

Dartmouth, N. S.

August 4/81.

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

Present - Mayor Brownlow

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

Following the Invocation, Mayor Brownlow advised that Ald. Williams has indicated his wish to defer his motion on the subject of Natal Day 1982 for one month. Council concurred with the deferral request (Ald. Fredericks against).

ATLANTIC WINTER
FAIR SITE

The Mayor also reported to Council on his recent meeting with Atlantic Winter Fair representatives, who have toured Dartmouth's proposed site for the Fair and have asked for an indication from the City by August 10th as to what incentives would be offered in the way of promoting the Dartmouth site as a location for the Fair in the metropolitan area. The Mayor said he intended to reactivate the Site Selection Committee for a meeting with them on August 6th, so that recommendations could be made to a special meeting of Council being suggested for Friday, August 7th. On motion of Ald. Valardo and Cunningham, Council approved the reactivation of the Site Selection Committee for the purpose of looking into the possible involvement of the City in a Fair site and to bring back a report for a meeting of Council on Fri., August 7th, at which time Council would decide whether or not to proceed further with a proposal to have the Fair located in Dartmouth (Ald. Ibsen and Withers voting against).

MOTION: Moved by Ald. Valardo and Cunningham that the A.W.F. Site Selection Committee be reactivated for the purpose of looking into the possible involvement of the City in a Fair site and to bring back a report for a meeting of Council on Fri., August 7th, at which time Council would decide whether or not to proceed further with a proposal to have the Fair located in Dartmouth.

RES

On motion of Ald. Valardo and Greenwood, Council approved the minutes of meetings held on July 7th, 8th, 14th and 21st, as circulated.

Ald. Crawford advised that he has received a petition from residents of Rose Street, which he will be forwarding to Mr. Brady.

REQUEST: FREE
FERRY SERVICE

A letter was before Council from the Downtown Dartmouth Corp. Ltd., requesting that consideration be given to the granting of free ferry service on Sat., Aug. 22/81, between the hours of 8:00 a.m. and 6:00 p.m., during the Grand Opening celebrations for Downtown Dartmouth. Ald. Ibsen and Cunningham moved that Council approve the request for free ferry service from the Corporation.

Ald. Valardo questioned the cost to the City in terms of lost revenue for Saturday ferry service, but most other members of Council considered any cost to be justified from the point of view of the public relations value in encouraging people to visit the newly-restored downtown area and as an indication of the City's wish to participate in the celebration ceremonies. The motion carried with Ald. Valardo voting against.

MOTION: Moved by Ald. Ibsen and Cunningham that Council approve a request from the Downtown Dartmouth Corp. Ltd. for free ferry service on Sat., August 22nd, between the hours of 8:00 a.m. and 6:00 p.m.

LETTER:
MR. A. MCKAY

A second letter on the Council agenda was from Mr. Alasdair McKay of 35 Edward Street and concerned his alleged ejection from opening ceremonies for the Dartmouth Ferry buildings on Friday, July 17th. Ald. Valardo and Greenwood moved that the letter be received and filed and no action taken on it. Ald. Crawford questioned whether this incident has been investigated by Mr. Moir's office; Mr. Moir advised that he has not been requested to carry out such an investigation. Ald. Fredericks asked about the demolition of the buildings referred to in Mr. McKay's letter, and was informed that they were located at the corner of North St. and Alderney Drive and at North & Edward Streets. They were demolished without a permit having been issued and the Solicitor is

MINUTES

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following up further on the City's legal recourse in this situation.

Ald. Valardo gave an account of the incident involving Mr. McKay at the opening ceremonies, explaining the reason why he was removed from the area of the building where the Federal Minister was speaking at the time. Ald. Valardo said that while Mr. McKay was removed from that immediate area, he was not ejected from the building and left the building voluntarily. The motion on the floor received the support of Council and it carried (Ald. Crawford voting against).

MOTION: Moved by Ald. Valardo and Greenwood that a letter from Mr. A. McKay of 35 Edward St. be received and filed and no action taken on it.

MONTHLY REPORTS

Monthly reports recommended from Committee were approved by Council as follows:

- 1) Development Officer (June): adopted on motion of Ald. Ibsen and Greenwood.
- 2) Building Inspection (June): adopted on motion of Ald. Sarto and Ibsen.
- 3) Minimum Standards (June): adopted on motion of Ald. Valardo and Greenwood.
- 4) Fire Chief (June): adopted on motion of Ald. Valardo and Greenough.
- 5) Social Services (June): adopted on motion of Ald. Ibsen and Valardo.
- 6) Ferry Supt. (June): adopted on motion of Ald. Ibsen and Withers.

A report from Mr. Moir was also circulated to advise Council that there were no incidents reported on either ferry following the rock concert held in Halifax on that evening. Ald. Valardo commended staff for the protection given the ferry boats and the control maintained on that occasion.

MOTIONS : To approve the monthly reports, as detailed above.

DOG BY-LAW C-420

A report from the Solicitor's Department, concerning changes made by the Minister in the City's new Dog By-law (C-420), has been recommended to Council from Committee. Ald. Greenough and Crawford moved the adoption of the report as recommended. Ald. Fredericks objected to the removal of the provision that prevents dogs from being tied outside and barking during evening and night-time hours. Mr. Moir explained that it will still be possible to deal with these

situations under another section of the by-law.

Ald. Brennan said he would like to see the new by-law well advertised on a regular basis, at six-month intervals. He expressed concern about the amendment to Section 19, which is a weakening of the regulation under our existing by-law with respect to dogs being permitted on public beaches. It was pointed out that while the by-law will be enacted and put into effect in its present form, efforts will be made to press for the amendments that the Aldermen want to see, particularly in relation to Sections 19 and 20 . The motion was put and carried.

MOTION: Moved by Ald. Greenough and Crawford that the Solicitor's report on changes made to the Dog By-law by the Minister's office, as recommended from Committee, be adopted.

RESOLUTION #81-26:
EASEMENT AGREEMENTS

Resolution #81-26, covering Easement Agreements with National Harbours Board for the rental of easements to provide sewer outfalls, has been prepared for Council's approval. Ald. Crawford and Sarto moved the adoption of Resolution #81-26, a copy of which is attached. Ald. Williams questioned the increase in the rentals over last year's rates, a concern also raised by Ald. Fredericks. Ald. Brennan requested a review of the locations of the easements in relation to CNR street crossings, for the next Planning Committee meeting. The vote was taken on the motion and it carried. Ald. Fredericks and Valardo then moved that the National Harbours Board be asked to maintain the current fees for the rentals for the next three-year period. This motion also carried.

MOTION: Moved by Ald. Crawford and Sarto that Resolution #81-26 (easement rentals, NHB) be adopted, as attached.

MOTION: Moved by Ald. Fredericks and Valardo that NHB be asked to maintain the current rental fees (\$350. per annum) for the next three-year period.

TENDER:
CONTRACT #81-06

The following tenders have been received for Contract #81-06 (construction of sewage lift station, Anderson Street):

L.J. Casavechia Contracting Ltd.	\$66,140.
Woodlawn Construction Ltd.	69,400.
Harbour Construction Co. Ltd.	79,800.

Acceptance of the low bid, received from L. J. Casavechia Contracting Ltd., in the revised amount of \$68,360., has been recommended, this amount (plus \$16,640. for interest and contingencies) to come out of the budget item for Small Drainage Projects 1981. Council awarded the tender, as recommended by the City Engineer and Mr. Moir, on motion of Ald. Crawford and Sarto. Ald. Valardo felt that members of Council might wish to be present when tender openings take place and suggested that notification of major tenders would be a good idea. Mr. Moir noted this request.

MOTION: Moved by Ald. Crawford and Sarto that the low bid received for Contract #81-06 be accepted, from L. J. Casavechia Contracting Ltd., in the revised amount of \$68,360.

