

**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., MAY 3/94
7:30 PM
COUNCIL CHAMBER**

PROCLAMATIONS - MENTAL HEALTH WEEK
- WORLD RED CROSS DAY - MAY 8, 1994

INVOCATION

1. **APPROVE THE MINUTES FROM THE MEETINGS:** April 5, 7, 11, 12, 14, 19 & 26/94
2. **BUSINESS ARISING FROM THE MINUTES**
3. **DELEGATIONS & HEARINGS OF PROTEST**
4. **CONCERNS OF COUNCIL MEMBERS OR QUESTIONS**
5. **ORIGINAL COMMUNICATION**
6. **PRESENTATIONS**
7. **PETITION**

- 7.1 Request for Three Way Stop, Corner of Ernest Ave. & Albro Lake Rd.
- 7.2 Request to Alter Traffic Light, Intersection of Pleasant Street & Everette Street

8. **REPORTS**

- 8.1 **CHIEF ADMINISTRATIVE OFFICER**
 - 8.1.1 Five Star Committee Appointment
 - 8.1.2 Temporary Borrowing Resolutions
 - 8.1.3 1994/95 Capital Budget Amendments
 - a) Ward 1 Allocation
 - b) Ward 5 Allocation
 - 8.1.4 Alarm Bylaw
 - 8.1.5 Street Tree Planting Tender Contract PR94-02

9. **MOTION**

9.1 **ALD. MACFARLANE**

WHEREAS Legislation, in the City of Dartmouth, provides a system of fines for violations of municipal by-laws;

BE IT RESOLVED that these amounts be reviewed, with a view to increasing the penalties for infractions, improving deterrence, and the City's revenue position.

10. **NOTICES OF MOTION**

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

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

C/A OFFICER: L. CORRIGAN
CITY SOLICITOR: M. MOREASH
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEADS & ASSISTANTS

INVOCATION

Mayor McCluskey opened the meeting with the Universal Prayer, and welcomed Council and visitors to the meeting.

PROCLAMATIONS

Proclamations read by the Mayor were for:

- 1) Multiple Sclerosis Awareness Month, during May.
- 2) Mental Health Week, during the week of May 2nd to 8th.
- 3) World Red Cross Day, on May 8, 1994.

A number of items were added to the agenda by Mr. Corrigan: Items 8.1.3 c) Ward 3 Allocation

- | | |
|-------|---|
| 8.1.6 | Deed Transfer Tax By-law Amendment |
| 8.1.7 | Executive Committee, Metro Authority |
| 8.1.8 | Metro Food Bank Campaign |
| 8.1.9 | Third reading: Pollution Control
By-law P-1102 |

Ald. Greenough asked to add a petition from Ward 6 residents living in the vicinity of the Shubie Campground, and was later permitted to present this petition.

1.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on April 5, 7, 11, 12, 14, 19 and 26th, 1994.

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

2.0 BUSINESS ARISING FROM THE MINUTES

Reference the minutes of April 26th, Ald. Rodgers took exception to an inference made that he had interfered with policing matters, and was dealing in hearsay. He said it is the opinion of the CAO that he was not interfering and has the right to raise matters of concern. He requested that the minutes, along with other related correspondence, be reviewed by the City Solicitor, to determine whether he had interfered with police matters.

Ald. MacFarlane indicated that his comments from the April 26th meeting still stand, and he clarified his attempt at that time to focus on provisions of the Police Act, in relation to procedures that should be followed where matters involving the Police Service are concerned.

Ald. Rodgers felt that the issue has to do with his right as an individual citizen, or as a member of Council, to ask questions of the Police Chief and to make Council aware of those questions. He referred again to his original and subsequent requests for answers, and to the fact that the report of the Chief was made to Council. Ald. MacFarlane stated to Council that he had not made public, the information communicated by memo, as Ald. Rodgers has maintained. There was a difference of opinion between the Aldermen on this point.

Ald. May requested permission to place a motion on the agenda, at a later point, but instead, decided to give notice of motion, which is recorded on pages 14 and 15 minutes.

3.0 DELEGATIONS & HEARINGS OF PROTESTPETITION:
SHUBIE CANTEEN

Ald. Greenough presented a petition from residents living in close proximity to the Shubie Campground, with concerns about the building moved on-site for use as a canteen at the park. He asked to have the petition referred to staff for review and report back to Council. The letter accompanying the petition was signed by Ms. Ying Watt of 18 Brenton Drive.

MOTION: To refer the petition to appropriate staff for review and consideration, with report back to Council. Staff is asked to indicate if what is being done is in the best interest of the park operation, and to address the points of concern the residents have, before the operation gets underway.

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

4.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. PYE

Ald. Pye asked if the City of Dartmouth was consulted by the Province prior to the announcement of wage roll-backs for employees; the Mayor said there was no prior notice.

Ald. Pye asked if Dartmouth will be taking a stand similar to the Mayor of Halifax. Mr. Corrigan said the legislation is being reviewed, and it is likely that a presentation will be made to the Law Amendments Committee. Members of Council will see the presentation first. Ald. Pye said he hoped our contracts will be negotiated with our own people, and not at the direction of the Provincial Government.

Ald. Pye requested that Mr. Wes Baxter of TUNS be contacted, to see if TUNS can give a workshop and seminar for the the City, on solid waste management. Mr. Baxter has indicated a willingness to do this.

ALD. WALTON

Ald. Walton asked that comments of a disabled person (Mr. denHollander) be taken up with Metro Authority; the Mayor said she will be doing this.

Ald. Walton inquired about the noise disturbance legislation, requiring a Charter amendment, and Mr. Moreash said it should be dealt with at this sitting of the Legislature.

ALD. CUNNINGHAM

Ald. Cunningham's question was about line painting on City streets, and the need to get on with the work. Mr. Purdy advised that the tenders for line painting close on May 12th.

ALD. HETHERINGTON

Ald. Hetherington asked that problems with commercial garbage bins around the City, be dealt with; he said there is seepage from them and problems with them everywhere.

ALD. SARTO

Ald. Sarto asked about the control of pellet guns, and was advised by Mr. Moreash that the City has a by-law that deals with air guns and would apply. Ald. Sarto wanted to see their use restricted altogether, and asked that the regulations of Bedford and the County be looked at, to see what they are doing. Also, that a letter from the Police Chief go out to junior highschoools in the City, on this subject.

- ALD. LEVANDIER Ald. Levandier asked about the appointment of Ald. Hawley as the Metro Authority representative, to take over from Ald. Rodgers. He said it is important for the City to have strong representation, without any lapse between appointments.
- ALD. HAWLEY Ald. Hawley referred to the concerns of Ward 6 and Ward 1 residents about the establishment on Main Street, where strippers are appearing. Mr. Moreash noted that this establishment has been licensed by the Province, and the municipality does not have authority to control this matter. He will bring the concern of the Alderman to Ms. Hood's attention, since she is already working on it.
- ALD. GREENOUGH Ald. Greenough also indicated his objection to the situation at Ralph's Tavern, and Ald. Thompson presented a letter of objection, signed by Ginny Conrad, President, on behalf of the Mary Lawson Home & School Association. This letter was tabled by Ald. Thompson with Ms. Carmichael.
- Ald. Greenough requested that a crosswalk be painted on the street at the location of Waverley Road and Lake Charles Drive, where seniors and school children cross.
- ALD. HAWLEY Ald. Hawley asked that when the request to move the development boundary, in the Craighburn Drive area, comes to Council for public hearing, members of City staff be prepared to answer questions from area residents, accurately and quickly; he said answers should come from our own staff, not from other sources.
- ALD. MACDONALD Ald. MacDonald asked if copies of Council agendas could be faxed to members of the press or the public, if they want them in a hurry. Ms. Carmichael said it would be possible to accommodate these requests. She is the person to contact.
- Ald. MacDonald requested that the developer of the Albro Lake lands, be asked to erect a sign, directing truck traffic to Lancaster Drive and away from Albro Lake Road, which is presently being used.
- Ald. MacDonald asked if one or two job banks could be requested for the north end of the City. Ald. Pye advised that the Dartmouth Shopping Centre is being suggested as a location.
- Ald. MacDonald asked to have the street sweeper in the north end of the City; a number of streets there need to be cleaned.

- ALD. MACFARLANE Ald. MacFarlane asked for an update on the Lakes Advisory Board difficulties. The Mayor said she is meeting with the Chairman, Mrs. Manzer, and the City Solicitor, to draft a letter addressing the matter.
- Ald. MacFarlane said it would be helpful if the police would start targeting green belt areas, where littering and gatherings of young people start to become a problem, in the spring and summer months. An increased police presence would improve the situation at these locations.
- Ald. MacFarlane asked about this year's Cleaner/Greener program. Mr. Stevens said it will be in early June, and information will go out to Council in the near future on specific projects included in the program.
- ALD. THOMPSON Ald. Thompson asked about the possibility of designating such projects as part of community service, when alternative sentencing decisions are being made by judges and the courts. Mr. Moreash agreed that this idea could be looked into further.
- ALD. MACFARLANE Ald. MacFarlane had one further concern, about signage on telephone poles, including signs left behind that advertise siding and roofing companies, after projects in a neighborhood have been completed and the company has moved on to other projects. He referred in particular to a large and obtrusive sign on Prince Albert Road, at Hawthorne Street, as an example of his concern.
- ALD. RODGERS Ald. Rodgers asked about the follow-up on two requests from the Crichton Park Home & School Association:
- (1) removal of the crosswalk by the upper parking lot. Mr. Purdy said it would be necessary to sandblast in order to remove the paint from the pavement.
 - (2) the request that No Parking signs in front of the school, be changed to No Stopping signs. Mr. Purdy to give this request attention also.
- ALD. MAY Ald. May noted that one of the election observers in South Africa, for the election, was a teacher residing in Dartmouth. He asked that the Mayor send a letter to the South African diplomatic representative in Ottawa, offering congratulations on their first free and democratic election.
- He also asked that a congratulatory letter be sent to Mr. Charlie Keating, recently recognized for his on-going sponsorship of events and community activities, with a national award.
- Ald. May informed Council that Charlotte Hazle has been elected Vice-Chair of the Police Commission.

Ald. May asked about resolutions for the UNSM regional meeting. It was agreed to have this item included in the May 10th agenda.

ALD. SARTO

Ald. Sarto asked that the TMG look at the suggested elimination of left-hand turns into Woodlawn Mall, at the location in front of the video shop, which he described as a traffic problem and hazard.

5.0 ORIGINAL COMMUNICATION

6.0 PRESENTATIONS

7.0 PETITION

7.1 REQUEST FOR THREE-WAY STOP, CORNER OF ERNEST AVE. & ALBRO LAKE RD.

REQUEST FOR
THREE-WAY
STOP SIGN

Ald. MacDonald presented a petition, bearing 40 names, signed by area residents who are requesting a three-way Stop sign at the intersection of Ernest Ave. and Albro Lake Road; also, a well-marked crosswalk at this intersection.

MOTION: To approve the three-way Stop at Ernest Ave. and Albro Lake Road, as per the request of the petition.

Moved: Ald. MacDonald.

Second: Ald. Pye

Ald. Levandier opposed the motion, on the basis that there has been no consultation with the City Traffic Authority or the TMG, and there is no policy being followed in three-way Stop sign decisions. Other members of Council were willing to support the motion.

