

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES March 3, 1998

PRESENT:

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

REGRETS:

Councillors Bruce Hetherington
Jerry Blumenthal
Bill Stone

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 6:00 p.m.

Acknowledgement

At a later point in the meeting, Mayor Fitzgerald acknowledged the presence in the gallery of former City of Halifax Alderman, Brenda Shannon.

1. **APPROVAL OF MINUTES - February 10, 17 (afternoon session) and 17 (evening session)**

MOVED by Councillors Greenough and Cunningham that the minutes of February 10, 17 (afternoon session) and February 17 (evening session) be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were requested to be added to the agenda:

- 6.1 Mayor Fitzgerald - Motion re: Invitation to Political Leaders in Nova Scotia to appear before Council
- 6.2 Councillor Dooks - Municipal Tax Properties For Sale
- 6.3 Councillor Adams - Interim Tax Bills

The following items were deleted/deferred from the agenda:

- 4.4.5 Award of Contract - Development of GIS Strategy (deleted)
- 4.4.7 Street Lights (deferred to April 7, 1998 COW)

Councillor Kelly requested that Item 4.4.9 Solid Waste/Resource Management Strategy: Condominium Collection, be moved up on the agenda, as he had to leave early to attend a school meeting. The Committee agreed to the request.

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

3. **BUSINESS ARISING FROM THE MINUTES - None**

4. **REPORTS**

4.1. **REGIONAL TAXI AND LIMOUSINE COMMITTEE**

4.1.1 Freeze on the Number of Taxi Vehicle Licenses in the Former County of Halifax

C A report from Councillor Stephen Adams, Chairman, HRM Taxi and Limousine Committee, recommending:

- 1) a freeze on the number of taxi vehicle licenses in the former County of Halifax, was before the Committee for consideration, and,
- 2) a study be done on the advisability of applying the limitation.

C Copies of a letter dated 21 April 1993 from the Ground Transportation Committee, Halifax International Airport, to Mr. Mark Jamieson, regarding licensing process with the County of Halifax, were circulated to the Committee.

Deputy Mayor Rankin stated, in the absence of a study, he would recommend that this matter be deferred until such time this study is conducted, as previously directed by Council.

MOVED by Deputy Mayor Rankin and Councillor Kelly that this item be referred until such time there is a study, which was the direction from Council at an earlier date.

Councillor Adams stated Mr. Bob Richards had requested to speak on this matter. The Committee agreed to hear from Mr. Richards.

Mr. Bob Richards, Member, Regional Taxi and Limousine Committee, spoke in support of the freeze on the number of Taxi Vehicle Licenses in the former County of Halifax. Mr. Richards noted this matter was originally before Council in September 1997, at which time it was referred to staff for a report. The recommendation before Council at that time was for a freeze at 150 licenses. The present recommendation is for a limit of 175 licenses. Mr. Richards expressed concern with information not being requested from the Committee as to how it derived its recommendation, when the matter was referred to staff for a report.

(Councillor Hanson took his place at the meeting at 6:10 p.m.)

Mr. Richards questioned why a staff report has not yet come back to Council with respect to this matter. Mr. Richards explained the reasoning for the freeze is to provide stabilization and equity in the taxi industry throughout HRM. Currently, there are taxi license limits in the former Cities of Halifax and Dartmouth.

Deputy Mayor Rankin clarified the purpose of the referral is to bring forth the study, so Council can examine the merits of the proposal.

In response to a question from Councillor Sarto regarding the background information supporting the Committee's recommendation, Councillor Adams, Chair, Halifax Taxi and

Limousine Committee, stated all of the information provided by the Committee is in the report. Councillor Adams stated many taxi drivers of the former cities of Halifax and Dartmouth are concerned that if the number of licenses in the former County is not frozen, there will be a continued influx of cars into that area, and, at some time, they may come into the former cities to work. Therefore, the current zones now in place will be broken down and so will the limitations. Councillor Adams stated, at the present time, there is no substantive information to suggest that 175 is the correct number of licenses that should be in the former County.

With respect to the proposed study, Councillor Sarto stated this should be done internally. He noted the freeze in Dartmouth was based on supply and demand.

Councillor Hendsbee expressed concern with the terminology used in the report, and suggested the former County area should be referred to as the "urban core area of the former County" in this matter. A licence freeze in the entire former County will inhibit opportunities for the rural areas to start limousine or taxi services.

In response to a question from Councillor Snow inquiring if the taxi drivers of the former County have been informed of the Committee's recommendation, Mr. Richards replied in the affirmative. Councillor Snow suggested the Taxi and Limousine Committee should be permitted to perform its work of looking after taxis in HRM as directed by Council.

Councillor Harvey suggested the two parts of the Committee's recommendation should be reversed, and the study completed before any freeze is implemented.