WARD TENDER:
CONTRACT #81-12

Tenders have been received as follows for Contract #81-12 (resodding Beazley Field):

Lorraine Landscaping Ltd.	\$31,070.00
Edmonds Brothers Ltd.	36,747.00
Terra Nova Landscaping Ltd.	36,898.80
Elmsdale Landscaping Ltd.	40,726.50

The City Engineer and Mr. Moir have recommended acceptance of the low bid received from Lorraine Landscaping Ltd., and Council awarded the tender as recommended, on motion of Ald. Valardo and Ibsen.

MOTION: Moved by Ald. Valardo and Ibsen that the tender for Contract #81-12 be awarded to the low bidder, Lorraine Landscaping Ltd., in the amount of \$31,070.00.

WARD TENDER:
CONTRACT #81-15

The following bids were received for Contract #81-15 (Port Wallace services, Phase II):

Woodlawn Construction Ltd.	\$194,556.00
L.J. Casavechia Contracting Ltd.	216,399.00
Stewiacke Construction Ltd.	221,538.17
Cambrian Construction Ltd.	264,710.00
Harbour Construction Ltd.	267,400.00
Seaport Construction Ltd.	267,870.00

Acceptance of the low tender, submitted by Woodlawn Construction Ltd., has been recommended by Mr. Fougere in concurrence with Mr. Moir, and the tender was awarded by Council, on motion of Ald. Valardo and Greenough. Since the residents in the area serviced by Phase I of this project were not required to make a direct capital contribution toward the funding of the water system, it is further recommended

in conjunction with the awarding of the tender, that the contribution in this case be made by the City to the Water Utility.

MOTION: Moved by Ald. Valardo and Greenough that Contract #81-15 be awarded to the low bidder, Woodlawn Construction Ltd. and that the Capital contribution required be made by the City to the Water Utility.

-LAW C-433

Proposed By-law C-433, which would amend the Deed Transfer Tax By-law C-11, has been recommended to Council for approval. The Solicitor explained the amendments covered in the proposed new by-law.

It was moved by Ald. Crawford and Greenough and carried that leave be given to introduce the said By-law C-433 and that it now be read a first time.

It was moved by Ald. Crawford and Hart and carried that By-law C-433 be read a second time.

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-433 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.

MOTIONS: Three readings given to By-law C-433, as detailed above.

RESOLUTION #81-28

Resolution #81-28, setting the interest rate for past due taxes at 24.25 per annum, as of Aug. 5/81, was presented for Council's approval and was adopted, on motion of Ald. Williams and Withers (Ald. Hawley voting against). A copy of the resolution is attached.

MOTION: Moved by Ald. Williams and Withers that Resolution #81-28 be adopted as attached. This resolution sets the interest rate for over-due taxes at 24.25 per annum as of August 5/81.

CITIZEN PETITION:
CMAC VILLAGE

A report has been submitted by the Development Officer in response to a petition from MicMac Village residents who have expressed their concerns about (a) the large-scale removal of woods in MicMac Village, and (b) increasing population density and the absence of any playground space in the Village area for younger children.

Both concerns have been addressed in the report, the conclusion being that the matters of environmental protection and provision of public space have been adequately addressed in this area of the City. The report was received and filed, on motion of Ald. Fredericks and Sarto. Copies of the report will be forwarded to the residents group submitting the petition.

MOTION: Moved by Ald. Fredericks and Sarto that the report submitted by the Development Officer in response to concerns communicated by residents of MicMac Village, be received and filed.

MICMAC ROTARY/
ST. UPDATE

A report was considered from Mr. Bayer on the proposed improvements to the MicMac Rotary, as specified in the call for tenders put out by the Dept. of Transportation, and on the progress of the plans for Main Street and the necessary coordination between this project and the Rotary improvements. The report sets out a number of deficiencies in the MicMac Rotary plans, and in connection with those for Main Street, recommends an alternate scheme for the Lakecrest Drive/Helene Ave./Main Street intersection, in place of the cul-de-sac that was previously proposed. Mr. Bayer recommends that Council adopt the report and requests that a letter be forwarded by the Mayor and Council to the Minister of Transportation, requesting action be taken to ensure that the deficiencies noted with respect to the MicMac Rotary contract be overcome by expanding the present contract so as to insure that all the points are covered. Ald. Fredericks and Withers moved the adoption of the report, but Ald. Hawley expressed reservations about paragraph 2.7 (Lakecrest/Helene/Main St. intersection) and the effect of Council's action in approving the alternate scheme for this traffic point. Ald. Greenough noted that he was unable to be present for the briefing when the plans under discussion were reviewed, and he therefore abstained from the vote on the motion. The motion carried with Ald. Williams and Valardo voting against.

MOTION: Moved by Ald. Fredericks and Withers that Mr. Bayer's report of July 28/81 on the MicMac Rotary plans and progress with the Main Street plans, be approved as presented.

TRANSIT SERVICE:
BURNSIDE PARK
SUNDAYS & HOLIDAYS

The Transit Advisory Board has made recommendations to Council as follows with respect to (a) transit service to the Burnside Park, and (b) the provision of additional service on Sundays and holidays:

- (a) that a committee comprised of members of Council and M.T.C. members meet with the Minister of Municipal Affairs and/or the Premier relative to the provision of demonstration project funding for the Burnside Industrial Park transit shuttle service, and that the two Dartmouth Cabinet Ministers be present for the meeting.
- (b) that because of the \$24,000. deficit involved and the need to improve service at more crucial times, there be no additional Sunday and holiday transit service introduced.

Ald. Williams and Hart moved the adoption of the recommendations from the Transit Advisory Board. There was some discussion about the Eastern Passge bus route and its possible extension to the City boundary in the event that the County does not see fit to fund their portion of this run. Ald. Fredericks suggested that the Transit Advisory Board should give this matter their consideration. The motion on the floor carried.

MOTION: Moved by Ald. Williams and Hart that the recommendations of the Transit Advisory Board be adopted with regard to the Burnside Park shuttle service and the Sunday & holiday transit service.

BOAT:
FERRY SERVICE

On motion of Ald. Brennan and Ibsen, Council received and filed an interim report from the Transit Advisory Board on the subject of a third ferry boat for the Halifax/Dartmouth run. Passenger counts will be compiled for the months of September and October, in order that the Board can make an assessment for report and recommendation to Council. In a general debate on the motion, it was requested that the Board take into account such aspects of this question as those pertaining to safety, tourism potential, and a faster service.

MOTION: Moved by Ald. Brennan and Ibsen that an interim report on the subject of a third boat for the Dartmouth ferry service, be received and filed for information.

MOTIONS:
ALD. CRAWFORD

Notice having been previously given by the members concerned, the following motions were introduced for debate at this point in the meeting:

- 1) It was moved by Ald. Crawford, seconded by Ald.

Valardo, that the City explore the recent announcement from the Federal Government for the installation of propane equipment on all City-owned vehicles for low-cost operation, and the subsidy that has been indicated, and an immediate report back to Council for a decision re implementation.

Ald. Crawford explained why we should be taking advantage of the potential saving there is for the City, through the use of propane-fired vehicles and through the subsidy available as an incentive to promote their use. The motion was put and carried.

ALD. HART

2) Ald. Hart requested deferral of her motion until the next regular Council meeting and Council concurred.

ALD. WILLIAMS

3) Ald. Williams introduced the following motion, seconded by Ald. Valardo:

WHEREAS the City is seeking new sources of income to broaden the tax base;

BE IT RESOLVED that staff be asked to study the number of flea markets and garage sales held in the City of Dartmouth and bring back recommendations as to the feasibility of establishing a permit and fee structure for the privilege of holding such a flea market or garage sale.

Ald. Fredericks and Crawford spoke against the motion, suggesting that it would adversely affect citizens who only want to dispose of items they don't require through garage sales, children holding small sales in their yards, etc. Other members tended to feel that the application of the motion is directed toward those businesses that realize a profit through the operation of flea markets, etc., although there was some question as to whether or not such businesses would already be paying a license fee and/or a business occupancy tax, in which case the imposition of another permit requirement would be questionable. At the suggestion of Ald. Hart and on her motion, seconded by Ald. Ibsen, the motion was subsequently referred to the Budget Committee that was recently approved, for their consideration. The motion to refer carried with Ald. Crawford voting against.

