

Dartmouth, N. S.

April 6/82.

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

Present - Mayor Brownlow

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

At the opening of the meeting, one item was added to the agenda (request for a noise complaint hearing, Ice House Lounge), and two items were deleted (Resolution #82-09 and establishment of polling divisions).

On motion of Ald. Greenough and Hart, Council adopted the minutes of meetings held on Feb. 23, 25, March 1, 2, 8, 9, 10, 13, 15, 16, 17 and 23rd, copies of which have all been circulated.

PETITION: LAHEY  
ROAD TO A TWO-  
WAY STREET

A petition has been received, requesting that Council approve the changing of Lahey Road from a partial one-way street to a full two-way street. Ald. Valardo and Ibsen moved that the request be approved, but on motion of Ald. Greenwood and Crawford, the petition was first referred to the T.M.G. for recommendation back to Committee. Ald. Hart asked that if possible, the T.M.G. report come to the Committee meeting of April 13th, even if it has to be added to the agenda on the evening of the meeting.

MOTION: Moved by Ald. Greenwood and Crawford that the petition for a two-way street on Lahey Road be referred to the T.M.G. for recommendation back to Committee.

RESOLUTION:  
CITY OF WINDSOR

Members of Council have received copies of a resolution from the City of Windsor, Ontario, proposing an expression of opposition to any weakening of the Clean Air Act within the American House of Representatives and support for the Clean Air Act as it now stands. Ald. Sarto and Crawford moved that Council endorse the resolution, as requested by the City of Windsor Council.

Ald. Valardo and Ibsen were not in favour of the motion, but Ald. Crawford, Fredericks and Greenough spoke

in support of it and considered that it would be in order for Council to give their endorsement to the resolution because of the implications that the Clean Air Act has for this part of the country, which feels the effects of acid rain caused by industrial pollution from cities in the central part of America. The motion carried with Ald. Ibsen and Valardo voting against.

MOTION: Moved by Ald. Sarto and Crawford that Council endorse the resolution from the City of Windsor, Ont., with respect to any weakening of the Clean Air Act by the American House of Representatives.

ICE HOCKEY RENTAL:  
DARTMOUTH JAYCEES

A request from the Dartmouth Jaycees for an ice rental reduction from the \$60. per hour rate they are presently paying; was again before Council, having been received and filed at the March 2nd meeting when it was previously dealt with by Council. In view of the fact that Jaycee members were not present at that time and did not have the opportunity to speak on their request, Council gave approval to a motion to rescind the decision of March 2nd, which was to receive and file the letter, on motion of Ald. Cunningham and Ritchie.

Council then heard Mr. Randy Eisener on behalf of the Jaycees. He commented on the voluntary work that has been done in the community by his organization and explained why he felt that a lower rental rate is justified for the Jaycees who are presently playing hockey in a prime time period. Mr. Bill Stevens of the Recreation Dept. was present to answer questions about the rates for prime and non-prime ice times. Ald. Fredericks and Sarto then moved that the Jaycees be given a 10% discount on the \$60. rate they are presently paying.

Ald. Greenwood suggested that the problem is basically with the designation of prime-time hours which he felt, should be reviewed. Ald. Valardo said he could not support a subsidy of this kind for any one organization, and other members tended to agree that if an exception is made in the case of the Jaycees, it will be just a matter of time until other groups come to Council with the same request.

Ald. Greenough suggested that the Jaycees get together with Recreation Dept. staff and try to work out the use of hours that are not in the prime-time period as a way of reducing their rental costs. Ald. Greenwood was in favour of having the scheduling of prime time hours reviewed and possibly accommodating the Jaycees in this way. Generally, the motion on the floor was not supported and it was defeated.

Ald. Hart and Valardo moved that the letter from the Jaycees be received and filed, but a motion to refer was subsequently introduced by Ald. Fredericks and Greenwood, to give the Jaycees and Recreation staff an opportunity to get together and discuss another time period that would be satisfactory, outside the prime-time period. This motion to refer carried.

MOTION: Moved by Ald. Cunningham and Ritchie that the action taken by Council at the March 2nd meeting, in receiving and filing a letter of request from the Jaycees re ice rental rates, be rescinded.

MOTION: Moved by Ald. Fredericks and Greenwood that the matter be referred to give the Jaycees and Recreation Dept. staff an opportunity to get together and discuss another time period that would be satisfactory for their use, outside the prime-time period.

PROPOSAL:  
M. D.B.

Members of Council have received copies of a letter from the Executive Director of the Maritime Municipal Training & Development Board, outlining a proposal for participation by the City of Dartmouth in a cooperative education program, involving the School of Public Administration of Dalhousie University. Through this proposal, a graduate student would be placed on staff with the City to complete a specific project assignment, to be agreed upon by the City in consultation with the University and the student. The total cost to the City, during the period of the project, would be approx. \$5700. Ald. Fredericks and Crawford moved that Council agree to the City's participation in the education program, as outlined.

Ald. Hart and Valardo moved in amendment that the extent of the City's participation not exceed \$5,700.,

to be spent during the period of May 15/82 to April 30/83.

A presentation followed by Mr. Smeltzer and Dr. Brown, the Cooperative Education Coordinator, and members had an opportunity to ask questions about the project and the benefit the City will receive from it. The project being proposed is a City fleet evaluation and evaluation of fleet-management functions. The general response of Council to the proposal was favourable. The amendment on the floor carried and the amended motion carried.

MOTION: Moved by Ald. Fredericks and Crawford that Council agree to the City's participation in the cooperative education program, as proposed by the M.M.T.D.B.

AMENDMENT: Moved in amendment by Ald. Hart and Valardo that the amount to be spent not exceed \$5,700. during the time period of May 15/82 to April 30/82.

REQUEST FOR  
COMPLAINT HEARING

On motion of Ald. Crawford and Sarto, Council set April 27th as the date for hearing of a noise complaint under By-law C-211, as requested in a petition received from residents living in the area of the Ice House Lounge, and recommended in the accompanying report from Mr. Smith.

MOTION: Moved by Ald. Crawford and Sarto that April 27th be set by Council as the date for hearing of a noise complaint from residents living in the area of the Ice House Lounge.

BUDGET  
DELETIONS

As requested at the time of setting the 1982 tax rate, a report has been submitted to Council by Mr. Smith on proposed budget deletions, totalling \$205,000., with the recommendation that Council:

- (a) approve the 1982 Operating Budget reductions as they have been identified, and
- (b) that \$10,000. be transferred from Police Training & Personnel to Police Building Maintenance, to cover emergency roof repairs as required at the Police Dept. headquarters.

Ald. Sarto and Ritchie moved the adoption of the recommendation, parts (a) and (b), as set out in Mr. Smith's report to Council. The members had a number of questions about individual items recommended for deletion. Ald. Fredericks suggested that the City's Social Services Dept. should be studying the cost benefits to the City of keeping people in their own homes, as opposed to having

them looked after in nursing homes. Mr. Moir noted that the Provincial Social Services Dept. has been studying this matter and he agreed to make available, any information that he may have received or can obtain in connection with what the Province is doing.

