

LOCATION: CITY COUNCIL CHAMBERS
TIME: 7:30 P.M.

MEMBERS PRESENT: MAYOR SAVAGE
ALDERMEN SARTO, THOMPSON
CONNORS, LEVANDIER
MCCLUSKEY, RODGERS
PYE, WOODS, MACFARLANE
HAWLEY, GREENOUGH
WALTON, HETHERINGTON

MEMBER ABSENT: ALD. BILLARD

ACTING CITY ADMINISTRATOR: D. BAYER
CITY SOLICITOR: S. HOOD
DEPUTY CITY CLERK: G. D. BRADY
DEPARTMENT HEADS & ASSISTANTS

POINTS OF PRIVILEGE

Points of privilege raised by Ald. McCluskey concerned: (a) the Ramada Inn property, and (b) the proposed machinery and equipment assessment deletion. With respect to item (a), the Solicitor advised that the item cannot be dealt with until after Jan. 5th, 1989, and further to item (b) the Mayor advised that a presentation will be given on the subject within the next two or three weeks.

The Mayor extended birthday greetings on behalf of Council to Ald. Sarto. He also extended the sympathy of Council to Ald. Greenough on the recent death of his brother.

1.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on Dec. 6th and 13th, 1988.

Moved: Ald. Greenough
Second: Ald. Sarto
In Favour: All
Against: None
Motion Carried

A point was raised by Ald. Rodgers about the wording in the paragraph at the top of page 9 of the Dec. 6th minutes. He questioned the word 'payments', suggesting that this was not the intent of Council. Members confirmed that the refunding of payments already made was intended as a part of the action to be taken. The minutes therefore remained unchanged.

- 2.0 BUSINESS ARISING FROM THE MINUTES
3.0 DELEGATIONS & HEARINGS OF PROTEST
4.0 ORIGINAL COMMUNICATIONS
i) APPOINTED DAY FOR MUNICIPAL ELECTIONS

DAY FOR
ELECTIONS

Council has been asked to indicate to the Executive Director for the U.N.S.M., an opinion on the appropriateness of the present Saturday date on which municipal elections are held in the Province.

MOTION: To receive and file the letter from Mr. Zwicker on the subject of the Saturday date on which municipal elections are held in the Province.

Moved: Ald. Levandier
Second: Ald. Hetherington

Ald. Greenough suggested that rather than just receiving and filing this communication, it should be referred to the Mayor and Mr. Brady for further consideration and a response to Council.

MOTION: To refer the letter from Mr. Zwicker to the Mayor and Mr. Brady for further consideration and a response to Council.

Moved: Ald. Greenough
Second: Ald. Pye

Ald. MacFarlane requested that when the item is considered, attention also be given to a provision for voting by people who are visually handicapped. (This request was also made at a previous Council meeting by Ald. McCluskey.)

The vote was taken on the motion to refer.

In Favour: Ald. Sarto, Walton, Rodgers
Connors, Levandier,
Hawley, Greenough, Pye
Woods, MacFarlane

Against: Ald. Thompson, McCluskey, Hetherington
Motion Carried

ii) RELOCATION OF CABARET LICENSE - LITTLE NASHVILLERELOCATION:
LITTLE NASHVILLE

Members have received copies of a letter from the Liquor License Board to Mr. Cyril O'Hearn, on the subject of his request to have the Cabaret License he holds for his Alderney Drive establishment, approved for relocation to 20 Canal Street, where he is proposing to reopen his business. A response from the City is being sought to the relocation application before it is heard by the Board.

Ald. Hawley was prepared to indicate the support of Council for the application, taking into consideration that the Canal Street location is properly zoned to accommodate Mr. O'Hearn's business.

MOTION: That Council support the application for relocation of the Cabaret License (#000914) from Alderney Drive to 20 Canal Street.

Moved: Ald. Hawley
Second: Ald. Sarto

Ald. Levandier and Connors were not opposed to the application, but they wished to give area residents an opportunity to express certain concerns they have about the Canal Street location, and to request certain provisions that will address these concerns. Council agreed to hear Mr. Bob Frame who spoke on behalf of a citizen group present for this item.

Mr. Frame presented a petition signed by residents who live on Maitland Street, Albert Street, Newcastle Street and Old Ferry Road. The particular points of concern that residents have are about:

- 1) after-hour traffic being increased.
- 2) increased vandalism, vagrancy, burglary problems.
- 3) the impact of the establishment on heritage resources in this part of the City.
- 4) the incompatibility of the business with the long-range plan for the Maitland/Canal Street area.

The residents are requesting that Council not endorse the application, and that their petition be forwarded to the Liquor License Board.

Ald. Connors said it would be only fair for the residents to have the opportunity to air their concerns, and for Mr. O'Hearn to provide information that will help to explain his position, before Council makes a decision on the application. He proposed a two-week deferral, during which time a public meeting will be held at Hawthorne School (or some other appropriate location), to be attended by Mr. O'Hearn and the residents, for discussion of the pros and cons of the issue.

MOTION: That a decision on the application be deferred for two weeks, and that a public meeting be held on Monday, Jan. 9th at 7:30 p.m. at Hawthorne School, to be attended by Mr. O'Hearn and the residents, for a joint discussion.

Moved: Ald. Connors
Second: Ald. MacFarlane
In Favour: All
Against: None
Motion Carried

iii) CANADIAN MENTAL HEALTH ASSN. - DARTMOUTH BRANCH SOCIAL CLUB RELOCATION PROPOSAL

C.M.H.A.:
 RELOCATION
 PROPOSAL

The next item on the agenda, a letter from the Canadian Mental Health Assn. re the closure of their Club on Alderney Drive and a proposal for its relocation, was withdrawn at the request of the Association. The item is postponed until a future Council meeting.

5.0 PUBLIC HEARINGS

6.0 PETITIONS

i) TRAFFIC PROBLEM - CARVER STREET

TRAFFIC PROBLEM:
 CARVER STREET

A letter and petition were presented on behalf of Carver Street residents concerned about the traffic situation that has developed on their street since traffic lights were installed at the intersection of Carver and Portland Streets. Mr. Bayer advised that this petition will be coming before the T.M.G. at their next meeting.

Ald. Thompson asked if problem #6 (from the Clary Kempton letter) could not be dealt with immediately, without waiting for the T.M.G. meeting; it refers to the need for a Stop sign at the corner of Elizabeth and Carver Street. Mr. Bayer felt that it could.

Ald. Sarto said that problem #7 (traffic congestion at the corner of Carver & Portland St.) could be addressed by changing the timing sequence on the traffic lights to allow for the lights to remain green longer for Portland Street traffic, thereby improving the traffic flow. Mr. Bayer agreed to look at the suggestion.

MOTION: To refer the letter and petition to the T.M.G. for report back to Council.

Moved: Ald. Thompson
Second: Ald. Sarto
In Favour: All
Against: None
Motion Carried

Ald. Greenough requested that when the report is made to Council from T.M.G., some indication be given as to why the specific directions given by Council for this section of Portland Street have not been implemented to date. General concern was expressed by members about the increasing traffic problems associated with the section of Portland Street under discussion, as development there continues.

ii) THREE-WAY STOP SIGNS ON CRANBERRY CRES. & ADJACENT STREETS

STOP SIGNS:
CRANBERRY CRES.

A petition has been received from residents of Cranberry Crescent and adjacent streets, requesting the installation of two 3-way Stop signs on Cranberry Crescent, one at Orquel Court and a second, at the intersection of Cranberry Crescent and Lapierre Crescent.

MOTION: To approve the request of residents for three-way Stop signs to be installed at Cranberry Crescent & Orquel Court, and at Cranberry Crescent & Lapierre Crescent.

Moved: Ald. Sarto
Second: Ald. Thompson

The problems with speeding and disregard for the safety of children walking on the streets were described by Ald. Sarto as being similar to those experienced on Dorothea Drive, where Stop signs were also requested recently.

MOTION: To refer the petition to the T.M.G. for consideration at their January meeting.

Moved: Ald. Levandier
Second: Ald. Hetherington

Members tended to feel that since the streets involved are in a residential area, the Stop signs requested could be authorized by Council without having to be first referred to the T.M.G. for a recommendation. The motion to refer did not receive the general support of Council.

The vote was taken on the motion to refer.

In Favour: Ald. Levandier
Against: All other members present
Motion Defeated

The vote was then taken on the main motion.

In Favour: All
Against: None
Motion Carried

Ald. Woods requested that the Planning Dept. extract from the M.P.S. Transportation section of the M.P.S. Review, those recommendations applicable to Ward 1, so that the Aldermen for the ward can bring them to the attention of their residents and seek a response to them.

7.0

REPORTS

7.1

CITY ADMINISTRATOR

7.1.1

PRESENT LIBRARY-MUSEUM BUILDING (SUPPLEMENTARY REPORT)

LIBRARY-MUSEUM
BUILDING

A supplementary report was before Council from Mr. Burke on the request from the Museum Board that Council reaffirm its willingness to have the Dartmouth Heritage Museum take over completely, the present Library/Museum building, once it has been vacated by the Library.

Mr. Burke has referred in his report to the evaluation of Greenvale School carried out by Sperry MacLennan for Council, as a result of interest expressed in a Dartmouth location by the Multicultural Assn. of Nova Scotia. The suitability of Greenvale School for Museum purposes has also been evaluated in conjunction with the Multicultural Assn. use.

While members of Council have not yet received copies of the Sperry MacLennan report, Mr. Sperry was present to give an overview of it to Council.

He first outlined to Council the functions of the Association as an organization concerned with cultural and historic interests and their promotion in the Province of Nova Scotia. He noted the compatibility of these interests with the Dartmouth Heritage Museum, indicating to Council that the two groups could compatibly occupy space in Greenvale School, although the Museum space, under those circumstances, would be as an adjunct to the main Museum facility, in a similar way to the heritage buildings we now have, such as the Quaker House and 'Evergreen'.

He described how each of the floors in the school could be allocated for joint use by the Association and the Museum, suggesting that both could benefit from the advantages of a joint sharing of staff and volunteers in the building. The main problem is the size of the auditorium, which will accommodate only about 250 people, whereas the Multicultural Assn. would like to have space for approx. 500 spectators for their events.

The Sperry MacLennan report recommends that the building be studied one step further, to provide cost estimates for building repairs and renovations that would be required to make it useable for the Association and the Museum.

Ald. Levandier said it would first have to be determined if the Multicultural Assn. would still be interested, knowing the limitations of the auditorium. He felt the Mayor should take this point up with the representatives of the Association first.