In Favour: All members except

Against: Ald. Levandier
Motion Carried

7.2 REQUEST TO ALTER TRAFFIC LIGHT, INTERSECTION OF PLEASANT ST. & Everette Street

REQUEST: ALTER
TRAFFIC LIGHT

Ald. Hetherington presented a petition with 550 signatures, for the alteration of traffic lights at the intersection of Pleasant Street and Everette Street.

MOTION: That the traffic light pattern be altered to allow for a flashing green, for left-turning, southbound traffic on Pleasant St., at Everette St.

Moved: Ald. Hetherington

Second: Ald. Walton

Ald. Cunningham felt that Council should first have an opinion from the TMG, and moved referral.

MOTION: To refer the petition and request to the TMG for report to Council.

Moved: Ald. Cunningham
Second: Ald. Pye
In Favour: Minority of Council
Against: Majority of Council
Motion Defeated

Asked by Ald. Walton about approval required by the Transportation Department, Mr. Purdy said their approval would be required for this particular street.

Vote on the main motion:

In Favour: All
Against: None
Motion Carried

8.0 REPORTS

8.1 CHIEF ADMINISTRATIVE OFFICER

8.1.1 FIVE STAR COMMITTEE APPOINTMENT

APPOINTMENT:
FIVE STAR
COMMITTEE

Report from Mr. Corrigan (B. Smith, V. Carmichael) on the recommended appointment of Ms. Sharon Trahon as the representative of the Canadian Mental Health Association, Dartmouth Branch, on the Five Star Committee, replacing Mr. Tony Myers.

MOTION: To approve the appointment of Ms. Sharon Trahon to the Five Star Committee, as recommended, representing the Cdn. Mental Health Association, Dartmouth Branch.

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

8.1.2 TEMPORARY BORROWING RESOLUTIONS

TEMPORARY
BORROWING
RESOLUTIONS

Report from Mr. Corrigan (B. Smith, D. McBain), recommending that Council approve temporary borrowing resolutions, to implement the financing of capital projects approved by Council.

MOTION: To approve Temporary Borrowing Resolutions recommended, as follows:

87-02, 88-07, 90-01, 90-02, 91-01, 91-02
91-08, 91-09, 92-01, 92-02, 92-03
92-04, 92-05, 92-08, 94/95-01, 94/95-02,
94/95-03, 94/95-04, 94/95-05, 94/95-06.

Moved: Ald. Hawley
Second: Ald. MacDonald
In Favour: All
Against: None
Motion Carried

8.1.3 1994/95 CAPITAL BUDGET AMENDMENTS

1994/95 CAPITAL AMENDMENTS

a) WARD 1 ALLOCATION

Report from Mr. Corrigan on the requested reallocation made by Ward 1 Aldermen, to have capital funds approved for the construction of a sidewalk on both sides of John Cross Drive (from Mount Edward Road to Prince Andrew), changed from sidewalk on both sides to sidewalk on one side only, with other projects substituted to make use of the funding thereby made available. Mr. Corrigan has recommended that the capital budget be amended accordingly.

MOTION: To approve the recommended projects for Ward 1 reallocation, as follows:

<u>John Cross Dr. sidewalk (west side only)</u>	\$41,700.
<u>Spikenard St. walkway across parkland</u>	5,700.
<u>Sidewalk east side of Dorothea/Lucien to Carlson Court (490 ft.)</u>	16,600.
<u>Tree planting, Ward 1</u>	7,000.
Revised net cost:	\$71,000.
Also original estimated cost for sidewalk on both sides of John Cross.	

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

b) WARD 5 ALLOCATION

Report from Mr. Corrigan on the requested reallocation made by Ward 5 Aldermen, to have capital funds for Phase III Albro Lake Trail project, in the amount of \$60,000., diverted for other projects. Mr. Corrigan has recommended that the capital budget be amended accordingly.

MOTION: To approve the recommended projects for Ward 5 reallocation, deleting the Phase III Albro Lake Trail project, and substituting the following:

<u>Washrooms/canteen-storage facilities, John MacNeil & Howe fields</u>	\$15,000.
<u>Alfred St. sidewalk (south side), Catherine St. to Victoria Road</u>	30,000.
<u>Bus Shelter (Leaman Dr. at Ambercrest Pl.)</u>	5,000.
<u>Relocate Mont Blanc Cannon to Pinecrest Dr. at Albro Lake Road</u>	5,000.
<u>Gray Arena - supplementary lighting</u>	4,000.
<u>Monique Ave. playground - crusher dust path-way from rink to convenience store</u>	<u>1,000.</u>
Equals estimated cost for Albro Lake Trail (Phase III) project.	<u>\$60,000.</u>

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

c) WARD 3 ALLOCATION

Report from Mr. Corrigan on the requested reallocation made by Ward 3 Aldermen, to have capital funds for the replacement of asphalt curb and sidewalk and reconstruction of pavement on King St., diverted for another project. Net cost involved, \$118,000. Mr. Corrigan has recommended that the capital budget be amended accordingly.

MOTION; To approve the recommended project for Ward 3 reallocation, as follows:

<u>Newcastle Street (Albert St. to Old Ferry Rd.) replacement of asphalt and granular base on area outside limits of trench required for replacement of watermain.</u>	\$118,000.
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Moved: Ald. Levandier
Second: Ald. May
In Favour: All
Against: None
Motion Carried

8.1.4 ALARM BY-LAW

BY-LAW A-600

Proposed By-law A-600 was presented, to regulate alarms and discourage false alarms, and has been recommended for approval by the Solicitor. Mr. Moreash requested that members substitute a revised Schedule "A" and Schedule "B", which form part of the by-law. Copies of the revised Schedules were circulated.

MOTION: That leave be given to introduce the said By-law A-600 and that it now be read a first time.

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

MOTION: That By-law A-600 be read a second time.

Moved: Ald. Hetherington
Second: Ald. MacFarlane

There was a lengthy debate and many questions about provisions of the by-law. Ald. Woods felt that Section 9 of Schedule "A" should be changed by adding the words "system control panel", after the word "alarm", but after discussion with A/Chief Tipert, he decided not to make this amendment to the by-law.

Ald. MacDonald considered the \$25. annual fee to be excessive, and proposed an amendment to change the fee, after the initial \$25. application, to \$5.00 annually.

AMENDMENT: That after the initial permit fee of \$25., the annual fee be set at \$5.00 thereafter.

Moved: Ald. MacDonald
Second: Ald. MacFarlane

Asked about the adequacy of a \$5.00 fee for subsequent years, Mr. Corrigan said it would not cover incremental handling costs. It was also noted in debate, that budget projections have already been based on expected income from this source, according to by-law provisions as they stand.

In Favour: Minority of Council
Against: Majority of Council
Amendment Defeated

While there were questions and concerns about responsibility for setting off alarms and who would be penalized in those situations, faults within systems that are beyond anyone's control, and so on, the main concern was about the \$25.00 annual fee and the impact of this added cost. Ald. Levandier suggested that the security companies should be responsible for remitting the fees, on behalf of their customers, similar to the payment of taxes by mortgage companies.

Ald. Walton was afraid that the annual fee will discourage people from the use of alarm systems to protect their homes. He proposed an amendment that would make the \$25.00 permit fee a one-time payment only.

AMENDMENT: That the \$25.00 permit fee
be the one-time payment only.

Moved: Ald. Walton
Second: Ald. MacDonald
In Favour: Minority of Council
Against: Majority of Council
Amendment Defeated

Ald. Thompson said Council should carry on with the by-law, in its present form, and any changes required can be made in the future. Mr. Moreash brought to Council's attention, a change required in Section 5 (under the heading RESPONSE NOT REQUIRED), where the word Service (Police Service) should be changed to read 'Department'.

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

MOTION: That By-law A-600 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. Thompson
Second: Ald. Sarto
In Favour: All
Against: None
Motion Carried

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

8.1.5 STREET TREE PLANTING TENDER CONTRACT PR94-02

AWARD TENDER: Report from Mr. Corrigan (C. Macomber, W. Stevens,
CONTRACT PR94-02 H. George) on street tree-planting tenders received,
Contract PR94-02, recommending that the contract be
awarded to the low bidder, Elmsdale Landscaping, for
a total tender price of \$54,174.10, including GST.

MOTION: To award the tender for Contract
PR94-02 (tree planting) to the
low bidder, Elmsdale Landscaping,
for a total tender price of \$54,174.10,
including GST.

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

8.1.6 DEED TRANSFER TAX BY-LAW AMENDMENT

BY-LAW D-101 Proposed By-law D-101, to increase the deed transfer
tax from 1.25% to 1.50%, was before Council and
recommended for approval by the City Solicitor.

MOTION: That leave be given to introduce
the said By-law D-101 and that
it now be read a first time.

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

MOTION: That By-law D-101 be read
a second time.

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

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

MOTION: That By-law D-101 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.

8.1.7 EXECUTIVE COMMITTEE FOR METROPOLITAN AUTHORITY

EXECUTIVE
COMMITTEE:
METRO AUTHORITY

Report from Mr. Corrigan on a request from the Chair of the Metropolitan Authority, that the four local CAO's act as an Executive Committee until a new Executive Director is hired. The report indicates to Council the advantages and disadvantages to be taken into account, and recommends, in conclusion, that Council approve this expanded role for the Dartmouth CAO for a period not to exceed six months.

MOTION : To approve the recommendation:

That Council approve this expanded role for the Dartmouth CAO, for a period not to exceed six months.

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

8.1.8 PROPOSAL FOR METRO FOOD BANK CAMPAIGN

PROPOSAL: METRO
FOOD BANK CAMPAIGN

Report from Mr. Corrigan on a proposal for a campaign to assist the Metro Food Bank, through a project that will be undertaken by members of NSUPE. This is a joint Union/City project, involving Dartmouth ferry trips (2) of about two hours duration each. A similar event organized last year proved to be very successful in raising food for the Metro Food Bank. Mr. Corrigan recommends that Council approve the use of the Dartmouth Ferry by NSUPE for these purposes, with proceeds going to the Metro Food Bank.

MOTION: To approve the recommended use of the Dartmouth Ferry for the Metro Food Bank proposal, a joint NSUPE Union/City project, as described above.

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

Ald. Walton asked that letters of thanks go out to NSUPE volunteers, after the project is completed.

8.1.9 THIRD READING - BY-LAW P-1102

THIRD READING:
BY-LAW P-1102

Council was asked to give third reading to By-law P-1102, given first and second reading at the April 30th Council meeting. This by-law provides for a

reduction in the Pollution Control charge, to 60¢, a 50% reduction from the present rate.

MOTION: That By-law P-1102 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. Hawley
Second: Ald. Hetherington

Ald. May wished to present an amendment that would have exempted certain agencies and hospitals from the Pollution Control charge altogether, but the Solicitor gave advice that the City does not have the authority to discriminate among Water Utility users in this way. The amendment he proposed was therefore disallowed. The vote followed on third reading.

In Favour: All
Against: None
Motion Carried

9.0 MOTION

9.1 ALD. MACFARLANE

MOTION: WHEREAS legislation, in the City of Dartmouth, provides a system of fines for violations of municipal by-laws.

BE IT RESOLVED that these amounts be reviewed, with a view to increasing the penalties for infractions, improving deterrence, and the City's revenue position.

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

10.0 NOTICES OF MOTION

Ald. May

WHEREAS on January 10, 1994, the Mayor and members of Council received a letter from an individual with a parent residing in Dartmouth;

AND WHEREAS the writer wrote about "a very urgent matter", and referred to the rates set by Social Services for food and clothing for the elderly as "antiquated by just a few decades. In no way possible can anyone exist

on \$109. a month for food, or clothe themselves for \$18. a month".

