

Dartmouth, N. S.

October 2/84.

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

Present - Mayor Brownlow

Ald. Romkey	Sarto
Beeler	Peters
Crawford	Levandier
Stubbs	Greenwood
Hawley	Greenough
Bregante	Hetherington
DeMont	
City Solicitor, M. Moreash	
Acting City Administrator, B. Smith.	

Following the Invocation, a presentation was made to Mayor Brownlow by Mrs. Claire Wall, Director of the Aeolian Singers. The Mayor was presented with one of the Choir's new records and Mrs. Wall acknowledged the support and assistance of the City in tours that have been made by the Choir. Mr. Nichols, Director of Continuing Education, also addressed Council briefly on the importance of City participation in the Con. Ed. program.

Council then viewed a video which has been made for the Industrial Commission for promotion purposes. Mr. David Jones of Armdale Associates presented the video showing and the Mayor commented on the various uses that will be made of this new promotional feature.

The minutes of meetings held on Sept. 5th, 11th, 18th and 25th, were adopted, on motion of Ald. Levandier and Crawford.

NOTICE OF  
RECONSIDERATION:  
BANOOK CANOE CLUB  
APPLICATION

At the Sept. 25th meeting, Ald. Stubbs gave notice of reconsideration of Council's decision to approve a permit for Sunday bingos to be held at the Banook Canoe Club. She gave as her basic reason for reconsideration, the possibility of traffic problems associated with the holding of bingos at this location, along with the results of that pressure on the surrounding community. She has subsequently sent a letter to the residents living on Banook Ave., seeking any expressions of concern they may wish to register about the application from the Banook Club. Since they, a petition has been

submitted by area residents, indicating their concerns, chief of which has to do with parking on Banook Ave., a narrow private street that is not able to accommodate additional cars being parked there while people attend the bingos at the Banook Club.

Ald. Stubbs asked to have the item reconsidered by Council, to give the residents an opportunity to present their petition, and moved reconsideration of the Council decision of Sept. 25th to approve the Banook Club's application; the motion to reconsider was seconded by Ald. Romkey. The motion was defeated with Ald. Stubbs, Bregante, Romkey and Hetherington voting in favour.

Ald. Greenough then proceeded to move acceptance of the petition from the area residents and referral of the petition to staff for consideration of the concerns outlined in it and report back to Council. These concerns would be taken up with Banook representatives and efforts made to have them resolved to the satisfaction of the residents. The motion was seconded by Ald. Greenwood and it carried.

MOTION: Moved by Ald. Greenough & Greenwood that the petition from Banook Ave. residents be accepted and referred to staff for consideration of the concerns outlined in it, for report back to Council.

On motion of Ald. Stubbs and Crawford, Council agreed to hear from Mr. Laurie of 15 Banook Ave., who presented the petition on behalf of residents who have signed it. The principle concern addressed was that of accessibility on Banook Ave. when vehicles are parked on it, especially in the case of a fire or in any other emergency situation. Mr. Laurie said he has been in touch with the Deputy Fire Chief and he has expressed similar concerns about keeping access open on the street at all times. Ald. Greenough asked what progress is being made in the take-over of the street by the City. Mr. Fougere advised that a report will be coming to Council as soon as the survey and cost estimates are complete.

Having agreed to refer the petition to staff for attention, Council moved on to the next item of business.

AWARD TENDER:  
HIGHWAY SALT

Tenders have been received as follows for the supply of highway salt, 1984/85:

Canadian Salt Co.	Early Del. \$30.00/tonne	Winter Del. \$30.40/tonne
Iroquois Salt Products	34.20/tonne	34.20/tonne

It has been recommended that the low bid received from the Canadian Salt Company be accepted in both cases (early & winter delivery), and Council approved the awarding of the tender, as recommended, on motion of Ald. Crawford and Bregante.

MOTION: Moved by Ald. Crawford and Bregante that the low bid received for highway salt, from the Canadian Salt Company, be accepted as recommended for both early and winter delivery.

ST. PETER'S  
GRAMMAR SCHOOL

A report from Mr. Moir was considered on the St. Peter's Grammar School, which is no longer required for school purposes by the Dartmouth District School Board. The Board has recommended that the building be returned to the City for disposition as seen fit by the City.

The Roman Catholic Episcopal Corp. has been contacted about the building, as per the provisions of the 1966 agreement when parochial schools were taken over by the City, and the representative for the Corp. has indicated that the building itself is of no particular use to Saint Peter's Parish. If at a future date, the total property (including the land on which the Junior High School is situated) were to become surplus to the City, however, it would be of use to St. Peter's Parish. A request has been made that the City consider amending the 1966 Agreement to extend the option to purchase both the Grammar School and the <sup>Jr</sup>High School, to a time when the Jr. High property becomes available.

Mr. Moir has recommended to Council:

- 1) That Council accept the St. Peter's Grammar School as being surplus to the District School Board's needs.

- 2) That Council authorize an amendment to the October 11/66 agreement to provide that the total property be offered to the Roman Catholic Episcopal Corporation when the building and property become surplus to the District School Board's needs, under the same terms and conditions as provided in the present agreement.
- 3) That City staff examine the Grammar School building to see if it has any particular use to the City, and that a further recommendation be submitted to City Council as to its future use or demolition.

Ald. Greenough and Levandier moved the adoption of the recommendations from Mr. Moir. Ald. Crawford referred to the committee established to look at possible uses of Park School, and felt that a similar committee should be formed in this case to consider what is to be done with the Saint Peter's School. He therefore moved that recommendation #3 be amended to include not only staff, but also, the Aldermen representing Wards 3 and 4, so they will have an opportunity for input as well. The amendment was seconded by Ald. Levandier.

Ald. Hawley suggested that this would be an ideal location for day care purposes, and Ald. Stubbs suggested its use for a long-term youth shelter under the Phoenix Group program, if the building were to be retained by the Episcopal Corporation. The amendment was not opposed by Council and it carried.

Recommendation #2 was questioned, in relation of the proposed amendment to the agreement with the Roman Catholic Episcopal Corp. and the effect of it. On motion of Ald. Hawley and Crawford, this recommendation was referred to the Solicitor for a briefing and his comments. The main motion, as amended, carried.

MOTION: Moved by Ald. Greenough & Levandier that Mr. Moir's recommendation on St. Peter's Grammar School, be adopted.

AMENDMENT: Moved in amendment by Ald. Crawford and Levandier that recommendation #3 be amended to include the Aldermen who represent Ward 3 and 4, in addition to members of staff.

MOTION: Moved by Ald. Hawley and Crawford that recommendation #2 be referred to the Solicitor for briefing and his coments.

LICENSE  
APPLICATIONS

Further on the subject of license applications under the Theatre & Amusement Act, dealt with at the September 25th Council meeting, Mr. Moir has provided information on the point raised about applications for events held at the Sportsplex, and has advised that after consultation with Mr. Smith, the Chief Inspector & Administrative Officer for the Dept. of Consumer Affairs, it has been indicated that Council will have to make a decision as to whether or not the members wish to become involved in the licensing process generally. Mr. Smith has stated that the proposal favoured by Council for dealing with applications in a manner similar to those involving Liquor Licensing applications, will not work.

Ald. Crawford and Romkey moved that Council become involved in the licensing process. Ald. Greenough said Council should first find out how many applications are involved and whether procedures followed in the past were working successfully. He moved referral to staff for some statistical information on the applications that would have to be processed by Council. The motion to refer was seconded by Ald. Crawford.

Ald. Stubbs asked that staff draft some sort of questionnaire to compliment the application form presently in use, and Ald. Hetherington said Council should also receive a complete list of the application categories that come under this particular jurisdiction. The motion to refer carried.

MOTION: Moved by Ald. Greenough and Crawford that the licensing application item be referred to staff for statistical information on the applications that would have to be processed by Council.

SECURITY ALARM  
SYSTEM: CITY  
BUILDINGS

As requested by Council, Mr. Moir has submitted a report, based on an analysis of the information that has been compiled on the subject of security alarm systems, an item that has been before Council at several other meetings in recent months. The report was accompanied by two additional letters from Oldham Engineers Inc., the consulting firm engaged in connection with the

awarding of a tender for alarm services.

