

Dartmouth, N. S.

November 4/85.

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

SWEARING-IN
CEREMONY

This meeting of Council constituted the Swearing-In Ceremony for Mayor-Elect John Savage and the other new members of City Council.

Judge Sandra Oxner was present to officiate at the swearing into office of the new Council, and she addressed the members and the public gallery briefly at the opening of the meeting. She then proceeded to swear in Mayor-Elect Savage and the following Aldermen-Elect for the seven City wards:

Ward 1 - Ald. Condo Sarto
Bert Thompson

Ward 2 - Ald. Allan Billard
Barrie MacFarlane

Ward 3 - Ald. Jim Connors
Phillip Levandier

Ward 4 - Ald. Wm. Withers
Gloria McCluskey

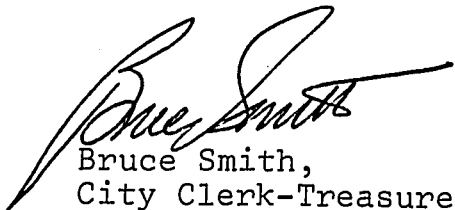
Ward 5 - Ald. Jerry Pye
John Woods

Ward 6 - Ald. Jack Greenough
Ralph Hawley

Ward 7 - Ald. John Bregante
Bruce Hetherington

Mayor Savage then extended his thanks to Judge Oxner for presiding at the swearing-in ceremony and presented a gift to her on behalf of the City. He acknowledged the presence in the Chamber of retiring Mayor Brownlow and thanked him for attending. He welcomed members of the public and families of the newly-elected members, inviting them to join in a reception immediately following the meeting.

Meeting adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council, Nov. 4/85

ITEM:

1) Swearing-In Ceremony, page 1.

OATH OF ALLEGIANCE AND OF OFFICE

I JOHN SAVAGE, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

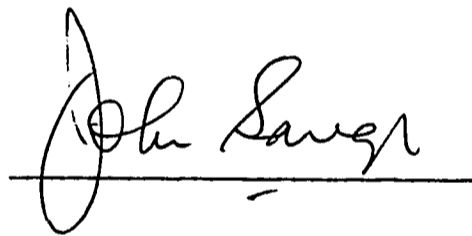
And that I am duly qualified as required by law for office of Mayor of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

Sworn to at Dartmouth
in the County of Halifax
this 4th day of November
1985, before me



John Savage



Sandra E. Oxner

Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I CONDO SARTO, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

Sworn to at Dartmouth
in the County of Halifax
the 4th day of November
1985, before me

Condo Sarto

Sandra E. Oxner

Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I BERT THOMPSON, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

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in the County of Halifax
the 4th day of November
1985, before me





Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I ALLAN BILLARD, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

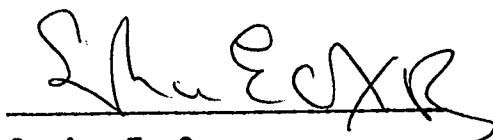
And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

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in the County of Halifax
the 4th day of November
1985, before me



Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I BARRIE MACFARLANE, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

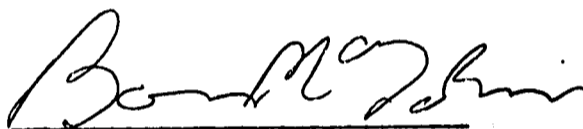
And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

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in the County of Halifax
the 4th day of November
1985, before me



Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I JIM CONNORS, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

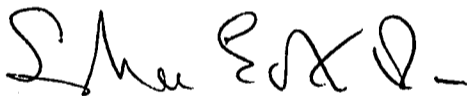
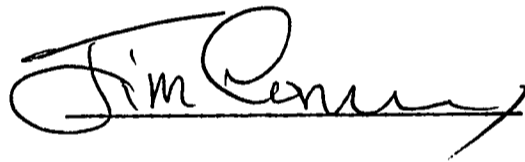
And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

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in the County of Halifax
the 4th day of November
1985, before me



Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I PHILLIP LEVANDIER, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

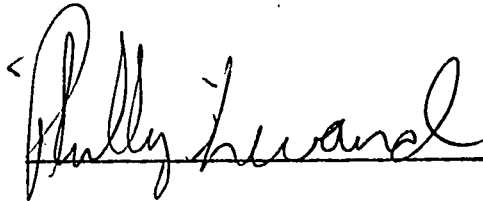
And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

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in the County of Halifax
the 4th day of November
1985, before me



Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I GLORIA MCCLUSKEY, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

Sworn to at Dartmouth
in the County of Halifax
the 4th day of November
1985, before me

Gloria Mccluskey

Sandra E. Oxner

Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I WILLIAM WITHERS, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

Sworn to at Dartmouth
in the County of Halifax
the 4th day of November
1985, before me

William T. Withers

Sandra E. Oxner

Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I JERRY PYE, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

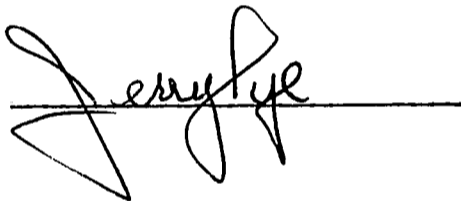
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And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

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the 4th day of November
1985, before me



Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I JOHN WOODS, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

Sworn to at Dartmouth
in the County of Halifax
the 4th day of November
1985, before me

Sandra E. Oxner

Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

John Woods

OATH OF ALLEGIANCE AND OF OFFICE

I JACK GREENOUGH, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

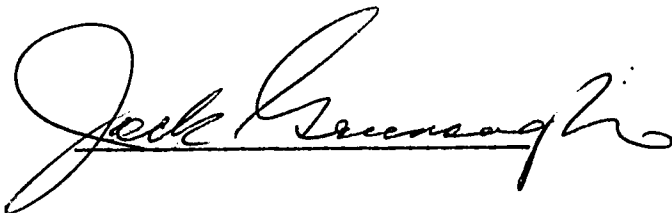
And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

Sworn to at Dartmouth
in the County of Halifax
the 4th day of November
1985, before me



Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I RALPH HAWLEY, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

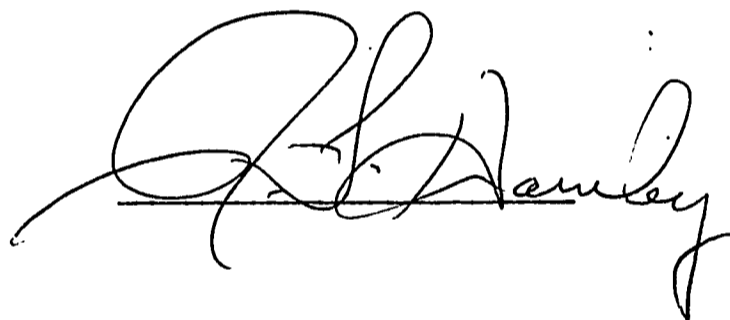
And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

Sworn to at Dartmouth
in the County of Halifax
the 4th day of November
1985, before me



Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I JOHN BREGANTE, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

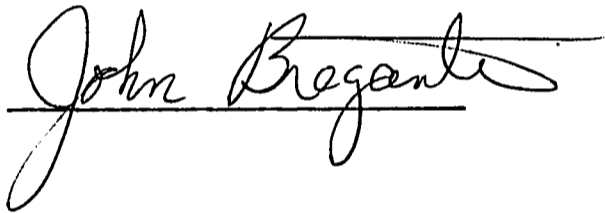
And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

Sworn to at Dartmouth
in the County of Halifax
the 4th day of November
1985, before me



Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

OATH OF ALLEGIANCE AND OF OFFICE

I BRUCE HETHERINGTON, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

So help me God.

And that I am duly qualified as required by law for office of Alderman of the City of Dartmouth.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

So help me God.

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in the County of Halifax
the 4th day of November
1985, before me

Bruce F. Hetherington

Sandra E. Oxner

Sandra E. Oxner
Judge of the Provincial
Magistrates' Court

Dartmouth, N. S.

November 5/85.

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

Present - Mayor Savage

Ald. Sarto	Thompson
Billard	MacFarlane
Connors	Levandier
Withers	McCluskey
Pye	Woods
Hawley	Greenough
Bregante	Hetherington
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
City Clerk-Treasurer, B. Smith	
Deputy City Clerk, G. D. Brady	

Prior to the meeting, members of Council were given instruction in the operation of the new sound system that has been installed in the Council Chamber.

PRESENTATION:
SOCCER TEAM

At the opening of the meeting, the Mayor acknowledged the attendance of the Dartmouth United Pepsi-Superline Fuels 14's Soccer Team, with their coach and team officials. He said this team is one of three that ' . . . did so well at the National Club Championships. The Under 14 Boys brought home the silver medal, losing only four to one to Ontario in the gold medal round.' The Mayor paid tribute to the accomplishment of the team and the honor they have brought to Dartmouth, along with their coach, trainer, and the other team officials.

The team coach addressed Council briefly, thanking the City for the support received, and he then presented the Mayor with a picture of the team. Mayor Savage made a presentation to the coach and individual team members received City plaques.

ELECTION:
DEPTY MAYOR

Council proceeded to the election of a Deputy Mayor. Ald. Hetherington placed the name of Ald. Withers in nomination, and there being no further nominations received, the Mayor declared Ald. Withers to be duly elected as the new Deputy Mayor.

LAKE SAFETY
BY-LAW COMMITTEE

The next items of business dealt with the appointment of Boards and Committees for the coming year.

Re-establishment of the Lake Safety By-law Committee has been recommended, since the work of this committee has not been completed and By-law C-552 has not yet received third reading.

The members of Council nominated to serve on this committee are: Ald. Billard
Hetherington
Thompson

On motion of Ald. Bregante and Sarto, Council confirmed the appointment of Mr. Len Atkinson and Ms. Suzanne Hood, who have been serving on the committee.

MOTION: Moved by Ald. Bregante & Sarto that the appointment of Mr. Len Atkinson and Ms. Suzanne Hood to the Lake Safety By-law Committee, be confirmed.

ARBITRATION COMMITTEE

Mr. Moir explained for Council's information, the duties of the Arbitration Committee, after which nominations were received for the committee. Members of Council nominated to serve on this committee are:

Ald. Hawley
Pye

BOARD OF HEALTH

Nominations were called for the Board of Health, and the following members of Council were nominated

to serve on the Board: Ald. Hetherington
MacFarlane
Thompson
Sarto
Woods

Ald. Sarto raised a point about the meeting time of the Board, asking if it could be changed from the present 12:30 p.m. time. The Mayor suggested that this item be brought up for discussion at the first Board meeting. Ald. Sarto concurred with this suggestion.

On motion of Ald. Hetherington and Bregante, Council confirmed the appointment of Mrs. Maryon Grant as the citizen-at-large representative on the Board.

On motion of Ald. Sarto and Withers, the appointment of Dr. G. Worthylake was also confirmed, representing the Dartmouth Medical Society on the Board.

MOTIONS: Moved by Ald. Hetherington & Bregante that Council confirm the appointment of Mrs. Maryon Grant as citizen-at-large representative on the Board of Health.

Moved by Ald. Sarto and Withers that Council confirm the appointment of Dr. G. Worthylake as the representative of the Dartmouth Medical Society on the Board of Health.

BUSINESS IMPROVEMENT
DISTRICT COMMITTEE

Members of Council nominated to serve on the Business Improvement District Committee are:

Ald. Connors
MacFarlane

On motion of Ald. Bregante and Withers, Council confirmed the appointment of Mr. John Lukan to the committee, representing the City Planning Dept.

MOTION: Moved by Ald. Bregante & Withers that Council confirm the appointment of Mr. John Lukan to the B.I.D.C., representing the City Planning Dept.

COURT HOUSE
COMMISSION

Members of Council nominated to serve on the Court House Commission are: Ald. Hawley
Withers

DARTMOUTH DISTRICT
SCHOOL BOARD

Members of Council nominated to serve on the Dartmouth District School Board are as follows:

Ald. Connors Ald. McCluskey
MacFarlane Levandier

DARTMOUTH HOSPITAL
COMMISSION

Nominations were received for members to serve on the Dartmouth Hospital Commission. Following a vote by secret ballot, the following members of Council were declared to be appointed:

Ald. Hawley
Hetherington
McCluskey
Thompson

POLICE COMMISSION

The City Solicitor explained to Council why the composition of the Police Commission has been reduced, in accordance with an amendment to the Police Act, which comes into effect as of Jan. 1/86. The recommendation is that a change to the smaller Commission be made now, rather than waiting until after the amendment is in effect.

Ald. Hawley felt that the Mayor and the Deputy Mayor should be members of the Commission, after which four other members of Council would be appointed to make up the composition of six members in all. He made a motion to this effect, seconded by Ald. MacFarlane. The motion carried.

MOTION: Moved by Ald. Hawley and MacFarlane that the Mayor and the Deputy Mayor be appointed to the Police Commission, after which four other Council members will be appointed to make up the composition of six members in all.

Nominations were received for the four Council members and following two votes by secret ballot, the members appointed to serve on the Police Commission are as follows:

Mayor Savage	Deputy Mayor Withers
Ald. Connors	Ald. Sarto
Greenough	Levandier

DARTMOUTH
SPORTSPLEX
COMMISSION

Ald. Greenough asked if consideration could be given to a change in the meeting time for the Sportsplex Commission meetings. He said that some members of Council are unable to serve on this Commission because of the present meeting time at 8:30 a.m. The Mayor agreed to have this concern raised at the first meeting of the new Commission. Ald. Greenough said that if a change cannot be made for this year, it should at least be considered for next year.

