

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
SEPTEMBER 3, 1996

PRESENT: Mayor Walter Fitzgerald
Deputy Mayor Jack Greenough
Councillors Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Howard Epstein
Russell Walker
Ron Hanson
Stephen Adams
Barry Barnet
Robert Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

ABSENT: Bill Stone

STAFF MEMBERS: Mr. George McLellan, Acting Chief Administrative Officer
Mr. Barry Allen, Acting Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Jane Nauss, Assistant Municipal Clerk

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1. **INVOCATION**

Mayor Fitzgerald called the meeting to order at 6:00 p.m. with the Invocation.

PROCLAMATIONS

Mayor Fitzgerald read four Proclamations:

International Literacy Day
Taoist Tai Chi Awareness Day
Child Safety Week
Metro United Way Week.

2. **APPROVAL OF MINUTES - August 20, 1996**

MOVED by Councillors Blumenthal and Snow to adopt the Minutes of August 20, 1996. MOTION PUT AND PASSED UNANIMOUSLY.

3. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS/DELETIONS**

- # Councillor Cooper requested item 7.4 be deferred indefinitely
- # Councillor Hendsbee requested items 7.3 and 7.5 be deferred to September 10/96
- # Councillor Rankin requested item 6 on the Information Agenda - "Residential Source Separated Composting Facility(s)" be moved to the Regular agenda
- # Councillor Mitchell requested item 10.3.2 - "Oceanview Manor Capital Expenditures" be moved forward and discussed after item 6
- # Septemberfest - Councillor Dooks
- # Municipal Legislation Committee - Councillor Schofield
- # Blue Bag Program - Councillor Dooks
- # Natal Day - Councillor Cunningham
- # Funding - Lakeside Disaster Relief Fund - Councillor Hendsbee
- # Commercial Tipping Fees - Councillor Rankin

Councillor Mitchell introduced Mr. Bill MacDonald, MLA, and Mr. Buck Giffin, former County Councillor as being present in the gallery.

MOVED by Councillors Sarto and Hanson to approve the Order of Business.

MOTION PUT AND PASSED UNANIMOUSLY.

- 4. **BUSINESS ARISING OUT OF THE MINUTES - NONE**
- 5. **MOTIONS OF RECONSIDERATION - NONE**
- 6. **MOTIONS OF RESCISSION - NONE**

Council agreed to deal with item 10.3.2 at this point in the meeting.

10. REPORTS

10.3 CHIEF ADMINISTRATIVE OFFICER

10.3.2 Oceanview Manor Capital Expenditures

A supplementary staff report entitled "Oceanview Manor Capital Expenditures" prepared for Dan English, Commissioner, Community Services, was before Council.

MOVED by Councillors Sarto and Rankin that Council approve an additional Capital Expenditure of \$1,610,000 and provision be made for both interim and long term borrowing on behalf of Oceanview Manor to allow for two additional projects approved by the Department of Health (re-insulation of the facility and installation of ventilation systems). MOTION PUT AND PASSED UNANIMOUSLY.

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Lake Banook Bridge - Motion of Councillor Schofield

Councillor Schofield requested this matter be deferred for one week to provide an opportunity for Harbour East Community Council to discuss the matter on September 5, 1996.

7.2 Petition - Appointment to Regional Taxi Committee

A memorandum from Mayor Fitzgerald pertaining to his nomination to the Regional Taxi Committee was before Council.

MOVED by Councillors Sarto and Adams to appoint Mr. Edward Benoit (United Cab Drivers Association) to the Regional Taxi Committee. MOTION PUT AND

PASSED UNANIMOUSLY.

7.3 **Presentation - Private Rights of Way - deferred to September 10**

7.4 **Property Re-Assessments - deferred indefinitely**

7.5 **Motion - Councillor Hendsbee - deferred to September 10**

8. **PUBLIC HEARINGS**

8.1 **Wastewater Discharge - By-Law W-100 - Second Reading**

Mayor Fitzgerald advised that the Wastewater Discharge By-Law was before Council for Second Reading this evening.

