

HALIFAX REGIONAL COUNCIL
MINUTES
APRIL 29, 1997

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
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Robert Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

REGRETS:

Councillor: Howard Epstein

STAFF MEMBERS:

Mr. Dan English, 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.	<u>INVOCATION</u>	

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

2. PROCLAMATION

2.1 Multiple Sclerosis Awareness Month

Mayor Fitzgerald proclaimed the month of May as Multiple Sclerosis Awareness Month.

3. APPROVAL OF MINUTES - April 16, 1997

MOVED by Councillors Blumenthal and Cunningham to adopt the minutes of April 16, 1997. MOTION PUT AND PASSED.

4. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Councillor Cunningham requested the following items be dealt with first:

- 13.1 Land Matter - Residual Disposal Facility and Front End Processing Facility - Ratify
- 13.2 Land Matter - Metaline Graphics & Sale of Hubbards Square - Ratify
- 13.3 Regional Council Summer Meeting Schedule - Ratify
- 13.4. (A) Lease Matter - Former Dartmouth City Hall - Ratify
(B) Former Dartmouth City Hall Renovations - Recommendation
- 13.5 Legal Matter - Brunswick Mortgage Brokers vs Halifax et al.

Councillor Walker requested the following be added to the agenda:

- Effect of Provincial Budget on HRM.

Councillor Mitchell requested Information Item #8 - Brigley's Road - be added to the agenda.

The Municipal Clerk requested the following be added to the agenda:

- Appointment - Grants Committee.

Councillor Barnet requested 9.4.12 be deferred.

MOVED by Councillors Downey and Mitchell to adopt the Order of Business as amended. MOTION PUT AND PASSED UNANIMOUSLY.

- 5. BUSINESS ARISING OUT OF THE MINUTES - None**
- 6. MOTIONS OF RECONSIDERATION - None**

Council agreed to address Item 13 - Added Items - at this point in the meeting.

13. ADDED ITEMS - APRIL 15, COUNCIL MEETING

13.1 Land Matter - Residual Disposal Facility and Front End Processing Facility - Ratify

MOVED by Councillors Hetherington and Schofield that the recommendation adopted In Camera, be ratified. MOTION PUT AND PASSED UNANIMOUSLY.

13.2 Land Matter - Metalline Graphics & Sale of Hubbards Square - Ratify

MOVED by Councillors Mitchell and Hetherington that the recommendation adopted In Camera, be ratified. MOTION PUT AND PASSED.

For the record, those Councillors who voted against the Motion were Councillors Blumenthal, Kelly, Barnet and Snow.

13.3 Regional Council Summer Meeting Schedule - Ratify

MOVED by Councillors Walker and Hetherington to defer ratification of Regional Council Summer Meeting Schedule for one week. MOTION PUT AND PASSED.

13.4(a) Lease Matter - Former Dartmouth City Hall - Ratify

MOVED by Councillor Cunningham and Deputy Mayor Greenough that the recommendation adopted In Camera, be ratified. MOTION PUT AND PASSED UNANIMOUSLY.

13.4(b) Former Dartmouth City Hall Renovations - Recommendation

MOVED by Councillors Cunningham and Sarto that the recommendation adopted on April 22, 1997 In Camera, be ratified. MOTION PUT AND PASSED UNANIMOUSLY.

ADDED ITEMS - April 22/97 Council Meeting

13.5 Legal Matter - Brunswick Mortgage Brokers vs. Halifax et al

MOVED by Councillors Sarto and Hetherington that the recommendation adopted In Camera, be ratified. MOTION PUT AND PASSED UNANIMOUSLY.

7. MOTIONS OF RESCISSION

7.1 Financial Amendments to the HRM Act - Councillor Dooks

- ! Correspondence from the Department of Housing and Municipal Affairs, dated April 28, 1997, on the above-noted, was circulated to Council.
- ! A memorandum prepared for Mr. Larry Corrigan, Commissioner of Corporate Services, and Mr. Wayne Anstey, Municipal Solicitor, on the above-noted, was before Council.

Councillor Dooks addressed Council requesting a legal interpretation and clarification of Section 82(8)(a) of the HRM Act. Particularly, the Councillor expressed concern in that the former version of the Section clearly states what the municipality is responsible for in the rural areas, unlike the new version.

Mr. Singer, Director of Finance, clarified the situation stating that the change actually gives Council more flexibility to set a fair method of taxation. Staff had discussed this aspect with the Province with staff recommending that the wording be consistent with that included in the Cape Breton Municipality Act, and the proposed Municipal Government Act which states the municipality "may" have an urban rate, a rural rate or a suburban rate, if it so chooses.

Councillor Hendsbee also shared Councillor Dooks' concerns in this regard.

Councillor Rankin suggested that Council deal with the tax structure for the municipality first; further, that the Province be advised that pending a staff report, Halifax Regional Council would be in a position to express their views at Second Reading.

