

Lib. Ref. Dept.

**DARTMOUTH CITY COUNCIL
AGENDA**

TUES., AUG. 10/93

7:30 PM

COUNCIL CHAMBER

1. PUBLIC HEARING

i) Portland West - CDD - Application for Development Agreement

2. REPORTS

2.1 MAYOR

- 2.1.1 Request for Use of Old Police Station by Dartmouth Downtown Development Corporation for Halloween Celebrations (oral)
- 2.1.2 The Walk - Aids Nova Scotia and N.S. Persons with Aids Coalition - September 25, 1993 (oral)

2.2 CHIEF ADMINISTRATIVE OFFICER

- 2.2.1 Tender, Victoria Road Overpass Structures Remedial Work - Contract No. 9226
- 2.2.2 Contract 93-14 - Sidewalk Construction - Brownlow Avenue
- 2.2.3 Contract 93-15 - Hawthorne Street and Peddars Way (to be circulated)
- 2.2.4 T93-03 - Traffic Signals, Pleasant Street/Everett St (to be circulated)

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

MEMBERS PRESENT: MAYOR MCCLUSKEY
ALDERMEN SARTO, THOMPSON
CUNNINGHAM, MAY
MACDONALD, WOODS
PYE, HETHERINGTON
WALTON, HAWLEY, GREENOUGH

MEMBERS ABSENT: ALD. RODGERS, LEVANDIER, MACFARLANE

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL
PLANNING & DEVELOPMENT: V. SPENCER, R. WELLS
ENGINEERING DEPT.: E. PURDY

1.0 PUBLIC HEARING

i) PORTLAND WEST - CDD - APPLICATION FOR DEVELOPMENT AGREEMENT

PUBLIC HEARING: This meeting of Council constituted the public hearing for
PORTLAND WEST the Portland West, CDD, application for Development Agreement.

All members of Council were recorded as being present, with the exception of Ald. Rodgers, Levandier & MacFarlane.

Related reports and documentation have been previously circulated to members of Council, and a review of the CDD Plan for Portland West, with Council, took place on July 14/93. Copies of the minutes for that meeting of Committee-of-the-Whole, along with reports on the neighbourhood consultation meeting (Feb. 11/93) and the neighbourhood information meeting (July 21/93), have also been circulated. It was noted by Mr. Wells, in his presentation, that the reference to a \$60,000. capital budget item (oversizing of Eisener Blvd.) as per page 3 of the Committee minutes, should have read 'the 1994/95 capital budget' and not the 1993/94 capital budget.

Mr. Wells proceeded with the Planning Dept. presentation, first explaining the CDD concept for the development of large vacant tracts of land, then giving a chronological review of the Portland West CDD proposal, since its inception, through the consultation and negotiation process, up to the present point, where a development agreement is able to be recommended to Council.

The seventy-acre site was shown to Council and members of the public, on a map, and the main roadway system intended to serve the development, was indicated. The recommended oversizing and City participation in a thirteen-meter width for Eisener Blvd., was

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noted, the capital cost projection for the City being in the amount of \$60,000.

Details of the five land use forms being proposed, were provided, and the locations proposed for the several types of housing, were identified by Mr. Wells on the development plan. The emphasis is on flexibility in the housing forms, which include single-family dwellings, townhouse units, apartment buildings, and a senior citizens complex. A maximum of five apartment buildings, up to 324 units, would be allowed, with not more than 60 units per building for sites on Eisener Blvd., and not more than 72 units per building for sites on Russell Lake Drive. A bonus of 12 units may be added to each building on sites 1 to 3, provided that the building is of non-combustible construction. No building may exceed 6 storeys in height.

Other specifics in Mr. Wells' presentation, dealt with: the proposed commercial development; the parkland and open space reserve; the environmental protection plan; street and sidewalk construction; the lot grading plan that will be required in conjunction with the subdivision grading & drainage plans required for each phase of the development; the senior citizens complex, consisting of no more than 150 units.

At the conclusion of his presentation, Mr. Wells recommended the approval of Resolution 93-30, for the entering into of a development agreement with Portland Lakes Development Ltd. and North American Trust, the developers.

Members of Council had the opportunity for questions at this point in the proceedings. Ald. Walton asked about the traffic study for Portland West, and Mr. Purdy responded with information on the traffic counts carried out by the consultants.

Asked by Ald. Cunningham about possible guarantees as to the quality of construction, especially where the apartment buildings are concerned, Mr. Wells commented on the steps that have been taken to maintain standards of quality ^{now} in the existing Portland Estates development, and to even improve upon these levels. With respect to the apartment buildings, it was pointed out that before construction proceeds, Council approval will be required for each individual building. At that time, details of site and building design will be presented for Council's consideration. There were related questions about non-combustible construction requirements, and whether provision should be included in the development agreement, making such a condition

mandatory. Presently, it is only being encouraged and is not a requirement.

Ald. Hetherington asked about an amendment to the development agreement, relative to the non-combustible requirement. The Solicitor advised that such an amendment would not be in order, since there is no provision for it in the enabling document previously approved. While there may be certain elements of a minor nature, where changes could be made, as available options and flexibility exist, any significant or major changes would alter the development agreement to a point where the whole application process would have to begin again. This point was made several times to Council during the course of the evening, when other suggested changes were questioned.

Ald. Greenough, who chaired both neighbourhood meetings, noted the main area of concern indicated by residents - the apartment building development; he asked Mr. Wells to provide further information on this development aspect, so that people in attendance have a clear understanding of it. Mr. Wells began by noting that subsequent to the February consultation meeting with residents, the number of apartment units has been reduced already by 140. He went on to describe the inward-looking character of the Portland West development, intended to create a neighbourhood with its own entity. He explained how the sites designated for apartment development lend themselves to high density units, giving an appropriate balance in combination with the other forms of housing situated around them. He said the apartment sites proposed are acceptable from the point of view of topographical and servicing consideration, as well.

The Solicitor was asked by Ald. May about the denial of applications, under the Planning Act, on the basis of the cost of lots, cost of homes, etc. Ms. Hood advised that denial can only be based on established development standards and criteria, not on the cost factors referred to by Ald. May.

Ald. May asked about the original development plan for the lands under consideration. Mr. Wells indicated the 35 acres proposed originally for commercial development, which would have been zoned C-3, with remaining lands in townhouse and high density apartment development. Ald. May had other questions later about the accommodation of school children from the new development area, taking into account the decision to close Penhorn School. He asked for and received, a copy of the letter dated May 25/93, from Supt. Harrison, on the suggested options for the projected school population - Brookhouse School and busing - and did not consider that education requirements have been adequately addressed in relation to the development proposal.

Ald. Hawley inquired about future traffic patterns that will impact on Portland Estates, as lands continue to be opened up for development beyond the present residential area and the proposed development area. Mr. Wells showed to Council and members of the public present, the expected alignment of a connecting highway through to a diamond interchange that would be located in Woodside, at some point in the future. The adverse effects from such a major through-way, on existing R-1 dwellings, was commented on several times during the course of the meeting and public hearing.

One of several questions from Ald. Woods, pertained to underground services for power, cable TV, and phone, where they are being provided to the smaller single-family lots. He felt there should be some provision for an underground servicing requirement in the development agreement. Another of his questions concerned the 5.5 acre parkland designation and its suitability for recreational development. Mr. Wells provided information on the site and its potential for various recreational purposes.

At the end of Council's question period, the Mayor opened the public hearing, calling for speakers in favour.

PUBLIC HEARING

Council heard Mr. Wes Campbell, representing the developers, Portland Lakes Development Ltd. and North American Trust. He outlined the consultation and information process that has been followed as the proposed development has been in planning stages, noting that the developers have been willing and available to explain development details, on a regular basis. He asked Mr. Wells to show to Council and members of the public, the original plan for 35 acres of commercial development, plus town housing and apartments, proposed for this land holding in the beginning. Instead, the developers waited for CDD approval and based their development proposal on the development parameters of this planning mechanism. He contrasted the present proposal, through CDD planning, with the original proposal, suggesting that it is far more preferable for area residents.

Mr. Campbell Hart was also present for the developers, and responded to questions from Ald. May about the adequacy of school facilities. He noted that the developers supported the presentation made in favour of keeping Penhorn School open, and that there will be discussions with School Board staff on August 26th.

The point was made to Council that the expected number of school children from this development will not all be in the Dartmouth system next year, but over a period of time, since the total project is likely to take place over a three-to-eight-year period.