Ald. Crawford's inquiry concerned the commitment on the part of the City toward any portion of the salary of the Executive Director of the Downtown Development Corp. He said it should be determined exactly what our obligation is, if any, and Mr. Moir advised that the contract with Mr. Morrissey is being reviewed to establish the City's portion of cost-sharing. Ald. Valardo said it was his understanding that the City's responsibility was for the initial one-year period only. He raised a question about the crosswalk guards (under Police Dept. reductions) and was advised by Mr. Smith that the level of service with extra guards will be provided, in spite of the \$15,000. reduction being proposed. The motion was then put and it carried.

MOTION: Moved by Ald. Sarto and Ritchie that Council adopt Mr. Smith's recommendation, parts (a) and (b), with respect to operating budget deletions to accomplish the expenditure cut of \$205,000. made by Council at the time of setting the 1982 tax rate.

INDEXING CODE:  
BY-LAW C-452

Proposed By-law C-452, in a redrafted form to incorporate amendments requested when the by-law was in Committee, was before Council for approval. Details of the amendments that have been made in the by-law are contained in a memo from the Solicitor, accompanying the by-law.

It was moved by Ald. Crawford and Greenwood and carried that leave be given to introduce the said By-law C-452 and that it now be read a first time.

It was moved by Ald. Hart and Sarto and carried that By-law C-452 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 Valardo and carried that By-law C-452 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.

CITY CREST:  
-LAW C453

MOTIONS: Three readings given to By-law C-452 Proposed By-law C-453, providing for Council to adopt an armorial achievement for the City and regulate its use, was presented by the Solicitor for Council's approval.

It was moved by Ald. Greenough and Crawford and carried that leave be given to introduce the said By-law C-453 and that it now be read a first time.

It was moved by Ald. Sarto and Crawford and carried that By-law C-453 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 Greenwood and carried that By-law C-453 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-453.

PENSION COMMITTEE:  
BY-LAW C-458

Proposed By-law C-458, amending the Pension Committee By-law , has been prepared and was presented by the Solicitor for approval. This amendment to By-law C-424 would permit representation on the Pension Committee by a representative of the N. S.U.P.E. who is not an employee of the City, Mr. Howard Epstein; this represents a change from the original terms of reference for the Committee.

It was moved by Ald. Greenough and Ibsen and carried that leave be given to introduce the said By-law C-458 and that it now be read a first time.

It was moved by Ald. Hart and Ritchie that By-law C-458 be read a second time.

Ald. Valardo objected to the change proposed in the by-law for N.S.U.P.E. representation on what is essentially a City Pension Committee and said he would not support it. Some of the other members shared this opinion and the motion for second reading was defeated when the vote was taken.

SURVEY: LAND USE  
APPLICATIONS

Members of Council have received a summary of findings produced by a survey which reviewed the time required to process various types of land use applications. The survey originated with the City of Halifax and Dartmouth participated in it. On motion of Ald. Greenough and Sarto, Council received and filed the document for information.

MOTION: Moved by Ald. Greenough and Sarto that Council receive and file an information document received from the Planning Director with regard to a survey carried out to review the time required to process various types of land use applications.

SIGN BY-LAW:  
C-454

Proposed By-law C-454 (Sign By-law) was presented, with an accompanying report from Judith Coockey of the Planning Dept., outlining the additions included in the by-law to give the City greater control over signs.

It was moved by Ald. Valardo and Greenough and carried that leave be given to introduce the said By-law C-454 and that it now be read a first time.

It was moved by Ald. Sarto and Ibsen that By-law C-454 be read a second time.

An amendment was required to Schedule "B" of the by-law, and on motion of Ald. Greenough and Crawford, the figure '100 square feet' was changed to read '9.29 sq. meters'.

A second amendment required was in Section 25 of the by-law; on motion of Ald. Crawford and Valardo, the figure 'ten feet' was changed to read 'three meters'.

The motion for second reading, as amended, carried.

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

It was moved by Ald. Hart and Crawford and carried that By-law C-454 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-454 with two amendments in second reading, as detailed above.

STREET NAME  
CHANGE: BY-LAW C-457

A petition has been received to change the name of the portion of Wildwood Blvd. from Roslyn Drive through

to Mount Edward Road, to Cranberry Crescent. The Planning Dept. recommends in favour of this change and By-law C-457 was before Council to accomplish it.

It was moved by Ald. Hart and Ibsen and carried that leave be given to introduce the said By-law C-457 and that it now be read a first time.

It was moved by Ald. Sarto and Ibsen and carried that By-law C-457 be read a second time.

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

It was moved by Ald. Ibsen and Crawford and carried that By-law C-457 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.

STREET NAME  
CHANGE: BY-LAW C-456

MOTIONS: Three readings given to By-law C-457  
A request has been received to change the name of 'Lake Charles Place' (to eliminate any possible confusion with 'Lake Charles Drive'), and the name 'Applewood Lane' has been proposed and recommended through the adoption of By-law C-456; the by-law was before Council for approval.

It was moved by Ald. Crawford and Ritchie and carried that leave be given to introduce the said By-law C-456 and that it now be read a first time.

It was moved by Ald. Greenough and Sarto and carried that By-law C-456 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 Ibsen and carried that By-law C-456 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-456.

RENOVATIONS:  
PRINCE ANDREW AUD.

The District School Board has again requested that Council share in the cost of renovations to the Prince Andrew auditorium, an expenditure previously approved by Council, but deleted from the 1982 budget and referred back to the School Board. Ald. Cunningham and Sarto moved that the renovations be cost-shared on a 50/50 basis



between the Board and Council.

Ald. Fredericks spoke in favour of the motion, but other members felt that referral to staff is necessary to try to determine where the funds might come from. Ald. Crawford and Greenwood therefore moved that the matter be referred to staff for comment and recommendation. Ald. Greenough suggested that if there is a School Board surplus from 1981, it may be possible to make use of those funds. The motion to refer carried.

MOTION: Moved by Ald. Crawford and Greenwood that the matter of cost-sharing in the renovations to Prince Andrew Auditorium, be referred to staff for comment and recommendation.

NOTICES OF MOTION:  
ALD. CUNNINGHAM

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

- 1) Ald. Cunningham: (a) That Council rescind its motion of August 19, 1980, that the construction of any by-pass through Shubie Park is completely unacceptable; and if this motion is successful, (b) that Council request the Provincial Government to commence construction of a 107 By-pass during the coming construction season and further, that such by-pass be constructed along a route to be determined by the Provincial Government.

ALD. SARTO

- 2) Ald. Sarto:

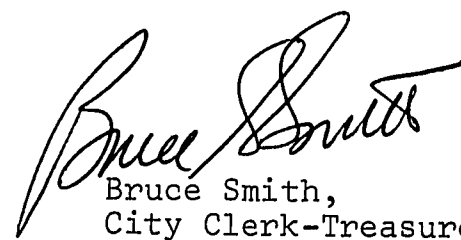
WHEREAS the section of the Ellenvale brook located between Pauline Crescent and Spring Ave., under some circumstances, lacks the carrying capacity of the brook;

AND WHEREAS this situation causes periodic flooding hazard to the backyards of homeowners abutting the brook's watercourse;

THEREFORE BE IT RESOLVED that Council request staff to carry out a study of the problem and to recommend to Council an acceptable solution.