In referring to correspondence from the Province dated April 28, 1997, Councillor Kelly requested that staff respond as to what the impact will be on the municipality with the changes that have been approved and not approved.

Mayor Fitzgerald advised that staff would prepare a report.

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Booking Administration Fees for Outdoor Athletic Facilities - Presentation by Community Services

- ! A memorandum prepared for Mr. Dan English, Commissioner of Community Services, on the above-noted, was re-distributed to Council. Also, information entitled "Recreation and Leisure Services - Outdoor Facilities" was distributed to Council as well as "Booking Administration Fees for Outdoor Athletic Facilities."

Mr. Denis Huck, Superintendent of Facilities, Central District, and Ms. Erin Tedds, addressed Council referencing administration fees. In 1996/97, approximately \$65,000 was raised through implementation of fees. Staff recommend harmonization of the fees throughout the Region and have taken a nominal fee that will realize increases in some

areas and decreases in others. Further, it has been determined that fees are inequitable as far as different sports are concerned. This fee is not intended to be a user fee but is viewed as offsetting administration costs.

Ms. Tedds addressed Council noting that implementation of this fee ensures an equitable allocation of fields and that facilities can be monitored.

Ms. Tedds also advised that as rural area fields are booked by the community, in partnership with the municipality, organizations will not be charged a fee.

Councillor Barnet somewhat supported the proposal, however, he suggested it was a user fee. The Councillor enquired as to how a fee is to be charged for fields not owned by the municipality i.e. Acadia Field, owned by the Acadia Recreation Association.

In response, Mr. Huck advised this facility is maintained in partnership with the Acadia Recreation Association. He reiterated an earlier comment that community groups that are partnered with the municipality, will not have to charge an administration fee.

Councillor McInroy addressed Council advising he had forwarded correspondence to Mr. Dan English with a proposal that the Eastern Passage - Cow Bay Athletic Association undertake the administration and booking of fields within their community, which they have carried out prior to amalgamation. There are no costs associated with the bookings, therefore, the fees could be dealt with in a different manner. The Councillor suggested an arrangement be put in place respecting lighted ballfields. Councillor McInroy formally tabled this request with staff.

Councillor Sarto referenced an earlier request of Council that staff provide approximate maintenance costs to maintain fields including revenue that would be generated from the proposed rates. The Councillor stated he would be looking for this information prior to the tabling of the Operating Budget.

Councillor Adams suggested this matter be deferred to next year.

MOVED by Councillors Adams and Kelly to defer further discussions on Booking Administration Fees for Outdoor Athletic Facilities to next year. MOTION DEFEATED.

A lengthy discussion ensued on various age groups involved and the burden on parents to register their children for sports.

Councillor Walker referenced Mainland North, noting parents did not object to a fee but were concerned with the crusher dust destroying the equipment. Ms. Tedds stated this information has been forwarded to the appropriate staff.

MOVED by Deputy Mayor Greenough and Councillor Hetherington to withdraw administration fees for the 1997/98 fiscal year for participants aged 14 years and under (budgeted net effect - \$17,000). MOTION PUT AND PASSED.

9. REPORTS

9.1 HALIFAX RETIREMENT COMMITTEE

9.1.1 Ontario Municipal Employees Retirement Board - Reciprocal Agreement

! A memorandum prepared for Councillor Howard Epstein, Chair, City of Halifax Retirement Committee, on the above, was before Council.

The Committee was recommending the municipality enter into a reciprocal agreement with the Ontario Municipal Employees Retirement Board to allow for the transfer of pension benefits between that Board and the City of Halifax Retirement Plan.

MOVED by Deputy Mayor Greenough and Councillor Blumenthal to approve the entering into of an agreement attached to the staff report dated April 21, 1997, as Appendix 1. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 REGIONAL HERITAGE ADVISORY COMMITTEE

9.2.1 Application for Demolition - 1572 Barrington St.

! A memorandum prepared for Mr. Turney Manzer, Chair, Heritage Advisory Committee, on the above, was before Council.

An application had been received by the Committee from the owner of 1572 Barrington Street for demolition of said property.

MOVED by Councillors Downey and Hanson to reject the application for demolition of 1572 Barrington Street based on the information received in the report from Campbell Comeau Engineering Limited, dated April, 1997, entitled 1572 Barrington Street, Investigation of Masonry Facade. MOTION PUT AND PASSED.

Deputy Mayor Greenough assumed the Chair.

9.3 MARINE DRIVE VALLEY & CANAL COMMUNITY COUNCIL

9.3.1 Amendments to the MPS and Land Use By-Law for Planning Districts 14 and 17

- ! A memorandum prepared for Councillor David Hendsbee, Chair, Marine Drive Valley & Canal Community Council, on the above, was before Council.

