

Dartmouth, N. S.

July 7/81.

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

Present - Deputy Mayor Brennan

Ald. Williams	Cunningham
Withers	Valardo
Ibsen	Crawford
Hart	Greenwood
Ritchie	Fredericks
Hawley	Greenough
City Solicitor, M. Moreash	
Asst. to City Administrator, T. Rath	
Deputy City Clerk. G. D. Brady	

A number of items were added to the agenda at the
beginning of the meeting; these included:

- (a) Water Rates Study report.
- (b) By-law C-432 (use of City lands).
- (c) Negotiations, NSUPE (in camera).
- (d) Expropriation resolutions, Pleasant St. (in camera).
- (e) Resolution #81-25 (in camera).

MINUTES

On motion of Ald. Ibsen and Ritchie, Council approved
the minutes of meetings held on May 26, June 2, June 16,
June 23, June 26 (12:00 p.m., 7:00 p.m., and 11:15 p.m.).

CONSIDERATION:
TERMS OF REFERENCE
DOWNTOWN COMMITTEE

At the June 16th meeting of Council, Ald. Valardo
gave notice of reconsideration in connection with a decision
taken by Council to approve the addition of a new section
to the terms of reference approved some time ago for the
Downtown Revitalization Committee, calling for the Chairman
of the Committee to be appointed by the Mayor and the Minister
of Development, as originally proposed at the inception of
the Committee. He now gave his reasons for wanting to see
this decision reconsidered, in light of the fact that all
of Council's other committees and commissions follow the
procedure of selecting their own chairmen from their member-
ship, and he did not feel that an exception should be made
in the case of this one particular committee. He therefore
moved that Council's decision of June 16th, to permit the
addition of the new Section G to the terms of reference,
be reconsidered. The motion to reconsider was seconded by
Ald. Hart and it carried with Ald. Crawford, Fredericks,
Withers and Ritchie voting against.

In debating the motion again, many similar points
were made about the deviation from the regular procedures

in the appointment of chairmen for the other committees that serve in an advisory capacity to Council and the fact that these committees and their members are answerable to City Council and not to the Province. Members who supported the motion maintained that a major issue should not be made over the appointment question, and that a controversy should not have been created over such a minor point. They were willing to stand by Council's original decision to add the new Section G to the terms of reference for the Downtown Committee, as the Committee has requested.

It was noted by the Deputy Mayor that provision for Mr. Creighton's appointment to the Committee would have to be made if the new Section G were not to be approved, since his appointment was originally made outside the existing composition of the Committee, as called for in the terms of reference. Ald. Ibsen suggested that some clarification is needed from the Solicitor on this point and he moved referral to the Solicitor for a report on the status of the appointment of Mr. Creighton and how his appointment would be affected by the deletion of the new Section G being proposed. The motion to refer was seconded by Ald. Crawford, but it was defeated. The vote was then taken on the original motion under reconsideration and it was also defeated with Ald. Ritchie, Withers, Fredericks and Crawford voting in favour.

Council wished to make provision for Mr. Creighton's appointment as a Committee member and adopted a motion introduced by Ald. Hart and Valardo, to amend section (e) under the Composition section of the terms of reference to read 'three' citizen-at-large appointments instead of 'two' (thereby providing for Mr. Creighton's appointment under this section). The motion to approve the amendment carried.

Ald. Williams and Ritchie attempted to have the Trizec rezoning item moved up for consideration at this point in the meeting, but their motion did not receive the necessary two-thirds majority required to deviate from the regular Council agenda. Council therefore proceeded to the next regular item.

WATER RATE STUDY

On motion of Ald. Ibsen and Valardo, Council referred to Committee, a report from Mr. Moir on the subject of a proposed water rate study, for further consideration.

MOTION: Moved by Ald. Ibsen and Valardo that a report from Mr. Moir on the subject of a proposed water rate study, be referred to Committee for further consideration.

-LAW C-432

Proposed By-law C-432, that would control the use of City-owned lands (parks, playgrounds, etc.) after the hour of 10:00 p.m., has been prepared in response to requests from several Aldermen for regulations to overcome problems with the evening and night-time use of such areas in several sections of the City. Mr. Rath commented on the intent of the by-law, explaining how it will be enforced in a discretionary way where regulation is considered to be required and in parks and playground areas where there is a continuing problem with late-night noise, drinking, etc.

It was moved by Ald. Hart and Valardo and carried that leave be given to introduce the said By-law C-432 and that it now be read a first time.

It was moved by Ald. Hart and Ibsen that By-law C-432 be read a second time.

Ald. Ibsen felt that there are some problems with this kind of general control which is basically applicable to all recreational areas in the City. Mr. Rath went on to explain further how the discretion of staff will be exercised, in conjunction with advice from the members of Council, in posting those parks and playgrounds considered to be recurring trouble spots. He said it is not intended to prevent people from using these City-owned lands, but only to make control measures possible when and where they are required for the protection of citizens living near to them. Ald. Fredericks also had a number of questions about the implications of such regulations on special occasions such as Natal Day, when many people would be at Birch Cove and in other City park areas after the 10:00 p.m. closing hour for them. He wanted more specific information on what

park areas are going to be posted and on whose authority.

Other than the two members noted, Council generally favoured the by-law as a means to counteract some of the situations that residents are complaining about, particularly in the Birch Cove and Northbrook sections of the City. The motion for second reading carried, but unanimous consent was not given by Council for third reading of the by-law.

MOTIONS: First & second readings given to By-law C-432.

ENERGY CONSERVATION

On motion of Ald. Ritchie and Ibsen, Council received and filed a report on Energy Conservation, as recommended from Committee.

MOTION: Moved by Ald. Ritchie & Ibsen that a report on Energy Conservation be received and filed.

REGIONAL PLAN REVIEW

On motion of Ald. Crawford and Ritchie, Council received and filed a report entitled Halifax/Dartmouth Regional Plan Review, as recommended from Committee.

MOTION: Moved by Ald. Crawford and Ritchie that a report on the Halifax-Dartmouth Regional Plan review be received and filed.

MONTHLY REPORTS

Monthly reports recommended from Committee were approved as follows:

- 1) Development Officer (May) : adopted on motion of Ald. Valardo and Ibsen.
- 2) Building Inspector (May) : adopted on motion of Ald. Valardo and Hart.
- 3) Minimum Standards (May) : adopted on motion of Ald. Ritchie and Valardo.
- 4) Fire Chief (May) : adopted on motion of Ald. Ritchie and Ibsen.
- 5) Social Services (May): adopted on motion of Ald. Valardo and Ritchie.
- 6) Ferry Supt. (May): adopted on motion of Ald. Ritchie and Valardo.