Ald. Hetherington asked about possible compromise concessions the developers might consider, with respect to the lot frontage requirement set out in section 2.2.3 of the Development Agreement. Mr. Campbell indicated that such a change, from 37.7 ft. to 50 ft. for lot frontage (3800 to 5000 sq. ft. for lot area), would be acceptable, but when asked about a change from apartment units to town housing for sites 4 and 5 (or lower density), Mr. Campbell said, definitely not on site 4, which will be particularly expensive to develop. He went on to say that '... the elimination of sites 4 and 5 would not be acceptable'. He said there is no sense starting the project without knowing from the beginning that sufficient revenue can be produced from the project to cover costs. He also indicated to Council that if revenues are reduced substantially in some areas of the development, the developers would not be able to proceed with Eisener Blvd., which represents a major initial expenditure for them.

Next after the developers, Council heard Ms. Beth Rosky, a resident of Portland Estates for over five years, who supported the development and in particular, the completion of Eisener Drive, so that bus service can come into the Portland Estates area. (Mr. Wells made the point in his presentation, that both Fire and Police Departments would favour a second route in and out of the area, for emergency vehicles.) Ms. Rosky said the Executive of the Portland Estates Residents Assn. had originally endorsed this project when they first saw it, and the number of apartment units planned have since been reduced.

Other speakers before Council, in favour of the application for Development Agreement, were:

- 1) Mr. Jim Stevenson, involved in the Superstore Mall development. He said he applauded the developers for their proposal, and would be pleased to see Eisener Drive finished, in view of the number of requests for transit service his company receives on a regular basis.
- 2) Mr. Tom St. Onge, a builder in Portland Estates, and planning to build his own personal residence there. He felt the high density development will be of good quality and will not impact adversely on property values; he said this has not been the experience in other areas either.

- 3) Mr. Peter Stickings, a contractor, planning to become a resident on Sprucewood Court. He said that any large tract of land, within the next ten years, is going to be developed this way (ie. with CDD agreements); in favour of the development as long as it is proper quality.
- 4) Mr. Shalom Mandaville, a Dartmouth resident and representing the Soil & Water Conservation Society of Metro Halifax. Mr. Mandaville had a fairly lengthy submission, which he proposed to read, but in the interest of time, he was asked by the Mayor to confine his remarks to the proposal before Council, Russell Lake being the particular lake located in this area. Mr. Mandaville advised that erosion control performance standards have not been included in the agreement, and after reading from several relevant sections of his submission (a copy of which was made available to the Asst. City Clerk), he concluded by asking that consideration be given to his submission and that the Minister of Environment be requested to have an environmental assessment done. (Mr. Wells had advised Council, in his presentation that the developers have met with the Lakes Advisory Board on several occasions, and the Board is satisfied with the protective measures planned for Russell Lake and the Ellenvale Brook, as per the Environmental Protection & Sediment Control Plan), Schedule "D", circulated to members of Council.)
- 5) Mr. Emmett Austin, a member of the Dartmouth School Board, but speaking on his own behalf and not for the Board. He said he had a few reservations about the proposal, but basically, if controlled and done properly, this will be a good development for the City, and provide badly-needed tax dollars. Ald. May asked Mr. Austin about the May 25th letter from Supt. Harrison (referred to on page 3), but he did not remember ever having seen it before, as a School Board member.

The Mayor called three more times for speakers in favour, and then called for speakers opposed to the application.

The first citizen heard, speaking against, was Mr. Todd Simms, representing a group of area residents. He disputed the ratio figures from the staff report, for apartment units in relation to the total number of dwelling units in the development, maintaining that the ratio figure is actually 69.1%, and not 56% of the total, as stated. He objected to all of the

proposed high density development, which he said will attract only transient residents, will lead to increasing vandalism problems and the destruction of an existing community. Asked for a response to the senior citizen component, Mr. Simms said that in concept, the majority of the people would not be opposed to that aspect of the development. Asked about condo units, instead of apartment units, he said they would at least be preferable, but the residents would like to see sites 4, 5, and 6 developed with single-family dwellings.

Mr. Wells was requested to explain the Planning Dept. interpretation of total units, for purposes of the 56% ratio arrived at, and he indicated on the plan, the units on immediately adjacent lands that have been included and are considered in fact, ~~to~~ form part of the Portland West CDD.

The next speaker opposed, Mr. Bob MacLean, also objected to the inclusion of the apartment buildings proposed, suggesting that the high density development will result in increased noise levels, safety concerns, and generally, will compromise the integrity of the present neighborhood. They will '. . . ruin our city in the country living'.

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

Mr. MacLean quoted statistics from a rental market publication, indicating a high vacancy rate for apartments in the metro area already (12.4% in Dartmouth in April), higher than the national average. He questioned the need for additional apartment units, under these conditions.

Other speakers who followed, objecting to the application and proposal, were as follows:

- 1) Ms. Catherine MacNeil: said the Portland Estates populace don't want or need this development. One of her main concerns was about school overcrowding, and a general lack of provision for students who will require school facilities. She said '. . . this development is about money and profit, and not about the needs of the community' and '. . . educational issues have to be resolved before any development proceeds'. She questioned the developers for having come to this point with so little information as to how students from the development are to be accommodated.

- 2) Mr. Norman Wishert: objected to the apartment buildings and their unattractiveness, especially if there is only outside parking for all the cars. Even condos would be better.
- 3) Mr. Richard Verdun: the aesthetics of the area will be lost with apartment development. Concerned about increased traffic and the change in traffic patterns; also, the lack of adequate provision for school facilities. He acknowledged that the new proposal is at least an improvement over the first one, but wanted to see sites 4, 5 & 6 improved still further.
- 4) Mr. James Wittington: this is a good development, but it just needs a little work to deal with the problems on sites 4, 5 & 6. Concerned about future maintenance of parklands and the buffer areas, and whether it will be adequate to keep these lands looking attractive.
- 5) Mr. Lansing: said he thought Council would have been previously briefed on what they could and could not do to change the Development Agreement. The Mayor noted that a briefing session for Council was held in July.
- 6) Mr. Darrel Emberley: opposed to either condo or apartment buildings - any buildings of four to six storeys. He would have no problem, however, with the seniors complex.

After the Mayor had called three more times for speakers opposed, and there being no further speakers, the public hearing was declared to be closed, on motion of Ald. Greenough and Thompson. Before the hearing was closed, Ald. Greenough asked for and received information from the Solicitor on a procedural question. She again re-stated advice given to Council with respect to any substantive changes in the Development Agreement, and the fact that they would necessitate a complete new procedure, since the Agreement would no longer be as originally advertised.

In view of the lateness of the hour, a decision on the Development Agreement was deferred by Council until the Council meeting of August 31st, at 7:30 p.m.

MOTION: To defer the Development Agreement to the August 31st Council meeting, at 7:30 p.m.

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

The Solicitor advised that in the meantime, until Council makes a decision, members should exercise caution about receiving additional submissions or representations that would not have formed part of the public hearing and/or would represent information not made available as well to the proponents involved.

2.2 CHIEF ADMINISTRATIVE OFFICER

2.2.1 TENDER, VICTORIA ROAD OVERPASS STRUCTURES: CONTRACT #9226

AWARD TENDER:
CONTRACT 9226

Report from Mr. Corrigan (E. Purdy, D. L. Rix) on tenders received for repairs to the two bridges on Victoria Road (Victoria Road overpass), Contract #9226, recommending that the tender be awarded to the low bidder, J. Mason Contracting Ltd., for the tendered amount of \$157,000.

MOTION: To award the tender for Contract #9226 to the low bidder, J. Mason Contracting Ltd., for the tendered amount of \$157,000., as recommended.

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

2.2.2 CONTRACT 93-14 - SIDEWALK CONSTRUCTION - BROWNLOW AVE.

AWARD TENDER:
CONTRACT 93-14

Report from Mr. Corrigan (H. George, E. Purdy) on tenders received for Contract 93-14, sidewalk construction, Brownlow Ave., recommending that the tender be awarded to the low bidder, Recession Concrete & Landscaping, with a bid price of \$86,512.14.

MOTION: To award the tender for Contract 93-14 to the low Bidder, Recession Concrete & Landscaping, with a bid price of \$86,512.14, as recommended.
(Tender called under Set Aside Program.)

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

2.2.3 CONTRACT 93-15 - HAWTHORNE STREET & PEDDARS WAYAWARD TENDER:
CONTRACT 93-15

Report from Mr. Corrigan (E. Purdy) on tenders received for Contract 93-15, Hawthorne Street & Peddars Way, recommending that the tender be awarded to Ocean Contractors Ltd., with a bid price of \$125,293.79.

