

Lib. Ref. Dept

DARTMOUTH CITY COUNCIL
AGENDA

* MON., MAY 06/91 *
* 7:00 PM *
* COUNCIL CHAMBER *

1. MPS Review - Planning

** PLEASE NOTE **

THIS MEETING STARTS AT 7:00 PM

DARTMOUTH CITY COUNCIL

MAY 6/91

LOCATION: CITY COUNCIL CHAMBERS

TIME: 7:00 P.M.

MEMBERS PRESENT: MAYOR SAVAGE
ALDERMEN BILLARD, MACFARLANE
MCCLUSKEY, WOODS,
GREENOUGH, WALTON
HETHERINGTON, HAWLEY

CITY SOLICITOR: S. HOOD

1.0 MPS REVIEW

MPS REVIEW

Distributed by Planning staff at the meeting were memorandums on Population Projections, Viewplanes and policies having implications for financial commitment, further studies, increased staffing and/or committee formulation. This information was requested during the course of the April 30th Council meeting.

As requested at the April 30th Council meeting, a page-by-page review of all the M.P.S. policies with staff was commenced. Before commencing the review, Mayor Savage emphasized that this was a question and answer session only and no opinions or views were to be expressed.

Some of the questions which arose are as follows:

- (a) How much attention was given to traffic patterns to cover growth projected for residential lands?

Staff noted that no specific traffic analysis was done, but the Vincent Report was used as a background paper.

- (b) Questions were raised about the implications of zoning the remaining undeveloped lands of the Craighburn Subdivision, Holding, versus the present R-1 Zoning.

Staff indicated that until there is a trunk sewer extension, these lands can't be serviced. Mr. Wells was asked to confirm that this is actually the reason for applying the Holding Zone.

It was noted that although this designation permits as-of-right R-1 development, a range of Residential Zones could be applied for but the Public Hearing process would be involved, if a rezoning request was made. It was the intention of the Committee that these lands remain R-1, however.

- (c) Referring to the Regional Park Zone, Permitted Uses, Ald. Hawley questioned what 'similar recreational uses' are. Staff noted that the wording is meant to be consistent with the Regional Development Plan and must be interpreted in the context of the words which precede it.
- (d) Ald. McCluskey questioned whether the Plan proposes acquisition by the City of some north Dartmouth lands referred to as Countryview Estates where they bound the Industrial Park?

Staff noted there is a policy which refers to the acquisition of lands in the vicinity of Frenchman Lake. The staff report recommends deletion of this policy, however.

Referring to the above, Mayor Savage noted that this is an item where staff and the M.P.S. differ. He requested that staff alert the members where other similar situations arise, so they can make notes.

- (e) Referring to Policy DG-12 and reference to the expansion of existing quarrying and associated operations on the property known as Countryview Estates, Ald. Hawley wondered if the Committee considered the possible negative effects, i.e. a fissure developing in such close proximity to Frenchman Lake. Staff indicated the Committee had not taken into account possible negative effects.

Staff pointed out that Policy DG-13 and DG-14 have been identified by staff as needing further study.

- (f) Should Shearwater close, would the airport zoning restrictions be lifted, if it was to turn into a private airport for smaller planes? Staff was not sure if M.O.T. has any control over private airports.
- (g) During review of the Homes for Special Care definition, the wording 'for four or more persons to a maximum of ten persons' was questioned. Staff felt the intention was for three or more persons.... This definition was earmarked for future reference. In addition, it was felt the clause "or physical handicaps or problems" should be clarified.
- (h) Questions were raised re the provision that "not more than 25 percent of the total gross floor area of the dwelling shall be used for a home occupation".

Whether an unattached garage or an attached garage would be included in the calculations was discussed.

Ald. Hawley questioned how such businesses can be controlled so they don't create a problem with traffic. Staff felt this can only be done by controlling the size and type of business.

- (i) Ald. McCluskey noted that Maple and Thistle are not identified as Collector Streets in the Transportation Section and she wondered why they did not fit into this category. Staff suggested that it may have been that no decision was reached by the Committee on these streets. She wondered if such inconsistencies can be corrected by Council and if so, would this constitute a major change requiring the whole M.P.S. Review to go back? The City Solicitor related to Council, her interpretation of minor and major changes.
- (j) Ald. Hawley questioned what the M.P.S. Committee had in mind when they proposed rezoning several properties on Lakecrest Drive? Staff will check the minutes of the appropriate meetings.
- (k) Ald. Greenough questioned whether the Committee had been made aware of previous discussions and decisions made by Council as some recommendations overturn previous Council decisions.

Mayor Savage noted that Council retains the right to make changes to the Plan. Ms. Hood emphasized that not too many changes can be made before it has to be redone. Whether the whole plan or only specific items need be brought back, depends on the impact of such changes on the balance of the Plan.

Following comments from staff on a variety of other matters, i.e. parking for boarders, Mobile Home Bylaw, intention when applying an R.C.D.D. Zone, regulations pertaining to existing Neighbourhood Grocery Stores versus new, buffers between Commercial and Residential Zones, the effect Heritage District designation will have on the potential development of the old Police Station site, the rationale for selecting a viewplane(s) from Brightwood, etc., the meeting adjourned.

City Council, May 6, 1991

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In closing, Mayor Savage expressed gratitude to the Planning Staff for their endeavours.



G.D. Brady,
Deputy City Clerk

DARTMOUTH CITY COUNCIL

MAY 7/91

ITEM:

1.0 M.P.S. Review, pages 1 - 3

LLeB

DARTMOUTH CITY COUNCIL
AGENDA

Lib. Ref. Dept.

* TUES., MAY 7/91 *
* 7:30 P.M. *
* COUNCIL CHAMBER *
* IN CAMERA SESSION *
* 10:00 P.M. *

1. INVOCATION
2. APPROVE THE MINUTES FROM THE MEETINGS: April 2, 9, 16, 23 & 30th.
3. BUSINESS ARISING FROM THE MINUTES
4. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS (15 MINUTE MAXIMUM)
5. DELEGATIONS & HEARINGS OF PROTEST
6. ORIGINAL COMMUNICATIONS
 - i) Letter from Writers' Federation of Nova Scotia to officially designate May 11th "Write Canada Day"
7. PRESENTATION - Review of 1990 Investment Activities
8. PETITIONS
 - i) Restoration of Core French Program
9. REPORTS
 - 9.1 MAYOR
 - 9.1.1 Municipal Election Campaign Expenses (previously circulated)
 - 9.1.2 Officials Committee Report on Mentally Disabled (to be circulated)
 - 9.2 CITY ADMINISTRATOR
 - 9.2.1 Contract 91-07. Street Construction, Russell Street - Wyse Road to Victoria Road
 - 9.2.2 Contract 91-04, Traffic Signals, Waverley Road/ Montebello Drive
 - 9.2.3 Tender for 1991 Street Line Painting
 - 9.2.4 Application, Retail Video Outlet, 38 Howe Avenue
 - 9.2.5 Application to Amend Land Use By-Law - Recycling Facility & Salvage Yard (set date for public hearing)
 - 9.3 ECONOMIC DEVELOPMENT DEPARTMENT
 - 9.3.1 Burnside Industrial Park and City of Lakes Business Park - Inventory Levels & Lot Prices
10. MOTIONS
 - 10.1 Ald. Connors
 - 10.1.1 Reduction of Aldermen
 - 10.2 Ald. Billard
 - 10.2.1 Review of Aldermanic/Mayoralty Stipends
 - 10.2.2 Property at the corner of Maple Street and Ochterloney Street
11. NOTICES OF MOTION

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

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

MEMBERS ABSENT: CONNORS, HETHERINGTON

CITY ADMINISTRATOR: J. BURKE
CITY SOLICITOR: M. MOREASH
CITY CLERK-TREAS.: B. SMITH
DEPUTY CITY CLERK: G. BRADY
DEPARTMENT HEADS AND ASSISTANTS

1.0 INVOCATION

Mayor Savage opened the meeting with the Invocation.

2.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on
April 2, 9, 16, 23 & 30th.

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

3.0 BUSINESS ARISING FROM MINUTES

None.

Mayor Savage noted two amendments to the agenda for this meeting. Item 10.1.1 will be deferred for two weeks as Ald. Connors was not present. Item 9.2.6 - Appointment to Hospital Board will be added. This was in agreement with Council.

4.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. MCCLUSKEY Ald. McCluskey inquired as to the date of the next Pension Committee meeting and as to whether or not the actuaries will have the study completed. Ald. Greenough noted that the next meeting will be the first Monday in June and they are doing everything possible to ensure that the study will be available at that time.

- Ald. McCluskey also inquired about the possibility of having a reminder printed in the newspapers regarding the "poop-and-scoop" bylaw. Mayor Savage noted that there will be something done regarding this.
- ALD. WALTON Ald. Walton inquired about the City's status with the 911 emergency number. Mayor Savage noted that is now being tried in Kings County and eventually will be in Halifax County. The only cost to the municipalities will be the cost of the communication operator.
- Ald. Walton also noted that he has received a number of calls about cats and inquired about the proposed cat by-law. Mr. Burke noted that there will be report coming to Council by the end of May regarding this.
- ALD. SARTO Ald. Sarto inquired about the sidewalk project and Mr. Burke noted that they hope to have a package ready regarding this for Council in two weeks.
- ALD. RODGERS Ald. Rodgers noted that the zoning request for the McCulloch lands was not for a senior citizen complex but for one twelve-storey apartment building and four 50 unit apartment buildings.
- Ald. Rodgers also inquired about a letter he had written requesting information about the harbour clean-up charges. Mr. Burke noted that he has a report on this and it will come to Council shortly.
- Ald. Rodgers also requested that if there is some positive impact from the provincial budget this month and there are additional funds that ways be looked at how this additional money could be utilized. He also requested that if this should be the case that Council confer with the School Board.
- Ald. Rodgers also requested consideration be given to a second left-hand turn from Commodore on to Burnside to alleviate the traffic that congestion in this area. It was noted that TMG will look into this.
- ALD. MACFARLANE Ald. MacFarlane inquired about the City animal control arrangements. He noted that there had been some indication that the service was to be reviewed. He noted that he would like confirmation of the availability of the 24

hour emergency service.

5.0 DELEGATIONS & HEARINGS OF PROTEST

None.

6.0 ORIGINAL COMMUNICATIONS

- 1) Letter from Writers' Federation of Nova Scotia to officially designate May 11th "Write Canada Day"

MOTION: To comply with request from Writers' Federation of Nova Scotia to officially designate May 11th "Write Canada Day".

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

7.0 PRESENTATION - REVIEW OF 1990 INVESTMENT ACTIVITIES

Mr. Thompson, Chairman of the Investment Committee, made a presentation to Council of a review of the 1990 investment activities. In his review, he noted that the R1 category has been eliminated. When asked for predictions for 1991, he noted that it will be down due to declining interest rates.

Mr. Thompson thanked staff for their input to the Investment Committee this year. He also noted that this will be his last year as a member of the Investment Committee. Various members of Council thanked Mr. Thompson for his excellent work over the years on the Investment Committee and the other members of the Investment Committee for their work as well. Mayor Savage expressed gratitude on behalf of Council for Mr. Thompson and his Committee's work and noted that they are sorry to see him go. Mayor Savage also gave acclamation to Mr. Bruce Smith and Mr. Larry Corrigan and their staff for their work with the Investment Committee.

8.0 PETITIONS

- 1) Restoration of Core French Program

A petition was received from Mr. Gunn, of 48 Newcastle Street, regarding the restoration of the Core French Program.

9.0 REPORTS

9.1 MAYOR9.1.1. MUNICIPAL ELECTION CAMPAIGN EXPENSES (previously circulated)

It was noted that there were two options in Ms. Hood's letter regarding this item. One was for complete disclosure of funds and sources and the second was limitation of contributions and expenses. During discussion of disclosure, Ald. McCluskey requested that goods should be included as well as funds. Ald. Pye agreed with Ald. McCluskey and noted that it should be full disclosure. Ald. Billard noted that if legislation was passed regarding disclosure of contributions it would not be in effect in time for the election in October. Mayor Savage noted that if legislation was passed for disclosure of contributions over \$100 it would be a beginning step towards full disclosure in the future. There was some discussion regarding responsibility of enforcement of this if it were in place.

MOTION: that Council support the resolution made by the Finance and Program Review Committee at their April 20th meeting supporting full disclosure of any election contributions over \$100.

