

# DARTMOUTH CITY COUNCIL AGENDA

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TUES., JAN. 9/96  
7:30 P.M.  
COUNCIL CHAMBER  
IN CAMERA SESSION  
10:00 P.M.

## INVOCATION

1. APPROVE THE MINUTES FROM THE MEETINGS: Dec. 5, 12, & 19, 1995.
2. BUSINESS ARISING FROM THE MINUTES
3. DELEGATIONS & HEARINGS OF PROTEST - NONE
4. ORIGINAL COMMUNICATIONS - NONE
5. PRESENTATIONS - NONE
6. PETITIONS - NONE
7. REPORTS
  - 7.1 CHIEF ADMINISTRATIVE OFFICER
    - 7.1.1 Solid Waste Landfill Facility - deferred from Dec. 19/95
8. MOTIONS - NONE
9. NOTICES OF MOTION
10. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

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## IN CAMERA SESSION - 10:00 P.M.

1. Personnel Matter.
2. Land Matter.

DARTMOUTH CITY COUNCIL  
JANUARY 9, 1996.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, SMELTZER  
CUNNINGHAM, DEXTER  
LEVANDIER, WITHERS  
SCHOFIELD, PYE, WOODS  
GREENOUGH, HAWLEY  
WALTON

MEMBERS ABSENT: ALD. HETHERINGTON (ILLNESS)  
MACFARLANE - REGRETS

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE  
A/CITY SOLICITOR: B. ALLEN  
ASST. CITY CLERK: V. CARMICHAEL

INVOCATION

Mayor McCluskey opened the meeting with the Invocation. She extended congratulations to the newly-elected Regional Councillors, sworn into office today.

1.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on Dec. 5, 12 & 19/95, as circulated.

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

2.0 BUSINESS ARISING FROM THE MINUTES

Ald. Smeltzer asked about the status of his request for copies of professional services contracts, as per the motion from page 6 of the December 19th minutes. Mr. Fougere advised that Mr. Hayward will be forwarding a summary of all such contracts, for the information of Council, even though the more specific request, called for in the motion, was made. Ald. Smeltzer did not feel that this is an adequate response, and preferred to receive copies of the actual contracts, as requested.

Ald. Pye asked about the term of the contracts. Mr. Allen said he understood that they are three-year contracts.

- 3.0 DELEGATIONS & HEARINGS OF PROTEST - NONE
- 4.0 ORIGINAL COMMUNICATIONS - NONE
- 5.0 PRESENTATIONS - NONE
- 6.0 PETITIONS - NONE
- 7.0 REPORTS
- 7.1 CHIEF ADMINISTRATIVE OFFICER
- 7.1.1 SOLID WASTE LANDFILL FACILITY - DEFERRED FROM  
DEC. 19/95

SOLID WASTE  
LANDFILL  
FACILITY

Members of Council have received a report from Mr. Fougere (Barry Allen) on the proposed Master Agreement for the Solid Waste/Resource Management Program, concluding with the recommendation that outside experts in both the business and legal aspects of such joint ventures, be asked to review and comment on the Master Agreement; further, that Council request the Halifax Regional Municipality to engage consultants to carry out this review.

MOTION: To adopt the recommendation:

That outside experts in both the business and legal aspects of such joint ventures, be asked to review and comment on the Master Agreement; further, that Council request the Halifax Regional Municipality to engage consultants to carry out this review.

Moved: Ald. Pye  
Second: Ald. Sarto

Ald. Sarto read out to Council, the wording of the Halifax County Council recommendation, which is basically consistent with the one presently before Dartmouth Council.

Ald. Dexter felt that the consultants engaged should also look at the implementation plan itself; he referred specifically to such items as the diversion target, and points noted in this connection on page 4 of Mr. Fougere's report. He presented an amendment to specifically request the inclusion of the implementation plan.

AMENDMENT: To include all aspects of the agreement, including the implementation plan itself.

Moved: Ald. Dexter  
Second: Ald. Hawley  
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.

8.0 MOTIONS - NONE

9.0 NOTICES OF MOTION

RECOMMENDATION - WATERFRONT DEVELOPMENT TASK FORCE

RECOMMENDATION:  
WATERFRONT  
DEVELOPMENT  
TASK FORCE

With the agreement of Council, Ald. Dexter was permitted to present a motion, recommending to the Halifax Regional Council that the Dartmouth Waterfront Development Task Force continue to be constituted after April 1st, 1996. He explained the importance of continuity being maintained while waterfront projects are in progress, some of these being: HarbourEdge, the marshalling yards relocation study, the Dartmouth Cove project.

MOTION: That a recommendation go forward to the Halifax Regional Council, that the Waterfront Development Task Force continue to be constituted after April 1st, 1996.

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

10.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

Several concerns were raised, common to a number of Aldermen; these included:

A Management Letter from the Auditors

Ald. Levandier questioned the delay in having a Management Letter from Doane Raymond, circulated to members of Council. Mr. Fougere said that staff comments were to have accompanied the letter, when it went out to Council, and these have not yet been completed. Responses are still pending from several departments. Council agreed with the Mayor's suggestion that this item will be put on the agenda, as soon as all the staff points required have been compiled.

#### Natal Day Funding & Continuation

Ald. Smeltzer asked about the possible continuation of Natal Day as a future event in Dartmouth, and whether a recommendation on funding for Natal Day in the future, could be made to the Regional Council. The Mayor said the Committee responsible could be asked for a response to this inquiry, and they could even be asked to attend a Council meeting for some discussion, if members so wished.

The general opinion of Council was in favour of pursuing the funding possibility further, and of attempting to retain the Natal Day event, considering the community spirit it has engendered and would continue to promote into the future. Ald. Smeltzer requested that the item be placed on a Council agenda for further consideration, and with the idea of having the Natal Day Committee present if they are willing.

#### Status of the Footbridge, Trail System

Ald. Cunningham asked about the status of the footbridge, proposed as part of the new trail system. Mr. Fougere and Mr. Allen explained what has been done in attempting to clarify the position of the Transportation Dept. on the bridge right-of-way (Circumferential Highway). As soon as a response from them has been received, a report will be coming to Council. Ald. Cunningham said he would like to have Dartmouth City Council deal with this item, and other members of Council agreed.

At this time, Ald. Greenough presented a petition received from citizens in favour of a footbridge over Lake Banook. The petition, bearing over 100 names, was passed to Ms. Carmichael, copies to be circulated to members of Council with this item, when it is dealt

with again by Council.

Letter from Day Care Operator

Ald. Smeltzer and other members, indicated their concerns about a letter from a day care operator in Ward 1, stating problems faced by her in competing with Provincially-subsidized day care operations. The Mayor acknowledged the problems created for a private day care operation, under these circumstances, but was not sure what Council could do about the situation. Ald. Greenough and Hawley both agreed that subsidized day cares do place privately-operated ones at a disadvantage. Ald. Hawley asked about trying to bring about some degree of equity by eliminating or reducing the taxes paid by private operators.

Baker Drive Traffic Signals

Ald. Walton raised a concern about the location of the trip wire at the Baker Drive/Portland Street traffic signals, resulting in traffic line-ups when they are not being activated. It was suggested that a sign should be posted at this location, informing drivers where they need to stop to activate the trip wire. Ald. Hawley felt the present situation on Baker Drive is dangerous, in that drivers are frustrated by the lights and taking chances that create unsafe traffic conditions.

Specific individual items of concern, raised by members, in addition to the general items noted, were as follows:

**ALD. SCHOFIELD**

Ald. Schofield asked if consideration could be given to plowing sidewalks on both sides of streets, rather than on one side only. Mr. Fougere said the decision taken to plow only one side represents a budget reduction of \$50,000. that would have to be approved as an over-expenditure, if the change to two sides of the street were to be made. He noted that the City is already in an over-expenditure position, even without this additional one.

Ald. Schofield asked that a request be made to the new Regional Council for a continuation of the Dartmouth Lakes Advisory Board, in consideration of the expertise of the Board members in lake protection matters. Other members of Council concurred.

Ald. Schofield inquired about funding for the Dartmouth Cove and north end outfall projects. The Mayor said she hoped that this Council will at least be dealing with the Dartmouth Cove project, and that a funding decision will be made in time to permit this.

ALD. LEVANDIER

Ald. Levandier stated his concerns about the administrative salary figures for the new Regional government, recently publicized, including what he considered to be excessive travelling allowance figures. He said the very real possibility of tax increases for Dartmouth citizens is shaping up for next year, in view of these and other major expenditures associated with the amalgamation process.

Ald. Levandier asked that congratulations go from Council to Madame Justice Hood, on her recent appointment as a Supreme Court Judge. Council concurred unanimously in this request to have congratulations sent to 'Suzanne'.

ALD. SMELTZER

Ald. Smeltzer asked if Parks & Rec. Dept. could be requested to include in their budget projections for next year, a reinstatement of funding for grass-cutting and property maintenance for undeveloped City properties, located in areas next to residential properties. Mr. Fougere said it can be requested, but previously, budget cut-backs were made in this area to try and reduce departmental costs.

Ald. Smeltzer asked if consideration is being given to presenting tokens of appreciation to employees who will be leaving as of March 31/96. The Mayor said this idea has been discussed, but nothing specific has been decided. She noted that the barbeque last summer was intended as a gesture of appreciation to staff, and T-shirts with City crests were given to all employees at that time.

ALD. WITHERS

Ald. Withers referred to the concern he raised previously about the dangerous use of recreational vehicles on City lakes in winter-time, and Mr. Allen said he will be following up on this and other items on which the City Solicitor had been working.

ALD. SARTO

Ald. Sarto asked that if it is not too late, representation be made by the City as an intervention to the Utilities Review Board, in opposition to the proposed rate increase being

sought by Nova Scotia Power. He said the major increase proposed in the base residential rate will create hardships for people on social assistance and those on fixed incomes.

ALD. HAWLEY

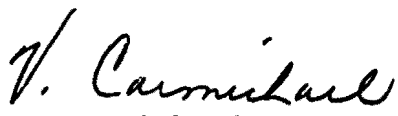
Ald. Hawley informed Council of several ideas he has recently seen carried out in an Ontario municipality, including an 'adopt a road/street program', where the clean-up and enhancement of individual streets is undertaken by citizen groups and service clubs. He felt this and other initiatives he mentioned (Christmas decorating of parks) should be encouraged here.

At 8:30 p.m., Council went in camera, on motion of Ald. Withers and Walton. 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 (Personnel and Land matters).

<u>Moved:</u>	Ald. Hawley
<u>Second:</u>	Ald. Sarto
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

Meeting adjourned at 8:40 p.m.

  
V. Carmichael,  
Asst. City Clerk.



DARTMOUTH CITY COUNCIL  
JANUARY 9, 1996.

ITEMS:

- Invocation, page 1.
  - 1.0 Approval of minutes, page 1.
  - 2.0 Business Arising from minutes, page 1.
  - 3.0 Delegations & Hearings of Protest, page 2.
  - 4.0 Original Communications, page 2.
  - 5.0 Presentations, page 2.
  - 6.0 Petitions, page 2.
  - 7.0 Reports, page 2.
  - 7.1 Chief Administrative Officer, page 2.
  - 7.1.1 Solid Waste Landfill Facility, page 2.
  - 8.0 Motions, page 3.
  - 9.0 Notices of Motion, page 3.  
Recommendation, Waterfront Dev. Task Force,  
pg.3.
  - 10.0 Concerns of Council members or questions,  
Page 3.
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# DARTMOUTH CITY COUNCIL AGENDA

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TUES., JAN. 16/96  
7:30 P.M.  
COUNCIL CHAMBER  
IN CAMERA SESSION  
10:00 P.M.

1. **MAYOR**
  - 1.1 Nova Scotia International Air Show Association
  
2. **REPORTS**
  - 2.1 **CHIEF ADMINISTRATIVE OFFICER**
    - 2.1.1 Lake Banook Bridge Crossing Options
    - 2.1.2 Appointment - Shubenacadie Canal Commission
  
  - 2.2 **CITY SOLICITOR**
    - 2.2.1 ATV's on Lake Ice
  
3. **3.1 PUBLIC TRANSPORTATION ADVISORY COMMITTEE**
  - 3.1.1 Transferability of Taxi Licenses

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**IN CAMERA SESSION - 10:00 P.M.**

1. Personnel Matter (to be circulated)

DARTMOUTH CITY COUNCIL  
JANUARY 16, 1996.

LOCATION: COUNCIL CHAMBER  
TIME: 7:30 P.M.

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, SMELTZER  
DEXTER, LEVANDIER  
SCHOFIELD, WITHERS  
CUNNINGHAM, PYE  
MACFARLANE, WALTON  
HAWLEY, GREENOUGH

MEMBERS ABSENT: ALD. WOODS  
HETHERINGTON (ILLNESS)

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE  
A/CITY SOLICITOR: B. ALLEN  
ASST. CITY CLERK: V. CARMICHAEL

PROCLAMATION

Mayor McCluskey opened the meeting and read a Proclamation for Victorian Order of Nurses Week, from January 21st to January 27/96, in recognition of the contribution made to the City by this outstanding organization.

1.0 MAYOR

1.1 NOVA SCOTIA INTERNATIONAL AIR SHOW ASSN.

NOVA SCOTIA  
INTERNATIONAL  
AIR SHOW ASSN.

Members of Council have received copies of a letter from the Nova Scotia International Air Show Association, formed to produce the Air Show at Shearwater in 1996 and subsequent years. The Association is requesting financial assistance from metro municipalities, in addition to other funding sources they are seeking. Their specific request is for \$10,000. from each of the three municipalities.

MOTION: To approve the \$10,000.  
request from the City of  
Dartmouth for the Air  
Show at Shearwater.

Moved: Ald. Levandier  
Second: Ald. Pye

All members of Council who spoke on the motion were in favour of it and of continuing the Air Show, considered to be a worthwhile event in terms of tourism and for the whole region.

Mr. Robinson, Chairman of the Board for the new Association, was present for this item, and

answered questions from the members as to other funding sources, some of the individual expenditures projected, participation of the Shearwater Development Corp., etc. When all of these questions had been answered to the satisfaction of members, the vote was taken on the motion.

In Favour: All  
Against: None  
Motion Carried

REQUEST - EASTERN FRONT THEATRE COMPANY

REQUEST: EASTERN  
FRONT THEATRE CO.

Council agreed to hear a presentation from the Eastern Front Theatre Company, represented by Ms. G. Hauser and Ms. Mary Vingoe, the Artistic Director. Copies of the presentation were circulated. The Company is seeking permission to carry out a research of the City Hall Council Chamber, with a view to its possible use as a theatre location on the Dartmouth waterfront, now that the Company has outgrown previous Dartmouth venues, such as the Museum and the Library.

Ms. Vingoe pointed out that Eastern Front is a Dartmouth-based theatre company, but they have had to find alternate Halifax performance locations, when there were none available in Dartmouth. The Council Chamber, she said, is one of several locations being looked at in Dartmouth, so the Company can return to its original affiliation with the City.

Ald. Cunningham said he did not see any problem with allowing the research, on the understanding that no commitment can be made to any other uses until the future need for the Council Chamber has been determined. There were several other members who shared this opinion, and were willing to go along with the request of the Company on that understanding.

Ald. Levandier felt that Council should not give false hope to the company at this time, without any indication as to what the requirements will be for City Hall space, in the new regional municipality. He said it is important for a strong administrative presence to be maintained in the building; otherwise, the downtown area will suffer considerably.

Several members agreed that it would be premature to start looking at other uses for the Council Chamber, when it has not been declared surplus to the needs of the new municipality, and meeting space is still likely to be required for a Community Council when one is formed. Basically, the question came down to one of allowing the Company to proceed with their research, recognizing that decisions have to be made by the Regional Council on assets and buildings throughout the municipality, as opposed to sending out the wrong message to the effect that City Council does not see the future need for the Council Chamber, and is willing to have it considered for other purposes. A debate followed along these lines.

Ald. Greenough proposed a motion of deferral, pending a decision by the Regional Council as to what the future of the Council Chamber will be.

MOTION: To defer the item until a decision has been made by the Regional Council on the future of the Council Chamber.

Moved: Ald. Greenough  
Second: Ald. Withers

The majority of members speaking on deferral were opposed to the motion, and supported the arguments put forward by Ald. Hawley, Dexter, and MacFarlane, that the Company should have the opportunity to carry out their research on the Council Chamber, provided they understand that the Chamber and other facilities are not surplus to municipal needs until such time as all space requirements for the new municipality have been determined by the Regional Council.

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

A second motion was then presented, by Ald. Pyc.

MOTION: That the Eastern Front Theatre Company be given the opportunity to carry out a needs research of the viability of establishing performance space in City Hall (Council Chamber), which would serve the Dartmouth community,

on the condition that it is determined by the Regional Council that the Chamber is surplus to the needs of the Regional Municipality.

Moved: Ald. Pye  
Second: Ald. Hawley  
In Favour: All members except  
Against: Ald. Levandier  
Motion Carried

2.0 REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

2.1.1 LAKE BANOOK BRIDGE CROSSING OPTIONS

LAKE BANOOK BRIDGE  
CROSSING OPTIONS

Council has received a further report on the Lake Banook Bridge crossing, the link in the new trail system, on which a decision is required to enable spring construction. The report, from Mr. Fougere (B. Stevens, C. Macomber), recommends that a pedestrian/bicycle bridge be constructed from Grahams Grove Park to the Dartmouth YMCA, to link the Dartmouth Multi-Use Trail System.

Accompanying the report, was a petition in favour of the Grahams Grove/YMCA bridge, as submitted at the last Council meeting, by Ald.Greenough.

MOTION: To adopt the recommendation:

That a pedestrian/bicycle bridge be constructed from Grahams Grove Park, to the Dartmouth YMCA, to link the Dartmouth Multi-Use Trail System.

Moved: Ald. Hawley  
Second: Ald. Sarto

Ald. Cunningham addressed Council on the significance of the bridge as a legacy for this Council to leave behind for Dartmouth citizens. He felt that it is an important project for all members of Council and their respective wards, and without the connection the bridge provides, the system will end up as two separate trails, losing the concept of a complete project, as originally envisaged.

