

Dartmouth, N. S.

September 5/84

Regularly called meeting of City Council held
this date at 5:30 p.m.

Present - Deputy Mayor Greenwood

Ald. Sarto	Romkey
Peters	Beeler
Crawford	Levandier
Withers	DeMont
Stubbs	Greenwood
Hawley	Greenough
Bregante	Hetherington
City Solicitor, M. Moreash	
City Administrator, C. A. Moir	
City Clerk-Treasurer, B. Smith.	

BRIEFING: STRIKE
CONTINGENCY PLAN

Council met for a briefing on the strike contingency plan that will go into effect in the event of a police strike.

Council agreed to meet in Committee, on motion of Ald. Stubbs and Hetherington. A motion was then introduced to go in camera, moved by Ald. Hetherington and seconded by Ald. Bregante.

Ald. Hawley indicated concerns about the release of information from the previous in camera meeting of Council (Committee), and felt that there is no point in continuing to meet in camera if confidentiality is not maintained by the members afterwards. He said there should be a trustworthiness that can be depended upon among members of Council and that solidarity should be maintained in the kind of difficult circumstances now faced by Council. He moved in amendment that confidentiality be maintained withⁱⁿ this meeting by one hundred percent of the members present; the amendment was seconded by Ald. Hetherington.

Ald. Crawford questioned the need to meet in camera at all and noted that there is no provision in the City Charter for items to be dealt with in camera. The Solicitor said it is generally recognized that some matters require confidentiality, one of these being the matter of labour negotiations. He pointed out that it is in order for the Committee of Council to meet in camera and the procedure being followed is lawful.

Responding to a question from Ald. Hetherington about confidentiality requirements for members of Council, Mr. Moreash said that is the intent of going in camera, to insure the element of confidentiality, but the question of enforceability is a difficult one. There is no legal recourse to require an Alderman to maintain silence and a body such as Council can only move to expel a member for releasing information from an in camera meeting, or to proceed with a motion of censure.

Ald. Greenough suggested that the provision for going in camera is spelled out in the Procedural By-law. His position was that it is incumbent upon all members to act responsibly and maintain their integrity for the good of the whole Council. Ald. Stubbs said that in a situation like the present one, Council is acting as management in a labour issue and members should conduct themselves accordingly.

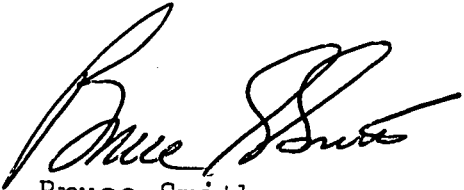
When the vote was taken on the amendment, it carried, with Ald. Peters, Crawford and Levandier voting against. The amended motion carried with Ald. Crawford and Hawley voting against.

MOTION: Moved by Ald. Hetherington and Bregante that the Committee of Council meet in camera.

AMENDMENT: Moved in amendment by Ald. Hawley and Hetherington that confidentiality be maintained within this meeting by one hundred percent of the members present.

After having met in camera, Council reconvened in open meeting and ratified the action taken in camera, on motion of Ald. Hetherington and Hawley (Ald. Crawford voting against).

Meeting adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council/Committee, Sept. 5/84

ITEM:

1) Briefing: Strike Contingency Plan, page 1 & 2.

Dartmouth, N. S.

September 11/84.

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

Present - Mayor Brownlow

Ald. Sarto	Romkey
Peters	Beeler
Crawford	Levandier
DeMont	Withers
Stubbs	Greenwood
Hawley	Greenough
Bregante	Hetherington
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady.	

MINUTES

On motion of Ald. Greenough and Bregante, Council
adopted the minutes of meetings held on Aug. 21st & 28th.

RECONSIDERATION:
FIRE & SECURITY
ALARMS

At the August 21st meeting, Ald. Crawford gave
notice of reconsideration, following Council's approval
of a motion to accept the Amplitrol bid for alarm services
for the City, the amount of their bid being \$200,968.07.
Information requested at that time on possible insurance
savings to the City has been circulated with the agenda
for this meeting, and Ald. Crawford distributed a letter
that has since been received from A.P. Reid Insurance Ltd.
on the subject. The four pieces of correspondence that
Council has received are from:

- 1) A.P. Reid Insurance Ltd.
- 2) Tomenson Saunders Whitehead Ltd.
- 3) Douglas Investigation & Security Co. Ltd.
- 4) Blenus Hope Insurance Ltd.

In giving his reasons for reconsideration, Ald.
Crawford said it is important for Council to consider
this additional information before coming to a final
decision on the awarding of the tender, especially since
a possible saving of \$165,000. could be involved for the
City if the lower bid from Evidence Research Associates
were to be accepted instead of the Amplitrol bid. He
proposed that the correspondence received should be
reviewed by staff, after which Council would have a
briefing, with representatives from the various companies
present to answer questions as required. He therefore
moved that Council reconsider the decision taken on
August 21st to accept the Amplitrol bid for alarm services.

The motion was seconded by Ald. Stubbs and it carried by a vote of ten to four.

MOTION: Moved by Ald. Crawford and Stubbs that Council reconsider the action taken at the August 21st meeting in accepting the Amplitrol bid for alarm services.

Ald. Crawford and Hawley then moved referral to the City Administrator for a complete analysis of the additional information received and a report back to Council, at which time company representatives would also be present to respond to questions. Ald. Greenough said he would like clarification as to whether or not a high risk security type of system is actually required, since there appears to be some difference of opinion on this point. The motion to refer carried.

MOTION: Moved by Ald. Crawford and Hawley that the additional information received be referred to Mr. Moir for a complete analysis and report back to Council, at which time company representatives would also be present to respond to any questions as required.

PUBLIC HEARING:
ICE HOUSE LOUNGE

Council set this date for public hearing of complaints from area residents under the Nuisance By-law C-211, against the Ice House Lounge located on Prince Albert Road. The Mayor outlined the procedure to be followed in the hearing and called for representation from any of the residents wishing to be heard by Council.

Mr. Ed MacLeod of Lakeview Point Road represented the people making the complaint and stated that there are two main problems at present: first, the noise from the amplified music inside the lounge (depending on which band is being featured), and second, the noise caused by patrons leaving the lounge, who are fighting and swearing in the parking lot after they get outside.

Mr. Wm. Clarke of 5 Lakeview Point Road was mainly concerned about the outside noise and the fact that a fence has been taken down which formerly kept the patrons of the lounge on their own property and out of the adjacent residential areas. He felt there is a need for a security person in the parking lot to make sure that patrons get in their cars and leave the premises once they come out of the lounge.

Council also heard Mr. Perce MacIvor of 8 Lakeview Point Road, who also felt that the major problem at present is being caused by late-night noise coming from the parking lot after the lounge has closed and people have left it to go to their cars.

Mr. Jeffrey Slivocka, Solicitor for the owners of the Ice House Longe, addressed Council after the residents had presented their complaints. He referred to the steps taken by the owners to deal with noise from inside the lounge, following the complaint hearing which took place about two years ago, pointing out that the area residents were satisfied with the improvements and even commended the owners for the action taken by them. He said the fence behind the property was removed by the owner of the mall and not by the owners of the lounge, and suggested that some of the noise that is disturbing the residents is also coming from other businesses located in the same area. He felt that the Police Dept. has some responsibility for maintaining order in these situations, but the Mayor questioned the jurisdiction the police would have on a privately-owned property unless a crime were being committed which they were called to deal with.

Ald. Withers said that a similar problem in his ward has been resolved by employing a security person who is on duty from 12:00 midnight to 6:00 in the morning. Ald. Peters wanted to see police surveillance stepped up in the area and felt that the police have a duty to enforce the law and should be directed to do so.

Ald. Beeler made several suggestions, including the reinstatement of the fence which provided some protection for the properties of residents, the creation of a buffer between the lounge property and the residential area with a hedge and other landscaping features, and by providing some security in the parking lot itself. Ald. Hawley's suggestion was that cars be parked for the patrons and brought back to the door for them when they are leaving the lounge; then they would not have to go into the parking lot at all.

Ald. Greenough pointed out that the previous noise problems were resolved to the mutual satisfaction of both parties, in the case of the original complaint hearing, and he felt a solution could be arrived at in this instance as well if the parties were to get together with their Aldermen and with the appropriate staff members to work out some mutually acceptable arrangements. He therefore moved that a meeting be arranged with representatives of both the Ice House Lounge management and the resident group, the two Aldermen for the ward, the Police Chief or the Deputy Chief, and the City Solicitor (plus any other resource person required), to evaluate the suggestions that have been made and any others, in an attempt to resolve the problems that exist. A report to come back to Council within sixty days time. The motion was seconded by Ald. Hawley.

After the Mayor had declared the hearing to be over, the vote was taken on the motion and it carried. The meeting referred to in the motion will be set up by the City Clerk's office, and the parties concerned will be notified.