Councillor Cooper noted there are many differing interests and opinions on the Regional Taxi and Limousine Committee. However, the Councillor stated this matter was brought forward in order to avoid the situation experienced by the former cities of Halifax and Dartmouth where there were more cars than necessary. Councillor Cooper suggested it is better to put a temporary freeze in place now until this matter can be studied with proper recommendations.

Councillor Adams stated it was his intention, as Chairman of the Regional Taxi and Limousine Committee, to direct the Committee to incorporate any changes into the new by-law, which should be before Council in April or May. The Councillor suggested some reassurance by Council that the zones will remain in place and will help alleviate the concerns of the taxi drivers. Councillor Adams suggested the matter could be referred back to the Taxi and Limousine Committee to determine how many taxis should be in the former County area.

With the agreement of the Mover and Seconder, Councillor Adams suggested the motion should be amended to include that Council endorses the existing zone system in HRM.

The amended motion now read as follows:

MOVED by Deputy Mayor Rankin and Councillor Kelly that this item be referred until such time there is a study completed, which was the direction from Council at an earlier date, and that Council endorses the existing zone system in HRM.

Councillor Kelly questioned what the time frame will be to have the study brought back to Council. Councillor Adams stated there are no resources in HRM to complete this study. He suggested the freeze may not be necessary if the motion is passed to show support of the zone system. Councillor Kelly suggested the amended motion, with the endorsement of the zone system, be referred back to the Regional Tax and Limousine Committee for a recommendation. Councillor Adams stated there is a Regional Tax and Limousine Committee meeting on March 23, at which time this can be addressed with a report coming back to Council.

MOVED by Councillors Kelly and Adams that it be recommended to Council that this matter be referred back to the Regional Tax & Limousine Committee to come forward with a recommendation as soon as possible. MOTION PUT AND PASSED.

The Committee dealt with Item 4.4.9 Solid Waste/Resource Management Strategy: Condominium Collection, next on the agenda.

4.4.9 Solid Waste/Resource Management Strategy: Condominium Collection

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

- C Correspondence from Michelle M. Klassen, Halifax County Condominium Corporation #178; Wanda MacMillan, Elite Management Services; Bob Thompson, General Manager, Granbury Place; Harvey MacRae, Halifax County Condominium Corporation #12; and, Mr. Bill Gemmell, Canadian Condominium Institute, Atlantic Chapter, regarding the above, was before the Committee for consideration.

Mr. Brian Smith, Director, Business Operations, briefly reviewed the supplementary report, noting staff is recommending Option 1, which is to discontinue large condominium collection.

Mr. Mark Bernard, Manager, Waste Resources, reviewed the three options contained in the supplementary report.

Mr. Smith noted it was the general sense from the meeting held with the condominium owners that their preference would be Option 3, which is to offer large condominium collection with "tailored" collection service. This option would be an addition to the budget.

Mr. Smith stated, if the budget is stretched, Option 2, which is to offer large condominium collection with "normal" delivery frequencies and bin service, could be accomplished.

Members of the public who requested to speak on the matter were invited to come forward at this time.

Mrs. Shirley Demone, Resident, Lake Banook Woods

Mrs. Shirley Demone stated Lake Banook Woods consists of 114 units, of which two-thirds are occupied by retirees. The approximate tax revenue generated from residents of this condominium is \$230,000. Services provided by HRM are limited, and the condominium is quite self sufficient in most areas of service provided to single dwelling homeowners. Currently, Lake Banook Woods has solid waste collection service three times per week, which Ms. Demone stated is necessary. In closing, Mrs. Demone requested Council give this issue careful consideration before making a decision, noting the condominium residents are only asking for fairness, and not discrimination.

Dr. Anthony DeFreitas, Resident, Regatta Point

Dr. Anthony DeFreitas stated Regatta Point Condominium is a 26 acre facility that consists of high-rise and row house condominiums. It is the feeling of most condominium owners that it would be extremely unjust to penalize condominiums, as they are residential units and would basically have to pay double taxation. Dr. DeFreitas stated Option 3, finetuned by staff to meet the needs of the condominiums, would create justice in the system. Dr. DeFreitas suggested the condominium owners may be able to take HRM to court on this issue, if it was obvious there was discrimination against them. In Dr. DeFreitas' building, which consists of 46 units, solid waste collection is currently performed twice a week.

Mr. William Gemmell, President, Atlantic Chapter of the Canadian Condominium Institute

Mr. William Gemmell submitted copies of his presentation, which he read into the record. In closing, Mr. Gemmell requested the Committee to reconsider the proposal from staff, and not indirectly increase the municipal tax rate for condominium owners. Mr. Gemmell suggested Option #3 of the staff report should be implemented.

In response to a question from Mayor Fitzgerald, Mr. Gemmell stated the condominium unit in which he resides receives solid waste collection twice per week.