Ald. MacFarlane agreed with Ald. Cunningham that a decision on the bridge is required at this meeting of Council and should not be delayed further. He said, however, that there are still questions in his mind, not yet resolved or answered to his satisfaction, along with the concerns he has previously stated; therefore, he was unable to support the motion.

Ald. Schofield and Withers were two other members speaking against the motion. Ald. Schofield noted that the Lakes Advisory Board, with concerns for lake protection, have recommended in favour of Option B, over the Grahams Grove/YMCA bridge, and he concurred with their recommendation. Ald. Withers again referred to his reservations about safety and curfew violations, and enforcement problems associated with both. Otherwise, members speaking on the motion were in favour of it, including Ald. Walton who noted that both the Recreation Advisory Board and the Healthy Dartmouth Committee have recommended in favour of it.

The vote was taken on the motion.

In Favour: All members except  
Against: Ald. MacFarlane, Withers  
Schofield  
Motion Carried

3.1 PUBLIC TRANSPORTATION ADVISORY COMMITTEE

3.1.1 TRANSFERABILITY OF TAXI LICENSES

TRANSFERABILITY OF  
TAXI LICENSES

The Public Transportation Advisory Committee has heard from the public on the matter of the transferability of taxi licenses, favoured by the taxi industry, and has forwarded the minutes, and other relative information to Council for debate on the issue. Since there were a number of people in the chamber waiting for this item to be considered, Council agreed to deal with it next.

Ald. Sarto gave a brief overview of the hearing and the questions and considerations raised in connection with the subject of the hearing. It was noted that an amendment to the Motor Vehicle Act would be required, in order to provide for transferability. Mr. Allen said the best approach would be an amendment that would allow any council to pass its own by-law

and make individual application, once the Motor Vehicle Act was amended.

Council agreed to hear Leo Greenwood, President of the Dartmouth Taxi Association. He presented a petition, representing 160 cars in favour of transferability, and went on to give a summary of the submission he made previously, copies of which were circulated with the agenda for this meeting. He said that if Council is willing to allow transferability, it is the hope of the Association that no more than two taxi licenses would be transferred to a person in the industry. He explained how the families of taxi operators would be given some protection, with the right of transferability, noting some specific recent incidents where this protection would have applied if it were now in effect.

Ald. Levandier and some of the other Council members were in agreement with the request of the Association, noting that it has already been before Council previously and discussed. Ald. Pye had reservations about proceeding, however, and he discussed these with Mr. Allen.

Ald. Greenough felt that Council has given this matter adequate consideration, both on this occasion and in the past.

MOTION: That the request for transferability of taxi licenses be approved in principle, pending the appropriate amendment to the Motor Vehicle Act, and conditional to the transfer of licenses being limited to two (over the lifetime of the owner); and subject to the approval of the transfer by the authorizing agency.

<u>Moved:</u>	Ald. Greenough
<u>Second:</u>	Ald. Sarto
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

2.1.2

APPOINTMENTS - SHUBENACADIE CANAL COMMISSION



APPOINTMENTS:  
CANAL COMMISSION

Letters were before Council from Bernard Hart and from Ald. Greenough, indicating their wish to be reappointed to the Shubenacadie Canal Commission. The recommendation to Council, in both cases, was that Council recommend their appointment to the Halifax Regional Council. The recommendation was approved in two separate motions, as follows:

MOTION: That Dartmouth City Council recommend to Halifax Regional Council, the appointment of Mr. Bernard Hart to the Shubenacadie Canal Commission, when appointments are made to its various boards & committees.

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

MOTION: That Dartmouth City Council recommend to Halifax Regional Council, the appointment of Ald. Greenough to the Shubenacadie Canal Commission, when appointments are made to its various boards & committees.

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

2.2 CITY SOLICITOR

2.2.1 ATV'S ON LAKE ICE

ATV'S ON LAKE ICE

Further to a concern and inquiry raised by Ald. Withers, with regard to the restriction of ATV's from the ice on City lakes, when conditions are unsafe, Mr. Allen has reported to Council that the Lake Safety By-law now contains a provision which prohibits all motorized vehicles from being operated on the ice of any lake in Dartmouth (except for City vehicles on City business or when a permit has been obtained). ATV's are covered by this restriction, and the provision noted has been brought to the attention of police personnel, for enforcement purposes.

MOTION: That the report from Mr. Allen  
on ATV's, dated Jan. 11/96, be  
received and filed for information.

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

At 9:45 p.m., Council went in camera, on motion  
of Ald. Hawley and Greenough. Adjournment was  
from the in camera meeting.

*V. Carmichael*  
V. Carmichael,  
Asst. City Clerk.

DARTMOUTH CITY COUNCIL  
JANUARY 16, 1996.

ITEMS:

- Proclamation, page 1.
  - 1.0 Mayor, page 1.
  - 1.1 Nova Scotia International Air Show Assn., pg. 1.  
Request, Eastern Front Theatre Company, pg. 2.
  - 2.0 Reports, page 4.
  - 2.1 Chief Administrative Officer, page 4.
  - 2.1.1 Lake Banook Bridge crossing options, pg. 4.
  - 3.1 Public Transportation Advisory Comm., pg. 5.
  - 3.1.1 Transferability of Taxi Licenses, pg. 5.
  - 2.1.2 Appointments, Canal Commission, page 6.
  - 2.2 City Solicitor, page 7.
  - 2.2.1 ATV's on lake ice, page 7.
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*W. Ref. Dept*

## DARTMOUTH CITY COUNCIL AGENDA

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TUES., JAN.30/96  
7:30 P.M.  
COUNCIL CHAMBER  
IN CAMERA SESSION  
10:00 P.M.

### PROCLAMATION - African Heritage Month

1. PUBLIC HEARING

l) Montebello West - Lot C-25A

2. REPORTS

2.1 CHIEF ADMINISTRATIVE OFFICER

2.1.1 Erskine Street - Safety of Vehicular & Pedestrian  
Traffic

2.1.2 73-77 Lakecrest Drive (set date for public hearing)

2.1.3 Dartmouth Cove Redevelopment

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### IN CAMERA SESSION

1. Land Matter.
2. Personnel Matter.

DARTMOUTH CITY COUNCIL  
JANUARY 30, 1996.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, SMELTZER  
MACFARLANE, CUNNINGHAM  
DEXTER, SCHOFIELD  
WITHERS, WALTON  
PYE, GREENOUGH

MEMBERS ABSENT: REGRETS: ALD. WOODS  
HAWLEY  
LEVANDIER  
HETHERINGTON (ILLNESS)

A/CITY ADMINISTRATOR: R. FOUGERE  
A/CITY SOLICITOR: B. ALLEN  
CITY CLERK-TREASURER: B. SMITH

Ald. Cunningham chaired the meeting until the arrival of Mayor McCluskey.

The First Dartmouth Girl Guide troop, present with their leaders, were welcomed to the meeting.

PROCLAMATION

The month of February, 1996, was proclaimed as African Heritage Month. The Proclamation, signed by Mayor McCluskey, was read by Ald. Cunningham at the opening of the Council meeting.

Ald. Dexter asked to have an in camera item (Severance Pay for Members of Council) moved up to be dealt with in the regular agenda. Council agreed to have a motion presented to this effect.

MOTION: That the Severance Pay item be moved up from in camera to the regular agenda.

<u>Moved:</u>	Ald. Dexter
<u>Second:</u>	Ald. Pye
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

1.0

PUBLIC HEARING

i)

MONTEBELLO WEST - LOT C-25A

MONTEBELLO WEST:  
LOT C-25A

This date was set by Council for public hearing of an application from the Armoyn Group to rezone property known as Montebello West, Lot C-25A, from H Zone to R-2 Zone, to permit a subdivision of land for twelve lots, on which twenty-four semi-detached dwellings would be built. The property is located at the corner of Caledonia Road and Ave. du Portage.

Documentation relating to this application has been circulated with the agenda for this meeting, including a report on the neighbourhood information meeting held on January 10/96, and a communication from citizens living in the Montebello area, who are opposed to the application. Circulated at this meeting, were copies of a letter of concern about low water pressure, from Lester Pyne of 194 Caledonia Road.

The staff recommendation is in favour of approving the amendment to the Land Use By-law, to permit the requested rezoning of Lot C-25A, and By-law C-740, to accomplish the amendment.

Members of Council recorded as being absent, for purposes of the public hearing, were:  
Ald. Hetherington, Woods, Levandier, & Hawley.

The presentation to Council, for Development Services, was made by Patricia Richards. She showed to Council, the location of the site proposed for rezoning, noting that a previous request for this same property, to be zoned Commercial, was denied by Council.

The present R-2 rezoning request is compatible and consistent with adjacent land uses, and meets MPS criteria for the residential designation applicable. Ms. Richards noted the small cul-de-sac, off Caledonia Road, proposed by the applicant and supported by Engineering Dept. She said that Caledonia Road, being an arterial street, is able to handle anticipated traffic from R-2 development on the site.

It was noted in the staff report that lands abutting this present proposal are under appeal to the Utility Review Board, but a decision has not yet been rendered. The application appealed in that instance was for a rezoning from H Zone to R-2 Zone, and Council's denial of the rezoning was due mainly to Avenue du Portage being classified as a future arterial.

In view of the compatibility and consistency of the present request with the MPS, Ms. Richards recommended in favour of the application for R-2 zoning for Lot C-25A, and approval of By-law C-740.

There were questions from members of Council as to why an overall development plan for land holdings in this part of the City, has not been prepared, in preference to the piece-meal process of separate applications for individual properties, such as this one. Ms. Richards said that much of the land is not adequately serviced at present, the land is in various ownerships, and Development Services would not have the manpower to carry out the work that would be required for a master development plan. She noted that development of the Highfield Park/Pinecrest Drive area, and the master plan that preceded development, came about as the result of the north end secondary study, funded by Council over a period of years.

Several questions were also raised about water pressure problems in Montebello, and the possibility that they would be aggravated by additional development in the area. Mr. Fougere stated that this is an elevation problem and not one of water availability. The additional dwelling units would therefore not affect the water pressure in existing residential development.

Ald. Smeltzer asked about the options for Council, in dealing with this application, considering that an appeal decision is still outstanding on lands immediately adjacent to the subject property. Mr. Allen said the present rezoning has to be considered on its own merits. The appeal would only be relevant if it impacted in some way on the property before Council in this particular application. Council could defer a decision, based on reasons relative to the substance of the present application. Deferral should be to a specific date, and the time designation should be relevant to the reason for deferral.

The question of meeting the 120-day time requirement, from the date the application was received (September 14/95) also came up, and Ms. Richards advised that this time limit was met in advertising the public hearing. The application is deemed to have been refused by

Council if the time requirements for the application have not been met in processing the application.

From the line of questioning to the Solicitor and Ms. Richards, Council indicated a reluctance to proceed with the application until after the Utility Review Board decision has been made known on the outstanding appeal. Ald. Cunningham felt the public hearing should not be opened at all, in case there is additional information that should be available and able to be taken into account by speakers wanting to be heard during the hearing. There was general agreement by Council on this point. Ald. Greenough proposed the adjournment of the public hearing until March 19th, or before that date if the appeal decision is made known prior to March 19th.

MOTION: That the public hearing for the rezoning of Lot C-25A be adjourned to 7:30 p.m., on March 19th, or before that date, if the appeal decision on lots adjacent to Lot C-25A is made known prior to March 19th.

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

Ald. Greenough presented a petition from residents living in Montebello West and adjacent areas, on the matter of present insufficient water pressure, asking to have the petition referred to staff, for recommendations as to how the situation can be improved.

2.0

REPORTS

2.1

CHIEF ADMINISTRATIVE OFFICER

2.1.1

ERSKINE STREET - SAFETY OF VEHICULAR & PEDESTRIAN TRAFFIC

ERSKINE STREET:  
SAFETY ISSUES

A report has been submitted by Mr. Fougere (E. Purdy), in response to the motion of Council with regard to the safety of vehicular and pedestrian traffic on Erskine Street. The area of concern is the section of Erskine Street between Hawthorne Street and Summit Street - in particular, the area of the blind crest at



Summit Street. The recommendation is that funds be allocated to modify the curbs and sidewalk on Erskine Street, between Civic 40 and Summit Street, so as to permit designation of one-way traffic eastbound in that section of the street.

MOTION: To adopt the recommendation:

That funds be allocated to modify the curbs and sidewalk on Erskine Street, between Civic 40 and Summit Street, so as to permit designation of one-way traffic eastbound in that section of the street.

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

2.1.2 73-77 LANCERS DRIVE - SET DATE FOR PUBLIC HEARING

73-77 LAKECREST DR.: Report from Mr. Fougere, with accompanying  
DATE FOR PUBLIC report from Development Services, on an  
HEARING application for MPS and Land Use By-law  
amendments for lands at 73-77 Lakecrest Drive,  
recommending that February 27/96 be set by  
Council as the date for public hearing.

MOTION: That February 27/96 be set as the date for public hearing of MPS and Land Use By-law amendments requested for lands at 73-77 Lakecrest Drive, as recommended.

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

2.1.3 DARTMOUTH COVE REDEVELOPMENT

DARTMOUTH COVE  
REDEVELOPMENT

A report from Mr. Fougere was before Council on the Dartmouth Cove Redevelopment project, advising that although it appears there will be no assistance forthcoming from senior government levels, the recommendation is for the City to proceed, through its consultants, to prepare final designs, obtain regulatory

approvals, call tenders, and construct the sewerage system outlined in the May 1995 Preliminary Design Report, at a cost of 4.920 million dollars; further, that funding for the project be taken from the City's Pollution Control Fund.

MOTION: To adopt the recommendation:

That the City proceed, through its consultants, to prepare final designs, obtain regulatory approvals, call tenders, and construct the sewerage system outlined in the May 1995 Preliminary Design Report, at a cost of 4.920 million dollars; further, that funding for the project be taken from the City's Pollution Control Fund.

Moved: Ald. Cunningham  
Second: Ald. Dexter

The Mayor advised that Federal participation is still being pursued by our MP, and there is still a possibility of assistance from that source.

All members of Council who spoke on the motion were in favour of it. Ald. Dexter and Cunningham encouraged Council's support for the project, on which a commitment has been made by Dartmouth Council to try and see the project through in time for the March 31st deadline. Ald. Schofield and Pye would like to have seen the Tufts Cove project included in this approval as well, but Mr. Fougere advised that as a second project, it is not ready to go yet and will likely become a project for consideration by the new Regional Council. Ald. Pye said he hoped the new Council will be made aware of the fact that the Tufts Cove project is on the books already, and deserves consideration accordingly.

In Favour: All  
Against: None  
Motion Carried

SEVERANCE PAY FOR MEMBERS OF COUNCIL

SEVERANCE PAY:  
MEMBERS OF COUNCIL

Members of Council have received a report from Mr. Allen, in response to questions arising

about severance pay for members of Council not elected to the new Regional Council. The report provides information sought in this connection.

Ald. Schofield informed Council that he has presented a motion at Regional Council, calling for a Stipend Committee to be set up, specifically to give their consideration to this issue. He suggested that it would therefore be in order to leave the matter with the Regional Council, to be dealt with upon receiving the report from the Stipend Committee.

MOTION: To refer the matter to the Regional Council, to be dealt with as outlined by Ald. Schofield.

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

REQUEST - DARTMOUTH TITANS

REQUEST:  
DARTMOUTH TITANS

Ald. Withers has received a letter from the Dartmouth Titans, requesting a reduction in the rental they are paying for the space they use in the back half of the Police Station. He asked to have the letter referred to staff and/or a committee, for further consideration.

MOTION: To refer the letter from Dartmouth Titans (V. Bradshaw) to the Finance & Program Review Committee, for report back to Council.

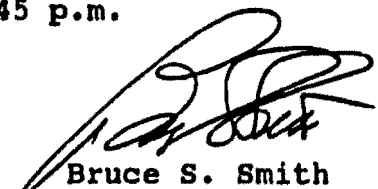
Moved: Ald. Withers  
Second: Ald. Sarto  
In Favour: All  
Against: None  
Motion Carried

At 9:00 p.m., Council went in camera, on motion of Ald. Pye and MacFarlane. Council later reconvened in open meeting, and approved the action taken while meeting in camera.

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

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

Meeting adjourned at 9:45 p.m.



Bruce S. Smith  
City Clerk-Treasurer.

DARTMOUTH CITY COUNCIL  
JANUARY 30, 1996.

ITEMS:

- 1,0 Proclamation, page 1.
- 1) Public Hearing, page 1.
- 2.0 Montebello West, Lot C-25A, page 1.
- 2.0 Reports, page 4.
- 2.1 Chief Administrative Officer, page 4.
- 2.1.1 Erskine Street, safety issues, page ;4.
- 2.1.2 73-77 Lakecrest Dr., date for public hearing, pg.5.
- 2.1.3 Dartmouth Cove Redevelopment project, pg. 5.
- Severance pay for members of Council, pg. 6.
- Request, Dartmouth Titans, page 7.

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# DARTMOUTH CITY COUNCIL AGENDA

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TUES., FEB. 6/96  
7:30 P.M.  
COUNCIL CHAMBER

## INVOCATION

1. APPROVE THE MINUTES FROM THE MEETINGS: Jan. 9, 16, & 30, 1996.
2. BUSINESS ARISING FROM THE MINUTES
3. DELEGATIONS & HEARINGS OF PROTEST - NONE
4. ORIGINAL COMMUNICATIONS - NONE
5. PRESENTATIONS
  - i) Acturial Valuation - Paul Conrad
6. PETITIONS - NONE
7. REPORTS
  - 7.1 CHIEF ADMINISTRATIVE OFFICER
    - 7.1.1 Extension of Water Service  
Morris Lake Estates, Cole Harbour, Halifax County
8. MOTIONS - NONE
9. NOTICES OF MOTION
10. CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

DARTMOUTH CITY COUNCIL  
FEBRUARY 6, 1996.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, CUNNINGHAM  
LEVANDIER, DEXTER  
SCHOFIELD, WOODS  
HAWLEY, GREENOUGH  
WALTON, MACFARLANE

MEMBERS ABSENT: ALD. PYE (ILLNESS)  
WITHERS (ILLNESS)  
HETHERINGTON (ILLNESS)  
SMELTZER (OUT OF CITY)

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE  
A/CITY SOLICITOR: B. ALLEN  
CITY CLERK-TREASURER: B. SMITH

INVOCATION

The meeting was opened by Mayor McCluskey, with the Invocation, following which a Proclamation was read by her, proclaiming the week of Feb. 11th to 17th, as Toughlove Days in Dartmouth. Toughlove Canada has declared Feb. 14th as "Violence Awareness Day".