ALD. IBSEN

4) Ald. Ibsen moved, seconded by Ald. Greenwood, that Council reconsider its action regarding the Park School closure, and that the Dartmouth School Board 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.

The Mayor noted the action taken recently by Council in receiving and filing a report from the Downtown Revitalization Committee on Park School and pointed out that the effect of Ald. Ibsen's motion is not to reconsider the action previously taken by Council, but to seek a review by the School Board of their decision taken to close Park School.

Ald. Ibsen then proceeded with his presentation in support of the motion, explaining why he felt that the Bi-Hi Jr. Highschool is an inappropriate alternative for children who would otherwise be attending Park School, and why Park School should be maintained as an elementary school to meet increasing enrollments that may be anticipated as a result of the revitalization of the downtown area and the return of families to this section of the City. Members of Council who agreed with his position were Ald. Crawford, Greenwood, Brennan and Withers. They felt that Park School can be restored to an acceptable standard as a building for less cost than has been projected in the reports considered by the School Board, and maintained that there is sufficient additional information in this regard to warrant a further look by the School Board at the total issue. Another point raised had to do with the safety of children walking to Bi-Hi from their homes and the complete contrast between the age bracket of junior high school students and those at the elementary school level.

Members opposed to the motion did not feel there is any worthwhile purpose to be served in having the School Board debate this issue a third time, and instead, wanted to see the parents involved direct their efforts toward an amicable resolution of the details to be worked out with the School Board so that the transition from Park School to Bi-Hi

can be made as smoothly as possible for the children involved. They felt that the quality of education can be maintained for these children because of the fact that their teachers will be transferred to Bi-Hi with them and they will be situated in a separate section of the school, apart from the junior high students. Basically, they did not see any merit in prolonging the Park School controversy further when the decision of the School Board has been firmly established.

Following a lengthy debate, the vote was taken on the motion and it was defeated with Ald. Ibsen, Crawford, Brennan, Greenwood, and Withers voting in favour.

MOTIONS: As presented on pages 8 to 11 incl. by Ald. Crawford, Ald. Williams, and Ald. Ibsen.

NOTICES OF MOTION:

ALD. CRAWFORD

Notices of motion were given as follows for the next regular Council meeting:

- 1) Ald. Crawford: That two additional persons be hired as Police Officers for the Dartmouth City Police Dept., in order that two trained Police Officers can be transferred to the Drug Section, thereby increasing the complement of that section to four, so that a major assault on an immediate and long-term basis can be instituted to combat the major trafficking in narcotics and drugs in this City.
- 2) Ald. Brennan asked to have a notice of motion given some time ago by him, reinstated for the next regular meeting, since he was in the chair when the item came up in a previous agenda.

ALD. BRENNAN

Text of the notice of motion:

'That the City advise the Union of Nova Scotia Municipalities and the Province of Nova Scotia, that the City is on record as supporting a publicly-owned natural gas distribution system, as proposed by N.S.P.C. and solicit the support of the Union members; And that the City request the N.S.P.C. to enter into negotiations to examine a joint venture (City/N.S.P.C.) for the distribution of natural gas in the City of Dartmouth'.

BY-LAW C-439

Council agreed to add proposed By-law C-439, which would amend By-law C-326 with respect to loitering and has been recommended for approval in an accompanying report from the City Administrator.

It was moved by Ald. Valardo and Greenough and carried that leave be given to introduce said By-law C-439 and that it now be read a first time.

It was moved by Ald. Valardo and Sarto and carried that By-law C-439 be read a second time.

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

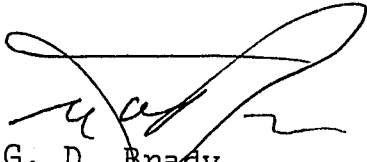
It was moved by Ald. Williams and Withers and carried that By-law C-439 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

During the debate on third reading, Ald. Ibsen questioned the ability of our existing police force to enforce new by-laws such as this one, and commented on what he considered to be a negative impact of such by-laws on the community.

On motion of Ald. Brennan and Greenough, Council adjourned to meet in camera as Committee-of-the-Whole to deal with additional items on the agenda.

At a later point, Council reconvened in open meeting and ratified the action taken in camera, on motion of Ald. Greenough and Ibsen.

Meeting adjourned.



G. D. Brady,
Deputy City Clerk.

City Council, Aug. 4/81.

ITEMS:

- 1) Atlantic Winter Fair site, page 1.
- 2) Request, free ferry service, page 2.
- 3) Letter, Mr. A. McKay, page 2.
- 4) Monthly reports, page 3.
- 5) Dog By-law C-420, page 3.
- 6) Resolution #81-26, page 4.
- 7) Award tender, Contract #81-06, page 4 & 5.
- 8) " " Contract #81-12, page 5.
- 9) " " Contract #81-15, page 5.
- 10) By-law C-433 (deed transfer tax), page 6.
- 11) Resolution #81-28, page 6.
- 12) Citizen petition, MicMac Village, page 6.
- 13) MicMac Rotary/Main St. update, page 7.
- 14) Transit service, Burnside Park, Sundays & holidays, page 8.
- 15) Third boat, ferry service, page 8.
- 16) Motions: Ald. Crawford, page 8 & 9.
Williams, page 9.
Ibsen, pages 9 to 11.
- 17) Notices of motion:
Ald. Crawford
Brennan
- 18) By-law C-439 (loitering), page 11.


Resolution 81-26

WHEREAS the City of Dartmouth entered into Easement Agreements numbered H-94, H-110 and H-129 dated August 5, 1975 with National Harbours Board for the rental of easements to provide sewer outfalls;

AND WHEREAS the City of Dartmouth and the National Harbours Board wish to amend said easement agreements by providing for rent in each of \$350.00 per annum instead of \$300.00 per annum;

BE IT THEREFORE RESOLVED that the Mayor and City Clerk are hereby authorized and instructed to execute on behalf of the City the Memoranda of Agreement attached hereto as Schedules "A", "B" and "C".

I, Bruce S. Smith, Clerk Treasurer of the City of Dartmouth, hereby certify that the within is a true copy of Resolution 81-26 passed by the Council of the City of Dartmouth at its regular meeting on August 4, 1981.


Bruce Smith - Clerk Treasurer

MEMORANDUM OF AGREEMENT MADE as of this 1st day of August

A.D., 1981.

BETWEEN:

NATIONAL HARBOURS BOARD (hereinafter called the "Board"), a body corporate with Head Office at Ottawa, Ontario,

OF THE FIRST PART,

- and -

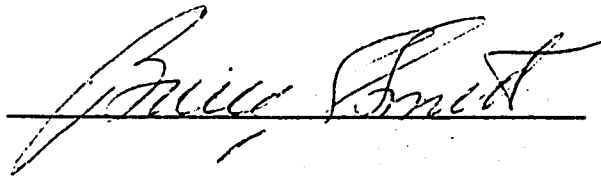
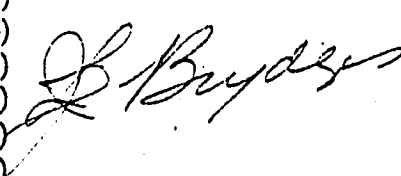
CITY OF DARTMOUTH (hereinafter called the "Lessee"), a body corporate,

OF THE SECOND PART.

WITNESSETH that, for value received, the Lessee hereby agrees to pay to the Board upon and after the 1st day of August A.D., 1981, the sum of Three Hundred and Fifty Dollars (\$350.00) per annum as rental in Easement Agreement H-94(3) dated as of August 1, 1975, made between the parties hereto instead of Three Hundred Dollars (\$300.00) per annum rental provided in the abovenoted Easement Agreement as amended by Memoranda of Agreement dated as of August 1, 1979 and as of August 1, 1980 respectively (such Easement Agreement as amended being hereinafter called the "said Easement Agreement") and it is hereby agreed by and between the parties hereto that in all other respects the said Easement Agreement is hereby ratified and confirmed.

IN WITNESS WHEREOF the parties hereto have executed these Presents.