Councillor Hendsbee addressed Council noting a change in the public hearing date, from June 10, 1997 to May 27, 1997.

MOVED by Councillors Hendsbee and Barnet that the amendments (appendix 'A' and 'B') attached to the Planning Advisory Committee report, dated April 16, 1997, to the Municipal Planning Strategy and Land Use By-Law for Planning Districts 14 and 17 (Shubenacadie Lakes) be considered at a public hearing on May 27, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

9.4 CHIEF ADMINISTRATIVE OFFICER

9.4.1 Amendments to Administrative Order Number One

- ! A memorandum prepared for Mr. Wayne Anstey, Municipal Solicitor, on the above, was before Council.

MOVED by Deputy Mayor Greenough and Councillor Sarto to approve the amendments to Administrative Order Number One attached to the staff report dated April 4, 1997, as Appendix 'A.' MOTION PUT AND PASSED UNANIMOUSLY.

9.4.2 Military Leave Policy

- ! A memorandum prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, on the above, was before Council.

MOVED by Councillors Cunningham and Mitchell to approve the Military Leave Policy to apply to permanent non-union staff, adopt the policy in principle for unionized staff, and that the Chief Administrative Officer be authorized to sign the "Statement of Support for the Reserve Force" attached as Appendix "II" to the staff report dated April 16, 1997.

Further, that the number of Reservists in HRM's workforce be determined on an annual basis and that HRM review its Military Leave Policy when the number and distribution of Reservists in the workforce changes. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.3 Financing of Macdonald Bridge Ramps and Approaches (Supplementary Report)

- ! A Supplementary Report prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above, was before Council.
- ! Correspondence from the Heritage Trust of N.S. , A. Ruffman, J. McCulloch, B.

Miller, Philip Pacey and a petition had also been distributed to Council.

Councillor Downey stated that Council had approached the Halifax-Dartmouth Bridge Commission for 100% financing for the Macdonald Bridge and that the Commission has answered Council's request.

MOVED by Councillors Downey and Cunningham that Council accept the offer of full financing of the bridge approach funding as outlined in the letter from Larry Doane, Chairperson, Halifax-Dartmouth Bridge Commission, dated April 16, 1997, and direct staff to proceed with the design and construction work as outlined in Council's resolution of April 1, 1997. Further, that staff confirm the property requirements for this work following completion of detailed design, and acquire the necessary land through the Sale of Land Account.

In response to an enquiry from Councillor Sarto if any cost overruns could be under written by the Halifax-Dartmouth Bridge Commission, and if same would be included in the agreement, Mr. Larry Doane, Chairperson, Halifax-Dartmouth Bridge Commission, advised this was not implied in the report. Further, Mr. Doane stated this is fixed term borrowing which needs to be determined now.

Councillor Sarto suggested staff review directing traffic on Barrington Street down to the MacKay Bridge. Also, he had been approached by individuals who enquired if the MacKay Bridge was underutilized. In response, Mr. Doane advised that both bridges are at capacity during peak hours in both directions.

Comments from Council included the following:

Councillor Barnet stated even with 100% financing by the Bridge Commission, he could not support a third lane on the Bridge as taxpayers will eventually be paying the bill.

Councillor Hetherington felt the third lane would create more traffic and therefore, more pollution. He suggested that \$25 million be spent to put the Bridge in good shape rather than construct a third lane, bicycle and pedestrian lanes.

Councillor Blumenthal supported the third lane but not the south side ramp.

Councillor Harvey expressed concern with the April 1, 1997 Motion and enquired if Council was tied to option H3. In response, Mr. Brian Smith, Director of Transportation stated the Motion of April 1, 1997 speaks to option H3 - south side ramp - and the amount of funding required.

Councillor Harvey reiterated his concern suggesting Council look at other options other than option H3. He was particularly concerned with 5220 North St. being in jeopardy.

Mayor Fitzgerald assumed the Chair.

Councillor Hanson stated he supports the third lane but that the ramp should be on the north side.

Mr. Smith clarified this was a supplementary report to the April 1, 1997 Motion of Regional Council. Should Council wish to adopt a north side ramp, the April 1, 1997 Motion would have to be modified and an additional \$4 million would be required. Also, this Motion did address the issue of heritage planning staff working with the design team in order to deal with affected buildings.

In response to an enquiry from Councillor Hendsbee should Council amend its Motion from April 1, 1997 to utilize a north side option, if the Halifax-Dartmouth Bridge Commission would cover the additional costs involved, Mr. Doane stated in the negative.

Councillor Hendsbee enquired what costs would be involved for at grade access points for a North side option. In response, Mr. Brian Taylor, Transportation Planner, stated the at grade version would not work in the long term and is not adequate to serve future traffic. Although the costs would be less than the \$11 million noted during the April 1, 1997 Council Session, in ten years, the access would have to be rebuilt; therefore, the money would be lost.