1.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on Jan. 9, 16 & 30, 1996.

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

2.0 BUSINESS ARISING FROM THE MINUTES

3.0 DELEGATIONS & HEARINGS OF PROTEST - NONE

4.0 ORIGINAL COMMUNICATIONS - NONE

5.0 PRESENTATIONS

i) ACTUARIAL VALUATION - PAUL CONRAD

ACTUARIAL  
VALUATION

Members of Council received copies of an Actuarial Valuation report, as of Jan. 1/95, as prepared by Wm. M. Mercer Ltd., and at this time, a presentation of the report was made to Council by Paul Conrad, Actuary with the Mercer

company. Highlights from his presentation included information on the valuation of assets as of the closing balance of the Pension Fund at Dec. 31/94 (\$99,014,816.); a reconciliation of the Plan's financial position (unfunded liability of \$8,690,200. as of Jan. 1/95); an analysis of membership data and retirement benefits, etc. Given the unfunded liability noted in the report, it is being recommended that the City and its employees maintain their current level of contributions. The opinion given in the report is that the value of the plan assets would be greater than the actuarial liabilities, if the plan were to wind up on the valuation date. Asked about the disposition of the Plan, as a result of amalgamation, Mr. Conrad said he has been working on a plan designed for the regional municipality, which will eventually take in all of the existing separate plans, but with provisions for their individual administration for some time to come.

There were several questions to Mr. Conrad about the impact of early retirements coming about because of amalgamation. He advised that the new municipality will bear the cost of additional years of service where required, and the 'bridge' costs, but the local pension plans will bear the cost of the actual retirements. He did not see the early retirement costs as being detrimental to the City Plan overall.

Ald. Dexter asked about any Plan surplus, and expressed concern that City employees will not end up with the benefits from a good Plan performance. He said that the funds accumulated by the Plan will go toward the cost of the early retirements, and he saw this as being unfair to the City and to its employees. Ald. Greenough said it should be possible to identify the costs to the Plan, associated with early retirements brought about by amalgamation, and there should be an assessment of this information ultimately.

- 6.0 PETITIONS - NONE
- 7.0 REPORTS
- 7.1 CHIEF ADMINISTRATIVE OFFICER
- 7.1.1 EXTENSION OF WATER SERVICE - MORRIS LAKE ESTATES



DARTMOUTH CITY COUNCIL  
FEBRUARY 6, 1996.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, CUNNINGHAM  
LEVANDIER, DEXTER  
SCHOFIELD, WOODS  
HAWLEY, GREENOUGH  
WALTON, MACFARLANE

MEMBERS ABSENT: ALD. PYE (ILLNESS)  
WITHERS (ILLNESS)  
HETHERINGTON (ILLNESS)  
SMELTZER (OUT OF CITY)

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE  
A/CITY SOLICITOR: B. ALLEN  
CITY CLERK-TREASURER: B. SMITH

INVOCATION

The meeting was opened by Mayor McCluskey, with the Invocation, following which a Proclamation was read by her, proclaiming the week of Feb. 11th to 17th, as Toughlove Days in Dartmouth. Toughlove Canada has declared Feb. 14th as "Violence Awareness Day".

1.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on Jan. 9, 16 & 30, 1996.

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

2.0 BUSINESS ARISING FROM THE MINUTES

3.0 DELEGATIONS & HEARINGS OF PROTEST - NONE

4.0 ORIGINAL COMMUNICATIONS - NONE

5.0 PRESENTATIONS

1) ACTUARIAL VALUATION - PAUL CONRAD

ACTUARIAL  
VALUATION

Members of Council received copies of an Actuarial Valuation report, as of Jan. 1/95, as prepared by Wm. M. Mercer Ltd., and at this time, a presentation of the report was made to Council by Paul Conrad, Actuary with the Mercer

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There were several questions to Mr. Conrad about the impact of early retirements coming about because of amalgamation. He advised that the new municipality will bear the cost of additional years of service where required, and the 'bridge' costs, but the local pension plans will bear the cost of the actual retirements. He did not see the early retirement costs as being detrimental to the City Plan overall.

Ald. Dexter asked about any Plan surplus, and expressed concern that City employees will not end up with the benefits from a good Plan performance. He said that the funds accumulated by the Plan will go toward the cost of the early retirements, and he saw this as being unfair to the City and to its employees. Ald. Greenough said it should be possible to identify the costs to the Plan, associated with early retirements brought about by amalgamation, and there should be an assessment of this information ultimately.

- 6.0        PETITIONS - NONE
- 7.0        REPORTS
- 7.1        CHIEF ADMINISTRATIVE OFFICER
- 7.1.1     EXTENSION OF WATER SERVICE - MORRIS LAKE ESTATES

EXTENSION OF WATER  
SERVICE: MORRIS  
LAKE ESTATES

A report from Mr. Fougere (C. Sarty) was before Council on an application for tentative approval for a water extension to a 120-lot subdivision in the Cole Harbour area of Halifax County. It is recommended that approval be given for this water service extension, subject to technical approval of design drawings.

MOTION: To adopt the recommendation:

To approve the application for a water service extension to a 120-lot subdivision in the Cole Harbour area of Halifax County (Morris Lake Estates).

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

8.0 MOTIONS - NONE

9.0 NOTICES OF MOTION

10.0 CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

ALD. LEVANDIER

Ald. Levandier asked about the setting of the tax rate for the next fiscal year by the Regional Council. Ald. Greenough said the rate cannot be set until Regional Council has dealt with the budgets; he did not anticipate an interim tax rate before next year's rate is determined.

Ald. Levandier stated to Council, his concerns about the massage and escort services being operated at 70 Windmill Road, and the fact that a permit under the Home Occupations by-law was issued by Development Services in this connection. He said the 25% space regulation has obviously been exceeded in this instance, and he questioned whether a tenant of the building, and not the owner, would be allowed to get the permit, as apparently happened. He asked what can be done to have this problem resolved, and Mr. Allen said it can be determined if there is any violation of the zoning by-law; also, Police Service could be asked to investigate.

The Police Chief was present and indicated to Council that he would provide additional information on 70 Windmill Road in camera. Members received this information from the Chief at a later point.

Ald. Hawley said he felt that Council had already passed a by-law, some years ago, to control the location of massage parlours; he asked the Solicitor to check on this point. Ald. Levandier suggested that the City of Moncton be contacted, since they recently dealt successfully with a similar problem.

Ald. Levandier asked for particular attention to 15 Parker Street, during snowplowing of that street, to accommodate Access-a-Bus parking at that address when it is required by a handicapped person living there.

ALD. DEXTER

Ald. Dexter asked about the monthly forecast variance (Dec. 31/95), and the projected deficit of the City, attributable mainly to Social Services costs. Mr. Greene was present to respond to questions about the caseload levels which account for the General Assistance increases, and he explained the main contributing factors. These include the fact that the Province has taken over very few of the long-term cases they would normally have assumed, and the large number of single able-bodied unemployed people added to the caseload, many due to the expiration of their Unemployment Insurance. Ald. Dexter saw this as another example of municipal deficit being increased so that Provincial budget figures can be made to look better - in other words, a further downloading on municipalities.

ALD. MACFARLANE

Ald. MacFarlane raised concerns about the lack of and delay in snow-clearing, during recent storms, in the Penhorn/Manor Park area. He referred to streets on hills, such as Celtic Drive, which have been particularly dangerous, without salting or plowing to improve them when needed.

ALD. CUNNINGHAM

Ald. Cunningham followed up on the questions from Ald. Levandier about 70 Windmill Road, and the possibility of being able to take legal action under a zoning violation. He said he hoped the matter could be resolved during the remaining term of this present Council.

ALD. GREENOUGH

Ald. Greenough inquired about the forecast deficit (\$68,700.) for the Dartmouth Heritage Museum, and was informed by Mr. Fougere that it is made up of a revenue shortfall of \$35,000., plus the cost of building repairs at the Museum and at Evergreen. At Ald. Greenough's request, Mr. Fougere agreed to have a report prepared by Dr. Field, with detailed information, and to have Dr. Field attend a Council meeting to address the projected deficit figures.

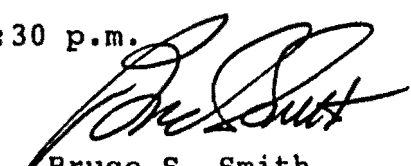
Mr. Smith responded to a further question from Ald. Dexter, concerning the revenue shortfall for Deed Transfer Tax.

At 9:00 p.m., Council went in camera, on motion of Ald. Greenough and Woods. 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 (personnel item).

<u>Moved:</u>	Ald. MacFarlane
<u>Second:</u>	Ald. Hawley
<u>In Favour:</u>	All
<u>Against:</u>	None
	<u>Motion Carried</u>

Meeting adjourned at 9:30 p.m.



Bruce S. Smith,  
City Clerk-Treasurer.

DARTMOUTH CITY COUNCIL  
FEBRUARY 6, 1996.

ITEMS:

- Invocation & Proclamation, page 1.
- 1.0 Approval of minutes, page 1.
- 2.0 Business Arising from Minutes, page 1.
- 3.0 Delegations & Hearings of Protest, page 1.
- 4.0 Original Communications, page 1.
- 5.0 Presentations, page 1.
  - i) Actuarial Valuation, page 1.
- 6.0 Petitions, page 2.
- 7.0 Reports, page 2.
- 7.1 Chief Administrative Officer, page 2.
- 7.1.1 Extension of water service, Morris Lake Estates, page 2.
- 8.0 Motions, page 3.
- 9.0 Notices of Motion, page 3.
- 10.0 Concerns of Council members, page 3.

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# DARTMOUTH CITY COUNCIL AGENDA

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TUES., FEB 13/96  
7:30 P.M.  
COUNCIL CHAMBER

1. **PRESENTATION**

- l) Water Treatment - Price Waterhouse (oral)

2. **REPORTS**

2.1 **CHIEF ADMINISTRATIVE OFFICER**

- 2.1.1 Resolution 96-07 Design Change - Apartment Building  
- Corner Wentworth and Ochterloney Streets  
2.1.2 Proposed Amendment to Land Use By-law: Side Yard  
and Rear Yard Provision - R-1 and R-2 Zones (set  
date for neighborhood info meeting and public hearing)  
2.1.3 Museum Budget - Update  
2.1.4 Tender, Cont. 95-70 - Halifax Ferry Terminal Barrier  
Free Renovations

2.2 **CITY SOLICITOR**

- 2.2.1 Pollution Control Account Expenditures

DARTMOUTH CITY COUNCIL  
FEBRUARY 13, 1996.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, SMELTZER  
CUNNINGHAM, PYE  
MACFARLANE, WOODS  
WITHERS, SCHOFIELD  
HAWLEY, GREENOUGH  
DEXTER, LEVANDIER,  
WALTON

MEMBER ABSENT: ALD. HETHERINGTON (ILLNESS)

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE  
A/CITY SOLICITOR: B. ALLEN  
CITY CLERK-TREASURER: B. SMITH

1.0

PRESENTATION

i)

WATER TREATMENT - PRICE WATERHOUSE

WATER TREATMENT:  
PRICE WATERHOUSE

A presentation was made to Council by Terry Stephen of Price Waterhouse, concerning the Water Treatment Plant Proposal Evaluation and the conclusion reached on TAP (Atlantic Pacific Water Company) as the preferred proponent, with whom further discussions should take place. As the next step, it is being proposed that a mandate be given by Council to meet with the proponent and determine whether negotiation on certain points is meaningful. There would be a subsequent report to Council, following the outcome of the negotiations.

After the presentation, members of Council had the opportunity for questions and comments. Ald. Hawley felt there should be a provision in any contract negotiated, for going to tender, in the event of a future expanded capacity, rather than assuming that the successful proponent would automatically have the project.

Ald. Pye asked if there is to be a Regional Water Utility Board, and Ald. Greenough advised that a recommendation to this effect will be coming before this week's Regional Council meeting. He said the Dartmouth treatment plant has a high priority with the new regional government.

Ald. Pye also asked if the Dartmouth Council will continue making decisions about the water treatment plant. Mr. Fougere said we have not been told otherwise, and will continue to a



point where it will be passed on to the regional municipality, when it officially comes into being.

Ald. Woods had several questions pertaining to some of the more intangible advantages referred to, such as economic spin-offs, the location of a world-class water treatment operator in the City, etc. Mr. Stephen responded with additional information on these points, but Ald. Woods continued to maintain that Council should be questioning some of these conclusions more completely.

A motion was presented by Ald. Greenough, based on the next step in the process, being proposed by the consultants.

MOTION: That Price Waterhouse be mandated to meet with the Preferred Proponent to determine whether negotiation on certain points is meaningful, and to ascertain the most advantageous cost scenario.

Moved: Ald. Greenough  
Second: Ald. Hawley

Ald. Dexter was opposed to the motion, suggesting that a reduction in water consumption should be the first priority, thereby delaying the requirement for a plant and allowing for a gradual water rate increase, as needed. Mr. Fougere pointed out that no matter how much water is being used, the need for a filtration system does not change; the treatment plant is still required.

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

- 2.0 REPORTS
- 2.1 CHIEF ADMINISTRATIVE OFFICER
- 2.1.1 RESOLUTION 96-07, DESIGN CHANGE, APT. BUILDING  
WENTWORTH & OCHTERLONEY STREETS

RESOLUTION 96-07:  
DESIGN CHANGE

Report from Mr. Fougere (B. Stevens, Glenn L'Esperance) on a minor design change in the facade of the apartment building constructed at the corner of Wentworth & Ochterloney Streets,

whereby the front entrance canopy has been constructed with a pitched roof (instead of a flat roof), necessitating in turn, the removal of one of the two arched windows originally proposed. Resolution 96-07 has been prepared for Council's approval, since this design change deviates from what was approved in the original Development Agreement.

MOTION: To approve Resolution 96-07, which permits the design variation in the development.

Moved: Ald. Sarto  
Second: Ald. Withers

Members speaking in favour of the motion felt the design of the apartment building remains attractive with the change, but Ald. Hawley took the position that Council should have been authorizing the change before it was made and not after the fact. Ald. Pye objected to what he called a 'cavalier attitude toward the development agreement', on the part of the developer, and also stated his objection to the change being brought to Council for approval after the building has been completed. Debate continued along these lines until the vote was taken on the motion. Mr. Wells was present from Development Services to answer questions and explain the sequence in the construction process, involving the developer and his department.

In Favour: All members  
Against: None  
Motion Carried

2.1.2 PROPOSED AMENDMENT TO LAND USE BY-LAW: SIDE YARD  
& REAR YARD PROVISION, R-1, R-2 ZONES

SET DATE:  
PUBLIC HEARING  
SIDE YARD, AND  
REAR YARD AMENDMENT

Report from Mr. Fougere on the proposed amendment to the Land Use By-law, with respect to side yard and rear yard provisions, in R-1 and R-2 Zones, prepared in response to a City Council motion on the subject. It is recommended that Council instruct staff to hold a neighbourhood information meeting, and set Tuesday, March 19/96, as the date for public hearing of the proposed amendment.

MOTION: To direct staff to hold a neighbourhood information meeting, and to set Tues.,

March 19, 1996 as the date  
for public hearing of the  
proposed amendment to the  
Land Use By-law (side & rear  
yard provisions, R-1, R-2 Zones).

Moved: Ald. Cunningham  
Second: Ald. Withers

Ald. Sarto referred to section 4.1, under the heading of Recommended Requirements, asking that the proposed five and eight-foot requirements be given particular attention when the amendment is being discussed.

In Favour: All  
Against: None  
Motion Carried

2.1.4 MUSEUM BUDGET - UPDATE

MUSEUM BUDGET  
UPDATE

Members of Council have received a report from Dr. Field on the Museum expenditure and revenue accounts, further to questions about over-expenditures in this department, raised at the Feb. 6th meeting. Dr. Field was present for this item, to answer questions and to provide further information as required.

It is his hope to improve the revenue picture appreciably before year-end, through the sale of 56 remaining Dartmouth prints, and he explained to Council the four accounts to which expenditure over-runs are attributed. He said that Nova Scotia Power are looking into the increased cost for electrical heat at Evergreen. Also, being looked at is the significant insurance cost increase, the second contributing factor. Then, in addition to the repairs and maintenance for Evergreen House, overspent by \$9,790., an over-expenditure in the amount of \$11,244. was required to deal with environmental health problems at the main Museum building, as explained in detail by him to Council.

Based on a report prepared by Dr. Lewis, a medical specialist in the field of environmental health-related problems, permission was given to Dr. Field to proceed with work required to improve the air quality conditions under which staff were working at the Museum. Besides what has already been done, provision has been included in the Museum budget for the next

fiscal year, to complete the remainder of what is required. Dr. Field provided a detailed account of the situation at the Museum, and the various factors that have led to mildew and mould problems, such as water leaking into the building from the roof, water in the elevator shaft, sewer run-off at the back of the building, etc.

Several members of Council were concerned that these problems, their follow-up, and the over-expenditure required to deal with them, did not come to Council. Members were not made aware of the situation at the Museum previously, and Ald. Schofield questioned why the matter was never brought to the attention of the Heritage and Cultural Committee. Ald. Woods asked that members be provided with copies of Dr. Lewis' report, along with information on the action taken and cost to date, and the action still required, with that cost as well.

Ald. Hawley said the building has required repairs and improvements for some time, but Museum budgets have never been adequate enough to address the needs of the main Museum and the two heritage buildings that have to be maintained. He felt the Museum Board should not have been eliminated, since it was a good source of liaison with the department.

Ald. MacFarlane stated his concerns about the unauthorized over-expenditures, a lack of fiscal control, and the failure to inform Council about any of the items that have come forward at this time. He suggested referral to the Acting CAO, to be dealt with as a personnel matter.

Ald. Smeltzer questioned the cost of consulting services provided in connection with the Museum problems, and he requested a listing of all consulting services the City has had this year, with the costs involved for these services. He asked at this time about the discussion with the Natal Day Committee, and was advised by the Mayor that a letter from them will be coming to Council. It is hoped to have the Committee in attendance for next week's Council meeting.