MOTION: Moved by Ald. Greenough and Hawley that a meeting be arranged with representatives of both the Ice House Lounge management and the resident group, the two Aldermen for the ward, the Police Chief or the Deputy Chief, and the City Solicitor, to evaluate the suggestions made and any others, in an attempt to resolve the existing problems. A report to come back to Council within sixty days time.

PETITION:
GREEN GABLES STORE
365 PORTLAND ST.

Council has received a petition from residents living in the area of the Green Gables Variety store at 365 Portland Street, objecting to the store being open all night, on the basis of the noise that is created by people and cars in the parking lot and the fact that the parking lot has become a hang-out for young people very late into the evening.

Ald. Hetherington asked if it would be possible to require the store to close at 12:00 midnight rather than having it continue as a twenty-four-hour operation. He moved referral to the City Solicitor for a report

back to Council on just what action can be taken in this regard; the motion to refer was seconded by Ald. Bregante. Ald. Sarto asked if the Solicitor's comments could be of a general nature, applicable to other sections of the City where similar problems are being experienced as well.

The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Hetherington & Bregante that the petition from Portland Street residents be referred to the City Solicitor for a report back to Council on just what action can be taken to require store closing at 12:00 midnight in the case of 24-hour store operations, such as the Green Gables outlet referred to in the petition.

LETTER: CHAMBER
OF COMMERCE

A letter has been received from the Dartmouth Chamber of Commerce, requesting inclusion in the agenda of an item on the Dell Holdings development proposal so that it can be discussed further.

Rising on a point of privilege, Ald. Crawford noted that he has received an indication from Mr. Bayer that the Dell Holdings application is going to be resubmitted for Council's consideration, and he questioned whether or not a discussion of the item at this time could be seen as prejudicial when the application comes up again.

The Mayor agreed that some care has to be taken if in fact the Dell Holdings application is going to come before Council again, since the new Planning Act is quite specific about members of Council commenting on a development proposal, either for or against, prior to the holding of a public hearing. Ald. Crawford and Stubbs moved that the letter be tabled until the time of the public hearing when representatives of the Chamber would have the opportunity to be heard as they have requested. Ald. Levandier noted that any group or organization wishing to be heard, already had that opportunity at the time of the previous public hearing. He said he would not support the motion on the floor.

The motion carried with Ald. Levandier voting against.

MOTION: Moved by Ald. Crawford & Stubbs that the letter from the Dartmouth Chamber of Commerce be tabled until the time of the public hearing for the Dell Holdings application.

LETTER: OPERATION
DISMANTLE (INC.)

Council has been asked to give support to a resolution calling for a mutual and verifiable nuclear weapons freeze; the request for support comes from an organization known as Operation Dismantle (Inc.) and the resolution in support of the aims of this organization has already been adopted by Toronto City Council. Relevant documentation has been circulated with the letter from the organization.

Ald. Stubbs and Greenwood moved that the letter and the accompanying material be received and filed. Ald. Crawford felt that Council should go further than this with the letter and resolution, in view of the importance of the issue involved. Ald. Greenough noted that individual members can still take their own personal stand on this very important issue and can encourage a nuclear freeze and reduction through their Federal government. Ald. Beeler felt the City should go on record as being in support of the resolution, even though our influence may be considered small in such decisions.

When the vote was taken on the motion, it carried by a vote of 8 to 6.

MOTION: Moved by Ald. Stubbs and Greenwood that Council receive and file the letter received from Operation Dismantle (Inc.) with regard to a nuclear weapon freeze.

MONTHLY REPORTS

The regular monthly reports have come directly to Council since there was not time to deal with them at the previous meeting. The reports were approved as follows:

- 1) Social Services (July): adopted on motion of Ald. Hetherington & Greenwood.

Ald. Withers asked when we can expect a levelling off in the number of able-bodied unemployed on the caseload. Mr. Moir said he would ask Mr. McNeil to address this question at next week's Committee meeting when his August report is discussed.

Ald. Levandier asked what facilities will be made available for Social Services clients when the Belmont Hotel is no longer available. Mr. Moir said arrangements will be made for other accommodations.

- 2) Planning Act: Subdivision Regulations & By-laws: received and filed for information, on motion of Ald. Greenwood and Levandier.
- 3) Development Officer (July): adopted on motion of Ald. Bregante and Greenwood.
- 4) Building Inspection (July): adopted on motion of Ald. Sarto and Bregante.
- 5) Minimum Standards (July): adopted on motion of Ald. Hetherington and Bregante.

Ald. Crawford asked that attention be given to locations where grass has not been cut, on Dawson Street behind the Tim Horton outlet, and on the property at Fairbanks and Best Street. He also asked to have the back lot looked at behind the property at the end of Brookside Ave. (on Windmill Road).

Ald. Withers requested an inspection of unsightly premises at 35 Jamieson Street.

Ald. Greenwood brought up a property that runs along Sunnydale Ave., where the grass needs to be cut.

Ald. Bregante requested a joint inspection by the Fire Dept. and the Building Inspector at 32 Rodney Road, where the chimney is in danger of falling.

He also asked about the lot at the end of Woodside Ave; Mr. Turner said it is now on the list.

- 6) Fire Chief (July): adopted on motion of Ald. Bregante and Withers.
- 7) Animal Control (June & July): adopted on motion of Ald. Stubbs and Bregante.

Ald. Greenwood questioned what benefit has been received from the two additional personnel hired to enforce the Dog By-law; he said they do not appear to have accomplished anything more than selling a larger number of dog licenses for the July period. He noted that 500 less kilometers have been logged than for the same period last year and questioned the effectiveness of the additional manpower program in apprehending dogs running at large in the City. Mr. Moir pointed out that when the dogs are apprehended, the owners are contacted and required to license them, which accounts for the additional licenses that have been sold.

- 8) Tourism Director (Bureau Registrations for July, 1984, and season to date): adopted on motion of Ald. Bregante & Hetherington.

Ald. Hetherington asked who is in charge of this department when the Director is on vacation and advised that a recording responded to calls recently while he was away from the City. Mr. Moir said he would look into the inquiry further.

MOTIONS: To adopt the monthly reports, as detailed above and on page 6 of these minutes.

LEIGHTON DILLMAN
TRUST ACCOUNT

Agreements were before Council for the consolidation of three accounts into the Leighton Dillman Dartmouth Park Fence Painting Fund, and the establishment of a trust account for the Sullivan's Pond Water Fowl Fund.

RESOLUTION #84-56

Resolution #84-56 has been prepared, authorizing the signing of these agreements, and it was moved by Ald. Crawford and Stubbs that the resolution be adopted.

Ald. Withers and Crawford moved in amendment that where the words 'Dartmouth Park' appear in this documentation, they be replaced with the words 'Dartmouth Scenic Gardens'. The amendment carried and the amended motion carried.

MOTION: Moved by Ald. Crawford and Stubbs that Council adopt Resolution #84-56, authorizing the signing of agreements for the consolidation of the Leighton Dillman Dartmouth Park Fence Painting Fund, and the establishment of a trust account for the Sullivan's Pond Water Fowl Fund.

AMENDMENT: Moved in amendment by Ald. Withers and Crawford that where the words 'Dartmouth Park' appear in this documentation, they be replaced with the words 'Dartmouth Scenic Gardens'.

SURPLUS LAND:
WINDMILL ROAD

On motion of Ald. Greenwood and Stubbs, Council set October 16th at 7:30 p.m. as the date and time for the public hearing required to close a portion of the old Windmill Road, with the idea that the surplus lands involved will subsequently be offered for sale to interested property owners in the area. The public hearing will be held in the Council Chamber at City Hall.

MOTION: Moved by Ald. Greenwood and Stubbs that Council set October 16th at 7:30 p.m. for the public hearing required to close a portion of the old Windmill Road.

WOODLAWN
RETENTION POND

Mr. Moir has reported on a letter received from Kenneth W. Hartlen, suggesting that a name be chosen for the Woodlawn retention pond, based on the historic association of this area with the Morash family. Ald. Crawford and Sarto moved that the pond and park around it be named the Allison R. Morash Park.

Ald. Romkey and Crawford subsequently moved in amendment that the name be simply the Morash Park and Council approved this amendment. The amended motion carried.

MOTION: Moved by Ald. Crawford & Sarto that the Woodlawn retention pond and park area be named the 'Allison R. Morash Park'.

AMENDMENT: Moved in amendment by Ald. Romkey and Crawford that the name be simply the 'Morash Park' instead.

LAKE SAFETY
BY-LAW

On motion of Ald. Greenough and Crawford, Council set October 23rd as the date for a public hearing in connection with the proposed Lake Safety By-law, C-485. This public forum for the presentation of submissions was requested by Council when the by-law was deferred some time ago in second reading.

MOTION: Moved by Ald. Greenough & Crawford that Council set Oct. 23rd as the date for a public hearing in connection with the proposed Lake Safety By-law, C-485.

(SALE OF CITY
LOTS: LYNGBY AVE.
EXTENSION

A report from Mr. Moir was considered on the tenders which have now closed for the sale of 12 single-family lots on City-owned land located on Lyngby Ave. Based on the opinion of City staff that the bids received are not in keeping with the value of the lots, it has been recommended that the tenders be rejected, and that Council establish a price for the lots, to be sold on an individual basis, with the same conditions as indicated in the tender call.