MOTIONS: To adopt the monthly reports for May, as recommended from Committee.

WARD TENDER:
CONTRACT #81-08

Tenders have been received as follows for Contract #81-08, Shawinigan Road and Farquharson Streets:

	<u>Asphalt</u>	<u>Concrete</u>
Steed & Evans Ltd.	\$117,760.00	
Municipal Spraying & Contracting Ltd.	131,545.00	\$248,045.00
Ocean Contractors Ltd.	137,555.50	
Fred Smithers Concrete Contracting Ltd.		158,350.00
Armdale Construction Ltd.	219,311.00	339,001.00

Acceptance of the low bid, submitted by Steed & Evans Ltd., in the amount of \$117,760., has been recommended and it was moved by Ald. Ritchie and Valardo that the tender be awarded as recommended. Ald. Crawford asked if it would not be worth considering the low tender for concrete paving instead, since there is only a \$40,000. difference between it and the Steed & Evans bid for asphalt. Mr. Fougere explained why concrete has not been recommended, and Ald. Crawford said it might be worthwhile for members of Council to have an information session with people involved in companies that do concrete work so that future tenders could be evaluated accordingly. The motion on the floor carried.

DOG BY-LAW C-420

A report was before Council from the City Solicitor on the changes that have been made in the Dog By-law (C-420) when it was forwarded to the office of the Minister of Municipal Affairs. Council has been asked to approve Resolution #81-21, incorporating those amendments, so that the by-law can be put into effect. Ald. Valardo and Greenough moved the adoption of Resolution #81-21, a copy of which is attached.

Ald. Williams and Fredericks had concerns about the changes made in the by-law and felt that it has been weakened and rendered less effective for the City's use as a result of the amendments made to it by the Minister's office. Other members tended to agree that the amendments require further consideration with the Solicitor and perhaps a follow-up approach to the Minister, in an attempt to have the by-law reinstated more in line with its original presentation. Ald. Fredericks and Crawford therefore moved that the items detailed in the report to Council be referred to Committee for discussion with the Solicitor to determine what approach could be taken to have the amendments altered and/or discussed further with the Minister along these lines. Mr. Moreash was asked to comment on the intent of the amendment in relation to the main resolution, and suggested that the amendments incorporated in the resolution not be passed if Council intends to pursue them further with the Minister. When

the vote was taken on the amendment, it carried. The amended motion carried with Ald. Ibsen and Hart voting against.

MOTION: Moved by Ald. Valardo and Greenough that Resolution #81-21 be adopted.

AMENDMENT: Moved by Ald. Fredericks and Crawford that the items in the Solicitor's report of June 17th be referred to Committee for discussion with the Solicitor, to determine what approach could be taken to have the amendments altered and/or discussed further with the Minister.

HOUSING INVENTORY

On motion of Ald. Greenough and Cunningham, a Housing Inventory report from the Planning Director's office, dated July 2nd, was referred to the Planning Committee for further discussion.

MOTION: Moved by Ald. Greenough and Cunningham that a Housing Inventory report from the Planning Director be referred to the Planning Committee for further discussion.

REZONING APPLICATION:
TRIZEC EQUITIES

A request has been received from Trizec Equities to proceed with third reading of a rezoning request involving property deeded to them through a land exchange with the City, on Nantucket Ave. At the public hearing of this application on March 17/81, the item was referred in second reading to the school administration staff and the planning staff for input, in view of the strategic location of the land concerned as part of the Dartmouth Commons and its close proximity to Dartmouth High School. The school administration staff have completed their review and have concluded ! . . . that it is very difficult to comment specifically, not knowing what the future development may be'. In his report to Council, Mr. L'Esperance has indicated the position of the Planning Dept. that 'this rezoning request, if granted, will not jeopardize future developments' and in conclusion, suggest '. . . that the rezoning request be granted, and, when a development proposal is received, we will work closely with the school administration staff in an effort to minimize incompatibility'.

Council agreed to hear Mrs. Marilyn Worth, the Chairman of the School Board, who explained that the Board has not taken a position on this issue, in order to permit the

members of Council on the Board to have an opportunity to discuss and vote on the application without any conflict of interest. She said this did not mean that the Board is not interested or concerned, but only from a legal point of view, that it is considered advisable not to take any position either for or against the rezoning.

Council also heard Mr. Donald Chard of 85 Newcastle Street, who spoke in favour of retaining the Commons as public open space to whatever extent it is possible to do so. He suggested that Council should defer the proposed rezoning until staff can study the implications of expropriation of the land in question.

Ald. Williams and Hart then proceeded to move referral back to staff to discuss further with the Trizec people a possible land swap and possible expropriation of the land. Ald. Ibsen asked about the legality of a further referral and associated delay in proceeding with the application. The Solicitor pointed out that Council is not under any time constraint in dealing with the application, but may not delay it unreasonably or for any improper purpose. The general response to the motion to refer was negative, with the majority of members wanting to deal with the application and have it resolved at this meeting, one way or the other. During this period of debate, Mr. L'Esperance indicated to Council that attempts have been made to negotiate a land exchange with Trizec but the company is not interested in acquiring any lands in the Industrial Park. The price discussed for their property on Nantucket is in the area of one million dollars and members of Council considered this to be prohibitive from the point of view of the City trying to acquire the land outright or through expropriation.

Mr. Eugene Matattall spoke on behalf of Trizec, explaining the original negotiations which transpired in completing the land exchange with the City, for which deeds have been received by both parties. The basic premise at that time, was that the land would be rezoned in accordance

with the negotiations carried on, but inadvertently, third reading was never given to the by-law that would have accomplished the rezoning from Park to C-2/R-4, the change being sought by the company. Mr. Matattall said that the company has no specific plans or development proposal for the land at the present time, but would like to have the rezoning issue resolved since it has now been outstanding for a long period of time. Ald. Valardo asked if the company would be willing to accept contract zoning for this piece of land, but Mr. Matattall was unable to give a definite answer to this question without some further discussions with the Trizec people.

(Mayor Brownlow took the chair at this point in the meeting and Deputy Mayor Brennan was then able to participate in the debate as a member of Council. Members unable to vote or to take part in the debate, as a result of not being present for the original public hearing on March 17th, were Ald. Ritchie, Withers, Cunningham and Hawley.)