Staff distributed a note advising that Section 7 of the Proposed By-Law should be replaced with the following:

“Repeal of By-Laws, Regulations and Ordinances”

- 7 Ordinance Number 183 of the City of Halifax, the Wastewater Discharge Ordinance, City of Dartmouth By-Law #C- 659 respecting the Discharge of Waters and Wastes into the Public Sewers, and Town of Bedford By-Law #24237 respecting the Regulation of Discharges to the Public Sewer Systems, are hereby repealed.”**

Mayor Fitzgerald called for comments from the public.

David Wimberley

Mr. Wimberley addressed Council, reading from a prepared text, advising that the By-law should be amended to ensure this is an interim measure and that there will be a public consultation process.

After three calls for further comments from the public, Mayor Fitzgerald called on staff and Council for comments.

Mr. George McLellan, Acting Chief Administrative Officer and Commissioner of Regional Operations, advised this is a temporary measure and that this evening’s discussions and public hearing on this matter was part of a public consultation process.

In response to an enquiry from Councillor Cooper, Mr. Barry Allen, Acting Municipal Solicitor, advised that Council has the authority to set standards.

MOVED by Councillors Epstein and Walker to adopt Second Reading of the Wastewater Discharge By-Law - W-100 as amended. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Amendment - Retail Shop Closing Ordinance #121 - Second Reading

Council was to consider amending former City of Halifax Ordinance #121, the Retail Shop Closing Ordinance, which will, if enacted, gradually phase in extended store hours in the former City of Halifax, to permit retail stores to remain open on Tuesday evenings; and effective January 1, 1997 to permit stores to remain open on Saturday evenings; and effective July 1, 1997 to repeal the Ordinance.

MOVED by Councillors Schofield and Rankin to pass Second Reading to the Amendment to Retail Shop Closing Ordinance #121.

Mayor Fitzgerald called for comments from the public.

Carlo Weikart, Canadian Tire

Mr. Weikart spoke against what Council was now proposing and asked Council to defeat this Motion as it was unjust and discriminatory.

Les Griffiths, Zellers, Bayers Road

Mr. Griffiths stated this By-law was discriminatory to both retailers and shoppers alike. He enquired as to why other areas of the region did not have their shopping hours curtailed to match that of the former City of Halifax. Mr. Griffiths further stated that retailers within malls should work out their differences with mall managers and that Zellers will have no choice but to open contrary to the By-law due to competition.

Retail Shopping hours should be de-regulated regardless of location.

Darryl Daye, Wal-Mart, Bayers Lake

Mr. Daye did not wish to wait for the phased-in period.

Following three calls for comments from the public, Mayor Fitzgerald called for comments

from staff and Council.

In response to an enquiry from Councillor Cunningham, Mr. Barry Allen, Acting Municipal Solicitor, advised that Council has the power to amend this By-law based on all presentations and Council input to date.

No vote was taken on the Motion.

The following Motion was put on the floor.

MOVED by Councillor Cunningham and Deputy Mayor Greenough to repeal Ordinance 121, the Retail Shop Closing Ordinance.

Deputy Mayor Greenough suggested there are inequities and this Motion will correct an earlier decision of Council, further; this is an opportunity for this Council to act as one.

Councillor Rankin expressed concern in that this is not a "friendly" amendment.

Councillor Barnet suggested this Council needs to take a stand and create a level playing field.

Councillor Hetherington stated there are two options: a) support the amendment, or b) repeal everything as of January 1, 1997.

Councillor Cooper expressed concern with the process and noted this proposed amendment is contrary to the by-law.

Councillor Walker enquired as to why only big businesses had addressed Council this evening. Further, he suggested a staff report be prepared on the number of businesses which have been operating contrary to the existing by-law.

Councillor Hetherington suggested that the July 1, 1997 date be moved back to January 1, 1997.

Councillor Blumenthal suggested the amendment be defeated this evening.

Councillor Schofield expressed concern for the small business owner; further; municipalities should not be in the business of setting store hours.

Councillor Epstein stated he would like to see consistency with store hour restrictions in all

areas.