MOVED by Councillors Hendsbee and Blumenthal to amend the April 1, 1997 Motion to read : "... that the north ramp or the less expensive grade access solution to the north side of the Bridge..."

Mayor Fitzgerald did **not** accept the Motion.

Councillor Downey, on a Point of Order, suggested if the Motion had been successful, then Brunswick Street could not be closed.

Councillor Hendsbee suggested that the Artz and Brunswick Street accesses to the Bridge can be eliminated.

In response to an enquiry from Councillor Blumenthal if Artz and Brunswick Streets could be closed with a north ramp, Mr. Allan Taylor advised that Brunswick Street could be closed.

Councillor Blumenthal stated he would like to preserve the area on the south side and utilize DND property. Further, he would support the Motion on the floor, but when the ramps are to be built, he would like Council to consider option J1.

MOTION PUT AND PASSED.

A 10 minute recess was taken at 8:10 p.m. and the meeting reconvened at 8:20 p.m.

9.4.4 Establishment of Commuter Rail Committee

! A memorandum prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above, was before Council.

Staff was recommending:

1. That a Commuter Rail Committee be established consisting of three Council Members; one member from the North West Community Council - Transit Advisory Committee; one member of the Halifax Transit Advisory Committee; and one Member appointed by the Metropolitan Halifax Chamber of Commerce.

2. That the Committee be asked to:
 - (a) review the 1996 Metropolitan Authority study on Commuter Rail;
 - (b) consider the opportunity presented by VIA Rail to acquire the present VIA station and maintenance facility;
 - (c) discuss the potential for commuter rail in terms of the work completed to date on the GoPlan, and
 - (d) make recommendations to Council on the future role of commuter rail in the Halifax Regional Municipality.

Councillor Kelly stated that the three former Council Members of the Commuter Rail Committee were willing to be reappointed (Councillors Kelly, Harvey and Epstein).

Councillor Stone suggested that 2(b) be deleted to which Councillor Kelly stated that a staff report from Regional Operations (Real Estate) is to come forward.

MOVED by Councillor Stone and Deputy Mayor Greenough to amend the recommendation to delete 2(b). MOTION PUT AND PASSED.

The following Motion was placed on the floor.

MOVED by Councillors Kelly and Mitchell:

1. **That a Commuter Rail Committee be established consisting of three Council Members - Councillors Peter Kelly, Robert Harvey and Howard Epstein; one member from the North West Community Council - Transit Advisory Committee; one member of the Halifax Transit Advisory Committee; and one Member appointed by the Metropolitan Halifax Chamber of Commerce.**

2. That the Committee be asked to:

- (a) review the 1996 Metropolitan Authority study on Commuter Rail;**
- (b) discuss the potential for commuter rail in terms of the work completed to date on the GoPlan, and**
- (c) make recommendations to Council on the future role of commuter rail in the Halifax Regional Municipality. MOTION PUT AND PASSED.**

9.4.5 Debenture Issue

- !** A memorandum prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, on the above, was before Council.

MOVED by Deputy Mayor Greenough and Councillor Sarto that the Mayor and Municipal Clerk be authorized to sign an Issuing Resolution between Halifax Regional Municipality and the Nova Scotia Municipal Finance Corporation to enable Halifax Regional Municipality to issue a debenture in the amount of \$54,840,000. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.6 Parking - Grand Parade

- !** A memorandum prepared for Mr. Brian Smith, Acting Commissioner, Regional Operations, on the above, was before Council.

Councillor Cooper expressed concern as to where staff of the Clerk's Office were to park when preparing for, or attending meetings of Community Council and public hearings.

In response, Mr. Michael Spencer, Real Estate, stated that traffic safety was taken into consideration when the staff report was prepared.

Councillor Mitchell agreed with Councillor Cooper, adding that the Commissioner of Fire Services also required a parking spot to allow for quick egress in emergency situations. Further, accessibility for handicapped individuals needs to be taken into consideration.

Councillor Uteck suggested that there can be flexibility incorporated into the parking regulations.

MOVED by Councillors Uteck and Blumenthal to approve the Parking Regulations outlined in the staff report dated April 23, 1997 as Appendix "A" for a trial period of five months, from May 1, 1997 to September 30, 1997, after which time staff will review the situation and report back to Council.

Councillor Adams stated he could not support the Motion and that the status quo was adequate.

On being advised that 27 vehicles could park in the inner circle (City Hall Plaza), Council expressed concern as to how the parking regulations for these spaces could be enforced.

MOTION PUT AND PASSED.

9.4.7 Third Reading - Sewer Charge By-Law S-100 (Supplementary Report)

! A supplementary report prepared for Mr. Brian Smith, Acting Commissioner, Regional Operations, on the above, was before Council for discussion.