Nominations were then received for members to serve on the Commission, and the following members of Council were appointed:

Ald. Billard
Bregante
Levandier
Woods

The following names were placed in nomination for citizen-at-large appointment to the Commission:

Mr. Charles Dolan	Mr. Alan Manuel
Dan Brownlow	Jack MacKinnon
Leo Greenwood	Lionel Cormier
Jim Clarke	

A vote by secret ballot followed, after which the following citizens were declared to be appointed:

Mr. Charles Dolan
Dan Brownlow
Alan Manuel
Jim Clarke

DARTMOUTH TRANSIT
ADVISORY BOARD

Members of Council nominated to serve on the Dartmouth Transit Advisory Board are:

Ald. Sarto	Ald. Bregante
Billard	Pye
Greenough	Hetherington

Mr. Moir informed Council of a concern that has been noted by Mr. Art Russell about a possible conflict of interest he may have as an M.T.C. employee serving on the Board as a citizen representative. Ald. Billard inquired further about this concern, asking if a conflict of interest arises from the City's point of view. Mr. Moir said it does not, but many of the Board decisions are based on reports and information provided by M.T.C. staff, which is where a conflict could be seen to occur. Ald. Billard suggested that in specific instances where Mr. Russell may feel there is a conflict, he could refrain from the debate and from voting on the item. He considered Mr. Russell's expertise and years of experience to be a worthwhile asset to the Board. Ald. Hetherington also commended the job Mr. Russell has done as a Board member to date and was in favour of having Council proceed with the appointment at this time rather than deferring it to another meeting.

On motion of Ald. Greenough and Thompson, Council confirmed the appointment of Mr. Art Russell to the Board as the citizen representative.

MOTION: Moved by Ald. Greenough & Thompson that Council confirm the appointment of Mr. Art Russell to the Transit Advisory Board, as the citizen representative.

DOWNTOWN
REVITALIZATION
COMMITTEE

Nominations were received for members to serve on the Downtown Revitalization Committee. Ald. Connors brought to the attention of Council the terms of reference for Committee membership which calls for the two Ward 3 Aldermen to be members, plus one other Alderman-at-large.

In accordance with the terms of reference, Council therefore appointed the following members of Council to serve on the Committee: Ald. Connors
Levandier
Billard

Nominations were then presented to fill two vacancies that presently exist on the Committee. The names placed in nomination were: Mr. James Shea
Ron Penny
Rev. Fairfax

A vote by secret ballot followed, after which the following citizens were declared to be appointed to complete the term expiring in November of 1986:

Mr. James Shea
Ron Penny

The third citizen serving a term to November of 1986 is Mr. C. J. Creighton.

On motion of Ald. Hawley and Greenough, Council confirmed the appointment of Mr. John Lukan, representing the City Planning Dept.

MOTION: Moved by Ald. Hawley & Greenough that Mr. John Lukan be confirmed as the Planning Dept. appointment to the Downtown Revitalization Committee.

EMERGENCY
CONTROL COMMITTEE

Members of Council nominated to serve on the Emergency Control Committee are: Ald. Bregante
Hawley
Woods

FINANCE &
PROGRAM REVIEW
COMMITTEE

Members of Council nominated to serve on the Finance & Program Review Committee are: Ald. Connors
Greenough
MacFarlane

GRANTS COMMITTEE

Nominations were received for members to serve on the Grants Committee. Following a vote by secret ballot, the following members of Council were appointed:

Ald. Hawley
Levandier
Withers
Woods

On motion of Ald. Bregante and McCluskey, Council confirmed the appointment of Mr. Don McBain and Mr. Bill McNeil to the Committee as staff representatives.

MOTION: Moved by Ald. Bregante & McCluskey that the appointment of Mr. Don McBain and Mr. Bill McNeil be confirmed as staff representatives on the Grants Committee.

HALIFAX-DARTMOUTH
PORT DEVELOPMENT
COMMISSION

On motion of Ald. Greenough and Thompson, Council appointed Mr. John Kavanaugh to represent the City of Dartmouth on the Halifax-Dartmouth Port Development Commission, term expiring in November of 1988.

MOTION: Moved by Ald. Greenough & Thompson that Council appoint Mr. John Kavanaugh as the City's representative on the Halifax-Dartmouth Port Development Commission.

HERITAGE ADVISORY
BOARD

Members of Council nominated to serve on the
Heritage Advisory Board are: Ald. Billard
Connors

Council was asked to make four citizen appoint-
ments to the Board, one of which is to be an Architect.
The name of Mr. Peter Connors was placed in nomination
to meet this requirement and the other citizen nomin-
ations were: Mr. Carmen Moir
Gary Sullivan
Mrs. Elinor Walker

All four of these citizen-at-large members
were declared to be appointed to the Board.

On motion of Ald. Thompson and Sarto, Council
confirmed the appointment of Mr. John MacLeod to the
Board, representing the Museum Board.

On motion of Ald. Hetherington and Thompson,
Council confirmed the appointment of Mr. Syd Gosley,
the Museum Director.

On motion of Ald. Bregante and Sarto, Council
confirmed the appointment of Ms. Patricia Richards,
as the second staff member.

MOTIONS: Moved by Ald. Thompson and Sarto that
the appointment of Mr. John MacLeod
be confirmed as the Museum Board
representative on the Heritage
Advisory Board

Moved by Ald. Hetherington & Thompson
that the appointment of Mr. Syd Gosley
to the Board, be confirmed.

Moved by Ald. Bregante and Sarto that
the appointment of Ms. Patricia Richards
be confirmed as the second staff member.

HOUSING CRISIS
COMMITTEE

A recommendation has been made to Council that
the Housing Crisis Committee be disbanded, since the
Committee has made its report and recommendations to
Council. Ald. Bregante did not agree with this
recommendation, pointing out that in fact, Council
has not yet acted on the recommendations which were
referred to staff for a report back to Council. He
felt the Committee should be retained until Council
makes a decision on the report, and he moved that
the Committee remain as constituted, with its present
membership, except for former Ald. Stubbs who is no
longer on Council.

The motion was seconded by Ald. Hawley, but it was opposed by Ald. Billard who felt that if the Committee is to be retained, it should include representative from the new Council. He said that the subject of housing is of particular interest to some of the new members and they would be able to make a valuable input as Committee members. He recommended that another Alderman be appointed to replace former Ald. Stubbs. The City Solicitor noted that additional members could be appointed to the Committee if Council were to adopt a motion to do this. Ald. Greenough suggested that the Committee invite new members of Council to one of their meetings for a briefing session and review of background material upon which the recommendations of the Committee have been based.

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

The Housing Crisis Committee will therefore consist of the following members:

Ald. Bregante
Mr. Paul Greene
Don Bayer
Russell Smith
Rev. David Ferguson
Ms. Sally Faught

MOTION: Moved by Ald. Bregante and Hawley that the Housing Crisis Committee be retained and remain as presently constituted, with the exception of former Ald. Stubbs.

INDUSTRIAL COMMISSION

Nominations were received for members to serve on the Industrial Commission. Following a vote by secret ballot, the following members of Council were declared to be appointed to the Commission:

Ald. Connors	Ald. Sarto
McCluskey	Greenough
Hetherington	

On motion of Ald. Greenough and Thompson, Council confirmed the appointment of Mr. Charles Douglas to the Commission, representing the Burnside Park Committee.

On motion of Ald. Greenough and Thompson, Council also confirmed the appointment of Mr. Peter Dorrington to the Commission, representing the Dartmouth Chamber of Commerce.

MOTIONS: Moved by Ald. Greenough & Thompson that the appointment of Mr. Charles Douglas to the Industrial Commission, be confirmed as the representative of the Burnside Park Committee.

Moved by Ald. Greenough & Thompson that the appointment of Mr. Peter Dorrington to the Industrial Commission, be confirmed as the representative of the Dartmouth Chamber of Commerce.

The following names were placed in nomination for citizen-at-large appointment to the Commission:

Mr. Cyril Gates
Fraser Conrad
Darrell Kennie
Leo Greenwood
Bill Young

A vote by secret ballot followed, after which the following citizens were declared to be appointed to the Commission:

Mr. Fraser Conrad
Bill Young
Cyril Gates
Darrell Kennie

LAKES ADVISORY
BOARD

Nominations were received for members to serve on the Lakes Advisory Board. After three votes by secret ballot (two being tie votes), the following members of Council were appointed: Ald. Billard Sarto

On motion of Ald. Sarto and Thompson, Council confirmed the appointment of the following representatives to serve on the Board:

Mr. Robert Barnes (N. S. Barristers Society)
Will Robertson (N.S. Research Foundation Corp.)
Lawrence McDonald (MicMac A.A.C.)
Mrs. Audrey Manzer (Dartmouth YM/YWCA)

MOTION: Moved by Ald. Sarto & Thompson that the above-noted representatives be confirmed by Council as members of the Lakes Advisory Board, terms to expire in November of 1988.

On motion of Ald. Greenough and Thompson, Council confirmed the appointment of Mr. Mark Bernard of the City Engineering Dept. as the Board Secretary.

MOTION: Moved by Ald. Greenough & Thompson that Mr. Mark Bernard be appointed as Board Secretary.

METROPOLITAN AREA
PLANNING COMMISSION

Nominations were called for one member to be appointed to M.A.P.C., in addition to Mayor Savage who is the other member representing Dartmouth. Following a vote by secret ballot, Ald. Woods was declared to be appointed as the second Dartmouth representative.

METROPOLITAN
AUTHORITY

Members of Council nominated to serve on the Metropolitan Authority, in addition to Mayor Savage, are Ald. Bregante and Ald. Levandier.

METROPOLITAN
TRANSIT COMMISSION

Nominations to the Metropolitan Transit Commission were Ald. Bregante and Mr. C. A. Moir. The appointment of Ald. Bregante complies with the requirement that one of the City's appointees is to also be a member of the Metropolitan Authority.

MUNICIPAL PLANNING
STRATEGY REVIEW
COMMITTEE

Members of Council nominated to serve on the Municipal Planning Strategy Review Committee, are Ald. Woods and Ald. Pye.

MUSEUM BOARD

Members of Council nominated to serve on the Museum Board are: Ald. Hawley
Hetherington
Pye
Withers

On motion of Ald. Bregante and Thompson, Council confirmed the appointment to the Board of the following citizen representatives: Mr. L. J. Payzant
J. L. Harrison
Mrs. Rose Gargan

MOTION: Moved by Ald. Bregante & Thompson that the above-noted citizen representatives be confirmed for appointment to the Museum Board.

NATAL DAY
COMMITTEE

Nominations were received for members of the Natal Day Committee. Two votes by secret ballot followed and the members of Council appointed were:

Ald. Pye
McCluskey
Levandier

NON-PROFIT
HOUSING SOCIETY

Members of Council nominated to serve on the Non-Profit Housing Society are: Ald. Sarto Woods
Hetherington Bregante

The following names were placed in nomination for citizen-at-large appointment to the Society:

Mr. Gervais Sampson Mr. Vince Marsh
Peter Mettam Mrs. Barb Hart

After a vote by secret ballot, the following citizen appointments were confirmed:

Mrs. Barb Hart
Mr. Gervais Sampson
Vince Marsh
Peter Mettam

PENSION COMMITTEE

Members of Council nominated to serve on the Pension Committee are: Ald. Greenough
Thompson
Hetherington

RECREATION
ADVISORY BOARD

Ald. Woods was nominated to serve as the Council member on the Recreation Advisory Board.

Citizen representatives confirmed for appointment to the Board are as follows: Mr. Carmen Moir
Alasdair McKay
Kevin McNamara
Ms. Patricia Myatt

On motion of Ald. Bregante and Thompson, Council confirmed the appointment of Mr. Bill Stevens of the Parks & Recreation Dept. to the Board.

MOTION: Moved by Ald. Bregante & Thompson that Council confirm the appointment of Mr. Bill Stevens (Parks & Recreation Dept.) to the Recreation Advisory Board.

REGIONAL
LIBRARY BOARD

Members of Council nominated to serve on the Regional Library Board are: Ald. Hawley
Bregante
Withers
Levandier

On motion of Ald. Hetherington and MacFarlane, Council confirmed the appointment of the following citizen-at-large members: Mrs. Carol Gallant
Linda MacDonald
Judy Pelletier

MOTION: Moved by Ald. Hetherington & MacFarlane that the above-noted citizen representatives be confirmed for appointment to the Regional Library Board.

SALARIES COMMITTEE

Members of Council nominated to serve on the Salaries Committee are: Ald. Hawley
Bregante
Thompson

SHUBENACADIE
CANAL COMMISSION

Members of Council nominated to serve on the Shubenacadie Canal Commission are: Ald. Hawley
Woods
MacFarlane

TAXI COMMISSION

Ald. Bregante declared a conflict of interest with regard to the appointment of Council members to the Taxi Commission, based on the fact that he has a

a relative who is a taxi driver. He withdrew from his place on Council to sit in the gallery while appointments to the Commission were being made.