SIGNED, SEALED AND DELIVERED ON BEHALF of the Board by its duly authorized officer

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THE CORPORATE SEAL of the LESSEE was hereunto affixed in the presence of:

MEMORANDUM OF AGREEMENT MADE as of this 1st day of August
A.D. 1981.

BETWEEN:

NATIONAL HARBOURS BOARD (hereinafter
called the "Board"), a body corporate
with Head Office at Ottawa, Ontario,

OF THE FIRST PART,

- and -

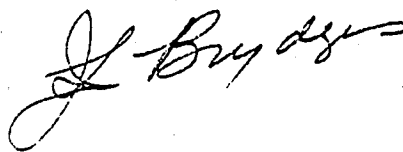
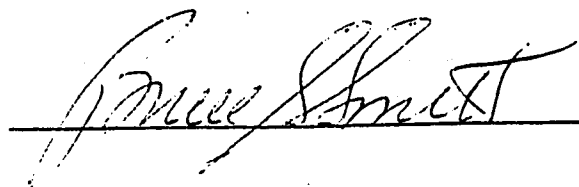
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the "Lessee"), a body corporate,

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Hundred and Fifty Dollars (\$350.00) per annum as rental in Easement Agreement
H-110(3) dated as of August 1, 1975, made between the parties hereto instead of
Three Hundred Dollars (\$300.00) per annum rental provided in the abovenoted
Easement Agreement as amended by Memoranda of Agreement dated as of August
1, 1979 and as of August 1, 1980 respectively (such Easement Agreement as
amended being hereinafter called the "said Easement Agreement") and it is hereby
agreed by and between the parties hereto that in all other respects the said
Easement Agreement is hereby ratified and confirmed.

IN WITNESS WHEREOF the parties hereto have executed these
Presents.

SIGNED, SEALED AND DELIVERED
ON BEHALF of the Board by its
duly authorized officer



THE CORPORATE SEAL of the
LESSEE was hereunto affixed
in the presence of:

MEMORANDUM OF AGREEMENT MADE as of this 1st day of August

A.D., 1981.

BETWEEN:

NATIONAL HARBOURS BOARD (hereinafter called the "Board"), a body corporate with Head Office at Ottawa, Ontario,

OF THE FIRST PART,

- and -

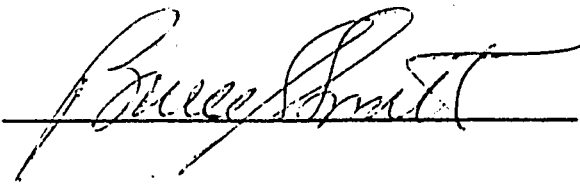
CITY OF DARTMOUTH (hereinafter called the "Lessee"), a body corporate,

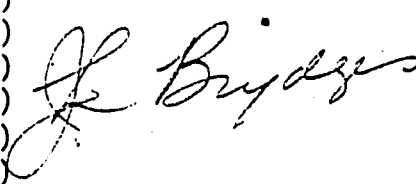
OF THE SECOND PART.

WITNESSETH that, for value received, the Lessee hereby agrees to pay to the Board upon and after the 1st day of August A.D., 1981, the sum of Three Hundred and Fifty Dollars (\$350.00) per annum as rental in Easement Agreement H-129(2) dated as of August 1, 1975, made between the parties hereto instead of Three Hundred Dollars (\$300.00) per annum rental provided in the abovenoted Easement Agreement as amended by Memoranda of Agreement dated as of August 1, 1979 and as of August 1, 1980 respectively (such Easement Agreement as amended being hereinafter called the "said Easement Agreement") and it is hereby agreed by and between the parties hereto that in all other respects the said Easement Agreement is hereby ratified and confirmed.

IN WITNESS WHEREOF the parties hereto have executed these Presents.

SIGNED, SEALED AND DELIVERED)
ON BEHALF of the Board by its)
duly authorized officer)





THE CORPORATE SEAL of the)
LESSEE was hereunto affixed)
in the presence of:)
)
)
)
)
)
)
)
)

Dartmouth, N. S.

August 7/81.

Special meeting of City Council held this date
at 12:30 p.m.

Present - Mayor Brownlow

Ald. Ibsen	Valardo
Williams	Cunningham
Brennan	Crawford
Hart	Greenwood
Ritchie	Fredericks
Hawley	Greenough
City Administrator, C. A. Moir	
Asst. to City Administrator, T. Rath	
Deputy City Clerk. G. D. Brady	

F SITE

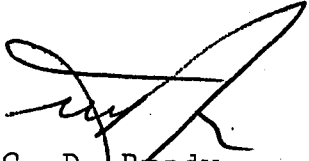
Council met to consider a recommendation from the Atlantic Winter Fair Site Selection Committee, as directed at the August 4th meeting when the question of a site selection was raised in response to a report given by Mayor Brownlow on his discussions with AWF officials, who are reviewing a number of sites in the metropolitan area.

The suggestion was made that as a courtesy to the AWF, it would be in order to discuss the item in camera so that the decision of Council can be communicated to the AWF people before it is publicized. Council agreed to meet in camera for this item, on motion of Ald. Greenough and Hawley (Ald. Greenwood, Valardo, Hart and Crawford voting against).

Council then adjourned to meet as Committee-of-the-Whole in camera, on motion of Ald. Greenough and Williams.

After reconvening later in open Council, the action taken in camera was ratified, on motion of Ald. Valardo and Brennan.

The meeting then adjourned.


G. D. Brady,
Deputy City Clerk.

City Council, Aug. 7/81

ITEM:

1) AWF site, Page 1.

Dartmouth, N. S.

August 11/81.

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

Present - Mayor Brownlow

Ald. Ibsen	Crawford
Williams	Cunningham
Hart	Greenwood
Hawley	Greenough
Ritchie	Fredericks
Valardo	
City Solicitor, S. Hood	
City Clerk-Treasurer, B. Smith	

Council met to complete the August 4th agenda before meeting in Committee to deal with the regular agenda for this date. The item outstanding from the August 4th meeting was Inquiries & Answers.

ALD. HART

Ald. Hart referred to a letter dated July 20/81 from the Mayor to the Chairman of the School Board, and to a newspaper article of August 8th, both pertaining to the Park School issue, and questioned the position taken by the Mayor in relation to the decision of Council on this matter. Ald. Fredericks expressed a similar concern at a later point during his inquiries, with regard to the position of School Board members, and the Mayor responded by explaining that while he has always upheld decisions made by Council, citizen groups still have a right to approach his office or any member of Council if they have additional information they feel should be communicated through these channels. He said he has discussed the point at issue with the Solicitor and has been advised that there is no conflict involved since Council did not take a position either for or against in the Park School issue.

Ald. Hart asked Mayor Brownlow if he planned to pursue the matter further with the Minister and the Mayor said he felt that whatever options and/or alternatives there may be should be explored.

Ald. Hart's second inquiry concerned the hiring of the Chief of Police, and Mr. Rath advised that the matter is under review by the City Administrator and he will be bringing a report to Council within the next two or three weeks.

A report will also be ready within two or three weeks in connection with Prof. Grant's study.

LD. WILLIAMS

Ald. Williams said he has received a call about the wooded section of Silver's Hill between Sinclair Street and Prince Albert Road; he asked that the area be thinned out and cleaned up.

His other inquiry pertained to a letter from Mr. Chard of Newcastle Street about the Trizec property that was recently before Council for rezoning, and the possibility of having these lands registered as part of the Dartmouth Commons. He requested further information on this possibility, as it has been suggested by Mr. Chard.

LD. FREDERICKS

Inquiries made by Ald. Fredericks were as follows:

- 1) asked why a right-turn is not being permitted on Pleasant Street at the Five Corners intersection during hours of the day and night when children would not be crossing on their way to school. Mr. L'Esperance agreed to bring this matter to the attention of the T.M.G.
- 2) why is parking not being permitted on Park Ave. next to the Farmer's Market so that people are encouraged to patronize the market; inquiry discussed further with Mr. Rath.
- 3) what is the status of a procedure ruling requested some time ago; the Solicitor advised that Mr. Moreash is working on this item.
- 4) asked if minutes are available from the briefing session with Prof. Grant; Mr. Rath advised that no formal minutes were kept.
- 5) Ald. Fredericks referred to a recent instance of a car being badly damaged as a result of an uncovered trench on Alderney Drive and a lack of precaution taken by the contractor in this instance. He asked if a requirement could not be imposed, making it mandatory for such trenches to be covered with steel plates for the protection of motorists.
- 6) asked that a letter go out from the Mayor's office to the various shopping centres in the City, seeking to have parking spots designated for disabled people near to the entrances to the centres.