On April 15, 1997, Council gave Second Reading to By-Law S-100. The By-Law was before Council for Third Reading.

MOVED by Councillors Kelly and Snow to give Third Reading to By-Law No. S-100 Respecting Sewer Charges. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.8 Tender 97-028 - Articulated Municipal Tractor

! A memorandum prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, on the above, was before Council.

MOVED by Councillors Sarto and Mitchell that the lowest evaluated bidder, Saunders Equipment, be awarded the purchase of one (1) Articulated Municipal Tractor for a total tender price of \$122,586.32, including HST. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.9 Tender 97-009 - Landscaping Mill Cove Treatment Plant

! A memorandum prepared for Mr. Brian Smith, Acting Commissioner, Regional Operations, on the above-noted, was before Council.

MOVED by Councillors Kelly and Hetherington to award Tender #97-009 - Landscaping Mill Cove Treatment Plant, to TAG Enterprises Ltd. in an amount of \$250,570. Further, that funds were available in Account No. 83003.

In response to an enquiry from Councillor Kelly on the contingency fee, Mr. Kulvinder Dhillon, Director of Engineering Services, stated that a report would be forthcoming on this aspect.

Both Councillors Barnet and Harvey expressed concern with the costs involved for landscaping of a treatment plant and suggested this type of landscaping should be in parks.

MOTION PUT AND PASSED.

At this point in the meeting, Mayor Fitzgerald congratulated Councillor Kelly on completing his MBA and that he graduates May 12, 1997. Council, staff and the public expressed their congratulations through a round of applause.

9.4.10 Tender 97-327 - McCully Street

! A memorandum prepared for Mr. Brian Smith, Acting Commissioner, Regional Operations, on the above, was before Council.

MOVED by Councillors Blumenthal and Hetherington to award Tender No.97-327, McCully Street to LaFarge Canada Inc., at a Tender Price of \$61,525 and a Total Project Cost of \$70,800 with funding authorized from Capital Account No. 95461, McCully Street Paving Renewal. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.11 Local Improvement Policy

! A memorandum prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, and Mr. Brian Smith, Acting Commissioner, Regional Operations, on the above-noted, was before Council.

MOVED by Councillors Stone and Schofield to approve the Local Improvement Policy attached to the staff report dated April 25, 1997, effective the beginning of fiscal year 1997/98.

Councillor Barnet expressed concern in that he felt the policy was vague in the area of setting area rates. The Councillor enquired if there will be an option for Community Councils to set an area rate for local charges.

In response, Mr. Kulvinder Dhillon, Director of Engineering Services, stated the policy recommends a "frontal charge" for paving, sidewalks, curbs and gutters, and not an "area rate."

Mr. Ron Singer, Director of Finance addressed Council referencing page 3 of the staff report where it pertains to assessment vs property frontage. If in the view of Council it is determined that a service provided is considered to be reasonably shared by a designated area, then the cost can be allocated by assessment - in essence, a community area rate. Further, the policy is not in effect as yet. Any projects that were on the capital projects list for 1996/97 fall under the policies that were in existence last

year.

Councillor Barnet reiterated his concern noting these projects did not always benefit the abutter and that there are projects that are community in scope. The Councillor suggested the jurisdiction should lie with the Community Councils as to what is appropriate for their particular community. Accordingly, he suggested the policy be amended to have this considered.

MOVED by Barnet and Hendsbee to move an amendment to the policy to add “that the non municipal share may be cost shared by an area rate set by Community Councils as they deem appropriate.”

Councillor Harvey stated that although there was merit with this amendment, he enquired as to how the projects would be handled that were approved in 1996/97.

In response, Mr. Dhillon stated projects that have been tendered will proceed on the understanding that there will be a 50% charge to the abutters or to the area rate.

Mr. Dhillon stated that one of the reasons why staff is recommending a frontal charge is the difficulty in defining the area to be charged. It was determined this would be more simple and a direct benefit to the abutting properties. Other municipalities prefer to go with frontal charges as well due to the simplicity of it and the difficulty of the defined definition of the area rates.

Councillor Sarto suggested he would like this to be reviewed at the Community Council level.

Deputy Mayor Greenough assumed the Chair.

Councillor Cooper referenced projects that are bordered on one side by residents and the other by the municipality. The Councillor enquired if the municipality will be paying 75%. In response, Mr. Dhillon stated this report deals with the installation of sidewalks on one side. Should the municipality own land abutting the street, it will be considered as an abutter.

Council Cooper suggested staff review this aspect.

In response to an enquiry from Councillor Cooper as to why no new paving, requested by petition, has been included, Mr. Dhillon stated staff have not included any new paving of streets in this year's budget due to budget restraints and criteria.

Councillor Cooper further enquired if there is a policy that requires developers to put in sidewalks and pay for oversized roads. In response, Mr. Dhillon stated if a sidewalk is installed by developers at their cost, there would not be any betterment charges to the

abutters. With respect to a policy in this regard, there is no policy in place as yet. Further, a committee has been established to look at development charges for the developments themselves; a report will be prepared within a few months.

In response to an enquiry from Councillor Snow, Mr. Dhillon stated there are residents who pay for sidewalks they don't have and that Council will have to decide how this will be handled.

Mayor Fitzgerald assumed the Chair.

Councillor Barnet suggested this matter be referred back to staff so all concerns can be addressed; further, that staff comment on the concept of area rates through Community Councils.

Councillor Stone suggested a policy is needed but that Council must discuss in further detail the amendment. The Councillor suggested Council needs to agree there is going to be cost sharing with abutters. Further, he suggested that Council should consider the original Motion and then allow discussions with Community Councils at a later date.

**MOVED by Deputy Mayor Greenough and Councillor Blumenthal to defer further discussions on this issue pending a supplementary report, for one week.
MOTION PUT AND PASSED.**

9.4.12 Capital Budget Approval

This issue was deferred to May 5, 1997.

10. PUBLIC HEARINGS

10.1 Second Reading - Plumbing By-Law P-400

CONFLICT OF INTEREST

Councillor Adams declared a Conflict of Interest due to the fact he is part owner in a plumbing company and removed himself from discussions.

Councillor Dooks declared a Conflict of Interest due to the fact he in the construction business and works closely with the plumbing industry and removed himself from discussions.

Deputy Mayor Greenough declared a Conflict of Interest due to the fact his brother has a plumbing company and removed himself from discussions.

MOVED by Councillors Rankin and Hetherington to give Second Reading to the Plumbing By-Law as attached to the staff report dated April 21, 1997; further to

repeal Ordinance Number 132, the Plumbing Ordinance of the City of Halifax and By-Law Number P-800, the Plumbing By-Law for the City of Dartmouth.

Mayor Fitzgerald called for comments from the public.

MR. H. SCHOFIELD, REPRESENTATIVE OF THE MECHANICAL SECTOR OF THE NOVA SCOTIA CONSTRUCTION ASSOCIATION

Mr. Schofield addressed Council noting the new by-law fails to attack the underground economy. He referenced Section 1.12.1 - Ordinance 132 - Licensing of Plumbers and/or Plumbing Contractors - which is being repealed. This must be put back in place otherwise the market will be left open for cash deals and cash discounts. Plumbing Contractors cannot compete with the local handyman, apprentices and unemployed plumbers being paid cash. The backbone of this Province is small businesses therefore he questioned the addition of a non tax paying competitor to their list. In closing, Mr. Schofield stressed that Ordinance 132 remain in place.

Mayor Fitzgerald thanked Mr. Schofield for his presentation.

MR. TIM SULLIVAN, REPRESENTATIVE OF THE PROFESSIONAL PLUMBERS ASSOCIATION OF NOVA SCOTIA

Mr. Sullivan addressed Council noting there were shortcomings within the proposed by-law. The by-law does not prohibit non-certified tradespeople from installing plumbing systems in the municipality. Also, this by-law would permit unqualified people to take out plumbing permits which is a departure from the current regulatory system that has been in effect in portions of the municipality for decades.

Should this by-law be adopted, it is anticipated it will undermine the regulatory system that was initially established to ensure that the health and safety of the public is maintained. Even though it is illegal to carry out the practice of plumbing in the Province of Nova Scotia without a certificate, builders and developers will be tempted to hire unqualified individuals to install plumbing systems under the proposed by-law. This will lead to the demise of the trade. This by-law will govern a wide variety of commercial, residential and industrial developments. Therefore, care should be taken to ensure that all work is properly installed. If the municipality was to require all plumbing work to be carried out by qualified tradesmen, this would lessen the burden on the inspectors to certify the work of unqualified individuals in the field. Without this requirement, inspectors will have to visit job sites time and again to provide plumbing advice. Also, this puts Council and the tax payer at greater risk for liability if a property owner sustains damage from a plumbing system that was installed by an unqualified individual.

In closing, Mr. Sullivan expressed concern that the industry was not consulted in the preparation of this proposed by-law. He suggested this by-law be rejected and refer

same back to staff; offering to sit on any Committee that may be struck to deal with this issue.

Mayor Fitzgerald thanked Mr. Sullivan for his presentation.

Mayor Fitzgerald called three times for further comments from the public. There were none.

**MOVED by Councillors Blumenthal and Hetherington to close the Public Hearing.
MOTION PUT AND PASSED UNANIMOUSLY.**

Mr. Bill D. Campbell, Manager of Development Services, Western Region, addressed Council noting staff will meet with the Plumbers Association and the Construction Association in this regard, and report back to Council.