Ald. Levandier and Bregante moved that the tenders be awarded to the high bidders, in the case of those lots for which bids have been received. A problem arose with the motion in that Mr. David Fowlie has bid on four separate lots, and in order to resolve this confusion, Mr. Fowlie later indicated to Council that if he has to choose one particular lot, his interest is in Lot D5.

At the beginning of this item, the Solicitor explained the City Charter provision which requires Council to sell any City-owned land at 'fair actual value'. If this requirement is not followed, a procedure is laid down for a recourse on the part of electors who are not satisfied with the price that has been paid for the land. It was also pointed out that those lots with bids in excess of \$30,000. will require resolutions that have to be approved by the Minister of Municipal Affairs, in keeping with the maximum established by Council for such

land transactions.

Ald. Withers said the tender should have spelled out the requirement that anything less than \$30,000. would not be acceptable as a price for the lots, based on the understanding of Council when this item was discussed originally. Mr. Fougere was asked when the servicing work will be complete in this area, and he advised that at least two months will be required due to the unexpected rock problems and the fact that a pre-blast survey will now be required.

Ald. Hetherington and Sarto moved that members of the public be heard on this item. Council agreed and approved the motion.

Council heard Mr. David Fowlie, who has bid on four of the lots in question. He commented on the problems he has encountered with the bid process and maintained that those people who have submitted bids in good faith are entitled to secure their lots in accordance with the terms of the tender call. He pointed out that no minimum value was stipulated in the tender call and he considered it unfair to impose one now that the bids are in. He felt that generally, the bidding for these lots has been carried out in an unsatisfactory manner and he objected to Mr. Moir's recommendation to Council.

Mr. Tom Patterson of 8 Bayswater Road also objected to the tendering procedure and complained about the difficulty in securing information from City departments and what he called the 'roadblocks' that were placed in the way of bidders interested in the lots. He considered the prices bid for the lots to be in keeping with assessed values that have been indicated for other lots in the same area, and said there was no reference whatsoever to any minimum bid price in the advertisement and no reference was made to such a requirement throughout the tendering process.

He said he agreed that the City should not give the properties away, but he and the other bidders did feel they have been misled by the figures that City

staff have used for their convenience, while at the same time, ignoring other figures that should have been taken into account. He also commented on the money that has been tied up in the bid deposit required, and agreed with the position taken by Mr. Fowlie that the bidders have generally been dealt with unfairly.

Ald. Romkey and Levandier felt that Council has an obligation to accept the bids that were made in good faith by the people who have tendered. Ald. Hawley asked about the legal implications of doing this when the Charter clearly stipulates that a fair market value is to be received for the sale of City-owned land. He said Council cannot go against the provisions of the City Charter and suggested that the Minister of Municipal Affairs is not even likely to approve resolutions if the land value is considered to be unrealistic. Further, if a decision of the Minister or Council were to be challenged in the future, the City could face an expensive court case. He moved in amendment that Council, feeling that the prices are of fair actual value, sees fit to award the tenders to the highest bidders in each case; the amendment was seconded by Ald. Sarto.

Concern continued to be expressed by members that Council is acting contrary to City Charter provisions in this situation, particularly in the case of those lots where bids have come in under \$30,000. and taking into consideration the additional costs that are now expected to develop the lots. Mr. Fougere has indicated that development costs, including engineering costs, are now estimated to run at \$350,000. instead of the \$159,000. projection originally made before the presence of rock was detected; additional drainage lines have also had to be installed that were not anticipated until the Engineering Dept. got into the project.

As the debate went on, there was a general feeling among the members that the City must at least recoup the development costs that are involved from the sale of the individual lots. Ald. Stubbs said she favoured Mr. Moir's

recommendation and that she would not even want to consider a price less than \$32,600. for any of the lots. She did feel, however, that the bid deposits should be returned to those people who tendered, and as the debate continued, other members agreed that the deposits should be returned if the bids received are not accepted.

Ald. Crawford also supported the recommendation in Mr. Moir's report and felt a price should be established for the lots before any of them are sold. He said he would not vote for either the motion or the amendment.

Ald. Greenwood was concerned that Council would sell the lots for anything less than the development costs involved, and Ald. Peters made the suggestion that an average cost per lot should be worked out, based on the total development cost, and those people who have tendered could then be given the right of first refusal on the lots for which they bid, based on the price that is established. The remaining lots would be offered for sale at the price established. Mr. Moir said that if this were done, it might be possible to go to the Minister of Municipal Affairs and obtain permission for the sale of all fifteen lots at the same time, without having to seek the approval for separate resolutions.

The vote was taken on the amendment and it resulted in a 7 to 7 tie; the amendment was declared to be defeated with the Mayor voting against.

Ald. Crawford and Stubbs then moved referral back to Mr. Moir for recommendation, based on the suggestion that has been put forward by Ald. Peters, as noted above. The understanding of Council appeared to be that those people submitting bids would get their deposits back, in view of the move to have prices established for the lots instead of awarding them by tender. The vote was taken on the motion to refer and it carried.

Mrs. Patterson sought some assurance that the people submitting bids would be informed when this item is to come back to Council, and would be privy to the information used by Mr. Moir to establish prices for the lots

The Mayor agreed that they will be so informed.

MOTION: Moved by Ald. Crawford and Stubbs that the item be referred to Mr. Moir for recommendation, based on the suggestion put forward by Ald. Peters, as outlined on page 12 of these minutes.

CREMATORIUM

A five-year lease has been requested from Dartmouth Crematorium Ltd. for the crematorium building in Mount Hermon Cemetery, with a further five-year term with rent to be negotiated after the first five-year period. The company is offering to increase the rent per year to \$1,200. for the first five years; after that, the rent would be re-negotiated.

Mr. Moir has recommended that Council authorize the entering into of a contract as outlined.

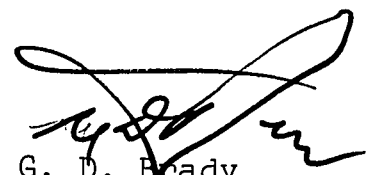
Ald. Levandier declared a conflict of interest on this item, for business reasons, and withdrew from his place on Council to sit in the gallery.

Mr. Moir's recommendation was adopted, on motion of Ald. Hetherington and Greenwood.

(During the above item, Council agreed to continue meeting beyond the hour of 11:00 p.m. to complete the item.)

MOTION: Moved by Ald. Hetherington & Greenwood that Council adopt Mr. Moir's recommendation on the leasing of the crematorium building in Mount Hermon Cemetery, to Dartmouth Crematorium Ltd., as detailed above.

Meeting adjourned.


G. D. Brady,
Deputy City Clerk.

City Council, Sept. 11/84

ITEMS:

- 1) Reconsideration: Fire & Security Alarms, page 1 & 2.
- 2) Public Hearing: Ice House Lounge, page 2 to 4 incl.
- 3) Petition: Green Gables, 365 Portland St., page 4.
- 4) Letter: Chamber of Commerce, page 5.
- 5) Letter: Operation Dismantle (Inc.), page 6.
- 6) Monthly reports, page 6 & 7.
- 7) Leighton Dillman Trust Account, page 7 & 8.
Resolution #84-56, page 8.
- 8) Surplus land: Windmill Rd., page 8.
- 9) Woodlawn Retention Pong, page 8.
- 10) Lake Safety By-law, page 9 .
- 11) Sale of City lots: Lyngby Ave. Ext., pg. 9 to 13 incl.
- 12) Crematorium, page 13.

Dartmouth, N. S.

September 18/84.

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

Present - Mayor Brownlow

Ald. Sarto	Beeler
Crawford	Levandier
Withers	DeMont
Stubbs	Greenwood
Hawley	Greenough
Hetherington	
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady.	

Council met to complete the Sept. 11th agenda.

APPOINTMENT:
DIRECTOR TO
HFV-DART. PORT
AUTHORITY

Council has been asked to appoint one Director to the Board of Directors of the Halifax-Dartmouth Port Development Authority, and the Mayor has recommended the appointment of Mr. John Kavanaugh, who is the Dartmouth nominee previously named to serve on the Authority. This recommendation was adopted by Council, on motion of Ald. Hetherington and Sarto.

MOTION: Moved by Ald. Hetherington & Sarto that Council adopt the recommendation of the Mayor on the appointment of Mr. John Kavanaugh as a Director representing Dartmouth on the Halifax-Dartmouth Port Development Authority.

BRIEFING:
107 BY-PASS
HIGHWAY

As requested by Council, Mayor Brownlow has discussed with the Minister of Transportation, the possibility of a briefing on the subject of the 107 By-pass Highway by representatives of the Transportation Department. Instead of sending members of their staff to make such a presentation, the Department has chosen to provide Mr. Bayer with information so that he can carry out the briefing. The Mayor said it should be understood by Council that Mr. Bayer is not expressing any views of our own staff, but rather, communicating to Council the information he has been provided by Transportation Dept. planners and engineers.