LD. CRAWFORD

Ald. Crawford made the following inquiries:

- 1) when will the lights be in operation at the Windmill Road/Park School intersection; Mr. Purdy said it will probably be within the next week or two.
- 2) asked that something be done to have Wyse Road cleaned up in the area in front of Tim Hortons', also, to have additional police patrols assigned to this area.

- 3) Ald. Crawford said he has received a call about the plowing of Mott Street this winter from a resident who wants to make sure the street is on a list for plowing.
- 4) asked Mr. L'Esperance to look into the matter of a building permit issued for renovations at 84/86 Windmill Road; nothing has been done to the building since the permit was issued.
- 5) asked if permission has to be secured for the removal of trees from properties; the Solicitor said a tree can be cut down without permission if it is on a private property.
- 6) asked if anything can be done about a complaint from the Residents Assn. of Alderney Manor re the train whistle which is disturbing to residents in the early morning hours. Mr. Rath said this situation will be improved significantly when signalization is carried out at the downtown crossings.

VALARDO

Ald. Valardo made the following inquiries:

- 1) asked to have the crosswalk marking painted at the Wyse Road/Albro Lake intersection.
- 2) several lights are out in Northbrook Park and he asked to have these looked after by the Recreation Dept.
- 3) the speed bump provided at the entrance to Northbrook School needs to be higher to be effective; asked that attention be given to this matter.
- 4) asked that action be taken to have the property cleaned up at the Green Gables store on Victoria Road.
- 5) asked to have the Engineering Dept. look at the problem caused by a telephone pole that is presently situated on the property line between civic numbers 7 and 9 Moira Street, where people are continuing to run into it.
- 6) Ald. Valardo said he has received complaints from Banook Ave. residents about the noise from Oakwood House on occasions when it has been rented for activities. He said it should be a rental condition that noise will not be permitted to disturb area residents.
- 7) a street light has been out for some time in front of civic number 34 Kingston Crescent; asked to have this reported to the Power Commission.
- 8) asked to have a problem looked at involving properties on Forest Road that back onto the golf course, where the residents are continually bothered by flying golf balls from the course.
- 9) Ald. Valardo expressed concern about the improper coordination of signals on the part of the flag people directing traffic on Windmill Road, causing a dangerous situation for motorists; asked to have this situation corrected.

ALD. CUNNINGHAM

Ald. Cunningham asked to have Mr. McNeil check on the reported closure of the service apartments on Joffre Street to service personnel, and whether or not they might

ity Council, Aug. 11/81.

Page 4.

then become available for use as low-cost housing units.

On motion of Ald. Valardo and Williams, Council adjourned to meet in Committee to deal with the agenda for this date.


Bruce Smith,
City Clerk-Treasurer.

City Council, Aug. 11/81.

ITEMS:

- 1) Inquiries & Answers, pages 1 to 4 incl.

Dartmouth, N. S.

August 18/81.

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

Present - Mayor Brownlow

Ald. Ibsen	Sarto
Williams	Cunningham
Crawford	Valardo
Hart	Brennan
Hawley	Greenough
Ritchie	Fredericks
City Solicitor, M. Moreash	
City Administrator, C. A. Moir	
City Clerk-Treasurer, B. Smith.	

MINUTES

The minutes of the August 4th Council meeting were adopted as circulated, on motion of Ald. Valardo and Sarto.

Council proceeded next with the two public hearings scheduled and advertised for this date.

ZONING REQUEST:
BAXTER GROUP
WORTHINGTON PLACE

This meeting of City Council constituted a public hearing in connection with the application from the Baxter Group Ltd. to rezone a 6.5 acre portion of land in north Dartmouth, adjacent to the John McNeil School, from the present H Zone to TH (Town Housing) Zone, to permit the construction of approx. 54 town housing units, to be constructed in groups of six or eight at a time. The Planning Dept. report to Council indicates that the project is a compatible extension to the Monique Ave. neighborhood and approval of the request has been recommended.

Mr. L'Esperance and Ald. Greenough, as the Chairman of the voluntary public meeting in the area, gave reports on the reaction of area residents to the development proposal. Basically, the residents who attended the meeting appeared to be undecided as to whether they were in support of the development or opposed to it, but Ald. Hart outlined their main concerns as:

- 1) the possibility that Leaman Drive will become a through street, with associated heavy volume of traffic.
- 2) the residents would like to have seen an overall plan for the total land holding of the Baxter Group, with some assurance that it will be followed as development of the remaining acreage goes forward in future years.
- 3) they would like a more definite commitment as to exactly where the points of access and egress are to be, in and out of the development.

- 4) in other words, the residents would prefer to have seen development details such as the foregoing tied down specifically through contract zoning instead of through the zoning provision being requested.

Proposed By-law C-437 was before Council to accomplish the amendment required to the Zoning By-law, in order to permit the zoning change from H to TH Zone, as per the application.

It was moved by Ald. Valardo and Ritchie and carried that leave be given to introduce the said By-law C-437 and that it now be read a first time.

It was moved by Ald. Ritchie and Brennan that By-law C-437 be read a second time.

Mr. Mettam made his presentation on behalf of the developers, showing a plan of the total land holding involved with more detailed drawings of the 6.5 acre site under consideration. He indicated that there will be two alternate routes from the development, namely, via Farthington Place and Leaman Drive, although it is not proposed that Leaman Drive be connected through to the Burnside interchange. He pointed out that the permission of the City to route Leaman Drive over the school property would be required before such an access route could be established. He said the main interest of the developer in the next phase of development would be that section designated for a commercial land use; higher density residential development would be a later phase, after the commercial sections are completed. The town housing units proposed would be in the \$80,000. to \$90,000. range and would be individually owned, not rented.

Mr. Mettam responded to questions about servicing requirements and the adequacy of existing services for the town housing development, blasting that may be required, parking provisions and other related development features. Mr. L'Esperance has made the point in his report that at the request of staff, the development has been restricted to the 6.5 acre site and with this restriction, all remaining options with regard to traffic, type of development and recreation areas (park reserve, etc.) are still left open.

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Ald. Brennan questioned the impact of the development on the quality of life for the people who live in the area now, and Mr. Cossor, a Monique Ave. resident who spoke during the public hearing, considered this to be a valid concern from the point of any possible deterioration in the existing neighbourhood as a result of a lower standard of housing development than the one projected, if the units do not sell as expected and the developer runs into financial difficulties that he cannot foresee at this time. Mr. Cossor sought some kind of guarantee that the development will be of the calibre proposed and that there will not be a lowering of the construction value at a later point in the project. Mr. Mettam said it would not be possible to give any guarantees at this stage, since it will be necessary to assess the market conditions as the project progresses, depending on how quickly the units are purchased once they have been constructed. Hopefully, the developer will be able to complete the project as planned and the cost bracket will be able to be maintained throughout, as the development proceeds.

Mr. Cossor's other reason for opposing the project was the lack of a firm commitment on the plans for the remaining acreage, so that residents have some definite indication of what to expect in the way of development in future years.. Mr. Mettam pointed out that the Planning Dept. has requested that the present application be confined to the 6.5 acres under discussion, as the first step toward a full utilization of the total land holding. Street and servicing requirements involved in the development of the rest of the acreage can then be addressed subsequently, so that a gradual development plan is evolved over the next period of years, in order to utilize the potential of the site at a minimum cost to the City and with a minimum disruption to the area residents.

Ald. Greenough pointed out that the developer will be in a position where he will want to maintain a high-quality development standard if he plans to seek future rezoning for the other portions of the land holding.