AND WHEREAS the writer further asked, "Could anyone on this Council live on such a meagre food allowance?".

THEREFORE BE IT RESOLVED that the food allowance scale be increased by 5%, effective May 1st, 1994, and the maximum allowable assets be increased from \$2,500. to \$3,000.

Meeting adjourned at 10:20 p.m.

V. Carmichael

V. Carmichael,
Asst. City Clerk.

ITEMS:

- Invocation, page 1.
 - Proclamations, page 1.
 - 1.0 Approval of minutes, page 1
 - 2.0 Business arising from the minutes, page 2.
 - 3.0 Delegations & Hearings of Protest, page 2.
 - Petition, Shubie canteen, page 2.
 - 4.0 Concerns of Council members or questions, page 3 to 6.
 - 5.0 Original Communication, page 6.
 - 7.0 Petition, page 6.
 - 7.1 Request for three-way Stop, Ernest Ave/Albro Lake Rd., page 6.
 - 7.2 Request to alter traffic lights, Pleasant St/Everette St, pg.6
 - 8.0 Reports, page 7.
 - 8.1 Chief Administrative Officer, page 7.
 - 8.1.1 Five Star Committee appointment, page 7.
 - 8.1.2 Temporary Borrowing Resolutions, page 7.
 - 8.1.3 1994/95 Capital Budget amendments, page 8 & 9.
 - Ward 1 allocation, page 8.
 - 5 allocation, page 8 & 9.
 - 3 allocation, page 9
 - 8.1.4 Alarm By-law, A-600, page 10 & 11.
 - 8.1.5 Street tree planting tender, Contract PR94-02, page 12.
 - 8.1.6 Deed Transfer By-law amendment, D-101, page 12.
 - 8.1.7 Executive Committee, Metro Authority, page 13.
 - 8.1.8 Proposal for Metro Food Bank campaign, page 13.
 - 8.1.9 Third reading, By-law P-1102, page 13.
 - 9.0 Motion, page 14.
 - 9.1 Ald. MacFarlane, page 14.
 - 10.1 Notices of Motion, page 14 & 15.
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Lib. Ref. Dept.

**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., MAY 17, 1994
7:30 PM
COUNCIL CHAMBER
IN CAMERA
10:00 PM**

PROCLAMATION - MISSING CHILDREN'S WEEK

1. PUBLIC HEARING

- i) Amendment to Land Use By-law - Tacoma Drive

2. NOTICE OF RECONSIDERATION

Alarm By-law

3. REPORTS

3.1 CHIEF ADMINISTRATIVE OFFICER

- 3.1.1 Tender for Capital Equipment - Q94-08

3.2 FINANCE AND PROGRAM REVIEW COMMITTEE

- 3.2.1 Partial Tax Exemption Status - Army, Navy and Air Force
Veterans in Canada Unit 349

4. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

IN CAMERA SESSION 10:00 P.M.

- 1. Legal Matter**

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

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

MEMBERS ABSENT: ALD. RODGERS, MACFARLANE
CUNNINGHAM

C/A OFFICER: L. CORRIGAN
CITY SOLICITOR: M. MOREASH
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEADS & ASSISTANTS

PROCLAMATIONS

Mayor McCluskey opened the meeting and read Proclamations for: (1) Missing Children's Week, May 23 to 29th; and (2) Royal Week, May 13th to 20th, 1994. She noted that the Queen will be visiting Dartmouth on August 15th.

1.0 PUBLIC HEARING

i) AMENDMENT TO LAND USE BY-LAW - TACOMA DR.

LAND USE BY-LAW
AMENDMENT:
TACOMA DR.

This meeting of Council constituted the public hearing for an application to amend the Land Use By-law, received from Peter Foy Enterprises Inc., to rezone 4 York Lane and 111 Tacoma Drive, from R-2 Zone to C-2 Zone. Planning staff have recommended C-3 Zone as being preferable to C-2, and the application has therefore proceeded on this basis. Included also in the rezoning is part of 166/168 Main St. (Rotary Auto Parts), and part of 170-176 Main Street (Garden View Restaurant), proposed for rezoning from R-2 to C-3, which would correspond with existing property uses.

Members of Council recorded as being absent, for purposes of the public hearing, were: Ald. MacFarlane, Rodgers, and Cunningham.

Services

Mr. Lukan made the Development/ presentation to Council, explaining why the C-3 zoning is considered to be more appropriate for the properties in question, since it would not permit multiple residential units, whereas C-2 Zone would. Otherwise, the basic difference is that C-3 Zone will permit warehousing & distribution, additionally to all the other commercial uses common to both.

Ald. Sarto asked why the City could not enter into a contract agreement, for one specific unit of residential development (ie. a limit to one unit), so that the property

of Mrs. Lindsay, at 109 Tacoma Drive, is protected from development encroachment. Mr. Lukan referred to all of the existing commercial businesses on the land around that of Mrs. Lindsay, and pointed out that the MPS designates the entire block of land involved as commercial. C-3 Zone complies with the MPS designation, and, at the same time, does not permit residential development of any kind. In response to questions about the Canadian Tire parking lot, Mr. Lukan advised that the Contract G44 designation provides for the specific purpose of parking, by development agreement.

Other questions from Council dealt with the properties not included in Mr. Foy's application, and the fact that they are still zoned R-2, but with other uses on them, such as parking. Mr. Lukan admitted that the parts of the properties in question (166/168 Main St., 170/176 Main St.) are being used for purposes other than R-2, but the rezoning correction will be made, if they are approved with this application.

Circulated to Council, besides the reports and documentation previously provided, was a copy of proposed By-law C-704, in revised wording intended to describe more clearly the land shown cross-hatched on Schedule 'A'. Mr. Lukan noted this revision and brought it to the attention of Council.

The Mayor opened the public hearing, calling for speakers in favour of the application. Mr. Paul Thompson, representing Peter Foy Enterprises Inc., addressed Council. He outlined the chronological sequence that led to a request for C-2 zoning on the property at 111 Tacoma Drive, with subsequently modified proposals from a potential purchaser, who had proposed a karate school and modifications to the garage. The property at 4 York Lane, also owned by Mr. Foy, presently has a life resident living there; in time, it could be used for Dairy Queen parking purposes. Mr. Foy is willing to proceed with an application for C-3 zoning, in order to have the two properties resolved at this time.

Ald. Sarto again asked about the possible down-sizing of the residential component to R-1, and was advised by the Solicitor that Council must deal at this time with the zoning application before them; it has to be either accepted or rejected.

Mr. Thompson commented further on the 'Catch 22' situation the applicant has been placed in, with a potential purchaser for 111 Tacoma Drive, but indicated that Mr. Foy would be satisfied, at this point, with a C-3 zoning, as recommended by Planning Dept. Mr. & Mrs. Foy were present in the gallery during the hearing.

When there were no further speakers in favour, the Mayor called for speakers opposed to the application. Council first heard Dave Stevens, a Veterans Ave. resident, who felt the present R-2 zoning should be left as a buffer between the present commercial development and local area homes; he did not want to see any further incursion of commercial uses into the existing residential areas.

Gary Rowe of 108 Tacoma Drive said there is already a serious traffic problem on this street, garbage from existing businesses, and general disruption of the residential community. These problems will only be compounded further with additional commercial development.

There being no further speakers opposed, after the Mayor had called three times, the public hearing was declared to be closed, on motion of Ald. Thompson and Greenough.

BY-LAW C-704

By-law C-704, to accomplish the requested amendment to the Land Use By-law, was before Council, having been recommended for approval.

MOTION: That leave be given to introduce the said By-law C-704 and that it now be read a first time.

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

MOTION: That By-law C-704 be read a second time.

Moved: Ald. Pye
Second: Ald. Greenough

Ald. Sarto and Thompson both had concerns about the condition of Tacoma Drive, and the need for it to be upgraded. They felt that additional commercial traffic should not be placed on the street, and that further commercial development would encroach detrimentally on the area residents. Ald. Pye said he was concerned about the erosion of residential communities generally, by the effects of commercial development.

Ald. Hetherington suggested that if Mr. Foy wishes to submit another application, for an alternative proposal, the cost involved should be the responsibility of the City. Also, the owners of the other two properties, where R-2 zoning still applies, should be making their own applications for zoning changes they require.

Ald. Pye agreed that in this instance, the municipality owes the applicant something. Ald. Hawley preferred to have seen only Mr. Foy's request dealt with on its own, and, along with some other members, suggested that a request for contract zoning/development agreement would be more acceptable at this location.

Concern was stated by both members of Council, and by Mr. Stevens (during his presentation to Council), that C-3 uses on the properties concerned, will permit licensed establishments, such as one already operating in the same area and featuring exotic dancers.

Ald. Woods asked for a description of permitted C-2 and C-3 uses; he said this kind of information should always be available at the time of public hearings. Mr. Lukan again explained the basic differences between the C-2 and C-3 permitted uses.

Basically, Council was not willing to support the proposed by-law, based on concerns about Tacoma Drive traffic and the condition of the street; the further encroachment of commercial uses into abutting residential areas; and the general lack of control over the kind of commercial uses that could be made of the properties to which the amendment applies.

The vote was taken on second reading.

In Favour: No members
Against: All members
Motion Defeated

2.0 NOTICE OF RECONSIDERATION - ALARM BY-LAW

ALARM BY-LAW:
RECONSIDERATION

Notice of reconsideration was given by Ald. Sarto at the May 10th Council meeting, in connection with Council's approval of the Alarm By-law, A-600. Due to the large number of concerns and objections that members of Council have subsequently received, reconsideration was generally favoured, to address these further.

MOTION: To reconsider the action taken by Council in approving By-law A-600, the Alarm By-law, given three readings at the May 3rd meeting.

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

Having agreed to reconsideration, Council now proceeded with a by-law to repeal By-law A-600. Three readings were given to By-law A-601, which now repeals By-law A-600.

BY-LAW A-601

MOTION: That leave be given to introduce the said By-law A-601 and that it now be read a first time.

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

MOTION: That By-law A-601 be read a second time.

Moved: Ald. Sarto
Second: Ald. Hetherington

There was debate on second reading, and and points from the debate were as follows:

- 1) Ald. MacDonald - the word 'fine' should be replaced with 'service charge', and the amount should be set at a flat \$50. rate, similar to Halifax.
- 2) Ald. Walton - favoured a dual fine structure, one for commercial and one for residential; residential should be lighter.
- 3) Ald. Thompson - should have input from the Alarm System Assn., in a re-drafting of the by-law.
- 4) Ald. Woods - should be an emphasis, in re-drafted by-law, on crime prevention. Felt the A/Deputy Chief should be the one to consult with the Alarm System Assn and he can report to Committee on his discussions.
- 5) Ald. May - there should be opportunity for public input, and a meeting open to the public for this purpose.
- 6) Ald. Hetherington - there still has to be some way to address the problems caused by chronic abusers. Noted the 15,000 false alarms in the past three years.

Objections were again raised to the annual fee structure, approved in By-law A-600, and Ald. MacDonald was in favour of proceeding with a re-drafting at this meeting, rather than waiting for referral to Committee, as proposed by Ald. Greenough and generally favoured by other members.

The vote was taken on second reading.