Ald. McCluskey moved an amendment to the motion to include goods as well.

MOTION: that Council support the resolution made by the Finance and Program Review Committee at their April 20th meeting supporting full disclosure of any election contributions over \$100 and to amend it to include goods as well as monies.

Moved: Ald. McCluskey
Second: Ald. Pye
In Favour: All except
Against: Ald. Billard
Motion carried

9.1.2 OFFICIALS COMMITTEE REPORT ON MENTALLY DISABLED

This report was distributed to Council members. Concern was expressed about the lack of time for members to review this report.

MOTION: that this item be deferred for two weeks.

Moved: Ald. McCluskey
Second: Ald. Levandier
In Favour: All
Against: None
Motion carried

9.1.3 GARBAGE COLLECTION FROM CONDOMINIUMS

The memo distributed from Mr. Fougere to Mr. Burke regarding garbage collection from the condominiums was discussed.

MOTION: that the City provide garbage collection once per week from the condominiums with insurance to cover any liabilities incurred from this service.

Moved: Ald. McCluskey
Second: Ald. Sarto

In discussion of this motion, the possibility of discrimination against apartment owners was brought up. Also, it was noted that the main concern of the condominium owners was the tipping fee being charged. There was discussion regarding the possibility of rebating the owners for the tipping fee. As no agreeable solution to this was determined the following motion was made which took precedent over the previous motion made by Ald. McCluskey.

MOTION: that this item be deferred for two weeks.

Moved: Ald. Billard
Second: Ald. Sarto
For: All
Against: None
Motion carried.

9.2 CITY ADMINISTRATOR

9.2.1 CONTRACT 91-07. STREET CONSTRUCTION, RUSSELL STREET - WYSE ROAD TO VICTORIA ROAD

MOTION: that the tender for Contract 91-07, Russell Street Construction, Wyse Road to Victoria Road, be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$243,842.30 and completion time of 45 days.

Moved: Ald. Greenough
Second: Ald. Pye
For: All
Against: None
Motion carried.

9.2.2 CONTRACT 91-04, TRAFFIC SIGNALS, WAVERLEY ROAD/
MONTEBELLO DRIVE

MOTION: that the tender for Contract 91-04 be awarded to the lowest bidder, Black and MacDonald Ltd., with a tender price of \$73,982.95 and completion time of 69 days.

Moved: Ald. Hawley
Second: Ald. McCluskey
For: All
Against: None
Motion carried.

Ald. Greenough thanked Council for their support on this project.

9.2.3. TENDER FOR 1991 STREET LINE PAINTING

MOTION: that the tender for the 1991 Street Line Painting be awarded to the lowest evaluated bidder, Provincial Pavement Markings for a total tendered price of \$70,000.00

Moved: Ald. Rodgers
Second: Ald. McCluskey
For: All
Against: None
Motion carried

Ald. Rodgers requested that TMG look at the possibility of painting a checkered block across from 37 Albro Lake Road and it was agreed that they would.

Ald. Billard requested that the school crosswalks be painted first and Mr. Fougere agreed to look into this.

9.2.4. APPLICATION, RETAIL VIDEO OUTLET, 38 HOWE STREET

In discussion of the application for the retail video outlet for 38 Howe Street, Ald. McCluskey expressed concern that there may be arcade games installed here as well. It was agreed that in the response to the Department of Consumer Affairs that Council has no

objection to a retail video outlet but they would object to arcade game machines.

9.2.5 APPLICATION TO AMEND LAND USE BYLAW - RECYCLING FACILITIES AND SALVAGE YARDS

MOTION: that Council set June 11, 1991, as the date for a Public Hearing in this matter.

Moved: Ald. Sarto
Second: Ald. Walton
For: All
Against: None
Motion carried

9.2.6 APPOINTMENT TO HOSPITAL BOARD

MOTION: that Ald. MacFarlane be appointed to the Hospital Board to replace Ald. Hetherington.

Moved: Ald. Walton
Second: Ald. Greenough
For: All
Against: None
Motion carried

9.3 ECONOMIC DEVELOPMENT DEPARTMENT

MOTION: that this item be deferred for two weeks.

Moved: Ald. Sarto
Second: Ald. Walton
For: All
Against: None
Motion carried

Due to the late hour it was agreed that the rest of the items on the agenda be deferred until the next meeting.

MOTION: that Council move in camera.

Moved: Ald. Sarto
Second: Ald. Greenough
For: All
Against: None
Motion carried


MOTION: to ratify decisions made in camera.

Moved: Ald. Greenough
Second: Ald. McCluskey
For: All
Against: None
Motion carried

MOTION: to adjourn.

Moved: Ald. Walton
Second: Ald. Pye
For: All
Against: None
Motion carried

Meeting adjourned at 11:30 p.m.



G. D. Brady,
Deputy City Clerk

Dartmouth City Council, May 7, 1991

ITEMS:

- 1.0 Invocation, Page 1
- 2.0 Approval of Minutes, Page 1
- 3.0 Business Arising from Minutes, Page 1
- 4.0 Concerns of Council Members, Page 1
- 5.0 Delegations and Hearings of Protest, Page 3
- 6.0 Original Communications, Page 3
- 7.0 Presentation - Review of 1990 Investment Activities, Page 3
- 8.0 Petitions, Page 3
- 9.1.1 Municipal Election Campaign Expenses, Page 4
- 9.1.2 Officials Committee Report on Mentally Disabled, Page 4
- 9.1.3 Garbage Collection from Condominiums, Page 5
- 9.2.1 Contract 91-07, Page 5
- 9.2.2 Contract 91-04, Page 6
- 9.2.3 Tender for 1991 Street Line Painting, Page 6
- 9.2.4 Application for Video Outlet, 38 Howe Street, Page 6
- 9.2.5 Application to amend Land Use By-Law - Recycling, Page 7
- 9.2.6 Appointment to Hospital Board, Page 7
- 9.3 Economic Development Department, Page 7

Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL
AGENDA

* TUES., MAY 14/91 *
* WED., MAY 15/91 *
* THURS., MAY 16/91 *
* 7:30 PM *
* COUNCIL CHAMBER *

1. Public Hearings - New MPS & Land Use By-laws.

DARTMOUTH CITY COUNCIL

MAY 14, 1991

LOCATION: CITY COUNCIL CHAMBERS

TIME: 7:30 P.M.

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

CITY SOLICITOR: M. MOREASH

PLANNING STAFF: J. LUKAN, P. RICHARDS, R. WELLS & S. SMITH

PUBLIC HEARING - NEW MPS AND LAND USE BY-LAW

Mayor Savage commenced the Public Hearing by explaining the procedures which will be followed tonight and on subsequent nights to ensure that every citizen of Dartmouth, who wishes to speak on an issue, will be accommodated.

Secondly, he emphasized that while aldermen may ask questions of individual presenters, they should exercise judgment so as not to be subsequently misinterpreted.

The Public Hearing being officially opened, the first speaker made her presentation:

JILL GRANT, 33 Beech Street: Ms. Grant indicated that she was speaking on behalf of the Healthy Dartmouth Committee. In addition to this presentation, Ms. Grant left a written submission, very similar in content. She related the history of the City's involvement with the Canadian Healthy Community Project, which led to the establishment of the Healthy Dartmouth Committee.

She highlighted ways in which the M.P.S. can affect many important matters that concern community health. However, the philosophy which guides the Healthy Dartmouth Project was added to the M.P.S. at a fairly late date.

JIM GODDARD, 45 Thistle Street: Mr. Goddard indicated that he was addressing Council on behalf of the Austenville Resident's Association. Their particular concern related to Chapter 8, Transportation.

He referred to the history of concerns regarding the volume of traffic in the Austenville area, particularly associated with Maple and Thistle Streets. Besides being a significant safety issue, it adversely affects the development of this community.

While supporting Policy T-38, he felt the wording could be more positive. However, his Association does not support staff's recommendation that streets be designated according to function. This would mean a continuation of current traffic patterns and traffic volumes through this neighbourhood.

Having finished his presentation, several questions were posed to Mr. Goddard by the aldermen. As a result of one query, a request was made to the Police Department to provide statistics on vehicle and pedestrians accidents in this area.

MR. REID NEWPORT, 22 Oathill Crescent: Before Mr. Newport could commence his address, Ald. Connors declared a conflict of interest, as Mr. Newport was one of his legal partners at Boyne Clarke. He subsequently withdrew from his seat temporarily. He noted that should this matter become the subject of debate, discussion, vote, he will similarly withdraw from his seat for the limited purpose of that debate, etc. He anticipated that during the course of the Public Hearing, he will have to declare conflicts of interest on numerous occasions, as solicitors of his firm will be making presentations.

Mayor Savage explained to those present how the Municipal Conflict of Interest Act will affect these proceedings. The circumstances which could lead to these proceedings being declared invalid were discussed by Mr. Moreash.

Mr. Newport noted that he is present this evening because of the proposed zoning of the lands of his company, Rosedale Investments Limited. He noted that a letter has been circulated from Boyne Clarke, dated Nov. 29, 1990, outlining this situation as well.

The two land parcels he owns consist of approximately 2.5 acres and are currently zoned C-2. It is proposed they be zoned R-4, which would make the present uses non-conforming. He noted that there is a recommendation in the Staff Report that this property be zoned C-3, and any existing commercial uses, which are not permitted uses under this zone, be listed as conforming uses.

ALD. HETHERINGTON: Before the next presentation, he sought clarification on how the M.P.S. and Land Use By-law would be passed, or defeated at the end of the Public Hearings. Mr. Moreash indicated that there would be a vote on the M.P.S. and a second on the Land Use By-law. Following normal practice with by-laws, three readings are required. Secondly, he also questioned how someone who has stated a conflict of interest can vote on the whole package. Mr. Moreash indicated it would be up to the individual alderman to decide.

DAVID KURTS, 61 Lynn Drive: He indicated that he was representing the citizens of the community which surrounds the eastern portion of Woodside Industrial Park. There is a wooded area which has been proposed for either Light Industrial or R-11 zoning. Interested citizens are requesting that a portion of the area, approximately 15,000 feet, be retained as woods, under a Conservation and Open Space zoning.

Secondly, it is requested that before any further development of the eastern portion of the Woodside Industrial Park is carried out, a collector street accessing the Circumferential Highway and Pleasant Street be constructed, to keep the traffic off residential streets.

Mr. Kurts presented a petition signed by 307 area residents.

Several questions were posed by aldermen to Mr. Kurts. Reference was made to a road proposed by the Department of Transportation for this area. From its description, it appeared to satisfy their requirement for construction of a collector street.

MAYOR SAVAGE: Before the next speaker, he introduced to Council Councilor Gilmore, a visitor from northeast Fife District Council, Scotland.

MS. BARBARA MACKENZIE, 1 Prince Street: Before Ms. MacKenzie's presentation Ald. Connors declared a conflict of interest, as his firm may be making a presentation re lands on the western side of Lake Micmac. He therefore withdrew from his seat.

Ms. MacKenzie indicated that she would also be speaking on behalf of Mr. and Mrs. Gerald Tulk. They are owners of property on the western side of Lake Micmac and oppose the rezoning of their lands from Holding to Regional Park. She gave a history of the ownership of the properties and the limits placed on its use over the years, while lands across the lake have been unaffected.

She outlined the negotiations which have gone on with the City and Province over the years and noted that these lands have been offered for sale, but no action has been taken by any government level to purchase the privately owned lands of approximately 40 acres total.

She noted that Ward 4 is already well served by parklands and suggested the Regional Park could commence adjacent to these 40 acres. She noted that the property owners are actively pursuing the land's de-designation through the Province.

MR. MICHAEL WATSON: He indicated he is associated with Royal LePage Commercial, who have been retained to assist Country View Limited on the development potential of their lands in Northend Dartmouth and particularly the implications of the M.P.S. on these lands.

He described to Council a development proposed for their lands within the Business Park. He outlined three aspects of the M.P.S. which could adversely affect these lands:-

- 1) Designation of the Commodore Drive Extension as an arterial.
- 2) Some of the specifics of the proposed I-6, Business Park Zone under the M.P.S. and Zoning By-law provisions.
- 3) A proposed designation of the balance of all their lands, which are currently zoned I-2, to a Holding designation.

The proposed Commodore Drive Extension, as an arterial would limit accessibility to his client's lands. He concluded with a recommendation that it would be better planning if the proposed road were to be a collector, and designating from Williams up to eventually Highway 118, an arterial.