MOTION: To defer any decision on a further expansion of the Greenvale School study, until the Mayor can meet with representatives of the Multicultural Assn. to discuss with them the point about the seating capacity of the Greenvale School auditorium, in relation to their needs.

Moved: Ald. Levandier
Second: Ald. Pye

Ald. Woods felt that Council should have some indication of the cost to upgrade the main Library/Museum for Museum purposes, and Ald. Greenough was concerned that any decision be made on either the Greenvale School or the Library/Museum building, without having cost figures provided for the restoration of both.

Ald. Hawley stated several times to Council the intent of the Museum Board request, which was to have the previous commitment on the use of the Library/Museum building; for the complete use of the Heritage Museum, reaffirmed by Council at this time. He proposed a motion in response to the request of the Board.

MOTION: BE IT RESOLVED that the Museum be recognized as the tenants of the space presently occupied by the Dartmouth Regional Library, upon its relocation to new premises under construction.

Moved: Ald. Hawley
Second: Ald. Hetherington

Members opposed to any decision on either of the buildings under discussion, first wanted to have cost estimates on both buildings, before any commitment is made to their use. It was felt that the cost factors involved should have first priority, along with the consultation the Mayor will have with the Multicultural Assn. people.

MOTION: To refer the item back to staff for cost information on both buildings, along with the consultation the Mayor will have with the Multicultural Assn. people on the question of the adequacy of space for events in the Greenvale auditorium.

Moved: Ald. Thompson
Second: Ald. Greenough
In Favour: Ald. Greenough, Levandier
 Rodgers, Pye, Woods
 Sarto, Thompson, MacFarlane
Against: Ald. Walton, Hawley, Connors
 Hetherington, McCluskey
Motion Carried

The Mayor commended Mr. Sperry for his service to the City over the years in providing reports and information over and above what has been requested of his firm, that have been of value to the City and to the community.

7.1.2 PAINTING OF CROSSWALK - DOROTHEA DR. & CARLSON COURT

CROSSWALK:
DOROTHEA DR.
& CARLSON COURT

Report from Mr. Burke (R. Fougere, P. Connors) on the request for a crosswalk installation at the intersection of Dorothea Drive and Carlson Court. For the reasons set out in the report, it has been recommended by the T.M.G. that the request for a pedestrian crossing at this intersection be denied.

MOTION: To approve the recommendation that a request for a pedestrian crossing at the intersection of Dorothea Drive and Carlson Court, be denied.

Moved: Ald. Sarto
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

8.0 MOTIONS

8.1 ALD. RODGERS

8.1.1 EASY ACCESS - POST OFFICE FACILITIES

MOTION: WHEREAS the post office is a federal building;
 AND WHEREAS all federal buildings should be accessible to all people;
 AND WHEREAS the main post office in the City of Dartmouth does not provide easy access to those who are disabled;

AND WHEREAS the City of Dartmouth has residents who require the services of the post office, but are unable to enter because of physical or other handicaps;

THEREFORE BE IT RESOLVED that the Mayor, on behalf of Council, write the appropriate Federal Authority, requesting immediate alterations to insure access to the main post office facilities by all citizens of Dartmouth

Moved: Ald. Rodgers
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

8.2 ALD. LEVANDIER

8.2.1 INSURANCE REQUIREMENTS - COMPANIES HANDLING HAZARDOUS MATERIALS

MOTION: WHEREAS Dartmouth is the major industrial area of Nova Scotia;
AND WHEREAS more and more companies are locating here that handle hazardous materials;
AND WHEREAS a disaster and clean-up may be extremely possible because of these companies;
THEREFORE BE IT RESOLVED that the Legal Dept. examine the possibility of drafting a by-law enabling the City to request a bond, over and above their normal insurance requirements from these companies.

Moved: Ald. Levandier
Second: Ald. Hetherington
In Favour: All
Against: None
Motion Carried

8.3 ALD. WOODS8.3.1 HAZARDOUS WASTE REMOVAL

MOTION: WHEREAS it has been determined that toxic wastes and undesirable chemicals enter the Halifax Harbour by way of the Tufts Cove sewer outfall;
AND WHEREAS the mishandling of hazardous wastes has been the subject of many Council debates;
AND WHEREAS the Provincial Dept. of the Environment has no immediate proposal to create either a removal service or a transfer facility for hazardous wastes;
THEREFORE BE IT RESOLVED that Council direct staff to study the matter of hazardous wastes in the Burnside Ind. Park, and report back to Council on the feasibility of offering an environmentally acceptable Hazardous Waste Removal Service to the businesses in the Burnside Ind. Park.

Moved: Ald. Woods
Second: Ald. MacFarlane
In Favour: All
Against: None
Motion Carried

8.4 ALD. MACFARLANE8.4.1 MUNICIPAL REPRESENTATION - ELECTIONS

MOTION: WHEREAS the City of Dartmouth has recently completed a municipal election campaign;
AND WHEREAS the competition and confusion associated with the dual system of representation continues to be a particular feature of the Dartmouth system;
THEREFORE BE IT RESOLVED that the Mayor establish a small committee of staff and community representatives, to review existing material on this subject, and to formulate recommendations for improving Dartmouth's system of municipal representation, reporting back to this Council at a future date.

Moved: Ald. MacFarlane

Second: Ald. Sarto

Members opposed did not feel that such a review is necessary or warranted. Those in favour had the opinion that there is merit in looking at existing ward boundaries and the number of aldermen currently representing populations within those boundaries. They were willing to have the review proceed, as the motion proposes.

The vote was taken on the motion.

In Favour: Ald. Connors, MacFarlane
Rodgers, Walton, Greenough
Pye, Sarto, Thompson, Woods

Against: Ald. Hawley, Hetherington
McCluskey, Levandier

Motion Carried

8.4.2

PRINCE ALBERT ROAD RENOVATIONS

MOTION: To defer the following motion for two weeks, in the hope that a response from the Provincial Dept. of Transportation will be received in the interim:

WHEREAS current renovations to Prince Albert Road, in conjunction with MicMac Rotary improvements, are resulting in unsafe conditions for pedestrians, motorists, and neighboring residential properties;

BE IT RESOLVED that City staff commence negotiations immediately with officials of the Transportation Dept., for the acquisition of signal lights in the area of the merge at the House of Hum;

AND FURTHER, that staff and officials of the Dept. of Transportation submit to this Council, their additional plans for crosswalks in the area of the public beach known as Graham's Grove.

Mr. Bayer reported to Council on discussions that have taken place recently, with respect to the subject traffic signals, with Dept. of Transportation staff.

Moved: Ald. MacFarlane

Second: Ald. Sarto

Members opposed did not feel that such a review is necessary or warranted. Those in favour had the opinion that there is merit in looking at existing ward boundaries and the number of aldermen currently representing populations within those boundaries. They were willing to have the review proceed, as the motion proposes.

The vote was taken on the motion.

In Favour: Ald. Connors, MacFarlane
Rodgers, Walton, Greenough
Pye, Sarto, Thompson, Woods

Against: Ald. Hawley, Hetherington
McCluskey, Levandier

Motion Carried

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Mr. Bayer reported to Council on discussions that have taken place recently, with respect to the subject traffic signals, with Dept. of Transportation staff.

Moved: Ald. MacFarlane
Second: Ald. Woods
In Favour: All
Against: None
Motion Carried

8.5 ALD. WALTON

8.5.1 MUNICIPAL COURT

MOTION: WHEREAS Dartmouth has had, and will continue to have, by-law violations;
AND WHEREAS it is very time-consuming and expensive to prosecute these violations;
AND WHEREAS the penalties are usually of a token nature;
THEREFORE BE IT RESOLVED that our City Solicitor's department undertake the necessary steps to advise Council on the setting up of a Municipal Court;
AND BE IT FURTHER RESOLVED that the fine structure for the violations of our by-laws be taken under advisement by the Solicitor's department.

Moved: Ald. Walton.
Second: Ald. Sarto

Ald. Levandier said that perhaps the possibility of the City having a full-time prosecutor should be considered in conjunction with the motion. Ald. Connors commented on the need for a third Provincial court and a third Family court in Dartmouth, suggesting that the City should be lobbying the Province for these. He referred to the present backlog of cases in both courts at present to substantiate the argument in favour of additional courts. Ald. Thompson agreed that we should be actively pursuing this approach further.

The vote was taken on the motion.

In Favour: All
Against: None
Motion Carried

8.5.2 ADOLESCENT TREATMENT FACILITY

MOTION: WHEREAS the youth of our City are our greatest resource;

AND WHEREAS it has been shown by our Drug Awareness Officer that there is a substance-abuse problem among some of our youth;

AND WHEREAS there are not any suitable adolescent treatment facilities;

THEREFORE BE IT RESOLVED that the City of Dartmouth initiate dialogue with the Provincial Dept. of Health & Fitness, regarding the establishment of an adolescent treatment facility for substance abuse.

Moved: Ald. Walton

Second: Ald. McCluskey

Members who spoke on the motion all recognized the need for the kind of facility called for in the motion. It was noted that substance abuse is related to the crime rate in the City, and the point was made that the adequacy of police resources, both for drug education programs and for the apprehension of drug trafficking, should be addressed during the upcoming budget discussions. Ald. Hetherington was in favour of having the resolution before Council, forwarded to all other municipalities in the Province, and he was prepared to present an amendment to this effect. Instead of an amendment, the request of Ald. Hetherington was incorporated as part of the motion.

The vote was taken on the motion, with the above-noted addition to it.

In Favour: All

Against: None

Motion Carried

8.5.3 ESTABLISHMENT OF A FORENSIC UNIT

MOTION: WHEREAS a Forensic Unit is part of the Nova Scotia Hospital in Dartmouth;

AND WHEREAS the hospital is located very close to residential communities;

AND WHEREAS many residents are fearful of the location and security of the Forensic Unit;

THEREFORE BE IT RESOLVED that the City of Dartmouth initiate dialogue with the Provincial Dept. of Health & Fitness, the Attorney-General's Dept., and Correction Canada, concerning the establishment of a Forensic Unit in an area more suitable to its environment.

Moved: Ald. Walton
Second: Ald. Hetherington
In Favour: All
Against: None
Motion Carried

10.0

NOTICES OF MOTION

The following notice of motion was given for the next regular Council meeting:

Ald. McCluskey

WHEREAS the City of Dartmouth is fortunate in that we have many volunteers, including service groups;

AND WHEREAS without the services of these many people, our residents would be deprived of many services;

AND WHEREAS these people, while they do not volunteer so that they may be recognized, do not receive enough recognition;

THEREFORE BE IT RESOLVED that City Council recognize a person or service group every month in Council, and also, that a notice be posted in City Hall every month, showing that person/persons as the Volunteer (s) of the Month, and that they be presented with a certificate in Council.

