

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES June 1, 1998

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Reg Rankin
Councillors: Bill Dooks
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Bob Harvey
Barry Barnet
Peter Kelly
Jack Mitchell

ABSENT:

Councillors Gordon R. Snow (Regrets)
Bruce Hetherington

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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Mayor Fitzgerald called the meeting to order at 4:15 p.m.

1. **APPROVAL OF MINUTES: May 19, 1998**

MOVED by Councillors Downey and Blumenthal that the minutes of May 19, 1998 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

2. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The following item was added to the agenda:

6.1 Councillor Blumenthal - Garbage Collection, Businesses

Councillor Blumenthal requested that this item be dealt with after the presentations regarding garbage collection. Councillor Uteck requested that Item 5 - Presentations be moved to the beginning of the agenda.

MOVED by Councillors Greenough and Adams that the Order of Business be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

5. **PRESENTATIONS**

5.1 **Effect of Pesticide Spraying - Dr. Roy Fox**

With the use of overheads, Dr. Roy Fox, Director, Environmental Health Centre, made a presentation to the Committee regarding the effect of pesticide spraying. In his presentation, Dr. Fox made the following recommendations:

- 1) Co-operation with environmentally sensitive citizens
- 2) No Spraying on windy days
- 3) Warnings when areas are sprayed. Identify areas for two weeks afterwards.
- 4) Designate no spray areas around environmentally sensitive citizens
- 5) Minimize use

MOVED by Councillors Greenough and Hendsbee that it be recommended to Council that the recommendations made by Dr. Roy Fox regarding the effect of pesticide spraying be forwarded to Works and Natural Resources.

Councillor Adams suggested that some of the warning aspects should be implemented, as there are over 18,000 people in HRM who have environmental sensitivities and could be affected.

MOTION PUT AND PASSED UNANIMOUSLY.

(Councillor Barnet took his place at the meeting at 4:25 p.m.)

5.2 Termination of Municipal Garbage Collection for Businesses, Institutions and Apartment Buildings - Kate Carmichael

C A letter from Kate Carmichael, Executive Director, Downtown Halifax Business Commission, regarding the above, was before the Committee for consideration.

Ms. Kate Carmichael, Executive Director, Downtown Halifax Business Commission, made a presentation to Council outlining a potential solution to the garbage collection problem for downtown businesses. The Commission will produce an easily recognizable bag and will tend to the collection of these bags once per week. Businesses will purchase the bags from the Commission. The price of the bag will include the cost of the bag, cost of collection and cost of tipping. Ms. Carmichael stated the program will be extended to Spring Garden Road, and, possibly, Quinpool Road, noting the program will only be attractive to businesses currently receiving weekly municipal garbage collection.

Ms. Carmichael requested that the termination of municipal service be delayed for a minimum of two months, to provide the necessary time to put this program in place. Letters from businesses in the downtown area in support of this program were submitted for the record.

MOVED by Councillors Downey and Uteck that it be recommended to Council that the termination of municipal garbage collection for businesses in the downtown area be delayed until the beginning of September 1998.

It was agreed to hear the next presentation before voting on this matter.

5.3 Garbage Collection - Juergen W. Riedel

C A letter from Mr. Juergen W. Riedel, President, Maritime Campus Store (1985) Limited, regarding garbage collection, was before the Committee for consideration.

Mr. Juergen W. Riedel, President, Maritime Campus Store (1985) Limited, made a presentation to the Committee on behalf of most of the merchants on Quinpool Road, regarding garbage collection. Mr. Riedel spoke in opposition to the termination of municipal garbage collection services, stating the business owners are paying twice for the service, once through business occupancy tax and once through property taxes. As a result, Mr. Riedel stated many of the Quinpool Road businesses would like to file for a rebate on their taxes. Mr. Riedel stated most businesses on Quinpool Road are owner operated and support many community groups and activities.

In discussing the motion on the floor, several Councillors expressed concern with extending the termination for only the downtown area. Mr. Brian Smith, Director, Business Operations, Regional Operations, stated there is a significant cost issue if the extension is offered to all areas of HRM.

MOVED by Councillors Downey and Kelly that the motion be amended to offer the extension to all businesses in HRM.

In response to a question from Councillor Blumenthal, Mr. Jim Bauld, Operations Coordinator, Waste Resources, stated there are route monitors tracking the businesses that are using curb side service. The businesses will be individually approached, so staff will know who to contact regarding the change in service.

Councillor Blumenthal expressed concern with every business in HRM not paying something for the garbage collection service.

Councillor Uteck expressed concern with the lack of information being provided to businesses regarding the change in service. The Councillor suggested it would be useful if staff could provide the Committee with the exact figures of businesses involved. Mr. Bauld replied staff could provide this information in two weeks.