Dr. Field stated to Council that he assumed information would have been communicated to Council through Mr. Corrigan and/or Mr. Macdonald, both of whom were aware of the Museum

problems, and attempting to assist in having them resolved. Members of Council continued to object to the procedures followed, and to the fact that Council did not approve the over-expenditure involved and remained unaware of the health problems affecting staff.

2.1.4 TENDER, CONTRACT 95-70: HALIFAX FERRY TERMINAL  
BARRIER-FREE RENOVATIONS

AWARD TENDER:  
CONTRACT 95-70

Report from Mr. Fougere (Rae Allen) on bids received for Contract 95-70 (Halifax Ferry Terminal Barrier-Free), recommending that the tender be awarded to the low bidder, Blunden Construction (1995) Ltd., in the amount of \$27,100.00.

MOTION: To award the tender for Contract 95-70 to the low bidder, Blunden Construction (1995) Ltd., in the amount of \$27,100., as recommended.

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

2.2 CITY SOLICITOR

2.2.1 POLLUTION CONTROL ACCOUNT EXPENDITURES

POLLUTION CONTROL  
ACCOUNT EXPENDITURES

Mr. Allen has prepared a report for Council on the required re-submission of a Bill to the Legislature (spring sitting of the House), in order to authorize Council to expend the interest earned on the Pollution Control Account of capital projects, not directly related to pollution control. It is recommended to Council that the Bill be approved for submission to the House of Assembly, in a form similar to the attached format, for the purpose of confirming the use of interest earned on the Pollution Control Fund, during 1995/96, for operating purposes.

MOTION: To adopt the recommendation:

That Council approve the submission of a Bill to the House of Assembly, as per the format attached to Mr. Allen's report, for the purpose of confirming the use of interest

earned on the Pollution Control Fund, during 1995/96, for operating purposes.

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

PETITION - CASTLETON DRIVE

PETITION:  
CASTLETON DR.

Ald. Greenough presented a petition on behalf of Castleton Drive residents, who are requesting a four-way Stop to control traffic and improve safety conditions for pedestrians in their area. The petition will be referred to the Traffic Authority for assessment.

BASEBALL FIELD - EAST DARTMOUTH

BASEBALL FIELD:  
EAST DARTMOUTH

Ald. Sarto informed Council of Fraser Conrad's interest in developing a baseball field on land in east Dartmouth, just west of the Greenough field. Because of the environmental consideration involved with the land concerned (City watershed lands and possible run-off into Lake Lamont), an environmental impact report would be required, and Ald. Sarto proposed that a study be authorized, to compile the necessary information for such a report.

MOTION: That Mr. Fougere be authorized to have an impact study carried out, up to a maximum \$5,000. cost figure.

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

UPDATE - 70 WINDMILL ROAD

70 WINDMILL ROAD

As requested, additional information has been provided on the premises at 70 Windmill Road, where a massage parlour is being operated.

Ald. Dexter felt that there must be some legal way of dealing with this matter, even though the massage parlour category is not included in the list of exclusions for purposes of the Home Occupations By-law. It was noted that there

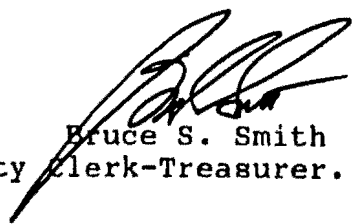
are many other exclusions not included in the list also, that would obviously not be permitted as Home Occupations. The question of the Massage Parlour By-law, passed by Council in 1980, was also raised. That by-law restricted the location of massage parlours to only C-4 Zones in the City, of which none have subsequently been established. The Solicitor pointed out, however, that the Home Occupations By-law came later, and could be determined to supercede the 1980 by-law.

Ald. Greenough said the spirit and intent of the Home Occupation By-law is being contravened by the massage parlour use, and Ald. Hawley was concerned that the application was not brought to Council in the first place, by Development Services, before any decision was made to grant a permit, considering the controversial nature of it.

Also noted, in the discussion, was the fact that the 25% space requirement, set out in the Home Occupation By-law, has been exceeded at 70 Windmill Road, and a violation already exists in that regard.

Generally, Council was concerned that a massage parlour is being operated in this residential area, when the City has a by-law created specifically to control such operations. It was requested that the Solicitor prepare a report for next week's Council meeting on the legal questions raised about the exclusion list, under the Home Occupation By-law, and about the Massage Parlour By-law in effect and applicable for some years. The Mayor suggested that having it in effect would indicate the intention to exclude massage parlours as an acceptable home occupation.

Council went in camera at 10:45 p.m.  
Adjournment was from the in camera meeting, at 11:45 p.m.



Bruce S. Smith  
City Clerk-Treasurer.

DARTMOUTH CITY COUNCIL  
FEBRUARY 13, 1996.

ITEMS:

- 1.0 Presentation, page 1.
  - i) Water treatment, Price Waterhouse, page 1.
- 2.0 Reports, page 2.
  - 2.1 Chief Administrative Officer, page 2.
    - 2.1.1 Resolution 96-07, Design change, Apt. building,  
page 2.
    - 2.1.2 Proposed amendment to Land Use By-law, side and  
rear yard provision, pg. 3.
    - 2.1.3 Museum Budget update, page 4.
    - 2.1.4 Tender, Contract 95-70, page 4.
  - 2.2. City Solicitor, page 6.
    - 2.2.1 Pollution Control Account expenditures, pg. 6.
      - Petition, Castleton Drive, pg. 7.
      - Baseball field, east Dartmouth, pg. 7.
      - Update, 70 Windmill Road, pg. 7.

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# DARTMOUTH CITY COUNCIL AGENDA

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TUES., FEB 20/96  
7:30 P.M.  
COUNCIL CHAMBER  
IN CAMERA SESSION  
10:00 P.M.

1. **PRESENTATION**

- i) Natal Day Committee (oral)

2. **REPORTS**

2.1 **CHIEF ADMINISTRATIVE OFFICER**

- 2.1.1 North Dartmouth Community Centre Management  
Plan

2.2 **CULTURAL & HERITAGE ADVISORY COMMITTEE**

- 2.2.1 289 Portland Street

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**IN CAMERA SESSION 10:00 P.M.**

1. Personnel Matter (oral)

DARTMOUTH CITY COUNCIL  
FEBRUARY 20, 1996.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, SMELTZER  
CUNNINGHAM, DEXTER  
LEVANDIER, PYE, WOODS  
WITHERS, SCHOFIELD  
HAWLEY, WALTON  
GREENOUGH

MEMBERS ABSENT: ALD. HETHERINGTON (ILLNESS)  
MACFARLANE (OUT OF TOWN)

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE  
A/CITY SOLICITOR: B. ALLEN  
CITY CLERK-TREASURER: B. SMITH

Mayor McCluskey acknowledged the attendance of Gerry Brady, former Deputy City Clerk, and Mrs. Brady, present in the gallery for the meeting.

1.0

PRESENTATION

i)

NATAL DAY COMMITTEE

PRESENTATION:  
NATAL DAY COMMITTEE

A presentation was made to Council by Audrey Manzer, Chair of the Natal Day Committee, in attendance with several other Committee members.

She began with comments on last year's celebration, marking the 100th Anniversary of Dartmouth Natal Day, and suggested that for this year, a Community of Dartmouth Natal Day could be planned, maintaining the continuity of past years of Natal Day activities. In order to proceed, the volunteers who make up the Committee would have to know that there will be staff support, as in previous years, and that there is a budget in place. It was confirmed by Andrew Cox that an item in the amount of \$40,000. was included in the Recreation Dept. budget for Natal Day, requiring the approval of the Regional Council, when they deal with the 1996/97 budget.

Ms. Manzer advised that members of her Committee have been invited to meet with the Halifax Natal Day Committee this week, and any recommendations coming out of that meeting would be passed long for the information of Dartmouth Council.

Ald. Schofield noted that in a meeting with Mayor Fitzgerald, he indicated his opinion that

separate parades should be held in both communities, but suggested one fireworks event at a centre-harbour location.

It was the general opinion of Council that Natal Day celebrations in Dartmouth should continue, and that the necessary budget and staff support should be provided to make this possible. Members agreed that a positive indication of support from Council and from the Councillors who serve on the Regional Council, should be given at this time, so that the Natal Day Committee can begin planning from this week. The suggestion was made that a local Recreation Dept. phone number be given for contact purposes, at least until March 31st, and perhaps beyond, if that is feasible.

MOTION: That Council support the Chair and Committee in their quest for funding from HRM, in order to carry on with a Community Natal Day in Dartmouth.

Moved: Ald. Pye  
Second: Ald. Withers

Members speaking on the motion were very supportive of it, considering Dartmouth Natal Day to be an important community tradition and well worth preserving. Ms. Manzer and the other Committee members were commended for all the efforts they have put into Natal Day programs over the years, and for their interest in carrying on a program for 1996. Those members who serve on Regional Council were willing to support the budget item for Natal Day, and encouraged the Committee to proceed in planning for Natal Day without delay.

In Favour: All  
Against: None  
Motion Carried

Ms. Manzer thanked Council for their interest and assistance over the years, and the Mayor commended all the volunteers who have worked so hard to make Natal Days a success.

2.0

REPORTS

2.1

CHIEF ADMINISTRATIVE OFFICER

2.1.1

NORTH DARTMOUTH COMMUNITY CENTRE MANAGEMENT PLAN

NORTH DARTMOUTH  
C.C.MANAGEMENT PLAN

Members of Council have received a report from Mr. Fougere (G. Kaiser, B. Stevens) on the Dartmouth North Community Centre Management Plan, copies of which accompanied the report. The recommendation is for Council to approve the Plan, as proposed.

The presentation of the Plan was made by Janet Landry. She first introduced members of the Interim Board of Directors, who were present in the gallery, and also, Carol Davis-Jamieson, the independent facilitator who has been working with the Board on the preparation of the Plan.

The Community Centre is almost ready to be officially opened to the public, and Ms. Landry first showed Council a plan of the building and details of the interior design. She noted that priorities determined by the local community, for use of the Centre, were: computer services, library services, health & recreation services. Accordingly, these identified priorities are reflected in the objectives that have been set for the operation of the Centre.

Aspects of the operation, covered in detail during the presentation, were: (1) the structure and composition of the Management Board; (2) the personnel plan; (3) the operating budget; (4) a functional organization chart; (5) service delivery. Questions from Council, following the presentation, dealt mainly with the rental policy and the application of rental fees. Of particular concern, was the proposed fee to be charged for library space, after the first year of the library being operated in the Centre.

Ald. Hawley and Woods felt that Dartmouth Regional Library has already made a significant contribution to the establishment of the Community Centre branch, through disbursement of vehicle reserve funds held by the Library. Above that, the Library is supplying materials and staff to service the C. C. branch. The Chair of the Library Board was present, and indicated to Council that when the Board made the proposal for the branch service, it was on the understanding that rental would not be charged for the space occupied by the library in the new Centre. The Board is expecting the

rental-free condition applicable for this year, to continue, based on their original understanding. Ald. Woods and Hawley supported this position, and asked that it be taken into consideration in conjunction with revenue projections for the operation of the Centre.

A motion was presented for the approval of the Management Plan, with amendments presented by Ald. Pye.

MOTION: To approve the Dartmouth North Community Centre Management Plan, as recommended.

Moved: Ald. Schofield  
Second: Ald. Woods

The following amendments were then presented by Ald. Pye, seconded by Ald. Hawley:

AMENDMENT: To amend the Management Plan document, as follows:

Page 8 - In Section 3.1 d), to add the words ' . . . and District 9 Councillor for HRM' as an ex-officio Board member.

10 - To delete the words ' . . . appointed by the area's aldermen' from the second paragraph on page 10.

11 - Under Position 2, to add the reference to 'seven days of the week'.

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

Ald. Pye said the District 9 Residents Association support the Plan, and both he and Ald. Woods thanked all those who have worked on the Community Centre project itself and on the Plan. Ald. Schofield and Withers also commended the success of this project, and the volunteer participation that has produced such good results for the north end of Dartmouth. All members of Council gave their enthusiastic

support to the new Centre and the proposal for operating it. Ms. Landry said that volunteers will continue to play an important part in the Centre, through their participation in the setting up of programs and in other operational areas.

The vote was taken on the motion, as amended.

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

Ald. Schofield proposed that while Council is still meeting, two appointments be made by Council to the Management Board, and that the Resident Association appointments also be approved at the same time, for a total of four appointments. Confirmation by HRM could then follow after April 1st. Other members of Council agreed that it would be in order for Dartmouth Council to proceed with the four appointments proposed by Ald. Schofield.

Ald. Schofield said the two resident appointments made by Council should proceed in the regular way, following the advertisement for applicants, as in the case of other boards and committees. The Residents Assn. would proceed with the recommendation of their appointments.

MOTION: That at the next Council meeting, appointments be made to the Management Board, two being made by Council from applications received, and two on the recommendation of the Residents Association.

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

2.2 CULTURAL & HERITAGE ADVISORY COMMITTEE

2.2.1 289 PORTLAND STREET

289 PORTLAND ST.

The Cultural & Heritage Advisory Committee has considered a request from Dr. Anthony Lamplugh, to have his property at 289 portland Street designated as a Registered Heritage Property, under the Heritage Act, and has recommended

approval of the request, and that appropriate City departments be so informed.

MOTION: That the property at 289 Portland Street be approved as a Registered Heritage Property, as recommended by the Cultural & Heritage Advisory Committee.

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

RESOLUTION - PROPOSED U.I. CHANGES

RESOLUTION:  
PROPOSED U.I.CHANGES

An item added to the agenda was a communication from the Nova Scotia Federation of Labour, requesting support for a resolution adopted by the Municipality of the County of Inverness, with regard to the new Employment Insurance Act and Bills C-111 and C-112. Council had earlier indicated a willingness to add this item to the agenda, and proceeded to endorse the resolution, as requested, at this point in the meeting.

MOTION: To endorse the resolution adopted by the Municipality of the County of Inverness, as requested by the N.S. Federation of Labour, and to forward confirmation of the action of Dartmouth City Council in their support for the resolution.

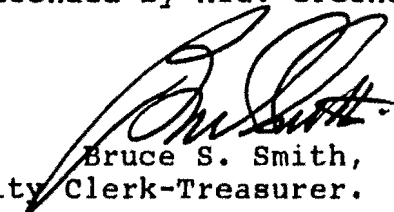
Moved: Ald. Dexter  
Second: Ald. Pye  
In Favour: All  
Against: None  
Motion Carried

A second item added to the agenda - a letter from the Municipality of the District of Argyle - was deferred to next week's meeting, when it was indicated that some members of Council had not yet received copies.

Ald. Smeltzer advised that an item from the most recent meeting of the Finance & Program Review Committee, was forwarded to this meeting of Council for discussion. Suggested, is a function of some kind to wind up the Dartmouth

Corporation, before April 1/96. Nothing specific was decided on the item, and members were asked to think about possible ideas that could be discussed further at next week's Council meeting.

At 9:20 p.m., Council went in camera. Adjournment was from the in camera meeting, since no motions were adopted that required ratification. The motion to go in camera was moved by Ald. Sarto, seconded by Ald. Greenough.



Bruce S. Smith,  
City Clerk-Treasurer.



DARTMOUTH CITY COUNCIL  
FEBRUARY 20, 1996.

ITEMS:

- 1.0 Presentation, page 1.
  - i) Natal Day Committee, page 1.
- 2.0 Reports, page 2.
- 2.1 Chief Administrative Officer, page 2.
- 2.1.1 North Dartmouth Community Centre Management  
Plan, page 3.
- 2.2 Cultural & Heritage Advisory Committee, pg.5
- 2.2.1 289 Portland St., page 5.  
Resolution, proposed U.I. changes, page 6.

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*Lib. Ref. Dept.*

# DARTMOUTH CITY COUNCIL AGENDA

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TUES., FEB 27/96  
7:30 P.M.  
COUNCIL CHAMBER

1. **PUBLIC HEARING**

l) 73-77 Lakecrest Drive

2. **REPORTS**

2.1 **MAYOR**

2.1.1 Letter from Municipality of Argyle - Proposed  
Licensing Fee Increases and Redrafting of Criteria  
for Maintenance and Transfer of "Small Boat" Licenses

2.1.2 Wind Up Function - Dartmouth Corporation

2.2 **CHIEF ADMINISTRATIVE OFFICER**

2.2.1 Tender, Cont. 95-25, Monitoring of Pressure Reducing  
Valves

2.2.2 North Dartmouth Community Centre Management Board  
- Appointments (oral)

2.3 **PENSION COMMITTEE**

2.3.1 Effect of Regional Retirement Incentive Program on  
the City of Dartmouth Plan Valuation

2.4 **FINANCE & PROGRAM REVIEW COMMITTEE**

2.4.1 Policy Concerning In Camera Meetings of Council

2.4.2 1995 Management Letter

DARTMOUTH CITY COUNCIL  
FEBRUARY 27, 1996.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, SMELTZER  
CUNNINGHAM, MACFARLANE  
DEXTER, LEVANDIER  
SCHOFIELD, WALTON  
PYE, WOODS, HAWLEY  
GREENOUGH

MEMBERS ABSENT: ALD. WITHERS (ILLNESS)  
HETHERINGTON (ILLNESS)

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE  
A/CITY SOLICITOR: B. ALLEN  
CITY CLERK-TREASURER: B. SMITH

Ald. Smeltzer received permission to have item 2.4.1 (Policy concerning In camera Meetings) moved up on the agenda, since he had to leave the meeting early, due to illness in his family.

Council also agreed to add an item as 2.4.3 (Taxes, MicMac Hotel), at the request of Ald. Cunningham.

Mayor McCluskey brought to Council's attention, letters from: Dale Godsoe, on behalf of the United Way, thanking Council for the donation made in support of United Way funding requirements for this year; and secondly, a letter from the Dartmouth Visitors & Convention Bureau, requesting a Council appointment to their Board.

1.0 PUBLIC HEARING

i) 73-77 LAKECREST DRIVE

PUBLIC HEARING:  
73-77 LAKECREST DR.

This date was set by Council for public hearing of an application from Luna Developments Ltd., for amendments to the M.P.S. and Land Use By-law, to permit the consideration of a development agreement with respect to an apartment building, to be designed and operated for older people and people with limited physical mobility, at 73-77 Lakecrest Drive.

All members of Council were recorded as being present for the public hearing, except for Ald. Withers and Hetherington. Ald. MacFarlane arrived just at the beginning of the public hearing, as Mr. Connor was speaking.

CONFLICT OF  
INTEREST

Ald. Woods declared a conflict of interest due to his business association with Mr. Connor, the Architect, and withdrew from his place on Council to sit in the gallery.

Members of Council received, with the agenda for this meeting, the staff report recommending in favour of the application, and other related documentation, including By-laws C-741 and C-742, to amend the M.P.S. and the Land Use By-law respectively.

The presentation for Development Services was made by John Lukan. He noted that the request for a Development Agreement for this project will have to come back for a separate public hearing, subject to Council's decision on the request for M.P.S. and Land Use By-law amendments, at this present hearing.

Mr. Lukan said the development being proposed has evolved to its present point, through a consultation process with area residents, who now find it acceptable. The proposal is directed at the seniors market and people wanting to be accommodated with amenities to assist their mobility and access in daily living. Basically, the request from the developers is in compliance with M.P.S. and Land Use By-law requirements applicable to this site, and Development Services have therefore recommended Council's approval of By-laws C-741 and C-742, which implement the necessary amendments.

The Mayor opened the public hearing for the M.P.S and Land Use By-law amendments. She called first for any speakers in favour.

Council heard Peter Connor, planner for the developer and representing CBCL. He said that while he could not speak about the specific features of the development at this time, he would commend the proposed use of the site, for the purpose intended and the compliance of the proposal with Land Use and M.P.S. criteria. Ald. MacFarlane arrived at the beginning of Mr. Connor's presentation to Council.

Mayor McCluskey called three more times for speakers in favour, and following that, three times for any speakers opposed. When there were no further speakers to be heard, the public hearing was declared to be closed, on

motion of Ald. Pye and Greenough.

Council proceeded with the approval of By-laws C-741 and C-742, together, as recommended.

BY-LAWS C-741  
AND C-742

MOTION: That leave be given to introduce the said By-laws 741 & 742, and that they now be read a first time.

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

MOTION: That By-laws C-741 & C-742 be read a second time.

Moved: Ald. Pye  
Second: Ald. Hawley

Ald. Greenough said that after considerable consultation, the area residents are now comfortable with the proposal for this land. Ald. Hawley also acknowledged the extent of discussions that have taken place over the course of the planning for the development.

In Favour: All  
Against: None  
Motion Carried

MOTION: That By-laws C-741 & C-742 be read a third time, and that the Mayor and the City Clerk be authorized to sign and seal the said by-laws on behalf of the City.

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

Ald. Hawley felt that in view of the amount of consultation that has already gone on with area residents, it would be in order to go directly to the neighbourhood information meeting, rather than holding another consultation meeting prior to the information meeting.

MOTION: To proceed directly to the neighbourhood information meeting, for the Development Agreement request, rather than holding a consultation meeting first.

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

2.0 REPORTS

2.1 MAYOR

2.1.1 LETTER FROM MUNICIPALITY OF ARGYLE - LICENSE FEE INCREASES

LETTER: MUN.  
OF ARGYLE

A letter has been received from the Municipality of the District of Argyle, inviting all municipal units to join them in asking the federal government to withdraw the proposed licensing fee increases (for the small craft fishery), and to redraft the criteria for maintenance and transfer of small boat licenses.

MOTION: That a letter be forwarded in support of the position of the Municipality of Argyle, to the Hon. Fred Mifflin, Minister for D.F.O., and that the letter indicate support for the fishermen presently occupying D.F.O. offices in Nova Scotia.

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

2.1.2 WIND-UP FUNCTION - DARTMOUTH CORPORATION

WIND UP FUNCTION:  
DART. CORPORATION

Ald. Hawley proposed the formation of a committee to look at ideas for a wind-up function before the end of March. Ald. Sarto, Hawley and Schofield indicated that they would be willing to serve on the committee, and it was so named, along with Mayor McCluskey.

MOTION: That a committee be formed to look at ideas for a

wind-up function for Dartmouth Corporation, to consist of: Mayor McCluskey, Ald. Hawley, Sarto, and Schofield.

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

2.2 CHIEF ADMINISTRATIVE OFFICER

2.2.1 TENDER, CONTRACT 95-25, MONITORING OF PRESSURE REDUCING VALVES

AWARD TENDER:  
CONTRACT 95-25

Tenders have been received for Contract 95-25, monitoring of pressure reducing valves, Water Distribution System, and the report to Council from Mr. Fougere (C.K. Sarty) recommends that the tender be awarded to the low bidder, Western Electric Ltd., with a bid of \$269,309.37 including GST; completion time: eleven weeks. Further, that the \$49,309.37 required, over the budgeted amount, be taken from unexpended 1995/96 water utility capital.

MOTION: That the tender for Contract 95-25 be awarded to the low bidder, Western Electric Ltd., in the amount of \$269,309.37, as recommended. Further, that the \$49,309.37 required, over the budgeted amount, be taken from unexpended 1995/96 water utility capital.

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

2.2.2 NORTH DARTMOUTH COMMUNITY CENTRE MANAGEMENT BOARD - APPOINTMENTS

APPOINTMENTS:  
NORTH DARTMOUTH  
MANAGEMENT BOARD

Council deferred to this meeting, appointments to be made to the North Dartmouth Community Centre Management Board. Ald. Schofield proposed, as a staff appointment, the name of Janet Landry, and the appointment of a second staff person, with accounting experience. This latter appointment would have to be made by HRM from HRM staff.

MOTION: To approve the appointment to the Board of Janet Landry and a second staff person, with accounting experience (to be named by HRM from HRM staff).

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

Ald. Schofield then put forward the names of three north-end citizens, for Council's consideration, in making the two additional appointments required. The names were: Bill Murphy, Joan Hayes, and Dan Olynych.

A vote by secret ballot followed, after which the Mayor announced to Council that Mr. Murphy and Mr. Olynych had been chosen as the two appointees.

2.4.1

POLICY CONCERNING IN CAMERA MEETINGS OF COUNCIL

POLICY: IN CAMERA  
MEETINGS OF COUNCIL

The Finance & Program Review Committee has given consideration to a policy proposed by Ald. Smeltzer, with respect to in camera meetings of Council, and with some amendments to the draft originally prepared by Ald. Smeltzer, has recommended the policy to Council, to be forwarded to the HRM.

MOTION: To adopt the recommendation of the Committee:  
To approve the in camera policy as recommended, to be forwarded to the HRM.

Moved: Ald. Greenough  
Second: Ald. Hawley

Ald. Smeltzer said he would see this as a policy that could serve as a model for other municipalities in the province to follow, and he commended its approval to Council. Ald. Greenough said that Ald. Smeltzer has put a lot of hard work into the preparation of the policy, and the Committee has reviewed it in considerable detail.

In Favour: All  
Against: None  
Motion Carried



Ald. Smeltzer left the meeting after the vote was taken on the motion.

2.3 PENSION COMMITTEE

2.3.1 EFFECT OF REGIONAL RETIREMENT INCENTIVE PROGRAM  
ON CITY PLAN VALUATION

EFFECT OF  
INCENTIVE PROGRAM

The Pension Committee has discussed the impact of the Regional Retirement Incentive Program on pension plans, and has adopted a motion, asking City Council to voice their concerns regarding the effect of the Regional Retirement Incentive Program on the City of Dartmouth Plan Valuation, in view of the general feeling of the Committee that these incentives are inappropriate costs of the Dartmouth employees pension plan, and experience loss should not be borne by the pension plan and should be a cost of amalgamation. The Committee has recommended that Council approve the motion adopted by the Pension Committee.

Ald. Greenough gave a summary of the concerns of the Committee, regarding experience loss and its impact, although it is difficult to quantify such loss figures. He explained the basis of the Pension Committee recommendation, and moved its adoption.

MOTION: To adopt the recommendation of the Committee, as stated in the above paragraph.

Moved: Ald. Greenough  
Second: Ald. Sarto

Ald. Levandier said that in effect, the taxpayers are being asked to pick up the cost of the Plan's unfunded liability, and he considered this to be another amalgamation cost added to many others that will have to be funded. Mr. Smith was asked to comment on the concerns of Pension Committee members, and he explained why the employee groups represented on the Committee feel that the impact of this outside obligation is unwarranted, in terms of the future effect on the City Pension Plan. It is their feeling that the outside agency responsible should bear the costs involved, as a transitional expenditure, rather than the Plan itself.

Ald. Greenough noted that this was a question raised with the Actuary, during his recent presentation to Council, and he referred to a degree of flexibility in the fund, which should result in a minimal effect on the Plan, from the Incentive Program.

The vote was taken on the motion.

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

2.4 FINANCE & PROGRAM REVIEW COMMITTEE

2.4.2 1995 MANAGEMENT LETTER

1995 MANAGEMENT  
LETTER

The Finance & Program Review Committee has dealt with a staff report, giving responses to the items from the Auditors' 1995 Management Letter, and has recommended that Council receive and file the report.

MOTION: That the staff report, with responses to items from the 1995 Management Letter, be received and filed, as recommended by the Committee.

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

2.4.3 TAXES - MICMAC HOTEL, 313 PRINCE ALBERT ROAD

TAXES: MICMAC  
HOTEL

Ald. Cunningham informed Council of a tax payment problem involving the property at 313 Prince Albert Road, on which the MicMac Hotel is located and for which the owner has paid taxes based on an incorrect assessment, for several years. The assessment was appealed by the owner for the year 1995/96, and a tax correction was made in that instance.

Under section 123, 1-B of the Assessment Act, Council has authority to go back one year, in order to make a tax correction for 1994/95, and Ald. Cunningham presented an affidavit from the owner in this connection, duly signed and witnessed, and proceeded with a motion for adjustment of the 1994/95 taxes on the property at 313 Prince Albert Road.

MOTION:

WHEREAS an error in assessment has caused taxes to be billed to the MicMac Hotel, since February, 1992, which are not owing;

AND WHEREAS the Assessment Appeal Court has recognized this error and corrected the assessment to the MicMac Hotel;

AND WHEREAS the City of Dartmouth has adjusted taxes owing based on the corrected assessment for the current taxation year;

AND WHEREAS Section 123, 1-B, of the Assessment Act, gives City Council the authority to adjust taxes owing on corrected assessments, for the previous year, provided an affidavit is presented to Council;

THEREFORE, BE IT RESOLVED that this Council make an adjustment in the taxes owing from the MicMac Hotel, based on the corrected assessment for the taxation year 1994/95. The total amount of the adjustment is \$13,280., broken down as: Real Property, \$10,624.32 and Business Occupancy, \$2,656.08.

The owner of the MicMac Hotel is Mr. Michael Melanchuck.

Moved: Ald. Cunningham  
Second: Ald. Sarto

Ald. Pye was opposed to what he called 'this precedent-setting action'. He said he had raised similar concerns about two properties in his own ward, but they were not dealt with by Council and no adjustment was made in those instances. Ald. MacFarlane questioned whether the City should be assuming responsibility for a mistake made by the Provincial Assessment Dept., and felt that he could not support the motion on that basis. Several other members felt the error has to be corrected, in fairness to the hotel owner, who is already having a difficult time to keep his business going with a major tax bill still unpaid.

In Favour: All members except  
Against: Ald. Pye, Levandier, MacFarlane.

Ald. Cunningham then proposed a second motion, for the taxation years 1992/93 and 1993/94, but he agreed to give notice of motion only at this time, and to have the actual motion presented at the next Council meeting.

Notice of Motion: Ald. Cunningham

WHEREAS an error in assessment has caused taxes to be billed to the MicMac Hotel since February, 1992, which are not owing;

AND WHEREAS the Assessment Appeal Court has recognized this error and corrected the assessment to the MicMac Hotel;

AND WHEREAS the City of Dartmouth has adjusted taxes owing, based on the current taxation year, and Dartmouth City Council has further adjusted taxes owing for the previous year;

AND WHEREAS the City of Dartmouth collected taxes twice for the same property in 1991/93 and 1993/94;

AND WHEREAS, the burden of this tax bill, which is yet unpaid by the MicMac Hotel, could force the owner into receivership;

AND WHEREAS, these taxes have been billed through a gross and manifest error in assessment, the payment of which would result in an unjust enrichment to the City;

THEREFORE BE IT RESOLVED that the taxes which are said to be owing, be adjusted to reflect the corrected assessment of this property, and the additional amount of commercial and Business Occupancy taxes be deducted from the account of the MicMac Hotel.

Council was asked to make an appointment to the Dartmouth Visitors & Convention Bureau, and on the nomination of Ald. Pye, Council agreed to appoint Ald. Schofield. The Mayor thanked Ald. Pye for serving on this Board, and expressed appreciation to him on Council's behalf.

She advised Council that the Board has asked to come before this Council to discuss their budget. Members were not sure about hearing from them, considering that their budget, like all the others, will be dealt with and administered by HRM.

Ald. Dexter asked about the Dartmouth Cove project, and was advised that it will go ahead as planned, and is being approved by Mr. Hayward. Mr. Fougere said the meeting with CBCL, for the project, will take place this Thursday.

Ald. Dexter asked if a declaration could be proclaimed for Hunger Awareness Week, March 24th of this year. In discussion with the Mayor, he agreed to follow up further on the declaration.

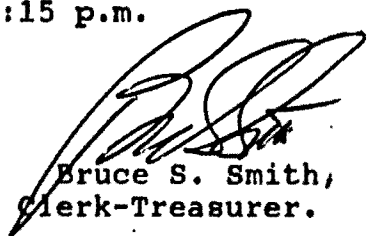
It was requested that a memo from Mr. Smith, on the subject of personal computers, be added to next week's Council agenda, for consideration.

A motion was presented by Ald. Greenough, for a March break by Council.

MOTION: That a Council meeting not be held during the week of the regular March break for 1996.

<u>Moved</u> :	Ald. Greenough
<u>Second</u> :	Ald. Woods
<u>In Favour</u> :	All
<u>Against</u> :	None
	<u>Motion Carried</u>

Meeting adjourned at 9:15 p.m.



Bruce S. Smith,  
City Clerk-Treasurer.

DARTMOUTH CITY COUNCIL  
FEBRUARY 27, 1996

ITEMS:

- 1.0 Public Hearing, page 1.
    - i) 73-77 Lakecrest Drive, page 1.
  - 2.0 Reports, page 4.
    - 2.1 Mayor, page 4.
      - 2.1.1 Letter, Mun. of Argyle, page 4.
      - 2.1.2 Wind up function, page 4.
    - 2.2 Chief Administrative Officer, page 5.
      - 2.2.1 Tender, Contract 95-25, page 5.
      - 2.2.2 North Dart. Management Board, pg. 6.
    - 2.4.1 Policy, In Camera Meetings, page 6.
  - 2.3 Pension Committee, page 7.
    - 2.3.1 Effect of Regional Incentive Program, page 7.
  - 2.4 Finance & Program Review Committee, page 8.
    - 2.4.2 1995 Management Letter, page 8.
    - 2.4.3 Taxes, MicMac Hotel, 313 Prince Albert Rd.,  
page 8.
-

# DARTMOUTH CITY COUNCIL AGENDA

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TUES., MAR. 5/96  
7:30 P.M.  
COUNCIL CHAMBER

## INVOCATION

1. APPROVE THE MINUTES FROM THE MEETINGS: Feb. 6, 13, 20 & 27, 1996.

2. BUSINESS ARISING FROM THE MINUTES

3. DELEGATIONS & HEARINGS OF PROTEST - NONE

4. ORIGINAL COMMUNICATIONS - NONE

5. PRESENTATIONS

- i) RFP Water Treatment Plant - Price Waterhouse
- ii) Dartmouth Heritage Room - Dartmouth Sportsplex Commission

6. PETITIONS - NONE

7. REPORTS

### 7.1 CHIEF ADMINISTRATIVE OFFICER

- 7.1.1 Tender Contract T95-02, Crosswalk Overhead Lights
- 7.1.2 Personal Computers
- 7.1.3 Lease of 42 Lakecrest Drive to 52ND Halifax  
Regional Police Service Ventures and Rovers  
(to be circulated)
- 7.1.4 Lease of Premises at Crichton Community Centre to  
Dartmouth Daycare Association
- 7.1.5 Lease of Premises to Dartmouth Non-Profit Housing  
Society: 253 Prince Albert Road & 10 Eaton Avenue
- 7.1.6 Acquisition of Parcel AM-1B, 187 Caledonia Road  
for Widening of Caledonia Road

### 7.2 FINANCE & PROGRAM REVIEW COMMITTEE

- 7.2.1 MicMac A.A.C. Request for Tax Exemption

8. **MOTIONS**

8.1 **ALD. CUNNINGHAM**

WHEREAS an error in assessment has caused taxes to be billed to the Mic Mac Hotel since February, 1992, which are not owing;

AND WHEREAS the Assessment Appeal Court has recognized this error and corrected the assessment to the Mic Mac Hotel;

AND WHEREAS the City of Dartmouth has adjusted taxes owing based on the current taxation year and Dartmouth City Council has further adjusted taxes owing for the previous year;

AND WHEREAS the City of Dartmouth collected taxes twice for the same property in 1992-93 and 1993-94;

AND WHEREAS, the burden of this tax bill, which is as yet unpaid by the Mic Mac Hotel could force the owner into receivership;

AND WHEREAS, these taxes have been billed through a gross and manifest error in assessment, the payment of which would result in an unjust enrichment to the City;

THEREFORE, BE IT RESOLVED that the taxes which are said to be owing be adjusted to reflect the corrected assessment of this property and the additional amount of commercial and business occupancy taxes be deducted from the account of the Mic Mac Hotel.

9. **NOTICES OF MOTION**

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



DARTMOUTH CITY COUNCIL  
MARCH 5, 1996.

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

MEMBERS PRESENT: MAYOR MCCCLUSKEY  
ALDERMEN SARTO, CUNNINGHAM  
MACFARLANE, DEXTER  
LEVANDIER, WITHERS  
SCHOFIELD, PYE, WOODS  
HAWLEY, GREENOUGH,  
WALTON

MEMBERS ABSENT: ALD. SMELTZER (OUT OF CITY)  
HETHERINGTON (ILLNESS)

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE  
A/CITY SOLICITOR: B. ALLEN  
MANAGER, ACCOUNTING & FINANCE: D. MCBAIN

INVOCATION

Mayor McCluskey opened the meeting with the Invocation. She welcomed to the meeting, members of the 7th Dartmouth and 1st Imperoyal Scout troops, present with their leaders. Members of a Venture troop were also welcomed.