The vote was taken on the motion.

In Favour: All
Against: None
Motion Carried

12.1.3 APPLICATION - RETAIL VIDEO OUTLET - EDDY'S VARIETY
321 PORTLAND STREET

APPLICATION:
321 PORTLAND ST.

Council has been asked to indicate any objection to an application for a video retail outlet at 321 Portland Street (Eddy's Variety). The report on this application has been submitted by Mr. Rath (B. Smith).

MOTION: To indicate no objection to the application for a video retail outlet at 321 Portland Street.

Moved: Ald. Hetherington
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

12.1.4 APPLICATION - PLACE OF AMUSEMENT - DARRELL'S COIN
MACHINES LTD, 10 AKERLEY BLVD.

APPLICATION:
10 AKERLEY BLVD.

Council has been asked to indicate any objection to an application for a Place of Amusement (arcade) at 10 Akerley Blvd. (Darrell's Coin Machines Ltd.). The report on this application has been submitted by Mr. Rath (B. Smith).

MOTION: To indicate Council's objection to the Place of Amusement application for 10 Akerley Blvd.

Moved: Ald. Woods
Second: Ald. McCluskey

Ald. Pye spoke against the motion on the basis that the location for the proposed arcade is in the Industrial Park and not in a residential area or an area frequented by school children. He felt the application is in order under the circumstances.

The vote was taken on the motion.

In Favour: Ald. Woods, McCluskey
Sarto, Rodgers
Hetherington, MacFarlane
Against: Ald. Levandier, Pye, Greenough
Connors, Hawley, Walton
Thompson
Motion Defeated

MOTION: To indicate no objection to the Place of Amusement application for 10 Akerley Blvd.

Moved: Ald. Connors
Second: Ald. Thompson
In Favour: Ald. Levandier, Pye, Greenough
Connors, Hawley, Walton
Thompson
Against: Ald. Woods, McCluskey
Sarto, Rodgers
Hetherington, MacFarlane
Motion Carried

NOTICE OF
RECONSIDERATION

Notice of Reconsideration was given by Ald. Woods, seconded by Ald. Hetherington.

12.1.5 APPLICATION - RETAIL VIDEO OUTLET - SOBEY'S #626
100 MAIN ST.

APPLICATION:
100 MAIN ST.

Council has been asked to indicate any objection to an application for a video retail outlet at 100 Main Street (Sobey's #626). The report on this application has been submitted by Mr. Rath (B. Smith).

MOTION: To indicate no objection to the application for a video retail outlet at 100 Main Street.

Moved: Ald. Walton
Second: Ald. Hetherington
In Favour: All
Against: None
Motion Carried

12.1.6 APPLICATION - RETAIL VIDEO OUTLET - F.W. WOOLWORTH
72 PORTLAND ST.

APPLICATION:
72 PORTLAND ST.

Council has been asked to indicate any objection to an application for a video retail outlet at

72 Portland Street (F.W. Woolworth). The report on this application has been submitted by Mr. Rath (B. Smith).

MOTION: To indicate no objection to the application for a video retail outlet at 72 Portland Street.

Moved: Ald. Hetherington
Second: Ald. Walton
In Favour: All
Against: None
Motion Carried

12.2 SOLICITORS

12.2.1 LITTERING BY-LAW

LITTERING
BY-LAW
C-672

Before Council was proposed By-law C-672 (Littering By-law), prepared by the City Solicitor and recommended for Council's approval. This by-law will require the owners and occupiers of real property to keep the sidewalk adjacent to their properties, free of litter.

MOTION: That leave be given to introduce the said By-law C-672 and that it now be read a first time.

Moved: Ald. Sarto
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

MOTION: That By-law C-672 be read a second time.

Moved: Ald. Sarto
Second: Ald. MacFarlane

Debate began on second reading, but in view of the lateness of the hour, it was decided to defer the by-law in second reading.

(Ald. Hetherington left the meeting at this point.)

MOTION: To defer By-law C-672 in second reading, to be debated at a later Council meeting.

Moved: Ald. Greenough
Second: Ald. McCluskey
In Favour: All
Against: None
Motion Carried

12.3 DARTMOUTH HOUSING AUTHORITY

12.3.1 APPOINTMENT TO NOMINATING COMMITTEE

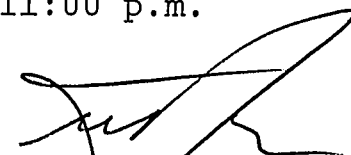
APPOINTMENT:
NOMINATING
COMMITTEE

Council was requested to name an appointment to the Nominating Committee for the City Housing Authority. The Mayor's term on this committee expired as of Nov. 1/88.

MOTION: To name Mayor Savage as the City member on the Nominating Committee for the Dartmouth Housing Authority.

Moved: Ald. Levandier
Second: Ald. Pye
In Favour: All
Against: None
Motion Carried

The meeting adjourned at 11:00 p.m.



G. D. Brady,
Deputy City Clerk.

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 - 12.1.2 Application - Place of Amusement (arcade) - 516 Pleasant Street, page 16.
 - 12.1.3 Application - Retail video outlet - 321 Portland St., pg. 17.
 - 12.1.4 Application - Place of Amusement - 10 Akerley Blvd., pg. 17. Notice of reconsideration, page 18.
 - 12.1.5 Application - Retail video outlet - 100 Main St., page 18.
 - 12.1.6 Application - Retail video outlet - 72 Portland St., page 18.
 - 12.2 Solicitors, page 19.
 - 12.2.1 Littering By-law (C-672), page 19
 - 12.3 Dartmouth Housing Authority, page 20.
 - 12.3.1 Appointment to Nominating Committee, page 20.

LOCATION: CITY COUNCIL CHAMBERS
TIME: 7:45 P.M.

MEMBERS PRESENT: MAYOR SAVAGE
ALDERMEN SARTO, THOMPSON
BILLARD, MACFARLANE
CONNORS, LEVANDIER
MCCLUSKEY, RODGERS
PYE, WOODS, HAWLEY
GREENOUGH, WALTON
HETHERINGTON

CITY ADMINISTRATOR: J. BURKE
CITY CLERK-TREASURER: BRUCE S. SMITH
DEPARTMENT HEADS & ASSISTANTS

POINT OF PRIVILEGE

On a point of privilege, Ald. McCluskey commended the immediate action of the Recreation Dept. in erecting Thin Ice signs on Little Albro Lake, in response to concerns of a Limardo Drive resident.

CAPITAL
BUDGET

CONTINUATION OF CAPITAL BUDGET DELIBERATIONS

This meeting of Council dealt solely with the capital budget estimates for 1989, tabled at a previous meeting of Council.

Ald. Sarto advised Council that traffic lights at Portland Street and Regal Road, approved at the May 3/88 Council meeting, have been excluded from section 5 of the estimates; he requested at this time that they be included.

MOTION: To include in section 5 of the estimates, the traffic lights approved for Portland Street and Regal Road.

Moved: Ald. Thompson
Second: Ald. Sarto
In Favour: All
Against: None
Motion Carried

Ald. Rodgers indicated that he wished to table three options he has prepared for capital budget disbursement, to be discussed by Council, with the idea that one of the three would ultimately be approved and form the basis for the 1989 capital budget decisions.

MOTION: To table three proposed options for disbursement of the 1989 capital budget, one of these to be selected as the basis for the capital budget decisions.

Moved: Ald. Rodgers

Second: Ald. Connors

HYDROPLANE
SOCIETY REQUEST

As agreed previously, Council discussed the \$16,000. capital allocation being requested by the Grand Prix Hydroplane Society for equipment items they required, which were subsequently made available for other City events, and will be available for use in the future. Members of Council have received information requested of the Society, in order to be able to make a decision on this allocation of funds, and Mr. Young was present to respond to questions at this meeting. Ald. Billard asked for additional information on uses the City will have for the floats, including lake uses, and on the treatment of the wood from which they were constructed, to make sure there was no chemical treatment dangerous to water quality in the lakes. It was noted by Ald. Rodgers that provision for the \$16,000. expenditure is included in item #32 of Option #1 (Hydroplane & crosswalks (misc.)).

MOBILE
DIGITAL
TERMINALS

Ald. Levandier raised a point about the deletion of the Mobile Digital Terminals for use in police cars, in conjunction with the RAPID system. This item came up several times again during the course of the meeting, and it was unclear whether or not the City is contractually obligated to proceed with these in 1989. The Police Chief was later asked to comment, and he explained the disadvantage that will result for the Dartmouth Police Dept., if we do not have the units when Halifax City and Bedford will have them. He said he hoped they would be approved. The Mayor suggested that this item be discussed further at the next Police Commission meeting, to be held within two weeks time.

COMMENDATION - RECREATION DEPT. EMPLOYEE

A Recreation Dept. employee, Lynn MacIntosh, was commended by the Mayor, on Council's behalf, for having received a certificate upon completion of the course she has been attending at Henson College. Council acknowledged the accomplishment of this employee.

Ald. Greenough and Sarto proceeded to move the adoption of Option #1, as presented by Ald. Rodgers. This option provides for the approval of 32 ranked capital projects, designating those which are City-wide, as opposed to those which are applicable to particular City wards, and suggests an addition to the capital budget, in the amount of 1.24 million dollars, to be divided up among the wards, on the basis of projects to be determined specifically by the ward Aldermen. The allocations determined by the members will then come back to Council to be authorized.

MOTION: To approve Option #1 of the three scenario for capital budget allocation, presented by Ald. Rodgers.

Moved: Ald. Greenough
Second: Ald. Sarto

Ald. MacFarlane requested that item #28 (Prince Albert Road) be designated as a City-wide project and not a Ward 2 project, since it is really a collector street serving the City in general. Members of Council were willing to have item #28 re-designated, as Ald. MacFarlane requested.

Generally, members of Council supported the motion, but Ald. Levandier did not favour the individual ward allocations, suggesting that they will result in seven individual capital budgets. Ald. Billard also expressed concerns about this procedure for allocating capital funds. Ald. Pye was opposed to the addition of 1.24 million dollars to the capital budget. Members speaking in favour felt the allocation of additional capital funds by ward, is a fair and equitable way of deciding their distribution, taking into consideration that the bulk of the capital funding is being spent on a City-wide basis for projects to benefit all of the citizens.