MOTION: To award the tender for Contract 93-15 to the low bidder, Ocean Contractors Ltd., with a bid price of \$125,293.79, as recommended.

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

2.2.4 T93-03 - TRAFFIC SIGNALS, PLEASANT ST/EVERETT STREETAWARD TENDER:
CONTRACT T93-03

Report from Mr. Corrigan (E. Purdy) on tenders received for Contract T93-03, traffic signals, Pleasant Street/ Everette Street; recommending that the tender be awarded to the low bidder, with a tender price of \$93,835.26, including GST; completion time: 120 workdays.

MOTION: To award the tender for Contract T93-03 to the low bidder, Black & McDonald Ltd., with a tender price of \$93,835.26, including GST.

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

Council went in camera at 11:55 p.m., on motion of Ald. Thompson and Pye. Adjournment was from the in camera meeting, at 12:20 a.m.

V. Carmichael
V. Carmichael
Asst. City Clerk.

ITEMS:

- 1.0 Public Hearing, page 1.
 - i) Portland West, CDD, Application for Development Agreement, page 1 to 9.
 - 2.2. Chief Administrative Officer, page 9.
 - 2.2.1 Tender, Victoria Rd. Overpass, Contract 9226, page 9.
 - 2.2.2 Contract 93-14, sidewalk construction, Brownlow Ave., pg. 9.
 - 2.2.3 Contract 93-15, Hawthorne St. & Peddars Way, page 10/
 - 2.2.4 T93-03, traffic signals, Pleasant/Everette Street, pg. 10.
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Lib. Ref. Dept.

**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., AUG 24/93
7:30 PM
COUNCIL CHAMBER
IN CAMERA
10:00 PM**

INVOCATION

1. PUBLIC HEARING

- i) Amendment to Land Use By-law - 4 Renfrew St.
& 271A Pleasant Street

**2. APPROVE THE MINUTES FROM THE MEETINGS: June 29, July 6, 13, 20,
Aug 10, 1993.**

3. BUSINESS ARISING FROM THE MINUTES

4. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS (15 MINUTE MAXIMUM)

5. DELEGATIONS & HEARINGS OF PROTEST

6. ORIGINAL COMMUNICATION

7. PRESENTATION

8. PETITION

- i) Nantucket Paving

9. REPORTS

9.1 MAYOR

- 9.1.1 Request for Use of Old Police Station Annex by Dartmouth Downtown
Development Corporation for Halloween Celebrations (discussion of letter)
9.1.2 The Walk - Aids Nova Scotia and N.S. Persons with Aids Coalition -
September 25, 1993 (discussion of letter)

RECEIVED

AUG 23 1993

**DARTMOUTH REGIONAL
LIBRARY**

10.1 **CHIEF ADMINISTRATIVE OFFICER**

- 10.1.1 Concept Review Meetings
- 10.1.2 Nova Scotia Power Inc. - Grant-in-Lieu of Taxes
- 10.1.3 Authorized Signing Officers, Resolution 93-32
- 10.1.4 1993/94 Debt Issue
- 10.1.5 Ship Modelers Guild - Sullivan's Pond
- 10.1.6 Sale of Land at 342-344 Windmill Road to Elie Ibrahim

10.2 **PUBLIC WORKS & SAFETY COMMITTEE**

- 10.2.1 Change of Name from Dartmouth Police Department to Dartmouth Police Service
- 10.2.2 Crosswalk Guards

10.3 **PUBLIC TRANSPORTATION ADVISORY COMMITTEE**

- 10.3.1 1993/94 Ferry Operating Budget
- 10.3.2 Ferry Safety

11. **MOTIONS**

11.1 **ALD. MAY**

WHEREAS businesses wishing to locate in metro are now pitting one municipality against another in bidding to host an enterprise;

AND WHEREAS it is too costly and divisive for this situation to continue;

BE IT RESOLVED that we approach the other municipalities and the Province, to establish one metro-wide Industrial Commission, to stop this inappropriate competition.

12. **NOTICES OF MOTION**

IN CAMERA SESSION - 10:00 P.M.

- 1. Legal Matters
- 2. Contract Matter
- 3. Personnel Matter
- 4. Land Purchase

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

MEMBERS PRESENT: MAYOR MCCLUSKEY
ALDERMEN SARTO, THOMPSON
GREENOUGH, PYE
LEVANDIER, MAY
CUNNINGHAM, RODGERS
MACDONALD, MACFARLANE
WALTON, HETHERINGTON

MEMBERS ABSENT: ALD. HAWLEY, WOODS

CHIEF ADMINISTRATIVE OFFICER; L. CORRIGAN
CITY SOLICITOR: M. MOREASH
ASST. CITY CLERK: V. CARMICHAEL

INVOCATION

Mayor McCluskey opened the meeting with the Invocation.

She requested Council's permission to hear from a group of north Dartmouth residents, under item 5.0, Delegations & Hearings of Protest. Council agreed.

Withdrawn from the agenda and deferred to the August 31st meeting, was item 10.1.6 Sale of land at 342/344 Windmill Road.

Council agreed to add to the agenda, item 10.4, Audit Management Letters, and in conjunction with item 10.1.5 Ship Modelers Guild, the Mayor advised that representatives of the group would make a presentation to Council when the item was before Council for consideration.

1.0 PUBLIC HEARING

i) AMENDMENT TO LAND USE BY-LAW - 4 RENFREW ST. & 271A PLEASANT S

PUBLIC HEARING: This date was set by Council for public hearing of an application from Maplehurst Properties Ltd. to rezone 4 RENFREW ST & 271A PLEASANT ST. portions of Civic #4 Renfrew Street and Civic #271A Pleasant Street, to C-2 Zone, necessitated by the expansion of the Professional Centre parking lot into approx. 3,000 sq. ft. of land, presently zoned R-2 Zone.

All members of Council were recorded as being present, with the exception of Ald. Woods and Hawley.

The Planning Dept. presentation was made by Mr. L'Esperance, and in recommending in favour of the application, he said it will legalize the portion of parking lot required and in use. Planning staff

are satisfied that the rezoning complies with MPS policy. Further to the neighbourhood information meeting, Mr. L'Esperance noted that a concern raised by an abutting property owner, about flooding from run-off at 271A Pleasant Street, has been addressed with curbing installed to redirect the water flow. There is now a break in the curb, however, and the potential for run-off still exists. Otherwise, the application is in order.

The public hearing was opened and Mayor McCluskey called for speakers in favour of the application.

Council heard Mr. Michael Zatzman, representing Maplehurst Apartments. He explained the need for increased parking which has necessitated the zoning change to cover the additional portions of land being used. Referring to the efforts that have been made so far, to address the flooding concern of the property owner at 271 Pleasant Street, Mr. Zatzman said he is prepared to make whatever adjustments are required to make sure water does not run off onto this adjoining land. A commitment in writing, with respect to fencing requirements, has also been made by the applicant.

The Mayor called three more times for any speakers in favour, and hearing none, she called three times for speakers opposed to the application. When there were no speakers opposed to the application, she declared the hearing closed, on motion of Ald. Hetherington and Pye.

BY-LAW C-702

Proposed By-law C-702 was before Council, to amend the Land Use By-law, relative to this application.

MOTION: That leave be given to introduce the said By-law C-702 and that it now be read a first time.

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

MOTION: That By-law C-702 be read a second time.

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

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

MOTION: That By-law C-702 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

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

2.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of Council meetings held on June 29, July 6, 13, 20, August 10, 1993, with one correction on page 5 of the July 20th minutes: the Resolution number should read 93-28 and not 93-26. Correction noted by Ald. May.

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

3.0 BUSINESS ARISING FROM THE MINUTES

Ald. May questioned the ownership of Wright's Cove Road, a presentation having been made to Council by area residents in this connection, at the July 6/93 Council meeting. Mr. Fougere advised that it is a privately-owned road and not owned by the City. Ald. Pye noted that the land on which the road is located is leased from D.N.D. and still belongs to them, however.

Also from the July 6th minutes, Ald. May asked about the disposition of his motion (page 9 & 10) regarding an amalgamation of metro police forces. The Mayor reported on her discussions with the Premier and the Mayor of Halifax; she was advised by the Premier that she would hear further from him on this matter. Also, Mr. Corrigan followed up with correspondence to the other local municipalities. Ald. May requested the formal approach called for in his motion, with a letter from the Mayor to the other Mayors and the Minister of Justice. Mayor McCluskey said she would comply, as requested.