Councillor Cooper stated if there is an extension, it should be available to all those businesses currently receiving municipal collection.

Mr. Smith stated staff will prepare a report for the next Council meeting, when the recommendation will be ratified, respecting the cost of the two month extension. In response to a question from Councillor Stone, Mr. Smith stated the funding for this will come from the Solid Waste Collection Contract Budget.

The vote was taken on the amendment.

MOTION PUT AND PASSED.

The vote was taken on the main motion, as amended, which read as follows:

MOVED by Councillors Downey and Uteck that it be recommended to Council that the termination of municipal garbage collection for businesses in HRM be delayed until the beginning of September 1998. MOTION PUT AND PASSED.

(Deputy Mayor Rankin assumed the Chair at 4:55 p.m.)

3. BUSINESS ARISING OUT OF THE MINUTES

4. REPORTS

4.1 NORTH WEST PLANNING ADVISORY COMMITTEE

4.1.1 Case 7595 - Plan Amendment Request for the St. Margarets Bay Plan Area

C A report from the North West Planning Advisory Committee, regarding the above, was before Committee for consideration. The report recommended that the Municipal Planning Strategy and Land Use By-Law for the St. Margarets Bay plan area (Planning Districts 1 & 3) **not be amended** to allow for the consideration of small scale businesses not otherwise permitted by the Land Use By-Law in Residential Designations through either a rezoning or development agreement process.

C Correspondence regarding the above was received from Mr. and Mrs. David Morash.

Councillor Mitchell spoke against the recommendation, stating it was not his intention to have the zoning changed for the complete area. The Councillor noted the request was to only rezone the property of David Morash and the property of William Jollimore.

MOVED by Councillors Mitchell and Dooks that it be recommended to Council that the matter be referred to staff to bring back an alternative to rezone the properties of Mr. David Morash and Mr. William Jollimore from R-A to MU-1. MOTION PUT AND PASSED UNANIMOUSLY.

4.2 REGIONAL HERITAGE ADVISORY COMMITTEE

4.2.1 1260 Blenheim Terrace - Application for 3rd and 4th Houses

This item was dealt with during the Special Council Session held earlier in the day.

4.3 CHIEF ADMINISTRATIVE OFFICER

4.3.1 By-Law B-300 Respecting Blasting

C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before the Committee for consideration.

MOVED by Councillors Greenough and Schofield that the amended By-Law B-300 “By-Law Respecting Blasting” dated May 27, 1998, as attached to the staff report, be approved for Public Hearing and Second Reading.

In response to a question from Councillor Kelly, Mr. Phil Francis, Policy and Planning Engineer, stated all blasting will be advertised.

Councillor Adams expressed concern with the requirement of a preblast survey to be undertaken within 150 meters of the blast with respect to wells. The Councillor suggested this should be extended to 300 meters.

MOVED by Councillors Adams and Hendsbee that, the motion be amended to provide an extension of the preblast area, at least for wells, to 300 meters.

Mr. Francis stated an additional extension will add cost to the project and make blasting less feasible.

The vote was then taken on the amendment.

MOTION PUT AND PASSED UNANIMOUSLY.

The vote was then taken on the main motion, as amended, which read as follows:

MOVED by Councillors Greenough and Schofield that it be recommended to Council that the amended By-Law B-300 “By-Law Respecting Blasting” dated May 27, 1998, as attached to the staff report, and with an amendment that the preblast area be extended to 300 meters, at least for wells, be approved for Public Hearing and Second Reading. MOTION PUT AND PASSED UNANIMOUSLY.

4.3.2 Proposal 98-26 - Consultant Award - Bicentennial Highway to Joseph Howe Drive Ramps

- C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before the Committee for consideration.

MOVED by Councillors Walker and Stone that it be recommended to Council that Council approve the appointment of O'Halloran Campbell Consultants Limited for the redesign of ramps to connect the Bicentennial Highway to Joseph Howe Drive at an estimated cost of \$80,000.00, including HST, with funding approved as per the Budget Implications of the staff report dated May 26, 1998.

In response to a question from Councillor Kelly, Mr. Kulvinder Dhillon, Director, Engineering and Transportation Services, stated the Province will be requested to cost share this project.

MOTION PUT AND PASSED UNANIMOUSLY.

(Councillors Stone and Hanson left the meeting at this time - 5:05 p.m.)

4.3.3 Nova Scotia Coastal Water Trail

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before the Committee for consideration.

MOVED by Councillors Hendsbee and Sarto that it be recommended to Council that Council support the Nova Scotia Coastal Water Trail Pilot Project in principle and to have staff offer professional in-kind services in the amount of \$5,000 to the planning phase of the project. MOTION PUT AND PASSED UNANIMOUSLY.