The recommendation from Mr. Moir to Council is that the proposal submitted by Honeywell Amplitrol, in the amount of \$200,968.07, for a seven-year period, be accepted. The Evidence Research Associates firm can then withdraw their bid without penalty. Ald. Hetherington and Greenwood moved the adoption of the recommendation.

Ald. Crawford considered that the information now before Council provides the kind of details that would have been helpful from the beginning in coming to a decision on the awarding of the tender. He said it is therefore worthwhile for Council to pursue these matters further until all the answers have been provided to outstanding questions. He took exception to a letter received from Mr. Harold Moore on behalf of the Honeywell Amplitrol firm and the comments contained in it. He felt that the reputation of the firm is not enhanced by such comments, an opinion also shared by Ald. Stubbs. Ald. Stubbs said it was her intention to bring the letter to the attention of the company's head office because of the objectionable tone of the letter.

Ald. Hetherington felt that a lot of confusion could have been avoided over the awarding of this tender if the information now before Council had been made available initially when the item was first discussed, especially in view of the technical nature of the subject. The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Hetherington & Greenwood that Mr. Moir's recommendation be adopted on the awarding of the tender for alarm services to Honeywell Amplitrol, in the amount of \$200,968.07 for a seven-year period.

**GUARANTEE RESOLUTION:  
METROPOLITAN AUTHORITY**

Council has been asked to approve a Guarantee Resolution from the Metropolitan Authority (\$1,475,830.) to fund the Transinfo (GoTime) Project. Council gave approval to the resolution and authorized the Mayor and City Clerk-Treasurer to sign on Council's behalf, on motion of Ald. Crawford and Bregante.

MOTION: Moved by Ald. Crawford and Bregante that Council approve a Guarantee Resolution from the Metropolitan Authority to fund the Transinfo Project, authorizing the Mayor and the City Clerk-Treasurer to sign the resolution on Council's behalf.

LAND: LAKE MAJOR  
ETHEL BEESWANGER

RESOLUTION 84-57

The Solicitor has submitted a report to Council on a land settlement concluded some time ago with Miss Ethel Beeswanger, pertaining to the ownership of land in the vicinity of Lake Major, when Council adopted Resolution #83-07, authorizing the settlement. Through an apparent misunderstanding between Miss Beeswanger and her own solicitor, the terms set out in Resolution #83-07, were not acceptable to her, and a new resolution has now been prepared to cover a subsequent agreement negotiated with her. Resolution #84-57 provides for the purchase by the City of Miss Beeswanger's interest in Lot B-1, consisting of approx. 16.5 acres at \$100. per acre. The City would Quit Claim to Miss Beeswanger all of its interest and title in Lots A & B-2, comprising a total of approx. 87 acres.

The recommendation is that Council rescind the previous resolution and adopt Resolution #84-57, as it has been drafted to accomplish the revised agreement. Council approved the Solicitor's recommendation, on motion of Ald. Greenough and Hawley.

MOTION: Moved by Ald. Greenough and Hawley that Council adopt the Solicitor's recommendation on the rescinding of Resolution 83-07 and the adoption of subsequent Resolution 84-57, covering a revised agreement with Miss Ethel Beeswanger for lands owned by her in the Lake Major area.

AWARD TENDER:  
TRENCH BLASTING  
LYNGBY AVE.

The following tenders have been received for the drilling and blasting required for the removal of bedrock from the trenches for sewer and water mains and laterals on Lyngby Ave.:

Lester Archibald Drilling & Blasting	\$40,500.
Sun Construction Ltd.	79,000.
Cloud Construction Ltd.	89,272.
Woodlawn Construction Ltd.	109,000.

The City Engineer has recommended that the tender be awarded to the low bidder, Lester Archibald Drilling & Blasting.

MOTION: Moved by Ald. Crawford and Bregante that Council approve a Guarantee Resolution from the Metropolitan Authority to fund the Transinfo Project, authorizing the Mayor and the City Clerk-Treasurer to sign the resolution on Council's behalf.

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The City Engineer has recommended that the tender be awarded to the low bidder, Lester Archibald Drilling & Blasting.

Ald. Hetherington and Sarto moved that the tender be awarded as recommended. Ald. Levandier asked about the status of the lots and wanted to have a decision made by Council as soon as possible on the price to be set for them. He said it is not fair to keep the people who submitted bids waiting for a decision, an opinion that was also supported by Ald. Hetherington and Bregante. Ald. Crawford suggested that a two-week time limit be set for a determination of the price to be charged for the lots; he said a price range in the area of \$32,000. to \$35,000. would be acceptable and that the price should not exceed \$35,000. per lot.

Mr. Fougere noted that an appraisal of the lots has been requested and he pointed out that it is not possible to give accurate figures on development costs until all of the servicing has been completed. Members were not willing to wait for such a long period of time, even though Mr. Fougere pointed out that no one would be able to start building on the lots until all the necessary services are in. It was noted during the debate that an agreement of sale could be agreed upon without actually turning deeds over to the prospective purchasers until the lots are ready for construction.

The general concensus of Council was that this item should be dealt with at next Tuesday's meeting, when the appraisals and other relevant information would be made available. The Mayor agreed that Council could meet to deal with this item prior to the Committee meeting. The vote was taken on the motion on the floor and it carried.

MOTION: Moved by Ald. Hetherington and Sarto that Council award the tender for trench blasting on Lyngby Ave. to the low bidder, Lester Archibald Drilling & Blasting.

The Director of Parks & Recreation has prepared a report on proposed rink rate increases for the Bowles, Gray and Kinsmen arenas. The following recommendations have been made to Council:

PROPOSED RINK  
RATE INCREASE

- 1) that there be an increase in rink rates of \$8. per hour effective Jan. 1/85.
- 2) that there be an additional increase of \$4. per hour effective Jan. 1/86.
- 3) that the City continue its policy of subsidization to minor organizations.
- 4) that hours additional to the regular minor organizations schedule continue to be charged at the full rate.

The report notes that other ways of increasing rink revenue are being investigated by the Department, particularly with the use of the arenas during the summer months.

Ald. Hetherington and Romkey moved the adoption of the above recommendations on rink rate increases. Ald. Greenwood had some questions about the subsidization of minor hockey organizations and the form it takes. Mr. Atkinson was present to discuss these questions. Ald. Greenwood said it may be possible to reduce some of our operational costs for the rinks by reducing the number of staff on shifts from two to one and by cutting back in overtime costs. He asked Mr. Atkinson to look at these possibilities. The motion carried.

MOTION: Moved by Ald. Hetherington and Romkey that the recommendations from Mr. Atkinson on proposed rink rate increases, as detailed above, be adopted.

ADDITIONAL  
MANPOWER:  
WYSE ROAD

The Police Commission has forwarded to Council, without recommendation, a request for additional manpower in the Police Dept. to provide foot patrols in the Wyse Road business district. Additional information requested when this item was before the Commission, has been provided along with the original report that went to the Commission. Ald. Levandier and Hetherington moved the adoption of the recommendations from Chief Trider, as set out on page 3 of his report, dated July 26/84.

Ald. Crawford said that the figures presented in the additional information clearly justify the need for the foot patrols in the Wyse Road area. He wanted some assurance that the additional manpower will continue to fill the foot patrol function intended and not be assigned

to other duties once they are taken on staff. Chief Trider gave his assurance that a foot patrol beat is to be established in the Wyse Road area and the manpower requested will not be allocated elsewhere in the department. Ald. Crawford suggested an amendment to recommendation (B) to reinforce this point, but Council felt that the statement of the Police Chief has confirmed it sufficiently. (Recommendation B states: That the Dartmouth Board of Police Commissioners authorize the recruitment of four additional personnel for this purpose.)

Ald. Greenough did not agree that the statistics provided justify such a major expenditure, and he wanted to have the request referred to budget time to be considered in conjunction with other budget items. He moved referral to the 1985 operating budget discussions, seconded by Ald. Peters. Ald. Hetherington noted that there is a time constraint involved with respect to Holland College applicants for the new term and our application being in to meet that deadline.

Ald. Greenwood was in favour of the motion to refer and said he could support a request for additional manpower in the Police Dept. if it was not specifically for foot patrols on Wyse Road. Ald. Beeler was also not convinced that the foot patrols are required and suggested waiting to see how effective they are in the Portland St. area before approving any more for other districts. She supported the motion to refer and was not in favour of rushing into an expansion of foot patrols until it is first determined that they are producing good results for the department.