Ald. Hawley considered the designation of item #18 (Caledonia Road/Kennedy Drive), as a Ward 6 item, to be unfair; he felt it should be designated as a City-wide project in the same way as item #28 (Prince Albert Road).

The vote was taken on the motion to accept Option #1 as the basis for capital budget projects and allocations.

In Favour: Ald. Pye, Woods, Rodgers
McCluskey, Walton
Hetherington, Sarto
Thompson, MacFarlane
Hawley, Connors

Against: Ald. Levandier, Pye, Billard
Motion Carried

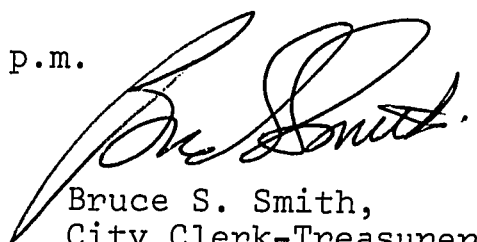
Ald. Connors then proposed several budget refinements to make up for the re-designation of item #28, the amount of this item being \$180,000.

MOTION: To approve a number of capital budget refinements to make up the \$180,000. amount for the Prince Albert Road project: these are:

- 1) Main Street settlement reduced from \$933,000. to \$900,000.
- 2) Ward 3 allocation reduced to \$321,000.
- 3) Ward 5 allocation reduced to \$500,000.
- 4) Ward 6 allocation reduced to \$430,900. (difference represented by item #18, in the amount of \$209,000.)

Moved: Ald. Connors
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

Meeting adjourned at 10:00 p.m.


Bruce S. Smith,
City Clerk-Treasurer.

ITEMS

Capital Budget, page 1 to 4 incl.

LOCATION: CITY COUNCIL CHAMBERS
TIME: 7:30 P.M.

MEMBERS PRESENT: DEPUTY MAYOR LEVANDIER
ALDERMEN THOMPSON, CONNORS
BILLARD, MACFARLANE
RODGERS, MCCLUSKEY
PYE, WOODS, HAWLEY
GREENOUGH, WALTON
HETHERINGTON

MEMBER ABSENT: ALD. SARTO (ILLNESS)

CITY ADMINISTRATOR: J. BURKE
CITY SOLICITOR: S. HOOD
DEPUTY CITY CLERK: G.D. BRADY
DEPARTMENT HEADS & ASSISTANTS

1.0 PRESENTATION

i) BEST DECORATED PROPERTIES 1988/89 FESTIVE SEASON

AWARDS: BEST-
DECORATED
PROPERTIES

The first item on the agenda was the presentation of awards for the best-decorated residential properties, during the 1988/89 Christmas season.

Introductory remarks were made by Ald. Pye, who chaired the Committee responsible for deciding the winners, jointly with Ald. McCluskey. He thanked members of Council and Mr. Brady for their assistance with the project. He then read out the names of the winners and they came forward to be presented with plaques by Deputy Mayor Levandier. Plaques were awarded to:

Ward 1	Mr. Morgan Martin, 12 Day Ave.
2	Mr. Victor Blenus, 293 Portland St.
3	Mr. Kenneth Redmond, 45 Fairbanks St.
4	Mr. David Millar, 55 Symonds St.
5	Mr. Charles Purdy, 44 Courtney Rd.
6	Mr. John Brannon, 200 Caledonia Rd.
7	Mr. Leonard Sachko, 210 Pleasant St.

2.0 REPORT ON NEIGHBORHOOD INFORMATION MEETING RE THE
RELOCATION OF CABARET LICENSE - LITTLE
NASHVILLE

RELOCATION:
CABARET LICENSE

Members of Council have received a report on the public meeting held on Jan. 9th, in connection with the Little Nashville application to transfer their cabaret license from the former Alderney Drive location to 20 Canal Street. Copies of letters

from residents objecting to the relocation of Little Nashville, were also circulated. The letters were received from:

Mr. Cliff Williams, 51 Mount Pleasant Ave.
K.D.H. Nichols, 40 Old Ferry Road
Nan & Dig Nichols, 40 Old Ferry Road

Circulated as well, was a letter to Mr. Burke from Mr. O'Hearn on two items of concern raised by area residents, namely, soundproofing for the building proposed for use by Little Nashville, and second, dealing with the facade of the building.

Ald. Hetherington took the chair to allow Deputy Mayor Levandier an opportunity to speak on the issue, since it concerns the ward he represents.

Ald. Connors addressed Council on the matter of the concerns that area residents have expressed about the relocation of Little Nashville to Canal Street, as they have been explained in detail in the report to Council and in a submission from the residents themselves. He presented at this time, a letter of objection from the Church of St. James, and a further petition bearing 85 names of residents opposed to the Little Nashville relocation.

Ald. Connors described the unique and historic features of the Dartmouth Cove area, which he said should be properly developed with specialized waterfront uses appropriate to the location. He said the City has the opportunity to capitalize on these features, but if development such as Little Nashville is permitted, the opportunity will be lost. He referred in this connection to the recommendations of the U.M.A. Study of the downtown area. In conclusion, he made a motion of objection to the cabaret license application.

MOTION: That Council send a communication to the Liquor License Board, to the effect that the City does object to the relocation of Little Nashville to 20 Canal St.

Moved: Ald. Connors
Second: Ald. Levandier

Ald. Levandier also supported the position of area residents and agreed that planned and controlled development is required for Dartmouth Cove, to insure that the maximum potential of the area is realized.

Deputy Mayor Levandier resumed the chair and Ald. Hetherington returned to his place on Council.

Ald. McCluskey and Pye spoke against the motion, on the basis that Canal Street has always been a commercial area of the City, and secondly, the recommendations of the M.P.S. Review Committee call for commercial development in a mixed use zone that would include Canal Street. It was noted that Mr. O'Hearn's establishment was well-run in the past, a fact substantiated by the Chief of Police in a communication he has provided. Ald. Rodgers also indicated that he would not support the motion; he felt, however, that it would be advisable to have Mr. O'Hearn enter into an agreement with respect to such concerns as soundproofing, if he is allowed to proceed with the relocation.

Members in favour of the motion felt the concerns of the residents are justified, based on experiences that Aldermen have had with problems caused by similar operations in their own wards, particularly when such establishments abut residential communities.

The vote was taken on the motion.

In Favour: Ald. Connors, MacFarlane
Woods, Thompson
Walton, Billard

Against: Ald. McCluskey, Rodgers
Hawley, Greenough
Pye, Hetherington

A tie vote resulted and was Deputy Mayor Levandier cast the deciding vote in favour.

Motion Carried

NOTICE OF
RECONSIDERATION

Notice of Reconsideration was given by Ald. McCluskey, seconded by Ald. Pye.

3.0

NOTICE OF RECONSIDERATION

i)

ALD. WOODS - APPLICATION - PLACE OF AMUSEMENT, DARRELL'S
COIN MACHINE'S LTD., 10 AKERLEY BLVD.

RECONSIDER-
ATION:
APPLICATION
18 AKERLEY BLVD.

Notice of reconsideration was given at the Jan. 10th meeting, in connection with the decision of Council to indicate no objection to a Place of Amusement (arcade) application for 10 Akerley Blvd.

As the member who gave the notice of reconsideration, Ald. Woods was given an opportunity to present his arguments as to why the item should be reconsidered. He indicated to Council his concerns about drug trafficking that takes place in arcades, advising that in the opinion of the Police Dept., break-and-enter crimes are likely to double in the Burnside Park if an arcade is allowed to open there. Ald. Woods asked that Council establish a policy of being opposed to all arcade applications in future.

MOTION: That Council reconsider the decision of the Jan. 10th meeting, which was to indicate no objection to the Place of Amusement application for 10 Akerley Blvd.

Moved: Ald. Woods
Second: Ald. Hetherington
In Favour: A majority of Council
Motion to reconsider Carried

The motion from the January 10th meeting was therefore on the floor again and was debated. Several members said they would be willing to turn down this particular application, but they were not in favour of establishing a policy at this time applicable to all future applications for arcades. Instead, they felt that each application should continue to be considered by Council separately, according to the proposed location.

The vote was taken on the motion.

In Favour: Ald. Pye, Thompson
Against: All other members present
Motion Defeated

MOTION: That Council indicate an objection to the Place of Amusement application for 10 Akerley Blvd., submitted by Darrell's Coin Machine's Ltd.

Moved: Ald. Woods
Second: Ald. MacFarlane
In Favour: All members present
except for
Against: Ald. Pye
Motion Carried

4.0 COMMUNICATIONBURNSIDE INN & MARINA LTD.BURNSIDE
INN & MARINA

A letter from Burnside Inn & Marina Ltd. was before Council, together with a letter to them from the City Solicitor, concerning their construction management contract and their inability to meet the required completion date of Jan. 5, 1990, as per the terms of the original agreement.

CONFLICT
OF INTEREST

Ald. Connors, who has a law firm partner representing a sub-contractor involved with this project, declared a conflict of interest and withdrew from his place on Council to sit in the gallery while the item was under consideration.

Council agreed to hear Mr. Grude, on behalf of the developers. He requested a completion date extension to April 1st, 1990, three months beyond the deadline originally specified for completion of the project.

Mr. Burke was asked to comment and stated to Council that what the members really have to determine is whether or not Council wishes to exercise its re-purchase right with respect to the City-owned land the company has acquired.

Ald. McCluskey felt that Council has no alternative at this point but to re-purchase the land, given the fact that so little progress has been made with the plans for the development to date, and in fact, the land has now been tied up by this company since 1985.

MOTION: That Council re-purchase the piece of land acquired by Burnside Inn & Marina Ltd. from the City.

Moved: Ald. McCluskey
Second: Ald. Hetherington

Ald. Rodgers asked a number of questions of Mr. Grude about the Architect for the project, the status of preliminary plans, the drawings that have been made available, etc. Plans provided by the developer to date were placed before Council by the Solicitor for viewing. Ald. Rodgers and Woods did not feel that the plans presented indicate the degree of progress that should have been expected by this point in time.

Ald. Thompson asked if the Ramada people still support the project. Mr. Grude said they do, and are willing to make a financial commitment to it. Ald. Woods questioned the degree of credibility the project still has left, in the view of City staff. Mr. Burke indicated that staff are prepared to look at it in further detail, and make a report back to Council with specific information on the viability of the project.

MOTION: To refer the matter to staff for an evaluation of the project before Council makes any decision on re-purchasing the property previously owned by the City.

Moved: Ald. Woods

Second: Ald. Pye

Ald. Greenough asked that Council be informed as to whether or not a further extension, granted to the developer, would affect the re-purchase option adversely. In other words, will the rights of the City be protected if an extension is granted.