4.3.4 Fencing for Properties in MacIntosh Estates, Halifax

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above was before the Committee for consideration. The report recommended that Council not provide funding assistance to the MacIntosh Estates residents for the construction of a fence and that, rather, they advise the residents to pursue the situation privately with the appropriate representatives from the Dairy Queen and Robin's Donuts businesses in a civil matter.

Councillor Adams spoke against the recommendation. The Councillor noted an alternative suggested by a previous HRM staff person was for HRM to offer an interest free loan to the residents to pay for the fence.

MOVED by Councillors Adams and Walker that it be recommended to Council that the Municipality offer the residents an interest free loan to be paid by an area rate over a four year period to build a fence to protect the properties and property values.

Councillor Hendsbee expressed concern with the motion and suggested the Municipality should approach the property owners to attempt to buy an easement to install a fenced walkway.

Councillor Cooper inquired if offering a loan is permissible. Mr. Anstey, Municipal Solicitor, responded there is no provision in the HRM Act to grant loans to residents or for local improvement projects to construct fences. Mr. Anstey noted there was compliance with the sub-division by-law when this development was created, and there was no requirement for a walkway.

Councillor Cooper stated if an interest free loan is approved for fencing, it may lead to additional requests in other situations such as drainage. The Councillor stated not enough is known about the implications of this, and it should be examined further.

Councillor Greenough questioned the legality of the motion on the floor and suggested approval should be given to the staff recommendation.

In response to a question from Councillor McInroy, Ms. Kelly Denty, Development Officer, stated staff has not contacted either Dairy Queen or Robin's Donuts with respect to this matter.

Councillor Adams inquired if it would be possible for the Municipality to purchase a two foot tract of land at the back of the affected properties.

Mr. Paul Dunphy, Executive Assistant, Deputy Chief Administrative Officer's Office, stated if a walkway was provided when this development was done, it would have terminated on private property and, therefore, encouraged trespassing. This was the reason a walkway was not provided.

MOVED by Councillors Adams and Walker that this matter be deferred to the next Committee of the Whole meeting, and that staff be requested to examine the possibility of the Municipality purchasing a two foot tract of land at the rear of the four affected properties. MOTION PUT AND PASSED.

4.3.5 Province of Newfoundland Public Service Pension Plan Reciprocal Agreement

- C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before the Committee for consideration.

MOVED by Councillors Barnet and Kelly that it be recommended to Council that Council approve the entering into the Reciprocal Transfer Agreement attached as Appendix "A" of the staff report dated May 27, 1998, between the Halifax County Municipality Full Time Retirement Pension Plan and the Province of Newfoundland Public Service Pension Plan.

In response to a question from Councillor Kelly regarding the proposed Reciprocal Transfer Agreement between HRM and the Province of Nova Scotia, Mr. David Keefe, Manager, Compensation and Benefits, stated all pension committees with the exception of the City of Halifax Retirement Committee, have approved the agreement. Once the City of Halifax Retirement Committee approves the agreement, it will be brought back to Council.

With respect to the proposed new pension plan, Mr. Keefe stated the new plan will automatically include the reciprocal agreements already accepted.

MOTION PUT AND PASSED UNANIMOUSLY.

(Mayor Fitzgerald resumed the Chair at 5:25 p.m.)

4.3.6 Cost of Living Increase to Pensioners, Halifax County Municipality Full Time Retirement Pension Plan

- C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before the Committee for consideration.

MOVED by Councillors Hendsbee and Sarto that it be recommended to Council that Council approve a .70% COLA increase to pensioners of the Halifax County Municipality Full Time Retirement Pension Plan effective January 1, 1998. It is also staff's recommendation that any approval of further increases beyond 1998 be delayed until the implementation of the New HRM Pension Plan and the extent of surpluses in then existing plans is determined.

Councillor Kelly inquired why the staff recommendation differs from the Halifax County Pension Advisory Task Force in that the Committee asked for a full index and the motion is for a .7% COLA increase. Mr. Keefe replied this is the maximum allowed under Revenue Canada legislation.

Councillor Cooper inquired about the future direction of surpluses. Mr. Meech replied there is a mixture of proposed uses, and a recommendation will be coming back to Council from the HRM Pension Committee in the next three or four weeks.

Councillor Schofield noted he previously requested information on the various pension plans with respect to indexing. The Councillor inquired if it is the intent to have indexing in the proposed new pension plan. Mr. Meech replied there is no across the board provision for indexing in the new plan. Mr. Keefe stated only one of the current plans provides indexing.