During the briefing, Mr. Bayer showed Council the alignment of the 107 By-pass, giving details about each of the highway sections, their schedule for completion, and the costs involved in each of the contracts being

awarded for construction. Total cost of the project is now estimated at 12.7 million dollars. The entire highway should be completed by October 31/85, but a portion of it (Phase 1) is expected to be ready for traffic by the end of this year. An interim plan was later shown to indicate how traffic could make use of this completed section from the Montague Road area.

Detailed plans were also available for each of the intersections of the 107 with other highways. The Main Street intersection, at Forest Hills Parkway, will be an at-grade intersection with signalization. At Montague Road, there will be a diamond-shaped, grade-separated intersection, and at Highway 118, a free-flow, high-speed interchange, as shown on the plan presented.

Ald. Hetherington felt that a connecting highway from this point on 118 through to the Burnside Park would serve commuters from the Forest Hills/Colby Village area to better advantage. The Mayor pointed out that the City has requested such an extension through to the Park, but we have been informed by the Transportation Department that they are not planning for this project in the foreseeable future.

Ald. Hawley and Greenough were particularly concerned about water service to a number of homes where the water supply has been affected by construction of the by-pass. This matter has been brought to the attention of the Transportation Department previously and is considered to be a Provincial responsibility. Ald. Greenough said this matter is important enough that it should be taken up with the Premier, in view of the commitment given by the Province that water would be provided for these households. The Mayor agreed to follow up on the request from the Aldermen and asked for the locations of the properties affected.

Questions from other members of Council were responded to by Mr. Bayer as he was able to do so with the information made available to him.

LAND USE BY-LAW
APPLICATION:
MARVIN STREET

The Planning Dept. has submitted a report on an application for an amendment to the Land Use By-law that would rezone Lots 1 to 18 from R-1 to R-2 Zone to permit the construction of duplexes. The Department has recommended approval of the application and has suggested that October 16th be set for the public hearing, if Council wishes to proceed with it. A report has been given on the outcome of the neighbourhood information meeting held on August 29th, at which time concerns were indicated about drainage, traffic and the impact of increased density on the quality of life in the area.

Ald. Hetherington moved that Council not proceed with the application and that it be stopped at this point. The motion was seconded by Ald. Sarto. The Mayor cautioned Ald. Hetherington about the risk of prejudicing himself at this point in the application process; Ald. Hetherington did not agree that he would be doing so with his motion. He then went on to give reasons for not supporting the application, referring to the previous application in 1979 when the lots in question were zoned for single-family dwellings. He felt this zoning should now be maintained in accordance with the action taken at that time. When the vote was taken on the motion, it carried with Ald. Crawford, Beeler, Levandier and Greenwood voting against.

MOTION: Moved by Ald. Hetherington & Sarto that Council not proceed with the application to rezone Lots 1 to 18 on Marvin Street and that the application be stopped at this point.

Ald. Greenough raised a point about the confusion that appears to exist when Council is at this point in processing applications, and whether or not members are able to voice any opinions without prejudicing themselves prior to the actual public hearing of an application. The Solicitor agreed that there is a problem inherent in the new system because it is difficult to stop the application process without giving reasons for doing so. She said that in fact, the only way this difficulty is

going to be resolved is if a case goes before the courts and a decision is rendered at that level.

Ald. Hetherington pointed out that members of Council are not able to speak at the neighborhood information meetings either, and he suggested that in future, the Aldermen who represent a ward not be selected to chair the information meeting as he was in this instance. He felt that under such circumstances, the Alderman is put in an untenable position with the people he or she represents.

Ald. Beeler also had some reservations about the present system for processing applications and asked why the application comes to Council at all at this point in the process if Council does not have some function to perform. She said it does not make any sense that Council members have to exercise caution in what they say about a new application, but can hear an application such as Dell Holdings several times after having taken a position and voted on it previously. She questioned why members would not be seen to have prejudiced themselves in that situation.

Ald. Crawford referred to the same point, noting that the Dell Holdings application is likely to be resubmitted in exactly the same form, and Council has already made a decision on it only two or three months ago. It was pointed out by the Mayor and the Solicitor that an applicant is able to continue submitting an application under the terms of the Planning Act, even though Council may have already decided to reject it. The Mayor noted that in the case of Dell Holdings, Council has made two decisions already, one for and one against.

Ald. Hetherington did not feel that applicants should be able to resubmit applications which are exactly the same until at least a twelve-month period has elapsed. He moved that the Solicitor be asked to draft a proposed amendment to the Planning Act, that Council could recommend

to the Municipal Affairs Dept., whereby a waiting period of twelve to fourteen months would be required for applications decided in the negative, to come back to Council. The motion was seconded by Ald. Crawford and after some clarification of the intent of the motion, it was adopted.

MOTION: Moved by Ald. Hetherington & Crawford that the Solicitor be asked to draft a proposed amendment to the Planning Act, that Council could recommend to the Municipal Affairs Dept., whereby a waiting period of twelve to fourteen months would be required for applications decided in the negative, to come back to Council.

AWARD TENDER:
PLEASANT ST.
IMPROVEMENTS

Tenders have been recalled for improvements to Pleasant Street between Cameron and Renfrew Streets; the two following bids have been received:

Ocean Contractors Ltd.	\$107,950.
Steed & Evans Ltd.	113,942.

Acceptance of the low bid submitted by Ocean Contractors Ltd. has been recommended, requiring an over-expenditure for this capital item in the amount of \$41,950. The tender was awarded as recommended and Council gave authorization for the necessary over-expenditure, on motion of Ald. Crawford and Withers.

MOTION: Moved by Ald. Crawford and Withers that the tender for improvements to Pleasant Street (Cameron to Renfrew Sts.) be awarded to the low bidder, Ocean Contractors Ltd., as recommended, and that authorization be given for the necessary over-expenditure required in the amount of \$41,950. (The projection in the 1983 Capital Budget for this item was \$66,000.)

RENOVATIONS:
ROOFS - OPERATIONS
CENTRE, RINKS

Tenders have been received as follows for renovations to the metal roofs of the Operations Centre and the three City rinks:

Marine Oil Services Ltd.	\$ 89,800.
Eastern Canadian Structures Ltd.	99,800.
Lindsay Construction	179,316.

Mr. Moir has recommended acceptance of the low bid received from Marine Oil Services Ltd., in the amount of \$89,800., and Council awarded the tender as recommended, on motion of Ald. Sarto and Greenough.

MOTION: Moved by Ald. Sarto and Greenough that the low bid received from Marine Oil Services Ltd. be accepted, as recommended, for renovations to the metal roofs of the Operations Centre and the three City rinks.

APPOINTMENT:
CITY PLANNING
REVIEW COMMITTEE

Council has been asked to appoint a replacement member for Ms. Cora Pictou on the Planning Strategy Review Committee. This replacement member is to come from Ward 5, and on motion of Ald. Greenwood and Stubbs, Mr. Robert Stitchman was named as the replacement member on the Committee. Ald. Levandier asked that consideration be given to including Ms. Margaret Freeman on the Committee as a senior citizen representative.

MOTION: Moved by Ald. Greenwood and Stubbs that Mr. Robert Stitchman be appointed as the replacement member on the Planning Strategy Review Committee, replacing Ms. Cora Pictou.

MOTIONS:
ALD. CRAWFORD

Notice of motion having been previously given, the following motions were introduced for Council's consideration:

1) Moved by Ald. Crawford, seconded by Ald. Greenwood, that;

WHEREAS the City of Dartmouth has always had close ties with the Armed Forces of Canada, recently demonstrated by conferring the Freedom of the City to C.F.B. Shearwater;

AND WHEREAS integration of the Armed Forces eliminated the wearing of uniforms denoting the respective services - ie. Navy, Army, Airforce - thus making it well-nigh impossible to differentiate the same;

THEREFORE BE IT RESOLVED that the City of Dartmouth, through Council, request the Minister of National Defence to take appropriate measures to return the Armed Forces to the distinguishable uniforms of the Armed Services, as they were prior to integration.

Ald. Crawford felt that it is in order for Council to take a position on this issue in view of our long association with the Armed Forces and because of the large number of Armed Forces personnel represented by Council members. He noted that notice of motion on this subject was given prior to the Federal election and a Defence Minister has subsequently taken office who favours a return to separate uniforms for each branch of the services.

Ald. Beeler said she considered the entire issue to be a frivolous one and a complete waste of money. Ald. Greenough's opinion was that improved weapons and equipment represent a higher priority for the Armed Forces

over separate uniforms, while Ald. Hetherington and Stubbs did not agree that this is a matter of concern for municipal jurisdictions. Ald. Levandier and Withers were prepared to support the motion, and Ald. Crawford pointed out that Dartmouth, as a part of Canada, has a right to express a view on any issue such as this, especially when a large number of our citizens consist of Armed Forces personnel. Ald. Greenwood said he represents a lot of people in the Armed Services in his ward and he has not been contacted by any of them about the separate uniform issue.