Ald. Fredericks felt that residential development in this area will help to make use of vacant classrooms in the John McNeil School, and he spoke in favour of the development and the rezoning. Ald. Ibsen said he would like to have seen a plan of development for the total land holding and Ald. Hart remained opposed to the concept of rezoning only a portion of the land without (a) knowing what the total plan is for the entire acreage involved, and (b) some kind of guarantee about the town housing development standards, so that area residents are protected from any infringement of inferior residential units next to their neighbourhood. She commented on the problem that this kind of experience has represented in the past when large-scale apartment development was allowed to occur in the north end without adequate planning for it. Mr. Cossor also made reference to this concern in his presentation, based on past experience with other developments in the north end.

Another area resident, Mr. Gallant, asked about a green belt being provided between this proposed development and Monique Ave. He discussed his request with Mr. L'Esperance who suggested that it is not necessary in this instance to protect single-family units from what are also single-family units. At the conclusion of the debate on second reading, the vote was taken and the motion carried with Ald. Hart, Crawford and Ibsen voting against.

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

CONTRACT ZONING:
CANADIAN TIRE STORE

This date was also set by Council for public hearing of a contract zoning application, involving Lots 93, 95, 97-103 Tacoma Drive and their use by Canadian Tire Corp. (Dand Auto Parts Ltd.) for an extension of the existing parking lot by 49 additional spaces. Resolution #81-30 has been prepared to accomplish this contract zoning request, and was before Council for approval, together with the proposed agreement and other related reports and correspondence on the subject.

Ald. Brennan and Greenough moved the adoption of Resolution #81-30, a copy of which is attached. Ald. Williams and Sarto moved in amendment that the suggested erection of a hedge or fencing be included in the plan of landscaping for the area along Tacoma Drive, and that this requirement be incorporated in the agreement stipulations.

Ald. Hawley reported to Council, as chairman of the voluntary public meeting held with area residents, advising that the two main concerns brought out at the meeting had to do with traffic and with the possible devaluation of properties in the area, as a result of the further extension of a parking lot into what has been a residential zone. Other points raised at the voluntary meeting have been set out in the Planning Dept. report prepared by Cathy Hayes and circulated with the agenda.

Mr. Tom Davis represented the applicant and proceeded to explain the provisions that he is willing to make to comply with the wishes of residents that their properties will be completely protected from encroachment and from litter and debris that might be expected from the close proximity of a parking lot to their homes and back yards. He touched on the question of a fence and/or hedge along Tacoma Drive, indicating that while the applicant is willing to provide some type of barrier if Council makes this a requirement, it may be more desirable to plant additional trees and shrubs instead if it is felt that they will not collect paper and litter to the same extent that a hedge or fence would.

There was a difference of opinion among the members of Council and even among area residents who were present, as to what form a barrier should take on Tacoma Drive or whether in fact there should be one at all. A Veterans Ave. resident who was heard during the debate, was in favour of a planting of cedar trees to screen the parking lot extension. Mr. Dave Shaw, another citizen who spoke from the audience, was concerned about the possibility of additional traffic congestion in what is already a heavy

traffic location. Mr. Davis suggested in his presentation that traffic circulation around the Tacoma Drive businesses may actually be improved with the new parking provisions and the increased parking that will be available to accommodate customers of the Canadian Tire store.

Aside from the safety consideration for both pedestrians and motorists, the members of Council expressed reservations mainly about landscaping provisions that will satisfy the wishes of the abutting property owners and tended to agree with Mr. Davis that the landscaping treatment should take whatever form is most suitable to the situation, rather than giving specific requirements for a fence or hedge as proposed in the amendment on the floor. When the vote was taken, the amendment was therefore defeated, after which Ald. Sarto and Valardo moved in amendment that #9 in the terms of the agreement be altered by adding the words, '. . . and planting additional trees (and/or shrubs) to conceal the parking area as necessary.' This amendment received the support of Council and it carried. The amended motion, to approve Resolution #81-30, also carried.

MOTION: Moved by Ald. Brennan and Greenough that Council approve Resolution #81-30, which sets out the agreement for Contract Zoning to cover lots 93, 95, 97-103 Tacoma Drive, so that the existing parking lot can be extended as requested by Canadian Tire.

AMENDMENT: Moved in amendment by Ald. Sarto and Valardo that #9 in the terms of the agreement be altered by adding the words, '. . . and planting additional trees (and/or shrubs) to conceal the parking area as necessary'.

VOTING DELEGATES:
N.S. UNION CONFERENCE

Council was asked by the Mayor to appoint voting delegates to the N. S. Union of Municipalities Conference. Members indicating their ^{willingness} to be voting delegates were: Ald. Valardo, Ibsen, Crawford and Williams; the Mayor is also a voting delegate for a total of five from the City of Dartmouth. On motion of Ald. Cunningham and Valardo, the above five voting delegates were duly named by Council to represent the City at the conference.

The Mayor advised Council that the resolution package is available in Mr. Smith's office and can be reviewed there

-LAW C-436

The adoption of proposed By-law C-436 (Mobile Homes & Mobile Home Parks) has been recommended to Council from Committee. Council proceeded to give the by-law the necessary three readings for approval.

It was moved by Ald. Hart and Ritchie and carried that leave be given to introduce the said By-law C-436 and that it now be read a first time.

It was moved by Ald. Ibsen and Brennan and carried that By-law C-436 be read a second time.

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

It was moved by Ald. Valardo and Fredericks and carried that By-law C-436 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.

MOTIONS: Three readings for By-law C-436 as above.

A Planning Dept. report has been considered in Committee on the proposed John Martin Park extension, and the Committee recommends to Council that authorization be given to proceed with finalization of the plan for the Park. Council adopted this recommendation on motion of Ald. Brennan and Valardo.

MOTION: Moved by Ald. Brennan and Valardo that Council authorize the Planning Dept. to proceed with finalization of the plan for the John Martin Park extension, as recommended by Committee.

On motion of Ald. Brennan and Cunningham, Council approved a recommendation from Committee to authorize the processing of the Downtown Parking Study, as outlined in a Planning Dept. report dated August 4th and considered at the Committee meeting of Aug. 11th.

MOTION: Moved by Ald. Brennan and Cunningham that Council approve a recommendation from Committee to authorize the processing of the Downtown Parking Study, as outlined in a Planning Dept. report dated August 4th.

JOHN MARTIN
PARK EXTENSION

DOWNTOWN
PARKING STUDY

BY: AW C-436

The adoption of proposed By-law C-436 (Mobile Homes & Mobile Home Parks) has been recommended to Council from Committee. Council proceeded to give the by-law the necessary three readings for approval.

It was moved by Ald. Hart and Ritchie and carried that leave be given to introduce the said By-law C-436 and that it now be read a first time.

It was moved by Ald. Ibsen and Brennan and carried that By-law C-436 be read a second time.

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

It was moved by Ald. Valardo and Fredericks and carried that By-law C-436 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.

MOTIONS: Three readings for By-law C-436 as above.

A Planning Dept. report has been considered in Committee on the proposed John Martin Park extension, and the Committee recommends to Council that authorization be given to proceed with finalization of the plan for the Park. Council adopted this recommendation on motion of Ald. Brennan and Valardo.

MOTION: Moved by Ald. Brennan and Valardo that Council authorize the Planning Dept. to proceed with finalization of the plan for the John Martin Park extension, as recommended by Committee.

On motion of Ald. Brennan and Cunningham, Council approved a recommendation from Committee to authorize the processing of the Downtown Parking Study, as outlined in a Planning Dept. report dated August 4th and considered at the Committee meeting of Aug. 11th.

MOTION: Moved by Ald. Brennan and Cunningham that Council approve a recommendation from Committee to authorize the processing of the Downtown Parking Study, as outlined in a Planning Dept. report dated August 4th.