When the vote was taken on the motion to refer, it was defeated with Ald. Greenwood, Greenough, Beeler, Peters and Stubbs votin in favour.

The main motion carried with Ald. Stubbs, Beeler and Greenough voting against.

MOTION: Moved by Ald. Levandier & Hetherington that that Council adopt the recommendations from Chief Trider on foot patrols for the Wyse Road area and additional manpower required, as detailed on page 3 of his report, dated July 26/84.

MOTIONS:

ALD. HAWLEY

In keeping with notices of motion previously given, the following motions were introduced for Council's consideration:

1) Ald. Hawley moved, seconded by Ald. Greenough:

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. Hawley provided photographs to show how narrow the bridge is for traffic, indicating to Council that it is less than twenty-two feet wide at present. He described the bridge as a dangerous bottleneck for cars travelling on the Waverley Road and said he receives more calls of complaint about the bridge in its present state than any other matter. He said the situation is made worse in the wintertime when snow is plowed back on the bridge, making it even more dangerous to traffic and also to pedestrians who have to use it.

Ald. Greenough concurred with all of these points made by Ald. Hawley and indicated his support for the motion. The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Hawley and Greenough: text as above.

ALD. LEVANDIER

2) Ald. Levandier prefaced his motion with a number of reasons for proposing the relocation of the CNR rail line from the downtown section of the City. He considered that the full potential of waterfront land could be realized if the tracks were moved and their relocation would make the waterfront accessible and attractive for people-oriented uses and for park development. A feeder line could be provided by a connection with the abandoned Musquodoboit line, for rail traffic to and from the refineries and the Autoport. Ald. Levandier moved, seconded by Ald. Crawford, that:

WHEREAS we are beginning an M.P.S. Review, it is now appropriate to move the following:

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 enhancement 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 of not less than eight years, south from the MacDonald Bridge to the Woodside Industrial Park.

Ald. Crawford was in favour of the motion, pointing out that dangerous material sometimes have to be moved by rail through the City, and this hazard would be removed if the rail line were relocated from its present routing. He asked the Mayor about Federal relocation programs and funding that may be available. The Mayor advised that there is no Federal funding any longer for rail relocation studies, for which the City made application some time ago. He said we have repeatedly made representation to have the marshalling yards relocated to Burnside and this may be the first step in the total relocation of rail facilities from the downtown area. Thirteen miles of new track would be required to connect with the Musquodoboit line if it could be put back in operation and used for alternate routing of the refinery and Autoport rail traffic. He felt that the new Federal Government may be receptive to an approach to have the marshalling yards moved and agreed that this is a worthwhile first step to take.

Ald. Stubbs said it would be advisable to have staff prepare some background material on which to base our request before it is made, and she moved referral of the motion to staff for this purpose. The motion was seconded by Ald. Crawford and it carried.

MOTION: Moved by Ald. Stubbs and Crawford that the motion presented by Ald. Levandier be referred to staff for the preparation of background material on which to base our request for rail line relocation.

ALD. BREGANTE

3) Ald. Bregante moved, seconded by Ald.

Hetherington, that:

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.

Ald. Bregante noted that the Transit Advisory Board is already looking into the possibility suggested by his motion, and a report is likely to come from the Board in the future. The motion carried.

MOTION: Moved by Ald. Bregante & Hetherington: text as above.

NOTICES OF MOTION:

(ALD. BREGANTE

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

1) Ald. Bregante:

WHEREAS we have had problems in our tendering process on a number of occasions in the past;

THEREFORE BE IT RESOLVED that the Mayor set up a committee of three Aldermen, the City Solicitor, and two staff persons, to look at our tender process and bring back recommendations to Council as to how they can be tightened up so we will not have the problems we have had in the past.

ALD. GREENWOOD

2) Ald. Greenwood: That the City Engineer prepare estimates of costs for sidewalks on Primrose and Brule Streets.

ALD. PETERS

3) Ald. Peters

That the Mayor be directed to write a letter to the Province, advising of the serious safety hazard caused by pedestrians crossing the Circumferential Highway between the MicMac Rotary and Portland Street;

And further, that the Province be requested to construct the appropriate barrier to restrict pedestrians from crossing this section of this very busy four-lane highway.

INQUIRIES:

ALD. GREENOUGH

Ald. Greenough asked the Police Chief to look into the possibility of having a police officer from the Traffic Division on duty at the MicMac Rotary to assist with morning rush-hour traffic from 7:30 a.m. to 8:30 a.m.

(ALD. CRAWFORD

Ald. Crawford asked about the areas of authority that Commissionaires have on the bridges when they are on duty. Chief Trider said they are sworn in as Provincial constables with the authority of that jurisdiction. Ald. Crawford asked for a report on

his inquiry for the information of all members of Council. Chief Trider said he would seek further information from the Nova Scotia Police Commission and provide the information for the next Dartmouth Police Commission meeting.

ALD. PETERS

Ald. Peters requested information on the Hollett case; first, for an update on the City's costs to date, and secondly, the status of any legal action that is presently in progress.

ALD. BREGANTE

Ald. Bregante asked why City advertisements are being placed in the Mail Star and the Daily News, but not in Dartmouth This Week. He asked to have the inquiry looked into and report brought back on it.

ALD. HETHERINGTON

Ald. Hetherington asked if anything has been done about the complaint from a group of residents concerning the Green Gables store on Portland Street. Mr. Smith advised that a meeting is being arranged, and Ald. Hetherington requested that he be informed further.

Ald. Hetherington asked when tenders are to be called for the sewer on Alpine Drive. Mr. Fougere said they will be called as soon as the plans are ready, sometime this fall.

ALD. HAWLEY

Ald. Hawley made the following inquiries:

- 1) asked when tenders will be called for work on Lakewater and Lakewood Court. Mr. Fougere said it will be at the same time as Alpine Drive.
- 2) referring to the street behind the Ian Forsyth School and the right-of-way through the fence, Ald. Hawley said the hole in the fence has been made in the wrong place, giving access into the back yard of a private property. He asked to have attention given to correct this mistake.
- 3) asked why the pedestrian gate that provides access to Beazley Field is being locked in the afternoon, preventing people from getting in after that time. He also asked if anything is being done about the fact that there is no wheelchair access to the stands at Beazley Field.
- 4) asked about the status of the Latch Key program that was proposed for the Churchill/Kennedy Drive area. He wanted to know if the program has been dropped by Social Services and to be kept informed about this subject.

- 5) asked that consideration be given to the installation of an orange flashing light at the intersection of Lethbridge Ave. and Waverley Road, to alert drivers. Mr. Fougere noted that the visibility at the intersection could be improved if the large tree were to be removed.
- 6) asked if anything can be done to assist the owners of the house on Waverley Road (last house before Lethbridge Ave.) with a driveway problem caused by the steep grade of the driveway. The owners do not have the necessary clearance to put a garage between the sidewalk and the house and they cannot make use of the driveway. He asked Mr. Fougere to take the inquiry up with the Planning Dept. to see if there is any solution.
- 7) asked if anything can be done about the pedestrian crossing on Main Street where children are supposed to use the sidewalk and cross at the point designated but they are not doing this.

Ald. GREENWOOD

Ald. Greenwood asked if it is possible to close off a section of Prince Albert Road to traffic for the wreath-laying ceremonies that are held on Remembrance Day. The Mayor agreed to discuss the inquiry with Chief Trider.

Meeting adjourned.

Bruce Smith,  
City Clerk-Treasurer.

City Council, Oct. 2/84

ITEMS:

- 1) Notice of reconsideration: Banook Canoe Club application, page 1 & 2.
- 2) Award tender: Highway salt, page 3.
- 3) St. Peter's Grammar School, page 3 & 4.
- 4) License applications, page 5.
- 5) Security alarm system: City bldgs., page 5 & 6.
- 6) Guarantee Resolution: Metro. Authority, page 6.
- 7) Land: Lake Major, Ethel Beeswanger  
Resolution 84-57, page 7.
- 8) Award tender: Trench blasting, Lyngby Ave., pg. 7 & 8.
- 9) Proposed rink rate increases, page 8 & 9.
- 10) Additional manpower: Wyse Road, page 9 & 10.
- 11) Motions: Ald. Hawley, page 11  
Levandier, page 11 & 12.  
Bregante, page 13.
- 12) Notices of motion: Ald. Bregante )  
Greenwood) Page 13  
Peters )
- 13) Inquiries: page 13 to 15 incl.