When the vote was taken on the motion, it was defeated with Ald. Crawford, Levandier and Withers voting in favour.

2) Ald. Crawford moved, seconded by Ald. Greenough, that:

WHEREAS ridership on Metro Transit has increased substantially since its inception;

AND WHEREAS ridership in the City of Dartmouth has shown a dramatic increase overall, with 4,009,000 in 1982, 4,471,300 in 1983, and a projected 4,751,600 for the year ending 1984;

AND WHEREAS the general public are showing an increased awareness of public transit, as evidenced by tremendous increased ridership on the ferries and buses;

AND WHEREAS Aldermen representing all parts of the City have been requesting additional routes and increases in service, which, when approved, requires an over-expenditure;

THEREFORE, BE IT RESOLVED that a policy be implemented for the expenditure of \$1,050,000 over a three-year period, commencing in 1985, at an average of \$350,000. per year, for the increase of additional routes and added service in the City of Dartmouth.

Ald. Crawford presented documentation he has compiled to illustrate his points about the major increase in transit use that is evidenced already and projected to continue into the future. As this additional strain is placed on transit systems, it is necessary to upgrade them and insure that they are viable alternatives to cars as a means of getting to and from work.

Ald. Crawford went on to list the requests that have been received from individual Aldermen for upgraded levels of transit service in their own particular areas;

the list included:

Route 11 (MacDonald Bridge): additional bus
52 : Industrial Park
53: Notting Park
55: Port Wallis
56: Westphal
57: Woodlawn
58 & 59: Forest Hills & Colby Village
Continuation of trial service: Wildwood area
Bus shelter requests for various locations

He felt that rather than taking an ad hoc approach to these requests as they come in, Council should have an overall policy for upgrading transit service on a uniform basis throughout the City. If the City is ready with a plan for improved service levels, new buses can be allocated for Dartmouth as they begin to arrive. He stressed that this latter point is an important consideration.

Ald. Greenough was willing to support the motion on the basis that it is important to establish a minimum level of transit service throughout the City, representing a standard that is acceptable to the public generally and not just in certain sections of the City. This includes amenities associated with satisfactory bus service, such as shelters that people can wait in when the weather is cold and wet. Ald. Sarto was also in favour of the motion.

Ald. Hetherington said he could not give approval for a specific allocation of funds without first knowing what our other budget priorities are in relation to transit service. Also, he would want some figures showing the cost of the various service improvements and the total of those costs for 1985 before agreeing to make any budget commitment. He moved referral to staff for recommendations to come back at budget time, taking into account the other budget priorities that have to be considered as well. The motion to refer was seconded by Ald. Stubbs and debated.

Ald. Greenough noted that either way, the expenditure for improved transit will have to be dealt with at budget time. He suggested that Council might want to consider giving approval to the policy encompassed in

the motion and then refer the motion to staff for preparation of the figures the policy decision represents in terms of dollars for the City.

The general attitude of Council was that the policy of upgrading transit service is desirable, but information on the costs involved has to be available before any decisions can be taken, including approval of the policy itself. Ald. Greenough asked if it would not be preferable to have the report from staff come back to Council prior to the budget when there would be more time to discuss it separate and apart from the other budget constraints. Members agreed this would be a more satisfactory approach to take, but still would not agree to approve the policy in principle without first having the staff report and all the relevant information on the cost factors. The wording of the motion to refer was revised to reflect the suggestion made by Ald. Greenough and read: the matter is referred to staff for the preparation of cost figures to upgrade the transit service in Dartmouth, based on requests from the Aldermen for upgrading on specific routes; this report to come to Council by the end of November. No policy decision will be made until after Council has considered this report. Aldermen are to contact Mr. Moir and indicate to him their requests for improved levels of service and other upgrading requests so that these can be incorporated in the staff report.

The vote was taken on the revised motion to refer and it carried.

MOTION: Moved by Ald. Hetherington and Stubbs that the matter be referred to staff for the preparation of cost figures to upgrade transit service in Dartmouth, based on requests from the Aldermen for upgrading on specific routes; this report to come back to Council by the end of November. No policy decision will be made until after Council has considered this report. Aldermen to contact Mr. Moir as noted above.

ALD. HAWLEY

3) Ald. Hawley moved, seconded by Ald. Hetherington:

That the City Engineer prepare a report which will suggest steps that may be taken by his

Department and/or City Council, to ensure the proper surveillance of construction projects which may have potential to damage any lakes located wholly or in part, within the boundaries of the City of Dartmouth.

Ald. Hawley informed Council of a number of recent instances where development has taken place on properties next to City lakes, where adequate precautions have not been taken to prevent siltation entering the lake and where infilling has occurred along the banks. These developments have been in progress without the knowledge of the Lakes Advisory Board and it has only been by accident that members have found out about them and been able to take immediate action to prevent irreparable damage being done to the lake concerned. In these instances, contractors have proceeded without following directives from the City for lake protection and there appears to be no jurisdiction within the City to take punitive measures under these circumstances.

It was noted that Engineering Dept. does not have the staff available to inspect every development location and to keep an eye out for potential lake damage where developers do not bother to make provision for run-off during construction, etc. Ald. Hawley was concerned that the Lakes Advisory Board has only been able to learn about some of these developments by accident, and he questioned the fact that the Board is denied access to Council minutes which would alert the Board to plans for development that they would otherwise not hear of.

Ald. Stubbs said that every development plan should be referred to the Board and it was her understanding that this procedure was being followed. She said that people who rely on the lakes for their water supply have a special concern about their protection.

When the vote was taken on the motion on the floor, it carried.

MOTION: Moved by Ald. Hawley and seconded by Ald. Hetherington: text on page 9 and above.

ALD. HETHERINGTON

4) Ald. Hehterington moved, seconded by Ald.

Hawley:

BE IT RESOLVED that staff obtain prices and consider the possibility of putting cul-de-sacs on both Carleton Street and Belmont Ave. in South Woodside.

Recommendations would be included as to whether or not the cul-de-sacs should be created at these locations. The motion carried.

NOTICES OF MOTION:

ALD. HAWLEY

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

1) Ald. Hawley: That the City Engineer prepare estimated costs to upgrade the bridge at Barry's Run on the Waverley Road to acceptable highway construction and safety standards, and that these costs be placed in the 1985 Capital Budget.

ALD. LEVANDIER

2) Ald. Levandier

WHEREAS we are beginning an M.P.S. Review, I feel it now appropriate to serve the following notice of motion:

WHEREAS the CNR line through downtown Dartmouth causes major inconvenience;

AND WHEREAS it is my opinion that this rail line is a major stumbling block in the development of the downtown core;

THEREFORE BE IT RESOLVED that Dartmouth City Council request the Federal Government to institute a program to relocate this line over a period of time, south from the MacDonald Bridge to the Woodside Industrial Park.

ALD. BREGANTE

3) Ald. Bregante (given by Ald. Levandier in his absence)

WHEREAS we have four or five buses going up Portland Street throughout the week and no buses on Sunday;

THEREFORE BE IT RESOLVED THAT M.T.C. and the Dartmouth Transit Advisory Board look at the possibility of putting a bus on the Portland Street route on Sundays and holidays.

INQUIRIES:

ALD. GREENWOOD

Ald. Greenwood asked about the bus shelter he has requested at Albro Lake Road and Wyse Road. Ald. Crawford will check further on the inquiry.

ALD. LEVANDIER

Ald. Levandier asked to have attention given to a dip in the sidewalk in front of 43 Newcastle Street, which is a hazard to pedestrians.

He then asked about the status of the report requested on land assembly in the downtown core area.

Ald. Levandier also requested clarification of the action taken with respect to the Lyngby Ave. lots: do we know what the development costs are and have the blasting tenders been called. Mr. Moir and the Mayor

explained how the prices are to be established for the properties, in accordance with the direction given by Council. Deposits made by the bidders for the lots have been returned to them and these people will have the right of first refusal once prices have been determined for the lots, based on development costs. Tenders for blasting are being called now.

ALD. HETHERINGTON

Ald. Hetherington requested information on the completion of the Pleasant Street contract (from the overpass to the 'Bear Trap').

His second inquiry pertained to the costs incurred by the City in connection with the Papal Visit. Mr. Moir said these figures are being compiled for the information of Council.

ALD. SARTO

Ald. Sarto inquired as to the status of sidewalks requested on Spring Ave. The Mayor noted that it will first be necessary to have all the street construction tenders in to see what savings may have been possible, since these are the funds that would be reallocated.