On motion of Ald. Valardo and Crawford, Council adjourned to meet in camera to deal with additional items on the agenda. Council later reconvened in open meeting and ratified the action taken in camera, on motion of Ald. Hart and Greenough.

Meeting adjourned.

  
Bruce Smith,  
City Clerk-Treasurer.

City Council, April 6/82

ITEMS:

- 1) Petition, Lahey Road (two-way street), page 1.

ITEMS (Continued)

- 2) Resolution: City of Windsor, page 1.
- 3) Ice hockey rental: Jaycees request, page 2.
- 4) Proposal: M.M.T.D.B., page 3.
- 5) Request for hearing: Ice House Lounge, page 4.
- 6) Budget deletions, page 4.
- 7) Building Code: By-law C-452, page 5.
- 8) City crest: By-law C-453, page 6.
- 9) Pension By-law amendment: C-458, page 6.
- 10) Survey: land use applications, page 7.
- 11) Sign By-law C-454, page 7.
- 12) Street name change: By-law C-457, page 7.
- 13) " " " " C-456, page 8.
- 14) Renovations: Prince Andrew Aud., page 8.
- 15) Notices of Motion: Ald. Cunningham Page 9.  
Sarto

Dartmouth, N. S.

April 13/82.

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

Present - Mayor Brownlow

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

Council met to complete the April 6th agenda,  
prior to dealing with the Committee agenda for this date.

ANNUAL REPORT:  
DOWNTOWN COMMITTEE

Members of Council have received copies of the  
annual report for 1981, submitted by the Chairman of the  
Downtown Revitalization Committee, on the Committee's behalf.  
The report was received and filed for information, on motion  
of Ald. Crawford and Sarto.

Ald. Ibsen requested information on (a) how many  
merchants in the downtown area have taken advantage of the  
Mainstreet Program to date, and (b) whether the Committee  
is recommending a taxi stand in the ferry terminal building  
itself or just recommending the rental of phones for a taxi  
company in the terminal (page 2 of the report, last paragraph).  
Mr. Moir said he would try to obtain answers to these  
inquiries from the Alderman.

MOTION: Moved by Ald. Crawford and Sarto that the  
annual report for 1981 from the Downtown  
Revitalization Committee, be received and  
filed for information.

COMMENDATIONS:  
ONE-PARENT FAMILIES

The Community Services Advisory Board has presented  
recommendations formulated from the Workshop on One-Parent  
Families held in Dartmouth, and has recommended their sub-  
mission to the Nova Scotia Social Service Council which is  
presently soliciting such submissions. Ald. Sarto and Crawford  
moved that the recommendations be endorsed by Council and  
submitted to the Social Services Council in time for the  
April 15th deadline.

Ald. Ibsen felt that the recommendations should first  
go to our own Social Services Dept. for a determination of  
costs that may be involved for the City. He discussed some

questions he had with Mrs. Joan Merrick, the Chairman of the Community Services Advisory Board and she pointed out that various jurisdictions and areas of responsibility would be involved in carrying out the recommendations, and not just the City. It was suggested by Ald. Fredericks that the Social Services Dept. can still review the report and bring back their comments for further discussion at Council, in concurrence with the forwarding of the recommendations to the Social Service Council before the deadline is up to receive submissions. He moved in amendment, seconded by Ald. Crawford, that the recommendations also be forwarded to the City's Social Services Dept. for a report on the ramifications for the City (ie. costs and responsibilities involved), so that Council can have a further in-depth look at the submission in this light.

Ald. Greenough and Hawley were in favour of both the motion and the amendment. They felt that where the City can taken action to assist one-parent families, they should do so. The amendment carried and the amended motion carried.

MOTION: Moved by Ald. Sarto and Crawford that recommendations from the Community Services Advisory Board on One-Parent Families, be endorsed for submission to Nova Scotia Social Service Council.

AMENDMENT: Moved by Ald. Fredericks and Crawford that the recommendations also be forwarded to the City's Social Services Dept. for a report on the ramifications for the City (ie. costs and responsibilities involved), so that Council can have a further in-depth look at the submission in this light.

Mrs. Merrick said she wished to have placed on record, a special thanks to Freda Bradley of the Social Services Dept., who worked with the Board in the preparation of the recommendations.

Notice of motion having been previously given, the following motions were introduced for consideration at this time:

1) It was moved by Ald. Fredericks, seconded by Ald. Crawford, that the Province of Nova Scotia be approached to cost-share in trunk sewer services in Dartmouth. The motion carried.

IONS:

. FREDERICKS

MOTION: Moved by Ald. Fredericks and Crawford that the Province of Nova Scotia be approached to cost-share in trunk sewer services in Dartmouth.

LD. CRAWFORD

2) It was moved by Ald. Crawford, seconded by Ald. Greenwood, that the Attorney-General's Dept. be approached by the City to take over the Dartmouth portion of the cost of operating and maintaining courthouses in Dartmouth. Ald. Fredericks said he would like to see this motion forwarded to the N. S. Union of Municipalities for their consideration as well, but Ald. Hart felt that if a motion is to be forwarded, it should apply to municipalities in the Province generally and not specifically to Dartmouth as Ald. Crawford's motion does. Mr. Moir proposed that a separate resolution on the same subject be prepared for presentation to the regional meeting when it is held. The motion on the floor carried.

Ald. Fredericks and Crawford then moved that the City Clerk draft a resolution for consideration at the regional meeting, asking the Union of Municipalities to pursue with the Provincial Government, the cost of courthouses and correctional centres being assumed by the Province. This motion also carried.

MOTION: Moved by Ald. Crawford and Greenwood that the Attorney-General's Dept. be approached by the City to take over the Dartmouth portion of the cost of operating & maintaining courthouses in Dartmouth.

MOTION: Moved by Ald. Fredericks and Crawford that the City Clerk draft a resolution for consideration at the regional meeting, asking the Union of Municipalities to pursue with the Provincial Government, the cost of courthouses and correctional centres being assumed by the Province.

INQUIRIES:

LD. RITCHIE

Ald. Ritchie said he would like to know what is being done about the three families on Pleasant Street whose properties have still to be acquired for street widening. Mr. Moir said he would discuss the situation further with the Alderman.

LD. FREDERICKS

Ald. Fredericks asked about the lack of any accessibility for people wishing to fish at Maynards Lake, since a landing at the top of the lake has been demolished. Mr. Moir to look into the inquiry further.

GREENWOOD

Ald. Greenwood's inquiry pertained to the resolution of problems associated with the National Gypsum plant, and Mr. Moir advised that a letter will be going from Mark Bernard of the Engineering Dept. in this connection.