1.0 APPROVAL OF MINUTES

MOTION: To approve the minutes of meetings held on Feb. 6, 13, 20 & 27, 1996.

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

2.0 BUSINESS ARISING FROM THE MINUTES

3.0 DELEGATIONS & HEARINGS OF PROTEST - NONE

4.0 ORIGINAL COMMUNICATIONS - NONE

5.0 PRESENTATIONS

i) RFP WATER TREATMENT PLANT - PRICE WATERHOUSE

WATER TREATMENT  
PLANT

Representatives of Price Waterhouse were present for the presentation of the Evaluation Committee recommendations, following the Council direction from the Feb. 13th meeting, at which time, Price Waterhouse was mandated to meet with the Preferred Proponent, as per the motion adopted by Council at that time.

Mr. Stephen made the presentation to Council for Price Waterhouse. He outlined what has happened since the Feb. 13th Council meeting, provided a financial analysis and information on regional economic benefits, thereby addressing points of particular concern raised by Council members previously. He proceeded to the specifics of PPP benefits that can be expected, and concluded with the recommendations of the Evaluation Committee to Council.

Ald. Hawley felt that there is insufficient indication of cost reductions that were to have been negotiated. It was noted that actual figures involved were communicated to Council in camera on Feb. 13th, and this procedure should be followed again at this time, if members want to receive such information. Mr. Stephen did indicate to Council that the rate of return on equity has been moved down by one-third, and that TAP will come down between two and three million dollars as a cost reduction.

MOTION: To adopt the recommendations of the Evaluation Committee:

1. That City Council grant approval for staff and consultants to proceed with the Dartmouth Water Treatment Plant Project, based on a public-private partnership with the TAP Group, subject to the ability to negotiate mutually acceptable terms and conditions.
2. That City Council grant approval for Price Waterhouse to proceed with steps required to determine if contracts for the design, construction, financing, operation and transfer of a water treatment plant, on terms and conditions which are mutually acceptable, can be negotiated with the TAP Group.

Further, that after April 1/96, the negotiation process be carried out under the control and direction of the Halifax Regional Municipality and the Halifax Regional Water Commission.

Moved: Ald. Hawley  
Second: Ald. Greenough

As a member of the Evaluation Committee, Ald. Greenough gave a verbal report to Council on the in-depth analysis that has gone into the TAP proposal, and in reaching a decision on the recommendations being made to Council. He felt there is a potential for greater cost savings further along in the negotiation process that will follow, if the recommendations of the Committee are adopted. Several other members also spoke in favour of the recommendations, and were not in favour of delaying the water treatment project on the basis that the findings of the Narrows study are not yet ready.

Ald. Dexter again stated his concerns about the PPP process, and proposed an amendment to the effect that in addition to the above-noted recommendations, Council direct staff and the consultants to negotiate a direct contract for a design, build and transfer option for the municipality. The Mayor ruled that the amendment was outside the motion and would have to be presented after it, separately. Mr. Stephen suggested that the amendment may represent a change from the RFP, and that legal clarification would likely be required in connection with it. Ald. Dexter did not proceed further with the amendment and did not present it as a separate motion. He did favour a delay in building a treatment plant until such time as a sinking fund could be established to fund the plant from an existing financial source.

In Favour: All members except  
Against: Ald. Dexter & Pye  
Motion Carried

ii) DARTMOUTH HERITAGE ROOM - DART. SPORTSPLEX

DARTMOUTH  
HERITAGE ROOM

Council received with the agenda for this meeting, a report with accompanying information on a proposal for a Heritage Room addition to the Sportsplex. The Sportsplex Commission has made the following recommendation to Council:

The Commission recommends to Council, acceptance of the low tender received from Force Construction, for the Heritage Room project, and the plan for financial, subject to confirm-

ation of the senior government funding being approved before Commission authorization to proceed.

Presentation of the Heritage Room proposal to Council was made by Glen Bagnell. Also present in the gallery for this item, were Don Valardo and Bob Quigley, along with the Architect, Mike Harvey.

Mr. Bagnell described to Council, the features of the Heritage Room, which would include additional seating for the arena and a functions room, providing an area capable of accommodating about 200 people, for medium-sized events. This new facility is seen as a revenue-producing addition, and it is felt that the functions room, together with a roof garden, would be an attractive location for receptions and other rentals.

It is being proposed that one-third of the funding required for this project would come from the sale of commemorative tiles, that would comprise one of the walls, and Mr. Bagnell showed to Council examples of the engraved granite tiles that would be used, bearing the names of companies, organizations, and individuals from the Dartmouth community. The larger tiles would be sold for \$595.00, and the smaller ones, for \$195.00. The projected revenue from the sale of tiles is approx. \$300,000., and the other funding sources would be corporate and senior levels of government. Some discussions have already taken place with potential corporate representatives, and further discussions are planned.

The plans and drawings for the addition were then presented by Mike Harvey, after which, Don Valardo, Chairman of the Sportsplex Commission, addressed Council on the matter of corporate funding, and discussions taking place to secure this funding source. Council was later informed of government approvals being sought, which will be received in writing before the project can proceed. Senior government participation is understood to be a necessary funding component, along with the participation of the corporate sector, and the Heritage Wall revenue. The proposal does not involve any cost to City taxpayers, and there is no request for municipal funding assistance.

MOTION: To adopt the recommendation  
of the Sportsplex Commission:

The Commission recommends to Council, acceptance of the low tender received from Force Construction for the Heritage Room project, and the plan for financing, subject to confirmation of the senior government funding being approved before Commission authorization to proceed.

Moved: Ald. Levandier  
Second: Ald. Hawley

Ald. Pye asked about the financial status of the Sportsplex, and Bob Quigley, the Acting General Manager, gave a verbal report to Council on the favourable impact that additions and improvements, within the past year, have had on Sportsplex revenues. Memberships have increased significantly, and it is expected that the proposed addition now recommended, will be another viable facility and further revenue producer.

The general reaction of Council to the proposal from the Sportsplex Commission, was favourable. Ald. MacFarlane commended what he called 'the imagination and creativity of Sportsplex initiatives', to improve the facility and maintain its standard of operation in the community. Other members of Council responded with similar positive comments.

In Favour: All  
Against: None  
Motion Carried

The presenters were thanked by the Mayor, before they left the meeting.

- 6.0 PETITIONS - NONE
- 7.0 REPORTS
- 7.1 CHIEF ADMINISTRATIVE OFFICER
- 7..1.1 TENDER, CONTRACT T95-02, CROSSWALK OVERHEAD LIGHTS

AWARD TENDER:  
CONTRACT T95-02

Report from Mr. Fougere (E. Purdy) on tenders received for Contract T95-02, Crosswalk Overhead Lights, recommending that the tender be awarded to the low bidder, Black & McDonald Ltd., with a bid price of \$69,562.51. Completion time: 100 work days.

MOTION: To award the tender for Contract T95-02 to the low bidder, Black & McDonald Ltd., with a bid price of \$69,562.51, as recommended.

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

7.1.2

PERSONAL COMPUTERS

PERSONAL COMPUTERS

A report from Mr. Fougere was before Council on the request from Bruce Smith to have Council consider offering current employees, who will not be employed with HRM, their personal computers, at the depreciated rate, as contained in the agreement for Council members.

The status of agreements signed by members of Council was first discussed. It appeared that only a minority of members had signed the agreements, and that some members were interested in purchasing their computers at a depreciated value. No specific motion was presented or direction given with respect to the computers of Council members. Ald. Dexter said he is returning his.

Further to the request for staff computers, several of the members felt that the established policy with regard to the use of City property and disposal of surplus goods, should be maintained. The suggestion was made, however, that Ken Meech and/or Bill Hayward could be consulted on this question by Mr. Fougere.

MOTION: That Mr. Fougere contact Mr. Hayward and/or Mr. Meech being given the same opportunity as members of Council (i.e. to purchase personal computers).

Moved: Ald. Sarto  
Second: Ald. Woods  
In Favour: Minority of members  
Against: Majority of members  
Motion Defeated

7.1.3 LEASE OF 42 LAKECREST DR. TO VENTURES & ROVERS

LEASE OF  
42 LAKECREST DR.

In connection with the next item on the agenda, Council heard Cst. Pickles of the Police Service, representing the 52nd Halifax Regional Police Service Ventures and Rovers, who are seeking to rent premises at 42 Lakecrest Drive as a regional headquarters for their training and service programs. Cst. Pickles explained to Council, the background of this service-oriented group, associated with Scouts Canada and the Police Service. He said the Lakecrest Drive location and premises are suitable to the needs of his group; other premises looked at by them are either not available or are unsuitable.

Mr. Fougere brought to Council's attention, the exterior condition of the building at 42 Lakecrest, noting in particular the roof replacement that is required, estimated to cost a minimum of \$13,000. The general response of Council was to proceed with the lease of the building, for the use of this group, and to enter into an agreement with them, which would include provision for repairs and maintenance to the exterior of the building.

MOTION: To approve Resolution 96-08, authorizing the City to enter into a lease agreement, to include repairs and maintenance to the exterior of the building.

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

7.1.4 LEASE OF PREMISES AT CRICHTON COMMUNITY CENTRE

LEASE OF PREMISES:  
CRICHTON COMM.  
CENTRE

Report from Mr. Fougere (B. Stevens, T. Rath) on the lease of premises at Crichton Community Centre to Dartmouth Daycare Association, recommending that Council approve Resolution 96-04, authorizing the lease, according to the terms and conditions contained in the report, dated Jan. 31/96.

MOTION: To approve Resolution 96-04, as recommended, authorizing the lease of premises at Crichton Community Centre to Dartmouth Daycare Assn., according to the terms and conditions contained in the report to Council, dated Jan. 31/96.

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

7.1.5

LEASE OF PREMISES TO DARTMOUTH NON-PROFIT HOUSING SOCIETY: 253 PRINCE ALBERT RD. AND 10 EATON AVE.

LEASE OF PREMISES:  
NON-PROFIT HOUSING  
SOCIETY

Report from Mr. Fougere (B. Stevens, T. Rath) on the lease of premises at 253 Prince Albert Road and 10 Eaton Ave., to Dartmouth Non-Profit Housing Society, recommending that Council approve Resolution 96-02, authorizing the lease of City-owned property at these two addresses, according to the terms and conditions set out in the report, dated January 23/96.

Ald. Schofield did not agree with the inclusion of 10 Eaton Ave. in the recommendation, preferring to see it appraised and offered for sale. A motion of referral to Mr. Rath and the Non-Profit Housing Society was therefore presented, based on this alternate action.

MOTION: To refer the recommendation for 10 Eaton Ave. back to Mr. Rath, for alternate action, based on the suggestion of Ald. Schofield, and to the Non-Profit Housing Society. Also, to approve Resolution 96-02, as recommended, as it applies only to 253 Prince Albert Road. The reference to 10 Eaton Ave., in the resolution, is deleted.

Moved: Ald. Sarto  
Second: Ald. Woods  
In Favour: All  
Against: Against  
Motion Carried



7.1.6 ACQUISITION OF PARCEL AM-1B, 187 CALEDONIA ROAD

ACQUISITION:  
PARCEL AM-1B  
187 CALEDONIA RD.

Report from Mr. Fougere (B. Stevens, T. Rath) on the proposed acquisition of Parcel AM-1B, 187 Caledonia Road, for street-widening purposes, recommending that Council approve Resolution 96-05, authorizing the acquisition of this land, from Alexander & Patricia Marks, subject to the terms and conditions contained in the report to Council, dated Jan. 31/96.

MOTION: To approve Resolution 96-05, as recommended, authorizing the acquisition of Parcel AM-1B, 187 Caledonia Road, from Alexander & Patricia Marks, for a total purchase price of \$11,581.20, subject to the terms and conditions contained in the report to Council, dated January 31/96.

<u>Moved:</u>	Ald. Sarto
<u>Second:</u>	Ald. Schofield
<u>In Favour:</u>	All
<u>Against:</u>	None
	Motion Carried

7.2 FINANCE & PROGRAM REVIEW COMMITTEE

7.2.1 MICMAC A.A.C. REQUEST FOR TAX EXEMPTION

MICMAC A.A.C.:  
REQUEST FOR TAX  
EXEMPTION

The Finance & Program Review Committee has dealt with a request from MicMac A.A.C. for tax exemption, and adopted a motion to the effect that a suggestion be made to MicMac A.A.C., that if they wish to pursue their request further, they do it to Halifax Regional Municipality, which now has a Grants Committee to whom they can make representation.

The Mayor said she had hoped the Committee would recommend an exemption for the club under the appropriate section of the Assessment Act that would apply to them. Ald. Dexter said the thinking of the Committee was that this one club should not be singled out for special consideration, but should be treated on a uniform basis, applicable to all such applicants. The Mayor noted that the Dartmouth Y. is one organization that already receives a tax exemption under the Assessment Act. She questioned why MicMac A.A.C. would not be as worthy and eligible as the Y. for a tax

exemption, considering the programs they offer for children and young people in the community.

Ald. Hawley explained the policy of the Grants Committee in making recommendations in recent years on the applications for exemption from the boat clubs. He discussed the pros and cons of the policy, vs. the Mayor's position on exemption under the Assessment Act.

MOTION: That a by-law be drafted, to provide for all organizations receiving grants in lieu of taxes, to be placed under the section of the Assessment Act that will make them tax exempt.

Moved: Ald. Hawley  
Second: Ald. Pye  
In Favour: All members except  
Against: Ald. Schofield  
Motion Carried

8.0

MOTIONS

8.1

ALD. CUNNINGHAM

MOTION:

WHEREAS an error in assessment has caused taxes to be billed to the MicMac Hotel since February, 1992, which are now owing;

AND WHEREAS the Assessment Appeal Court has recognized this error, and corrected the assessment to the MicMac Hotel;

AND WHEREAS the City of Dartmouth has adjusted taxes owing, based on the current taxation year, and Dartmouth City Council has further adjusted taxes owing for the previous year;

AND WHEREAS the City of Dartmouth collected taxes twice for the same property in 1992-93 and 1993-94;

AND WHEREAS the burden of this tax bill, which is as yet unpaid by the MicMac Hotel, could force the owner into receivership;

AND WHEREAS, these taxes have been billed through a gross and manifest error in assessment, the payment of which would result in an unjust enrichment to the City;

THEREFORE, BE IT RESOLVED that the taxes which are said to be owing, be adjusted to reflect the corrected assessment of this property, and the additional amount of commercial and business occupancy taxes be deducted from the account of the MicMac Hotel.

Moved: Ald. Cunningham  
Second: Ald. Woods

Members of Council have received a legal report from Mr. Allen, on the subject of the motion, explaining in detail why Council is not in a position to adjust the taxes still owing by MicMac Hotel (over and above the adjustment that has already been made), however meritorious the claim might be. The grounds laid out in the Assessment Act do not provide for Council to act further than they have already done to date.

Ald. Dexter agreed with the Solicitor that Council cannot go further with a tax adjustment, according to the present Assessment Act. The only recourse would be to seek an amendment to the Assessment Act, a process that would take a considerable amount of time.

Ald. Cunningham and Hawley spoke on behalf of the MicMac Hotel owner. They felt he has been unfairly treated and that the City, through the incorrect assessment, received money that is not really ours. They said it should be given back to the owner through some means. It was suggested that Ald. Cunningham approach the Minister of Municipal Affairs, to see what possible avenue is available to address the restitution problem of this case.

MOTION: That Ald Cunningham approach the Minister of Municipal Affairs on this matter, to see how it can be resolved.

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

9.0

NOTICES OF MOTION

10.0

CONCERNS OF COUNCIL MEMBERS OR QUESTIONS

The meeting adjourned at 11:00 p.m.



Don McBain,  
Manager, Accounting & Finance.

DARTMOUTH CITY COUNCIL,  
MARCH 5, 1996

ITEMS:

- Invocation, page 1.
- 1.0 Approval of minutes, page 1.
- 2.0 Business Arising from Minutes, page 1.
- 3.0 Delegations & Hearings of Protest, page 1.
- 4.0 Original Communications, page 1.
- 5.0 Presentations, page 1.
  - i) RFP Water Treatment Plant, page 1.
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*Pub. Ref. Dept.*

# DARTMOUTH CITY COUNCIL AGENDA

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TUES., MAR 19/96  
7:30 P.M.  
COUNCIL CHAMBER

**PROCLAMATIONS** - International Day - Elimination of Racial Discrimination  
- Hunger Awareness Week

## 1. **PUBLIC HEARINGS**

- i) Application for Rezoning - Lot C-25A, Montebello West Subdivision
- ii) Amendment to the Land Use By-law - Lancaster Ridge Subdivision
- iii) Proposed Amendments to the Land Use By-law - Side Yard and Rear Yard Provisions in R-1 and R-2 Zones

## 2. **REPORTS**

### 2.1 **CHIEF ADMINISTRATIVE OFFICER**

- 2.1.1 Underground Pipe Crossing - CNR Lands
- 2.1.2 Tender, Cont. 96-01, Bicycle Trail Linkage and Bridge (to be circulated)

## 3. **PRESENTATIONS**

- i) Annual Report - Tom Rissesco, Chair, Advisory Committee on Human Rights (oral)
- ii) Annual Report - Elizabeth Ann Macdonald, Vice Chair, Common Committee

DARTMOUTH CITY COUNCIL  
MARCH 19, 1996.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, SMELTZER  
CUNNINGHAM, MACFARLANE  
LEVANDIER, DEXTER  
SCHOFIELD, PYE, WOODS  
HAWLEY, GREENOUGH  
WALTON, HETHERINGTON

MEMBER ABSENT: ALD. WITHERS (ILLNESS)

A/CITY ADMINISTRATOR: R. FOUGERE  
A/CITY SOLICITOR: B. ALLEN  
CITY CLERK-TREASURER: B. SMITH

The Mayor opened the meeting, and welcomed Ald. Hetherington back, after his recovery from surgery. Ald. Hetherington thanked Council for the time that has been allowed for him to recover, and he thanked all the citizens who have remembered him in many ways during the course of his illness and recovery.

#### PROCLAMATIONS

Proclamations were read by Mayor McCluskey for: (1) The International Day for the Elimination of Racial Discrimination, on March 21st, 1996; and (2) Hunger Awareness Week, proclaimed for the week of March 24th, 1996.

Rising on a point of privilege, Ald. MacFarlane raised a concern about the fact that the contract for lake safety patrol services, expires as of the end of March, without any provision in place for tendering these services. A motion was later presented by Ald. Pye and MacFarlane, requesting that HRM look at this item in conjunction with the budget process.

MOTION: That the HRM Council look at the lake safety contractual services, during their budget process.

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

With the permission of Council, Ald. Dexter also presented a motion, for revision to the capital budget, to include funding for the HarbourEdge project, Phase 2.

MOTION: That the capital budget be revised, with the addition of \$2.3 million dollars, in order to include the Harbour-Edge project, Phase 2.

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

Ald. Schofield informed Council that a motion will be going forward at the March 21st HRM Council meeting, to retain the Lakes Advisory Board in Dartmouth.

1.0

PUBLIC HEARINGS

PUBLIC HEARING:  
LOT C-25A  
MONTEBELLO WEST

APPLICATION FOR REZONING - LOT C-25A,  
MONTEBELLO WEST SUBDIVISION

The public hearing for the rezoning application for Lot C-25A, Montebello West Subdivision, was adjourned by Council on January 30th, to this date. Further reports to Council, along with the original staff report package, were circulated with the agenda for this meeting. The staff recommendation is for Council to proceed with the public hearing, and to approve the proposed rezoning by passing By-law C-740. A Notice of Appeal has already been filed by The Armoyan Group with respect to this application; a copy of the Notice was included with the other material circulated.

All members of Council were recorded as being present, except for Ald. Withers.

CONFLICT OF  
INTEREST

Ald. Woods declared a conflict of interest, due to the involvement of his business associates, and withdrew from his place on Council while the rezoning application was dealt with by Council.

The presentation for Development Services was made by Roger Wells. As he had done at the January 30th meeting, he again presented a plan showing the location of the subject properties



at the corner of Caledonia Road and Avenue du Portage, proposed for R-2 development, requiring a change from H Zone to R-2 Zone. A concept plan for a cul-de-sac off Caledonia Road, rather than Avenue du Portage, was also shown to Council. This arrangement is considered to be preferable in terms of access control, and has been agreed to by the developer.

Because the proposed development is deemed to be compatible with the areas adjacent to it, and, with adequate sewer and water capacity and school accommodation, the staff recommendation is in favour of approving the rezoning application for Lot C-25A.

Mr. Wells noted the report prepared in response to water pressure concerns raised by Ald. Greenough at the January 30th meeting, and he also referred to the notice of appeal filed by The Armoyan Group, a copy of which has been circulated. Mr. Wells was in contact with the Utility & Review Board, but as of this date, there is still no decision on the other Armoyan lands previously under appeal, located immediately adjacent to Lot C-25A.

Ald. Schofield had questions about the lack of any master plan for development of the land holdings in the Montebello area. Mr. Wells said the fragmented land ownership in this area is one of the problems. Ald. Sarto's questions had to do with flooding problems that have already been experienced by home owners on Avenue du Portage, and the possible addition to these problems with new development. Mr. Fougere said the houses referred to on Avenue du Portage are on a different storm system altogether, and problems there would not be compounded by this particular development, where drainage would be to the Caledonia Road system.

Ald. Greenough circulated pictures taken of water pooling problems associated with the flooding situation referred to in questions to Mr. Fougere. He said these pictures would give Council some idea of what the area looks like after heavy rains.

The Mayor opened the public hearing, calling for any speakers in favour of the application. There was only one speaker, Darrell Dixon,

representing the Armoyan Group. He said he hoped that Council would go along with the staff recommendation, and that any issues associated with this parcel of land are separate and apart from the other one.

After the Mayor had called three times for speakers in favour, she called for speakers opposed. Council first heard Deborah Norris of 179 Avenue du Portage, representing a group of area residents, in addition to her own household. She gave documented accounts of the flooding problems in her home, when water has backed up into the basement. The situation has not been resolved, flooding having occurred again on Feb. 17/96. On these various occasions, the City and the Armoyan company have been contacted, but corrective measures have not been taken to eliminate the possibility of future flooding and the ponding of water that occurs when it rains. Ms. Norris questioned the lack of any overall comprehensive development plan for the vacant Montebello land holdings, the dangerous S curve configuration where Avenue du Portage enters Caledonia Road, and the incomplete storm water system that has lead to existing problems. She said a petition, bearing over 700 names of residents opposed to the present rezoning request, and seeking a comprehensive development plan, is being presented. Ald. Greenough later submitted the petition on behalf of area residents.

Mr. Greg Johnston of Lantana Terrace was the second speaker opposed to the rezoning. He also stated his concerns about what he called the development taking place 'on a piecemeal basis', and the continuing frustration for area residents, in trying to protect the stabilization of their neighbourhood when they have to keep responding to development proposals for small parcels of land, without any overall plan tying all the proposals together. He felt that no further permits for development should be issued until a long-range plan is in place.

Another resident, Brian Worcheck, said that he and other residents do not want a highway link through to the 107 By-pass, creating a major traffic arterial that will adversely affect the Montebello neighbourhood. He said they want the neighbourhood to stay the way it is.

Other speakers opposed were Jim Smithson, Catalina Court, and Carrie Brennan, 188 Avenue du Portage. Mr. Brennan said that residents are concerned for the safety of their children in those areas where water is ponding and a child could be drowned. Mr. Smithson stated his concerns about traffic and existing street configurations, plus those that may be developed in the future, if development continues.

There were no further speakers wanting to be heard in opposition to the application.

Ald. Schofield asked if this application could be approved and future development halted, pending a master development plan for the whole area. Mr. Allen said that steps can be taken to initiate a planning process, but it could not be conditional in conjunction with this application.

The Mayor declared the public hearing closed, on motion of Ald. Levandier and Pye.

Ald. Greenough presented the petition on behalf of area residents, indicating his intention to present a motion, based on the text of the petition and the desire of residents for input and participation in a planning process for Montebello. He felt the frustration of the residents is justified, considering the number of times they have faced other similar applications, and had to deal with them.

Ald. Hetherington made a comparison with the CDD development process that has proceeded so successfully in Portland Estates, suggesting that a similar approach should be taken in Montebello. Ald. Hawley felt that the designation of this particular development site, as a future location for a fire station, should be pursued further with the HRM Council. Mr. Fougere was asked to check on the question of the site designation.

Ald. Hawley followed up on the concern brought up by Ms. Brennan about the safety of children, and Mr. Allen advised that an application is before the courts, to allow the City to take corrective action on the Armoian lands, so that this existing hazard can be eliminated. The Armoian interests will be billed for the work the City has to do to make the conditions safe

for children. Asked about the possibility of improving the S curve configuration at Caledonia Road and Avenue du Portage, Mr. Fougere said the City has been working to have improvements carried out, involving negotiations with the landholders concerned.

Ald. Pye asked about the possibility of a new Community Council dealing with this matter in its entirety, once a Council is formed. Ald. Greenough said the HRM Council has not had a chance to deal with the Community Council question, and it could be some time before a Council will be in place.

Council proceeded to first reading of By-law C-740.

BY-LAW C-740

MOTION: That leave be given to introduce the said By-law C-740, and that it now be read a first time.

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

MOTION: That By-law C-740 be read a second time.

Moved: Ald. Hetherington  
Second: Ald. Pye

Generally, Council supported the position of the residents in opposition to the rezoning request, and members agreed that a master development plan is required for Montebello, as the proper way to allow development to continue. Ald. Greenough and Hawley both spoke for the residents, and commended the way in which they have responded each time that separate proposals for individual land holdings have been put forward by developers. They agreed that a master plan is needed instead.

The motion for second reading was defeated, thereby denying the application.

In Favour: None  
Against: All  
Motion Defeated

The following motion was then presented by Ald. Greenough, seconded by Ald. Hawley:

MOTION: That Council direct City Planning staff to begin discussions with the owners of undeveloped lands within the Development Boundary (Montebello), for the purpose of drafting an overall/comprehensive plan for these lands;

Further, that these discussions provide for the input and participation of a Neighbour Citizens Committee. The resulting draft plan of development to be given the full neighbourhood and City Council public hearing process before final approval.

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

ii) AMENDMENT TO LAND USE BY-LAW - LANCASTER RIDGE  
SUBDIVISION

PUBLIC HEARING:  
LANCASTER RIDGE  
SUBDIVISION

This meeting of Council constituted the public hearing for an amendment to the Land Use By-law, to rezone certain lots on Chinook Court and Tutor Court, from TH Zone to R-1 Zone; and further, an amendment to the Subdivision Regulations, to permit lots with reduced frontage and area in the R-1 Zone. By-laws required to proceed with the above-noted amendments (C-729 and C-730) were approved on September 19/95, being amendments to the MPS and the Land Use By-law, to (a) provide alternate development requirements in the R-1 Zone, applicable to certain lots in the Lancaster Ridge Subdivision only; and (b) to incorporate the alternate development requirements in the R-1 Zone.

Copies of all relevant reports and information were circulated with the agenda for this meeting, and the staff recommendation is as follows:

- 1) That Council approve an amendment to the Land Use By-law, to rezone certain lots on Chinook Court and Tutor Court from TH Zone to R-1 Zone, and
- 2) That Council approve an amendment to the subdivision regulations, to permit the subdividing of lots with less frontage and area than currently permitted.

All members of Council were recorded as being present, except for Ald. Withers.

The presentation for Development Services was made by Stephen Smith. He showed Council a plan of the lots involved in the application, and explained the MPS and Land Use By-law amendments previously approved, and their tie-in with the amendments in this present Land Use By-law amendment, and amendment to the Subdivision Regulations. Ald. Schofield asked about the tot lot location, originally shown for this part of the subdivision, and Mr. Smith singled out the TH lot that is likely to be reserved for this purpose. Ald. Schofield said he hoped there is confirmation of that understanding.

The public hearing was opened by the Mayor. She called for any speakers in favour, and Council heard Terry Drysdale, representing the N.S. Dept. of Housing. He was available to answer any questions from members of Council, and when asked about the price range for the lots concerned, said they would be in the \$22,000. to \$25,000. price range. The price of houses on them would be less accordingly.

After calling three more times for speakers in favour, the Mayor called three times for anyone opposed. When there were no members of the public wanting to be heard, the public hearing was closed, on motion of Ald. Pye and Hawley.

Council proceeded with three readings of proposed By-laws C-735 and C-736, approved together. These by-laws will effect the changes encompassed by the amendments.

BY-LAWS C-735  
& C-736

MOTION: That leave be given to introduce the said By-laws C-735 & C-736, and that they now be read a first time.

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

MOTION: That By-laws C-735 and C-736 be read a second time.

Moved: Ald. Hetherington  
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-laws C-735 and C-736 be read a third time, and that the Mayor and the City Clerk be authorized to sign and seal the said by-laws on behalf of the City.

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

iii) LAND USE BY-LAW AMENDMENTS - SIDE YARD & REAR-YARD PROVISIONS, R-1 & R-2 ZONES

PUBLIC HEARING:  
AMENDMENTS  
SIDE YARD &  
REAR YARD  
PROVISIONS

Council also set this date for public hearing of proposed amendments to the Land Use By-law, applicable to side yard and rear yard provisions in R-1 and R-2 Zones. These amendments have been prepared in response to a motion adopted by Council on the subject of minimum side yard regulations and R-1 and R-2 Zones, and the question of their adequacy.

Staff reports and related information have been circulated; included, are copies of a revised By-law C-743, and minutes of the neighbourhood information meeting, held on Feb. 22/96,

The staff recommendation is that Council approve By-law C-743, as revised, amending the Land Use By-law, by adding minimum side yard and rear yard regulations within the

R-1 and R-2 Zones.

All members of Council were recorded as being present, except for Ald. Withers.

The Development Services presentation was made by Roger Wells. He went through all of the proposed changes in detail, first explaining the issues that Council should be aware of (safety, maintenance, driveways/rear yard access, development density), and then proceeding to the recommended requirements, which translate into the Land Use By-law amendments that are proposed.

He also presented a proposed amendment to By-law C-743, before Council in connection with the amendments to the Land Use By-law. The proposed amendment he presented applies to existing buildings, as opposed to new construction; details of it were provided and it was included at second reading of By-law C-743.

There were several questions from members of Council, addressed by Mr. Wells before the public hearing was opened by the Mayor.

Mayor McCluskey called for speakers in favour of the proposed amendments. Mr. Tom Merriam of Mountain Ash Court, felt the amendments are long overdue and encouraged Council to approve them. There were no further speakers in favour.

The Mayor called for speakers opposed. Council heard Jim Bungay of J. Bungay Construction, who is presently in the middle of a residential development on Craighburn Drive, caught mid-way by the change in regulations and unable to proceed further because of them.

Ald. Levandier asked about the possibility of excluding lots such as these, for which plans were already underway and building applications pending. Mr. Allen said the by-law could be amended at a later date, but for purposes of the amendments advertised, approvals are not in order until the outcome of Council's action has been determined. Mr. Wells suggested alternate possibilities for accommodating a developer in Mr. Bungay's position, but these solutions would not be simple.



Mr. Darrell Dixon, also opposed to the amendments, said they will have a direct economic bearing on future development, and there will be 'a lot of unhappy people around if they are passed'. Mr. Wilfred Warner, the third speaker in opposition, has a property subdivision on Prince Albert Road that would be affected by the regulation changes, and suggested that more time be given for consideration of the amendments and their impact on the total community. He said there may be other people out there who will be adversely affected, but do not even realize it until they come in for permits.

Ald. Hawley asked about a grace period that could be allowed to accommodate people like Mr. Warner and Mr. Bungay. The Solicitor explained why this is not possible, given the specifics of the Planning Act and the process that is in progress.

The Mayor called twice more for speakers opposed, and hearing none, declared the public hearing closed, on motion of Ald. MacFarlane and Levandier.

Council proceeded with first reading of By-law C-743, as recommended.

BY-LAW C-743

MOTION: That leave be given to introduce the said By-law C-743, and that it now be read a first time.

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

MOTION: That By-law C-743 be read a second time.

Moved: Ald. Hetherington  
Second: Ald. Woods

Second reading included the proposed amendment presented earlier by Mr. Wells, applicable to existing buildings.

Several members said they could not support the amendments, due to the impact they are likely to have where lots are already approved for

development and in situations like Mr. Warner's, where a subdivision of land has taken place before the property owner was even aware of the side and rear yard requirements now being proposed. It was pointed out to Council that at any given time, there are likely to be people affected by regulation changes, when they are made and have to be put into effect uniformly, without allowance for exceptions.

Ald. Pye suggested deferral for one week, to give the Solicitor time to react with any workable alternative for property owners and/or developers caught mid-way in the amendment process. It was felt, however, that there is insufficient time for this Council to pass any alternate by-laws or regulations, considering there is only one remaining meeting left before April 1st.

Council agreed to continue meeting after 11:00 p.m., on motion of Ald. Pye and Hawley.

Ald. Sarto and Greenough preferred to bring the entire regulatory proposal forward for harmonization with the regulations of the other metro municipalities, through the HRM Council.

The vote was taken on second reading.

<u>In Favour:</u>	Four members
<u>Against:</u>	Rest of Council
	<u>Motion Defeated</u>

- 2.0 REPORTS
- 2.1 CHIEF ADMINISTRATIVE OFFICER
- 2.1.1 UNDERGROUND PIPE CROSSING - CNR LANDS

UNDERGROUND  
PIPE CROSSING:  
CNR LANDS

Report from Mr. Fougere (E. Purdy) on agreements relating to underground pipelines crossing CNR lands at City Hall and at the Ferry Terminal, recommending that the agreements between CNR and the City of Dartmouth, respecting underground pipeline licenses at Mile 12.76 at City Hall, and at Mile 12.71 at the Ferry Terminal, be approved and that Resolution 96-10 be adopted, authorizing the Mayor and the City Clerk to execute the Agreements.

MOTION: To adopt Resolution 96-10,  
as recommended.

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

2.1.2 TENDER, CONTRACT 96-01, BICYCLE TRAIL LINKAGE  
AND BRIDGE

AWARD TENDER:  
CONTRACT 96-01

Tenders have been received for Contract PR96-01, Multi-use Trail Link, Graham's Grove to Shubie Park, and the staff report to Council recommends to Council that the contract be awarded to the low bidder, Tag Enterprises, for a total tender price of \$458,947.61, GST included.

MOTION: That the tender for Contract PR96-01 be awarded to the low bidder, Tag Enterprises, for a total tender price of \$458,947.61, as recommended.

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

3.0 PRESENTATIONS

i) ANNUAL REPORT - TOM RISSESCO, ADVISORY COMMITTEE  
ON HUMAN RIGHTS

ANNUAL REPORT:  
ADVISORY COMMITTEE  
ON HUMAN RIGHTS

Members of Council have received copies of a presentation made at this time by Tom Rissesco, Chair of the Dartmouth Advisory Committee on Human Rights. Mr. Rissesco first introduced several members of the Committee, who were in attendance with him for the meeting.

In his presentation, Mr. Rissesco reviewed the work and accomplishments of the Committee and of Council, in terms of human rights progress for the City, and said he hoped that the new HRM Council will follow the lead that has been taken by the Joint Committee on Community and Race Relations. He wanted Dartmouth Council to realize that some important precedents have been set in this City. He felt that the approach taken in Dartmouth, with an emphasis on human

rights, has been the right one (ie. as opposed to race relations), and he commended Council for the interest and support shown to the Committee over the years since it was established.

The Mayor thanked Mr. Rissesco and members of his Committee for all their efforts on behalf of human rights, for the City.

ii) ANNUAL REPORT - ELIZABETH ANN MACDONALD, VICE-CHAIR, COMMON COMMITTEE

ANNUAL REPORT:  
COMMON COMMITTEE

Council also received copies of the annual report to Council from the Common Committee, for the year 1995/96, presented at this time by the Vice-Chair, Elizabeth Ann Macdonald.