Other inquiries made by him were as follows:

- 1) asked to have the T.M.G. look at the feasibility of having a Stop sign at either end of Lea Street for the protection of school children.
- 2) asked that a letter be sent to the Transportation Department, requesting a guardrail along the section of Highway 111 behind homes on Avery Ave., where several cars have left the road and come down into the back yards of residents at #16, 18, 20 and 22 Avery.
- 3) asked that consideration be given to a crosswalk guard at the intersection of Grimes and Lucien Drive, where a traffic count and count of children using the intersection has been carried out.
- 4) Ald. Sarto's final inquiry concerned the operation of chain stores on Sundays and the regulations, if any, that are applicable. The Mayor noted that such businesses would come under the provisions of the Lord's Day Act, and the Solicitor noted that floor space regulations apply in the case of Sunday store operation. She is preparing a report on store opening hours, including Sundays.

ALD. GREENOUGH

Ald. Greenough asked when construction will be started on those streets included in the recent tender, such as Chrysler Ave., Cranbrook Street and Basil Ave.

Ald. Greenough's second inquiry was about the plans for improvements to Braemar Drive and the status of these. He suggested that a Council briefing would be in order.

ALD. WITHERS

Inquiries made by Ald. Withers were as follows:

- 1) what has happened to the Continuing Agenda? Mr. Brady advised that Council decided some time ago to discontinue it.
- 2) asked about completion of the traffic study and why there have not been any preliminary reports. If recommendations are not received in time for Victoria Road and Nantucket, funding provisions will not be included in the capital budget. Mr. Moir said he hoped the report would be available in time to include some projections. He said he would check further with the Planning Dept. on the report.
- 3) asked if Crichton Ave. Ext. will be paved this year or will the Lyngby Ave. project have to be finalized first. Mr. Moir to check on this inquiry with Engineering.
- 4) asked what has been done regarding the lights at Northbrook. Mr. Atkinson said there were no funds in the budget this year for the lights.
- 5) asked what has happened to the report requested from Mr. Smith on the cost of insurance for community centres, requested some time ago.
- 6) asked if the Pension Committee will be meeting and will the matter of the four employees on small pensions be discussed. Mr. Moir said he would speak to Mr. Smith and ask to have the item on the agenda when the Committee meets.
- 7) asked if plans for the Dartmouth marina have been scrapped. Mr. Moir said they have.
- 8) Ald. Withers said he is concerned about protection of watershed lands and the garbage that is accumulating in the area of the small causeway on Lake Major road; he asked to have attention given to this matter.
- 9) asked about the possible upgrading of property tax relief for senior citizens, and whether this figure could be increased from \$7,500. to \$9,000.
- 10) asked if there will be provision in the 1985 budget for the CNR overpass item that he has raised on other occasions. Mr. Moir said there will be some consideration given this item in preparing the budget.

ALD. CRAWFORD

Ald. Crawford inquired about the painting of the fence on Victoria Road, and was informed by Mr. Atkinson that it is to be sand blasted and then painted.

The second inquiry made by Ald. Crawford was about 47 Wentworth Street, and Mr. Moir advised that application has been made for funding assistance.

ALD. STUBBS

Ald. Stubbs asked why Council is not receiving any financial statements recently. Mr. Moir said there will be one available for next Tuesday's meeting.

Ald. Stubbs asked for information on the project at the Prince Albert Road/Circumferential junction. Mr. Moir to check with Engineering on this inquiry.

She also asked when the Education Funding Formula Committee will be organized. This Committee will be meeting on Friday, Sept. 28th at noon.

Ald. Stubbs asked if there will be any reimbursement for the City in the case of lands required for the 107 By-pass. Mr. Moir said he has been carrying on negotiations in this regard and the matter will be coming to Council shortly for discussion.

ALD. HAWLEY

Ald. Hawley first inquired about the T.M.G. decision not to approve a Stop sign at Mountain Ave. and First Street. He explained why this is a particularly dangerous area for children as it presently exists, and said he would like to be advised of the reasons why a Stop sign was not recommended by the T.M.G. Ald. Greenough asked if he and Ald. Hawley could appear before the T.M.G. in connection with this item.

Ald. Hawley asked about the procedures that are in place for providing groceries on weekends under urgent conditions where families are without food. Mr. Greene outlined the provisions that have been made by his department to deal with these situations. The social worker available can be contacted through the Police Dept.

Ald. Hawley referred to the section of Waverley Road that has been widened and improved, and asked what provision is made to upgrade the other side of the roadway. Mr. Moir said there are no funds in the 1984 budget for this.

Ald. Hawley asked if a proposal call is planned for the City property next to Little Nashville. Mr. Moir noted that this question relates to the land assembly report referred to earlier by Ald. Levandier.

On motion of Ald. Greenough and Hetherington,
Council adjourned to meet in Committee.



G. D. Brady,
Deputy City Clerk.

City Council, Sept. 18/84

ITEMS:

- 1) Appointment: Director to Hfx-Dart. Port Authority, pg.1
- 2) Briefing: 107 By-pass Highway, page 1 & 2.
- 3) Land Use By-law Application: Marvin St., page 3 to 5.
- 4) Award Tender: Pleasant St. Improvements, page 5.
- 5) Renovations: Roofs - Operations Centre, rinks, page 5.
- 6) Appointment: MPS Planning Review Committee, page 6.
- 7) Motions: Ald. Crawford, page 6 to 9 incl.
Hawley, page 9 & 10.
Hetherington, page 10.
- 8) Notices of Motion: Ald. Hawley)
 Levandier) page 11
 Bregante)
- 9) Inquiries, page 11 to 14 incl.

On motion of Ald. Greenough and Hetherington,
Council adjourned to meet in Committee.



G. D. Brady,
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City Council, Sept. 18/84

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Bregante)
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Dartmouth, N. S.

September 25/84.

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

Present - Mayor Brownlow

Ald. Romkey	Sarto
Crawford	Levandier
Withers	DeMont
Stubbs	Greenwood
Hawley	Greenough
Bregante	Hetherington
Beeler	

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

Items from the September 18th Committee meeting
have been referred to Council without recommendation;
these include the following:

MINUTES

Minutes of the July 10th and 11th Committee
meetings were adopted by Council, on motion of Ald.
Bregante and Sarto.

MONTHLY REPORTS

The monthly reports referred from Committee
were approved as follows:

- 1) Social Services (Aug.): adopted on motion
of Ald. Sarto and Bregante.

Ald. Withers made an inquiry about the number
of able-bodied unemployed on the caseload report,
and was advised by Mr. McNeil that his Department
does not anticipate a levelling off in these
figures. He pointed out that of the 45 persons
added to the caseload in August, 22 had settle-
ment in Dartmouth and the rest did not and would
therefore not be the financial responsibility of
the City. Mr. McNeil agreed with comments made
by Ald. Withers about the increasing number of
people whose unemployment insurance has run out
and they have therefore had to turn to the City
for social assistance.

- 2) Development Officer (Aug.): adopted on motion
of Ald. Hetherington and Bregante.

- 3) Building Inspector (Aug.): adopted on motion
of Ald. Bregante and Romkey.

- 4) Minimum Standards (Aug.): adopted on motion
of Ald. Bregante and Sarto.

Ald. Withers made an inquiry about 217 Windmill
Road, advising that a lodging house is still
being operated there without the proper license.
He asked to have this matter pursued further by
the City Solicitor.

Ald. Crawford asked if the Inspection Dept. is
keeping a check on the building at 27 Prince
Albert Road. Mr. Turner said it is being
regularly monitored by his Department.

- 5) Fire Chief (Aug.): adopted on motion of Ald. Bregante and Withers.
- 6) Animal Control (Aug.): adopted on motion of Ald. Bregante and Hawley.
- 7) Tourism Director (Tourist Bureau registrations for August, 1984 and season to date); adopted on motion of Ald. Hetherington and Bregante.
- 8) Ferry Supt. (April, May, June & July): adopted on motion of Ald. Greenwood and Hetherington.

Ald. Crawford asked why there are no Recreation Dept. reports coming to Council and it was noted that the Department has not been submitting reports in the past. Ald. Crawford then asked about the sand blasting and painting of the fence on the Victoria Road side of Mount Hermon Cemetery. Mr. Stevens advised that the tender has gone out for sand blasting; this work is expected to be completed before winter.

STREETS BY-LAW:
BY-LAW C-537

The Solicitor has re-submitted the Streets By-law (previously C-408) in a revised form, incorporating a number of small changes requested by the Solicitor for the Dept. of Municipal Affairs. All of the changes have been explained in an accompanying report dated Aug. 17/84.

The revised By-law C-537 has been recommended to Council for approval, and Council proceeded with first reading.

It was moved by Ald. Sarto and Hetherington and carried that leave be given to introduce the said By-law C-537 and that it now be read a first time.

It was moved by Ald. Hetherington and Withers and carried that By-law C-537 be read a second time.

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

It was moved by Ald. Bregante and Hetherington and carried that By-law C-537 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-537.
(Streets By-law).

ILLEGAL SEWER
CONNECTIONS:
BY-LAW C-499

Proposed ~~By~~-law C-499, which prohibits storm drainage into the sanitary sewer systems of the City,

has been prepared and recommended to Council by the City Solicitor. The purpose of this by-law is to enable the City to locate illegal drains which are causing problems and to require homeowners to remove such illegal drains.