Councillor Cunningham stated this is a discriminatory by-law. He further stated that two public hearings have already taken place on this issue and that Council will learn nothing new from the public.

Councillor Harvey reminded Council the amendment simply speeds up the implementation of extended store hours.

To clarify the situation, Mayor Fitzgerald stated that the amendment would permit stores opening six days a week effective January 1, 1997.

Councillor Hendsbee advised he supported the intent of the amendment, however, he had concern on the process involved.

Councillor Hetherington enquired if the mover and the seconder of the amendment would agree to amending the motion to include "January 1, 1997."

Both Councillor Cunningham and Deputy Mayor Greenough agreed to include "January 1, 1997" to the Motion.

The Motion now reads:

MOVED by Councillor Cunningham and Deputy Mayor Greenough to repeal Ordinance 121 the Retail Shop Closing Ordinance effective January 1, 1997.

At the request of Council, a recorded vote on amended Motion took place.
19 in favour; 3 against; one absent; one left his place at the meeting.

Those who voted in the affirmative included: Mayor Fitzgerald; Deputy Mayor Greenough and Councillors Dooks, Snow, Hendsbee, Cooper, McInroy, Sarto, Hetherington, Schofield, Cunningham, Downey, Uteck, Hanson, Barnet, Harvey, Kelly, Rankin and Mitchell.

Those who voted in the negative included: Councillors Epstein, Walker and Adams.

MOTION CARRIED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS, PRESENTATIONS

9.1 Petitions

Councillor Adams presented a Petition to the Clerk regarding opposition to the removal of 4+, Primary, Music and Special Needs Programs from Rockingstone Heights School. He requested this be forwarded to the Halifax Regional School Board with a request that the Board seriously re-consider its plans to remove these programs.

Councillor Kelly presented a Petition to the Clerk regarding a request to have regularly scheduled bus stops at the West End Mall for bus route #80.

Councillor Blumenthal presented a Petition to the Clerk regarding opposition to the proposed closure of the #3 Manor Bus Route.

9.2 Correspondence

9.2.1 **House of Commons - Motion of Support - Oath (or Pledge) of Allegiance to the Flag of Canada**

A copy of correspondence from the House of Commons pertaining to an Oath of Allegiance to the Flag of Canada was before Council for discussion purposes.

MOVED by Councillors Schofield and Dooks to support the concept of an Oath of Allegiance and forward this correspondence on to the Union of Nova Scotia Municipalities (UNSM) for their consideration. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 Presentations

Mr. Matthew Boates, Former Chairman, Harry R. Hamilton Elementary School Trustees

Mr. Matthew Boates addressed Council advising that over the past number of years, funding from Trustee area rates employed resource personnel in the school. Due to changes in the Education Act, the authority to levy Trustee area rates no longer exists for municipalities. Residents in the area of the school are agreeable to paying a rate, however, to ensure the continuance of resource personnel at the school.

Mr. Boates introduced Mr. Bill MacDonald, MLA, who also wished to address Council in this regard.

Mr. MacDonald respectfully requested Council consider giving the option to the former Halifax County area to reinstate a Trustee area rate.

A brief discussion ensued on the fact that this was another example of the Province down loading on municipalities to which Mr. MacDonald advised he didn't necessarily agree with the Province in this regard.

Councillor Hendsbee commended Mr. MacDonald for being the first government representative to attend a Council Meeting of Halifax Regional Municipality. He suggested the Province be requested to re-evaluate the HRM Act legislation as it pertains to Trustee area rates.

Councillor Barnet addressed Council making reference to Section 31 of the HRM Act. Further, this Council would simply be a collection agency for the funds which are then passed on to the school in question.

MOVED by Councillors Barnet and Hetherington that staff be directed to take the necessary steps to implement a Trustee area rate subject to a successful resolution at the Northwest Community Council.

In speaking to the Motion, Councillor Barnet advised that once dealt with by the Community Council, then same would be brought forward to this Council.

No vote was taken on the motion.

Mr. George McLellan, Acting Chief Administrative Officer, requested that staff be given the opportunity to review this issue.