Dartmouth, N. S.

October 9/84

Regularly called meeting of City Council  
held this date at 6:30 p.m.

Present - Mayor Brownlow

Ald. Romkey	Sarto
Crawford	Levandier
Stubbs	Greenwood
Hawley	Greenough
Bregante	Hetherington
DeMont	
City Solicitor, M. Moreash	
Acting City Administrator, B. Smith.	

NSUPE CONTRACT

Just prior to the meeting being called to order, Mr. Hoganson presented a review of those items in which changes have been made in the proposed Collective Agreement that takes in City and School Board employees within the Nova Scotia Union of Public Employees. District School Board members and School Administration staff members were also present for Mr. Hoganson's report on the outcome of negotiations with the NSUPE, since this Union represents School Board Maintenance and Custodial employees. The District School Board later met to ratify the Collective Agreement on behalf of their own employees.

Contract changes have been made in the following areas:

- Management's rights
- The negotiation of new job classifications.
- Rules pertaining to the activities of Union officers on City time and premises.
- The status of probationary employees.
- Temporary promotions.
- Job postings and transfers.
- Limits on overtime hours worked.
- A clear definition of the vacation year.
- Comprehensive safety clause.
- Revised grievance procedure.

The proposed Collective agreement provides for wage increases of 5%, effective Jan. 1/84, and 5%, effective an. 1/85; shift differential has been increased from \$.20 to \$.25. per hour.

It has been recommended to Council that the tentative Collective Agreement be ratified, as it has been explained by Mr. Hoganson in his briefing.

Before the briefing took place, Ald. Greenwood declared a conflict of interest, for reasons that his

brother is employed with the Parks & Recreation Dept. (NSUPE represents employees in this Department), and withdrew from his place on Council to sit in the gallery for the rest of the meeting.

The Mayor called the meeting to order following Mr. Hoganson's briefing, and Council went into Committee on motion of Ald. Greenough and Hetherington, in order to deal with the item in camera.

Having met briefly in camera as Committee-of-the-Whole, Council reconvened in open meeting and ratified the action taken in camera, on motion of Ald. Hetherington and Levandier.

Meeting adjourned.

Bruce Smith  
Acting City Administrator.

City Council, Oct. 9/84

ITEM:

- 1) NSUPE Contract, page 1 & 2.
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Dartmouth, N. S.

October 9/84

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held this date at 7:30 p.m.

Present - Mayor Brownlow

Ald. Sarto	Romkey
Beeler	Peters
Crawford	Levandier
Withers	DeMont
Stubbs	Greenwood
Hawley	Greenough
Bregante	Hetherington
City Solicitor, M. Moreash	
Acting City Administrator, B. Smith.	

LYNGBY AVE.:  
SALE OF LOTS

As requested by Council, a staff report has been provided on the Lyngby Avenue lots owned by the City. Based on the appraisals that have been received for lots D4 through D15, and on the other information provided, it has been recommended by Mr. Smith that the tenders received for the purchase of some of the lots be rejected, and further, that staff be authorized to accept proposals from local real estate brokers for the sale of lots D4 through D15 Lyngby Ave., with selection of successful broker to be determined by the lowest stated commission rate on approved sales.

The Mayor advised that it is the opinion of the Solicitor that the staff report presented meets the requirement of the referral motion adopted by Council at the September 11th meeting, and therefore a motion to rescind would not be required in order for Council to proceed with consideration of the report. He went on to suggest some alternatives that Council may want to look at, taking into account the fact that any piece of land sold by the City is subject to the approval of the Municipal Affairs Department and as such, is required to be sold for fair market value. Therefore, any decision to sell land for less than fair market value would have to be substantiated with adequate reasons in order to secure the Minister's approval.

Ald. Levandier took the position that the City has a moral obligation to the people who submitted

bids in response to the tender call for sale of the lots. He said that all of the information now before Council should have been assembled before any tenders were called so that there was some basis for establishing prices for the lots, but since it was not, the bids received should now be accepted and prices set for the remaining lots to be sold. He moved acceptance of the six tender prices bid, seconded by Ald. Hetherington. The resolution prepared by the Solicitor to cover the motion is as follows:

BE IT RESOLVED that the City of Dartmouth hereby authorizes the sale of the following properties on Lyngby Avenue, in the City of Dartmouth, as indicated below and to the purchaser indicated below:

<u>LOT NUMBER</u>	<u>PURCHASER</u>	<u>AMOUNT</u>
Lot D5	D. Fowlie	\$31,000.
D6	L. Ballantine	27,489.
D7	P. Barteaux	37,500.
D8	B. Patterson	27,200.
D12	D. Correia	30,100.
D13	M. O'Brien	40,200.

AND BE IT FURTHER RESOLVED that the Mayor and the City Clerk be authorized and instructed to execute the necessary documents to effect the conveyances,

AND FURTHER, that the conveyances be subject to the approval of the Minister of Municipal Affairs.

Ald. Romkey, Withers, Greenwood and Bregante all spoke in support of the motion for reasons similar to those given by Ald. Levandier. They felt that the City will be able to recoup the estimated development cost of \$322,500. by accepting the bids received and then setting a price for the lots that are left. Ald. Withers noted that the average of the bids received is \$36,200., a figure he considered to be acceptable and within range of what could be considered as a fair market price for purposes of approval by the Municipal Affairs Department.

Ald. Stubbs, Peters, Greenough and Beeler were not in favour of the motion, taking the position that the financial interests of citizens generally are not

being well served when we accept a variety of prices for lots that are worth more than the City is going to receive, as clearly indicated by the appraisals provided. Ald. Greenough objected to the inconsistency in awarding tenders on this basis and felt it would have been fair to extend to the bidders, the right-of-first refusal once a price was established for the lots.

Ald. Beeler said she would have to accept the appraisals as being indicative of fair market value, and therefore, the bids received are not acceptable, being even less than the assessed value for the properties. Furthermore, the action proposed in the motion ignores the stipulation of our own City Charter, a point also raised by Ald. Greenough.

Ald. Hetherington, Hawley and Sarto indicated their support for the motion. Ald. Sarto said there is a principle to be upheld in the tendering process. Ald. Hawley pointed out that those lots facing the Crichton Park School are not likely assessed at more than \$30,000. and this point should be taken into consideration in the debate.

When the vote was taken on the motion, it carried with Ald. Stubbs, Crawford, Beeler, Peters and Greenough voting against.

MOTION: Resolution re the sale of six lots on Lyngby Ave., as per the tenders prices received; text of the Resolution on page 2 of these minutes.

Ald. Crawford and Peters then moved that the remaining lots go to tender at prices not less than the following:

Lot D4	Not less than \$41,000.
D9	" " " 42,000.
D10	" " " 41,000.
D11	" " " 44,000.
D14	" " " 43,000.
D15	" " " 41,000.

Ald. Greenough suggested that it would be preferable to advertise the lots and interested people could submit their names for a draw to decide the

allocation of the lots. Mr. Smith suggested contacting the Housing Commission to determine just what procedure they follow when lots are drawn for in the case of their housing development projects. On motion of Ald. Hetherington and Greenough, Council therefore referred the matter to staff for recommendation on a procedure that could be followed and the type of advertisement required, etc. for the remaining Lyngby Ave. lots.

MOTION: Moved by Ald. Hetherington & Greenough that the matter of the sale of the remaining Lyngby Ave. lots be referred to staff for recommendation on a procedure that could be followed, the type of advertisement required, etc.

OUND SYSTEM:  
COUNCIL CHAMBER

Council has received an information package on the subject of a sound system for the Council Chamber and specifications for the calling of tenders, as prepared by Oldham Engineers Ltd., the consultants retained for the purpose.

Mr. Fougere's accompanying report recommends that tenders be called on the combined sound system for the Council Chamber, as per Mr. Oldham's specifications, including the option for an alternate control console. The recommendation was adopted, on motion of Ald. Hetherington and Bregante.

MOTION: Moved by Ald. Hetherington and Bregante that Council adopt Mr. Fougere's recommendation on the calling of tenders for a combined sound system for the Council Chamber, as per the specifications prepared by Mr. Oldham, including the option for an alternate control console.

AWARD TENDER:  
CONTRACT 84-13

The following tenders have been received for Contract 84-13, Manor Park Recreational Area, Phase 1:

Elmsdale Landscaping Ltd.	\$55,328.50
Lakeport Contracting Ltd.	61,000.00
Woodlawn Construction Ltd.	61,492.00
Terra Nova Landscaping Ltd.	61,909.69
Edmonds Bros. Landscape Services	61,933.00
L. J. Casavechia Contracting Ltd.	74,865.00

Acceptance of the low tender, received from Elmsdale Landscaping Ltd., has been recommended by Mr. Purdy and Mr. Smith in their report to Council. The tender was awarded, as recommended, on motion of Ald. Sarto and Bregante.

MOTION: Moved by Ald. Sarto and Bregante that Council award the tender for Contract 84-13 to the low bidder, Elmsdale Landscaping Ltd, in the amount of \$55,328.50, as recommended.

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

Council later reconvened at the request of Ald. Hetherington, who reported on a meeting of the Young Offenders Committee held this date and the concern of the Committee that there has been no response from the Attorney-General on the government policy decision that was to have been made about the provisions for young offender facilities. He requested that another letter go out from the Mayor's office, seeking a response from the Province. The Mayor agreed to forward a letter as requested.

The meeting then adjourned.

Bruce Smith,  
Acting City Administrator.

City Council, Oct. 9/84

ITEMS:

- 1) Lyngby Ave.: Sale of lots, page 1 to 4 incl.
- 2) Sound system: Council Chamber, page 4.
- 3) Award tender: Contract 84-13, Manor Park rec. area, Phase 1, page 4.

Dartmouth, N.S.

October 16, 1984

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

Present - Mayor Brownlow

Ald. Beeler  
DeMont  
Stubbs  
Bregante  
Sarto  
Hawley

Levandier  
Withers  
Greenwood  
Greenough  
Hetherington  
Crawford

City Solicitor, S. Hood

Acting City Administrator, B. Smith

MONTHLY REPORTS

Monthly reports recommended by Committee, were approved as follows:-

- 1) Social Services (Sept.): adopted on motion of Ald. Crawford and Levandier.

Ald. Levandier indicated that he has been receiving frequent calls from individuals on Social Assistance who cannot find housing. Mr. Smith will compile a report for Council on what is available in the way of City owned properties for this purpose.

In reply to a query by Ald. Withers whether there was any additional low income housing available through the Nova Scotia Department of Housing, Ald. Stubbs indicated that through her involvement with Dartmouth Non-Profit Housing, nothing will be forthcoming this year. Further enquiries will be made.

Concern was expressed by Ald. Stubbs re the status of 47 Wentworth Street. Mr. Smith informed Council that an application for cost sharing has been sent to the Province by the Social Services Department. He will ask Mr. McNeil whether a reply has been received.

- 2) Development Officer (Sept.): adopted on motion of Ald. Crawford and Bregante.
- 3) Building Inspection (Sept.): adopted on motion of Ald. Bregante and Sarto.
- 4) Minimum Standard of Use & Maintenance (Sept): adopted on motion of Ald. Hawley and Greenwood.

Ald. Crawford noted that nothing has been done to clear up conditions associated with an apartment building at the corner of Windmill Road and Brookside Avenue. He requested that prosecution of the owner commence. Mr. Fougere will bring the matter to the attention of the Building Inspector and the Director of Planning.

Ald. Withers indicated that despite two unsuccessful attempts at prosecution, problems associated with 217 Windmill Road still exist. Ald. Withers requested that the matter be pursued more aggressively. Ms. Hood will enquire into the nature of correspondence between Mr. Moreash and the Building Inspector re this property. A written report will be provided in two weeks time.

- 5) Fire Chief (Sept.): adopted on motion of Ald. Crawford and Withers.

- 6) Tourist Bureau Registration for September and the season to date: adopted on motion of Ald. Bregante and Hawley.
- 7) Summary of Revenue and Expenditures to Oct. 3rd: adopted on motion of Ald. Hetherington and Greenwood.
- 8) Ferry Superintendent's Report (Aug.): adopted on motion of Ald. Sarto and Hetherington.

SENIOR CITIZENS  
HOUSING -  
OCHTERLONEY ST.

A report dated September 27th, from the City Administrator, attaching a copy of the Designation Agreement pertaining to the 70 unit senior citizens housing project for Ochterloney Street, was before Council. Also attached was a copy of an agreement between the City of Dartmouth and the Minister of Housing covering the construction of an additional floor for the provision of office and recreational facilities for the senior citizens club of Dartmouth. On motion of Ald. Crawford and Withers, Resolution #84-55 was adopted, as was Resolution #84-58 on motion of Ald. Sarto and, seconded by Ald. Hetherington.

MOTIONS: Moved by Ald. Crawford and Withers that Resolution #84-55 be adopted.

Moved by Ald. Sarto and Hetherington that Resolution #84-58 be adopted.

LICENSE APPLICATION  
THEATRE & AMUSE-  
MENTS ACT

A report dated October 11th from the Acting City Administrator re License Applications was before City Council. The Mayor noted that there are two considerations to be made with respect to the report and its attachment. Firstly, does Council wish to continue their involvement in the Provincial licensing process and if they do, a decision re Canadian Tire Store's application to operate a video rental outlet is required.

Referring to Mr. Smith's report, Ald. Crawford noted that there is still no estimate on the number of applications that Council may have to consider in the course of a year. He noted that in past, input from the City has been requested after the fact and he firmly believed City Council should have input into these matters, not just leaving the decision with the Provincial Licensing Board. He therefore moved a motion, seconded by Ald. Greenwood that any applications for licensing under the Theatre and Amusements Act, do in fact come before City Council.

Ald. Stubbs expressed her support of the motion, specifically referring to recent applications for men's burlesque shows and bingos which have been the concern of residents. Mr. Smith reviewed with Council his discussions with the Amusement Regul-

ations Board and summarized that all we are empowered to do as a municipality is to provide letters of "no objection". Ald. Stubbs requested that more information be made available as to which events or businesses are regulated and which are not. Mr. Smith will look into this aspect further.

Reflecting upon Council's obvious desire to be involved in this process, the Mayor cautioned that with all events coming before Council, there will be some which require a very short time period to receive approval.

Ald. Hetherington spoke in support of the motion on the floor and expressed concern that as with the Canadian Tire application before Council, members are not receiving full information. Mr. Smith once again pointed out that the City has no authority under this jurisdiction, the ultimate authority being the Provinces. The procedure presently being followed allows simply an opportunity for Council to express their views.

Ald. Greenough acknowledged the courtesy being extended to the City and expressed some reservations about having all applications coming before Council. As with the case of Building Permits, he suggested authorization be given to staff to make decisions re straight forward applications. He further suggested that the procedure be implemented for a trial period of say, one year.

Ald. Bregante was not in favour of Ald. Greenough's suggestion, as he felt Council should have input on all applications. When the vote was taken on Ald. Crawford's motion, it passed unanimously.

MOTION: Moved by Ald. Crawford and Greenwood that any applications for licensing under the Theatre and Amusements Act, do in fact come before City Council.

Council then proceeded to deal with Canadian Tire Assoc. Store's application to operate a video centre from the Tacoma Drive outlet. On motion of Ald. Sarto, seconded by Ald. Greenwood, Council gave their approval.

MOTION: Moved by Ald. Sarto and Greenwood that the necessary approval of Canadian Tire Assoc. Store's application to operate a video centre at their location on Tacoma Drive, be given.

\*The presence of Girl Guides of First Woodside was acknowledged by Ald. Hetherington and a welcome extended by the Mayor.

TERMS OF REFERENCE  
LAKES ADVISORY BD.

New Terms of Reference for the Dartmouth Lakes Advisory Board were submitted to Council by the Solicitor. The Mayor referred to several small changes which might be considered in the wording and suggested that it might be best to defer discussion to a later date. On motion of Ald. Hetherington and seconded by Ald. Sarto, it was moved that the item be deferred for one week. The motion carried.

MOTION: Moved by Ald. Hetherington and Sarto that the Terms of Reference for the Dartmouth Lakes Advisory Board be deferred for one week.