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

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

MOTION: That By-law A-601 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. Greenough
Second: Ald. Hetherington
In Favour: All
Against: None
Motion Carried

MOTION: To refer the re-drafting discussions to the Finance & Program Review Committee and to staff; action on a meeting to receive public input to be left with the Committee. The Committee will report back to Council.

Moved: Ald. Greenough
Second: Ald. Hetherington

AMENDMENT: That the Committee report back to Council no later than the end of June.

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

The vote was taken on the motion, as amended

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

3.0 REPORTS

3.1 CHIEF ADMINISTRATIVE OFFICER

3.1.1 TENDER FOR CAPITAL EQUIPMENT - Q94-08

AWARD TENDER: Report from Mr. Corrigan (R. Fougere) on the tender
CAPITAL EQUIPMENT for capital equipment, Q94-08, recommending that it

be awarded to the only bidder, Burnside International Trucks Ltd., for the supply of one single-axle truck, at the net price of \$64,879.45, including GST, but excluding the trade-in.

MOTION: To award the tender, as recommended, for one single-axle truck, to Burnside International Trucks Ltd., for the net price of \$64,879.45, including GST, but excluding the trade-in.

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

3.2 FINANCE & PROGRAM REVIEW COMMITTEE

3.2.1 PARTIAL TAX EXEMPTION STATUS - ARMY, NAVY & AIR FORCE VETERANS IN CANADA UNIT 349

PARTIAL TAX
 EXEMPTION:
 ARMY, NAVY & AIR
 FORCE VETERANS

As required under By-law T-402, the partial tax exempt status of the Army, Navy & Air Force Veterans in Canada, Unit 349, has been reviewed by the Finance & Program Review Committee, for the period October 1/93 to March 31/94, and the Committee recommends that Council approve the partial tax exemption status for this period; cost of this partial exemption is \$2,800. Tax exemptions such as this will in future be dealt with by the Grants Committee.

MOTION: To adopt the recommendation of the Finance & Program Review Committee:

That Council approve the partial tax exemption status of the Army, Navy & Air Force Veterans in Canada, Unit 349, for the period Oct. 1/93 to March 31/94, as recommended.

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

Ald. May said that before any further exemption is given for this organization, it will be carefully scrutinized by the Grants Committee, which will be assuming responsibility for exemption requests.

4.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. PYE

Ald. Pye asked about any follow-up to the submission from Concerned Citizens Against Prostitution; the Mayor advised that a meeting is being arranged with the Premier by way of follow-up action.

Ald. Pye again expressed his concern about the liquor license application for the Shannon Eight Ball and Social Club, and with two-thirds agreement of Council, he was permitted to present a motion, calling for objection by Council to the license.

MOTION: That Council place an objection to the licensing of this establishment (ie. to their liquor license application).

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

ALD. MACDONALD Concerns of Ald. MacDonald:

- 1) the status of the ferry service agreement. Mr. Moreash said it is hoped that the agreement of purchase & sale, lease, transfer of assets, etc. will be completed within a number of weeks. The by-laws required have now been passed by the participating municipalities.
 - 2) who will represent the employees? Mr. Moreash reported on the jurisdictional dispute between unions, for which a hearing date has to be set. He did not feel, however, that this will hinder the completion of take-over arrangements.
- Mr. Corrigan responded to a third concern, about finances; he said he did not anticipate any problem with them.

ALD. GREENOUGH Ald. Greenough said he has been receiving calls from residents in the Jaybe Drive/Waverley Road area, about the construction of a garage, which is to be a distribution outlet for Dickie Dee icecream carts. He questioned how permission could have been given for this operation under the Home Occupation By-law, and asked for a review by the Solicitor, to determine if in fact, it qualifies. Also, that the applicants be advised that their operation is under review, so that if they continue to proceed, they know it is at their own cost and responsibility. He asked to have this matter acted upon quickly. Ald. Hawley later indicated his support for the request for review by the Solicitor.

Ald. Greenough requested follow-up information on the response to the petition he presented from residents objecting to the operation of canteen service at Shubie Park.

ALD. LEVANDIER Ald. Levandier noted that Ald. Hawley's appointment as a representative on the Metro Authority, replacing Ald. Rodgers, was scheduled for May, and he proposed a motion to make that appointment. Council agreed to add the motion.

MOTION: That the Metro Authority be advised to the effect that Ald. Hawley is Council's new representative, along with Mayor McCluskey and Ald. Levandier.

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

ALD. HETHERINGTON Ald. Hetherington said he has received a call from a resident about the charging of a \$30. fee to a Cub pack, for use of a fire pit at Shubie Park; he questioned this charge for a local organization, and felt the fee structure should be looked at where these groups are concerned.

Ald. Hetherington asked for information on recent damage to a pumper truck at #2 fire station, and circumstances involved.

ALD. SARTO Ald. Sarto reminded members of Council to submit their crossing guard location lists to him for the study he is conducting.

ALD. WALTON Ald. Walton asked about the traffic light pattern at Pleasant & Everette, and any response received from the Transportation Dept. Mr. Purdy had nothing further to report on this item, since the letter has just recently gone to the Department.

ALD. MAY Concerns of Ald. May:

- 1) the street-line painting tender; Mr. Purdy said he hopes to have this tender before Council next week.
- 2) could some attention be given by Parks & Rec. to the former police headquarters property.
- 3) asked for information on the waterfront/infrastructure program; information requested in camera.
- 4) asked if the Industrial Commission could look at Bill #44 (incubator malls), prior to a submission at the Law Amendments Committee. It was noted by the Mayor that there may or may not be time. We have to be ready with a submission upon being notified that Bill 44 is coming before the Committee.

ALD. MACDONALD Ald. MacDonald raised a point about Museum Committee appointments. Mr. Corrigan suggested that the advertisement will have to go ahead, without waiting for the Seniors Committee. Council agreed.

Council decided to re-schedule the Committee-of-the-Whole meeting, now set for Thursday, May 19th. It will now be scheduled for sometime in late June.

Council went in camera at 10:30 p.m., on motion of Ald. Thompson and Woods. Adjournment was from the in camera meeting.



V. Carmichael
Asst. City Clerk.

ITEMS:

- Proclamations, page 1.
 - 1.0 Public Hearing, page 1.
 - i) Amendment to Land Use By-law - Tacoma Dr., pg. 1 to 4 . cl
By-law C-704, page 3.
 - 2.0 Notice of Reconsideration, Alarm By-law, page 4.
 - By-law A-601, page 5.
 - 3.0 Reports, page 6.
 - 3.1 Chief Administrative Officer, page 6.
 - 3.1.1 Tender for capital equipment, Q94-08, page 6.
 - 3.2 Finance & Program Review Committee, page 7.
 - 3.2.1 Partial tax exemption status, Army, Navy & Air Force
Veterans in Canada, page 7.
 - 4.0 Concerns of Council members or questions, page 7 to 10 incl.
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Lib. Ref. Dept.

**DARTMOUTH CITY COUNCIL
AGENDA**

TUES., MAY 10, 1994

8:00 PM

COUNCIL CHAMBER

PROCLAMATION - 1994 INTERNATIONAL YEAR OF THE FAMILY

1. **REPORTS**

1.2 **CHIEF ADMINISTRATIVE OFFICER**

- 1.2.1 Contract 94-02, Waverley Road, Street Construction
Breeze Drive to Jaybe Drive
- 1.2.2 Contract 94-03, Hawthorne Street and Murray Hill
Drive - Curb, Sidewalk and Street Construction
- 1.2.3 Contract 94-04, Arthur Street, Asphalt Reconstruction
- 1.2.4 Contract 94-06, Lynn Drive, Concrete Curb, Drainage
and Overlay Paving
- 1.2.5 Contract 94-07, Symonds Street, Curb, Sidewalk and
Overlay Pavement
- 1.2.6 MPS Amendment/Development Boundary - Armoyan Lands
- 1.2.7 Realignment of Eisener Blvd.

2. U.N.S.M. - Regional Meeting - Request for Resolutions

3. **CONCERNS OF COUNCIL MEMBERS OR QUESTIONS**

IN CAMERA SESSION 10:00 P.M.

1. Personnel Matter

LOCATION: CITY COUNCIL CHAMBERS
TIME: 8:00 P.M.

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

MEMBERS ABSENT: ALD. HETHERINGTON (FAMILY DEATH)
MACFARLANE (OUT OF TOWN)
LEVANDIER

C/A OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEADS & ASSISTANTS

PROCLAMATIONS

After opening the meeting, Mayor McCluskey read Proclamations for: (1) 1994, the International Year of the Family; and (2) the week of May 8th to 14th, as Prayer Week, Kiwanis International.

The Mayor then introduced Rotary Club representatives Scott Lynch and Reid Harrison, so they could make a presentation to Sgt. Sean Brownlow, named by Dartmouth Rotary as Police Officer of the Year, following nomination by the City Police Service.

PRESENTATION:
SGT. S. BROWNLOW

Mr. Harrison gave a review of the work of Dartmouth Rotary, and some of the major projects that have been initiated and carried out, since the Club's formation in 1953. Mr. Lynch then took over the presentation, and explained the criteria for recognition of vocational excellence and commendable standards in the workplace, as exemplified through a police officer identified for not only the performance of duties, but for participation in community-related activities; in all, an award for meritorious service. Sgt. Brownlow was described as an officer with 23 years of meritorious service, who has also contributed his time and efforts to numerous community projects and programs. A presentation was made to Sgt. Brownlow by Mr. Lynch and Mr. Harrison, and he was recognized by Council and citizens present in the gallery.

The Mayor asked to have two items added to the agenda: (1) a motion regarding a change in the Dartmouth Common legislation; and (2) a request from Ald. MacFarlane for a leave of absence. Members agreed to add both items.

ALARM BY-LAW:
A-600.

ALARM BY-LAW - A-600 - NOTICE OF RECONSIDERATION

NOTICE OF
RECONSIDERATION

Ald. Sarto rose to request that debate be re-opened on the Alarm By-law, A-600, approved by Council at the May 3rd Council meeting.

The Solicitor noted that further debate could be permitted if notice of reconsideration were to be given, requiring Council consent, since reconsideration was not given on the date of the by-law being approved.

NOTICE OF
RECONSIDERATION

With the consent of Council, Ald. Sarto therefore proceeded to give notice of reconsideration of By-law A-600, seconded by Ald. Thompson. All members were in favour, with the exception of Ald. Hawley. Reconsideration will be heard at the May 17th Council meeting. Ald. Sarto asked to be provided with information as follows:

- 1) A breakdown of information on the alarms for month of March, commercial vs. residential.
- 2) An information breakdown on the 6,000 false alarms for 1993, plus any other relevant information that would be of assistance to Council.

At the request of Ald. Pye, Council agreed to hear a citizen, Mr. Greg Edwards, on the subject of student safety at the Harbourview School crossing; he was allowed to address Council at a later point in the agenda.

MOTION - DARTMOUTH COMMON LEGISLATIONMOTION:
DARTMOUTH
COMMON
LEGISLATION

Council has been provided with the wording of a motion adopted by the Dartmouth Common Committee at their May 9/94 meeting, for recommendation to City Council

MOTION: To adopt the recommendation of the Common Committee:

That the proposed change to the legislation concerning the Dartmouth Common Act, apply only to the Sportsplex, and that the wording specifically state "add to the Sportsplex building only"; and that the City and Sportsplex consider landscaping improvements to the high profile areas around the Sportsplex building.

