time to apply for any Provincial and Federal assistance that may be available, and as well, the determination of the harbour clean-up project and disposition of funds set aside by the City for that particular purpose. Ald. Pye said he was now in favour of the Committee's recommendations, in their revised form.

In Favour: All
Against: None
Motion Carried

4.0

INTEGRATED RESOURCE MANAGEMENT STRATEGY

INTEGRATED RESOURCE
MANAGEMENT STRATEGY

Present for the final item on the agenda were: Don Wright and Anna McCarron of the Community Stakeholders Committee, Norman Gridley of Vaughn Environmental Consultants Ltd., Ken Donnelly of the LURA Group, and Jim Donovan, Municipality of the County of Halifax. They were all present in connection with the County's Solid Waste Management project, and to give a presentation to Council of the Integrated Resource Management Strategy, a plan for waste recycling and recovery, based on the concept of waste as a resource and intended to minimize reliance on waste disposal.

Introductory remarks were made by Don Wright, after which Anna McCarron, also a member of the CSC, informed Council of the work that has been done to date by the Committee, culminating in the strategy being presented, which has been arrived at as a consensus statement from the Committee. She went on to outline the basics of the strategy, and the areas of responsibility placed on the individual in contributing to its success. She referred to the objectives and components of the strategy, subsequently explained in detail during Mr. Gridley's presentation. He emphasized throughout that this was not a detailed plan, but a framework, at this point.

Ald. Woods arrived for the meeting during the presentation.

Questions from members, following the presentation, pertained to such concerns as:

- 1) what happens if the composing system fails (Ald. Levandier), and the fact of zero tolerance for failure in the system.
- 2) additional expenses imposed on apartment building owners (Ald. Dexter). Mr. Gridley said they would be allowed to select methods that would work for them, in order to address this concern.
- 3) has a campus-like setting been considered for locating all the facilities in one place. (Ald. Pye) Mr. Gridley said the strategy does not take a position either way on this point. Money would be saved, but no such site has been identified for these purposes.
- 4) host community compensation has not been worked in as a cost factor (Ald. Levandier). Mr. Gridley noted that cost analyses are only at a conceptual level of detail, at this point, with a plus or minus 25% estimate being indicated.
- 5) reservations about the diversion objectives being met, and an unrealistic projection for going from 3% to 75% in such a short space of time (Ald. Greenough). Mr. Gridley said it will be possible for diversion to move very rapidly, but the facilities have to be in place. Ald. Greenough asked about a worst case scenario if objectives are not achieved; what are the cost implications. Mr. Gridley said that risk analysis information is being gathered, and it can be provided as a response to this concern. Ald. Levandier felt that there is no mechanism here for failure.

Ald. Hetherington and Ald. Smeltzer left the meeting during the question and discussion period.

Responding to a concern raised about being able to guarantee a dry landfill and to give this kind of reassurance to a host community, Ms. McCarron reviewed for Council, the five criteria for a residuals disposal facility. She said 'we are not going to ask any community to put a disposal facility in their backyard, unless this strategy is adopted.'

Ald. Levandier said a decision can't be made on this important matter by a May 15th deadline, especially when Council does not know any of the firm costs involved. Mr. Donovan explained the importance of the time factor, but agreed that Council should not feel pressured to make a decision if members are not ready to do so.

Asked if staff have studied the strategy enough to give Council advice on it, Mr. Corrigan said they have not been able to study it to any extent. He had some misgivings about the diversion numbers and ability to achieve them in as short a time as projected. This concern was earlier brought up by Ald. Greenough and other members as well.

Ald. Hawley asked what the other alternatives are, if Council does not go along with this plan. He said that basically, we have no other choice, and felt that the strategy will turn out to be successful, in spite of the concerns and reservations that have been expressed. The majority of Council had similar opinions, even though they questioned specific optimistic projections and whether, in fact, they are achievable.

MOTION: To accept and endorse the strategy report presented, and support the Committee in the completion of their work.

<u>Moved:</u>	Ald. Hawley
<u>Second:</u>	Ald. Sarto
<u>In Favour:</u>	All members except
<u>Against:</u>	Ald. Walton & Levandier
	<u>Motion Carried</u>

The Community Stakeholders Committee was commended by several members of Council for the progress they have made and for the work they have put into preparing the strategy. The Mayor thanked the Committee members present and the presenters of the strategy. Mr. Donovan extended an invitation to Council to visit the Lunenburg facility on Thursday of this week; transportation has been arranged for this tour.

Ald. Hawley Concern
Common Boundary

Before adjournment, Ald. Hawley stated concerns of his own and of other citizens, about the action of Common Committee members and supporters, in painting green lines around the Common boundary, as a protest to the section of Bill #3 that deals with Dartmouth Common lands and the use of them. Ald. Hawley objected strongly to the form of protest that was chosen, considering it to be a bad example to set for students in the schools within the area where lines were painted. He felt that Council should rescind the appointments of Common Committee members who participated, and replace them with people who will act more responsibly.

Ald. Dexter took exception to the statements made by Ald. Hawley and wished to be disassociated from them. He defended the action of a group of people trying to protect Common lands for the good of the City and all citizens.

Ald. Greenough felt the protesters went beyond what was reasonable to expect, and Ald. Levandier said they should be made to clean up all of the painted lines. Ald. Dexter asked if members of Council should continue to discuss this matter, if it is currently under investigation. Mr. Corrigan confirmed that there is an investigation going on, and Ald. Hawley therefore did not introduce a motion he had been proposing to make. Ald. Withers said the situation should be addressed by the City administration, and that further action should be taken.

Meeting adjourned at 10:40 p.m.



V. Carmichael
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
MAY 9, 1995.

ITEMS:

- Proclamation, page 1.
 - 1.0 Public Hearing, page 1.
 - i) Development Agreement, Portland West, page 1.
 - 2.0 Second approval, FCM over-expenditure, pg. 3.
 - 3.0 Reports, page 3.
 - 3.1 Chief Administrative Officer, page 3.
 - 3.1.1 256 Waverley Rd., set date for hearing, page 3.
 - 3.1.2 355 Pleasant St., " " " " . page 4.
 - 3.1.3 Tender, Contract 95-01, page 4.
 - 3.1.4 Proposed amendments, Kent Bldg. Supplies, pg. 4.
 - 3.1.5 Appointment, Advisory Comm.H.R., page 5.
 - 3.1.6 Downtown Dart. Comm. Development
 Commission,pg.6.
 - 3.2 Water Utility Committee, page 7.
 - 3.2.1 Water rate recommendations, page 7.
 - 4.0 Integrated Resource Management Strategy, pg. 8.
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DARTMOUTH CITY COUNCIL AGENDA

TUES., MAY 16/95

7:30 P.M.

COUNCIL CHAMBER

1. **PUBLIC HEARING**

- i) Rezoning Request - 348 Pleasant Street

2. **REPORTS**

2.1 **MAYOR**

- 2.1.1 Halifax Airport Authority (to be circulated)

2.2 **CHIEF ADMINISTRATIVE OFFICER**

- 2.2.1 Tender, Contract 95-02, Hawthorne Street, Sinclair Street,
Windmill Road & Victoria Road - Concrete Curb & Sidewalk
Construction
- 2.2.2 Tender, Soft Body Armour, Police Service
- 2.2.3 Port Wallace Sewer Gauging and Analysis
- 2.2.4 Total Station Survey Instrument
- 2.2.5 Withdrawal from Special Reserve - Pollution Control
Res. 95-26

2.3 **CITY SOLICITOR**

- 2.3.1 Withdrawal from Burnside Sale of Land Account
- 2.3.2 Withdrawal from Special Reserve

DARTMOUTH CITY COUNCIL
MAY 16, 1995.

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

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

MEMBERS ABSENT: ALD. SARTO, MACFARLANE

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

Deputy Mayor Cunningham opened the meeting, noting that regrets have been received from Ald. Sarto, and Mayor McCluskey is on vacation. Leave of absence was previously approved for Ald. MacFarlane, who is also on vacation.

Council agreed to add two items to the agenda: Item 2.1.2 (Presentation, Halifax Harbour Pilots), and Item 2.1.3 (Resolutions for UNSM Conference), and immediately following the public hearing, an item requested by Ald. Levandier, regarding the waterfowl at Sullivan's Pond.

1.0 PUBLIC HEARING

i) REZONING REQUEST - 348 PLEASANT STREET

PUBLIC HEARING:
348 PLEASANT ST.

Council set this date for public hearing of a rezoning request for 348 Pleasant Street, from R-3 Zone, to S (Institutional) Zone, to permit a residential care facility at this location.

Members of Council have received documentation pertaining to the proposed rezoning, including minutes of the neighbourhood information meeting held on April 12/95, and a copy of proposed By-law C-718 to effect the zoning change. The staff recommendation is to approve By-law C-718, rezoning 348 Pleasant Street, as requested.

All members of Council were recorded as being present, except for Ald. Sarto, MacFarlane and Mayor McCluskey.

The Development Services presentation was made by Patricia Richards. She explained that the applicant wants to operate a residential care facility on this site, requiring the rezoning to Institutional; licensing by the Dept. of Community Services will be required for the facility as well. The application is considered to meet the intent of the MPS, and the proposal for the property is compatible and consistent with adjacent land uses in the same area. The rezoning request is therefore being recommended for approval, including the approval of By-law C-718.

There were no questions from members of Council, and the Deputy Mayor opened the public hearing, calling three times for any speakers in favour of the application. When there were no speakers in favour, he called three times for speakers opposed. Again, there were no speakers wanting to be heard, and the public hearing was closed, on motion of Ald. Hetherington and Withers.

Council proceeded with three readings of By-law C-718, presented in conjunction with the request for 348 Pleasant Street.

BY-LAW C-718

MOTION: That leave be given to introduce the said By-law C-718 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-718 be read a second time.

Moved: Ald. Hetherington
Second: Ald. Withers

Ald. Hetherington said that while he was not opposing this particular care facility, there is now a proliferation of special care homes and facilities like this one, within the two-mile section of Pleasant Street, from Old Ferry Road to Everette Street. He was concerned about the Provincial Health Dept. policy of discharging patients from the Nova Scotia Hospital, where there is control and regulation, into situations locally, where

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There were no questions from members of Council, and the Deputy Mayor opened the public hearing, calling three times for any speakers in favour of the application. When there were no speakers in favour, he called three times for speakers opposed. Again, there were no speakers wanting to be heard, and the public hearing was closed, on motion of Ald. Hetherington and Withers.

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MOTION: That leave be given to introduce the said By-law C-718 and that it now be read a first time.

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

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Moved: Ald. Hetherington
Second: Ald. Withers

Ald. Hetherington said that while he was not opposing this particular care facility, there is now a proliferation of special care homes and facilities like this one, within the two-mile section of Pleasant Street, from Old Ferry Road to Everette Street. He was concerned about the Provincial Health Dept. policy of discharging patients from the Nova Scotia Hospital, where there is control and regulation, into situations locally, where

there is not the same degree of protection, and patients are out on the street, without adequate supervision. He said there are risks, under these conditions, to both the patients themselves and to local residents. Ald. Pye agreed that this is a concern that has to be recognized, and maybe at some point, there will have to be a limitation placed on the number of care facilities in any one area of the City.

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-718 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. Walton
In Favour: All
Against: None
Motion Carried

PROTECTION OF WATERFOWL - SULLIVAN'S POND

PROTECTION OF
WATERFOWL:
SULLIVAN'S POND

Ald. Levandier expressed his concerns to Council about the recent act of cruelty at Sullivan's Pond, resulting in the death of a twenty-year old waterfowl, and other acts of destruction along this same line, which are particularly upsetting to seniors living in the vicinity on the pond, and people generally, who frequent the park area. He asked what can be done to address these problems.

Mr. Corrigan said the incident referred to by Ald. Levandier is under investigation, and security measures are being taken to protect the waterfowl, including the removal of large boulders that allowed access to the island in the centre of the pond, where many of the birds have nests. A neighbourhood watch is being discussed, and Ald. Dexter, who had concerns similar to those stated by Ald. Levandier, noted the increased police presence there will be in the downtown area generally, with the bicycle patrol coming into effect.

Ald. Hawley said that maybe it will be necessary to look at fencing off the pond and park area, with gates that can be closed at night. Also suggested, by Ald. Dexter, was the possible removal of the larger waterfowl, for their own protection. Several members of Council were opposed to this latter suggestion.

Ald. Levandier said he was pleased to hear that action has already been taken to deal with the concerns raised by him.

2.0 REPORTS

2.1 MAYOR

2.1.1 HALIFAX AIRPORT AUTHORITY

HALIFAX AIRPORT
AUTHORITY

Before Council, was a report from Mayor McCluskey (B. Smith) on the proposed new Halifax International Airport Authority, with a recommendation for the appointment of Mr. Roy MacBurnie as the City of Dartmouth representative on the Authority Board.

CONFLICT OF INTEREST

Ald. Hetherington declared a conflict of interest on this item, due to the involvement of the Federal department with which he is employed. He withdrew from his place on Council while the item was under consideration.

Ald. Levandier saw the move to local Airport Authorities as an erosion of Federal Government responsibility that municipal councils should not be supporting. Mr. Smith, who was present for this item, explained the move toward privatization and airport commercialization that is taking place all across the country, as a Federal policy. The local Mayors have been requested to make nominations for representation from their municipal units, to serve on the Airport Authority, and Mr. MacBurnie has been recommended from Dartmouth. Mr. Smith provided information on his background and qualifications, noting that he has previously served on the City's Investment Committee.

Generally, Council members felt they were uninformed about the Airport Authority and its mandate, funding sources, etc. Mr. Smith was willing to ask the Chairman of the Airport Planning Group to come before Council, with a presentation and progress report. Ald. Greenough

said Council should know how these changes will affect the whole region, and what the ramifications of privatization will be in the future.

Mr. Smith said the Planning Group is not seeking a financial commitment from the City at this point in time, but financial assistance is likely to be requested in the consulting phase of the planning process.

Accompanying the report from the Mayor, was a draft resolution, requiring Council's approval, but it was pointed out by Ms. Hood that Council has not had an opportunity to review the proposed Constitution of the Authority, and therefore should not approve section 1 of the resolution at this time, which reads: 'Council approves and accepts the Constitution of the Authority'. She said it was in order for Council to approve sections 2 and 3, since they deal with representation and appointments.

Council proceeded to approve the recommended nomination of Mr. Roy MacBurnie, for appointment to the Authority.

MOTION: To approve the recommended nomination of Mr. Roy MacBurnie for appointment, as the City of Dartmouth representative on the Board of the Halifax International Airport Authority.

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

Sections 2 and 3 of the resolution before Council were also approved, but not section 1.

MOTION: To approve only Sections 2 and 3 of the resolution forwarded to Council, in conjunction with the appointment of the Dartmouth representative to the Airport Authority.

Moved: Ald. Greenough
Second: Ald. Pye
In Favour: Five members
Against: Four members Motion Carried

It is understood that a presentation will be made to Council, providing members with the information requested, and that members will receive information on the Constitution before giving approval to section 1 of the resolution.

2.1.2

PRESENTATION - HALIFAX HARBOUR PILOTS

PRESENTATION:
HALIFAX HARBOUR
PILOTS

As agreed to by Council, Mr. Ken Raisbeck was given the opportunity to make a presentation on the position of the Halifax Harbour Pilots on the National Marine Strategy recommendations, one of which is to eliminate the Pilotage Authorities. Halifax pilots are presently employed by the Atlantic Pilotage Authority, and Mr. Raisbeck felt that the present arrangement works well and serves the public interest with respect to harbour safety; he mentioned in particular, the need for the services of experienced pilots where ships with hazardous cargo are concerned.

Council was requested by Mr. Raisbeck to support the position of the Halifax Harbour Pilots, in seeking to have the Pilotage recommendation rejected by the Minister of Transportation.

CONFLICT OF INTEREST

Both Ald. Hetherington and Schofield declared a conflict of interest and withdrew from their places on Council before the presentation started. (Ald. Hetherington for the involvement of the Federal department he works for, and Ald. Schofield, because he has a relative serving on the committee involved.)

Council had agreed only to hear the presentation, but not discuss any aspect of it, in the absence of representation from the other side of the issue. Members therefore proceeded to the next item on the agenda, immediately following Mr. Raisbeck's presentation.

2.1.3

RESOLUTIONS - UNSM CONFERENCE

UNSM RESOLUTIONS

Members were informed of a Resolutions meeting to be held on May 25th, at which time all of the local Councils will present their resolutions for this year's UNSM conference.

Dartmouth delegates to the conference were named at this time. In addition to Mayor McCluskey, they are: Ald. Smeltzer, Hawley, Withers and Pye. Alternates are: Ald. Levandier,

Greenough, and Schofield. Ald. Schofield to attend as a delegate if five members of Council are permitted, in addition to the Mayor.

Council agreed to have the Dartmouth resolutions presented for consideration at next week's Council meeting, prior to the May 25th meeting of all Councils.

MOTION: That resolutions for the UNSM conference be presented at the Council meeting of May 23rd.

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

2.2 CHIEF ADMINISTRATIVE OFFICER

2.2.1 TENDER, CONTRACT 95-02, - CONCRETE CURB & SIDEWALK CONSTRUCTION

AWARD TENDER:
CONTRACT 95-02

Report from Mr. Corrigan (R. Fougere, H.R. Hatcher) on tenders received for Contract 95-02, concrete curb & sidewalk construction, Hawthorne Street, Sinclair Street, Windmill Road and Victoria Road, recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$155,247.59; completion time: 40 workdays.

MOTION: To award the tender for Contract 95-02 to the lowest bidder, Ocean Contractors Ltd., in the amount of \$155,247.59, as recommended.

Moved: Ald. Greenough
Second: Ald. Levandier

Ald. Withers requested from Engineering Dept., a cost estimate for sidewalk at the corner of Victoria Road and Albro Lake Road, where there has been an encroachment of commercial uses on what should be a sidewalk area.

In Favour: All
Against: None
Motion Carried

2.2.2 TENDER, SOFT BODY ARMOUR, POLICE SERVICE

AWARD TENDER: SOFT
BODY ARMOUR

Report from Mr. Corrigan (Chief MacRae, Deputy Chief Tipert) on the four quotations received for the individual fitting & supply of soft body armour vests, for police personnel. It is recommended that the tender be awarded to the low bidder meeting specifications, Atlantic Police & Security Ltd., at \$353.59 per vest; total cost of approx. \$53,000. This is a two-year tender, and in the second year, the individual purchases are quoted at \$385.24.

MOTION: To award the tender for soft body armour, Police Service, to the low bidder meeting specifications, Atlantic Police & Security Ltd., in the amount of \$353.59 per vest; total cost of approx. \$53,000.

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

Ald. Levandier suggested that from now on, when tenders such as this are being prepared, the items tendered should begin to be standardized with the other local municipal units.

2.2.3 PORT WALLACE SEWER GAUGING & ANALYSIS

PORT WALLACE SEWER
GUAGING & ANALYSIS

Report from Mr. Corrigan (R. Fougere, E. Purdy) on proposals received for a study to gauge sewer flows and analyze the Port Wallace sewerage system, to determine if excess capacity exists or is achievable, to permit expansion of the Development Boundary.

The proposals have been evaluated, and it is recommended to Council that UMA Engineering Ltd. be accepted to conduct the Port Wallace sewer gauging and analysis, in accordance with the Terms of Reference, and the proposals submitted.

MOTION: To adopt the recommendation:
That UMA Engineering Ltd. be
accepted to conduct the Port
Wallace sewer gauging and
analysis, in accordance with
the Terms of Reference, and
the proposals submitted.

Moved: Ald. Greenough
Second: Ald. Levandier

Ald. Hawley asked for assurance that if the six-month gauging turns out to be during a period of dry weather, it will be extended to reflect results from a wet weather period as well. Mr. Fougere gave assurance to this effect. Ald. Greenough wanted to make sure that the overflow problems with the Jaybe Drive pumping station will be resolved in conjunction with this study. Mr. Fougere said it is not possible to give any guarantees about overflows, where pumping stations are concerned.

In Favour: All
Against: None
Motion Carried

2.2.4

TOTAL STATION SURVEY INSTRUMENT

TOTAL STATION
SURVEY INSTRUMENT

Report from Mr. Corrigan (R. Fougere, E. Purdy) on quotations obtained for the purchase of a Total Station survey instrument, recommending that the quotation of Cornerstone Survey Equipment, for a Geodimeter 610N Total Station, including accessories, for the price of \$25,000. plus GST (\$25,750. net) be accepted.

MOTION: To adopt the recommendation:
That the quotation of Cornerstone
Survey Equipment, for a Geodimeter
610N Total Station, including
accessories, for the price of
\$25,000. plus GST, be accepted.

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

Ald. Hetherington felt that Mr. George's name, or that of some other Purchasing staff member, should be included when reports such as this come forward in the future. Mr. Corrigan noted this request for future reference.

2.2.5 WITHDRAWAL FROM SPECIAL RESERVE - POLLUTION CONTROL - RESOLUTION 95-26

WITHDRAWAL:
POLLUTION CONTROL
RESOLUTION 95-26

Report from Mr. Corrigan (B. Smith, D. McBain) on a withdrawal from Special Reserve, Pollution Control, in the amount of \$200,000., for ongoing pollution control work in connection with the contract for engineering services for the design & construction of a sewer outfall extension at Dartmouth Cove. Resolution 95-26 has been recommended for Council's approval.

MOTION: To approve Resolution 95-26, as recommended, authorizing the withdrawal of \$200,000., from Special Reserve, Pollution Control (Dartmouth Cove Extension).

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

2.3 CITY SOLICITOR

2.3.1 WITHDRAWAL FROM BURNSIDE SALE OF LAND ACCOUNT RESOLUTION 95-24

WITHDRAWAL: BURNSIDE
SALE OF LAND ACCT:
RESOLUTION 95-24

In a report to Council, the City Solicitor has recommended approval of Resolution 95-24, which authorizes the withdrawal of \$52,500. from the Burnside Sale of Land Account, to cover additional costs associated with construction of a retaining wall on Lot 33H in the Burnside Industrial Park; details as per the report to Council, dated May 4/95.

MOTION: To approve Resolution 95-24, as recommended, authorizing the withdrawal of \$52,500. from the Burnside Sale of Land Account.

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

2.3.2 WITHDRAWAL FROM SPECIAL RESERVE - RES. 95-25

WITHDRAWAL FROM
SPECIAL RESERVE:
RESOLUTION 95-25

The Solicitor's second report to Council has recommended the adoption of Resolution 95-25, authorizing the withdrawal of \$161,218.09 from Special Reserve, to cover the cost of the purchase of 117 Hawthorne Street, purchased jointly by the City with the Canoe Championships Society and the Shubenacadie Canal Commission. Two-thirds of the total amount will be reimbursed by the other two part-owners.

MOTION: To approve Resolution 95-25, authorizing the withdrawal of \$161,218.09 from Special Reserve, to cover the cost of the purchase of 117 Hawthorne Street, as recommended by the City Solicitor.

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

Meeting adjourned at 9:00 p.m.


V. Carmichael,
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
MAY 16, 1995.

ITEMS:

- 1.0 Public Hearing, page 1.
 - i) Rezoning request, 348 Pleasant St., page 1.
Protection of waterfowl, Sullivan's Pond, pg. 3.
 - 2.0 Reports, page 4.
 - 2.1 Mayor, page 4.
 - 2.1.1 Halifax Airport Authority, page 4
 - 2.1.2 Presentation, Hfx. Harbour Pilots, page 6.
 - 2.1.3 Resolutions, UNSM, page 6.
 - 2.2 Chief Administrative Officer, page 7.
 - 2.2.1 Tender, Contract 95-02, page 7.
 - 2.2.2 Tender, soft body armour, page 8.
 - 2.2.3 Port Wallace sewer gauging & analysis, pg. 8.
 - 2.2.4 Total Station survey instrument, pg. 9.
 - 2.2.5 Withdrawal from Pollution Control Reserve,
Resolution 95-26, pg. 10.
 - 2.3 City Solicitor, page 10.
 - 2.3.1 Withdrawal from Burnside Sale of Land Account,
Resolution 95-24, pg. 10.
 - 2.3.2 Withdrawal from Special Reserve, Res. 95-25,
page 10.
-

DARTMOUTH CITY COUNCIL AGENDA

TUES., MAY 23/95

7:30 P.M.

COUNCIL CHAMBER

1. **PUBLIC HEARINGS**

- i) MPS & Land Use By-law Amendments - Transit Terminal on Dartmouth Common
- ii) Stonebridge Comprehensive Development District Proposal

2. **REPORTS**

2.1 **MAYOR**

- 2.1.1 Presentation - Nova Scotia Pupil Transportation Achievement Award (oral)
- 2.1.2 Resolutions for UNSM Regional Meeting (deferred from May 16)

2.2 **CHIEF ADMINISTRATIVE OFFICER**

- 2.2.1 Amendment to the Land Use By-law - 45 Cranberry Crescent
- 2.2.2 Tender, Contract 95-03, Asphalt Pavement Overlay - Various Locations
- 2.2.3 Proposed Amendments to Firefighters' Collective Agreement
- 2.2.4 Capital Purchase - Vehicle
- 2.2.5 Tender, Contract 95-01, Pavement Markings
- 2.2.6 Block X CDD Proposal (set date for public hearing)
- 2.2.7 Use of City Land for Animal Burial

DARTMOUTH CITY COUNCIL
MAY 23, 1995.

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

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

MEMBER ABSENT: ALD. MACFARLANE (VACATION)

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

At the opening of the meeting, a minute of silence was observed in memory of Mrs. Genevieve Brownlow, whose death occurred on the past weekend. Deputy Mayor Cunningham informed Council of the date and time of the memorial service to be held at St. Paul's Church.

Ald. Pye said an apology is in order, in the light of accusations made that teenagers were responsible for the death of a waterfowl at Sullivan's Pond, when in fact, this was not the case. The Deputy Mayor agreed with the statements made by Ald. Pye to this effect.

With two-thirds agreement by members of Council, item 2.1.3 (Discussion re amalgamation, hiring of a CAO), was added to the agenda, at the request of Ald. Smeltzer.

1.0

PUBLIC HEARINGS

i)

MPS & LAND USE BY-LAW AMENDMENTS - TRANSIT
TERMINAL ON DARTMOUTH COMMON

PUBLIC HEARING:
TRANSIT TERMINAL

Council set this date for public hearing of MPS and Land Use By-law amendments, to permit a transit terminal on the Dartmouth Common, at the Sportsplex. Development Services staff and Mr. Corrigan have recommended approval of the two amendments required, and proposed By-laws C-721 and C-722, to effect the amendments.

The only member of Council recorded as being absent for the public hearing, was Ald. MacFarlane. Mayor McCluskey was also absent.

Council members received with the agenda for this meeting, copies of documentation related to the amendment application from Metro Transit (Metropolitan Authority). Included, was a report on the neighbourhood information meeting, and copies of the two proposed by-laws.

The presentation for Development Services was made by Ms. Spencer. She explained the need for the bridgehead transit terminal, which has had to be relocated from Dartmouth Shopping Centre, and advised that the Sportsplex Commission and the Common Committee have worked in conjunction with Metro Transit on this project, including the landscaping plans. Other than dealing with the technical permit required, in the form of the amendments requested, Ms. Spencer did not see any conflict with the MPS, and recommended that Council proceed with the necessary approvals.

The Deputy Mayor opened the public hearing, calling three times for speakers in favour. There were none, and he then called three times for speakers opposed. Again, there was no one wanting to be heard, and the public hearing was declared to be closed, on motion of Ald. Hawley and Sarto.

BY-LAW C-721

Council proceeded with three readings of By-law C-721, which amends the MPS with respect to the location of the transit terminal on the Dartmouth Common.

MOTION: That leave be given to introduce the said By-law C-721, and that it now be read a first time.

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

MOTION: That By-law C-721 be read a second time.

Moved: Ald. Greenough
Second: Ald. Hawley

Ald. Pye asked if pedestrian safety can be improved on Nantucket, for people crossing the street to get to the bus terminal. Mr. Purdy said there is only so much that can be done,

but the overhead crosswalk sign is being upgraded, and all possible improvements at this location will be carried out.

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-721 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

BY-LAW C-722

Three readings for By-law C-722 followed, to amend the Land Use By-law, since the public hearing for this date covered both by-laws.

MOTION: That leave be given to introduce the said By-law C-722, 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-722 be read a second time.

Moved: Ald. Hetherington
Second: Ald. Greenough
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-722 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. Greenough
Second: Ald. Hetherington
In Favour: All
Against: None
Motion Carried

ii) STONEBRIDGE COMPREHENSIVE DEVELOPMENT DISTRICT
PROPOSAL

PUBLIC HEARING:
STONEBRIDGE CDD

This meeting of Council also constituted the public hearing for the Stonebridge CDD proposal, which has been before Council several times previously in connection with issues involving cost-sharing between the developer and the City, and the timing of construction for completion of Baker Drive. As of this date, agreement has not been reached on two outstanding issues (installation of a second sidewalk on Baker Drive, and the timing of construction), although the City has agreed to a capital expenditure in the amount of \$210,000. for the widening of Baker Drive (between Norm Newman Drive & Portland Street), and to make a \$25,000. contribution toward the cost of oversizing Baker Drive, if the staff recommendation in this connection is approved.

In view of the developer's unwillingness to construct a sidewalk on the east side of Baker Drive, or to commit to a fixed timeframe for completing Baker Drive, to the southern property boundary of the Stonebridge development, staff have indicated to Council that they are unable to recommend approval of the Stonebridge development agreement, as proposed by the developer. It was recommended however, that the application proceed to public hearing, for which this date has been set.

With the exception of Ald. MacFarlane, all members of Council were recorded as being present. Mayor McCluskey was also absent.

Members of Council have received all the relevant documentation applicable to the Stonebridge proposal, which dates back over some period of time. Included, were the minutes of the neighbourhood information meetings, a revised Development Agreement, staff reports, and Resolution 95-21, which would, if adopted, approve the development request from W. Eric Whebby Ltd.

The Development Services presentation was made by Roger Wells. He first gave a chronological review of the application, noting the points at issue that came to Council over a period of time, and in particular, the two that have still not been resolved. He showed to Council, a plan for the development, describing in detail the various components of it. Basically, the development complies with the policies and criteria of the MPS in the ways required, except that it does not satisfactorily address the policy criteria regarding the safety and efficiency of the transportation systems, and the inappropriateness of the proposal regarding the financial capability of the City to absorb any costs relating to the development.

A detailed environmental protection package forms part of the development agreement, and it has been reviewed and approved by the Lakes Advisory Board.

Mr. Wells noted the recommendation that Council approve the funding for oversizing Baker Drive, to a maximum of \$25,000. He went on to explain to Council why staff is not able to recommend approval, given the lack of commitment to the completion of Baker Drive within a given time framework, and the fact that the developer is not willing to install sidewalks on both sides of Baker Drive. Sidewalks on both sides are considered to be necessary, given the nature of land uses adjacent to the street and its status as a major collector street. Without the resolution of these two requirements, it is the opinion of staff that the policy criteria applicable to the 'safety & efficiency of the transportation systems', have not been met. Additionally, there is the concern about the financial capability of the City to absorb any costs relating to the development, referred to previously, as noted above.

It is the position of the developer, that because the development is market-driven, it should not be mandatory to commit funds to a fixed timeframe, but it is felt by staff that with no commitment to timing, the developer is able to control and potentially impede access to the remainder of the CDD area.

Members of Council had the opportunity for questions, which were answered by Mr. Wells,

following his presentation. The public hearing was then opened by the Deputy Mayor.

The Deputy Mayor called first for speakers in favour, and Council heard Leo Brooks, for Alderney Consultants Ltd., the firm carrying out consulting services for this project. He noted the time and money that has been expended already on the project, since June of 1993. Also noted by him was the fact that present subdivision regulations do not require developers to construct sidewalks, but in this case, the developer has agreed to some, and to deed a right-of-way for a wider street. Ald. Woods asked about trade-offs with the developer, and Mr. Wells said it is hoped that in the end, the various trade-offs negotiated will come out about equal. Mr. Brooks acknowledged that there are trade-offs on both sides, one for the developer being the density consideration.

Mr. Brooks said the reluctance of his clients to make a commitment on Baker Drive and its completion, is tied in with future marketing considerations. Further to the second sidewalk requirement, the developer feels that if one is put in by his company, the City should be willing to install the second one. He said that maybe a second sidewalk is not needed anyway. The sidewalk cost involved is \$35,000., and the additional section of Baker Drive referred to, would cost about \$150,000.

Mr. Eric Whebby Jr. commented further on the reasons for not wanting to have a time requirement imposed on the Whebby interests, since their family situation could change in the future, and if he were to be left with the company, he would not want such a major responsibility. He asked for clarification of a reference made by Ald. Hawley to a possible similarity to the Breeze Drive situation. (Later, in debate on the resolution, Ald. Hawley explained his concern about possible creation of another bottle-neck for traffic, similar to the existing one at Breeze Drive, and one that formerly existed on Swanton Drive, where streets have not been completed as they should have been.)

Mr. Brooks completed his presentation to Council, in support of the development agreement for Stonebridge, with a short series

of slides, showing the various housing types planned for the development. He noted that the Whebby company would be constructing the houses themselves.

The Deputy Mayor called three more times for speakers in favour, and when there were none, he called for speakers opposed.

Mr. P. Hunter outlined his concerns to Council about the adverse effects of not completing Baker Drive, on other landowners in the same area, such as Dr. Vern Krause, whose property could become land-locked without some other access route, if Baker Drive remains unfinished. He felt that even a twelve-year provision for completing the street would be a major encumbrance for other landowners. He read from previous correspondence, dating back to October of 1983, to then-Mayor Brownlow, regarding an undertaking by the City to reserve existing capacities for servicing lands of Dr. Krause.

The Deputy Mayor called three more times for other speakers objecting to the development agreement. There were none, and the public hearing was closed, on motion of Ald. Hetherington and Greenough.

A motion was presented, for the approval of Resolution 95-21, to approve the development agreement.

MOTION: To approve Resolution 95-21.

Moved: Ald. Levandier
Second: Ald. Greenough.

While Council wanted to see the development go ahead, and basically felt that it is a good proposal, members also felt there has to be some commitment to the completion of Baker Drive, and that the developer should be willing to provide sidewalks on both sides of the street, in view of Baker Drive being a main collector that will carry a heavy volume of traffic. Ald. Hetherington said there are already traffic problems on this street that need to be rectified.

Ald. Greenough suggested that perhaps with further negotiation, the present impasse with the developer could be resolved, but it was pointed out by the City Solicitor that

the development agreement in the form advertised has to be the subject of this public hearing and the resolution under debate. She said there is no mechanism for further negotiation at this time. Council has only two choices - to accept the development agreement or not. She also advised that if the application is denied, there is a right of appeal available to the applicant.

Other members who spoke during the debate, had problems with an indefinite delay in completing Baker Drive or even with a lengthy delay, such as twelve years. Therefore, they could not support the motion, even though the development proposal is acceptable otherwise, and they recognized the importance of new development to the City.

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

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

The Solicitor brought to Council's attention, that reasons are required for denying the application. She read a list of six reasons, compiled by her, as follows:

- 1) concern with safety and efficiency of transportation systems.
- 2) development proposal is inappropriate because of financial capability of the City to absorb the costs relating to the proposal, specifically, the possible cost of the eastern sidewalk on Baker Drive, and the possible cost of the construction of Baker Drive, through to the adjacent property boundary.
- 3) no provision for sidewalks on both sides of Baker Drive (ie. none of the east side).
- 4) no set time for construction of the balance of Baker Drive, through to the southern boundary of the Stonebridge development.
- 5) concern that development will not occur in a co-ordinated and

comprehensive manner.

- 6) concern that the proposal does not provide for efficient vehicular transportation system.

MOTION: To approve the six reasons stated to Council by the Solicitor for denial of the development agreement application.

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

Ald. Withers left the meeting after this item.

2.0 REPORTS

2.1 MAYOR

2.1.1 PRESENTATION - NOVA SCOTIA PUPIL TRANSPORTATION ACHIEVEMENT AWARD

PRESENTATION:
TRANSPORTATION
ACHIEVEMENT AWARD

Ms. Pat Briggs, NSUPE representative for school bus transportation employees, came forward to receive the Nova Scotia Pupil Transportation Achievement Award from Deputy Mayor Cunningham. Mr. Corrigan read to Council the evaluations in the various operational categories, achieved by this group of employees in carrying out their duties, and they were commended by him and by Council. Ms. Briggs asked the employees present in the Council Chamber to stand and be recognized. She made a few brief comments, after receiving the award, on behalf of the employees, on their excellent performance record, noting that they have been recipients for several past years, and hope to continue to do so.

2.1.2 RESOLUTIONS FOR UNSM REGIONAL MEETING

RESOLUTIONS:
UNSM REGIONAL
MEETING

Members of Council had the opportunity at this time to present resolutions for the UNSM Regional Meeting. The first resolution was presented by Ald. Levandier, as follows:

WHEREAS the Province of Nova Scotia has initiated casino gambling operations;

AND WHEREAS additional policing will be required in connection with those gambling operations;

THEREFORE BE IT RESOLVED that the Province reimburse the Halifax Regional Municipality for these additional policing requirements created by the gambling operations.

MOTION: To approve the resolution for submission to the UNSM Regional Meeting.

<u>Moved</u> :	Ald. Levandier
<u>Second</u> :	Ald. Pye
<u>In Favour</u> :	All
<u>Against</u> :	None
	<u>Motion Carried</u>

Ald. Smeltzer presented three resolutions, as follows:

Resolution #1

WHEREAS the Union of Nova Scotia Municipalities, through its Act of Incorporation, is mandated to be a clearing house for the collection and dissemination of information on all matters of municipal practices and procedures; to hold conferences and workshops; to protect the rights and privileges of responsible government in municipal affairs; to promote co-operation; and among other activities, to promote and strengthen what is best in local government service;

AND WHEREAS the Council of the City of Dartmouth recognizes that the quality of local government decision-making and service delivery in the 1990's is directly influenced by the quality of training, education, policy advice, and management information which is provided to, and utilized by those who serve local government in their respective and varied capacities;

AND WHEREAS significant and profound changes are occurring in municipal government organizations, and in the nature of the skills required to

effectively provide policy and management direction in the municipal public service;

AND WHEREAS it is considered important that the Union of Nova Scotia Municipalities be proactive in its leadership role in protecting and strengthening the organization of municipal government;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities, through its Table Officers and organization, perform a leadership role in identifying educational requirements for municipal elected and appointed officials, and in promoting the development of professional improvement opportunities which will be of benefit to the municipal public service.

MOTION: To approve the resolution for submission to the UNSM Regional Meeting.

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

Resolution #2

WHEREAS municipal reform in Nova Scotia is resulting in a reduction of the number of municipal elected officials in the province;

AND WHEREAS the current Union policy which allows for a maximum of five voting delegates at regional meetings and at annual conferences, was developed to meet the need for municipal participation in the pre-municipal reform era, and is in need of revision, as a result of the municipal reform initiatives currently underway;

AND WHEREAS participation by as many elected municipal officials as are interested in the Union's activities is seen as beneficial to municipal government and is to be encouraged;

THEREFORE BE IT RESOLVED that the Union amend its policy respecting voting delegates, to allow for any number of Nova Scotia municipal elected officials as are interested, and who are from municipal government units which are in good standing as members of the Union, to have voting delegate status when attending Union regional meetings for their particular region, and to have voting delegate status when formally registered as a participant at Union's annual conferences.

MOTION: To approve the resolution for submission to the UNSM Regional Meeting.

<u>Moved:</u>	Ald. Smeltzer
<u>Second:</u>	Ald. Hetherington
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

Resolution #3

WHEREAS the information age, and rapid advances in electronic communication technology through the use of computers, is having a profound effect upon the manner in which organizations and individuals function in today's society;

AND WHEREAS the City of Dartmouth recognizes the tremendous benefits to municipal government which are possible through the effective use and application of electronic communications technology;

AND WHEREAS municipal restructuring has, and will continue to increase the need for improved communications, both internally within municipal organizations, and from within and without the communities and interests which are served by municipal governments;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities adopt, as part of its strategic direction, a commitment to encouraging awareness within municipal governments of the potential benefits to communities

of electronic communications technology, and that the Table Officers of the Union encourage actions which bring about the electronic networking of municipal governments in the Province of Nova Scotia.

MOTION: To approve the resolution for submission to the UNSM Regional Meeting.

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

2.1.3

DISCUSSION - AMALGAMATION

DISCUSSION:
AMALGAMATION

Ald. Smeltzer noted that an advertisement has appeared in both local and national newspapers, for the position of CAO for the new regional municipality, and he felt that Council should have the opportunity to receive a draft of the professional services contract and for feed-back on it. Members of Council agreed.

Ald. Smeltzer asked if it would be possible to receive copies of the contract with the present and former CAO's. Having this information would put members of Council in a better position to comment on the professional services contract.

MOTION: That copies of the contract with present and former CAO's be provided to members of Council

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

2.2

CHIEF ADMINISTRATIVE OFFICER

2.2.1

AMENDMENT TO THE LAND USE BY-LAW - 45 CRANBERRY
CRESCENT

AMENDMENT:
45 CRANBERRY CRES.

Report from Mr. Corrigan, accompanied by a staff report recommending in favour of an amendment to the Land Use By-law, to permit single unit residential development and parkland

on a vacant property now zoned for institutional use, at 45 Cranberry Crescent. It is recommended that Council instruct staff to proceed with a neighbourhood information meeting.

MOTION: To instruct staff to proceed with a neighbourhood information meeting in conjunction with the rezoning request for 45 Cranberry Crescent.

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

2.2.2

TENDER, CONTRACT 95-03, ASPHALT PAVEMENT OVERLAY

AWARD TENDER:
CONTRACT 95-03

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 95-03, asphalt pavement overlay, various streets, recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$317,991.38; completion time: 40 workdays.

MOTION: To award the tender for Contract 95-03 to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$317,991.38, as recommended.

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

2.2.3

PROPOSED AMENDMENTS - FIREFIGHTERS' COLLECTIVE AGREEMENT

PROPOSED
AMENDMENTS:
COLLECTIVE
AGREEMENT

Report from Mr. Corrigan (R. Macdonald, Fire Chief Greene) on three proposed amendments to the Dartmouth Firefighters' Association collective agreement, affecting the following Articles:

- 1) Article 6.01 - Salary Schedule
- 2) Article 9 - Promotional Routine
- 3) Article 14.03 - Grievance Procedure

The text of the three amendments has been attached to Mr. Corrigan's report as Appendix A.

Recommended to Council, is the approval of the three amendments, as explained in the report and according to the text contained in Appendix A.

MOTION: To approve the three amendments to the Dartmouth Firefighters' Assn. collective agreement (as per Appendix A), as recommended.

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

2.2.4 CAPITAL PURCHASE - VEHICLE

CAPITAL PURCHASE:
VEHICLE

Report from Mr. Corrigan (B. Smith, R. MacDonald, M. Crowell) on the single bid received from Saunders Equipment Ltd. for a truck-mounted combination catchbasin flushing unit, to replace the 1987 model presently in use. The report recommends that the tender be awarded to Saunders Equipment Ltd., for purchase of an in-stock unit, for a net, after trade-in price of \$202,944.76, including GST. (The other option quoted was for a custom order.)

MOTION: To award the tender for a truck-mounted combination catchbasin flushing unit, to Saunders Equipment Ltd., for purchase of an in-stock unit, for a net, after trade-in price of \$202,944.76 as recommended. (Capital purchase Q-95m148)

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

2.2.5 TENDER, CONTRACT T95-01, PAVEMENT MARKINGS

AWARD TENDER:
CONTRACT 95-01

Report from Mr. Corrigan (R. Fougere, T. Koutroulakis) on the single tender received for Contract T95-01, pavement markings, recommending that the tender be awarded to this tenderer, Gramac Ltd., with a tender price of \$73,243.64; completion time: 8 weeks.

MOTION: To award the tender for Contract T95-01 (pavement markings) to the single tenderer, Gramac Ltd., with a bid price of \$73,243.64, as recommended.

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

Ald. Hetherington asked to have inspections carried out by a City inspector, while this work is in progress.

2.2.6

BLOCK X CDD PROPOSAL - DATE FOR PUBLIC HEARING

BLOCK X:
CDD PROPOSAL

Report from Mr. Corrigan (V. Spencer, R. Wells) on the CDD proposal for Block X (Woodland Avenue), recommending that Tues., June 13, 1995 be set by Council as the date for public hearing of this development agreement request.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, due to the involvement of the company with whom he works. He withdrew from his place on Council.

MOTION: To set Tues., June 13/95 as the date for public hearing of the Block X CDD proposal, as recommended.

Moved: Ald. Sarto
Second: Ald. Hawley

Ald. Hetherington suggested that in future, it would be advisable to have a Recording Secretary present for neighbourhood information meetings when controversial issues are involved. Other members agreed, and were willing to have this determination made on a case-by-case basis, as proposed by Mr. Corrigan. Ald. Walton said there should be a Recording Secretary present for the Kent Building Supplies information meeting, scheduled for May 24th. Council agreed.

In Favour: All
Against: None
Motion Carried

2.2.7

USE OF CITY LAND FOR ANIMAL BURIAL

USE OF CITY LAND:
ANIMAL BURIAL

Report from Mr. Corrigan (B. Stevens) on a request from Bill Mont, representing a group of citizens, for permission to bury the Toulouse goose that died recently, on the island at Sullivan's Pond, where it had lived for a number of years. It has been recommended that permission not be granted for the burial of animals on public lands, and further, that Mr. Mont and the citizen group be granted permission to plant a tree in an appropriate ceremony at Sullivan's Pond, as an alternate way of expressing their sentiments.

MOTION: To adopt the recommendation:
That permission not be granted for the burial of animals on public lands; further, that Mr. Mont and the citizen group he represents, be granted permission to plant a tree in an appropriate ceremony at Sullivan's Pond, as an alternate way of expressing their sentiments.

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

LETTER - MR. BILL MONT

LETTER:
MR. BILL MONT

Members of Council have received copies of a letter faxed by Mr. Bill Mont, requesting permission for the burial of the goose referred to in item 2.2.7 on the island at Sullivan's Pond, and fencing at the pond, for the protection of the waterfowl there.

Since Council had dealt with the burial request, under item 2.2.7, the letter was received and filed.

MOTION: To receive and file the letter from Mr. Bill Mont, dated May 19/95.

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

Ald. Schofield advised that the North Dartmouth Residents Assn. will be meeting with the Minister of Justice, and would like to make a presentation, at next week's Council meeting, on the outcome of their discussions regarding prostitution problems in the north end of the City. Council was willing to have this item included in the May 30th agenda.

Meeting adjourned at 10:05 p.m.



V. Carmichael
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
MAY 23, 1995.

ITEMS:

- 1.0 Public Hearings, page 1.
 - i) MPS & Land Use By-law amendments, Transit Terminal on Dartmouth Common, page 1.
 - ii) Stonebridge CDD proposal, pg. 4 to 9.
 - 2.0 Reports, page 9.
 - 2.1 Mayor, page 9.
 - 2.1.1 Presentation, N.S. Pupil Transportation Achievement Award, page 9.
 - 2.1.2 Resolutions, UNSM Regional meeting, pg. 9.
 - 2.1.3 Discussion, amalgamation, page 13.
 - 2.2 Chief Administrative Officer, page 13,
 - 2.2.1 Land Use By-law amendment, 45 Cranberry Cres., page 13.
 - 2.2.2 Tender, Contract T95-03, page 14.
 - 2.2.3 Proposed amendments, Firefighters' Collective Agreement, pg. 14.
 - 2.2.4 Capital purchase, vehicle, pg. 15.
 - 2.2.5 Tender, Contract 95-01, pavement markings, pg.15.
 - 2.2.6 Block X CDD proposal, date for public hearing, page 16.
 - 2.2.7 Use of City land, animal burial, page 17.
Letter, Mr. Bill Mont, page 17.
-

Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL AGENDA

TUES., MAY 30/95

7:30 P.M.

COUNCIL CHAMBER

1. **PRESENTATIONS**

- i) Water Treatment Plant - Selection of Short-List of Proponents
for Public Private Partnership
- ii) Dartmouth North Residents Association - Prostitution Problem
(to be circulated)

DARTMOUTH CITY COUNCIL
MAY 30, 1995.

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

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

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

The Mayor opened the meeting and asked Council to go in camera at the end of the regular meeting for one legal item; Council agreed.

With a two-thirds majority vote, Council agreed to add an item requested by Ald. Withers, pertaining to the Albro Lake lands. This item was added at the end of the regular agenda.

Mayor McCluskey offered congratulations on Council's behalf, to Bruce Smith, who has been accepted for a three-week course at Harvard University (Program for Senior Executives in State & Local Government), and awarded a \$7,000. scholarship to attend. He was the unanimous choice of the Awards Committee to receive this scholarship. Members of Council joined in congratulating Mr. Smith.

1.0

PRESENTATIONS

i)

WATER TREATMENT PLANT - SELECTION OF SHORT-LIST
OF PROPONENTS FOR PPP

SHORT LIST:
WATER TREATMENT
PLANT

Council received with the agenda for this meeting, a report from Mr. Corrigan (A. Galatis) on the RFQ for the design, construction, financing, ownership & operations of a municipal water treatment plant, giving an update to Council on the progress of the evaluation process for the Request for Qualifications. A presentation was made to Council at this time by Mr. Corrigan, beginning with a review of that process.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, due to the involvement of the firm with which he is associated. He withdrew from

his place on Council until the item was completed.

Present for this item and introduced by Mr. Corrigan, were Terry Stephen and Pat O'Neil of Price Waterhouse, and members of the Water Work Group.

After having reviewed with Council, the details of the RFQ evaluation process, Mr. Corrigan commended what he called the strong team approach to the evaluation, required because of the complexity of the proposals that had to be evaluated. He said he felt good about the process overall, and about the quality of the team that worked on it. The Mayor also commended the hard work that those involved have put into the process thus far.

The results of the ranking determined by the Evaluation Committee were presented to Council, in the selection of the top three proponents, listed in alphabetical order as follows:

Atlantic to Pacific Group, Ontario
North West Water, Ontario
Wheelabrator, New Hampshire

The composition of each proponent group was broken down and presented for the information of Council, followed by an explanation of the Standard Deviation process (consistency & quality control of evaluation results), and details of a proposal fee plan recommended by the Water Work Group. Under this plan, an amount of \$50,000. would be paid for each proponent that does not obtain a DWU contract, which consideration would indicate Council's interest and support for PPP, and recognize the substantial cost to be incurred by the proponents. As to the question of purchasing certain rights to ideas in the proposals, Mr. Corrigan indicated to Council that this aspect still has to be discussed with the City Solicitor. It was later noted, in the Council debate, that such fees were paid in conjunction with the Alderney Gate project.

The presentation concluded with four main recommendations to Council, dealt with separately, at the suggestion of the Mayor. A motion for the adoption of the first recommendation was introduced.

MOTION: To adopt recommendation #1:
That Council take the next
step in the PPP approach, by
initiating the Request for
Proposal process.

Moved: Ald. Hetherington
Second: Ald. Withers

Questions from members of Council, to Mr.
Corrigan and Mr. Stephen, pertained to:

- 1) determination of the 10% cost saving projected (a benchmark was set out in the RFQ on which to base this determination).
- 2) assurance as to the 'safe and secure supply of water' (the standards of the Canadian Drinking Water Guidelines would have to be met, as a given).
- 3) why is there no information on the public alternative (if the benefits expected with the private route are not there, the traditional public route will be recommended instead).
- 4) concerns about Nova Scotian content in the submissions and the use of Nova Scotia labour and materials (materials will be sourced in Nova Scotia insofar as possible, and at the next step, there will be a firm criteria for the use of Nova Scotia labour). Mr. Corrigan advised that Nova Scotia content has been ranked equally with all the other criteria in the RFQ.
- 5) concern about the finality of any decision made by Council on the PPP approach, at this stage (Mr. Corrigan said that Council could see the RFP ahead of time, and this would be a further opportunity for input). It was noted that Council has been kept informed to date on a regular basis, every step of the way in the process.

- 6) concern about the possibility of leaving open an option for public ownership & operation, mid-way through the PPP process. Mr. Stephen said the aspect of ownership should be clear in the RFP; these are conditions to dictate up front. He and Mr. Corrigan explained some of the problems otherwise.
- 7) what kind of review and control mechanism will be in place (Mr. Corrigan said this is one of the things that will have to be addressed, going into the next step in the process. Again, he pointed out that Council will have an opportunity to review the RFP in advance).

In Favour: All
Against: None
Motion Carried

MOTION: To adopt recommendation #2:
That Council approve a \$50,000. proposal fee for any proponent that does not obtain a contract to BOOT (Build, Own, Operate & Transfer).

Moved: Ald. Hetherington
Second: Ald. Hawley

Again, Mr. Corrigan explained the basis for this recommendation, noting that the fee paid would have to be based on bona fide expenses, but it is still not known, until after consultation with the City Solicitor, as to whether the fee would "purchase" certain rights to use ideas from the proposals.

Several members felt the \$50,000. amount should represent a maximum fee, and that the words 'up to' should be included in the recommendation.

AMENDMENT: That the words 'up to' be included in the recommendation, as in 'up to \$50,000.'

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

The vote was taken on the motion, as amended.

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

MOTION: To adopt recommendation #3:
That Council approve the short-
list of proponents:
Atlantic to Pacific Water Group
North West Water Canada Ltd.
Wheelabrator

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

MOTION: To adopt recommendation #4:
That Price Waterhouse be retained
to advise the DWU, as required
during the RFP process.

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

(Ald. Smeltzer left the meeting prior to
completion of this item, having a prior
commitment.)

ii) DARTMOUTH NORTH RESIDENTS ASSN. - PROSTITUTION
PROBLEM

PROSTITUTION
PROBLEM:
DART. NORTH
RESIDENTS ASSN.

A presentation was made to Council by Ms. Nora
Powell, on behalf of the Dartmouth North
Residents Assn., represented by a group of
citizens in attendance at the meeting.