4.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

- ALD. HETHERINGTON Ald. Hetherington requested that two land sales be dealt with, involving City land abutting a residential property and a business property on Esson Road/Johnstone Ave. and on Blink Bonnie Tce. and Johnston Ave. He said the lands in question have already been appraised, and details of the land sales only have to be finalized by the City.
- ALD. LEAVNDIER Ald. Levandier stated his concerns about the delay by the Province in proceeding with the 107 By-pass highway connection with Akerley Blvd. The Mayor advised that she has communicated the City's concern to the Minister of Transportation, but Ald. Levandier and several other members felt that further efforts have to be made, to try and have work on the highway proceed as originally planned. Ald. Levandier asked about the possibility of allowing the City to have the work done, with financing arrangements agreed to by the Province.
- ALD. GREENOUGH Ald. Greenough had similar concerns about the delay in completing this necessary highway connection, considering its importance to the Burnside Park, and felt that a meeting should be sought with the Premier and the MLA's for Dartmouth, to discuss this item and as well, the reduced Power Corp. grant in lieu of taxes.

MOTION: That Council seek a meeting with the Premier and the MLA's for Dartmouth, to discuss these two matters, in consideration of the vital concerns Council has about both issues. The committee of Council named, for purposes of the meeting, was: Mayor McCluskey, the Chairman and Vice-Chairman of the Finance & Program Review Committee, and Ald. Pye, who indicated his interest in being a part of the committee.

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

Council requested that the follow-up to the motion be by phone call and by FAX.

ALD. WALTON

Ald. Walton raised a point of concern about an auto repair shop that is being operated in south Woodside, on a piece of land sold by the owner, containing only a garage, separated from the dwelling by a division of the land into two lots. The Solicitor said he would have to contact Mr. L'Esperance for the particulars, and would then get back to Ald. Walton.

Ald. Walton extended thanks to Council on behalf of the Antique Car Club which held a car show at the Woodside ferry terminal, and were able to raise \$500., donated to the Children's Wish Foundation. Council was thanked for allowing the use of this area for the event.

ALD. CUNNINGHAM

Ald. Cunningham asked if there is anything further on the take-over of the ferry operation. Mr. Corrigan said there is a fair amount of optimism on the part of the local CAO's, that an agreement can be reached, and in persuading Metro Authority to move ahead with the take-over.

Ald. Cunningham's second inquiry had to do with a complaint he has received about Access-a-Bus service and the lack of service in Dartmouth for up to three or four hours in the afternoon. The Mayor responded with information on the recent incident where a long delay occurred as a result of an appointment time being changed by the person requiring service. Ald. Pye noted that the special committee dealing with Access-a-Bus concerns would like to receive this kind of information.

ALD. PYE

Ald. Pye, who will be receiving a certificate from Henson College at the UNSM Conference, asked about representation from Dartmouth; he indicated his willingness to attend as one representative.

MOTION: That delegates, up to a maximum of five, attend the UNSM conference, representing Dartmouth. The conference takes place in Halifax on Sept. 15 to 17th.

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

Ald. Pye asked that a letter be sent from the Police Dept. to the owner of the automotive business located at Lovetts Road and Windmill Road, regarding the illegal parking of vehicles at this location. If this warning letter is ignored, Ald. Pye requested further action on the part of the Police Dept., to deal with the illegally-parked vehicles.

- ALD. SARTO Ald. Sarto asked if all members of Council could receive copies of the Public Works & Safety Committee minutes, in future.
- ALD. THOMPSON Ald. Thompson said he has not received a report to date on the accident situation at Valleyfield/Virginia and Kelly Drive. Mr. Corrigan said a significant amount of work has been done already on this item, in preparation for the full report, which will include a corrective proposal and cost estimates.
- Ald. Thompson questioned the policy of charging the owners of Dartmouth businesses for police escort services (\$275.), when they are not similarly charged in either the City or County of Halifax. He referred to a specific recent incident where the company involved had occasion to move a wide load, requiring police escort services. He said we should be helping and encouraging local businesses, not causing problems for them; he asked to have this policy looked at further, in its application to local businesses.
- ALD. MAY Ald. May requested that grass be cut on the harbour side of Windmill Road, under the bridge, recently cited as an unsightly entrance to the City.
- Ald. May had several questions about the status of Provincial grants to the City, including the one for the ferry operation, and capital and operating grants. Both Mr. Corrigan and Mr. Smith provided what information they were able to, advising that no concrete information has been forthcoming as to actual grant amounts. Mr. Smith said that staff have been led to believe that the City should not expect to receive 100% of budget for these grants.
- Ald. May asked that the Mayor seek a commitment from the Premier, particularly with respect to the ferry grant; the Mayor suggested that it may be advisable to meet with the Premier again. (This suggestion was made prior to the motion adopted by Council, as recorded on page 4 of these minutes.)
- Ald. May asked about the procedure for new police recruits, and the procedures for determining a number and selection of candidates, was explained by Mr. Corrigan and the Police Chief.
- ALD. MACFARLANE Ald. MacFarlane's first inquiry was about the property at 100 Hawthorne Street, which has not been landscaped or improved since the building on it was removed. Mr. Corrigan said that steps have been taken to ticket cars parked on the property, and a more permanent solution for the property will be provided for in the next capital budget.

Ald. MacFarlane requested an update on the status of the Solid Waste By-law, noting that there are still garbage containers at various locations, that have not been enclosed and are clearly visible.

ALD. MACDONALD

Ald. MacDonald asked what can be done about children who play baseball on the streets. The Police Chief responded with the information that playing on a street becomes an offence only when it impedes traffic.

Ald. MacDonald said that No Parking signs on Howe Street, in the area of the ball diamond, are not being observed and the parking restriction is not being enforced by the Police Dept.

His other concerns were: (1) the crosswalk at Woodland Ave. and Pinehill Road, where a second pole and light is required; and (2) the four-way light at Victoria and Albro Lake Road. He asked why a right turn on red is being allowed at this intersection again, when it was previously prohibited.

MAYOR MCCLUSKEY

The Mayor asked that the ticketing of trucks be enforced on Woodland Ave. and Victoria Road; she referred to another instance last week, in which a truck tore down telephone lines and took shingles off a house. She requested the attention of the Police Dept. to this enforcement.

5.0

DELEGATIONS & HEARINGS OF PROTEST

NORTH DARTMOUTH
RESIDENTS GROUP:
PROSTITUTION
PROBLEMS

Council had earlier agreed to hear a presentation from residents living in the vicinity of Hester Street, Elmwood Ave., Jamieson Street, Albro Lake Road, Pinecrest Drive, who have been experiencing for some time, problems associated with prostitution in the area. Mr. Moir first addressed Council on behalf of the area residents present for this item.

Mr. Moir outlined to Council what the residents have undertaken in the way of street patrols and other measures, to try and 'take back their streets' and discourage prostitution activities in their neighborhoods. The police are unable to give the kind of help the residents are seeking, to put an end to the prostitution problems, and Mr. Moir asked about any possible by-laws the City could enact, in the way of control measures. Mr. Moreash explained why it is not possible for municipalities to enact by-laws applicable to prostitution, which is a Criminal Code matter. He also referred to provisions of the Charter of Rights, which make it difficult to impose restrictions through curfew and other prohibitions that would be interpreted under the Charter as infringing upon the rights and freedoms of a specific segment of society.

The next speaker heard by Council was Ms. Susan Jones, who dealt with the concerns of parents for the safety of their children, with school about to start, and health considerations associated with the disposal of condoms on streets, in parks and other locations. She asked about the busing of children to and from their schools, and whether funding could be provided by Council to make this service available, through the school system. She also asked about computer use by the Police Dept., to store license plate information that residents have gathered during the course of their street patrols.

Ms. Chaisson, the third speaker, referred to the level of frustration the residents are experiencing, in trying to find some solution to this major problem in their community. She asked for some assurance from Council that they are concerned, and that all possibilities for by-laws to help, will be examined. Mr. Moreash again commented on some of the difficulties the City faces in trying to establish by-laws that will be of any real help, but he said he was more than willing to discuss the matter in further detail with the Police Dept. Ms. Chaisson asked about the possibility of a Loitering By-law, as being enforceable in this situation.

Ald. Rodgers asked that before August 26th, when the police Commission deals with this item, the Police Chief review action that has been taken by other municipalities and cities in Canada, and be prepared to give examples of successful action that has been initiated, with an indication that his department is able to do the same kind of thing in Dartmouth.