Mr. Alan Heffler, Resident, Convoy Estates

Mr. Alan Heffler spoke on the matter stating the Municipality has to assess the unique needs of large condominiums, making the following points:

- C In 1991, the former Halifax City Council agreed that condo owners pay considerable taxes and should have garbage removal included with their taxes.
- C In 1997, Convoy Estates, consisting of 132 units, generated \$214,000 in property taxes.
- C Convoy Estates budgets \$20,000 for snow removal and pays Nova Scotia Power Inc. in excess of \$3,000 for street lights.
- C If condominium corporations could get together with municipal staff, less collection times could be made for most condominiums.
- C To cut out the solid waste collection service for condominiums would not be fair.
- C Convoy Estates currently receives collection four times per week. Each collection takes about fifteen minutes.

In response to a question from Councillor Walker, Mr. Heffler stated the problem condominiums have with less collection service is the lack of storage space for the garbage. He suggested Convoy Estates may be able to cut back to three collections per week.

Mr. Andrew Metlege, President, Halifax County Condominium Corporation #44

Mr. Andrew Metlege stated his condominium currently receives solid waste collection service six times per week. This level of service is required due to the design of the building and the lack of space for increased garbage storage. He noted storage problems have already been created with recycling. Mr. Metlege requested the Municipality to at least provide a credit on property taxes for condominium owners to allow them to hire private contractors to provide the level of service required.

(Councillor Kelly left the meeting at 7:05 p.m.)

Hon. Gerald O'Malley, Minister of Labour

Mr. Gerald O'Malley, speaking in support of condominium owners, particularly Halifax County Condominium Corporation #12, complimented Council on its work in environmental protection and its efficient and cost effective solid waste management. However, Mr. O'Malley questioned if the criteria used by staff to formulate its recommendation, with respect to solid waste collection for condominiums, has been established fully, correctly, justly and fairly. Services to the public, including garbage collection, are provided based on a taxable structure which is based on the assessed value of the building. The services that accommodate the structure of the building are included in the assessed value. Mr. O'Malley stated if there is a reduction in service, the assessed value of the building is diminished. Therefore, taxes should be reduced accordingly. Mr. O'Malley stated the condominium owners are simply asking for fairness and equity. In closing, Mr. O'Malley suggested the status quo should continue, or Council should ensure the weekly accumulation of garbage is picked up for the taxes being rendered.

Mr. Douglas Owen, Resident, Granbury Place

Mr. Douglas Owen stated living in a condominium is not a commercial enterprise or institutional, it is the residents' homes. Full residential taxes are paid at all times. Granbury Place, a 200 unit building, generates in excess of \$300,000 per year in municipal taxes. Mr. Owen stated it is important to understand that condominiums are the way of the future, and house many seniors. Mr. Owen noted the issue of solid waste collection for condominiums is targeting over 4100 individual homeowners, spread over 70 buildings, and generates an excess of \$6 million in taxes. Mr. Owen stated it is much more time consuming to pick up garbage at single dwelling homes than it is for condominium buildings. With respect to the staff report, Mr. Owen questioned where condominiums fit into the ICI category. Mr. Owen expressed concern with Granbury Place, the largest condominium east of Montreal, not receiving notice from municipal staff about the meeting. In closing, Mr. Owen stated if the service is not continued to condominium owners, they will have to pay for it themselves as well as through their taxes.

Councillor Epstein stated if the solid waste service is extended to all other equivalently placed condominium buildings, it represents an extra cost for HRM of \$200,000 - \$400,000 and this will sooner or later show up on the tax bill. In response, Mr. Owen referred to the Budget Implications Section of the staff report dated January 14, 1998, which states: *There are no immediate budget implications. The actual residential collection costs, and, therefore, budget implications, will be determined by the tender process. However, the addition of the residential organic stream is expected to increase collection costs.* Mr. Owen stated an additional necessary service of organic separation has been introduced, and the condominium owners are being targeted for this introduction. He also stated the condominium owners would be willing to negotiate a position of less service, but the service cannot be completely discontinued.

Ms. Aileen Twohig, Resident, Halifax County Condominium Corporation #155

Ms. Aileen Twohig stated, as a condominium owner, she takes exception to being targeted due to the new garbage collection that will be taking place. With respect to ICI revenue loss potential, and the statement in the staff report that reads as follows: *It is very difficult for HRM to determine whether the material delivered to processing facilities by front loader and roll on/roll off trucks contains residential or ICI material,* Ms. Twohig questioned what condominium owners would be putting on the trucks. In response to a question from Councillor Walker, Ms. Twohig stated her condominium currently receives pick up twice per week.

Mr. Andrew Ritcey, Resident, Halifax County Condominium Corporation #133

Mr. Andrew Ritcey stated condominiums are assessed the same as home owners, and apartments are assessed differently. The staff recommendation is to collect solid waste from apartment buildings of six units or less. Mr. Ritcey pays over \$1600 per year, and he expects to have solid waste collection provided. If condominiums do not receive collection

services from the Municipality, condominium fees will increase. Mr. Ritcey expressed concern that the efforts of the condominiums with respect to recycling may be discouraged by some if the solid waste collection service is changed. In closing, Mr. Ritcey stated the condominium owners should be entitled to the same services and opportunities paid for by their taxes as other homeowners. Mr. Ritcey stated his condominium currently receives two collections per week, and could probably be reduced to one.

Mr. Bruce Ford, Treasurer, Halifax County Condominium Corporation #178

Mr. Bruce Ford suggested his condominium may not be affected by this package, as it is a group of 18 townhouses which currently receives curbside pick up once per week, which they believe is adequate. Mayor Fitzgerald confirmed this particular condominium would not be impacted. With respect to other condominium owners, Mr. Ford suggested Option 1 amounts to a form of discrimination and should be replaced with Option 2 or 3.

Deputy Mayor Rankin stated the inequity in solid waste collection services is in the fact that one-half of the condominium owners do not receive this service today. The provision of this service to all condominium owners, is a huge positive step towards equity. Deputy Mayor Rankin stated the strategy has to be fair for all property owners, not just condominiums, and suggested Option 2 provides for this.

MOVED by Deputy Mayor Rankin and Councillor Mitchell that Council adopt Option 2 which offers Large Condominium Collection with "Normal" Delivery Frequencies and Bin Service.

Councillor Greenough noted there have been some suggestions to adjust the level of service currently received by some condominiums. The Councillor stated Council needs to know what that reduced level of service could be and the cost implications, before making any decision. With respect to condominiums where the units are rented, Councillor Greenough suggested they may be able to be classified as commercial operations.

Councillor Walker stated he will support Option 3, which offers Large Condominium Collection with "Tailored" Collection Service. The Councillor requested information regarding the average condominium unit assessment and how much of the tax bill goes towards solid waste. Councillor Walker also requested a report on the actual costs of the increase from Option 2 to Option 3.

Councillor Cunningham agreed with the residents who spoke on this matter, noting a precedent has been set with respect to collection service for condominiums. The Councillor stated the time frame to pick up garbage for condominiums is an important factor to be considered.

Councillor Hendsbee stated his preference would be Option 2, as Options 1 and 3 would bring unfairness and discrimination to the tax structure.

Councillor Harvey stated he supports the motion to the extent that all condominiums should be treated the same. However, if an option is being offered that many complexes cannot take advantage of, nothing is really being offered. The Councillor suggested something could be added to Option 2 that would provide a tax rebate to put towards private collection, if one collection per week is not sufficient.

In response to a question from Councillor Sarto, Mr. Smith stated, in terms of refining taxation data to identify condominiums, it is very difficult. However, staff can bring back more detail on the cost calculations for the three options.

In response to a question from Councillor Barnet, Mr. McLellan stated the intention under Option 2 is that mixed waste will be picked up weekly until the new strategy is rolled out. Councillor Barnet stated he supports Option 2 as it is fair and reasonable.

Councillor Mitchell inquired where the \$433,000 will be obtained if Option 3 is adopted. Mr. McLellan replied it would represent an additional levy on the tax dollar. With respect to tax rebates, Mr. McLellan noted this is not provided for other services in HRM.

Councillor Schofield stated he did not believe Option 2 is fair, and he would prefer Options 2 or 3.

Councillor Harvey stated he would have to have the financial information regarding credits before supporting Option 2 in its present form. The Councillor noted when condominiums are built in the future, they will have to be designed to accommodate the solid waste strategy.

Councillor Walker extended an invitation to Council to visit 45 Vimy Avenue, a 200 unit condominium complex, to view the limited area available for garbage storage.

Mr. McLellan clarified that additional pickups can be arranged through a private hauler under Option 2. However, the Municipality will only provide one pick up per week.

MOVED by Councillors Greenough and Schofield that it be recommended to Council that this matter be referred back to staff to review and further define the minimum level of solid waste service collection required by condominium owners in HRM and the associated costs of this service, for the next Committee of the Whole meeting. MOTION PUT AND PASSED.

RECESS

MOVED by Councillors Greenough and Sarto that the meeting recess at 8:05 p.m. to proceed with the Public Hearings. MOTION PUT AND PASSED UNANIMOUSLY.

The meeting reconvened at 8:20 p.m.

4.2 ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

4.2.1 Accessible Parking Signage

- C A report from Darrell Robar, Chair, Advisory Committee for Persons with Disabilities, regarding accessible parking signage, was before the Committee for consideration.

MOVED by Councillors Hendsbee and Sarto that it be recommended to Council that Council approve a directive for the review of any regulations which affect the design and placement of accessible parking spaces and that consideration be given to make these regulations retroactive. MOTION PUT AND PASSED UNANIMOUSLY.

4.3 HERITAGE ADVISORY COMMITTEE

4.3.1 Heritage Registration - Starr Manufacturing Building

- C A report from the Heritage Advisory Committee regarding the Starr Manufacturing Building, was before the Committee for consideration.
- C Correspondence from the Shubenacadie Canal Commission supporting the Heritage Advisory Committee's recommendation, was before the Committee for consideration.

Mr. Turney Manzer, Chair, Heritage Advisory Committee, addressed the Committee speaking in support of the Heritage Advisory Committee's recommendation regarding heritage registration of the Starr Manufacturing Building. Mr. Manzer noted it is the only wood frame industrial building of its style, size and era existing in this area, and probably in all of Nova Scotia. Mr. Manzer further noted the building is also closely connected to the history of Dartmouth and the Shubenacadie Canal.

Councillor Cunningham stated the Starr Manufacturing Building has been an important landmark in Dartmouth for many years and has a great deal of community interest. However, he suggested the request for heritage registration may be a little premature in light of the work currently being done with respect to this property. The Councillor suggested the item be deferred until staff has had an opportunity to present options for this property, and the costs, to the Harbour East Community Council.

MOVED by Councillors Cunningham and Greenough that this matter be deferred until staff has had an opportunity to present options for this property, and the costs, to the Harbour East Community Council.

Councillor Harvey expressed concern with the process being followed, and stated the next step is to have a public hearing at which time all the pros and cons of the recommendation will come forward to Council.

MOTION DEFEATED.

MOVED by Councillors Harvey and Adams that it be recommended to Council that it consider the recommendation of the Heritage Advisory committee for heritage registration of the Starr Manufacturing Building, as set out in the Heritage Advisory Committee report dated February 27, 1998, at a public hearing, and that the date of April 14, 1998 be set for this public hearing.

Councillor Greenough stated he was not against the heritage registration of the building, but suggested it was in the best interest of the community of Dartmouth that the planning step previously directed by Council be taken first.

Councillor Epstein spoke in support of the motion, noting all pros and cons and possible uses of the site, can be brought forward and discussed at the public hearing.

Councillor Cooper noted the Harbour East Community Council has been considering this matter and have requested further staff reports. Therefore, the Community Council would consider it inappropriate to hold a public hearing prior to these reports being prepared.

MOVED by Councillors Cooper and Greenough that the motion be amended to state the public hearing will be scheduled pursuant to the requested reports being completed for the Harbour East Community Council. MOTION DEFEATED.

The main motion, as follows, was now back on the floor:

MOVED by Councillors Harvey and Adams that it be recommended to Council that it consider the recommendation of the Heritage Advisory committee for heritage registration of the Starr Manufacturing Building, as set out in the Heritage Advisory Committee report dated February 27, 1998, at a public hearing, and that the date of April 14, 1998 be set for this public hearing.

Councillor Schofield stated the heritage issue of this property should be dealt with first before any development of the property.

Councillor Adams spoke in support of the motion to determine the opportunities for this property.

Councillor Harvey stated heritage registration still leaves ample options for this property for Council to consider.

MOTION PUT AND PASSED.**RECESS**

A fifteen minute recess was taken at 8:40 p.m. The meeting reconvened at 8:55 p.m.

4.3.2 Substantial Alteration - Case 7555 - 5651-53 Victoria Road

- C A report from the Heritage Advisory Committee regarding the above, was before the Committee for consideration.
- C Correspondence from Heritage Trust of Nova Scotia, opposing the substantial alteration, was before the Committee for consideration.

Mr. Dan Norris, Regional Heritage Coordinator, presented the Heritage Advisory Committee report, noting the Development Agreement will be coming back to the Peninsula Community Council for approval.

MOVED by Councillors Harvey and Uteck that it be recommended to Council that the Substantial Alteration (as part of the Development Agreement) be approved with the changes that have been made; and, further that the Heritage Advisory Committee is satisfied that the application meets Parts A and B of Policy 6.8 of the City Wide Heritage Policy of the Halifax MPS.

Mr. John Lazier, President, Heritage Trust of Nova Scotia, spoke against the proposal, as it was the opinion of Heritage Trust of Nova Scotia that the proposal, in its present form, does not meet the tests set out in either Heritage Policy 6.8 or the South End Area Heritage Resource Policy 5.1.

Councillor Epstein noted the points being raised by Heritage Trust were raised in a previous piece of litigation in which Heritage Trust was involved a number of years ago. The litigation was in respect to the Brenhold proposal for a building on Summer Street. This question of the interpretation of Policy 6.8 of the municipal development plan came up and was extensively discussed both by the Planning Appeal Board, and, ultimately, by the Nova Scotia Court of Appeal. Councillor Epstein noted quite a lengthy decision of the Nova Scotia Court of Appeal exists with respect to interpretation of Policy 6.8.