Moved: Ald. Rodgers

Second: Ald. Cunningham

Ald. May explained the intent of the Committee in making this recommendation, but Ald. Hawley was concerned that reference to the Heritage Museum has been dropped. Ald. May indicated that the Committee prefers to look at each request on a case-by-case basis; in this instance, they are willing to facilitate the Sportsplex proposal, which is now a reality. Ald. Cunningham commented on the restrictive nature of the Common legislation to date, noting that any plans for the Museum could come to Council

for consideration in a manner similar to those for the Sportsplex.

The motion received the support of Council and was approved.

In Favour: All members
Against: None
Motion Carried

1.0 REPORTS

1.2 CHIEF ADMINISTRATIVE OFFICER

1.2.1 CONTRACT 94-02, WAVERLEY ROAD, STREET CONSTRUCTION
BREEZE DRIVE TO JAYBE DRIVE

AWARD TENDER:
CONTRACT 94-02

Tenders have been received for Contract 94-02, Waverley Road street construction, Breeze Drive to Jaybe Drive. The report from Mr. Corrigan (R. Fougere, G.M. Boyd) recommends that the tender be awarded to the lowest bidder, Basin Contracting Ltd; bid price: \$120,406.03 and completion time of 20 workdays.

MOTION: To award the tender for Contract 94-02 to the lowest bidder, Basin Contracting Ltd., as recommended, with a bid price of \$120,406..03.

Moved: Ald. Rodgers
Second: Ald. Pye

Ald. Greenough presented at this time, a petition from area residents, requesting that the concrete sidewalk which is part of the contract, be re-located to the opposite side of the street. Mr. Fougere has been asked to look at this request, and made a presentation to Council, indicating that such a re-location would be costly, involving the construction of retaining walls, and would render some driveways unuseable, due to the steep grades on the opposite side of Waverley Road, at this location. Having received this report from Engineering, Ald. Greenough agreed that the change requested is not feasible, for the reasons explained, and he thanked Engineering for their consideration of the request from residents. The vote was then taken on the motion to award the tender.

In Favour: All
Against: None
Motion Carried

Council was willing to hear from Mr. Lever, with whom the petition originated, but when his name was called, he was not present in the gallery.

1.2.2 CONTRACT 94-03, HAWTHORNE STREET & MURRAY HILL DRIVE
CURB, SIDEWALK & STREET CONSTRUCTION

AWARD TENDER:
CONTRACT 94-03

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 94-03, Hawthorne St. and Murray Hill Drive: Curb, sidewalk & street construction, recommending that the tender be awarded to the lowest bidder, Basin Contracting Ltd., with a bid price of \$76,443.47; completion time: 30 workdays.

MOTION: To award the tender for Contract 94-03 to the lowest bidder, as recommended, (Basin Contracting Ltd.), with a bid price of \$76,443.47.

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

1.2.3 CONTRACT 94-04, ARTHUR STREET, ASPHALT RECONSTRUCTION

AWARD TENDER:
CONTRACT 94-04

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 94-04, Arthur Street asphalt reconstruction (Canadian Coast Guard project), recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$39,626.92; completion time: 20 workdays.

MOTION: To award the tender for Contract 94-04 to the lowest bidder, Ocean Contractors Ltd., as recommended, with a bid price of \$39,626.92.

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

1.2.4 CONTRACT 94-06, LYNN DRIVE, CONCRETE CURB, DRAINAGE &
OVERLAY PAVING

AWARD TENDER:
CONTRACT 94-06

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 94-06, Lynn Drive, concrete curb, drainage & overlay paving, recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$129,176.29; completion time: 25 workdays.

MOTION: To award the tender for Contract 94-06 to the lowest bidder, Ocean Contractors Ltd., as recommended, with a bid price of \$129,176.29.

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

1.2.5 CONTRACT 94-07, SYMONDS STREET, CURB SIDEWALK & OVERLAY

PAVEMENT

AWARD TENDER:
 CONTRACT 94-07

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 94-07, Symonds Street, curb, sidewalk & overlay pavement, recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$63,068.48; completion time: 20 workdays.

MOTION: To award the tender for Contract 94-07 to the lowest bidder, Ocean Contractors Ltd., as recommended, with a bid price of \$63,068.48.

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

Ald. Woods asked about the status of Ward 5 projects, not included in any of the tenders being awarded. Mr. Fougere to provide the Alderman with information as to when tenders for Ward 5 projects are being called and closed.

1.2.6 MPS AMENDMENT/DEVELOPMENT BOUNDARY - AMORYAN LANDS

DATE FOR HEARING: A further staff report was before Council, from Mr. Corrigan and Planning staff, on the MPS Amendment/Development Boundary request for the Armoyan lands, the neighborhood information meeting having been held on April 27/94. It is now being recommended that Council set Tues., June 14/94 as the date for public hearing of the proposed amendment.

MOTION: That Council set Tuesday, June 14th as the date for public hearing of the MPS Amendment/Development Boundary request for Armoyan lands.

Moved: Ald. Pye
Second: Ald. May

CONFLICT OF
 INTEREST

CONFLICT OF INTEREST

Ald. Greenough declared a conflict of interest, based on personal interests, and Ald. Woods declared a conflict of interest, because a business associate of his is working on this project. Both members withdrew to sit in the gallery.

Circulated to members of Council, was a submission from J. Vincent Whebby of 375 Waverley Road, stating concerns of the Whebby interests that the remaining capacity of the existing pumping station could now be given to the Armoyan Group, to the exclusion of other land-holders in the same area, who may want to proceed with development. They feel that it is only fair that all land owners there be given a chance to submit proposals, to utilize this excess capacity, rather than limiting the capacity to one developer.

Ald. Hawley expressed his concerns and those of area residents, about this same point. He asked how it would be possible to have capacity figures and future potential use, indicated to Council before a decision has to be made on the development boundary change.

Ms. Spencer made a short presentation for the Planning Dept., to clarify points about the MPS amendment that is being proposed, and it was stated by both her and the Solicitor that the decision of Council on this request is non-appealable. Attention was given to the word of caution from the Solicitor about care that has to be taken, in order not to jeopardize the process now in progress. Members of Council refrained from making statements for or against the MPS amendment, and concentrated instead on questions of equity in allowing development to go ahead, with more than one interested developer and a sewer system with a limited capacity to meet both development interests.

Mr. Purdy and Mr. Fougere responded to questions, inasmuch as they were able to do so, regarding the determination of capacity figures for the pumping station, and the measurement of flows, which might result in extra capacity being available (over and above present figures), once the proposed development is in place and the sewer system in use. Ald. Hawley felt this is too long a time to wait for answers, and wanted to see something more concrete provided by the date of the public hearing. Mr. Purdy and Mr. Fougere explained the staff limitations their department has, for producing the kind of study that would be needed. Ald. Hawley felt the questions raised by citizens at the neighborhood information meeting also need to be addressed, although it was noted by Ms. Spencer that 90% of the relevant information has already been included in the original staff report to Council. The residents, however, disagree with the information staff has provided.

Ald. MacDonald raised questions about liability, both past and present, and any responsibility the City has toward the developer presently making a proposal. The Solicitor informed Ald. MacDonald and Ald. Rodgers that the questions raised by them, in this connection, have been looked into already, but due to the legalities involved, it would be preferable to discuss these matters with Council, in private.

Ald. Hawley said that if the Jaybe Drive pumping station does overflow, the damage to Lake Charles, as a result, could be significant; therefore, he did not want to see any "guess work on the capacity figures".

Ald. May and Hawley asked for a staff report to Council, and available to the public, at least a week in advance of the public hearing date. A change in the date, to June 21st, was proposed by them.

AMENDMENT: That the public hearing date be changed to June 21st, and that the staff report, with response on the questions about sewer capacity, and concerns of area residents, be ready for Council and the public, and available at least a week in advance of the public hearing date.

Moved: Ald. May
Second: Ald. Hawley
In Favour: All
Against: None
Amendment Carried

The vote on the motion, as amended:

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

1.2.7 REALIGNMENT OF EISENER BLVD.

REALIGNMENT:
EISENER BLVD.

Report from Mr. Corrigan (R. Fougere, S. Hood) on the proposed realignment of Eisener Blvd., which has now reached the stage of an agreement having been negotiated between IPCF Properties Inc. and the City. The project has been reviewed by Lakes Advisory Board, with their report attached, and by Engineering, Legal and Economic Development Departments - all without objection. Public hearing of the partial street closure required, is set for May 24th, and land exchanges involved (between the City and the company) will be dealt with by Council on that date as well.

Mr. Corrigan recommends: (1) that Council approve the project, subject to the street closure occurring, and the land exchange being carried out; and (2) that Council authorize the Mayor and the City Clerk to execute the agreement, attached to the report to Council.

MOTION: To adopt Mr. Corrigan's recommendations:

- 1) that Council approve the project, subject to the street closure occurring, and the land exchange being carried out;
- 2) that Council authorize the Mayor and the City Clerk to execute the agreement, as attached with the report to Council.

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

Several questions from members were answered to their satisfaction before the vote was taken.

PRESENTATION - GREG EDWARDS

SAFETY HAZARD:
HARBOURVIEW
SCHOOL CROSSWALK

Mr. Greg Edwards made a short presentation to Council on the subject of the safety hazard created at the Harbourview School crosswalk, by parents who park immediately at it (when they come to pick up their children), thereby blocking the view of the children, to traffic in the street, and the view of motorists, who cannot see the children. He provided photographs to show Council the seriousness of the present safety problem, and requested that the No Parking sign be replaced with a No Stopping sign. Further, that the No Stopping restriction be enforced by police until such time as parents abide by it.

Ald. Hawley noted that a similar situation at Brookhouse School has been addressed and corrected. Ald. Woods asked to have the photos provided by Mr. Edwards, forwarded to the Police Commission, for consideration of the matter on their next agenda. Ald. Sarto moved referral to staff (TMG) to consider the same kind of solution that has worked out so well on Christopher Ave., in Ward 1. Referral was therefore included for both the Police Commission and the TMG.

MOTION: To refer this item of concern, with photos provided, to the TMG (to consider the kind of solution that worked on Christopher Ave.), and to the Police Commission, as an item for their next agenda.

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

2.0 U.N.S.M. - REGIONAL MEETING - REQUEST FOR RESOLUTIONSU.N.S.M.
RESOLUTIONS

Members had the opportunity to present any resolutions for submission to this year's U.N.S.M. conference; one was put forward by Ald. MacDonald.

MOTION: That a resolution be prepared for submission from Council, on the subject of exotic dancers and the licensing of establishments that permits them.

Moved: Ald. MacDonald

Second: Ald. May

In Favour: All

Against: None

Motion Carried

LEAVE OF ABSENCE REQUEST: ALD. MACFARLANELEAVE OF
ABSENCE
REQUEST

Further to the leave of absence request from Ald. MacFarlane, added to the agenda, Council proceeded to give approval.

MOTION: That permission be granted for Ald. MacFarlane to be absent from three consecutive Council meetings, on May 10, 17th and 24th, as per his request of May 9/94.

Moved: Ald. May

Second: Ald. Sarto

In Favour: All

Against: None

Motion Carried

3.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. SARTO

Concerns of Ald. Sarto:

- 1) an illegal walk-out by police officers. Mr. Corrigan said this is really a personnel matter and therefore, an in camera item.
- 2) Litter on the east side of Highway 111, north of the overpass; request for a letter to be written to the Minister, with copies to the local MLA's, asking for a clean-up of the area; also, that the rusted guard rail be painted.
- 3) street name signposts need to be painted, to enhance the appearance of the City.

ALD. MACDONALD · Concerns of Ald. MacDonald:

- 1) removal of a guard rail along Albro Lake. Mr. Fougere advised that it is being removed.
- 2) concerns about the ferry service: (a) seats that are too wet for passengers to sit on (on-deck) after it has been raining. (b) a safety concern about passengers piling out on the ramp without waiting for the green light; a crew member should be down there until the last minute.
- 3) the status of by-laws that have to be passed by the municipal units, for the take-over of the ferry service by Metro Authority. Also, is the ferry schedule part of the collective agreement with ferry employees?

ALD. MAY Ald. May asked that when the Lyle Street property is not in use for City vehicles, it be secured; request directed to Mr. Fougere.

He requested attention be given to the encroachment of a shed, at 69 Tulip Street, onto the adjacent City park property.

ALD. WALTON Ald. Walton asked if attention was given to Mr. Den Hollander's complaint; the Mayor said a letter went out to him from Brian Smith of Metro Transit. In all, four people have dealt with the complaint.

Ald. Walton asked for a clean-up of the little park area at the corner of Alderney Drive and Queen Street.

ALD. PYE Ald. Pye was concerned about the consequences of the possible licensing of the Shannon Eight Ball & Social Club. He said he hoped that Council would find out for sure about the application, and forward objections to the licensing of this establishment.

ALD. HAWLEY Ald. Hawley asked what is being done to improve the condition of Byron Crescent, where it joins Churchill Drive. Mr. Fougere agreed to speak to Mark Bernard about this street, described by Ald. Hawley and the Mayor as being in particularly bad condition.

Ald. Hawley requested attention to the unsightly vehicles and dilapidated conditions on a property on Wamback Road.

Ald. Hawley said that since 3% of teachers salaries will be coming back to the City, Council may now want to look at a reinstatement of the \$200,000. reduction in the School Board budget. Mr. Corrigan noted that the

legislation involved is still under study.

ALD. THOMPSON

Ald. Thompson asked if any word has been received on the infrastructure program. Mr. Corrigan said there does not appear to be any immediate announcement.

At 10:20 p.m., Council went in camera, on motion of Ald. Sarto and Thompson. After reconvening in open meeting, the action taken in camera was ratified.

MOTION: To ratify the action taken by
Council in camera, on this date.

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

Meeting adjourned at 11:20 p.m.

V. Carmichael

V. Carmichael,
Asst. City Clerk.

ITEMS:

- Proclamations, page 1.
 - Presentation, Sgt. S. Brownlow, page 1.
 - Alarm By-law A-600, Notice of reconsideration, page 1.
 - Motion, Dartmouth Common legislation, page 2.
 - 1.0 Reports, page 3.
 - 1.2 Chief Administrative Officer, page 3.
 - 1.2.1 Contract 94-02, Waterley Road, street construction, page 3.
 - 1.2.2 Contract 94-03, Hawthorne St. & Murray Hill Drive, page 4.
 - 1.2.3 Contract 94-04, Arthur Street, page 4.
 - 1.2.4 Contract 84-06, Lynn Drive, page 4.
 - 1.2.5 Contract 94-07, Symonds Street, page 5.
 - 1.2.6 MPS Amendment/Development Boundary, Amoryan lands, pg. 5 to 7.
 - 1.2.7 Realignment of Eisener Blvd., page 7.
 - Presentation, Greg Edwards, page 8.
 - 2.0 U.N.S.M., Regional meeting, request for resolutions, page 9.
 - Leave of absence request, Ald. MacFarlane, page 9.
 - 3.0 Concerns of Council members or questions, page 9 to 11.
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Lib. Ref. Dept.

**DARTMOUTH CITY COUNCIL
AGENDA**

TUES., MAY 24/94

7:30 P.M.

COUNCIL CHAMBER

1. PUBLIC HEARING

- i) Street Closure - Realignment of Eisener Boulevard

2. REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

- 2.1.1 MPS Amendment - Supplementary Information (to be circulated)
- 2.1.2 Tender - Contract 94-08 - Lakecrest Drive and Spring Avenue - Asphalt Overlay
- 2.1.3 Tender - Fire Truck
- 2.1.4 Tender - Contract 94M014 - Compressor
- 2.1.5 Tender - Contract T94-01 - Pavement Markings
- 2.1.6 Rate Adjustments For Cemetery Burial
- 2.1.7 Shubie Canteen

3. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

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

MEMBERS PRESENT: MAYOR MCCLUSKEY
ALDERMEN SARTO, THOMPSON
WALTON, HETHERINGTON
MAY, PYE, RODGERS
CUNNINGHAM, HAWLEY

MEMBERS ABSENT: ALD. GREENOUGH (REGRETS), WOODS (REGRETS)
ALD. MACFARLANE (VACATION), LEVANDIER, MACDONALD

C/A OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEADS & ASSISTANTS

AGENDA CHANGES

Council was asked to defer item 2.1.1, MPS Amendment report from staff, until the May 31st Council meeting. The item was deferred, on motion of Ald. Thompson and Hetherington. This necessitated a change in the public hearing date, relating to the MPS Amendment (Armoyan lands).

CHANGE IN PUBLIC HEARING DATE

MOTION: To set the date for public hearing of the MPS Amendment (Armoyan lands) for July 5th, a postponement from the date previously set.

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

At the request of Ald. Hawley, and on his motion, seconded by Ald. Thompson, Council agreed to a one-week delay for item 2.1.7, Shubie Canteen, so that an area resident and Ald. Greenough can be present when the item is being considered.

1.0 PUBLIC HEARING

i) STREET CLOSURE - REALIGNMENT OF EISENER BLVD.

PUBLIC HEARING:
STREET CLOSURE

This meeting of Council constituted the public hearing for the street closure of a portion of Eisener Blvd., to allow for the proposed realignment of this street. Also involved, is a land exchange between IPCF and the City, as per the descriptions attached with the report circulated to Council, and including Resolutions 94-13 (street closure) and 94-14 (the land exchange).

Recorded as being present were nine members of Council; absent were: Ald. Greenough, Levandier, MacFarlane, Woods, and MacDonald.

The presentation of information on the proposed street closure and land exchange was made by the City Solicitor, after which the Mayor opened the public hearing by calling for speakers in favour.

Council first heard Mr. Peter Green, representing IPCF, and speaking in support of the Eisener Blvd. realignment, which has necessitated the street closure. He noted that the realignment project itself has already been agreed to by Council, and that there is no objection to the project by the Lakes Advisory Board. He pointed out that the IPCF lands to be conveyed, exceed those that the City will be conveying to the company, to the City's advantage.

CONFLICT OF
INTEREST

Mr. Laurie Emms of UMA Engineering came forward to address Council, at which point, Ald. Rodgers declared a conflict of interest, due to the fact that his wife is employed with the same firm. He withdrew from his place on Council until after the public hearing item was completed.

Mr. Emms provided additional information on the actual alignment change, which will eliminate a sharp curve with the new configuration. Also, the City will benefit by owning all of the land between the street and the lake, as a result of the land exchange with IPCF and the consolidation that will occur. Mr. Emms answered questions from Ald. Sarto and Walton. When there were no further questions of him, the Mayor called three more times for any speakers in favour. She then called three times for speakers against and there were none.

The public hearing was declared to be closed, on motion of Ald. Hetherington and Walton.

Council proceeded with approval of the resolutions to (a) authorize the street closure, and (b) approve the land exchange between the City and IPCF.

RESOLUTION 94-13

MOTION: To approve Resolution 94-13,
closing the portion of Eisener
Blvd., as shown on Schedule "A".

Moved: Ald. Hetherington

Second: Ald. Walton

In Favour: All

Against: None

Motion Carried

RESOLUTION 94-14

MOTION: To approve Resolution 94-14,
authorizing the land exchange
between IPCF Properties Inc.
and the City of Dartmouth,
recommended by the City Solicitor.

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

2.0 REPORTS2.1 CHIEF ADMINISTRATIVE OFFICER2.1.2 TENDER - CONTRACT 94-08, LAKECREST DRIVE & SPRING AVE.AWARD TENDER:
CONTRACT 94-08

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on
tenders received for Contract 94-08, asphalt overlay,
Lakecrest Drive and Spring Ave., recommending that
the tender be awarded to the lowest bidder, Standard
Paving Maritime Ltd., with a bid price of \$167,883.00.;
completion time: 25 workdays.

MOTION: To award the tender for Contract
94-08 to the lowest bidder, Standard
Paving Maritime Ltd., with a bid price
of \$167,883.00, as recommended.

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

2.1.3 TENDER - FIRE TRUCKAWARD TENDER:
FIRE TRUCK

Report from Mr. Corrigan (G.T. Greene, H. George,
Rod MacDonald) on tenders received for the purchase
of a 100' aerial unit for the Fire Dept., recommending
that the Nova Quintech 100' Skyarm be purchased at a
price of \$737,602., according to the payment schedule
set out in the report.

MOTION: To adopt the recommendation:
That the Nova Quintech 100' Skyarm
be purchased at a price of \$737,602.,
according to the payment schedule set
out in the report to Council, dated May 18/94.

Moved: Ald. Hetherington
Second: Ald. May

Ald. Hawley was concerned about the possibility of bankruptcy on the part of the company that will have received a major portion of payment for the aerial unit, before the City takes delivery. Mr. Corrigan agreed to have all such concerns addressed by the City Solicitor and provided for in the City's contract with the successful bidder. Ald. Hawley asked to see a copy of the contract, for his information, once it has been prepared.

In Favour: All
Against: None
Motion Carried

2.1.4 TENDER - CONTRACT 94M014 - COMPRESSOR

AWARD TENDER:
 CONTRACT 94M014

Report from Mr. Corrigan (M. Lawlor, H. George, G. Greene) on tenders received for Contract 94M014, compressor for the Fire Dept., recommending that the bid from Acklands/Safety Supply Canada, in the amount of \$32,105.72, be accepted.

MOTION: To award the tender for Contract 94M014 (compressor) to Acklands/Safety Supply Canada, as recommended, in the amount of \$32,105.72.

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

2.1.5 TENDER - CONTRACT T94-01, PAVEMENT MARKINGS

AWARD TENDER:
 CONTRACT T94-01

Report from Mr. Corrigan (R. Fougere, E. Purdy) on tenders received for Contract T94-01, pavement markings, recommending that the tender be awarded to the low bidder, Gramac Ltd., with a tender price of \$74,251.21; completion time: 8 weeks.

MOTION: To award the tender for Contract T94-01, pavement markings, to the low bidder, Gramac Ltd., with a tender price of \$74,251.21, as recommended.

Moved: Ald. Thompson
Second: Ald. Cunningham

Ald. Hetherington felt there should be better supervision of this work than last year, and Ald. May asked about the feasibility of pavement painting twice a year, and whether the cost would be doubled or just increased by an amount the City could afford. He said Mr. Fougere should report back to Council, with arguments for and against, Ald. Hetherington asked about our own line-painting

equipment and its use to augment the tender, where required.

In Favour: All
Against: None
Motion Carried

2.1.6 RATE ADJUSTMENTS FOR CEMETERY BURIAL

ADJUSTMENTS:
BURIAL RATES

Report from Mr. Corrigan (B. Stevens) on proposed rate adjustments for cemetery burials, with recommendations for changes to be made and a new fee structure approved.

MOTION: To approve the recommendations:

That the new fee structure be adopted, as follows:

Cremation lot	\$150.00
Opening & closing of cremation lot	200.00
Opening & closing of adult lots (one rate)	500.

Moved: Ald. Thompson

Second: Ald. Hawley

Ald. Hetherington questioned the difference in cost between winter vs. summer burials, and requested figures for the last two years on these numbers, for comparison. Ald. Rodgers asked if the City opens the graves and are we looking at just cost recovery with the rates recommended. Also, what is the cost comparison for cremation vs. grave openings? Why was the rate of \$500. recommended over a lesser rate?

MOTION: To defer this item pending the receipt of answers to questions from Ald. Hetherington and Rodgers

Moved: Ald. Hetherington

Second: Ald. Rodgers

In Favour: All

Against: None

Motion Carried

3.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. PYE

Ald. Pye asked about the response of the City Solicitor to the petition from the North End Residents Assn., regarding prostitution problems. The Solicitor noted that only broad direction has been given, making it difficult to take action in any meaningful way.

Ald. Pye later requested that a letter be sent to the Association, seeking specific direction from them. With two-thirds majority of Council in agreement, he presented a motion.

MOTION: That a letter be drafted by the Solicitor, to the North End Residents Association, seeking clarification and specific direction on the action they are requesting.

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

ALD. THOMPSON Ald. Thompson asked if a report is coming back from Mr. Rath on the subject of gambling casino proposals, so this matter can be looked at again.

Ald. Thompson asked that wider promotion be given to the opportunity coming up for people to get rid of noxious substances, by taking them on a particular day, to the transfer station. The Mayor noted that an advertisement has already appeared in the local paper with this information.

ALD. SARTO Ald. Sarto had questions about the Federal/Provincial Infrastructure Program, and the priority he felt that should be given to new fire stations for Dartmouth. He requested that the Mayor and Mr. Corrigan continue to emphasize the first priority the fire stations received on Council's list, and asked about any further opportunity Council will have to deal with the items selected. Mr. Corrigan pointed out that they will have to come to Council for funding agreement by the municipality, since we have a cost-sharing involvement as well.

ALD. WALTON Ald. Walton asked if there is any word on the Charter amendment with respect to noise and disturbance. Ms. Hood said she expected that the bill will be given first reading in the near future.

ALD. HETHERINGTON Ald. Hetherington again asked to have something done about the property on Irving Street, a concern previously raised by him. Also, he asked for a written response on the flashing green light previously requested at Pleasant & Everette.

Ald. Hetherington said he has received calls from people on Irving Street, about young people crossing the Circumferential Highway and jumping over the jersey barrier at points on the highway. He asked that this dangerous situation be brought to the attention of the Police Dept.

Ald. Hetherington said one approach to the prostitution problem in north end Dartmouth might be to start issuing tickets for hitch-hiking on streets such as Windmill and Victoria Road.

ALD. PYE

Further to the inquiry made by Ald. Thompson, about the possibility of a casino operation for Dartmouth, Ald. Pye advised that the Dartmouth Visitor & Convention Bureau considers it important for Dartmouth to identify a location and try to promote a casino as part of tourism facilities for the City.

ALD. MAY

Ald. May commented on the number of recent robberies in the downtown, and suggested that overtures be made to downtown business owners, to consider a program similar to the one in Burnside.

Ald. May asked about the use of commercial equipment to cut wood in a residential area (reference an instance of this on May 22nd & 23rd), and agreed to discuss possible action that could be taken, with Ms. Hood.

ALD. RODGERS

Ald. Rodgers again requested that priority be given to the removal of a crosswalk to the west of Crichton Park School (about 150' from the Stop sign), and replacement of the No Parking sign, with a No Stopping sign. He said the removal of the crosswalk is urgently needed.

The Mayor noted that nothing has been done yet about the Harbourview School crosswalk, brought up at the May 17th Council meeting.

Meeting adjourned at 9:40 p.m.



V. Carmichael,
Asst. City Clerk.

ITEMS:

- Change in public hearing date, page 1.
 - 1.0 Public Hearing, page 1.
 - i) Street closure, realignment of Eisener Blvd., pg. 1 to 3.
 Resolution 94-13, page 2.
 94-14, page 3.
 - 2.0 Reports, page 3.
 - 2.1 Chief Administrative Officer, page 3.
 - 2.1.2 Tender, Contract 94-08, Lakecrest Dr. & Spring Ave., page 3.
 - 2.1.3 Tender, Fire truck, page 3.
 - 2.1.4 Tender, Contract 94M014, Compressor, page 4.
 - 2.1.5 Tender, Contract T94-01, pavement markings, page 4.
 - 2.1.6 Rate adjustments for cemetery burial, page 5.
 - 3.0 Concerns of Council members or questions, page 5 to 7 incl.
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**DARTMOUTH CITY COUNCIL
AGENDA**

**TUES., MAY 31/94
7:30 P.M.
COUNCIL CHAMBER
IN CAMERA
10:00 P.M.**

1. REPORTS

1.1 CHIEF ADMINISTRATIVE OFFICER

- 1.1.1 MPS Amendment - supplementary report (deferred from May 24, 1994)
- 1.1.2 Rate Adjustments For Cemetery Burial - supplementary report (deferred from May 24, 1994)
- 1.1.3 Shubie Canteen (deferred from May 24, 1994)
- 1.1.4 Tender, Contract 94-09, Concrete Curb & Sidewalk Replacement on Harbour Drive
- 1.1.5 Tender, Contract 94-12, Curb Replacement - Chittick Avenue
- 1.1.6 Food Scales and Maximum Retainable Liquid Assets
- 1.1.7 32 King Street

2. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

IN CAMERA SESSION 10:00 P.M.

- 1. Legal Matters.
- 2. Land Matters.

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

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

C/A OFFICER: L. CORRIGAN
CITY SOLICITOR: S. HOOD
ASST. CITY CLERK: V. CARMICHAEL
DEPARTMENT HEADS & ASSISTANTS

COMMENDATION - SGT. G. WILLIAMSON

After opening the meeting, Mayor McCluskey commended and made a presentation to, Sgt. Gary Williamson, who rescued a seven-year old boy from Oathill Lake recently. Recognition was given to Sgt. Williamson by Council as well.

PROCLAMATION - NATIONAL ACCESS AWARENESS WEEK

A Proclamation was read by Mayor McCluskey for National Access Awareness Week, proclaimed for the week of May 30th to June 5th, 1994.

1.0 REPORTS

1.1 CHIEF ADMINISTRATIVE OFFICER

1.1.1 MPS AMENDMENT - SUPPLEMENTARY REPORT

In the absence of the City Engineer, Item 1.1.1 was deferred to a later point in the meeting, so he could be present for the item.

1.1.2 RATE ADJUSTMENTS FOR CEMETERY BURIAL - SUPPLEMENTARY REPORT

RATE ADJUSTMENTS: As requested by Council at the May 24th meeting, Mr. CEMETERY BURIAL Stevens has provided additional information in connection with the proposed rate adjustments for cemetery burials. A motion to approve the new fee structure being recommended was still outstanding from the previous meeting (pg. 5 of May 24th minutes), having been moved by Ald. Thompson and seconded by Ald. Hawley.

At this time, Ald. Hetherington presented an amendment to the recommended year-round rate of \$500.

AMENDMENT: To reduce the year-round rate for the opening and closing of adult lots, to \$400.

Moved: Ald. Hetherington
Second: Ald. Pye

Members supporting the amendment felt it is a fairer compromise fee than \$500.; those opposed, saw the reduction as a change in budget projections for Parks & Rec. Dept. that will have to be made up some other way, or result in a deficit.

CONFLICT OF
INTEREST

At the beginning of this item, Ald. Levandier declared a conflict of interest, being in an undertaking business, and withdrew from his place on Council.

The vote was taken on the amendment.

In Favour: Majority of Council
Against: Minority of Council
Amendment Carried

The vote on the motion, as amended:

In Favour: Majority of Council
Against: Minority of Council
Motion Carried, as amended

1.1.3 SHUBIE CANTEEN

SHUBIE CANTEEN

Another item deferred from the May 24th meeting, was the report from Mr. Corrigan (B. Stevens) on the proposed Shubie canteen operation, with the recommendation that Parks & Rec. Dept. proceed with a dry canteen operation at Shubie Park, for the 1994 season.

A petition from area residents, opposed to the canteen operation, was previously presented on their behalf by Ald. Greenough. He asked that permission be given to hear Ms. Ying Watts, speaking on behalf of the resident group opposed; Council agreed.

In her presentation to Council, Ms. Watts stated the concerns of residents about traffic being increased as a result of the canteen operation, and about littering and garbage problems that can be expected, detracting from the environment of the Shubie Park location. She felt the canteen is not required, that campers and visitors can shop elsewhere, and generally, this is the wrong place to put a canteen. She urged Council not to allow this commercial operation in the park.

Mr. Stevens explained why the canteen is being proposed, in response to inquiries and requests from Shubie Park users, including the campers. People using the beach are also requesting canteen services, now provided at other beaches in the City. He said the full-time staff at the park will provide the management of the canteen, and he did not foresee problems with it.

Ald. Walton said the canteen operation should at least be tried for one year, and Ald. Woods referred to a number of locations in his ward where canteens are being operated.

MOTION: That Parks & Rec. Dept. be permitted to operate the canteen at Shubie Park, as recommended, for the 1994 season (ie. on a trial basis).

Moved: Ald. Woods
Second: Ald. Walton

Members opposed supported the position of the residents, and felt that problems will be created, as the residents predict. Other members, in favour, were willing to have the operation monitored and tried for this upcoming season, to at least see how it works out. They felt that visitors to the park should be able to have canteen facilities available, as they are common to many other similar locations. With respect to the monitoring by staff, Ald. Greenough asked that the first report come back to Council within a month's time; there would be a further report expected at the end of the season also.

The vote was taken on the motion.

In Favour: All members except
Against: Ald. Thompson & Hawley
Motion Carried

1.1.4 TENDER, CONTRACT 94-09 - CONCRETE CURB & SIDEWALK
REPLACEMENT, HARBOUR DRIVE

AWARD TENDER:
CONTRACT 94-09

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 94-09, Harbour Drive concrete curb & sidewalk replacement, recommending that the tender be awarded to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$102,907.25; completion time: 25 workdays.

MOTION: To award the tender for Contract 94-09 to the lowest bidder, Ocean Contractors Ltd., with a bid price of \$102,907.25, as recommended.

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

Ald. Hetherington asked that care be taken with this project, to save the trees that are there.

1.1.5 TENDER, CONTRACT 94-12, CURB REPLACEMENT - CHITTICK AVE.AWARD TENDER:
CONTRACT 94-12

Report from Mr. Corrigan (R. Fougere, G.M. Boyd) on tenders received for Contract 94-12, Chittick Ave. curb replacement, recommending that the tender be awarded to the lowest bidder, Standard Paving Maritime Ltd., with a bid price of \$46,010.00; completion time: 20 workdays.

MOTION: To award the tender for Contract 94-12 to the lowest bidder, Standard Paving Maritime Ltd., with a bid price of \$46,010.00, as recommended.

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

1.1.1 MPS AMENDMENT - SUPPLEMENTARY REPORT

MPS AMENDMENT

As a response to questions raised by Council and members of the public, at the public information meeting, a supplementary information report has been provided by Mr. Corrigan (R. Fougere, E. Purdy) on the sewerage system that would have to accommodate the MPS Amendment request, involving an extension of the development boundary in the Port Wallace area.

CONFLICT OF
INTEREST

Declaring a conflict of interest on this item were:

Ald. Woods, whose business associates are working on this project.

Ald. Greenough, for personal reasons, being the area where he resides.

Both members withdrew to sit in the gallery while this item was before Council.

Mr. Purdy was prepared to present the Engineering Dept. report to Council at this time, but Ald. MacDonald felt that a third party, with engineering expertise, should be retained by the City, to review both the CBCL and Engineering Dept. reports, so an independent assessment can be given to Council. He said that otherwise, it will be difficult for members to evaluate the technical information that Mr. Purdy and the CBCL engineers are presenting.

MOTION: That the City immediately retain a third party to review both documents (CBCL and Engineering Dept. reports), and give Council an opinion, as quickly as possible (a two-week time limit was later specified). Mr. Corrigan would be authorized to make the necessary arrangements.

Moved: Ald. MacDonald
Second: Ald. May

Ald. Rodgers and Hawley wanted to hear the CBCL and Engineering Dept. presentations, before dealing with the motion, and a motion to defer was therefore introduced.

MOTION: To defer the motion proposed
by Ald. MacDonald, until after
hearing the CBCL and Engineering
Dept. presentations.

Moved: Ald. May
Second: Ald. Hawley

Members speaking on deferral were mainly opposed to it, since they felt the information will be of such a technical nature that Council will not be able to make a decision one way or the other, after having received it. The majority of Council wanted to get to the motion of Ald. MacDonald directly, considering this to be the best way of approaching this difficult and complex issue. The vote was taken on the motion to defer.

In Favour: Minority of members
Against: Majority of members
Motion Defeated

Mr. Corrigan advised Council that independent engineering services for purposes of the motion would have to be funded from the Advisory Assistance account, although there has not been any provision for this particular expenditure. There was some discussion as to whether CBCL should be asked to share in the cost, but Ald. Hawley was strongly opposed to any such financial participation by CBCL. It was understood, however, that the CBCL report is intended to be reviewed, along with the City Engineering Dept. report.

Ald. MacFarlane questioned the whole procedure being followed, and said he could not recall such a radical departure in any previous instance. Ald. Sarto asked that all relevant questions and concerns of residents be included in the third party review.

In Favour: All members except
Against: Ald. Hawley, Rodgers, MacFarlane
Motion Carried

A further change in the date for public hearing of the MPS Amendment will be required. Council will make that change at next week's meeting.

1.1.6 FOOD SCALES & MAXIMUM RETAINABLE LIQUID ASSETSFOOD SCALES
& LIQUID ASSETS

In response to concerns Ald. May raised at the April 30th budget meeting, Mr. Corrigan has submitted a report on the subject of Food Scales and Maximum Retainable Liquid Assets, providing information on the financial impact of changes in both areas and making two recommendations to Council.

MOTION: To adopt the two recommendations:

- 1) That the City of Dartmouth recommend that the Provincial Social Services Dept. review food scales after the Municipal/Provincial service exchange on April 1/95.
- 2) (a) That the Maximum Retainable Liquid Asset amount of \$2,500. for Home Care clients remain at the current level; and
 - (b) That the Maximum Retainable Liquid Asset amount of Homes for Special Care clients remain at the current level of \$1,000.

Moved: Ald. Thompson
Second: Ald. Hetherington

Ald. May was concerned that this report has come to Council at a time when he has given notice of motion on the subject of food scales, for the June 7th Council meeting. He noted that food scales have not been increased in Dartmouth since 1991, and considered an increase to be long overdue. He requested separate votes on both recommendations contained in the motion.

Separate votes were therefore taken as requested, with both recommendations being approved by a majority of Council.

Recommendation #1

In Favour: Majority of Council
Against: Minority of Council
Motion Carried

Recommendation #2

In Favour: Majority
Against: Minority
Motion Carried

NOTICE OF
RECONSIDERATION

Ald. May later gave notice of reconsideration of recommendation #1, seconded by Ald. Pye.

1.1.7 32 KING STREET

32 KING ST.

Report from Mr. Corrigan on the property at 32 King Street, recommending to Council that Council relinquish its right of first refusal for purchase of this property. The owner, Mrs. Fay wishes to sell the property to a family member.

MOTION: To adopt the recommendation that Council relinquish its right of first refusal for the purchase of 32 King Street, releasing the property for sale by the owner.

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

2.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

Some concerns were raised common to several members of Council; these included:

Overtime costs in the Fire Dept.

Ald. Levandier asked if the amount of overtime being incurred in the Fire Dept. is a deliberate move to retrieve some of the 3% salary rollback. Mr. Corrigan explained that much of it is attributable to staffing levels in recent months. He preferred to deal with this personnel item further in camera.

Ald. Hetherington said that by now, 75% of the Fire Dept. budget for overtime has been used. He provided information on the cost of a 24-hour shift, for a First Class Constable (\$456.00 or \$19.00 per hr.), and for overtime (time-and-a-half for first 8 hours, double time for the next 16, for a total of \$836.04). He considered these amounts to be exorbitant. Fire Chief Gary Greene was contacted by Mr. Corrigan, and came to the Council meeting, where he provided information and answered questions from members, after Council had gone in camera.

Problems with pound operator services

Several members had concerns about the services of Harbour Cities Veterinary Hospital, the pound operators. Ald. Walton said there is a poor perception of them in the community, and Ald. Greenough reported on a recent incident where owners of a dog were not contacted, even though the golden lab picked up, was wearing a dog tag and could be identified.

With a two-thirds majority vote, Council agreed to a motion in this connection.

MOTION: That when a dog is picked up, wearing a tag, attempts be made to contact the owner, at the earliest possible time.

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

This motion to be communicated to the pound operators.

One other concern, to be taken up with the operator, was a request from Ald. MacDonald, dealing with the use of outside pens for dogs, behind the building where the Veterinary Hospital is located, next to a residential area. The Mayor suggested that Ald. MacDonald contact the operators himself about this concern.

Dangers of PCB's, in light of Sydney fire

Ald. MacDonald asked about PCB's that may be located in Dartmouth, and emergency provisions for a fire such as the one that occurred in Sydney. Mr. Corrigan advised that Dartmouth has an Emergency Measures plan that provides for any such eventuality, and PCB's are inventoried. He said he would take a question from Ald. Thompson, about the burning of PCB's, up with the EMO officer. Also, where are they stored and how many are there?

Building Permit issued for 2 Jaybe Drive

Ald. Greenough followed up further on a concern he brought up at a previous meeting, on the construction of a garage to house icecream carts at 2 Jaybe Drive, and the fact that this use is being permitted under provisions of the Home Occupation By-law. He said this use has been allowed through the clause ". . . or accessory buildings", and with a two-thirds majority vote of Council, he was permitted to present a motion for amending the by-law with the deletion of this clause.

MOTION: To have the Solicitor bring back an amended by-law, which deletes the reference to accessory buildings.

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

Ald. Greenough also requested that the Solicitor look at the by-law provision for 'storing' materials, in addition to their being displayed and/or sold. He would want to have the storing provision removed as well.

Ald. Hawley stated his concerns about the same location, suggesting that the young people operating carts out of this location as separate distributors of product, are in violation of the Home Occupation By-law as well. The Solicitor pointed out that since the operation is not even in progress yet, it is difficult to assess the negative impact in terms of pressing charges for violations.

There were also individual concerns and inquiries, which now follow.

ALD. HETHERINGTON Concerns of Ald. Hetherington:

- 1) No work has been done yet to reinstate the driveway at 41 Fenwick Street; requested follow-up.
- 2) Nothing has been done to date about the dumpsters and what we are going to do with them; what is status?
- 3) What is causing the overflow problem with the Belmont pumping station? Answer requested.

ALD. MACFARLANE Concerns of Ald. MacFarlane:

- 1) What is the status of the ferry take-over arrangements? Mr. Corrigan gave a report on all of the by-law and contractual arrangements that have been completed; the only thing still outstanding is the purchase & sale agreement for transfer of assets.
- 2) Displays of commercial signage at locations where renovation projects are being carried out, and even after projects are finished, the signs are left behind. This is a problem that needs attention.

ALD. MAY Concerns of Ald. May:

- 1) Asked about a letter from the School Board on capital funding for repairs to schools. Mr. Corrigan and the Mayor did not have copies.
- 2) Concern about reducing space on the Common, being used by commuters for parking.
- 3) What about the parking situation on Ochterloney Street? Business owners are concerned about possible installation of parking meters. Mr. Corrigan advised that Mr. Purdy is working on this and has a plan for the area.

- 4) Asked why a report from Mr. Rath is not being dealt with in open meeting. Information on companies interested is confidential.

ALD. HAWLEY

Ald. Hawley asked to have rocks cleaned up from a location where Caledonia Road runs into Appian Way. The rocks have been painted orange, making the area unattractive.

Ald. Hawley's other concern was about responsibility for reinstatement of the sodded area, torn up during recent construction of a new home on Waverley Road. Requested action to have this corrected.

ALD. PYE

Ald. Pye announced to Council that 924 people took advantage of the free ferry rides on Sun., May 29th, and thereby, the sum of \$650. was raised for the Metro Food Bank, plus 25 lbs. of food was collected. He commended all the participating organizers.

ALD. GREENOUGH

Ald. Greenough requested a follow-up on a point of concern he brought before Council, on a possible liquor licensing application for a building in the neighborhood shopping centre on Waverley Road, near the entrance to Montebello. He requested information on the validity of this report made to him.

ALD. MACDONALD

Ald. MacDonald asked about the letter concerning prostitution in north-end areas, and clarification as to what action can be taken. The Solicitor said she hopes to bring a report to Council by next week.

ALD. WALTON

Ald. Walton asked who owns the parking lot at the Downtown Interpretive Centre, beside the Canal. He said it is parked full of cars belonging to shipyard workers, and there would be hardly any spaces left for visitors to the Centre.

Ald. Walton asked about the reinstatement of sods at the location where Gaston Road meets Portland Street, and the sods and grass have been removed.

At 10:25 p.m., Council went in camera, on motion of Ald. Hetherington and Thompson. After reconvening in open meeting, the action taken in camera was ratified.

MOTION: To ratify the action taken while meeting in camera on this date.
(Legal matters.)

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

Meeting adjourned at 11:25 p.m.

V. Carmichael

V. Carmichael,
Asst. City Clerk.

ITEMS:

- Commendation, Sgt. G. Williamson, page 1.
Proclamation, National Access Awareness Week, page 1.
- 1.0 Reports, page 1.
 - 1.1 Chief Administrative Officer, page 1.
 - 1.1.1 MPS Amendment, Supplementary report, page 1.
 - 1.1.2 Rate adjustments for cemetery burial, Supple. report, page 1.
 - 1.1.3 Shubie canteen, page 2 & 3.
 - 1.1.4 Tender, Contract 94-09, Harbour Drive, page 3
 - 1.1.5 Tender, Contract 94-12, Chittick Ave., page 4.
 - 1.1.1 MPS Amendment, page 4 & 5.
 - 1.1.6 Food scales & maximum retainable liquid assets, page 6.
 - Notice of reconsideration, page 6.
 - 1.1.7 32 King Street, page 6.
 - 2.0 Concerns of Council members or questions, page 7 to 10 incl.
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