MOTION PUT AND PASSED UNANIMOUSLY.

4.3.7 Excess Interest Indexing - Metropolitan Authority Pensioners

C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before the Committee for consideration.

MOVED by Councillors Hendsbee and Greenough that it be recommended to Council that pensions being paid by the Metro Authority Employees' Pension Plan as at January 1, 1998 be increased by .70 percent, effective January 1, 1998.

MOTION PUT AND PASSED UNANIMOUSLY.

4.3.8 Federation of Cooperative Housing Proposal: Sector Management of Cooperative Housing Administration

C A staff report prepared for Betty MacDonald, Acting Director, Priority and Policy Group, regarding the above, was before the Committee for consideration.

MOVED by Councillors Schofield and Hendsbee that it be recommended to Council that Council not approve the recommendation from Committee of the Whole urging the Provincial Government to commit to the transfer of Co-op Housing to the Nova Scotia Co-operative Housing Federation when it is formed.

MOTION PUT AND PASSED UNANIMOUSLY.

4.3.9 Sale of 2619 Sackville Drive

This item was dealt with during the Special Council Session held earlier in the day.

4.3.10 Integrated Servicing Study

- C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above was before the Committee for consideration.

In response to a question from Councillor Kelly, Mr. Dhillon stated there were five proposals considered ranging from \$95,000 to \$475,000. The recommended consultant completely met the criteria and was the second lowest price. Mr. Dhillon stated the lowest priced consultant did not meet all the criteria.

Responding to a question from Deputy Mayor Rankin, Mr. Dhillon stated this study is not to determine where development can or can not take place. The purpose is to establish existing trunk systems, capacities, and if they need to be extended, what the cost will be. Mr. Dhillon stated there will be a second set of studies done in-house which will deal with issues such as regional growth.

MOVED by Councillors Greenough and Sarto that it be recommended to Council that Council approve the appointment of Harbour Engineering for carrying out the work as outlined in the proposal call for the Integrated Servicing Study at an estimated cost of \$126,000 plus HST. MOTION PUT AND PASSED UNANIMOUSLY.

4.3.11 Provincial Constable - Business Occupancy By-Law T-500 Respecting the Collection of Taxes

- C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before the Committee for consideration.

In response to a question from Mayor Fitzgerald, Mr. Reg Ridgley, Manager, Treasury, stated interviews were held with Maritime Bailiff, and the owner of the business has been in the business for fifteen years.

MOVED by Councillors Sarto and Blumenthal that it be recommended to Council that:

- 1. Maritime Bailiff Services be appointed to serve warrants for outstanding business occupancy taxes, such appointment to expire on the first meeting of the Council elected in the year 2000.**
- 2. That First Reading of By-Law T-500, Respecting the Collection of Taxes be given.**

Responding to a question from Councillor Kelly, Mr. Ridgely stated under the Assessment Act, anyone can deliver the warrant, other than to whom the warrant is being served. Therefore, the staff of Maritime Bailiff Services would deliver the warrants.

Councillor Barnet inquired if it would be possible to provide this service internally with HRM staff. Mr. Ridgely replied tax staff can be appointed as special collectors, however, this would put a strain on staff resources and would be contrary to their primary role of customer service.

MOTION PUT AND PASSED UNANIMOUSLY.

5. PRESENTATIONS

5.1 Effect of Pesticide Spraying - Dr. Roy Fox

This item was dealt with earlier in the meeting.

5.2 Termination of Municipal Garbage Collection for Businesses, Institutions and Apartment Buildings - Kate Carmichael

This item was dealt with earlier in the meeting.

5.3 Garbage Collection - Juergen W. Riedel

This item was dealt with earlier in the meeting.

6. ADDED ITEMS

6.1 Councillor Blumenthal - Garbage Collection - Businesses

This item was dealt with earlier in the meeting under Item 5.3.

Presentation - Amalgamated Transit Union Strike

At this point in the meeting, Councillor Greenough noted there was a member of the public present wishing to address the Committee with respect to the Transit strike. Council agreed to grant him a few minutes.

Mr. Daniel Keating, Halifax resident, addressed Council regarding the Amalgamated Transit Union strike, stressing the effects it is having on the residents who depend on

public transit as their mode of transportation. He urged Council and the ATU to continue to negotiate so a settlement can be reached in the near future.

Mayor Fitzgerald thanked Mr. Keating for his comments, stating the Committee would take his comments under advisement.

PETITION

Councillor Uteck submitted a petition from residents of Young Avenue opposing to the subdivision of 830 Young Street under any circumstances.

7. ADJOURNMENT

**MOVED by Councillors Greenough and Sarto that the meeting adjourn at 6:00 p.m.
MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk