

Dartmouth, N. S.

Sept. 2/80.

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

Present - Mayor Brownlow

Ald. Ibsen	Sarto
Brennan	Crawford
Valardo	Withers
Hart	Greenwood
Hawley	Greenough
Ritchie	Fredericks
Cunningham	
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady	

MINUTES

A number of items were added to the agenda at the beginning of the meeting, including a letter from Mr. Joseph Zatzman, a petition re the sidewalks for Bell Street, and a petition re the application to rezone property located between Windmill Road and the harbour for a cement distribution facility.

Ald. Ritchie and Sarto moved the adoption of the minutes of the meetings held on August 12th and 19th. Ald. Ibsen asked when the Industrial Commission report for 1979 is to be dealt with by Council. The Mayor advised that a meeting is set for Sept. 10th at 5:00 p.m.

Ald. Hawley referred to the minutes of August 19th and the inquiry from Ald. Greenough re the work on Mountain Ave. Tenders for this project have not been called as reported in the minutes, but Mr. Purdy said they will be called in about two weeks time.

Ald. Crawford questioned the section of the August 19th minutes with reference to the formation of a Downtown Revitalization Committee, and the information communicated by Mr. Fred Evans in connection with this item. He was advised that the other reference to this item is contained in the Committee minutes of the same date.

The vote was then taken on the approval of the minutes and it carried.

On motion of Ald. Sarto and Ibsen, Council gave second approval to an over-expenditure in the amount of \$673.00 for improvements to be carried out at the #2 Fire Station.

COND APPROVAL:  
ER-EXPENDITURE

First approval for the over-expenditure was given at the August 19th meeting when the tender for the renovations was awarded.

PETITION:  
SCOTT STREET

The residents of Scott Street have petitioned for the construction of a sidewalk on their street; copies of the petition have been circulated with the agenda. Ald. Fredericks and Hart moved that the petition be received and included, if possible, in the 1981 capital budget. The motion carried.

LETTER:  
MR. J. ZATZMAN

In a letter to Council, Mr. Joseph Zatzman has requested permission to be heard on the subject of his parking lot agreement with the Waterfront Development Corp., for purposes of clarification. This item was added to the agenda at the beginning of the meeting.

Mr. Zatzman began his presentation by stating that he has been recently accused unjustly by a member of Council of being involved in an illegal act. He said he was deeply hurt and had suffered considerable mental anguish as a result of accusations made during a television interview, when Ald. Crawford made statements to the effect that Mr. Zatzman was involved in an illegal act as a result of leasing a property from the W.D.C. for rental parking by tenants of his building on Portland Street. Mr. Zatzman referred to the interest he has always maintained in the downtown area, as demonstrated by his participation in the development of it with twin office towers. He explained that as a result of land expropriation by the W.D.C. in connection with the downtown redevelopment program in progress, it was necessary for him to find alternate parking space for tenants of his building. After negotiations with the W.D.C., a leasing arrangement was worked out on a thirty-day temporary basis for the lands in question, for which Mr. Zatzman is paying a \$300. per month rental fee. When the land is required for other purposes, it will be vacated as a parking lot. The upgrading and improvements required to facilitate parking provisions were carried out

by Mr. Zatzman and the understanding is that the property has to be relinquished within thirty days, if there is a requirement for the land for a development proposal.

Mr. Zatzman said he felt he should receive a public apology; otherwise, he would seek other sources of redress. He pointed out that the information presented on his leasing arrangement with the W.D.C. was communicated to Ald. Crawford on the same day as he later appeared on television with the accusations about Mr. Zatzman's involvement in an illegal act.

Ald. Crawford asked if the land in question was leased to Mr. Zatzman without going to public tender. Mr. Zatzman said the W.D.C. did not go to a public tender. Ald. Crawford asked if there was some reason why Mr. Zatzman should have had a preference in the leasing of the land, and stated that the City still owns the land and therefore, the W.D.C. does not have the right to lease it in the first place. The Solicitor was asked to comment and stated that the lands in question were expropriated with W.D.C. money and therefore the W.D.C. has the ultimate control over them, even though the City still holds the lands as trustees for the W.D.C. Ald. Crawford then asked about the rezoning of the lands and was advised by Mr. Bayer that the property in question is part of the land holding that is now awaiting appeal before the Planning Appeals Board. Ald. Crawford maintained that in fact a business, involving parking rentals, is being operated on the land when it is zoned for a residential use. The Solicitor and Mr. Bayer pointed out that parking is an accessory use in any zone and is treated as an accessory to the primary use of the property concerned.

Mr. Zatzman said that any illegality involved is between the City and the W.D.C. and does not involve him. He stated that he made the leasing arrangements with the W.D.C. in good faith and should not be accused of an illegal act because of a problem that should be worked out between the W.D.C. and the City.

Ald. Crawford was prepared to move that the parking lot that Mr. Zatzman has be closed forthwith; there was no seconder for this motion. Ald. Crawford said the City is in contravention of its own by-laws and he discussed this point with the Solicitor.

After hearing Mr. Zatzman and Ald. Crawford on the issue of the lease with W.D.C., Council moved on to the next item on the agenda.

PETITION: BELL  
ST. SIDEWALKS

A petition was presented by Ald. Sarto, signed by residents of Bell Street and Swanton Drive, who are opposed to the installation of sidewalks on Bell Street. The members of Council also received a letter from the President of the Bel Ayr Park Residents Assn., expressing the opposition of the Association to the sidewalks also, for the reasons set out in the letter.

The two residents who live on Bell Street were heard by Council; both expressed their objections to having sidewalks on the street and felt that they will only add to the potential danger for children walking to and from the school rather than improving the safety situation.

Ald. Sarto said he had spoken to the school Principal and it was his opinion that instead of installing sidewalks, consideration should be given to a type of cul-de-sac or turning circle that would take all of the traffic in one direction, thereby reducing the safety hazard for children. Ald. Cunningham said it would be advisable to hear from the Home & School Assn. and parents of children attending the school, before making a decision on the sidewalks, and he moved referral to the next Committee meeting for input from these groups; Ald. Valardo seconded the motion.

During the debate on the motion to refer, various other points that should receive attention for consideration at Committee were put forward; these include:

- 1) a report from the T.M.G. on the situation.
- 2) information on the cost to the abutters if sidewalks are installed.
- 3) the merit of a turning circle vs the sidewalk installation in terms of safety effectiveness.

4) possible input from the school Principal.

There was considerable discussion as to whether Council should proceed with sidewalk installation when the residents affected do not want this service. The point was made that Council has a responsibility to look at all of the factors involved in coming to a decision, particularly when there is a safety factor to be considered as in this situation. Ald. Ibsen pointed out that a precedent was set in the Birchwood Terrace neighborhood where the sidewalk installation was opposed by the residents and the project did not proceed. He did not favour the motion to refer and wanted to see the Bell St. project cancelled as the two residents of the street have requested. When the vote was taken, the motion to refer carried with Ald. Ibsen voting against (Ald. Hart abstaining from the vote and from participation in the debate).

PETITION:  
REZONING APPLICATION

Ald. Withers presented a petition on behalf of citizens concerned about the rezoning application to be heard on Sept. 16th, involving land proposed for a cement distribution facility. He read the context of the petition, including the reasons for the opposition to the rezoning; Ald. Crawford requested that members of Council receive copies of the list of objections set out in the petition. On motion of Ald. Withers and Hawley, the petition was tabled until the public hearing to be held on Sept. 16th.

REVITALIZATION  
COMMITTEE

The members of Council have received copies of an exchange of correspondence between Mayor Brownlow and the Provincial Minister of Development, the Hon. R.J. Thornhill, in connection with the formation of a Revitalization Committee and the associated control and coordination of improvements and development in the downtown area of Dartmouth. This item was previously before Council and Committee during the August 19th meeting, when a recommendation was made to Council by Mr. Fred Evans that no further development projects proceed in the downtown area until the controls referred to are in

place and the structure of the committee has been finalized.

The Mayor gave a further report on discussions he has had with the Minister as of today's date and the efforts that are being made in conjunction with the Minister to resolve this matter and bring it to a successful conclusion. He said he had made the Minister aware of concerns expressed by Mr. Evans, subsequent to the August 19th meeting, as to the statements he made with respect to a policy decision that has since been communicated by letter from the Minister to the effect that further projects will not be approved for funding by his department or the W.D.C. until a revitalization body is in place and controls are implemented as directed. The Mayor quoted from the Committee minutes of the 19th meeting to clarify Mr. Evans' position at that time. He indicated that he hopes to meet with the Minister prior to next week's Committee meeting and it is hoped that all of the points at issue can be straightened out when this meeting with the Minister takes place.