The general response of Council, to the residents, was sympathetic, while recognizing the limitations on the City and on the City's police force, to take the kind of forceful action that would solve the prostitution problem once and for all. Ald. MacDonald felt that convictions for prostitution should be more severe than they are at present, both for the prostitutes and for the pimps. He proposed that a Task Force on Prostitution be established to examine the various legal issues and penalties that can be applied, a liaison with the Police Dept., etc. Ald. Levandier asked if No Stopping signs, such as those on Victoria Road Extension, would help to prevent cars from stopping to pick up prostitutes. The consensus of Council was that whatever has to be done, should be done, including additional police manpower in the area, if that needs to be part of the solution.

The Mayor gave assurance that something will be done, following the Police Commission meeting on August 26th. Ms. Jones asked if the Commission meeting will be open

to the press. The Solicitor said he would look at any possibility for a closed meeting, which the residents would like to have, but he felt that the act under which the Police Commission is constituted, would require discussion in an open meeting, which the public could attend and where a distinction could not be drawn that would exclude members of the press.

10.1.5 SHIP MODELERS GUILD - SULLIVAN'S POND

SHIP MODELERS
GUILD

Item 10.1.5 was moved up on the agenda, to accommodate members of the Ship Modelers Guild who were present in the gallery.

A report from Mr. Corrigan (Bill Stevens) on the use of Sullivan's Pond by the Guild, for the operation of their model boats, was before Council, recommending that they continue to operate at this location on Tuesday evenings, from 6:30 p.m. to dusk, and on Sunday afternoons, from 1:00 to 4:00 p.m. Ms. Geri Kaiser was present for the Parks & Recreation Dept., and stated the department's concurrence with the recommendation. Also, Ald. Walton, Council's representative on the Recreation Advisory Board, advised that the Board has discussed the matter and is in agreement with the recommendation.

MOTION: To adopt the recommendation that would allow the Ship Modelers Guild to continue operating their boats at Sullivan's Pond, on Tuesday evenings, from 6:30 p.m. to dusk, and on Sunday afternoons, from 1:00 to 4:00 p.m.

Moved: Ald. Cunningham
Second: Ald. Sarto

Ald. Levandier said he has received a complaint about the disruption of the passive nature of Sullivan's Pond, by the activities of this group, and he would not support the motion. Ald. Greenough said it may be advisable to approve the use of Sullivan's Pond for this year, and think about moving the Guild's activities to Frenchman's Lake, for next year.

A written submission, from the Guild, had been circulated to members of Council, just prior to the beginning of this meeting, and a representative addressed Council briefly, noting that a petition taken by the Guild, signed by people with a positive response to their operation on Sullivan's Pond, has been passed to the Asst. City Clerk. The petition bears 164 signatures of people who support the Guild's use of the Pond. He said that when the Guild members are operating their boats at the Pond,

they receive favourable comments and some people come back regularly each week to watch the boats.

Most members of Council considered this use of the Pond to be compatible and unobtrusive, and therefore, supported the motion and recommendation.

In Favour: All members except
Against: Ald. Levandier
Motion Carried

6.0 ORIGINAL COMMUNICATION

7.0 PRESENTATION

8.0 PETITION

i) NANTUCKET PAVING

PETITION:
NANTUCKET
PAVING

Further to a petition he presented, from residents of the Nantucket Subdivision, in connection with the completion of street work, following Power and Phone Company projects, Ald. Sarto said he was satisfied with the progress of the work to date and its aesthetic acceptability. He wanted to make sure that these standards are maintained throughout the completion of the rest of the work, and to have the petition referred to staff, along with his letter of July 21/93, to insure this consistency.

MOTION: To refer the Nantucket Subdivision petition to staff, to make sure that the remaining work to be completed remains consistently satisfactory and in keeping with the present standard.

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

9.0 REPORTS

9.1 MAYOR

9.1.1 REQUEST FOR USE OF OLD POLICE STATION ANNEX - DARTMOUTH
DOWNTOWN DEVELOPMENT CORPORATION

REQUEST FOR USE
OF OLD POLICE
STATION ANNEX

A letter has been received by the Mayor, from the Dartmouth Downtown Development Corp., for permission to use the old Police Station Annex at 41 Wentworth Street, for the Corporation's promotion at Halloween, "Nightmare on Wentworth Street". This request was brought to Council by the Mayor, for a decision.

MOTION: To permit the use of the old Police Station Annex (41 Wentworth St.) for the Downtown Dartmouth promotion at Halloween, "Nightmare on Wentworth Street", as requested by the Dartmouth Downtown Development Corporation.

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

9.1.2 THE WALK - AIDS NOVA SCOTIA AND N.S. PERSONS WITH AIDS COALITION

THE WALK:
AIDS N.S.

A second letter to Mayor McCluskey, brought to Council by her, concerned The Walk, taking place on Sept. 25/93, sponsored by the organizations AIDS Nova Scotia and the Nova Scotia Persons with AIDS Coalition. They wish to make a presentation to Council at a future meeting, and the Mayor encouraged members of Council to participate in this fund-raising event, if at all possible.

MOTION: To receive and file the letter of July 13/93 re The Walk, sponsored by AIDS Nova Scotia and the N. S. Persons with AIDS Coalition.

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

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 CONCEPT REVIEW MEETINGS

CONCEPT REVIEW
MEETINGS

A report from Mr. Corrigan was before Council on the subject of proposed Concept Review meetings, with the following recommendation: that the Mayor and Aldermen meet privately, each week from 7:00 p.m. to 7:30 p.m., in the 1st Floor Conference Room, to review concepts put forward by the CAO and senior staff.

MOTION: To adopt Mr. Corrigan's recommendation on the holding of Concept Review meetings, privately each week, from 7:00 p.m. to 7:30 p.m., to review concepts put forward by the CAO and senior staff.

Moved: Ald. Sarto
Second: Ald. Hetherington

Ald. Levandier and May did not agree with the idea of such Concept Review meetings, especially in private, while other members had concerns about trying to get to City Hall every Tuesday by 7:00 p.m. for the meetings. A number of suggestions were made for alternate meeting arrangements, both on Tuesdays and on alternate evenings. Ald. May proposed an amendment to the motion, that would delete the words 'meet privately' from the recommendation.

AMENDMENT: To delete from the wording of the recommendation, the words '. . . meet privately'.

Moved: Ald. May
Second: Ald. Sarto
In Favour: Minority of members
Against: Majority of members
Amendment Defeated

The next amendment, introduced by Ald. Hetherington, proposed a one-hour meeting, every second Tuesday.

AMENDMENT: That the meetings be of one hour duration, and held every second week, on a Tuesday.

Moved: Ald. Hetherington
Second: Ald. Thompson
In Favour: Minority of members
Against: Majority of members
Amendment Defeated

Ald. Greenough was in favour of a meeting once a month, on a night other than Tuesday, for a couple of hours.

AMENDMENT: That the meeting be once a month, on a night other than Tuesday, for a couple of hours.

Moved: Ald. Greenough
Second: Ald. Cunningham
In Favour: All members except
Against: Ald. May, Levandier, MacFarlane
Amendment Carried

Mr. Corrigan explained to Council what is intended to be accomplished with the Concept Review meetings, and why he has recommended that they be short and frequent.

The vote was then taken on the amended motion, which was defeated.

In Favour: Minority of members
Against: Majority of members
Motion Defeated, as amended

A new motion was then put forward by Ald. Hetherington, which was acceptable to most of Council and was adopted.

MOTION: That members meet as Committee-of-the-Whole, every second week, on the second and fourth Tuesdays, between 7:00 and 8:00 p.m. Between 8:00 p.m. and 11:00 p.m., Council will meet in regular format, breaking at 11:00 p.m. on those evenings.

Moved: Ald. Hetherington
Second: Ald. Thompson
In Favour: All members except
Against: Ald. May & Levandier
Motion Carried

10.1.2 NOVA SCOTIA POWER INC. - GRANT-IN-LIEU OF TAXES

N.S.POWER INC:
GRANT-IN-LIEU

Council has received a report from Mr. Corrigan (B. Smith) on the Grant-in-Lieu of municipal taxes, being paid to the City of Dartmouth for the 1993/94 fiscal year, by Nova Scotia Power Inc., which results in a financial loss to the City of approx. \$640,000., based on "kilowatt hours delivered by the Company . . . in the municipality, other than to a municipal electric utility, during the preceding calendar year. . ."

A recommendation has been made to Council, and Mr. Smith presented information to make Council aware of the impact of the reduced grant for Dartmouth from Nova Scotia Power Inc., noting that the amount of the lost revenue translates into two cents on the tax rate. Basically, what it amounts to, is a subsidy being forced on citizens of Dartmouth, since we will be paying for other municipalities where increased grants are to be received.