The activities of the Committee were reviewed in the report, and physical additions and improvements to the Common, with a summary of activities for 1995 in particular, were noted.

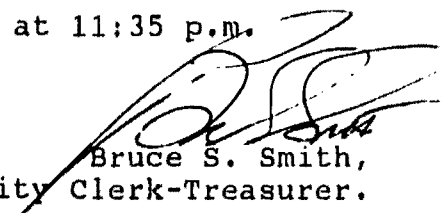
Thanked by the Committee, were Bill Stevens, Geri Kaiser and Recreation Dept. staff, and their Recording Secretary, Lynn LeBoutillier. Members of Council were encouraged to take a tour of the Common, to see just what has been accomplished. Mayor McCluskey asked Ms. Macdonald to pass on to Committee members, the thanks and appreciation of Council, for all their hard work. Ald. Dexter paid tribute to the Committee also. He said their dedication and efforts have been outstanding.

Before adjournment, Ald. Pye raised a point of concern about the financial compensation of Aldermen whose terms of office have been cut short by amalgamation. He felt that nothing less than six months compensation would be fair, and both he and Ald. Hawley encouraged the five HRM Councillors from Dartmouth to support the six, rather than three-month settlement. Ald. Hawley said that members who ran for Council, thinking they would serve out a full term, have suffered a considerable financial loss, and will be leaving with no pensions to show for all their years of serving on Council. Ald. Levandier referred to a group of elected representatives who are prepared to take the matter to court.

DARTMOUTH CITY COUNCIL  
MARCH 19, 1996.

PAGE 15.

The meeting adjourned at 11:35 p.m.



Bruce S. Smith,  
City Clerk-Treasurer.

DARTMOUTH CITY COUNCIL  
MARCH 19, 1996.

ITEMS:

- Proclamations, page 1.
- 1.0 Public hearings, page 2.
  - i) Application to rezone, LotC-25A, Montebello West, page 2.
  - ii) Amend Land Use By-law, Lancaster Ridge Sub-division, page 7.
  - iii) Proposed amendments, side yard & rear yard provisions, page 9.
- 2.0 Reports, page 12.
  - 2.1 Chief Administrative Officer, page 12.
    - 2.1.1 Underground pipe crossing, CNR lands, pg. 12.
    - 2.1.2 Tender, Contract 96-01, page 13.
  - 3.0 Presentations, page 13.
    - i) Annual report, Advisory Comm. on Human Rights, page 13.
    - ii) Annual report, Common Committee, page 14.

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Feb. Ry. Dept

# DARTMOUTH CITY COUNCIL AGENDA

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TUES., MAR 26/96 7:30 P.M. COUNCIL CHAMBER
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1. **VOLUNTEER RECOGNITION**

2. **PUBLIC HEARING**

- i) Appeal from Granting of Minor Varlance - 108-112 Braemar Drive

3. **REPORTS**

3.1 **CHIEF ADMINISTRATIVE OFFICER**

- 3.1.1 Underground Pipe Crossing - CNR Burnside

3.2 **CITY SOLICITOR**

- 3.2.1 By-Law T-403 - Tax Exemptions -  
Clubs and Organizations

3.3 **FINANCE & PROGRAM REVIEW COMMITTEE**

- 3.3.1 Dartmouth Titans (to be circulated)

DARTMOUTH CITY COUNCIL  
MARCH 26, 1996.

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

MEMBERS PRESENT: MAYOR MCCLUSKEY  
ALDERMEN SARTO, SMELTZER  
MACFARLANE, CUNNINGHAM  
LEVANDIER, DEXTER  
SCHOFIELD, WITHERS  
PYE, WOODS, HAWLEY  
GREENOUGH, WALTON  
HETHERINGTON

A/CHIEF ADMINISTRATIVE OFFICER: R. FOUGERE  
A/CITY SOLICITOR: B. ALLEN  
CITY CLERK-TREASURER: B. SMITH

Mayor McCluskey welcomed everyone present to the last meeting of Dartmouth City Council.

Flowers were presented to the Mayor by Catherine Levandier, after which the Mayor gave a brief address, recognizing the historic significance of this final Council meeting. She thanked members of Council, City staff and the citizens for their support over the years in making 'Dartmouth a great City'. She acknowledged Mr. Johns, the City's Honorary Alderman, and wished good luck to the five HRM Councillors who will represent Dartmouth on the new Council. She said that Dartmouth will continue to be a great community after April 1st, even though its status as a separate City will change.

VOLUNTEER RECOGNITION

Mr. Leo Poirier accompanied the singing of the national anthem, and Mayor McCluskey then read a Proclamation in honour of volunteers, who were present in the gallery to be honored at this time. Awards were presented by the Mayor to the following:

John Bates, CJCH Radio	
Karen Hamil	
Verna Hiltz, representing Dartmouth as Volunteer of the Year for 1996; sponsored by the Dartmouth Senior Service Centre (Connie Wenaus).	
Ruth Boutlier	Carrie Ann Breton
Georgina Burgess	Cynthia Bernie
Judy Carr	Harry Chapman
Isabel Conrad	Donna Cooper
Mary Jane Fagan	Pauline Fitzgerald
Larry Godsoe	Charlene Greenfield
Deborah Hallett	Mary Harrison
Eldon Hastings	Joan Hayes



Jacob Hitchcock	Donna Hobbs
Fred Kirby	Sandra Lahey
Ann LeBlanc	Claudette Levy
Barb MacElwen	T. McLean
Ron Oulett	Murray Quigley
Bill Rennie	John Richards
Kathy Seal	Martin Smith
Colleen Stacey	Rose Summer
Wayne Summer	Nicole Tupper
Ike Whitehead	Doris Wournell
Murray Young	

The following three organizations were honoured with presentations by the Mayor:

Dartmouth General Hospital Auxiliary (Catherine Harrison)

Dartmouth Senior Service Centre (Connie Wenaus)

Northbrook School Volunteers (Cathy Hill)

The Mayor's Environmental Award was presented to Robert Leith, representing the Dartmouth Downtown Residents Association.

Also honored at this time was the firm of Ocean Contractors, who provided funds and resources for the Youth Centre opened in the former Penhorn School, donating \$25,000. to keep the Centre operational. Ms. Kathy MacKinnon accepted the award from the Mayor, on behalf of Mr. Jack Flemming of Ocean Contractors.

Both Mr. Johns and Joan Forshner, Recording Secretary, received fruit baskets from the Mayor, and inscribed plaques were presented to each of the Aldermen, and to Aldermen present from the previous Council, former Ald. Rodgers, Ald. May, and later, Ald. Thompson. Former Ald. MacDonald was unable to be present to receive his plaque at this time.

Before the conclusion of the volunteer ceremonies, Don and Mary MacMillan, who have had 41 years in the Cubs & Scouts organization, came forward to present a plaque to the Mayor on behalf of the First Woodlawn troop, as a token of thanks to the Mayor and Council for their representation of citizens' interests through the years of Dartmouth being a City. The plaque was officially presented by two members of the Scout troop.

Minutes prepared by the Recording Secretary, for the occasion, were read by Mayor McCluskey.

Several items were added to the agenda, with the agreement of Council: Item 3.1.2 Proposed Ballfield, Mount Edward Rd.; Aldermen's computers; a letter from Dartmouth General Hospital; appointment, North Dartmouth Comm. Centre; 10 Eaton Ave.

APPROVAL OF MINUTES

APPROVAL OF MINUTES

Council was asked to approve minutes of the March 5th and 19th meetings, which had been circulated.

MOTION: To approve the minutes of meetings held on March 5th and 19th, as circulated.

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

As an item of Business Arising from the March 5th minutes, Ald. Cunningham informed Council of his communication with Municipal Affairs Dept., regarding the MicMac Hotel tax bill, and he quoted from a letter he has received from John MacKay, Executive Director, suggesting that Council could, in fact, take action to resolve this matter at this final meeting. The City Solicitor stated again, as he has previously, that Council does not have the power to take further action, over and above what has already been done, as provided for under the Assessment Act. He felt the best course for assisting the property owner would be through a Private Member's Bill, that could be introduced at the upcoming sitting of the Legislature.

Ald. Cunningham preferred to have Council act to forgive the outstanding taxes on the MicMac Hotel, and he made a motion to do this.

MOTION: That taxes outstanding on the MicMac Hotel be forgiven by Council.

Moved: Ald. Cunningham  
Second: Ald. Smeltzer

Ald. Cunningham and Hawley felt strongly about a moral obligation to Mr. Melenchuck, who has

been placed in a difficult financial position and could go into receivership, as a result of the additional taxes he has had to pay for an incorrect assessment. Other members, such as Ald. Dexter and Hetherington, were concerned about Council taking action that would not be legal, no matter how much of a moral obligation may be seen to exist in this situation. Ald. Dexter favoured the suggestion of Mr. Allen, that action be taken on Mr. Melenchuck's behalf, through a Private Member's Bill.

After considerable debate, the vote was taken.

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

2.0       PUBLIC HEARING

i)       APPEAL FROM GRANTING OF MINOR VARIANCE -  
          108-112 BRAEMAR DRIVE

APPEAL FROM GRANTING  
OF MINOR VARIANCE:  
108-112 BRAEMAR DR.

Council proceeded with an Appeal from the Granting of a Minor Variance for property at 108-112 Braemar Drive, zoned for Townhouse development. The variance granted is to reduce the required ten-foot side yard to a four-foot side yard on the north side of the proposed building, and an eight-foot side yard on the south side of the building, to permit the applicant, Mr. Gary West, to construct a thirty-eight-foot wide, two-unit townhouse.

Owners of the properties within 100 feet of the minor variance granted, have a right to appeal the decision, and a notice of appeal has been received from Leo & Pauline Greenwood at 58 Braeside Court.

In addition to the staff report, Council has received copies of: (1) a letter from Gary West, requesting the minor variance; (2) the Notice of Minor Variance; and (3) a notice of appeal. The procedure for the Appeal has been outlined in a separate report from the City Solicitor. The procedure was followed throughout, beginning with an opportunity for the appellants to address Council first.

Mr. Leo Greenwood of 58 Braeside Court stated his objection to the granting of the minor variance, due to the adverse impact it will have on his own property if it is reduced by the

six feet being taken to allow for the variance. Mr. Greenwood owns and pays taxes on the land over which the City has taken a twenty-foot wide storm sewer easement. He said this is not City property, but his own land, and he objected to any of it being taken for the townhouse development at 108-112 Braemar Dr. Having been asked if he would be interested in selling a portion of his land to Mr. West, Mr. Greenwood said he would not; he wished to retain all of the land he presently owns in conjunction with his residence.

Mr. Kevin Warner explained to Council why the minor variance is being granted in this instance, following which, Gary West was heard by Council. He said the townhouse development he has planned for 108-112 Braemar Drive would be more attractive and in keeping with the other existing development, if the variance were allowed. Asked by Ald. Levandier about a possible reconfiguration of the building on the property, without the variance, Mr. West acknowledged that it could be done, but that the building would not look as good.

Ald. Greenough asked about a compromise variance, whereby eight feet would be retained by Mr. Greenwood, instead of ten. Mr. Greenwood re-stated his wish to retain all of his property, and not have a building encroaching on a portion of his yard at all. He made it clear to Council that he remains opposed to the variance being granted by the City.

Also heard by Council, was the owner of property at 57 Braeside Drive, who was concerned about the negative effects of development on an older-type dwelling in this neighbourhood, which he felt should have been preserved for its heritage value.

The hearing for the granting of the minor variance was closed, on motion of Ald. Levandier and MacFarlane.

Several members of Council had mentioned the possibility of another option for siting the townhouse on the subject property, and felt that Mr. West has a recourse to this option.

**MOTION:** That the appeal from granting of the minor variance, be granted.

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

3.0 REPORTS

3.1 CHIEF ADMINISTRATIVE OFFICER

3.1.1 UNDERGROUND PIPE CROSSING - CNR BURNSIDE

UNDERGROUND PIPE  
CROSSING:  
RESOLUTION 96-11

Report from Mr. Fougere (E. Purdy) on the license agreement between CNR and the City of Dartmouth, respecting pipe crossing at mile 9.81 Dartmouth Subdivision, recommending Council's approval of the agreement and Resolution 96-11, prepared in this connection.

MOTION: That Council approve the license agreement, and Resolution 96-11, as recommended.

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

3.1.2 PROPOSED BALL FIELD, MOUNT EDWARD ROAD

PROPOSED BALLFIELD:  
MOUNT EDWARD ROAD

Ald. Sarto had circulated, copies of a report from Alderney Consultants Ltd., on the ball field proposed for development on Mount Edward Road, and he presented a motion to authorize Conrad Bros. and Ocean Contractors to proceed with their part of the project (which will be at no cost to the City), the completion of the project to be recommended to HRM.

MOTION: That Council authorize Conrad Bros. and Ocean Contractors to proceed with their part of the ball field project, the completion of the project to be recommended to HRM.

Moved: Ald. Sarto  
Second: Ald. Greenough

Ald. Schofield and several other members were of the opinion that the entire project should be referred to HRM, since decisions involving

the actual construction of the field itself and its maintenance, will have to be made by the new Council. They felt a commitment to the project cannot properly be made without HRM approval.

MOTION: To refer the entire project to HRM Council, including the clearing and grubbing covered by Ald. Sarto's first motion, field construction and maintenance.

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

3.2 CITY SOLICITOR

3.2.1 BY-LAW T-403 - TAX EXEMPTIONS, CLUBS AND ORGANIZATIONS

BY-LAW T-403:  
TAX EXEMPTIONS

Proposed By-law T-403 was before Council, having been requested at a previous meeting. The Solicitor asked that a Section 4 be added to the By-law, to the effect that 'By-laws T-401 and T-402 are repealed by this by-law'. Having made this addition, Council proceeded with three readings of By-law T-403, granting tax exemptions to clubs and organizations, as listed in the sections of the by-law.

MOTION: That leave be given to introduce the said By-law T-403, and that it now be read a first time.

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

MOTION That By-law T-403 be read a second time.

Moved: Ald. Withers  
Second: Ald. Walton

AMENDMENT: That the Big Brothers/  
Big Sisters Association,  
be given full exemption

for 86 Ochterloney Street  
(section 3 (a) of the by-law).

Moved: Ald. Greenough  
Second: Ald. Withers  
In Favour: All  
Against: None  
Amendment Carried

The vote was taken on second reading, as amended.

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

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

MOTION: That By-law T-403 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. Hetherington  
Second: Ald. Hawley  
In Favour: All  
Against: None  
Motion Carried

3.3 FINANCE & PROGRAM REVIEW COMMITTEE

3.3.1 DARTMOUTH TITANS

DARTMOUTH TITANS

The Finance & Program Review Committee has discussed the request from Dartmouth Titans, with respect to outstanding rental for their space in the Police Headquarters building, and has made two recommendations to Council. Additional information requested by the Committee, has been provided by the Club, and was circulated to members of Council, with the report from the Committee.

MOTION: To adopt the two recommendations of the Committee:

- 1) that the outstanding rental for Dartmouth Titans, in the amount of \$7,500., be written off.

- 2) that the matter of the rental agreement be referred to Richard Cameron, Director of Recreation for HRM, for his assessment and review, in an effort to determine a more equitable rental arrangement.

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

COMPUTERS - ALDERMEN

Ald. Withers provided additional information on the computers that the Aldermen have been using, provided by the City, for which approval to purchase has been given. He described their status in relation to state-of-the art computers now available, and took the position that members of Council should be able to purchase them at a fair, and not inflated, price. A motion was presented, directing that the purchase price be set at \$700.

MOTION: That the computers be made available for purchase by members of Council at a fair price of \$700.

Moved: Ald. Hawley  
Second: Ald. Woods  
In Favour: All members except  
Against: Ald. Dexter, Schofield, Smeltzer  
Motion Carried

GRANT - DARTMOUTH GENERAL HOSPITAL

Ald. Smeltzer brought to Council's attention, a letter received from Dartmouth General Hospital, seeking a grant to assist them financially, in the light of difficulties they are presently facing. The City was unable to follow through with a financial commitment made to the hospital, in recent years, due to our own financial problems.

Ald. Smeltzer proposed a grant to Dartmouth General, from the City, in the amount of \$100,000.

MOTION: That Council approve a grant to Dartmouth General Hospital,



in the amount of \$100,000.

Moved: Ald. Smeltzer  
Second: Ald. Levandier

It was felt that with so little time remaining for the City to get the \$100,000. authorized (as an over-expenditure or from a reserve account), it would be preferable to refer the motion to HRM Council, with a recommendation in favour of the grant, from Dartmouth Council.

MOTION: To refer the request for a \$100,000. grant to Dartmouth General, to HRM Council, with a recommendation in favour, from Dartmouth City Council.

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

STAFF MEMBER APPOINTMENT

At the request of Ald. Schofield, Council was willing to approve the staff appointment of Nancy Jeffries to the Interim Board of the North Dartmouth Community Centre.

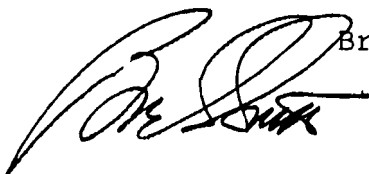
MOTION: To approve the staff appointment of Nancy Jeffries to the Interim Board of the North Dartmouth Community Centre.

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

10 EATON AVE:  
REFERRAL TO HRM

Ald. Schofield requested that when the appraisal for 10 Eaton Ave. arrives, it be referred to HRM, and that the agreement with Dartmouth Non-Profit be delayed until it is dealt with by HRM. Council concurred with the request.

Meeting adjourned at 10:30 p.m., this being the last meeting of Dartmouth City Council. Amen.



Bruce S. Smith, City Clerk-Treasurer.

DARTMOUTH CITY COUNCIL  
MARCH 26, 1996.

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- 2.0 Public Hearing, page 4.
  - i) Appeal from Granting of Minor Variance,  
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- 3.0 Reports, page 6.
- 3.1 Chief Administrative Officer, page 6.
- 3.1.1 Underground Pipe Crossing, CNR Burnside, pg. 6.
- 3.1.2 Proposed ball field, Mount Edward Rd., pg.6.
- 3.2 City Solicitor, page 7.
- 3.2.1 By-law T-403, Tax exemptions, clubs &  
organizations, page 7.
- 3.3 Finance & Program Review Comm., page 8.
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THE END.