Councillor Hendsbee enquired if Trustee area rates stipulate special areas; and, if they can be isolated to a particular school within a District or throughout the entire region.

Mayor Fitzgerald thanked Mr. Boates and Mr. MacDonald for attending the meeting this evening.

Councillor Hetherington suggested that area rates are not "the way to go" as they create inconsistencies in schools and that a supplementary funding policy was required to serve the entire region.

It was generally agreed to defer this matter pending review of staff.

10. **REPORTS CON'T**

10.1 **Councillor Adams**

10.1.1 **Blended Sales Tax and Effect on Transportation**

Effective April 1, 1997, the municipally regulated transit system will be exempt from charging a blended tax to its customers. Councillor Adams would like the taxi industry to be treated in the same manner.

Councillor Adams requested a staff report and that correspondence be forwarded to the Province in this regard.

10.2. **Councillor Mitchell**

10.2.1 **Crosswalk Guard - Tantallon Junior High School** - dealt with during the Budget session held earlier in the day

10.3 **Chief Administrative Officer**

10.3.1 **Capital Works Projects**

A Report entitled "Capital Projects: Status As of August 30, 1996" prepared for Mr. George McLellan, Acting Chief Administrative Officer, was before Council

MOVED by Councillors Schofield and Walker to receive the report entitled "Capital Projects: Status As of August 30, 1996" for information and file.

In response to an enquiry from Councillor Kelly, Mr. Khulvinder Dhillon, Director of Engineering Services, advised that a second list of capital projects would be distributed to Council within two weeks.

Councillor Kelly enquired on the status of traffic signalization at Union Street and Hatchery Lane and requested a staff report in this regard.

10.3.2 **Oceanview Manor Capital Expenditures** - addressed earlier in the meeting

10.3.3 **Tax Exemption for Rinks**

A report entitled "Tax Exemption for Rinks" prepared for Larry Corrigan, Commissioner of Corporate Services, was before Council.

MOVED by Councillors Adams and Hetherington to direct staff and the Grants Committee to develop a Policy for such exemptions. Further, that the number of rinks and their tax status be determined. MOTION PUT AND PASSED.

10.3.4 **Coverall Home Services, Musquodoboit Harbour**

A report entitled "Coverall Home Services, Musquodoboit Harbour" prepared for Mr. George McLellan, Commissioner of Regional Operations, was before Council.

MOVED by Councillors Dooks and Hetherington to forward this matter to the Grants Committee. MOTION PUT AND PASSED.

10.3.5 **Acquisition - Portion of Lot B, Dartmouth Cove Outfall Extension Project**

A report entitled "Acquisition - Portion of Lot B, Dartmouth Cove Outfall Extension Project" prepared for George McLellan, Commissioner of Regional Operations, was before Council.

MOVED by Councillors Sarto and Hetherington that HRM enter into a Purchase and Sale Agreement with the Waterfront Development Corporation Limited for the westerly portion of Lot B as shown on the sketch attached to the report and containing approximately 14,943 square feet for \$20,000 plus any additional taxes or adjustments that may be applicable and other terms and conditions outlined in the report. Funds are available in the account for the Dartmouth Cove Outfall Extension Project #83013. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.6 **Consideration - Approval of 1996/97 Operating Budget**

This is to be addressed on September 10, 1996.

11. **MOTIONS**

- 11.1 **Councillor Uteck** - Re-zoning of CN property - Atlantic, McLean and South Bland Streets - that Council direct staff to initiate a plan amendment and re-zoning process to implement the changes requested by the neighbourhood residents in a petition, public meeting and public survey.

All agreed to forwarding this matter on to staff and to replace the word "required" with "requested."

- 11.2 **Councillor Epstein** - Refer to the Ad Hoc Committee on Committees the question of the role of Council in employee relations including but not so as to limit the generality of the foregoing; recruitment and review of the Chief Administrative Officer and the Commissioners; the terms and conditions of employment of non-unionized management personnel; and, employee complaints.