MOTION: To adopt the recommendation made by Mr. Smith, as contained in the report to Council: that Council formally request that the Province of Nova Scotia, through the Dartmouth MLA's, amend Bill 204 (an Act respecting the Privatization of the Nova Scotia Power Corp.), requiring the new Corporation to implement a "grandfather provision", that would provide Dartmouth with a GIL (grant-in-lieu of municipal taxes) at least equal to the actual 1992 grant amount.

Moved: Ald. Hetherington
Second: Ald. Sarto

During debate on the motion, it was suggested that the company, now that it has been privatized, should be paying full taxation to the City, like any other company would. Mr. Smith advised, in his presentation, that they would have paid 1.7 million dollars in taxation, on their properties, under those circumstances.

Ald. May objected to the fact that the Public Utilities Board has never been consulted and there has been no public hearing, prior to the government decision on grants to municipalities, based on the formula that was set. He also questioned the fact that no intervention was made on the City's behalf by the UNSM, although it appears that very little advance information was available to anyone on the formula or its application.

Ald. Hetherington considered that the motion may not be a strong enough statement of Dartmouth's objection, and he was in favour of pursuing whatever legal means may be at our disposal, to take legal action against the Province and against the Power company itself.

AMENDMENT: That Council look at legal routes that are possible for taking the Province of Nova Scotia and Nova Scotia Power Inc. to court over this decision; also, how Maritime Tel & Tel are able to pay only grants in lieu of taxes.

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

The vote on the motion, as amended, followed

In Favour: All
Against: None
Motion Carried, as amended

There was one further motion relating to this item.

MOTION: That the Province be asked to release all the studies and alternatives considered before the legislation (Bill 204) was enacted.

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

(On motion of Ald. May & Pye
Council met beyond 11:00 pm)

10.1.3 AUTHORIZED SIGNING OFFICERS - RESOLUTION 93-32

SIGNING AUTHORITY: Report from Mr. Corrigan (B. Smith, D. McBain) on RESOLUTION 93-32 signing authority appointments and a resolution change which removes the position of Director of Corporate Planning and adds the position of Assistant City Clerk, where appropriate. Resolution 93-32 has been recommended to accomplish this change.

MOTION: That Resolution 93-32 be approved by Council, as recommended, to accomplish a signing authority revision, whereby the position of Director of Corporate Planning is removed, and the position of Assistant City Clerk, is added where appropriate.

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

10.1.4 1993/94 DEBT ISSUE

1993/94 DEBT
ISSUE

Report from Mr. Corrigan (B. Smith, D. McBain) on the 1993/94 debt issue, recommending that Council authorize staff to proceed with funding arrangements with the Municipal Finance Corporation, for long-term debt totalling \$2,524,300., relating to General Fund projects.

MOTION: To adopt the recommendation on the funding of the 1993/94 debt issue: that Council authorize staff to proceed with funding arrangements with the Municipal Finance Corporation, for long-term debt, totalling \$2,524,300. relating to General Fund projects.

Moved: Ald. Thompson
Second: Ald. Sarto

Ald. Levandier proposed a one-week deferral of this item, pending the meeting with the Premier on the 107 By-pass, and a motion of deferral was moved by Ald. Rodgers and Levandier. Because of the commitment required by August 27/93, (to the Finance Corp.), the motion was withdrawn, but staff will inquire about leeway that may be permitted to fund the 107 project, if it is able to proceed this year.

The vote was then taken on the main motion.

In Favour: All
Against: None
Motion Carried

10.2 PUBLIC WORKS & SAFETY COMMITTEE10.2.1 CHANGE OF NAME FROM DARTMOUTH POLICE DEPT. TO DARTMOUTH
POLICE SERVICE

CHANGE OF NAME: A report from the Chairman of the Public Works & Safety
POLICE DEPT. Committee has been submitted to Council, with a recommend-
ation for a name change for the Dartmouth Police Dept.
The proposed name change is the Dartmouth Police Service.

MOTION: To adopt the recommendation of the
Public Works & Safety Committee:
that the name of the Dartmouth Police
Department be changed to the Dartmouth
Police Service.

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

10.2.2 CROSSWALK GUARDS

CROSSWALK GUARDS A second report from the Public Works & Safety Committee
contained a recommendation on crosswalk guards and their
services for the upcoming school year. A motion has been
recommended to Council, by the Committee, for approval.

MOTION: To adopt the recommendation of
the Committee: that the same level
of crosswalk guard service, subject
to any minor adjustments due to school
closures, be maintained, and alternative
methods of providing the service be
explored.

Moved: Ald. Greenough
Second: Ald. Sarto

Ald. Hetherington requested that the crosswalk guard
no longer required for North Woodside School, be assigned
to the location in front of the Royal Bank at Esson and
Johnstone Road. Ald. Sarto asked to have the guard from
the Woodlawn Road location, assigned to the crossing at
Woodlawn Road and Spikenard Street.

In Favour: All members except
Against: Ald. May, Cunningham, Levandier
Motion Carried

Since second approval had not been given for the required additional expenditure of up to \$110,000., a motion was presented at this time, first approval having been previously given in June.

MOTION: To give second approval for an over-expenditure not to exceed \$110,000., required for crosswalk guard services as per the motion adopted and recorded on page 16 of these minutes.

Moved: Ald. Hetherington
Second: Ald. Sarto
In Favour: All members except
Against: Ald. May, Cunningham, Levandier
Motion Carried

10.3 PUBLIC TRANSPORTATION ADVISORY COMMITTEE

10.3.1 1993/94 FERRY OPERATING BUDGET

FERRY BUDGET

The Public Transportation Advisory Committee has dealt with the 1993/94 Ferry operating budget, and a motion recommending approval of the budget has been forwarded to City Council.

MOTION: To adopt the recommended motion from the Public Transportation Advisory Committee, giving endorsement to the 1993/94 Ferry operating budget as the financial package for purposes of negotiating with Metropolitan Authority, and recommending approval of the budget.

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

10.3.2 FERRY SAFETY

FERRY SAFETY

The Public Transportation Advisory Committee has reported to Council on its review of reports on two incidents of near collision, involving the ferries, and has recommended to Council that the reports, combined with additional Coast Guard information (if Mr. Corrigan can obtain a copy), be received and filed.

MOTION: To adopt the recommendation of the Public Transportation Advisory Committee: that reports on two incidents of near collision, involving the ferries, along with additional Coast Guard information (if Mr. Corrigan can obtain a copy), be received and filed.

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

10.4 AUDIT MANAGEMENT LETTERS

MANAGEMENT
LETTERS

Mr. Corrigan recommended to Council that the Management Letters from the Auditors, be referred to the Audit Committee and to staff, for a detailed, item-by-item response, and also, referred to the Finance & Program Review Committee.

MOTION: To refer the Management Letters from the Auditors, as recommended by the Chief Administrative Officer: to the Audit Committee, the Finance & Program Review Committee, and to staff, for a detailed, item-by-item response.

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

12.0 NOTICES OF MOTION

The following Notices of Motion were given for the next regular Council meeting:

Ald. May

WHEREAS School Boards and almost all municipalities are required to give members of the public access to information;

AND WHEREAS section 48 of the Municipal Act states:

The books, assessment rolls, records and accounts of the municipality shall be open at all reasonable hours and without payment of any fee, to the inspection of any person.

BE IT RESOLVED that Council seek an amendment to the City Charter to include the provisions stated in the Municipal Act, at the next session of the House of Assembly.

Ald. Walton

WHEREAS the City owns the lot at 527 Pleasant Street, bordering the playground area of South Woodside School;

AND WHEREAS the lot is on the list of surplus City-owned properties up for sale;

AND WHEREAS this lot has sat vacant and there have not been any prospective buyers;

AND WHEREAS there has been a request for this property to be included as part of the existing playground area;

THEREFORE, BE IT RESOLVED that the property at 527 Pleasant Street be allocated to the Dartmouth District School Board for use as additional playground area at South Woodside Elementary School.

Council adjourned at 11:30 p.m.