Members of Council nominated to serve on the
 Taxi Commission are:

<u>Two-Year Term</u>	<u>One-Year Term</u>
Ald. Sarto	Ald. Greenough
Pye	McCluskey
Hetherington	

TOURIST COMMISSION

Ald. MacFarlane was nominated to serve as the Council member on the Tourist Commission.

On motion of Ald. Sarto and Hawley, Council confirmed the appointment of Mr. Gerry Brady as the staff representative on the Commission.

MOTION: Moved by Ald. Sarto and Hawley that the appointment of Mr. G. D. Brady be confirmed, as the staff representative on the Tourist Commission.

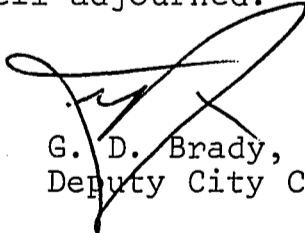
UNITED WAY

Members of Council nominated to serve on the United Way Committee are Ald. Pye and Ald. Connors. Ald. Connors advised that his term of office with the United Way will end early in 1986 and it was therefore considered to be in order for him to be appointed at this time.

WINTER CARNIVAL COMMITTEE

Nominations were received for members to serve on the Winter Carnival Committee. A vote by secret ballot followed and the members of Council appointed were Ald. Bregante and Ald. Pye.

Having completed all of the appointments to Boards and Committees, Council adjourned.



G. D. Brady,
Deputy City Clerk.

City Council, Nov. 5/85

ITEMS:

- 1) Presentation: Soccer Team, page 1.
- 2) Election: Deputy Mayor, page 1.
- 3) Appoint Boards & Committees, page 1 to 12 incl.

Dartmouth, N. S.

November 12/85.

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

Present - Mayor Savage

Ald. Sarto	Thompson
Billard	MacFarlane
Connors	Levandier
Withers	McCluskey
Pye	Woods
Hawley	Greenough
Bregante	Hetherington
City Solicitor, M. Moreash	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady.	

PRESENTATION:
M.J. FORRESTALL

Prior to the opening of the meeting, Mayor Savage made a presentation to Mr. Mike Forrestall, the local Member of Parliament who has represented the City of Dartmouth for the past twenty years. He extended thanks to Mr. Forrestall for the service he has given to this constituency during his term in office. Mr. Forrestall addressed Council briefly, thanking Mayor Savage and the members of Council for their thoughtfulness, and wishing the new Council good luck in their coming years in office.

MINUTES

On motion of Ald. Sarto and Hawley, Council approved the minutes of meetings held on October 1st, 8th and 15th.

PETITION:
CARLETON ST.
RESIDENTS

A petition has been received from residents living in the Carleton Street area, objecting to the car body junk yard that is being operated at the top of Carleton Street, and requesting that appropriate action be taken against the operation under the Nuisance By-law.

Ald. Hetherington requested permission to have representation heard on behalf of area residents, and on his motion, seconded by Ald. Bregante, Council agreed to hear from a citizen representing Carleton Street and from one representing Belmont Ave.

Mr. Byron Ridgeway of 6 Carleton Street said his main concern is for the safety of children on the street when wrecking trucks are towing cars to the site of the junk yard. He pointed out that the trucks

gain speed as they go up Carleton Street and it is not even a full-width street that can accommodate this kind of traffic load. Council also heard Mrs. Elaine Wheatley of 45 Belmont Ave., who was also concerned about the safety of children and in addition, about the possibility of rodents being attracted to the area and about the odor problem associated with the junk yard operation. She said area residents thought there would be a residential development taking place on the property in question, but instead it turned out to be a junk yard. Residents feel this is a totally inappropriate location for such an operation, located as it is next to a residential neighborhood.

Ald. Hetherington noted that he had concerns about the junk yard operation when the matter first came to the attention of Council. As he began to comment on the application from the operator, the Solicitor cautioned that it would be unwise to discuss the matter at this time if Council plans to proceed to a public hearing under the Nuisance By-law. Having received this advice from the Solicitor, Ald. Hetherington did not comment further on the operation, but moved that Council set the date of December 10th for public hearing under the Nuisance By-law. The motion was seconded by Ald. Bregante and it carried.

MOTION: Moved by Ald. Hetherington and Bregante that Council set December 10th for public hearing of the complaint against the junk yard operation at the top of Carleton St., under the Nuisance By-law.

Ald. Sarto questioned whether the provisions of the Nuisance By-law are applicable to the problems referred to by residents, which seem to pertain to aspects of safety and unsightliness. The Solicitor agreed that there are some elements that need to be dealt with other than through the Nuisance By-law, even though such aspects as odor, noise, etc. can be addressed in accordance with it. On motion of Ald. Greenough and Sarto, Council therefore referred the petition to

staff as well for a report from the Building Inspection Dept. and from the Police Dept. on the concerns expressed about traffic safety and unsightliness. This report to be circulated to members of Council prior to the public hearing.

MOTION: Moved by Ald. Greenough and Sarto that the petition also be referred to staff for a report from the Building Inspection Dept. and from the Police Dept. on the concerns expressed about traffic safety and unsightliness.

Ald. Bregante asked if a copy of the staff report could be provided for the residents, and Mayor Savage suggested that the Aldermen for the area could make a copy available when they receive theirs.

REQUEST: DARTMOUTH
FIGURE EIGHTS
SKATING CLUB

A letter has been received from the Dartmouth Figure Eights Skating Club, requesting free ice time for use by this group. Members of Council have also received copies of related correspondence on the subject, including a report from Mr. Atkinson.

Ald. Levandier and Hetherington moved that the matter be referred to the Grants Committee for review with the Figure Eights representatives and report back to Council. Ald. Withers asked how the Committee could take any action at this time when all of the grant allocations for 1985 have been made earlier in the year. Mr. Moir suggested the Committee could make a recommendation for inclusion in the 1986 grant allocation.

As debate proceeded on the motion, there were a number of questions raised about possible ice time that may be available for use by the Club during off-peak hours, and what the cost implications would be for the City if free ice time were to be provided as the Club has requested. Members felt there is a policy involved in granting a request for free ice time to any one organization, taking into account that other groups are then likely to make similar requests for their own use. Ald. MacFarlane and Connors felt that the ice time should be provided for use of the Figure

Eights, if it is available to give them, while the overall policy involved is under consideration. Ald. Connors suggested that the Recreation Advisory Committee is a more appropriate body to be dealing with the item rather than the Grants Committee.

Ald. Greenough and Thompson moved in amendment that in addition to being referred to the Grants Committee, referral include the Parks & Recreation Dept., so that Mr. Atkinson can meet with the Figure Eights representatives, then they can all meet with the Grants Committee and answers will be provided at that point to the questions raised about the availability of free ice time, etc. It was decided to incorporate this amendment as part of the motion on the floor and in this form, the motion carried.

MOTION: Moved by Ald. Levandier & Hetherington that the request from the Figure Eights Skating Club for free ice time, be referred to the Grants Committee for report back to Council. Further, that referral include the Parks & Recreation Dept., so that Mr. Atkinson can meet with the Figure Eight representatives to discuss the questions raised at Council about ice time that may be available, etc. The meeting with the Grants Committee to follow, with a subsequent report back to Council.

The Solicitor was asked to comment on Council's recent action in adopting a No Smoking By-law for the City, which is now in effect. The Mayor advised that in view of the action taken, the no smoking policy is now applicable to the Council Chamber and will be followed.

He proposed to Council a procedure for dealing with staff reports, in particular those submitted by Mr. Moir, whereby Mr. Moir will be given the opportunity to present his report and to comment on any further information he wishes to give on it. Council will then act on the report. Members agreed with the procedure outlined.

CONTRACT 85-19:
LAWN BOWLING GREENS

Mr. Moir presented a report on Contract 85-19, for lawn bowling greens on the site selected for them, on lands located in the area between the Sportsplex and an existing soccer field adjacent to Dartmouth High

School. The low bid received for this project is from Stewiacke Construction Ltd., in the amount of \$316,858.20, requiring additional funds over and above those projected in the budget for lawn greens when the location was the Findlay Community Centre site.

Mr. Moir has recommended the awarding of the contract to Stewiacke Construction and inclusion of the additional funds required (\$219,500.) in the 1986 Capital Budget. Ald. Levandier said he could not support the recommendation because there are many other recreational requirements in the City of higher priority. He felt that bowling greens will serve only an 'elite' segment of the community and the major expenditure involved is therefore not warranted.

Ald. Hetherington and Withers moved the adoption of Mr. Moir's recommendations. Ald. Sarto spoke in support of the motion, pointing out to Council that bowling greens were included in the five-year recreation plan for the City, and a petition requesting the facility was presented some time ago. He noted that an alternate site was chosen for the greens as a result of the citizen opposition to the Findlay Centre site, and the additional cost reflected in the tender received is due to drainage work that will have to be carried out at the new location. He noted that there is a possibility of the Canadian National Championships being held in Halifax in 1987 and if Dartmouth had a facility ready by then, we could participate in hosting this event. He referred to the large number of Dartmouth people who participate in lawn bowling at present and have to travel to Halifax to make use of their greens. Ald. Greenough said he would not want to stop the project, but he expressed concern about the considerable additional cost of the tender, over what was projected. Information was provided during the debate on the number of paid members in the Dartmouth Lawn Bowling Assn. (105), and to the fact that there are about 500 interested people waiting for a new facility in Dartmouth.

Ald. Connors was also in favour of a lawn bowling facility, but was concerned about the cost of the project on the new site, about the fact that area residents have not been able to take part in an overall plan for the lands involved (ie. as proposed for residents in the Findlay Centre area), and about the question of whether or not the Commons site is the best one for bowling greens. Ald. Thompson asked about other locations that may have been considered, and Mr. Atkinson provided information on the ones that were looked at before recommending the Commons site. He said it would be equally expensive to develop the Maybank site considered, since a large amount of fill would be required there.

Ald. Hawley had several reservations about the motion and about the location of bowling greens on the Commons site. He was concerned about control over the use of the greens, and a representative of the Dartmouth Assn. was available to explain how the booking of the greens would be organized, much of it through the club itself. Ald. Hawley pointed out that there will be a need for washroom facilities and he asked if water and sewer service to the Commons site are available. He went on to question the availability of parking, and agreed that people living in the Commons area have a right to become involved in the plan for these lands.

Ald. Woods supported the concept of a lawn bowling facility, but not at the cost indicated and not on the site selected. Ald. Hawley felt it should be possible to save about \$100,000. by choosing a level site somewhere else in the City.

On motion of Ald. Sarto and Hawley, Council referred the matter back to staff for a report to Council within a month's time on other alternate sites for bowling greens.

MOTION: Moved by Ald. Sarto and Hawley that the matter be referred back to staff for a report to Council within a month's time on other alternate sites for bowling greens.

CHRISTMAS LIGHTING:
DOWNTOWN DARTMOUTH

The next report presented by Mr. Moir dealt with a request from the Executive Director of the Downtown Dartmouth Corp. Ltd., for assistance from the City in the installation of Christmas tree lighting in the downtown area of Dartmouth. The quotation provided by the City Engineer, covering the installation costs, is in the total amount of \$3,450. and the conditions set out in Mr. Moir's report are as follows:

- 1) the lights are to be secured with either string or twist ties.
- 2) lights should be installed high enough to prevent children from attempting to pull them down.
- 3) lights should be installed by using a bucket and not by propping a ladder against a tree.
- 4) Downtown Dartmouth Corp. Ltd. is to be responsible for any damage and, if necessary, any tree replacement.

Based on the above conditions and if Council is willing to assist the Downtown Dartmouth Corp. in their request, Mr. Moir has recommended that Council approve an over-expenditure in the amount of \$3,450., and that permission be granted to install the lights. Further, it is strongly recommended that if the Downtown Dartmouth Corp. Ltd. is to continue to promote events for the downtown area, and if there are not sufficient funds in the Corporation's budget, through membership fees and grants from the City of Dartmouth, at the time of budget preparation, consideration be given by the Corp. in its yearly activities; and the Corporation request appropriate funding at budget time.

Ald. Hetherington and Connors moved the adoption of Mr. Moir's recommendations. Ald. Connors spoke in favour of the motion, but asked for clarification of the cost factors involved, suggesting that assistance is being requested for only the labor component. His inquiry was discussed further with Mr. Fougere, who explained why qualified electricians are being engaged for the work required. Ald. Hawley asked if it would not be possible to make these installations permanent

so the work will not have to be duplicated again next year. This inquiry was also discussed with Mr. Fougere.

The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Hetherington & Connors that Mr. Moir's recommendations be adopted with respect to the request from the Downtown Dartmouth Corp. Ltd., for City assistance with the proposed Christmas-tree-lighting in the downtown area. This motion gives first approval for the over-expenditure in the amount of \$3,450. Mr. Moir's recommendations are detailed on page 7 of these minutes.

CROSSWALK GUARDS:
PORTLAND ESTATES AREA

Members of Council have received a report from Mr. Moir and accompanying documentation on the need for crosswalk guards on Portland Street, at the Portland Estates crosswalk. The Dartmouth District School Board has referred this item to Council, asking that the safety of students crossing the street be considered, and necessary action taken as deemed appropriate.