JOHN MARTIN
PARK EXTENSION

DOWNTOWN
PARKING STUDY

PROCEDURES: NON-
CONFORMING USE
PROPERTIES

A report has been dealt with at Committee, recommending proposed amendments to the procedures covering non-conforming use properties, and approval of the report has been recommended to Council. Ald. Sarto and Ibsen moved the adoption of the recommendation from Committee, but Ald. Crawford felt that this item should receive further consideration before being finalized at this time. He moved referral back to staff for a further report with clarification of the procedures that are being proposed and additional information on their application in non-conforming use situations; the motion to refer was seconded by Ald. Brennan. Members of Council opposed to the motion felt that there should be no changes made to reduce the strength of the amended procedures that have been suggested. When the vote was taken, the motion to refer was defeated. The original motion carried with Ald. Brennan voting against.

MOTION: Moved by Ald. Sarto and Ibsen that Council adopt a recommendation from Committee on proposed amendments to the procedures covering non-conforming use properties.

DRAINAGE EASEMENT:
26 WILDWOOD BLVD.

Council considered a report from the Asst. City Engineer, in concurrence with the City Administrator, recommending authorization for the installation of a drainage pipe over the City easement at 26 Wildwood Blvd., as requested by the property owner, Mr. Remo Deganis. The cost of the installation is \$11,000. and the expenditure will be charged to the 1981 budget for small drainage projects. Council adopted the recommendation, on motion of Ald. Greenough and Ritchie.

MOTION: Moved by Ald. Greenough and Ritchie that Council approve a recommendation authorizing the installation of a drainage pipe over the City easement at 26 Wildwood Blvd. at a cost of \$11,000., this expenditure to be charged to the 1981 budget for small drainage project

AWARD TENDER:
CONTRACT #81-10

The following tenders have been received for Contract #81-10, Wildwood Blvd. seeding:

Elmsdale Landscaping Ltd.	\$14,619.00
Edmonds Bros. Landscaping Services	22,740.00
Terra Nova Landscaping	24,115.00
Lorraine Landscaping Ltd.	26,785.00

Acceptance of the low bid from Elmsdale Landscaping Ltd. has been recommended to Council and the tender was awarded as recommended, on motion of Ald. Brennan and Sarto.

MOTION: Moved by Ald. Brennan and Sarto that the low bid received for Contract #81-10, Wildwood Blvd. seeding, be accepted from Elmsdale Landscaping Ltd. in the amount of \$14,619.00

WARD TENDER:
CONTRACT #81-11

Tenders have been received as follows for Contract #81-11, landscaping Ira Settle Field. The tenders have been called for alternatives for the soccer field; alternative A provides for topsoil & seeding, while alternative B provides for topsoil & sodding:

	A	B
Elmsdale Landscaping Ltd.	\$68,799.19	\$77,997.19
Lorraine Landscaping Ltd.	92,465.26	101,509.96
Edmonds Bros. Landscape Serv.	88,817.70	104,914.20
Terra Nova Landscaping Ltd.	98,318.75	105,447.20

In a joint report to Council, Mr. Moir and Mr. Purdy have recommended acceptance of the low bid from Elmsdale Landscaping Ltd. for Alternative B in the amount of \$77,997.19. Further, that Council authorize the use of the \$8,000. surplus in the 1981 Capital Budget for Recreation Dept. equipment, plus an over-expenditure in the amount of \$4,997.19, to cover the difference between the \$65,000. provided in the 1981 Capital Budget for this project and the low bid received. The recommendation was adopted and Council gave first approval to the required over-expenditure, on motion of Ald. Brennan and Greenough. Second approval will be authorized at the next Council meeting.

MOTION: Moved by Ald. Brennan and Greenough that the tender for Contract #81-11, landscaping Ira Settle Field, be awarded to the low bidder, Elmsdale Landscaping Ltd., in the amount of \$77,997.19 for Alternative B. Further, that \$8,000. be authorized for use from the surplus in the 1981 Capital Budget for Recreation Dept. equipment, together with an over-expenditure in the amount of \$4,997.19 to cover the difference between the budgeted amount allocated and the cost of the project, based on the low bid received. First approval given for this over-expenditure.

WARD TENDER:
CONTRACT #81-13

The following tenders were received for Contract #81-13, curbs & sidewalks (Fenwick St., Glenco Dr., Lyngby Ave., Princess Margaret Blvd., Spring Ave.; curb on Park Ave.)

Steed & Evans Ltd.	\$72,220.00
Fred Smithers Concrete Services Ltd.	78,535.00
Dineen Construction	103,920.00

Acceptance of the low bid received from Steed & Evans Ltd. has been recommended to Council and the recommendation was adopted, on motion of Ald. Brennan and Ritchie.

MOTION: Moved by Ald. Brennan and Ritchie that the low bid for Contract #81-13, curbs & sidewalks, be accepted from Steed & Evans Ltd., as recommended by Mr. Moir and Mr. Purdy.

WARD TENDER:
CONTRACT #81-17

The following tenders were received for Contract #81-17 under the Main Street Program, as detailed in Mr. Moir's report to Council, dated August 13/81:

Steed & Evans Ltd.	\$196,560.
Municipal Spraying & Contracting	244,466.12

Acceptance of the low bid from Steed & Evans Ltd. has been recommended and further, that staff be authorized to negotiate for the acquisition of a small parcel of land at 169 Portland Street, that will be required before landscaping improvements on Prince Albert Road can be completed. Council adopted Mr. Moir's recommendations, on motion of Ald. Hart and Greenough.

MOTION: Moved by Ald. Hart and Greenough that Council adopt Mr. Moir's recommendations on the awarding of Contract #81-17 (Main St. program) and in conjunction with the projects covered in this contract, to authorize staff to negotiate for the acquisition of a small parcel of land required at 169 Portland Street.

ARKING ALLOCATION:
CITY HALL

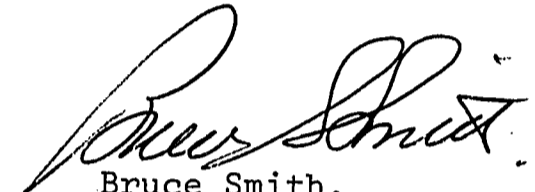
Mr. Moir provided a plan of the parking allocation proposed for the area next to City Hall, which the City will be administering once the land has been conveyed from the CNR to the City. It is proposed that six spaces, plus the Mayor's parking space, be allocated for the use of members of Council and that these spaces not be metered as the rest of the spaces in the parking lot would be. Ald. Valardo and Ibsen moved that a total of 15 unmetered parking spaces be allocated for the use of members of Council (Council agreed to meet beyond the 11:00 p.m. deadline to complete this item, on motion of Ald. Greenough and Valardo, with Ald. Crawford voting against.)

Ald. Williams, Brennan, Ritchie and Fredericks spoke against the motion and felt that members of Council should

expect to find their own parking along with other citizens, provided there are six spaces reserved for Council use in the lot. Ald. Greenough suggested that it would be in order to place signs on an additional number of parking spaces at times when all members of Council are required to be in attendance for meetings. When the vote was taken on the motion, it was defeated with Ald. Valardo, Hart and Ibsen voting in favour.

Ald. Crawford and Hawley then moved acceptance of the parking plan presented by Mr. Moir, with the six spaces allocated for members of Council in addition to one for the Mayor. The motion carried with Ald. Valardo voting against.

Meeting adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council, Aug. 18/81.

ITEMS:

- 1) Rezoning request, Baxter Group, pages 1 to 4 incl.
- 2) " " , Canadian Tire, pages 4 to 6 incl.
- 3) Delegates, N. S. Union conference, page 6.
- 4) Monthly reports, page 7.
- 5) Resolution #81-27, page 7.
- 6) By-law C-436 (Mobile Homes), page 8.
- 7) John Martin Park Ext., page 8.
- 8) Downtown Parking Study, page 8.
- 9) Procedures, non-conforming use properties, page 9.
- 10) Drainage easement, 26 Wildwood Blvd., page 9.
- 11) Award tender, Contract #81-10, page 9.
- 12) " " " #81-11, page 10.
- 13) " " " #81-13, page 10.
- 14) " " " #81-17, page 11.
- 15) Parking allocation, City Hall, page 11 & 12.