It was moved by Ald. Greenwood and Sarto and carried that leave be given to introduce the said By-law C-499 and that it now be read a first time.

It was moved by Ald. Sarto and Stubbs that By-law C-499 be read a second time.

Ald. Hawley asked about the ramifications of this by-law for property owners such as the ones in Bel Ayr Park who will have to divert roof and footing drains that will be in violation of this by-law when it is adopted. Mr. Purdy acknowledged that there will be some costs involved for homeowners who have to correct storm drainage problems, depending on what changes they have to make. The Solicitor pointed out that such homeowners would be given a reasonable time to make the changes required of them and it is not intended that hardships are to be imposed on people who may find it difficult to pay for drainage alterations.

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

It was moved by Ald. Greenough and Stubbs and carried that By-law C-499 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-499 (illegal sewer connections).

DUTCH ELM
DISEASE BY-LAW:
BY-LAW C-535

Proposed By-law C-535, authorizing City employees to inspect elm trees for Dutch Elm disease, and to deal as necessary with trees that are so infected, has been submitted by the Solicitor and recommended for Council's approval.

It was moved by Ald. Sarto and Hawley and carried that leave be given to introduce the said By-law C-535

and that it now be read a first time.

It was moved by Ald. Hetherington and Sarto that By-law C-535 be read a second time.

Ald. Greenough asked about procedures that will be followed if a property owner is not willing to comply voluntarily with the provisions of the by-law. The Solicitor explained that efforts will be made to negotiate a reasonable solution in any situation like this.

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

It was moved by Ald. Hetherington and Greenwood and carried that By-law C-535 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-535 (Dutch Elm disease).

POLES IN
CITY STREETS:
BY-LAW C-473

Proposed By-law C-473, dealing with the removal or relocation of poles within City street right-of-ways, was also presented by the Solicitor for consideration by Council and approval.

It was moved by Ald. Sarto and Bregante and carried that leave be given to introduce the said By-law C-473 and that it now be read a first time.

It was moved by Ald. Hetherington and Greenwood and carried that By-law C-473 be read a second time.

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

It was moved by Ald. Greenwood and Sarto and carried that By-law C-473 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-473 (poles in City streets).

REPAIRS TO
QUAKER HOUSE

A report from Mr. Moir was considered on the subject of repairs that are required to the Quaker House at 57-59 Ochterloney Street, estimated to cost in the area of \$9,000. Funds have not been provided

in the 1984 budget for the repairs, and it has therefore been recommended that the Engineering Dept. be authorized to prepare the necessary plans and specs. for the repairs and that tenders be called. When a firm price is known to the City, consideration can then be given to the authorization of an over-expenditure so that the work can be carried out prior to winter.

Council approved Mr. Moir's recommendation, on motion of Ald. Crawford and Bregante.

MOTION: Moved by Ald. Crawford and Bregante that Council approve Mr. Moir's recommendation on the subject of repairs to the Quaker House, as outlined above.

PURCHASE:
CARLETON ST.

Council considered a report from Mr. Moir on the possible acquisition of property at 9 Carleton Street, owned by Mr. C. S. Tait. Mr. Tait has agreed to sell the total property concerned for the sum of \$2,500., and Mr. Moir has recommended that it be acquired for this price and that the funds for acquiring the property be withdrawn from the 1982 allocation of capital funds for the acquisition of land.

Council adopted this recommendation, on motion of Ald. Hetherington and Bregante.

MOTION: Moved by Ald. Hetherington and Bregante that Council adopt Mr. Moir's recommendation on the acquisition of the property at 9 Carleton Street for the negotiated price of \$2,500., the funds to be withdrawn from the 1982 capital allocation for land acquisition.

LICENSING
APPLICATIONS

A report has been presented by Mr. Moir on licensing applications that are required under the Provincial Theatre & Amusements Act, and whether or not Council wishes to become involved in these applications; this subject includes licensing for video retail outlets and also, the operation of bingos at locations within the City. An application for permission to operate bingos at Banook Canoe Club on Sunday afternoons is also involved and ties in with the overall question of just how much participation Council wishes to have in the licensing application process.

Several alternative approaches have been reviewed for Council in Mr. Moir's report, one being the suggestion that Council could ask to be advised of applications for licensing under the Theatre & Amusements Act, and a procedure followed similar to the arrangement the City presently has with the Nova Scotia Liquor Licensing Board. Under this procedure, the City is notified of applications and if representation is to be made, it can be made before the Liquor License Board by individual Aldermen or if authorized, by City Council.

Since the item before Council also deals with an actual application that has been made by the Banook Canoe Club, Ald. Hawley and DeMont declared a conflict of interest and withdrew from their places on Council to sit in the gallery. Ald. DeMont is the owner and operator of a bingo operation in Dartmouth and Ald. Hawley serves on the Board of Directors of the Caledonia Boys & Girls Club, who also plan to make application for a bingo license. Ald. Greenough later indicated that he serves on the same Board, but he did not consider that a conflict exists for Directors in that there is no pecuniary benefit of any kind that will be derived as a result of their participation.

Ald. Withers provided further information on the Banook application and its compliance with requirements for a bingo license as soon as a steel door with a crash bar has been provided to meet fire regulations. He noted that if there is any undue disruption caused by the bingo operation in the adjacent neighborhood, a request can be made to have the license suspended.

He favoured an approach to these licenses under the Theatre & Amusements Act along the lines of the arrangement with the Liquor Licensing Board, and felt that this arrangement gives Council a chance for input without having to process each application in a time-consuming way. He therefore moved that Council follow a similar arrangement for Theatre & Amusement applications

to that followed with liquor license applications, as outlined on page 2 of Mr. Moir's report. His motion, which also included approval of the Banook Canoe Club application, was seconded by Ald. Greenwood.

It was subsequently decided that the one motion should be broken down into two separate ones, and debate therefore proceeded on the basis of the procedure to be followed in dealing with Theatre & Amusement applications. Ald. Levandier felt that it is particularly important for Council to be able to control the licensing of video retail outlets because of problems they can cause once they are permitted to operate in a given area.

Ald. Beeler said Council should not become involved in Theatre & Amusement applications, but should be kept informed with an opportunity for input under the terms of the arrangement proposed in the motion. Most other members who spoke on the motion were of this same opinion, but Ald. Stubbs raised a point about applications for events at the Sportsplex and whether each of these would require notification in the same way as other applications. Ald. Greenwood was concerned about this point and the effect it could have on bookings for shows in the arena which are sometimes made with only two weeks notice. He wanted to have the point clarified before Council decided on the procedure that is to be followed and moved deferral for one week for this purpose. The motion to defer was seconded by Ald. Sarto and it carried with Ald. Withers voting against.

MOTION: Moved by Ald. Greenwood and Sarto that a decision on the procedure to be followed with Theatre & Amusement applications be deferred for one week, in order to clarify the point raised in debate with respect to implications for individual events being booked into the Sportsplex.

Ald. Greenwood and Withers then proceeded to move that the Banook Canoe Club application be approved (ie. that Council does not object to the application).

Ald. Stubbs was opposed to the motion on the basis that additional traffic and parking will be placed

on streets in the area of the clubhouse, and on the fact that area residents have not been consulted or given the opportunity to express their views before the application came to Council.

Mr. Drew Sperry, President of the Club, explained to Council that the bingo operation proposed is part of a financial program being undertaken by the Club, to supplement their funds over and above membership dues. He said it will not be a big operation since the size of the clubhouse only permits a total of 200 people for a bingo at any time. He suggested that there are considerably more people than this around on a given day during the paddling season. He commented on parking spaces that are available in the immediate vicinity, and felt that only about fifty cars could be expected even if the clubhouse were to be completely occupied for a bingo. In response to a question from Ald. Stubbs, he stated that local area residents have not been contacted about the bingo application, but he has not received any objections to date. Ald. Romkey later suggested that no complaints or objections would have been received since no one would know about the application. Members of Council only know about it because it is an item on the agenda. The vote was taken on the motion and it carried with Ald. Stubbs and Romkey voting against.

MOTION: Moved by Ald. Greenwood & Withers that Council approve the Banook Canoe Club bingo application (ie. that Council does not object to the application).

After Council moved on to the next item, Ald. Stubbs expressed further concern and opposition to the holding of bingos at the Banook Club without having first heard from area residents in some form of public hearing. Ald. Romkey was also opposed for the same reasons and objected to the fact that local residents have not been canvassed or contacted to seek their opinions. Having voiced their objections, Ald. Stubbs and Romkey proceeded to give notice of reconsideration of the decision taken by Council on the Banook application.

SURPLUS LAND:
WINDMILL RD.

Council has been asked to set another date (other than Oct. 16th originally set) for public hearing on the proposed closing of a portion of the old Windmill Road to public use. The date being suggested now is October 23rd, in order to give the required time for advertising of the notice, and on motion of Ald. Sarto and Romkey, Council set Tuesday, Oct. 23rd at 7:30 p.m. for the public hearing, in the City Hall Council Chamber.