Councillor Epstein stated normally he would have agreed with what Heritage Trust had to say, but the Court essentially stated it was wrong. However, the Councillor stated the Court of Appeal decision is not entirely clear as to whether the court is stating it is a matter of discretion how Council and the Heritage Advisory Committee wants to interpret these policies; or, if the Court is stating that it is mandatory to accept the removal of part of a building, and the leaving of the facade, as the only reasonable interpretation. Councillor Epstein inquired if there is any room after the Court of Appeal decision for discretion, or whether Council is mandated to take the view that is being urged by the staff report.

Mr. Anstey recalled the argument by the former City of Halifax in the Brenhold case was the significant aspect of that particular building was the facade, which he believed the Court accepted. So, to that extent, the cases may be different. Mr. Anstey suggested Legal Services could review the Brenhold case and bring an information report forward to Council next week. Councillor Epstein stated that would be very useful.

MOVED by Councillors Uteck and Walker that this matter be referred to Council without recommendation. MOTION PUT AND PASSED UNANIMOUSLY.

4.4 CHIEF ADMINISTRATIVE OFFICER

4.4.1 Award of Tender No. 97-344, Wyse Road Upgrading, Faulkner St. to Albro Lake Road, East District

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

Councillor Schofield inquired if this project has been extended to Faulkner Street through the Infrastructure Program, to which Mr. Kulvinder Dhillon, Director, Engineering Services, responded in the affirmative. Mr. Dhillon stated sidewalks will be installed in the few places of this area which currently do not have them.

MOVED by Councillors Schofield and Cunningham that it be recommended to Council that Council award Tender No. 97-344, Wyse Road Upgrading, Faulkner Street to Albro Lake Road, East District, Option "B" to Ocean Contracting Ltd., at a Tender Price of \$662,382.46 Gross, \$220,794.15 Net, and a Total Project Cost of \$750,000.00 Gross, \$250,000.00 Net, with funding authorized from Capital Account No. 95470, Resurfacing. MOTION PUT AND PASSED UNANIMOUSLY.

4.4.2 Award of Tender No. 97-365, Street Improvements, MacDonald Street - Chebucto Road to Quinpool Road, West District

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

MOVED by Councillors Epstein and Walker that it be recommended to Council that Council award Tender No. 97-365, Street Improvements, MacDonald Street - Chebucto Rd. to Quinpool Rd., West District, to Basin Contracting Ltd., at a Tender Price of \$322,960.83 and a Total Project Cost of \$371,405.00 with funding of \$363,524.00 authorized from Capital Account No. 95479, Street Improvement Program and \$7,881.00 from Capital Account No. 95470, Resurfacing, Various Locations. MOTION PUT AND PASSED UNANIMOUSLY.

4.4.3 Award of Tender No. 98-213, Avon Crescent Storm Sewer

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

MOVED by Councillors Adams and Hanson that it be recommended to Council that Council award Tender No. 98-213, Avon Crescent Storm Sewer to W. Eric

Wheppy Ltd. for materials and services specified at the unit prices quoted for a Total Tender Price of \$151,255 and a Total Project Cost of \$173,909 with funding from the Capital Account Number noted in the Budget Implications section of the staff report dated February 23, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

4.4.4 Award of Quotation 97M431 for Three (3) Year Contract on Police Uniform Clothing (Fire Retardant)

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

MOVED by Councillors Mitchell and Snow that it be recommended to Council that Council award Quotation 97M431 for a three (3) year contract to Horace Small Apparel for Police Fire Retardant Uniform shirts and trousers through their Operating Budget Account #01-24337-1502. MOTION PUT AND PASSED UNANIMOUSLY.

4.4.5 Award of Contract - Development of GIS Strategy

This item was deleted during the Approval of the Order of Business and Approval of Additions and Deletions.

4.4.6 By-Law B-201, Respecting the Building Code

C A staff report prepared for Dan English, Commissioner of Community Services, regarding the Proposed By-Law B-201, Respecting the Building Code, was before the Committee for discussion.

Councillor Cooper questioned how this by-law will affect accessory buildings. Mr. Ed Thornhill, Regional Coordinator of Inspection Services, Development Services, replied permits and plans are still required for any accessory buildings, but the details are not required to be as specific as outlined in Appendix A of the staff report. Mr. Mike Hanusiak, General Manager, Development Services, added the Building Code Act will dictate the level of detail required. With respect to decks, staff is in the process of publishing a self-help guide for contractors and homeowners.

Councillor Epstein inquired about the intent of the proposal to eliminate occupancy permits for buildings which existed prior to the Building Code Act implemented in 1987. Mr. Hanusiak replied there were very different approaches to the issuance of occupancy permits for older houses in the previous municipal units. It is very difficult for inspectors to go into buildings where no building occupancy permit has ever been issued and attempt to equate them to present day standards.