APPLICATION TO  
BUILD - 281  
WINDMILL ROAD

An application to build a \$3.5 million, four storey apartment building at 281 Windmill Road was before Council for their consideration. Plans for the proposed 79 unit complex were displayed for the information of Council. Discussion of several aspects of the proposal followed with particular emphasis regarding access to the building for vehicles. The staff report indicated that \$5,000 will be required to modify traffic signals at the intersection of Windmill Road and Albro Lake Road to accommodate this development. On motion of Ald. Sarto and Hetherington Council subsequently approved the application. It was also moved by Ald. Hetherington and seconded by Ald. Sarto that the applicant be requested to <sup>voluntarily</sup> cost share on a 50/50 basis, the cost of modifications to the traffic signals at this intersection. Other concerns expressed about this intersection will be brought up at the T.M.G. meeting by Mr. Fougere. Mr. Lukan indicated that Mr. Mettam, solicitor for Tower Masonry Co. Ltd. had advised him that if the matter of cost sharing arose in connection with traffic signal modifications, they were willing to pay half this cost.

Reflecting upon the above remarks, Ald. Hetherington expressed extreme displeasure that a developer should be directing staff on what should or should not be said regarding a particular matter before Council, especially if it involved saving tax payers money. The Mayor emphasized to the members the degree of confidentiality which exists between the Planning Department and clients when matters arise during private conversations. Ald. Hawley agreed with the Mayor, but felt it was not fair to staff or Council to expect these matters to remain confidential

when debate is taking place in Council. Ald. Greenough and Greenwood defended Mr. Lukan's position in this matter and Ald. Levandier and Crawford argued that traffic signalling is the municipalities responsibility and revenues from the project will more than offset this cost in the long term. When the vote was taken on the motion on the floor it was defeated, with Ald. Hetherington, Crawford and Stubbs voting in favour.

MOTION: Moved by Ald. Sarto and Hetherington that the application to construct an apartment building at 281 Windmill Road be approved, subject to the comments made in the staff report dated September 28th and a \$25,000.00 bond to guarantee landscaping.

A proposed budget for the 1985 Winter Carnival was submitted by the Director of Parks and Recreation for Council's approval. On motion of Ald. Hawley, seconded by Ald. Greenwood Council gave their approval of the proposed Winter Carnival Budget.

MOTION: Moved by Ald. Hawley and Greenwood that Council approve the proposed Winter Carnival Budget for 1985.

A report dated October 9th from Mr. Rath re purchase of land in the Industrial Park from Shell Canada Products was before Council. The parcel of land is 35 acres in size. It was moved by Ald. Greenwood and seconded by Ald. Hetherington that the two staff recommendations contained in the report be approved. The motion carried.

MOTION: Moved by Ald. Greenwood and Hetherington that City Council authorize the City Administrator to negotiate with Shell Canada for the acquisition of the 35 acre parcel of land and that approval be given for an appraisal and a preliminary analysis of the costs of developing these lands. The costs to be approximately 2,000 and \$8,000 - \$10,000 respectively.

Recommendations were made by the Transit Advisory Board re the discontinuation of the Dartmouth Shoppers Special and extended trial Route 62, for an additional six months. Reports on the two routes prepared by the Metropolitan Transit Commission were provided to Council. It was moved by Ald. Sarto and Bregante that the two recommendations be approved. The motion carried.

1985 WINTER  
CARNIVAL

SHELL CANADA  
PRODUCTS LAND

ROUTE  
CHANGES

MOTION: Moved by Ald. Sarto and Bregante that the Shoppers Special be discontinued, effective the November schedule change, for an annual savings of \$13,200, and that the trial Route 62, (Wildwood- Forest Hills) be extended for an additional six months.

Meeting adjourned.

Bruce Smith,  
Acting City Administrator

Council, October 16, 1984

ITEMS:

- 1) Monthly Reports, pages 1 & 2.
- 2) Senior Citizens Housing - Ochterloney St., page 2.
- 3) License Application - Theatre & Amusements Act, pages 2 & 3.
- 4) Terms of Reference Lakes Advisory Board, page 4.
- 5) Application to Build - 281 Windmill Road, pages 4 & 5.
- 6) 1985 Winter Carnival, page 5.
- 7) Shell Canada Products Land, page 5.
- 8) MTC. Route Changes, pages 5 & 6.

Dartmouth, N. S.

October 23/84.

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

Present - Mayor Brownlow

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

The Mayor welcomed to the meeting the Seventeenth North Dartmouth Scout troop and their leader.

Due to the fact that the Provincial election will take place on November 6th, the Mayor suggested November 13th as an alternate date for the first regular November Council meeting. On motion of Ald. Hetherington and Greenwood, Council agreed to hold the first regular November meeting on Tues., November 13th as suggested.

A meeting to appoint Boards and Commissions for the coming year has been scheduled for Wed., November 7th and Council was later reminded of this date by the Mayor.

MOTION: Moved by Ald. Hetherington & Greenwood that the first regular November meeting be held on Tues., Nov. 13th instead of Tuesday, Nov. 6th.

Council agreed to add two items to the agenda:

(1) an application to hold the Peter Adonis Show on Friday, October 26th, and (2) a recommendation from the Transit Advisory Board on Route 55 (Port Wallace) service.

This Council meeting constituted a public hearing for the proposed closure of portions of Windmill Road, in order that pieces of land surplus to the City can be disposed of, as explained to Council in a report previously received from Mr. Moir.

The Mayor called for representations from anyone wishing to be heard either for or against the street closure. There being no speakers or presentations from anyone present, the Mayor declared the public hearing to be over.

Ald. Bregante and Hawley then moved the adoption

PUBLIC HEARING:  
CLOSURE OF  
PORTIONS OF  
WINDMILL RD.

RESOLUTION 84-53 of Resolution 84-53, which has been prepared to accomplish the street closure. There was no debate on the motion and it carried.

MOTION: Moved by Ald. Bregante and Hawley that Resolution 84-53 be adopted; this resolution accomplishes the closure of portions of Windmill Road.

Mr. Moir outlined the procedure that will now be followed, once the Province has given consent for the street closure, advising that a further subsequent report will be coming back to Council once the surplus land has been surveyed and appraised.

PUBLIC HEARING:  
LAKE SAFETY BY-LAW

This Council meeting also constituted a public hearing for anyone wanting to be heard on the subject of a Lake Safety By-law, prior to the existing by-law being redrafted. Speakers heard by Council were as follows:

- 1) Mr. Brian Todd, owner of the wind-surfing shop located in the area of the cove on Lake Banook. Mr. Todd felt that wind-surfing should be permitted on Lake Banook, but controlled so as not to interfere with paddling activities. He described the cove area as a good spot for beginners to learn windsurfing and then as the wind-surfers become more experienced, they can move on to other lakes and the harbour.

Ald. Hetherington was concerned about a provision in the present by-law that calls for approval of special events on the lake by the patrol officer. He questioned the jurisdiction this provision gives to one person, and the Solicitor said that the final draft of the by-law could provide for an appeal to Council as a way of overcoming the concern.

- 2) Dr. Don Gordon, member of the Lakes Advisory Board. Dr. Gordon referred to the continuing efforts of the Board to maintain water quality standards in City lakes, so they can be used by everyone. He said he would not want to see a ban on any one activity, but would prefer to see a coexistence of paddling and windsurfing able to take place. He admitted that the paddling lanes have to be kept open for meets and regattas on Lake Banook, also for training purposes, but felt that wind-surfing should still be able to have a place on other parts of the lake..

The Mayor noted that it is Council's wish to accommodate every possible sport and activity on Lake Banook, but to do so in safety.

- 3) Mr. Dave Slayter, a paddler who has been active on Lake Banook since 1955. Mr. Slayter said he has observed a dramatic change over the years in the number of people using Lake Banook. He recognized the merits of wind-surfing as a sport, but related several personal experiences where he has been in near-collision with

wind-surfers, and expressed the concern that congestion on the lake is getting to the point where there could be some serious accidents. He also commented on the importance of Lake Banook as a paddling course second to none, and on the number of paddlers and oarsmen that have gone on to represent Dartmouth in national and Olympic rowing events.