While Country View intends to develop a high amenity, office park area, some provisions of the I-6 Zone work against this objective. The definition of "Use" is a problem, particularly the provision of the 10% accessory limitation. He felt that high tech and research related facilities, and retail were discouraged by these provisions.

The minimum lot size proposed for the I-6 Zone would preclude Townhouse Condominium office type developments.

Thirdly, policies with respect to signage may prove harmful and it was suggested a comprehensive signage policy for the whole City would be desirable.

Lastly, the Holding Zone designation on the balance of Country View's lands above the servicing boundary, consisting of 450 acres, was felt undesirable. Particular reference was made to the vagueness of when the further study would be conducted.

Following his presentation, the aldermen posed a variety of questions to Mr. Watson. During this question period, it was clarified by Mr. Watson that it is their recommendation that the I-2 zoning on the unserviced land be continued. Secondly, he is recommending that a bit more care be taken in drafting the specifics of the I-6 Zone. Concern had been expressed re the 10% limit on accessory uses. Ald. Connors sought clarification as to why Mr. Watson felt this would adversely affect high-tech and research establishments locating in the Business Park. Mr. Watson also pointed out why they felt limiting retail and retail servicing to 10%

would be inappropriate. He noted that other business parks in North America often permit these uses in free-standing structures in their parks.

ALD. HETHERINGTON: Ald. Hetherington, reviewing the process to date, suggested it would be useful to have transcripts of the public meetings. This was agreed to by Mayor Savage. A discussion followed on whether to adjourn the Public Hearings at the end of this series or close them. A decision will be made at a later date.

DUNCAN CANN, 837 Ketch Harbour Road: Mr. Cann expressed concern regarding the changes proposed for the signage by-law. He is involved in the sign business. During questioning by Council, he suggested that the Signage portion of the M.P.S. be withdrawn and further study be given to it. Of particular concern to Mr. Cann were the limits on the number of signs a business can display.

MR. TONY RODRIGUES: 352 Waverley Road: Mr. Rodrigues indicated that he owned a building at 96 Ochterloney Street which requires some external repair. This property falls within the proposed Heritage District and therefore the external repairs would have to meet a standard for this District. He did not feel he would afford the materials involved, as siding would contravene the provisions of this Zone.

Following his presentation, several questions were asked of staff regarding the Heritage District. If some discretionary powers by the Heritage Advisory Committee, for example, were to be adopted, they would have to be added to the By-law now, Ms. Richards noted.

MR. BRUCE WHIDDEN: Mr. Whidden objected to the proposed change in zoning of his building at 359 Portland Street from C-2 to R-2.

Secondly, Mr. Whidden objected to the use of flashing signs in the City of Dartmouth and their positioning near roadways.

Following this portion of Mr. Whidden's presentation, it was requested by Ald. Thompson that staff provide Council with a map which would detail the area of Portland Street in question.

Thirdly, Mr. Whidden suggested there are too many zones proposed, i.e. the difference between a C-2 and C-3 is very small.

Fourthly, Mr. Whidden noted problems his tenants are having with a small park located at 13 Oak Street. He suggested it would be better if this lot was developed for housing.

Following the conclusion of Mr. Whidden's presentation, Ald. Hetherington posed some questions to staff on whether property owners in a Heritage District would have the right to decline designation, as was the case with the designation of Heritage properties, in the past.

Mr. Moreash noted that this Land Use By-law would impose Heritage District restrictions on property owners, without any agreement by the owners. A Land Use By-law amendment would be required for a de-designation. Mr. Moreash explained that Council may be confused by the two different statutes involved, i.e. Heritage Property Act versus Planning Act. Ald. Hetherington requested an explanation, in writing, as to the difference between a designated property and a Heritage District.

MR. MCCREA: MR. McCrea indicated he was representing Park Place Centre this evening, the hotel portion of which is opening shortly. He noted that due to the Signage By-law provisions in the M.P.S., they have been caught in the 120 day freeze and can't obtain a permit to erect the necessary signage for this hotel. He noted that there had been a previous arrangement with the Industrial Commission to erect a variety of signs. In general, he felt the signage by-law to be overly restrictive and explained why it will have a negative impact on the Business Park and particularly the balance of the Park Place Centre development.

He felt that both Phase I, Office Building and Hotel and Phase II, Office Building, should be included in Appendix D. He noted that these developments were agreed to by the City, through the Industrial Commission.

Mayor Savage suggested to Mr. McCrea that in addition to this evening's presentation, he make a written submission to Council regarding his concerns, so there is a record of his objections and recommendations.

Following Mr. McCrea's presentation, staff was questioned regarding why a Sign Permit can't be issued for this development? Staff noted that their request doesn't meet the requirements of the new Signage By-law, as fascia signs are restricted to 100 sq. ft. and only one ground sign can be installed.

Mr. Smith, in response to a query, noted that at the time Schedule D was developed, the development in question had not commenced. Only existing uses that were built were included in Schedule D.

Mr. McCrea also noted that there was an agreement with the City, through the Industrial Commission, to have a pylon sign. Bearing in mind the above agreement, it was requested that the City Solicitor review the situation in respect to the Planning Act requirements.

Ald. Greenough questioned whether the section on Signage could be deleted from the Zoning By-law at the end of the Public Hearing? Mr. Moreash indicated this may be a possibility.

Secondly, Ald. Greenough wondered should the signage have been part of the agreement for the development concept, if this prior agreement would supercede the freeze? Mayor Savage indicated that this will be looked into.

The second major area of concern that Mr. McCrea had with the Zoning By-laws related to the requirements of the I-6 Zone and the 10% restriction for retail. He felt this to be too restrictive. He felt it should be increased to at least 15% or even 20%.

Thirdly, he felt that provisions for exterior cladding of buildings under Section 31.6 needed strengthening. He also noted that Section 31.2 does not allow for an incidental parking structure(s) that would be part of an office complex. He felt such a provision should be included.

It was noted by Ald. Hawley that a sign has already been erected in front of Park Place during its construction phase. He wondered if the message on this sign could be simply changed? Mayor Savage indicated this matter will be taken under advisement.

Ald. Connors noted that the limits on size of signs applies to fascia signs and projecting wall signs. He wondered if there was any restriction on pylon signs? Mr. Lukan indicated there is not.

SCOTT SYMONDS, 48 Salmon River Terrace, Bedford: Mr. Symonds noted that he is with Novawest Properties, a company heavily involved in Burnside.

Firstly, he suggested accessory use be increased from 10% to 25%.

Secondly, he did not feel the 10% retail was sufficient .

Thirdly, he objected to the Signage By-law, particularly that no retail advertising sign would be permitted.

Lastly, he sought assurance that the Cambridge Gardens project was truly grandfathered when included in Appendix D. He was assured, by staff, that the project is truly grandfathered.

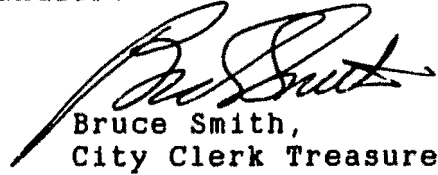
GEORGE CORKUM, 60 QUEEN STREET: Mr. Corkum indicated that he was the owner of two properties, one on Queen Street and one on Portland Street. The combined property runs from Portland to Queen Street, a portion of which falls in area 'A' and the balance in area 'C'.

Mayor Savage requested that staff verify the zoning on this

Public Hearing, M.P.S. & Land Use By-law, May 14/91 Page 8
property.

Mayor Savage declared the meeting adjourned until 7:30 p.m.,
May 16th.

The meeting adjourned at 10:40 p.m. on motion of Ald.
Hetherington and Ald. Levandier.


Bruce Smith,
City Clerk Treasurer

City Council, May 14, 1991

ITEM:

Public Hearing, New MPS and Land Use By-law, pages 1 to 8.

LLeB

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

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

CITY SOLICITOR: M. MOREASH
PLANNING DEPT: MR. LUKAN
MR. WELLS
MS. RICHARDS

MPS PUBLIC HEARING:

Mayor Savage reviewed the process of a public hearing for those attending for the first time.

The first to speak was MR. FRED CLARK, ALBERTON DEVELOPMENT LIMITED. Mr. Clark described a proposal they have regarding a development dealing with the area north of Lake Mic Mac up along and west of Lake Charles. These lands are made up of private sector and the City of Dartmouth owned lands. Alberton Development Limited is considering a mixed use development made up of senior citizen housing integrated with active and passive parklands.

MR. STOVILLE then spoke detailing the proposal being proposed by Alberton Development Limited. Mr. Stoville stated that he felt a broader range of people would benefit from a broader range of uses than is allowed for in the zoning that is proposed for this area. He noted that the Alberton proposal consists of a municipally owned golf course, senior citizen housing along with a clinic, drugstore and other retail uses which would be related directly to the seniors' housing, hydroponic greenhouses, spa, carriage and sleigh rides, lawn bowling, putting greens, paddle boats, quilting bees, heritage village, big band pavilion, young people's amusement park and restaurant, lake cruise boat, walking, camping and jogging trails. Mr. Stoville noted that the land use proposal would not allow some of the uses that they are proposing.

Ald. McCluskey inquired if the senior citizen housing would be constructed by the government or private sector. Mr. Stoville noted that for the most part he thought it would be private initiative.

Ald. Rodgers asked how they would deal with current City owned land. Would this be purchased from the City and then developed? Mr. Stoville replied that they would try to work in conjunction with one another to develop an environmentally sensitive design and produce it. He replied that he felt the same cooperation would be

used for the golf course.

Ald. Connors expressed concerns that, depending on the market, these lands may be developed for something other than seniors' housing. Mr. Stoville stated that he had no idea that it would be used for anything but an over 55 facility. Ald. Connors inquired if there was any discussion regarding possible uses of this land by the MPS Committee. Mr. Wells stated there was none specifically on the regional parklands.

Ald. Greenough inquired what zoning would allow a development such as the one being proposed by Alberton. It was noted that the development could not take place under the proposed zoning or under the present zoning. Therefore, a third alternative would have to be proposed and this would have to go through the public hearing process.

Ald. Hawley expressed concerns regarding the availability of septic disposal and the increased traffic for Lockes Road.

MR. GERALD MOSSMAN and MR. JAMES MARSHALL both spoke supporting the Alberton proposal.

The next person to speak was MR. CARMEN MOIR, CHAIRMAN, HERITAGE ADVISORY COMMITTEE. Mr. Moir noted that he submitted a written statement to Ms. Richards as well as a copy for each alderman. Mr. Moir stated that the Heritage Advisory Committee wished to go on record as supporting the Heritage Conservation District recommendations of the MPS and in particular recommendations numbered HC - 9, 10, 11 and 12. Mr. Moir then described the history of the Heritage Advisory Committee and the work they have completed and the importance of this work. MR. JONATHAN DAVIES, 42 SUMMIT STREET, MEMBER OF HERITAGE ADVISORY COMMITTEE, also spoke regarding a case in London, England regarding the balance of retaining the past and the blending of the future. Mr. Moir also noted that he was also putting on file three reports, one Investing in the Past, a report on the profitability of heritage conservation, Historic Preservation and Heritage Fights back by Pierre Burton. Mr. Moir also stressed the importance of heritage in regards to the tourism industry.

Ald. Hetherington inquired as to why the Heritage Advisory Committee would not continue with the present policy of allowing residents the choice of whether or not they wanted their property registered. He noted that by forming a Heritage District all properties would fall under the restrictions placed on these properties. Mr. Moir stated that he felt it was time to move on to a second phase and have an area where the whole streetscape and landscape of the area would reflect heritage conservation.

Ald. Levandier asked Mr. Moir if the Committee would embark on an education program for homeowners in the area if this was passed. Mr. Moir stated that they would do so.

Ald. McCluskey expressed concerns regarding money being required to be placed in the budget for such things as lighting, sidewalks, etc., in the heritage district. Ms. Richards noted that there is nothing stating that money would have to be put in the budget, but if there is money to be spent on these things it suggests that they be kept in line with the heritage district and that the Heritage Advisory Committee would be involved in these capital improvements.

Ald. Connors requested that Mr. Davies' report be circulated as well and Mr. Davies agreed to do so. Ald. Connors also requested that staff give some thought to the whole aspect of discretion and how discretion might enter into this and yet not conflict with the overall policy proposed.

During discussion it was noted that existing buildings which are not deemed heritage significant would only have restrictions regarding things such as height, fencing, landscaping, etc. If these buildings were removed then any new buildings would have to meet the new building guidelines.