In his report on this subject, Mr. Moir has stated that if Council wishes to have a crosswalk guard placed at that particular intersection, two guards should be hired, as recommended by the Police Chief in his report. The cost of two guards on an annual basis would be \$9,000. to \$10,000., and the cost for the remainder of 1985 would be \$1,500. Ald. Bregante and Hetherington moved that two crosswalk guards be engaged and first approval given for the \$1,500 over-expenditure required in this connection. Ald. Hawley asked if it might be more economical to consider busing students from this area instead, commencing in 1986, and he moved in amendment, seconded by Ald. Withers, that School Administration staff look at this possibility and any cost-saving that could be realized, for report to Council (ie. for the 1986 school year). Ald. Hetherington was concerned about what will happen as of Jan. 1/86, if the crosswalk guards are hired and then taken away in the new year. Mr. Moir said it will probably be possible for Mr. Harrison to come back with a report in two weeks time, and the Mayor said he could guarantee that Council will have an answer

in time for the December meeting. The motion and the amendment were incorporated, and in this form, carried.

MOTION: Moved by Ald. Bregante & Hetherington that first approval be given for an over-expenditure in the amount of \$1,500. to engage two crosswalk guards for the Portland Estates intersection on Portland Street, to Dec. 31/85. Further, that School Administration staff look at the possibility of any cost-saving for 1986 that may be realized in busing the students from Portland Estates instead, for report to Council.

AWARD TENDER:
TRUCK RENTAL
SNOW PLOWING

Tenders have been received, as per the Purchasing Dept. report of Oct. 10/85, for rental trucks for snow plowing for the 1985/86 winter season. Mr. Moir has concurred with the recommendations of the Purchasing Agent, and has recommended rental of the following vehicles:

- 1 1984 Ford Tandem
- 1 1980 International 2674 Series
- 1 1979 FWD w/plow
- 1 1983 FWD Diesel w/plow
- 1 1979 GMC FWD w/plow

The tenders were awarded, as recommended, on motion of Ald. Sarto and Connors.

MOTION: Moved by Ald. Sarto and Connors that tenders for rental trucks for snow plowing for the 1985/86 winter season, be awarded as recommended by the Purchasing Agent, in conjunction with Mr. Moir. Vehicles recommended are listed above.

AWARD TENDER:
HIGHWAY SALT

Tenders have been received, as follows, for the supply of highway salt for the 1985/86 winter season:

<u>COMPANY</u>	<u>EARLY DELIVERY</u>	<u>WINTER DEL.</u>
Canadian Salt Company	\$30.70 per tonne	\$30.90 per t.
Iroquois Salt Products Ltd.	40.10 " "	40.10 " "

Acceptance of the low bid, received from the Canadian Salt Co., has been recommended by the Purchasing Agent, with Mr. Moir's concurrence. Ald. Sarto and Hetherington moved the tender be awarded as recommended.

Ald. Billard raised a number of questions about the determination of the amount of salt that is spread on City streets during a winter season, and Mr. Fougere explained that the trucks spreading the salt are calibrated for the purpose of spreading salt at a certain fixed rate and decisions in this regard are made by the Operations

Manager. Ald. Billard wished to determine how these standards are arrived at and whether some nation-wide criteria are used as the bases for such decisions.

Mr. Fougere provided further information in response to Ald. Billard's inquiries, and Ald. Billard indicated he would like to take his questions up further with Mr. Fougere, in relation to specific streets in Ward 2. Mayor Savage said there would be no problem with this, provided changes were not requested of the department that were not applicable to all City wards. Other questions from Ald. Billard pertained to the annual estimates for the amount of salt that will be required in a given year and its retention if not used, etc.

The vote was then taken on the motion and it carried.

MOTION: Moved by Ald. Sarto & Hetherington that the tender for highway salt for the 1985/86 winter season, be awarded to the low bidder, Canadian Salt Co., as recommended by the Purchasing Agent, with Mr. Moir's concurrence.

AWARD TENDER:
SALT SPREADING
TRUCKS

Tenders have been received as follows, for two rental trucks for spreading salt for the 1985/86 winter season:

- 1 1980 International Tandem @ \$2,875. per month
- 1 1980 Ford Tandem @ \$2,950. per month.

Acceptance of these tenders has been recommended by the Purchasing Agent, with Mr. Moir's concurrence, and Council awarded the tenders to these two bidders, on motion of Ald. Greenough and MacFarlane.

MOTION: Moved by Ald. Greenough & MacFarlane that tenders for two rental trucks for spreading salt, be awarded as recommended by the Purchasing Agent, with Mr. Moir's concurrence. The vehicles are as listed above.

AWARD TENDER:
SNOW PLOWING
EQUIPMENT

Tenders have been received, as per the Purchasing Dept. report of Oct. 10/85, for rental equipment for snow plowing for 1985/86. Acceptance of all the tenders received has been recommended, with Mr. Moir's concurrence, and the tenders were awarded by Council, as

recommended, on motion of Ald. Withers and Connors.

Ald. Connors asked if a schedule for street plowing priorities is available, and Mr. Moir said this information will be provided to members of Council once the routes have been designated by the Works Dept. There is no similar schedule for sidewalks, but Mr. Fougere advised that first priority is given to areas in which schools are located.

MOTION: Moved by Ald. Withers and Connors that tenders be awarded for rental equipment for snow plowing, as they have been recommended by the Purchasing Agent and by Mr. Moir.

SALE OF LOTS:
WADDELL AVE.

Tenders have been received for the sale of City-owned lots X-5 and X-3 on Waddell Ave.; no bids were received for the third property tendered, lot X-4. The bid received for lot X-5 was below the reserve price quoted, and therefore, only lot X-3 has been recommended for acceptance. Mr. Moir has recommended that the tender submitted by the high bidder for lot X-3, P & G Investments Ltd., in the amount of \$24,534., be accepted. He has also proposed that the remaining lots be held by the City for future use or sale.

RESOLUTION 85-65

Resolution 85-65 has been prepared by the Solicitor to accomplish the sale of lot X-3, and was approved by Council, on motion of Ald. Greenough and MacFarlane.

MOTION: Moved by Ald. Greenough & MacFarlane that Council approve Resolution 85-65, authorizing the sale of lot X-3 on Waddell Ave., to the high bidder, P. & G. Investments Ltd.; their bid was in the amount of \$24,534.

RECREATIONAL
AREAS: SUBDIVISIONS

Mr. Moir presented a report prepared in response to Council's request that staff look at the need to amend City Subdivision Regulations, to require subdividers to provide not only land for recreational purposes, but to provide some recreational facilities as well. An accompanying report submitted jointly by Mr. Bayer and Mr. Atkinson advises that ' . . . there is no provision in the Planning Act whereby the City can put conditions upon the state of the land which the

subdivider is required to provide to the City to satisfy the park land requirements'. Therefore ' . . . the City cannot put an additional requirement on developers without a change to that effect in the Provincial Planning Act'.

Mr. Moir has suggested that if Council should wish to take this matter further, he is recommending that an approach be made to the Minister of Municipal Affairs for an amendment to the Provincial Planning Act. Also, this is perhaps an item that might be discussed through the Union of Nova Scotia Municipalities.

Ald. Greenough and Sarto moved that the report to Council be received and filed. Ald. Levandier preferred to see Council initiate further action through the drafting of a resolution for consideration by the U.N.S.M., and Ald. Billard agreed that a more serious approach should be taken by Council instead of just receiving and filing Mr. Moir's report.

Ald. Greenough's opinion was that any such requirement of developers would simply be passed on as an added expense to new home owners, but Ald. McCluskey pointed out that if these expenses are not borne by them, they later have to be assumed by City taxpayers generally when the City has to provide facilities.

When the vote was taken on the motion to receive and file, it carried with Ald. Levandier and McCluskey voting against.

MOTION: Moved by Ald. Greenough and Sarto that Mr. Moir's report on the subject of Recreational areas, subdivisions, be received and filed.

LAND: ESSO
PETROLEUM CANADA

A report from Mr. Moir was before Council on a request for a return to Imperial Oil Ltd. of surplus lands conveyed along Pleasant Street, bordering the refinery, for street widening purposes. Since these lands were conveyed to the Dept. of Highways (and subsequently to the City) for \$1., it is felt by Esso Petroleum Ltd. that any surplus lands should be

deeded back to them for \$1. as well. This can be achieved under Section 139 (2) (d) of the City Charter, and Mr. Moir has therefore recommended that Council follow the provisions of that section and set a date for a public hearing, at which time an appropriate resolution can be considered, authorizing the sale of the lands in question to Esso Petroleum Canada for \$1. Plans of the land involved were available for viewing by Council.

Mr. Moir's recommendation was adopted by Council, on motion of Ald. Hetherington and Thompson. The date set for public hearing is Dec. 10th.

MOTION: Moved by Ald. Hetherington & Thompson that Council adopt Mr. Moir's recommendation with respect to the conveyance of surplus lands on Pleasant Street back to Esso Petroleum Canada, as detailed above. (Public hearing set for Dec. 10th, the usual 2nd Tuesday.) Council considered a report from Mr. Moir on

WALKWAY: WOODLAWN
MALL AREA

a problem that has been discussed on previous occasions, pertaining to the concern about the safety of children crossing the Woodlawn Mall parking area to get to the Penhorn School. Meetings have been held with area residents and negotiations have been carried on for some time with the owners of the Woodlawn Mall, as a result of which, Mr. Moir has made the following recommendations to Council:

- 1) that a fenced walkway be constructed from Glen Ave. to the City park area.
- 2) that negotiations continue with Woodlawn Mall regarding the use of its asphalt walkway or the need to extend or construct a walkway to the rear of Woodlawn Mall, across the City park area.
- 3) that the City install a new sidewalk on Penhorn Drive, with appropriate steps leading to Penhorn School. A crosswalk would be installed on Penhorn Drive from the City park to the sidewalk on Penhorn Drive, and a crosswalk guard would be placed at that crossing.

His further recommendation is that the chainlink fence along Penhorn Drive, from Crickets Beverage Room to the gated area, be replaced, and that Council authorize City staff to proceed with the work required as quickly as possible. Mr. Moir's report has been accompanied by a plan, showing the points dealt with in the report.

Ald. Sarto said he was pleased with the outcome of discussions and negotiations that have taken place for some time to resolve this safety problem, and he moved the adoption of the recommendations, seconded by Ald. Thompson.

Ald. Connors raised a concern on behalf of an area resident, Mrs. Rosky, whose property is located at a point where pathways cross behind it. Mr. Moir said until it is determined, over a period of time, what pedestrian patterns will be, staff are not recommending an asphalt walkway at this present time. The route for a walkway will be further assessed after these patterns have been established.

The vote was taken on the motion and it carried.

MOTION: Moved by Ald. Sarto and Thompson that Council adopt Mr. Moir's recommendations with respect to the proposed walkway and fencing arrangements proposed, in order to resolve the safety problem for children crossing the Woodlawn Mall. The text of the recommendations is included on page 13 of these minutes.

RESOLUTIONS 85-62
85-63
85-64
SIGNING OFFICERS

On motion of Ald. MacFarlane and Billard, Council adopted Resolutions 85-62, 85-63, and 85-64, authorizing signing officers on behalf of the City as stated in the resolutions. Resolution 85-62 deals with General Authorized Signing Officers, 85-63, with Social Services Authorized Signing Officers, and 85-64, with Social Services Drug Vouchers Signing Authorities.

MOTION: Moved by Ald. MacFarland and Billard that Council adopt Resolutions 85-62, 85-63, and 85-64, authorizing signing officers on behalf of the City, as noted above.

APPLICATION FOR
LAND USE BY-LAW
AMENDMENT:
3 FERGUSON RD.

An application has been received from Heritage Motors Ltd. to rezone Civic #3 Ferguson Road from the existing R-2 Zone to C-2 (Commercial) Zone. The Planning Dept. has submitted a report to Council on the application, recommending in favour of the proposed amendment to the Land Use By-law. Mr. Bayer has recommended that staff be instructed to hold a Neighbourhood Information hearing in connection with the application.

Ald. Sarto and Greenough moved the adoption of

this recommendation.

Ald. Woods expressed disappointment with the recommendation, considering that such a zoning change represents a further erosion in what is mainly a residential neighborhood. Ald. Greenough and Hetherington considered the holding of a neighborhood information meeting to be in order as a useful means of determining the feelings of area residents about any rezoning request, especially when the Planning Dept. has recommended in favour as in this case. As some debate on the motion continued, Ald. Hetherington expressed concern that members may be getting into the merits of the application, and the Solicitor agreed that caution should be taken not to prejudice any discussion that may take place if the application comes to a public hearing.

Having received this advice from the Solicitor, Council did not proceed further with debate and the vote was taken on the motion; the motion carried.

Ald. Connors requested that new members of Council be provided with copies of the rezoning sequence that was made available some time ago by the Planning Dept. He was advised that copies will be circulated to new members, as requested. Ald. Hawley suggested that this particular application can be used to follow the sequence as an example.

MOTION: Moved by Ald. Sarto and Greenough that Council adopt the Planning Dept. recommendation to the effect that staff be instructed to hold a Neighbourhood Information hearing in connection with the rezoning application for 3 Ferguson Road.