- 4) Mr. Ron Muise, coach at the MicMac Aquatic Club. Mr. Muise also had concerns about the conflicting uses of the lake by paddlers and wind-surfers, especially at the end of the lake where the boat clubs are located and there are more younger children on the water. He also related several instances where there have been minor accidents between canoes and surfboards, resulting in some slight damage to expensive canoes owned by the MicMac Club.

Ald. Hawley said he could understand the concerns about the present congestion on Lake Banook, and he asked why Lake MicMac could not be used for wind-surfing. Mr. Todd explained that the wind blowing down Lake MicMac is not suitable for beginners and there is not a public access point such as the one available at the Lake Banook cove. Mr. Moir also noted that power boats and water-skiers make considerable use of Lake MicMac now, and this would add another sport to what is already there.

Mr. Todd suggested that it might be possible to resolve some of the present difficulties with conflicting uses on Lake Banook if the two groups involved could get together for a discussion.

Ald. Hetherington objected to what he called the increasingly restrictive use of City lakes, to the point where citizens are being deprived of their use. He said he would like to see some kind of compromise worked out among the paddling groups and the wind-surfers themselves, and suggested that it might even be necessary to hold a second public hearing after they have met for discussion.

Ald. Greenwood and Greenough also favoured this kind of dialogue and felt it could be facilitated and encouraged with the formation of a small committee to meet with club representatives.

- 5) Mr. Bradford MacDonald, representing the MicMac A.A.C. Mr. Bradford explained how MicMac has tried to cooperate already with the wind-surfers but felt that they have not reciprocated in turn with the club.

Dr. Gordon spoke a second time, pointing out that while paddling tends to be an organized activity most of the time, there are wind-surfers using the lake who do not belong to any club and just come there on their own for recreational sailing. He said this point will have to be taken into consideration if discussions take place as suggested.

When there were no further speakers to be heard, the Mayor declared the public hearing to be over.

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When there were no further speakers to be heard, the Mayor declared the public hearing to be over.

Ald. Greenwood and Hetherington then moved that a small committee of three Aldermen, a member of the City Recreation Dept., and the Solicitor, meet with paddling and windsurfing representatives to discuss the resolution of problems brought out during the hearing. A report would come back to Council from the committee for consideration at a future meeting and the possibility of holding a second public hearing would not be precluded, if it was felt that a second one was required. The motion carried.

Members named to serve on the committee were Ald. Greenough, Greenwood and Hetherington, and a motion to approve their appointment was adopted, moved by Ald. Greenwood and seconded by Ald. Romkey.

MOTIONS: Moved by Ald. Greenwood & Hetherington that a small committee of three Aldermen, a member of the Recreation Dept., and the Solicitor, meet with paddling and windsurfing representatives to discuss the resolution of problems brought out during the hearing, for report back to Council.

Moved by Ald. Greenwood and Ald. Romkey that Ald. Hetherington, Greenough and Greenwood be named to serve on the committee.

AWARD TENDER:  
SALT SPREADING  
TRUCKS

Tenders have been received for the rental of two trucks for spreading salt for the 1984/85 season. Acceptance of the following vehicles has been recommended by the Purchasing Agent, with Mr. Moir's concurrence:

Mike Kelly, Armdale  
1980 International Tandem @ \$2,875. per month.  
Donald James Clarke, Dartmouth  
1978 Ford Tandem Diesel @ 2,800. per month.

Council approved the awarding of the tender, as recommended, on motion of Ald. Sarto and Bregante.

MOTION: Moved by Ald. Sarto and Bregante that the tender for the rental of two trucks for salt spreading, be awarded as noted above.

AWARD TENDERS:  
SNOW PLOWING  
EQUIPMENT

Tenders have been received for rental equipment for snow plowing for the 1984/85 winter season. Recommendations for equipment rentals are contained in a report to Council from the Purchasing Agent, dated October 16/84. Mr. Moir has concurred with the recommend-

ations, and the tenders were awarded as recommended, on motion of Ald. Romkey and Bregante.

Questions from Ald. Hawley about the difference in stand-by fees, which range from \$84. to \$20., were discussed with Mr. Fougere.

MOTION: Moved by Ald. Romkey and Bregante that tenders for the rental of snow plowing equipment, as recommended in the Purchasing Agent's report, dated Oct. 16/84, be awarded as recommended.

AWARD TENDERS:  
RENTAL TRUCKS  
SNOW PLOWING

Tenders have been received for rental trucks for snow plowing for the 1984/85 winter season. Recommendations for the truck rentals are contained in the Purchasing Agent's report of Oct. 16/84, and Mr. Moir has concurred with these recommendations. The tenders were awarded as recommended, on motion of Ald. Sarto and Bregante.

MOTION: Moved by Ald. Sarto and Bregante that tenders for rental trucks for snow plowing, as recommended in the Purchasing Agent's report of Oct. 16/84, be awarded as recommended.

TERMS OF REFERENCE:  
LAKES ADVISORY BRD.

Amended terms of reference for the Lakes Advisory Board, have been circulated, and the Mayor advised that they have been reviewed with the Chairman and have her concurrence. The proposed amendments were approved as follows:

- 1) Under the heading 'Composition', the words '. . . be requested to name a nominee' have been added. Approved on motion of Ald. Greenough and Hawley.
- 2) Also under 'Composition', wording further on was changed to read '. . . be requested to designate a nominee'. Approved on motion of Ald. Hawley and Greenwood.
- 3) Under the heading 'Relationship to City Boards & Departments', the first paragraph is amended with the addition of the words, '. . . with the consent of City Council'. Approved on motion of Ald. Greenwood and Hetherington.
- 4) Under the heading of 'Appointments', the first word 'Nominees' . . . is inserted and further in the same sentence, the words '. . . nominating institution/organization' are also added. Approved on motion of Ald. Hetherington and Sarto.
- 5) Also under 'Appointments', third paragraph, the wording is changed to read '. . . if renominated by a designated' (institution or organization) . . . and approved by City Council'. Approved on motion of Ald. Sarto and Hetherington.

- 6) Under the heading 'Resignations', the second sentence is amended by adding the words 'nominating' and further in the sentence, 'organization'. The next sentence is that section is amended with the addition of the word 'nomination'.  
Under the heading 'Absenteeism', the word 'nominate' is added in the first sentence.  
Approved on motion of Ald. Hawley and Greenwood.

With the amendments approved, the terms of reference were referred to the Solicitor for final drafting that will incorporate the changes made. A motion to this effect was adopted, moved by Ald. Hetherington and seconded by Ald. Romkey.

MOTION: Moved by Ald. Hetherington and Romkey that the amended terms of reference for the Lakes Advisory Board be referred to the Solicitor for final drafting. Amendments approved are outlined on pages 5 and 6 of these minutes.

LORD'S DAY  
ACT ENFORCEMENT

In a report to Council, the Solicitor has requested direction from Council on whether or not to take steps to enforce the Lord's Day Act in the City.

There is now a question about the enforceability of the Act in view of an Alberta case that has gone to the Supreme Court of Canada, and in view of this present status of the prosecution undertaken in Alberta, Council has been requested to decide on one of two options available:

- 1) to seek the Attorney-General's consent to prosecute for apparent violations of the Lord's Day Act; or
- 2) to refrain from attempting to enforce the Act until the Supreme Court of Canada clears up the status of the Lord's Day Act.

Ald. Levandier and Hetherington moved that Council adopt the second option suggested in the report. Further, that representations on the subject not be heard at this time. (Council has received a letter from Mrs. Jean Cross, requesting permission to address Council, and copies of her letter have been circulated.)

Ald. Levandier felt that Council should await the outcome of the Supreme Court decision before attempting to take any further action with respect to the enforcement of our own City By-law C-367. Also, he said that if

Council is going to hear from one side on this issue, then people in favour of having stores open on Sunday should have an equal opportunity to be heard as well.

Ald. Beeler's opinion was that stores should be closed on Sunday and that Council should go ahead with prosecutions under our by-law; otherwise, the by-law is meaningless and completely ineffective. Ald. Sarto agreed with this position and spoke on behalf of a group of residents who live in the K-Mart area, where a Best For Less store is now open on Sundays. He said this store operation is disrupting the peace and quiet of the neighborhood on the one day when the residents previously had a break from traffic and noise.