Ald. Billard expressed concerns regarding the opportunity for owners of buildings in the proposed heritage district to speak against this policy and the notification process of this proposed policy. Ald. Thompson also expressed concerns about future owners of these properties and would they be flagged in any way so they would be aware of the restrictions placed on them. Mr. Moreash noted that they would become aware of this when they checked the zoning.

Ald. MacFarlane inquired about the economic impact upon properties in the proposed heritage district. Mr. Moir stated that in the past registered properties had about a 10 percent premium over other properties. But to be fair, he noted that it could involve extra costs in keeping the property resembling the original property as closely as possible.

Council then took a 15 minute break before the next speaker.

MR. EUGENE MATTATALL, 5 OVERDALE LANE, was the next speaker. Mr. Mattatall stated that he objected to a designation that has been put on his property with no prior notice. He was referring to Bullrock Island in Lake Mic Mac. He noted that the island is presently zoned residential but he is not permitted to do anything with it. He stated that if Council wanted more parkland then they should purchase the land and do what is fair for the owners and not designate it and then purchase it at a de-valued price. He noted

that only approximately 50 people, excluding his family, visit the island each year. He stated that the idea that the City needs more parkland is irresponsible, shows a lack of understanding, reason and good financial judgement.

Ald. Connors stated that he was withdrawing from his seat as his law firm represents property owners in this area. He noted that he did not realize which land Mr. Mattatall was speaking of until he got into his presentation and therefore did not want to interject.

The next person to speak was MR. ROCKY SILLIKER, 13 FOREST ROAD. Mr. Silliker stated that he was in favor of one aspect of the new land use by-law although he did have concerns about it. He detailed problems that he and his wife have had over the last four and one half years regarding the Mount Royal Court development in Crichton Park. Mr. Silliker noted that specifically the sections he was referring to were Part II, Item 13 in the existing zoning by-law and Item 5.3.1 in the proposed land use by-law regarding what type of approvals are being called for and required for a development of the type such as Mount Royal Court. Mr. Silliker went over the history of the problems that they have incurred with the Mount Royal Court development. Mr. Silliker noted that in the new by-law there is a provision which says that for all residential developments plans have to be submitted and approved for drainage, retaining walls, slopes and elevations, etc. His concern was that he feels there is not enough City staff to ensure that these provisions are followed. He noted that Halifax has legislation regarding this.

Ald. Woods asked if a copy of the Halifax legislation could be obtained. Mr. Moreash noted that he felt that the land use by-law may not be the most effective way of controlling the kind of problems that Mr. Silliker spoke about. He noted that other provisions that the City has such as the building code act and the sub-division requirements may have more power in dealing with these problems.

The next person to speak was MR. ARTHUR DELMONT, 24 LAKE CHARLES DRIVE. Mr. Delmont objected to the Craighburn sub-division being rezoned from R-1 to H. He asked if the present zoning was not hurting the City of Dartmouth why change it. Mr. Wells noted that it was changed in order to distinguish those lands which are presently serviceable by existing trunk services versus those lands which are not presently serviceable by existing trunk services. Mr. Delmont also expressed concerns regarding notification of residents in this area of the rezoning.

MR. DAVID DUNCAN, 15 LAKE CHARLES DRIVE, also spoke supporting Mr. Delmont's comments. He also expressed concern regarding the

paragraphs on pages 6 and 7 that state the area is intended for mixed residential use.

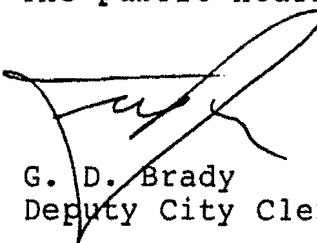
MR. RALPH WILSON, 15 CRAIGBURN DRIVE, spoke next. He stated that a sub-division plan has already been put together so therefore there already was thought of this area as an R-1 zone. He felt that since there was quite a bit of confusion about the difference between R-1 and H that it should be left R-1.

MR. MIKE TRIDER, 20 CRAIGBURN DRIVE, spoke next addressing Policy DG-8 and DG-9. He requested that the City put the zoning back to R-1.

MR. BILL MACLEAN, 722 WAVERLEY ROAD, also stated opposition to the rezoning of the Craighburn area from R-1 to H. He felt that the rezoning would cause problems down the road.

The last to speak was MR. BARRY FLICK, 11 CRAIGBURN DRIVE. Mr. Flick expressed concerns regarding the density that could be achieved from an H zone.

The public hearing was then concluded for this evening.



G. D. Brady
Deputy City Clerk

DARTMOUTH CITY COUNCIL

MAY 16, 1991

LOCATION: CITY COUNCIL CHAMBERS

TIME: 7:30 P.M.

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

CITY SOLICITOR: M. MOREASH

PLANNING STAFF: J. LUKAN, R. WELLS, ED ATKINSON, P. RICHARDS

Mayor Savage opened the meeting by explaining that this was a resumption of the Public Hearing of May 14th.

PHOTIOS KERAMARIS, owner of 46 Queen St., 27 Wentworth Street, 46 Queen Street, 52 Queen St.: In the absence of Mr. Keramaris at tonight's meeting, Mayor Savage read into the record his written submission, related to his objection to the proposed Heritage District.

ERIC R. BANNERMAN: Mayor Savage also read into the record a letter from Mr. Bannerman stating his objections re the proposed rezoning of his property on the western side of Lake Micmac to a Regional Park designation.

ROGER O'NEIL: Not present, but his submission will be entered into the record.

BOB CARTER, 12 Carter's Road: Mr. Carter indicated his opposition to the rezoning of his property in the Lakecrest area from R-1 to R-4.

Secondly, he had a letter from Mr. Allison Conrad, 3 Admiral Street, expressing opposition to the change from R-1 to R-4 on the Carter property including Admiral Street.

MARIA PRIM: Was not present.

MR. S. MANDERVILLE, P.O. Box 911, Dartmouth spoke on behalf of Mr. Longstaff, who was out of the country. Mr. Manderville is his Executor. Mr. Longstaff lives at 22 Rosedale Drive and has a business at 24 Rosedale Drive. He indicated opposition to the proposed R-4 zone for this property which is currently zoned C-3. He noted that the Staff Report recommends retaining the current C-3 Zoning.

Secondly, speaking on his own behalf, he referred to the overall ecosystem approach. He felt a stronger definition of the state of the environment is needed. He would also like to see certain kinds of acceptable trophic levels set. In addition, he would like some sort of warning sign given when a certain level is crossed, so that measures can be taken to restore the water to its oligotrophic state.

He felt a strong statement from the City stating they will do everything in their power to restore lakes which are not oligotrophic to an oligotrophic state.

A. WILLIAMSON, 31 Lakecrest Drive: Had left a letter for circulation to the aldermen.

HAROLD BRENNAN, 30 Lakecrest Drive: He indicated his opposition to the rezoning of the Carter property from R-1 to R-4. He questioned staff if this recommendation came following a physical inspection of the area. Ms. Richards indicated most of the zoning was determined by referring to a map. He felt that consideration should have been given to the contours of the land, street grades, sewer elevations, and available water pressure before a decision was made. As some of these may have not been considered by the M.P.S. Committee, he requested they be considered before a decision is made.

Secondly, he felt that before any rezoning of a property was done, the property owners in the area should be notified beforehand. He referred to finding out this morning that his property at 30 Lakecrest Drive, along with 32 and 34 Lakecrest, which are presently zoned R-1 are to be rezoned C-5.

He also ascertained that should his property be rezoned his assessment will increase, although there is no change in the use of his property.

Staff was questioned as to the rationale for this recommendation. It was indicated that the Committee, in reviewing the neighbourhood, noted that all but these three properties have had a Commercial Zoning since the 1978 Plan. They therefore concluded that the long-term use for these properties is likely to be Commercial.

A question was posed as to whether there would be any conflict with the Plan if the properties in question retained their R-1 zoning. Staff could not think of any policies that such a decision would conflict with.

In light of the concerns expressed about notification of property owners of proposed zoning changes, Ald. Hetherington suggested that if a similar process was conducted in the future, relevant sections of the Plan be distributed to affected households.

Concern was expressed by the aldermen that although the process followed was in accordance with the Planning Act, was it necessarily the right process for the City of Dartmouth.

Ald. Connors posed a question as to whether Council can pass the Plan minus some areas where opposition has been expressed?

Mr. Moreash indicated Council had three options:

(a) To enact the M.P.S. and Land Use By-law as proposed and advertised.

(b) Decide after the Public Hearing what changes are desired and then go through the whole M.P.S. and Land Use By-law or portions only related to the changes.

(c) Send the whole thing back for some reworking pursuant to Council's directions.

Secondly, Ald. Connors wondered if it would be possible to pass the Plan without the proposed zoning changes to this area?

Reference was made to the Comprehensive Development District and the fact that a C-5 zone would not be considered part of such a mixed residential district. Ald. Hawley questioned the rationale used in suggesting a C-5 zone on lands in the vicinity of such a residential mix, as is the case in the area of the Carter property. Staff was asked if this would be considered good planning to have, for example, warehousing next an R-1 property? Mr. Wells noted that the existing C-3 Zone permitted such a use, but the proposed C-5 zone, will not permit warehousing and storage. The existing warehousing, would become a non-conforming use.

Ald. Greenough sought clarification as to whether the process will be invalidated if Council, after the Public Hearing closes, decided to leave these properties as presently zoned?

Mr. Moreash assured Council that they can enact or decide not to enact any detail of the M.P.S. or Land Use By-law. However, there can't be anything in the Land Use By-law inconsistent with the M.P.S. He also noted that the Planning Staff and he will guide Council in accomplishing their objectives.

Ald. Hawley referred to Policy DG-1, "It shall be the intention of City Council to designate a sufficient amount of residential land to accommodate Dartmouth's projected population and projected number of dwelling units to the year 1996". Ald. Hawley wondered if by not changing the zoning on the Carter property to a higher residential zoning, this could be interpreted as having a negative effect. Mr. Moreash did not feel such a change would be considered a significant change.

MR. ROBERT FRAME: Not present this evening, but a written submission left.

BRUCE WHIDDEN: Mr. Whidden had several points to make regarding the Plan. He felt it might have been more effective to have broken the Plan into areas or wards. He felt owners should be paid for lands designated park land; too much spot zoning; he was dissatisfied with the process and results; the Heritage District proposal and its restrictions on materials used for repairs; Dell Holdings; the boundaries of the Multi-use Zone in the vicinity of Maitland Street, use Albert Street as the dividing line rather than Maitland; too many different categories for each zone.

He questioned staff regarding what would become of the warehouses in the proposed Multi-Use Zone for Dartmouth Cove.

Mr. Wells noted that these uses would be encouraged to move to an Industrial area and the area redeveloped for residential and commercial uses.

MAYOR SAVAGE: Upon reviewing the list of speakers, it was decided to schedule an additional Public Hearing meeting, Thursday, May 23rd. Date and time to be published in the media.

DR. UMMAT: Dr. Ummat requested copies of the minutes of the public hearings on the M.P.S. and Land Use By-law. Mayor Savage indicated they are available to the public.

Concerns were expressed about his land at 155 Wyse Road and 154 Dawson Street. He reviewed with Council the history of zoning matters related to the property.

It was noted that the land at the back was purchased in order to consolidate his commercial project. Reference was made to a Public Hearing in this regard, when support was given to zoning the whole piece of land commercial. It was intended that a commercial building be built on these two parcels of land. He explained that same night, November 3, 1981, Council also approved a concept plan for the Neighbourhood. He contended that this plan has yet to be finalized. He understood that until all the appeals are finalized, that by-law can't take effect.

He indicated that he had objected at the time of the approval of the Neighbourhood Improvement Plan, due to the down zoning implications, etc. He felt the public did not realize the impact.

He referred to a legal opinion that Council should have gone for an amendment to the M.P.S. to permit mass down zoning. He also referred to comments by Mr. Bayer on how he could proceed to obtain his Building Permit, even though his application for Building Permit had been made 120 days before the first zoning advertisement. He could appeal the rezoning by-law or let the by-law pass and enter into a development agreement with the City.

He described an appeal which was launched, in conjunction with several residents of the area. Some of these people subsequently withdrew their appeals, but his continues.

He is anxious to obtain a permit to proceed with a development on these properties, but this can't be done unless a Commercial zoning applies to both. At present the property on Wyse Road is zoned C-2 and the one backing on George Street R-2.