The presentation dealt with the growing
prostitution problem in the north-end part of
the City where these residents live. Ms.
Powell described the conditions facing the
residents daily, where she said there are as

many as thirty prostitutes on these residential streets. She outlined the problems they are causing, affecting the quality of life in all the neighborhoods involved. She was concerned that in spite of past requests for action by the City, to deal with these problems once and for all, they still exist, and in fact, are getting worse. A request for foot patrols or patrols by police on bicycles, has not been met, and Ms. Powell informed Council that residents are now going to tell members what they want and will be expecting to have Council approve. She presented the following list of requirements:

- 1) Richmond Street and Chapman St. blocked off at Albro Lake Road, with concrete barriers, serving to flush the prostitutes and their customers out onto busy streets such as Albro Lake Rd., Victoria Road, and Wyse Road.
- 2) A Stop sign to be installed on Dawson Street at John & Pelzant Street, blocked at George (west side) with a concrete barrier.
- 3) A concrete barrier installed at the corner of Jackson Road and Victoria Road.
- 4) Three new police officers, effective immediately, on a term basis, for the specific purpose of dealing with prostitution, until amalgamation, when we will have a Morality Squad. We will not accept any less than three, given the current situation and the escalation of the problem.

Asked by the Mayor about the results that could be expected with three additional police officers, Chief MacRae said there would be a significant impact if they were detailed to the area on a full-time basis. He responded to other questions, about the Prostitution Task Force (now scaled down in its operation), the possible use of outside police officers for part-time work, in order to avoid overtime, the possible use of injunctions. He explained that injunctions are only permitted as a last resort after it has been determined that every other measure that could be taken, has been exhausted.

Ald. Pye and Woods wanted to have the barrier requests from the residents referred to the T.M.G and the Traffic Authority, for a response. Ald. Hetherington suggested that they could at least be put in place for the summer months, without going through the regular street-closing process. Ald. Hawley said the underlying causes of the prostitution problem really need to be dealt with, if there is to be any long-term solution. He felt the publishing of information and identification of 'johns', in local newspapers is effective, and should be pursued further.

Ald. MacFarlane suggested that what is really required is a strategy for dealing with the problem overall. Members tended to agree, and considered that such a strategy should be determined by the Police Commission, taking into account the four items the residents have requested, plus other suggestions, such as those made during the Council discussion. Ald. Greenough had also suggested 'blitzing' the area with police patrols.

Aldermen for the area affected, Ald. Withers, Schofield, Pye and Woods, all stated their support for the position of the residents and were insistent that there be a follow-up this time that will be effective. In order to try and expedite a strategy plan, an immediate meeting of the Police Commission, to deal solely with this item, was requested.

MOTION: To refer the matter to a special Police Commission meeting, to be called for Thurs., June 1st, at which time a strategy will be identified.

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

Ald. Hawley suggested that this matter should also be referred to the Healthy Dartmouth Committee for study by them.

DND LANDS - ALBRO LAKE AREA - R-1 DESIGNATION

DND LANDS:
R-1 DESIGNATION

As agreed to by Council, Ald. Withers was permitted to make his motion on the subject of

the DND lands in the Albro Lake area, for which a zoning map had been circulated.

MOTION: WHEREAS the Dept. of National Defence has determined that the remaining land holdings in the Albro Lake area, as outlined in the map provided, have been declared surplus;

AND WHEREAS disposal of such property will have direct impact on present and future development in the area;

AND WHEREAS present zoning H Zone (Holding) is not conducive to development compatible with adjacent planned and existing housing;

THEREFORE, BE IT RESOLVED that staff be instructed to proceed with necessary steps leading to and including, change in land use status of said lands, to R-1 designation.

<u>Moved:</u>	Ald. Withers
<u>Second:</u>	Ald. Schofield
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

LETTER - HANTSPORT TOWN COUNCIL

Ald. Hawley requested that Council indicate support for a letter from Hantsport Town Council, on the subject of locating people in nursing homes close to their home communities rather than a distance away from their homes, and that Dartmouth City Council also forward a letter to the Minister of Health, making the same request. Council indicated agreement.

Ald. Dexter asked to have the Concerns item on the next Council agenda. At that time, he will bring up the letter of May 29/95, from the Halifax-Dartmouth & District Labour Council, C.L.C., copies of which have been circulated.

The Mayor agreed to check on a question from Ald. Dexter, regarding correspondence from the Somme Legion Branch; she felt this matter has

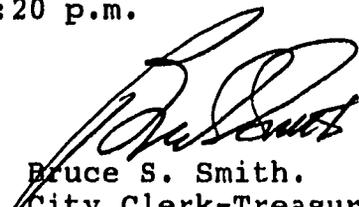
been addressed already, but was willing to check on it anyway.

At 10:15 p.m., Council went in camera, and after reconvening in open meeting, proceeded to approve the action taken while meeting in camera.

MOTION: To ratify the action taken while meeting in camera on this date (legal matter).

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

Meeting adjourned at 10:20 p.m.



Bruce S. Smith.
City Clerk-Treasurer.

DARTMOUTH CITY COUNCIL
MAY 30, 1995.

ITEMS:

- 1.0 Presentations, page 1.
 - i) Water Treatment Plant, selection of short-
list of proponents, PPP, page 1 to 5
 - ii) Dartmouth North Residents Assn., prostitution
problem, page 5 to 7.
DND lands, Albro Lake area, page 7.
Letter, Hantsport Town Council, page 8.
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**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., JUNE 6/95
7:30 PM
COUNCIL CHAMBER
IN CAMERA SESSION
10:00 PM**

INVOCATION

PROCLAMATION - Environment Week

1. **APPROVE THE MINUTES FROM THE MEETINGS:** May 2, 9, 16, 23 & 30, 1995.
2. **BUSINESS ARISING FROM THE MINUTES**
3. **DELEGATIONS & HEARINGS OF PROTEST**
4. **ORIGINAL COMMUNICATIONS**
5. **PUBLIC HEARINGS**
 - i) Rezoning Application - 256 Waverley Road
 - ii) Rezoning Application - 355 Pleasant Street
6. **PRESENTATION**
 - i) Pedal Power
7. **PETITIONS**
8. **REPORTS**
 - 8.1 **CHIEF ADMINISTRATIVE OFFICER**
 - 8.1.1 Hawthorne Street - Drainage Culverts
 - 8.1.2 Minimum Standards Violations - 25 Irving Street
 - 8.1.3 Demolition of Civic Numbers 1, 3 & 9 Church Street
9. **MOTIONS**
10. **NOTICES OF MOTION**
11. **CONCERNS OF COUNCIL MEMBERS OR QUESTIONS**

IN CAMERA SESSION 10:00 P.M.

1. Land Matter

DARTMOUTH CITY COUNCIL
JUNE 6, 1995.

Law. Ref. Dept

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

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

MEMBER ABSENT: ALD. LEVANDIER

A/CHIEF ADMINISTRATIVE OFFICER: B. SMITH
CITY SOLICITOR: S. HOOD
DEPARTMENT HEADS & ASSISTANTS

INVOCATION

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

PROCLAMATIONS

Mayor McCluskey read two Proclamations, the first for Environment Week, June 3rd to 11th, and the second, for Bike to Work Week, from June 12th to 19th, 1995. School children will be assisting the Mayor in planting a tree at Sullivan's Pond, to mark Environment Week.

1.0

APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on May 2, 9, 16, 23, & 30, 1995.

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

Ald. Smeltzer noted that comments of his were omitted from the May 23rd minutes, with reference to his conversation with Mr. Taggart, and his suggestion that Mr. Taggart be asked to attend a Council meeting for an update and discussion, as citizen representative on the Amalgamation Committee. With this notation, the minutes were approved when the vote was taken. Ald. Smeltzer asked again that Mr. Taggart be invited for a Council meeting.

Ald. Smeltzer stated his concerns about an item placed on the agenda for discussion in camera, and the fact that staff did not provide information relating to this item, when requested by him on Friday, June 2nd. He said he would like to see a full discussion of the appropriate process for staff to follow, when information is requested, and the question of process generally, where staff are involved. He referred in particular to instances where decisions have been made previously by Council. He said he would raise this matter further in camera, but would hope for discussion in open Council, either at this meeting or at a future meeting.

An item added to the agenda, with Council's agreement, was the report from the Police Commission, recommending an over-expenditure in the Police Service budget, added as item 8.2.

2.0 BUSINESS ARISING FROM THE MINUTES

3.0 DELEGATIONS & HEARINGS OF PROTEST

4.0 ORIGINAL COMMUNICATIONS

5.0 PUBLIC HEARINGS

i) REZONING APPLICATION - 256 WAVERLEY ROAD

PUBLIC HEARING:
256 WAVERLEY RD.

Council set this date for public hearing of a request to amend the Land Use By-law, by rezoning the property at 256 Waverley Road from R-1 Zone to R-2 Zone, in order to permit a second unit on the property.

All members of Council were recorded as being present, except for Ald. Levandier.

Council received the documentation relating to this application with the agenda for this meeting. Included, was the staff report recommending in favour of the zoning change, minutes of the neighbourhood information meeting, and a copy of proposed By-law C-720, to effect the change being requested.

The Development Services presentation to Council was made by Patricia Richards. She advised that the purpose of the request is to permit an in-law suite on the property, and that there are no issues of incompatibility with this proposed addition and zoning change.

The proposal is in conformance with the policies and intents of the MPS, and approval of the application is being recommended to Council by staff.

The Mayor opened the public hearing, calling three times for any speakers in favour of the application. Hearing none, she called for speakers opposed. Council heard Louis Moores, who felt that this is a 'sneaky' way to obtain a property rezoning (ie. by indicating that it is for purposes of an in-law suite), and that Development Services should not be so accepting of the application and this reason, as quickly as they have. There were no other speakers wishing to object to the rezoning, and after calling three more times, the Mayor declared the hearing closed, on motion of Ald. Sarto and Greenough.

Ald. Hawley questioned why there is no other mechanism for doing this, other than through a rezoning. This point came up again in debate.

BY-LAW C-720

Council proceeded with three readings of By-law C-720, as required to make the zoning change.

MOTION: That leave be given to introduce the said By-law C-720, and that it now be read a first time.

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

MOTION: That By-law C-720 be read a second time.

Moved: Ald. Greenough
Second: Ald. Hetherington

Ald. Greenough explained why he felt that this is a straight-forward rezoning application, that has not generated any opposition among area residents. He said there is nothing surreptitious about it; the request is simply to accommodate inlaws, with a living unit of their own.

Ald. Pye felt there should be another mechanism for doing this, and Ald. Schofield said he was

aware of other municipalities that have such a zoning provision; perhaps staff should be asked to investigate this alternative. Other members agreed.

The vote was taken on second reading.

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-720 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. Greenough
Second: Ald. Withers
In Favour: All
Against: None
Motion Carried

ii) REZONING APPLICATION - 355 PLEASANT STREET

PUBLIC HEARING:
355 PLEASANT ST.

This date was also set by Council for public hearing of a rezoning application for 355 Pleasant Street. The request is for a zoning change from H Zone to C-2 (General Commercial) Zone, to permit an outlet for a plumbing office.

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

Council received documentation relating to this application with the agenda for the meeting. It included a staff report, recommending in favour of the rezoning, minutes of the neighbourhood information meeting, and a copy of By-law C-719, to effect the zoning change.

The Development Services presentation to Council was made by Patricia Richards. She explained the purpose of the request, noting that there are varied zonings and uses in the area already, and the proposal for use by a plumbing company (Ken Evans Plumbing & Heating Ltd.) is not in conflict with any of these. The proposal is in conformance with the policies and intents of the MPS.

Approval is therefore being recommended to Council by staff.

The Mayor opened the public hearing for the application for 355 Pleasant Street, calling three times for any speakers in favour. Hearing none, she then called three times for speakers opposed. Again there were none, and the public hearing was declared to be closed, on motion of Ald. Hetherington and Greenough.

BY-LAW C-719

Council proceeded with three readings of By-law C-719, required to accomplish the zoning change being requested.

MOTION: That leave be given to introduce the said By-law C-719, 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-719 be read a second time.

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

Ald. Hetherington spoke in support of the zoning change, during second reading. He said the proposal for the property will be an improvement in it.

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

MOTION: That By-law C-719 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. Walton
In Favour: All
Against: None
Motion Carried

6.0 PRESENTATION

i) PEDAL POWER

PRESENTATION:
PEDAL POWER

A presentation was made to Council by Michael O'Leary and Peter Woodford, representing the Burnside company, Pedal Power Promotions. They made a proposal for providing bicycle parking systems in the City, at no capital or operating cost to the municipality, according to the terms outlined in a letter to the City, dated June 2, 1995. They brought with them, a sample piece of equipment, shown to Council during the course of their presentation.

At the suggestion of the Mayor, a motion of referral to staff, for consideration of the proposal, was presented.

MOTION: To refer the Pedal Power proposal to staff, for consideration, and report back to Council.

Moved: Ald. Cunningham
Second: Ald. Hetherington

Ald. Sarto asked if these systems are being considered for school ground locations. Mr. O'Leary said this possibility is being discussed with the Nova Scotia School Boards Association. Ald. Dexter asked about the number and location of the systems, and how this would be determined. He was advised that details such as this would be worked out with staff. Ald. Woods had questions about the maintenance and clearing of the systems during winter conditions.

Ald. Hawley was concerned about a number of the systems all on any one street, especially with the advertising at the top of them. He referred to problems that arose when a company was installing bus shelters in the City, and wondered if there might be other companies wanting to approach the City with their own proposals. Ald. Greenough said the identification of locations would be important, and there would have to be no conflict with abutting properties.

Ald. Pye asked about endorsements from the local cycling community, and the company representatives provided information on the

endorsements they are receiving. It was noted that the availability of safe and convenient provision for parking bicycles is an incentive to promote their use. Questions such as those raised about the systems being vandal-proof, have been addressed already with Dartmouth Bicycle representatives.

The vote was taken on the motion to refer.

In Favour: All
Against: None
Motion Carried

7.0

PETITIONS

PETITION:
LAKEVIEW POINT
ROAD RESIDENTS

Ald. MacFarlane tabled a petition from residents of Lakeview Point Road, who are opposed to a pedestrian/bicycle bridge, being considered as an option for crossing Lake Banook, as part of the Trail & Shoreline project, now in the planning stages. The bridge would cross from Graham's Grove to the YMCA property.

Ald. MacFarlane asked to have the petition circulated, and said a presentation of the bridge plan, as soon as possible, would be appreciated. Ald. Schofield noted that the Lakes Advisory Board has taken the bridge plan under advisement. Ald. Walton informed Council that both the Recreation Advisory Board and the Healthy Dartmouth Committee, are in favour of the plan.

Ald. Sarto later presented a petition, in conjunction with a notice of motion given by him.

8.0

REPORTS

8.1

CHIEF ADMINISTRATIVE OFFICER

8.1.1

HAWTHORNE STREET - DRAINAGE CULVERTS

HAWTHORNE ST.:
DRAINAGE CULVERTS

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on the repairs required to the large corrugated steel culverts under Hawthorne Street, between Lake Banook and Sullivan's Pond, for which the cost estimate is \$183,000.

Two recommendations have been made to Council in connection with this project.

MOTION: To adopt the recommendations:

- 1) that both corrugated steel culverts be repaired with reinforced concrete bottoms, and that a galvanized steel liner be placed in the damaged culvert, for a cost of \$183,000.
- 2) that funds for this project be taken from the capital project entitled 'Drainage - Unspecified Locations', with a projected over-expenditure of \$120,000. on the account.

Moved: Ald. MacFarlane
Second: Ald. Withers

Ald. Sarto did not want to see all of the capital drainage item expended for this one project, and preferred to fund the total \$183,000. amount as an over-expenditure, retaining the budget allocation for this year, to be used as required for other small drainage projects. Mr. Smith said it would be advisable to go ahead with this approval as recommended, and then if there are supplementary capital expenditures required later for other drainage projects, they can be evaluated and approved for funding on their own merit. Other members of Council agreed that this is a better approach to take, and were not in favour of approving the entire \$183,000. amount as an over-expenditure, at this time.

The vote was taken on the motion.

In Favour: All
Against: None
Motion Carried

8.1.2 MINIMUM STANDARDS VIOLATIONS - 25 IRVING ST

VIOLATIONS:
25 IRVING ST.

Report from Mr. Corrigan (V. Spencer, E. Atkinson) on the property at 25 Irving Street, in violation of the Minimum Standards By-law, recommending that Council set Tues., June 27/95 as the date for a hearing, to be held to hear the report of the Building Inspector, and to determine if Council should authorize certain Minimum Standard violations to be remedied by the City, at the expense of the assessed owner,

and charged as a lien against the property at 25 Irving Street.

MOTION: To set Tues., June 27/95 as the date for hearing, as recommended, for Minimum Standard violations at 25 Irving Street.

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

8.1.3 DEMOLITION OF CIVIC NUMBERS 1,3, & 9 CHURCH ST.

DEMOLITION:
1,3 & 9 CHURCH ST.

Report from Mr. Corrigan (R. Fougere, J.D. Murray) on tenders received for the demolition of three buildings at 1,3 & 9 Church Street, recommending that the tender be awarded to J.R. Eisener Contracting, in the amount of \$40,000., and further, that additional funding for the project be taken from anticipated cost savings in other Capital Budget projects.

MOTION: To award the tender for the demolition of buildings at 1,3. & 9 Church Street, to J.R. Eisener Contracting, as recommended; and further, that additional funding for the project be taken from anticipated cost savings in other Capital Budget projects.

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

8.2 BUDGET OVER-EXPENDITURE - POLICE SERVICE

BUDGET OVER-
EXPENDITURE:
POLICE SERVICE

At a meeting of the Police Commission, held on June 1/95, a motion was adopted, to request the authorization of Council for an over-expenditure in the Police Service budget, to a maximum of \$46,000., to cover the cost of an additional 1,000 hours of police overtime, in order to deal with the prostitution problem in the north end of the City. The Board has made this recommendation, indicated as Option #2 in a report to them, from the Police Chief.

MOTION: To give first approval for the recommended over-expenditure, in the amount of \$46,000. (max.) for overtime in the Police Service, to deal with the prostitution problem in the north end of the City.

Moved: Ald. Greenough
Second: Ald. Hetherington

Ald. Pye questioned the lack of attention by the Police Commission to the street barricade proposal made by the North End Residents Assn., in addition to their request for additional police manpower. The Solicitor commented on the procedures that have to be followed before any City streets can be closed off to public use, with barricades. An advertisement, with at least three weeks notice, would be required, followed by the street closure hearing.

Ald. Woods later suggested that to save time, traffic signs (No Left Turn, No Exit, etc.) could be put up instead, to try and achieve the same objectives as the proposed street closures.

Generally, members of Council were not opposed to the motion, but several considered that additional police patrols in the coming summer months, represent only a band-aid solution, whereas what is really needed is a long-term plan for dealing with the prostitution problem once and for all. Ald. Hawley said to do this, it is necessary to get at the root cause of the problem, starting in the school system itself. It was recognized that consultation with outside agencies and government departments would be required, including Provincial counterparts to our own City staff involvement.

Asked by Ald. Dexter about a timeframe for some course of action, along the lines of the debate, the Police Chief said there will be initiatives undertaken in conjunction with the Halifax and Bedford police forces, and it would probably be into September before a plan could be ready for consideration. Ald. Withers had a concern about the length of time involved, and suggested the designation of a staff member to begin working on the plan, with the various appropriate representatives. Ald. Hawley's idea was to set up a Task Group for this purpose. The Mayor felt that at this time, it

would be preferable not to set up any additional group, where there might be a duplication of efforts.

Ald. Woods said he would like Council to have information on the quota of arrests and charges, once police patrols are increased, and to have the names of people charged and convicted, so they can be made public. He wanted to make sure they are printed in the local papers, and also, to know the likely ramifications of the plan being discussed, so as to make sure some other neighbourhood does not end up with the problem, after it is moved out of the north end. Ald. Withers felt that one of the contributing factors in the north end has been the deterioration of Wyse Road infrastructure and accordingly, the Wyse Road community. He said there has been an exodus of legitimate businesses from the area, as a result.

At the conclusion of a lengthy debate, the vote was taken on the motion.

In Favour: All
Against: None
Motion Carried

This item will be included in the June 13th agenda, for second approval, as required.

9.0 MOTIONS

10.0 NOTICES OF MOTION

The following Notices of Motion were given for the next regular Council meeting:

Ald. Sarto

WHEREAS a petition has been received and signed by approx. 45 residents of Topsail Blvd., Digby Crescent, and surrounding streets, expressing a safety concern relating to the speed of traffic on Topsail Blvd.;

AND WHEREAS the speed of vehicular traffic on Topsail Blvd. places a significant danger to pedestrian safety, especially the children attending Mount Edward Elementary School;

BE IT RESOLVED that a three-way Stop sign be installed at the intersection of Topsail Blvd. and Digby Crescent.
(Petition tabled with Notice of Motion)

Ald. Withers

WHEREAS Albro Lake Road, east of Ernest Ave. to Lancaster Drive, constitutes part of the development area referred to as Lancaster Ridge;

THEREFORE BE IT RESOLVED that such section of Albro Lake Road be henceforth known as Sea King Drive.

Ald. Woods

- 1) WHEREAS many Council members who were chosen in the 1994 civic election, assumed Aldermanic office with a resolve to find an affordable solution (either temporary or permanent) to Dartmouth's drinking water problems;

AND WHEREAS Council and staff, until recently, have devoted all their energies toward a Public/Private Partnership initiative, with a view to acquire a water treatment plant through non-traditional means;

AND WHEREAS a contaminated Dartmouth water supply continues to be a possibility during the 1995 summer months;

THEREFORE, BE IT RESOLVED that staff of the Dartmouth Water Utility provide Council with a plan which, when implemented, may be instrumental in a 1995 Boil Order;

BE IT FURTHER RESOLVED, in the event a Boil Order is unavoidable, that Council agree to adopt a plan which will ensure that boiling is avoided in 1996.

- 2) WHEREAS Albro Lake is used by hundreds of people who enjoy fishing;

AND WHEREAS fly fishing is a popular form of fishing;

AND WHEREAS some passers-by have been accidently caught by fly hooks;

THEREFORE, BE IT RESOLVED that the Parks & Recreation Dept. (the "Department") review the practice of mixing the various forms of angling in close proximity to passive recreationalists. In its review, the Department will consider establishing criteria and/or zones dedicated to fly fishing;

AND BE IT FURTHER RESOLVED that the Parks & Recreation Dept. consult with the local sports fishing associations in setting policies for safe recreational fishing at Albro Lake and at the other Dartmouth fishing lakes.

11.0

CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. HETHERINGTON

Ald. Hetherington's first concern was directed to Mr. Fougere; he asked to have broken curb replaced at 73 Renfrew Street.

Secondly, he asked to have the No Parking signs checked out at the King Medical Clinic (Pleasant and Renfrew), where an accident nearly occurred recently.

ALD. DEXTER

Ald. Dexter referred to a letter received from the Halifax-Dartmouth & District Labour Council C.L.C, asking for a letter of support from City Council for their request directed to the Prime Minister, in connection with Bill C-76, of which the Canada Health & Social Transfer proposal is a part. The Labour Council has requested the Prime Minister to establish a committee of eminent Canadians, with the purpose of holding public hearings across Canada, regarding the Transfer proposal.

Council agreed to have a motion presented in this connection.

MOTION: That a letter be sent to the Prime Minister, on Council's behalf, supporting the request of the Halifax-Dartmouth & District Labour Council, as outlined above .

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

Ald. Dexter also requested a follow-up to the letter from the Mayor, to Somme Branch, Canadian Legion, indicating the general concern of Council about the fact that they did not receive invitations during the Queen's visit. The Mayor pointed out that she has written a letter explaining the situation and the fact that her office had nothing to do with the sending out of the invitations.

At 9:40 p.m., Council went in camera, on motion of Ald. Sarto and Greenough.

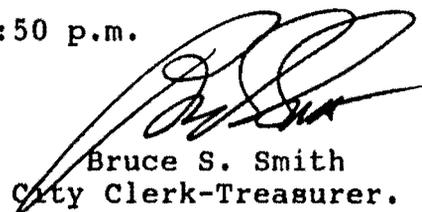
After reconvening in open meeting, the action taken in camera was ratified.

MOTION: To ratify the action taken while meeting in camera on this date (land matter).

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

Ald. Smeltzer said he felt that members of Council should be receiving copies of in camera minutes, and that they should be approved.

Meeting adjourned at 10:50 p.m.



Bruce S. Smith
City Clerk-Treasurer.

DARTMOUTH CITY COUNCIL
JUNE 6, 1995.

ITEMS:

- Invocation, page 1.
 - Proclamations, page 1.
 - 1.0 Approval of minutes, page 1.
 - 2.0 Business Arising from Minutes, page 2.
 - 3.0 Delegations & Hearings of Protest, page 2.
 - 4.0 Original Communications, page 2.
 - 5.0 Public Hearings, page 2.
 - i) Rezoning application, 256 Waverley Rd., pg. 2.
 - ii) Rezoning application, 355 Pleasant St., page 4.
 - 6.0 Presentation, page 6.
 - i) Pedal Power, page 6.
 - 7.0 Petitions, page 7.
 - 8.0 Reports, page 7.
 - 8.1 Chief Administrative Officer, page 7.
 - 8.1.1 Hawthorne St., Drainage Culverts, page 7.
 - 8.1.2 Minimum Standards violations, 25 Irving St., pg.8
 - 8.1.3 Demolition of 1,3 & 9 Church St., page 9.
 - 8.2 Budget over-expenditure, Police Service
First approval, page 9.
 - 9.0 Motions, page 11.
 - 10.0 Notices of Motion, page 11.
 - 11.0 Concerns of Council members, page 13.
-

**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., JUNE 13/95
7:30 PM
COUNCIL CHAMBER**

1. PUBLIC HEARING

- i) Block X CDD Proposal

2. PRESENTATIONS

- i) Community Based Policing - Greg King (oral)
ii) Russell Lake Study - Lesley Griffiths

3. SECOND APPROVAL, OVER EXPENDITURE, POLICE SERVICE

4. REPORTS

4.1 CHIEF ADMINISTRATIVE OFFICER

- 4.1.1 Dartmouth Cove Outfall Extension Project
4.1.2 Amendment to Land Use By-law - 45 Cranberry Crescent
(set date for public hearing)
4.1.3 Proposed Amendments to the MPS Land Use By-law
Markborough Properties Inc. - Kent Building Supplies Ltd.
(set date for public hearing)
4.1.4 Tender, Aluminum Ballfield Container Dugouts
4.1.5 Ward 5 Community Centre - Design/Build Award
4.1.6 Proposed Amendment to Land Use By-Law
- 10 Prince Street and 20 King Street

4.2 GRANTS COMMITTEE

- 4.2.1 1995/96 Grant Recommendations

4.3 INVESTMENT COMMITTEE

- 4.3.1 Quarterly Report

4.4 DARTMOUTH LAKES ADVISORY BOARD

- 4.4.1 Implementation of Russell Lake Watershed Management
Plan
4.4.2 Jet-skis on Dartmouth Lakes

5. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

**** REMINDER ****

**MAYOR MCCLUSKEY HAS SCHEDULED A COMMITTEE-OF-THE-WHOLE MEETING FOR
MONDAY, JUNE 26, AT 7:00 PM TO DEAL WITH THE NORTH DARTMOUTH PLANNING STUDY**

DARTMOUTH CITY COUNCIL
JUNE 13, 1995.

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

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

MEMBER ABSENT: ALD. HAWLEY (VACATION)

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

1.0

PUBLIC HEARING

i)

BLOCK X CDD PROPOSAL

BLOCK X:
CDD PROPOSAL:
PUBLIC HEARING

Council set this date for public hearing of the CDD proposal for Block X, lands located on Woodland Ave., at the interchange with Highway 111, involving an application for an amendment to the Land Use By-law, and a second public hearing, required for the proposed Development Agreement. The rezoning requested is from H Zone to CDD, to permit the development proposal from the land owners, Mount Cedar Developments Ltd.

Documentation pertaining to the application and proposal has been circulated with the agenda for this meeting, and the staff recommendation is to approve the rezoning and the development agreement. Minutes of two neighbourhood information meetings held in this connection have been provided, along with By-law C-726 (to amend the Land Use By-law), and Resolution 95-27, which approves the entering into of a development agreement. The development agreement cannot be entered into until the appeal period for the Land Use By-law amendment has expired, or the outcome of any appeal has been determined. The public hearing can take place at this time, however.

All members of Council were recorded as being present, except for Ald. Hawley.

(CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, due to the involvement of the firm with which he is employed. He withdrew from his place on Council, and did not return until Council proceeded to the next item on the agenda.

The presentation for Development Services was made by Roger Wells. He identified on a map, the location of Block X, the 10.6 acre site being proposed for development, noting its proximity to the Lancaster Ridge subdivision. A model of the total area, supplied by the developer, was also used by Mr. Wells in his presentation. He went on to outline the land use details, which include single-unit dwellings, linked dwellings, townhouses, and one apartment building, containing 48 units. He stated to Council that details of the apartment building design and site treatment will come to Council for review and approval, prior to a development permit being issued. The location of the apartment building is considered to be satisfactory, in that it is separated and buffered from abutting uses, and from most of Lancaster Ridge.

The main access routes for the development are via Lancaster Drive and Argus Drive. Additional traffic generated by the Block X development is estimated to add a 2% or less increase in traffic flows on adjacent major streets, based on a projected daily traffic volume of 780 vehicles per day, and less than 6% on Albro Lake Road. Combined with the Lancaster Ridge traffic volumes, however, the increases would be more in the range of 3% to 5%. The developer is willing to construct and deed to the City, a gravel service road that can eventually be extended to provide vehicular access to the Cyril Smith Golden Acres Park. In exchange for the provision of this service road, the developer will be credited an amount equal to the assessed value of the lot, as a single detached property, to a maximum of \$30,000. This amount will be deducted from the \$130,000. cash-in-lieu of parkland dedication the developer has agreed to pay, in accordance with the subdivision regulation requirements.

Mr. Wells said the developer has agreed to provide an impressive list of amenities within the development, such as sidewalks, underground wiring, etc., and in summary, the proposed

Block X development complies with both the general objectives and intent of the MPS, and the specific MPS criteria pertaining to CDD's.

Also covered in the presentation to Council were other related aspects such as servicing provisions and their adequacy, environmental protection measures (modified in consultation with the Lakes Advisory Board), the compatibility of land uses, within and adjacent to the development, aesthetics and building design details, the phasing of the development, and requirements associated with the apartment building development. Further to the open space allocation, Mr. Wells advised that approx. 1.2 acres of land is to be maintained and developed as parkland, and in addition, the developer will pay to the City, the cash-in-lieu parkland dedication already noted. The developer will retain ownership of and maintain the open space/parkland area, which will be available for use by the general public.

In conclusion, Mr. Wells made the Development Services recommendation that Council approve the rezoning to CDD and approve the Development Agreement for Block X, based on compliance by the developer with MPS policies applicable.

Ald. Withers had numerous questions for Mr. Wells about specific items and specific sections of the Development Agreement. These pertained to: the environmental protection plan; front and sideyard parking for the dwelling units; the gravel service road; the parkland dedication; the apartment building development; discharge of the Development Agreement; traffic projections and impact on existing conditions in the Ward 4 area; development of a second road in conjunction with development of the DND lands; the opportunity for Council to review plans for the apartment building before it can be constructed; underground wiring; phasing of the development and the projected three-year time-frame for completion of the whole development

Other members of Council with questions directed to Mr. Wells, were Ald. Schofield, Ald. Walton, Ald. Pye, Ald. Smeltzer, and Ald. Cunningham. Ald. Pye asked if Metro Transit have seen the plans for this development. Mr. Wells said a preliminary concept plan was sent to them for their comments. Ald. Pye asked to

be provided with the report received back from Metro Transit. Ald. Schofield questioned the traffic increase projections, and the increase added to the Lancaster Ridge traffic, for a total daily traffic volume of about 3500 vehicles per day. He also asked about the proposal for having the parkland retained in the ownership of the developer. Mr. Wells said the developer feels he will be better able to maintain the land than the City, given the lack of funds available for these purposes.

The Mayor had a number of questions about the traffic figures and the projections on which they are based; also, the basis for the \$130,000. cash-in-lieu parkland dedication. She questioned the designation of the apartment building for senior rentals only, and the features of the building that would differentiate it for seniors' use. Mr. Wells said there is a risk of a legal challenge in the designation of such a restriction for a building use.

At the end of a lengthy question and answer period, the Mayor opened the public hearing, calling for speakers in favour of the Land Use amendment application. Mr. Danny Chedrawe, President of Mount Cedar Developments Ltd., was heard by Council. He said his company has owned Block X since 1989, and commended the CDD zoning process for a land holding of this size. He felt that the CDD requirements have not only been met, but exceeded in the plans for the Block X development, and referred to the several amenities added, but not required, such as underground wiring, trees planted in front of individual properties, etc., all intended to enhance the overall quality of the development. He described other projects completed by his company, in Halifax, such as the Flemming Park Estates, and pointed out that like that development, the marketing concept for his Dartmouth location is aimed at senior residents. Ald. Smeltzer asked if a small chapel has been considered for inclusion in the apartment building. Mr. Chedrawe said it has not, but there are other common areas planned for the building that could serve the same purpose.

Mr. Connor, the Architect for the proposal, was heard by Council next. He presented an aerial photo of the land holding, showing to Council the treed area designated for preservation, and

other landscape features, in relation to the apartment building site and the other phases of development; also, the location of the service road and a series of walkways that will be provided. He elaborated further on the housing designs that are planned, as confirmed in the development agreement, including details of the exterior finish. His presentation dealt with servicing specifics as well - streets, storm and sanitary sewer - and with the environmental protection plan that will be in effect during and after construction.

The Mayor called three more times for speakers in favour, and hearing none, called for speakers opposed. Mr. Wm. Gay wished to state his objections to the land ownership, but the Solicitor advised that matters in the public hearing should be restricted to planning issues and whether the Land Use By-law amendment is consistent with MPS policies. Questions of land ownership and/or title are therefore not in order for purposes of the public hearing. The Mayor informed Mr. Gay accordingly, but he did not wish to speak on the rezoning itself

After the Mayor called three more times for speakers against, and there were none, the public hearing was closed, on motion of Ald. Levandier and Hetherington.

BY-LAW C-726

Council proceeded with first reading of By-law C-726, to amend the Land Use By-law.

MOTION: That leave be given to introduce the said By-law C-726 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-726 be read a second time.

Moved: Ald. Hetherington
Second: Ald. Dexter

Ald. Withers stated his concerns about the impact of additional traffic on streets with traffic problems already. He felt the proposed

development is incompatible with existing development in the surrounding area, and that there should be no high density buildings on the Block X lands. Ald. Schofield gave similar reasons for being opposed to the rezoning; he said the density per acre should be six units and not 12, as permitted in the proposal before Council.

Ald. Pye was prepared to support the rezoning to CDD, based on the fact that the proposal is in compliance with the MPS and in his opinion, the density is compatible and acceptable. He had reservations about taking cash-in-lieu of land for park purposes, and about the parkland being in the ownership of the developer, but otherwise, spoke in favour of the motion.

Ald. Levandier and Greenough did not think the developer should be penalized or expected to deal with traffic problems that are really the responsibility of the City. They did not find the development proposal incompatible and supported the developer's rezoning request.

The Deputy Mayor was asked to take the Chair so that Mayor McCluskey could speak on the motion for second reading. She said the streets in this part of the City are at the saturation point with the traffic on them now, and she did not agree that the proposal is compatible with existing development in Lancaster Ridge. Instead, the developer is trying to squeeze as much revenue from the land as possible, and the proposal reflects this approach.

Ald. Dexter and Walton shared the opinion of other members that traffic problems belong to the municipality and not to individual developers with proposals for their land. Ald. Walton said he had to be influenced in his decision by the fact that there were no speakers opposed, during the public hearing, normally an indication of objection on the part of area residents.

The vote was taken on second reading.

In Favour: All members except
Against: Ald. Withers & Schofield
Motion Carried

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

In view of the items still remaining to be dealt with by Council, on the agenda, a motion was presented to adjourn the public hearing for the Development Agreement, to Tues., June 20th, 1995, at 7:30 p.m.

MOTION: To adjourn the public hearing for the Development Agreement for Block X to the Council meeting of Tues., June 20th, 1995, at 7:30 p.m.

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

Ald. Withers left the meeting at this point.

Ald. Greenough proposed that the item dealing with jet skis on City lakes (item 4.4.2), for which people were present in the gallery, be referred back to the Lakes Advisory Board, to hold a public meeting at which presentations could be heard. Ald. Schofield noted that the Board has given considerable time and attention to this item already, and has made their recommendation to Council, but a motion of referral was adopted.

MOTION: To refer item 4.4.2 (jet skis on City lakes) back to the Lakes Advisory Board, to hold a public meeting, at which presentations can be heard.

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

Ald. Hetherington noted that when the Lake Safety Committee dealt with the wind surfers, a meeting was arranged with the various interested groups and everyone had the opportunity for input and exchange of views. He suggested that the Board might want to look at this approach in the present situation. The motion, as presented, calls for a public meeting, however.

A petition from people opposed to banning jet skis from City lakes, was filed with the Asst. City Clerk.

2.0

PRESENTATIONS

i)

COMMUNITY BASED POLICING - GREG KING

PRESENTATION:
COMMUNITY
BASED POLICING

A presentation was made to Council by Greg King and Prince Andrew High School students, who have taken part in a data collection project for Community Based Policing in East Dartmouth. The 450 pages of data compiled have been put into bound copies for presentation at this time, preceded by the introduction of participating students, who addressed Council briefly on their experience with the project. Ins. Justin Murray of the Dartmouth Police Service, and Mr. Terry Norman, Vice-President of NBD Communications Inc., were also introduced by Mr. King, in his opening remarks, and were recognized for their assistance with the data-collection process.

Students heard by Council, during the presentation, were: Natasha Meisener, Shauna MacEachern, Matthew Croft, Jennifer Johnson, Chris Cassidy, Shawn Norman. Ins. Murray and Mr. Norman spoke briefly, in conjunction with the students. The students were commended for their dedication to the project, and they, in turn, saw the project as a positive experience that they have found challenging and interesting.

Presentation of the bound copies followed; receiving copies, were Mayor McCluskey and Police Chief MacRae, for the City, and Ms. Elaine Jeffrey for HRD Canada, Mr. Norman for NBD Communications Inc. The Provincial Minister of Justice will be receiving a copy in a later presentation to him. There will be a public release of the information collected, on September 30th of this year, and in the meantime, City staff will have the opportunity to review it. Mr. King said his team will be available to brief senior staff members and explain the significance of data specifics. Ald. Smeltzer said he hoped for a Council briefing as well. Both he and Ald. Sarto commended the project and all those who participated. The Mayor also thanked Mr. King, the students, and all who assisted.

In conclusion, Mr. King noted that a letter has been given to Mayor McCluskey, bringing attention to the particular concerns drawn from the data collection process, in the Wildwood/Cranberry Cres. area, described by him as an outstanding issue raised in the interviews with residents.

3.0

SECOND APPROVAL, OVER-EXPENDITURE, POLICE SERVICE

SECOND APPROVAL:
POLICE SERVICE
OVER-EXPENDITURE

An over-expenditure, to a maximum of \$46,000., in the Police Service budget, was before Council for second approval, having received first approval at the June 6th meeting, in conjunction with the debate on the north-end prostitution problem.

MOTION: To give second approval for an over-expenditure to a maximum of \$46,000. in the Police Service budget; first approval given at the June 6th Council meeting.

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

4.0

REPORTS

4.1

CHIEF ADMINISTRATIVE OFFICER

4.1.1

DARTMOUTH COVE OUTFALL EXTENSION PROJECT

DARTMOUTH COVE
OUTFALL EXTENSION
PROJECT

Members of Council received with their agenda, copies of the CBCL Preliminary Design Report for the Dartmouth Cove Outfalls Extension, accompanied by a report from the Acting CAO, Mr. Smith (R. Fougere), with recommendations for Council's consideration.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, due to his association with CBCL. He withdrew from his place on Council and did not participate in the item.

The CBCL presentation to Council was made by Jim Axell. He first introduced other members of the team who have worked on the Dartmouth Cove study and evaluation, and who were present

with him for this item. He began the presentation by showing to Council, pictures of the existing sewage conditions at Dartmouth Cove, where 68% of all sanitary sewage in Dartmouth is being discharged. He explained the reasons for the problems at this outfall location, including the lack of water movement in and out of the cove, and continued to the options for a solution, explained to Council in technical detail. The options are to extend the outfalls in the Cove to deeper water, or secondly, to intercept the sewage flows at each outfall, and pipe them via a land route, to a new single outfall location. This land-based sewage interception option is the one being recommended by CBCL, at an estimated cost of \$4,350,000., and an operating cost of \$90,000.

Also recommended, in conjunction with the land-based option, is a screening process (screening into the main pumping station), at an estimated additional capital cost of \$530,000., and a forcemain connection between Old Ferry Road pumping station and the new Canal Street gravity sewer (to provide consolidated sewage flows from Dartmouth South outfalls), at an additional cost of \$40,000. The total estimated cost, with all these components, is \$4.92 million dollars, and an operating cost of \$211,000.

During the course of Mr. Axell's presentation, Council agreed to continue meeting after 11:00 p.m., on motion of Ald. MacFarlane and Greenough.

The staff report to Council shows the Collection and Screening option for Dartmouth Cove as Phase 1 of a four-phase program for cleaning up sewage on the Dartmouth side of the harbour. The other phases are:

- Phase 2 - Collection & Screening, Tufts Cove
- 3 - Treatment - Dartmouth Cove
- 4 - Treatment - Tufts Cove

Mr. Corrigan brought the phased program that staff are proposing, to the attention of Council, noting that the option now under consideration for Dartmouth Cove represents Phase 1 for proceeding. Ald. Levandier commended the process and the manner in which it has been expedited, also the CBCL presentation. Ald. Hetherington asked about the

possible inclusion of the Cuisack Street outfall. Mr. Axell said that since it was not included in the study, he does not figures for including it at this time. Ald. Hetherington said he would like to see figures prepared.

MOTION: To adopt the recommendations from Mr. Smith's report of June 6/95:

That Council approve in principle the land-based sewer interception option presented by CBCL Ltd., along with screening and the provision of additional capacity for consolidated sewage flows from Dartmouth South outfalls, subject to:

- (1) approval of the concept by regulatory agencies.
- (2) cost-sharing by other levels of government, in the percentages set out in the HHCI Agreement.

Moved: Ald. Levandier
Second: Ald. Hetherington

There was an opportunity for questions from members of Council, responded to by Mr. Axell, and Mr. MacKnight of Land & Sea Environmental Consultants Ltd. An amendment proposed by Ald. Dexter, during debate on the motion, did not receive a seconder. Members speaking on the motion were in support of it, wanting to see Phase 1 in the cleanup process, go ahead as quickly as possible. They hoped the process would not be slowed by regulatory delays, or by delays in response from the other levels of government.

In Favour: All
Against: None
Motion Carried

4.1.2 AMENDMENT TO LAND USE BY-LAW: 45 CRANBERRY CRES.

AMENDMENT:
45 CRANBERRY CRES.
SET DATE FOR
PUBLIC HEARING

Report from Mr. Smith, Acting CAO (V. Spencer, Stephen Smith) on the proposed amendment to the Land Use By-law, for 45 Cranberry Crescent, recommending that Tues., July 4/95 be set by Council as the date for public hearing of this amendment application.

MOTION: That Council set Tuesday, July 4, 1995 as the date for public hearing of a Land Use By-law amendment application, for 45 Cranberry Crescent.

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

4.1.3

AMENDMENTS, MPS & LAND USE BY-LAW: KENT BUILDING SUPPLIES LTD.

AMENDMENTS:
KENT BUILDING
SUPPLIES LTD.

Report from Mr. Smith, Acting CAO, on amendments to the MPS and Land Use By-law, requested by Markborough Properties Inc. and Kent Building Supplies Ltd., recommending that Council set Tues., July 11/95 as the date for public hearing of these requests.

MOTION: That Council set Tues., July 11/95 as the date for public hearing of requests for MPS and Land Use By-law amendments, received from Markborough Properties Inc. and Kent Building Supplies Ltd.

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

4.1.4

TENDER, ALUMINUM BALLFIELD CONTAINER DUGOUTS

AWARD TENDER:
BALLFIELD DUGOUTS

Report from Mr. Smith, Acting CAO, on tenders received for the supply and installation of aluminum container dugouts for two ballfields, recommending that the tender be awarded to the low bidder, Winlie Containers Ltd., for a total tender price of \$39,697., GST included.

MOTION: To award the tender for the supply & installation of aluminum ballfield container dugouts, to the low bidder, Winlie Containers Ltd., for a total tender price of \$39,697., as recommended.

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

In view of the late hour, for dealing with agenda item 4.1.5 (Ward 5 Community Centre, Design/Build Award), it was deferred to the June 20th meeting.

MOTION: To defer Item 4.1.5 to the Council meeting of June 20/95.

Moved: Ald. Greenough
Second: Ald. Hetherington
In Favour: All members except
Against: Ald. Pye
Motion Carried

4.1.6

AMENDMENT, LAND USE BY-LAW: 10 PRINCE STREET &
20 KING STREET

AMENDMENT:
LAND USE BY-LAW
10 PRINCE ST. &
20 KING STREET

Report from Mr. Smith, Acting CAO, on a proposed Land Use By-law amendment for properties at 10 Prince Street and 20 King Street, recommending that Tues., July 4/95 be set by Council as the date for public hearing of this application.

MOTION: That Council set Tues., July 4/95, as the date for public hearing of a Land Use By-law amendment application for 10 Prince Street & 20 King Street.

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

One other item deferred by Council to the June 20th meeting, was item 4.2.1 (1995/96 Grant Recommendations).

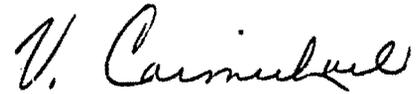
MOTION: To defer agenda item 4.2.1 to the Council meeting of June 20/95.

DARTMOUTH CITY COUNCIL
JUNE 13, 1995.

PAGE 14.

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

Meeting adjourned at 12:00 a.m.



V. Carmichael,
Asst. City Clerk.

**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., JUNE 20/95
7:30 PM
COUNCIL CHAMBER
IN CAMERA SESSION
10:00 PM**

PROCLAMATION - Kidsport Day

1. **THIRD READING BY-LAW C-726 - Land Use By-law Amendment**
2. **PUBLIC HEARINGS**
 - i) Block X CDD Proposal (continued from June 13)
Development Agreement for Lands - Res. 95-27
 - ii) Street Closure - Brule Street and Victoria Road

**CONTINUATION OF COUNCIL AGENDA OF JUNE 13/95
(REPORTS PREVIOUSLY CIRCULATED)**

3. i) **PRESENTATION** - Russell Lake Study - Lesley Griffiths
- ii) Implementation of Russell Lake Watershed Management Plan
(report from the Dartmouth Lakes Advisory Board)
- iii) Terms of Reference - Dartmouth Lakes Advisory Board
(report from City Solicitor attached)
4. **REPORTS**
 - 4.1 **CHIEF ADMINISTRATIVE OFFICER**
 - 4.1.1 Ward 5 Community Centre - Design/Build Award
 - 4.2 **GRANTS COMMITTEE**
 - 4.2.1 1995/96 Grant Recommendations

**** REMINDER ****

**MAYOR MCCLUSKEY HAS SCHEDULED A COMMITTEE-OF-THE-WHOLE MEETING FOR
MONDAY, JUNE 26, AT 7:00 PM TO DEAL WITH THE NORTH DARTMOUTH PLANNING STUDY**

4.3 **INVESTMENT COMMITTEE**

4.3.1 Quarterly Report

COUNCIL AGENDA OF JUNE 20, 1995

5. **REPORTS**

5.1 **CHIEF ADMINISTRATIVE OFFICER**

- 5.1.1 Proposed Changes to Rules & Regulations for Water Supply and Services
- 5.1.2 Tender, Contract 95-05, Ball Park Floodlighting
- 5.1.3 Tender, Contract 95-06, Watermain Replacement
- Dundas Street, Hawthorne Street and McCurdy Avenue
- 5.1.4 Summer Recess - Council
- 5.1.5 Residential Parking Permit By-law
- 5.1.6 Appointment - Public Transportation Advisory Committee

IN CAMERA SESSION - 10:00 PM

- 1. Land Matter (oral)
- 2. Personnel Matter.

DARTMOUTH CITY COUNCIL
JUNE 20, 1995.

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

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

MEMBER ABSENT: ALD. WITHERS (ILLNESS)

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

PROCLAMATION

Mayor McCluskey opened the meeting, and read a Proclamation for KidSport Day in the City of Dartmouth, on June 22nd, 1995.

1.0

THIRD READING: BY-LAW C-726

THIRD READING:
BY-LAW C-726

By-law C-726 was before Council for third reading, in connection with the rezoning of Block X to CDD from H Zone, for which the public hearing was held at the June 13th Council meeting; the By-law received first and second reading at that time.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, since Mr. Connor, the Architect for the Block X project, is associated with the firm with which Ald. Woods is also employed. He withdrew from his place on Council to sit in the gallery.

Council proceeded with third reading of By-law C-726. (Ald. Hawley did not vote on third reading, having been absent from the June 13th meeting, the date of the public hearing.)

MOTION: That By-law C-726 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

2.0 PUBLIC HEARINGS

i) BLOCK X CDD PROPOSAL (CONTINUED FROM JUNE 13)
DEVELOPMENT AGREEMENT

BLOCK X CDD:
PUBLIC HEARING
DEVELOPMENT
AGREEMENT

At the June 13th Council meeting, the public hearing for the Development Agreement for Block X was adjourned to this date.

All members of Council were recorded as being present for the public hearing, except for Ald. Withers. Ald. Woods had previously declared a conflict of interest, and remained absent from his place on Council.

Members of Council, including Ald. Hawley, did not wish to have a presentation from Development Services, since one has already been given for the rezoning request. The Mayor therefore opened the public hearing, and called for speakers in favour.

Mr. Chedrawe, the developer, addressed Council briefly, clarifying a point about the cash-in-lieu of parkland dedication, and noting that the City will have the benefit of both the dedication and a parkland reserve of 1.2 acres, to be maintained by the developer; the ownership of this parkland will also be retained by the developer. Ald. Sarto asked about a playground, and Mr. Chedrawe said a determination will be made about this once the development is in place.

Ald. Pye said he had some concerns about the ownership of the parkland, and Mr. Chedrawe pointed out that it is in the center of the Block X development and without any access for other than pedestrian traffic; it could not be developed for residential use. Ald. Schofield also preferred to see the parkland deeded to the City. Mr. Wells said the developer would have to agree to that change, and Mr. Chedrawe felt there could be conflicting areas of liability under those circumstances (ie. where he would be maintaining the parkland, but it would be in City ownership). The Solicitor felt that any such conflict could be overcome with proper wording in the agreement. Ald. Hawley asked if this has been done before, and if so, the process previously followed could be applied here. Ald. Pye asked if there is a national standard for open space and parkland

retention and maintenance; if so, are we complying.

Mr. Peter Connor, Architect for the project, indicated to Council that both he and Mr. Gardner (the traffic consultant) were available and willing to respond to any questions from members of Council. No questions were directed to Mr. Connor or Mr. Gardner.

The Mayor called three more times for any speakers in favour of the Development Agreement, and hearing none, she called three times for speakers opposed. There were no speakers opposed, and the public hearing was declared to be closed, on motion of Ald. Hetherington and Hawley.

Approval of Resolution 95-27, authorizing the Development Agreement for Block X, will take place at a later time.

ii)

STREET CLOSURE - BRULE STREET & VICTORIA ROAD

STREET CLOSURE:
BRULE STREET &
VICTORIA ROAD

This date was set by Council for public hearing for the closure of the section of Brule Street west of the John Martin School and the Victoria Road connector, from Brule Street to Primrose Street. This street closure will enhance safety at the Primrose-Victoria intersection, and remove traffic from the Brule Street crosswalk, at the end of the pedway.

The staff report recommends in favour of the street closure and the adoption of Resolution 95-30 in this connection.

All members of Council were recorded as being present, except for Ald. Withers. Ald. Woods had returned to his place on Council for this item.

The staff presentation to Council was made by Mr. Purdy. He used an overhead map to show the location of the section of street concerned, explaining why the closure is being recommended. He also informed Council of the proposal from Parks & Recreation Dept. to create a skateboarding facility at this location, now that vehicular traffic will no longer have access. Ald. Hawley had concerns about the safety of skateboarders, without adequate fencing.

The Mayor opened the public hearing, calling three times for speakers in favour, and three times for speakers opposed. There were no speakers either for or against, and the public hearing was closed, on motion of Ald. Hetherington and Pye.

MOTION: To adopt Resolution 95-30,
as recommended.

Moved: Ald. Sarto
Second: Ald. Hetherington

Ald. Pye made similar points to those raised by Ald. Hawley about the need for a fence if a skateboarding facility is to be allowed. He said this safety precaution is essential.

In Favour: All
Against: None
Motion Carried

3.0 i) PRESENTATION - ANN MUECKE - RUSSELL LAKE STUDY

**PRESENTATION:
RUSSELL LAKE
STUDY**

Members of Council have all received copies of a Watershed Management Plan for Russell Lake, prepared for the Lakes Advisory Board and Parks & Recreation Dept., by Griffiths Muecke Associates, in conjunction with Gordon Ratcliffe and William Hart.

Presentation of the study results and management plan was made to Council at this time by Ann Muecke. She showed a series of slides of Russell Lake and the lands surrounding it, noting that by now, 25% of the watershed lands have already been developed, and development pressures will continue in the future. She showed to Council the wetland that provides a buffer for the lake, but even so, the state of the water quality is precarious and needs to be protected in order to prevent further degradation of the lake.

Ms. Muecke explained the impact of the future development scenario for lands that drain to the lake, including a four-fold population increase, a large increase in the number of domestic animals, a large increase in the number of vehicles, an increase in fertilizers and nutrients, an increased proportion of impermeable surfaces, and significant ground disturbance associated with development and construction.