Mr. Grude was asked if the referral would affect the project; he said it will impact on the program schedule for it. Having received this advice, Ald. Billard was opposed to referral. Ald. McCluskey also spoke against referral, and felt Council should move immediately on the re-purchase of the former City land.

The vote was taken on the motion to refer

In Favour: Ald. Pye, Woods, Rodgers
Greenough, Walton
Hawley, MacFarlane
Connors, Thompson

Against: Ald. Billard, McCluskey
Motion Carried

(Ald. Hetherington had left the meeting before the vote was taken on this item.)

Mr. Burke advised Council that the staff report will be presented in two weeks time.

5.0

SECOND READING - LITTERING BY-LAW C-672

BY-LAW C-672

By-law C-672 (Littering By-law) was before Council

in second reading, having been deferred from the Jan. 10th Council meeting.

Ald. Connors made a number of suggestions for re-drafting of the by-law; these were:

- 1) the by-law should be applicable throughout the City and not just to the downtown area.
- 2) the definition of "street" should include reference to the sidewalk, and inclusion of the sidewalk area should be applied in Section 2.
- 3) the reference to littering in Section 2 should include items such as plastic, tin cans, etc., and the reference to ashes should be deleted. Generally, the definition of "litter" should be tightened up in the by-law.
- 4) the provision in Section 3 should include corner properties, and all sidewalks adjacent to premises should be included.
- 5) Ald. Connors questioned whether the City has the legislative authority that would be required to cover Section 5. He did not feel the section could be enforced in its present form.

MOTION: To refer By-law C-672 back to the Solicitor for re-drafting of those sections suggested by Ald. Connors, as noted above.

Moved: Ald. Connors
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

Any other members with points they wished to have addressed, were asked to contact the Solicitor individually before the re-drafting of the by-law is completed.

7.0 MONTHLY REPORTS

MONTHLY REPORTS

The monthly reports, forwarded to Council without recommendation from Committee, were before Council for approval.

7.i) Social Services - Caseload & Expenditures (Nov. & Dec.)

MOTION: To approve the Social Services
Caseload & Expenditures report
for November & December, 1988.

Moved: Ald. Greenough
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

7.ii) Development Officer (Nov. & Dec.)

MOTION: To approve the Development
Officer's reports for November
& December, 1988.

Moved: Ald. MacFarlane
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

Ald. Woods commended the Planning Dept. for
the notation included, where applicable, on
the impact of development taking place in
the County.

7.iii) Building Inspection (Nov. & Dec.)

MOTION: To approve the Building
Inspection reports for
November & December, 1988.

Moved: Ald. Greenough
Second: Ald. Thompson
In Favour: All
Against: None
Motion Carried

7.iv) Minimum Standards (Nov. & Dec.)

MOTION: To approve the Minimum
Standards reports for
November & December, 1988.

Moved: Ald. MacFarlane
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

Ald. Pye commended the Board of Health and the Inspection staff for action that was taken to have building deficiencies corrected on Pinecrest Drive. Ald. Connors asked to be provided with the file on 14 Myrtle Street.

7.v) Fire Chief (Nov. & Dec.)

MOTION: To approve the Fire Chief's reports for November & Dec., 1988.

Moved: Ald. Pye
Second: Ald. Woods
In Favour: All
Against: None
Motion Carried

7.vi) Dog Control (Nov. & Dec.)

MOTION: To approve the Dog Control reports for November & Dec., 1988.

Moved: Ald. Greenough
Second: Ald. Pye
In Favour: All
Against: None
Motion Carried

8.0 REPORTS

8.1 CITY ADMINISTRATOR

8.1.1 DEVELOPMENT AGREEMENT - PROPOSED DAY CARE FACILITY
35 ANDOVER STREET - SET DATE FOR PUBLIC HEARING

DEVELOPMENT
AGREEMENT:
35 ANDOVER ST.

Council was asked to set the date for public hearing of a Development Agreement application for a proposed day care facility at 35 Andover Street. Mr. Burke has recommended that Council set Feb. 21st as the date for this public hearing.

MOTION: To set Feb. 21st as the date for public hearing of the Development Agreement application for 35 Andover Street, as recommended.

Moved: Ald. Pye
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

8.1.2 APPLICATION, PLACE OF AMUSEMENT, JUST FOR KIDS PLAYLAND
133 ILSLEY AVE.

APPLICATION: Report from Mr. Burke (B. Smith) on an application
133 ILSLEY AVE. for a Place of Amusement, Just for Kids Playland,
133 Ilsley Ave. Council has been requested to
indicate any objection to the application.

MOTION: To indicate no objection to
the Place of Amusement applic-
ation for 133 Ilsley Ave. (Just
for Kids Playland).

Moved: Ald. Pye
Second: Ald. Wood
In Favour: All
Against: None
Motion Carried

8.1.3 TENDER - DARTMOUTH VISITOR INFORMATION GUIDE 1989 & 1990

TENDER: Report from Mr. Burke (T. Rath) on tenders received
INFORMATION for publication of the 1989 and 1990 Dartmouth Visitor
GUIDE Information Guide, a cooperative effort of the City
and the Dartmouth Chamber of Commerce.

It has been recommended to Council that the tender
be awarded to Eastern Woods & Waters for \$35,890.
in 1989 (70,000 copies); and \$44,650. in 1990 (85,000
copies). The average unit cost for 155,000 copies
equals 52¢ per copy.

MOTION: To adopt the recommendation that
the tender for publication of the
1989 and 1990 Dartmouth Visitor
Information Guide, be awarded to
Eastern Woods & Waters, for \$35,890.
in 1989, and \$44,650. in 1990.

Moved: Ald. Pye
Second: Ald. MacFarlane
In Favour: All
Against: None
Motion Carried

8.1.4 KINSMEN ARENAKINSMEN
ARENA

Report from Mr. Burke (L. Atkinson, W. Stevens) on the Kinsmen Arena, closed in December, 1988, due to a breakdown in the refrigeration plant.

The report indicates the major repairs are required in order to keep this arena in operation, and makes three recommendations to Council.

MOTION: To adopt the three recommendations to Council, regarding the Kinsmen Arena, which are as follows:

- 1) that Council continue to subsidize the hourly rates in the other arenas by 25%. This will result in a slight decrease in cost to the City and the groups involved.
- 2) that the Kinsmen Arena no longer continue to be operated as an ice arena.
- 3) that the committee established to consider a multi-sport facility, add a member of the Kinsmen Club and the Recreation Advisory Board to this committee, and look at investigating alternative uses for the Kinsmen Arena facility.

Moved: Ald. Thompson
Second: Ald. Rodgers
In Favour: All
Against: None
Motion Carried

Questions from Ald. Rodgers about alternate arrangements for Dartmouth Minor Hockey teams, were answered by Mr. Atkinson.

(Ald. McCluskey left the meeting while this item was in progress and before the vote was taken.)

When Council went in camera to deal with other items of business, Ald. Hetherington, Hawley, and McCluskey had left the meeting.

RATIFY ACTION TAKEN IN CAMERA

After Council reconvened in open meeting, the action taken in camera was ratified.

MOTION: To ratify action taken while
meeting in camera on this date.

Moved: Ald. Pye
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

Meeting adjourned at 10:15 p.m.



G. D. Brady,
Deputy City Clerk.

ITEMS:

- 1.0 Presentation, page 1.
 - i) Best decorated properties 1988/89 festive season, page 1.
 - 2.0 Report on Neighborhood Information Meeting re the relocation of Cabaret License: Little Nashville, page 1 to 3 incl.
 - Notice of Reconsideration, page 3.
 - 3.0 Notice of Reconsideration, page 3.
 - i) Ald. Woods - Application - Place of Amusement, 10 Akerley Blvd., page 3 & 4.
 - 4.0 Communication, page 5.
 - Burnside Inn & Marina Ltd., page 5 & 6.
 - 5.0 Second Reading - Littering By-law C-672, page 6 & 7.
 - 7.0 Monthly reports, page 7.
 - i) Social Services, page 8.
 - ii) Development Officer, page 8.
 - iii) Building Inspection, page 8.
 - iv) Minimum Standards, page 8.
 - v) Fire Chief, page 9.
 - vi) Dog Control, page 9.
 - 8.0 Reports, page 9.
 - 8.1 City Administrator, page 9.
 - 8.1.1 Development Agreement - Proposed Day Care Facility, 35 Andover St., page 9.
 - 8.1.2 Application, Place of Amusement, Just for Kids Playland, 133 Ilsley Ave., page 10.
 - 8.1.3 Tender - Dartmouth Visitor Information Guide, page 10.
 - 8.1.4 Kinsmen Arena, page 11.
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DARTMOUTH CITY COUNCIL

JANUARY 24, 1989

LOCATION: CITY COUNCIL CHAMBERS
TIME: 7:30 P.M.

MEMBERS PRESENT: MAYOR SAVAGE
ALDERMEN SARTO, THOMPSON
BILLARD, MACFARLANE
CONNORS, LEVANDIER
RODGERS, MCCLUSKEY
PYE, WOODS, HAWLEY
GREENOUGH, WALTON
HETHERINGTON

CITY ADMINISTRATOR: J. BURKE
CITY SOLICITOR: M. MOREASH
DEPUTY CITY CLERK: G. D. BRADY
DEPARTMENT HEADS & ASSISTANTS

WELCOME - SCOUT TROOP

The Mayor welcomed to the meeting, members of the Fourth Westphal Scout Troop, with their leaders.

The Mayor asked that Council add to the agenda, an item from the Jan. 23rd meeting of the Police Commission, pertaining to MDT's for police vehicles.

POINT OF PRIVILEGE

Ald. Billard rose on a point of privilege to present the following motion:

MOTION: BE IT RESOLVED that this Council should go on record as wishing to oppose Dr. Henry Morgantaller from seeking to establish a clinic within the boundaries of the City of Dartmouth.

Moved: Ald. Billard
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

1.0 NOTICE OF RECONSIDERATION

- i) ALD. MCCLUSKEY & PYE - RELOCATION OF CABARET LICENSE
LITTLE NASHVILLE

RECONSIDERATION: At the January 17th meeting, notice of reconsideration LITTLE NASHVILLE was given in connection with the decision of Council to indicate an objection to the relocation of Little Nashville to 20 Canal Street.

Ald. McCluskey, who presented the notice of reconsideration, had the opportunity to address Council. She took the position that the Little Nashville establishment, on Canal Street, would be compatible with the existing C-3 zoning, and with the MU-3 zoning proposed in the M.P.S. Review. She noted that sixty people will be out of work if Little Nashville closes permanently, and that Mr. O'Hearn has indicated his willingness, from the start, to be cooperative in addressing the concerns that residents have expressed.