CRAWFORD

Ald. Crawford commented on a letter from the Minister of Municipal Affairs re the funding of demonstration routes in Dartmouth. The Mayor advised that a subsequent meeting was held with the Minister and we are still awaiting the outcome of that meeting.

Ald. Crawford expressed his satisfaction with the letter received from the N. S. Housing Commission, indicating that additional senior citizen units are projected for the City of Dartmouth when a site can be found.

Ald. Crawford referred to a communication received at the Metropolitan Authority on the matter of over-crowding at the Regional Correction Centre, and suggested that items such as this should somehow be made known to members of Council, either through a briefing session or in a report from Council representatives on the M.T.C. and the Authority. He discussed this idea further with the Mayor.

GREENOUGH

Ald. Greenough questioned figures recently given by the Minister of Development in the House on the cost of building a 107 by-pass highway (forty-million dollars), and suggested that these figures should be clarified to determine just what they include. He said it is important to have this matter clarified as soon as possible for Council.

VALARDO

Ald. Valardo asked about the date for the spring clean-up in the City. Mr. Fougere advised that it will be held during the week of May 10th.

Ald. Valardo asked to have the light put back in front of Civic #77 Kingston Crescent. He also requested that a streetlight be provided at the corner of Guy Street and Kingston Cres., where one is needed.

Ald. Valardo asked about funds in the amount of \$130,000. received as a grant for the School Board used two years ago, and whether in fact these funds were specifically designated for improvements to school properties.

Mr. Smith advised that this was an unconditional grant, which could have been used for school maintenance if the Board and School Administration so wished. Copies of the letter received at the time of the grant will be circulated for the information of Council, at the request of Ald. Valardo.

Ald. Valardo's final inquiry concerned the dismissal of a Provincial appointee to the School Board, Mrs. Shirley Morash, based on the reason given that she did not 'follow Government policy'. He said it was his understanding that there is no such policy as to how a member of a Board should or should not vote, and he felt that Council should indicate concern about the dismissal of Mrs. Morash for the reason stated. He attempted to have a motion placed before Council to this effect, but the necessary two-thirds majority vote was not received to permit a motion to be presented at this time. Ald. Valardo said he would proceed with the matter through other means.

Ald. Ibsen said it would be in order for Council to indicate concern to Ald. Hawley about the accident in which his son was recently involved; members concurred.

Tenders have been received, as per the report of April 5th from the Purchasing Dept., for five 30-passenger school buses. The recommendation to Council is that the tender for the body of the 30 buses be awarded to the low bidder, Kiley Distributors for \$10,881.31 each (F.O.B. Dartmouth), and that the chassis be awarded to the low bidder, International Harvester, for \$12,270.48 each (F.O.B. chassis plant). Total cost of a complete unit from the separate suppliers is \$23,191.79 per unit, F.O.B. Dartmouth, or \$115,958.95 for the five buses. Council approved the awarding of the tender, as recommended by the Purchasing Dept., in concurrence with Mr. Moir; on motion of Ald. Ibsen and Sarto.

RD TENDER:  
SCHOOL BUSES

MOTION: Moved by Ald. Ibsen and Sarto that the tender be awarded for five 30-passenger school buses, as recommended by the Purchasing Dept., with Mr. Moir's concurrence, and detailed above.

Mr. Smith advised that this was an unconditional grant, which could have been used for school maintenance if the Board and School Administration so wished. Copies of the letter received at the time of the grant will be circulated for the information of Council, at the request of Ald. Valardo.

Ald. Valardo's final inquiry concerned the dismissal of a Provincial appointee to the School Board, Mrs. Shirley Morash, based on the reason given that she did not 'follow Government policy'. He said it was his understanding that there is no such policy as to how a member of a Board should or should not vote, and he felt that Council should indicate concern about the dismissal of Mrs. Morash for the reason stated. He attempted to have a motion placed before Council to this effect, but the necessary two-thirds majority vote was not received to permit a motion to be presented at this time. Ald. Valardo said he would proceed with the matter through other means.

Ald. Ibsen said it would be in order for Council to indicate concern to Ald. Hawley about the accident in which his son was recently involved; members concurred.

Tenders have been received, as per the report of April 5th from the Purchasing Dept., for five 30-passenger school buses. The recommendation to Council is that the tender for the body of the 30 buses be awarded to the low bidder, Kiley Distributors for \$10,881.31 each (F.O.B. Dartmouth), and that the chassis be awarded to the low bidder, International Harvester, for \$12,270.48 each (F.O.B. chassis plant). Total cost of a complete unit from the separate suppliers is \$23,191.79 per unit, F.O.B. Dartmouth, or \$115,958.95 for the five buses. Council approved the awarding of the tender, as recommended by the Purchasing Dept., in concurrence with Mr. Moir; on motion of Ald. Ibsen and Sarto.

RD TENDER:  
SCHOOL BUSES

MOTION: Moved by Ald. Ibsen and Sarto that the tender be awarded for five 30-passenger school buses, as recommended by the Purchasing Dept., with Mr. Moir's concurrence, and detailed above.

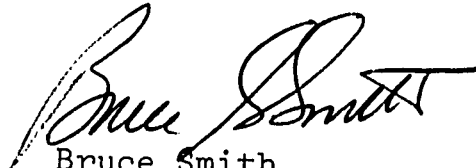


E OF  
PUMPER #4

On motion of Ald. Crawford and Sarto, Council approved the sale of Pumper #4 to the Harrietsfield-Sambro Volunteer Fire Dept., as requested by them. The Fire Dept., in concurrence with Mr. Moir, has recommended the disposal of this vehicle for the price of \$5,000.

MOTION: Moved by Ald. Crawford and Sarto that Council approve the sale of Pumper #4 to the Harrietsfield-Sambro Volunteer Fire Dept., for the sum of \$5,000., as recommended by the Fire Dept., in conjunction with Mr. Moir.

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

  
Bruce Smith,  
City Clerk-Treasurer.

City Council, April 13/82

ITEMS:

- 1) Annual report: Downtown Committee, page 1.
- 2) Recommendations: One-Parent Families, page 1 & 2.
- 3) Motions: Ald. Fredericks, page 2  
Crawford, page 3.
- 4) Inquiries, pages 3 to 5 incl.
- 5) Award tender: School buses, page 5.
- 6) Sale of Pumper #4, page 6.

Dartmouth, N. S.

April 20/82.

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

Present - Deputy Mayor Hart

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

City Administrator, C. A. Moir  
Deputy City Clerk, G. D. Brady

Council agreed to add one item from Committee,  
which was to set the public hearing date for two rezoning  
applications, one for Parcel B of the Manor Park Subdivision  
and the second, from Cascade Developments Ltd. (Mount  
Edward Road).

This meeting of Council constituted the public  
hearing for proposed amendments to the Zoning By-law with  
respect to the size of parking stalls in Multiple-Family  
developments, whereby a portion of the parking area can  
be permitted for the allocation of these smaller spaces  
for compact car use. By-law C-460 has been prepared to  
accomplish the amendments to the Zoning By-law, which have  
been recommended by the Planning Dept. No opposition has  
been indicated at the public meeting held on April 8th and  
no presentations were made at this time, either for or  
against the proposed amendments.