At the request of Ald. Crawford, the Mayor read the letter received as of this date from the Minister, and after reading the letter, he proceeded to comment on several points raised in the letter, having to do with the implementation of the downtown development plan without the Revitalization Committee being put in place. He gave a chronological summary of discussions when the formation of the Committee was before Council and Committee-of-the-Whole and referred to attempts made by Ald. Brennan to proceed with the formation in compliance with Council's wishes. At the conclusion of the Mayor's verbal report, Ald. Hart and Brennan moved referral of the item to Committee for a report from the Nominating Committee appointed. Ald. Crawford opposed the motion and wanted to have the item dealt with at this time.

When the vote was taken, the motion to refer carried with Ald. Ibsen, Ritchie, Withers and Crawford voting against.

REPORTS

Reports recommended from Committee were approved as follows:

- 1) W.O.N. (June): approved on motion of Ald. Greenough and Cunningham.
- 2) Fire Chief (July): approved on motion of Ald. Greenough and Ald. Greenwood.
- 3) Ferry Supt. (July): approved on motion of Ald. Sarto and Withers.
- 4) Social Services (June): approved on motion of Ald. Valardo and Hart.  
Ald. Crawford said he had expected that the Director of Social Services would be present to comment on his report and questions pertaining to it. Mr. Brady to check on this further.
- 5) Building Inspector (July): approved on motion of Ald. Hawley and Hart.
- 6) Minimum Standards (July): approved on motion of Ald. Valardo and Cunningham.
- 7) Transit Operations (July): approved on motion of Ald. Valardo and Greenough.
- 8) Development Officer (July): approved on motion of Ald. Sarto and Valardo.

GUARANTEED INCOME SUPPLEMENT

On motion of Ald. Hawley and Fredericks, Council approved a recommendation from Committee in favour of a report from the Director of Social Services on the recently-announced increase in Guaranteed Income Supplement to Seniors by \$35., and the recommendation that \$10. of this amount be made available to those maintained in homes for special care, in order to increase their 'comfort allowance' from \$40. to \$50. per month.

MAINSTREET PROGRAM

On motion of Ald. Cunningham and Hart, Council adopted a recommendation from Committee that approval be given to a report from the Planning Dept. (John Lukan) recommending that staff be authorized to select consultants and proceed with the design and tender call for three projects under the Mainstreet Program, covering improvements to sidewalk and two vacant lots in the Business Improvement District. The recommendation from the Planning Dept. is based on a request from the Business Improvement District Committee, as per their letter of July 29/80.

POLICE ASSN.:  
COLLECTIVE AGREEMENT

Mr. Moir has informed Council of the official notice received on behalf of the Dartmouth Police Assn., Local 101, indicating their wish to negotiate a collective agreement for 1981. Ald. Brennan and Greenough moved that negotiations be commenced once the demands of the Association have been received. Ald. Fredericks asked for information on the civilian despatchers hired for use in the police station, as authorized some time ago. The motion to have negotiations commenced after Mr. Moir has presented the Association demands, carried.

WARD TENDER:  
FENCING  
MAIN STREET

Tenders have been received as follows for the erection of a chain link fence in the watershed area along Main Street:

Eastern Fence Erectors Ltd.	\$22,752.16
Gillis Company	23,423.00

Acceptance of the low bid, received from Eastern Fence Erectors Ltd., is recommended in Mr. Moir's report and the tender was awarded to this company, on motion of Ald. Ibsen and Sarto. Ald. Cunningham asked how much more fencing is required along Main Street to complete the watershed frontage; Mr. Purdy said this contract will complete the Main St. frontage.

WARD TENDER:  
CONTRACT #80-14

The following tenders have been received for Contract #80-14, South Woodside School landscaping (a NIP project):

H. S. Walker Construction Ltd.	\$11,800.00
Waverley Landscaping Ltd.	11,877.60
Terra Nova Landscaping Ltd.	12,345.00

Mr. Moir recommends acceptance of the low bid, received from H. S. Walker Construction Ltd., and the recommendation was adopted, on motion of Ald. Ibsen and Valardo.

PROPERTY: HUMFORD  
INTERNATIONAL

Mr. Moir has submitted a report on two properties in the Manor Park area owned by Humford International, considered for possible acquisition by the City for recreational development. The report gives an update on the present status of discussions with the owners of the land, and suggests that if Council should wish to proceed



with the acquisition of both or either of these properties, that appraisals be carried out; it is expected that the appraisals would indicate figures substantially less than the asking price quoted by the owners. Negotiations could then be undertaken with Council's authorization for one or both of the properties. Ald. Cunningham and Valardo moved the adoption of Mr. Moir's report. Ald. Cunningham spoke about the need for recreational space in this section of the City for active uses, and referred to Ald. Williams' concurrence with a move to acquire land that can be developed for this purpose.

Ald. Brennan felt that Council should have a staff assessment of just how much land is actually required to serve the area as a recreational facility. He said he would also like to have information on the cost of developing the land for recreation purposes, and on the pros and cons of the two land parcels under discussion, namely Parcel A, containing 5.86 acres, and Parcel 2 (the former Purcell property). Ald. Greenough went on to suggest other points of information Council should have: (1) an indication as to what kind of recreation facilities would be provided, and (2) is there some other possible land holding in the area that could be identified as an alternate recreational site for consideration.

Ald. Fredericks felt that a move to acquire property in the Manor Park area is long overdue, and he moved in amendment that we move on the 5.86 acre-parcel, and have a report from staff on the advisability of proceeding with the other acreage, known as the former Purcell property. A plan showing the two properties was available and the members did not tend to favour the Purcell lands because of their swampy condition and the work that would have to be done on them to make them useable.

Ald. Hawley said it is necessary to have some concept of what is to be done with the land before we acquire it. He suggested that in future, when items of an on-going nature come to Council, it would be helpful if the new

members could be provided with background material and reports to bring them up-to-date when the item comes back on the agenda after a long period of time, such as this one has done.

Ald. Crawford said he would favour an appraisal only at this time, after which Council could decide whether or not to go further with the negotiations. The amendment received the support of Council and it carried; the amended motion carried.

IMMACULATE  
CONCEPTION SCHOOL

A report from Mr. Moir was considered on the leasing of Immaculate Conception School, discussions having been carried on with two interested groups. He has recommended that Council authorize the entering into of a lease for the school building between the City and the East Dartmouth Lions Club; the Club has indicated that they would be prepared to operate the building in the following manner:

- 1) a community hall for activities or functions by any responsible groups such as Senior Citizens, Boy Scouts, Cub Packs, Girl Guides, etc.
- 2) continue to make it available to the Day Care Centre operation.
- 3) a meeting place for the Dartmouth East Lions Club and club functions.
- 4) an activity hall used by the Lions Club to raise funds to carry on its club service activities in the community.

Council adopted the recommendation on the leasing of the school, based on the above operating proposal, on motion of Ald. Fredericks and Ritchie.

PURCHASE OF VEHICLES:  
WORKS & WATER DEPTS.

Tenders have been received for fifteen trucks for use by the City Works and Water Departments, and the awarding of tenders to the individual suppliers submitting bids, has been detailed in a report to Council, with recommendations from the City Administrator. The total funding required for these vehicles is \$224,000., necessitating an over-expenditure in the Capital Budget of \$1,176.79. Mr. Moir's recommendation is that Council authorize the purchase of the vehicles, authorize a transfer of funds in the amount of \$45,000., and authorize an over-

expenditure of \$1,176.79 to cover the total cost. Ald. Greenough and Sarto moved the adoption of the recommendation, after which a number of questions were raised about the tendering for the trucks.

Ald. Fredericks asked that the Engineering Dept. look at the feasibility of acquiring a number of utility trailers for transporting equipment to and from jobs throughout the City. Ald. Valardo wanted to see some study given by the department into the advantages of purchasing diesel vehicles, particularly from the point of view of their resale value, and Ald. Hawley felt the department should also be looking at vehicles purchased in terms of which make of vehicle stands up best over their years of use. Ald. Greenwood asked to have figures clarified for items three and four in the tender list; Mr. Moir to check on these. The motion on the floor carried.

CANADA COMMUNITY  
DEVELOPMENT PROJECTS

Mr. Moir has provided a report with information on the new Canada Community Development Projects 1980/81, and has suggested that the members pass along to City Department Heads, any projects they have in mind that would meet the requirements of the program. A finalized list of projects will be coming to Council for approval prior to application for them being made by the City. Ald. Crawford made note of a project previously suggested, involving the use of the Works garage on Wentworth Street as a centre for tradesmen who could go out to make repairs to the homes of senior citizens and people unable to carry out this work themselves. He suggested this project would be worth including again and notation was made of it. On motion of Ald. Cunningham and Valardo, the report from Mr. Moir was received for information purposes.

EMERGENCY  
TELEPHONE SERVICE 911

A letter from the Metropolitan Authority and accompanying report from Mr. Moir, have been circulated on the subject of the proposed 911 Emergency Telephone Service for Halifax, Dartmouth and the County. The Authority wishes to proceed with a study, based on the four points set out in the letter from the Executive

Director, and the approval of all the municipal Councils concerned is required to proceed with it. On motion of Ald. Crawford and Hawley, Council approved the study, covering the four points outlined in the letter.

AMEND CONTRACT:  
VET. HOSPITAL

Proposed amendments were presented to the contract between the City and Harbour Cities Veterinary Hospital, to permit unwanted animals to be acquired for research purposes.. A decision to have such amendments brought back by the Solicitor's office was made in Committee when the item was previously discussed. The amendment would be to Section 23 of the contract and a new section, Section 24 would be added. These sections would result in animals being kept in the pound for an additional 24-hour period, with associated additional costs. The recommendation is that this additional cost be paid by those receiving the animal before it is released. Under the existing contract, the amount of this fee would be \$5. Council approved the proposed amendments as presented in Mr. Moir's report, on motion of Ald. Fredericks and Crawford.

DELEGATES: N.S.  
MUNICIPALITIES  
CONFERENCE

The Mayor asked that Council choose the voting delegates to which the City of Dartmouth is entitled for the conference of the Union of N. S. Municipalities. The Mayor is one of the City's five delegates and Council was asked to name four others. The names of Ald. Hart, Cunningham, Valardo, Fredericks, Sarto, Crawford, and Ritchie were put forward in nomination, and following a vote by secret ballot, the names selected were Ald. Hart, Valardo, Cunningham, Fredericks. Approval for the appointment of these voting delegates was given by Council, on motion of Ald. Ibsen, seconded by Ald. Hart.

NOMINATING COMMITTEE:  
DART.HOUSING AUTHORITY

The City has been asked by the N. S. Housing Commission to appoint a representative from Council to serve on a Commission Nominating Committee to recommend to the respective participating agencies, appointments to the Dartmouth Housing Authority. As has been the practice in the past, it is recommended that Mayor Brownlow be

designated by Council as the City's representative to the Nominating Committee. Ald. Fredericks and Ibsen moved the adoption of this recommendation.

Ald. Brennan, Hawley, and Crawford all expressed their concerns that Council is not permitted to have representation on the Dartmouth Housing Authority, and asked that this point be brought to the attention of the Committee by the Mayor as Council's representative. The motion carried.

PERMIT TO BUILD:  
SUSSEX LEASEHOLDS

On motion of Ald. Ibsen and Hart, Council approved an application for permit to build a multi-tenant warehousing building on Lot 59B Akerley Blvd., subject to compliance with the staff requirements as detailed in the report to Council. Application submitted by Sussex Leaseholds; value of construction \$1,200,000.

PERMIT TO BUILD:  
EASTERN TRANSPORT

A second permit to build was granted for an office and warehouse on Lot 57 Simmonds Drive, on motion of Ald. Valardo and Ibsen. Approval is subject to compliance with the requirements detailed in the staff report to Council. Application submitted by Eastern Transport; value of construction \$275,000.

COMMITTEE:  
LIBRARY & CULTURAL  
CENTRE

A list of names has been put forward by the Mayor for nomination to the special committee that will be studying the possibility of a new library and cultural centre for the City. The Mayor noted that Mr. Fred Evans has indicated that he would not be able to serve on the committee. Also, the Mayor recommended the addition of Ald. Brennan's name to the list. Ald. Withers and Ibsen moved that the list of names put forward be approved, with the addition of Ald. Brennan's name. Ald. Hart and Valardo moved that Mr. Evans' name be withdrawn in view of his indication that he would be unable to serve.

There was considerable discussion about the make-up of the committee and its size. Ald. Hawley expressed dissatisfaction with the fact that committees such as this one are always comprised of people from the downtown area of the City and do not reflect the potential that

exists to draw from citizens elsewhere throughout the City. Ald. Hart felt that if the vacancy remaining on the committee is to be filled, it should be with someone who can lend some expertise on the subject that is to be addressed. The amendment on the floor carried and Ald. Brennan and Crawford then introduced a second amendment, leaving a spot open on the committee for a further nomination to come before Council, preferably a person with cultural interests and background in the subject. The amendment carried with Ald. Valardo voting against. The amended motion carried.

CONFERENCE ON  
OIL & ENVIRONMENT

Mayor Brownlow has reported to Council on the International Conference on Oil & the Environment he will be attending on behalf of MAPC at the University of Edinburgh, Scotland, during the period of Sept. 28th to October 1st. He has recommended that the City Administrator and the Director of Planning & Development be authorized to attend this conference as well for the City. Ald. Valardo and Hawley moved the adoption of the recommendation. Ald. Crawford questioned why other elected officials would not be attending and it was noted that other conferences will be coming up on the subject, and it is planned that other people will have an opportunity to attend these as they come along. The motion carried.

TEMPORARY BORROWING  
RESOLUTIONS

Temporary Borrowing Resolutions were approved by Council for the following, on motion of Ald. Valardo and Ibsen:

Resolution 80-2	1980 Street Paving	\$1,907,500
80-1	1980 Water Construction	\$389,000
80-3	1980 Storm Sewers	\$984,000
80-3	Sanitary Sewers	\$150,000
80-7	1980 School Construction	\$475,000
80-9	Planning Capital - NIP	\$80,000
80-9	NIP	\$675,000
80-10	Fire Equipment	\$70,000
80-11	Streets - Traffic Management	\$240,000
80-12	City Hall Improvement	\$450,000

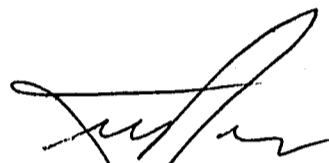
RESOLUTION #80-28

The Housing Advisory Board has recommended approval of the attached Resolution #80-28, circulated with the agenda, making application on behalf of the City for participation in a housing program being undertaken by

the N. S. Housing Commission. Fifteen units could be approved for Dartmouth, involving the upgrading of existing housing units to a maximum of \$43,000. per unit. Ald. Valardo and Withers moved the adoption of Resolution #80-28 and Ald. Hart explained the program details briefly as Chairman of the Housing Advisory Board. The vote was then taken on the motion and it carried.

Council went in camera to deal with an additional item, on motion of Ald. Brennan and Valardo. Upon reconvening in open meeting, the action taken in camera was ratified, on motion of Ald. Hart and Ibsen.

Meeting adjourned.



G. D. Brady,  
Deputy City Clerk.

RESOLUTION 80-28

WHEREAS pursuant to the Housing Development Act, being Chapter 129 of the Revised Statutes of Nova Scotia as amended, the Nova Scotia Housing Commission may enter into agreements with the Government of Canada through the Central Mortgage & Housing Corporation, for the purpose of community projects including the acquisition and development of land.

AND WHEREAS the Provincial Minister charged with the administration of the Housing Development Act may, pursuant to that Act, make an agreement with a municipality;

AND WHEREAS there is a deficiency of family housing units in the City of Dartmouth;

BE IT THEREFORE RESOLVED that:

1. An application be made to the Provincial Government requesting Provincial participation in an investigation of the above mentioned deficiency and if feasible to acquire land and to construct family housing units in the City of Dartmouth.
2. That evidence of need and demand for family housing units be submitted to the Provincial Government.
3. That if investigations reveal the feasibility of a family housing unit project the Province requests Central Mortgage & Housing Corporation to participate in such a project or to provide a loan for such project.
4. That the terms of financing be defined and agreed upon by Dartmouth City Council prior to implementation of the project.
5. That the sharing of operating costs be defined and agreed to by Council prior to implementation of the project.



Dartmouth, N. S.

Sept. 9/80.

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

Present - Mayor Brownlow

Ald. Sarto	Ibsen
Williams	Cunningham
Crawford	Brennan
Valardo	Withers
Hart	Greenwood
Hawley	Greenough
Ritchie	Fredericks

City Solicitor, S.Hood  
Acting City Administrator, D. Bayer  
Deputy City Clerk, G. D. Brady

Council met to complete the Sept. 2nd agenda  
and to deal with additional items of business, prior  
to meeting as Committee-of-the-Whole.

INQUIRIES:

ALD. CUNNINGHAM

Ald. Cunningham asked about the status of a  
by-law to control the operation of mini-bikes over  
private properties; he asked to have this inquiry  
checked on by the Solicitor's office.

He then asked for information on the subject of  
a beautification program for Prince Albert Road, from  
Nowlan Street to Celtic Drive. Mr. Bayer outlined the  
work that is being done by staff in this connection,  
and said that about a month to a month-and-a-half is  
required to complete the study that is in progress.

Ald. Cunningham asked if it would be possible to  
have a monthly report from the City pound operators.  
Mr. Rath said that discussions along these lines are  
taking place with the veterinary firm operating the  
pound service, and a monthly report will be forthcoming  
to Committee with the other regular reports.

Ald. Cunningham asked about the status of the  
Penhorn Mall expansion; Mr. Bayer advised that there  
has been some delay on the part of the principals to  
this point, but arrangements are now being made to  
comply with all the necessary requirements so that the  
project can proceed.

Ald. Cunningham's final inquiry was about the  
condition of Oathill Lake. Mr. Brady advised that the  
Atlantic Health Unit has notified the City that the  
lake can be reopened for swimming.

ALD. CRAWFORD

Ald. Crawford made reference to a recent newspaper article containing statements made by Mr. Thomas of W.D.C. with reference to properties expropriated in the downtown area by the City on behalf of W.D.C. He questioned the ownership of the land while the City still holds the deeds, and the right of the W.D.C. to conduct negotiations for the use of the land while it is still involved in appeal hearings before the Planning Appeal Board. He asked for a legal ruling on this question, and at the same time, to have the Solicitor look at the transaction which has taken place between the W.D.C. and a developer for the use of land for a parking area. The newspaper article concerned was passed to the Deputy City Clerk by Ald. Crawford.

Ald. Crawford also asked that the T.M.G. look at Slayter Street which is being used as a main traffic artery and causing problems for the residents living on that street.

ALD. HAWLEY

Ald. Hawley's inquiry concerned the safety of children from the Green Court area, who have to walk along Waverley Road to catch the school bus. He asked if the shoulder of the road could be levelled off to make a better walking area for these children or if a crosswalk could be provided, enabling them to cross over Waverley Road to a closer stop. He requested that the two possibilities suggested be looked at further by staff.

In connection with a motion introduced by Ald. Withers, on the subject of signs for the entrances to the City, Ald. Hawley said there is an interest on the part of one of the City service clubs in a joint service club sign and it would perhaps be worthwhile to contact the clubs and discuss the feasibility of participating with them in this project. The Mayor referred this suggestion to staff.

ALD. HART

Ald. Hart inquired about the report that was to be forthcoming on the Volunteer Fire Fighters, as discussed at budget time. The Fire Chief advised that the study

to be conducted by the fire underwriters will commence on Sept. 22nd and be carried out for a two-week period.

Ald. Hart also asked if the T.M.G. could look at the parking problem on Leaman Drive and the possibility of erecting No Parking signs on whichever side of the street would be appropriate.

ALD. BRENNAN

Inquiries made by Ald. Brennan were as follows:

- 1) asked about the closure of City-owned park areas after dark and with particular reference to the St. Peter's park, he requested that it be posted for closing at dark and policed.
- 2) requested a list of streets and sidewalks in Ward 3 scheduled for inclusion in this year's maintenance program.
- 3) asked for a report on the fencing of Mount Hermon Cemetery, as approved in the capital budget for inclusion in this year's program.
- 4) Ald. Brennan referred to a letter from Newcastle Street residents who are concerned about pedestrian traffic movements at the Five Corners intersection. Mr. Bayer said he thought this item would be coming before the T.M.G.
- 5) Ald. Brennan asked if it would be possible for staff to choose some night other than Tuesday for public meetings; Mr. Bayer said that staff try to avoid Tuesdays wherever possible, but because of the number of meetings it is not always feasible to do this.

ALD. IBSEN

Ald. Ibsen made the following inquiries:

- 1) Directed to Mr. Moir and the Recreation Dept.: will the City be replacing young trees planted within the past year that have been broken and destroyed by vandals. Mr. Bayer said he did not believe there was any provision in the budget for replacing trees this year.
- 2) asked about the status of the pumping station and clean-up of the Anderson and Clifford Street area.
- 3) asked to have the T.M.G. look at the situation on Woodlawn Road where a tar and chip surface was put on the street and then double yellow lines were painted over the gravel and did not stay on the street.
- 4) asked if the City has assumed full responsibility for the Woodlawn retention pond; Mr. Purdy said there is a one-year maintenance contract which covers the landscaping, grass cutting, etc.
- 5) asked that the T.M.G. look at the possibility of a flashing light at the Gaston Road/Portland Street intersection during rushhour traffic, until the regulator for these traffic lights can be installed. He commented on the present long line-up of traffic at rush-hour and the problems that people are having to get home from work, including those who travel by bus.

- 6) asked to have the fast food outlets along Main Street contacted and encourage them to provide adequate containers for refuse so that people are not throwing papers, etc. away on the ground and the street.
- 7) asked for further information on the matter of tax concessions for new businesses in the downtown area, as proposed in March of 1979.
- 8) Ald. Ibsen requested a list of the property owners in the path of the 107 By-pass alignment through both Port Wallis and through the Porto Bello route. Mr. Bayer noted that some of the Porto Bello properties are located in the County and we would not have that information.

NOTICE OF MOTION:  
ALD. HAWLEY

The following notice of motion was given by Ald.

Hawley for the next regular meeting of Council:

WHEREAS in this day and age, it is a justifiable expectation of every citizen living within the City of Dartmouth boundaries, that they have access to water and/or sewer services, where reasonably attainable;

AND WHEREAS there are some large well-known areas of the City where water and/or sewer services are unavailable;

AND WHEREAS there are a number of small and not so well-known areas of the City where water and/or sewer services are unavailable;

AND WHEREAS there is no specific information available regarding the exact location or the extent of areas not serviced by water and/or sewer;

AND WHEREAS no specific long-range plan exists to overcome this unacceptable situation;

BE IT RESOLVED THAT (1) the City of Dartmouth undertake a plan to locate and itemize the locations and extent of unserved areas.  
(2) that costs for providing water and/or sewer services for these identified areas be estimated.  
(3) that a specific plan for a methodical provision of these services be presented to Council.  
(4) that this plan be designed with the City budget and the quickest possible implementation of the services in mind.  
(5) that this plan be made available to Council within a four-month time frame.

BY-LAW C-411:  
FIRE PREVENTION

Proposed By-law C-411 has been prepared to replace By-law C-126 as the City's fire prevention by-law, incorporating the adoption of the National Fire Code of Canada 1977, with additional amendments. Mr. Moir has recommended the adoption of By-law C-411 as presented.

It was moved by Ald. Greenough and Valardo and carried that leave be given to introduce the said By-law C-411 and that it now be read a first time.

It was moved by Ald. Valardo and Greenough that By-law C-411 be read a second time.

Ald. Brennan felt that an item of this magnitude should be given considerable in-depth study at the Committee level, and he discussed a number of questions he had with the Solicitor in attempting to clarify where changes have been made in the new by-law from the existing one. He indicated that he did not wish to see the by-law have three readings at this meeting, without giving it further study, but Ald. Fredericks suggested that any amendments the members might want to present could be made any time in the future without holding up the by-law further at this time.

The vote on second reading carried and unanimous consent was given by Council for third reading of the by-law.

It was moved by Ald. Greenough and Ritchie and carried that By-law C-411 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City. (Ald. Ibsen voting against; he felt that any member wishing to defer third reading to a later time should have the opportunity to do so.)

BY-LAW C-414:  
LODGING HOUSES

Proposed By-law C-414 was also presented for Council's consideration at this time, being a by-law for the control by licensing of rooming houses, boarding houses, and one-room apartments. A staff report accompanied the by-law and Mr. Moir has recommended:

- 1) that the staff report be adopted.
- 2) that By-law C-414 be given three readings by Council.
- 3) that Tues., October 21st be set as the date to adopt proposed amendments to the Zoning By-law, relating to By-law C414.

It was moved by Ald. Brennan and Greenough and carried that leave be given to introduce the said By-law C-414 and that it now be read a first time.

It was moved by Ald. Greenough and Hart that By-law C-414 be read a second time.

Speaking on second reading, Ald. Crawford referred to the fact that there is no provision in the by-law for a minimum fine, and he moved in amendment that Section 26

be amended to include provisions for the levying of a \$50. minimum fine. The amendment was seconded by Ald. Brennan and it carried.

Ald. Crawford went on to discuss several points with Mr. Bayer as to the distinction between an apartment and a lodging house unit. Mr. Bayer described the difference as being in the degree of self-containment the unit has, and he pointed out that there will now be an opportunity for inspections to be carried out because of the requirement for the owners of such buildings to obtain licenses.

Mr. Rath responded to questions from Ald. Crawford about the enforcement aspect of the by-law. He said that basically, the procedures called for in the by-law will be administered through the Building Inspection Dept., in conjunction with the Fire Inspection Division of the Fire Dept. It is hoped that the fees to be charged for licensing will cover the costs involved for the City to administer the by-law.

Ald. Brennan questioned whether consideration was given to a ratio requirements for kitchen facilities in relation to a certain number of rooms, and he also wanted to have staff look at the feasibility of establishing a percentage requirement for open space on a property occupied by a lodging house, over and above the area that would be required for parking spaces. Mr. Bayer agreed to have staff look at this latter question to see if it would be feasible to bring forward an amendment on open space as a requirement in the by-law. Other points raised by Ald. Brennan regarding toilet facility provisions and plumbing requirements are covered under the National Building Code and the City's own Minimum Standards By-law.

Ald. Brennan said that while he is in full support of the by-law being effected, he felt it should be phased in over the coming year so that people are not put out of their accommodations because of units that do not comply with the new requirements. Mr. Bayer said it will probably take a year to have the by-law put into full and effective implementation.

When the vote was taken on second reading, it carried. Unanimous consent was given by Council for third reading of the by-law.

It was moved by Ald. Crawford and Ibsen and carried that By-law C-414 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

Ald. Brennan and Crawford then moved the adoption of the staff report which accompanied the new by-law. Ald. Brennan asked if the additional staff person required in the Building Inspection Dept. could be engaged on a term contract rather than being taken on staff full-time. Mr. Bayer said he will be discussing this point with the staff committee and Mr. Moir to determine what type of hiring arrangement would be most satisfactory in terms of the by-law requirements for inspection. The motion carried.

PUBLIC HEARING:  
ZONING AMENDMENTS

On motion of Ald. Fredericks and Ibsen, Council set October 21st as the date for public hearing of the Zoning By-law amendments relating to By-law C-414.

DOWNTOWN REVITAL-  
IZATION COMMITTEE

On motion of Ald. Greenough and Williams, Council agreed to add items pertaining to the formation of a Downtown Revitalization Committee and terms of reference for such a committee. A number of proposals and several pieces of correspondence were before Council in connection with the Revitalization Committee issue, and on motion of Ald. Hart and Greenough, Council agreed to deal with this item as a total package so that all of the material circulated could be discussed concurrently.

The submissions before Council in connection with this item included: (1) a report with recommendations from the special committee appointed (Chairman, Mr. Fred Evans); (2) a proposal from the Downtown Dartmouth Business Assn.; (3) a report with recommendations from Mr. John Lukan of the Planning Dept., with concurrence from Mr. Moir with the suggested terms of reference in Mr. Lukan's report; and (4) a letter from the Minister

of Development, with a proposal for the structure of the Downtown Revitalization Committee. The Mayor noted that while the letter from the Minister is dated Sept. 5th, it reflects the Minister's position as stated in a subsequent meeting with him since that date.

Ald. Ritchie felt there should be only one representative committee speaking for the downtown area and he therefore favoured a structure along these lines. Ald. Ibsen and Crawford presented a motion that would establish the committee on the following basis: to be composed of three members of the Downtown Residents Assn.; three members of the Downtown Business Assn.; one representative of the Prince Albert Road residential area; one member elected by the Dartmouth Museum Society and two Aldermen. Ald. Crawford said he would second the motion for discussion purposes only.

Ald. Hart felt that there are portions of each submission that are worth drawing from and there are omissions in each proposal as well. She therefore favoured a compromise proposal incorporating elements of both submissions from the Residents Assn and from the Business Assn. She suggested there could be an incorporation of the advisory capacity with the Development Corp. called for under the Mainstreet Program to fulfill the purposes and functions as identified in the special committee's submission, these having been taken directly from the terms of the Downtown Redevelopment Plan, Phase II report as the objectives set out for the Revitalization Committee from the beginning. She felt that as important as the composition of the committee is, the mandate, purposes and functions are equally as significant for Council's consideration. The structure she favoured would be along the lines of the Board of Directors proposed in the Downtown Business Assn. submission, with representation as well from the Planning Dept., the W.D.C., and the Dept. of Development, in non-voting capacities. Ald. Valardo said he would also be in favour of participation by the W.D.C. with a representative.

It was recognized throughout the debate that part of the confusion that has arisen over the Revitalization



Committee issue, arises from the fact that there are a number of programs underway in the downtown area with some overlapping jurisdictions. These include the overall Downtown Redevelopment Plan initiated by the City, the Mainstreet Program, initiated by the Province with City participation and involving the formation of a Development Corporation with a Director, and thirdly, the W.D.C. program, involving all three levels of government. Taking this fact into account, it is likely that two groups would continue to exist if a Revitalization Committee were formed, namely, the Development Corporation called for under the Mainstreet Program and the Revitalization Committee itself. Questions were raised during the debate and particularly by Ald. Valardo as to the difficulty this could present for developers if they have to work through two separate bodies and also deal with the W.D.C. in attempting to get necessary approvals and have their proposals accepted. He expressed concern that these kinds of obstacles could deter development from taking place as we want to see it in the downtown area.

Several members of Council, including Ald. Williams, were not willing to support the motion on the floor and favoured the structure for the Revitalization Committee, as it has been proposed in the letter from the Minister of Development. Ald. Hawley spoke in concurrence with the Minister's proposal, but wanted to see representation on the committee from other parts of the City and not just from the downtown area. He said that recently, all of the emphasis has been placed on committees with representation from downtown and outlying areas of the City are being ignored. Ald. Brennan questioned the need for another committee at all, suggesting that Council will receive input and recommendations without such a body. If, however, a decision is made to go with the committee idea, he said he would be prepared to support the composition set out in the letter from the Minister of Development.

Ald. Crawford agreed with the Minister's proposal as well, but he stressed that any committee so formed must have representation by the two ward Aldermen and they

should be fully informed and involved. He felt that the proposal from the Downtown Business Assn. is top-heavy with businessmen and does not give the residents a fair representation. He agreed with the terms of reference set out in the report from the special Committee, but wanted to see several points incorporated from the Downtown Business Assn. proposal also. His idea was to deal only with the composition of the committee at this meeting and then let the committee come back with their recommendations on the terms of reference, functions, objectives, etc. at a later time for Council to consider. Ald. Fredericks said that while he would support the composition suggested in the Minister's letter, he would want to have appropriate back-up staff to complement the work of the committee. Ald. Hart's point about the need for expertise on the committee to reinforce its effectiveness was based on a similar idea.

Council heard Mr. Graham on behalf of the Downtown Business Assn. and Mr. Evans, speaking for the special committee appointed to make recommendations on the composition and functions of the Revitalization Committee. Mr. Graham said the Business Assn. is prepared to work with whatever committee is set up by Council, and he noted that the corporation structure under the Mainstreet Program comes under a separate piece of legislation and it will therefore be formed in accordance with that program. Mr. Evans commented on a number of points made during the debate. He considered that people who will serve on the Revitalization Committee have sufficient expertise to do so in the same way that any committee or board is comprised of people who are participating because of their interest in the community. He urged Council to support the report and recommendations from the special committee and suggested that any problems that exist at present can be resolved with the proper control and coordination of downtown development as it evolves. Mr. John Young of the W.D.C. was also heard and indicated to Council his

support for the Minister's proposal for the formation of the Revitalization Committee. The vote was taken on the motion on the floor and it was defeated, with Ald. Ibsen voting in favour.

Ald. Valardo and Sarto then moved that the composition of the Revitalization Committee be as set out in the Minister's proposal, that is: the two Aldermen of the area; two representatives appointed by the Business Assn.; two businessmen at large, from within the area, to be appointed by City Council; two representatives to be appointed by the Downtown Dartmouth Residents Assn.; two residents within the area, to be appointed by Council. Further, that the Chairman would be appointed after consultation between the Mayor and the Minister of Development.

Ald. Crawford and Hawley moved in amendment that the two references to the phrase 'from within the area' be replaced with the words 'at large' (ie. two businessmen at large and two residents at large, rather than from within the area). There was debate on the amendment and whether or not it would serve the best interests of the downtown area and/or the total City to permit representation from outside the development area concerned. The amendment carried by a vote of 8 to 6 with Ald. Ibsen, Brennan, Hart, Williams, Valardo and Cunningham voting against.

Ald. Crawford and Fredericks introduced a second amendment to the effect that after their appointment, the Revitalization Committee convene, in conjunction with staff input, to bring in terms of reference, where applicable, constituting portions of each submission and their own findings. This amendment carried with Ald. Hart and Williams voting against. The amended motion carried by the same vote.

On motion of Ald. Valardo and Cunningham, Council adjourned to meet in Committee.

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

Present - Deputy Mayor Ibsen

Alderman Fredericks	Alderman Hawley
Alderman Williams	Alderman Cunningham
Alderman Sarto	Alderman Greenwood
Alderman Ritchie	Alderman Valardo
Alderman Crawford	Alderman Brennan
Alderman Hart	

City Administrator - C. A. Moir  
City Clerk-Treasurer - B. S. Smith  
City Comptroller - D. C. McBain  
Assistant to the City Administrator - Tom Rath

1979 FINANCIAL STATEMENT

Introductions of Gordon Thompson and John Maloney representing  
H. R. Doane were made.

Mr. Thompson was asked to give a brief summary of the 1979  
Financial Statement and he proceeded to do so. A general  
discussion took place as to numerous points in the Financial  
Statement.

Thanks were expressed to Gordon Thompson and John Maloney  
for being present to answer all questions regarding the  
Financial Statement. Thanks were also expressed to city  
staff for a job well done.

Alderman Valardo and Alderman Ritchie moved that the 1979  
Financial Statement be adopted as presented. Motion carried  
unanimously.

1979 ANNUAL REPORT  
INDUSTRIAL COMMISSION

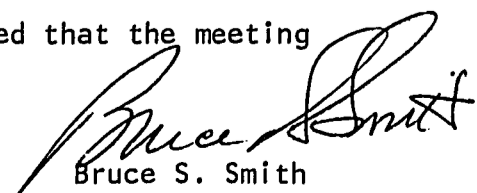
Mr. Steed and Mr. Rath came forward to present the 1979  
Annual Report - Industrial Commission.

Mr. Steed introduced a few members of the Industrial Commission:  
Liz Hanson, Kip Roberts, and Jim Meredith.

Mr. Steed then gave a brief summary of the 1979 Annual Report  
Industrial Commission. A general discussion took place as to  
numerous points in the Annual Report for the Industrial Commission.

Alderman Hart and Alderman Valardo moved that the 1979 Annual  
Report - Industrial Commission be adopted as presented.  
Alderman Crawford voted against this motion.

Alderman Hart and Alderman Valardo moved that the meeting  
adjourn.

  
Bruce S. Smith

Dartmouth, N. S.

September 16/80.

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

Present - Mayor Brownlow

Ald. Ibsen	Hawley
Williams	Cunningham
Withers	Valardo
Brennan	Crawford
Hart	Greenwood
Ritchie	Fredericks
City Solicitor, M. Moreash	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady	

Ald. Hart asked to have two items added to the agenda: (1) the awarding of a tender for Contract #80-10 and (2) the purchase of land at 371 Windmill Road. Council agreed to add these items.

REZONING REQUEST:  
ST. LAWRENCE CEMENT

This meeting of Council constituted the public hearing for a rezoning request to have lands on Windmill Road rezoned from C2/R4 to I-3 (Harbour Oriented Industrial), to permit the location of a cement distribution facility proposed by the St. Lawrence Cement Co. The Planning Dept. has recommended in favour of the application, subject to the various conditions set out in their report to Council of August 7th, and By-law C -412 has been prepared to accomplish the necessary amendment to By-law C-357. A voluntary public meeting was held on Sept. 10th and Council has received a report on the concerns expressed by citizens at that time. Other correspondence before Council included a letter from the M. L. A. who represents Dartmouth North, the Hon. Laird Stirling, and a letter from the N. S. Dept. of Environment (Mr. Trivett, Director of Environmental Assessment), stating that the department's preliminary technical assessment indicates that 'the environmental issues have been adequately addressed by the Company'. The letter notes that a full report on the project will go to the Minister once it has been finalized.

Council proceeded to give first and second reading to By-law C-412. It was moved by Ald. Ibsen and Valardo and carried that leave be given to introduce the said By-law C-412 and that it now be read a first time.

It was moved by Ald. Valardo and Ibsen that By-law C-412 be read a second time.

The other company whose property is involved in this rezoning application is Apex Developments Ltd. and they do not as yet have a proposal finalized for their land. With both properties being rezoned to I-3 Zone, it is expected that the land use that will be proposed for the Apex property would be compatible with that of the property under option by the St. Lawrence Cement Co.

A presentation was first made by representatives of the St. Lawrence Cement Co. The main points brought out in the presentation were:

- 1) that the facility to be established in Dartmouth would be a distribution terminal (and possibly a grinding mill in the future) and not a cement plant such as the company operates at Mississauga, Ontario.
- 2) clarification of the difference between the two substances, cement and concrete and the implications of this difference in terms of the Dartmouth operation.
- 3) that the three areas of concern to residents - dust pollution, noise, and additional traffic - will not cause the kind of problems they are anticipating. It is estimated that approx. eight trucks per day will be added to the traffic volume in the area as a result of the company's operation, and dust control mechanisms that will be implemented were explained with the aid of slides to show how this problem is handled by the company.

It was pointed out that people have located their homes in the vicinity of the Mississauga plant and they would not have wanted to do so if environmental problems existed in the area.

The company's Chief Engineer commented on the requirements imposed on the company by the Ministry of Environment for the Province of Ontario and the efforts that have been made to comply with these. He responded to questions that have been raised by Ald. Withers in a report he prepared since returning from a tour of the company's operation in Mississauga. Ald. Greenwood and Mr. L'Esperance also toured the Ontario plant to get a first-hand impression of it.

Council then heard Mr. Robert Cochrane of 255 Windmill Road, speaking on behalf of citizens opposed to the rezoning and to the location of the St. Lawrence proposal for the property under consideration. A petition signed by over 600 residents has been submitted in opposition to the terminal facility, and Mr. Cochrane elaborated further on the various reasons why there is so much concern about the proposed development. He said that residents are worried about a devaluation of their properties as a result of the proximity of the development to them, and felt they should expect to receive some degree of protection from potential problems with pollution, noise, heavy truck traffic, and the other drawbacks that go with an industrial development being situated adjacent to a residential neighbourhood. He wanted to see the company located in the City's industrial park where he said it should be, without adversely affecting homeowners.

Mr. Cochrane referred to the report presented by Ald. Withers following his tour of the Mississauga plant and stated that the information contained in the report had cast considerable doubt on the validity of statements made by the company representatives with respect to their compliance with environmental control requirements, etc. He questioned how residential assessments would be affected by the rezoning proposal for the property involved, and whether Council will give any consideration to a compensation for residents whose properties are likely to be devalued by dust emission problems and the negative impact of an industrial development in what is largely a residential section.

Another resident heard was Darlene Hetherington of Ward 4. One of her concerns was about truck traffic that will be placed on the streets in the ward if the St. Lawrence development is allowed to go ahead. She also questioned whether the company's operation would

continue during evening and night-time hours and if there is a guarantee from the company that a kiln will not be built in the future as part of the company's operation.

Other citizens heard were: Mr. Bruce Hetherington, Mr. Nicholas Simmonds, Mr. Ross Smith of 16 Albro Lake Road, Mr. Cliff Dorey of 215 Windmill Road, and Mr. John Keating, Chairman of the Tufts Cove NIP program and Chairman of the Tufts Cove Planning Assn. Mr. Smith and Mr. Keating took the position that it would be preferable to have the industrial development proposed by the St. Lawrence company rather than a major apartment complex, which could go on the property under its present zoning. Mr. L'Esperance indicated that the property would accommodate approx. 400 units, and Mr. Keating made the point that this kind of a project would generate considerably more traffic on Windmill Road and Albro Lake Road than the trucks that are expected to use these routes travelling to and from the cement operation. Concern was voiced, however, about the adjoining property and the land use that it will be put to; this point was later raised by members of Council as well and generally, there was an unwillingness to see the Apex property rezoned without first knowing what type of development is planned for it. It was considered to be a wrong approach to take, even though the two land holdings have been presented for rezoning together.

A resident from the Chichton Park area, Graham Spicer, also addressed Council. He spoke in favour of the St. Lawrence development and felt that the property they propose to locate on will be improved as a result of the landscaping they plan for the portion of land that fronts on Windmill Road; the long-range benefits of the company's operation should be taken into account in terms of the future labor market as well.

Mr. Aubrey Field of 8 Westbrook Ave., the owner of an apartment building in the north end, said he did not want to see his properties devalued by industrial sites located near them. The place for industrial



plants is in the industrial park, and the price to be paid by residents living in the area is not worth the tax dollars the City can expect to receive from the St. Lawrence operation.

Mr. Peter Mettam spoke on behalf of Apex Developments Ltd. He indicated his company's support for the cement terminal proposal, pointing out that it would be compatible with the land uses that are being considered for the Apex property. He noted that when Apex bought their property in 1976, it was zoned for industrial use, but was subsequently rezoned, along with the adjoining lands, without either of the owners being notified. He was in favour of a return to the original Industrial zoning on the properties and felt that harbour-oriented industries should be taking advantage of the potential that exists to use sections of the harbour front still available for development on the Dartmouth side of the harbour.

Ald. Hawley said he was not as concerned about the cement terminal operation as he was about the fact that Council does not know what kind of industry will be located on the adjacent Apex property. He suggested that a contract zoning arrangement would be preferable from the point of view that it would give the City considerable more control over the land use on the properties and would impose environmental requirements that would preclude the problems expected by the area residents. The Solicitor advised that a change to contract zoning for the properties would involve the same procedure followed in this present rezoning request, including a readvertising in the newspapers and another public hearing. It was also noted that since both properties have been included in this one application, they cannot be dealt with separately at this point in the proceedings (ie. one property cannot be separated out for contract zoning and the other left for industrial zoning).

Ald. Withers had a number of questions for the principals of the St. Lawrence company, relating to

their operations in other parts of Canada and subsidiary companies in the United States. He said that no guarantee has been received from the company that they would not be expanding their Dartmouth operation sometime in the future, no guarantee that this would be a distribution terminal facility only; a cement plant could be built on the site if the company so decided. He referred to the objections that area residents have raised to the rezoning, as evidenced in the petition received from them, and he went on to state his concerns about: (a) the type of development that could go on the adjacent Apex property; (b) the detrimental effect of an industry being situated close to a residential neighborhood; (c) pollution and traffic problems likely to be created by the St. Lawrence operation; (d) the fact that an industry is being encouraged to locate in an area outside our industrial park where land is available for them. He provided information on a survey he made while in Mississauga, among various residents living in the neighbourhood around the cement plant. He quoted several of the responses to his questions from the sampling taken, generally indicating a negative attitude toward the plant and such factors as noise and dust pollution from it.

Ald. Greenwood, who later made a similar report on his visit to the plant, did not express a similar point of view and indicated to Council his favourable impression of the plant operation and the controls that are being maintained to prevent noise and dust pollution. He said there is no problem with dust or noise, and in the case of residents he spoke with, they could not be certain whether the dust that it experienced from time to time comes from the cement plant itself or from a gypsum plant, also located in the area.

Ald. Greenwood said he had taken a poll of residents living in his ward, on various streets (approx. 97 people) and of those contacted, only two had stated their opposition to the proposed development. Their concerns were about the traffic situation rather than the terminal operation itself.

Ald. Greenwood presented copies of a number of certificates of approval that the St. Lawrence company has received from the Ministry of Environment for Ontario; he made these available to demonstrate the approval the company has received for various aspects of their plant operation in Mississauga.

Ald. Greenwood expressed his concern, however, about the type of development that could take place on the Apex property once it is rezoned for an industrial use, and said that perhaps it would be advisable to consider contract zoning for both properties. Ald. Brennan, Ritchie and Fredericks agreed that contract zoning would be preferable from the point of view of the additional control it would give the City, and Council generally favoured this approach as indicated throughout the debate on second reading. The members did not tend to oppose the St. Lawrence development proposal, but considered that it would be more acceptable if the company were to reapply for contract zoning and go through the necessary legal process to accomplish this. They were unwilling to approve Industrial zoning from the Apex property not knowing what is planned for the site in the way of development, and wanted to see the Apex company also make application for contract zoning to afford similar protective conditions that could be imposed as in the case of the St. Lawrence land holding. Ald. Hart suggested that the property under consideration by the St. Lawrence company is presently a blight on that particular section of the north end and any improvement to it would be an asset.

Ald. Valardo stated his opinion that the issue before Council has been poorly dealt with and that the petition circulated among the residents was misleading in all the points set out in it. He objected to the petition being initiated by an Alderman and said he took exception to interference on the part of a Provincial politician in what should be a City issue. He did not believe that properties in the area would be devalued by the St. Lawrence

development, but did favour the contract zoning type of approach rather than proceeding further with the request for Industrial zoning for the two properties.

Ald. Crawford suggested that before coming to any decision, Council wait for the full report to the Minister from the Dept. of Environment, as referred to in the letter from Mr. Trivett of this date. He said a copy of the report should be requested in any event.

Ald. Crawford said he was not so much concerned about the distribution terminal as he was about other industrial expansion that could take place on the site once the St. Lawrence company has been granted the Industrial zoning they are seeking. He welcomed the company to Dartmouth but not to that particular site; his position was that the company should be in the City's Industrial Park where there is adequate room for them. He asked if the Dartmouth facility would be the company's primary distribution point in the Maritimes and was advised by the company representative that it would be. He asked how many rail cars would be loaded per week; the answer he received was ten cars per week. He asked if the representatives could guarantee that<sup>a</sup>readi-mix operation will never go on their site; the company representative stated that there will not be any readimix operation and there will be no kiln on the property. The other point had to do with the hours of operation for the terminal, and Ald. Crawford was advised that they will be from 7:00 a.m. to 5:00 p.m.

Ald. Cunningham and several other members of Council spoke about the importance of industrializing harbour sections that are still available and making the maximum use of their potential for loading cargo by water.

The Mayor suggested that in view of the concensus in favour of contract zoning, Council could deal with the present rezoning application by deferring it and allowing time for the companies to submit a new application for processing by the Planning Dept. Ald. Valardo and Crawford therefore moved deferral for one week; the motion to defer carried.

SET DATE FOR PUBLIC  
HEARING

On motion of Ald. Ibsen and Valardo, Council set October 21st as the date for public hearing of a rezoning request for the property 91/93 Ochterloney Street, as recommended by Committee-of-the-Whole.

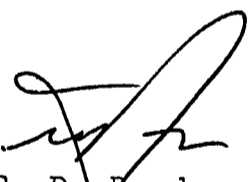
AWARD TENDER:  
CONTRACT #80-10

Tenders have been received as per the attached report for Contract #80-10 (Windmill Road improvements, Albro Lake Road to Fernhill Drive; Ferguson Road, Parkstone Road). Acceptance of the low tender, submitted by Ocean Contracting Ltd., in the amount of \$584,326.75,, has been recommended by Mr. Moir in his report to Council, and the tender was awarded as recommended, on motion of Ald. Hart and Ritchie.

PURCHASE OF LAND:  
371 WINDMILL RD.

A second report from Mr. Moir was also considered, dealing with negotiations that have been carried on for the property at 371 Windmill Road, required in order to proceed with the reconstruction of this street. A settlement price of \$27,000. has been negotiated with the owners, J.W.A. Enterprises Ltd. for the property, and Council approved the purchase at this figure, on motion of Ald. Hart and Fredericks.

The meeting then adjourned.

  
G. D. Brady,  
Deputy City Clerk.

Dartmouth, N. S.

September 23/80.

Regularly called meeting of City Council held this date following the Committee-of-the-Whole meeting at 7:30 p.m.

Present - Mayor Brownlow

Ald. Sarto	Ibsen
Williams	Cunningham
Crawford	Hawley
Ritchie	Fredericks
Hart	Greenwood
Valardo	Withers
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
City Clerk-Treasurer, B. Smith.	

REZONING APPLICATION:

ST. LAWRENCE CEMENT CO.

& APEX DEVELOPMENTS LTD.

At the September 16th Council meeting, a rezoning request was deferred in second reading to give the applicants an opportunity to decide whether or not they might wish to reapply for contract zoning, rather than proceeding with a zoning change to I-3, as originally proposed. In a further report to Council, Mr. L'Esperance has advised that the St. Lawrence Cement Co. has subsequently withdrawn their original request to rezone to I-3, and has reapplied for contract zoning to permit their development as previously proposed; no indication has been received at this time of the intentions of the other company involved in the original rezoning application, namely, Apex Developments Ltd.. The report to Council recommends that October 21st be set as the date for public hearing of the request to rezone to contract zoning. In the meantime, staff will prepare the necessary legal documents for presentation to Council.

The vote was first taken on the motion for second reading, still outstanding from the Sept. 16th meeting; the motion was defeated. Ald. Valardo and Sarto then moved that October 21st be set as the date for public hearing of the application from St. Lawrence Cement Co. for contract zoning. Ald. Crawford suggested that the covenants in the contract that will come before Council should cover the concerns expressed by residents during the previous public hearing. The motion was put and carried.

SECOND APPROVAL:  
OVER EXPENDITURE

On motion of Ald. Ibsen and Hart, Council gave second approval for an over-expenditure of \$1,176.79, required for the purchase of vehicles for the Works & Water Departments; first approval was given when the tenders for these vehicles were previously before Council.

SIDEWALKS:  
BELL STREET

On motion of Ald. Valardo and Williams, Council approved a recommendation from Committee in favour of a report from the T.M.G., recommending the installation of sidewalks on Bell Street and also a turning circle to be provided for vehicles at the end of Bell Street on the adjacent school property.

ROTARY CLUB  
BANDSHELL

Mr. Moir has submitted a report to Council on the bandshell project proposed by the Dartmouth Rotary Club at Sullivan's Pond, in a location to the north and east of the senior citizens housing complex. A quotation for the construction of the bandshell has been received from J. W. Lindsay Enterprises Ltd. and a copy of their letter, along with a letter from Mr. Jim McCarthy of the Rotary Club, has been circulated with Mr. Moir's report.

The City staff recommendation is that the project proceed on the following basis:

- 1) that the project proceed as outlined in the quotation from J. W. Lindsay Enterprises Ltd., with the deletion of Item 3 (substitution of plywood deck), and reverting to the use of tongue-and-groove decking as specified in the original drawings. This would add another \$549., making the total cost \$58,049.
- 2) the work not proceed until an application has been submitted and approved by the Provincial Recreation Dept. for a grant of \$25,000.
- 3) the City's contribution of \$8,049. be provided from the Municipal Incentive Grant fund.

Council adopted the recommendation as presented, subject to the above provisions, on motion of Ald. Valardo and Cunningham.

NO SMOKING:  
FERRY TERMINAL BLDG.