Ald. McCluskey made reference to a petition that has been received from the owners of downtown businesses, who support Mr. O'Hearn, and to other letters of support, one being from the Dartmouth Chamber of Commerce; the Chamber has stated a concern at what they describe as '... the manipulating of zoning by-laws, by using the Liquor Licensing Act as a vehicle to prohibit a commercial enterprise from locating in a zone where it would conform to existing zoning requirements'. Ald. McCluskey proceeded to move reconsideration.

MOTION: That Council reconsider the decision of the Jan. 17th meeting, which was to have a communication forwarded to the Liquor License Board, to the effect that the City does object to the relocation of Little Nashville to 20 Canal Street.

Moved: Ald. McCluskey

Second: Ald. Pye

In Favour: A majority of Council

Motion to reconsider carried

The motion from the January 17th meeting was therefore on the floor again and was debated.

Ald. Levandier said the issue before Council really has everything to do with long-range planning, not with the Little Nashville relocation. Ald. Rodgers proposed an amendment that would have added to the motion the words: 'on the grounds that we see significant historic potential for the area, and that there are concerns for a nuisance potential.'

The amendment was ruled by the Mayor to be out of order and was therefore not presented.

Members speaking in favour of the motion were of the opinion that the Canal Street location is in order for an establishment such as Little Nashville, being in a commercial zone, and questioned whether in fact, Council should reject a business in contravention of the City's own zoning by-law, the point raised in the Chamber of Commerce letter.

Members opposed considered that the residents who have objected to the relocation of Little Nashville, have legitimate concerns, and that the future good of this section of the City will not be well served by having a liquor establishment move into it. They felt the area has potential for heritage and upscale residential/commercial development, if such development is allowed to proceed in due course.

At the conclusion of the debate, the vote was taken on the motion.

In Favour: Ald. Billard, Walton
Sarto, Woods, Connors
Levandier, MacFarlane
Against: Ald. McCluskey, Rodgers
Hawley, Greenough
Thompson, Pye
Hetherington

A tie vote resulted and the motion was declared to be defeated, with the Mayor voting against.

MOTION: That a letter be sent to the Liquor License Board, indicating that Council does not object to the relocation of Little Nashville to 20 Canal Street. Further, that information and documentation associated with this issue be forwarded with the letter.

Moved: Ald. McCluskey
Second: Ald. Hetherington
In Favour: Ald. McCluskey, Rodgers
Hawley, Greenough
Thompson, Pye, Hetherington
Against: Ald. Billard, Walton
Sarto, Woods Connors
Levandier, MacFarlane

A tie vote resulted and the motion declared to be carried, with the Mayor voting in favour.

2.0 PRESENTATION

i) ART GALLERY OF NOVA SCOTIA

PRESENTATION:
ART GALLERY
OF NOVA SCOTIA

Representatives of the Art Gallery of Nova Scotia were in attendance to make a presentation to Council, in connection with a request for a capital contribution to the Gallery from the City of Dartmouth.

The presentation was made by Mr. Radchuck, Chairman of the Board of Governors, Mr. Bernie Riordon, the Gallery's Director, and Mr. Tom Forrestall, a member of the Board of Governors. Members of Council have received information packages associated with the Gallery's capital campaign.

The Gallery was described as being a Provincial asset, in which the City is being asked to share. It is requested that the City of Dartmouth become a major donor and sponsor of gallery 11 in the building, which would then become known as the Dartmouth Gallery, with appropriate acknowledgement and an opening reception.

Mr. Forrestall spoke in support of the City's participation, proposing a contribution in the amount of \$150,000. to the Gallery, over a three or a five-year period.

A motion proposed by Ald. Levandier, which would have referred the request to the Grants Committee, was withdrawn in favour of a motion presented by Ald. Connors.

MOTION: That the City contribute \$150,000. to the Art Gallery of Nova Scotia, payable over five years, in equal installments.

Moved: Ald. Connors
Second: Ald. Greenough

Ald. Rodgers preferred to see the request referred to staff or a committee, for discussion in some detail, before a decision is made by Council.

MOTION: To refer the request to staff or a committee, for discussion in some detail, with respect to long-term plans and obligations of the City, to be dealt with accordingly.

Moved: Ald. Rodgers

Second: Ald. Pye

In Favour: Ald. Rodgers, Pye
Hawley, Walton
MacFarlane

Against: Ald. Connors, Levandier
McCluskey, Hetherington
Greenough, Sarto, Thompson
Woods, Billard

Motion Defeated

The vote was taken on the main motion.

In Favour: All

Against: None

Motion Carried

MDT'S - CAPITAL BUDGET

MDT'S:
CAPITAL
BUDGET

Present for the item added to the agenda, from the Jan. 23rd Police Commission meeting, were Inspector Fraser of the Police Dept., and Mr. Oldham, consultant.

The Mayor reported to Council on discussion that took place at the Police Commission meeting, with respect to the deletion from the 1989 capital budget of the \$330,000. projection for MDT's (mobile display terminals) in City police vehicles, as a component of the RAPID system being implemented for use by the Halifax, Bedford and Dartmouth Police Departments.

Inspector Fraser provided background information on the implementation process that has been taking place since a decision was made to proceed with the RAPID system. He explained the importance of the City being involved from beginning to end of this process, having decided to participate in it. It was noted that the budget item was originally shown as being above-the-line for funding, when the capital budget was first presented to Council.

Mr. Oldham provided Council with information on the tendering process for the MDT's, noting that teams from the bidding companies will be in this area next week. He said it is important for the users of the system to have an input from the beginning of the design, a more cost-effective approach than coming into the system at a later time.

Ald. Hetherington felt the Opticon system requested by the Fire Dept. is more urgently needed, and he was not in favour of approving the MDT budget item over it. Ald. MacFarlane was concerned that a recommendation did not come from the Police Commission previously, instead of after the capital budget has been set for 1989. He also felt that Council should have had some say in approving the tendering process and the City's participation in it. The Mayor referred to the background information presented by Ins. Fraser, which indicated the year 1986 as a relevant date in the RAPID decision and participation by the City in the system. Further to a question raised at the Jan. 10th Council meeting, when this item was discussed in conjunction with capital budget discussions, the Mayor advised that the City is not contractually obligated to proceed with the MDT's. This point of clarification was requested from the Jan. 10th meeting.

MOTION: That the capital budget be amended to include an additional \$330,000., in order to permit the City to be included in the acquisition of MDT's, along with Halifax and Bedford.

Moved: Ald. Greenough
Second: Ald. McCluskey

Ald. Rodgers proposed that Council defer a decision for one week, so that Mr. Burke can contact the City Manager in Halifax, to determine what, if anything, will happen if Dartmouth were to defer participation for one year. His motion to this effect did not receive a seconder.

Ald. Hawley felt it should be clearly understood by members of Council that any savings achieved through early tendering, will not be allocated for ward projects, but instead, will be applied to the additional capital cost of the MDT's.

Members opposed to the motion were not in favour of increasing the capital budget for this expenditure in 1989; some felt it could be delayed for one year. Members in favour said it will ultimately cost more to proceed with the MDT's at a later point, when the design will already have been determined and put in place for the other two municipal police departments.

The vote was taken on the motion.

In Favour: Ald. Greenough, McCluskey
Hawley, Thompson

Pye, Walton, Woods, Sarto.

Against: Ald. MacFarlane, Billard
Rodgers, Levandier
Connors, Hetherington

Motion Carried

Meeting adjourned at 10:15 p.m.



G. D. Brady,
Deputy City Clerk.

ITEMS:

- Welcome - Scout Troop, page 1.
- Point of Privilege: Ald. Billard, page 1.
- 1.0 Notice of Reconsideration, page 1.
- i) Ald. McCluskey & Pye - Relocation of Cabaret License,
- 2.0 Presentation, pg.4(Little Nashville, page 1 to 3.
- i) Art Gallery of Nova Scotia, page 4.
- MDT's: Capital Budget, page 5 to 7.

ITEMS:

- Welcome - Scout Troop, page 1.
- Point of Privilege: Ald. Billard, page 1.
- 1.0 Notice of Reconsideration, page 1.
- i) Ald. McCluskey & Pye - Relocation of Cabaret License,
- 2.0 Presentation, pg.4 (Little Nashville, page 1 to 3.
- i) Art Gallery of Nova Scotia, page 4.
- MDT's: Capital Budget, page 5 to 7.

LOCATION: CITY COUNCIL CHAMBERS
TIME: 7:30 P.M.

MEMBERS PRESENT: MAYOR SAVAGE
ALDERMEN SARTO, THOMPSON
BILLARD, MACFARLANE
CONNORS, LEVANDIER
MCCLUSKEY, PYE, WOODS
HAWLEY, GREENOUGH
WALTON, HETHERINGTON

MEMBER ABSENT: ALD. RODGERS

CITY ADMINISTRATOR: J. BURKE
CITY SOLICITOR: S. HOOD
DEPUTY CITY CLERK: G.D. BRADY
DEPARTMENT HEADS & ASSISTANTS

POINTS OF PRIVILEGE

Aldermen rising on points of privilege were as follows:

- 1) Ald. MacFarlane: to request that the Mayor discuss with the Halifax County Warden, a concern expressed by the Lakes Advisory Board about the proposed sewage treatment plant to serve a development planned by Lake Loon Developments. There is concern that this treatment plant would impact adversely on the environment, since it would be constructed on watershed lands and drain ultimately, to Lake Charles.
- 2) Ald. MacFarlane: to request that attention be given to subsidized housing units being constructed on Curley Drive, which do not meet the City's Minimum Standards requirements. The Mayor will take this matter up with the Housing Coordinator.
- 3) Ald. Walton: to request that Council oppose the liquor license application for 729 Pleasant St., and to present a petition from area residents opposed to a liquor license establishment at that location.

MOTION: That the City make representation to the Liquor License Board hearing set for Feb. 7th, objecting to the application for 729 Pleasant St.

Moved: Ald. Walton
Second: Ald. Hetherington

Council agreed to hear Mr. Brian Ridgeway, an area resident, who indicated his objection to a liquor establishment in a residential community such as the Belmont/Carleton Street area where he lives. He said that 85 to 90% of the people living there are opposed to this application. He informed Council of 'scare tactics' that have been used against him by the applicants in the past, as a result of his opposition to what they want to do.