He read a letter dated March 8, 1990 to Mr. L'Esperance indicating that he wished to proceed with the development of his lot UM-1, 155 Wyse Road. In the response dated March 14, Mr. L'Esperance refers to an application to rezone. Dr. Ummat argued this wasn't an application to rezone, it had already been approved by Council. The Municipal Board was contacted and a Planning Appeal made.

In reply to a question from Ald. Hetherington, Ms. Richards noted that under the present Plan, the property which fronts Wyse Road is zoned C-2. The part of the property that runs back into George Street is Zoned R-2. Dr. Ummat differed in his interpretation.

Reference was made to the decision of Mr. Weldon of the Planning Appeal Board. Dr. Ummat questioned what constitutes 155 Wyse Road. He argued the approved boundary of this Commercial Zone, as shown on the survey maps, included the whole area from Wyse Road to George Street, extending along George to Dawson. Therefore when 155 Wyse Road is allowed under appeal, it has to pertain to the total Commercial zoning.

Mr. Moreash stated that what is before Council is a completely new proposal, which needs to be considered on the basis of good planning. Previous zoning of this property and any decisions of the Municipal Board will become irrelevant once the new M.P.S. and Land Use By-law is enacted.

DON TRIDER: He presented three requests to Council.

a) He felt that the Dartmouth Common should be treated as a land trust not land grant, therefore it should be left alone as a land trust. The request for amendment of the Dartmouth Common Act should not take place.

b) Referring to the Planning Act, he proposed that in order to change zoning in residential areas, a 100% vote from Council be required.

c) He felt that a notice of motion to rezone the Albro Lake Lands back of park land would be in order. He referred to the heritage, tourism and potential for educational purposes of this land.

JOEL MASON, 212 Donegal Road: As a contractor, he indicated that he had several problems with the Plan.

a) It will be hard to attract new tenants into multiuse buildings if they are unable to erect individual signs to advertise their establishments. He did not feel that any further requirements should be imposed on the two parks re signage or landscaping.

b) He did not believe greater setbacks from street and property lines are required. The larger the setbacks, the more unusable land in front. This results in higher land costs.

The requirements for additional paving and curbing will also be costly.

He felt the Building Inspection Department should have had some input into these recommendations.

He made reference to the negative impact the 120 day freeze will have on some of his clients. He felt the signage and Industrial Park Bylaw changes should be removed from the proposal.

Specific reference was made to the negative effect of the new setbacks on lots in the Brownlow and Thorne Avenue area of the park. Since these are only 100 ft. deep, to permit the appropriate front and back setbacks and parking, only a 40 ft. building could be constructed. Mr. Wells confirmed that these regulations would appear inappropriate for an area such as this.

Mr. Mason also felt the it would have been wiser to break the plan into smaller sections for review rather than as a whole.

AUSTIN FRENCH: Not present.

TONY RODRIGUES, 352 Waverley Road and owner of 96 Ochterloney: He read into the record a written submission dated May 16 related to problems he has with the Heritage District Zone. In particular he did not feel it right to holdup progress.

SHELIA SPERRY: Ms. Sperry referred to the brief submitted by the Dartmouth Downtown Development Corporation. In addition she raised the following points on behalf of the Corporation:

(a) Concern that Downtown Dartmouth is not recognized as the Civic Centre. She argued that Downtown Dartmouth is the historical, commercial and civic centre of this City. She referred to Policies I-7 and C-34 which would appear to be endeavouring to create a new civic center in Burnside.

(b) It was recommended that the Heritage District zoning not be applied to the Downtown, although preservation of heritage properties in the downtown and streetscapes is strongly supported. Reference was made to comprehensive architectural guidelines, which are being undertaken by the B.I.D. Committee. Once completed, it was recommended they be included in the Land Use By-law.

(c) It was felt that the signage by-laws should be area specific.

(d) They are strongly opposed to the limitation on building height to three storeys in the MU-3 Zone. Consideration was requested of adopting a Diagonal By-law, similar to Halifax's.

(e) Concern was expressed regarding the closing of certain streets to vehicular traffic. This may or may not be a good idea, as the total movement must be considered.

(f) It was desired that the finalized Waterfront Development Plan be integrated into the long-range planning.

(g) It is recommended that a Comprehensive Development Agreement be considered for the triangular piece of property, presently occupied by Starr Manufacturing, Greenvale School, up to the Esso Station. It was felt that small scale commercial development, associated with the residential redevelopment of this area, would be appropriate. It was recommended that such use be encouraged in the Plan.

A question was posed regarding the boundaries of the waterfront earlier referred to. Ms. Sperry indicated the area would be from the Coast Guard, but not including the Coast Guard to the Macdonald Bridge.

A second question was regarding the uses proposed for the waterfront development. Mrs. Sperry indicated a mix of developments which would attract the public to the downtown is proposed.

PETER MACINROY, JOHN YOUNG, THOMAS BOYNE: Not present.

FRANK MOORE, 3 Bareng Court: He indicated his opposition to zoning of properties in the neighbourhood of Lakecrest, Major, Bareng Court and Carter's Road being rezoned from R-1 to R-4. He submitted a petition from area residents, the signatures of which were gathered by Mr. Reid Josey.

DAVID HARRISON, Executive Director of the Dartmouth Chamber of Commerce presented a written submission consisting of 30 pages. He read the first four to Council.

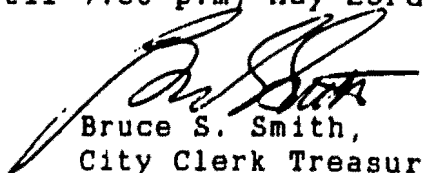
Three areas he felt required attention are as follows:

- (a) The financial impact of the M.P.S. should be costed out.
- (b) The economic impact of the new planning controls.
- (c) Downtown Dartmouth

A discussion followed on the need to estimate the cost implications of the Plan and if this can be done. The reason(s) for the Chamber's recommendation against establishing a Planning Advisory Committee was also discussed.

It was moved by Ald. Pye and Ald. Levandier that the meeting go past the hour of 11:00 p.m.

The public hearing was adjourned until 7:30 p.m, May 23rd.


Bruce S. Smith,
City Clerk Treasurer

City Council, May 16, 1991

ITEM:

Public Hearing, M.P.S. and Land Use By-law, pages 1 to 7
1)

DARTMOUTH CITY COUNCIL
AGENDA

* TUES., MAY 21/91 *
* 7:30 PM *
* COUNCIL CHAMBER *
* IN CAMERA SESSION *
* 10:00 PM *

CONTINUATION OF COUNCIL AGENDA OF MAY 7/91
(REPORTS PREVIOUSLY CIRCULATED)

1. REPORTS

1.1 MAYOR

- 1.1.1 Officials Committee Report on Mentally Disabled
- 1.1.2 Garbage Collection from Condominiums

1.2 INDUSTRIAL COMMISSION

- 1.2.1 Burnside Industrial Park and City of Lakes
Business Park - Inventory Levels & Lot Prices

2. MOTIONS

2.1 Ald. Connors

- 2.1.1 Reduction of Aldermen

2.2 Ald. Billard

- 2.2.1 Review of Aldermanic/Mayoralty Stipends
- 2.2.2 Property at the corner of Maple Street and
Ochterloney St.

3. NOTICES OF MOTION

TO BE ADDED

4. REPORTS

4.1 MAYOR

- 4.1.1 Appoint Dr. Peter March as City Philosopher
- 4.1.2 Appointment to Board of Management - VON

4.2 CITY ADMINISTRATOR

- 4.2.1 Contract 91-05, Curb and Sidewalk Reconstruction
- Fairbanks Street

- 4.2.2 Contract 91-09, Sidewalk - Caledonia Road and Valleyford Avenue
- 4.2.3 Contract 91-11, Sidewalk Replacement Chittick Street, Joffre Street
- 4.2.4 Pension By-law P-403
- 4.2.5 Maple Street Reconstruction
- 4.2.6 Stray Cats

4.2 HERITAGE ADVISORY BOARD

- 4.2.1 75th Anniversary of the Halifax Explosion

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

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

MEMBERS ABSENT: BILLARD (OUT OF TOWN)

CITY ADMINISTRATOR: J. BURKE
CITY SOLICITOR: M. MOREASH
CITY SOLICITOR: S. HOOD
DEPUTY CITY CLERK: G. BRADY
DEPARTMENT HEADS AND ASSISTANTS

Copies of the bill on public education were distributed to members of Council.

POINTS OF PRIVILEGE:

Ald. Levandier raised concerns regarding the harbour clean up task force's choice of McNab's Island as the plant site. Mr. Burke and Mayor Savage assured Council that there was no political pressure or consideration given in the site decision. The decision was based on the evaluation of each site on a series of fair and common elements. Through this evaluation the best location was determined to be McNab's Island.

Ald. Levandier also inquired about the effect the recent provincial budget will have on contracts that the City has entered into. Mayor Savage reported that the City has been in touch with the provincial government and are attempting to get the documentation regarding this. Mr. Burke noted that they expect to receive something in the near future and will make sure that Council members are informed when this documentation is received and that it will be distributed to them.

Ald. Thompson noted that he has received a number of calls in regard to Woodlawn Road concerning traffic. He suggested that perhaps the signage could be reviewed.

Mayor Savage noted that there was no time allocated at this meeting for questions and answers as the agenda was a continuation of the last Council meeting. The meeting then proceeded according to the agenda.

1.0 REPORTS

1.1 MAYOR

1.1.1. OFFICIALS COMMITTEE REPORT ON MENTALLY DISABLED
(previously circulated)

Mayor Savage noted that his item was brought forward with respect to the closure of the training centers. He noted that if these closures are proceeded with, it will create a major cost to the municipalities. Several members of Council voiced concern for the families and children that would be affected if the training centers close. Concern was also expressed regarding what level of service the children will receive if they are integrated into the communities. It was noted that there are also 22 adults who would be affected by the closures. Other areas of concern regarding the proposed closures discussed were different levels of care required, lack of foster homes, effect on school system, financial burden to families and the provincial government's responsibility to provide alternatives to the centres. It was the general desire of Council that the government would give further consideration of the effects that the closures would have before proceeding with them. Mayor Savage noted that he has written to several people offering to meet with them regarding this matter. It was agreed to defer this item until the Mayor meets with these people and brings a report back to Council.

1.1.2 GARBAGE COLLECTION FROM CONDOMINIUMS

Mr. Burke reported on the meeting that was held with the condominium association representatives to explain what Council was considering with regards to garbage collection from the condominiums. He noted that no vote was taken at this meeting by the representatives to indicate whether or not they were in support of the proposed actions.

The matter of going on private property if garbage is collected from the condominiums was discussed and it was noted that the City would ensure they had insurance coverage for this.

Also, the idea of rebating the condominium owners for the tipping fee was raised again and Mr. Burke and Ms. Hood stated that the present City Charter does not permit rebating of taxes. Mr. Burke also noted that Metropolitan Authority made it clear that they cannot waive any fees as it is impossible to determine the amount of garbage coming from the condominiums. Some members of Council felt this was a weak argument.

The number of collections per week required by the condominiums was discussed and it was noted that since

condominiums are a special type of housing the traditional method of one curb side pick up per week may not meet the needs of all condominium complexes, especially the larger ones.

There were several members of condominium owners associations present at the meeting and it was agreed by Council to give them the opportunity to speak briefly regarding what they would like to have in terms of garbage collection.

First to speak was Mr. Robert Epps, Director of the Nova Scotia Condominium Association. Mr. Epps noted that he was speaking personally tonight and stated that his concerns are that the condominium owners are being taxed for a service that they are not receiving. He also stated that one pick up per week was not enough. Ms. Cathy Rossi, Halifax Condominium Association No. 15, stated their wish was to have garbage collection on site or to have the tipping fee removed. Mr. Murray Hannah, Banook Woods, noted that he did not hear of the meeting with City staff and would have liked to attend. He stated that the tipping fee was the straw that broke the camel's back. He also noted that they would like to have garbage collection and a representative of Garden Court Terrace, stated that garbage collection once per week was not enough.

Several Council members expressed concerns that if garbage collection from the condominiums were to be increased to more than one collection per week they would be receiving a more enhanced service than single dwelling home owners. However, it was noted that condominium owners do not receive some of the other services that single dwelling home owners do such as snow removal.

MOTION: that the City provide garbage collection once per week from the condominiums with insurance to cover any liabilities incurred from this service and that this collection be regarded as an interim measure.