Ald. Hawley was not in favour of waiting for a decision from the Supreme Court and felt that having stores and businesses open on Sunday erodes the quality of life in the community. Ald. Romkey noted that flea markets and other stores are able to remain open on Sunday and he asked where Council would draw the line in the event that prosecutions were to be undertaken. He said that Council should realize how many businesses will be affected if we start to enforce the by-law as it is presently worded. He said it is not fair to go after one particular store without enforcing the by-law uniformly wherever it is being violated. He agreed with Ald. Levandier that if residents do not have the opportunity to patronize stores in Dartmouth, they will go to the ones that are open in County areas, particularly in the case of grocery stores.

Ald. Greenough's concern was that if one store is allowed to remain open, others will follow. He favoured option one, but said he would first want to know what we could expect to pay in court costs before finally authorizing a prosecution to be commenced. Ald. Bregante said it is important for the City to uphold its own by-laws or else they do not have any credibility at all.

Debate went on for some time, with those members opposed wanting to at least seek permission from the Attorney-General to proceed with a prosecution, and those opposed, wanting to wait for the Supreme Court decision before proceeding with any further action.

Ald. Hetherington suggested deferring option two at this time and having staff find out from the Attorney General whether his office is willing to give permission to proceed with prosecutions at this time. He moved deferral of the motion (ie. that no further action be taken on it) and that staff be directed to contact the office of the Attorney-General to determine whether he would be willing to give permission to prosecute at this time. The motion to defer was seconded by Ald. Hawley.

Ald. Levandier was opposed to deferral, suggesting that Council should be making a decision one way or the other now and not putting off a decision that has to be made eventually. Ald. Greenough said it is understood that the matter will come back to Council, since the question of court costs would still have to be taken into consideration before making any decision to go ahead with prosecutions. Reference was made to the court costs incurred when the Kresge interests contested the Early Closing By-law. The by-law was struck down in the courts on that occasion.

When the vote was taken on the motion, it carried with Ald. Levandier, Romkey and DeMont voting against.

MOTION: Moved by Ald. Hetherington & Hawley that the motion presented on the Lord's Day Act be deferred, and that staff be directed to contact the office of the Attorney General to determine whether he would be willing to give permission for the City to prosecute under our by-law.

Since a group of residents were present for this item, Council agreed to hear from them. Mrs. Doris Buffet referred to quotations from the Bible which reinforce the provisions of the Lord's Day Act, and Mrs. Jean Cross

urged Council to consider the detrimental impact that Sunday store opening has on the family unit, if one of the family members has to work on the one day when families can be together.

Mr. Bob Taylor, another resident, described Sunday store opening and the employment of people on that day as the 'thin edge of the wedge' leading to similar requirements being placed upon other workers in future. Mr. Charlie Cannon said the City has a by-law and it should be enforced like any other by-law.

Mr. David Turner felt that Council has an obligation to consider the social and psychological welfare of residents, and a day of sanity in what are hectic weeks for most people, is one of these considerations. He agreed with other speakers that the solidarity of the family is eroded when these kinds of changes are permitted in our society.

Several members of Council also spoke about the importance of one day of peace and quiet in the community and the concern about people having to work on what should be their day of rest.

A request has been received that Council indicate no objection to a bingo operation proposed for the premises at 541 Pleasant Street, the Woodside Bingo Hall. Ald. DeMont declared a conflict of interest, due to his own bingo operation and withdrew from Council for this item.

On motion of Ald. Hetherington and Bregante, Council indicated no objection to the Woodside bingo operation, as requested by Jamil Y. Karam in his letter of Oct. 17/84.

MOTION: Moved by Ald. Hetherington and Bregante that Council indicate no objection to the request from Jamil Karam to operate a bingo at 541 Pleasant Street, the Woodside Bingo Hall.

A second application before Council, under the Theatre & Amusements Act, has been received from the promoters of the Peter Adonis Travelling Show, a male

BINGO APPLICATION:  
WOODSIDE HALL

APPLICATION:  
PETER ADONIS  
SHOW

burlesque show, to be held at Wheelies in Dartmouth, on Friday, October 26th.

Ms. Henriette Nickerson has forwarded a letter to Council, explaining the course of events that has transpired since inquiries were first made back in August about any permits that had to be obtained in order to go ahead with the show booking. The promoters were advised by both the City and the Province that no permit would be required, but Amusement Tax would have to be paid. Having received verbal permission to go ahead with the show, the promoters have now been advised that the matter would have to come before Council and Council would have to indicate that they do not object to the holding of this show, before it would be allowed to proceed. Ms. Nickerson was present and expressed concern that the promoters have already incurred expenses for advertising, printing of tickets, plane fare for the performers, etc., on the understanding that a permit was not required from the City or the Province. Now, there will be no way to recoup these expenses if permission is denied by Council for the show to be held.

Members of Council made several inquiries of Ms. Nickerson in attempting to determine exactly what information was given to her, and it was pointed out by the Solicitor that the situation faced by the promoters has come about due to Council's decision last week to begin participating in Theatre & Amusement Act applications, which occurred after procedures were already underway to bring the Peter Adonis Show to Dartmouth. Ald. Greenough and Sarto moved that because the plans for the Peter Adonis Show were already started in advance of the time that Council adopted a motion to have Council participate in Theatre & Amusement Act applications, Council does not believe they need to make any comment on this application, and therefore, has no objection to it.

Ald. Greenwood said he did not object to such a show being held in a location like the Sportsplex, where the City has complete control over the situation, but he could not support the show being held in a privately-owned roller-skating rink. He said his main problem was with the location and the fact that a roller-skating rink is used by young people for their recreation and should be kept that way.

Ald. Withers was opposed to the application in general principle and said it was a grave error in judgement on the part of the Sportsplex management when the show was permitted in that facility. It was a bad example to set and an unfortunate precedent that has now lead to a second performance by the same group.

Ald. Hetherington noted that it is a difficult choice for Council to make when the promoters were under the impression they did not have to secure a permit and went ahead with their arrangements and incurred considerable expense in the meantime. His main concern was about underage people attending the show. Ms. Nickerson gave assurance that only people nineteen years of age and over will be permitted, and said she would personally make sure this restriction is adhered to at the door. Also, a bar will not be in operation as originally planned.

When the vote was taken on the motion, it carried with Ald. DeMont, Hawley, Bregante, Withers and Greenwood voting against.

MOTION: Moved by Ald. Greenough and Sarto that because the plans for the Peter Adonis Show ere already started in advance of the time that Council adopted a motion to have Council participate in Theatre & Amusement Act applications, Council does not believe they need to make any comment on this application, and therefore, has no objection to it.

The Transit Advisory Board has made the following recommendations to Council:

- 1) that a request be made to M.T.C. for a concrete bus shelter to be installed between Carleton Street and Belmont Ave.

RECOMMENDATIONS:  
TRANSIT ADVISORY  
BOARD

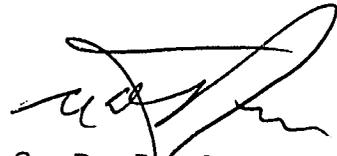
- 2) that additional peak service be implemented on Route 55 (Port Wallace) for a twelve-month trial period.

Council approved both recommendations, on motion of Ald. Hawley and Greenough.

MOTION: Moved by Ald. Hawley and Greenough that the two recommendations of the Transit Advisory Board, as noted on page 11 and 12 of these minutes, be approved.

Ald. Levandier indicated his wish to introduce a motion dealing with the pollution problem in the Lyle Street area, but Mr. Moir and the Mayor advised that the matter is being looked into already.

Meeting adjourned.



G. D. Brady,  
Deputy City Clerk.

City Council, Oct. 23/84

ITEMS:

- 1) Public hearing: Closure of portions of Windmill Road, page 1.
- 2) Public Hearing: Lake Safety By-law, page 2 to 4 incl.
- 3) Award tender: Salt spreading trucks, page 4.
- 4) Award tenders: Snow plowing equipment, page 4.
- 5) Award tenders: Rental Trucks, snow plowing, page 5.
- 6) Terms of reference: Lakes Advisory Board, page 5 & 6.
- 7) Lord's Day Act enforcement, page 6 to 9 incl.
- 8) Bingo application: Woodside Hall, page 9.
- 9) Application, Peter Adonis Show, page 9 to 11 incl.
- 10) Recommendations: Transit Advisory Board, page 11 & 12.