It was moved by Ald. Crawford and Sarto and carried  
that leave be given to introduce the said By-law C-460 and  
that it now be read a first time.

It was moved by Ald. Crawford and Ibsen and carried  
that By-law C-460 be read a second time.

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

It was moved by Ald. Greenough and Ibsen and carried  
that By-law C-460 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.

A public hearing was also held at this time for  
a second proposed amendment to the Zoning By-law, dealing

AMENDMENT TO  
ZONING BY-LAW:  
PARKING, MF  
RESIDENTIAL

AMENDMENT TO  
ZONING BY-LAW:  
PARKING OF  
COMMERCIAL VEHICLES

with the parking of commercial vehicles in residential areas. The amendment has been recommended by the Planning Dept. and no objection to it was registered either at the public meeting on April 8th or at this present hearing. By-law C-459 has been prepared to accomplish the amendments being recommended.

It was moved by Ald. Crawford and Valardo and carried that leave be given to introduce the said By-law C-459 and that it now be read a first time.

It was moved by Ald. Hawley and Crawford and carried that By-law C-459 be read a second time.

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

It was moved by Ald. Ibsen and Valardo and carried that By-law C-459 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-459.

CONTRACT ZONING:  
83/387 PORTLAND ST.

This date was set by Council for public hearing of a request from Irving Oil for contract zoning of 383 (also known as 385 Portland St.) and 387 Portland Street, to accommodate proposed renovations to the Irving station at the corner of Lakefront Road and Portland Street, and, at the same time, to give area residents some assurance that 387 Portland St. will continue as a residential use. Copies of the proposed contract have been circulated, with Resolution #82-17, approving the proposed development proposal from Irving, subject to the conditions set out in the agreement. Ald. Ritchie and Sarto moved the adoption of Resolution #82-17.

RESOLUTION #82-17

A letter signed by three area residents, indicating several concerns they have about the development proposal, was before Council, and Mr. Deakin of 391 Portland Street elaborated in further detail on the points raised in the letter. His primary concern was with the retention of the total property at 387 Portland St. for residential purposes, including the driveway. Mr. L'Esperance pointed

out that section 3 of the contract gives this confirmation that the property is to be used strictly for residential purposes, and this would include the driveway located on the property. The other point mentioned by Mr. Deakin pertained to the traffic situation on Portland Street, and the need for the Traffic Division to look at what can be done to improve the overall problem as it presently exists.

Once members of Council were satisfied that the concerns of the residents have been addressed and covered in the contract, they were not opposed to it, with the exception of Ald. Ibsen, who was concerned about the installation of underground oil storage tanks in such close proximity to residential development. He said he could not support the contract zoning on this basis. When the vote was taken on Resolution #82-17, it carried with Ald. Greenwood abstaining from the vote, having declared an interest conflict at the beginning of the public hearing on this item.

MOTION: Moved by Ald. Ritchie and Sarto that Council adopt Resolution #82-17, covering the provisions for contract zoning of the properties at 383 and 387 Portland St.

CONTRACT ZONING:  
BOWPORT ENTERPRISES  
WAVERLEY RD. AND  
MICMAC DRIVE

This date was also set by Council for public hearing of a contract zoning request for the properties 204 & 208 Waverley Road and 5 & 7 MicMac Drive, submitted by Bowport Enterprises Ltd., to permit a development proposal for two single-storey buildings that would be used for several commercial purposes, as detailed in the submission from the developer, Mr. Jack Osmond. Copies of the proposed contract have been circulated, along with Resolution #82-18, approving the development proposal, subject to the conditions set out in the agreement. Ald. Hawley and Ibsen moved the adoption of Resolution #82-18.

RESOLUTION #82-18

Ald. Fredericks said he did not consider this to be a suitable use of the land involved and he opposed the contract zoning on that basis. Other members who spoke on the motion did not share the same opinion and were willing to support the development plan as long as the area residents

are satisfied that their concerns have been adequately addressed in the conditions of the agreement. A letter has been circulated from Mr. P. M. Mazier of 38 MicMac Drive, setting out the particular areas of concern he has about the development, as discussed at the public meeting held with area residents. Mr. Mazier was present for this hearing and addressed Council with particular reference to sections 2(e) and 2(g) of the contract, which he felt should be more specifically defined for the protection of the residents. Mr. L'Esperance explained the difficulty in spelling out the kind of restrictions being requested by Mr. Mazier, and after considerable discussion by Council, it was agreed that the contract could be authorized at this time in its present form, leaving these details to be worked out by Mr. L'Esperance with Mr. Mazier and Mr. Osmond. Once the specifics have been defined to the mutual satisfaction of the developer and Mr. Mazier, the revised contract will be forwarded to Council for further information only.

On this basis, the vote was taken on the motion, and it carried with Ald. Fredericks voting against.

MOTION: Moved by Ald. Hawley and Ibsen that Council adopt Resolution #82-18, covering the provisions for contract zoning of the properties at 204 and 208 Waverley Road and 5 and 7 MicMac Drive. (Details of sections 2 (e) and 2 (g) of the contract to come back to Council for information.)

On motion of Ald. Crawford and Ritchie, Council set May 18th as the date for public hearing of two rezoning applications: Parcel B of the Manor Park Subdivision and a 12.03 acre site on Mount Edward Road. This date was recommended from Committee at the April 13th meeting.

MOTION: Moved by Ald. Crawford and Ritchie that Council set May 18th as the date for public hearing of rezoning applications for Parcel B of the Manor Park Subdivision and a 12.03 acre site on Mount Edward Road.

Tenders have been received, as per the attached report from the Purchasing Dept., for uniforms and clothing for the Police and Fire Departments for the year 1982. Mr. Moir has concurred in the recommendations of the Chief Buyer on the awarding of the tenders, and Council approved these

PUBLIC HEARING:  
MANOR PARK &  
MOUNT EDWARD RD.

WARD TENDERS:  
UNIFORMS & CLOTHING  
POLICE & FIRE DEPTS.

recommendations, on motion of Ald. Crawford and Greenwood (Ald. Williams voting against).

MOTION: Moved by Ald. Crawford and Greenwood that tenders be awarded as recommended for uniforms and clothing for the Police and Fire Departments; a copy of the tenders and recommendations is attached.

WARD TENDER:  
POLICE VANS

Tenders have been received as follows for two 1982 3/4 ton Police vans, taking in trade two 1981 vans:

<u>Dealer</u>	<u>Net Cost Two Vans</u>
Harbour View Plymouth Chrysler Ltd.	\$11,070.
Dartmouth Dodge Chrysler Ltd.	11,952.
Forbes Chevrolet Oldsmobile Ltd.	12,790.
Chebucto Ford Sales Ltd.	16,050.

The recommendation of the Purchasing Dept. and Mr. Moir is that the tender be awarded to Harbour View Plymouth Chrysler Ltd., the low bidder, in the amount of \$11,070. for two vans. Council approved this recommendation, on motion of Ald. Greenough and Ibsen.

MOTION: Moved by Ald. Greenough and Ibsen that the tender for two 1982 Police vans, taking in trade two 1981 vans, be awarded to the low bidder, Harbour View Plymouth Chrysler Ltd., in the total amount of \$11,070.

TENDERS: LAKE  
SAFETY PATROL

Tenders have been received as follows for lake safety patrol & lifeguard service:

1) Evidence Research Associates Ltd.	\$36,441.60
2) Dartmouth Ambulance Ltd.	36,806.40
3) Eagle Security Ltd.	44,140.80
4) Sea Pro Services Ltd.	105,600.

Acceptance of the low tender, received from Evidence Research Associates Ltd., has been recommended by Mr. Moir, and Council has been requested to authorize an over-expenditure in the amount of \$6,541.60 in order to meet this cost, which is in excess of the \$29,900. amount budgeted for the item.

Ald. Crawford and Valardo moved that Council accept the tender submitted by Dartmouth Ambulance Ltd. Ald. Crawford based his reasons for this motion on the fact that Dartmouth Ambulance can be in constant contact with the Dartmouth General Hsp. at all times and can provide immediate ambulance service if it should be required in any emergency situations at the lakes. Also, he questioned the need for a boat with an 80 HP motor for this kind of patrol service.

Ald. Fredericks was opposed to tendering the patrol service out at all and wanted to see it operated by a City department, preferably the Recreation Dept. if the Police Dept. cannot handle it. He suggested referral back to staff to look at the possibility of the Recreation Dept. taking on responsibility for the service, making use of the boat that the City already owns. Ald. Hawley asked if the Fire Dept. might be able to take on the service and he was opposed to the over-expenditure involved if the tender were to be awarded to the low bidder. Some of the other members also considered the cost of the patrol service to be excessive, although it was pointed out that the tender includes the cost of operating a boat and covering several lifeguard shifts and not just one employee. Ald. Ibsen was in favour of accepting the low bid, especially since it includes provision for a back-up boat, and said he would be willing to support that tender. Ald. Sarto suggested that we try to come back with a lower quotation from Evidence Research Associates Ltd., based on a smaller boat and motor that could reduce the operational costs.

After further debate, Ald. Crawford and Hawley moved referral back to staff for consideration of other possible alternatives to the tendering out of the lake patrol service, as discussed. The motion to refer carried with Ald. Ibsen voting against.

MOTION: Moved by Ald. Crawford and Hawley that the matter of the lake patrol service be referred back to staff for consideration of other possible alternatives to the tendering out of this service, such as operating it by the Recreation Dept. with the use of the boat owned by the City, etc.

INTEREST RATES:  
LOCAL IMPROVEMENT  
LIENS

A report from the City Clerk-Treasurer was considered on the subject of local improvement liens on properties for services such as sidewalk, curb & gutter, and the fact that these local improvement charges are able to be paid by installment, with the City bearing the overall financing charges for short-term borrowings and/or debenture issues to cover the costs. It is therefore recommended that the interest rate charged assessed property owners on the

unpaid balance of local improvement liens set up in 1982 and future years, be increased from 12% to 15%, this being the maximum allowable under the City Charter. Ald. Fredericks and Greenwood moved the adoption of the recommendation.

Ald. Fredericks asked about the review of sewer frontage charges by staff and Mr. Moir said he would check on the status of this. The motion on the floor carried.

MOTION: Moved by Ald. Fredericks and Greenwood that a report from the City Clerk-Treasurer be adopted, recommending an increase from 12% to 15% interest on the unpaid balance of local improvement liens set up in 1982 and future years.

REPORT: JOINT  
COMMITTEE

A report, with comments and recommendations from the Joint Committee appointed to consider the implications of the Walker Commission Report, was before Council as an item still outstanding from previous agendas. Ald. Crawford and Greenwood moved the adoption of the report and the motion was debated.

Ald. Crawford had concerns about the disposal of school buildings and their ownership, once they are no longer required by the School Board for education purposes; his particular references were to Park School and the jurisdictional questions involved if this building reverts back to Council, in the event that it is closed for school use. The other item discussed in some detail was the reference to vocational education opportunities for students in Dartmouth and the question of the Dartmouth District School Board taking over the operation and administration of the Regional Vocational School in Dartmouth. Ald. Greenough indicated his opposition to this recommendation, and he also responded to inquiries made by other members as to the percentage of Dartmouth students that are presently able to be accommodated at the Regional Vocational School, in relation to students from other areas. At the conclusion of the debate, the vote was taken and the motion on the floor was defeated .

On motion of Ald. Ibsen and Crawford, the report from the Joint Committee was received and filed (Ald. Valardo,



PERMIT TO BUILD:  
LOT 7A THORNHILL DR.

Willians, Greenwood, and Cunningham voting against).  
MOTION: To receive & file Joint Committee report.  
On motion of Ald. Crawford and Valardo, Council approved an application for permit to build a multi-tenant building (Phase 1) on Lot 7A Thornhill Drive, submitted by B. D. Stevens Ltd., subject to City requirements, as outlined in the staff report of April 13/82.

MOTION: Moved by Ald. Crawford and Valardo that a permit to build be approved for Lot 7A Thornhill Drive, subject to compliance with City requirements, as set out in the staff report of April 13/82.

PEDESTRIAN CROSSING:  
OCHTERLONEY STREET

As requested by Council, staff have reviewed the design of a plan for vehicular and pedestrian crossings of the railroad track at the foot of Ochterloney Street, to see how the situation can be made safer for pedestrians. A plan prepared by staff was before Council for improvements estimated to cost \$8,000. (funding from the 1980 Capital Budget for the Downtown Program), and it has been recommended by Mr. Lukan that Council approve the funds and staff be authorized to proceed with the design and obtain all necessary approvals required for the crossing. The recommendation was adopted by Council, on motion of Ald. Ibsen and Crawford.

MOTION: Moved by Ald. Ibsen and Crawford that Council approve funds for improvements to vehicular and pedestrian crossings of the railroad track at the foot of Ochterloney Street, as per the plan presented and recommended in Mr. Lukan's report of April 14/82.

DOWNTOWN  
CAPITAL BUDGET

On motion of Ald. Greenough and Ibsen, Council received and filed a report submitted by the Downtown Revitalization Committee, expressing to Council the Committee's appreciation for funds provided in the 1982 Capital Budget for the residential areas of the downtown.

MOTION: Moved by Ald. Greenough and Ibsen that Council receive and file a report from the Downtown Revitalization Committee, expressing appreciation for funds provided in the 1982 Capital Budget for the residential areas of the downtown.

TRACK RELOCATION  
STUDY

The Downtown Revitalization Committee has made inquiries regarding the Federal Government's Track Relocation Study, with regard to Dartmouth's application

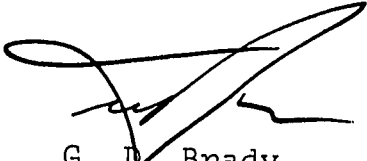
for a study of relocation of the C.N.R. marshalling yard in the downtown area. Based on information received and the Committee's belief that the yard is a hindrance to development of that area of the downtown, the Committee has recommended the following:

That Council be advised that the C.N. relocation study is not going to be carried out, according to the information we have, and that Council be asked to petition the Minister of Transportation and/or Transport Canada, to reinstate the program and place Dartmouth as a priority on the list for a relocation study; further, that Council write to the Union of Nova Scotia Municipalities and the F.C.M., soliciting support from both organizations.

The recommendation was adopted by Council on motion of Ald. Cunningham and Valardo.

MOTION: Moved by Ald. Cunningham and Valardo that Council adopt the recommendation from the Downtown Revitalization Committee with respect to the C.N.R. Track Relocation Study, as detailed above.

Having completed the agenda for this date, Council adjourned.

  
G. D. Brady,  
Deputy City Clerk.

City Council, Apr. 20/82

ITEMS:

- 1) Zoning By-law amendment: MF Res. parking, page 1.
- 2) " " " : Parking, comm. vehicles, page 1.
- 3) Contract zoning: 383/387 Portland St., page 2.
- 4) " " : Bowport Enterprises, page 3.
- 5) Public hearing date: Manor Park & Mt. Edward Rd., page 4.
- 6) Award tenders: Police & Fire Dept. clothing, page 4.
- 7) " : Police vans, page 5.
- 8) Tenders, lake safety patrol, page 5.
- 9) Interest rates: Local improvement liens, page 6.
- 10) Report: Joint Committee, page 7.
- 11) Permit to build: Lot 7A Thornhill Dr., page 8.
- 12) Pedestrian Crossing: Ochterloney St., page 8.
- 13) Downtown Capital budget, page 8.
- 14) Track Relocation Study, page 8.

Dartmouth, N. S.

April 27/82.

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

Present - Deputy Mayor Hart.

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

COMPLAINT HEARING:  
ICE HOUSE LOUNGE

This meeting of Council constituted a hearing set for a complaint made under By-law C-211 by area residents, against the Ice House Lounge located on Prince Albert Road.

A petition was before Council from the residents and representation was first made by Mr. Ed MacLeod of 7 Lakeview Point Road. The main complaint of the residents is about the noise being caused by amplified music from the Ice House Lounge, with secondary complaints about the noise from cars leaving the parking area when the lounge closes at 2:00 a.m., and littering caused by garbage from the restaurant and lounge operation. Mr. MacLeod and other speakers who followed him, said it was their understanding originally that the lounge was to have a piano bar and would not be featuring bands with the kind of amplified sound that is disturbing residents now and keeping them awake at nights. Other residents heard were Mr. Stanley Dupuis of 12 Lakeview Point Rd., Mr. John Butler of 10 Lakeview Point Road, Mr. Frank Smith of 5 A. Lakeview Point Road, Mr. Steven Farmer of 5 Lakview Point Road, and Mr. Dave Whitehouse of 3A Lakeview Point Rd. Mr. Butler noted that some patrons of the lounge are parking their cars on the Lakeview Point Road, and he felt this should not be allowed. All of the above speakers had similar opinions about the disturbance being caused in their neighborhood at night by the loud, vibrating sound of music, particularly in the bass register. They expressed concern that the situation will become worse in warmer weather when

they will have their windows open at night and the sound from the lounge will carry more readily. Mr. Frank Smith said he has called the police twenty-four times about the noise problem.

Several speakers considered the restaurant and lounge to be a satisfactory operation, aside from the areas of concern indicated to Council, especially the noise disturbance problem.

Mr. John Young represented the Top-of-the-Cove Restaurant Ltd., owners of the restaurant and lounge operation and he stated that he was appearing without prejudice before Council. He first reviewed the three main areas of complaint raised by the residents, pointing out that provision is made for garbage disposal through the normal commercial garbage container system and therefore should not be presenting any problems in the adjacent areas. With respect to parking, he indicated to Council the number of spaces that are provided on site and across the street, so that it is not necessary for patrons to use Lakeview Point Road for parking purposes. He suggested that no parking signs could be erected to prevent further parking on the street.

With reference to the main complaint, about noise emanating from the lounge, Mr. Young provided information on the insulation and sound-deadening provisions that have been made in the renovation of the premises to contain the sound within the lounge, referring to the fact that patrons in the diningroom area are not bothered by the music and have not even been aware of it in the same general area of the building. He said there is a question as to the point when sound becomes a nuisance, and suggested that it is not possible to eliminate all noise in an urban area. He took the position that this is a business being properly operated on what is a commercially-zoned property. The fact that the building has been closed for some time and is now open, with a successful business operation in it, has to be taken into consideration, he said.

Mr. Young had circulated, a sound level graph, marked off in decibels, to give Council some indication of the levels at which sound has been registered in the lounge with various groups that have been performing there. He stated that the average level, when a band is performing in the lounge, ranges between 70 and 90 decibels; this measurement would be within the lounge itself.

One of the residents present indicated that the sound levels during the past week have been much more acceptable, and it was pointed out by Mr. Young that during the period referred to, a large five/six-piece band has been featured in the lounge.

After hearing both sides of the complaint, members of Council spoke on the issue in trying to reach a concensus of opinion as to how it can be resolved. Ald. Cunningham referred to the difficulty in making a subjective assessment as to what constitutes a noise nuisance, a point made by other members in relation to complaint hearings that are before Council. It was noted by Ald. Cunningham that the main problem is being created by the vibrating sound caused by bass notes that are amplified when bands are playing in the lounge. The continuing disturbance caused by such a sound has produced a nuisance that is not acceptable to the area residents, even though efforts have been made by the owners of the lounge to insulate and deaden the sound. Ald. Crawford referred to the precedent set by Council in requiring the Matador Lounge to provide additional sound-proofing in that establishment, and suggested that as members of Council did in the Matador situation, they should listen at first-hand to the sound coming from the Ice House Lounge building in order to form an opinion about the noise levels that residents are hearing.

Ald. Greenough asked if it would not be advisable for the owners to seek the services of an acoustics expert, and proposed that a time-frame be established to give the owners an opportunity to have a consultant determine what is required to reduce the noise levels and bring them to an acceptable standard.

Ald. Greenwood said he agreed that the owners should have time to make the necessary improvements and Ald. Valardo felt it is important to find a mutually satisfying solution that both the residents and the owners can live with. Ald. Williams considered that the residents do have a problem and that their quality of life must be protected, as they would expect. Ald. Ibsen said there is only one alternative and that is to have the sound turned down in the lounge. He moved that the owners be asked to have the sound turned down and that they be given thirty days to comply with this requirement; the motion was seconded by Ald. Crawford. Ald. Fredericks did not agree that this is a strong enough position to take, and moved in amendment that acoustical experts be engaged by the lounge owners to look at the noise problem and give advice on what to do to correct it and keep the noise within the building. The amendment was seconded by Ald. Williams, but the Solicitor pointed out that it is not within the power of Council, under this by-law, to order the hiring of a consultant, which involves the expenditure of money by the owners. On this basis, the amendment was ruled to be out of order.