Moved: Ald. McCluskey

Second: Ald. Sarto

In Favor: All except

Against: Ald. Levandier and Ald. Walton

Motion Carried

Discussion followed on the possibility of amending the charter to allow for rebating of the tipping fee.

MOTION: that Council seek amendment to the City Charter which will enable tipping fees to be

rebated to condominium owners.

Moved: Ald. Greenough
Second: Ald. Rodgers

Mayor Savage noted that the earliest time this could be done would be January 1992 but there was no guarantee that it would make the fall session of the House. Some Council members expressed concern with too quick a decision to change the charter and that there had not been enough decision with the condominium owners regarding what they would like to have in terms of garbage collection.

MOTION: that the decision to seek amendment to the City Charter be deferred for approximately one month so the garbage collection process can be looked at by a committee comprised of representatives from the condominiums, City staff and aldermen.

Moved: Ald. Hetherington
Second: Ald. Sarto
In Favor: All
Against: None
Motion carried

This motion took precedence over the previous motion by Ald. Greenough.

Mayor Savage asked which aldermen would be interested in being part of this Committee and the following responded: Levandier, Rodgers, Sarto, McCluskey, Greenough and Connors. It was agreed that Ald. Levandier would be chairman of this committee.

1.2. INDUSTRIAL COMMISSION

1.2.1 BURNSIDE INDUSTRIAL PARK AND CITY OF LAKES BUSINESS PARK - INVENTORY LEVELS AND LOT PRICES

Mr. Tom Rath reviewed with Council the report regarding the Burnside Industrial Park and City of Lakes Business Park - Inventory Levels and Lot Prices which was distributed earlier.

MOTION: that By-law I-203, which is an amendment to By-law I-200, establishing the Dartmouth Industrial Commission be read the first time.

Moved: Ald. Levandier
Second: Ald. Greenough
In Favor: All
Against: None
Motion Carried

MOTION: that By-law I-203 be read the second time.

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

Mr. Rath summarized where they are today in terms of lot sales. He noted that there has only been one sale to date for 1991 and only expects to sell 10 - 15 acres of land this year. The report sets out factors that contribute to this decrease in lot sales. Ald. Greenough inquired as to what the economic department is doing to promote sales. Mr. Rath noted that in terms of advertising there is nothing in their budget to allow this. The main form of promotion is through personal contact by continually working with developers and brokers. Mr. Rath noted that there are proposals in the works to spend more money on marketing.

MOTION: that By-law I-203 be read the third time.

Moved: Ald. Levandier
Second: Ald. Greenough
In Favor: All
Against: None
Motion Carried

MOTION: that Council approve the recommendations set out in the report on the Burnside Industrial Park and City of Lakes Business Park - Inventory Levels and Lot Prices.

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

2.1 ALD. CONNORS2.1.1. REDUCTION OF ALDERMEN

MOTION: that Council be reduced to seven aldermen and the Mayor and that approval for this reduction be received in time for the fall election.

Moved: Ald. Connors

Second: Ald. MacFarlane

Ald. Connors noted that he received a number of calls from citizens who were unanimous in agreeing that Council should be reduced and that the politicians would not be in favor of it. He noted that he did not feel that the City was being served well by a Council of this size. He gave examples of other cities that operated with a smaller sized Council. Ald. Connors stated that he did not think the quality of service to the City would diminish with a small sized Council. He noted that over the years several motions have been made regarding the reduction of Council members and the revisions of ward boundaries, the most previous one by Ald. MacFarlane. Ald. MacFarlane stated that there is an unnecessary duplication by having two aldermen per ward. He also noted that there is a significant difference in ward size and that this should be reviewed. Ald. Connors and Ald. MacFarlane both agreed that a reduction would also be more economical.

During discussion of this motion several points were raised such as: many cities have full-time aldermen and support staff, greater accessibility to public with two aldermen per area, decreased size would increase workload and demand, value for money and possible regional government for metro area.

Several members stated that they did not have any calls from the public supporting this motion. However, there was general agreement that ward sizes have to be reviewed.

In Favor: Ald. Connors and Ald. MacFarlane

Against: All others

Motion Defeated

2.2 **ALD. BILLARD**

Ald. Billard's motions were deferred as he was unable to attend this meeting.

4.0 **REPORTS****4.1.1.** **APPOINT DR. PETER MARCH AS CITY PHILOSOPHER**

MOTION: that Dr. Peter March be appointed as City Philosopher and that he conduct a series of programs on Canada and the future on the waterfront for general discussion

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

4.1.2 **APPOINTMENT TO BOARD OF MANAGEMENT - VON**

MOTION: that the Mayor be responsible to make an appointment to the VON Board of Management.

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

4.2 **CITY ADMINISTRATOR****4.2.1** **CONTRACT 91-05, CURB AND SIDEWALK RECONSTRUCTION - FAIRBANKS STREET**

MOTION: that the tender for Contract 91-05, Curb and Sidewalk Reconstruction, Fairbanks Street, be awarded to the lowest bidder, Duron Atlantic Ltd. with a bid price of \$114,840.43 and completion time of 39 working days.

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

4.2.2 CONTRACT 91-09 - SIDEWALK - CALEDONIA ROAD AND VALLEYFORD AVENUE

MOTION: that the tender for Contract 91-09, Sidewalk, Caledonia Road and Valleyford Avenue be awarded to the lowest bidder, Sun Construction Co. Ltd., with a bid price of \$105,095.40 and completion time of 23 working days.

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

4.2.3 CONTRACT 91-11 - CURB AND SIDEWALK CONSTRUCTION CHITTICK AVENUE AND JOFFRE STREET

MOTION: that the tender for Contract 91-11, Curb and Sidewalk construction, Chittick Avenue and Joffre Street, be awarded to the lowest bidder, Costa Curbs and Sidewalk Ltd. with a bid price of \$83,544.15 and a completion time of 30 working days.

Moved: Ald. Walton
Second: Ald. McCluskey
In Favor: All
Against: None
Motion Carried

4.2.4 PENSION BY-LAW P-403

MOTION: that By-Law P-403, being a by-law to further amend By-Law P-401, the Pension By-Law be read the first time.

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

MOTION: that By-Law P-403 be read the second time.

Moved: Ald. Sarto

Second: Ald. MacFarlane
In Favor: All
Against: None
Motion Carried

MOTION: that By-Law P-403 be read the third time.

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

4.2.5 MAPLE STREET RECONSTRUCTION

MOTION: that the 1991/92 Capital Budget be amended as follows:

- 1) Transfer the funds for Best Street curb and paving to Maple Street Reconstruction, a total of \$78,000;
- 2) Increase the Water Utility budget by \$105,000 for replacement of the watermain and appurtenances on Maple Street between Thistle Street and Dahlia Street with the cost to be charged to the Depreciation Reserve account.

Moved: Ald. Connors
Second: Ald. Levandier
In Favor: All
Against: None
Motion Carried

4.2.6 STRAY CATS

MOTION: that program regarding stray cats recommended by Mr. Burke be adopted.

Moved: Ald. Sarto
Second: Ald. Levandier
In Favor: All
Against: None
Motion Carried

MOTION: that Council move in camera.

Moved: Ald. Hawley
Second: Ald. Thompson
In Favor: All
Against: None
Motion Carried


MOTION: that actions in camera be ratified.

Moved: Ald. Hawley
Second: Ald. Sarto
In Favor: All
Against: None
Motion Carried

MOTION: that meeting adjourn.

Moved: Ald. Pye
Second: Ald. Thompson
In Favor: All
Against: None
Motion Carried

Meeting adjourned at 11:45 p.m.



G. D. Brady,
Deputy City Clerk

Dartmouth City Council, May 21, 1991

ITEMS:

- 1.1.1 Officials Committee Report on Mentally Disabled, Page 1
- 1.1.2 Garbage Collection from Condominiums, Page 2
- 1.2.1 Burnside Industrial Park and City of Lakes Business Park - Inventory Levels and Lot Prices, Page 4
- 2.1.1 Reduction of Aldermen, Page 6
- 4.1.1 Appoint Dr. Peter March as City Philosopher, Page 7
- 4.1.2 Appointment to Board of Management - VON, Page 7
- 4.2.1 Contract 91-05, Page 7
- 4.2.2 Contract 91-09, Page 8
- 4.2.3 Contract 91-11, Page 8
- 4.2.4 Pension By-Law P-403, Page 8
- 4.2.5 Maple Street Reconstruction, Page 9
- 4.2.6 Stray Cats, Page 9

DARTMOUTH CITY COUNCIL

MAY 23, 1991

LOCATION: CITY COUNCIL CHAMBERS

TIME: 7:30 P.M.

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

CITY SOLICITOR: M. MOREASH

PLANNING STAFF: J. LUKAN, PAT RICHARDS, ROGER WELLS, ED ATKINSON

PUBLIC HEARING - NEW M.P.S. AND LAND USE BY-LAWS

Mayor Savage reconvened the Public Hearing adjourned May 16th.

AUSTIN FRENCH - 39 LYNN DRIVE: He was not present this evening but has left a written submission.

TREVOR PARSONS, 16 TULIP STREET: As Ms. Forbes, 14 Rose Street, could not be present this evening, he read her letter concerning traffic problems in the Austenville Neighbourhood and the effect it has on this community. She did not feel that Maple and Thistle Streets should be designated collectors or arterials.

Mr. Parsons also expressed concern regarding the negative impact of traffic volumes in this neighbourhood and the inappropriateness of directing traffic via this route. He referred to the underutilization of Alderney Drive and the need to encourage people to use it rather than Thistle and Maple Streets. He felt if the volume of traffic through this neighbourhood isn't reduced, the neighbourhood will deteriorate. If the traffic is contained, people will move in a fix up the properties.

A question was posed to Mr. Parsons regarding the effectiveness of signs to control traffic through this neighbourhood. Mr. Parsons indicated they have been effective for the specified hours, but there has been no impact during the remainder of the day.

PETER MCINROY, BOYNE CLARKE representing Jachimowicz's Delcor Group:

Before Mr. McInroy began his two presentations, Ald. Connors declared a **conflict of interest**, as Mr. McInroy is one of his law partners. He removed himself from his seat and indicated that at any further stage of the meeting or debates, when this subject arises, he will remove himself during debate, discussion and decision.

The subject of Mr. McInroy's first presentation was a parcel of land off Prince Albert Road, Erskine, Thompson and Eaton Avenue. He left with the Planning Staff a copy of a letter, attaching maps of the area in question. He noted that the land in question is zoned in part R-4 and the balance C-2. He noted that the current M.P.S. breaks this parcel of land into two zoning designations. He referred to area 'C' on the map. One portion of land has been designated MU-3, which permits some residential and some commercial. The balance is R-2. A height restriction of three storeys has been placed on this MU-3 Zone, although other similar zones have a five storey height restriction.

He noted that with these two zones applying, it is hard to develop an integrated proposal for these lands. It is requested that both parcels be designated MU-3.

Secondly, it was requested that the three storey height restriction be reassessed. He referred to policies to encourage growth in the Downtown and the need for the Downtown to be able to compete, on an equal footing, with the Business Park, where the three storey restrictions were raised.

His second presentation related to 21 Lakecrest Drive, owned by Danny Khoury. The rectangular piece of land, containing 13,000 sq. ft. is in the vicinity of the Carter lands.

He noted that Mr. Khoury's land is presently zoned R-1 and he had previously applied to City staff for a rezoning to permit the construction of a nine unit apartment building. He was advised of the M.P.S. Review being conducted and the possibility that the Committee might consider a higher zoning on this land. The Committee did recommend an R-4 zoning. He noted that a similar zoning on the Carter lands had been previously objected to, but his client would like the R-4 designation retained. He argued that this zoning would make a sensible transition zone and no traffic problems are anticipated, due to quick access to arterial routes. He noted that staff did not suggest any change to the R-4 designation in their staff report.

In reply to a question from Ald. Sarto, it was noted that the maximum units for an R-4 Zone could not be constructed on this property, as it is only 13,000 sq. ft. Due to the lot size only 8 or 9 units would be permissible versus the 25 permitted in an R-4 Zone, if the lot size was sufficient.

JOHN YOUNG, representing Euro-Kan Investments Limited - He noted that this firm is the owner of Horizon Estates, a 16 storey apartment building, in the vicinity of Micmac Mall. He indicated that it is his client's desire to build one or two similar structures, in addition to some low-rise developments closer to Micmac Mall. While City staff has recommended an R-7 Zone, the M.P.S. is recommending an R-6 Zone. While site density isn't an issue, the height restriction of the R-6 Zone is. It would limit height to three storeys. He did not feel there is any particular reason to place a height restriction on this property, due to its location.