MOVED by Councillors Epstein and Walker to Refer to the Ad Hoc Committee on Committees the question of the role of Council in employee relations including but not so as to limit the generality of the foregoing; recruitment and review of the Chief Administrative Officer and the Commissioners; the terms and conditions of employment of non-unionized management personnel; and, employee complaints. MOTION PUT AND PASSED UNANIMOUSLY.

- 11.3 **Councillor Adams** - to introduce a Motion to amend Ordinance 116, the Taxi and Limousine Ordinance, by repealing Section 10 (b) 4. The intent of this amendment is to freeze Section 40 (b) 4 until the new By-Law is in place. In other words, no new vehicle licenses will be issued.

MOVED by Councillors Adams and Hetherington to pass First Reading to amend Ordinance 116, the Taxi and Limousine Ordinance, by repealing Section 10 (b) 4. The intent of this amendment is to freeze Section 40 (b) 4 until the new By-Law is in place. MOTION PUT AND PASSED UNANIMOUSLY.

12. **ADDED ITEMS**

12.1 **Council Membership - SWRAC**

Council agreed to appoint Councillors Hendsbee and Snow to SWRAC (Councillor Snow to replace Councillor Blumenthal).

12.2 **Septemberfest - Councillor Dooks**

Councillor Dooks expressed his appreciation to those who volunteered their time in organizing the 1996 Septemberfest. He was appreciative of staff and Council support in this regard.

Mayor Fitzgerald advised he would forward letters of appreciation to those involved upon receipt of a listing of names from Councillor Dooks.

12.3 Municipal Legislation Committee - Councillor Schofield

Councillor Schofield advised there were two meetings left of the Municipal Legislation Committee. Should any Member of Council have any comments for him to pass on to the Committee, to let him know.

12.4 Blue Bag Program - Councillor Dooks

Councillor Dooks requested SWRAC and legal staff to evaluate the performance of the recyclable contractor in Districts 1 and 3. Further, to report back to Council by September 10. Should the report be negative, staff was requested to provide options as to how the problem will be rectified.

12.5 Natal Day - Councillor Cunningham

Councillor Cunningham requested a staff report on future Natal Day activities.

MOVED by Councillors Cunningham and Hetherington this matter be referred to staff for a report on future Natal Day activities. MOTION PUT AND PASSED UNANIMOUSLY.

12.6 Funding - Lakeside Disaster Relief Fund - Councillor Hendsbee

Councillor Hendsbee requested Council support in allocating \$3,000 to the Lakeside Disaster Relief Fund. Further, that the Province be requested to match the funding.

MOVED by Councillors Hendsbee and Walker to allocate \$3,000 to the Lakeside Disaster Relief Fund. Further, that the Province be requested to match the funding. MOTION PUT AND PASSED UNANIMOUSLY.

12.7 Commercial Tipping Fees

A staff report entitled "Commercial Tipping Fees" prepared for Jim Bauld, Manager of

Solid Waste, was before Council.

Councillor Rankin stated that SWRAC was recommending that an application be made to the Province to set a new Solid Waste disposal commercial tipping fee for the Halifax Regional Municipality of \$100.00 per tonne.

A general discussion took place on the timing and the need for public input.

Concern was expressed with garbage being dumped on side roads each time the fees are raised.

Mr. Jim Bauld advised this matter requires final approval of the Department of the Environment and Municipal Affairs.

MOVED by Councillors Sarto and Hetherington that an application be made to the Province to set a new Solid Waste disposal commercial tipping fee for the Halifax Regional Municipality of \$100.00 per tonne; further, that the implementation date be as soon as possible. MOTION PUT AND PASSED UNANIMOUSLY.

13. **NOTICES OF MOTION**

Councillor Adams served Notice of Motion for September 17, 1996 - the intent of this Motion is to allow those drivers who now hold drivers licenses, but not taxi owner licenses, to purchase a vehicle license up until and including April 12, 1998 - for their own use only. This allows for the original intent of this section to be followed and allows for those who rent, to own a car and helps to further stabilize the industry.

14. **ADJOURNMENT**

MOVED by Councillors Dooks and Hetherington to adjourn the meeting at 9:20 p.m.

Vi Carmichael
Municipal Clerk