V. Carmichael

V. Carmichael,
Asst. City Clerk.

ITEMS:

- Invocation, page 1.
 - 1.0 Public Hearing, page 1.
 - i) Amendment to Land Use By-law, 4 Renfrew St/271 Pleasant St.,
 By-law C-702, page 2. page 1
 - 2.0 Approval of Minutes, page 3.
 - 3.0 Business Arising from the Minutes, page 3.
 - 4.0 Concerns of Council members or questions, page 4 to 7.
 - 5.0 Delegations & Hearings of Protest - North Dartmouth Residents,
 page 7 to 9.
 - 10.1.5 Ship Modelers Guild, Sullivan's Pond, page 9.
 - 6.0 Original Communication, page 10.
 - 7.0 Presentation, page 10.
 - 8.0 Petition, page 10.
 - i) Nantucket paving, page 10.
 - 9.0 Reports, page 10.
 - 9.1 Mayor, page 10.
 - 9.1.1 Request for use of old Police Station Annex, page 10.
 - 9.1.2 The Walk, AIDS Nova Scotia and AIDS Coalition, page 11.
 - 10.1 Chief Administrative Officer, page 11.
 - 10.1.1 Concept Review meetings, page 11 & 12.
 - 10.1.2 Nova Scotia Power Inc., grant-in-lieu of taxes, pg. 13 & 14.
 - 10.1.3 Authorized signing officers: Resolution 93-32, page 15.
 - 10.1.4 1993/94 Debt Issue, page 15.
 - 10.2 Public Works & Safety Committee, page 16.
 - 10.2.1 Change of name for Dartmouth Police Dept., page 16.
 - 10.2.2 Crosswalk Guards, page 16.
 - 10.3 Public Transportation Advisory Committee, page 17.
 - 10.3.1 1993/94 Ferry operating budget, page 17.
 - 10.3.2 Ferry safety, page 17.
 - 10.4 Audit Management Letters, page 18.
 - 12.0 Notices of Motion, page 18 & 19.
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Lib. Ref. Dept.

**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., AUG 31/93
7:30 PM
COUNCIL CHAMBER
IN CAMERA
10:00 PM**

1. Portland West CDD - Application for Development Agreement (Deferred from August 10/93 meeting)

**CONTINUATION OF COUNCIL AGENDA OF AUGUST 24/93
(REPORTS PREVIOUSLY CIRCULATED)**

2. **REPORTS**

- 2.1 **CHIEF ADMINISTRATIVE OFFICER**

- 2.1.1 Sale of Land at 342-344 Windmill Road to Elie Ibrahim

3. **MOTIONS**

- 3.1 **ALD. MAY**

WHEREAS businesses wishing to locate in metro are now pitting one municipality against another in bidding to host an enterprise;

AND WHEREAS it is too costly and divisive for this situation to continue;

BE IT RESOLVED that we approach the other municipalities and the Province, to establish one metro-wide Industrial Commission, to stop this inappropriate competition.

COUNCIL AGENDA OF AUGUST 31, 1993

4. **REPORTS**

- 4.1.1 **GRANTS COMMITTEE**

- 4.1.1 Grants Committee Recommendations

IN CAMERA SESSION - 10:00 P.M.

1. Legal Matters
2. Contract Matter
3. Personnel Matter

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

MEMBERS PRESENT: MAYOR MCCLUSKEY
ALDERMEN MACFARLANE, CUNNINGHAM
MAY, LEVANDIER, PYE
WOODS, RODGERS, MACDONALD
SARTO, THOMPSON, HAWLEY
GREENOUGH, WALTON, HETHERINGTON

CHIEF ADMINISTRATIVE OFFICER: L. CORRIGAN
CITY SOLICITOR: M. MOREASH
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEADS: V. SPENCER, POLICE CHIEF MACRAE
PLANNER: R. WELLS

Several changes were made to the agenda, at the request of Mayor McCluskey and with the concurrence of Council.

Item 2.1.1 (sale of land at 342/344 Windmill Rd.) was deleted and replaced with a financial report from Mr. Corrigan to Council.

Item 2.2 was added, being a presentation by Greg Napean on the subject of a Youth Advisory Committee. Also added was item 2.3, a report on municipal reform by Ald. Levandier. (There was not time for either of these items, in the end, and the presentation was rescheduled for the next Council meeting. Ald. Levandier will submit a written report in place of his verbal presentation.)

Ald. May's motion was deferred, with his agreement and the agreement of Council, to the next regular Council meeting.

1.0 PORTLAND WEST CDD - APPLICATION FOR DEVELOPMENT AGREEMENT

APPLICATION:
PORTLAND WEST

The public hearing for the Portland West CDD application took place and was concluded at the August 10th Council meeting. This item was again before Council for a decision on the application.

Members of Council not present for the public hearing and therefore unable to participate in the debate or the vote, were: Ald. Levandier, Rodgers & MacFarlane. They left their places on Council at this point.

To assist Council in the matter of changes to Development Agreements, and to clarify questions that have arisen in connection with the CDD application, Ms. Spencer proceeded with a presentation of guidelines prepared by her department, copies of which were circulated

to Council.

The guidelines took the form of a number of tests that can be applied by Council to terms of an original agreement, in determining the possibilities and limits of alterations permitted. These tests are:

- 1) Does Council have jurisdiction?
- 2) Are other policies or regulations required to support the change?
- 3) Do the Council and the Applicant agree to the change?
- 4) What was advertised? Is the change a new item?
- 5) Will the change give further support/clarification to the draft agreement?
- 6) Does the agreement allow for some flexibility in the specific matter?

Ms. Spencer elaborated further on each of the tests, in relation to the development agreement process, without making any suggestions applicable specifically to the application before Council. She noted that the easiest kind of changes to make are changes that clarify what is already in the agreement. Also, she differentiated between clauses in agreements where there is no flexibility or possibility of adjustment, while other clauses permit a range of options to be considered and areas where there may be some movement.

Following the points of clarification presented by Ms. Spencer, Ald. Hetherington questioned the possibility of requesting the developer to down-size development on Lot 5, from apartment units to town house units, and to make other changes, involving Lots 4 and 6, and the lot sizes covered by section 2.2.3 of the proposed development agreement. Ms. Spencer explained the kind of parameters under which such changes would be possible, if the developer were to indicate his willingness to make them. Ald. Hetherington proceeded to request that the development for Lots 4 and 5 be reduced from apartment buildings to town houses.

Mr. Campbell, the developer, was willing to down-size the development on Lot 5, as requested, but not on Lot 4. Further, he would want to make up the units lost from Lot 5, by increasing the units in buildings on Lots 1, 2, 3, and 4. Asked further about his willingness to designate Lot 6 specifically for the senior citizen complex, and to delete section 2.2.3 (reduced lot frontage requirement) from the agreement, Mr. Campbell was also willing to make these changes, upon request.

Ald. Walton noted the continuing opposition, by area residents, to the apartment units as part of this

development, and referred to the existing 12.4% vacancy rate for apartments in Dartmouth already. He said he would have to vote against the application, in view of the objection communicated to him by the citizens he represents. Ald. May said he could not find any grounds on which to vote against the application, in view of its compliance with the City's MPS policies and other requirements. He did not see any grounds on which he felt an appeal would be sustained.

As Mr. Campbell was questioned further about the transference of apartment units that would be lost from Lot 5, based on the estimation that he would have about 18 town house units for that lot, he stated to Council that he would be willing to accept the number 48 as additional apartment units to be transferred to Lots 1, 2, 3, and 4. The question of bonus units allowed for apartment buildings of non-combustible construction, was brought up by Ald. Hetherington, since this provision has been included in the development agreement. The figures applicable to these additional units were later provided by Ms. Spencer in her summary of reallocated units, for purposes of changes to the agreement.

As these various changes were being discussed and proposed, there was consultation with Ms. Spencer and the Solicitor, as to the acceptability of the changes, from the point of view of legality and of compliance with CDD criteria and Planning Act requirements. They both cautioned that changes have to be consistent with MPS policies for the City, and have to meet the Test 4 guideline, in terms of what was originally advertised for public hearing purposes. When the numbers for apartment units, in four buildings, had later been established, the Solicitor stated that she had some concerns about the number change and the fact that fewer buildings are represented, to carry those numbers, than originally proposed; in other words, there is some possibility that this represents what could be considered a substantial change (ie. from what was originally advertised). A point made by Ms. Spencer at about the same time, pertained to the fact that the sites now being suggested for additional units, are less desirable for this purpose than Lot 5, which had the advantage of an over-sized Eisener Blvd., to accommodate traffic flow from the development - Lots 1, 2 & 3 being located instead on Russell Lake Drive. From that perspective, the original plan was preferable.