It was noted that the density permitted for an R-6 Zone is 40 units per acre, while a R-6 Zone permits 60 units per acre.

Staff was asked if there is anything, in terms of zoning, which would permit more height but still control density. Mr. Young noted that his client would be happy with an R-6 Zone, if the height restriction wasn't there. An R-6 (a) Zone was a suggestion.

MR. BOYNE of Boyne Clarke: Mr. Boyne presented a written submission dated May 16. He was representing MacCulloch & Company Limited, who owns approximately 26 acres of land on the shores of Lake MicMac. He outlined the history of these lands, noting that they are currently zoned H-Holding, which permits single family dwellings, as of right. If Council agrees with the M.P.S., which zones these lands Regional Park, which freezes the development of lands, the City should be prepared to buy them, he suggested. If the City is not prepared to buy them, he argued that the Zone should be left Holding.

He referred to the provisions in the Planning Act which specifies obligations of the municipality if such a re-zoning occurs.

In conclusion, he felt it was time that the City either allows the owners to use and develop these lands or buys them. Reference was made to the assessed value of the land being \$600,000, while appraisals have valued the land between \$1.4 to \$2 million.

PETER LESBIREL, 14 Guysborough Avenue, representing his father Mr. W.E. Lesbirel of 2 Beech Street: Mr. Lesbirel noted that his father has owned a parcel of land on the western side of Lake Micmac for 50 years, and even 32 years ago he was advised he couldn't use the land to build a cottage. He is now in his eighties and while restricted from using his land, he has yet to receive any money for the property.

~~MARKY... 0111~~
BOB MATTATALL, President Metro Signs: He noted that he submitted a written brief last week. He read this brief into the record.

Some questions were posed to Mr. Mattatall as to why submissions had only been made to the Review process now. Mr. Mattatall noted that his industry had not been consulted and the matter was not adequately advertised.

Several questions were asked of the Solicitor regarding whether the Section of the M.P.S. dealing with sign restrictions could be deleted, thereby lifting the freeze, while the matter is sent back to staff for further review.

Mr. Moreash confirmed that should Council decide not to include this provision in the Land Use By-law, a decision could be made to delete it and the freeze would be removed. This decision would have to be made at the end of the Public Hearing, however. This would not effect further procedures to debate the rest of the Land Use By-law. Should Council decide to delete the section, staff could sit down with representatives of the Sign Association of Canada to discuss the matter further.

Ald. Walton sought clarification on how hospitals fit with regard to the signage by-law. He wondered if they fit into the Commercial/Industrial category? The matter was taken under advisement.

Ald. McCluskey questioned the impact of removing this section, on the balance of the By-law. Mayor Savage noted that a deletion is not considered a change, so the impact should be minimal.

MAYOR SAVAGE: After the break at 9:10, he noted that since there are still many speakers on his list, tonight's meeting would be adjourned to recommence next Tuesday night, May 28, in lieu of a regular Council meeting.

STEPHEN MOIR, 38 Park Avenue: Mr. Moir is Chairman of the Downtown Dartmouth Residents Association. He noted that while there has not been a meeting of the entire Association on the M.P.S., the Executive have met. From this meeting it was apparent that the members support the establishment of a Heritage District. It was felt this designation would help retain a low density neighbourhood.

Concerns were expressed regarding the zoning proposed for the Del Holding properties, however. The residents had previously asked Council to maintain the R2-TH Zone on this land. It was also felt desirable that when plans do come in for this property, the area residents have an opportunity to review them, well in advance of any Public Hearing. It was felt that this approach should be applied to any Development Agreement process in the City.

It is felt that by promoting high density development in the Downtown area, the City is essentially promoting redevelopment of the area rather than improvement and maintenance of the existing structures, which would maintain the character of the neighbourhood.

In response to a question from Ald. Hetherington, Mr. Moir noted that not all residents in the area have been surveyed. Only the Executive had been polled.

ALASDAIR MCKAY, 35 Edward St.: Not present this evening, but a written submission, dated May 13th, has been left.

ROBERT MACKENZIE - 52 Glenwood: Mr. MacKenzie addressed the proposed zoning of the western side of Lake Micmac. Ald. Connors declared a conflict of interest and withdrew from his seat.

Mr. MacKenzie indicated that he was opposed to the Regional Park Zoning on these lands. He did not feel it was fair to the private landowners. These individuals are in the process of getting the Province to de-designate the lands, as the Province is refusing to purchase them.

He made reference to an April 30, 1991 meeting, in which there was discussion of the installation of a trunk sewer extension. He wondered if this sewer would be installed in/on the Regional Park lands. Mr. Lukan indicated no location has yet been selected.

Mr. MacKenzie wondered should it go through the lands, would it be considered a Permitted Use? It was noted that it is a legal question whether a pipeline is considered a land use. Should a pipeline be installed, one can't build on the easement or right-of-way, however. You could only park on the easement or right-of-way or landscape it, staff explained.

In conclusion, Mr. MacKenzie stated that the proposed zoning will lower the value of his family's lands and make it more unmarketable than in the past. He therefore strongly opposed the change in zoning from Holding to Park Land.

NOEL KNOCKWOOD of 15 Oakwood/10 Mitchell Streets: Mr. Knockwood indicated that he was spiritual leader of the Micmac Nation and member of the Grand Council of the Micmac Nation. He has been asked to speak to Council on behalf of the Friends of the Albro Lake Lands. His statement challenged the ownership of the lands and secondly related to the environment. He referred to several treaties supporting the Micmac claims to the ownership of such lands, Supreme Court decisions, etc. He concluded that before any development commences, the aboriginal rights and land claims should be settled.

His second statement concerned the environment. He read a presentation by Chief Seattle on this subject.

In conclusion, he asked Council to pay respect to the requests of the people they governed.

Ald. Pye wondered if it was possible to place a designation, similar to the Heritage District, on these lands. Mr. Wells felt it may be possible, but it would require research and further discussion.

Secondly, Ald. Pye questioned whether it would be possible for a citizen to come in during the Public Hearing process and recommend a designation or new zoning for parcels of land? Mr. Moreash replied that any member of public can come to Council, at any time, to propose an amendment to the M.P.S. and Land Use By-law. Similarly, they could request a designation of a parcel of land of particular historic or archaeological merit to be protected in a manner similar to heritage places, under the Historic Properties Act.

Mr. Knockwood indicated that he had no objection to the land being designated Heritage.

Ald. Rodgers referred to a letter dated May 23, from Mr. Clarke, Department of Housing, requesting that the lands be designated as zoned by Council on November 6, 1990. However the M.P.S. is recommending that the land be zoned R-11. In order to obtain a Development Permit, the proposal must meet the requirements of the previous zoning and the proposed R-11, Comprehensive Development. If this Plan isn't approved for an additional period of time, no progress can be made on this development.

Mr. Moreash confirmed that the Department of Housing would be caught by the freeze until the Review was completed by Council. However, whether the Crown is bound by the Planning Act and the City's Zoning Bylaws is questionable.

Mr. Lukan noted that should the process not be completed by mid August, when the 120 day freeze is over, the zoning goes back to the existing, i.e. R-1, R-2, R-3, TH and P and they could develop everything included in their original request. Because the Municipal Board made its decision during the freeze, they have been caught and cannot develop anything for the time being.

It would require a further notice of intent to impose any further freeze after the initial 120 days, Mr. Moreash stated.

Ald. Woods referred to the celebration, planned for this fall, to commemorate the Halifax Explosion. In light of the Micmac settlement destroyed by this event, he felt the Mayor should consider having a Micmac representative on the Planning Committee. The Mayor took this suggestion under advisement.

JUDITH CARTER, 14 CARTER ROAD: Ms. Carter indicated she was speaking on behalf of her mother and her sister. She expressed hers and their opposition to the land known as the Carter property being rezoned R-4 from R-1. She noted that until tonight, she had not been aware of anyone in the neighbourhood that supported this rezoning. She indicated her pleasure that the residents of Bareng Court have circulated a petition against this rezoning as well.

Ald. Connors apologized at the conclusion of Ms. Carter's presentation that he had not declared a **Conflict of Interest**, but he did not wish to interrupt her presentation. He noted that this conflict resulted from partners in his firm dealing with matters associated with this area.

TOM SWALES, 10 RAYMOND STREET: He presented a petition from residents in the area of Lakecrest Drive, who are opposed to the rezoning of R-1 lands to R-4. He referred to a similar proposal in March 1986 to rezone the lands to R-3, which was eventually denied. He noted that this area already has a drainage problem and R-4 development would contribute to making the problem worse.

He referred to the topography of the area. The elevation of the land in question is 30 feet higher than adjacent properties and would result in a building being potentially 76 feet higher than adjacent development. The privacy of homes, located on Lakecrest and adjacent streets would be adversely affected and property values subsequently lowered.

GARY BLACK, 22 LAKECREST DRIVE: Mr. Black indicated that his property is across the street from the Carter property. He felt the zoning on the opposite side of the street should remain R-1. He noted it is proposed to change the zoning on the opposite side of the street from R-7 to C-5. He was also opposed to this change.

RAYMOND MACDONALD: He was not present this evening, but had left a written submission.

PHOTIOS KERAMARIS, 46 Queen St.: He was not present but Mim Fraser indicated that he had asked her to speak on his behalf.

The next speaker was Brenda Gorman, who gave up her position to permit Ms. Fraser to make her presentation.

MS. MIM FRASER, 13 Slayter Street: She indicated she was on the Board of the Community Planning Association. She had the following items to address:

- 1) She referred to the fact that the process has taken such a longtime and although she had been on the original committee for the Downtown, due to a number of changes, she had not been a part of the Committee for some time, even though her name appears in the document.
- 2) Having been initially involved, she continued to receive notices of upcoming Public Meetings and Public Hearings, but was not notified of this Public Hearing.
- 3) She was concerned that there are items in the Plan which affect Residential Zones adversely. By Development Agreement, a wider variety of uses can be established in residential areas, than is currently the case. She felt these changes are "light years" from what people associate with R-1 and R-2 uses. She did not feel that City residents understand this situation.
- 4) She referred to Policy C-37 which makes reference to Metropolitan Place being an example of appropriate development for the area around the Bridgehead. In her attendance at previous meetings, she recalled mention being made of developing a Gateway to Dartmouth and matters associated with the Common lands, but nothing about Metropolitan Place being a positive model. She noted that even now it is difficult to find parking in this area and the Plan is encouraging expansion of the facility.
- 5) She noted that reference to the Common land is not included in the Plan's index. She felt if the Plan requires revision, cross-indexing will be useful. She identified areas where the Plan is in conflict with the recommendations of the Dartmouth Common Committee and the Provincial Common Act.

She noted that Policy HC-15 talks about promoting the expansion of the Bank of Nova Scotia Building, which is in conflict with another policy which discusses the acquisition of privately owned lands on the Common. She recalled that it was originally intended that the City could take back these lands, for addition to the Commons. She felt this matter required clarification.

She noted that a sentence is left incomplete in HC-14.

In the next section she noted that Dartmouth High is referred to as a 'use'. She argued it was not a 'use' but a 'building'.

She also expressed concern about the sentence construction associated with the definition in the Institutional Zone. She foresaw future legal problems resulting from these inaccuracies.

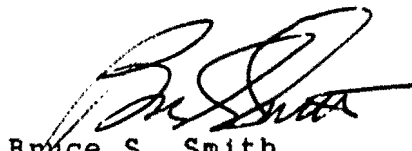
She also noted that policies previously adopted by Council are not reflected in this document, particularly those related to repatriation of the Common lands. No mention is made of the CN lands abutting Geary Street, for example. These lands were meant to make the linkage with the waterfront.

She noted that there was to be no expansion of publicly owned buildings in the Common boundary which reflects both Council's wishes and the Provincial Act. The M.P.S.'s policy is different.

She questioned how the City can pass an M.P.S. and Land Use By-law which is obviously in conflict with Provincial Legislation. Mayor Savage noted that Mr. Moreash will take this under advisement.

On motion of Ald. Pye and Levandier, the Public Hearing was recessed until May 28th.

The meeting adjourned on motion of Ald. Hetherington and Walton at 10:50 p.m.