The management plan being proposed is intended to anticipate the problems outlined in this presentation and prevent further deterioration in a lake that is already at risk. The policies recommended relate to planning, design, management, habitat protection, stewardship, and monitoring. Each of these was broken down by Ms. Muecke into specific individual recommendations, involving areas of responsibility for City departments, the Lakes Advisory Board, and the residents who now live around the lake, plus future residents. In this latter connection, she emphasized the importance of the stewardship program and resident involvement in it, if lake protection is to be successful in any meaningful way.

Members of Council were able to direct questions to Ms. Muecke and have them answered. The general response of Council to the management plan was positive. The need for this lake to be protected was recognized, and members agreed with the points made in the presentation about the future of the lake if a plan of action is not put in place for it now. Ald. Hetherington felt that power boats should be restricted from using the lake, and that the Lakes Advisory Board should consider a recommendation to this effect. The Board was commended by Ald. MacFarlane for the initiative they have taken with this report and management plan.

Recommendations from the Lakes Advisory Board were before Council, pertaining to the implementation of the plan, and these were included in the motion presented, at the conclusion of discussion with Ms. Muecke.

MOTION: To approve the recommendations in principle, for referral to staff for study of the cost implications and implementation details.

Moved: Ald. MacFarlane
Second: Ald. Pye

Further to the prohibiting of power boats from Russell Lake, Ald. Sarto asked that the Solicitor look at the possible imposition of similar restrictions on other City lakes also.

Ald. Hawley suggested the need for a regulation of the kinds of fertilizers that people are permitted to use, and the need for an enforcement employee who would be responsible for enforcing by-laws applicable to the lake protection recommendations.

In Favour: All
Against: None
Motion Carried

The Mayor informed Council that item 3.iii) (Terms of Reference, Lakes Advisory Board) is deferred for wording changes by the Solicitor, and will come back after the changes have been made.

4.0 REPORTS

4.1 CHIEF ADMINISTRATIVE OFFICER

4.1.1 WARD 5 COMMUNITY CENTRE - DESIGN/BUILD AWARD

WARD 5 COMMUNITY
CENTRE - DESIGN/
BUILD AWARD

Council deferred from the June 13th meeting, a report on the design/build award for the Ward 5 Community Centre, recommending that SBL Developments be retained to design and build the Centre, according to the terms of reference and addenda for this project, and subject to entering an acceptable contract with the City.

MOTION: To approve the recommendation:
That SBL Developments be retained to design and build the Ward 5 Community Centre, according to the terms of reference and addenda for this project, and subject to entering an acceptable contract with the City.

Moved: Ald. Pye
Second: Ald. Hetherington

Ald. MacFarlane, Woods and Dexter indicated that they were not satisfied with the recommendation and had reservations about the proposal being recommended. Although Council had received a briefing on this matter, just prior to the meeting, these members would have preferred a more detailed review and discussion, with an opportunity to ask whatever questions they might want to raise.

Ald. Greenough suggested a one-week deferral so the ward Aldermen can meet with staff.

MOTION: To defer a decision on this item for one week, to provide an opportunity for the ward Aldermen to meet with staff and reach a mutually-acceptable recommendation.

Moved: Ald. Greenough
Second: Ald. Walton

Ald. Woods wanted to see all of Council involved in the decision-making process, and not just the two ward Aldermen. Ald. Hawley's opinion was that all of Council has to meet and review both proposals in depth. He proposed this as an amendment to the motion to defer.

AMENDMENT: That all members of Council meet to review both proposals for the Community Centre in depth (and that deferral be for this purpose instead).

Moved: Ald. Hawley
Second: Ald. Smeltzer
In Favour: All members except
Against: Ald. Pye
Amendment Carried

The vote was taken on the motion, as amended.

In Favour: All members except
Against: Ald. Cunningham, Dexter
Levandier, Pye,
MacFarlane
Motion Carried, as amended

A date and time for this review meeting is still to be determined.

4.2 GRANTS COMMITTEE

4.2.1 1995/96 GRANT RECOMMENDATIONS

1995/96 GRANT
RECOMMENDATIONS

A report, with recommendations from the Grants Committee for 1995/96, was also deferred from the June 13th Council meeting, and was before the members for consideration. The Committee has recommended that Council approve the grant allocations, as indicated in Lists "A", "B" and "C" (accompanying the report), totalling \$671,300.00.

MOTION: To adopt the recommendation
of the Grants Committee:
That Council approve the grant
allocations for 1995/96, as
indicated in Lists "A", "B",
and "C", totalling \$671,300.00.

Moved: Ald. Hawley
Second: Ald. Levandier

Ald. Hetherington requested that the grant for Dartmouth Non-Profit Housing be increased from the recommended amount of \$3,500., to \$25,000., as per the request to the City from the Society. He said the Society is now faced with a \$50,000. over-draft, and this is the first time they have come to the City seeking financial assistance in deficit circumstances. He proposed an amendment to increase the grant, and this subsequently became first approval for an over-expenditure of \$21,500., which, combined with the recommended \$3,500. makes up the full \$25,000. figure.

FIRST APPROVAL:
OVER-EXPENDITURE

AMENDMENT: To increase the grant to
Dartmouth Non-Profit Housing
to \$25,000., by giving first
approval to an over-expenditure
in the amount of \$21,500., in
addition to the \$3,500. being
recommended by the Grants
Committee.

Moved: Ald. Hetherington
Second: Ald. Pye

There was considerable debate on the amendment and the question of whether the City should become involved in funding what was considered to be a CMHC responsibility. Ald. Hetherington pointed out that CMHC has been approached and are unwilling to provide funding. When Dartmouth Non-Profit Housing had a surplus, however, it had to be turned over to CMHC, and the Society was not allowed to retain it for situations like the one they are now facing.

The other concern of members was that they did not want to reduce the grants of other organizations, in order to make up the \$25,000. grant for Dartmouth Non-Profit Housing, and were only willing to consider it at all, as an over-expenditure not affecting the other recommendations. Basically, Council was reluctant to

MOTION: To accept the quarterly report from the Investment Committee, to March 31/95, as recommended.

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

5.0 REPORTS

5.1 CHIEF ADMINISTRATIVE OFFICER

5.1.1 PROPOSED CHANGES, RULES & REGULATIONS - WATER SUPPLY & SERVICES

The report on proposed changes to Rules & Regulations for Water Supply and Services, was deferred to next week's Council meeting.

MOTION: To defer the report on Proposed changes to Rules & Regulations for Water Supply & Services, to the June 27th Council meeting.

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

5.1.2 TENDER, CONTRACT 95-05, BALL PARK FLOODLIGHTING

AWARD TENDER;
CONTRACT 95-05

Report from Mr. Corrigan (W. Stevens, H. Hatcher) on tenders received for Contract 95-05, floodlighting for the Carl Morash Field and the John MacNeil Field, recommending that the tender be awarded to the lowest bidder, Black & MacDonald Ltd., with a bid price of \$179,840.25; completion time: 35 workdays.

MOTION: To award the tender for Contract 95-05 (floodlighting, ball parks) to the lowest bidder, Black and MacDonald Ltd., with a bid price of \$179,840.25, as recommended.

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

come up with funding that other government levels should be providing, but realized that the people who will be hurt in the end, are the tenants of Non-Profit houses. Ald. Woods said that if the additional funds are not provided, it will be necessary for the Society to proceed immediately with the sale of one of the houses, to come up with the money for the over-draft.

In Favour: All
Against: None
Amendment Carried

A second amendment was then proposed by Ald. Dexter, to increase the Eastern Front Theatre grant, from \$500. to \$1,000., and to reduce the grant to Symphony Nova Scotia by the \$500. amount being reallocated.

AMENDMENT: To increase the Eastern Front Theatre grant by \$500., and to decrease the Symphony Nova Scotia grant by the \$500. amount that would be reallocated.

Moved: Ald. Dexter
Second: Ald. Levandier
In Favour: Minority of Council
Against: Majority of Council
Amendment Defeated

Ald. Schofield said he was disappointed about two grants he felt should have been included, the first being a grant to Dartmouth General Hospital, and the second, to Neptune Theatre. He did not present an amendment, however, for either of these.

The vote was taken on the motion, as amended.

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

INVESTMENT COMMITTEE

4.3

QUARTERLY REPORT

4.3.1

INVESTMENT COMM.:
QUARTERLY REPORT

A quarterly report to March 31/95, recommended by the Investment Committee, has been submitted to Council, along with a list of investments held by the Cash-In-Action Fund.

5.1.3 TENDER, CONTRACT 95-06, WATERMAIN REPLACEMENT
DUNDAS ST., HAWTHORNE ST., MCCURDY AVE.

AWARD TENDER:
CONTRACT 95-06

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 95-06 (watermain replacement: Dundas St., Hawthorne St., McCurdy Ave.), recommending that the tender be awarded to the lowest bidder, Harbour Construction Co. Ltd., with a bid price of \$352,222.60; completion time: 60 workdays.

MOTION: To award the tender for Contract 95-06 (watermain replacement) to the lowest bidder, Harbour Construction Co. Ltd., with a bid price of \$352,222.60, as recommended.

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

5.1.4 SUMMER RECESS - COUNCIL

SUMMER RECESS:
COUNCIL

Report from Mr. Corrigan (D. McBain, V. Carmichael) on a summer recess for Council, recommending that it be for the last two weeks in July, and the first three weeks in August, except for public hearings or other business where Council's direction is essential.

MOTION: To approve the recommendation: That the summer recess for Council be taken during the last two weeks in July, and the first three weeks in August, except for public hearings or other business where Council's direction is essential.

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

5.1.5 RESIDENTIAL PARKING PERMIT BY-LAW

BY-LAW R-205:
RESIDENTIAL PARKING
PERMIT BY-LAW

Mr. Corrigan has recommended approval of amendments to the Residential Parking Permit By-law, shown as Schedules "A", attached to proposed By-law R-205. Council proceeded with

three readings of By-law R-205.

MOTION: That leave be given to introduce the said By-law R-205, and that it now be read a first time.

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

MOTION: That By-law R-205 be read a second time.

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

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

MOTION: That By-law R-205 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. Greenough
In Favour: All
Against: None
Motion Carried

5.1.6

APPOINTMENT - PUBLIC TRANSPORTATION ADVISORY COMMITTEE

APPOINTMENT:
P.T.A.C.

Report from Mr. Corrigan (D. McBain, V. Carmichael) recommending that Council approve the appointment of a citizen-at-large to fill the vacancy on the Public Transportation Advisory Committee, created by the resignation of Joseph McDonald.

Two citizens who previously applied to be Committee members are still interested, and their names were before Council for consideration in making this replacement appointment.

MOTION: To appoint Ms. Dianne Roy as a citizen-at-large member of the Public Transportation Advisory Committee, replacing Joseph McDonald, who has resigned.

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

Council went in camera at 10:35 p.m., on motion of Ald. MacFarlane and Hetherington. 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 matter, personnel matter).

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

Meeting adjourned at 11:10 p.m.

V. Carmichael
V. Carmichael
Asst. City Clerk

DARTMOUTH CITY COUNCIL
JUNE 20, 1995.

ITEMS:

- 1.0 Proclamation, page 1.
 - 1.0 Third reading, By-law C-726, page 1.
 - 2.0 Public Hearings, page 2.
 - i) Block X CDD proposal, Development Agreement,
 page 2.
 - ii) Street closure, Brule St. & Victoria Rd., pg.3.
 - 3.0 i) Presentation, Russell Lake Study, page 4.
 - 4.0 Reports, page 6.
 - 4.1 Chief Administrative Officer, page 6.
 - 4.1.1 Ward 5 Community Centre, Design/Build, pg.6.
 - 4.2 Grants Committee, page 7.
 - 4.2.1 1995/96 Grant recommendations, page 7.
 - 4.3 Investment Committee, page 9.
 - 4.3.1 Quarterly report, page 9.
 - 5.0 Reports, page 10.
 - 5.1 Chief Administrative Officer, page 10.
 - 5.1.1 Proposed changes, water supply & services,
 page 10.
 - 5.1.2 Tender, Contract 95-05, ball park floodlighting,
 page 10.
 - 5.1.3 Tender, Contract 95-06, watermain replacement,
 page 11.
 - 5.1.4 Summer recess, Council, page 11.
 - 5.1.5 By-law R-205, Residential Parking Permit, pg.11.
 - 5.1.6 Appointment, P.T.A.C., page 12.
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DARTMOUTH CITY COUNCIL AGENDA

TUES., JUNE 27/95
7:30 P.M.
COUNCIL CHAMBER
IN CAMERA SESSION
10 :00 P.M.

1. **SECOND APPROVAL, OVER EXPENDITURE, GRANTS COMMITTEE - \$21,500**
2. **PRESENTATION - AUDIT COMMITTEE**
 - i) 1994/95 Financial Statements
3. **HEARING**
 - i) Minimum Standards Violations - 25 Irving Street

CONTINUATION OF COUNCIL AGENDA OF JUNE 20/95 (REPORTS PREVIOUSLY CIRCULATED)

4. **REPORTS**
 - 4.1 **CHIEF ADMINISTRATIVE OFFICER**
 - 4.1.1 Proposed Changes to Rules & Regulations for Water Supply and Services

COUNCIL AGENDA OF JUNE 27/95

5. **REPORTS**
 - 5.1 **CHIEF ADMINISTRATIVE OFFICER**
 - 5.1.1 In Camera Policy
 - 5.1.2 Water - Proposed Customer & Billing System
 - 5.1.3 Signalized Intersection at Wright Avenue & Ilsley Avenue

IN CAMERA SESSION - 10:00 P.M.

1. Land Matter (oral) - Notice of Reconsideration
2. Land Matter
3. Land Matter

DARTMOUTH CITY COUNCIL
JUNE 27, 1995.

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

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

MEMBERS ABSENT: ALD. WOODS, DEXTER
HETHERINGTON (FAMILY
COMMITMENT)

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
A/CITY CLERK-TREASURER: D. MCBAIN

1.0

SECOND APPROVAL, OVER-EXPENDITURE, GRANTS COMM.

SECOND APPROVAL:
OVER-EXPENDITURE
GRANTS COMMITTEE

At the June 20th meeting, Council gave first approval to a \$21,500. over-expenditure in the Grants Committee allocations, for Non-Profit Housing, and this item was included in the agenda for second approval at this time.

MOTION: To give second approval for an over-expenditure in the Grants Committee allocations, in the amount of \$21,500. for Non-Profit Housing.

Moved: Ald. Pye
Second: Ald. Sarto
In Favour: All members except
Against: Ald. Walton, Cunningham
Hawley, Levandier
Motion Carried

2.0

PRESENTATION - AUDIT COMMITTEE

i)

1994/95 FINANCIAL STATEMENTS

1994/95 FINANCIAL
STATEMENTS

Members received with the agenda for this meeting, copies of the City of Dartmouth Financial Statements for 1994/95, as prepared by Doane Raymond. Mr. John Mallowney and Mr. Sean Burke were present for Doane Raymond; Mr. Mallowney made their presentation to Council.

Ald. Greenough reported to Council for the Audit Committee, advising that the Committee has reviewed the Statements with the Auditors, and is recommending approval of them. He noted

the surplus position of the City (\$252,000.), and the fact that the City's debt has been decreased by four million dollars.

MOTION: To approve the 1994/95
Financial Statements,
as presented.

Moved: Ald. Greenough
Second: Ald. Withers

The Mayor commended Mr. Corrigan and City department heads for the favourable financial position reflected in the Statements. Mr. Mullowney then proceeded with his presentation, for which members received copies of the overheads used to summarize the details. He referred to the growth in taxes figure in the General Section, and commended staff for the collection of taxes, with the results achieved. He noted the fact that debt levels have gone down substantially, and that an operating surplus has been achieved for the first time in seven years. The total City debt presently stands at \$56,035,000. Ald. Greenough later pointed out that City assets, on the other hand, are in excess of \$250 million dollars, and in addition, the residential tax rate was reduced for this year.

All in all, a positive financial picture was indicated by Mr. Mullowney. Asked about the benefits he would see from amalgamation, Mr. Mullowney said he did not think there would be any financial gains, but there could be some in planning policies and other areas.

Ald. Greenough thanked the Doane Raymond staff for their presentation to the Audit Committee, and for keeping the Committee informed on a regular basis, as the audit proceeded.

In Favour: All
Against: None
Motion Carried

3.0

HEARING

i)

MINIMUM STANDARDS VIOLATIONS - 25 IRVING ST.

HEARING:
25 IRVING ST.

Council set this date for hearing of a report from the Building Inspector and to determine if Council should authorize certain Minimum Standards of Use & Maintenance of Property By-law violations to be remedied by the City,

at the expense of the assessed owner and charged as a lien against the property at 25 Irving Street.

Members of Council received with the agenda, a report from Mr. Corrigan (V. Spencer, E. Atkinson) with information on the subject property, owned by Magic Developments Ltd; the Registered Agent is Ms. Najat Chediac. The Minimum Standards violations are as listed in the Order to the building's owner (hand-delivered May 14, 1995), a copy of which has been attached to the report.

Also included, as part of the information package, was a chronological account of attempts that have been made to enforce the Minimum Standards By-law at 25 Irving Street .

Council heard from Mr. Atkinson, the Minimum Standards Officer, at this time. He elaborated on the conditions of minimum standard violations at 25 Irving Street, such as debris, vehicles on site, and unmaintained grounds, etc. Legal action was initiated against this property in November of 1994, and a subsequent trial date was set for August 9/95. Photos of the property, taken on May 10/95, were circulated, to show Council the actual conditions existing at that time.

There were questions from Council about the action of the City, under these circumstances, and re-payment of costs for bringing the property up to standard. The Solicitor explained that the cost of the property improvements, once they have been carried out by the City, forms a lien against the property which the owner can pay at any time; otherwise, these costs remain as a lien on the property until paid.

Ald. MacFarlane expressed his frustration that these cases take so long to process and to have resolved. Ms. Hood explained the lengthy legalities involved, and why this particular means of resolution is sometimes resorted to, with Minimum Standards violations; eventually, the money is recovered by the City even though it may have to be spent up front initially.

Ald. Walton asked Mr. Atkinson how many times he has tried to contact the owner. Mr. Atkinson said that numerous attempts were made

and four or five letters to the owner were returned. Ald. Pye asked if the property taxes were paid up-to-date, and Ms. Chediac later advised that they are.

When there were no further questions from members of Council, the Mayor opened the hearing to Ms. Chediac, in order to hear her side of the issue.

Ms. Chediac, the Registered Agent for Magic Developments Ltd., addressed Council. She stated that she has spoken with Mr. Atkinson three times, and has received one letter. (This was when she also advised that taxes on the property were paid.)

She gave an account of the house being destroyed by fire, and her subsequent efforts to board the house up, but in spite of those efforts, she said the neighbors took everything of any value that remained. She gave examples of things that were removed by neighbors, even to the dismantling of the barbecue, which she said was sold at a flea market. Ald. Smeltzer asked if the police were contacted; Ms. Chediac said they were not able to do anything about it, since they could never catch anyone in the act. Ald. Walton asked why Ms. Chediac did not contact either of the Ward Aldermen; Ms. Chediac said that if the police could not do anything, she did not think the Aldermen would be able to either.

Ald. Levandier asked about the insurance on the property; Ms. Chediac said she did not receive any of it. She indicated to Council that she is planning to fix the house up again, and to move her family back into it. She hopes to do this by the fall.

Mr. Atkinson was asked if he had noticed any acts of vandalism, such as those referred to by Ms. Chediac. He said that on a couple of occasions, he had noticed that windows were broken. Ald. Withers asked Ms. Chediac about vandalism when she lived in the house prior to the fire; she said there was nothing major, and it only occurred two or three times. Ald. Withers asked if she would be agreeable to some undertaking with the City, to have the necessary repairs carried out; Ms. Chediac said "yes".

A question was put to Mr. Atkinson about the cost of making the house livable. He said it would cost approx. \$40,000 to \$50,000 to make it livable. Ms. Chediak said she hopes to re-finance it again. Asked by Ald. Walton about the length of time required to make the place habitable, Mr. Atkinson estimated that it would be a month to six weeks.

Ald. Cunningham's questions to Ms. Chediak pertained to the company, Magic Developments Ltd., and other properties in company ownership. Ms. Chediak stated that there are five or six. Ald Cunningham asked why nothing has been done for a year-and-a-half, to make the necessary improvements. Ms. Chediak said she was waiting for the insurance, and her husband died after the fire, creating family problems for her that she has been trying to deal with.

There were numerous other questions from members to Ms. Chediak and to Mr. Atkinson about the reinstatement of the house and property at 25 Irving Street, whether in fact it is possible at all, how long it would take, what commitment Ms. Chediak is prepared to make, and so on. Ald. Smeltzer suggested having a group of City staff discuss with her, how a proper resolution can be brought about. Ald. Sarto asked Ms. Chediak directly if she is able to have the work done or not. She said she is.

When there were no more questions of either Ms. Chediak or Mr. Atkinson, and Ms. Chediak had completed her presentation to Council, the hearing was declared to be closed, on motion of Ald. Levandier and Withers.

A motion and amendment were then adopted, as follows:

MOTION: That the work be carried out by the City (to remedy Minimum Standards By-law violations), unless the work is underway (by the owner) within one month from now.

Moved: Ald. Levandier
Second: Ald. Pye

AMENDMENT: That the motion be amended to read '. . . unless the work has been completed' (by the owner), rather than 'underway'.

Moved: Ald. Levandier
Second: Ald. Pye
In Favour: All members except
Against: Ald. Smeltzer
Amendment Carried

The vote on the motion as amended:

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

(Ald. Withers left the meeting)

4.0

REPORTS

4.1

CHIEF ADMINISTRATIVE OFFICER

4.1.1

PROPOSED CHANGES TO RULES & REGULATIONS FOR WATER SUPPLY AND SERVICES

PROPOSED CHANGES:
REGULATIONS FOR
WATER SUPPLY &
SERVICES

Report from Mr. Corrigan (R. Fougere) on proposed Rules & Regulations for Water Supply & Services, that would become effective as of July 1, 1995, making up Schedule "C" for inclusion with the Dartmouth Water Utility's application to amend the Water Rates and Charges. It is recommended that Council approve the Proposed Rules & Regulations for Water Supply and Services, as presented.

MOTION: To adopt the recommendation for approval of the Proposed Rules & Regulations for Water Supply and Services.

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

5.0

REPORTS

5.1

CHIEF ADMINISTRATIVE OFFICER

5.1.1

IN CAMERA POLICY

IN CAMERA POLICY

Report from Mr. Corrigan (D. McBain, V. Carmichael), on the subject of an in camera policy for Council, to be followed when it is necessary to discuss sensitive issues that cannot be discussed in a regular Council meeting; the report was accompanied by a procedure schedule and recommended to Council for approval.

MOTION: To approve the In Camera Policy and Procedures, as recommended.

Moved: Ald. MacFarlane
Second: Ald. Hawley

Ald. Levandier objected to the fact that there were no elected representatives involved in the drafting of the policy. Mr. Corrigan noted that quite often, reports such as this are referred to Committee for the input of Council members, and maybe this is one such report.

Ald. Smeltzer stated his concerns about having items dealt with in a private forum, with no public access to records of those discussions. He went through all of the procedural details that have been provided to Council and was generally not in agreement with them. He felt there should be discussions by staff with members of Council, with the idea of policy revisions that will make this whole process as open as possible. Further, that drafts of the report should be circulated, to allow the public to have a say as to what they think.

Ald. MacFarlane agreed with a point made by Ald. Smeltzer about the difficulty in responding to inquiries from residents, where in camera items are involved. He felt that we should be trying to overcome this problem by identifying things that can be said in open meeting to clarify concerns that residents have. Ald. Pye was in favour of deleting item #7 from the list (any similar matter that is determined by two-thirds vote, etc.).

Ald. Levandier presented a motion to receive and file the report.

MOTION: To receive and file the report on an in camera meeting policy.

Moved: Ald. Levandier
Second: Ald. Schofield
In Favour: Ald. Levandier & Schofield
Against: All other members
Motion Defeated

Ald. Cunningham and Sarto then moved referral of the report to the Finance & Program Review Committee, for in-depth analysis and review. All members of Council would be invited to attend the meeting of the Committee.

MOTION: To refer the report to the Finance and Program Review Committee for in-depth analysis and review.

Moved: Ald. Cunningham
Second: Ald. Sarto
In Favour: All members except
Against: Ald. Hawley & Levandier
Motion Carried

Ald. Smeltzer wished to present a motion dealing with the approval of in camera minutes, from this date forward, but the necessary two-thirds majority vote of Council was not received to add the motion.

5.1.2

WATER - PROPOSED CUSTOMER & BILLING SYSTEM

WATER: PROPOSED
CUSTOMER AND
BILLING SYSTEM

Report from Mr. Corrigan (D. McBain) on a proposal for combining the Customer Service & Billing for the Dartmouth Water Utility, with that of the Halifax Water Commission, using the computer systems of HWC, as explained in detail in the report to council; the report recommends approval of this combination of service and billing process.

MOTION: To adopt the recommendation:

That the Customer Service & Billing for Dartmouth Water Utility be combined with that of the Halifax Water Commission, using the computer systems of HWC.

Moved: Ald. Greenough
Second: Ald. MacFarlane

Ald. Sarto asked for some guarantee that Dartmouth employees involved will not lose their jobs, but Mr. Corrigan pointed out that there are no guarantees about any jobs in any

City Department, with changes occurring under amalgamation.

In Favour: All
Against: None
Motion Carried

5.1.3

SIGNALIZED INTERSECTION AT WRIGHT AVE. & ILSLEY AVE.

SIGNALIZED INTER-SECTION: WRIGHT AVE. & ILSLEY AVE.

Report from Mr. Corrigan on the signalized intersection at Wright Ave. & Ilsley Ave., a capital budget item that has been reconsidered, with subsequent recommendation that this project be referred to next year's capital budget process.

MOTION: To adopt the recommendation:

That this project be referred to next year's Capital Budget process.

Moved: Ald. Cunningham
Second: Ald. Greenough

The motion was strongly opposed by Ald. Pye. He said Council should have had a list of other inter-sections, ranked, along with this one, in terms of priority. He pointed out that if this location is dropped by Council from this year's list, there is no guarantee that it will be picked up when a new Council is in place. Ald. Hawley suggested that Council should have a report on all the intersections in the Burnside Park, with information on accidents that may have occurred at each, so the Wright Ave/Ilsley Ave. intersection could be compared with others.

Mr. Corrigan said he would advise against any piecemeal decisions on capital budget items. If one is to be dealt with, it should be in the context of the whole capital budget.

In Favour: Majority of members
Against: Four members
Motion Carried

5.1.4

WHITE PAPER ON GOVERNMENT PROCUREMENT

WHITE PAPER ON GOVERNMENT PROCUREMENT

The Mayor and Mr. Corrigan informed Council of a letter received from the UNSM, in connection with a Provincial Government White Paper on Government Procurement, with significant

implications for municipalities. The proposal involves facets of purchasing being taken over by the Province, and the UNSM has indicated opposition in their response to the White Paper. Members agreed that the City should proceed with a response as well, and a motion to this effect was adopted.

MOTION: That copies of the White Paper and the UNSM response to it, received by Mr. Corrigan, be provided to all members of Council, who will forward their comments back to him by E-Mail, so that he can prepare and forward a submission.

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

Council went in camera at 10:45 p.m. on motion of Ald. Sarto 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.

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

Ald. Smeltzer thanked Council for the opportunity to attend the FCM meeting, and informed members of material he has brought back with him. Any members wanting copies are asked to get in touch with him.
Meeting adjourned. 10:55 p.m.


Donald C. McBain
A/City Clerk-Treasurer

DARTMOUTH CITY COUNCIL
JUNE 27, 1995.

ITEMS:

- 1.0 Second approval, Over-expenditure, Grants
Committee, page 1.
 - 2.0 Presentation, Audit Committee, page 1.
 - i) 1994/95 Financial Statements, page 1.
 - 3.0 Hearing, page 2.
 - i) Minimum Standards Violations, 25 Irving
St., pg.2.
 - 4.0 Reports, page 6.
 - 4.1 Chief Administrative Officer, page 6.
 - 4.1.1 Proposed changes to rules & regulations,
Water Supply & Services, pg. 6.
 - 5.0 Reports, page 6.
 - 5.1 Chief Administrative Officer, page 6.
 - 5.1.1 In camera policy, page 7.
 - 5.1.2 Water, proposed customer & billing system, pg.8.
 - 5.1.3 Signalized intersection, Wright Ave. & Ilsley
Ave., page 9.
 - 5.1.4 White paper on government procurement, pg. 9.
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See Ref Dept

**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., JULY 4/95
7:30 PM
COUNCIL CHAMBER
IN CAMERA SESSION
10:00 PM**

INVOCATION

1. **APPROVE THE MINUTES FROM THE MEETINGS:** June 6, 13, & 20, 1995.

2. **BUSINESS ARISING FROM THE MINUTES**

3. **DELEGATIONS & HEARINGS OF PROTEST - NONE**

4. **ORIGINAL COMMUNICATIONS - NONE**

5. **PUBLIC HEARINGS**

- i) Amendment to Land Use By-law - 45 Cranberry Crescent
- ii) Amendment to Land Use By-law - 10 Prince St & 20 King St

6. **PRESENTATIONS - NONE**

7. **PETITION**

- i) Safety concern - Speed of traffic on Topsail Boulevard and Digby Crescent (Note - Ald. Sarto's motion on the same subject Item 9.1)

8. **REPORTS**

8.1 **CHIEF ADMINISTRATIVE OFFICER**

- 8.1.1 Land Use By-Law Amendments - DND Property (set date for public information meeting and public hearing)
- 8.1.2 Land Use By-Law Amendments - 99 & 111 Lancaster Dr. (set date for public information meeting & public hearing)
- 8.1.3 MPS and Land Use By-law Amendment - Lancaster Ridge Subdivision (set date for public information meeting and public hearing)

8.2 **COMMITTEE-OF-THE-WHOLE**

- 8.2.1 North End Community Centre - Tender Award
- 8.2.2 North Dartmouth Study

9. MOTIONS**9.1 ALD. SARTO**

WHEREAS a petition has been received and signed by approx. 45 residents of Topsail Blvd., Digby Crescent, and surrounding streets, expressing a safety concern relating to the speed of traffic on Topsail Blvd.;

AND WHEREAS the speed of vehicular traffic on Topsail Blvd. places a significant danger to pedestrian safety, especially the children attending Mount Edward Elementary School;

BE IT RESOLVED that a three-way Stop sign be installed at the intersection of Topsail Blvd. and Digby Crescent. (item 7.0 Petition is relevant to this motion)

9.2 ALD. WITHERS

WHEREAS Albro Lake Road, east of Ernest Ave. to Lancaster Drive, constitutes part of the development area referred to as Lancaster Ridge;

THEREFORE BE IT RESOLVED that such section of Albro Lake Road be henceforth known as Sea King Drive.

9.3 ALD. WOODS

i) WHEREAS many Council members who were chosen in the 1994 civic election, assumed Aldermanic office with a resolve to find an affordable solution (either temporary or permanent) to Dartmouth's drinking water problems;

AND WHEREAS Council and staff, until recently, have devoted all their energies toward a Public/Private Partnership initiative, with a view to acquire a water treatment plant through non-traditional means;

AND WHEREAS a contaminated Dartmouth water supply continues to be a possibility during the 1995 summer months;

THEREFORE, BE IT RESOLVED that staff of the Dartmouth Water Utility provide Council with a plan which, when implemented, may be instrumental in a 1995 Boil Order;

BE IT FURTHER RESOLVED, in the event a Boil Order is unavoidable, that Council agree to adopt a plan which will ensure that boiling is avoided in 1996.

- ii) WHEREAS Albro Lake is used by hundreds of people who enjoy fishing;

AND WHEREAS fly fishing is a popular form of fishing;

AND WHEREAS some passers-by have been accidentally caught by fly hooks;

THEREFORE, BE IT RESOLVED that the Parks & Recreation Dept. (the "Department") review the practice of mixing the various forms of angling in close proximity to passive recreationalists. In its review, the Department will consider establishing criteria and/or zones dedicated to fly fishing;

AND BE IT FURTHER RESOLVED that the Parks & Recreation Dept. consult with the local sports fishing associations in setting policies for safe recreational fishing at Albro Lake and at the other Dartmouth fishing lakes.

10. NOTICES OF MOTION

11. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

IN CAMERA SESSION 10:00 P.M.

1. Land Matter

DARTMOUTH CITY COUNCIL
JULY 4, 1995.

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

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

MEMBER ABSENT: ALD. WITHERS

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

INVOCATION

Mayor McCluskey opened the Council meeting with the Invocation.

1.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on June 6, 13, and 20/95, as circulated.

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

2.0 BUSINESS ARISING FROM THE MINUTES

3.0 DELEGATIONS & HEARINGS OF PROTEST - NONE

4.0 ORIGINAL COMMUNICATIONS - NONE

5.0 PUBLIC HEARINGS

i) AMENDMENT TO LAND USE BY-LAW - 45 CRANBERRY CRESCENT

PUBLIC HEARING:
45 CRANBERRY CRES.

Council set this date for public hearing of an application from the Dept. of Housing & Consumer Affairs, to rezone lands at 45 Cranberry Crescent, from S Zone to R-1 Zone and P Zone. The proposal for this land, formerly designated for a school, is to develop it with twenty single detached houses and two walkways, connecting the existing residential development in the same area, with existing City parkland.

All members of Council were recorded as being present, except for Ald. Withers.

Members of Council had received with the agenda for this meeting, copies of all related documentation, including: the staff report, a report on the neighbourhood information meeting, and a supplemental report on traffic and environmental protection. The staff report has recommended in favour of the rezoning application.

The presentation to Council, for Development Services, was made by Stephen Smith. He showed Council the location of the site, on a map prepared for the purpose, indicating adjacent zoning on lands around it and their present uses. A proposed development plan was then shown to Council and described by Mr. Smith. He explained that the site was originally reserved for school purposes, but the School Administration has determined that it is no longer required. Therefore, the Housing Department has decided to proceed with residential development instead.

Council was advised that the Housing Dept. proposal for the land is in conformance with the policies and intents of the MPS, and is compatible and consistent with adjacent uses and existing development form in the area. The gross density of three units per acre is less than even minimum requirements, and servicing provisions are satisfactory in all areas (sewer, water, schools, public facilities).

A section of land, shown on the map as Lot P5-1, would be deeded to the City as park area, and a tot lot has been reserved (Lot 75) on land next to Cranberry Crescent. Development of the tot lot would be the responsibility of the City. Mr. Smith noted that in fact, the Housing Dept. is not required to give the City any park land for this particular development, since adequate land was given at the time of subdivision approval for Phases 5 and 6 of Forest Hills. The two walkway connections were also pointed out to Council on the map.

It is indicated by Traffic Services that Cranberry Crescent has adequate capacity to handle additional traffic generated by the proposed development. Mr. Smith brought to Council's attention, the report from Traffic

Services, confirming the capacity of Cranberry Crescent, dated June 5/95.

In view of the general compliance with requirements and with the MPS and Land Use policies, Development Services have recommended approval of the rezoning request.

There were several questions for Mr. Smith from members of Council; these pertained to:

- 1) the possibility of delaying development until after amalgamation, in case the site may be needed, under those circumstances, for a new school.
- 2) the topography of the land. Mr. Smith provided topographical details.
- 3) access to the park land designation. Mr. Smith showed on the map how this could be provided with a walkway.
- 4) determination of the park land requirement. Explained by Mr. Smith, including the overall Forest Hills allocation.

The public hearing was opened by Mayor McCluskey. She called for speakers in favour of the rezoning application.

Council heard Chris Millier, representing the Dept. of Housing & Consumer Affairs. He provided responses to some of the concerns raised by area residents at the time of the neighbourhood information meeting.

Further to the traffic concern, he noted that Cranberry Crescent is presently at one-third of its capacity, and the traffic expected from the new development would only add a minimal percentage. With regard to the environmental concerns, Mr. Millier said the Housing Dept. has taken a lead in stormwater management and sedimentation control; the department would meet and even exceed all the applicable Environment Dept. requirements and specs.

He commented on the park land reserves, which exceed requirements, and the pedestrian linkages/nature trails that have been provided throughout the Forest Hills development, connecting residents with lakes and recreational facilities in both the City

and County sections of Forest Hills. He stated to Council that approximately 28% of the land area is being dedicated for amenity use, as compared to the 5% requirement.

Questions to Mr. Millier, at the conclusion of his presentation to Council, dealt with concerns about: (1) deviation from the original plan for these lands and the impact on area residents if the proposed zoning is allowed to take place; (2) the cost of the lots (\$30,000. to \$32,000. range); (3) how the Housing Dept. will be negatively affected if the development does not proceed. Mr. Millier outlined the mandate of the Department in undertaking to promote housing development, to maximize the use of existing services, and to provide a long-term supply of reasonably-priced lots and housing. Asked about profits the Department will make if the development goes ahead, Mr. Millier explained that some of the losses from the first phases of the Forest Hills development will be offset by income from these latter phases.

At the end of the question period, the Mayor called three more times for speakers in favour, and hearing none, she called for speakers opposed. Speakers opposed to the rezoning and requesting that it be rejected by Council, were the following:

- 1) Doug Bartlett: submitted a petition bearing 540 signatures from 668 homes, all objecting to the application and wanting to work with the City to clean up the site and determine how best it can be used for the enjoyment of area residents.
- 2) Jerry Parker: 'this is really a green space and not just vacant land'. It adds to the quality of the neighbourhood environment and should be retained as park land, with no development.
- 3) Eric Jorden: made a presentation, with overheads, to substantiate his position that the demand for single family dwellings, especially in east Dartmouth, is declining. This decline reflects a national trend, and is compounded locally by DND and Shearwater cut-backs and down-sizing. Apartment vacancy

rates locally are also increasing, and taking all these factors into account, Mr. Jorden questioned the need to rezone more land for housing purposes. The submission circulated by him to members of Council, states '. . . that plans should be made to stop building houses, rather than rezoning land to put up more'.

- 4) Joan Massey: President of the Bel Ayr Home & School Assn. She expressed concern that the Housing Dept. did not consult with School Admin. staff in recent months about the possible need for retaining the site for school purposes. She said schools in the area are over-crowded, and additional children from any new residential development, will only add to this problem.
- 5) Gerry Cassidy: this proposal does not have the support of the community and is not good community planning. Much of the land described as available for park use, in Forest Hills, is really nothing more than a green belt or buffer zone, in a linear configuration; in effect, a very poor recreational designation. The six-acre school site holds the best potential for recreational development. Mr. Cassidy elaborated in detail on the tangible benefits of recreational facilities and open space/park land, which he felt are critical to the quality of life in a community. Area residents are willing to contribute time and effort toward a recreational goal and plan for their community.
- 6) Tony Hooper: concerned in particular about the adverse impact of further development on Wildwood Lake, when it has taken ten years to reverse the damage that took place during the Phase 5 and 6 development. Problems occur when the land is turned over to contractors and developers, who may not take the kind of precautions the Housing Department would take. Mr. Hooper took the position that the site in

question should be designated as an urban wilderness park, cleaned up and made more accessible to the community.

- 7) Tony Smith: chose to live in this area because of proximity to a lake and the natural environment. He said that what is needed is more recreational areas and not twenty more houses, at a time when the demand for housing is on the decline. Referred to housing stock already available and increasing as armed forces bases are being closed and reduced in personnel.

The Mayor called three more times for speakers opposed to the rezoning application, and when there were none, she declared the public hearing closed, on motion of Ald. Levandier and Greenough.

BY-LAW C-723

By-law C-723 was before Council and a motion was presented for first reading.

MOTION: That leave be given to introduce the said By-law C-723, 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-723 be read a second time.

Moved: Ald. Greenough
Second: Ald. Pye

Most members of Council, including the two ward Aldermen, supported the residents in their opposition to the rezoning. Ald. Smeltzer said 'the community has spoken with one voice' on this issue, and maintained that the community should have the opportunity to come forward with thoughts for retaining the land for park/recreational purposes. Ald. Sarto referred to the recently-completed King study, which highlighted in particular, the concerns of residents about the need for recreational land and facilities, to serve Phases 5 and 6 of the

Forest Hills development.

Ald. MacFarlane and Hawley were the only two members with some reservations about rejecting the application. Ald. Hawley noted that it would be difficult to defend a denial before the Review Board, when the application meets all the necessary requirements. Ald. MacFarlane felt that development and the recreational needs of a given area are not necessarily incompatible; it may be possible therefore, to accommodate both. Otherwise, members speaking on the motion indicated they would not support the rezoning in second reading.

In Favour: No members
Against: All members
 Motion Defeated

Defeat of the by-law, in second reading, meant that the application was rejected by Council.

ii)

AMENDMENT TO LAND USE BY-LAW - 10 PRINCE ST.
& 20 KING STREET

PUBLIC HEARING:
10 PRINCE STREET
& 20 KING STREET

Council had also set this date for public hearing of an application from the Waterfront Development Corp., to amend the Land Use By-law, to allow temporary surface parking on two vacant parcels land in the downtown, Lot WDC-1 (10 Prince St.) and Lot WDC-3 (20 King Street). This temporary parking use would continue until such time as the WDC accepts a proposal for residential development on these sites. If such a proposal were to be approved, the parking use will cease.

All members of Council were recorded as being present except for Ald. Withers.

Members of Council have previously received all related documentation, including the staff report; a report on the neighbourhood information meeting; a letter from Mr. Peter Flemming, representing the residents of Admiralty Place; a report from Traffic Services on the location of a vehicular access for 10 Prince Street; and a revised map and site layout, agreed to by WDC, in compliance with a request from Admiralty Place residents, to have vehicular access changed from Prince Street, to King Street. The staff recommendation is in favour of approving the application.

The Development Services presentation to Council was made by Stephen Smith. He showed the location of the properties involved in the request, and also, a layout plan for the parking that is proposed on a temporary basis. The proposed amendments to Schedule "D" (as per Policy DA-9 of the MPS) provide for mature trees to be kept on the site, and the surface of the parking lots will be gravel only and not pavement. The King Street access, requested by Admiralty Place residents, is acceptable to Traffic Services, and has been agreed to by the WDC. A copy of the revised parking plan, to accommodate this change, was circulated with the other material Council has received.

There were no questions from members of Council to Mr. Smith, and the Mayor opened the public hearing; she called for any speakers in favour.

Mr. Fred Were of the WDC addressed Council briefly, advising that residential development is still planned for the two properties under consideration, but, in the meantime, the proposal is to make use of them for temporary parking. A medical clinic is being opened in the Royal Bank building, and the owners of the building (Maplehurst Properties) will be requiring additional parking to meet the needs of the clinic. Within six months of any genuine interest in a residential development, however, notice will be given to the owners that the land will have to be relinquished for development purposes.

Mr. Joseph Zatzman, representing Maplehurst Properties, was also heard by Council. He explained the need for additional parking in conjunction with the Royal Bank building. The temporary parking proposed will be preferable, he said, to a parking garage, which would be the other alternative. He acknowledged the commitment to residential development, if a suitable proposal is received by WDC.

After these two speakers, the Mayor called three more times for speakers in favour. There were none, so she called three times for speakers opposed. When there were no speakers opposed, the public hearing was closed, on motion of Ald. Greenough and Hetherington.

By-law C-727 was before Council, and a motion was presented for first reading.

MOTION: That leave be given to introduce the said By-law C-727 and that it now be read a first time.

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

MOTION: That By-law C-727 be read a second time.

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

Both Ald. Levandier and Dexter spoke in favour of the application, during second reading.

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

MOTION: That By-law C-727 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. Greenough
In Favour: All
Against: None
Motion Carried

6.0 PRESENTATIONS - NONE

7.0 PETITIONS

i) SAFETY CONCERN: TRAFFIC SPEED, TOPSAIL BLVD. & DIGBY CRESCENT

PETITION: TOPSAIL
BLVD.& DIGBY CRES.

A petition was before Council from residents of Topsail Blvd., Digby Crescent, and surrounding streets, concerned about the speed of vehicles travelling through this area, and asking for a three-way Stop sign at the corner of Digby Crescent and Topsail Blvd.

Since Ald. Sarto had given notice of motion on this matter previously, Council was willing to have him present his motion at this time.

9.1 MOTION - ALD. SARTO

MOTION:
ALD. SARTO

MOTION: WHEREAS a petition has been received and signed by approx. 45 residents of Topsail Blvd., Digby Crescent, and surrounding streets, expressing a safety concern relating to the speed of traffic on Topsail Blvd;

AND WHEREAS the speed of vehicular traffic on Topsail Blvd. places a significant danger to pedestrian safety, especially the children attending Mount Edward Elementary School;

BE IT RESOLVED that a three-way Stop sign be installed at the intersection of Topsail Blvd. and Digby Crescent.

Moved: Ald. Sarto
Second: Ald. Hawley

Ald. Levandier questioned the authority of Council to make this kind of decision without consultation first with the City Traffic Authority. Mr. Corrigan confirmed that consultation is required, and Council cannot make such decisions unilaterally.

MOTION: To refer the motion to the Traffic Authority (Traffic Services) for report back to Council.

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

Ald. Sarto asked to be present for the staff meeting, when this item is discussed. The Mayor said she felt it would be in order to include Ald. Sarto.

PETITION - TAKEOVER OF ADEOR DRIVE

PETITION:
ADEOR DRIVE

Ald. Sarto presented a second petition at this time, from the residents of Adeor Drive, Veterans Ave., and Valleyfield Road, requesting

the takeover of Adeor Drive as a City street, to be considered for future upgrading. The petition was passed to the Asst. City Clerk, and presentation of it was duly recorded.

8.0 REPORTS

8.1 CHIEF ADMINISTRATIVE OFFICER

8.1.1 LAND USE BY-LAW AMENDMENTS - DND PROPERTY

LAND USE BY-LAW
AMENDMENTS:
DND PROPERTY

Report from Mr. Corrigan, with accompanying staff report recommending in favour of an amendment to the Land Use By-law with respect to the rezoning of property known as the DND lands, from H Zone to R-1 Zone.

It is recommended that Council direct staff to proceed with a public information meeting, and set September 12, 1995, as the date for the public hearing.

MOTION: That Council direct staff to proceed with a public information meeting in connection with the Land Use By-law amendment for the DND lands, and set Sept. 12/95 as the date for the public hearing.

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

8.1.2 LAND USE BY-LAW AMENDMENTS - 99 & 111 LANCASTER DRIVE

LAND USE BY-LAW:
99 & 111 LANCASTER
DRIVE

Report from Mr. Corrigan, accompanied by a staff report on a recommended Land Use By-law amendment, to rezone 99 Lancaster Drive from P Zone to R-2 Zone, and 111 Lancaster Drive, from R-1 Zone to P Zone.

It is recommended that Council direct staff to proceed with a public information meeting, and set September 12, 1995, as the date for the public hearings for the rezoning, and for the parkland disposal that is involved.

MOTION: To adopt the recommendation:
That Council direct staff to proceed with a public information meeting, and set Sept. 12/95 as the date for

the public hearings, for the rezoning, and for the parkland disposal that is involved.

Moved: Ald. Hetherington
Second: Ald. MacFarlane

Ald. Schofield was not in favour of the land exchange that is proposed, and explained to Council why the location at 111 Lancaster Drive is not satisfactory for the entrance to the Cyril Smith Golden Acres Park, and why 99 Lancaster Drive is preferable. He was therefore opposed to the motion, and asked that it not be supported by Council. Members were willing to accept the explanation given by Ald. Schofield, and to defeat the motion on the floor.

In Favour: No members
Against: All members
Motion Defeated

8.1.3

MPS AND LAND USE BY-LAW AMENDMENT - LANCASTER
RIDGE SUBDIVISION

MPS & LAND USE
BY-LAW AMENDMENT:
LANCASTER RIDGE
SUBDIVISION

Report from Mr. Corrigan, with accompanying staff report, on MPS and Land Use By-law amendments, with respect to the Lancaster Ridge Subdivision (replacing Townhouse zoning on Chinook and Tutor Courts with R-1 zoning).

It is recommended that Council instruct staff to hold a neighbourhood information meeting, and further, that Council hold a public hearing on September 19, 1995.

MOTION: To adopt the recommendation:
That Council instruct staff to hold a neighbourhood information meeting and set September 19/95 as the date for public hearing for proposed MPS and Land Use By-law amendments with respect to the Lancaster Ridge Subdivision (replacing Townhouse zoning on Chinook and Tutor Courts with R-1 zoning).

Moved: Ald. Levandier
Second: Ald. Greenough
In Favour: All members
Against: No members
Motion Carried

8.2 COMMITTEE-OF-THE-WHOLE

8.2.1 NORTH END COMMUNITY CENTRE - TENDER AWARD

TENDER AWARD

Report from Mr. Corrigan on the decision of Committee-of-the-Whole on the selection of SBL Developments, to design and build the Ward 5 Community Centre, as per the recommendation of the Selection Committee, before Council at the June 20th meeting.

Committee-of-the-Whole has adopted the recommendation of the Selection Committee (as presented to Council in the report dated June 7/95), and has recommended the same to City Council.

MOTION: To adopt the recommendation of Committee-of-the-Whole:
That the recommendation of the Selection Committee on SBL Developments, to design and build the Ward 5 Community Centre, be approved by Council.

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

8.2.2 NORTH DARTMOUTH STUDY

NORTH DARTMOUTH
STUDY

Report from Mr. Corrigan on the recommendation of Committee-of-the-Whole on the North Dartmouth Study: that the report be adopted in principle, and forwarded to Council. Further, that the plan be accepted in principle, except for designation of the residential area. The residential component is to be held in abeyance until such time as Council has clarification that this is a viable plan.

MOTION: To adopt the recommendation of Committee-of-the-Whole:
That the report (North Dartmouth Study) be adopted in principle, and forwarded to Council. Further, that the plan be accepted in principle, except for designation of the residential area.

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

9.0 MOTIONS

9.2 ALD. WITHERS

Council agreed to defer Ald. Withers' motion for one week, in his absence.

MOTION: To defer Ald. Withers' motion for one week, in his absence.

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

9.3 ALD. WOODS

i) MOTION: WHEREAS many Council members who were chosen in the 1994 civic election, assumed Aldermanic office with a resolve to find an affordable solution (either temporary or permanent) to Dartmouth's drinking water problems.

AND WHEREAS Council and staff, until recently, have devoted all their energies toward a Public/Private Partnership initiative, with a view to acquire a water treatment plant through non-traditional means;

AND WHEREAS a contaminated Dartmouth water supply continues to be a possibility during the 1995 summer months;

THEREFORE, BE IT RESOLVED that staff of the Dartmouth Water Utility provide Council with a plan which, when implemented, may be instrumental in avoiding a 1995 Boil Order;

BE IT FURTHER RESOLVED, in the event a Boil Order is unavoidable, that Council agree to adopt a plan which will ensure that boiling is avoided in 1996.

Moved: Ald. Woods
Second: Ald. Pye

Ald. Hawley felt that the final paragraph of the motion is unrealistic, and proposed an amendment to it.

AMENDMENT: After the words 'which will', the remaining text would read:
' . . . make every possible effort to attempt to prevent the necessity of boiling water in 1996'.

Moved: Ald. Hawley
Second: Ald. Greenough

Mr. Fougere was asked a number of questions by members of Council, as to what can be done to try and avoid a repeat of last year's water problems. He said that staff are not giving up on ways to resolve the problem, but pointed out that there are only so many things that can be tried; ultimately, the only real solution is the water treatment plant, which is already proceeding.

Ald. Greenough asked about the possibility of temporary filtration measures. Mr. Fougere discussed this suggestion further with Council, noting the cost involved as one factor that has to be considered. Ald. Dexter felt that water conservation has a value and should always be a consideration.

Ald Woods asked that if residents are required to boil and buy water this summer, some arrangements be made to have water trucks (with water from the Pockwock system) at locations in the City, where drinkable water can be made available to people who cannot afford the cost of bottled water. He discussed the feasibility of doing this, with Mr. Fougere.

Ald. Hetherington provided information to Council on the improved water quality reporting system that has been established, enabling the City to constantly monitor the situation and keep the public better informed as well. He explained some of the measures that staff can take, to try and deal with contamination problems, such as flushing the system, adding chlorine at the pumping station, etc., but all of these are only 'band-aid' measures in the

final analysis. He gave assurance that whenever there is information about water problems, that members of Council need to have, they will be receiving it.

MOTION: To refer the motion to staff for a report on what might be done to further address the whole matter of the water problems.

Moved: Ald. Greenough
Second: Ald. Hetherington
In Favour: All members except
Against: Ald. Levandier, Hawley,
MacFarlane
Motion Carried

Ald. Smeltzer said he would encourage staff to make use of the electronic highway, to try and find out what other municipalities are doing to cope with similar problems they may be having.

On motion of Ald. Hawley and Pye, Council agreed to continue meeting after 11:00 p.m. Council went in camera, at this point, on motion of Ald. Hetherington and Greenough.

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

MOTION: To ratify the action taken while meeting in camera on this date (land matter).

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

Meeting adjourned at 11:05 p.m.

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

DARTMOUTH CITY COUNCIL
JULY 4, 1995.

ITEMS:

- Invocation, page 1.
 - 1.0 Approval of minutes, page 1
 - 2.0 Business arising from minutes, page 1.
 - 3.0 Delegations & Hearings of Protest, page 1.
 - 4.0 Original Communications, page 1.
 - 5.0 Public Hearings, page 1.
 - i) Amendment to Land Use By-law, 45 Cranberry Crescent, page 1.
 - ii) Amendment to Lane Use By-law, 10 Prince St. & 20 King Street, pg. 7.
 - 6.0 Presentations, page 9.
 - 7.0 Petitions, page 9.
 - i) Safety concern: Topsail Blvd. & Digby Crescent, page 9.
 - 9.1 Motion: Ald. Sarto (above petition), page 10.
Petition, Adeor Drive, page 10.
 - 8.0 Reports, page 11.
 - 8.1 Chief Administrative Officer, page 11.
 - 8.1.1 Land Use By-law amendments, DND property, pg.11.
 - 8.1.2 " " " " , 99 & 111 Lancaster Drive, page 11.
 - 8.1.3 MPS & Land Use By-law amendment, Lancaster Ridge, page 12.
 - 8.2 Committee-of-the-Whole, page 12.
 - 8.2.1 North End Community Centre, tender award, pg.12.
 - 8.2.2 North Dartmouth Study, page 13.
 - 9.0 Motions, page 14.
 - 9.2 Ald. Withers (deferred), page 14.
 - 9.3 Ald. Woods, page 14 to 16.
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Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL AGENDA

<p>TUES., JULY 11/95 7:30 P.M. COUNCIL CHAMBER</p>

1. **PRESENTATIONS**

- i) Presentation of Scrolls - Rescue from Bell Lake

2. **PUBLIC HEARING**

- i) Amendment, MPS & Land Use By-law
Markborough Properties Inc. - Kent Building Supplies Ltd.

3. **REPORTS**

3.1 **CHIEF ADMINISTRATIVE OFFICER**

- 3.1.1 Contract PR95-03 Cyril Smith Golden Acres Park
Phase I Trail Construction
3.1.2 Easements to Nova Scotia Power Inc. For
Expansion of Transmission Network

DARTMOUTH CITY COUNCIL
JULY 11, 1995.

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

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

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: M. MOREASH
ASST. CITY CLERK: V. CARMICHAEL
MS. SPENCER, MR. WELLS, DEVELOPMENT SERVICES

1.0 PRESENTATIONS

i) PRESENTATION OF SCROLLS - BELL LAKE RESCUE

After Mayor McCluskey had opened the meeting, she proceeded to a presentation of scrolls to three young people who took part in the rescue of two boys from Bell Lake, on the afternoon of June 3rd. She gave an account of the rescue, in which a fourth young person also assisted by going to summon police to the scene.

Presentations were then made to three of the four people being recognized for their quick action and bravery: Stephen Wood, Jennifer Eldridge, and Darcy McGrath. Members of Council, and the public present in the gallery, acknowledged these three young people with applause.

2.0 PUBLIC HEARING

i) MPS & LAND USE BY-LAW AMENDMENTS - MARKBOROUGH
PROPERTIES INC., KENT BUILDING
SUPPLIES LTD.

MPS & LAND USE
BY-LAW AMENDMENTS:
MARKBOROUGH/KENT
BUILDING SUPPLIES

Council set this date for public hearing of an application from Markborough Properties Inc. to amend the MPS and the Land Use By-law, by redesignating lands north of MicMac Mall for commercial development, thereby permitting a proposed Kent Homes retail 'warehouse' and garden centre, by development agreement.

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

Members of Council have received an information package from the proponents, along with all of the related staff documentation applicable to this request. The main staff report to Council recommends in favour of both the MPS and Land Use By-law amendments, and of approving By-laws C-724 and C-725 in this connection.

CONFLICT OF INTEREST Ald. Woods declared a conflict of interest, due to the fact that the Architect, Peter Connor, is a business associate. He withdrew from his place on Council to sit in the gallery throughout the evening.

Ms. Spencer, Director of Development Services, addressed Council on the subject of the development agreement, for which the public hearing would normally have taken place at this time, along with the public hearing for the MPS and Land Use By-law amendments. On this occasion, however, there has been a challenge to the procedure normally followed, and because of this, Markborough Properties have elected not to proceed with the public hearing for the development agreement until after approval for the MPS and Land Use By-law amendments has been received from the Minister of Municipal Affairs. If they are approved, the applicant will proceed with the public hearing for the development agreement in due course.

Ms. Spencer explained that with this procedural change, the specifics of the development agreement will not be dealt with until that public hearing, and the concentration will be on the MPS and Land Use By-law amendments themselves. Asked by Ald. Pye about this course of action, the Solicitor said that normally, a 'telescoping' process has been followed in the past and in other municipalities as well (ie. with respect to the public hearing for a development agreement, in conjunction with the MPS and Land Use By-law public hearings). The prudent course of action in this instance, however, is to hold the public hearing for the development agreement at a later date, according to the process explained by Ms. Spencer.

At this time, Ms. Spencer brought to the attention of Council, a large pile of letters, received by her in connection with this application, and submitted as part of the record of the public hearing.

The presentation to Council, for Development Services, was made by Roger Wells. He showed to Council the location of the 14.8-acre parcel of land comprising the MPS and Land Use By-law application, presently zoned R-3 and P Zone. He then provided background information on the whole area included in the MicMac Village concept plan of 1964, when the original application came to Council to rezone the MacCulloch lands. Basically, the land has been developed according to that plan ever since.

He said that in analyzing the application, the MPS contains no specific direction for the use of this land and no impediment to consideration of a redesignation. Looking at the residential designation currently on the land, it has been concluded by staff that it would not be suitable for low-density residential development. It would be appropriate for multi-family residential development, and this would also be true for commercial development. As with the residential use, it is considered that the land cannot support commercial development on a modest scale, being located in a regional service centre area.

Mr. Wells described the land as being well-served by a road system that connects with regional arterials, and therefore, the MicMac Mall market is able to serve, Dartmouth, metro and beyond. The traffic generated by commercial development the land can accommodate, will be relatively the same as it would be for multi-family residential use, but the traffic patterns would be different.

One other consideration explained by Mr. Wells was the 'interface' designation between multi-unit residential development and commercial development, and the inevitable meeting of these two uses at some point in time. Staff do not see any reason why this 'interface' cannot be moved in conjunction with the proposal for the land, presently being considered.

Staff are recommending that if the MPS and Land Use amendments are approved, the method of development control should be by development agreement. It was noted that the zoning would remain unchanged, from its present designation, under the development agreement. Any development agreement, for commercial use,

would supercede the present zones. Mr. Wells gave a list of property uses not permitted under development agreement, such as drinking establishments, fast-food restaurants, etc.

It is the opinion of staff that the land concerned is a reasonable location for commercial development, and with the development agreement, control measures can be put into effect to minimize the impact of the development on the surrounding community.

Mr. Wells quoted from a revision to Appendix "A" with respect to By-law C-724, and in connection with Section 18B, applicable to By-law C-725; these revisions have been added and brought to Council's attention at this time. Noting that the roof treatment for the development proposed has been a contentious issue, and is not covered in the criteria set out in Appendix "A", Mr. Wells said that Council may want to look at the inclusion of such an addition to the list.

Mr. Wells was willing to provide Council with information on the Kent Homes development proposal, and the Solicitor said it would be in order to do so, as an example of the MPS and Land Use amendments being requested. The details should not be debated, however, and there should be no discussion as to whether it should proceed or not. On this basis, members of Council agreed to have Mr. Wells present the information for this purpose only.

Mr. Wells showed Council a site plan of the proposed Kent Homes development, followed by information on servicing, parking, buffering of the site, traffic considerations, vegetation and natural features of the site, landscaping, environmental protection, lighting, provision for pedestrian movements, signage, and so on. He noted one remaining problematic area, the roof treatment, which is still unresolved.

At the completion of Mr. Wells' presentation and response to several questions from Council members, the Mayor opened the public hearing and called for speakers in favour of the MPS and Land Use By-law amendments requested, as per proposed by-laws C-724 and C-725.

Council first heard John Davies, Development Vice-President for Markborough Properties Inc. He outlined the efforts that have been made in recent years to re-energize the MicMac Mall, with new retailing concepts, such as the do-it-yourself kind of centre now proposed for the land involved in the MPS and Land Use application. He presented a number of slides to show how an alternate site was selected for the development being proposed, after the first consultation meeting with residents, when their opposition was expressed to the site initially selected. He showed how the topography of the land will help to reduce the visual impact of the building on site, and how the existing vegetation and trees will be retained as a further useful means of screening the site. He noted that only one facade of the apartment building adjacent to the site, will have a view of the building; the other three facades face away from it.

There was an objection registered by a citizen in the gallery to the references to the Kent Homes project itself, and Mr. Moreash attempted on several occasions to clarify the fine line that all speakers have to try and follow in addressing only the MPS and Land Use applications, and referring to the Kent Homes proposal only as an example of a regional commercial development of the type that could or could not go on the land. The need for this restriction, created by the fact that the hearing for the development agreement was not being held, made it difficult for speakers to differentiate, as required, in their presentations. The Mayor said she would allow as much flexibility as she could, in view of the difficulties faced by speakers under these circumstances.

Mr. Moreash stated that the applicants for the MPS and Land Use By-law amendments have the freedom to show Council, by way of example, whether a development could take place on the land, and the process is not defeated by their doing this.

Heard by Council, following Mr. Davies, was Stan Gardiner, a CBCL engineer, who presented the results of traffic studies carried out in conjunction with the Markborough application, and working also with Traffic Services for the City.

Mr. Gardiner gave an overview of three reports that have been produced, including information on traffic counts and traffic-generation factors. Traffic produced by R-3 development was looked at, in comparison with commercial traffic generated by the kind of development under consideration. The figures presented by Mr. Gardiner indicated a 12% higher traffic volume daily, with residential development, over commercial development such as that of Kent Homes. Also, peak hour traffic would be affected by the residential increase, whereas commercial traffic would tend to be dispersed throughout the day and would not impact on peak traffic hours in the same way. Mr. Gardiner noted that the projected traffic volumes are within the capacity of streets in the area.

Mr. Stewart Valcour, General Manager for Kent Homes, addressed Council next. He explained why the MicMac site was chosen over any other in Dartmouth, as the most desirable location for development by his company. He said that Burnside was looked at as well, but in fact, only 8% of the businesses in Burnside are retail companies. He felt that commercial development is appropriate for the site proposed, being in the immediate vicinity of a major regional shopping centre, with a high traffic area. He noted the tax revenue the City can expect to receive from this additional development, and the fact that about 200 people will be employed in an operation of this size.

Ald. Smeltzer asked what the tax revenue would be from a residential development of comparable size on the site. Mr. Wells said he has not done an analysis of this comparison, but he could provide the information later if Ald. Smeltzer wished to have it.

The final speaker on behalf of the proponents was Jim Irving of the Irving interests. He commended the investment of fifteen million dollars in such a project for Dartmouth, and said he hoped that people will keep an open mind about commercial development on the land. He said 'we intend to do a good job if we have the opportunity'.

The Mayor continued to call for speakers in favour and Council heard the following presenters:

- 1) Sandy Fraser, Oakdale Crescent resident: in favour of the proposal for commercial development. We need a hardware store like this in Dartmouth.
- 2) Tony O'Neil: in favour of a Kent building supply store in Dartmouth. Dislike having to go to Halifax and Sackville for Kent products. Also, there are job opportunities, an important consideration.
- 3) Lewis MacKay, Forest Dr. resident: in favour of the amendments. The development will help to increase the City tax base, and a store such as this is useful to the whole area.
- 4) Dario Diremigio: the development proposed would be a good one.
- 5) Danny Chedrawe: felt the kind of development proposed is compatible with abutting R-3 development and with commercial uses already there. While traffic is a sensitive issue in Ward 4, the residents should bear in mind that keeping out development is not going to change this. The traffic flow is being generated from outside by traffic passing through the area. Defeating developments such as this, sends a negative signal to other developers and they go elsewhere.
- 6) Jane MacKay: had questions about commercial development on the land, as compared with the implications of R-3 development.
- 7) Dan Swagar, owner of Manhattan Fries, MicMac Mall: if we don't have this kind of business here, people will go to Halifax for Kent products and then stay to shop there instead.

When there were no more speakers in favour, the Mayor called for speakers opposed.

Heard first in opposition to the amendments, was Jack Innes, Solicitor for Can-Euro Investments. He acknowledged that Can-Euro has challenged the process of holding the public

hearing for the development at the same time as the MPS and Land Use By-law amendments.

He said that what is really involved here is a planning issue, and a brief, based on the Can-Euro position, has been prepared by a planner, John Heseltine, who presented it to Council, following Mr. Innes' opening remarks.

Mr. Innes noted that a portion of the land (Lot P-4, 3/4 acres in size) belonging to Can-Euro, has been included in the map which forms part of the Development Services report and presentation to Council. He also questioned the inclusion in the map, of land zoned for park purposes, without any provision for this parkland to be replaced in the development proposal that has been submitted.

A presentation of the Can-Euro brief, by John Heseltine, followed. He dealt in considerable detail with the MPS amendment, from a planning perspective, with particular reference to Section (i) of Implementation Policy IP-1, and the stated need for a 'detailed planning study', or 'detailed studies . . . carried out as a refinement of the MPS.' His position was that there has been no such study of this kind, and '. . . no examination of the issues that would justify changing the long-standing designation of this area from residential to commercial'.

He maintained that the amendments proposed do not include a study of the issues that bear on a Planning Strategy amendment. Also, that more analysis is required in relation to the broad issue of retail development in the region. In other words '. . . the specific features of this proposal do not satisfy the provisions of the MPS, cited by City of Dartmouth staff.'

One of his other points had to do with the interference with viewplanes from existing structures, including Horizon Court, owned by Can-Euro Investments.

Mr. Gaspar, Vice-President of Can-Euro, made the final presentation on behalf of his company. He referred to the major investment Can-Euro has made in Dartmouth, through various development projects, including Horizon Court. He said the view from Horizon Court units will be spoiled by the proposed commercial development. Slides were shown to Council to

illustrate the impact of the development on
Horizon Court viewplanes

Mr. Gaspar said the Kent Homes development is inappropriate for this type of setting, and to allow such a commercial development at this location is a serious breach of trust with area residents. He submitted 539 letters of opposition to the development, which were passed to the Asst. City Clerk, to form part of the record of this public hearing.

Asked by Ald. Hawley about the status of the parkland, Mr. Wells advised that there is a Park Zone on a section of the land, but it is not owned by the City, and has not been developed as parkland. He suggested that the matter of parkland could be addressed further in the development agreement.

The Markborough representatives confirmed their misunderstanding about the 3/4-acre piece of land owned by Can-Euro, which they mistakenly took for an easement. This error was made inadvertently, and the representatives stated that they acted in good faith without knowing about it. The Solicitor said the piece of land concerned could be removed from the amendments, if Can-Euro wants to have that done. An amendment was later adopted to have Lot P-4 removed from both the MPS and the Land Use By-law amendment maps.

Citizens speaking against the MPS and Land Use By-law amendments were:

- 1) Mr. Wilcox: did not understand why this process would be chosen over a rezoning. "This is just a clever way to achieve the same thing". Concerned about truck traffic and trucks up to three-ton size making trips to and from the Kent Homes building. Mr. Wilcox felt that a preferable location would have been on Norman Newman Drive, next to the Superstore development.
- 2) Donald Barteaux, 188 Crichton Ave: first thanked Mr. Davies for responding to his concerns, previously stated, about an endangered species of wildflower found on the site proposed for development.

Mr. Barteaux agreed that we need 'something like Kent Homes' in Dartmouth, but not at this location. Residents who have purchased homes in the area do not want to see any further commercial disruption. Taxes are not the issue here and should not be the influencing factor.

Members of Council have received a written submission from Mr. Barteaux, dated July 10/95, in addition to his verbal presentation.

- 3) Ken Woods, 7 Horizon Court: "The proposed development will interfere with the quiet enjoyment of my home." Strongly opposed to it. "I want to live in a residential neighbourhood".
- 4) Brian Mitton, Mount Pleasant Ave.: "I chose Crichton Park as a place to live. . . it is not right for people to pick a nice neighbourhood and then have it changed".
- 5) Gregory Alward, North Street: previously operated a hardware store in MicMac Mall, and was given 30 days notice to vacate, while trying to relocate his business in the mall. Not treated fairly by management.
- 6) Susan Burchell, Brookdale Cres.: this is a breach of trust. "I am tired of the erosion of this area of Dartmouth by commercial development. Kent Homes should be in Burnside".
- 7) Louise Moores, Manor Park: Opposed to having Kent Homes in a residential area when we have the Burnside Park for this kind of business. "Let's keep our City looking presentable. A monster warehouse . . . will be a gorgeous eyesore for the City". She objected to the color of Kent Home buildings, which she felt was intended to attract the attention of consumers, but detracts from the aesthetics of the area where they are located.

- 8) Ann Marie Wong: moved from Allen St. in Halifax, to get away from the noise and traffic of the Quinpool Road Shopping Centre. Now facing the same problems with encroaching commercial development in Dartmouth. She said her children are now able to play on the street in safety, but with increased traffic on residential streets, things will change and be just as bad as what she left behind in Halifax. (Resides on Lyngby Ave.)

(On motion of Ald. Hawley and Pye, Council agreed to continue meeting after 11:00 p.m.)

- 9) Peter Coll, Lyngby Ave.: Opposed to the development because "it is way out of scale" and there will be heavy traffic generated all day Saturday. Residential traffic from the site would eventually stabilize, but commercial traffic will continue to rise every year. "Commercial traffic is short-cut traffic" (ie. on residential streets).
- 10) Scott McCrea, representing The Armour Group Ltd., made a verbal presentation, in addition to the Armour Group brief circulated to all members of Council.

Mr. McCrea said there are 500 residents in MicMac Village residential buildings, MicMac Village being one of the Armour Group developments, and described by him as being 'stable and quiet neighbourhoods'. He felt that Council should stand firm on this application, and take the kind of position they did on retaining Lot 205B in the Burnside Business Park for a hotel development, rather than selling it to a major retailer who wanted it. He said the retailer found an alternate site and remained in Dartmouth anyway. "Kent Homes have the choice of moving to another location", whereas the area residents have made their choice as to where they want to live.

- 11) Mike Brothers: life-long resident of Crichton Park. Most of the residents living there are opposed to this commercial development, and see it

as an intrusion in terms of traffic
and other associated problems.

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

BY-LAWS C-724
AND C-725

Council proceeded with first reading of By-law
C-724 (MPS Amendment) and C-725 (Land Use By-law
Amendment), given concurrently.

MOTION: That leave be given to introduce
the said By-laws C-724 and C-725,
and that they now be read a first
time.

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

MOTION: That By-laws C-724 and C-725
be read a second time.

Moved: Ald. Hetherington
Second: Ald. Greenough

Ald. Schofield said the majority of people
living in Ward 4 do not want this change to
commercial development, and he would be voting
against it accordingly. Ald. Withers said the
people have spoken, and have made it clear that
they are opposed to a change in the use for
this parcel of land, leaving him with no
alternative but to vote against both amendments.
Ald. Dexter was the third member of Council to
speak against the motion. He did not feel that
communities benefit from these kinds of
warehousing operations.

Ald. Levandier's opinion was that the
arguments in favour of moving the commercial
line outweigh those against. With the proper
development agreement and consultation process,
development details can be satisfactorily
resolved. Most other members of Council who
spoke in second reading felt that commercial
development is appropriate for the land holding
under consideration. Ald. Sarto said the
applicant has made major changes in his
plans, to try and address the concerns of
residents, and this has to be taken into account.

Ald. Smeltzer said he had concerns about a breach of trust with residents, even though the City has to take advantage of development opportunities available. He proposed an amendment that would add the provision, 'architectural considerations' to the categories listed in section 3 of Appendix "A" of By-law C-724; this amendment would be applicable to the MPS By-law only (C-724). The provision would be defined in terms of 'compatibility, as it relates to adjacent neighbourhoods'.

AMENDMENT: That the term 'architectural considerations' be added to the list of identified categories in Appendix "A" of By-law C-724, to be defined in terms of 'compatibility, as it relates to adjacent neighbourhoods'.

Moved: Ald. Smeltzer
Second: Ald. Hetherington
In Favour: All
Against: None
Amendment Carried

A second amendment presented, applicable to both By-laws C-724 and C-725, was considered by the Solicitor to be in order, being intended to delete Lot P-4, the Can-Euro land, from the Zoning & Land Use Map 1, showing the area to be redesignated.

AMENDMENT: To delete from By-laws C-724 and C-725, the Lot P-4 designation (Can-Euro land) from the Zoning & Land Use Map 1, which shows the area to be redesignated. (This would include other maps where applicable.)

Moved: Ald. Smeltzer
Second: Ald. Hetherington
In Favour: All members except
Against: Ald. Withers
Amendment Carried

The vote was taken on second reading, as amended

In Favour: All members except
Against: Ald. Withers, Schofield,
Dexter
Motion Carried, as amended.

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

With Council's summer recess coming up, and the by-laws still in second reading, it was agreed that Council would need to meet again to deal with third reading, unanimous consent not having been received at this meeting.

A motion to meet again on Tuesday, July 18th, for third reading of the by-laws, was therefore adopted.

MOTION: That Council meet again on Tues., July 18th to deal with third reading of By-laws C-724 and C-725.

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

Several members of Council indicated that they would not be available for the July 18th meeting. A quorum of eight members, plus the Mayor, would be required.

3.0

REPORTS

3.1

CHIEF ADMINISTRATIVE OFFICER

3.1.1

CONTRACT PR95-03: CYRIL SMITH GOLDEN ACRES PARK, PHASE 1 TRAIL CONSTRUCTION

AWARD TENDER:
PHASE 1, CYRIL
SMITH PARK

Report from Mr. Corrigan (B. Stevens, S. Oakey, Harry George) on tenders received for Phase 1, Trail Construction for the Cyril Smith Golden Acres Park, recommending that the project be awarded to the low bidder, Elmsdale Landscaping, for a total tender price of \$35,582.85, GST included.

MOTION: To award the tender for the Phase 1 project for the Cyril Smith Golden Acres Park, to the low bidder, Elmsdale Landscaping,

for a total tender price of
\$35,582.85 (GST included),
as recommended.

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

3.1.2

EASEMENTS TO NOVA SCOTIA POWER INC. FOR
EXPANSION OF TRANSMISSION NETWORK

EASEMENTS:
TRANSMISSION
NETWORK

Report from Mr. Corrigan (T. Rath, V. Spencer)
on a proposed easement agreement with Nova
Scotia Power Inc., recommending approval of
Resolution 95-29, authorizing the agreement.

MOTION: To adopt the recommendation,
approving Resolution 95-29:
That Council approve Resolution
95-29, authorizing an easement
agreement with Nova Scotia Power
Inc., for Parcel "A", as shown
on the plan accompanying Mr.
Corrigan's report (Attachment "A"),
and a separate agreement with the
Company, regarding the potential
relocation of the transmission line
from Parcel "C" to Parcel "B"
(Attachment "A"), subject to the
terms and conditions set out in
the report to Council.

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

Meeting adjourned at 12:20 a.m.

V. Carmichael
V. Carmichael
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
JULY 11, 1995.

ITEMS:

- 1.0 Presentations, page 1.
 - i) Presentation of scrolls, Bell Lake rescue, pg.1
 - 2.0 Public Hearing, page 1.
 - i) Amendment, MPS & Land Use By-law, Markborough Properties Inc., pg.1 to 14.
 - 3.0 Reports, page 14.
 - 3.1 Chief Administrative Officer, page 14.
 - 3.1.1 Contract PR95-03, Cyril Smith Park, Phase 1, page 14.
 - 3.1.2 Easements, Nova Scotia Power Inc., pg. 15.
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Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL AGENDA

TUES., JULY 18/95

7:30 P.M.

COUNCIL CHAMBER

1. THIRD READING

- i) By-law C-724 - MPS Amendment - Redesignation of Lands of Markborough Properties Inc.
- ii) By-law C-725 - LUB Amendment - Implementation of Development Agreements

2. MOTIONS

2.1 ALD. WITHERS

WHEREAS Albro Lake Road, east of Ernest Ave. to Lancaster Drive, constitutes part of the development area referred to as Lancaster Ridge;

THEREFORE BE IT RESOLVED that such section of Albro Lake Road be henceforth known as Sea King Drive.

2.2 ALD. WOODS

WHEREAS Albro Lake is used by hundreds of people who enjoy fishing;

AND WHEREAS fly fishing is a popular form of fishing;

AND WHEREAS some passers-by have been accidentally caught by fly hooks;

THEREFORE, BE IT RESOLVED that the Parks & Recreation Dept. (the "Department") review the practice of mixing the various forms of angling in close proximity to passive recreationalists. In its review, the Department will consider establishing criteria and/or zones dedicated to fly fishing;

AND BE IT FURTHER RESOLVED that the Parks & Recreation Dept. consult with the local sports fishing associations in setting policies for safe recreational fishing at Albro Lake and at the other Dartmouth fishing lakes.

3. **REPORTS**

3.1 **CHIEF ADMINISTRATIVE OFFICER**

- 3.1.1 Contract 95-07 Lynn Drive Watermain Replacement and Street Reconstruction
- 3.1.2 Contract 95-11 Watermain Replacement and Street Reconstruction, Portland Street

3.2 **DARTMOUTH LAKES ADVISORY BOARD**

- 3.2.1 Response to Jet-Ski Issue

DARTMOUTH CITY COUNCIL
JULY 18, 1995.

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

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

MEMBER ABSENT: ALD. WITHERS

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

RESOLUTION - PRINCESS LOUISE FUSILIERS

After opening the meeting, Mayor McCluskey read to Council, a resolution declaring that the Freedom of the City be bestowed on members of the Princess Louise Fusiliers, entitling them to march, parade, etc. within the bounds of the City. She commended this resolution to Council for approval.

MOTION: That Council approve the resolution granting the Freedom of the City to members of the Princess Louise Fusiliers.

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

1.0

THIRD READING

- i) BY-LAW C-724 - MPS AMENDMENT, LANDS OF MARKBOROUGH PROPERTIES LTD.
- ii) BY-LAW C-725 - LUB AMENDMENT, MARKBOROUGH

BY-LAWS C-724
AND C-725

By-laws C-724 and C-725, MPS and LUB Amendments, Markborough Properties Ltd., were before Council, as amended, having received first and second readings, following the public hearing, at the July 11th Council meeting.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest, being a business associate with the Architect for the Kent Homes project (Mr. Connor). He

withdrew from his place on Council, to sit in the gallery.

All other members of Council were recorded as being present, except for Ald. Withers; all members present were eligible to vote.

MOTION: That By-laws C-724 and C-725 be read a third time, and that the Mayor and the City Clerk be authorized to sign and seal the said by-laws on behalf of the City.

Moved: Ald. Hetherington
Second: Ald. Sarto

Speaking against the motion for third reading were Ald. Dexter, Schofield, and Smeltzer. They did not consider the amendments and proposed development to be in the best interests of the City, and certainly not in the interests of area residents, who have strongly opposed it throughout. Ald. Smeltzer said that Council should be listening to the residents, and Ald. Schofield noted that on other recent occasions, residents have been listened to and applications have been rejected on that basis.

Members speaking in favour maintained positions they took on the applications at the July 11th Council meeting. They felt this project is acceptable for the commercial location next to a major shopping mall. Ald. Walton pointed out that the Portland West project was similarly opposed by area residents, but once it got underway, that opposition disappeared and it has come to be accepted. He said Council has to make difficult decisions like this, based on the best interests of the City, while trying to balance the interests of residents in specific locations as well.

The vote was taken on third reading.

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

NOTICE OF
RECONSIDERATION

Notice of reconsideration was then given by Ald. Schofield, seconded by Ald. Dexter.

Questioned by Ald. Pye about reconsideration in this instance, Mr. Moreash gave the opinion that it is in order, based on his assessment that this is more of a legislative function involved, rather than a quasi-judicial function (ie. third reading of a by-law), even though the proceedings fall under the Planning Act. Reconsideration was therefore allowed to stand.

Council wanted to deal with reconsideration as soon as possible, and agreed to meet at 6:00 p.m. on Thursday, July 20th for this purpose. Several members asked what new information could be provided, as required for reconsideration, after the number of hours that have been spent on this issue to date, including a five-hour public hearing. The members giving reconsideration did not indicate this, but stated their right to give notice of reconsideration, based on the opinion given by the Solicitor.

2.0 MOTION - ALD. WITHERS

MOTION: To defer Ald. Withers' motion until the next meeting when he is present for it.

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

2.2 MOTION - ALD. WOODS

Ald. Woods indicated that he would also like to defer his motion until a later meeting.

MOTION: To defer Ald. Woods' motion until after the summer break.

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

3.0 REPORTS

3.1 CHIEF ADMINISTRATIVE OFFICER

3.1.1 CONTRACT 95-07, LYNN DR. WATERMAIN REPLACEMENT
& STREET RECONSTRUCTION

AWARD TENDER:
CONTRACT 95-07

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 95-07 (Lynn Dr. watermain replacement & street reconstruction), recommending that the tender be awarded to the lowest bidder, Harbour Construction Co. Ltd., with a bid price of \$346,070.10; completion time: 50 workdays.

MOTION: To award the tender for Contract 95-07 to the lowest bidder, Harbour Construction Co. Ltd., with a bid price of \$346,070.10, as recommended.

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

3.1.2 CONTRACT 95-11, WATERMAIN REPLACEMENT & STREET RECONSTRUCTION, PORTLAND ST.

AWARD TENDER:
CONTRACT 95-11

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 95-11 (watermain replacement & street reconstruction Portland Street), recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$710,369.02; completion time: 60 workdays.

MOTION: To award the tender for Contract 95-11 to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$710,369.02, as recommended.

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

3.2 DARTMOUTH LAKES ADVISORY BOARD

3.2.1 RESPONSE TO JET-SKI ISSUE

RESPONSE TO JET-SKI
ISSUE

A second report was before Council from the Lakes Advisory Board on the subject of jet-skis being operated on City lakes. The Board feels that it is unable to undertake a public meeting on this issue, given the fact that the recommendation of the Board, to ban jet-skis

from City lakes, remains unchanged, after dealing with the item for a second time. The feeling of the Board is that an impartial group would be required to organize and chair such a meeting, whereas the Board has taken a firm position on the issue already.

Ald. MacFarlane felt that discussions with the Lake Safety Patrol should take place before this item is heard before Council in a public forum.

MOTION: To defer the matter until after Council has reconvened in August, and for consultation with the Lake Safety Patrol.

Moved: Ald. MacFarlane
Second: Ald. Sarto

Ald. Greenough proposed a public meeting at that time, with Council meeting as Committee-of-the Whole. Ald. Hetherington suggested the kind of process previously followed by the Lake Safety Committee, when representatives of the various groups concerned had the opportunity for input first, before a committee that could be formed for the purpose.

These suggestions were discussed further, and while there was general support for this approach, Ald. Hawley did not want to see the committee make recommendations on any specific policy until after the public meeting. He said it is important to hear from the residents directly at a public meeting, in view of their strong opinions on the subject. Council seemed willing to have a committee formed, to meet with the various groups, however, in the interim, with members from Parks & Rec. Dept., the Solicitor's office, the Lake Safety Patrol, the Recreation Advisory Committee, the Police Dept., and from the jet-ski and other groups that use the lakes. The Mayor would appoint the Committee.

It was felt that information should be sought from other jurisdictions, and that a report from the Solicitor would be required on the legislation governing the use of waterways. Mr. Moreash noted that the City's By-law L-100 already requires that motorized vehicles on the lakes are to be operated in a safe and prudent

manner, and there are enforceable provisions applicable to speed and operation on the water.

An amendment to the motion was presented by Ald. Greenough, to hold a public meeting, with Council meeting as Committee-of-the-Whole, and further that a committee will be formed in the interim to meet with the various interested representatives and receive input at that level prior to the meeting (but still leaving policy recommendations open until after the meeting).

AMENDMENT: That a public meeting on the jet-ski issue be held, with Council meeting in Committee, and that in the interim, a committee be formed to receive input from the various interested parties, but without making policy recommendations until after the public meeting has taken place.

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

The suggestion was made in debate that during the period of time until the public meeting, jet-ski operators may want to consider some self-imposed controls, to demonstrate their willingness to address concerns of residents and their ability to operate their vehicles in a 'safe and prudent' manner.

Vote on the motion, as amended:

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

ALDERNEY
PARKING LOT

With a two-thirds majority vote of Council, Ald. Hetherington raised a point of concern about the hours for paid parking in the former ferry parking lot, where a parking gate has been installed.

Ald. Hetherington felt the hours should be the same as they are for downtown parking meters, between the hours of 6:00 a.m. and 6:00 p.m., with no charge for parking during evening and weekend hours. Mr. Corrigan asked that Council

delay a firm decision on this matter, until after staff have the opportunity to bring back a report on the implications, considering that budget projections were based on a continual paid parking estimate. Ald. Hetherington said he would not want to see any regulations in place until after Council debates the subject.

Council agreed to deal with a report from Mr. Corrigan at the Thursday meeting set for 6:00 p.m.

MOTION: To defer the paid parking item until the meeting of July 20th, at 6:00 p.m., when Mr. Corrigan's report will be available for consideration.

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

Meeting adjourned at 8:35 p.m.


V. Carmichael,
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
JULY 18, 1995.

ITEMS:

- 1.0 Resolution, Princess Louise Fusileers, page 1.
 - Third Reading, page 1.
 - i) By-law C-724, MPS amendment, Markborough, pg.1
 - ii) By-law C-725, LUB amendment, Markborough, pg.1
 - 2.0 Motion, Ald. Withers, page 3.
 - 2.2 Motion, Ald. Woods, page 3.
 - 3.0 Reports, page 3.
 - 3.1 Chief Administrative Officer, page 3.
 - 3.1.1 Contract 95-07, Lynn Dr. watermain, page 3.
 - 3.1.2 Contract 95-11, Portland St. watermain, pg.4.
 - 3.2 Dartmouth Lakes Advisory Board, page 4.
 - 3.2.1 Response to jet-ski issue, page 4.
-

APPENDIX "A"

BY-law C-724

Being a By-law of the City of Dartmouth to amend By-law C-356, as amended, the Municipal Planning Strategy.

The Council of the City of Dartmouth enacts as follows:

1. By-law C-356 is amended by adding Map 9i immediately following Map 9h. Map 9i is attached hereto as Schedule "A"
2. By-law C-356 is further amended by adding to Chapter 5 - the Commercial Chapter immediately following the final paragraph of text of (1) (d) the following:

(e) Regional Retail Facilities - Lands to the North of MicMac Mall

Mic Mac Mall is an established regional shopping area. The expansion of commercial development in this area will include major regional users. In order to mitigate the effects of this development, through site planning, building and operating controls, any proposed development of the property shall only be considered by development agreement.

3. By-law C-356 is further amended by adding the following policies immediately following Policy C-17 of Chapter 5 (Commercial):

Policy C-18

It shall be the intention of City Council to consider commercial development, including regional retail facilities by development agreement, on land that is designated Commercial and shown on Map 9i.

In considering the approval of such agreements, Council shall include the consideration of matters which reduce the effects of commercial development and operations on

adjacent residential uses, including but not limited to:

- i) buffering and separation distances;
- ii) the preservation of mature vegetation and other desirable natural features;
- iii) hours of operation;
- iv) landscaping of the site and parking lots;
- v) truck routes;
- vi) maintenance of the site;
- vii) limitations on outdoor storage, display and uses; and
- viii) architectural considerations (refers to compatibility as it relates to adjacent neighbourhoods);
- ix) any and all other matters applicable to the development of the lands as set out in Policy IP-C .

Policy C-19

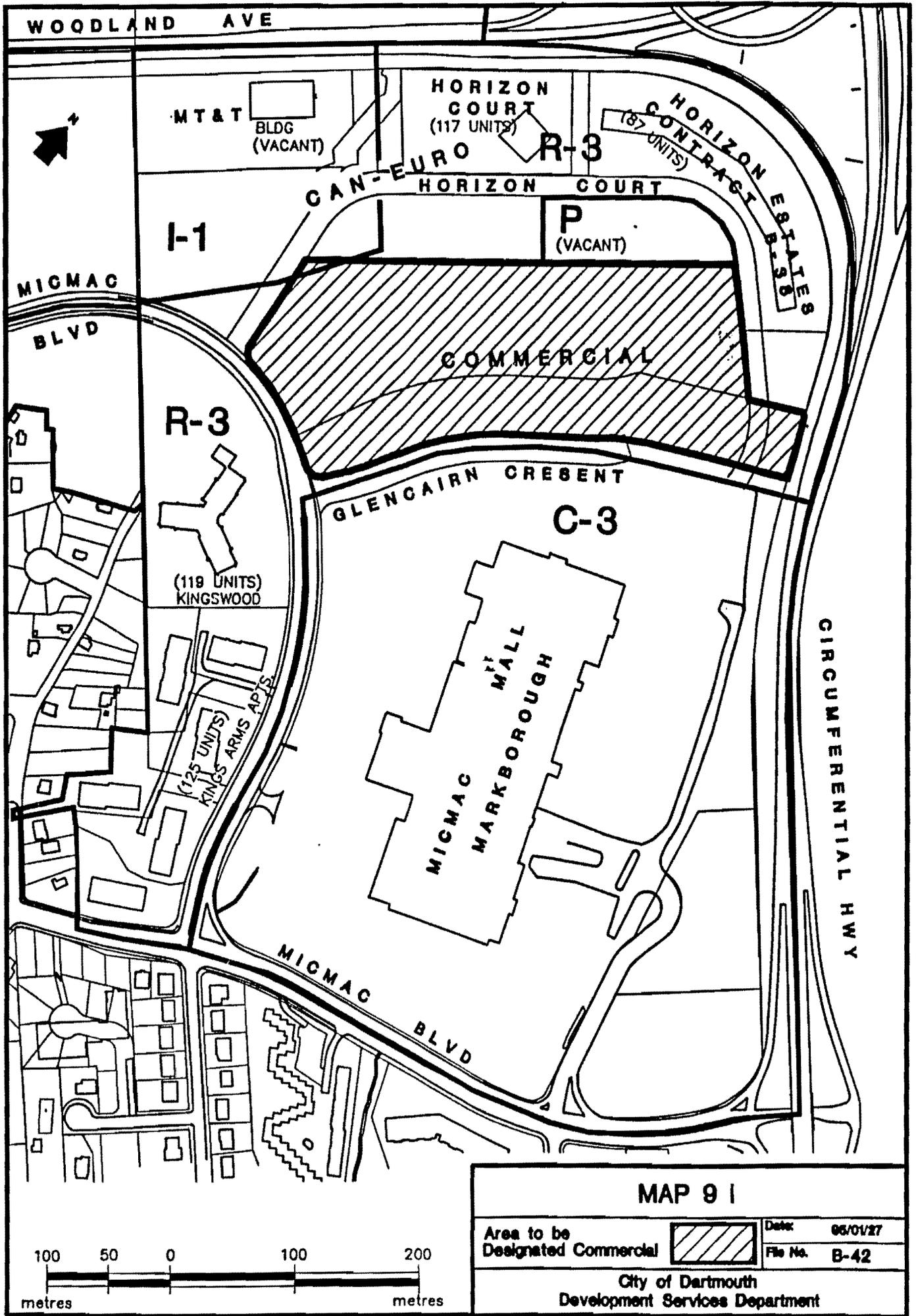
Notwithstanding Policy C-18 no development agreement on the lands shown by Map 9i shall permit the following:

- a) automotive sales, rental, service or repair uses;
- b) drinking establishments, adult entertainment uses, amusement centers and fast food restaurants;
- c) except for uses which are accessory to the main use of the land, outdoor storage and display uses, including temporary uses such as flea markets and amusement fairs; and
- d) industrial uses.

Done and passed this day of , A.D., 1995.

MAYOR

CITY CLERK



MAP 91

Area to be Designated Commercial 

Date: 06/01/27
File No. B-42

City of Dartmouth
Development Services Department

APPENDIX "B"

BY-LAW C-725

Being a by-law of the City of Dartmouth to amend By-law C-357, as amended, the Land Use By-law.

The Council of the City of Dartmouth enacts as follows:

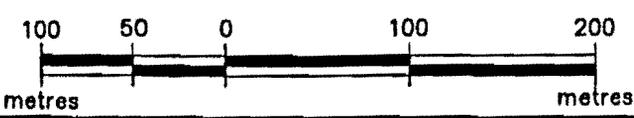
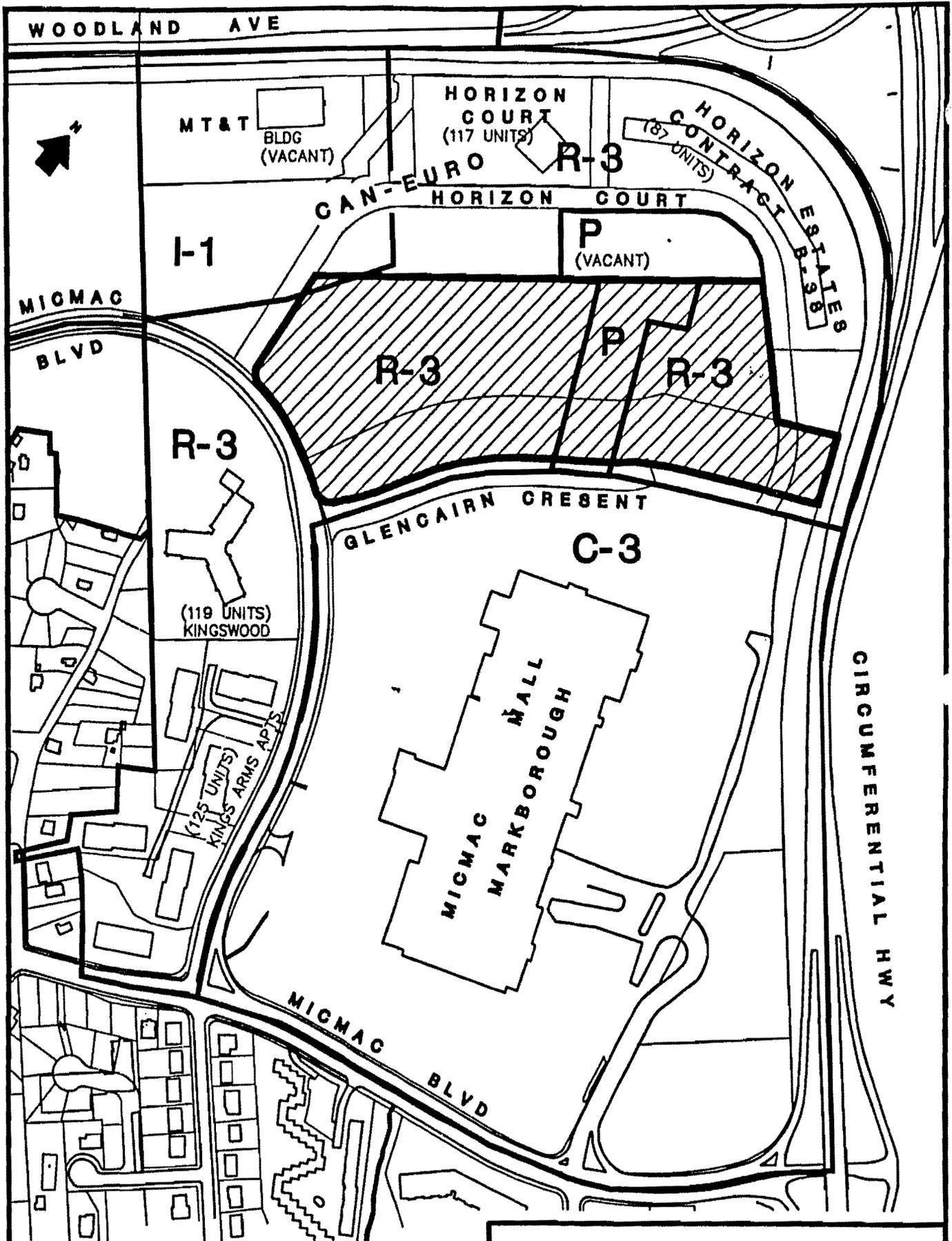
1. By-law C-357, the Land Use By-law, is amended by inserting immediately following Section 18D of Part II (General Provisions) the following:

18E Certain commercial uses situated on lands identified by crosshatching on Schedule N attached hereto and forming part of this By-law and according to Policies C-18 and C-19 may be considered by development agreement.

Done and passed this day of , A.D. 1995.

MAYOR

CITY CLERK



SCHEDULE N	
Lands Subject to Development Agreement	Date: 05/01/27
	File No. B-42
City of Dartmouth Development Services Department	



CITY OF DARTMOUTH

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

"A healthy community"

** M E M O R A N D U M **

DATE: July 11, 1995
 TO: Her Worship Mayor McCluskey & Members of Dartmouth City Council
 FROM: Larry Corrigan, Chief Administrative Officer
 SUBJECT: CONTRACT 95-07, LYNN DRIVE, WATERMAIN REPLACEMENT
 AND STREET RECONSTRUCTION

Tenders for the above-noted contract were received on July 11, 1995 as follows:

<u>Contractor</u>	<u>Address</u>	<u>Bid Amount</u>	<u>Time for Completion (Work days)</u>
Harbour Construction Co. Ltd.	Dartmouth	346,070.10	50
Ocean Contractors Ltd.	Waverley	348,354.82	50
Amber Contracting Ltd.	Dartmouth	389,852.90	50
C.R. Falkenham Backhoe Ser. Ltd.	Bedford	468,286.57	50
Dexter Construction Co. Ltd.	Bedford	472,854.40	50

The construction budget amount for this project is \$424,000 in the 1995/96 Capital Budget.

The tenders have been checked and were mathematically correct.

It is recommended that the tender for Contract 95-07, Lynn Drive, Watermain Replacement and Street Reconstruction be awarded to the lowest bidder, Harbour Construction Co. Ltd., with a bid price of \$346,070.10 and a completion time of 50 workdays.

Respectfully Submitted,

Larry Corrigan
Chief Administrative Officer

APPROVED BY,

R.J. Fougere, P.Eng.
Director, Engineering & PW

PREPARED BY,

G.M. Boyd, P.Eng.
Manager of Construction



CITY OF DARTMOUTH

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

"A healthy community"

M E M O R A N D U M

DATE: July 12, 1995
TO: Mayor McCluskey & Members of Dartmouth City Council
FROM: Larry Corrigan, City Administrative Officer
RE: **CONTRACT 95-11, WATERMAIN REPLACEMENT AND
STREET RECONSTRUCTION, PORTLAND STREET**

Tenders for the above noted contract were received on July 11, 1995 as follows:

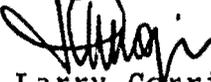
<u>Contractor</u>	<u>Address</u>	<u>Bid Amount</u>	<u>Time for Completion (Work days)</u>
Ocean Contractors Ltd.	Waverley	710,369.02	60
Amber Contracting Ltd.	Dartmouth	774,427.48	60
Dexter Construction Co. Ltd.	Bedford	865,673.87	60
J.R. Eisener Contracting Ltd.	Dartmouth	874,047.53	60

The total construction budget amount for this project is \$695,000. This amount consists of \$200,000 from the Canada/Nova Scotia Infrastructure Works Program which cost shares two-thirds of the replacement of the existing watermain, and \$495,000 from the 1995/96 Capital Works Budget for street reconstruction. Since the preparation of the 1995/96 Capital Works Budget, we have received word from Nova Scotia Department of Transportation and Communications that they will cost-share the street reconstruction in the amount of \$225,000.

The tenders have been checked and were mathematically correct.

It is recommended that the tender for Contract 95-11, Watermain Replacement and Street Reconstruction, Portland Street, be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$710,369.02 and a completion time of 60 workdays.

Respectfully submitted,


Larry Corrigan
Chief Administrative Officer

APPROVED BY,


R. J. Fougere, P.Eng.
Director, Engineering & PW

PREPARED BY,


G. M. Boyd, P.Eng.
Manager of Construction

DLAB 
DARTMOUTH LAKES ADVISORY BOARD

June 29, 1995

Her Worship the Mayor and Members,
Dartmouth City Council,
Dartmouth City Hall,
Alderney Drive,
Dartmouth, N.S.

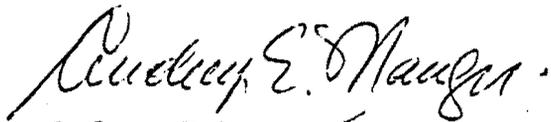
Dear Madam and Sirs,

The Dartmouth Lakes Advisory Board is in receipt of correspondence regarding Council's action in referring the matter of the operation of "jet-skis" on City lakes back to the Board, and its request for the Board to hold a public meeting/inquiry.

The Board has once again discussed the matter, with the inclusion of some further information on the subject, at its meeting of June 28/95. DLAB wishes Council to know that it has not changed its view on the matter and still recommends to Council that it amend By-law L-100 to ban the operation of these vehicles on all City lakes.

In the matter of a public meeting or inquiry, the Board feels that, with apologies to Council, it is unable to undertake such a procedure, as it would require an impartial group to organize and chair it. DLAB has made its position very clear by unanimous vote at two consecutive meetings, thus rendering it definitely not impartial.

Sincerely yours,



Audrey E. Manzer,
Chairperson

DARTMOUTH CITY COUNCIL
JULY 20/95

LOCATION: CITY COUNCIL CHAMBER
TIME: 6:00 P.M.

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

MEMBERS ABSENT: LEVANDIER, WITHERS

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

1.0 NOTICE OF RECONSIDERATION

- i) BY-LAW C-724 - MPS AMENDMENT, LANDS OF
MARKBOROUGH PROPERTIES & BY-LAW C-725,
LUB AMENDMENT, MARKBOROUGH

CONFLICT
OF INTEREST

Ald. Woods declared a conflict of interest, being a business associate with the Architect for the Kent Homes project (Mr. Connor). He withdrew from his place on Council to sit in the gallery.

At the July 18th Council meeting, Notice of Reconsideration was given by Ald. Schofield and Dexter, in connection with the action taken by Council in giving third reading to By-laws C-724 and C-725. Ald. Schofield proceeded with reconsideration at this time.

MOTION: To reconsider the decision of Council in connection with third reading of By-laws C-724 and C-725, as per Council's action at the meeting of July 18/95.

Moved: Ald. Smeltzer
Second: Ald. Dexter

Ald. Schofield stated that he believes the proposal is not what the community wants and many residents have indicated this to him. He stated that a project such as the Kent Homes proposal should be located in an industrial park.

Ald. Schofield explained that his reason for putting forth the notice of reconsideration was to represent the community he was elected to represent to the best of his ability. He stated that he wanted to give the aldermen a chance to think about the proposal a little longer before making a final decision.

The vote was taken on the notice of reconsideration.

In Favour: Ald. Dexter, Ald. Schofield
Against: All others
Motion Defeated

2.0 REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

2.1.1 WATERFRONT PARKING LOT

Mr. Corrigan distributed a report on the waterfront parking lot. He stated that charging for parking in this lot gives the City the opportunity to do what they had said in the beginning which was to generate some revenue. Mr. Corrigan suggested that if Council wanted staff to do some serious analysis over the summer break this would be possible.

Ald. Hetherington stated that he felt residents of Dartmouth should be able to enjoy the waterfront area without having to pay for parking.

MOTION: That Council approve a change in the parking fee structure for the waterfront parking lot to only charge for parking from 6 a.m. to 6 p.m. on weekdays for the summer months and review this issue again in the fall.

Moved: Ald. Hetherington
Second: Ald. Cunningham

Mr. Corrigan explained how the current system works noting that it is very programmable.

Mr. Corrigan noted that most of the money generated from the parking is from evening parking. He stated that it will not be possible to give an annual estimate of revenue based on the summer.

Ald. Cunningham stated that he misunderstood the intent of the motion, and, therefore, moved deferral of this issue until the end of the summer.

MOTION: That Council defer the waterfront parking issue until the end of the summer.

Moved: Ald. Cunningham
Second: Ald. Hawley

Mayor McCluskey asked about the possibility of moving the city vehicles and opening that part of the parking lot for free parking. Mr. Corrigan stated that this could be considered.

Some aldermen expressed concern that many of the people using the parking lot are going to Halifax and, therefore, Halifax will be the greatest recipient of free parking.

The possibility of allowing one hour of free parking was discussed to permit residents wanting to stroll the waterfront to be able to do so free of charge.

Free parking for the Farmer's Market was also suggested. Mr. Corrigan stated that a sign could be put in place indicating that parking is free during the hours of the market. He stated that if the deferral passes he will ensure that this is carried out.

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

Meeting adjourned at 6:35 p.m.


V. Carmichael,
Asst. City Clerk

ITEMS:

- 1.0 Notice of Reconsideration, Page 1
- 1) By-law C-724 - MPS Amendment, Lands of Markborough
Properties & By-law C-725,
LUB Amendment, Markborough, Page 1
- 2.0 Reports, Page 2
- 2.1 Chief Administrative Officer, Page 2
- 2.1.1 Waterfront Parking Lot, Page 2

DARTMOUTH CITY COUNCIL AGENDA

TUES., AUG. 22/95
7:30 P.M.
COUNCIL CHAMBER
IN CAMERA SESSION
10:00 P.M.

CONTINUATION OF COUNCIL AGENDA OF JULY 18, 1995

1. MOTIONS

1.1 ALD. WITHERS

WHEREAS Albro Lake Road, east of Ernest Ave. to Lancaster Drive, constitutes part of the development area referred to as Lancaster Ridge;

THEREFORE BE IT RESOLVED that such section of Albro Lake Road be henceforth known as Sea King Drive.

1.2 ALD. WOODS

WHEREAS Albro Lake is used by hundreds of people who enjoy fishing;

AND WHEREAS fly fishing is a popular form of fishing;

AND WHEREAS some passers-by have been accidentally caught by fly hooks;

THEREFORE, BE IT RESOLVED that the Parks & Recreation Dept. (the "Department") review the practice of mixing the various forms of angling in close proximity to passive recreationalists. In its review, the Department will consider establishing criteria and/or zones dedicated to fly fishing;

AND BE IT FURTHER RESOLVED that the Parks & Recreation Dept. consult with the local sports fishing associations in setting policies for safe recreational fishing at Albro Lake and at the other Dartmouth fishing lakes.

COUNCIL AGENDA OF AUGUST 22, 1995**2. REPORTS****2.1 CHIEF ADMINISTRATIVE OFFICER**

- 2.1.1 Supply of Pockwock Water to Dartmouth via Harbour Crossing
- 2.1.2 City of Dartmouth Water Utility - Request for Proposals for Water Treatment Plant
- 2.1.3 1995/96 Debt Issue
- 2.1.4 Withdrawals from Special Reserve
- 2.1.5 Tender - Playground Equipment PR95-02
- 2.1.6 Tender - Cont. PR95-04 Dartmouth Lawn Bowling Green - Resurfacing
- 2.1.7 Tender - Cont. 95-08 - Watermain Replacement - Beech St.
- 2.1.8 Tender - Cleaning & Lining Sewer - Summit St.
- 2.1.9 Tender - Cont. 95-10 - Montebello Dr., Myrer Dr., Waverley Road - Street and Sidewalk Construction
- 2.1.10 Tender - Cont. 95-12 - Watermain Replacement, Street Paving - Crichton Ave. and Newcastle St.
- 2.1.11 Block X CDD - Debate on Resolution to Enter Development Agreement
- 2.1.12 Proposed Development Agreement for Home Improvement Centre (Kent) - set date for neighborhood information meeting
- 2.1.13 Tender - Cont. 95-14 - Sidewalk Construction Stewart Harris, Clarence & Lahey Road
- 2.1.14 Tender - Cont. 95-15 - Victoria Road - Overlay Paving

2.2 PUBLIC TRANSPORTATION ADVISORY COMMITTEE

- 2.2.1 Access-A-Bus Transportation System

3. HALIFAX HARBOUR OUTFALL EXTENSIONS

- i) Funding Update (oral)

IN CAMERA SESSION - 10:00 P.M.

- 1. Land Matter
- 2. Legal Matter
- 3. Land Matter

DARTMOUTH CITY COUNCIL
AUGUST 22, 1995.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY
ALDERMEN SARTO, SMELTZER
MACFARLANE, DEXTER
LEVANDIER, WITHERS
SCHOFIELD, PYE, WOODS
HAWLEY, GREENOUGH
WALTON, HETHERINGTON
MEMBER ABSENT: ALD. CUNNINGHAM (VACATION)

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

Ald. Pye informed Council that he is unable to be a delegate for the City at the UNSM conference, and asked that one of the two alternate delegates attend in his place. Ald. Greenough agreed to try and attend in Ald. Pye's place.

1.0 MOTIONS

1.1 ALD. WITHERS

MOTION: WHEREAS Albro Lake Road, east of Ernest Ave. to Lancaster Drive, constitutes part of the development area referred to as Lancaster Ridge;

THEREFORE BE IT RESOLVED that such section of Albro Lake Road be henceforth known as Sea King Drive.

In presenting his motion, Ald. Withers said that the residents affected are overwhelmingly in favour of the name proposed, and it is appropriate for the location.

<u>Moved:</u>	Ald. Withers
<u>Second:</u>	Ald. Schofield
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

1.2 ALD. WOODS

MOTION: WHEREAS Albro Lake is used by hundreds of people who enjoy fishing;

AND WHEREAS fly fishing is a popular form of fishing;

AND WHEREAS some passers-by have been accidently caught by fly hooks;

THEREFORE, BE IT RESOLVED that the Parks & Recreation Dept. (the "Department") review the practice of mixing the various forms of angling in close proximity to passive recreationalists. In its review, the Department will consider establishing criteria and/or zones dedicated to fly fishing;

AND BE IT FURTHER RESOLVED that the Parks & Recreation Dept. consult with the local sports fishing associations in setting policies for safe recreational fishing at Albro Lake and at the other Dartmouth fishing lakes.

<u>Moved:</u>	Ald. Woods
<u>Second:</u>	Ald. Pye
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

2.0

REPORTS

2.1

CHIEF ADMINISTRATIVE OFFICER

2.1.1

SUPPLY OF POCKWOCK WATER TO DARTMOUTH VIA
HARBOUR CROSSING

POCKWOCK WATER:
NARROWS CROSSING

Members of Council have received a report from Mr. Corrigan, in which he asks for debate and policy guidance, in connection with a letter from Carl Yates, the General Manager of the Halifax Water Commission, on the subject of Pockwock water being supplied to Dartmouth, via a harbour crossing at the Narrows, adjacent to the A. Murray MacKay Bridge. A study of this possible option, to be funded by the Halifax Water Commission, is being proposed by Mr. Yates, and Mr. Corrigan has responded to this proposal, indicating concerns the City of Dartmouth would have, at this point, being well underway with our own water treatment plant project. A subsequent further letter of

response from Mr. Yates, dated August 18/95, has been received and copies provided for members of Council, for this meeting.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, due to the association of CBCL with both the City project and the HWC. He withdrew from his place on Council to sit in the gallery.

Ald. Levandier and several other Council members questioned this kind of intervention by the HWC at such a late point in the water treatment plant process, but other members, such as Ald. Dexter, felt there is adequate time for a study to go forward, so that all possible options can be looked at before any final decision is made on a water supply for Dartmouth. Ald. Dexter spoke about the importance of water conservation, no matter what supply source is decided upon, and indicated his intention to present a motion, on the subject of water conservation, at a later date.

Ald. Hetherington supported the seven items listed by Mr. Corrigan, in connection with any decision of consent for the study. He commented on some of the reservations he would have about a single water source for Dartmouth, under Halifax harbour, considering the vulnerability of water lines in that location.

There were a number of questions to Mr. Corrigan and Mr. Fougere about any information that is presently available on a Narrows crossing for a Pockwock water line. Mr. Fougere said the Porter Dillon study did not go into this option, since they did not feel it was a feasible option for investigation. Ald. Smeltzer said that if there are any previous studies pertaining in any way to the potential of a Narrows crossing, members should be provided with a synopsis of the information.

At the conclusion of a lengthy discussion, a motion was presented by Ald. Greenough.

MOTION: That City Council give consent to the Halifax Water Commission to conduct the proposed study to supply Dartmouth water needs through the Pockwock system; this study to be funded by the HWC, and should give supply and quality guarantees, including a twenty-year

fixed price, for direct comparison with our own RFP. Further, this study should be carried out in accordance with the seven items listed in Mr. Corrigan's report of August 18/95. The seven points are:

- 1) The study should not delay the Dartmouth Water Treatment Plant RFP;
- 2) The study should consider costs of the total system (not just the Halifax side);
- 3) Complete environmental and health concerns should be addressed;
- 4) Consultants should be totally independent of the Dartmouth RFQ process;
- 5) Dartmouth members on the proposed committee - Larry Corrigan, Russ Fougere and Conrad Sarty;
- 6) The study should first be cleared by the Halifax Regional Municipality;
- 7) The Halifax Water Commission should pay for the costs of the study.

Moved: Ald. Greenough
Second: Ald. Dexter
In Favour: All members except
Against: Ald. Withers, Hawley, Levandier
Motion Carried

2.1.2 REQUEST FOR PROPOSALS, WATER TREATMENT PLANT

RFP: WATER
TREATMENT PLANT

The next report to Council from Mr. Corrigan, dealt with the finalized version of the RFP for the water treatment plant, recommending that the RFP be approved for distribution to the three short-listed proponents: North West Water Canada Ltd.; The Atlantic to Pacific Water Group; and Wheelabrator EOS Inc. & the Hardman Group Ltd.

MOTION: To adopt the recommendation:
That the RFP for the water treatment plant be approved for distribution to the three short-listed proponents, as listed in the above text.

Moved: Ald. Hetherington
Second: Ald. Walton

The adequacy of section 9.2 of the RFP, in terms of the City being able to accept or reject proposals, or to cancel the project altogether, was questioned by Ald. Dexter, and both he and Ald. Smeltzer felt there should be a completely iron-clad provision for the City's protection. At the same time, it was noted that proponents could be discouraged from making any submissions at all, if the stringency of the RFP provisions is seen by them as prohibitive. Ald. Woods later suggested that the proponents should at least be thanked for their participation to this point. He did this himself. No changes were made to the wording of Section 9.2 or to any other sections of the RFP. The vote was taken on the motion to adopt Mr. Corrigan's recommendation.

In Favour: All
Against: None
Motion Carried

2.1.3 1995/96 DEBT ISSUE

1995/96 DEBT ISSUE

Report from Mr. Corrigan (B. Smith, D. McBain) on the subject of the 1995/96 debt issue, recommending that Council authorize staff to proceed with funding arrangements with the Municipal Finance Corporation, for long-term debt, totalling \$4,363,100., relating to General Fund projects.

MOTION: To adopt the recommendation:
That Council authorize staff to proceed with funding arrangements with the Municipal Finance Corp., for long-term debt, totalling \$4,363,100., relating to General Fund projects.

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

Ald. Levandier requested a report on capital spending to date, with information on the status of capital projects and any surpluses there may be at this point in the year.

2.1.4 WITHDRAWALS FROM SPECIAL RESERVE

WITHDRAWALS FROM
SPECIAL RESERVE

Report from Mr. Corrigan (B. Smith, D. McBain) on provision for withdrawals from Special Reserve for the fiscal year 1995/96, recommending that Council approve Resolutions 95-33 (\$490,000.) and 95-34 (\$300,000.), for a total of \$790,000.

MOTION: To adopt the recommendation:
That Council approve Resolutions 95-33 and 95-34, to provide for withdrawals from Special Reserve in the total amount of \$790,000., for the fiscal year 1995/96.

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

2.1.5

TENDER - PLAYGROUND EQUIPMENT PR95-02

TENDER: PLAYGROUND
EQUIPMENT

Report from Mr. Corrigan (W. Stevens, C. Macomber, H. George) on tenders received for the supply and installation of playgrounds at five locations, recommending that the tender be awarded to the low bidder, MacDonald Fencing Ltd., for a total tender price of \$124,362.64, GST included.

MOTION: To award the tender for playgrounds at five locations to the low bidder, MacDonald Fencing Ltd., as recommended, in the amount of \$124,362.64, GST included.

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

2.1.6

TENDER, CONT. PR95-04, LAWN BOWLING GREEN

AWARD TENDER:
CONTRACT PR95-04

Report from Mr. Corrigan (W. Stevens, C. Macomber, H. George) on tenders received for the resurfacing of the Dartmouth lawn bowling greens, recommending that the tender be awarded to Dexter Construction Ltd., using the lowest acceptable bid "Armada Green", for a total tender price of \$170,558.00.

MOTION: To award the tender for Contract PR95-04 (lawn bowling green) to

Dexter Construction Ltd., as recommended, in the amount of \$170,558.00.

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

2.1.7 TENDER - CONT. 95-08, WATERMAIN REPLACEMENT
BEECH STREET

AWARD TENDER:
CONTRACT 95-08

Report from Mr. Corrigan (E. Purdy, G.M.Boyd) on tenders received for Contract 95-08, Beech Street watermain replacement & street reconstruction, recommending that the tender be awarded to the lowest bidder, Harbour Construction Co. Ltd., with a bid price of \$158,033.65; completion time: 35 workdays.

MOTION: That the tender for Contract 95-08 be awarded to the lowest bidder, Harbour Construction Co. Ltd., as recommended, in the amount of \$158,033.65.

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

The Mayor asked that this company be required to comply with regulations applicable to pre-blast survey requirements and providing information to residents affected, as they should be doing.

2.1.8 TENDER - CONTRACT 95-24, CLEANING & LINING SEWER
- SUMMIT ST.

AWARD TENDER:
CLEANING AND
LINING SEWER

Report from Mr. Corrigan (E. Purdy, G.M.Boyd) on the tender for cleaning and lining of 77 metres of combined sewer on Summit Street, recommending that IGL Canada Ltd. be awarded the contract, at a cost of \$27,814.23.

MOTION: To award the tender for the cleaning & lining of sewer on Summit Street to IGL Canada Ltd., at a cost of \$27,814.23, as recommended.

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

2.1.9 TENDER, CONTRACT 95-10, STREET & SIDEWALK
CONSTRUCTION

AWARD TENDER:
CONTRACT 95-10

Report from Mr. Corrigan (E. Purdy, H.R.Hatcher) on tenders received for Contract 95-10, street & sidewalk construction (Montebello Drive, Myrer Dr., Waverley Road), recommending that the tender be awarded to the lowest bidder, Standard Paving Maritime Ltd., with a bid price of \$177,042.20; completion time: 40 workdays.

MOTION: That the tender for Contract 95-10 be awarded to the lowest bidder, Standard Paving Maritime Ltd., in the amount of \$177,042.20, as recommended.

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

Ald. Greenough requested that since this project came in under budget, the unallocated remainder be used to extend the Waverley Road contract another 200 feet, from Crest Drive to Kyle's Court, this project having been cut back at budget time.

2.1.10 TENDER, CONTRACT 95-12 - WATERMAIN REPLACEMENT
CRICHTON AVE. & NEWCASTLE ST.

AWARD TENDER:
CONTRACT 95-12

Report from Mr. Corrigan (E. Purdy, G.M. Boyd) on tenders received for Contract 95-12, watermain replacement and street paving, Crichton Ave. & Newcastle Street, recommending that the tender be awarded to the lowest bidder, Amber Contracting Ltd., with a bid price of \$973,014.13; completion time: 60 work days.

MOTION: To award the tender for Contract 95-12 to the lowest bidder, Amber Contracting Ltd., as recommended, in the amount of \$973,014.13.

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

Ald. Levandier requested that an existing drainage problem on Newcastle Street be given attention while construction there is in progress. Mr. Fougere said it could be looked at, as requested.

2.1.11 BLOCK X CDD - RESOLUTION TO ENTER DEVELOPMENT AGREEMENT

BLOCK X CDD:
DEVELOPMENT
AGREEMENT

Council has received a report from Mr. Corrigan (V. Spencer, R. Wells) on the Block X CDD Development Agreement, which can now proceed, since there was no appeal of the rezoning decision made previously by Council. The development agreement package circulated with the report to Council, also contains information requested by Council at the time of the public hearing for this rezoning. The recommendation is that Council approve Resolution 95-27, which approves the entering into of the proposed Development Agreement with Mount Cedar Developments Ltd. for the Block X property.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, Mr. Connor being a CBCL associate, and withdrew from his place on Council.

MOTION: To approve Resolution 95-27, as recommended.

Moved: Ald. Sarto
Second: Ald. Pye

Ald. Schofield proposed an amendment with regard to the parkland provision.

AMENDMENT: That the parkland (1.2 acres) reserve be deeded to the City, together with the lot designated as a future access road; and that the cash-in-lieu of parkland clause be deleted.

Moved: Ald. Schofield
Second: Ald. Withers
In Favour: All members except
Against: Ald. Levandier, Greenough
Amendment Carried

Mr. Chedrawe, the developer, was present in the gallery for this item, and indicated concurrence with the amendment. He also indicated concurrence with a second amendment, proposed by Ald. Withers, that would identify amenities applicable to an apartment building intended for occupancy by seniors, thereby confirming an undertaking given to area residents at the time of the public hearing.

Mr. Wells and Ms. Spencer noted some of the difficulties in trying to identify amenities and construction details, relative to a building specifically designated for seniors. The other problem noted was in restricting the use of an apartment building to occupancy by seniors. Mr. Chedrawe had formerly stated his success in doing this with a Halifax development, and again confirmed it at this time.

It was felt that staff should have time to determine the appropriate wording for amenities conducive to older tenants of a building, for incorporation as a clause in the development agreement. A motion to defer both amendments for drafting and incorporation in the agreement was adopted, this item to be brought back to the next Council meeting (August 29th).

AMENDMENT: To include a clause in the development agreement requiring amenities conducive to the apartment building being occupied by senior tenants; the wording to be determined by staff in conjunction with Mr. Chedrawe.

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

MOTION: To defer Resolution 95-27 for one week, for drafting and incorporation of the two amendments adopted.

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

2.1.12 PROPOSED DEVELOPMENT AGREEMENT, HOME IMPROVEMENT CENTRE

PROPOSED
DEVELOPMENT
AGREEMENT:
KENT HOMES

Also before Council was a report from Mr. Corrigan (V. Spencer, R. Wells) on the proposed Development Agreement for the lands of Markborough Properties Inc., north of MicMac Mall, subsequent to the MPS and Land Use By-law amendments for these lands having been approved by the Minister of Municipal Affairs.

In view of the fact that an initial consultation meeting was already held in the area, it has been recommended that Council waive the requirement for a neighbourhood consultation meeting, and instruct staff to hold a neighbourhood information meeting for the development agreement.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, Mr. Connor being a CBCL associate, and withdrew from his place on Council.

MOTION: To adopt the recommendation on the holding of a neighbourhood information meeting only and not a neighbourhood consultation meeting in addition.

Moved: Ald. Hetherington
Second: Ald. Walton

Ald. Withers, Schofield and Pye opposed the motion, maintaining that the entire process, including a consultation meeting, should take place. Members of Council were willing to support the position of the area Aldermen, and to vote against the motion.

In Favour: No members
Against: All members
Motion Defeated

MOTION: That a neighbourhood consultation meeting be held, in addition to the neighbourhood information meeting.

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

Members requested that the consultation meeting be scheduled as soon as possible, to avoid delay, and Ald. Pye indicated he would be willing to chair that meeting if it would help to expedite proceedings.

2.1.13 TENDER, CONTRACT 95-14, SIDEWALK CONSTRUCTION

AWARD TENDER:
CONTRACT 95-14

Report from Mr. Corrigan (R. Fougere, H. Hatcher) on tenders received for Contract 95-14, sidewalk construction, Clarence St., Lahey Road, Stewart Harris Drive, Yorkshire Ave., recommending that the tender be awarded to the lowest bidder, B & L Construction Ltd., with a bid price of \$58,161.99; completion time: 20 workdays.

MOTION: To award the tender for Contract 95-14 to the lowest bidder, B & L Construction Ltd., as recommended, in the amount of \$58,161.99.

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

2.1.14 TENDER, CONTRACT 95-15 - VICTORIA ROAD, OVERLAY PAVING

AWARD TENDER:
CONTRACT 95-15

Report from Mr. Corrigan (R. Fougere, H. Hatcher) on tenders received for Contract 95-15, Victoria Road, asphalt overlay, recommending that the tender be awarded to the lowest bidder, Ocean Construction Ltd., with a bid price of \$179,523.91; completion time: 20 workdays.

MOTION: To award the tender for Contract 95-15 to the lowest bidder, Ocean Construction Ltd., as recommended, in the amount of \$179,523.91.

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

2.2 PUBLIC TRANSPORTATION ADVISORY COMMITTEE

2.2.1 ACCESS-A-BUS TRANSPORTATION SYSTEM

ACCESS-A-BUS
TRANSPORTATION
SYSTEM

The Public Transportation Advisory Committee has recommended Council's approval of a motion adopted at the June 7th meeting of the Committee, with regard to Access-a-Bus transportation.

MOTION: To approve the motion adopted by the Public Transportation Advisory Committee, the text of which follows:

That Council endorse and support the Access-a-Bus Advisory Committee's recommendation to Metro Transit, in that, Metro Transit would conduct a complete study into the acquisition and integration of the Access-a-Bus system into the existing Metro system, with a report due no later than Sept. 30/95. Further, that the City of Dartmouth's support of the Access-a-Bus Advisory Committee's recommendation be formally communicated to Metro Authority.

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

3.0 HALIFAX HARBOUR OUTFALL EXTENSIONS

i) FUNDING UPDATE

FUNDING UPDATE

A verbal report was given by Mr. Corrigan to Council, further to the Dartmouth Cove pollution control project, approved in principle at the Council meeting of June 13/95. Figures were shown to Council, and copies circulated, which reflect the state of current negotiations with the Federal Government, for cost-sharing in both the Dartmouth Cove and Tufts Cove interception & screening projects, these having been identified as phase-in projects, one and two respectively.

Being negotiated, is an equal cost-sharing arrangement between the City and the Federal Government, in the total amount of \$10 million (i.e. \$5 million each for the Dartmouth Cove and Tufts Cove projects). Therefore, the 50% City share of these two projects is \$5 million.

Since Council had previously agreed to cost-sharing arrangements according to HHCI percentages and had only approved the Dartmouth Cove project, it was necessary to give revised approval in order to proceed with the current negotiations for both Dartmouth Cove and Tufts Cove, with the Federal Government. A motion to rescind the previous cost-sharing arrangement was therefore presented.

MOTION: To rescind the previously-approved cost-sharing condition, based on HHCI percentages, as per the June 13th motion.

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

MOTION: To approve the negotiations for the two projects, as set out in the report presented by Mr. Corrigan, i.e. interception and screening projects are now approved for both Dartmouth Cove and Tufts Cove, in the amount of \$5 million each for a total of \$10 million. The City is to pay a 50 percent share of these two projects.

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

At 10:30 p.m., Council went in camera, on motion of Ald. Sarto and Greenough. After reconvening in open meeting, the action taken while meeting in camera was ratified.

MOTION: To ratify the action taken
while meeting in camera
on this date (land matters: 3).

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

Meeting adjourned at 10:40 p.m.

V. Carmichael
V. Carmichael
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
AUGUST 22, 1995.

ITEMS:

- Motions, page 1.
- 1.0 Ald. Withers, page 1.
 - 1.1 Ald. Woods, page 1.
 - 1.2 Reports, page 2.
 - 2.0 Chief Administrative Officer, page 2.
 - 2.1 Supply of Pockwock water to Dartmouth, pg.2.
 - 2.1.1 City Water Utility: RFP, Water Treatment, pg.4
 - 2.1.2 1995/96 Debt Issue, page 5.
 - 2.1.3 Withdrawals from Special Reserve, page 5.
 - 2.1.4 Tender: Playgrounds, PR95-02, pg. 6.
 - 2.1.5 Tender: Cont. PR95-04, Lawn Bowling Green, pg.6
 - 2.1.6 Tender: Cont. 95-08, Watermain, Beech St., pg.6
 - 2.1.7 Tender: Cleaning & Lining Sewer, Summit St,pg.7
 - 2.1.8 Tender: Cont. 95-10, Sidewalk Constr., page 7.
 - 2.1.9 Tender: Cont. 95-12, Crichton Ave., page 8.
 - 2.1.10 Block X CDD Development Agreement, pg. 8.
 - 2.1.11 Development Agreement, Kent Homes, pg. 10.
 - 2.1.12 Tender: Cont.95-14, Sidewalk Constr., pg. 11.
 - 2.1.13 Tender: Cont.95-15, Victoria Road, page 12.
 - 2.1.14 Public Transportation Committee, page 12.
 - 2,2 Access-a-Bus Transportation System, pg. 12.
 - 2.2.1 Halifax Harbour Outfall Extensions, pg. 13.
 - 3.0 Funding Update, page 13.
- i)
-

Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL AGENDA

TUES., AUG. 29/95

8:00 P.M.

COUNCIL CHAMBER

PROCLAMATION - Union Label Week

1. PRESENTATION

- i) Pedestrian/Bicycle Bridge Crossing - Lake Banook - Ratcliffe and Associates

2. REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

- 2.1.1 Tender - Cont. 95451, Street Paving - Burnside
- 2.1.2 Proposed Development Agreement - 52 Queen Street (set date for neighborhood information meeting)

2.2 CITY SOLICITOR

- 2.2.1 Terms of Reference - Dartmouth Lakes Advisory Board
- 2.2.2 Terms of Reference - Youth Committee

DARTMOUTH CITY COUNCIL
AUGUST 29, 1995.

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

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

REGRETS: ALD. SARTO

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

Ald. Hetherington received permission to have an item added to the agenda, dealing with a controversy involving the Dartmouth Gentlemen's Slow Pitch League and their use of the Maybank Ballfield.

PROCLAMATION

A Proclamation was read by Mayor McCluskey, proclaiming the first week of September, 1995, as Union Label Week.

Ald. Hetherington said there should be some care in the proclamations that are read, noting that the Power Smart proclamation is now being negated by the Nova Scotia Power application to the Utility Review Board.

MAYBANK BALLFIELD PROBLEM

Ald. Schofield explained to Council the problem that has arisen over the continued use of the Maybank ballfield by the Dartmouth Gentleman's Slow Pitch team, following an incident in which the window of a passing car was broken by a ball hit from the field. Restitution has not yet been made by the team to the owner of the car, and the permit held by the team to use the field has only been reinstated, pending the settlement of negotiations between the team and the owner of the car.

Ms. Geri Kaiser of the Parks & Recreation Dept. provided additional information on the action taken by the department, noting that by accepting the permit for use of the field, the team also accepts responsibility for damages. They were allowed to use the field for their most recent game, based on the understanding

that negotiations with the car owner are in progress.

Ms. Hood, who was present for this item, advised that the permit is a contract between this group and the City, and it is understood that the terms and conditions of the contract must be adhered to; she quoted from the relevant section of the permit which applies to responsibility on the part of the team for damages. Ald. Hetherington felt that liability would first have to be proven, to substantiate compliance.

Ald. Dexter suggested that the parties involved - the team and the car owner - should be left alone to resolve the dispute. Ald. Levandier was concerned about the precedent being set for all the users of City playing fields if this kind of liability expectation is placed on them.

Asked about the question of liability and insurance available, Ms. Kaiser advised that Accident & Liability insurance is available to teams, through Sport Nova Scotia, but Steve Smith, who later spoke to Council on behalf of the team, said the cost to the team for such insurance would have been \$7,500. He felt the City is partly responsible for damages, based on the fact that the team has requested safety improvements, but these have not been carried out by the City. One of these was to extend the netting intended to keep balls from being hit out of the field. Ms. Kaiser explained some of the costs entailed to do this, since the netting would have to be taken down and put up again annually. The other alternative would be to reverse the direction of the field, but this would involve costly lighting changes.

One suggestion made, by Ald. Hawley, was to erect signs, at either end of the field, alerting motorists to the danger from balls being hit out of the field.

MOTION: That the permit for use of the field by the Slow Pitch team be continued (ie. to complete their current playing season).

Moved: Ald. Levandier
Second: Ald. Dexter

AMENDMENT: That continuation of the permit be on the understanding that the present damage claim will be settled and that safety aspects of the Maybank Field will be reviewed and evaluated by Parks & Recreation Dept.

Moved: Ald. Schofield
Second: Ald. Hawley
In Favour: All members except
Against: Ald. Levandier
Amendment Carried

The motion as amended:

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

1.0

PRESENTATION

i)

PEDESTRIAN/BICYCLE BRIDGE CROSSING - LAKE BANOOK

PRESENTATION:
BRIDGE CROSSING
LAKE BANOOK

Opening remarks were made to Council by Carol Macomber, prior to a presentation on Lake Banook Crossing Options, associated with the Dartmouth Trail System & Canoe Course Improvements, a project under the Infrastructure Program. She asked for direction from Council on how to proceed, given the options to be presented and the recommendation in favour of Option C, a direct bridge route across Lake Banook, connecting Graham's Grove with the YMCA on the other side of the lake.

Mr. Gordon Ratcliffe (Landscape Architects) began the presentation, providing Council with information on both the canoe course improvements and on the trail system, which extends from the Dartmouth waterfront to Lake Charles. He showed a series of slides of the Toronto trail system, which has features similar to the system planned for Dartmouth, and he showed slides as well of the route that will be followed through Dartmouth, a route that will be seven km. from end to end. Two tenders have already been called for two separate sections of the trail, pointed out on a map, also shown to Council. The section of the trail, still requiring a decision on the crossing of Lake Banook, was indicated.

The second presenter was Leslie Griffiths of Griffiths Muecke Associates, Planning Consultants. She gave a detailed explanation of the public participation and consultation process that has taken place, since the formation of a nine-person Advisory Committee, some time ago. Included, were two public meetings and two workshops, plus a newsletter and meetings with various organizations; a liaison has been maintained throughout with the Lakes Advisory Board. She said there has been a lot of community interest and support for this project from the beginning, and the input from the public has been helpful.

She gave a report on the overall consultation findings, and a portion of her presentation was taken up with details of the trail design and use. She summarized the opinions that have been expressed on the recommended bridge crossing of Lake Banook: the canoe interests do not feel that a bridge would have a significant impact on canoeing activities; there is a mixed reaction from rowers; the YMCA is supportive; the Canal Commission does not have any problem with the proposal; residents of Lakeview Point Road are opposed. Members received at this meeting, copies of a report from the Lakes Advisory Board sub-committee studying the lake crossing options, indicating a preference for Option B, over Option C, for the reasons outlined in the report. Ald. Schofield brought this report to Council's attention, noting that this is a sub-committee recommendation, still to be discussed by the Board itself.

A suggestion made to Ms. Griffiths, by Ald. Hetherington, was that distance markers be located on the trail, for the information of people using it.

The final presenter was Bill Waugh of Waugh Associates Ltd. (Consulting Civil & Structural Engineers). He noted that to do nothing at all would result in two trails, separated by the MicMac Parclo (Option D), considered to be an undesirable alternative. The other options, summarized, are:

- Option A: Lake edge infill and use of overpass sidewalk.
- Option B: Gabion Walls and footbridge adjacent to overpass.

Option C: A trail through Graham's
Grove and footbridge over
lake to YMCA.

The disadvantages of the first two options were explained, including the close proximity to a major ten-lane highway section and the generally unfavourable response from the Transportation Department to pedestrian and bicycle routes in conjunction with the Circumferential Highway. Option C overcomes these difficulties, in that the trail would be completely separated from vehicular traffic, and would encourage the use of Graham's Grove and the Y, at the same time. Mr. Waugh said it would be a 'unique feature in the Dartmouth trail system' and generally, an asset to it. He acknowledged that there would be some disturbance to the lake bottom during construction of the footbridge, which would require a pier in the centre of the lake, but after completion, there would not be any adverse affect on the water flow in the lake.

Details of cost and construction were provided by Mr. Waugh, during the course of his presentation, Option C being estimated to cost \$260,000., as compared with \$245,000. for Option B. He responded to questions from members of Council about various safety considerations, the strength of the bridge to accommodate large numbers of users at any one time, etc.

Members of Council spoke in favour of the trail system, but there were questions and concerns about the concept of a footbridge over Lake Banook, in terms of safety to the public, liability on the part of the City, in case of accidents, possible use of the bridge by people with motorcycles, use of the bridge at night-time, and so on. Ald. MacFarlane referred to problems that have arisen with existing footbridges over the Circumferential Highway and at Oathill Lake. People have congregated at both locations, resulting in problems for area residents, and the Circumferential footbridge had to be caged, to prevent people from climbing up on it and from throwing objects down on passing cars underneath. He considered the proposed footbridge over the lake to be an intrusion on it, and he informed Council of the opposition from Lakeview Point Road residents, a petition

to this effect having been received from them.

Ald. Wood's said he would like to have seen more complete drawings provided for Options A and B, similar to the one shown to Council for Option C. Ald. Withers asked about a possible night-time curfew, to prevent useage of the footbridge at that time. If a curfew were to be imposed, would Parks & Recreation Dept. be responsible for its enforcement.

Ald. MacFarlane was in favour of giving further consideration to Options A and B, while eliminating Option C at this point.

MOTION: That Options A and B be given further consideration, and that Option C be eliminated from consideration.

Moved: Ald. MacFarlane
Second: Ald. Schofield

Generally, members were reluctant to rule out Option C at this point, but were in favour of receiving further drawings, information, etc. in connection with Options A and B. Also, it was felt that there are safety aspects and questions of liability and useage problems associated with the footbridge option, that need to be looked at further, before any decision could be made about it. It was therefore requested that the vote on the motion be taken in two parts. Mr. Corrigan noted that the consultants and staff have already taken a second and more thorough look at Options A and B, the results of which have been presented to Council at this meeting. Ms. Macomber also felt the options have been elaborated upon insofar as the consultants and staff are able to do so. It was felt by Council that points of concern raised by Ald. MacFarlane and the questions of safety, liability, and potential problems with a footbridge, should receive further attention.

The vote was taken by the Mayor separately, on the two sections of the motion, as requested.

That Options A & B be given further consideration:

In Favour: Nine members
Against: Four members
Motion Carried

That Option C be eliminated from further consideration:

In Favour: Four members

Against: Nine members

Motion Defeated

2.0 REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

2.1.1 TENDER - CONTRACT 95451, STREET PAVING, BURNSIDE

TENDER:
CONTRACT 95451

Report from Mr. Corrigan (R. Fougere, E. Purdy) on tenders received for Contract 95451, street paving, Burnside, recommending that the tender be awarded to the lowest bidder, Dexter Construction Co. Ltd., with a bid price of \$593,324.63; completion time: 6 weeks.

Ald. Hawley raised a question about the reference in the report to an expected reduction in the bid, once the actual quantity of asphalt required, has been determined. He felt this change in the final figure should be clarified for Council, before the tender has been awarded, and moved deferral for one week.

MOTION: To defer item 2.1.1 for one week, pending clarification of the final figure for the bid price.

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

2.1.2 PROPOSED DEVELOPMENT AGREEMENT - 52 QUEEN ST.

DEVELOPMENT
AGREEMENT:
52 QUEEN ST.

Report from Mr. Corrigan on a proposed Development Agreement for 52 Queen Street, recommending that Council waive the requirement to hold a neighbourhood consultation meeting for this application; and secondly, 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 the application for 52 Queen Street; and secondly,

that Council instruct staff to proceed with a neighbourhood information meeting.

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

Ald. Levandier asked about the possibility of waiving the neighbourhood information meeting, but Ms. Richards explained why this is not possible, even though the consultation meeting can be waived to expedite the process.

On motion of Ald. Hawley and Greenough, Council agreed to continue meeting after 11:00 p.m.

2.2 CITY SOLICITOR

2.2.1 TERMS OF REFERENCE - DARTMOUTH LAKES ADVISORY BOARD

TERMS OF REFERENCE: The City Solicitor has submitted a report to LAKES ADVISORY BD. Council, recommending amended terms of reference for the Dartmouth Lakes Advisory Board, in order to include responsibility for advising Council on matters regarding lake safety and recreational uses of the lakes.

MOTION: To approve the amended terms of reference for the Dartmouth Lakes Advisory Board, as recommended by the City Solicitor.

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

Ald. Greenough reminded members of Council that the public meeting on the jet ski issue is set for September 7th, and the report of the Ad Hoc Committee will be ready for distribution.

2.2.2 TERMS OF REFERENCE - YOUTH COMMITTEE

TERMS OF REFERENCE: Amended terms of reference (Sections 2, 4, and YOUTH COMMITTEE 10) for the Youth Advisory Committee, have been prepared by the City Solicitor, and were before Council for approval at this time.

MOTION: To approve the amended terms of reference for the Youth Advisory Committee, as prepared by the City Solicitor.

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

CLOSURE OF SUMMIT AND ERSKINE STREETS

Ald. Hetherington raised a point of concern about the recent closure of Summit and Erskine Streets, on a temporary basis, during the Portland Street construction project. This action was taken by Mr. Fougere, in view of the additional traffic placed on these streets, and in consideration of the steep grade on Erskine Street, which is felt to constitute a dangerous traffic situation for drivers.

Ald. Hetherington suggested that Stop signs, erected for an interim period, No Parking signs, and other such temporary measures, would be preferable ways to control traffic, rather than closing these streets altogether. He said the decision to close the streets has now forced additional heavy traffic onto other residential streets in the same area.

MOTION: That Summit and Erskine Streets be re-opened to traffic.

Moved: Ald. Levandier
Second: Ald. Hetherington
In Favour: Seven members
Against: Six members
Motion Carried

Ald. Smeltzer stated to Council the sense of frustration he has felt during this Council meeting, citing as one example, the fact that clear direction was not given to Council as to what requirement was expected in connection with the Parclo crossing options (item 1 i). He asked that when a specific decision of Council is required, this fact be communicated in a separate memo, clearly setting out what is intended.

DARTMOUTH CITY COUNCIL
AUGUST 29, 1995.

PAGE 10.

Meeting adjourned at 11:25 p.m.

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

DARTMOUTH CITY COUNCIL
AUGUST 29, 1995.

ITEMS:

- Proclamation, page 1.
- Maybank Ballfield problem, page 1.
- 1.0 Presentation, page 3.
- i) Pedestrian/Bicycle crossing, page 3.
- 2.0 Reports, page 7.
- 2.1 Chief Administrative Officer, page 7.
- 2.1.1 Tender, Contract 95451, page 7.
- 2.1.2 Development Agreement: 52 Queen St., page 7.
- 2.2 City Solicitor, page ;8.
- 2.2.1 Terms of reference, DLAB, page 8.
- 2.2.2 Terms of reference, Youth Committee, page 8.
- Closure of Summit & Erskine Streets, page 9.

Lus. Ref. Dept

DARTMOUTH CITY COUNCIL AGENDA

TUES., SEPT 5/95
7:30 P.M.
COUNCIL CHAMBER

INVOCATION

PROCLAMATION - 1995 Metro United Way

1. **APPROVE THE MINUTES FROM THE MEETINGS:** June 27, July 4, 11, 18,
20, August 29/95
2. **BUSINESS ARISING FROM THE MINUTES**
3. **DELEGATIONS & HEARINGS OF PROTEST - NONE**
4. **ORIGINAL COMMUNICATIONS - NONE**
5. **PRESENTATIONS - NONE**
6. **PETITIONS - NONE**
7. **REPORTS**
 - 7.1 **CHIEF ADMINISTRATIVE OFFICER**
 - 7.1.1 Parking - Waterfront Events Plaza
 - 7.1.2 Tender, Contract 95451 - Street Paving, Burnside
 - 7.1.3 Pedestrian/Bicycle Bridge Crossing - Lake Banook
(supplementary report)
 - 7.2 **CITY SOLICITOR**
 - 7.2.1 Terms of Reference - Advisory Committee on Human Rights
8. **MOTIONS - NONE**
9. **NOTICES OF MOTION**
10. **CONCERNS OF COUNCIL MEMBERS OR QUESTIONS**

DARTMOUTH CITY COUNCIL
SEPTEMBER 5, 1995.

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

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

REGRETS: ALD. SARTO, DEXTER

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

INVOCATION

Mayor McCluskey opened the meeting with the Universal Prayer and a welcome to the meeting.

PROCLAMATION

A Proclamation was read by Mayor McCluskey, proclaiming the week of September 8th to 15th, 1995, as Metro United Way Week.

1.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on June 27, July 4, 11, 18, 20, August 29, 1995, as circulated.

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

2.0 BUSINESS ARISING FROM THE MINUTES

3.0 DELEGATIONS & HEARINGS OF PROTEST - NONE

4.0 ORIGINAL COMMUNICATIONS - NONE

5.0 PRESENTATIONS - NONE

6.0 PETITIONS - NONE

7.0 REPORTS

7.1 CHIEF ADMINISTRATIVE OFFICER

7.1.1

PARKING - WATERFRONT EVENTS PLAZA

PARKING: WATER-
FRONT EVENTS PLAZA

A report was before Council from Mr. Corrigan (B. Smith) on the subject of parking at the Waterfront Events Plaza, with a recommendation that Council recognize the implementation of pay for parking at the Events Plaza, and that enforcement of the area continue, with the following exceptions only:

- (a) Saturday morning Farmers Market
- (b) Evenings from 5:00 p.m. to 9:00 p.m. daily.

MOTION: To adopt the recommendation:

That Council recognize the implementation of pay for parking at the Events Plaza, and that enforcement of the area continue, with the two above-noted exceptions.

Moved: Ald. Levandier
Second: Ald. Cunningham

Ald. Levandier said he would move the motion for purposes of discussion only, since he was not in favour of charging people for parking when we are trying to attract people to the Events Plaza, the waterfront, and downtown generally. Several other members had similar opinions, including Ald. Hetherington. His idea was to have people pay for parking only between the hours of 6:00 a.m. and 6:00 p.m., allowing free parking after 6:00 p.m., and on weekends.

The general opinion was that the present signage is not adequate and is confusing in its present location. This has resulted in a number of the violations that have occurred since the new parking system came into operation. Ald. Hawley suggested that larger signs are required, more conspicuously displayed. Ald. Pye supported the motion and the recommendation to Council, on the basis that the revenue from this source is required to help balance the budget for this year.

There were numerous questions, answered by Mr. Smith, about the parking system, modifications that might be made to it, anticipated revenue (in relation to enforcement costs), the

implications of making exceptions in certain circumstances, monthly parking rental arrangements and parking rates.

Ald. Greenough did not feel that the revenue generated justifies the negative impact and aggravation created by the present situation, and the whole intent of attracting people to the waterfront and downtown is being affected. Asked about the cost recovery factor, if free parking were to be allowed on evenings and weekends, Mr. Smith said the \$22,000. operating cost for the new system would not be recovered this year in that case.

When the vote was taken on the motion, it resulted in a tie vote, and the Mayor cast the deciding vote against, declaring the motion to be defeated.

In Favour: Six members
Against: Six members
Motion Defeated, with the Mayor voting against.

A second motion was then presented by Ald. Hetherington.

MOTION: That the charge for parking and enforcement of same, be limited to the weekly day-time hours of 6:00 a.m. to 6:00 p.m., and that free parking be allowed after 6:00 p.m. and on weekends.

Moved: Ald. Hetherington
Second: Ald. Withers
In Favour: All members except
Against: Ald. Pye
Motion Carried

7.1.2 TENDER, CONTRACT 95451 - STREET PAVING, BURNSIDE

AWARD TENDER:
CONTRACT 95451

A further report from Mr. Corrigan (R. Fougere, E. Purdy) has been submitted to Council in connection with Contract 95451, Burnside street paving, this item having been deferred for clarification, from the meeting of August 29/95.

It is recommended that the tender for this contract be awarded to the lowest bidder, Dexter Construction Co. Ltd. The final price is expected to be \$513, 958.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, due to his association with CBCL, and withdrew from his place on Council.

MOTION: To award the tender for Contract 95451 (Burnside street paving) to the lowest bidder, Dexter Construction Co. Ltd.

Moved: Ald. Levandier
Second: Ald. Greenough

Ald. Hetherington still had concerns about the fact that the final price is not confirmed for this tender, which is a unit price contract, as explained in the report to Council. Several other members would have preferred a firm figure for inclusion in the recommendation and the motion. Mr. Corrigan explained why a firm figure cannot be given at this time and not until the actual work will have been completed.

Ald. Hetherington requested a breakdown for projects so far this year, approved by Council, indicating what has been paid, by unit price, for completed projects.

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

7.1.3

PEDESTRIAN/BICYCLE BRIDGE CROSSING - LAKE BANOOK

BRIDGE CROSSING:
LAKE BANOOK

Council has received a further report on the proposed bridge crossing of Lake Banook, Option C having been recommended by staff and consultants for the Dartmouth Multi-Use Trail Design, presented at the August 29th Council meeting. Staff members from Parks & Recreation Dept., along with the consultants, were present for this item, and to provide additional information as required.

The report circulated with the agenda for this meeting, from Mr. Corrigan (G. Kaiser, C. Macomber) recommends that a pedestrian/bicycle bridge be constructed from Graham's Grove to the Dartmouth YMCA, to link the Dartmouth Multi-Use Trail.

MOTION: To adopt the recommendation:
That a pedestrian/bicycle bridge
be constructed from Graham's Grove

to the Dartmouth YMCA to link the
Dartmouth Multi-Use Trail.

Moved: Ald. Levandier
Second: Ald. Hetherington

Ald. Schofield requested deferral of the item,
pending a report from the Lakes Advisory Board,
since the Board has not yet had the opportunity
to review the sub-committee report that went to
Council. Deferral would be for two weeks.

MOTION: To defer the decision on the
recommendation for two weeks,
pending a report from the Lakes
Advisory Board.

Moved: Ald. Schofield
Second: Ald. Withers
In Favour: All members except
Against: Ald. Levandier, Walton
Motion Carried

Ald. Smeltzer asked if it would be possible to
receive from staff, copies of the
correspondence with the Transportation Dept.,
relating to the Lake Banook crossing.

7.2 CITY SOLICITOR

7.2.1 TERMS OF REFERENCE - ADVISORY COMMITTEE ON HUMAN
RIGHTS

TERMS OF REFERENCE:
HUMAN RIGHTS COMM.

Amended terms of reference for the Advisory
Committee on Human Rights have been prepared by
the City Solicitor, and forwarded to Council
for approval.

MOTION: To approve the amended terms of
reference for the Advisory
Committee on Human Rights, as
prepared by the City Solicitor.

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

8.0 MOTIONS - NONE

9.0 NOTICES OF MOTION

10.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. PYE

Ald. Pye asked that the Dartmouth PeeWee Baseball team, D. Division, be invited to Council, to be recognized for recently winning the Provincial Tournament championship. The Mayor agreed to do this.

ALD. SCHOFIELD

Ald. Schofield asked if there could be an opening by Parks & Rec. Dept., to highlight the completion of the walkway around Little Albro Lake. The Mayor said she would look into this request.

ALD. LEVANDIER

Ald. Levandier asked that Mr. Corrigan, with the City Engineer, see what can be done to accommodate seniors whose bus service has been cut off (Route 55) due to construction taking place on Crichton Ave.

Ald. Greenough reminded members of Council of the Committee-of-the-Whole meeting on Sept. 7th, to hear presentations on the jet ski issue. He asked that members make every effort to attend.

Meeting adjourned at 9:00 p.m.



Bruce S. Smith,
City Clerk-Treasurer.

DARTMOUTH CITY COUNCIL
SEPTEMBER 5, 1995.

ITEMS:

- Invocation, page 1.
- Proclamation, page 1
- 1.0 Approve minutes, page 1.
- 2.0 Business arising from minutes, page 1.
- 3.0 Delegations & Hearings of Protest, page 1.
- 4.0 Original Communications, page 1.
- 5.0 Presentations, page 1.
- 6.0 Petitions, page 1.
- 7.0 Reports, page 1.
- 7.1 Chief Administrative Officer, page 1.
- 7.1.1 Parking, Waterfront Events Plaza, page 2.
- 7.1.2 Tender, Contract 95451, page 3.
- 7.1.3 Pedestrian/bicycle bridge, page 4.
- 7.2 City Solicitor, page 5.
- 7.2.1 Terms of reference, Human Rights Comm., Pg. 5.
- 8.0 Motions, page 5.
- 9.0 Notices of Motion, page 5.
- 10.0 Concerns of Council members, page 5.

Lib. Ref.

COMMITTEE-OF-THE-WHOLE AGENDA

THURS., SEPT. 7/95

7:30 P.M.

COUNCIL CHAMBER

1. **Public Meeting - Operation of Personal Watercraft on City Lakes.**

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

MEMBERS PRESENT: MAYOR MCCLUSKEY
ALDERMEN PYE, GREENOUGH
CUNNINGHAM, WOODS
HAWLEY, SCHOFIELD
SMELTZER, MACFARLANE

REGRETS: ALD. WALTON AND DEXTER

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
ASSISTANT CITY CLERK: V. CARMICHAEL
DIRECTOR OF PARKS AND RECREATION: W. STEVENS
CITY SOLICITOR: S. HOOD

PUBLIC MEETING - OPERATION OF PERSONAL WATERCRAFT ON
CITY LAKES

PUBLIC
MEETING -
OPERATION OF
PERSONAL
WATERCRAFT
ON CITY
LAKES

Mayor McCluskey opened the Public Meeting noting that the subject of personal watercraft was discussed by Council at their July 18th meeting. Council decided on establishing a committee to review concerns regarding personal watercraft on Lake Mic Mac. A presentation of the findings and recommendations of this committee was given by Mr. Bill Stevens, Director, Parks and Recreation. Copies of his presentation were available to the public and they were invited to address Council following the presentation.

CONFLICT OF
INTEREST

Ald. Cunningham, as an employee of the Canadian Red Cross, declared a conflict of interest, as some of the suggestions made in the report involve the Canadian Red Cross Society. He withdrew from his seat on Council.

Mr. Stevens commenced his presentation by noting that the above mentioned Committee met twice. A three phase watercraft plan for Lake Mic Mac was developed. The By-law suggested for Lake Mic Mac addressed a number of safety issues. In essence it is proposed that a maximum speed limit of 10 kilometers an hour be imposed around the shore of Lake Mic Mac and the islands to a distance of 50 meters. A map illustrating the areas was attached to the report. The north end of the lake, which is predominantly shallow water is also included in the 10 kilometers an hour zone.

The by-law would also contain provisions re the very busy public boat launch area, i.e. Lake Safety Patrol be granted powers to issue tickets for parking violations.

To protect water quality, it would be required that a refueling sock be used when refueling.

To reduce noise pollution, measures to control exhaust systems exposed above the water are proposed.

The second aspect of the committee's recommendations pertains to public awareness. A sign would be posted at the public boat launch listing regulations pertaining to the use of watercraft.

Thirdly, further research is recommended, both through the Canadian Red Cross and Parks and Recreation Dept.

Upon conclusion of Mr. Steven's presentation, the floor was open for comments from the public.

Blaise Fougere thanked Council for the opportunity to address the subject of personal watercraft. As a life-long resident of Dartmouth, he indicated he has used the lakes in a variety of capacities. Since 1989 he has owned and operated a personal watercraft. He felt that some good ideas are contained in the Committee's findings, however he had some concerns which he illustrated on the map of the area.

He expressed concern regarding the speed limit being imposed on the shallow end of the lake. He indicated that this area is frequently used during the spring and summer by personal watercraft, as it is out of everyone's way, i.e. out-of-the-way of water-skiers, paddlers and rowers. He noted that a minimum of four feet water depth is required for a personal watercraft to operate and the shallow end of the lake has water depths between 3 and 7 feet.

He felt that the map being used might be off scale, particularly with regard to the channel left between the islands and the shoreline.

Mr. Stevens explained that it was necessary to impose the 50 meter limit consistently around the shorelines for management purposes.

Mr. Fougere agreed that since residences occupy only one side of the lake, personal watercraft should not hover in that area.

In summation, he supported the public awareness suggestion and the idea that another lake be identified for a public boat ramp to relieve the pressure on Lake Mic Mac.

Ald. Pye questioned the reasoning for having a 50 meter zone around islands. Mr. Stevens explained that it is a matter of safety, as residents use these islands for swimming.

In response to a query from Ald. Schofield, Mr. Stevens confirmed that the regulations proposed would pertain to Lake Mic Mac only.

Ald. Woods questioned the percentage of personal watercraft with modified exhaust systems operating on Lake Mic Mac. Mr. Stevens could not answer this question, but noted that the personal watercraft industry has changed its design on newer models to place exhausts under the water, thus reducing the noise levels.

Ald. Hawley suggested that Saanich's regulation that "no person shall launch or operate a motorboat unless it is equipped with a muffler or a motor which expels exhaust through the water before passing into the air" be considered.

Mr. Mel Smith stated that 90% of new personal watercraft have their exhausts above the water. He felt that modified machines are quieter than boats. He felt the by-law should refer to decibel levels.

Mr. Smith felt the 50 meter, 10 km/hr. zone was good for the area adjacent the residences, but should be removed from the uninhabited shorelines, thus keeping boating activities to the undeveloped side of the lake.

Mayor McCluskey noted that there is concern regarding the disruption to nesting waterfowl if speed levels are not controlled near the undeveloped shoreline, but Mr. Smith contended that water-skiers have been using this area for years.

He referred to the difficulties that water-skiers will encounter if this regulation was imposed.

He agreed that the reason the Lake has so much use is due to the fact that there is no other lake in Dartmouth with public access.

Mr. Smith agreed with the need to control the use of the public launch area.

Mr. Josenhans noted that a third of the Lake's users are personal watercraft operators. He noted that the Lake is utilized by water-skiers, paddlers, rowers, windsurfers, etc. and the situation represents "an accident waiting to happen". He felt that personal watercraft are a particular hazard because of their fast, erratic motions.

In addition to the Committee's recommendations, he recommended additional restrictions and more police patrol than in the past. He felt that 90% of the police patrol boat time is spent on Lake Banook. He suggested that in order to offset costs of additional policing, a user fee be instituted at the boat launch. Secondly, that the City install parking meters in the vicinity of the boat launch. He noted that the residents on Lake Mic Mac pay substantial property taxes and a user pay fee

would be in order.

Mr. Josenhans felt existing regulations are adequate for powerboat operators. He felt new regulations should not pertain to these traditional users, but personal watercraft users only. He supported the posting of the regulations at the boat launch.

Jonathan Davies indicated that he and his family use non-motorized watercraft on the lake and he was concerned that in any collision, it will be the user of the non-motorized watercraft who will sustain the most injury. He felt that regulations for all motorized crafts would be in order. He was particularly concerned about personal watercraft because their movements are highly unpredictable. While one can estimate the movements of motorboats, no one can tell where personal watercraft may go next.

He supported extensive regulations of motorized watercraft and user pay fees at the boat launch to offset policing costs. The only protection that non-motorized users of the lake have is the Lake Safety Patrol. He would like to see the Lake Safety Patrol on Lake Mic Mac more frequently.

Referring to the Canada Shipping Act which "limits speed on lakes to the following: 8 km/hr. within 91 meters of the shorelines and 60 km/hr. in the centre of a lake between 10:00 a.m. and one half hour before sunset", he felt Lake Mic Mac regulations should at least parallel these.

David Devlin expressed concern regarding the accuracy of the map's scale.

Mr. Devlin indicated that he would like to see all boats, including personal watercraft, display their registration numbers.

He would like to see restrictions not only apply to personal watercraft but water-skiers.

While agreeing with the user fee proposal, he would like to see the proceeds go to offset costs of maintaining the boat launch rather than the police patrol boat.

Rather than prohibiting the use of modified exhaust systems, he felt decibel level regulations would provide a more equal playing field for all boaters.

Mr. Devlin would like to see the Police Safety Boat empowered to take more immediate action against reckless boaters.

Ald. Pye referred to the City's Noise By-law and questioned the Solicitor if it would not be better to introduce watercraft engine noise levels in this by-law. Ms. Hood indicated that point 4 of the by-law respecting exhaust systems would not in fact be included in the Lake Safety By-law but the Noise By-law. However, Council decided not to include reference to decibels in the Noise By-law, as monitoring equipment would have to be obtained.

Mike Bowman, representing Bombardier's Ski-doo Division indicated support of the proposals and speed zone. He indicated that Bombardier has made a commitment to work with the City by providing equipment and training. His company intends to work with the newly amalgamated city as well. They have also expressed interest with working with the Canadian Red Cross, by providing watercraft not only for the metro area but the province as a whole.

Ald. Schofield questioned the effect of a speed limit of 30 km/hr. This speed limit would limit water-skiing.

Carolyn Murphy introduced herself as a resident, city employee, educator and personal watercraft owner.

She felt it important to educate people regarding the use and potential dangers when using any motorized piece of machinery. She felt the rights and privileges of others should be respected.

Ms. Murphy did not support the proposed user fees for either the boat launch or parking.

She referred to the City's promotion of an active lifestyle and the area being represented at the national level in personal watercraft competitions.

Referring to the reduced speed zone to protect swimmers, she wondered if people swimming outside the 50 meter zone will be prosecuted. There is a sign at the boat launch prohibiting swimming, but it is apparently not enforced.

Reference was made to statistics that 40% of accidents on water involve canoes. She noted canoes are not banned, but people are offered education in their use. She noted that there are education programs being offered for personal watercraft users, as well. She agreed that education was important.

Jack Eisner, resident of Braemar Drive, observed that approximately 15% of the personal watercraft users cause problems.

As a water-skier and boater, he expressed concern regarding the gap between the Crows (Owls) Nest Island and the shoreline. Dead centre in this channel is a large boulder. Watercraft users will thus be forced to take a path between the island and Braemar Drive. He suggested that very few swimmers use the Crow/Owls Nest Island and that the 50 meter zone be removed from its perimeter.