MOTION; Moved by Ald. Sarto and Romkey that Tues., October 23rd be set as the date for public hearing on the proposed closure of a portion of the old Windmill Road to public use. The time for the hearing is 7:30 p.m. and the location is in the City Council Chamber.

SUMMARY OF
REVENUE &
EXPENDITURES

Members of Council have received copies of the Summary of Revenue & Expenditures as at Sept. 5/84, with an accompanying report from Mr. Smith on the present status of the budget. This information and the Summary were received and filed by Council, on motion of Ald. Hetherington and Greenwood.

MOTION: Moved by Ald. Hetherington & Greenwood that the Summary of Revenue & Expenditures to Sept. 5/84, with accompanying report from Mr. Smith, be received and filed for information.

AMENDMENT:
SOLID WASTE
DISPOSAL BY-LAW
BY-LAW C-538

Proposed By-law C-538, to permit the collection of grass and leaves in the regular garbage collection, at any time of the year, has been prepared by the Solicitor, at the request of Council, and is now recommended for approval.

It was moved by Ald. Crawford and Greenwood and carried that leave be given to introduce the said By-law C-538 and that it now be read a first time.

It was moved by Ald. Sarto and Greenough and carried that By-law C-538 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 Sarto and carried that By-law C-538 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-538 (amendment to Solid Waste By-law).

LICENSING
TRANSIENT
TRADERS:
--LAW C-502

Proposed By-law C-502, with respect to the licensing of transient traders, was before Council, having been drafted by the Solicitor as requested by Council. The by-law has been recommended for approval.

It was moved by Ald. Crawford and Bregante and carried that leave be given to introduce the said By-law C-502 and that it now be read a first time.

It was moved by Ald. Bregante and Greenwood and carried that By-law C-502 be read a second time.

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

It was moved by Ald. Greenwood and Withers and carried that By-law C-502 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-502 (licensing of transient traders).

UMMAT PROPERTY:
20/22 DAWSON ST.

A report was before Council from the Solicitor on the matter of the procedure followed during the public hearing of an application from Dr. S. K. Ummat to have his property at 20/22 Dawson Street, rezoned from R-1 to R-2 Zone to permit the construction of a duplex on the property.

At that time, during first reading of By-law C-529, a 6-6 tie vote resulted and on the understanding that a majority vote of the whole Council was required to pass first reading, the motion was declared to be defeated. It has since been established that only a majority vote of members present is required in the case of Land Use By-law Amendments rather than a majority vote of the whole Council. Therefore, in the case of the Ummat application, the tie vote should have been decided by the Mayor casting the deciding vote to give the simple majority needed.

The Solicitor has now recommended that the Mayor cast the deciding vote on this matter, since in fact, the by-law is still considered to be in first reading and not resolved one way or the other.

Ald. Crawford felt that Council is being placed in a tenuous situation if further action is taken on this application with an appeal having since been filed by Dr. Ummat. The Solicitor pointed out that the Municipal Board would take into account the fact that the application has not been properly resolved by Council and would have the matter brought back to Council for a decision before proceeding with the appeal.

Ald. Stubbs did not agree with the Solicitor's opinion on the procedure to be followed and felt the item should come back to Council in a proper format before Council can be expected to take any action on it. Ald. Beeler said an honest mistake has been made and should now be rectified as the Solicitor has recommended and in fairness to the applicant, the issue should be resolved one way or the other at this meeting. Ald. Greenough also supported the recommendation of the Solicitor, pointing out that the item has been properly placed before Council as an item on the agenda for this meeting.

The Mayor said he has attempted to be absolutely fair to all concerned in this matter and has viewed the property in question prior to coming to a decision on his vote. He has also taken into account the expectations of those residents who considered the motion to have been resolved at the June 19th meeting, and has arrived at a decision to vote in the negative on first reading of By-law C-529. Having cast his vote to break the tie, the Mayor declared the motion on first reading to be defeated by a vote of 7 to 6.

AMENDMENT TO
LAND USE BY-LAW:

371 PRINCE ALBERT RD. additional information has been provided in connection with a Land Use By-law Amendment application for the properties at 371 Prince Albert Road. This application was deferred in second reading, pending the information requested from the Engineering Dept.

Mr. Bayer has recommended that the staff report

circulated, along with By-law C-530, be approved, with the stipulation that driveway access to Lot 3 be restricted to Harris Road, as agreed to by the applicant.

Mr. Purdy made the presentation for the Engineering Dept., and responded to questions from Ald. Stubbs about the driveway access condition and any need for upgrading of the existing roadways. Mr. Purdy stated that the existing roadway is adequate to accommodate the traffic the new development can be expected to generate.

The vote was taken on second reading of By-law C-530, on the floor from the August 28th meeting, and the motion carried.

It was moved by Ald. Greenough and Greenwood and carried that By-law C-530 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 correction noted in the by-law was to delete from section 2 the words '. . . a majority of the whole').

MOTIONS: Second & third reading given to By-law C-530 (Land Use By-law Amendment, 371 Prince Albert Road).

On motion of Ald. Bregante and Hawley, Council then proceeded to approve the staff report of Sept. 18/84, directing that it be forwarded to the developer for his agreement as part of the approval process.

MOTION: Moved by Ald. Bregante and Hawley that Council approve the staff report of Sept. 18/84 (with the driveway stipulation) and directing that it be forwarded to the developer for his agreement as part of the approval process.

MONTEBELLO SUBDIVISION: As requested by Council, an information report
STREET REDESIGN AND has been provided on drainage and subdivision plans for
DRAINAGE Phase II of the Montebello development, with comments from the Lakes Advisory Board on the drainage plans and run-off control measures. The recommendation of the Development Officer is that the developer be permitted to proceed with Phase II, based on the information that has now been provided.

Council approved this recommendation, on motion of Ald. Greenough and Bregante.

Ald. Greenough said the degree of cooperation that has been evidenced by the developer on this project should be acknowledged for the record.

MOTION: Moved by Ald. Greenough and Bregante that Council approve the staff recommendation on Phase II of the Montebello development, permitting the developer to proceed, as per the report of Sept. 18/84.

PERMIT TO BUILD:
33 ALDERNEY DR.

On motion of Ald. Crawford and Stubbs, Council approved an application for permit to build an eight-storey office building at 33 Alderney Drive, subject to compliance with the conditions set out in the staff report to Council. Estimated value of construction is 3.5 million dollars. The application is submitted by Fairwyn Enterprises Ltd.

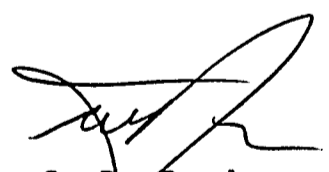
MOTION: Moved by Ald. Crawford and Stubbs that Council approve an application for permit to build an eight-storey office building at 33 Alderney Drive, subject to compliance with the City requirements set out in the staff report.

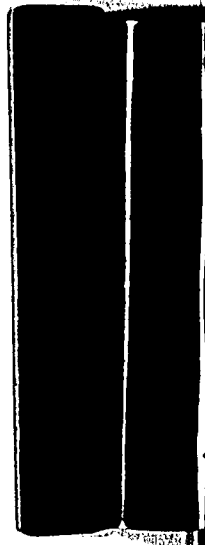
PERMIT TO BUILD:
SEVEN BUILDINGS
BLOCK B-MANOR PARK

On motion of Ald. Hawley and Bregante, Council approved an application from Hemming Homes Ltd. for permit to build seven buildings containing 104 units, on Block B-Manor Park (adjacent to Portland Street), subject to compliance with the City requirements outlined in the staff report to Council.

MOTION: Moved by Ald. Hawley and Bregante that Council approve an application for permit to build seven buildings (104 units) on Block B-Manor Park, subject to compliance with City requirements outlined in the staff report to Council.

Meeting adjourned.


G. D. Brady,
Deputy City Clerk.



City Council, Sept. 25/84.

ITEMS:

- 1) Monthly reports, page 1 & 2.
- 2) Streets By-law: C-537, page 2.
- 3) Illegal Sewer connections: By-law C-499, pg. 2 & 3.
- 4) Dutch Elm Disease By-law: C-535, page 3.
- 5) Poles in City streets: By-law C-473, page 4.
- 6) Repairs to Quaker House, page 4 & 5.
- 7) Purchase: 9 Carleton St., page 5.
- 8) Licensing Applications, page 5 to 8 incl.
- 9) Surplus land: Windmill Rd., page 9.
- 10) Summary of Rev. & Expenditures, pg. 9.
- 11) Amendment, Solid Waste Disposal By-law: C-538, pg. 9.
- 12) Licensing transient traders: By-law C-502, pg. 10
- 13) Ummat property: 20/22 Dawson St., pg. 10 & 11.
- 14) Amendment to Land Use By-law: 371 Prince Albert
Road, page 11.
- 15) Montebello Subdivision: Street redesign & drainage, pg. 12
- 16) Permit to build: 33 Alderney Dr., page 13.
- 17) Permit to build: 7 buildings, Block B, Manor Park, pg. 13.