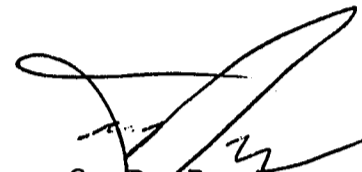
When the vote was taken on the motion to refer, it was defeated. Debate then resumed on second reading, this motion being outstanding from the March 17th meeting when the rezoning was referred to staff. Basically, the members wanted to see the Commons lands protected and wanted to insure protection as well from any infringement on Dartmouth High School with a type of development that might be incompatible with that educational institution. Ald. Brennan said it would be in order to encourage the company to submit a development proposal that Council could consider, particularly if there was an indication that the company would agree to contract zoning for the parcel of land under discussion. Ald. Valardo felt that there is a moral issue involved since Trizec were under the impression their land would be rezoned in conjunction with the land exchange negotiated with the City. Other members tended to feel that this Council cannot be responsible for action taken by a previous Council,

although it was recognized that Trizec have been good developers in the metropolitan area and there was sympathy for their position in this issue. At the conclusion of the debate, the vote was taken on second reading and it was defeated with Ald. Valardo voting in favour.

Council adjourned to meet in camera, on motion of Ald. Crawford, seconded by Ald. Valardo.

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

Meeting adjourned.



G. D. Brady,
Deputy City Clerk.

City Council, July 7/81.

ITEMS:

- 1) Reconsideration, terms of reference for
Downtown Committee, pages 1 & 2.
 - 2) Water rate study, page 3.
 - 3) By-law C-432, page 3.
 - 4) Energy conservation, page 4.
 - 5) Regional Plan review, page 4.
 - 6) Monthly reports, page 4.
 - 7) Award tender, Contract #80-18, page 4.
 - 8) Dog By-law C-420, page 5.
 - 9) Housing Inventory, page 6.
 - 10) Rezoning application, page 6 to 9 incl.
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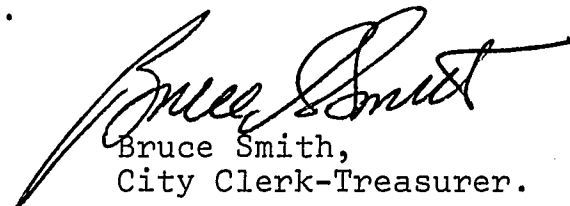
Park, and that the Department approach DREE for funding also.

FINANCIAL
STATEMENT 1980

The members of Council have received copies of the City's audited Financial Statement for 1980, and Mr. Gordon Thomson and Mr. John Mallowney were present from H.R. Doane & Co. to make the official presentation of the Statement. Mr. Thomson gave an overview of the various sections and was then available to respond to questions from the members about the City's current financial situation, as reflected in the 1980 Statement. Mr. Thomson indicated that basically, the City is in a good position financially. He commented on the wisdom of building up the surplus reserve fund in order to maximize the potential of this source of revenue from the additional interest derived, and suggested that a management program for the City's finances would be worthwhile in this connection. In general, the comments of the auditors and of the members of Council were favourable with regard to the financial picture presented in the 1980 Statement and at the conclusion of the discussion and question period, it was approved by Council, on motion of Ald. Valardo and Ritchie.

MOTION: Moved by Ald. Valardo and Ritchie that the 1980 Financial Statement be approved by Council.

There being no further items of business for this agenda, the meeting adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council, July 8/81:

ITEMS:

- 1) Annual Report, Ind. Commission, page 1.
- 2) 1980 Financial Statement, page 2.

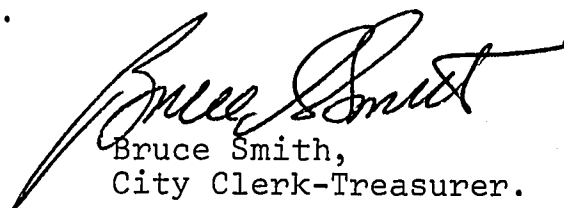
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MOTION: Moved by Ald. Valardo and Ritchie that the 1980 Financial Statement be approved by Council.

There being no further items of business for this agenda, the meeting adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council, July 8/81:

ITEMS:

- 1) Annual Report, Ind. Commission, page 1.
- 2) 1980 Financial Statement, page 2.

Dartmouth, N. S.

July 14/81.

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

Present - Mayor Brownlow

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

Council met to complete the remainder of the agenda for the July 7th meeting and to meet in Committee.

GRANTS COMMITTEE
RECOMMENDATIONS

The Grants Committee recommendations for 1981, totalling \$241,000., were before Council, together with the minutes of meetings held to hear from the various organizations that have made application for assistance. In the accompanying report, it has been noted that a number of the agencies are cost-shareable with the Province and in these cases, application will be made for cost-sharing. Ald. Williams and Valardo moved the adoption of the report from the Committee and the list of grants being recommended.

The Chairman of the Committee, Ald. Ibsen, and Mr. MacNeil, Director of Social Services, responded to questions from Ald. Crawford, Ald. Cunningham, and Ald. Ritchie, about several individual organizations and the amounts (or lack of funding) that has been recommended in each case by the Committee. Ald. Brennan asked for a comparison of this year's allocation and the cost-sharing figure with those figures for 1980; this information to be provided. The Mayor advised that he has been contacted by the Canadian Paraplegic Assn. about a grant for 1981, but it was noted by Ald. Ibsen that no application from this organization came before the Committee and therefore no allocation has been recommended.

At the conclusion of the question and discussion period, the vote was taken on the motion and it carried without any amendments having been introduced to alter the recommendations of the Committee.

MOTION: Moved by Ald. Williams and Valardo that the recommendations of the Grants Committee for 1981 be adopted as presented.

CAPITAL FUNDS:
CANAL LANDS

Council has been asked to consider the following motion from the Shubenacadie Canal Commission:

Council is requested to set up a capital fund to acquire lands in the Shubenacadie Canal area as outlined in the Recreation Master Plan, and further, to approach the Nova Scotia Government Dept. of Lands & Forests for funds to assist in the acquisition of these properties, and that the capital fund be an ongoing fund from year to year and that the City make a more determined effort to purchase lands in the Shubenacadie Canal area.

Ald. Brennan and Hart moved the approval of the request from the Commission, but Ald. Greenough said he could not agree with the motion to establish a capital fund for land acquisition when there are already areas of unserviced land and City land that remains undeveloped through a lack of funds to proceed with these projects. Ald. Crawford and Valardo also opposed the motion, while Ald. Brennan and Hart spoke in favour of it, pointing out that the intent is for the City to initiate the setting up of a capital fund to which the Province and ultimately, the Federal Government could be expected to contribute. Ald. Brennan noted that there is a substantial interest on the part of the Province in the Canal project, but the first initiative must come from the City, even though we are not committing any dollars to a fund at this time. Ald. Crawford's position was that we are not fully aware of the Federal interest in the Canal up to this point and the outcome of the ARC study has not even been released to date. His other comments pertained to the land ownership question and negotiations that Mr. Mossman has in progress for sale of his lands to the Province.

Ald. Cunningham felt that clarification is needed from the Commission about the intent of their motion and the extent of any capital contribution the City would be required to make in setting up a fund. He therefore moved referral back to the Commission for a further explanation of the intent of the motion, so that Council can make a decision based on a better understanding of it. The motion

to refer was seconded by Ald. Withers and it carried with Ald. Brennan and Hawley voting against.

MOTION: Moved by Ald. Cunningham and Withers that the motion from the Canal Commission be referred back to them for further clarification of the intent with respect to setting up a capital fund and the contribution that the City would be asked to make to such a fund.

CANAL AS
AN HISTORIC SITE

The Shubenacadie Canal Commission has made a second request to Council in the following motion:

City Council is requested to apply to the Nova Scotia Museum to have the Shubenacadie Canal declared an historic site, from Dartmouth to Minas Basin, as outlined in the Provincial Government's Special Places Protection Act, Statutes of Nova Scotia 1980, Chapter 17 Section 7.1.

It was moved by Ald. Brennan and Hart that the request from the Commission be approved by Council.. As in the case of the previous motion from the Commission, Council wished to support the efforts to preserve the Canal, but the main point at issue in this particular debate concerned the position in which land owners adjacent to the Canal are placed once the Canal is protected under the status of an historic site. Ald. Greenough said it amounts to expropriation of their land without compensation, but the Solicitor quoted from the relevant section of the statutes and indicated that the effect would be one of a down-grading in zoning and not an expropriation without compensation as suggested.

Ald. Crawford said that Council should be more fully informed about the Special Places Protection Act, under which it is proposed that the Canal be declared as an historic site, and other members also were unwilling to support the request from the Commission without knowing completely what the implications would be for land owners living along the Canal, how far back the historic designation would encompass in land area from the edge of the Canal, and so on. Ald. Valardo and Crawford therefore moved referral back to the Commission and to the Solicitor for further clarification of the terms of Bill 68 and the ramifications of having the Canal designated as an historic site for

property owners living along the Canal.

Ald. Cunningham, Hart and Brennan spoke against the motion to refer and were willing to support the request from the Commission on the basis that members of the Commission would have addressed the concerns raised by Council before making a request to have the Canal designated under the Special Places Protection Act. Ald. Brennan said that some trust has to be placed in the Commission's judgment in the same way that recommendations are accepted by Council from other committees and boards. When the vote was taken on the motion to refer, it carried with Ald. Hart, Hawley, Ritchie and Brennan voting against.

Ald. Crawford requested that members of Council be provided with copies of the relevant legislation when the report comes back from the Solicitor's office.

MOTION: Moved by Ald. Valardo and Crawford that the motion from the Canal Commission on the designation of the Canal as an historic site, be referred back to the Commission and to the Solicitor for further clarification of the terms of Bill 68 and the ramifications of having the Canal so designated for those property owners living along the Canal.

PROGRESS REPORT:
CANAL COMMISSION

On motion of Ald. Williams and Crawford, Council received and filed a report from the Chairman of the Shubenacadie Canal Commission on the work of the Commission since last fall, as outlined in the report.

MOTION: Moved by Ald. Williams and Crawford that Council receive and file a report on the work of the Canal Commission, as submitted by the Chairman, Ald. Fredericks.

REPAIRS:
CANAL LOCKS

The Shubenacadie Canal Commission has considered the deterioration that has occurred in one of the locks in the Canal and has requested that Council instruct the Engineering Dept. to estimate the cost of repairs and to solicit funds for repairs from the Provincial Government's various departments and programs for these repairs, and so proceed to do them. Ald. Ibsen and Ritchie moved the approval of the Commission's request.

Mr. Moir and the City Engineer commented on the extent on the work that is required because of the deterioration of the lock concerned. Members of Council

were willing to have the work proceed, but only if funding can be secured through the Provincial sources referred to in the motion. It was moved in amendment by Ald. Valardo and Withers that the work on the lock proceed only if the necessary funds can be secured through Provincial programs and sources. The amendment carried and the amended motion carried.

MOTION: Moved by Ald. Ibsen and Ritchie that Council approve the request from the Canal Commission that the Engineering Dept. be instructed to estimate the cost of repairs to one of the locks in the Shubenacadie Canal, and to solicit funds for repairs from the Provincial Government.

AMENDMENT: Moved by Ald. Valardo and Withers what the work on the lock proceed only if the necessary funds can be secured through Provincial programs and sources.

PROGRESS REPORT:
LIBRARY/CULTURAL
COMMITTEE

On motion of Ald. Valardo and Withers, Council received and filed, a report from Ald. Fredericks, Chairman of the Library/Cultural Committee, on the decision of the Committee to move ahead with the identification of one or two sites in the downtown area for a Library/Cultural Centre, and to proceed with possible ways of raising funds for this project.

MOTION: Moved by Ald. Valardo and Withers that Council receive and file a report from the Chairman of the Library/Cultural Committee on the decision to move ahead with further planning for a site for combined library and cultural centre, and to proceed with possible ways of raising funds for this project.

FERRY SERVICE:
NATAL DAY

Council considered a recommendation from the Natal Day Committee that free ferry rides be discontinued on Natal Day this year. Ald. Williams and Greenough moved the adoption of the recommendation, but it was opposed by Ald. Brennan, Greenwood and Hart, who felt that a free ferry service on Natal Day promotes both the service itself and the Natal Day activities. Other members of Council indicated their support for the motion and when the vote was taken, it carried (Ald. Cunningham, Greenwood, Hart and Brennan voting against).

MOTION: Moved by Ald. Williams and Greenough that free ferry rides be discontinued on Natal Day this year, as recommended by the Natal Day Committee.

AWARD TENDER:
CONTRACT #81-09

Tenders have been received as follows for Contract #81-09, construction of curb & gutter & paving on Digby Cres., Lea Street, Rodney Road and Shirley Street:

Ocean Contractors Ltd.	\$175,898.75
Steed & Evans Ltd.	184,600.00

Acceptance of the low bid from Ocean Contractors Ltd. has been recommended by Mr. Fougere, in concurrence with Mr. Moir, and the tender was awarded as recommended, on motion of Ald. Brennan and Hart.

MOTION: Moved by Ald. Brennan and Hart that the low bid from Ocean Contractors Ltd., for Contract #81-09 be accepted as recommended.

Ald. Valardo asked if By-law C-432 could not have been included in this agenda for third reading. The Mayor pointed out that the by-law did not receive unanimous consent at the July 7th meeting and this is, in fact, a continuation of the July 7th agenda. It is therefore not possible to proceed with third reading at what is a continuation of the July 7th meeting. Ald. Valardo asked to have the by-law included in the July 21st agenda for third reading.

MOTIONS: DEFERRED

Motions for which notice was given at the June 16th meeting of Council, were deferred to the first August meeting: motions outstanding are those of Ald. Hart, Ald. Williams and Ald. Crawford.

NOTICES OF MOTION:
ALD. WILLIAMS

In addition, notice of motion was given by Ald. Williams for the same August meeting:

Ald. Williams: that Council endorse the fact and so advise the Natal Day Committee, that Natal Day in 1982 will be one day only in duration.

INQUIRIES:
ALD. IBSEN

Ald. Ibsen asked what is being done by the City during the Year of the Disabled, and asked if any further attention has been given to the project he suggested at a previous meeting, that is, a walkway from the street to the YM/YWCA in Dartmouth to facilitate the movement of people in wheelchairs.

ALD. BRENNAN

Ald. Brennan asked why the City has constructed a lift station for sewage outside the Ferry Terminal building; Mr. Fougere said this was done to eliminate an outfall at that location.

ALD. WILLIAMS

Ald. Williams questioned the delay in securing an injunction to prevent picketing at the MTC garage in Dartmouth and asked where the Chairman of MTC and the General Manager were on Monday morning when the picket lines were up at the garage. Ald. Hart responded to the inquiry, but said she did not know if Mr. McKim was on leave at the time or not. Ald. Williams requested further information as to why Mr. McKim was out of the City at the time.

ALD. GREENWOOD

Ald. Greenwood asked that the Metropolitan Authority give consideration to opening up the approach road for trucks at the transfer station, to cars wishing to get in to the facility, rather than confining the cars to the congested roadway they are now using.

Ald. Greenwood's second question was about a property where approx. fifty or sixty old cars are situated, and what action can be taken to have them removed. Mr. Moir suggested that action be taken under the Unsightly Premises By-law.

ALD. CRAWFORD

Inquiries made by Ald. Crawford:

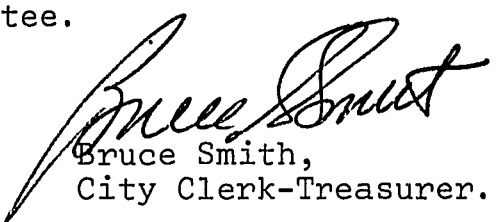
- 1) what is the status of the City property that is being sold to Mr. Pothier on Portland Street. The Solicitor advised that approval for the sale has been received from the Minister and the terms of the agreement can now be finalized between the Solicitor's office and Mr. Pothier's lawyer.
- 2) asked about the steps that have been taken to insure there is no further picketing of the transit garage. Ald. Hart advised that an emergency injunction has been obtained and as of Thursday, there will be a permanent injunction to prevent any recurrence of the Monday situation. Also, consideration is being given to legal procedures against the union people involved for damages to MTC.
- 3) asked if an injunction can be secured to prevent any picketing that would block off the bridge approaches. The Solicitor noted that until something has actually occurred, it is not possible to get an injunction.
- 4) asked the City Engineer to look at the Chandler property on Rose Street to see if a concrete abutment could be put in place to prevent trucks from backing onto the property.

- 5) asked about a zoning violation in a house at the end of Rose Street, where a store has been opened.
- 6) asked about the present status of rezoning applications involving properties in the North End NIP area. Ald. Brennan and Mr. Hirschfield provided further information on this inquiry.

ALD. CUNNINGHAM

Ald. Cunningham requested an update on the Main Street/Rotary improvements. Mr. Moir noted that a liaison committee is being organized presently between City staff and staff from the Dept. of Transportation.

On motion of Ald. Crawford and Greenwood, Council adjourned to meet in Committee.


Bruce Smith,
City Clerk-Treasurer.

City Council, July 14/81.

ITEMS:

- 1) Grants Committee recommendations, page 1..
 - 2) Capital fund, Canal lands, page 2.
 - 3) Canal designation, historic site, page 3.
 - 4) Progress report, Canal Commission, page 4.
 - 5) Repairs, Canal locks, page 4 & 5.
 - 6) Progress report, Library/Cultural Comm., page 5.
 - 7) Ferry service, Natal Day, page 5.
 - 8) Award tender, Contract #81-09, page 6.
 - 9) Motions, deferred, page 6.
 - 10) Notice of motion, Ald. Williams, page 6.
 - 11) Inquiries, pages 7 & 8.
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Dartmouth, N.S.

July 21/81

Regularly called meeting of City Council held this date following Committee-of-the-Whole Meeting.

Present - Mayor Brownlow

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

Ald. Valardo requested to have the matter of potential vandalism on the ferries added to the agenda as Section C-1.

MOTION: Ald. Brennan moved, seconded by Ald. Crawford to approve By-Law C-434.

Ald. Hart spoke of the fears that were expressed by the residents of the Tacoma Drive areas in regard to the proposed rezoning matter. The first concern was that of an increase in traffic around the area. Insufficient traffic counts have been done in the area and there were fears of more traffic problems occurring if rezoning were approved. Members of the community mentioned of the already heavy traffic flow and the line up of cars on the Valleyfield Road, especially at the week-ends.

Mr. Bayer spoke of the proposed entrances to the driveway of the Canadian Tire. The driveway is lined up so that a four way stop sign, or traffic lights can be placed at the intersection. The priorities of these traffic lights are - Parkland and McDonald, Kmart and Tacoma and Valleyfield at Tacoma. It was suggested that there be one exit and one entrance to the parking area to relieve congestion in the area. Ms. Hayes spoke of this matter.

Another concern brought up by the residents was the devaluation of their properties if the rezoning occurs. A resident brought to Council's attention that one property in the area had already been devalued by approximately \$9,000.

Mr. Davis, who is representing Canadian Tire in this matter suggested that the value of properties would not decrease as landscaping would be done to improve the area. He also mentioned that cross walks are planned for pedestrians to enter the shopping area. He spoke of the improvements that would be made by adding the 70 extra parking spaces, so that cars would not be quite so congested in the area.

The citizens of the area expressed great concern for the safety of their children with the added traffic that would be drawn to the shopping centre. They would also like fencing to be put around the proposed rezoned area.

There was discussion as to the value of the bond being paid which is \$25,000.00. Mr. Davis thought the amount of the bond was too high whereas many Council members thought it low in comparison with the value of the properties concerned. Mr. Davis assured Council that the area would only be used as a parking area and nothing else.

Mr. Davis suggested that he would like this matter to go under contract zoning, this means that the applicant does not have to pay any money in the form of a bond. There was discussion as to the time frame involved in this type of zoning. Mr. Davis's client is now bound to the purchase under the Agreement of Purchase and Sale and does not feel they can receive an extension from the property owners. In regard to the element of time, this application was first put in in January of this year and was not brought up until this time because of the work which was to be done on Main Street.

Ald. Sarto brought up the point that there is already room for Canadian Tire to expand because they have supplied above the minimum amount of parking area legally required, to expand, they would only have to decrease the amount of parking space made available.

Mr. Bayer spoke of developing a parking lot zone, which may be done at some future time. The Planning Department is now very concerned with the downtown area, which is taking a lot of their time.

It was Council's general consensus that stricter control should be put on the matter of rezoning. The motion to adopt the second reading of the By-law was defeated, with Ald. Greenough abstaining from the vote as he arrived late and could not take part in the debate.

MOTION: Ald. Sarto moved, seconded by Ald. Crawford to set a date of August 18, 1981 for a public hearing regarding the proposed contract zoning for the Tacoma Drive designated area.

A notice of motion was approved and added to the agenda by a 2/3 majority vote of Council. (SEE ADDITION)

MOTION: Moved by Ald. Crawford, seconded by Ald. Greenwood to approve the Water Rate Study.

The Mainstreet Program Boundaries was deleted for approval, until a later date.

MOTION: Moved by Ald. Valardo, seconded by Ald. Sarto approval of the Tender - Motorcycles.

MOTION: Moved by Ald. Greenough, seconded by Ald. Valardo approval of the Report - Halifax-Dartmouth Bridge Commission Re: Taxes.

There was discussion on the Commission of Public Education Finance, after which the following motions were approved:

MOTION: Moved by Ald. Valardo, seconded by Ald. Crawford approval of the Recommendation - Board of School Commissioners.

MOTION: Moved by Ald. Sarto, seconded by Ald. Greenough approval of the City Staff Report.

Concerning By-Law C-432 (Playgrounds) the following motion was approved:

MOTION: Moved by Ald. Brennan, seconded by Ald. Sarto approval of the By-Law C-432 (Playgrounds) - Third Reading.

Ald. Sarto circulated two letters which he had received concerning the noise from school playgrounds. He spoke of the vandalism which has lead to broken windows of some schools, and the cost of providing for Care Takers to fix these windows. Ald. Sarto felt the By-Law should be amended so that no one would be allowed on the playgrounds from 10:00 p.m. to 7 a.m. as is the case with City owned lands. S. Hood made note that some people would be legitimately allowed on the grounds after 10 p.m. and that if the By-law were amended this would cause many problems. The wording of this By-law will be checked again by the Solicitor and will be reported back to Council. Mr. Moir mentioned that the wording of the By-law had been checked over thoroughly by the Department of Municipal Affairs.

MOTION: Ald. Sarto moved, seconded by Ald. Greenough to request the City Solicitor to draft an amendment to By-Law C-432 to enforce that there be no loitering on school grounds.

MOTION: Ald. Crawford moved, seconded by Ald. Valardo that the penalty By-Law be increased from a minimum fine of \$20 to \$50.

MOTION: Ald. Valardo moved, seconded by Ald. Greenwood approval of the Appointment - Dartmouth Community Services Advisory Board.

Ald. Valardo spoke of the fear of potential vandalism on the ferries after concerts such as the upcoming Beatlemania concert. There was discussion as to putting the ferries out of service at an earlier time that evening, however, the Captain of the ferry will be the one to make the ultimate decision if he feels there may be some harm done to the boats.

The Police are aware of this matter and precaution will be taken to insure no damage is done to the ferries.

MOTION: Moved by Ald. Valardo, seconded by Ald. Crawford that staff take every precaution necessary to ensure the prevention of vandalism to the ferries during the nights of the rock concerts..

The request of the Downtown Dartmouth Corporation to add to the agenda the matter of free ferry rides will be dealt with at the August 4th meeting.

MOTION: Moved by Ald. Valardo, seconded by Ald. Crawford that Council reconvene in Committee-of-the-Whole.

Council then adjourned to meet in camera.



Bruce S. Smith
City Clerk-Treasurer

ADDITION:

NOTICE OF MOTION

Alderman Ibsen: I move that the City of Dartmouth Council reconsider it's action regarding Park School closure, and that the Dartmouth School Board do review their decision regarding the closure of Park School, in light of the development that is about to take place in the downtown core of the City of Dartmouth, and the possible demand for school classroom need, not only for elementary students but also for community need of both the downtown core and the city in general.

July 1981

RESOLUTION 81-22

WHEREAS the Council of the City of Dartmouth desires to acquire the lands described and coloured in red in the plan and descriptions attached hereto.

AND WHEREAS the City has negotiated with the Owner for the acquisition of the land and is unable to obtain a clear title to the land at a fair price by agreement.

AND WHEREAS the City Clerk has caused a plan and descriptions of the land and a list of the owners thereof according to the last revised assessment roll to be prepared.

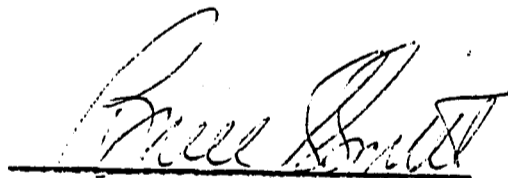
BE IT THEREFORE RESOLVED that the City now expropriates the land described in Schedule "A" hereto and shown on the plan attached hereto as Schedule "B".

The owner of the lands according to the last revised assessment roll is Pleasant View Foster Villa Limited.

The interest intended to be expropriated is the fee simple and such interest is not to be subject to any existing interest in the land.

The land is being expropriated for street widening purposes.

I, Bruce S. Smith, City Clerk-Treasurer of the City of Dartmouth do hereby certify that the foregoing is a true and correct copy of Resolution 81-22 of the City of Dartmouth, duly passed by City Council on July 21, 1981.



City Clerk-Treasurer.

BSS:jlb

SCHEDULE "A"

ALL those certain lots situate, lying and being Lots E-2 and E-3 on the eastern side of Pleasant Street as shown on a plan (City of Dartmouth Engineering Department Plan File No. 33-499) entitled "Plan showing subdivision of Lots E & F lands of Pleasant View Foster Villa Limited...", dated June 30, 1981, signed by L. Paul Zinck, N.S.L.S., being in the City of Dartmouth, County of Halifax, Province of Nova Scotia, the said lots being more particularly described as follows:

LOT "E-2"

BEGINNING on the eastern boundary of Pleasant Street at the most westerly corner of Lot F-2, being N 22° 25' 07" W, 1413.36 feet of Nova Scotia Coordinate Monument Number 5337;

THENCE northerly, following the arc of a curve to the right of radius 5393.71 feet, 35.72 feet along the eastern boundary of Pleasant Street to the most southerly corner of Lot D-2;

THENCE N 54° 20' 55" E, 14.49 feet along the southeastern boundary of Lot D-2 to the most westerly corner of Lot E-1;

THENCE southerly, following the arc of a curve to the left of radius 17741.97 feet, 43.95 feet along the southwestern boundary of Lot E-1 to the most northerly corner of Lot F-2;

THENCE S 86° 47' 13" W, 15.04 feet along the northwestern boundary of Lot F-2 to the point of beginning.

CONTAINING an area of 563 square feet.

ALL bearings being 3° transverse mercator grid bearings, Central Meridian 64° 30' west longitude.

Lot E-3

BEGINNING on the eastern boundary of Pleasant Street at the most westerly corner of Lot F-2, being N 22° 35' 07" W, 1413.36 feet of Nova Scotia Coordinate Monument Number 5337;

THENCE S 86° 47' 13" W, 1.14 feet along the northwestern boundary of Lot F-3 to a point;

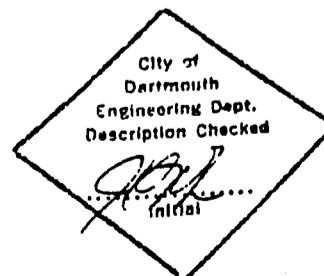
THENCE N 24° 22' 18" W, 35.00 feet to a point on the southeastern boundary of Lot D-3;

THENCE N 54° 20' 55" E, 1.52 feet along the southeastern boundary of Lot D-3 to the most westerly corner of Lot E-2;

THENCE southerly, following the arc of a curve to the left of radius 5393.71 feet, 35.72 feet along the southwestern boundary of Lot E-2 to the point of beginning.

CONTAINING an area of 45 square feet.

ALL bearings being 3° transverse mercator grid bearings, Central Meridian 64° 30' west longitude.



....Continued

SCHEDULE "A" (Continued)

ALL those certain lots situate, lying and being lots "F-2" and "F-3" on the eastern side of Pleasant Street as shown on a plan (City of Dartmouth Engineering Department plan file No. 33-499) entitled "Plan showing subdivision of lots E & F 1, lands of Pleasant View Foster Villa Limited..." dated June 30, 1981, signed by L. Paul Zinck, N. S. L. S., being in the City of Dartmouth, County of Halifax, Province of Nova Scotia, the said lots being more particularly described as follows:
LOT "F-2"

BEGINNING on the eastern side of Pleasant Street at the most southerly corner of Lot E-2, being N 22° 35' 07" W, 1413.36 feet of Nova Scotia Coordinate Monument Number 5337;

THENCE N 86° 47' 13" E, 15.04 feet along the southeastern boundary of Lot E-2 to the most westerly corner of Lot F-1;

THENCE southerly, following the arc of a curve to the left of radius 17741.47 feet, 125.32 feet along a western boundary of Lot F-1 to a point of curvature;

THENCE S 24° 02' 44" E, 7.13 feet along a western boundary of Lot F-1 to the most northerly corner of Lot G-2;

THENCE S 23° 24' 30" W, 18.49 feet along the northwestern boundary of Lot G-2 to the eastern boundary of Pleasant Street;

THENCE N 24° 02' 44" W, 134.46 feet along the eastern boundary of Pleasant Street to a point of curvature;

THENCE northerly, following the arc of a curve to the right of radius 5393.71 feet, 15.85 feet along the eastern boundary of Pleasant Street to the point of beginning;

LOT "F-3"

CONTAINING an area of 1946 square feet.

ALL bearings being 3° transverse mercator grid bearings, Central Meridian 64° 30' west longitude.

BEGINNING on the eastern boundary of Pleasant Street at the most southerly corner of Lot E-2, being N 22° 35' 07" W, 1413.36 feet of Nova Scotia Coordinate Monument Number 5337;

THENCE southerly, following the arc of a curve to the left of radius 5393.71 feet, 15.85 feet along the southwestern boundary of Lot F-2 to a point of curvature;

THENCE S 24° 02' 44" E, 134.46 feet along the southwestern boundary of Lot F-2 to the most northerly corner of Lot G-3;

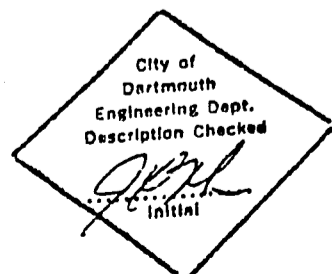
THENCE S 23° 24' 30" W, 0.27 feet along the northwestern boundary of Lot G-3 to a point;

THENCE N 24° 22' 18" W, 150.90 feet to the most southerly corner of Lot E-3;

THENCE N 86° 47' 13" E, 1.14 feet along the southeastern boundary of Lot E-3 to the point of beginning.

CONTAINING an area of 95 square feet.

ALL bearings being 3° transverse mercator grid bearings, Central Meridian 64° 30' west longitude.