**MOVED by Councillors Blumenthal and Schofield to defer Second Reading of
Plumbing By-Law P-400.**

Councillor Rankin suggested staff include in the report, deficiencies in the HRM Act as they pertain to this matter.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillors Adams and Dooks and Deputy Mayor Greenough resumed their places at the meeting.

**10.2 Taxi & Limousine Rate Change to Accommodate HST
Second Reading - By-Law T-101 Respecting Taxis and Limousines -**

! Correspondence from J.P. Gallant was distributed to Council.

MOVED by Councillors Adams and Hetherington to give Second Reading to By-Law T-101 Respecting Taxis and Limousines, which amends the Taxi and Limousine By-Laws for each of the former municipalities - Municipality of the County of Halifax By-Law #10; City of Dartmouth By-Law #T-500, and the City of Halifax Ordinance #116 - to implement new taxi fares to take into account the HST imposed by the Provincial and Federal Governments on April 1, 1997.

Mayor Fitzgerald called for comments from the public.

MR. LEO GREENWOOD

! A petition was passed to the Municipal Clerk.

Mr. Greenwood requested Council make an amendment to the By-Law to reflect the

initial charge be changed - for the Dartmouth zone - from \$2.10 to \$2.25.

Mayor Fitzgerald thanked Mr. Greenwood for his presentation.

MOVED by Councillors Walker and Hetherington to extend the meeting past 10 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

MS. SHARON LANTZ

! Ms. Lantz passed correspondence dated April 29, 1997 to the Municipal Clerk.

Ms. Lantz expressed her concerns on the alternatives i.e. Council could accept the Taxi and Limousine Committee recommendation or leave the rates unchanged and require the taxi operators to absorb the increased costs. There was a third alternative, to add 15% on the meters.

The Motion from the Committee was to drop the HST from the initial charge. However, in the hourly waiting time another 25 cents had been dropped. Ms. Lantz enquired as to how Council could pass an amendment to a by-law that contravenes a Federal Tax Act. She had received a letter from Revenue Canada several months ago that stated she must collect this tax. This Motion before Council is prohibiting her from collecting the 15%. Further, reference was made to a chart she had prepared on rates as they should be.

On a Point of Order, Councillor Adams enquired if Ms. Lantz had a copy of the referenced letter. He suggested the letter stated "remit" and not "collect." This should be clarified. Ms. Lantz stated she would review the letter.

Ms. Lantz stated the amount of money she would have had to absorb from the HST would pay for her insurance for one year. Further, she takes exception to this by-law. Customers are paying the additional monies and she has only received one complaint.

Mr. Barry Allen, Acting Municipal Solicitor, stated the Act regulating the tax provides for taxi fares and that the fares that are set municipally, can either include the tax or exclude the tax. If they are included, then what is on the meter is to be collected, and paid based on percentage. If the tax is not included in the fare, then it would be added on whatever is indicated on the meter. This is the amount that would be remitted.

Ms. Lantz suggested the tax be put on the meter. This could be carried out by an amendment to the Motion.

Mayor Fitzgerald thanked Ms. Lantz for her presentation.

REV. WAYNE CAMPAGNA

Rev. Campagna voted to absorb the HST. Further, he advised he would not include the HST in any of his fares and it is not reflected in the meter as it has not been passed through this Council. Rev. Campagna had no objections with the request from the Dartmouth zone to increase the initial charge.

Mayor Fitzgerald thanked Rev. Campagna for his presentation.

ROBERT RICHARDS

Mr. Richards referenced a Motion made at the Taxi and Limousine Committee to reflect that the drop rate on the meter should be increased 10 cents more per mile thus leaving the drop rate at \$2.40. This means taxi drivers absorbing 30 cents or 15%. Numerous meetings have been held on this at Committee meetings. Mr. Richards stated he had no objections to the Dartmouth zone request. He requested Council's support on the 10 cents more per mile.

Mr. Richards advised that when drivers remit their income tax return they get back the full 15% back (gas, repairs).

Mayor Fitzgerald thanked Mr. Richards for his presentation.

DARSHAN S. VIRK

! Correspondence from Mr. Virk dated April 29, 1997 was distributed to Council.

Mr. Virk stated that the United Cab Drivers Association in Halifax do not want to add additional monies on the initial drop which is currently \$2.40. It is requested this amount remain the same. It was decided the tax should be added to the mileage at the current rate (\$2.40 - first mile \$1.50). A three mile ride in a taxi currently costs approximately \$6.90. The Committee is proposing to add 30 cents on each mile bringing the fare for a 3 mile ride in a taxi up 90 cents.

Mr. Virk stated that drivers did not ask for this tax and cannot afford to absorb this tax.