LEASE OF LAND:
NORTH ATLANTIC
MACHINERY LTD.:
RESOLUTION 85-59

A report from Mr. Rath was considered, as recommended by the Industrial Commission, on the proposed lease of Site 44A in the Burnside Park, to North Atlantic Machinery Ltd. The lease would be subject to the terms and conditions set out in Mr. Rath's report of Sept. 4/85, and on motion of Ald. Sarto and Greenough, Council adopted Resolution 85-59, authorizing the entering into of a lease with North Atlantic Machinery Ltd. for Site 44A.

MOTION: Moved by Ald. Sarto and Greenough that Council adopt Resolution 85-59, authorizing the entering into of a lease with North Atlantic Machinery Ltd. for Site 44A in the Burnside Park, as recommended by Mr. Rath and the Industrial Commission.

PURCHASE OF
SITE C-84A2:
JENNIFER ALLAN
INTERIORS LTD.

Mr. Rath has reported to Council on the recommendation of the Industrial Commission that the City purchase Lot C-84A2 on Ilsley Ave. back from Jennifer Allan Interiors Ltd. at a price of \$47,160., the same price paid by the company. When the property has been purchased by the City, it will be returned to the inventory of sites for the Burnside Park.

Council approved the recommendation on the purchase of Lot C-84A2, on motion of Ald. MacFarlane and Thompson.

MOTION: Moved by Ald. MacFarlane & Thompson that Council approve the purchase back from Jennifer Allan Interiors Ltd., of Lot C-84A2 in the Burnside Park, for the price paid by the company for the land, as recommended by Mr. Rath and the Industrial Commission.

APPOINT CHAIRMAN:
PENSION COMMITTEE

In accordance with the requirement of By-law C-424 (Pension Committee By-law), Council was asked to name a chairman of the Pension Committee from among the three Council members appointed on Nov. 5th. On motion of Ald. Thompson and Hetherington, Council named Ald. Greenough to be chairman of the Pension Committee.

MOTION: Moved by Ald. Thompson & Hetherington that Ald. Greenough be named to serve as chairman of the Pension Committee.

VIDEO APPLICATIONS:
107 WOODLAWN RD.
99 WOODLAWN RD.

On motion of Ald. Bregante and Sarto, Council indicated no objection to retail video outlet applications for two locations, one being Dorey's Grocery at 107 Woodlawn Road, and the second, Krazy Khan's Video Club, 99 Woodlawn Road.

MOTION: Moved by Ald. Bregante and Sarto that Council indicate no objection to retail video outlet applications for 107 Woodlawn Road and for 99 Woodlawn Road.

MOTIONS:
ALD. LEVANDIER

Notice of motion having been duly given, the following motions were presented at this time for Council's consideration:

1) It was moved by Ald. Levandier, seconded by Ald. Connors that:

WHEREAS the City of Dartmouth has millions of dollars invested;

AND WHEREAS the investment policy has not been reviewed for some years;

AND WHEREAS some of the firms holding City money are questionable;

THEREFORE BE IT RESOLVED that a committee of Aldermen be formed immediately to review these practices.

Explaining the intent of his motion, Ald.

Levandier said it is time to review and revise current investment practices, taking into consideration the fact that at some points in the year, as much as twenty-five-million-dollars is available for investment by the City. Ald. Levandier was not critical of procedures that have been followed in making investment decisions, but he felt that Council is responsible for such policy decisions and should accept this responsibility by undertaking any necessary review and revision that will insure maximum return on our investments and security for them. He suggested that the committee to be appointed, report back within six weeks time, and that the committee include in its membership, a bank manager (Al Fraser), a trust company manager (Darrell Kennie), the Mayor, and the City Administrator (or his appointee).

Ald. Connors considered it appropriate for a committee to review the City's investment practices, as proposed in the motion, but suggested that a committee is already in place that could undertake this review, rather than forming a new one. He therefore moved in amendment that the wording of the final paragraph in the resolution be changed to read ' . . . the Finance & Program Review Committee be requested' (ie. to review these practices), deleting the present wording. The amendment was seconded by Ald. Hawley. Ald. Greenough and Sarto spoke in support of the amendment. When the vote was taken, it carried; the amended motion carried.

MOTION: Moved by Ald. Levandier and Connors:
text on page 17 of these minutes.

AMENDMENT: Moved in amendment by Ald. Connors and
Hawley that the review of the City
investment practices be carried out
by the Finance & Program Review Committee,
rather than forming a new committee, as
called for in the motion.

2) Ald. Levandier moved, seconded by Ald. Connors,
that:

WHEREAS the sidewalks from Portland Street, on
the east side of Prince Albert Road, are in
extremely poor condition;

THEREFORE BE IT RESOLVED that capital money be
put in the 1986 budget to undertake this project.

Ald. Levandier said his motion is intended to
request a cost estimate from staff so the sidewalk
project can be included in the 1986 capital budget.
Mr. Moir noted that the Planning & Engineering Depart-
ments are looking at a five-year sidewalk replacement
program already, and if the section of Portland Street
referred to has not been included, it can be at this
point.

An area resident, Mr. Bauld, addressed Council,
commenting on the length of time that has passed since
sidewalk improvements were first requested, and to
this date, nothing has been done in response to that
request. Ald. Greenough said he would be in favour
of a cost estimate being prepared by staff, as Ald.
Levandier has proposed, so it can be determined if
the project is feasible for inclusion in the 1986 capital
budget. Mr. Moir noted that the possibility of including
the project under the Main Street program should also
be considered. The vote was taken on the motion and
it carried.

MOTION: Moved by Ald. Levandier & Connors:
based on the notice of motion presented
(text of which appears above), staff is
requested to prepare a cost estimate for
further consideration as a priority item
in the five-year program and/or for
inclusion in the 1986 capital budget.

On motion of Ald. Thompson and Withers, Council
agreed to continue meeting beyond the hour of 11:00 p.m.

NOTICES OF MOTION:

The following notices of motion were given for

ALD. GREENOUGH

the next regular Council meeting:

1) Ald. Greenough:

WHEREAS new subdivisions within the City of Dartmouth, such as Montebello Estates and Portland Estates, etc., are not presently being served with door-to-door mail delivery;

AND WHEREAS this represents a discrimination and inequitable treatment of taxpayers living within the City;

AND WHEREAS this represents an unacceptable treatment of our citizens;

THEREFORE, BE IT RESOLVED that Dartmouth City Council respectfully requests the President & Chief Executive Officer of the Canada Post Corp. to authorize the extension of door-to-door mail delivery to new subdivision areas within the City of Dartmouth, at the earliest opportunity.

AND FURTHER, that a copy of this resolution of request be sent to our local M.P.'s, as well as our M.L.A.'s, soliciting their support in this endeavour.

(b) WHEREAS it has been reported that the 107 Highway By-pass will not be completed until the spring of 1986;

AND WHEREAS the Minister of Development, Hon. R. J. Thornhill, has stated through the media, that the Province would be willing to cost-share in the link-up between the 107 By-pass and Akerley Blvd. in the Burnside Park;

AND WHEREAS it is important for the City to have this extension constructed, in order to achieve the full potential of the 107 By-pass;

THEREFORE, BE IT RESOLVED that Dartmouth City Council authorize the Mayor and a committee of City Council, to seek a meeting with the Minister of Development, Hon. R. J. Thornhill, to discuss possible cost-sharing of this project, and, if possible, to have this work scheduled during 1986.

AND BE IT FURTHER RESOLVED that this committee of Council explore with the Minister, improvements planned for the MicMac Rotary and Main St.

ALD. BREGANTE

2) (a) Ald. Bregante:

WHEREAS Dartmouth has By-law C-119 on the books; this by-law has been on the books since 1968 and deals with the littering of City streets;

AND WHEREAS this by-law is not being enforced and is most ineffective;

THEREFORE, BE IT RESOLVED that the City Solicitor and the City Police Dept. look at the present by-law, and revamp it so that our City streets and sidewalks will be clean and rubbish-free.

(b) WHEREAS break-and-enters, vandalism, and drug abuse, etc. is on the increase;

AND WHEREAS the City of Dartmouth is growing rapidly (ie. Montebello, Portland Estates, Woodside Ocean Industrial Park and our world-famous Burnside Industrial Park);

AND WHEREAS our Police Dept. is not keeping pace with all these changes;

THEREFORE, BE IT RESOLVED that this Council ask the Police Dept. and the City Administrator for a report on increasing the manpower of the Dartmouth police force by eight to twelve officers over the next year.

(c) WHEREAS we have just gone through a municipal election campaign over the past month;

AND WHEREAS City staff, the candidates, and the workers have received various complaints about: missed names, taxpayers who have lived in the same homes for years not being on the voters' list;

THEREFORE BE IT RESOLVED that for all further civic elections in Dartmouth, that City staff be instructed to conduct a full enumeration.

(d) WHEREAS we have just gone through a municipal election campaign over the past month;

AND WHEREAS we, the candidates, have received complaints as to the way the advance polls went;

THEREFORE BE IT RESOLVED that for all future civic elections, the advance polls be held in the wards and not in one central place;

BE IT FURTHER RESOLVED that we use the two days and not just the one day for the advance poll.

(e) WHEREAS, in light of the two most recent problems at the Nova Scotia Hospital, and the apparent lack of concern by the Provincial Attorney-General over the safety of staff and the residents of the nearby homes.

THEREFORE BE IT RESOLVED that the Mayor write to the Premier, the Attorney-General, and the M.L.A.'s for Dartmouth, urging that the forensic unit be removed from the Nova Scotia Hospital, and placed in a remote area or placed in a federal prison.

Ald. Bregante attempted to have this last resolution introduced for consideration at this time, but the necessary two-thirds majority vote was not received to have it added to the agenda. The notice of motion therefore stands as presented.

ALD. LEVANDIER

3) Ald. Levandier:

In order to ensure that proper taxation is levied, and in order to ensure that budget deliberations are carried out in a complete and prudent manner;

BE IT RESOLVED that the 1986 Operating Budget not be presented to City Council until all figures are in from all City departments, including the Dartmouth District School Board;

AND BE IT FURTHER RESOLVED that staff initiate more discussion between the District School Board and City Hall in the months leading up to budget deliberations, in order to avoid confrontations as have been experienced in the past.

ALD. MACFARLANE

4) Ald. MacFarlane:

That the area developed for recreational purposes at Peddars Way and Bow Street, of Manor Park, be given a fitting designation in honor of our former Mayor Daniel Brownlow, and accordingly, that it be named the Daniel Brownlow Recreation Park and designated as such;

This I believe to be a fitting step in honor of a man who has served the City well in all areas of community life, and always with particular interest in children and recreational pursuits.

ALD. HAWLEY

5) Ald. Hawley:

WHEREAS a number of major capital projects have been discussed, considered, studied, and brought to the attention of Council over the past few years;

AND WHEREAS it seems that there is no apparent concensus as to which project should be funded first;

AND WHEREAS it is important that Council spend funds in relation to capital projects with care, to ensure good value for public funds;

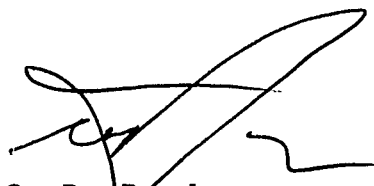
THEREFORE BE IT RESOLVED that this Council compile a list of major projects requiring funding over the next number of years, and that these be prioritized into a list in order that a united effort can be made to deal intelligently with one project at a time.

On motion of Ald. Greenough and Thompson,

Council adjourned to meet in camera for the purpose of dealing with an item on the agenda involving land expropriation.

Having reconvened in open meeting, the action taken in camera was ratified, on motion of Ald. Hetherington and Hawley.

Meeting adjourned.



G. D. Brady,
Deputy City Clerk.

City Council, Nov. 12/85

ITEMS:

- 1) Presentation: Mr. M. J. Forrestall, page 1.
- 2) Petition: Carleton Street residents, page 1 to 3.
- 3) Request: Dart. Figure Eights Skating Club, page 3 & 4.
- 4) Contract 85-19: Lawn bowling greens, page 4 to 6.
- 5) Christmas lighting: Downtown Dartmouth, page 7.
- 6) Crosswalk guards: Portland Estates, page 8.
- 7) Award tender: Truck rental, snow plowing, page 9.
- 8) " " : Highway salt, page 9.
- 9) " " : Salt spreading trucks, page 10.
- 10) " " : Snow plowing equipment, page 10.
- 11) Sale of lots: Waddell Ave., page 11.
Resolution 85-65, page 11.
- 12) Recreational areas: Subdivisions, page 11.
- 13) Land: Esso Petroleum Canada, page 12.
- 14) Walkway: Woodlawn Mall area, page 13.
- 15) Resolutions 85-62, 85-63, 85-64: Signing Officers,
page 14.
- 16) Application for Land Use By-law Amendment:
3 Ferguson Rd., page 14.
- 17) Lease of land: North Atlantic Machinery Ltd., pg. 15
Resolution 85-59, page 15.
- 18) Purchase of Site C-84A2: Jennifer Allan Interiors
Ltd., page 16.
- 19) Appoint Chairman: Pension Committee, page 16.
- 20) Video applications: 107 & 99 Woodlawn Rd., page 16.
- 21) Motions: Ald. Levandier, page 16 to 18.
- 22) Notices of motion: Ald. Greenough, page 19
Bregante, page 19 & 20.
Levandier, page 20
MacFarlane, page 21
Hawley, page 21.