SCHEDULE "A" (Continued)

ALL those certain lots situate, lying and being lots "F-2" and "F-3" on the eastern side of Pleasant Street as shown on a plan (City of Dartmouth Engineering Department plan file No. 33-499) entitled "Plan showing subdivision of lots E & F 1, lands of Pleasant View Foster Villa Limited..." dated June 30, 1981, signed by L. Paul Zinck, N. S. L. S., being in the City of Dartmouth, County of Halifax, Province of Nova Scotia, the said lots being more particularly described as follows:
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THENCE N 86° 47' 13" E, 15.04 feet along the southeastern boundary of Lot E-2 to the most westerly corner of Lot F-1;

THENCE southerly, following the arc of a curve to the left of radius 17741.47 feet, 125.32 feet along a western boundary of Lot F-1 to a point of curvature;

THENCE S 24° 02' 44" E, 7.13 feet along a western boundary of Lot F-1 to the most northerly corner of Lot G-2;

THENCE S 23° 24' 30" W, 18.49 feet along the northwestern boundary of Lot G-2 to the eastern boundary of Pleasant Street;

THENCE N 24° 02' 44" W, 134.46 feet along the eastern boundary of Pleasant Street to a point of curvature;

THENCE northerly, following the arc of a curve to the right of radius 5393.71 feet, 15.85 feet along the eastern boundary of Pleasant Street to the point of beginning;

LOT "F-3"

CONTAINING an area of 1946 square feet.

ALL bearings being 3° transverse mercator grid bearings, Central Meridian 64° 30' west longitude.

BEGINNING on the eastern boundary of Pleasant Street at the most southerly corner of Lot E-2, being N22° 35' 07" W, 1413.36 feet of Nova Scotia Coordinate Monument Number 5337;

THENCE southerly, following the arc of a curve to the left of radius 5393.71 feet, 15.85 feet along the southwestern boundary of Lot F-2 to a point of curvature;

THENCE S 24° 02' 44" E, 134.46 feet along the southwestern boundary of Lot F-2 to the most northerly corner of Lot G-3;

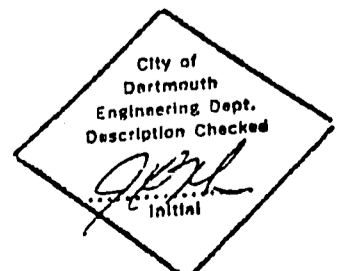
THENCE S 23° 24' 30" W, 0.27 feet along the northwestern boundary of Lot G-3 to a point;

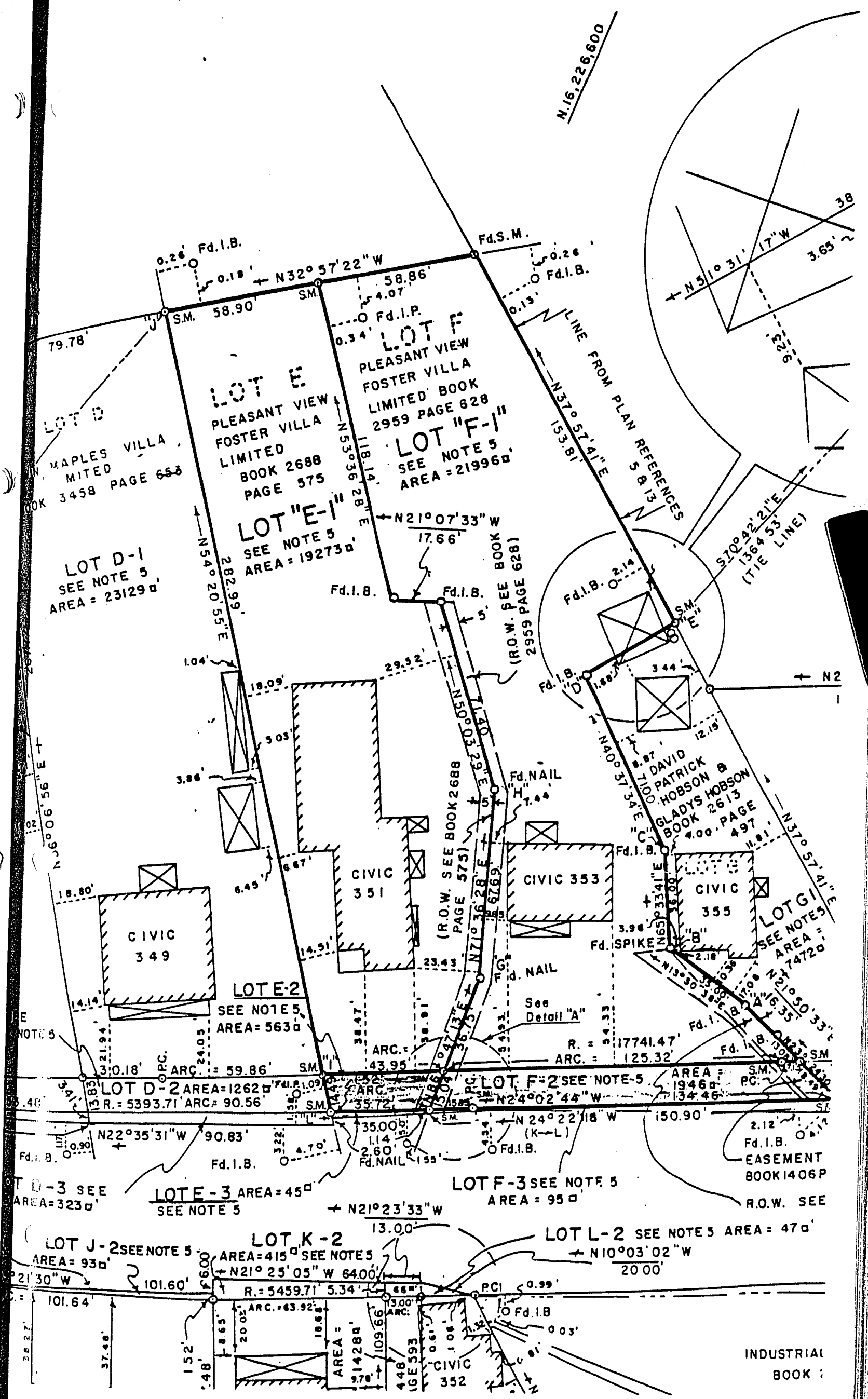
THENCE N 24° 22' 18" W, 150.90 feet to the most southerly corner of Lot E-3;

THENCE N 86° 47' 13" E, 1.14 feet along the southeastern boundary of Lot E-3 to the point of beginning.

CONTAINING an area of 95 square feet.

ALL bearings being 3° transverse mercator grid bearings, Central Meridian 64° 30' west longitude.





INDUSTRIAL BOOK :