Ald. Hawley asked about the willingness of the owners to cooperate and to try to find a solution to the noise problem. Mr. Young advised that they are willing to cooperate, but would not want to 'commit themselves to phrases in the directives of Council'. Mr. Moreash suggested that if the owner is willing to cooperate, Council might wish to defer a decision at this time and resume the hearing at a date to be specified, to give the owner and the residents time to arrive at a compromise solution. Members of Council tended to favour this approach and Ald. Hawley moved a sixty-day adjournment until June 29th to give time for a resolution of the noise problem; the motion did not receive a seconder.

Ald. Fredericks and Crawford then moved that the hearing be adjourned until May 25th at 7:30 p.m. in this

Council Chamber, when Council will hear further from the owners and the residents. Ald. Ibsen questioned what directive the owners have in fact received, as a result of this motion being placed on the floor. Ald. Williams said this is a threat on the part of Council that if the owner does not comply, Council will take action. Ald. Fredericks said it is implied that the two groups - the citizens and the owners - will work together to resolve this controversy within the time limit that has been set. He introduced an amendment to this effect for clarification of the intent of Council, seconded by Ald. Crawford. Council generally agreed that the intent of setting a time limit for a resumption of the hearing, is to give both the owners and the residents a chance for cooperation in a mutually-agreeable solution to the noise problem. When the vote was taken, the amendment carried; the amended motion carried with Ald. Ibsen voting against.

MOTION: Moved by Ald. Fredericks and Crawford that the hearing be adjourned until May 25th at 7:30 p.m. in this Council Chamber, when Council will hear further from the owners and the residents.

AMENDMENT: Moved in amendment by Ald. Fredericks and Crawford that implied in the motion is the intent that the two groups, both residents and owners, will be working together within that time-frame to resolve the issue that has led to this hearing.

CONTRACT #82-04:  
SIDEWALK CONSTRUCTION

Tenders have been received for Contract #82-04, covering sidewalk construction as detailed in the report to Council from the City Engineer, dated April 12/82. The recommendation to Council is that the contract be awarded to the low bidder, Armdale Construction Ltd., in the amount of \$202,680., this being the low bid received. Council awarded the tender, as recommended, on motion of Ald. Greenough and Crawford.

MOTION: Moved by Ald. Greenough and Crawford that the tender for Contract #82-04 (sidewalk construction) be awarded to the low bidder, Armdale Construction Ltd., in the amount of \$202,680., as recommended jointly by the City Engineer and Mr. Moir.

FERRY BOATS:  
COVERING  
UPPER DECKS

As requested by Council, staff have investigated the feasibility of a cover for the upper level of the Dartmouth ferry boats; a report from Mr. Moir was before Council on the various considerations looked at in this connection. The conclusion of the report recommends that Council not attempt to cover the existing boats for the reasons set out in the report, and Ald. Withers and Williams moved the adoption of the recommendation. Ald. Fredericks asked if something could be done about wet seats on the upper decks and slippery deck conditions when it rains; Mr. Moir said these points are being looked at further. The motion on the floor carried.

MOTION: Moved by Ald. Withers and Williams that Council adopt Mr. Moir's recommendation that an attempt not be made to cover the existing ferry boats for the various reasons set out in his report of Apr. 16/82.

HERITAGE CANADA  
MAINSTREET PROGRAM

Members of Council have received copies of a letter regarding the Heritage Canada Main Street Program, with an accompanying memo to John Lukan from Judith Cookey on this subject, and a report from Mr. Moir, recommending that the City not participate in this program for the reasons identified by the Planning Dept. staff. Ald. Crawford and Sarto moved the adoption of the recommendation. Ald. Brennan and Fredericks introduced a motion of referral to the Downtown Revitalization Committee, but after Ald. Crawford had explained further details of the program and the irrelevance of its funding provisions for Dartmouth, the motion to refer was defeated. The main motion carried.

MOTION: Moved by Ald. Crawford and Sarto that Council adopt Mr. Moir's recommendation not to participate in the Heritage Main Street Program, for the reasons identified by Planning Dept. staff.

TUFT'S COVE NIP  
PROPOSALS

Council had previously agreed to add an item to the agenda dealing with the Tuft's Cove NIP program, and a proposal for projects under that program that have been identified as follows:

- 1) the purchase of a van for the Dartmouth Boys & Girls Club: purchase price not to exceed \$14,000.
- 2) the purchase & installation of a 'Big Toy' for the Farrell Street Park.



- 3) the request for funding for the Farrell Benevolent Society be deleted as a NIP project and removed from the Council agenda.

The \$20,000. amount remaining in funding for the Tuft's Cove NIP Program is to be discussed further at a NIP meeting to be held on May 5/82. Ald. Greenwood introduced the proposal for Council's approval, as outlined, and it was adopted, on motion of Ald. Greenwood and Crawford.

MOTION: Moved by Ald. Greenwood and Crawford that Council approve the Tuft's Cove NIP projects as detailed and recommended above and on page 6 of the minutes.

AMENDED CONTRACT:  
BOWPORT ENTERPRISES LTD.

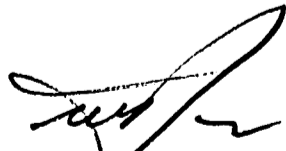
As requested by Council, copies of an amended contract with Bowport Enterprises Ltd. and the City, have been circulated, based on concerns indicated to Council during the public hearing on the Bowport application for contract zoning, held on April 20th. Both Mr. Osmond, of Bowport Enterprises Ltd., and Mr. Mazier, the resident of the area, have read the revised contract and are satisfied with it. On motion of Ald. Crawford and Hawley, Council adopted Resolution #82-18, authorizing the agreement to be entered into, as recommended by staff.

A copy of the resolution is attached. (Ald. Brennan abstaining from the vote.)

MOTION: Moved by Ald. Crawford and Hawley that Council approve Resolution #82-18, authorizing the revised contract between Bowport Enterprises Ltd. and the City, as recommended by staff.

On motion of Ald. Crawford and Williams, Council adjourned to meet in camera to deal with two additional items. Having reconvened in open meeting, the action taken in camera was ratified, on motion of Ald. Fredericks and Crawford (Ald. Hawley voting against).

The meeting then adjourned.

  
G. D. Brady,  
Deputy City Clerk.

City Council, Apr. 27/82

ITEMS:

- 1) Noise complaint: Ice House Lounge, page 1 to 5 incl.
- 2) Contract #82-04: Sidewalk construction, page 5.
- 3) Ferry boats: covering upper decks, page 6.
- 4) Heritage Can. Main Street Program, page 6.
- 5) Tuft's Cove NIP proposals, page 6.
- 6) Amended contract: Bowport Enterprises, page 7.