Councillor Adams enquired on the average fare collected. Mr. Virk responded between \$5 - \$6.00. Councillor Adams, for Council's information, read the Motion put forward at a Taxi and Limousine Committee meeting. The amendment was moved by Mr. Richards and seconded by Mr. Benoit who is a part owner of Green Cab Incorporated, and also the Vice-President of United Cab Drivers Association. Mr. Benoit seconded the amendment which was passed unanimously. Councillor Adams referenced documentation signed by Mr. Gallant and Mr. Virk, stating that Green Cab Incorporated and United Cab Drivers Association are against this, yet their representative on the Committee supported it.

Mayor Fitzgerald thanked Mr. Virk for his presentation.

Councillor Hetherington suggested this matter be deferred for one week.

MR. LINDSAY SHANNON

Mr. Shannon attended the Taxi and Limousine Committee meeting and everyone seemed to be in agreement. If something had changed as far as Dartmouth was concerned, that is a separate issue. The proposal seems to be what everyone desired at the meeting.

Mayor Fitzgerald thanked Mr. Shannon for his presentation.

MR. CARL HARE

Mr. Hare stated the majority would like to have the \$2.40 drop remain and put the mileage up to \$1.60. Also, his customers feel this is a good compromise. Mr. Hare asked Council to vote on this matter this evening.

Mayor Fitzgerald thanked Mr. Hare for his presentation.

Mayor Fitzgerald called three times for further comments from the public. There were none.

MOVED by Deputy Mayor Greenough and Councillor Hetherington to close the Public Hearing. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Deputy Mayor Greenough and Councillor Schofield to amend the Main Motion by changing the initial charge - for the Dartmouth Zone - from \$2.10 to \$2.25.

In speaking to the amendment, Councillor Cooper stated he was opposed to each zone being treated differently.

THE AMENDMENT WAS PUT AND PASSED.

A vote on the Main Motion, as amended, took place.

MOVED by Councillors Adams and Cunningham to give Second Reading to By-Law T-101 Respecting Taxis and Limousines, which amends the Taxi and Limousine By-Laws for each of the former municipalities - Municipality of the County of Halifax By-Law #10; City of Dartmouth By-Law #T-500, and the City of Halifax Ordinance #116 - to implement new taxi fares to take into account the HST imposed by the Provincial and Federal Governments on April 1, 1997, with one amendment, that being to change the initial charge for the Dartmouth Zone, from \$2.10 to \$2.25. MOTION PUT AND PASSED.

Another Motion for Third Reading was put on the floor.

MOVED by Councillors Adams and Cunningham to give Third Reading to By-Law T-101 Respecting Taxis and Limousines, which amends the Taxi and Limousine By-Laws for each of the former municipalities - Municipality of the County of Halifax By-Law #10; City of Dartmouth By-Law #T-500, and the City of Halifax Ordinance #116 - to implement new taxi fares to take into account the HST imposed by the Provincial and Federal Governments on April 1, 1997, with one amendment, that being to change the initial charge for the Dartmouth Zone, from \$2.10 to \$2.25. MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS AND DELEGATIONS

11.1 Correspondence

11.1.1 Ecology Action Centre, David Brickman, Chair, Transportation Issues Committee re Traffic Volumes, Annual Rider ship Data on Both Bridges

MOVED by Councillors Hendsbee and Snow to receive the correspondence as information. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 FCM re Deposit/Return Regulations on Beverage Containers

MOVED by Councillors Hendsbee and Stone that the Mayor forward a letter to the FCM supporting its initiative in this regard. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.3 Correspondence from Michael J. Hewitt re: Proposed Boundary Change, Hubbards

MOVED by Councillors Snow and Mitchell to receive the correspondence as information. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Petitions

11.2.1 Prospect Bay Road - Improvements to Shoulders of the Road

Councillor Mitchell passed a Petition from residents in the Prospect Bay Road regarding Improvements to Shoulders of the Road, to the Municipal Clerk.

11.2.2 Shiloh Drive and Karla Lane - Request for Upgrading / Paving

Councillor Mitchell passed a Petition from residents in the Shiloh Drive and Karla Lane

area regarding a request for upgrading and paving, to the Municipal Clerk.

Councillor Mitchell requested a copy of each of these petitions be forwarded to the Minister of Transportation and to Mr. Bruce Holland, MLA.

12. MOTIONS

12.1 Councillor Barnet

Councillor Barnet had served the following on April 22, 1997: Take notice that at the meeting of the Halifax Regional Council to be held on April 29, 1997 he intended to introduce a Motion requesting Halifax Regional Council to disband the Solid Waste / Resource Advisory Committee.

As this item was not discussed, Councillor Barnet requested it be placed on the May 6, 1997 agenda.

13. ADDED ITEMS

All added items were dealt with on page 5.

14. NOTICES OF MOTION - None

15. ADJOURNMENT

MOVED by Councillor Sarto and Hetherington to adjourn the meeting at 10:40 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
MUNICIPAL CLERK