Dartmouth, N. S.

November 19/85.

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

Present - Mayor Savage

Ald. Sarto	Thompson
Billard	MacFarlane
Connors	Levandier
Withers	McCluskey
Pye	Woods
Hawley	Greenough
Bregante	Hetherington
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
Deputy City Clerk, G. D. Brady.	

At the opening of the meeting, Mayor Savage directed the attention of Council to the fact that this is Drug Awareness Week and to the proclamation which signifies the City's participation.

He then called on Ald. Woods to come forward and receive a commemorative Red Cross certificate, presented in recognition of the number of blood donations he has given over the years, fifty in number. The Mayor commended Ald. Woods and presented the certificate on behalf of the Red Cross.

This meeting of Council constituted the public hearing for a proposed amendment to the development agreement with Pacific Investments Ltd., with respect to their commercial/residential building on Portland Street, known as Seacoast Towers. The request from Pacific Investments is to develop the second floor of the Towers for residential purposes, instead of the commercial use originally designated when the development agreement with the City was approved.

The Planning Dept. has recommended in favour of the amendment, and Mr. Bayer, in his report to Council, has recommended approval of Resolution 85-61 which would permit Pacific Investments to proceed with the additional eight apartments proposed.

Ald. Connors declared a conflict of interest on this item, based on the fact that a person associated with his law firm represents Pacific Investments Ltd. He withdrew from his place on Council to sit in the

PUBLIC HEARING:
AMENDMENT TO
DEVELOPMENT
AGREEMENT:
SEACOAST TOWERS

gallery while the item was before Council.

Mr. L'Esperance made the Planning Dept. presentation to Council, explaining why the public hearing process has to be followed for an amendment to a development agreement. He pointed out that such an agreement has basically the same effect on a piece of land as a zoning designation, and accordingly, is treated as such. He commented on this particular amendment request, noting that it does not conflict with any City policies and is considered by the Planning Dept. to be a reasonable use for the second floor of this building. He recommended that Council proceed with approval of Resolution 85-61.

The Mayor asked for any representation on behalf of the Seacoast Towers, and then called for any representations in favour of the application. There was no one wishing to be heard in favour and representations were called from anyone wishing to speak against the application. Hearing no response, the Mayor declared the public hearing to be over.

RESOLUTION 85-61

Council proceeded to approve Resolution 85-61, as recommended, on motion of Ald. Sarto and Levandier.

MOTION: Moved by Ald. Sarto and Levandier that Council approve Resolution 85-61, permitting an amendment to the development agreement between Pacific Investments Ltd. and the City, with respect to Seacoast Towers.

HEARING:
34 KING STREET

This date was set by Council for hearing in connection with a request from the Heritage Advisory Committee for the designation of 34 King Street as a heritage property, to be registered as such by the City. When this property was sold by the City to the present owner, a condition of sale was that it be registered as a heritage property, being the former home of Dartmouth historian, Dr. John Martin.

No objection has been received to the proposed designation and there were no presentations made by anyone opposed at this hearing.

It was therefore moved by Ald. Greenough and

gallery while the item was before Council.

Mr. L'Esperance made the Planning Dept. presentation to Council, explaining why the public hearing process has to be followed for an amendment to a development agreement. He pointed out that such an agreement has basically the same effect on a piece of land as a zoning designation, and accordingly, is treated as such. He commented on this particular amendment request, noting that it does not conflict with any City policies and is considered by the Planning Dept. to be a reasonable use for the second floor of this building. He recommended that Council proceed with approval of Resolution 85-61.

The Mayor asked for any representation on behalf of the Seacoast Towers, and then called for any representations in favour of the application. There was no one wishing to be heard in favour and representations were called from anyone wishing to speak against the application. Hearing no response, the Mayor declared the public hearing to be over.

RESOLUTION 85-61

Council proceeded to approve Resolution 85-61, as recommended, on motion of Ald. Sarto and Levandier.

MOTION: Moved by Ald. Sarto and Levandier that Council approve Resolution 85-61, permitting an amendment to the development agreement between Pacific Investments Ltd. and the City, with respect to Seacoast Towers.

HEARING:
34 KING STREET

This date was set by Council for hearing in connection with a request from the Heritage Advisory Committee for the designation of 34 King Street as a heritage property, to be registered as such by the City. When this property was sold by the City to the present owner, a condition of sale was that it be registered as a heritage property, being the former home of Dartmouth historian, Dr. John Martin.

No objection has been received to the proposed designation and there were no presentations made by anyone opposed at this hearing.

It was therefore moved by Al.d Greenough and

Hawley that 34 King Street be registered as a municipal heritage property. The motion carried.

MOTION: Moved by Ald. Greenough and Hawley that 34 King Street be registered as a municipal heritage property.

SECOND APPROVAL:
CHRISTMAS LIGHTING
DOWNTOWN DARTMOUTH

On motion of Ald. Bregante and Thompson, Council gave second approval for an over-expenditure in the amount of \$3,450., as requested by the Downtown Dartmouth Corp., to permit the installation of Christmas lighting in the downtown area.

MOTION: Moved by Ald. Bregante & Thompson that second approval be given by Council for an over-expenditure in the amount of \$3,450. for Christmas lighting in the downtown area.

SECOND APPROVAL:
CROSSWALK GUARD
PORTLAND ESTATES

On motion of Ald. Hetherington and Bregante, Council gave second approval for an over-expenditure in the amount of \$1,500. to provide a crosswalk guard at Portland Estates, for the remainder of 1985.

MOTION: Moved by Ald. Hetherington & Bregante that second approval be given by Council for an over-expenditure in the amount of \$1,500. to provide a crosswalk guard at Portland Estates for the remainder of 1985.

INQUIRIES:

Ald. Billard asked about the inquiries-and-answers item, and Mr. Moir indicated to Council the type of questions the item is intended to include. He noted that in the past, studies have been requested by members of Council during the inquiry period, and he suggested that when there is such a request, it be presented in the form of a notice of motion as a preferable procedure to be followed.

ALD. WITHERS

Ald. Withers made the following inquiries:

- 1) asked if staff have looked into the water main problems on Jamieson and Fraser Streets. Mr. Purdy said that if the reference is to the lack of a connection between Wyse Road and Jamieson Street, that project was approved previously in the capital budget. Engineering Dept. is presently waiting for a report from the Water Utility Engineer.
- 2) asked about the status of contract 85-10 (traffic improvements: Woodland & MicMac Blvd.) and contract 85-11 (Crichton Ave.). Mr. Purdy advised that contract 85-10 was put on hold, pending a decision by Council. It is expected that the design work for contract 85-11 will be done within the next two weeks.

- 3) asked to have the Engineering Dept. look at the section of sidewalk between #5 and 7 Russell Street, which is in need of attention.
- 4) asked to have a dead tree on the south side of Jamieson Street removed by the Parks & Recreation Dept.
- 5) asked about the contract for curb & gutter installation on Lyngby Ave. Ald. Withers said the sodding that has been done is completely unacceptable. Mr. Purdy advised that the sodding was done by the City Works Dept. & he would bring the inquiry to the attention of the Operations Manager.
- 6) asked to have the sidewalk improved in front of the house at 28 Francis Street.

ALD. LEVANDIER

Ald. Levandier made the following inquiries:

- 1) requested a cost estimate for rehabilitating the Park School site. Ald. Levandier asked to have this information in time to include the project in next year's capital budget, if it is approved by Council.
- 2) asked if there has been a meeting with transportation officials to discuss the relocation of the marshalling yards. Mr. Moir said he has nothing further to report on the subject at this time, but he would review it further with a view to calling the committee together.
- 3) Ald. Levandier was concerned about the smelting operation that has been permitted on Lyle Street, under a permit from the Dept. of the Environment. He said this operation violates the agreement reached with the Planning Appeals Board, and he requested a report from the Solicitor on this matter. The Solicitor noted that the item will be coming before Council next week, having been referred from the Board of Health.
- 4) Ald. Levandier noted that a child was struck by a car on Victoria Road within the last few days, and he asked if safety on this section of the street could be improved with a fence down the centre of the boulevard. This inquiry to be referred to the T.M.G.

ALD. BILLARD

Ald. Billard commented on the proper procedure for using the mikes with the new sound system, asking if it would be possible to brief staff members on their use. He also asked if the mike used in the public gallery could be permanently mounted on the speaker's desk. The Mayor advised that the gallery mike is only a temporary part of the equipment and is to be looked at further.

Ald. Billard noted that a No Stopping sign on the pole in the area of the bus stop on Alderney Drive is not in keeping with the provision made to permit

buses to exit from this point; he asked to have this incongruity clarified.

Ald. Billard made reference to newspaper reports on a recent number of break-and-enters involving private homes. He requested information on the incidence of break-and-enter crimes in the City, what efforts are being made by the Police Dept. to deal with these crimes, and also, some recommendations as to what information members of Council can give to residents in order that they can be better prepared to deal with the situation.

ALD. HETHERINGTON

Ald. Hetherington made the following inquiries:

- 1) asked to have the tree trimmed at 186 Pleasant Street; it is presently interfering with the wires at this location.
- 2) asked when the street painting is to be completed under contract 85-05. Mr. Purdy advised that the recapping of Waverley Road was included in the contract as well, and when that work is completed, equipment will be brought in to do both streets.
- 3) asked about the status of the study that dealt with the traffic medians on Portland Street. Mr. Purdy said he understood that the City traffic study will be coming to Council within the next two weeks. He noted that the possibility of closing Settle Street was being investigated, including a determination of neighborhood response to such a closure.
- 4) asked about contract 85-18 (Alpine Dr.) and the completion of this work before winter. Mr. Purdy said it is hoped to get one layer of asphalt on the street before winter. The tender still has to be approved and will come to the Dec. 3rd Council meeting.
- 5) asked that crosswalks be painted at the intersections of: Akerley Blvd. & Windmill Road; Wright Ave. & Windmill Rd.; Morris Dr. & Akerley Blvd. Mr. Moir will take this request up with Mr. Paul Connors and Mr. Bayer.
- 6) Ald. Hetherington advised that a resident on Hershey Road is requesting the removal of a tree; he agreed to give the address to Mr. Atkinson and discuss the request further with him.

ALD. BREGANTE

Ald. Bregante asked to have attention given to previous inquiries made by him, requesting: (a) the cost of installing^{an} overhead flasing light at both Crawford and Shirley Streets; and (b) the cost of replacing curbs on the left side of Tupper Street. He said he has not received any response to date to either of these inquiries.

ALD. MCCLUSKEY

Ald. McCluskey indicated her concern about the disregard shown by motorists to pedestrians on crosswalks, even where crosswalk lights have been installed. She asked if these lights could be made more effective in some way to bring the crosswalk to the attention of motorists more forcefully. Mr. Moir said he would refer the inquiry to the T.M.G. for their consideration.

Ald. McCluskey said she has been receiving complaints from residents in the Lakeview/Mount Hope Ave. area, about inadequate street lighting. Mr. Moir said that other similar complaints have been noted recently, and perhaps the Power Corp. should be requested to do a survey throughout the City.

ALD. MACFARLANE

Ald. MacFarlane asked about plans for improving and enhancing Silver's Hill, noting that there is a plan for such a project on file with the Planning Dept. Mr. Atkinson said he has not seen the plan.

ALD. WOODS

Ald. Woods advised Council that the child injured on Victoria Road is in satisfactory condition.

He said that if the Power Corp. were to be requested to undertake a survey of street lighting, as suggested by Mr. Moir, he would be willing to assist in drafting the terms of reference.

ALD. CONNORS

Ald. Connors asked about the status of the Retail Marketing Strategy report. Mr. Moir will check on this inquiry with Mr. Lukan.

Ald. Connors asked to have the Police Dept. follow up on his request to determine what the demands are for crosswalk guards at the intersections of Maple Street & Rose St., and at Maple and Tulip Streets.

The Mayor suggested to members of Council that consideration could be given to submitting many of the inquiries in writing to the City departments concerned; if they are not acted upon or there is no response, the inquiries could then be raised at Council. In this way, time would not be taken up at Council meetings with questions that could be answered through another means.

AWARD TENDER:
CONTRACT 85-23
WOODSIDE SOFT-
BALL DIAMOND

Tenders have been received as follows for
Contract 85-23 (Woodside Softball Diamond):

Terra Nova Landscaping Ltd.	\$58,716.
Elmsdale Landscaping Ltd.	76,539.
Seaport Contractors Ltd.	77,645.
Woodlawn Construction Ltd.	82,883.

Acceptance of the low bid, received from Terra Nova Landscaping Ltd., has been recommended to Council by Mr. Purdy, with Mr. Moir's concurrence. The tender was awarded, as recommended, on motion of Ald. Bregante and Sarto.

Mr. Atkinson was present and responded to questions from Ald. Billard about the difference in dimensions for the various ball diamonds in the City. These questions were raised on behalf of an interested citizen, and Mr. Atkinson suggested that the citizen could call him and discuss any further points if he or she wishes to do so.

Ald. Hetherington commented on the need for this ball diamond, to replace the Moirs' field, lost for use due to the improvements to Pleasant Street.

MOTION: Moved by Ald. Bregante and Sarto that the contract for the Woodside Softball Diamond, be awarded to the low bidder, Terra Nova Landscaping Ltd., as recommended.

CROSSWALK:
CRICHTON AVE.
& OAKDALE CRES.

As requested by Ald. McCluskey, the Police Dept. has determined the number of children attending Crichton Park School who must cross Crichton Ave. at Oakdale Crescent. The Chief of Police recommends that a crosswalk guard be hired for the intersection, and Mr. Moir has recommended to Council that first approval be given for an over-expenditure in the amount of \$453. to cover the cost of a crosswalk guard for the remainder of 1985 for the intersection. Council gave first approval for the over-expenditure, on motion of Ald. McCluskey and Sarto.

MOTION: Moved by Ald. McCluskey and Sarto that Council give first approval for an over-expenditure in the amount of \$453., to cover the cost of a crosswalk guard for the Crichton Ave/Oakdale Cres. intersection for the remainder of 1985.

APPOINTMENT:
HFX/DARTMOUTH
BRIDGE COMMISSION

Mr. Moir has submitted a report on the appointment of a representative for the City on the Halifax-Dartmouth Bridge Commission. In keeping with practice followed in the past, it has been recommended that Mayor Savage be appointed as a member to represent the City. This appointment was approved by Council, on motion of Ald. Hetherington and Bregante.

MOTION: Moved by Ald. Hetherington & Bregante that Mayor Savage be appointed to represent the City of Dartmouth on the Halifax/Dartmouth Bridge Commission, as recommended by Mr. Moir.

ST. PETER'S
GRAMMAR SCHOOL

A report was before Council from Mr. Moir on the use of St. Peter's Grammar School, subsequent to a recommendation on this building being adopted at the October 1st Council meeting. The services of an architect will be required to prepare a functional layout for the uses being considered for the building, and to design the interior to meet the specifications and codes now in effect for day care operations, etc.

Mr. Moir has recommended that the services of Mr. Vincent Marsh be engaged to advise the St. Peter's Committee and Council, estimated to cost in the range of between \$3,600. to \$6,000. Ald. Connors and Sarto moved the adoption of this recommendation.

Ald. Levandier and Connors were concerned about whether or not the architect's report will come back in time to have the work funded in the 1986 budget. Mr. Moir said he felt the report would be in time. Ald. Hawley wanted to have the consultations with respect to 'spatial relationships & requirements' include representatives for the proposed tenants of the building (ie. in addition to staff & government departments). He moved in amendment that in addition to staff, the proposed tenants be included in the discussion and consultation process. The amendment was seconded by Ald. Greenough and it carried.

The amended motion carried.

MOTION: Moved by Ald. Connors and Sarto that Council adopt Mr. Moir's recommendation to the effect that Mr. Vincent Marsh be engaged to prepare a functional layout for the uses being considered for the St. Peter's School building, in the estimated range of between \$3,600 and \$6,000.

AMENDMENT: Moved in amendment by Ald. Hawley & Greenough that in addition to staff, the proposed tenants be included in the discussion and consultation process.

BY-LAW C-547:
TAX EXEMPTION

By-law C-547 has been prepared in response to a request for tax exemption from the W. Williams Non-Profit Housing Assn., which provides second-stage housing for battered women and their children who are ready to establish their own homes, but are unable to find affordable housing in the metro. area.

Council proceeded with the approval of the by-law. It was moved by Ald. Sarto and Greenough and carried that leave be given to introduce the said By-law C-547 and that it now be read a first time.

It was moved by Ald. Hetherington and Withers that By-law C-547 be read a second time.

Ald. Hetherington requested information on the exemption the City will be giving, in dollar terms, and it was suggested that Council could receive this information at the November 26th meeting and give third reading to the by-law at that time. The motion for second reading carried. By-law C-547 will be included in the Nov. 26th agenda for third reading.

MOTIONS; First & second readings given to By-law C-547 (tax exemption: W. Wms. Non-Profit Housing Assn.)

APPOINTMENT:
LAKES ADVISORY
BOARD

On motion of Ald. Hawley and Thompson, Council approved the appointment of Mr. Michael Zatzman to the Dartmouth Lakes Advisory Board, representing the Urban Development Institute. His term will expire in November of 1988.

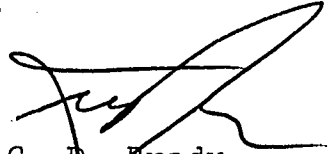
MOTION: Moved by Ald. Hawley & Thompson that Council approve the appointment of Mr. Michael Zatzman to the Dartmouth Lakes Advisory Board, representing the Urban Development Institute.

APPOINTMENTS:
M.P.S. REVIEW
COMMITTEE

On motion of Ald. Hawley and Sarto, Council approved the appointment of Mrs. Jean Beeler and Mr. Kevin McNamara to the M.P.S. Review Committee for two-year terms, to fill existing vacancies on the Committee.

MOTION: Moved by Ald. Hawley and Sarto that Council approve the appointment of Mrs. Jean Beeler and Mr. Kevin McNamara to the M.P.S. Review Committee for two-year terms.

On motion of Ald. Sarto and Bregante, Council adjourned to meet in Committee.



G. D. Brady,
Deputy City Clerk.

City Council, Nov. 19/85

ITEMS:

- 1) Public hearing: Amendment to Development Agreement, Seacoast Towers, page 1 & 2.
Resolution 85-61, page 2.
- 2) Hearing: 34 King Street, page 2.
- 3) Second approval: Christmas lighting, downtown Dart., page 3.
- 4) Second approval: crosswalk guard, Portland Estates, page 3.
- 5) Inquiries & Answers, page 3 to 6 incl.
- 6) Award tender: Contract 85-23, Woodside Softball Diamond, page 7.
- 7) Crosswalk: Crichton Ave. & Oakdale Cres., page 7.
- 8) Appointment: Hfx/Dartmouth Bridge Commission, pg. 8.
- 9) St. Peter's Grammar School, page 8.
- 10) By-law C-547: Tax exemption, page 9.
- 11) Appointment: Lakes Advisory Board, page 9.
- 12) " : M.P.S. Review Committee, page 10.

Dartmouth, N. S.

November 26/85.

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

Present - Mayor Savage

Ald. Sarto	Thompson
Billard	MacFarlane
Connors	Levandier
Withers	McCluskey
Pye	Woods
Hawley	Greenough
Bregante	Hetherington
City Solicitor, S. Hood	
City Administrator, C. A. Moir	
City Clerk-Treasurer, B. Smith.	

Mayor Savage welcomed to the meeting, members of the First Dartmouth Girl Guide troop, who are working toward their Citizenship Badge.

The Mayor also extended sympathy on Council's behalf, to Gerry Brady and his family, on the death of his brother.

NUISANCE BY-LAW
COMPLAINT:
CHARLES V. SMITH

This meeting of Council constituted the public hearing for a complaint made by Mr. & Mrs. James Charles of 35 Lakeview Ave. about noise from a heat pump on the adjoining property of Mr. & Mrs. D. Smith at 37 Lakeview Ave. This matter was before Council previously in June of this year, when the public hearing was adjourned to give both parties an opportunity to reach a mutual solution to their differences.

The parties involved now wish to be heard again, and because of the changes in Council since June, it is necessary to hear the case from the beginning again. Members of Council have received with the agenda for this meeting, copies of all the related legal documentation, and an accompanying report from the City Solicitor, together with a copy of By-law C-211 (Nuisance By-law) and an information report on Council procedure for quasi-judicial hearings (circulated previously in June).

Before the hearing began, Mayor Savage read a prepared statement, explaining that because of prior communication with the parties concerned during the recent election campaign, he could be in a position of possible bias on this issue. He advised Council of his

intent to leave the chair, and called upon the Deputy Mayor to chair the meeting.

The Deputy Mayor, Ald. Withers, made a statement also, informing Council that he has discussed the issue with both of the principals involved, and being a personal friend of the Smiths, would therefore find himself in a biased position on the matter. He withdrew from his place on Council to sit in the gallery during the hearing.

The City Solicitor explained to Council the legal implications for members when they sit in a quasi-judicial forum such as this public hearing. She said it is important that members not come to judicial decisions with any bias or apprehension of bias. If a decision is made by Council with any one person participating who is biased, then that decision could later be determined to be invalid. She stressed the need for complete objectivity and impartiality on the part of members when they are acting in this kind of quasi-judicial capacity.

With both the Mayor and the Deputy Mayor having declared their intention to withdraw from the meeting, Council was asked to name a Chairman. On motion of Ald. Levandier and Bregante, Council chose Ald. Greenough to act as Chairman for the hearing.

Ald. Sarto then rose to make a statement to Council, advising that he could not in all good conscience participate in the hearing, and wished to declare a bias on the issue. He also withdrew from his place on Council and sat in the gallery during the hearing.

Ald. Greenough, who was still not in the chair at this point, asked if a visit to the household concerned and discussion with the people involved, could be considered to create a bias on the part of Council members. The City Solicitor likened the position of Council members in this situation to that of a judge in a court of law, pointing out that it would be inappropriate for a judge to be in contact with a person

involved in a case before him.

The Mayor asked if any other members of Council find themselves in a position of bias, and if so, they should declare it at this time.

Ald. Hetherington said members of Council are here to make decisions and are often lobbied on items before coming to Council and making decisions on them. His position was that members have been voted into office to make decisions and should not be afraid of doing it.

At this point, Mayor Savage left the chair to sit in the gallery, and Ald. Greenough took the chair in his place.

Members of Council continued to raise points about the question of bias, and the City Solicitor tried to clarify the distinction between members acting as politicians in their elected capacity and as 'judges' in quasi-judicial hearings where procedural standards and legal expectations must be adhered to. She said she could understand the position of elected representatives, but in cases of this nature, members have to be very careful, and lobbying in the regular sense becomes quite a different consideration.

Ald. Billard explained that he has been in communication with both parties in this particular case, one party, long before he even knew of the hearing. Also, he lives in close proximity to a heat pump and has one in his own back yard. He agreed with Ald. Hetherington, however, that members of Council have a duty to act and see this matter through to a conclusion. Ald. Levandier agreed that members have to proceed. He felt that members should not remove themselves from Council under the circumstances and should stay to make decisions required. He suggested that perhaps the time has come to look at the Nuisance By-law itself, but as it presently stands, Council has to continue hearing complaints made under it.

Ald. Connors said that while he agreed that Council's purpose is to make decisions, members must also heed the advice of the City Solicitor. There is no point in making a decision if a higher court is then going to find that the decision was an improper one. He suggested that it might be in order to determine from the solicitors for both parties, whether in fact they have any particular objection to raise, and if all objections are waived, then the problem would be resolved. The City Solicitor commented on the practicality of this suggestion, and on a second question raised by Ald. Connors about the necessity for a new hearing (ie. as opposed to a continuation of the previous hearing in June).

Ald. McCluskey advised that she visited the Charles property because she wanted to hear the noise at first-hand. She also pointed out that she was present at the public hearing in June, sitting in the gallery as a citizen and not as a member of Council at that time. She did not consider herself to be biased on the issue just because she went to hear the noise.

The Chairman declared the public hearing to be open and Council first heard from Mr. Gordon Forsyth, Solicitor representing Mr. & Mrs. Charles. He made an opening statement, indicating that from his point of view, no allegation or hint of bias has come from either of the parties involved, with respect to members of Council. Further, none of the parties involved have contacted the Mayor by written communication.

Mrs. Charles addressed Council briefly with a statement on the general disruption caused in her home by the noise from the heat pump on the Charles property. She described it as a 'droning, pulsating noise' that interferes with the enjoyment of her home, and said she would like to have it stopped. Mr. Charles stated concerns similar to those of his wife about the effect of the heat pump noise on the quality of life in their

home, pointing out that he has now offered to pay one hundred percent of the cost of eliminating the nuisance, up to a maximum amount of \$1500.; previously, he had offered to cost-share on a 50/50 basis.

In his presentation to Council on behalf of Mr. & Mrs. Charles, Mr. Forsyth referred to affidavits by them and by Kaye Colquhoun, Eva Duncan and Theresa Morrison. Also, to letters from Dr. Leslie Russell, a professor of engineering at T.U.N.S., the expert consulted with respect to noise levels in this case. A considerable amount of documented information has been circulated with respect to noise levels when the heat pump is running and when it is not running; these levels were determined at various locations in the Charles home. Mr. Forsyth said Council will have to decide whether a reasonable person would find the noise annoying; if so, then a nuisance can be considered to exist. While some measures have been taken by the Smiths to reduce the noise from the heat pump, the Charleses want to have the pump relocated behind the Smith home or completely covered with a sound-proof enclosure. They are willing to pay the cost involved, up to \$1,500., to have one of these steps taken.

Mr. Forsyth then proceeded to refute a number of points contained in the November 19th submission from Mr. Langille, the Solicitor representing Mr. & Mrs. Smith. He took exception to the statement that the Charleses have not shown good faith in their negotiations with the Smiths. He said they have consistently offered to pay half the cost of moving the heat pump (or enclosing it), and subsequently offered to pay all of the cost. He noted that Frank Weldon, who has been quoted in Mr. Langille's submission, is the person who sold the heat pump to the Smiths and installed it.

In his summary to Council, Mr. Forsyth suggested that the heat pump has been placed in a location of most convenience to the Smiths, but it is a source of

annoyance to their neighbors, the Charleses. The Charleses are ready to have the problem resolved by assuming the cost of relocating the pump or paying for it to be enclosed.

Questions from members of Council to Mr. Forsyth dealt with:

- 1) the lot size of the properties involved. Mr. Bayer advised that they meet City regulations. The distance requirement between buildings is 7½ feet from the foundation to the lot line.
- 2) any regulations in the Building Code (ie. Dartmouth's application of it) that pertain to the installation of heat pumps. Mr. Bayer said there are not any.
- 3) acceptable noise levels in terms of what are considered to be normal levels for conversation and for the operation of regular heating systems, appliances, etc.
- 4) the Dept. of Environment guidelines for noise levels and their application to residential situations.
- 5) what guarantee is there that a relocation of the heat pump would solve the problem? While it did not appear that a guarantee could be given, based on information available, Mr. Charles indicated that relocation of the pump to the Smiths' back yard and around the corner of the house, would have the effect of blocking off the sound, and has been recommended by Dr. Russell, as a sound expert.
- 6) would the resonance stop if the pump were moved? Mr. Forsyth said all indications from Dr. Russell are that the resonance would be reduced by moving the heat pump.

As this line of questioning continued further, reservations were expressed about a complete elimination of the noise problem with either of the two alternatives discussed, without the benefit of expert advice that would confirm the point one way or another. Since there are not any other heat pump enclosures around for comparison purposes, this kind of assessment is not possible. An enclosure could be built especially for this unit, at considerably more cost, or a custom-made enclosure can be obtained from the company that markets the heat pumps. It would have to come from Ontario and is not available locally.

Further to the series of questions about the decibel counts taken in connection with this issue, as compared with counts for various household appliances and machines, Mr. Forsyth pointed out that it is not just the noise levels that have to be considered, but the kind of noise that is causing the problem. He referred to it as a low droning noise and different from the appliances referred to and regular furnace operation in a home.

- 7) complaints that may have been received from other neighbors affected by the heat pump noise. Mr. Forsyth referred to the affidavit given by Eva Duncan, who lives behind the Smith property. No other complaints appeared to have been made.

The suggestion was made that if the pump were to be relocated to the back of the Smith property, it might then become an annoyance to neighbors who live behind them. Also, the efficiency of the heat pump itself was questioned if it were to be (a) enclosed or (b) recessed into the ground as has been suggested for the back yard location.

Mr. Forsyth considered this latter question to be irrelevant with respect to the nuisance issue at hand. He said he understood from Dr. Russell that the efficiency of the heat pump would not be reduced by its relocation.

- 8) the improvements that have already been made to deal with the noise problem. Mr. Forsyth acknowledged that some improvement has resulted from the measures taken by the Smiths, but the annoying vibrating drone has not been eliminated.

The presentation on behalf of Mr. & Mrs. Smith was made by their Solicitor, Mr. Langille. He stated that members of Council who withdrew at the beginning of the meeting, made the right decisions for their own reasons. He said it is the contention of the Smiths that the heat pump does not constitute a nuisance. It was professionally installed and was supposed to be one of the most quiet and efficient units available. Sound readings taken with respect to noise from the pump are within the Dept. of Environment guidelines, and the readings in question are applicable to residential situations.

Mr. Langille said the Smiths are wanting a decision on this issue because it has gone on long enough. He outlined the efforts that have been made up to this time to satisfy the Charleses, and said it seems to have been a 'one-way street', and nothing the Smiths will do will be satisfactory to the Charleses. He maintained that the noise level involved here is so insignificant that it would be ridiculous for Council to set a precedent in this case that would not only apply to the unit in question, but to other similar machines.

A chronological review was given by Mr. Langille of the events that have transpired since this controversy first began. His position was that the Smiths have acted in good faith throughout, but the Charleses have not. He provided detailed information on the steps taken by the Smiths to alleviate the noise problem, estimated to have cost approx. \$1,000. in all. He indicated that this cost was borne by Mr. Smith, but it appeared, at a later point in the hearing, that some of the cost was assumed by the company that installed the pump. Mr. Langille made a number of references to information that Dr. Russell has provided, both in his reports on this particular case, and in newspaper articles where he has been quoted. He also pointed out that Frank Weldon has stated that this is the first noise complaint he has encountered in the marketing of heat pump units in the Maritimes.

Mr. Langille reviewed the affidavits included with the submission for the Charleses, questioning their validity, particularly the one made by Eva Duncan. He circulated copies of an affidavit made by Mr. Ernest Keeler of 177 Crichton Ave., whose property faces the back of the Smith property. In it, he has stated that he has discussed a noise that can be heard in the area with Ms. Duncan, indicating to her his opinion that it is 'definitely not a local sound and furthermore, that I had never heard any sound being emitted from the said heat pump whatsoever'. Further in the affidavit, he goes on to recount an instance in October, when he and Ms Duncan had an opportunity to check on the noise themselves and determined that it was not originating with the Smiths' heat pump.

Members of Council then had an opportunity for questions to Mr. Langille, which dealt with:

- 1) the amount of time that the pump is running in any twenty-four-hour period. Mr. Langille said this would depend on weather conditions. It comes on as any forced air system would as required to maintain temperatures in the Smith house.

- 2) the fact that enclosures are made for the units would tend to indicate that they are required to reduce noise from the machines.

Other questions along this same line pertained to the size of the enclosures and their appearance. Mr. Langille said that efforts are being made to secure information of this kind from the company's Ontario office, since there are no enclosures locally to look at or assess.

- 3) the fact that there are no guidelines for resonance, which can be something quite different than sound level guidelines. Also, a noise may be more irritating at night-time than during the day.

The line of questioning in this regard centered around the comparison of a psychologically-disturbing sound with a physically-disturbing sound. While there may be a difference and the impact may vary according to situations, qualifying measurements are not available to apply in cases such as this one.

- 4) the amount of vibration noise, if any, experienced within the Smith home. Mr. Smith responded by stating that the noise is not disturbing to his household or in the rooms located on the side of the house next to the heat pump. He said it does not even interfere with television-watching at the closest point in his family room to the pump.

Other questions at this stage of the hearing pertained to the cost-sharing the Charleses are willing to participate in or to assume on their own, and to the cost of modifications that the Smiths have already undertaken (referred to previously in these minutes). Ald. Woods did not agree that the heat pump installation itself is ideal, and advised that problems could occur in the wintertime under snow conditions. Ald. Billard said it was his understanding that the heat pump system is designed to clean itself of snow and ice in an area immediately surrounding the unit.

In their concluding statements on behalf of their clients, each of the solicitors took the opportunity to refute statements made by the other, and to seek from Council, support for their positions, as they have been presented during the hearing and in the written submissions circulated. When they had completed their summaries, the Chairman declared the public hearing to be over. The meeting was then opened to Council for debate.

Ald. MacFarlane was of the opinion that a decision by Council at this time would be in the interests of both parties in the issue. He felt the separate matter of sound level requirements for heat pumps could be addressed by Council at some future time.

Ald. MacFarlane said he has studied the information provided and visited the Charles' home at their request, listening to the sound from the heat pump both inside the outside the Charles' home. At the time of his visit, he was unable to hear the sound from the master bedroom. He noted that the Smiths have attempted to respond to the concerns of their neighbors, but at the same time, said he did not wish to discredit the concerns of Mr. & Mrs. Charles in this issue. He moved that the Nuisance By-law complaint of Charles vs. Smith be dropped by Council as of this date, Nov. 26/85. (ie. that a nuisance is not determined by Council to exist). The motion was seconded by Ald. Pye and debate proceeded.

Ald. Levandier supported the motion, asking how far this kind of complaint could go if carried to other situations. Also, he said, there is no guarantee it will even be resolved if the heat pump is moved or enclosed. Ald. Billard considered that much of the argument present^{ed} at the hearing was irrelevant. He said that basically he has tried to concentrate on the question posed by Mr. Forsyth as to whether or not there is a nuisance; he came to the conclusion that the noise does not constitute a nuisance, even though he recognized that some people may find the characteristics of heat pumps annoying. Basically, we are not dealing with a noise, but with a resonance, and as such, outside the purview of the Nuisance By-law. To the second question, would a reasonable person find the noise annoying, Ald. Billard said he would have to answer 'no'.

Ald. Thompson noted that the Smiths have already taken action to alleviate the problem, and from that point of view, the Charleses were successful in their efforts. Ald. Connors concentrated on the provision in section 1 of By-law C-211, with respect to what a nuisance is actually deemed to be - ie. one which 'unreasonably interferes with the enjoyment of life by a person or persons in the City of Dartmouth'. The particular emphasis here is on the word 'unreasonable' and Ald. Connors went on to explain why he did not feel this condition is met in the present instance. He said it must be kept in mind that when people live in the middle of a city, there are going to be all kinds of noises around them, due to the close proximity that people find themselves in, and the fact that sounds carry from one property to another. He considered the affidavit by Mr. Keeler to be an impartial one and was willing to accept the interpretation he has placed upon the origination of noise in the neighborhood (ie. that the sound he heard was not coming from the heat pump); this affidavit, he said, is one that Council must weigh in the balance. He spoke about the right that Mr. & Mrs. Charles have to a hearing under the Nuisance By-law and took exception to what he called 'unnecessary and irrelevant attacks' on them, when they have this right to be heard. Ald. Connors was willing to support the motion for the reasons he outlined in his address to Council.

Ald. McCluskey also acknowledged the right of the Charleses, under the Nuisance By-law and accepted the fact that they are bothered by the noise, but from the time she spent listening to the noise, from the information presented and Mr. Keeler's affidavit, she had reached a conclusion in favour of supporting the motion.

Points made by Ald. Woods were of a technical nature and pertained to dBA readings, Environment Dept.

guidelines, the location of the heat pump at a point where any noise problem is increased by the position of the Charles' house and the amount of glass at the front of their house, which serves to intensify the sound. He said he would^{not} be supporting the motion.

When the vote was taken on the motion, it carried with Ald. Hetherington and Woods voting against.

MOTION: Moved by Ald. MacFarlane and Pye that the Nuisance By-law complaint of Charles vs. Smith be dropped by Council as of this date, Nov. 26/85 (ie. that a nuisance is not determined by Council to exist).

The Mayor resumed the chair for the remainder of the meeting. On motion of Ald. Thompson and MacFarlane, Council agreed to continue meeting beyond the hour of 11:00 p.m.

At the request of Ald. Levandier, Council agreed to deal with a permit to build application, submitted by the S. Jachimowicz company.

PERMIT TO BUILD:
S. JACHIMOWICZ LTD.
99 WYSE RDAD

Ald. Connors declared a conflict of interest with respect to the S. Jachimowicz application, being associated with a law firm that represents the company. He withdrew from his seat and sat in the gallery while this item was before Council.

On motion of Ald. Greenough and Levandier, Council approved the building permit application from S. Jachimowicz Ltd., to build an addition to the Holiday Inn on Wyse Road; estimated cost of construction is \$1.4 million dollars. Approval has been recommended from Committee, and is subject to compliance with all of the conditions set out in the staff report to Council of Nov. 14/85.

MOTION: Moved by Ald. Greenough & Levandier that Council approve the building permit application from S. Jachimowicz Ltd., as recommended from Committee, subject to compliance with all of the conditions set out in the staff report of Nov. 14/85.

PERMIT TO BUILD:
PORTERS LAKE
SIDING & CON-
TRACTING LTD.
RICHMOND ST. EXT.

Council also agreed to deal with a building permit application from Porters Lake Siding & Contracting Ltd., for a 35-unit apartment building to be constructed

on Richmond Street Extension. Estimated value of construction is \$900,000.

Ald. Thompson and Greenough moved that the permit be granted, subject to compliance with the staff report of Nov. 20/85. (Ald. Billard left the meeting at this point.)

Ald. McCluskey had a number of questions about the kind of units in the proposed building, parking provisions, and the impact of additional traffic from this building; she discussed these with Mr. Bayer before the vote was taken on the motion. When the vote was taken, the motion carried.

MOTION: Moved by Ald. Thompson & Greenough that Council approve a building Permit application from Porters Lake Siding & Contracting Ltd., subject to compliance with the conditions set out in the staff report of Nov. 20/85.

Ald. Withers rose on a point of privilege to object to what he considered to be undue criticism from certain members of Council, regarding the action taken by him in declaring a bias and withdrawing from the nuisance complaint hearing, at the beginning of this meeting. He said this action in no way represented an abdication of his duty as an elected member, but was done in good faith and with no exterior pressure of any kind. Ald. Sarto also rose on the same point, in agreement with Ald. Withers. He said he was disturbed about the comments made by members who remained in their seats for the hearing, and defended the right of any Alderman to withdraw from participation in an item when he or she sees fit to do so. He said it was unfortunate that such comments were made.

The Mayor suggested that because of the lateness of the hour, it would not be a good time to debate this matter further. He therefore advised that the point of privilege has been duly noted and recorded.

The meeting then adjourned.


Bruce Smith,
City Clerk-Treasurer.

City Council, Nov. 26/85

ITEMS:

- 1) Nuisance By-law complaint: Charles v. Smith, page 1
to page 12 incl.
- 2) Permit to build: S. Jachimowicz Ltd., page 12.
- 3) " " " : Porters Lake Siding & Contracting,
page 12.