Ald. Hetherington noted that the location in question immediately abuts residential properties, there is no provision for adequate parking, and it is located on a four-lane highway. These points were all cited as reasons for objecting to the liquor license application.

Ald. Billard was concerned that an item such as this would be introduced without Council having any opportunity to hear from representatives on the other side of the issue. The Mayor requested that in future, some kind of previous notice be given by members before contentious items are presented.

The vote was taken on the motion

In Favour: Ald. Walton, Hetherington
Connors, Pye, Woods
Hawley, Greenough
Sarto, Thompson
Billard, McCluskey
MacFarlane

Against: Ald. Levandier
Motion Carried

- 4) Ald. Pye: asked for Council's support in Winter Carnival activities, and the attendance of members at the Snoball on Feb. 4th.
- 5) Ald. Thompson: announced the Dartmouth Bowl for Millions team from Dartmouth City Council.
- 6) Ald. Connors: requested a staff report on the question of whether or not the City can insist that the building at 93 Windmill Road, revert to an R-1 use; it was previously a non-conforming use before a fire occurred there.

- 1.0 MOTION
- 1.1 ALD. MACFARLANE
- 1.1.1 PRINCE ALBERT ROAD IMPROVEMENTS

Ald. MacFarlane reported to Council on discussions that have recently taken place, at both the staff level and the political level, in connection with the motion he would be presenting. He requested that the Mayor again raise the matter with the Transportation Minister when he meets with him on Feb. 1st to discuss other Dartmouth problems.

MOTION: WHEREAS current renovations to Prince Albert Road, in conjunction with MicMac Rotary improvements, are resulting in unsafe conditions for pedestrians, motorists, and neighboring residential properties;

BE IT RESOLVED that City staff commence negotiations immediately with officials of the Dept. of Transportation, for the acquisition of signal lights in the area of the merge at the House of Hum.

AND FURTHER, that staff and officials of the Dept. of Transportation submit to this Council, their additional plans for crosswalks in the area of the public beach known as Graham's Grove.

Moved: Ald. MacFarlane
Second: Ald. Hetherington
In Favour: All
Against: None
Motion Carried

- 2.0 REPORTS
- 2.1 FINANCE & PROGRAM REVIEW COMMITTEE
- 2.1.1 USE OF SURPLUSES, EMPLOYEE BENEFITS

USE OF
SURPLUSES

A report from the Finance & Program Review Committee was presented on the use of City Pension Plan surpluses; the report makes two recommendations to Council.

MOTION: To adopt the recommendations of the Finance & Program Review Committee, which are as follows:

Any surplus in the City Pension Plan shall be used as follows:

- 1) First, to cover any identifiable shortfall in contributions.
- 2) If, after any shortfall referred to in 1) has been completely covered, there are surplus funds remaining, to:
 - (a) improve the Pension Plan to the extent permitted by the Income Tax Act (Canada); or
 - (b) reduce contributions by both employer and employee in equal parts; or
 - (c) return monies to employer and employee in equal parts.

In order to address concerns raised about the lack of any provision to have final decisions made by Council, the following wording was added to the motion:

'The decision as to how a surplus is to be used in any given situation, is to be a decision of Council.'

Moved: Ald. Connors

Second: Ald. Sarto

Ald. Hawley felt there should be some provision for retaining a specific portion of the surplus for investment protection purposes, in the event of losses that might be sustained in instances such as last year's stock market fall. He suggested referral back to the Finance Committee to give consideration to an additional recommendation that would cover the point he has raised.

MOTION: To refer the item back to the Finance & Program Review Committee, to look at the possibility of retaining a built-in amount of protection from surplus funds for investment protection purposes.

Moved: Ald. Hawley
Second: Ald. McCluskey
In Favour: Ald. Hawley, McCluskey
Walton, Thompson
Connors, Greenough
Billard, MacFarlane
Against: Ald. Levandier, Pye, Woods
Sarto, Hetherington
Motion Carried

2.1.2 CONSOLIDATED FINANCIAL STATEMENTS

FINANCIAL
STATEMENTS

Report from the Finance & Program Review Committee on the subject of Consolidated Financial Statements, recommending that Council direct staff to discontinue the preparation of consolidated financial statements, in accordance with the Municipal Accounting & Reporting Manual.

MOTION: To adopt the recommendation of the Finance & Program Review Committee to the effect that Council direct staff to discontinue the preparation of consolidated financial statements, in accordance with the Municipal Accounting & Reporting Manual.

Moved: Ald. Connors
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

2.1.3 TAX EXEMPTION, W. WILLIAMS NON-PROFIT HOUSING

TAX EXEMPTION:
W. WILLIAMS
HOUSING

Report from the Finance & Program Review Committee on the subject of the tax exemption granted previously by the City to the W. Williams Non-Profit Housing Assn., recommending that Council grant a continuation of the tax exemption to this Association for a further three-year period.

MOTION: To adopt the recommendation of the Finance & Program Review Committee, that Council grant a continuation of the tax exemption to the W. Williams Non-Profit Housing Assn. for a further three-year period.

MOTION: To adopt the recommendations of the Finance & Program Review Committee, which are as follows:

Any surplus in the City Pension Plan shall be used as follows:

- 1) First, to cover any identifiable shortfall in contributions.
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In order to address concerns raised about the lack of any provision to have final decisions made by Council, the following wording was added to the motion:

'The decision as to how a surplus is to be used in any given situation, is to be a decision of Council.'

Moved: Ald. Connors

Second: Ald. Sarto

Ald. Hawley felt there should be some provision for retaining a specific portion of the surplus for investment protection purposes, in the event of losses that might be sustained in instances such as last year's stock market fall. He suggested referral back to the Finance Committee to give consideration to an additional recommendation that would cover the point he has raised.

MOTION: To refer the item back to the Finance & Program Review Committee, to look at the possibility of retaining a built-in amount of protection from surplus funds for investment protection purposes.

Moved: Ald. Hawley
Second: Ald. McCluskey
In Favour: Ald. Hawley, McCluskey
Walton, Thompson
Connors, Greenough
Billard, MacFarlane
Against: Ald. Levandier, Pye, Woods
Sarto, Hetherington
Motion Carried

2.1.2 CONSOLIDATED FINANCIAL STATEMENTS

FINANCIAL
STATEMENTS

Report from the Finance & Program Review Committee on the subject of Consolidated Financial Statements, recommending that Council direct staff to discontinue the preparation of consolidated financial statements, in accordance with the Municipal Accounting & Reporting Manual.

MOTION: To adopt the recommendation of the Finance & Program Review Committee to the effect that Council direct staff to discontinue the preparation of consolidated financial statements, in accordance with the Municipal Accounting & Reporting Manual.

Moved: Ald. Connors
Second: Ald. Greenough
In Favour: All
Against: None
Motion Carried

2.1.3 TAX EXEMPTION, W. WILLIAMS NON-PROFIT HOUSING

TAX EXEMPTION:
W. WILLIAMS
HOUSING

Report from the Finance & Program Review Committee on the subject of the tax exemption granted previously by the City to the W. Williams Non-Profit Housing Assn., recommending that Council grant a continuation of the tax exemption to this Association for a further three-year period.

MOTION: To adopt the recommendation of the Finance & Program Review Committee, that Council grant a continuation of the tax exemption to the W. Williams Non-Profit Housing Assn. for a further three-year period.

Moved: Ald. Connors
Second: Ald. Hetherington
In Favour: All
Against: None
Motion Carried

2.2 DARTMOUTH GRAND PRIX HYDROPLANE SOCIETY

2.2.1 1989 SCHOONER GRAND PRIX

1989 SCHOONER
GRAND PRIX

A request was before Council from the Dartmouth Grand Prix Hydroplane Society, for approval:

- 1) to hold the 1989 Schooner Grand Prix on the Dartmouth waterfront on August 11th, 12th, & 13th, 1989, and
- 2) for the use of Lake Banook for Drag Boat Racing on Thurs., August 10th, 1989, from 4:00 p.m. to 8:00 p.m.

MOTION: To approve the request of the Dartmouth Grand Prix Hydroplane Society, to hold the 1989 Schooner Grand Prix on the Dartmouth waterfront on Aug. 11, 12, & 13/89; and for the use of Lake Banook for Drag Boat Racing on Aug. 10th, 1989, from 4:00 p.m. to 8:00 p.m.

Moved: Ald. Sarto
Second: Ald. MacFarlane
In Favour: All
Against: None
Motion Carried

3.1 CITY ADMINISTRATOR

3.1.1 AFFIRMATIVE ACTION POLICY

AFFIRMATIVE
ACTION POLICY

Report from Mr. Burke (D. Muzzin), accompanied by a Departmental Staff report entitled 'Report: Affirmative Action Program'. Mr. Burke's report makes eleven recommendations to Council, in connection with the City's Affirmative Action Policy and Program Plan.

Ald. McCluskey was not satisfied with the degree of progress that has been made with the City's Affirmative Action Program to date. She said that so far, only lip-service has been paid to it.

Moved: Ald. Connors
Second: Ald. Hetherington
In Favour: All
Against: None
Motion Carried

2.2 DARTMOUTH GRAND PRIX HYDROPLANE SOCIETY

2.2.1 1989 SCHOONER GRAND PRIX

1989 SCHOONER
GRAND PRIX

A request was before Council from the Dartmouth Grand Prix Hydroplane Society, for approval:

- 1) to hold the 1989 Schooner Grand Prix on the Dartmouth waterfront on August 11th, 12th, & 13th, 1989, and
- 2) for the use of Lake Banook for Drag Boat Racing on Thurs., August 10th, 1989, from 4:00 p.m. to 8:00 p.m.

MOTION: To approve the request of the Dartmouth Grand Prix Hydroplane Society, to hold the 1989 Schooner Grand Prix on the Dartmouth waterfront on Aug. 11, 12, & 13/89; and for the use of Lake Banook for Drag Boat Racing on Aug. 10th, 1989, from 4:00 p.m. to 8:00 p.m.

Moved: Ald. Sarto
Second: Ald. MacFarlane
In Favour: All
Against: None
Motion Carried

3.1 CITY ADMINISTRATOR

3.1.1 AFFIRMATIVE ACTION POLICY

AFFIRMATIVE
ACTION POLICY

Report from Mr. Burke (D. Muzzin), accompanied by a Departmental Staff report entitled 'Report: Affirmative Action Program'. Mr. Burke's report makes eleven recommendations to Council, in connection with the City's Affirmative Action Policy and Program Plan.

Ald. McCluskey was not satisfied with the degree of progress that has been made with the City's Affirmative Action Program to date. She said that so far, only lip-service has been paid to it.