Members of Council continued to give their opinions on the development application, both in its original form, and with the changes being requested of the developer. Ald. Woods favoured the proposal, as it stands, considering the five apartment buildings to be acceptable. Ald. Pye and Cunningham said the City is in need of development and the tax revenue provided from it. Ald. Thompson suggested that by increasing the lot sizes from 3800 sq. ft. to the regular 5,000 sq. ft., property prices will become less affordable to first-time home buyers. There were other members with reservations about reducing the lot sizes as well, including Ald. May. He asked for a separate vote on each of the changes being discussed, and the vote was subsequently taken that way.

Ald. Hetherington said he could not support the development without both Lots 4 and 5 being removed for apartment units. He was concerned about the traffic volumes, and about the rights of residents who presently live in the area, with their strong opposition to the apartment components, especially on Lots 4 and 5.

Ald. Greenough noted that the plan before Council represents a major change and improvement from what the original zoning for these lands would have permitted, and the revised proposal has been arrived at with the agreement of the City's Planning Dept., and recommended to Council accordingly.

There was a break in the meeting to permit Ms. Spencer, Mr. Wells and Ms. Hood to work out the details of apartment unit figures, for reassignment from Lot 5, in the event of it being decided for town housing development and not apartment development, as originally planned.

Council then reconvened and Ms. Spencer presented the apartment unit figures, the revised total of which would be 312, with a potential of 72 units for Lot 4, and 80 units each for Lots 1, 2 and 3. Taking into account the bonus units, for non-combustible construction, this potential increases to 92 for Lots 1, 2, and 3, and remains at 72 for Lot 4, the maximum figure now being 348, instead of the original 360, as per section 2.1.1 (c). In conjunction with these revisions, it was at this point in the meeting that Ms. Spencer made her comments to Council about the desirability of the present scenario for apartment development, over a redistribution of the units, referred to previously on page 3 of these minutes.

Resolution 93-30, recommended for approval, was before Council, and a motion for its adoption was presented.

RESOLUTION 93-30

MOTION: To approve Resolution 93-30, as recommended.

Moved: Ald. MacDonald

Second: Ald. May

Ald. Sarto was opposed to the motion and Ald Pye had concerns about the change in apartment numbers, without going to another public hearing. Ald. Hetherington was prepared to place the agreement changes, requested of the developer, and agreed to by him, on the floor, in amendment to the motion. The vote was taken separately on each of the proposed changes, as follows:

DELETION:
SECTION 2.2.3.

- 1) AMENDMENT: That section 2.2.3 be deleted from the agreement, with reference to lots of 3800 sq. ft. being permitted; regular lot size (5,000 sq. ft.) would there fore be required instead.

Moved: Ald. Hetherington

Second: Ald. May

In Favour: All members except

Against: Ald. May and Woods

Amendment Carried

REMOVAL OF
APARTMENT UNITS
LOT 5

- 2) AMENDMENT: That apartment development be removed from Lot 5, to be replaced by town housing or lower density (R-1); and that the 48 units from Lot 5 be re-distributed among Lots 1, 2, 3. & 4.

Moved: Ald. Hetherington

Second: Ald. Walton

In Favour: All members except

Against: Ald. May, Sarto, Thompson, Pye

Amendment Carried

LOT 6: SENIOR
CITIZENS COMPLEX

- 3) Amendment: That Lot 6 be restricted to the senior citizens complex development or less density.

Moved: Ald. Hetherington

Second: Ald. May

In Favour: All members

Against: None

Amendment Carried

The Solicitor asked members of Council to make the following changes in their agreement copies, in keeping with the amendments adopted:

- Section 2.1.1 (c): changed from 360 to 348
- (e): addition of the words '. . . on site 6 only'.
- 2.2.3 : deleted completely.
- 2.4.2 : number change from 5 to 4, and addition of the wording '. . . and none on Sites 5 & 6'.
- 2.5.1 : wording change to read '. . . may be developed on Site 6 only'.
- 2.5.2 : reference should be to Site 6 only.

The apartment unit numbers are:
60 to 72 max. for Site 4
72 to 80 max. for Sites 1, 2 & 3.
Non-combustible construction:
72 max. for Site 4
92 max. for Sites 1, 2, & 3.

Ald. Hetherington said the high density development being approved can be expected to set the pattern for other adjacent lands still to be developed, and he asked that Council send this proposal back to the residents and the developer to arrive at a compromise the residents can live with. Ald. Hawley pointed out that if Council turns down the application and it goes to appeal, the final decision will be based on planning policies and compliance with the MPS, which, in this case, have been followed. He felt an appeal by the developer would therefore be upheld and Council would once again have lost their decision, as they have in the past. Ald. Greenough agreed that the decision of Council, against the application, would likely be lost in appeal. He felt the middle ground reached, in discussions at this meeting with the developer, is acceptable.

The vote was taken on the motion, as amended.

In Favour: All members except
Against: Ald. Walton, Hetherington, Sarto
Motion Carried, as amended

- 2.0 VERBAL REPORT
- 2.1 CHIEF ADMINISTRATIVE OFFICER
- 2.1.1 FINANCIAL OVERVIEW

Mr. Corrigan gave a brief verbal overview of the City's current financial picture, with year-end projections; a more detailed report in writing, will be ready for the next meeting.

On the revenue side, he reported a \$100,000. increase in Deed Transfer Tax, but a \$600,000. reduction is expected in the grant-in-lieu of taxes from the Federal Government, plus about a \$50,000. loss in the Provincial grant-in-lieu and the \$640,000. loss from the Power Corp. grant-in-lieu. Parking fines are expected to be under by about \$50,000. at year-end, for a combined revenue loss of \$1,300,000. in all.

The Police Dept. over-expenditure is expected to be up to \$500,000. by the end of the year (this figure includes the \$110,000. over-expenditure for crosswalk guards), and with a deficit adjustment of \$200,000. for last year, and litigation costs of \$150,000. by year end, the City's unfavourable variance will reach two million dollars.

The Mayor suggested that it is time to appeal the Federal Government reduction, and members of Council agreed. They also agreed with her second suggestion on a meeting with Assessment Division representatives, and to begin checking assessment records, including those for Provincial properties. More time will be spent in discussing the financial situation, after the report being prepared by Mr. Smith comes to Council.

4.0 REPORTS

4.1. GRANTS COMMITTEE

4.1.1 GRANTS COMMITTEE RECOMMENDATIONS

GRANTS COMM.
RECOMMENDATIONS

The 1993/94 Grants Committee recommendations were presented to Council by Ald. Hawley, copies of the recommendations and related information having been circulated with the agenda. Ald. Hawley was available throughout the debate to answer questions from members of Council.

CONFLICT OF
INTEREST

Ald. Cunningham declared a conflict of interest, being employed by one of the agencies that have made application to the City for a grant. He withdrew from his place on Council to sit in the gallery.

Ald. Hawley gave a brief resume of the applications reviewed by the Committee (43), in comparison with the number the Committee is able to assist (21), given the funds available. He noted that almost one-third of the grants allocation from budget was already committed, in the form of long-term commitments, before the Committee's review even began.

MOTION: That Council approve the recommended grant allocations, as per Appendix A, totalling \$367,700. (\$247,960. net).

Moved: Ald. Hawley
Second: Ald. Sarto

Ald. Thompson noted the financial difficulties the VON are facing, and asked for consideration of their problems, over and above what has already been recommended for them.

(A motion was adopted to continue meeting beyond 11:00 p.m. - Moved by Ald. Pye and seconded by Ald. Hawley.)

Mr. Corrigan noted that there has already been an over-expenditure of \$2,000. by the Committee, at this point. Several members considered the grant allocation to have been under-funded, as in other years, and Ald. Hawley said it would be helpful if Council would remember this point, which is made every year, at budget time. Ald. Pye felt that the Dartmouth Work Activity agency has been under-funded, considering their contribution to the community.

MOTION: To refer the report back to the Grants Committee, for an additional \$2,000. allocation in funds for the VON, to be found from the existing budget item for Grants.

Moved: Ald. Greenough
Second: Ald. Thompson
In Favour: All members except
Against: Ald. Hawley & Walton
Motion Carried

Council went in camera at 11:15 p.m., on motion of Ald. MacFarlane and Woods. Adjournment was from the in camera meeting.

V. Carmichael

V. Carmichael,
Asst. City Clerk.

ITEMS:

- 1.0 Portland West CDD, Application for Development Agreement,
page 1 to 6 incl.
Resolution 93-30, page 5.
 - 2.0 VERBAL REPORT, PAGE 4.
 - 2.1 Chief Administrative Officer, page 6.
 - 2.1.1 Financial overview, page 6
 - 4.0 Reports, page 7.
 - 4.1 Grants Committee, page 7.
 - 4.1.1 Grants Committee recommendations, page 7 & 8.
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