Bruce S. Smith,
City Clerk Treasurer

City Council, May 23, 1991

ITEM:

Public Hearing, New M.P.S. and Land Use By-law, pages 1 - 9

LLeB

Lib. Ref. Dept.

DARTMOUTH CITY COUNCIL
AGENDA

* TUES., MAY 28/91 *
* 7:15 PM *
* *
* IN CAMERA SESSION *
* 10:45 PM *

PLEASE NOTE - MEETING TO COMMENCE
AT 7:15 PM

7:15 PM

1. REPORTS

1.1 CITY ADMINISTRATOR

- 1.1.1 Street Tree Management Plan (*catalogued separately*)
- 1.1.2 Landscaping Maintenance Contract Burnside
Industrial Park (to be circulated)

7:30 PM

CONTINUATION OF MPS PUBLIC HEARINGS

LOCATION: CITY COUNCIL CHAMBERS
TIME: 7:15 P.M.

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

CITY ADMINISTRATOR: J. BURKE
CITY SOLICITOR: S. HOOD
DEPUTY CITY CLERK: G. BRADY
PLANNING DEPARTMENT STAFF: MR. LUKAN
MS. RICHARDS
MR. WELLS

POINT OF INFORMATION

Ald. Hetherington noted that there will be a public hearing on Wednesday, May 29, 1991 at 7:30 regarding the Price Waterhouse ferry study and that all aldermen and the public are invited to attend.

1.0 REPORTS

1.1 CITY ADMINISTRATOR

1.1.1 STREET TREE MANAGEMENT PLAN

In discussion of the street tree management plan, some concerns were expressed as to the locations of the tree planting by several aldermen. It was agreed that this would come back for further discussion regarding the streets where trees would be planted.

Ald. Thompson inquired if there would be trees planted on Woodlawn Road as there is on Braemar Drive. As there were no engineering staff present, it was noted that this information would be provided to him.

Ald. Pye inquired about a policy for vandalized trees. Mr. Atkinson noted that there was nothing in writing regarding vandalism but they usually replaced these trees up to a maximum of three to four years. Ald Pye recommended that in the future there be a policy for vandalized trees in place as well.

MOTION: that the Street Tree Management Plan be approved in principle.

Moved: Ald. Greenough

Second: Ald. Thompson

In Favor: All except

Against: Ald. Connors

MOTION CARRIED

Ald. Billard expressed concern regarding the root problems with certain types of maple trees. He inquired as to whether the maple trees in this plan are deep or shallow root. Mr. Atkinson made note of Ald. Billard's concern.

Ald. Connors expressed concern regarding the idea of adopting this plan in principle as the public were not consulted regarding the removal of trees to allow for construction.

At this point there was a presentation made by Ald. Woods and Ald. McCluskey and other members of the Participaction Committee. They urged everyone to participate tomorrow and call in their activities so Dartmouth will be able to beat Markham in the participaction contest.

1.1.2 **LANDSCAPING MAINTENANCE CONTRACT BURNSIDE INDUSTRIAL PARK**

MOTION: that the tender be awarded to the qualified bidder, Maritime Nurseries, for a tender price of \$148,700.00 plus \$10,409.00 GST, for a total tender price of \$159,109.00.

Moved: Ald. Greenough

Second: Ald. Sarto

In Favor: All

Against: None

MOTION CARRIED

2.0 **MPS PUBLIC HEARING (CONTINUED)**

Mayor Savage declared the resumption of the MPS Public Hearing.

The first four names on the list to speak which were carried over from the last meeting were called but they were not present. These names were: Ray MacDonald, Photios Kerameris, Austin French and Alasdair McKay.

The first to speak was Mr. Gary Hanley, representing owners of 73, 75 and 77 Lakecrest Drive. He stated that the owners are in favor of the rezoning of these properties from R2 to R4. He also requested that Council permit the town house project to proceed as it is compatible with the area.

Next to speak was Mr. Paul Barkhouse, 236 Albro Lake Road. Mr. Barkhouse stated that he would like to see the Albro Lake Lands be preserved and saved. He felt that Council was going about this process in the wrong way and that they did not encourage public participation. He suggested that Council make some arrangements with the City newspapers and obtain their own section of the paper where such things as public meetings could be advertised more effectively. He felt this would save the City money in the long run. Mr. Barkhouse presented 31 submissions from residents regarding the MPS who would like to see the Albro Lake Lands remain heritage park land.

Mr. Peter Connor and Mr. David Layton, representing Markborough Properties, were the next to speak. Mr. Connor noted that they had two issues to address. These issues were signage and the C-5 commercial zone north of Mic Mac Mall. Mr. Connor presented a written submission which he requested be distributed to members of Council. Mr. Layton spoke regarding signage. He noted that the proposed by-law limits signage to one per business. He proposed that each major commercial facility be permitted to have one sign for each building face which contains and entrance or faces a public street.

Mayor Savage then called the following names but these people were not present: Michael LeBlanc, Mark Pettie, Murielle Theriault and Barbara O'Grady.

Mr. Anthony Chapman, Cox, Downie, spoke next. Mr. Chapman was representing the owner of Maritime Apartments and Lakefront Apartments. Mr. Chapman had submitted a letter at the meeting last Thursday. He stated that the Maritime Apartments property, which is 10 acres, is presently zoned R-4 but will be zoned R-9 under the proposed MPS. He noted that he has no concern with the zoning but he has concern with the proposed view plane. He felt that the view plane was more than enough and it will restrict development on the Maritime Apartments property. With regard to the Lakefront Apartments, Mr. Chapman noted that there was an error in the letter submitted earlier and that it should read "almost 15 acres" and not "18 acres." He stated that this property is currently zoned R-4 and under the proposed MPS it will be zoned R-6. His concern with this was that he felt a property of this size should have

more flexibility that an R-6 zone would allow.

Mayor Savage then read the following names who were not present: Mr. Bruce Mader and Mr. William Mintle. The next to speak was Mr. Bruce Whidden but his turn was deferred to the end of the list as he had already spoken earlier.

Mr. Bob Jeffries, 15 Alderney Drive, spoke next. His concern was with the definition of hotel. Mr. Jeffries felt that this would exclude hotels with ensuite facilities and noted that these facilities could be very important. Ald. Connors asked if the MPS Committee had given consideration to this. Mr. Wells responded that there was some discussion at the staff level but noted that it warranted further discussion.

Ms. Brenda Gorman Wright, 11 North Street, was the next to speak. She noted that her main concern was with the downtown area. She read the following sections of the Planning Act of Nova Scotia into the record: Section 2B, Section 38.1, Section 43.2 and Section 2.1 and 1P-1 of the MPS. Ms. Wright stated that she felt the downtown's resident's input was ignored in the development of the MPS.

Next to speak was Ms. Frances Howard. She expressed concerns with the blockage of access to the waterfront. She also expressed concerns regarding inconsistency in buffer zones. Ms. Howard noted that in some areas all that was required was a fence while in other areas it was two blocks. She also expressed concern with the density of the downtown residential area and that she felt it will become the area with the highest density in the City.

The next in line to speak was Colin May but he was not present at the meeting.

Mr. Robin Myers, 18 Parkstone, was the next person to speak. Mr. Myers expressed concern with the proposed I-3 zoning for the Sandy Cove area. He noted that this was the only beach left on the inner harbour. He suggested that this be changed to holding zone or parkland. Another area Mr. Myers suggested be considered was the Wright Cove area and Navy Island. Mr. Myers felt that it would be a disservice to future generations if all of this waterfront land is developed.

Next to speak was Mr. Frank LeTourneau, Department of Small Business Development. Mr. LeTourneau stated that he wanted to record his objection to the R-11 zone for an undeveloped area of approximately 65 acres located at the eastern end of the Woodside Industrial Park. Mr. LeTourneau stated that he felt

that an I-1 zoning, accompanied by agreed-upon buffer zones, was more appropriate for this area.

Mr. Vince Marsh, 22 Tulip Street, spoke next. Mr. Marsh stated that his concerns were with the downtown area. He noted that he had problems understanding the chapter in the MPS relating to the downtown area. Mr. Marsh felt that there was no clear understanding of how the downtown area would physically look. He expressed concerns with the financial ramifications if this MPS is passed. He noted that there are computer modules available that could be used to show the public what the effects would be of the MPS for the downtown area.

Mayor Savage then read into the record a statement from Mr. Tom Gribbin, 34 Forest Road, a member of the Dartmouth Common Committee. Mr. Gribbin stated that he felt the MPS conflicts with the Dartmouth Common Act regarding publicly owned structures.

Mr. Bruce Whidden, 4 Albert Street, was the next to speak. Mr. Whidden inquired as to how the new COS zone was determined and if there were any land with this zoning. It was stated that there are a number of lands to be zoned COS and they are all under public ownership. The new COS zone is a more refined zoning of the CS zoning in the present plan. Mr. Whidden asked why if you have an undersized lot with an encroachment of another building, you can't get a building permit. He asked why this was not addressed by the MPS. Ms. Hood stated this was not a matter of the MPS.

Mr. Whidden also read a written submission regarding the viewplane from Newcastle Street. He noted that the MU3 zone on Canal and Maitland Street enables developers to build five storey buildings which could be 70 feet or more. He felt they should limit this to three storeys or 40 feet. Mr. Whidden stated that he felt that height restrictions would be more effective as they would provide a viewplane anyway.

MOTION: that the public hearing close.

Moved: Ald. Levandier
Second: Ald. Hetherington
In Favor: All
Against: None
MOTION CARRIED

Ald. Hetherington stated that because of the debate through the MPS and the problems created with Burnside, he would like to recommend that Council not enact the MPS section regarding

signage as well as Section 6 of the Land Use By-law relating to signs. It was agreed that the wording of this would have to be clarified and it was decided to let Ms. Hood work on this with Ald. Hetherington during a five minute break.

After the break, the meeting resumed.

MOTION: that in the MPS, specifically, MPS Section 3.1.7, the following be amended: in the 5th line, omit the words "and exterior signage" and delete the last sentence of the first paragraph in Policy I-7. And, in the Land Use By-Law, delete Section 6.0 and delete 31.9 which is part of the business park.

Moved: Ald. Hetherington

Second: Ald. Levandier

For: All

Against: None

MOTION CARRIED

Ald. Pye inquired if this meant there was an immediate lift of the freeze. Ms. Hood replied that this was correct. It was noted that the old signage by-law will continue.

Discussion then followed regarding requests from other aldermen for changes or deletions that they would like to have happen. Mayor Savage noted that this was not the time to do this and that they would have to meet with staff to determine the best way to deal with requests from individual aldermen. There was concern expressed by several aldermen with set backs. Ms. Hood noted that the entire document would have to be reviewed to see every instance where the word set back is used. It was agreed that this would be sent back to staff to review and will be brought back to Council in two weeks.

Mayor Savage expressed concern with the fact that individual land owners whose zoning may change were not notified individually. He noted that this will be earmarked for further discussion.

It was agreed that time will be spent over the next few Council meetings discussing how individual requests from aldermen will be handled.

Ald. Connors noted that for the plan to be valid it needs 8 people to be in favor of it. If there are not 8 of the current aldermen on Council after the election there will be a problem in passing the MPS. Ms. Hood noted that Council may be going through a second round of public hearings and then

the election would not matter. It was noted that the freeze was for 120 days which included the time that the Minister requires to approve it. Ms. Hood noted that we will have to look into extending the freeze.

MOTION: that Council move in camera.

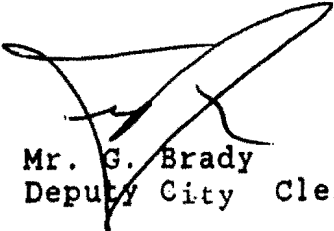
Moved: Ald. Levandier
Second: Ald. Hetherington
In Favor: All
Against: None
MOTION CARRIED

MOTION: that Council ratify actions taken in camera.

Moved: Ald. Levandier
Second: Ald. Greenough
In Favor: All
Against: None
MOTION CARRIED

MOTION: that the meeting adjourn.

Moved: Ald. Thompson
Second: Ald. Walton
In Favor: All
Against: None
MOTION CARRIED



Mr. G. Brady
Deputy City Clerk

Dartmouth City Council, May 28, 1991

ITEMS:

- 1) STREET MANAGEMENT PLAN, PAGE 1
- 2) LANDSCAPING MAINTENANCE CONTRACT BURNSIDE INDUSTRIAL PARK,
PAGE 2
- 3) MPS PUBLIC HEARING, PAGE 2