Secondly, he noted that those using the water-ski course use a cove on the undeveloped side of the Lake, which is fairly deep, for circling. He suggested it be excluded from the regulations. He felt that if the restrictions are too stringent, all the motorized traffic on the Lake will be forced to the centre, creating more potential for accidents.

Thirdly he felt that the restricted zone should be modified to allow water-skiers to depart and return to their wharfs, ie. they be permitted to exit and enter the zone straight.

He felt the proposals to be a positive move but no reference is made to responsible driving, i.e. the regulations won't stop a personal watercraft user operating within ten feet of another craft. He felt some responsible driving regulations need inclusion.

Ald. Hawley posed questions regarding whether a decibel restriction would be easier to enforce over a determination of exhaust system modifications. It was explained that the Committee felt determining modifications would in fact be less complicated.

In reply to a question from Ald. Pye as to whether there was a Jetski Association, Mr. Fougere indicated that Eastern Jet Sports Association exists province wide. Their representative, Bill Marcus, attended meetings of the committee which dealt with the watercraft concerns.

Ivan Burke, 205 Waverley Road, who presently owns a canoe, but who one day would like to acquire a boat and personal watercraft, had the following observations. Mr. Burke referred to personal watercraft spinning in the cove adjacent the highway and on occasion herding ducks. He did not feel the congestion on the boat ramp is adequately policed.

He would like to have the restrictions modified so that he can water-ski from his dock. He did not feel the restrictions should apply to the uninhabited shoreline. He noted that no waterfowl appear to have nested in this area for the past two years.

He questioned whether it is intended that buoys be installed around the whole lake marking the 50 meter mark.

Chris Estabrooks agreed with the no wake zone, particularly as it pertains to populated areas. He felt the zone should be taken off other shorelines, however, otherwise all the traffic will be forced to use the centre of the lake and accidents will happen.

He supported endeavors to educate participants in watercraft safety, but he did not support user fees for parking and the boat launch.

Mrs. Louise Moores expressed concern that if launching and parking fees are instituted, the result will be the establishment of a marina and more visibility.

Bill Marcus, President of the Eastern Jet Sports Association and Sea-doo Business Owner, indicated that they are trying to train all their members in watercraft safety. It is intended that all those who wish to become a member must take a safety course.

He felt that most of the proposals are good, but removal of the 50 meter zone from the back of the lake should be considered.

He would like to see installed two buoys at the 50 meter mark past the boat launch to give a visual identification of a 50 meter distance. He supported the Lake Safety Patrol clamping down on the "bad apples", as the Association doesn't want to see citizens upset. He suggested that the Lake Patrol should patrol the area between the hours of 5 p.m. and 8:00 or 9:00 p.m.

As a paddler, Johanna Holm reflected that personal watercraft operators seem to act more irresponsibly than larger craft operators. She did not support taking off the 50 meter restriction from the shallow area at the Lake's end. This area is used for paddlers to practice, as it is out-of-the-way. She noted that in addition to the use of Lake Mic Mac for practicing, it is used as part of the long-distance racecourse. She noted that since personal watercraft races are held in the ocean, why can't they also practice in the sea.

Shawna Eisner, who resides on Lake Mic Mac, felt the 50 meter no wake zone was too large. She supported having a zone around Bull Rock Island, but one only 20 to 25 meters in width. Particular concern was expressed that the channel created between Owl's Nest (Crow's Nest) Island would not suffice, as there are two rocks located in this channel. Support was given to imposing a \$4.00

to \$10.00 boat launching fee to be used toward the upkeep of the boat launch.

Chris Estabrooks indicated he was against the banning of motorized watercraft from the end of the lake as proposed by the paddler.

Joan Watchman, 203 Waverley Road felt there is a need to provide more access to other lakes, so that traffic isn't concentrated on Lake Mic Mac.

Mr. Gerald Mossman, Sunrise Beach, reflected that in the '50s, '60s and '70s the lake was even busier but participants seemed to get along better. In the future he hopes to see more activity and plans to develop a marina facility on his property.

Mr. Shepherd of Halifax indicated he came to Dartmouth as an personal watercraft enthusiast as the only lake available in Halifax is Kearney Lake which is too narrow. He suggested a second and third boat launch be located to disburse traffic.

In the three years he has participated in this sport, he has only seen the Lake Patrol a half-dozen times. He suggested they concentrate their patrols during weekends and evenings.

Barry Josey, a personal watercraft user and member of the committee, supported more areas being opened. He felt the emphasis should be on education and enforcing responsible riding.

Bill Marcus indicated that the Eastern Jet Sport Assoc. would be willing to work with the police water patrol in any manner to help check on other boaters safety.

Following the conclusion of input from the public, Ald. Greenough commented on the goodwill expressed this evening by interested parties regarding safety and noise concerns. He was confident that everyone will be accommodated. He noted that whatever decision is arrived at by Council, there are opportunities to improve or make amendments.

He moved the following motion:

MOTION: That the Committee-of-the-Whole recommend the adoption of the report from the ad hoc committee on the use of personal watercraft on Lake Mic Mac and that the appropriate bylaw be drafted to include:

- a maximum speed limit of 10 km per hour be established around the shoreline

abutting the residential area of the lake to a distance of 50 meters; and a 30 meter distance be established abutting the non-residential side of the lake. The wake area around the islands be eliminated.

- Further that water-skiers be permitted to be picked up and dropped off directly from wharfs.
- Further that a public awareness program be undertaken as outlined in Section B.
- Further than the research as outlined in Section B be undertaken.
- That other matters concerning user and parking fees, etc. be deferred for further assessment and study by Parks & Recreation staff.

Moved: Ald. Greenough

Second: Ald. Pye

Ald. Schofield referred to the comments made about the harassment of waterfowl. Ms. Hood will look into whether this is a violation of a provincial statute.

When Ald. Hawley was advised that it isn't the intention to put buoys around the lake, he expressed strong reservations on how charges will stand up in court. Ms. Hood assured him that no close calls would be made.

Ald. Hawley proposed the following amendment:

AMENDMENT: that a 25 meter wake zone be retained around the islands, and the non residential side of Lake Mic Mac.

Moved: Ald. Hawley

Second: Ald. Schofield

It was suggested that for water-skiing purposes a zone 25 meters from the shoreline and 25 meters around the island would provide a sufficient channel. With the agreement of the seconder the wake zone was reduced to 25 meters from the original 30 meters.*

In Favour: All

Against: None

Amendment Carried

Concern was expressed by Ald. Woods regarding enforcement. He proposed that permits be issued and if regulations are violated, they be revoked. Ms. Hood explained that the City does not have jurisdiction to issue such licenses, as the lakes are a Federal

jurisdiction. As an alternative, it was suggested that a permit be required to use the ramp.

Ald. Smeltzer requested that staff summarize the points made this evening so as to facilitate discussion at Council. The map will also require redrawing to reflect the amended distances.

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

In Favour: All
Against: None
Amended Motion Carried

On motion of Ald. Hawley and Ald. Greenough, the meeting adjourned at 10:10 p.m.

Vi Carmichael
Vi Carmichael,
Assistant City Clerk

Committee-of-the-Whole
September 7, 1995.

ITEM:

Public Meeting - Operation of Personal Watercraft on
City Lakes, pages 1 to 10

Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL AGENDA

TUES., SEPT 12/95 7:30 P.M. COUNCIL CHAMBER

1. **PUBLIC HEARING**

- i) Department of National Defence Lands - Woodland Avenue

2. **REPORTS**

2.1 **CHIEF ADMINISTRATIVE OFFICER**

- 2.1.1 Block X CDD - Revisions to Development Agreement
(Supplementary)
- 2.1.2 Proposed Amendments to MPS and Land Use By-Law:
Neighbourhood Shopping Centre - Montebello
- 2.1.3 Tender, Contract 95-05, Canoe Course Improvements
Dartmouth Trail System - Sullivan's Pond to Graham's Grove
- 2.1.4 Tender, Contract 95-06, Dartmouth Trail System -
MicMac Boulevard to Lake Charles

3. **Downtown Dartmouth Community Development Commission
95/96 Budget**

DARTMOUTH CITY COUNCIL
SEPTEMBER 12, 1995.

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

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

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL

After opening the meeting, Mayor McCluskey proceeded with the presentation of certificates, recognizing the ballplayers and coaches of the North Dartmouth Pee Wee D. Division, recent winners of the Provincial Championships. A baseball was presented by one of the coaches, to Mayor McCluskey, in return.

1.0

PUBLIC HEARING

i)

DND LANDS - WOODLAND AVE.

PUBLIC HEARING:
DND LAND
WOODLAND AVE.

This date was set by Council for public hearing for an amendment to the Land Use By-law, initiated at the request of Council, for the rezoning of DND lands off Woodland Ave., from the present H (Holding) Zone, to R-1 Zone.

Reports and documentation pertaining to the proposed rezoning, have been circulated with the agenda for this meeting of Council, including a copy of proposed By-law C-731, to amend the Land Use By-law. The staff recommendation is to approve By-law C-731, thereby rezoning the three parcels of DND land (identified by Schedule "A") from H Zone to R-1 Zone.

The staff presentation to Council was made by Patricia Richards. She explained that the rezoning being proposed is in response to a request from Council, involving three parcels of DND land that have been zoned as Holding Zone since 1978. It is expected that the land will be declared surplus by DND by the end of 1995. She advised that basically, there is very little difference between H Zone and R-1 Zone, except for the park and conservation uses permitted with the Holding Zone. Planning

staff are recommending in favour of the zoning change.

The Mayor opened the public hearing, calling three times for any speakers in favour. When there were no speakers in favour, she called three times for speakers opposed. There were no speakers opposed either, and the public hearing was therefore closed, on motion of Ald. Levandier and Hetherington.

BY-LAW C-731

Council proceeded with three readings of proposed By-law C-731, as it has been recommended.

MOTION: That leave be given to introduce the said By-law C-731, 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-731 be read a second time.

Moved: Ald. Withers
Second: Ald. Hawley
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-731 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. Greenough
In Favour: All
Against: None
Motion Carried

2.0 REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

2.1.1 BLOCK X CDD - REVISIONS TO DEVELOPMENT AGREEMENT

BLOCK X CDD:
DEVELOPMENT
AGREEMENT

A revised Development Agreement for the Block X CDD development, based on amendments requested at Council, has been prepared, and was before Council with a staff report, recommending the approval of Resolution 95-27, authorizing the entering into of the development agreement, as amended, with Mount Cedar Developments Ltd.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, due to business interests associated with the project. He withdrew from his place on Council and left the Council Chamber.

Questions from Ald. Schofield about specific items in the agreement, were answered by Roger Wells, and Ald. Withers thanked staff for their efforts in addressing his concerns about the apartment building component of the development.

MOTION: To approve Resolution
95-27, as recommended.

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

2.1.2 PROPOSED AMENDMENTS, MPS & LAND USE BY-LAW:
NEIGHBOURHOOD SHOPPING CENTRE, MONTEBELLO

MPS & LAND USE
BY-LAW AMENDMENTS:
MONTEBELLO

A staff report has been prepared and submitted to Council, on proposed MPS and Land Use By-law amendments for the redesignation of lands of the Arroyan Group, at 221 Caledonia Road, from Residential to Commercial, thereby permitting consideration by Council of a development agreement for a neighbourhood shopping centre.

The recommendation is that Council instruct staff to hold a neighbourhood information meeting for the proposed amendments.

CONFLICT OF
INTEREST

Ald. Woods had previously declared a conflict of interest on this item, in addition to item 2.1.1, and remained out of the Council Chamber while it was under consideration.

Ald. Greenough stated the opposition of area residents to this application, and presented a petition bearing 400 signatures of residents opposed. The petition was passed to the Asst. City Clerk, to be placed on file.

Ald. Greenough said the residents consider this change to commercial use to be a breach of trust, when they have understood from the beginning that the original plan for residential development only, would be adhered to by this developer. A large number of residents were present in support of the position presented on their behalf by Ald. Greenough and Hawley.

MOTION: That the application to amend the MPS and Land Use By-law, to permit a neighbourhood shopping centre, as proposed by the Armoyan Group, in the Montebello area, be denied.

Moved: Ald. Greenough
Second: Ald. Hawley

Most members of Council speaking on the motion were willing to support it, but Ald. Schofield and Withers were concerned that residents of their area did not receive the same kind of consideration in the case of the Kent Homes application; they considered this to be unfair and inequitable. Ald. Greenough felt the situation is different in this instance, where a completely residential area is involved.

Ald. Levandier asked about the possibility of any intervention available to the applicant, if the application is not allowed to proceed further. Ms. Hood noted that appeal to the Utility & Review Board would not be an option, and the only other alternative would be legal action; she could not foresee any basis for legal action to be taken.

The vote was taken on the motion.

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

2.1.3

TENDER, CONTRACT PR95-05, CANOE COURSE
IMPROVEMENTS, DART. TRAIL SYSTEM

AWARD TENDER:
CONTRACT PR95-05

Report from Mr. Corrigan (B. Stevens, C. Macomber) on tenders received for Contract PR95-05, canoe course improvements, Dartmouth trail system, Sullivan's Pond to Graham's Grove, recommending that the tender be awarded to the low bidder, Ocean Contractors, for a total price of \$1,171,650.00, GST included.

MOTION: To award the tender for Contract PR95-05 to the low bidder, Ocean Contractors, for a total price of \$1,171,650., as recommended.

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

2.1.4

TENDER, CONTRACT PR95-06, DARTMOUTH TRAIL SYSTEM

AWARD TENDER:
CONTRACT PR95-06

Report from Mr. Corrigan (B. Stevens, C. Macomber) on tenders received for Contract PR95-06, recommending that the tender be awarded to the low bidder, Aurora Contracting, for a total tender price of \$510,430.13, GST included.

MOTION: To award the tender for Contract PR95-06 to the low bidder, Aurora Contracting, for a total tender price of \$510,430.13, as recommended.

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

3.0

DOWNTOWN DARTMOUTH COMMUNITY DEVELOPMENT
COMMISSION 95/96 BUDGET

DOWNTOWN
COMMISSION BUDGET

Members of Council have received copies of the proposed 1995/96 budget for the Downtown Dartmouth Development Commission, and Mr. Darrel Blenus, Chairman of the Commission, made the presentation of the budget to Council. Included in the budget projections, is a \$100,000. requisition from the City of Dartmouth, previously included at budget time.

Ald. Greenough suggested that this City contribution should be bracketed, as an indication of City support for the Commission. Mr. Blenus noted this suggestion.

Mr. Blenus provided additional information on the promotional and program initiatives the Commission will be undertaking, and answered questions from members of Council. The Commission was commended several times for the progress this body has made to date.

The budget was adopted, as presented.

MOTION: To adopt the budget of the
Downtown Dartmouth Comm.
Development Commission, as
presented.

<u>Moved:</u>	Ald. Dexter
<u>Second:</u>	Ald. Levandier
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

The Mayor acknowledged and welcomed to the meeting, the Hon. Jim Smith, who was present in the gallery for this meeting.

Ald. Hetherington asked that a report from Mr. Corrigan, on the subject of unsettled vacation grievances, be placed on next week's Council agenda, for consideration in camera. He asked if members of Council could have a list of the pensioners, and the dollar value represented by their requests.

REQUEST - MUNICIPALITY OF ANNAPOLIS COUNTY

The Mayor informed Council of a request from the Municipality of Annapolis County, for support in their effort to have Port Royal depicted on the new \$2.00 coin when it is minted.

MOTION: That Dartmouth City
Council support the
request of the Municipality
of Annapolis County, in their
effort to have Port Royal
depicted on the new \$2.00
coin.

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

The Mayor noted that this is the nineteenth consecutive year of perfect attendance at work for John MacInnis, Engineering Dept. This achievement was commended by Council.

Also noted, by Ald. Walton and Mr. Corrigan respectively, was the success of Dartmouth United Girls and Boys Under Fifteen teams, in winning championships and a challenge cup.

Meeting adjourned at 8:50 p.m.



V. Carmichael
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
SEPTEMBER 12, 1995.

ITEMS:

- 1.0 Public hearing, page 1.
- i) DND lands, Woodland Ave., page 1.
- 2.0 Reports, page 2.
- 2.1 Chief Administrative Officer, page 2.
- 2.1.1 Block X CDD, revised Development Agreement, pg.2
- 2.1.2 Proposed MPS & Land Use amendments, Montebello
 (neighbourhood Shopping Centre), pg.3
- 2.1.3 Tender, Contract 95-05, canoe course
 improvements, pg. 5.
- 2.1.4 Tender, Contract 95-06, Dartmouth Trail
 System, page 5.
- 3.0 Downtown Dart. Development Commission
 1995/96 budget, page 5.
Request, Mun. of Annapolis Co., page 6.

DARTMOUTH CITY COUNCIL AGENDA

TUES., SEPT 19/95
7:30 P.M.
COUNCIL CHAMBER
IN CAMERA SESSION
10:00 P.M.

1. **PUBLIC HEARING**

- i) MPS and Land Use By-law Amendment - Lancaster Ridge Subdivision

2. **PRESENTATIONS**

- i) Proposed Legislation for Smoke Free Public Places - Dr. Bethune (oral)
ii) Pedestrian/Bicycle Bridge Crossing - Lake Banook - Ratcliffe
and Associates (oral)

3. **REPORTS**

3.1 **DARTMOUTH LAKES ADVISORY BOARD**

- 3.1.1 Alternative Routes - Pedestrian/Bicycle Bridge
Crossing - Lake Banook

3.2 **CHIEF ADMINISTRATIVE OFFICER**

- 3.2.1 Land Purchase for Burnside Intersection Improvements
3.2.2 Tender, Contract 95451B, Burnside Industrial Park,
Street Improvements 1995
3.2.3 Tender, Contract 95-08, Burnside Street Tree Planting
3.2.4 52 Queen Street (set date for public hearing)
3.2.5 MPS and Land Use By-law Amendment - Lakecrest Drive
- Apartment and Townhouse Development
3.2.6 Water Service Extension Requests - Halifax County
Municipality
3.2.7 Operation of Personal Watercraft on City Lakes
(recommendation from Committee-of-the-Whole meeting
Sept 7)

IN CAMERA SESSION - 10:00 P.M.

1. Personnel Matter.

DARTMOUTH CITY COUNCIL
SEPTEMBER 19, 1995.

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

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

MEMBER ABSENT: ALD. LEVANDIER

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

Mayor McCluskey welcomed to the meeting, Mayor Walter Fitzgerald and former Alderman Leo Greenwood. Mr. Greenwood was present for the taxi petition item, added to the agenda.

Three items were added to the agenda, with Council's agreement: Item 3.2.8, letter of request from the Rotary Club of Dartmouth East; Item 3.2.9, a capital budget update; and Item 4.0, a petition with regard to taxi zones

1.0

PUBLIC HEARING

i)

MPS AND LAND USE BY-LAW AMENDMENT - LANCASTER
RIDGE SUBDIVISION

PUBLIC HEARING:
MPS & LAND USE
AMENDMENT:
LANCASTER RIDGE

Council set this date for public hearing of MPS and Land Use By-law amendments to permit the replacement of some existing Townhouse and R-2 zoning in the Lancaster Ridge Subdivision, with zoning that will permit single detached dwellings (R-1 Zone). Further, to permit the rezoned lots to have frontages and areas of less size than the minimum permitted in the subdivision regulations. The lots involved are located on Chinook Court and on Tudor Court.

If the proposed MPS and Land Use By-law amendments receive Council and Ministerial approvals, the second process is to consider the rezoning from Townhouse to R-1, and the amendment to subdivision regulations.

All members of Council were recorded as being present, for purposes of the public hearing, except for Ald. Levandier, Withers and Sarto.

Members of Council have received copies of the staff reports and documentation relative to the proposed amendments. The staff report recommends:

That Council approve the amendments to the MPS (Appendix "A"), to provide alternate development requirements in the R-1 Zone, applicable to certain areas in the Lancaster Ridge Subdivision.

Further, that Council approve the amendments to the Land Use By-law (Appendix "B"), to incorporate the development requirements in the R-1 Zone.

Further, that Council approve the amendments to the Land Use By-law (Appendix "C"), to rezone certain lands from TH Zone to R-1 Zone.

Further, that Council approve the amendment to the subdivision regulations (Appendix "D"), to permit the subdividing of lots with less frontage and area than currently permitted.

Proposed By-laws C-729 and C-730, covering the above-noted amendments, have also been recommended for Council's approval.

The Development Services presentation to Council was made by Stephen Smith. He showed Council the lots on Chinook and Tudor Court, affected by the proposed amendments, and explained the process that is taking place in effecting the zoning change, which is agreed to by the Dept. of Housing & Consumer Affairs, along with the proposed subdivision changes. Under the latter changes referred to, a minimum lot frontage of 36 feet would be permitted, and a minimum lot area of 3000 sq. ft. is being recommended.

Ald. Hawley questioned the adequacy of this lot size, in terms of backyard amenity space. Mr. Smith explained that development techniques can be used for these smaller lots to allow for plenty of outdoor space in conjunction with the dwelling on the lot.

It is the opinion of Development Services that the proposed single detached dwellings would not be incompatible with existing and future land uses in the area.

Following Mr. Smith's presentation, the Mayor opened the public hearing, calling for speakers in favour of the amendments.

Council heard Chris Millier of the Dept. of Housing & Consumer Affairs. He said the Department has developed small-lot singles in other parts of metro, and they are being well received and successfully marketed. The reduced area for development results in a smaller house size and retention of a sufficiently adequate amenity area, described by Mr. Millier as a 'slightly more compact' type of development. He stated that the changes being proposed, through these amendments, are consistent with low density development planned for this particular area.

Mr. Millier was asked about the tot lot originally shown in the development plan. He advised that the finalized boundary for amenity space (including the tot lot) has not been tied down as yet.

There were no other speakers in favour, and the Mayor called three times for speakers opposed. When there were no speakers opposed, the public hearing was closed, on motion of Ald. Hetherington and Pye.

Council proceeded to the approval of By-law C-729, as recommended; this is the MPS amendment.

BY-LAW C-729

MOTION: That leave be given to introduce the said By-law C-729, and that it now be read a first time.

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

MOTION: That By-law C-729 be read a second time.

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

Ald. Schofield noted that residents are pleased with the amendments, and he commended the initiatives of former Ald. Rodgers in this connection.

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

MOTION: That By-law C-729 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. Greenough
Second: Ald. Hetherington
In Favour: All
Against: None
Motion Carried

By-law C-730 was then given three readings by Council, as recommended; this is the Land Use By-law amendment.

BY-LAW C-730

MOTION: That leave be given to introduce the said By-law C-730, and that it now be read a first time.

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

MOTION: That By-law C-730 be read a second time.

Moved: Ald. Hetherington
Second: Ald. Greenough
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-730 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. Greenough
In Favour: All
Against: None
Motion Carried

2.0 PRESENTATIONS

i) PROPOSED LEGISLATION FOR SMOKE FREE PUBLIC PLACES

PRESENTATION:
DR. BETHUNE

Ms. Ann Cogdon of the Healthy Dartmouth Committee, addressed Council briefly on the subject of a smoke-free environment, one of the recommendations made to Council in conjunction with the stated objectives of the Committee. She then introduced Dr. Bethune, President of Smoke Free Nova Scotia, and a cancer surgeon and Asst. Professor at Dalhousie University.

Dr. Bethune explained how he became active with Smoke Free Nova Scotia, as a result of his work in the field of cancer surgery. He warned of the deadly hazards of second-hand smoke, affecting non-smokers in public areas where they are exposed to it, such as malls, restaurants, bowling alleys - any public area where smoking is still permitted. He said that even existing regulations, such as the present designation of restricted smoking areas, are not adequate, and he encouraged the enactment of legislation, by the City, that will lead to a total ban on smoking in all public places. He said his organization would be happy to assist in the preparation of such legislation.

Noting the move by the Provincial Government, toward smoke-free legislation for the Province generally, Dr. Bethune said that any steps taken by Dartmouth, in endorsing this action and/or introducing similar legislation in the City, would be a help. Ald. Greenough suggested finding out the status of the Provincial legislation, and also, what jurisdiction the City would have, with our own legislation. Mr. Corrigan's suggestion was to act in conjunction with the other metro

municipalities, so that a uniform approach is taken that will be applicable to the new Halifax Regional Municipality.

Members of Council were able to ask questions of Dr. Bethune and discuss them with him, after he had concluded his presentation. Further to the questions from Ald. Greenough, as to the status of Provincial legislation and our own jurisdiction for enacting City regulations, a motion was presented, referring these questions to the City Solicitor for further investigation. Further, that contact be maintained with the Healthy Dartmouth Committee and Smoke Free Nova Scotia, so that anything that is undertaken can be coordinated in conjunction with the Provincial Legislation.

MOTION: That the questions of jurisdiction and concerning the status of the Provincial legislation, be referred to the City Solicitor, for further investigation.

<u>Moved</u> :	Ald. MacFarlane
<u>Second</u> :	Ald. Greenough
<u>In Favour</u> :	All
<u>Against</u> :	None
	<u>Motion Carried</u>

Ald. Sarto and Withers arrived for the meeting during the presentation. The Mayor extended sympathy to Ald. Withers on the death of his niece.

ii)

PEDESTRIAN/BICYCLE BRIDGE CROSSING: LAKE BANOOK

PEDESTRIAN/
BICYCLE BRIDGE
CROSSING: LAKE
BANOOK

This item was dealt with in conjunction with item 3.1.1, a report from the Lakes Advisory Board, on the subject of the Lake Banook crossing options for the pedestrian/bicycle trail, indicating the preference of the Board for Option B (gabion walls, footbridge adjacent to the overpass) for the reasons given in their report.

Circulated by Mr. Stevens, just prior to this meeting, was a letter from the Provincial Transportation Department, advising that they ' . . . cannot recommend approval of the use of the road infrastructure where Highway 111 crosses Lakes Banook and MicMac. It is the Department's considered opinion that the right-of-way for Highway 111 will need

expansion by at least 10 metres to allow for future lane construction.' Mr. Stevens brought this letter to Council's attention, noting the effect of it on Option B. The cost of Option B would rise to about \$500,000., and considerable infilling of the lake would be required to proceed with the Option B footbridge, a further 10 metres out from the Parclo overpass.

Mr. Ratcliffe, one of the consultants for the trail project, explained to Council, the importance of a linkage between the two 3 km. sections of the trail, and showed several slides of the existing overpass to illustrate how it divides the trail and the additional problem now created by the information contained in the letter from the Transportation Department. He said that basically, we are left with Options C (the Lake Banook bridge) and D (two separate sections of trail, with the overpass in the middle).

Mr. Stevens said it is unfortunate that this letter from the Department has only just arrived late this afternoon, and at this point in the selection of an option. Ald. MacFarlane stated his concern about this last-minute piece of information and said he hoped that Council would not be ruled by it. He maintained his former position on Option C, that is, in opposition to it, for the several reasons he has put forward in debate. He favoured instead, the use of the existing roadway via the overpass, and felt that just as many people would make use of the trail system with this alternative.

MOTION: That we proceed with the trail and utilize the existing overpass roadway.

Moved: Ald. MacFarlane
Second: Ald. Woods

Ald. Cunningham, Walton and Sarto supported Option C as the best way to go with a connecting link for the trail and preferable to using the overpass, with its heavy volume of traffic. Ald. Smeltzer suggested the possibility of having a 50 km speed zone coming into the overpass, in an effort to slow traffic at that point.

Ald. Schofield noted that the Lakes Advisory Board did not have the Transportation Dept. letter when they were dealing with this item at their last meeting, and Ald. Hawley had concerns about the additional infilling of the lake that would be required, in order to comply with the Transportation Dept. requirement; this is a serious consideration, he said, over and above the additional cost involved. Ald. Pye and Withers stated their opposition to Option C; Ald. Schofield was opposed also.

Ald. Hetherington questioned any need the Transportation Dept. would have for retaining a 10-metre right-of-way for future lane construction, when there are already ten lanes for traffic at this time. He said he questioned the legitimacy of the letter, in this regard, and felt it should be verified in some way with the Province and through our local MLA's. He proposed a two-week deferral, for this purpose.

MOTION: To defer the item for two weeks, during which time the stated need for a 10-metre right-of-way can be checked out through our local MLA's, to determine what, if any, plans there are for future traffic lane construction.

<u>Moved:</u>	Ald. Hetherington
<u>Second:</u>	Ald. Greenough
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

Ald. Dexter asked that staff seek information from the Advisory Committee for Persons with Disabilities, on the safety issues involved.

3.2.5

MPS & LAND USE BY-LAW AMENDMENT - LAKECREST DR.

MPS & LAND USE
BY-LAW AMENDMENT:
LAKECREST DRIVE

Direction is being sought from Council in the matter of potential MPS amendments to facilitate multi-residential development, as proposed, at 73/75/77 Lakecrest Drive. In view of the complexity of this matter, and the areas for consideration in connection with it, Mr. Corrigan has suggested, in his accompanying report, that Council may wish to consider referral to Committee-of-the-Whole.

Ms. Spencer was present for this item, and gave an overview for Council of the complexities this development proposal entails, both in terms of the amendments involved and the difficulty in designating development for target groups - in this case, the seniors market.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, before Ms. Spencer addressed Council, by reason of his business association with Mr. Connor, the Architect. Ald. Woods withdrew from his place on Council, and left the Council Chamber.

Having heard from Ms. Spencer on some of the considerations facing Council, members agreed that the item should be referred to a Committee-of-the-Whole meeting for discussion on its own.

MOTION: To refer item 3.2.5 (MPS and Land Use By-law amendments, Lakecrest Drive) to a Committee-of-the-Whole meeting.

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

Ms. Spencer said her department will try to arrange the meeting as soon as possible.

3.2 CHIEF ADMINISTRATIVE OFFICER

3.2.1 LAND PURCHASE FOR BURNSIDE INTERSECTION IMPROVEMENTS

LAND PURCHASE:
BURNSIDE
INTERSECTION
IMPROVEMENTS

Report from Mr. Corrigan (T. Rath, V. Spencer) on the purchase of three parcels of land for Burnside intersection improvements, as described in the report. It is being recommended that Council approve the purchase of the three parcels of land, subject to the terms and conditions detailed in the report.

MOTION: To adopt the recommendation:

That Council approve the purchase of the following three parcels of land, required for Burnside intersection improvements:

- (a) Portion of Lot 41E, 10 Vidito Drive, from Sun Life of Sun Life of Canada. Total purchase price: \$470.25.
- (b) Portion of Lot 23, Mosher Drive from Canada Trust Co. Total purchase price: \$1,523.50.
- (c) Portion of Lot 45, 50 Vidito Drive, from Goodfellow Inc. Total purchase price: \$2,425.30.

These three purchases are subject to the terms and conditions set out in the report to Council, dated Sept. 14/95.

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

3.2.2 TENDER, CONTRACT 95451B, STREET IMPROVEMENTS, BIP

AWARD TENDER:
CONTRACT 95451B

Report from Mr. Corrigan (R. Fougere, E. Purdy) on tenders received for Contract 95451B (street improvements, Burnside Park), recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a tender price of \$523,096.25; completion time: 7 weeks.

MOTION: To award the tender for Contract 95451B to the lowest bidder, Ocean Contractors Ltd., in the amount of \$523,096.25, as recommended.

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

3.2.3 TENDER, CONTRACT PR95-08, BURNSIDE STREET TREE PLANTING

AWARD TENDER:
CONTRACT 95-08

Report from Mr. Corrigan (W. Stevens, C. Macomber, H. George) on tenders received for Contract PR95-08 (Burnside street tree planting), recommending that the tender be awarded to the low bidder, Evergreen Landscaping, for a total tender price of \$49,574.17, GST included.

MOTION: To award the tender for Contract PR95-08 to the low bidder, Evergreen Landscaping, for a total tender price of \$49,574.17 (GST included), as recommended.

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

3.2.4 SET DATE: PUBLIC HEARING, 52 QUEEN STREET

SET DATE FOR
PUBLIC HEARING:
52 QUEEN STREET

Report from Mr. Corrigan on a request for Development Agreement with the owner of 52 Queen Street, recommending that Council set October 10, 1995 as the date for the public hearing of this request.

MOTION: That Council set October 10, 1995 as the date for public hearing of a request for Development Agreement, 52 Queen Street.

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

3.2.6 WATER SERVICE EXTENSION REQUESTS: HFX. COUNTY MUNICIPALITY

WATER SERVICE
EXTENSION REQUESTS:
HALIFAX COUNTY

Report from Mr. Corrigan (R. Fougere, C. Sarty) on applications from Halifax County Municipality for tentative approval for 4 water extensions, recommending that approval be given, subject to technical approval of design drawings.

MOTION: To approve the four water service extensions requested by Halifax County, as follows:
1) Colby South, Phase 1A.
2) Hartlen Point.
3) Halo Property, Cole Dr. Ext.
4) Montague Estates, Phase 7.

Approval is given, subject to technical approval of design drawings.

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

3.2.7 OPERATION OF PERSONAL WATERCRAFT ON CITY LAKES

OPERATION OF
WATERCRAFT:
CITY LAKES

Report from Mr. Corrigan (B. Stevens) on the issue of personal watercraft on Lake MicMac, with a recommendation from Committee-of-the-Whole to adopt the report from the ad hoc committee on this matter; and further, that the appropriate by-law be drafted to include the provisions outlined in the report (Sept. 13/95), including a provision for a 25-metre wake zone to be retained around the islands and the non-residential side of Lake MicMac (an amendment to the motion adopted in Committee).

MOTION: To adopt the report from the ad hoc committee dealing with the personal watercraft issue; and further, that the appropriate by-law be drafted, to include the provisions set out in the report to Council, dated Sept. 13/95, including the provision added as an amendment at Committee-of-the-Whole, the text of which is recorded above.

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

CONFLICT OF
INTEREST

Ald. Cunningham had declared a conflict of interest on this item, being employed with the Red Cross, and had withdrawn from his place on Council before it was considered.

3.2.8 REQUEST - ROTARY CLUB OF DARTMOUTH EAST

REQUEST: ROTARY
CLUB OF DARTMOUTH
EAST

Report from Mr. Corrigan (B. Smith) on the application made by the Rotary Club of Dartmouth East for a liquor license to operate a beer tent on the parking lot of Moosehead Brewery, for a fund-raising event, from Sept. 22nd to 24th, and requesting Council indicate any objection to the issuance of a license by the Nova Scotia Liquor License Board, for the event.

MOTION: To indicate no objection to the issuing of a liquor license to the Rotary Club of Dartmouth East, for a liquor license to operate a beer tent, from Sept. 22nd to 24th, on the parking lot of Moosehead Brewery, as a fund-raising event.

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

3.2.9

CAPITAL BUDGET UPDATE

CAPITAL BUDGET
UPDATE

A Capital Budget update presentation was made to Council by Mr. Corrigan. He pointed out that it is difficult at this time to accurately predict what the outcome of the capital budget will be by year-end, but he was able to give some specific figures for the Infrastructure projects, including a breakdown for the revised budget items in the waterfront development project. The \$425,000. negative variance for Phase 1 of the project will be offset by a positive variance indicated for the general capital fund, presently in the amount of \$365,000. This should result in a break-even position overall by the end of the year.

The net budget figure was shown at \$19,652,000. Mr. Corrigan advised Council that the City is within acceptable bounds of financing for capital projects, taking into account the debt retirement figures for this year.

Members of Council were able to have questions answered by Mr. Corrigan, at the conclusion of his presentation.

4.0

TAXI PETITION

TAXI PETITION

A petition bearing 144 signatures of taxi drivers and/or owners, was presented by Ald. Pye, with a request that Council endorse their request that the current boundaries of the four metro municipalities be maintained as four taxi zones in the new amalgamated municipality. Mr. Leo Greenwood was present for this item, representing Dartmouth taxi drivers and owners. He will be taking this request to the Minister, and the endorsation of Council is being sought

in time for his meeting with the Minister.

MOTION: To endorse the petition of the Dartmouth taxi drivers and/or owners, in requesting that the four existing taxi zones be maintained in the new amalgamated municipality.

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

Ald. Sarto asked that a letter of sympathy be sent to the family of Mr. Crawley, the Dartmouth taxi driver who was recently murdered in the City.

TRAFFIC LIGHTS - FOOT OF BREEZE DRIVE

A motion was presented by Ald. Hawley, referring to the Traffic Authority, a request to have traffic signals installed at the foot of Breeze Drive (Waverley Road), in consideration of the Breeze Drive Connector traffic.

MOTION: To refer to the Traffic Authority, a request for the installation of traffic lights at the foot of Breeze Drive (Waverley Rd.).

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

Mr. Corrigan said that if the Traffic Authority determines that traffic signals are required at this location, they will be included in next year's capital budget.

Council went in camera at 10:30 p.m., on motion of Ald. MacFarlane and Hetherington. 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 (personnel item).

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

Meeting adjourned at 11:25 p.m.

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

DARTMOUTH CITY COUNCIL
SEPTEMBER 19, 1995.

ITEMS:

- 1.0 Public hearing, page 1.
 - i) MPS & Land Use By-law amendment, Lancaster Ridge Subdivision, page 1.
 - 2.0 Presentations, page 5.
 - i) Proposed legislation, smoke-free public places, page 5.
 - ii) (Pedestrian/Bicycle crossing, Banook, page 6.
 - 3.1.1 (Crossing options, Lakes Advisory Board, pg. 6.
 - 3.2.5 MPS & Land Use By-law amendments, Lakecrest Drive, page 8.
 - 3.2.1 Land purchase, Burnside intersection improvements, page 9.
 - 3.2.2 Tender, Contract 95451B, BIP Street improvements, page 10.
 - 3.2.3 Tender, Contract 95-08, Burnside, tree planting, page 10.
 - 3.2.4 52 Queen St., set date for public hearing, pg.11
 - 3.2.6 Water service ext. requests, Hfx. Co., page 11.
 - 3.2.7 Personal watercraft, City lakes, page 12.
 - 3.2.8 Request, Rotary Club of Dart. East, pg. 12.
 - 3.2.9 Capital Budget update, page 13.
 - 4.0 Taxi petition, page 13.
 - Traffic lights, Breeze Drive, page 14.
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Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL AGENDA

TUES., SEPT 26/95
7:30 P.M.
COUNCIL CHAMBER
IN CAMERA SESSION
10:00 P.M.

PROCLAMATION - International Day for the Elderly

1. REPORTS

1.1 CHIEF ADMINISTRATIVE OFFICER

- 1.1.1 Tender, Cont. 95-17, Breeze Dr & Caledonia Rd Extension
- 1.1.2 Tender, Cont. 95-18, Dahlia St, Harbour Dr., & Prince Albert Road, Asphalt Overlay
- 1.1.3 Tender, Cont. 95-19, Howe St & Moira Street, Curb, Sidewalk and Asphalt Overlay
- 1.1.4 Membership - Boards, Committees, Commissions of Council

IN CAMERA SESSION - 10:00 P.M.

- 1. Personnel Matter (oral)
- 2. Land Matter

DARTMOUTH CITY COUNCIL
SEPTEMBER 26, 1995.

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

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

REGRETS: ALD. WITHERS

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL

PROCLAMATION

Mayor McCluskey opened the meeting and read a Proclamation for International Day for the Elderly, proclaimed for October 1st, 1995.

She advised Council that the Head Injury Association has requested that Council put together a bowling team for their tournament on October 18th.

Ald. Sarto brought to Council's attention, a letter he has received from the Johnny Miles Foundation, regarding the upcoming 90th birthday of Johnny Miles; he now resides in Hamilton, Ontario. He asked that birthday greetings and congratulations be sent from the Mayor's office, on behalf of Council and the City.

MOTION: That birthday greetings and congratulations be sent from the Mayor's office, to Johnny Miles, to mark the occasion of his 90th birthday.

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

The Mayor advised that she has received a call from Linda Zambolin, requesting an aldermanic appointment to the Advisory Committee for Persons with Disabilities. This appointment was made in conjunction with item 1.1.4 on the agenda.

Ald. Smeltzer asked for, and received permission, for an item to be added on the subject of the staffing process for the new Halifax Regional Municipality.

Council also agreed to add an item requested by Ald. Dexter, on the subject of a source control program, as per the copies of a Halifax memo, circulated to members at this meeting.

Ald. Sarto referred to a letter from Metro Authority, concerning bus shelter locations for this year. They have asked to be informed of any Dartmouth locations for shelters by Friday, September 29th. Members felt it is not possible to meet this deadline, and were in favour of requesting a one-week delay.

MOTION: To refer the communication from Metro Authority to staff, and request a one-week delay from the Authority in the deadline date.

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

1.0 REPORTS

1.1 CHIEF ADMINISTRATIVE OFFICER

1.1.1 TENDER, CONTRACT 95-17, BREEZE DR. & CALEDONIA ROAD EXTENSION

AWARD TENDER:
CONTRACT 95-17

Tenders have been received for Contract 95-17, the Breeze Drive/Caledonia Road Extension, and in his report to Council, Mr. Corrigan (R. Fougere) has recommended that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$722,034.95.; completion date: 190 working days.

Before awarding this tender, Council received information from Mr. Rath on negotiations between the City and three Whebby companies, for a land exchange, whereby Whebby lands required for the street alignment will be conveyed to the City, in exchange for which the City would deed other land parcels to the Whebby interests. The City would receive 63,805 sq. ft. of land and would deed to the Whebby interests, 82,559 sq. ft. of land. The

land value difference in dollars is \$16,900. Mr. Rath showed the location of the land parcels to Council on a map, and provided details in connection with each of them.

It is understood that a report, with the necessary resolution, will come to the next Council meeting, but in the meantime, in order not to hold up the project, Council was asked to give agreement with the land conveyances and exchanges, as Mr. Rath has presented them.

MOTION: That Council agree in principle with the terms of the transaction, as explained by Mr. Rath, subject to ratification at next week's Council meeting.

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

The second motion, to award the tender, as recommended, then followed.

MOTION: To award the tender for Contract 95-17 to the lowest bidder, Ocean Contractors Ltd., in the amount of \$722,034.95, as recommended.

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

1.1.2 TENDER, CONTRACT 95-18, ASPHALT OVERLAY, DAHLIA ST., HARBOUR DR., PRINCE ALBERT ROAD

AWARD TENDER:
CONTRACT 95-18

Report from Mr. Corrigan (R. Fougere, H. Hatcher) on tenders received for Contract 95-18 (asphalt overlay, Dahlia St., Harbour Dr., and Prince Albert Road), recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$275,525.81; completion time: 25 workdays.

MOTION: To award the tender for Contract 95-18 to the lowest bidder, Ocean Contractors Ltd., with a bid price of

\$275,525.81, as recommended.

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

1.1.3 TENDER, CONTRACT 95-19, HOWE ST. & MOIRA STREET

AWARD TENDER:
CONTRACT 95-19

Report from Mr. Corrigan (R. Fougere, H. Hatcher) on tenders received for Contract 95-19 (sidewalk & asphalt overlay, Howe Street and Moira Street), recommending that the tender be awarded to the lowest bidder, Dexter Construction Ltd., with a bid price of \$224,218.50; completion time: 40 workdays.

MOTION: To award the tender for Contract 95-19 to the lowest bidder, Dexter Construction Ltd., in the amount of \$224,218.50, as recommended.

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

1.1.4 MEMBERSHIP, BOARDS, COMMITTEES, COMMISSIONS OF COUNCIL

MEMBERSHIP:
BOARDS AND
COMMITTEES

A report was before Council from Mr. Corrigan (B. Smith, V. Carmichael) on the subject of appointments to boards and committees, which normally takes place in November of each year. With amalgamation, effective as of April 1/96, it is being proposed that the terms of current board and committee memberships, be extended to March 31/96, with a recommendation to Council, to this effect.

Members received, at this meeting, copies of a letter from the Dartmouth General Hospital, requesting that Council consider extending the terms of current Commissioners on the Hospital Board, until the end of March, 1996 as well. It was agreed by Council that this request would be included with the motion to adopt Mr. Corrigan's recommendation. Council also agreed to make the Aldermanic appointment to the Advisory Committee for Persons with Disabilities, in conjunction with the same item.

MOTION: To adopt the recommendation:
That Council direct staff to contact those citizens who are currently serving on its boards, committees, and commissions, to determine if they would like to continue to serve the City of Dartmouth until March 31, 1996. Further, the various organizations who have representation on those boards and committees be contacted, asking that their representatives continue to serve until that date.

Included in the motion, is approval for extending the present terms of Commissioners on the Dartmouth General Hospital Board, to March of 1996, as requested.

<u>Moved:</u>	Ald. Hetherington
<u>Second:</u>	Ald. Greenough
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

On the nomination of Ald. Pye and Hawley, Council appointed Ald. Schofield to serve as the Aldermanic representatives on the Advisory Committee for Persons with Disabilities.

The Mayor advised that a Deputy Mayor will be appointed sometime around the end of October.

STAFFING PROCESS - HALIFAX REGIONAL MUNICIPALITY

STAFFING PROCESS:
NEW MUNICIPALITY

Ald. Smeltzer brought before Council, the subject of the staffing process for the new Halifax Regional Municipality, insofar as it can be expected to impact on our own City operations, as some individual staff members begin to assume duties with the new unit. He asked if management are looking at the implications for continuing to provide services in Dartmouth, as this process goes forward, and if Council is to receive a report on the impact question.

Mr. Corrigan said the implications and the impact are being looked at by management, but he had not planned to make a report to Council. It is expected that some questions about staffing and salary payments, etc. will be

answered at the staff meeting with Bill Hayward and Ken Meech, taking place on Sept. 27th at City Hall. He explained some of the major commitments that are having to be undertaken by staff, to meet the April 1/96 deadline for merging systems, such as financial, Human Resources, the layering of support systems. He said he would try to keep Council informed about things affecting the City of Dartmouth operations directly. Ald. Greenough and MacFarlane both felt it would be desirable for Council to be kept informed in this way.

Ald. Smeltzer was concerned that Dartmouth does not have a Home Page on the Chebucto Community Net, and therefore, Dartmouth citizens are missing out on this source of information, being provided by the City of Halifax. He said his concern was that as we move into amalgamation, other municipal units will be far ahead of us in this regard, and we will be playing a catch-up game when we should be in the forefront instead. He said he will continue to push for this important information source. Ald. Pye suggested that in the new municipality, Dartmouth will have a Community Council, and a Home Page would still reflect that fact and the information relevant to us.

SOURCE CONTROL PROGRAM

SOURCE CONTROL PROGRAM

Further to the Halifax memo on the subject of a Source Control Program for the City of Halifax (circulated at this meeting), Ald. Dexter stated a concern about what he considered to be the innuendo that the City of Halifax was having trouble getting cooperation in this undertaking, when in fact, Dartmouth has already made considerable progress in this regard. It was noted by Mr. Corrigan that the City of Halifax has put aside \$200,000. for a program, whereas there was no provision in our budget at all for a program or study.

Ald. Dexter proposed that we approach the City of Halifax about possible participation, and find out what the cost implications would be.

MOTION: That we endorse in principle the Source Control Program, and direct the C.A.O. to approach the City of Halifax about participation in their program, and report back on the

cost implications.

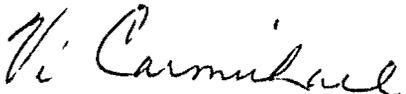
Moved: Ald. Dexter
Second: Ald. MacFarlane
In Favour: All
Against: None
Motion Carried

Council went in camera at 8:30 p.m., on motion of Ald. Sarto and MacFarlane. 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 matter, inter-governmental item).

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

Meeting adjourned at 9:25 p.m.


V. Carmichael,
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
SEPTEMBER 26, 1995.

ITEMS:

- 1.0 Proclamation, page 1.
- 1.1 Reports, page 2.
- 1.1.1 Chief Administrative Officer, page 2.
- 1.1.1 Tender, Contract 95-17, Breeze Dr/Caledonia Rd.
Extension, page 2.
- 1.1.2 Tender, Contract 95-18, Dahlia St., Harbour Dr.,
Prince Albert Rd., pg. 3.
- 1.1.3 Tender, Contract 95-19, Howe St & Moira
St., pg.4.
- 1.1.4 Membership, Boards and Committees, page 4.
Staffing process, Hfx. Regional Mun., page 5.
Source Control Program, page 6.

DARTMOUTH CITY COUNCIL AGENDA

<p>TUES., OCT. 3/95 7:30 P.M. COUNCIL CHAMBER</p>

INVOCATION

PROCLAMATION - Mi'kmaq History Month

1. **APPROVE THE MINUTES FROM THE MEETINGS:** Aug 22, Sept 5, 12, 19 & 26/95
2. **BUSINESS ARISING FROM THE MINUTES**
3. **DELEGATIONS & HEARINGS OF PROTEST - NONE**
4. **ORIGINAL COMMUNICATIONS - NONE**
5. **PRESENTATIONS - NONE**
6. **PETITIONS - NONE**
7. **REPORTS**
 - 7.1 **CHIEF ADMINISTRATIVE OFFICER**
 - 7.1.1 Tender, Cont. 95-13, Esson Road, Water Main Replacement
 - 7.1.2 Tender, Cont. 95-20, Baker Drive, Curb & Sidewalk
 - 7.1.3 Tender, Water Utility Buildings - Lake Lamont and Lake Major
Pumping Stations - Reroofing, Cont. 95-61
 - 7.1.4 Application to Build, Senior Citizen Project
 - 7.1.5 Pedestrian/Bicycle Bridge Crossing - Lake Banook
(to be circulated when received from the Department of Transportation)
 - 7.1.6 Land Exchange - Breeze Drive and Caledonia Road
 - 7.1.7 Bus Shelter Program
 - 7.1.8 Proposed Amendment to Land By-law - 221 Portland St. (set date for
public information meeting)
 - 7.1.9 Proposed Development Agreement - Markborough Development - Kent
Home Improvement Warehouse (set date for public information meeting
and public hearing)
 - 7.1.10 Land Acquisition - Myrer Dr - Street Construction and Paving
8. **MOTIONS - NONE**
9. **NOTICES OF MOTION**
10. **CONCERNS OF COUNCIL MEMBERS OR QUESTIONS**

DARTMOUTH CITY COUNCIL
OCTOBER 3, 1995.

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

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

MEMBER ABSENT: ALD. SMELTZER

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST CITY CLERK: V. CARMICHAEL

INVOCATION

Deputy Mayor Cunningham opened the meeting with the Invocation.

Agenda changes were as follows: Two Presentations added under item 5.0; item 7.1.5 withdrawn and deferred for a week; two personnel items added for in camera. Council concurred with these changes.

PROCLAMATIONS

Two Proclamations were read by Deputy Mayor Cunningham, the first for Mi'kmaq History Month, during the month of October, and the second, for Child Abuse Prevention Month during the month of October.

Mr. Barry Allen, a Solicitor with the City of Halifax, now working in Dartmouth as part of the exchange program, was introduced to Council and welcomed. Mr. Allen remained for the rest of the Council meeting.

1.0

APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on Aug. 22, Sept. 5, 12, 19, & 26/95.

Moved: Ald. Hetherington
Second: Ald. Greenough

Mr. Corrigan raised a point of clarification with regard to the motion on page 3 of the Sept. 5/95 minutes, and the minutes were

amended to reflect the fact that the decision of Council was meant to include 'holidays', in addition to weekends, for the exclusion of parking fees in the Waterfront Events parking area.

AMENDMENT: That the minutes of the Sept. 5/95 meeting be amended (motion, page 3) by adding the words 'and holidays' to the motion.

Moved: Ald. Hawley
Second: Ald. Withers
In Favour: All
Against: None
Amendment Carried

The motion, as amended:

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

- 2.0 BUSINESS ARISING FROM THE MINUTES
- 3.0 DELEGATIONS & HEARINGS OF PROTEST - NONE
- 4.0 ORIGINAL COMMUNICATIONS - NONE
- 5.0 PRESENTATIONS

Two presentations took place, the first one at this time, to players on the Tier 1 Girls Soccer team under age fifteen. This team has won the Provincial and Maritime Championships, and will represent the province at the National Championships. Commemorative scrolls were presented by the Deputy Mayor to each individual player, and to the coach.

Later in the meeting, Mayor McCluskey presented an award received from the Communities in Bloom competition, received for the Burnside Business Park, as the most progressively planned and integrated business park nationally. The award was presented to Mr. Rath and Mr. Stevens by the Mayor. She commended the award as being well-deserved and for its value in favourably publicizing the Business Park.

- 6.0 PETITIONS - NONE

7.0 REPORTS

7.1 CHIEF ADMINISTRATIVE OFFICER

7.1.1 TENDER, CONTRACT 95-13, ESSON ROAD, WATER MAIN

AWARD TENDER:
CONTRACT 95-13

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 95-13, water main replacement, Esson Road, recommending that the tender be awarded to the lowest bidder, Amber Contracting Ltd., with a bid price of \$238,590.74; completion time: 30 workdays.

MOTION: To award the tender for Contract 95-13 to the lowest bidder, Amber Contracting Ltd., in the amount of \$238,590.74, as recommended.

Moved: Ald. Greenough
Second: Ald. Sarto

Ald. Levandier had concerns about the bidder being recommended, in view of problems that have occurred in connection with a project they are already doing for the City. Council agreed to defer the item for further discussion in camera. The motion was subsequently adopted in camera and ratified in open meeting.

In Favour: All
Against: None
Motion Carried

7.1.2 TENDER, CONTRACT 95-20, BAKER DR. CURB & SIDEWALK

AWARD TENDER:
CONTRACT 95-20

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 95-20, Baker Drive, curb & sidewalk, recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$92,460.84; completion time: 25 workdays.

MOTION: To award the tender for Contract 95-20 to the lowest bidder, Ocean Contractors Ltd., in the amount of \$92,460.84, as recommended.

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

7.1.3 TENDER, CONTRACT 95-61, PUMPING STATIONS

AWARD TENDER:
CONTRACT 95-61

Report from Mr. Corrigan (R.Fougere, J.D. Murray) on tenders received for Contract 95-61, Water Utility buildings, Lake Lamont & Lake Major pumping stations, recommending that the tender be awarded to the lowest bidder, A & B Roofing Ltd., for the tendered price of \$27,066.00

MOTION: To award the tender for Contract 95-61 to the lowest bidder, A & B Roofing Ltd., in the amount of \$27,066.00, as recommended.