Ald. Woods felt that the report has not adequately included disabled persons, and that this omission should be addressed. Also, he suggested that staff should report annually to Council on the status and success of the Affirmative Action Program. The Mayor later pointed out that this annual report would come from the Affirmative Action Committee rather than from staff.

Ald. Woods also asked about information requested previously on bid securities and economic factors relating to bids received from companies owned by minority business people. Mr. Burke advised that a report on this specific item will be coming to Council shortly. Ald. Pye's opinion was that considerable progress has been made with Affirmative Action, especially in relation to what the situation was twenty or thirty years ago.

Mr. Burke had suggested that the report, with the recommendations, be referred to the Affirmative Action Committee, for their response.

MOTION: To refer the report on Affirmative Action (the policy and program) to the Affirmative Action Committee for their response.

Moved: Ald. Pye
Second: Ald. Connors
In Favour: All
Against: None
Motion Carried

3.1.2 SPECIAL CONSTABLE STATUS - RESOLUTION 89-03

SPECIAL
CONSTABLE:
RES. 89-03

Council was asked to approve Resolution 89-03, appointing Perry Stephen Bennett a Special Constable in ^{and for} City of Dartmouth, for a period of 12 months. The wording of the resolution was changed to read '. . . to issue parking tickets in the City of Dartmouth', replacing the present wording, which referred specifically to downtown Dartmouth.

MOTION: To approve Resolution 89-03, appointing Perry Stephen Bennett a Special Constable

Moved: Ald. Hetherington
Second: Ald. MacFarlane
In Favour: All
Against: None
Motion Carried

3.1.3 PROVINCIAL/MUNICIPAL AGREEMENT - HALIFAX HARBOUR CLEAN-UP

HARBOUR CLEAN-
UP AGREEMENT

Members have received copies of a Provincial/Municipal Agreement with respect to the Harbour Clean-up, and in an accompanying report to Council, Mr. Burke has recommended that the Mayor and the City Clerk be authorized to execute the Agreement. Resolution 89-04 has been prepared to execute the signing.

MOTION: To approve Resolution 89-04, authorizing the signing of a Provincial/Municipal Agreement with respect to the Halifax Harbour Clean-up project.

Moved: Ald. Hetherington
Second: Ald. MacFarlane

Ald. Woods had questions about environmental considerations associated with the project, including the Environmental Impact Study & Assessment being done, and about the presentation that he felt should have been made to Herring Cove residents, who have concerns about their local environment. He also requested that the Mayor undertake to organize a meeting of Chamber of Commerce and Board of Trade representatives in the local area, plus representatives of C.A.N.S., to promote local involvement in the project, so that contractors and businesses from within the province benefit from the work the project will provide.

Besides the environmental concerns expressed by members, the other main concern was about possible cost over-runs on the project, and the allocation of such costs if they are incurred. The consensus was that this cost-sharing aspect should not be left open-ended, and that the point about cost over-runs should be clarified before any agreement with the province is signed.

Among the items raised by Ald. Connors was a point about municipal representation on the Public Information Committee, shown on the proposed ^{organizational} structure diagram.

Ald. Connors had a number of other points he wished to have addressed. He agreed to provide these in writing to the Mayor.

Mr. Burke suggested that Council may want to have representatives of the Municipal Affairs and Environment Departments, attend a meeting with Council, to provide information and respond to some of the questions raised in debate. Members agreed that they would like to have this arranged. In the meantime, Ald. Connors asked that the Mayor take up the matter of cost-sharing in over-runs at the ministerial level.

MOTION: To defer the signing of the Provincial/Municipal Agreement until points raised in debate have been clarified, and pending a meeting with representatives of the Municipal Affairs Dept. and the Environment Dept.

Moved: Ald. Greenough
Second: Ald. McCluskey
In Favour: All
Against: None
Motion Carried

3.2 SOLICITORS

3.2.1 LANDS - 382 WINDMILL ROAD - RESOLUTION 89-01

LANDS: Report from the Solicitor on the sale of City land
382 WINDMILL RD. on Fernhill Road (Parcel Z) to Stephen Thompson
RESOLUTION 89-01 for the amount of \$1,360. A revised resolution, which sets out this price for the property, has been prepared, and the Solicitor has recommended that Council approve Resolution 89-01, as presented.

MOTION: To approve Resolution 89-01, authorizing the sale of Parcel Z (Fernhill Road) to Stephen Thompson for the selling price of \$1,360.

Moved: Ald. Pye
Second: Ald. Hetherington
In Favour: All
Against: None
Motion Carried

4.0 REPORTS4.1 CITY ADMINISTRATOR4.1.2 TENDER - CONTRACT 88504KTENDER:
CONTRACT 88504K

Report from Mr. Burke (R. Fougere, E. Purdy) on tenders received for Contract 88504K (site grading, Phase 8-A, Burnside Industrial Park). Mr. Burke recommends that the tender be awarded to the lowest bidder, Dexter Construction Co. Ltd., with a bid price of \$687,700.; completion time - 3 months.

MOTION: To award the tender for Contract 88504K to the lowest bidder, Dexter Construction Co. Ltd., in the amount of \$687,700., as recommended.

Moved: Ald. Hetherington
Second: Ald. Pye
In Favour: All'
Against: None
Motion Carried

4.1.3 TENDER- CONTRACT 88504FTENDER:
CONTRACT 88504F

Report from Mr. Burke (R. Fougere, E. Purdy) on tenders received for Contract 88504F (services, Phase 8-2 and 8-3, Burnside Industrial Park). Mr. Burke recommends that the tender be awarded to the lowest bidder, Dexter Construction Co. Ltd., with a bid price of \$565,544.; completion time of 5 months.

MOTION: To award the tender for Contract 88504F to the lowest bidder, Dexter Construction Co. Ltd., in the amount of \$565,544., as recommended.

Moved: Ald. Levandier
Second: Ald. MacFarlane
In Favour: All
Against: None
Motion Carried

4.1.1 BURNSIDE INN & MARINA LTD. - LAND REPURCHASEBURNSIDE INN &
MARINA LTD.

As requested by Council, Mr. Burke has submitted a report on the Burnside Inn & Marina project, in relation to the repurchase of land formerly owned by the City and sold to the developer for this project.

In view of the fact that information required to allow staff to prepare a report for Council, has not been forthcoming in time for this Council meeting (ie. by the date when agendas were sent out), it has been recommended by Mr. Burke that Council exercise its rights under the agreement to repurchase lands on Windmill Road, at a price of \$249,050., with funds to be drawn from the Burnside Sale of Land Account.

CONFLICT OF INTEREST

Ald. Connors declared a conflict of interest on this item, based on the fact that one of the sub-contractors involved in the project is represented by Ald. Connors' legal firm. He withdrew from his place on Council to sit in the gallery while the item was being discussed.

Mr. Burke gave a further verbal report to Council on the meeting held with one of the developers, Mr. Grude Sr., explaining the difficulty in preparing information for Council when material requested from the developers did not arrive in sufficient time to meet the deadline for Council agendas. A proposal to the developers, that they agree to sell the former City land back again at a reduced re-purchase price, as an indication of good faith and to encourage the granting of an extension, was not acceptable to them. In summary, staff are not satisfied, at this point, that the project can be completed within the specified time-frame, and without having examined information the developer has subsequently provided, the recommendation to Council is to re-purchase the land from the developer.

MOTION: To approve the re-purchase of former City lands from Burnside Inn & Marina, as recommended.

Moved: Ald. McCluskey
Second: Ald. Hetherington

Ald. McCluskey said that Council has been misled

about this project from the beginning, and she was opposed to doing anything but re-purchasing the land, in the hope that it can be sold again. Other members felt the information provided by the developers, which was not in time to form a basis for a staff report, should be examined by Mr. Burke and assessed before any final decision is made that would put an end to the project altogether. They felt that efforts should still continue to have the project proceed, if at all possible.

MOTION: To refer the item back to staff for two more weeks, for a further recommendation, based on an assessment of information the developer has provided.

Moved: Ald. Billard
Second: Ald. Pye

Mr. Grude Jr. was available to answer questions from members of Council about his company's delay in providing information and about the commitment of Ramada Inns to the project at this point.

Ald. Hawley and Hetherington suggested that the credibility of the developers is seriously in question by this time.

The vote was taken on the motion to refer.

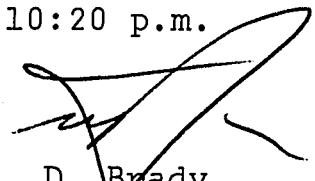
In Favour: Ald. Greenough, Hawley
Sarto, Thompson
Connors, Levandier
Walton, Pye, Woods
Billard, MacFarlane

Against: Ald. Hetherington
Motion Carried

Ald. McCluskey abstained from voting.

At the hour of 10:20 p.m., Council went in camera to deal with personnel matters.

Meeting adjourned at 10:20 p.m.


G. D. Brady,
Deputy City Clerk.

about this project from the beginning, and she was opposed to doing anything but re-purchasing the land, in the hope that it can be sold again. Other members felt the information provided by the developers, which was not in time to form a basis for a staff report, should be examined by Mr. Burke and assessed before any final decision is made that would put an end to the project altogether. They felt that efforts should still continue to have the project proceed, if at all possible.

MOTION: To refer the item back to staff for two more weeks, for a further recommendation, based on an assessment of information the developer has provided.

Moved: Ald. Billard

Second: Ald. Pye

Mr. Grude Jr. was available to answer questions from members of Council about his company's delay in providing information and about the commitment of Ramada Inns to the project at this point.

Ald. Hawley and Hetherington suggested that the credibility of the developers is seriously in question by this time.

The vote was taken on the motion to refer.

In Favour: Ald. Greenough, Hawley
Sarto, Thompson
Connors, Levandier
Walton, Pye, Woods
Billard, MacFarlane

Against: Ald. Hetherington
Motion Carried

Ald. McCluskey abstained from voting.

At the hour of 10:20 p.m., Council went in camera to deal with personnel matters.

Meeting adjourned at 10:20 p.m.


G. D. Brady,
Deputy City Clerk.

ITEMS:

- Points of privilege, page 1 & 2.
 - 1.0 Motion, page 3.
 - 1.1 Ald. MacFarlane, page 3.
 - 1.1.1 Prince Albert Road improvements, page 3.
 - 2.0 Reports, page 3.
 - 2.1 Finance & Program Review Comm., page 3.
 - 2.1.1 Use of surpluses, employee benefits, page 3 & 4.
 - 2.1.2 Consolidated Financial Statements, page 5.
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