Councillor Epstein inquired if there is any opportunity to encourage anyone who is demolishing a building to attempt to extract value from the materials by way of reusing

those materials in some other form. Mr. Hanusiak replied there is no legal mechanism to incorporate some mandatory activity in the by-law. However, staff has suggested there needs to be a public education program in place regarding this matter.

Councillor Hendsbee inquired what penalties are in the by-law if permits are not obtained. Mr. Hanusiak replied the Provincial Building Code states it is an offence to build without a permit; and, therefore, there is no reason to restate this in the by-law. The Provincial legislation would dictate any penalties.

In response to a question from Councillor Schofield regarding fences, Mr. Hanusiak replied the Provincial Building Code Act and Regulations removed all requirements for fencing. In consultation with the Province, staff has been moderately successful in getting the Province to recognize there is a need for some type of fencing regulation. With this by-law, staff is attempting to come up with a short term solution.

Councillor Barnet expressed concern with the minimum required information for building permit applications for fences and the costs this will create for homeowners. Mr. Hanusiak stated staff wants to ensure fences are designed and anchored in the ground properly to avoid possible disputes between property owners at a later date.

MOVED by Councillors Sarto and Walker that By-Law B-201, Respecting the Building Code, proceed to Second Reading. MOTION PUT AND PASSED.

4.4.7 Street Lights (Request for Deferral)

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

Staff was requesting a deferral due to the extensive amount of research required to provide a complete response to the number of lights involved with condominiums and co-ops.

This item was deferred during the Approval of the Order of Business and Approval of Additions and Deletions.

4.4.8 Argyle Street Design Study

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

MOVED by Councillor Downey and Deputy Mayor Rankin that it be recommended to Council that:

- 1. No further action be taken on the study recommendations to implement a permanent realignment of sidewalks on Argyle Street at this time;**

2. **Funding to replace street lights and undertake landscaping measures, as recommended by the Parker study, be introduced in the capital budgeting programme as financial resources become available;**
3. **The Municipality continue to grant approvals for temporary sidewalk cafes on Argyle Street on a seasonal basis; and**
4. **Staff bring forward revised approval and design requirements for temporary sidewalk cafes either through amendments to the policies previously approved by Council or through a sidewalk cafe by-law if the required enabling provisions under the HRM Act are approved by the Province. MOTION PUT AND PASSED UNANIMOUSLY.**

4.4.9 Solid Waste/Resource Management Strategy: Condominium Collection

This item was dealt with earlier in the meeting.

4.4.10 Canadian Capital Cities Organization

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

MOVED by Councillors Hendsbee and Mitchell that it be recommended to Council that Council invite the Halifax Foundation to take the lead role for the Halifax Regional Municipality in the Canadian Capital Cities Organization. MOTION PUT AND PASSED UNANIMOUSLY.

4.4.11 Ferry Concession Stands

Mr. Brian Smith, Director, Business Operations, noted ferry token usage has decreased since Council approved the ferry fare increase last year to bring it in line with the bus fare. Therefore, staff felt it was unnecessary to provide staff to operate what is essentially a change making function. Tickets are available at 65 outlets around metro. It is anticipated that \$65,000 annually will be saved by the elimination of the ferry concession stands.

Mr. Robin West, union representative for the ferry concession workers, stated he learned of the union members being laid off five minutes before they received their notices. Mr. West stated he had a copy of a notice that was given to the employees of the Ferry Service, and suggested, in his opinion, it was a little misleading. Mr. West stated ferry passengers were always able to use transit tickets, monthly passes, cash and transfers for both ferry and bus service. The only difference now is those using the ferry service do not have to pay an additional fifteen cents to obtain a bus transfer. Mr. West stated the ferry

concession stand workers perform other duties such as selling bus tickets and passes, making change, as well as providing a lot of public information.

Mr. West stated the union has a history of working with staff to keep costs down. He noted the concession stands bring in \$20,000 per year in revenue. Mr. West suggested there are other methods of reducing costs at the ferry terminals other than eliminating the concession stands. Mr. West noted there are commissionaires working at the terminals, at a cost of \$120,000. Mr. West suggested union members can do the same job for half the cost. The commissionaires would not lose their jobs, but would be reassigned to another location with the Corps. Mr. West stated it is his understanding that staff is considering hiring another commissionaire during peak service. Mr. West suggested time needs to be granted to allow staff and the union the opportunity to meet to discuss possible alternatives. In response to a question from Mayor Fitzgerald, Mr. West stated there are four full-time and two part-time employees at the concession stands.