A report has come to Council from Mr. Moir on the subject of instituting a No Smoking restriction in the ferry terminal buildings. The recommendation is that Council approve the posting of No Smoking signs in both terminal buildings. This stipulation would not apply to

rented space in the Halifax terminal building, nor to the second and third floors in the Dartmouth ferry terminal building. Ald. Williams and Cunningham moved the adoption of the recommendation, but it was strongly opposed by Ald. Fredericks who questioned the policing arrangements and the fine structure that will be put in effect. He considered the restriction to be an infringement on the rights of people using the ferry system. When the vote was taken, the motion carried, with Ald. Fredericks voting against.

DISCONTINUATION  
OF SERVICE: CNR

Council next dealt with a report from Mr. Moir on the proposed discontinuation by the CNR of a portion of its Dartmouth subdivision rail service; the line proposed to be abandoned by the CNR runs from Eastern Passage to Upper Musquodoboit. Staff has recommended to Council that the line should not be discontinued and also, that the CNR should be requested to look at the possibility of reserving a corridor in the area of Meagher's Grant to Middle Musquodoboit through to the rail service in the Gays River area. Ald. Crawford and Sarto moved that Council communicate the position recommended to the Canadian Transport Commission. Ald. Fredericks said that staff should also take into consideration, the possibility of having this line upgraded and the section built between the main line to Truro, at Lantz, over to the Musquodoboit line. Further, the transportation of dangerous materials through the downtown section of the City should be taken into account as well. Mr. Moir advised that these points are recognized by staff and will not be overlooked in preparing the City's position. The motion on the floor carried.

PURCHASE: 32 KING ST.

Negotiations have been proceeding for several properties on King Street, and a settlement agreement has been reached with Mrs. M. Agnes Martin, who owns the property at 32 King Street. A negotiated purchase price of \$45,000. is being recommended to acquire her property, with application to be made to the Provincial Dept. of Development under the Mainstreet Program for cost-sharing in the acquisition of the property. The recommendation



was adopted on motion of Ald. Williams and Valardo. Ald. Hawley said he wished to go on record as expressing concern about a precedent we could be setting in this instance and that caution should not be overlooked.

RESTAURANT: FERRY  
TERMINAL

As directed by Council, staff have contacted the two interested parties who submitted proposals for the ferry terminal restaurant operation, to determine their further interest in the project. Pier Investments Ltd. has indicated that they are no longer interested, but Mr. Clarke is still interested in exploring with the City, the possibility of establishing a restaurant in accordance with the City's proposal call. It is therefore recommended by Mr. Moir that City staff be authorized to continue to negotiate with Mr. Clarke on the terms and conditions under which a restaurant could be established in the terminal building, with a draft agreement being submitted to City Council for consideration and approval.

Subsequently, a letter has been received from the Dartmouth Chamber of Commerce, indicating their interest in the terminal space & requesting deferral of the item to give them an opportunity to work on plans they are preparing for Council's consideration. Ald. Cunningham and Sarto moved deferral as requested by the Chamber, but Ald. Crawford and Hawley tended to feel that Council has an obligation to continue dealing with Mr. Clarke as one of the two proposals originally received in response to our proposal call. Ald. Fredericks said he would prefer to see the Chamber get involved in the library/cultural centre that is under discussion, rather than in the terminal building.

The Mayor commented on the presentation the Chamber has in progress and the fact that they were under the impression it would be in order to proceed with such a presentation, following the July 29th Council meeting when this item was last considered. It was at that time that staff received Council's direction to first determine what interest Pier <sup>Four</sup> Investments Ltd. and Mr. Clarke still had in

the project.

Council heard Mr. Mettam on behalf of the Chamber. He said the Chamber's interest and involvement dates back to the original tender call when inquiries were made as to whether the range of proposals could be wider than just a family type of restaurant facility. Subsequently, when proposals received by the City did not appear to comply with what is wanted in the way of a restaurant for the terminal, the Chamber went ahead with plans for a good calibre restaurant that would be acceptable and meet with the specified requirements.

As the debate on the motion continued, the concensus of opinion was that at this stage, Mr. Clarke has to be given consideration as the one remaining bidder from the original proposal call; in the event that he does not wish to proceed, consideration could be given to the plans being prepared by the Chamber. When the vote was taken on the motion to defer, it was defeated.

Ald. Fredericks and Hawley then moved the adoption of Mr. Moir's report and recommendation. An amendment introduced by Ald. Valardo and Sarto, setting November 4th as the deadline for bringing in a finalized draft agreement, was adopted, and the amended motion carried.

TAX AGREEMENT:  
SIVACO

Council has received a report from Mr. Moir on the subject of the City's tax agreement with Sivaco Maritimes Ltd., and the way in which the agreement was affected by Provincial changes in the Assessment Act. Amendments to the Act did away with personal property assessment and made provision for an occupancy assessment and an assessment on manufacturing equipment. In an attempt to resolve the legal difficulties created by these amendments, in relation to the City's agreement with Sivaco, Mr. Moir has put forward a recommendation for Council's consideration. It is, that with the approval of the Ministers of Municipal Affairs and Development as required in our legislation, Council authorize the entering into of an agreement to provide for Sivaco's assessment to be 100% of real property assessment, full

assessment on machinery, and to provide that the business occupancy assessment be set at 25% of the real property value.

Ald. Fredericks questioned the City's legal obligation in this situation. The Solicitor said that technically speaking, we do not have a legal obligation, since the City was put in its present position by changes in the Assessment Act that were made by the Province. It was pointed out, however, that a tax concession agreement was negotiated and approved by a previous Council and that agreement does not run out until 1982. The Solicitor quoted from Council minutes of Feb. 9/72, when action was taken by Council to authorize the agreement on the City's behalf for a ten-year period.

Ald. Ibsen and Sarto moved the adoption of Mr. Moir's report and recommendation. Council then heard Mr. MacInnis, Solicitor representing Sivaco, with his presentation of the company's position. They are seeking an agreement that would provide for Sivaco to be assessed at 100% of its real property assessment, and an assessment of 25% of the real property value to replace the business occupancy assessment and the assessment on manufacturing equipment. The difference to the City between the company's settlement proposal and that of Mr. Moir, is approx. \$40,000. Mr. MacInnis said that in the company's opinion, the recommendation to Council does not reflect the intent of the agreement negotiated in 1972. He said the company has been paying their taxes to the City on a regular basis and they are just looking for the fulfillment of the agreement that existed between the company and the City before it was affected by the Assessment Act changes. He noted that Sivaco has paid in excess of \$312,000. to the City in taxes since 1972.

There was considerable debate on the motion and the City's responsibility in terms of the agreement originally signed with the company. Several members referred to the moral obligation that Council has to uphold the original concessions made to the company and the maintaining of

a credibility with this and other businesses locating in Dartmouth. When the vote was taken on the motion, it was defeated with Ald. Hart, Ibsen, Ritchie, Fredericks and Sarto voting in favour.

Ald. Crawford and Cunningham moved that the commitment made to the company in 1972 be honored and that the necessary by-law be drafted to accomplish this. The motion carried. Ald. Fredericks later indicated his wish to give notice of reconsideration, but he did not receive a seconder.

(Prior to the previous item, Council had agreed to continue meeting until all of Mr. Moir's reports were dealt with, on motion of Ald. Hart and Ibsen. Council continued to meet until 12:45 a.m. to complete these items.)

LAKE MAJOR DAM:  
TENDER FOR REPAIRS

Tenders have been invited from the three following companies for repairs that are required at the Lake Major dam:

Stanley Reid Construction Co. Ltd.	\$78,629.65
Harbour Construction Co. Ltd.	83,798.00
W. Eric Whebby Ltd.	85,140.00

Due to a misinterpretation in the bidding procedure, the firm of Stanley Reid Construction Co. has submitted a revised bid in the amount of \$68,838.80, and acceptance of the revised tender is being recommended. Also, it is recommended that the work not be postponed over another winter, but carried out promptly while the lake level is still low. Funds for the project will come from the Water Utility budget. Ald. Hart and Valardo moved the adoption of Mr. Moir's recommendations, awarding the tender to Stanley Reid Construction Co. Ltd. and authorizing the work to proceed. Questions concerning the revised tender figure were answered by Mr. Purdy, after which the vote was taken and the motion carried.

CONTRACT #80-11:  
LIGHTS AT WINDMILL  
RD. WYSE ROAD

Tenders have been received as follows for traffic lights at the intersection of Windmill Road and Wyse Road:

Black & MacDonald Ltd.	\$53,494.00
Magna Electric & Computers Ltd	66,000.00
Portland Electrics Ltd.	67,168.00

Acceptance of the low bid, submitted by Black &

MacDonald Ltd., is recommended and Council adopted the recommendation, on motion of Ald. Valardo and Sarto.

Council then adjourned to meet in camera for one additional item of business, on motion of Ald. Hart and Valardo. After reconvening in open meeting, Council ratified the action taken in camera (Executive Director, Downtown Dartmouth Cor.) on motion of Ald. Valardo and Sarto.

Meeting adjourned.



Bruce Smith,  
City Clerk-Treasurer.