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

7.1.4 APPLICATION TO BUILD, SENIOR CITIZEN PROJECT

APPLICATION:
SENIOR CITIZEN
PROJECT

Report from Mr. Corrigan, with accompanying report from Development Services, on an application to build a seniors' residential care facility on Lot 4167, Eisener Blvd., Portland West, recommending that Council approve Resolution 95-36, prepared in this connection.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, due to the involvement of his firm with the project, and withdrew from his place on Council.

MOTION: To approve Resolution 95-36, as recommended.

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

7.1.6 LAND EXCHANGE, BREEZE DR. & CALEDONIA ROAD

LAND EXCHANGE:
BREEZE DRIVE &
CALEDONIA ROAD

In accordance with action taken at the Sept. 26th Council meeting, a report has been prepared and submitted to Council on the land exchange between the City and three Whebby companies: Blue Chip Developments, W. Eric Whebby Ltd., and Frank Whebby Ltd.

The report from Mr. Corrigan (V. Spencer, T. Rath) recommends that Council approve Resolution 95-37, authorizing the exchange of Parcels CR-1A,Z, and GR-3 (owned by the City), for parcels X and Y owned by Blue Chip Developments, W. Eric Whebby Ltd., and Frank Whebby Ltd., subject to the terms and conditions set out in the report, dated Sept. 28/95.

MOTION: To approve Resolution 95-37,
as recommended.

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

7.1.7 BUS SHELTER PROGRAM

BUS SHELTER
PROGRAM

Further to the bus shelter item, referred from the Sept. 26th Council meeting, Mr. Corrigan has pointed out in a report to Council, that capital funding was not provided this year to participate in the bus shelter program, and has recommended instead that the 1996/97 Capital Budget include a proposal to install ten bus shelters (2 per district) within Dartmouth.

MOTION: To adopt the recommendation:
That the 1996/97 Capital Budget
include a proposal to install
ten bus shelters within Dartmouth.

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

7.1.8 PROPOSED AMENDMENT, LAND USE BY-LAW - 221
PORTLAND STREET

AMENDMENT:
221 PORTLAND ST.

Reports were before Council from Mr. Corrigan and Development Services on an application to amend the Land Use By-law, by rezoning 221 Portland Street from R-2 Zone to GC Zone (General Commercial).

It is recommended that Council direct staff to proceed with a public information meeting for this rezoning application.

MOTION: That Council direct staff to proceed with a public information meeting for the rezoning application for 221 Portland Street, as recommended.

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

7.1.9

PROPOSED DEVELOPMENT AGREEMENT, MARKBOROUGH
PROPERTIES INC.

DEVELOPMENT
AGREEMENT:
MARKBOROUGH
DEVELOPMENT

Reports from Mr. Corrigan and Development Services on the proposed Development Agreement with Markborough Properties Inc. for the Kent Home Improvement Centre, recommending that Council instruct staff to proceed with a neighbourhood information meeting and set November 7/95 as the date for public hearing of this Development Agreement application.

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, due to the involvement of his firm with the project. He withdrew from his place on Council while the item was under consideration.

MOTION: To instruct staff to proceed with a neighbourhood information meeting, and to set Nov. 7/95 for public hearing of the proposed Development Agreement with Markborough Properties Inc., as recommended to Council.

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

7.1.10 LAND ACQUISITION - MYRER DR. - STREET
CONSTRUCTION AND PAVING

LAND ACQUISITION:
MYRER DRIVE

Report from Mr. Corrigan (V. Spencer, T. Rath) on land acquisitions required in connection with the construction and paving of Myrer Drive; the parcels of land involved are at 4 Myrer Drive, 364 Waverley Road, and 15 Hemlock Street. Resolution 95-39 has been recommended to Council, authorizing the land purchases, additionally to the recommendation that Council approve the acquisitions, subject to the terms and conditions provided in the report.

Two motions were adopted, one to approve the recommendation on the land acquisitions, and the second, to approve Resolution 95-39, as recommended.

MOTION: To approve the acquisition of parcels of property at 4 Myrer Drive, 364 Waverley Road, and 15 Hemlock Street, as recommended, subject to the terms and conditions set out in the staff report of September 26/95.

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

MOTION: To adopt Resolution 95-39, as recommended.

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

8.0 MOTIONS - NONE

9.0 NOTICES OF MOTION - NONE

10.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. PYE

Ald. Pye stated his concerns that pins and souvenirs identified with Dartmouth could go out of existence altogether if some provision is not made to have them continued. He asked that members who are thinking of running for

the new Regional Council, take this concern under advisement and seek to have funding provided in the next budget.

(Mayor McCluskey was present from this point and chaired the remainder of the meeting.)

Ald. Pye's second concern was about the crosswalk at Dartmouth Shopping Centre, a concern raised first by Ald. Cunningham. Ald. Pye felt there should be some communication with the Bridge Commission, to see if anything could be done to alter traffic patterns at the bridgehead, as a means of improving this very dangerous crossing point.

ALD. LEVANDIER

Ald. Levandier said the signage at the Events Plaza (parking) is still confusing and inadequate. He asked that Mr. Corrigan look at it again.

ALD. WALTON

Ald. Walton advised that there are two vacancies on the Healthy Dartmouth Committee, and he put forward the names of two people who have applied to serve as members. He presented the two names for Council to consider and they were accepted for appointment by Council. Their names are Elaine Holmes and Nancy Hoddinott.

MOTION: To approve the appointment of Elaine Holmes and Nancy Hoddinott to serve on the Healthy Dartmouth Committee.

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

ALD. DEXTER

Ald. Dexter referred to a letter from the Minister of Municipal Affairs, on the subject of a Halifax Harbour Concensus Symposium. Mr. Corrigan said he has not received such a letter, and Ald. Dexter agreed to provide him with a copy. Ald. Dexter said he would like to see Dartmouth reaffirm the initiatives Council has already taken in this regard, based on several motions adopted in the past.

ALD. MACFARLANE

Ald. MacFarlane referred to an inquiry he made some time ago about configuration changes in the Ochterloney/Maple Street intersection.

Mr. Fougere advised that the Traffic Authority is looking at this matter.

ALD. CUNNINGHAM

Ald. Cunningham asked to have attention given to crosswalks at Dartmouth Shopping Centre and at the Lakefront Apartments on Portland Street. He said that both locations are dangerous for pedestrians, the second one, due to the fact that motorists are not paying attention.

ALD. WITHERS

Ald. Withers also had a concern about crosswalk safety, at 213 Victoria Road, located at the end of a driveway, where children are trying to cross the street. He said this is a pedestrian hazard at present, and requires attention.

A second safety concern he raised had to do with the corners of Frances St/Victoria Road and Vanessa Dr/Victoria Road, where motorists are trying to beat the traffic lights and creating unsafe conditions for pedestrians. He said a child on a bicycle was struck by a car at this location. He asked what recommendations could be looked at to try and improve safety conditions there.

ALD. HETHERINGTON

Ald. Hetherington asked to have the crosswalk painted at Stephen and Pleasant Street; also, at Esson Road and Johnston Ave.

Ald. Hetherington requested a follow-up to the letter sent to the Minister of Municipal Affairs, regarding undersized lots.

ALD. SCHOFIELD

Ald. Schofield asked if the City is attempting to purchase land at the corner of Albro Lake Road and Victoria Road, for sidewalks. Mr. Fougere advised that the present sidewalk, painted on the asphalt, is on Petro Canada land. There have not been any negotiations with Petro Canada, to acquire land, since it was felt that the present sidewalk provision was working out satisfactorily.

At the Mayor's request, a minute of silence was observed by Council in memory of Lorenzo Shupe, a retired long-time City employee, whose death occurred recently.

Council went in camera at 8:15 p.m., on motion of Ald. Hetherington and Hawley. After reconvening in open Council, the action taken in camera was ratified.

MOTION: To ratify the action taken by
Council while meeting in camera
on this date (personnel items).

<u>Moved:</u>	Ald. Withers
<u>Second:</u>	Ald. Sarto
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

Meeting adjourned at 8:30 p.m.

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

DARTMOUTH CITY COUNCIL
OCTOBER 3, 1995.

ITEMS:

- Invocation, page 1.
- Proclamations, page 1.
- 1.0 Approval of minutes, page 1
- 2.0 Business Arising from Minutes, page 2.
- 3.0 Delegations & Hearings of Protest, pg. 2.
- 4.0 Original Communications, page 2.
- 5.0 Presentations, page 2.
- 6.0 Petitions, page 2.
- 7.0 Reports, page 3.
- 7.1 Chief Administrative Officer, page 3.
- 7.1.1 Tender, Contract 95-13, Esson Road, page 3.
- 7.1.2 Tender, Contract 95-20, Baker Drive, page 3.
- 7.1.3 Tender, Contract 95-61, Water Utility Bldgs.,
page 4.
- 7.1.4 Application, senior citizen project, page 4.
- 7.1.6 Land exchange, Breeze Dr/Caledonia Rd., page 5.
- 7.1.7 Bus Shelter Program, page 5.
- 7.1.8 Land Use By-law Amendment, 221 Portland St., pg.5
- 7.1.9 Development Agreement, Markborough Properties,
page 6.
- 7.1.10 Land acquisition, Myrer Dr., page 7.
- 8.0 Motions (none), page 7.
- 9.0 Notices of Motion (none), page 7.
- 10.0 Concerns of Council members or questions, pg. 7.

Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL AGENDA

<p>TUES., OCT. 10/95 7:30 P.M. COUNCIL CHAMBER IN CAMERA SESSION 10:00 P.M.</p>

1. PUBLIC HEARING - Development Agreement - 52 Queen Street

REPORTS

2. 2.1 **CHIEF ADMINISTRATIVE OFFICER**
 - 2.1.1 Pedestrian/Bicycle Bridge Crossing - Lake Banook
(circulated when received from Dept. of Transportation)
(deferred from Oct. 3/95 meeting)
3. 3.1 **PUBLIC TRANSPORTATION ADVISORY COMMITTEE**
 - 3.1.1 Transferability of Taxi Owner Licenses

IN CAMERA SESSION - 10:00 P.M.

1. Personnel Matters

DARTMOUTH CITY COUNCIL
OCTOBER 10, 1995.

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

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

MEMBER ABSENT: ALD. HAWLEY

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: B. ALLEN
ASST. CITY CLERK: V. CARMICHAEL

In the absence of Mayor McCluskey, who was attending the UNSM conference, the meeting was chaired by Deputy Mayor Cunningham.

Since a letter has not yet been received from the Transportation Dept., Council agreed to defer Item 2.1.1 (Pedestrian/Bicycle Bridge Crossing, Lake Banook) until next week's meeting.

MOTION: To defer Item 2.1.1 until next week's Council meeting.

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

1.0

PUBLIC HEARING - DEVELOPMENT AGREEMENT -
52 QUEEN STREET

PUBLIC HEARING:
52 QUEEN STREET

Council set this date for public hearing of a Development Agreement for 52 Queen Street, in order to permit the conversion of the existing building to eight residential units, and the basement for commercial space. This property is presently zoned C-1 R-3, which allows local commercial uses as-of-right, and residential uses, three units and over, by Development Agreement.

Related reports and documentation have been circulated with the agenda for this meeting, including proposed Resolution 95-38, and the staff recommendation is that Council approve the Resolution, thereby entering into a Development Agreement with the property owner,

Mr. Photios Keramaris of Keramaris Investments Ltd.

The presentation for Development Services was made by Patricia Richards. She showed the location of the subject property, and explained the interior conversion of the building that is being proposed by the owner. She advised that there is adequate parking to accommodate the changes being proposed, and the surrounding area is well served with amenities and facilities. The proposal conforms with the policies and intent of the MPS, and approval is therefore being recommended by Development Services. Members had the opportunity for questions, after which the Deputy Mayor opened the public hearing.

Deputy Mayor Cunningham called three times for any speakers in favour and secondly, for any speakers opposed. When there were no speakers either for or against the application, the public hearing was declared to be closed, on motion of Ald. Pye and Greenough.

RESOLUTION 95-38

MOTION: To adopt Resolution 95-38,
as recommended.

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

3.1 PUBLIC TRANSPORTATION ADVISORY COMMITTEE

3.1.1 TRANSFERABILITY OF TAXI OWNER LICENSES

TRANSFERABILITY:
TAXI OWNER LICENSES

A report has been submitted to Council by the Chairman of the Public Transportation Advisory Committee, Ald. Sarto, on the transferability of taxi licenses, with a recommendation from the Committee on the holding of a public information meeting on the subject of transferability, and the provision of funds for the advertising of such a meeting. It is recommended that Council endorse the resolution adopted by the Committee in this connection. Copies of Committee minutes have been included with the report to Council, for additional information on this item.

MOTION: To adopt the recommendation
of the Public Transportation
Advisory Committee:
That a public information meeting
be held on the issue of the
transferability of taxi licenses,
and that sufficient funds be
provided for advertising of the
public meeting.

Moved: Ald. Sarto
Second: Ald. Pye

Ald. Sarto made a verbal report to Council on the discussions that have taken place to date, at Committee, with taxi industry representatives; the next step is to open up the debate to any other interested persons wanting to be heard on the matter.

Members of Council who spoke on the motion, indicated general support for a public meeting.

In Favour: All
Against: None
Motion Carried

It was requested that staff set a date for the public meeting, as soon as possible.

Ald. Levandier raised a point of concern about costs associated with the solid waste management program that Halifax County has been proceeding with, and was advised by Mr. Corrigan that we are sharing in these costs as one of the partners. Ald. Levandier felt that this is an important issue Council should be discussing, especially since the Stakeholders Committee is not participating any more.

Ald. Schofield inquired about locations for election signs, and restrictions applicable to City land, including small parks at intersections. He asked to be advised further on his inquiry.

Ald. Hetherington asked when the appointment of the Deputy Mayor is to be made. Mr. Corrigan to check on this with the Mayor.

At 7:50 p.m., Council went in camera, on motion of Ald. Greenough and MacFarlane. 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 (personnel
matters).

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

Ald. Smeltzer said he felt that when Council has a light agenda, such as this one, there are other issues that members should be discussing, such as the in camera policy. There were no comments on this suggestion by other members.

Meeting adjourned at 8:00 p.m.

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

DARTMOUTH CITY COUNCIL
OCTOBER 10, 1995.

ITEMS:

- 1.0 Public Hearing, 52 Queen Street, page 1.
- 3.1 Public Transportation Advisory Comm., page 2.
- 3.1.1 Transferability of taxi owner licenses, page 2.

Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL AGENDA

TUES., OCT. 24/95

7:30 P.M.

COUNCIL CHAMBER

1. **REPORTS**

1.1 **CHIEF ADMINISTRATIVE OFFICER**

- 1.1.1 Pedestrian/Bicycle Bridge Crossing - Lake Banook
(to be circulated when received from Dept. of
Transportation)
(deferred from Oct. 10/95 meeting)
- 1.1.2 Name Community Centre, Ward 5
- 1.1.3 Tender, Cont. 95-21, Tacoma Drive, Street Construction
- 1.1.4 221 Portland Street (set date for public hearing)

DARTMOUTH CITY COUNCIL
OCTOBER 24, 1995.

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

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

REGRETS: ALD. LEVANDIER

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL

Two items were added to the agenda for this meeting: Item 1.1.5 Appointment of a Deputy Mayor; and Item 1.1.6 Concerns of Council.

Ald. MacFarlane addressed Council, informing members that he will not be seeking a seat on the new Regional Council. He said it has been an honour and a pleasure to serve for the past ten years on City Council, and he felt that with the help of staff, Council has made a difference. The Mayor thanked Ald. MacFarlane for his commitment to office, commending in particular this present Council as one of the best over the years.

1.0 REPORTS

1.1 CHIEF ADMINISTRATIVE OFFICER

1.1.1 PEDESTRIAN/BICYCLE BRIDGE CROSSING - LAKE BANOOK

BRIDGE CROSSING:
LAKE BANOOK

Mr. Fougere brought to Council's attention, a letter just received from the Transportation Department on the use of the right-of-way on the Parclo bridge for a pedestrian/bicycle crossing, as part of the multi-use trail system.

Reference is made in the letter to existing regulations, under the Motor Vehicle Act, which restrict the use of right-of-ways to walking, and Mr. Fougere noted that a change in the regulations would be required, to permit bicycles, not only at the Parclo, but on other sections of the trail as well, where applicable. The Solicitor explained the procedure required in seeking a Motor Vehicle Act change, to overcome the bicycle restriction. She said the problem is with the definition of a 'sidewalk',

and the fact that bicycles cannot be ridden on sidewalks.

Ald. Cunningham felt the Solicitor should proceed with a request for the necessary amendment to the Motor Vehicle Act, as she has explained to Council.

MOTION: That the Solicitor proceed with a request for the change required in the Motor Vehicle Act, to permit bicycles on the highway right-of-ways (which would include the Parclo at Lake MicMac).

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

A second motion was presented by Ald. Cunningham, to defer a decision on the bridge crossing option, until after Council has heard back from the Solicitor on the Motor Vehicle Act amendment.

MOTION: To defer a decision on the bridge crossing option until after Council has heard back from the Solicitor on the Motor Vehicle Act amendment.

Moved: Ald. Cunningham
Second: Ald. Withers

Members opposed to the motion felt the decision on the bridge option should be made while this present Council is still able to do it, but those speaking in support of the motion, were of the opinion that there will be adequate time for the decision, given that the change to be requested does not require major legislation.

In Favour: Seven members
Against: Six members
Motion Carried

1.1.2 NAME COMMUNITY CENTRE, WARD 5

NAME COMMUNITY
CENTRE: WARD 5

A report from Mr. Corrigan (V. Spencer, J. Lukan) was considered, recommending that the

new Community Centre in Ward 5 be called the 'Dartmouth North Community Centre'. This name has been suggested by the Steering Committee for the project.

MOTION: That the new Community Centre in Ward 5 be called the Dartmouth North Community Centre, as recommended.

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

In response to a point raised by Ald. Woods about the management of the facility, Mr. Stevens advised that a management process is under review now, and there have been some preliminary discussions with the groups who will be using the Centre. Local residents would like to be represented in the management structure. Ald. Pye said he agreed with Ald. Woods that the community wants to be a part of this process.

Mr. Stevens said that once the plan for management has been finalized, it will come to Council.

1.1.3

TENDER, CONTRACT 95-21, TACOMA DR. STREET
CONSTRUCTION

AWARD TENDER:
CONTRACT 95-21

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 95-21, Tacoma Drive street construction (Valleyfield Road to Stevens Road), recommending that the tender be awarded to the lowest bidder, B & L Contracting Ltd., with a bid price of \$382,388.04; completion time: 65 workdays.

Ald. Sarto asked about starting this project before winter, rather than in the spring of 1996, but Mr. Fougere explained some of the problems with doing this. Both Ald. Sarto and Smeltzer expressed disappointment that the project could not have been carried out this fall.

MOTION: To award the tender for Contract 95-21 to the lowest bidder, B & L Contracting Ltd.,

as recommended, in the
amount of \$382,388.04.

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

1.1.4 SET DATE FOR PUBLIC HEARING: 221 PORTLAND ST.

SET DATE FOR
PUBLIC HEARING:
221 PORTLAND ST.

Report from Mr. Fougere on the application to
rezone property at 221 Portland Street,
recommending that Council direct staff to set
November 14/95 as the date for public hearing.

MOTION: That Council direct staff
to set November 14/95 as
the date for public hearing
of the application to rezone
property at 221 Portland St.,
as recommended.

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

APPOINTMENT OF DEPUTY MAYOR

APPOINTMENT:
DEPUTY MAYOR

The Mayor thanked Ald. Cunningham for serving
as Deputy Mayor during the past year, and he
addressed Council briefly, stating that it has
been a pleasure to have served and to have been
associated with Mayor McCluskey in that
capacity.

Ald. Hetherington proposed a return to the
former selection of a Deputy Mayor, based on
years of service as an Alderman, and moved the
appointment of Ald. Walton as Deputy Mayor for
the remaining term of this present Council.

MOTION: That Ald. Walton be appointed
to the position of Deputy
Mayor for the remaining term
of the present Council.

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

Deputy Mayor Walton received congratulations from Council, and he thanked Council for the opportunity to serve this remaining term.

1.1.6

CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. DEXTER

Ald. Dexter asked if there has been anything further on the Dartmouth Cove negotiations. Mr. Fougere said the letter he prepared for the Premier has not yet been brought to the Cabinet.

Ald. Dexter raised a point of concern about a request he has made to Police Chief MacRae, for an information report on incidents of disturbance, arrests, etc., involving the two establishments with liquor licenses, at the bottom of Portland Street. Chief MacRae has responded with a memo to the effect that such requests should come through the Police Commission, and Ald. Dexter questioned what he called 'inappropriate' statements in the memo, and the fact that he is not able to receive the kind of straight-forward stats and information he is seeking. He asked if members of Council are not entitled to receive information in the regular way, without the necessity of taking the request to the Commission.

Other members of Council, who shared Ald. Dexter's concern, were Ald. Hetherington, Ald. Greenough, Ald. Pye, Ald. Hawley, and Ald. MacFarlane. Ald. Hetherington said he hoped that Aldermen who are members of the Police Commission, will bring this matter up at the next meeting. Ald. Smeltzer suggested having Chief MacRae attend the next meeting of Council, for some discussion of the points raised about requests for information.

At the end of the question & concerns period, Ald. Dexter presented the following motion:

MOTION: That Council request Chief MacRae to report back to Council, within seven days, with respect to activities at Sam's (formerly the Sternwheeler), that report to be restricted to activities over the last six months.

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

ALD. SCHOFIELD

Ald. Schofield asked about the houses on Cannon Crescent, and progress in having them declared surplus. He was concerned about vandalism, now that the houses are unoccupied. The Mayor said she would make a phone call to check on this inquiry.

Ald. Schofield asked about a long-range plan for dealing with the north-end prostitution problems, and whether the Police Commission could ask for a report. Ald. Pye later stated that if this item is not on the November agenda for the Police Commission, he would make sure it is raised.

ALD. HETHERINGTON

Ald. Hetherington requested attention to the following concerns raised by him:

- 1) the pedestrian crossing on Portland Street, at Carver Street, where the ramp at the end has been painted off centre and not in line with the crosswalk painting. He referred to a recent incident where a resident fell because of this, breaking her leg.
- 2) speeding on Eisener Blvd., and the need for a speed trap on this street. Asked to have his request referred to the Police Commission for attention.
- 3) request for line painting at Stephen and Portland Streets.

ALD. SARTO

Ald. Sarto commended the appointment of Gary Greene as Regional Fire Chief, and the Mayor said congratulations are being extended to him.

ALD. SMELTZER

Ald. Smeltzer inquired about the payment of salaries for the employees of the regional municipality. The Mayor advised that they will be paid with funds from the Provincial Government, and the bill for reimbursement will eventually go to the new municipality.

Ald. Smeltzer suggested that money being saved on the salaries of employees transferring to the regional municipality, could be spent to

employ graduate administration students on a contract basis, for work with the City, and also, to set up a Home Page system. It was later requested by Ald. Hawley that a Home Page presentation be made to Council, as a follow-up to Ald. Smeltzer's suggestion.

Ald. Smeltzer also asked about the disposal of City assets that will become surplus; he felt this is a matter that should be given consideration before we become part of the regional municipality.

ALD. MACFARLANE

Ald. MacFarlane asked if the Municipal Affairs Dept. has prepared a five-year plan for the new municipality, as it was previously indicated they would do. He felt that members of the new Regional Council should have such a document, if it is ready, and perhaps, we should be making a request of the Minister now.

Ald. MacFarlane asked about the Chestnut Lane/MacRae intersection project. Mr. Fougere said the plan is ready for curbing, but it will be necessary to acquire some property for the sidewalk.

Meeting adjourned at 9:00 p.m.



V. Carmichael,
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
OCTOBER 24, 1995.

ITEMS:

- 1.0 Reports, page 1.
- 1.1 Chief Administrative Officer, page 1.
- 1.1.1 Pedestrian/Bicycle Crossing, Lake Banook, page 1
- 1.1.2 Naming of Community Centre, Ward 5, page 2.
- 1.1.3 Tender, Contract 95-21, page 3.
- 1.1.4 221 Portland St., date for hearing, page 4.
- 1.1.5 Appointment of Deputy Mayor, page 4.
- 1.1.6 Concerns/Questions of Council, page 5.

DARTMOUTH CITY COUNCIL AGENDA

TUES., NOV. 7/95
7:30 P.M.
COUNCIL CHAMBER
IN CAMERA SESSSION
10:00 P.M.

INVOCATION

PROCLAMATION - CPR Awareness Month

1. PUBLIC HEARING

i) Proposed Development Agreement - Markborough Properties Inc.

2. APPROVE THE MINUTES FROM THE MEETINGS: Oct 3, 10, & 24, 1995.

3. BUSINESS ARISING FROM THE MINUTES

4. DELEGATIONS & HEARINGS OF PROTEST - NONE

5. ORIGINAL COMMUNICATIONS - NONE

6. PRESENTATIONS - NONE

7. PETITIONS - NONE

8. REPORTS

8.1 CHIEF ADMINISTRATIVE OFFICER

- 8.1.1 Application to Build 72 Unit Apartment Building
- Eisener Boulevard, Portland West
- 8.1.2 NS Department of Transportation & Communications
Construction Agreement D-13
- 8.1.3 1995/96 Debenture
- 8.1.4 Citizen Appointments - Recreation Advisory Board
- 8.1.5 Dartmouth North Community Centre Planning Board

9. MOTIONS - NONE

10. NOTICES OF MOTION

11. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

IN CAMERA SESSION - 10:00 P.M.

1. Personnel Matter.

DARTMOUTH CITY COUNCIL
NOVEMBER 7, 1995.

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

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

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEADS & ASSISTANTS

INVOCATION

Mayor McCluskey opened the Council meeting with the Invocation, following which, two Proclamations were read by her.

PROCLAMATIONS

Proclamations were given by the Mayor for (1) CPR Awareness Month, during the month of November, 1995; and (2) for Key Club Week, from November 5th to 11th, 1995, in conjunction with the Prince Andrew High Club, associated with Kiwanis International. Present in this connection, were Calvin Beckwith, Scolded Rose, and a Key Club member from Prince Andrew. They were acknowledged by the Mayor and Council.

1.0

PUBLIC HEARING

i)

PROPOSED DEVELOPMENT AGREEMENT - MARKBOROUGH
PROPERTIES INC.

PUBLIC HEARING:
DEVELOPMENT
AGREEMENT
MARKBOROUGH
PROPERTIES INC.

Council set this date for public hearing of the proposed Development Agreement with Markborough Properties Inc., for the Kent Home Improvement Centre, on a site near the MicMac Mall, for which MPS and Land Use By-law amendments were previously approved by Council, and subsequently, by the Minister of Municipal Affairs.

Information packages and related documentation, dated Sept. 27/95 and October 20/95 respectively, have been circulated to Council.

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

CONFLICT OF
INTEREST

Ald. Woods declared a conflict of interest on this item, based on the fact that business partners of his are involved in the project. He withdrew from his place on Council to sit in the gallery.

CONFLICT OF
INTEREST

At a later point, during the public hearing, Ald. Smeltzer also declared a conflict of interest, due to the involvement of individuals associated with his election campaign, and he withdrew from his place on Council to sit in the gallery.

The report to Council from the Acting CAO, Mr. Fougere (Bill Stevens, Roger Wells), recommends (a) that Council approve Resolution 95-28, (the entering into of the proposed Development Agreement); and (b) that Council instruct Traffic Services to immediately address certain transportation and traffic-related matters, as outlined in the report to Council, dated Sept. 27/95.

The Development Services presentation to Council was made by Roger Wells. He noted that negotiations have now been going on for over a year, in connection with this particular development, and after orienting Council on the site location and size of the project, he proceeded to explain the revisions and concessions the developer has made, to try and address the concerns of area residents, and to minimize the impact of the development on the surrounding neighbourhood. These include:

- 1) a total movement of the proposed building, from one end of the site to the other, and movement insofar as possible, toward MicMac Mall.
- 2) the elimination of outdoor storage associated with the development.
- 3) a significant buffer area is to be retained around the perimeter of the development, and designation of a site disturbance boundary. The Director of Parks & Recreation is authorized to determine, in the field, the type, size and location of additional planting that may be required to insure adequate screening.

- 4) the elevation of construction on the site is to be lowered, thereby increasing the effectiveness of the buffers and improving the adequacy of screening the site.
- 5) light standards on the site will be lowered to forty feet, and all fixtures will be equipped with lighting shields.
- 6) the roof treatment has been modified from the original tar and gravel, to a plastic membrane finish, for a more attractive visual effect.
- 7) a walkway is to be provided, paved and landscaped, as shown on the plan Mr. Wells used in making his presentation.
- 8) the developer will pay \$50,000. to the City, as a cash-in-lieu of parkland contribution (further to the previous concern raised about the strip of land zoned Park, but not owned by the City); this money will be deposited in the City's Park Fund account.
- 9) the developer agrees to the widening of MicMac Blvd. at Glencairn, and the installation of traffic signals at this intersection; also, to the installation of sidewalks, from MicMac Blvd. to the Bay store, as shown to Council by Mr. Wells, on the plan.

Other items of agreement noted by Mr. Wells, pertained to hours of operation, truck traffic regulation and truck routes, environmental protection provisions, signage stipulations, and modifications the developer is willing to accept, in attempting to comply with the requests of the surrounding community.

Mr. Wells proceeded to the second part of the staff recommendation, further to traffic issues that need to be addressed by Traffic Services, for report back to Council in due course. These issues are as detailed on page 5 of the September 27/95 report to Council, being five in number. Mr. Wells outlined and elaborated on them during his presentation.

In summary, Mr. Wells stated to Council that the proposed development adequately conforms with the MPS evaluative criteria and policy intent, and approval of the Development Agreement is therefore recommended.

Questions to Mr. Wells from members of Council, dealt with almost every aspect of the project, from the capacity of the propane tank, to be located on the site, to the routing of truck traffic (including the construction period) and any possible impact from truck traffic on the Mall parking lot itself. The main concern arising from the questions was about the traffic issues and the fact that they will not be resolved before this development takes place, unless the Development Agreement is delayed at this point in the process. Mr. Wells pointed out that the traffic analysis carried out in conjunction with the Kent Homes project, concludes that the improvements are not required to accommodate this development, but should be considered for the future, as a matter of course.

Ald. MacFarlane asked about future enforcement of the agreement. Mr. Wells said it is a legally binding agreement that rides with the property. Any breach of the agreement would result in legal action being taken. The Solicitor was later asked to comment further, and explained the process that would be followed in such an event, noting that legal proceedings would be faster under a development agreement than in the case of zoning infractions.

Ald. Dexter had several questions as to who would pay for traffic improvements, and about the fact that the developer would not be likely to participate once a development agreement with the City has been approved. Ald. Withers and Schofield also raised questions about the traffic concerns, on behalf of residents, along with other disruptive factors associated with the development that are likely to have negative effects on the quality of life in surrounding neighbourhoods. Many of their questions related specifically to the objections that residents of their ward have been putting forward over the course of the Markborough application.

At the conclusion of a lengthy question period, the Mayor opened the public hearing; she called for speakers in favour of the Development Agreement.

Council first heard from John Davies of Markborough Properties, the owners of MicMac Mall. He provided information on the revitalization of the mall, in order to maintain its success in the market, pointing out that the popular 'big box store' concept is a part of that process, and the Kent Homes project is therefore an additional asset. Further to a question from Ald. Withers, as to the present assessment for the ten-acre site being developed, Mr. Davies said it is \$20,000. With the Kent Homes development on the site, it will increase to about \$200,000.

On the subject of Ald. Hawley's questions about truck traffic through the mall parking lot, Mr. Davies explained the logistics of the proposed truck route, and how it is presently being used by semi-trailers that deliver goods to the existing stores in the mall. He said there is a ring road within the mall, built with two lifts of asphalt, to accommodate truck traffic. Any deterioration in the truck route would be attended to, and Mr. Davies felt that all truck traffic could be routed through the pattern he showed to Council on the Schedule N map. It was noted, however, that there are two other loading docks on the opposite side of the shopping centre, now being used.

One other comment, further to questions raised about enforcement of the Development Agreement, was addressed by Mr. Davies. He said he would not see any conditions under which the Solicitor would have to take the developer to court, since every effort is being made to cooperate.

Mr. Davies said it is now eighteen months since his company started this process, and they have been to the public a total of six times. He felt that every possible effort has been made to give consideration to concerns raised by the public, and to address them insofar as possible.

Mr. Peter Connor, the consultant for the project on land use planning, explained the eight-foot elevation change (fifteen feet at the back of the property), in order to minimize

the impact of the building on site. He showed a series of computer-produced renderings of the building, with trees and landscape buffer, from several locations (third floor, Horizon Court; fourth floor, Horizon Tower; Kingswood intersection; and the roof of the Bay), by way of demonstrating the unobtrusiveness of the Centre overall. He pointed out that a significant amount of work has been done to make sure the development fits within the site, and to insure a sensitive treatment of the site.

Mr. Valcour of Kent Homes read to Council, a letter from Mr. Jim Irving, in his absence. The letter dealt with the choice of MicMac Mall as the company's preferable location for their Home Improvement Centre in Dartmouth, and to the anticipated creation of between 150 and 200 jobs, associated with the development. A series of slides were shown at this point, to illustrate the range of products offered in Kent Home stores, and statements were made as to the degree of accommodation the company has made to comply with the concerns of residents.

The following speakers were also heard in support of the Development Agreement:

- 1) Gordon LeBlanc - looking forward to the convenience of a Kent Homes store in Dartmouth. The developer has made changes and accommodations, over the course of the project, and it is time to accept the project and move ahead.
- 2) Al White - sick of driving to Halifax for Kent Home products. Asked that Council approve the project.
- 3) Steve Drummond - Kent Homes employee. Commended the company as a good employer. Hoped that Council would give approval.
- 4) Jim Mills - time we had a good place to shop for hardware. Seems as if only negative comments have been heard so far, and nothing about the positive aspects.
- 5) John Henneberry - did not see any problem with semi-trailers going into the mall; there is no problem with them now.

- 6) Lawrence Hartnett - look forward to having this building supply store so handy (Crichton Park resident).
- 7) Andrew Lloy, representing Mall merchants - this is a quality retailer and store will fill the need for a good reputable hardware outlet. Look forward to this partnership with the Mall.
- 8) David Vincent - we should welcome Kent Homes and help Dartmouth to grow economically. Developers have made many concessions and should now have a chance to proceed with their project.
- 9) Gary Glen - manager of Kent Homes store in Halifax. Good standards are maintained by the company, including clean and tidy property around their buildings.
- 10) Mr. Bostwick and Mr. Frizzell - both commended and supported Markborough Properties and the proposed Kent Homes development.
- 11) Dan Wagar, owner of Manhattan Fries - This project will only enhance the value of the Mall and its success as a shopping centre.
- 12) Fred Roberts - employed by Kent Homes. They are good corporate citizens in the community.

When there were no further speakers in favour, the Mayor called for speakers opposed. Council heard the following speakers:

- 1) Mr. Williams - development will have a ripple effect on traffic, a situation that is bad enough already with all the retail traffic and traffic associated with the playing fields on MicMac Blvd. Referred to a backstop that has to be moved at Maybank Field and the present hazard it is causing to vehicular traffic. Traffic problems should be dealt with as part of the approval process, and not afterwards.
- 2) Jack Innis, lawyer representing Can Euro Investments - his presentation

concentrated on questions of compliance with the City's MPS criteria, considering the fact that the MPS in effect dates back to 1978 and was designed for another era. He described the development as a 'box store' project overlaid with a planning strategy that is completely inadequate, by today's standards. He questioned specific sections of the implementation policy, in relation to individual items of criteria, such as the detrimental effects on other business operators within the City; buffering provisions, when some of the trees and cover shown on the plan are located on Can Euro property (the exact property line was later clarified at the request of Ald. Hawley); the present zoning on the subject site, which would permit R-3 development; the obtrusiveness to existing Can Euro development.

Mr. Innis said Council should not give approval to the Development Agreement at this time, and he further requested that the application be rejected. Hours of operation, Sunday opening, etc. should be regulated; store opening should not be permitted before 9:00 a.m.

It was at this point that Ald. Smeltzer declared a conflict of interest, as recorded on page 2 of these minutes.

- 3) Mr. Gaspar, Vice President of CanEuro Investments - felt that the size and scale of this development is 'outrageous'. Also, that very little has been done to mitigate the effects of the development. The buffer zone is inadequate and should be twice as much. Suggestions made by his company at public meetings have not been taken into consideration, and Mr. Gaspar was concerned that his company will suffer financial loss if tenants start to move out of his apartments. Buffering shown on the plans is on CanEuro lands. Mr. Gaspar said he could not understand why Markborough has not come back to

his company for further discussions,
after one initial meeting.

- 4) Jamie Haines, employed with CanEuro - is able to buy building products already in Dartmouth from other companies, without going to Kent Home Centre in Halifax.
- 5) Louise Moores - opposed to the project at this totally inappropriate location. The building should go in the Burnside Park, where it belongs and would not create traffic problems, as it is going to do on the MicMac Mall site. A peaceful and tasteful neighbourhood will be disrupted, and Council should be listening to the objections of area residents and representing them as they are expected to by the people.
- 6) Trevor Lake - this whole process is appalling, and this development is a detriment to our neighbourhood. Suggested that MicMac Mall already has economic and financial problems, and questioned the viability of the whole shopping centre, including this new development.
- 7) Tara Legg - Council should be thinking about the people who live in the area and weighing all the pros and cons. Stand behind the people of this community and vote no.

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

MOTION: To approve Resolution 95-28,
as recommended.

Moved: Ald. Levandier
Second: Ald. Hetherington

Ald. Dexter asked about the second part of the staff recommendation, dealing with traffic issues, as outlined by Mr. Wells in his presentation to Council. The Solicitor advised that it would be in order to deal with each recommendation separately, since the subject of the public hearing itself is the

Development Agreement, the subject of
Resolution 95-28.

Ald. Dexter considered it premature to proceed with approval of the Development Agreement until after the traffic problems have been addressed and a report brought back to Council for further action. He said there will be no incentive for the developer to participate in the cost of any traffic improvements required, once the Development Agreement has been approved.

MOTION: To defer the approval of the resolution (95-28) until the information called for under the B part of the recommendation has been received from Traffic Services.

Moved: Ald. Dexter
Second: Ald. Cunningham

Ald. Levandier, Hawley, and several other Council members were not in favour of deferral, based on the fact that the traffic issues identified are existing and have not been caused by this particular development. Ald. Hawley said if there is responsibility for them, it lies with the City, especially in the case of the playing fields, which are City facilities.

On motion of Ald. Pye and Dexter, Council agreed to continue meeting after 11:00 p.m.

Asked about the length of time required for a report to come back to Council on the traffic issues, Mr. Fougere felt that since the Province would have to be involved in the discussions, it would be the new Regional Council that would be dealing with the report.

The motion to defer was supported by Ald. Schofield, Withers, Dexter and Cunningham, all of whom stated their objection to approval of a Development Agreement without first addressing the traffic problems that are of so much concern to area residents.

In Favour: Four members, as noted above
Against: All other members
Motion to defer Defeated

Debate resumed on the main motion, to approve Resolution 95-28. Ald. Levandier and others speaking in favour, felt the development is desirable for the City, and that over the lengthy period of time for identifying objections and dealing with them, the company has made a significant effort to comply with the wishes of residents and minimize areas of controversy.

Ald. Withers did not share this view, and called the public hearing of July 11/95, a night of infamy, a discouragement to the residents; they have now 'thrown in the towel' and given up hoping for any just resolution from Council. He also referred to what he called the hypocrisy of the Sept. 12th public hearing (neighbourhood shopping centre, Montebello), when a different attitude was taken toward the wishes of area residents, with a completely different result. He quoted from the text of transcripts taken from tapes of that meeting, to illustrate his points. He maintained his strong opposition to the Kent Home project, and his continuing support for the position of ward residents. Ald. Schofield also repeated his intention to vote against the motion for reasons already stated by Ald. Withers, and for his own. Ald. MacFarlane, Dexter and Cunningham were the remaining members of Council opposed and speaking against the motion.

Ald. Walton noted that even though there was considerable opposition to the Portland West development, initially, it has since been well accepted as a positive project for the area. Other members referred to similar experiences with developments elsewhere in the City as well. There was further debate, after which the vote was taken on the motion.

In Favour: All members except
Against: Ald. Dexter, Cunningham,
Withers, Schofield
Motion Carried

MOTION: To approve recommendation (b)
from the report to Council:
That Council instruct Traffic
Services to immediately address
certain transportation and traffic-
related matters, as described in the
staff report dated Sept. 27/95.

Moved: Ald. Hetherington
Second: Ald. Hawley
In Favour: All members except
Against: Ald. Withers
Motion Carried

Ald. Withers congratulated Ald. Schofield on his election by acclamation, to the new Halifax Regional Municipal Council. His election was also acknowledged by the other Council members.

2.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on October 3, 10 and 24/95.

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

3.0 BUSINESS ARISING FROM THE MINUTES

Ald. Smeltzer clarified a request made by him at the October 24th meeting, which was intended to be a question as to whether we have an inventory of assets, and, if not, is an inventory being compiled. Mr. Fougere said an inventory was done previously, but he will check to see how updated it is.

Further to Ald. Dexter's motion, from the October 24th meeting, requesting a report from Police Chief MacRae, Ald. Dexter stated his concerns about a memo subsequently received from Chief MacRae, and to what he called the 'combative stance' reflected in the memo. He said the memo is unsatisfactory, and Chief MacRae should 'produce the report requested or resign and let someone else do it'. A motion was then presented, to refer the request back to him again, asking for the report Ald. Dexter was originally seeking.

MOTION: To refer the request back to Chief MacRae, asking him again for the report Ald. Dexter was originally seeking.

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

- 4.0 DELEGATIONS & HEARINGS OF PROTEST - NONE
- 5.0 ORIGINAL COMMUNICATIONS - NONE
- 6.0 PRESENTATIONS - NONE
- 7.0 PETITIONS - NONE
- 8.0 REPORTS
- 8.1 CHIEF ADMINISTRATIVE OFFICER
- 8.1.1 APPLICATION TO BUILD: 72 UNIT APARTMENT BUILDING
EISENER BLVD., PORTLAND WEST

APPLICATION
TO BUILD:
APT. BUILDING
PORTLAND WEST

Report from Mr. Fougere (B. Stevens, G. L'Esperance) on an application to build a 72-unit apartment building on Eisener Blvd. (Portland West), included in the CDD Agreement with Portland Lakes Development Ltd., recommending that Council approve Resolution 95-41, to permit construction of the apartment building.

MOTION: To adopt the recommendation:
That Council approve Resolution 95-41, granting a permit to build a 72-unit apartment building on Eisener Blvd.

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

- 8.1.2 N.S. DEPT. OF TRANSPORTATION, CONSTRUCTION
AGREEMENT D-13

CONSTRUCTION
AGREEMENT D-13

Report from Mr. Fougere (E. Purdy) on Provincial cost-sharing for the reconstruction of Portland Street, between Pleasant Street and Maynard Street. The Provincial share of this project is 50% or \$182,000. It is recommended that Council approve Resolution 95-40, authorizing the execution of Dept. of Transportation & Communications Construction Agreement No. D-13, accompanying the report to

Council.

MOTION: To approve Resolution
95-40 (Construction Agreement
No. D-13), as recommended.

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

8.1.3 1995/96 DEBENTURE

1995/96 DEBENTURE

Report from Mr. Fougere (B. Smith, D. McBain) on the 1995/96 Debenture, with three recommendations for the approval of Council. Details of the debt issue are provided in the documentation accompanying the staff report.

MOTION: To give the following approvals, as recommended:

1. Approval of Issuing Resolution 95-A-1 (Schedule D).
2. Approval of the agreement between the City and the N.S. Municipal Finance Corp (Schedule C).
3. Approval for the Mayor and City Clerk to execute the related documents referred to in the Municipal Affairs Dept. schedules. (Schedule A, Schedule B and Schedule E)

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

8.1.4 CITIZEN APPOINTMENTS - RECREATION ADVISORY BOARD

CITIZEN
APPOINTMENTS:
RECREATION
ADVISORY BOARD

Report from Mr. Fougere (B. Smith, V. Carmichael) on two citizen appointments to be made to the Recreation Advisory Board, recommending that Council approve the appointment of Richard Colwell and Daniel MacArthur, as citizens-at-large, until March 31/96, to fill the two vacancies on the Recreation Advisory Board.

MOTION: To approve the two citizen appointments to the Recreation Advisory Board, as recommended,

namely, Richard Colwell and Daniel MacArthur, both appointments to run until March 31/96.

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

8.1.5

DARTMOUTH NORTH COMMUNITY CENTRE PLANNING BOARD

COMMUNITY CENTRE
PLANNING BOARD

Report from Mr. Fougere (Bill Stevens, Geri Kaiser) on a proposed Interim Planning Board for the Dartmouth North Community Centre, recommending that the Board be appointed, as per the composition proposed in the report, and that the role and terms of the Planning Board be approved as well.

MOTION: To adopt the recommendation, as stated above, with the addition of a second person from Ward 4 to the Board composition, this appointment still to be made.

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

9.0

MOTIONS - NONE

10.0

NOTICES OF MOTION

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

1) Ald. Dexter

WHEREAS this council endorsed an integrated waste management strategy;

AND WHEREAS BFI/MIRROR has failed to develop an implementation plan to implement the actual strategy;

THEREFORE, BE IT RESOLVED that the City Council for the Municipality of Dartmouth support the termination of BFI/MIRROR contract for their failure to develop a proper implementation plan; and further, that no contract be signed until an

improved implementation plan is developed.

2) Ald. Cunningham

- (a) WHEREAS Council has expressed concern that there are no sideyard provisions for single-family and two-family dwellings, in the Land Use By-law;

AND WHEREAS Council had believed that there were such provisions in the Land Use By-law;

AND WHEREAS problems have been encountered during recent development on Mountain Ash Court, and similar problems could be encountered on other under-sized lots;

BE IT THEREFORE RESOLVED that Development Services Dept. and the Solicitor, prepare an amendment to the Land Use By-law, to address this issue, and present it to Council.

- (b) WHEREAS it has been suggested that the grade of Erskine Street is such that the safety of vehicular and pedestrian traffic may be questioned;

AND WHEREAS this street is used by large numbers of children going to and from Hawthorne School;

THEREFORE, BE IT RESOLVED that the Traffic Authority be asked to assess this situation and to report their findings to Council, with recommendations, if any, to improve this situation.

- (c) That Council request the Solicitor to draft a by-law, making it an offence for unauthorized persons to remove recyclables from the curbside.

11.0

CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

APPOINTMENT: ACTING FIRE CHIEF

Rather than going in camera for the personnel item, Council agreed to deal with it in open meeting, and to take the action required, in the form of a motion.

Before Council, was a letter of resignation from Fire Chief Gary Greene, who resigned his position as of November 5/95 to become Fire Chief for the new Regional Municipality, plus, a memo from Mr. Fougere on the recommended appointment of Mike Lawlor as Acting Fire Chief for the City of Dartmouth, for the period of November 6/95 to March 1/96.

MOTION: To accept the resignation of Fire Chief Greene with regret, and to approve the recommended appointment of Mike Lawlor as Acting Fire Chief, for the period of Nov. 6/95 to March 31/96.

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

Ald. Greenough requested that the Finance & Program Review Committee meeting, scheduled for Thursday, Nov. 9th, be deferred until after the December 2nd election. He made a motion to this effect and it carried.

MOTION: That the Finance & Program Review Committee meeting, scheduled for Thurs., Nov. 9th, be deferred until after the Dec. 2nd election.

Moved: Ald. Greenough
Second: Ald. Cunningham
In Favour: All members except
Against: Ald. Smeltzer
Motion Carried

Ald. Smeltzer, who was not in favour of deferral, said he reserved the right to raise the subject of in camera meetings and procedures, at the next Council meeting; this would have been the item for discussion if the Finance & Program Review Committee had met on November 9th.

Meeting adjourned at 12:35 a.m.

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

DARTMOUTH CITY COUNCIL
NOVEMBER 7, 1995.

ITEMS:

- Invocation, page 1.
- Proclamations, page 1.
- 1.0 Public Hearing, page 1.
- i) Proposed Development Agreement, Markborough
 Properties Inc. pg. 1 to 12.
- 2.0 Approval of minutes, page 12.
- 3.0 Business Arising from Minutes, pg. 13
- 4.0 Delegations & Hearings of Protest, pg. 13
- 5.0 Original Communications, pg. 13
- 6.0 Presentations, pg. 13.
- 7.0 Petitions, pg. 13.
- 8.0 Reports, pg. 13.
- 8.1 Chief Administrative Officer, pg. 13.
- 8.1.1 Application to build, apt. building,
 Eisener Blvd., pg. 13.
- 8.1.2 Construction Agreement D-13, pg. 13.
- 8.1.3 1995/96 Debenture, pg. 14.
- 8.1.4 Citizen appointments, Rec. Advisory Board, pg.14.
- 8.1.5 Dartmouth North Comm. Centre Planning Board,
 page 15.
- 9.0 Motions (none), pg. 15.
- 10.0 Notices of Motion, page 15.
- 11.0 Concerns of Council members, page 16.
 Appointment, A/Fire Chief, page 16.

Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL AGENDA

TUES., NOV. 14/95

7:30 P.M.

COUNCIL CHAMBER

1. **PUBLIC HEARING**

- i) Amendment to Land Use By-law - 221 Portland Street

2. **REPORTS**

2.1 **CHIEF ADMINISTRATIVE OFFICER**

- 2.1.1 Dartmouth Police Headquarters Humidification System
- Cont. 95-69
- 2.1.2 Pedal Power Promotions - Bicycle Racks

DARTMOUTH CITY COUNCIL
NOVEMBER 14, 1995.

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

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

MEMBERS ABSENT: ALD. WOODS (OUT OF CITY)
WITHERS (OUT OF CITY)
SMELTZER (ILLNESS)
GREENOUGH
MACFARLANE (REGRETS)

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL

Mayor McCluskey opened the meeting and welcomed the First Woodlawn Scout Troop, present with their leaders.

Two items were added to the agenda, at the request of Ald. Pye and Schofield respectively; they were: (1) a resolution from the Canadian Health Coalition (ten goals for health care); and (2) Concerns of Council. Ald. Sarto asked to be permitted to raise a point of privilege, and the Mayor said he could do this under Concerns of Council.

1.0

PUBLIC HEARING

i)

AMENDMENT TO LAND USE BY-LAW - 221 PORTLAND ST.

AMENDMENT:
LAND USE BY-LAW
221 PORTLAND ST.

Council set this date for public hearing of a request to amend the Land Use By-law, to rezone a portion of 221 Portland Street from R-2 Zone to GC (General Commercial) Zone. The rezoned portion of this property would be used for parking, in conjunction with the Mattatall Funeral Home.

Nine members of Council were recorded as being present. Members absent were: Ald. Woods, Withers, Smeltzer, Greenough & MacFarlane.

The staff recommendation to Council from Mr. Fougere (L. Corrigan, V. Spencer, P. Richards) is in favour of the rezoning request, and approval of By-law C-739, which provides for the required amendment.

The Development Services presentation to Council was made by Patricia Richards. She showed the location of 221 Portland Street, indicating the portion of the property proposed for rezoning. She said the GC zoning that is requested is in keeping with abutting properties that are similarly zoned, and the proposed use is considered to be compatible and consistent with existing development in the area. The proposal conforms with the policies and intents of the MPS, and Development Services recommends in favour of the application. Ms. Richards noted that no opposition was indicated to the proposal at the time of the neighbourhood information meeting.

There were only one or two questions for Ms. Richards from members of Council, following which the Mayor opened the public hearing. She called three times for speakers in favour, and three times for speakers opposed. There were no speakers wanting to be heard in either case, and the public hearing was therefore closed, on motion of Ald. Levandier and Sarto.

BY-LAW C-739

Council proceeded with three readings of By-law C-739, before Council with the reports previously circulated.

MOTION: That leave be given to introduce the said By-law C-739, and that it now be read a first time.

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

MOTION: That By-law C-739 be read a second time.

Moved: Ald. Hetherington
Second: Ald. Pye
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-739 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. Levandier
In Favour: All
Against: None
Motion Carried

2.0 REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

2.1.1 DARTMOUTH POLICE HEADQUARTERS HUMIDIFICATION
SYSTEM - CONTRACT 95-69

AWARD TENDER:
CONTRACT 95-69

Report from Mr. Fougere (J.D.Murray) on tenders
received for Contract 95-69 (Dartmouth Police
Headquarters, Humidification), recommending
that the tender be awarded to the low bidder,
Black & MacDonald Ltd., for the tendered bid of
\$78,790.00.

MOTION: To award the tender for
Contract 95-69 to the low
bidder, Black & MacDonald
Ltd., for the tendered bid
of \$78,790., as recommended.

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

Police Chief MacRae was present, and responded
to questions from Ald. Levandier and Sarto, in
connection with the humidification project and
the status of the improvements to air quality
in the police headquarters building.

2.1.2 PEDAL POWER PROMOTIONS - BICYCLE RACKS

PEDAL POWER
PROMOTIONS:
BICYCLE RACKS

Council considered a report from Mr. Fougere
(E. Purdy, Paul Connors) on the request from
Pedal Power Promotions to locate bicycle
parking systems on City property, specifically,
sidewalk areas. An agreement between the City
and Pedal Power Promotions Inc., has been
recommended for approval; the agreement is
similar to that which is already in place in
the City of Halifax.

MOTION: To approve the agreement
between the City and Pedal
Power Promotions Inc., as
recommended.

Moved: Ald. Hetherington
Second: Ald. Sarto

Mr. O'Leary, representing the company, was present to provide information and answer questions from Council. He said his company will be working with City staff, to make sure the units are in the right locations, and will tender for snow removal from the areas around the units, as has been done in the City of Halifax. City requirements with regard to wheelchair accessibility, and making sure it is not impeded, will be followed.

Ald. Sarto asked that locations in the vicinity of elementary schools be considered. Mr. O'Leary said that letters will be going out to the schools, with School Board approval.