Mr. Moir advised Council of the following amendment required in the August 18th minutes, from which an item has been omitted:

'On a motion of Ald. Sarto and Valardo, Council set September 15th as the date for public hearing of a rezoning application for 383 Portland Street, as recommended from Committee.'

Ald. Valardo and Greenwood moved that the above amendment be made in the August 18th minutes and the amendment carried. The amended motion to approve the minutes carried.

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Amendment required to the August 18th minutes:

The following amendment is required to the August 18th minutes, from which an item was omitted:

SET DATE
FOR PUBLIC
HEARING

" On motion of Ald. Sarto and Valardo, Council set September 15th as the date for public hearing of a rezoning application for 383 Portland Street, as recommended from Committee."

Dartmouth, N. S.

August 24/81.

Regularly called meeting of City Council held this date
at 5:00 p.m.

Present - Mayor Brownlow

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

Council met to complete the August 18th agenda.

LETTER: M.T.C.

The members of Council have received copies of a letter from the General Manager of M.T.C. to Ald. Hart, on the subject of transit routes on Portland Street, an item raised at Council recently by Ald. Williams. The letter indicates that a return to transit service on Portland Street is not recommended.

Ald. Williams and Fredericks expressed their regret that efforts cannot be made to facilitate the provision of bus service on Portland Street, since it would represent a particular convenience for senior citizens. Ald. Brennan said he would like to see the matter referred to the Transit Advisory Board for further consultation with the Downtown Corporation, the T.M.G., and the Police Dept., in an effort to provide some resolution to this situation. His motion to refer for this purpose, seconded by Ald. Ritchie, carried.

MOTION: Moved by Ald. Brennan and Ritchie that the matter of a return to transit service on Portland Street be referred to the Transit Advisory Board for consultation with the Downtown Corp., the T.M.G., and the Police Dept., to see if the problem can be resolved through this means.

GREEN STREET
PARKING LOT

A report from Mr. Moir was considered on a proposal to have the Downtown Corp. take over the management of the Green Street parking lot on a day-to-day basis for a nominal rental fee, with a short-term termination clause in the lease. This arrangement would involve a minimal development of the parking lot so that a management and enforcement system can be implemented, as detailed in Mr. Moir's report. Ald. Williams and Brennan moved the adoption of the recommendation, deleting

any reference to a leasing provision.

Ald. Fredericks felt there should be some return to the City from the parking lot in the same way that funds are returned from the Spring Garden Road lot, which is managed by the local merchants in that area, and other members had questions about the financial benefits to the City from what is a parking lot located on City lands. Mr. Moir indicated that he would be prepared to bring back the final agreement negotiated with the Downtown Corp. representatives, so that Council could consider the terms of it and see them in their final form. Ald. Valardo wanted to first see some figures on projected revenue and its disposition before agreeing to the proposal, and he moved referral to staff for such information, seconded by Ald. Crawford. Members who opposed referral did not want to see the parking lot proposal delayed and felt that adequate figures and related information will be available when the agreement comes back to Council for ratification. The motion to refer was therefore defeated and the main motion carried on the basis of the final agreement coming to Council for ratification.

MOTION: Moved by Ald. Williams and Brennan that Mr. Moir's report and recommendations (except for a leasing provision) on the Green Street parking lot proposal, be approved, on the understanding that the final agreement with the Downtown Corp. will be coming back to Council for ratification.

Council considered a report submitted by Mr. Moir on the proposed relocation of the basketball net and court originally proposed as part of the development of the St. Peter's park, under the Austenville NIP program. The recommendation is that the basketball standard, formerly located in the St. Peter's NIP Park, be relocated behind Greenvale School. The standard can be relocated for a cost of \$3,500., and it is further recommended that this amount be taken from the Municipal Incentive Program funds to pay the cost of the installation. Ald. Cunningham and Williams moved the adoption of the recommendations.

Ald. Crawford said that members of the Austenville NIP Residents Assn. should have had an opportunity to be heard on this matter, since they did not wish to have the standard

AUSTENVILLE
NIP PROGRAM

any reference to a leasing provision.

Ald. Fredericks felt there should be some return to the City from the parking lot in the same way that funds are returned from the Spring Garden Road lot, which is managed by the local merchants in that area, and other members had questions about the financial benefits to the City from what is a parking lot located on City lands. Mr. Moir indicated that he would be prepared to bring back the final agreement negotiated with the Downtown Corp. representatives, so that Council could consider the terms of it and see them in their final form. Ald. Valardo wanted to first see some figures on projected revenue and its disposition before agreeing to the proposal, and he moved referral to staff for such information, seconded by Ald. Crawford. Members who opposed referral did not want to see the parking lot proposal delayed and felt that adequate figures and related information will be available when the agreement comes back to Council for ratification. The motion to refer was therefore defeated and the main motion carried on the basis of the final agreement coming to Council for ratification.

MOTION: Moved by Ald. Williams and Brennan that Mr. Moir's report and recommendations (except for a leasing provision) on the Green Street parking lot proposal, be approved, on the understanding that the final agreement with the Downtown Corp. will be coming back to Council for ratification.

AUSTENVILLE
NIP PROGRAM

Council considered a report submitted by Mr. Moir on the proposed relocation of the basketball net and court originally proposed as part of the development of the St. Peter's park, under the Austenville NIP program. The recommendation is that the basketball standard, formerly located in the St. Peter's NIP Park, be relocated behind Greenvale School. The standard can be relocated for a cost of \$3,500., and it is further recommended that this amount be taken from the Municipal Incentive Program funds to pay the cost of the installation. Ald. Cunningham and Williams moved the adoption of the recommendations.

Ald. Crawford said that members of the Austenville NIP Residents Assn. should have had an opportunity to be heard on this matter, since they did not wish to have the standard

changed from its St. Peter's location. He was opposed to the motion and spoke against it. Most other members speaking on the motion, including Ald. Brennan, considered the Greenvale location to be satisfactory and to resolve the conflict there has been with residents who live immediately adjacent to the St. Peter's Park. Ald. Brennan commented on the long-standing problems there have been with noise and loitering in the park after dark, necessitating an early closing by-law for it in order to assist the Police in controlling the situation there.

Ald. Crawford moved deferral of the item until the next Council meeting, to give the NIP Residents Assn. an opportunity to be heard before Council makes a decision to relocate the basketball standard, but the motion to defer was not seconded. When the vote was taken on the main motion, it carried with Ald. Crawford voting against.

MOTION: Moved by Ald. Cunningham and Williams that Mr. Moir's recommendations on the proposed relocation of the basketball standard from St. Peter's Park to a location behind Greenvale School, be adopted.

BY-LAW C-435

Proposed By-law C-435, which would amend By-law C-429 by adding two more citizen-at-large representatives to the Heritage Advisory Board, has been prepared for Council's approval.

It was moved by Ald. Cunningham and Valardo and carried that leave be given to introduce the said By-law C-435 and that it now be read a first time.

It was moved by Ald. Valardo and Sarto and carried that By-law C-435 be read a second time.

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

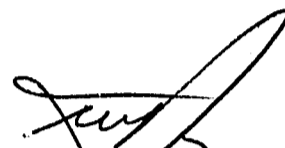
It was moved by Ald. Hart and Ritchie and carried that By-law C-435 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

Ald. Fredericks asked if an invitation recently issued for members of Council and the Industrial Commission to a home in Kentville represents any conflict of interest, in view of the fact that Mr. Steed's company does business with the City.

It was pointed out that all of the contracts are awarded through the tender process, in which Mr. Steed's company competes with other companies, and the Solicitor noted that this is in fact a personal invitation and does not represent a conflict of interest.

On motion of Ald. Valardo and Cunningham, Council adjourned to meet in camera for an additional item on the agenda. Council later reconvened in open meeting and adopted the action taken in camera, on motion of Ald. Hart and Hawley.

Meeting adjourned.



G. D. Brady,
Deputy City Clerk.

City Council, Aug. 24/81

ITEMS:

- 1) Letter, M.T.C. re Portland St., page 1.
- 2) Green St. parking lot, page 1 & 2.
- 3) Austenville NIP Program, page 2 & 3.
- 4) By-law C-435, page 3.