Ald. Hawley described the parking units as 'visual pollution' and was opposed to them. Ald. Schofield was also opposed, except for the school locations.

In Favour: All members except
Against: Ald. Hawley & Schofield
Motion Carried

RESOLUTION - GOALS FOR HEALTH CARE

RESOLUTION:
GOALS FOR
HEALTH CARE

Ald. Pye presented the resolution, already endorsed by the Province, with ten goals for health care, this item having already been added to the agenda at the beginning of the meeting.

CONFLICT OF
INTEREST

Since it is a Federal policy and Ald. Hetherington is employed with a Federal Government department, he declared a conflict of interest on this item and withdrew from his place on Council.

MOTION: To endorse the resolution of
the Canadian Health Coalition,
setting out ten goals for
health care.

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

CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. SARTO

Ald. Sarto stated his concerns about a Nov. 11th newspaper article, under the heading: 'Dartmouth Council just Waiting to Disappear', to which he felt some reaction is warranted. He said the contents of the article, with comments made by Ald. Smeltzer, are causing concern to residents who have read it, and that Council is being accused, reprimanded, and criticized unfairly. The public is being told that Council is ineffectual until such time as the new regional council takes over.

Ald. Sarto went on to comment on each of the statements made in the article, with regard to: duties being carried out by staff, the provision of services to the public, the City's in camera policy, and further, a conflict of interest question he felt should be raised in connection with an item from the Nov. 7th Council meeting. With respect to shorter meetings of Council in recent weeks, Ald. Sarto noted that there have been 'hundreds of meetings when Council burned the midnight oil', and these were not mentioned, only recent short meetings. He felt that staff are carrying out duties to the best of their abilities in this interim period, and that City services are not suffering; the concerns of residents continue to be addressed. His other comments pertained to the criteria for in camera items, basically the same as for all of the other local municipalities.

Ald. Sarto said he would leave the matter of a conflict of interest question until such time as Ald. Smeltzer is present.

There were other members of Council who also stated their objections to the inference that Council is not functioning effectively. All of the members who spoke said they are continuing to represent their constituents as they always have, and would continue to do so, as elected representatives, until April 1st of 1996. They objected to being referred to as a 'lame duck Council', and gave assurances that residents

should not worry about their interests being looked after, from now until the new council is in place. Ald. Hawley said he was 'very offended', and took exception that members of Council were not there to defend themselves. Ald. Levandier said he was 'outraged', and that he is proud to be associated with this Council and with staff. He said it is important for Council to function as a team, an important factor in any political arena.

Ald. Pye did not agree with the introduction of this matter when Ald. Smeltzer was not present. He said that in the past, this practice has not been followed.

Ald. Sarto later asked about the Opticom system, and was advised by Mr. Fougere that most of the installations at intersections have been completed.

ALD. SCHOFIELD

Ald. Schofield asked about a report on the status of the prostitution problem in the north end of the City. Chief MacRae said a report went to the Police Commission, and he felt the Police Service is on the right track in dealing with the problem, which has been reduced significantly. Asked by Ald. Schofield if he was satisfied with the progress being made to date, Chief MacRae said he was, and that he was encouraged by the news from area residents about the improved situation.

Ald. Schofield also inquired about the Dartmouth High School incident; Chief MacRae said the situation there seems to have settled down.

ALD. WALTON

Ald. Walton asked about the Five Corners capital project and whether it extends to Maitland Street. Mr. Fougere said there is no work involved below Five Corners; the project was from Five Corners to Maynard Street.

ALD. DEXTER

Ald. Dexter was concerned that there is nothing confirmed yet by the Province for the Dartmouth Cove project. He asked for a report back, with some indication as to just where the project is bogged down, at this point. Mr. Fougere said it would be advisable for the Mayor to make a phone call in this connection.

ALD. HETHERINGTON

Ald. Hetherington said he has received complaints about damages caused by rocks being

thrown in the area of Prince Arthur ballfield and the N.S. Research Foundation. He directed his concern to Chief MacRae, and requested further, that fencing between Fenwick St. and the Research Foundation, be replaced.

Ald. Hetherington asked if the relocation of the safe house for prostitutes, to Halifax, has had any affect on the north end problem in Dartmouth. Chief MacRae said it would be hard to assess the impact of the relocation, but not a lot of the girls at the house were on the streets.

Ald. Schofield informed Council that the second Ward 4 representative for appointment to the Interim Planning Board for the Dartmouth North Community Centre, will be Daniel Olynych. Council was willing to make that appointment.

MOTION: To approve the appointment of Daniel Olynych to the Interim Planning Board for the Dartmouth North Community Centre.

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

Council was asked by the Mayor to approve the appointment of Charlotte Hazle to the Board of Directors for the Multicultural Association.

MOTION: To approve the appointment of Charlotte Hazle to the Board of Directors for the Multicultural Association.

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

The second request of the Mayor was for the appointment of Carmen Moir to the Heritage Project Team (regional municipal preservation), and Council proceeded to make this appointment.

MOTION: To approve the appointment
of Carmen Moir to the Heritage
Project Team.

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

Meeting adjourned at 8:35 p.m.

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

DARTMOUTH CITY COUNCIL
NOVEMBER 14, 1995.

ITEMS:

- 1.0 Public Hearing, page 1.
 - i) Amendment to Land Use By-law, 221 Portland Street, page 1.
- 2.0 Reports, page 3.
 - 2.1 Chief Administrative Officer, page 3.
 - 2.1.1 Contract 95-69, Humidification System, pg.3.
 - 2.1.2 Pedal Power Promotion, Bicycle Racks, pg. 3.
Resolution - Goals for Health Care, pg. 4.
Concerns of Council members or Questions, pg.5.

Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL AGENDA

TUES., NOV. 21/95

7:30 P.M.

COUNCIL CHAMBER

1. **REPORTS**

1.1 **CHIEF ADMINISTRATIVE OFFICER**

- 1.1.1 Social Service Expenditure Forecast
- 1.1.2 Dartmouth Cove (oral update)
- 1.1.3 Montebello West - Lot C-25A (set date for neighborhood information meeting)

DARTMOUTH CITY COUNCIL
NOVEMBER 21, 1995.

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

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

MEMBERS ABSENT: ALD. SMELTZER
WITHERS

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL

Items added to the agenda for this meeting,
with the agreement of Council, were:

- 1) Concerns of Council members
- 2) Appointment of seniors to Interim Board, North Dart. Comm. Centre
- 3) City Charter amendment.
- 4) Presentation, Greg King.

PRESENTATION - GREG KING - NORTH DART. SURVEY

PRESENTATION:
GREG KING

A presentation was made to Council by Greg King, in connection with the Geo-Analysis & Survey project, carried out by his student team in north Dartmouth, during the summer months. This is the second such project undertaken by a student team, the first having already been completed in east Dartmouth and the results presented to Council in July of this year.

With Mr. King, for this presentation, were Ins. Justin Murray, Terry Norman (President, NBD Communications), and one of the student leaders working on the project. Mr. King acknowledged their assistance, and the partnering assistance of the Dept. of Municipal Affairs, the City of Dartmouth, and the Dartmouth Independent Students Association. He went on to outline the scope of the north Dartmouth survey, showing on a map, the area covered, in which a total of 2,100 detailed interviews were conducted with the citizens.

From the 400 pages of data collected, the final results will be compiled, and printed, bound copies will be provided for the Mayor, the Aldermen for the area, and for City staff.

Ins. Murray also addressed Council briefly, commenting on the relevance of the two surveys in terms of the emphasis that can be expected on community-based policing, a priority with the Police Chief for the new regional municipality, Chief MacDonald. Mr. King advised that he has had three meetings with Chief MacDonald, and he would like to have the studies (such as those for east and north Dartmouth) carried out throughout the new municipal unit, over the next two or three-year period. Next spring and summer, two other Dartmouth areas will be completed - north-east Dartmouth and the core area. Mr. King noted that eight students were able to be employed during the summer, in conjunction with the survey.

Upon completion of his presentation, Mr. King was thanked by the Mayor, along with the other participants in attendance.

1.0 REPORTS

1.1 CHIEF ADMINISTRATIVE OFFICER

1.1.1 SOCIAL SERVICES EXPENDITURE FORECAST

SOCIAL SERVICES
EXPENDITURE
FORECAST

A report was presented by Paul Greene, in connection with budget forecast variances projected for Social Services, as a result of increased caseloads and a change in cost-sharing levels, which have seriously reduced the revenue projections for the 1995/96 budget. In July, after the budget had been set, traditional cost-sharing levels were changed by the Province, and while negotiations have been on-going, in an attempt to recoup some of the financial loss, there has been little further commitment from them to date.

Mr. Greene has provided three possible scenarios for the projected deficit position of Social Services, the likely scenario (b) showing a deficit figure of \$1,022,200. This scenario is based on the assumption that the Province will provide some extra sharing in the area of Community Based Option expenditures. Discussions to date indicate a possible extra \$400,000. over the previously-announced approval. Under the worst-case scenario, the deficit position would be \$1,422,200.

Ald. Hawley said it may be necessary to make a point with the Province by cutting back completely on the caseload, but other members felt this action would be too drastic, considering the impact it would have on families who rely on assistance for food and shelter. Council agreed, however, that the reduced cost-sharing, coming after the City's budget was already set, is completely unfair and represents another example of down-loading onto the municipalities. Since the Province was to have taken over responsibility for Social Services, under the service exchange program, members questioned this policy reversal and, added to it, actual reductions in cost-sharing levels that were expected.

It was also felt that our increased caseload can be attributed to the policies of other government levels. Examples given were the increase in unemployment, the closure of beds at the Nova Scotia Hospital and release of patients from that hospital into the community, and the return to Nova Scotia of people unable to find work elsewhere in Canada. Mr. Greene noted that the high vacancy rate in Dartmouth is also a contributing factor, since many landlords have had to reduce their rents, making Dartmouth an easier place to find living accommodations.

In general, Council felt that the deficit created is totally unacceptable, and that Dartmouth residents should not be expected to bear the brunt of a 'people' service, through their property taxes. The Mayor was willing to bring this matter up at the meeting of the UNSM Executive, later this week, and members agreed to have her do this. Ald. Greenough said that in addition, it should be referred to the MAC group, at the staff level, to scrutinize budgets and make sure spending is kept to the absolute minimum.

Ald. Hawley felt that an open letter to Mr. Hayward is warranted, given the untenable position in which the City has been placed by a Provincial cut-back decided upon after our budget was set for the year.

MOTION: That Council pay for an open letter in the newspaper, asking Mr. Hayward for permission for an over-expenditure, so that we

can pay for welfare costs incurred as a result of the Province not assuming responsibility for costs, as they should have done.

Moved: Ald. Hawley
Second: Ald. Walton

Ald. Sarto suggested a joint letter, with other local municipal units in similar difficulties. Ald. Hawley agreed with the amendment, provided that we will proceed anyway, if the other units do not wish to participate. Members agreed with this understanding of the amendment.

AMENDMENT: That the letter be published jointly with other local municipal units with problems similar to those of Dartmouth.

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

Ald. Dexter felt that the point about additional caseload expenditures, created by the policies of other government levels, should not be overlooked as a contributing factor, additionally to the cost-sharing reduction.

Ald. Hetherington and Levandier both spoke strongly about the back-tracking by the Province, in taking over responsibility for Social Service costs. They said that citizens have been deceived by the whole service exchange scenario.

The vote was taken on the amended motion.

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

1.1.2 DARTMOUTH COVE (ORAL UPDATE)

DARTMOUTH COVE

The next item on the agenda was an oral update on the Dartmouth Cove outfall consolidation.

CONFLICT OF INTEREST

Ald. Woods declared a conflict of interest on this item, due to the association of his company with the project. He withdrew from his

place on Council while the item was under discussion.

The Mayor reported to Council on her conversations with MP Ron MacDonald, and with the Premier. The Province is willing to confirm to the Federal members, an intention to participate in funding the Dartmouth Cove project (20% of five million dollars), after which the Federal members will explore avenues whereby the Federal Government can participate as well. Also involved, is the HarbourEdge project, funding arrangements for which, are still to be resolved with the Provincial and Federal funding sources. Council agreed that it is important to get a commitment now on both projects, but more especially, Dartmouth Cove.

Mr. Fougere was asked about expediting Dartmouth Cove, and replied that fourteen weeks would be required for design work; construction could probably begin by the first of May, if the necessary approvals were received this week.

Ald. Pye and Schofield asked about the inclusion of the Tufts Cove outfall consolidation. Mr. Fougere said it would follow as Phase 2, after Dartmouth Cove, which is the Phase 1 project. Members generally agreed that the present urgency is to try and get on with Dartmouth Cove initially.

1.1.3 MONTEBELLO WEST - LOT C-25A (SET DATE FOR
NEIGHBOURHOOD INFORM. MEETING)

MONTEBELLO WEST:
LOT C-25A

Report from Mr. Fougere (B. Stevens, P. Richards) on a proposed amendment to the Land Use By-law, to rezone Lot C-25A from H Zone to R-2 Zone, recommending that Council direct staff to proceed with a neighbourhood information meeting.

Ald. Hawley requested that in view of the upcoming election and Christmas season, this information meeting be delayed until the second week in January.

MOTION: That the neighbourhood information meeting in connection with the rezoning of Lot C-25A, Montebello West, be scheduled for the second week in January, 1996.

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

APPOINTMENT OF SENIORS TO INTERIM BOARD

APPOINTMENT OF
SENIORS TO
INTERIM BOARD

An item added to the agenda was the appointment of two seniors to serve on the Interim Board for the North Dartmouth Community Centre.

MOTION: To appoint Joan Hayes and Donald Day as members of the Interim Board for the Dartmouth North Community Centre.

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

AMENDMENT TO DARTMOUTH CITY CHARTER - RES. 95-43

AMENDMENT TO
CITY CHARTER:
RESOLUTION 95-43

The Solicitor has prepared Resolution 95-43, an amendment to the City Charter with respect to Council's approval of the withdrawal of \$1,050,000. from the Pollution Control Account, to be used for General Revenue; this approval was given at budget time this year.

Approval of the Resolution has been recommended in the accompanying report to Council.

MOTION: That Council approve Resolution 95-43, as recommended.

Moved: Ald. Sarto
Second: Ald. Pye

An amendment was presented by Ald. Hetherington, to clarify Council's intent that the withdrawal of funds applies specifically to interest and not the fund itself.

AMENDMENT: To add the words: '. . . of interest only, up to \$1,050,000.'

Moved: Ald. Hetherington
Second: Ald. Greenough
In Favour: All members except
Against: Ald. Pye
Amendment Carried

The vote on the motion, as amended:

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

CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. SARTO

Ald. Sarto passed to Ms. Carmichael, a letter from the Bel Ayr Home & School Assn., requesting use of a City-owned lot (ball-field) adjacent to the school, for construction of a basketball mini-court. He asked to have the request considered by staff.

ALD. LEVANDIER

Further to a letter received from Steve Bezanson, Ald. Levandier suggested that a motion to be presented by Ald. Dexter (solid waste management), be moved up to next week's Council meeting. Ald. Hawley later made the same request, but by a majority vote of Council, the Mayor advised that the motion will be heard on the first Tuesday in December, as it normally would.

Ald. Levandier requested an election poll at 45 Ochterloney Street. Ms. Carmichael advised that various options are being looked at for this.

ALD. WALTON

Ald. Walton asked that the Lakes Advisory Board be alerted to a gas station proposed for a location on Caldwell Road, on the Indian Reserve. He said he had concerns about any possible lake pollution from the proposed development. The Mayor said the Board can be alerted, although the location may be outside City boundaries.

ALD. SCHOFIELD

Ald. Schofield suggested that the concerns of Council for Ald. Smeltzer's recovery, be communicated to him in hospital. The Mayor said she had visited him on Saturday, and he is out of intensive care.

ALD. PYE

Ald. Pye said that another accident has occurred at the Wright/Ilsley Ave. intersection, and he felt there should be a response from the Traffic Division to the

statements made about traffic problems in Burnside Park and the Business Park. He discussed his concerns further with Mr. Fougere. Mr. Fougere said that the possibility of traffic lights for this location are being considered.

ALD. MACFARLANE

Ald. MacFarlane raised a point of concern about staff morale, associated with the present degree of uncertainty and discouragement that City employees are feeling. He went on to ask about typing tests required of staff who are applying for positions as Executive Assistants in the new regional government, considering that in many cases, these are employees with fifteen to twenty years of experience in municipal offices already. The Mayor said she has taken this point up with Mr. Meech, and has been advised that 'it is the plan and will be carried out'. Ald. MacFarlane questioned the process, calling it 'unbelievable'.

ALD. SCHOFIELD

Questions raised by Ald. Schofield about pension and employee severance provisions, were answered by Roddy Macdonald, insofar as he was able to provide information. Ald. Schofield asked about overtime requirements created as a result of staff being seconded from Dartmouth. Mr. Fougere said that most people who are working overtime are not getting paid for it. The Mayor suggested that Mr. Fougere bring this question up at the next MAC meeting, to determine any overtime costs.

Meeting adjourned at 10:00 p.m.


V. Carmichael,
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
NOVEMBER 21, 1995.

ITEMS:

- Presentation - Greg King, North Dart. Survey,
page 1.
- 1.0 Reports, page 2.
 - 1.1 Chief Administrative Officer, page 2.
 - 1.1.1 Social Service Expenditure Forecast, page 2.
 - 1.1.2 Dartmouth Cove (oral update), pg. 4.
 - 1.1.3 Montebello West, Lot C-25A, page 5.
- Appointment of seniors to Interim Board, pg.6.
Amendment to City Charter (Res. 95-43), pg.6.
Concerns of Council members, page 7.

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DARTMOUTH CITY COUNCIL AGENDA

TUES., DEC. 5/95
7:30 P.M.
COUNCIL CHAMBER
IN CAMERA SESSION
10:00 P.M.

INVOCATION

PROCLAMATION - VIOLENCE AGAINST WOMEN

1. **APPROVE THE MINUTES FROM THE MEETINGS:** Nov. 7, 14 & 21, 1995.

2. **BUSINESS ARISING FROM THE MINUTES**

3. **DELEGATIONS & HEARINGS OF PROTEST - NONE**

4. **ORIGINAL COMMUNICATIONS - NONE**

5. **PRESENTATION**

i) Dartmouth Work Activity - Mr. Frank Gibson (oral)

6. **PETITIONS - NONE**

7. **REPORTS**

7.1 **CHIEF ADMINISTRATIVE OFFICER**

7.1.1 Water Utility Operating Budget

7.1.2 Solid Waste - Resource Management Regulations

7.1.3 Montebello West Lot 26A (set date for public hearing)

8. **MOTIONS**

8.1 **ALDERMAN DEXTER**

WHEREAS this council endorsed an integrated waste management strategy;

AND WHEREAS BFI/MIRROR has failed to develop an implementation plan to implement the actual strategy;

8. MOTIONS (CONT'D)

THEREFORE, BE IT RESOLVED that the City Council for the Municipality of Dartmouth support the termination of BFI/MIRROR contract for their failure to develop a proper implementation plan; and further, that no contract be signed until an improved implementation plan is developed.

8.2 ALDERMAN CUNNINGHAM

- (i) WHEREAS Council has expressed concern that there are no sideyard provisions for single-family and two-family dwellings, in the Land Use By-law;

AND WHEREAS Council had believed that there were such provisions in the Land Use By-law;

AND WHEREAS problems have been encountered during recent development on Mountain Ash Court, and similar problems could be encountered on other under-sized lots;

BE IT THEREFORE RESOLVED that Development Services Dept. and the Solicitor, prepare an amendment to the Land Use By-law, to address this issue, and present it to Council.

- (ii) WHEREAS it has been suggested that the grade of Erskine Street is such that the safety of vehicular and pedestrian traffic may be questioned;

AND WHEREAS this street is used by large numbers of children going to and from Hawthorne School;

THEREFORE, BE IT RESOLVED that the Traffic Authority be asked to assess this situation and to report their findings to Council, with recommendations, if any, to improve this situation.

- (iii) That Council request the Solicitor to draft a by-law, making it an offence for unauthorized persons to remove recyclables from the curbside.

9. NOTICES OF MOTION**10. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS**

IN CAMERA SESSION - 10:00 P.M.

1. Land Matter.
2. Land Matter.
3. Legal Matter.

DARTMOUTH CITY COUNCIL
DECEMBER 5, 1995.

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

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

MEMBER ABSENT: ALD. WALTON (ILLNESS)

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL
CITY STAFF MEMBERS AND ACTING DIRECTOR

INVOCATION

Mayor McCluskey opened the meeting with the Invocation, and welcomed to the meeting, the 20th Dartmouth Scout Troop, present with their leaders.

PROCLAMATION

A Proclamation was read by Mayor McCluskey, proclaiming December 6, 1995 as a Day of Reflection on Violence Against Women, a day to commit to working towards creating a safe environment for all women and children.

1.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on Nov. 7, 14 & 21, 1995.

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

2.0 BUSINESS ARISING FROM THE MINUTES

Ald. Smeltzer expressed his appreciation for the support and encouragement he received during his recent illness, from Council and the community. He extended congratulations to members of Council elected to the new Halifax Regional Municipality.

Mayor McCluskey also offered congratulations to the five elected councillors, wishing them well; she said, 'we are in good hands'.

The Mayor brought to Council's attention, a letter she has received from Barry Coopersmith, United Way Chair, asking that the City of Dartmouth commit \$2,500. to try and help reach the United Way target for this year. Ald. Greenough suggested that the budget be looked at, to see if this amount could be found, to meet the request. Council concurred with the suggestion, and the Mayor agreed to follow up further.

3.0 DELEGATIONS & HEARINGS OF PROTEST - NONE

4.0 ORIGINAL COMMUNICATIONS - NONE

5.0 PRESENTATION

i) DARTMOUTH WORK ACTIVITY - MR. FRANK GIBSON

PRESENTATION:
FRANK GIBSON

Mr. Frank Gibson was present with representatives of various community agencies, comprising the Metro Community Services Network, for the presentation of a brief to Council, copies of which were circulated.

In making his presentation, Mr. Gibson stressed the importance of municipal funding in maintaining the kind of services that these community agencies provide, and expressed concern about the unknown situation facing them as they try to prepare their 1996 budgets without information on the future of funding assistance from the new municipal unit. He noted the significant part that is now played by such agencies, as more and more people require their services, and the fact that a major volunteer force within the community will be lost if the funding required is no longer available.

The submission sets out four main recommendations, stated to Council by Mr. Gibson as part of his presentation. He said that Council's action on these recommendations would be helpful and timely, since the new council is still not officially in place yet.

At the conclusion of the presentation, the Mayor thanked Mr. Gibson and all the agency representatives present, for the major role

they play in providing services; she felt it is necessary for this role to be continued.

Council proceeded to adopt the recommendations from the brief, as Mr. Gibson requested.

MOTION: To adopt the recommendations from the brief, as follows:

- 1) That this municipal government submit in writing, to the new Regional Municipal government, a recognition of the importance of municipal funding to the maintenance of community-based services and the agencies that provide them, for the continued health and well-being of municipal residents.
- 2) That a similar submission be sent to the Premier of Nova Scotia, the Ministers of Community Services, Health, Education, and Municipal Affairs, and the local MLA's.
- 3) That this municipal government support the forwarding of all municipal funding requests/grant submissions received from community agencies, to the new Regional Municipal government, with the recommendation that the funding levels be maintained at least to the current (1995) levels, during the transitional year of 1996.
- 4) That this municipal government make an official request to the new Regional Municipal government, that information on the future of municipal grant/funding and any impending changes to the process, be released to community agencies as soon as possible, so that responsible fiscal planning may proceed.

A fifth recommendation was added in debate and included as part of the motion: To request of the Regional Municipal government, that two representatives from the Metro Community Services Network be included in the composition of a Regional Grants Committee when such a committee is formed.

Moved: Ald. Pye
Second: Ald. Smeltzer

The motion received the general support of Council, although it was suggested by Ald. Levandier that the agencies from all the local municipalities will have to discuss together any areas of duplication where services could be merged and costs of operating reduced. Mr. Gibson said that some of the agencies are already working on amalgamation plans, where these are feasible, in order to avoid possible duplication.

With the addition of recommendation #5, as proposed by Ald. Sarto (page 4 of these minutes), the vote was taken on the motion to adopt the recommendations.

In Favour: All
Against: None
Motion Carried

- 6.0 PETITIONS - NONE
- 7.0 REPORTS
- 7.1 CHIEF ADMINISTRATIVE OFFICER
- 7.1.1 WATER UTILITY OPERATING BUDGET

WATER UTILITY
OPERATING BUDGET

Report from Mr. Fougere on the 1995/96 Water Utility Operating Budget, not yet approved by Council, recommending that it be approved, as per the information package circulated with the report.

MOTION: To approve the 1995/96 Water Utility Operating Budget, as circulated, and as recommended by Mr. Fougere.

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

- 7.1.2 SOLID WASTE - RESOURCE MANAGEMENT REGULATIONS

SOLID WASTE-
RESOURCE
MANAGEMENT
REGULATIONS

Members of Council have received copies of draft documents: Solid Waste-Resource Management - A strategy for Nova Scotia; and Solid Waste-Resource Management Regulations.

Written submissions have been invited, in response to these documents, and a staff paper prepared for Council to consider, and, if approved, to forward to the Provincial Dept. of the Environment, on behalf of the City.

Ald. Dexter asked about the process for developing the staff submission. Mr. Fougere responded with the information requested, and the Mayor commented on the UNSM response process also. Members had some concerns about recyclables, which they stated, but the only addition was to comment #4, as proposed by Ald. Smeltzer. Further to the financial analysis, referred to in the last line of the paragraph, he felt there should be a reference as to how it should be carried out. Mr. Fougere said the Province should carry it out, in consultation with the municipalities. This point to be added, plus the insertion of the word 'fund' in place of the word 'form' (last line of text).

With the above-noted addition, Council was in favour of the submission, as prepared.

MOTION: To approve the submission prepared by staff, with the addition of the point raised by Ald. Smeltzer with respect to comment #4, as recorded above.

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

7.1.3

MONTEBELLO WEST, LOT 25A (DATE FOR PUBLIC HEARING)

MONTEBELLO WEST
LOT 25A: DATE FOR
PUBLIC HEARING

Report from Mr. Fougere on the date for the public hearing for a rezoning request for Lot C-25A in Montebello West, and required compliance with the Planning Act, for purposes of publishing the required advertisement, recommending that January 30, 1996 be set as the date for the public hearing.

MOTION: That January 30, 1996 be set as the date for the public hearing for Lot C-25A, in Montebello West, as recommended.

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

Questions from Ald. Hawley, about a second neighbourhood information meeting, were answered by Patricia Richards, who was present for this item. She noted that this is a rezoning application, and not a Development Agreement process.

8.0 MOTIONS

8.1 ALD. DEXTER

MOTION: WHEREAS this Council endorsed an integrated waste management strategy;

AND WHEREAS BFI/MIRROR has failed to develop an implementation plan to implement the actual strategy;

THEREFORE, BE IT RESOLVED that the City Council for the Municipality of Dartmouth, support the termination of BFI/MIRROR contract for their failure to develop a proper implementation plan; and further, that no contract be signed until an improved implementation plan is developed.

Moved: Ald. Dexter
Second: Ald. Levandier

In presenting his motion, Ald. Dexter explained the reasons why he felt that BFI/MIRROR are not living up to the strategy endorsed by Council, in their implementation of it. He referred to several specific areas where there has been a deviation from original conditions, such as the acceptance of 'stable organics' (when there were to have been no organics accepted); a lower diversion rate (56%, down from 75%); lack of provision for the stakeholders to act in a monitoring capacity; questions about what the fees will be up front; major tonnage increase over original figures. Ald. Dexter said that Council has a responsibility to insure that the objectives of the original strategy are upheld and implemented.

Ald. Hawley said it is difficult for Council to discuss this issue knowledgeably without answers to the kind of questions raised by Ald. Dexter, and he suggested a deferral until next week's Council meeting, when County/company representatives could be present for an exchange of information with Council.

MOTION: To defer the motion of Ald. Dexter until next week's Council meeting, and to invite County/company reps. to be present and respond with answers to questions being raised.

Moved: Ald. Greenough
Second: Ald. Sarto

Members agreed to also invite representation from the Stakeholders Committee and from PROBE, and they requested that prior to the meeting, the information package Ald. Dexter has received, be provided for all Council members. Ald. Dexter said that package should include: (1) a copy of the BFI plan; (2) a copy of the memorandum of understanding between the Council and BFI; plus the other relevant information made available to him. Several members expressed their concern in particular about the major escalation in tonnage charges, from \$42, to \$140. per ton.

Council requested that this be the only item for consideration at the Dec. 12th Council meeting.

The vote was taken on the motion to defer.

In Favour: All
Against: None
Motion Carried

8.2

ALD. CUNNINGHAM

(i) MOTION: WHEREAS Council has expressed concern that there are no side-yard provisions for single-family and two-family dwellings, in the Land Use By-law;

AND WHEREAS Council had believed that there were such provisions in the Land Use By-law;

AND WHEREAS problems have been encountered during recent development on Mountain Ash Court, and similar problems could be encountered on other under-sized lots;

BE IT THEREFORE RESOLVED that Development Services Dept. and the Solicitor, prepare an amendment to the Land Use By-law, to address this issue, and present it to Council.

Moved: Ald. Cunningham
Second: Ald. Hetherington

Ald. MacFarlane said he was left with an uncomfortable feeling about the Mountain Ash Court problems and unanswered questions that have never been addressed subsequently. He stated his concerns about the way that issue was handled altogether.

In Favour: All
Against: None
Motion Carried

(ii) MOTION: WHEREAS it has been suggested that the grade on Erskine Street is such that the safety of vehicular and pedestrian traffic may be questioned;

AND WHEREAS this street is used by large numbers of children going to and from Hawthorne Street;

THEREFORE, BE IT RESOLVED that the Traffic Authority be asked to assess this situation, and to report their findings to Council with recommendations, if any, to improve this situation.

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

Ald. Cunningham's third motion was withdrawn, after he had discussed with the City Solicitor, the provision that already exists in our City by-law to control the unauthorized removal of recyclables from the curbside. The police are therefore able to take action now, under this provision.

9.0

NOTICES OF MOTION - NONE

10.0

CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. DEXTER

Ald. Dexter indicated to Council, his on-going concerns about problems in the downtown, with the establishment he previously mentioned (Sam's), where a knifing incident recently took place.

Ald. Dexter had questions about both the Dartmouth Cove and the HarbourEdge projects. The Mayor and Mr. Fougere explained what has been done to try and sort out the correspondence exchange with the Premier, so that funding commitments can be finalized.

Ald. Dexter brought to Council's attention, the operation of a furniture bank, where furniture items can be dropped off for distribution to people who need them. This is also a good recycling initiative.

ALD. SMELTZER

Ald. Smeltzer raised a point of concern about the relocation of the Excitement Video outlet to a first-floor location in the Alpha building on Main Street. He noted that there is a ballet studio being operated on the second floor, a totally incompatible situation, with children coming and going from the same building. He felt the Province should be encouraged to change their regulations so that municipalities are able to have some say in the regulation of such video outlets.

Ald. Sarto later asked the Mayor to forward a letter in this connection, but there appeared to be some question about the ownership of the building and whether it may be sold; also, whether the ballet studio will be remaining there or not. Clarification of these questions would first be required.

Ald. Smeltzer made reference to a letter from Ald. Pye, in response to a letter from a person who is incarcerated in Dorchester for several

crimes he committed locally. Ald. Smelter said there may be some benefit in having Council also forward a letter, encouraging this individual to try and obtain whatever skills he can and whatever education he can, so he will be better prepared to face life after he is released from prison. A motion to have a letter prepared and sent, was adopted.

MOTION: That a letter be forwarded, as suggested by Ald. Smeltzer, on Council's behalf, as a means of encouraging the individual who has written to Ald. Pye.

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

ALD. CUNNINGHAM

Ald. Cunningham asked about construction projects underway in his ward - Beech Street and on Prince Albert Road, along the lake-front. Mr. Fougere said it will be possible to finish the Beech Street project, and they will continue to work along with the Prince Albert Road project, as weather permits.

ALD. SARTO

Ald. Sarto passed to Ms. Carmichael, a petition received from residents of Spring Ave. and abutting streets, requesting sidewalk construction. He asked that the request be considered for inclusion in the 1996/97 capital budget.

ALD. HAWLEY

Ald. Hawley passed along requests that potholes be fixed on Tacoma Drive.

ALD. PYE

Ald. Pye asked about the preparation of the capital budget for next year, and Mr. Fougere advised that if members of Council want to have projects included, they indicate this, with a priority list, to be passed to City Engineering.

Council went in camera at 9:40 p.m., on motion of Ald. Greenough and Sarto. 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 (legal & land matters).

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

Meeting adjourned at 9:50 p.m.

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

DARTMOUTH CITY COUNCIL
DECEMBER 5, 1995.

ITEMS:

- Invocation, page 1.
- Proclamation, page 1.
- 1.0 Approval of minutes, page 1.
- 2.0 Business arising from minutes, page 1.
- 3.0 Delegations & Hearings of Protest, page 2.
- 4.0 Original Communications, page 2.
- 5.0 Presentation, page 2.
 - i) Dartmouth Work Activity, Frank Gibson, page 2.
- 6.0 Petitions, page 4.
- 7.0 Reports, page 4.
- 7.1 Chief Administrative Officer, page 4.
 - 7.1.1 Water Utility Operating Budget, page 4.
 - 7.1.2 Solid Waste-Resource Management Regulations,
page 4.
 - 7.1.3 Montebello West, Lot 25A, page 5.
- 8.0 Motions, page 6,.
- 8.1 Ald. Dexter, page 6.
- 8.2 Ald. Cunningham, page 7.
- 9.0 Notices of Motion, page 9.
- 10.0 Concerns of Council members, page 9.

Sub. Ref. Dept

DARTMOUTH CITY COUNCIL AGENDA

TUES., DEC. 12/95

7:00 P.M.

COUNCIL CHAMBER

1. Presentation - Mr. William Hayward
2. **MOTION** (Deferred from Dec. 5/95 meeting)

2.1 **ALDERMAN DEXTER**

WHEREAS this council endorsed an integrated waste management strategy;

AND WHEREAS BFI/MIRROR has failed to develop an implementation plan to implement the actual strategy;

THEREFORE, BE IT RESOLVED that the City Council for the Municipality of Dartmouth support the termination of BFI/MIRROR contract for their failure to develop a proper implementation plan; and further, that no contract be signed until an improved implementation plan is developed.

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

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

MEMBERS ABSENT: ALD. HETHERINGTON AND LEVANDIER

ACTING CAO: R. FOUGERE
ASST. CITY CLERK: V. CARMICHAEL
SOLICITOR: BARRY ALLEN

JOINT
COMMITTEE
ON HUMAN
RIGHTS

Mayor McCluskey advised Council that she received a call from Mr. Tom Rissesco, Chair, Advisory Committee on Human Rights that the Joint Committee on Human Rights will be presenting a brief of Mr. Hayward, 9:00 a.m., Wednesday morning. All aldermen were invited to attend.

PRESENTATION - MR. WILLIAM HAYWARD

PRESENTATION
MR. WILLIAM
HAYWARD

Mr. Hayward's presentation this evening was to clarify the powers accorded to him, as contained in Bill No. 3, An Act to Incorporate the Halifax Regional Municipality, dated May 19, 1995. Reference was also made to a letter dated November 14, 1995 on the subject of the responsibility of municipal units and their officials during transition to Halifax Regional Municipality, addressed to Mayor McCluskey.

He noted that under Sections 1 to 9 of the Legislation, he is designated to have certain Council powers for the interim period. He had originally thought that effective the swearing in on January 9th, this power could be delegated. Legal opinions were sought and it was unanimous that the powers delegated to the Coordinator, by legislation, cannot be redelegated.

Particular reference was made to Section 6 (6) which states that "A municipal government shall not enter into any lease, contract or other commitment that has effect after, or a term extending beyond, April 1, 1996, without the approval of the Co-ordinator". He stressed that his criteria will be, "is the action proposed by municipalities in the interest of the new regional municipality?". In making a decision, he will seek advice from staff and if the issue is a major one, he will seek advice at Regional Council. He will also consult on matters relating to policy.

The second subject of his presentation pertained to early retirements and severance provisions. These were also the subject of a recent Merger Message.

He discussed the three categories of employees most likely to find themselves redundant, i.e. management positions (manager, supervisor and up); support positions to one of those management positions (competitions will be held); some internal support positions i.e. finance, accounting, data processing, human resources.

If a member of staff finds themselves in this situation and for pension reasons qualifies under the rule of 80 or 75, in the case of police and fire officers (management positions), they are to contact the pension consultants, William Mercer for details on the early retirement package. An additional four years credit for service has been included.

A variety of questions were posed to Mr. Hayward to clarify particular situations.

Those who don't qualify for early retirement and whose positions are redundant, may qualify for severance packages.

Ald. Sarto posed a question re Section 6, subsection 8 which reads, "The Council may, after it takes office, provide a severance plan for members of councils of municipal units who were not elected to the Council".

Mr. Hayward was not prepared to comment on severance packages for elected officials.

In reply to questions from Ald. Woods, Mr. Hayward indicated that any decisions he makes prior to January 9, 1995, i.e. on early retirement and severance packages, for example, can't be overthrown by the new Regional Municipality. The new Council will be notified of all decisions. He assured Council he will exercise his powers with prudence. He will avoid making policy decisions.

Particular reference was made to the waste disposal contract to be available December 14th. A decision is required in 30 days. Mr. Hayward has obtained legal opinions that accepting this contract would be subject to his approval.

Mayor McCluskey reflected that the contract would be subject to his approval but not the new Municipal Council's!

In reply to a query from Ald. Walton, Mr. Hayward advised that Dartmouth City Council will not be able to approve the 1996/97 Capital Budget.

Concern was expressed by Ald. Hawley re the cost of amalgamation being higher than the original estimate of \$13.8 million. Mr. Hayward confirmed that additional costs are associated with systems changes, i.e. financial and human resources;

A legal opinion was sought as to whether or not present Councils or the new Regional Council will have the power to alter or rescind decisions made by the Co-ordinator.

Mr. Hayward also answered questions re the cost of policing, responsibility for roads in urban areas, community councils. etc.

In closing, Mr. Hayward remarked on the leadership provided by City of Dartmouth staff in implementing the H.R.S. (Human Resources System). The time required far exceeding the normal workday requirement. He also commended the good job done by staff in relation to the election, under the leadership of Bruce Smith.

Mayor McCluskey read Ald. Dexter's motion deferred from the December 5th meeting.

WASTE
MANAGEMENT
STRATEGY

MOTION:

WHEREAS this Council endorsed an integrated waste management strategy;

AND WHEREAS BFI/MIRROR has failed to develop an implementation plan to implement the actual strategy;

THEREFORE BE IT RESOLVED that the City Council for the Municipality of Dartmouth support the termination of BFI/MIRROR contract for their failure to develop a proper implementation plan; and further, that no contract be signed until an improved implementation plan is developed.

The first group to make a presentation was represented by Hugh Smith, chairman of Mirror Nova Scotia, and David Nantes, Project Manager of the MIRROR Group. Mr. Smith noted that the MIRROR Group consists of nine companies, seven of which are local.

He outlined the process to date, culminating in the Metropolitan Halifax Solid (Waste) Resource Management System Implementation Plan of October 1995.

During Mr. Nantes' portion of the presentation, specific reference was made to the fact that while the strategy called for source reduction of 75%, with an ultimate

1995 goal of 88%, MIRROR is suggesting that 56% can be achieved in the first year. In order to reach the higher goals, he stressed the role of education and the support of elected officials.

Secondly, he discussed why MIRROR is recommending the construction of one front end processing plant. It is felt most cost effective to construct a single facility.

Reference was made to the costs associated with incineration, \$36.7M; \$26M for the present system; and \$26.5M for the plan proposed by MIRROR.

He illustrated why MIRROR will not have a monopoly. He noted the ongoing role the municipality will play, ie. gate control, cost control (annual budget, tender selection), ownership of facilities, etc.

He concluded his presentation with a list of economic benefits from construction revenues, permanent employment opportunities and export opportunities.

The floor was opened to questions from the aldermen. Ald. Dexter expressed concern regarding the diversion target being missed.

Referring to the cost comparison of \$26M for present costs versus \$26.5M in the Implementation Plan, Ald. Hawley did not feel that "oranges to oranges" were being compared. He felt there was something wrong with the figures.

Ald. Dexter felt that achieving the diversion target would be a disincentive for MIRROR. Mr. Smith stressed that MIRROR's costs and profits are not subject to volume control.

Concern was expressed by Ald. Pye regarding the role small local firms will have in future solid waste collection. He felt there will not be a level playing field, due to the size of BFI and its connection to the MIRROR group.

Mr. Smith explained the role the new municipality will have in levelling the playing field, when it decides on the size of collection routes for tender.

Ald. Hawley questioned whether Goodwood is being recommended as a site for the front end processing plant. The response was that the Project Manager is recommending Goodwood as one of the potential sites.

A presentation was given by Mr. Don Wright (copies of which were circulated to Council). His report refers to the CSC Strategy and the draft Implementation Plan drafted in response to the strategy.

During the question and answer period following his presentation, it was noted that a monitoring committee is intended, but is not yet in place.

Jim Donovan, Halifax County Municipality, spoke on the consultative process. He noted that two individuals from the Stakeholders Committee have sat on the contract team. He also referred to the condition that a Community Monitoring Committee be established.

A letter from Mary Lyn Saturley, dated December 7 was circulated. The correspondence urged Council to take a strong stand against Halifax County entering into the BFI/MIRROR contract.

P.R.O.B.E.'s representative at tonight's meeting was Dr. Jeff Elder. Also representing P.R.O.B.E. were Dr. Lamplugh and Mr. Whynot. A written presentation was also submitted to Council. P.R.O.B.E. represents residents of area in the vicinity of Goodwood.

Dr. Elder noted that the contract has not yet been signed and it is not too late to alter course. He felt the issue should be revisited. He provided reasons for why Halifax County should not sign the contract.

While not addressing the reasons why he felt that the Goodwood site is a poor choice, he referred to the following four areas of concern:

- 1) Financial costs;
- 2) Public private partnership;
- 3) Deviations from CSC Strategy by MIRROR Implementation Plan;
- 4) Implementation Plan can't have facilities ready by Dec. 1996.

He felt the figures being quoted for current annual operating costs isn't \$26 million but approximately \$11 million. He referred to these figures coming from a Doane Raymond audit.

It was noted that Lunenburg is processing their waste for \$65.00 a ton, while MIRROR's proposal will cost \$104 per ton, which equates to \$9 million in excess costs.

It was suggested that the proposal will be a lot more expensive than stated. At least double in cost.

Referring to the public private partnership, he felt this can't be in the best interests of taxpayers. An open tendering process would be best. Reference was made to the ineffectiveness of their education plan which cost \$400,000.

Reference was made to the proposed single facility verses the recommended multiple facilities in the Strategy. A minimum two were suggested; one on each side of the Harbour. If one should break down, the second could takeover.

Although P.R.O.B.E. recognizes the fact that the Sackville site will have to close December 1996, they felt a temporary solution was possible.

In conclusion, Council was asked to request that Mr. Hayward not approve the contract and ask for an independent evaluation. He felt it would be better to spend several thousand dollars at this stage, which could be translated in millions of dollars in savings down the road. If necessary, concern could be expressed to the Minister of Municipal Affairs by the municipalities.

Questions were posed to Mr. Nantes from Council on why the cost difference stated by P.R.O.B.E.

Mr. Nantes noted that the contract will itemize costs which can be used for comparison purposes with Metropolitan Authority's figures.

Ald. Greenough felt a detailed cost analysis is in order before any decision is made. Mr. Hugh Smith indicated that the County has retained an independent consultant to compare costs.

Steven Taylor, Enviro Waste read a presentation on behalf of the Metro Independent Waste Haulers and Recyclers Association.

The presentation pertained to the effect the pending contract between BFI/MIRROR Group will have on locally-owned businesses and on the taxpayers. A primary concern was that their major competitor will be afforded the opportunity to make a profit on the facilities they are forced to use. Reference was also made to Disposal Fees at \$130/ton being one of the highest in North America.

David Wimberley spoke in support of the motion on the floor. He emphasized that the implementation plan does not reflect the strategy. In particular he noted that while the proposal is costly, it is also inefficient as it is not meeting the target. Reference was made to the

operation of the Lunenburg and P.E.I. facilities.

At the conclusion of this presentation Mr. Jacobs, B.F.I. addressed Council explaining why you can't compare the costs of one municipality against another. He also addressed the subject of the so called 'monopoly'.

Ald. Greenough felt that any decision on the matter should be deferred until the contract has been seen.

Ald. Dexter said he understood that Halifax Council will be considering a motion that an independent review be done.

In conclusion, the original motion moved by Ald. Dexter and seconded by Ald. Levandier at the December 5th Council meeting, was put to a vote. The motion was unanimously defeated, to allow for the following motion and amendment:

MOTION: Therefore be it resolved that City Council of the Municipality of Dartmouth support an independent review of the Implementation Plan, including costs, and further that no contract be signed until the independent review is completed.

Moved: Ald. Dexter
Second: Ald. Greenough

AMENDMENT: That a joint venture (be entered into) with other concerned municipal units.

Moved: Ald. Greenough
Second: Ald. Withers

Ald. Greenough felt Council needed to find out what Halifax is doing, what Bedford wants to do and what in fact is going to be included in this package, from the point of view of Halifax County - what they are going to provide in terms of cost analysis, etc. He suggested the motion be referred to staff for them to give the appropriate assessment as to what information will be forthcoming, so that Council will have a better idea next Tuesday night, whether to go forward or piggyback on Halifax's study.

Mr. Fougere felt there isn't time for an in depth study before next Tuesday. Ald. Greenough suggested it just be determined by staff what is being done by Halifax, Bedford and what the County will provide. The following motion was proposed.

MOTION: Refer the matter to staff to be brought back to Council on Friday for assessment (to be discussed at the Dec. 19/95 Council meeting).

Moved: Ald. Greenough

Second: Ald. Hawley

For: All

Against: None

Motion carried

Meeting adjourned at approximately 11:45 p.m.

Vi Carmichael
Vi Carmichael,
Assistant City Clerk

Dartmouth City Council, December 12, 1995

ITEMS:

- 1) Joint Committee on Human Rights, page 1
- 2) Presentation, Mr. William Hayward, pages 1 to 3
- 3) Motion re Integrated Waste Management Strategy, pages
3 to 7

Sub. Ref. Dept

DARTMOUTH CITY COUNCIL AGENDA

TUES., DEC 19/95

7:30 P.M.

COUNCIL CHAMBER

1. Solid Waste Landfill Facility.

2. **REPORTS**

2.1 **CHIEF ADMINISTRATIVE OFFICER**

- 2.1.1 Tender, Dartmouth North Community Centre
Furnishings (to be circulated)
- 2.1.2 Lancaster Ridge Subdivision (Rezoning Townhouse
to R-1) (set date for public information meeting)
- 2.1.3 Amendment to MPS & Land Use By-law -73/77 Lakecrest
Drive

2.2 **PENSION COMMITTEE**

- 2.2.1 Pension Plan Amendments

DARTMOUTH CITY COUNCIL
DECEMBER 19, 1995.

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

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

MEMBERS ABSENT: ALD. LEVANDIER
HETHERINGTON (ILLNESS)
WOODS

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL

1.0

SOLID WASTE LANDFILL FACILITY

SOLID WASTE
LANDFILL
FACILITY

Members of Council have received copies of the "Master Agreement" between Mirror N.S. Ltd. and Halifax County Municipality, setting out details of the development, implementation, and operation of a program for managing solid waste for the region. In the accompanying report from Mr. Fougere, it has been recommended that a detailed staff report be prepared on this matter, for presentation to the January 9th Council meeting.

Ald. Dexter made reference to subsequent comments circulated to members, and proposed that the lead taken by Halifax be followed, and the item deferred to the next Dartmouth Council meeting, for a comprehensive staff report, including such factors as cost and a time-frame, plus the other considerations referred to in the communication from Mr. Fougere to members.

MOTION: To defer the Solid Waste Master Agreement item until the January 9th Council meeting, for a comprehensive staff report, based on the comments from Mr. Fougere, circulated to members of Council (ie. subsequent to his report of Dec. 15/95).

Moved: Ald. Dexter
Second: Ald. Withers
In Favour: All members except
Against: Ald. Hawley Motion Carried

connection with the request to amend the Land Use By-law, in order to rezone lots on Chinook Court and Tutor Court, in the Lancaster Ridge Sub-division.

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

2.1.3 AMENDMENT TO MPS & LAND USE BY-LAW - 73-77
LAKECREST DR.

AMENDMENT: MPS
& LAND USE BY-LAW
73/77 LAKECREST DR.

Report from Mr. Fougere, with accompanying staff report on requested amendments to the MPS and Land Use By-law, to permit an apartment building on lands zoned R-2, at 73-77 Lakecrest Drive, recommending that Council direct staff to proceed with a public information meeting.

MOTION: That Council direct staff to proceed with a public information meeting, as recommended, for requested MPS and Land Use By-law amendments for the lands at 73-77 Lakecrest Drive.

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

LETTER - MICMAC A.A.C.

LETTER: MICMAC
A.A.C.

The Mayor brought to Council's attention, a letter she has received from MicMac A.A.C., requesting the recognition of the Club, under Section 5(R) of the N.S. Property Exempt from Taxation of the Assessment Act. The Club is seeking to have their request granted by this present Dartmouth City Council, prior to amalgamation coming into effect.

MOTION: To refer the letter of request from MicMac A.A.C. to the Finance & Program Review Committee, for consideration and recommendation.

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

2.2 PENSION COMMITTEE

2.2.1 PENSION PLAN AMENDMENTS

PENSION PLAN
AMENDMENTS

A report from the Chairman of the Pension Committee was before Council, recommending amendments to the City Pension Plan and the approval of By-law P-410, amending By-law P-408 accordingly. The amendments are explained in detail in the report to Council.

Ald. Greenough presented the report on behalf of the Pension Committee, and responded to questions from Ald. Pye and other members of Council. Mr. Roddy Macdonald was also present and available to provide additional information. Ald. Greenough noted that a report on the Pension fund will be made to Council soon, with the Actuary present at that time.

BY-LAW P-410

Council proceeded with three readings of By-law P-410, circulated with the report.

MOTION: That leave be given to introduce the said By-law P-410, and that it now be read a first time.

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

MOTION: That By-law P-410 be read a second time.

Moved: Ald. Greenough
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 P-410 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. Greenough
Second: Ald. Withers
In Favour: All
Against: None
Motion Carried

LAKE SAFETY CONCERN

Ald. Withers raised a point of concern about an ATV being operated on Albro Lake, with children on board, under unsafe conditions, in that the lake has not reached a point of ice thickness required to carry people or vehicles. The police were contacted, but unable to do anything to have the vehicle taken off the lake. Ald. Withers asked about our present Lake Safety By-law, and whether it could be broadened to include all types of vehicles, such as ATV's, thereby providing authority for the police to take action in situations like the one he has described to Council.

The Solicitor said she felt our by-law could be broadened, and suggested considering such a prohibition at the next Council meeting.

Several other members spoke on the same subject, agreeing on the need for a more all-encompassing by-law to cover City lakes under winter conditions. Ald. MacFarlane felt that in situations like the one Ald. Withers has brought to Council's attention, a report to the Family Services agency would be in order. It would likely be possible to take action where an adult is endangering the lives of children.

Ald. Hawley asked that the Supt. of Schools be contacted tomorrow morning and requested to have an announcement read at each of the City schools, by the principals, warning children of the present unsafe condition of City lakes. Mr. Stevens noted the request of Ald. Hawley.

ALD. SMELTZER

Ald. Smeltzer wanted to make a request of Mr. Hayward, for copies of professional services contracts, and a motion was placed on the floor by him, to this effect.

MOTION: That Mr. Hayward be asked to make available, copies of professional services contracts, entered into or to be entered into for senior employees (ie. in the new Regional Municipality).

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

ALD. DEXTER

Ald. Dexter was prepared to make a motion at this time, clarifying the Christmas break for Council. Members agreed to have him present the motion.

MOTION: That the next meeting of City Council be scheduled for January 9th; Council will be on Christmas break until that time.

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

ALD. SARTO

Ald. Sarto tabled with Ms. Carmichael, a petition from Forest Hills residents, requesting the reinstatement of Stop signs on Cranberry Crescent and Hibernia; he asked to have the petition sent to the Traffic Authority for consideration.

ALD. SCHOFIELD

Ald. Schofield asked about the status of the financial statement for Dartmouth Non-Profit, and was advised by the Mayor that it is not ready yet. Ald. Sarto agreed to bring the inquiry up at their next meeting.

ALD. WALTON

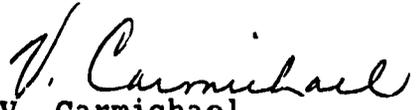
Ald. Walton gave an update to Council on the building and property at 25 Irving Street, the subject of a public meeting some time ago. He said that the broken windows were boarded up, but otherwise, nothing was done to the building. The property is now for sale.

ALD. PYE

Ald. Pye asked about resuming the contest for best-decorated properties at Christmas-time. Ald. Schofield was willing to be a judge for

decorated properties, but there were no other volunteers from Council. Ald. Hawley suggested that an Alderman from each ward judge properties within their own wards, but there did not appear to be a concensus on proceeding or not. No motions were presented on the subject.

Meeting adjourned at 8:20 p.m.


V. Carmichael,
Asst. City Clerk.

DARTMOUTH CITY COUNCIL
DECEMBER 19, 1995.

ITEMS:

- 1.0 Solid Waste Landfill Facility, page 1.
- 2.0 Reports, page 2.
- 2.1 Chief Administrative Officer, page 2.
- 2.1.1. Tender, Dartmouth North Comm. Centre, pg. 2.
- 2.1.2 Lancaster Ridge Subdivision, rezoning, pg. 2.
- 2.1.3 MPS & Land Use By-law amendments, 73/77
Lakecrest Dr., pg. 3.
Letter, MicMac A.A.C., page 3.
- 2.2 Pension Committee, page 4.
- 2.2.1 Pension Plan amendments, page 4.
Lake safety concern and others, page 5.