Councillor Cunningham spoke on behalf of Holly Lagere, a ferry concession stand employee, as she was ill and unable to speak as requested earlier. Councillor Cunningham shared the concerns and comments expressed by Mr. West, and made the following points:

- C Ferry users will be seriously impacted by the change in service and may decide to drive across the bridge rather than take the ferry.
- C Hundreds of business people in downtown Dartmouth take the ferry to Halifax on an irregular basis, as do evening passengers, and they may not have the exact change.
- C Staff of the concession stands are ambassadors to the area by answering many questions and offering directions, and are the initial contact with the many tourists using the ferry service.
- C The suggestion of locating a tourist bureau in the ferry terminals appeals to Mr. Lew Rogers, Director, Tourism, and it may be able to be accomplished this year. Mr. Rogers has indicated he would be willing to open a tourist bureau in these locations from June 1 to the end of September.

Councillor Cunningham suggested the ferry concession service should be continued until the tourist bureau can be implemented in June.

MOVED by Councillors Cunningham and Schofield that the Chief Administrative Officer take this matter under immediate advisement and meet with the appropriate staff to ensure that this operation can continue until June 1, at which time the operation will be taken over by Tourism for the summer.

Councillor Adams supported the motion and suggested the \$65,000 savings is minimal compared to the hardships it will cause for the six employees.

Councillor Greenough also supported the motion, stating the situation deserves the merit of study.

Councillor Hendsbee spoke against the motion, stating the overall Operating Budget has to be examined and not just a few positions. If taxes are to be kept in line, some concessions will have to be made either in cuts in services or personnel.

Councillor Downey stated he could support the motion if assurance was given that Tourism will take the stand over by June 1. Mr. Meech stated he has not been involved in any discussions regarding establishing a tourist bureau in the ferry terminals. With respect to the motion, Mr. Meech asked for clarification if the intent of the motion is to refer it to his office to review the situation, analyse it, and then determine whether or not the action should be changed. Mr. Meech stated if he is being asked to revisit the matter to see if there is some potential for what Councillor Cunningham has mentioned, he would be glad to do that. However, if it is being referred to give instruction, he would be opposed to that action, as he did not believe this is the forum to conduct labour negotiations. Councillor Cunningham agreed with Mr. Meech, and asked that he address the issue as soon as possible under those terms. There was a general consensus that the motion be amended to read as follows:

MOVED by Councillors Cunningham and Schofield that it be recommended to Council that this matter be referred to the Chief Administrative Officer to explore possible alternatives.

Councillor Sarto suggested staff could meet with Mr. West to see if there are cost savings to be achieved in the ferry operation.

MOTION PUT AND PASSED.

MOVED by Councillors Cooper and Barnet that the meeting extend past 10:00 p.m. MOTION PUT AND PASSED.

4.4.12 Request to Amend the Municipal Planning Strategy for Dartmouth

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

MOVED by Councillors Snow and Hendsbee that it be recommended to Council that Council initiate a process to amend the Municipal Planning Strategy for Dartmouth for the purposes of considering an extension of the Development Boundary to include all lands known as Craigwood Estates and that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

Councillor Cooper spoke against the motion stating the pilot project should be completed, and the new Porter Dorter Dillon study completed or assessed, before this is undertaken. Ms. Susan Corser, Planner, stated this was discussed among staff and no final recommendation would be made by staff, or public hearing held, until the pilot project is completed successfully.

Councillor Greenough expressed concerns with going to the public with a proposal contingent on a pilot project which is yet to commence. However, given assurance that the process identified is reasonable and everything is contingent upon the pilot project being successful, the Councillor is now reluctantly in favour of going forward. Councillor Greenough noted, if it is determined there is extra capacity, the adjacent landowners would be interested in it for their undeveloped lands. With respect to Page 3 of the staff report suggesting a change in zoning to comprehensive development, Councillor Greenough stated this is unacceptable as what is being proposed is already permitted currently on the lands which are zoned R-1. He requested that this section of the report be deleted as it is not required. Ms. Corser confirmed this section is not necessary.

In response to a question from Councillor Barnet, Mr. Dhillon stated the pre-design of the Porter Dillon study is completed and the detailed design will follow. Councillor Barnet supported staff's recommendation noting there are issues that need to be addressed other than the ability to service this land with sewer and water, such as the ability to support children at schools.

Councillor McInroy stated the major concern he has is that the sewage capacity is not being reassigned from one area to another, it is capacity that is going to be recovered from a faulty system. He asked if the abutting lands will qualify for any capacity that is identified. Ms. Corser replied, if the sponsors of the study can demonstrate the capacity exists, they would expect to receive it. However, they have alluded in the report that there may be additional capacity realized through this program, over and above what they would require to service their lots. In response to a question from Councillor McInroy, Mr. Roger Wells, Planner, stated the full implications of the capacity issue will be brought back to Council in the staff report. Councillor Greenough noted in the former City of Dartmouth, there was a clear understanding that whatever capacity was defined in that system, it would be shared with the landowners with vacant land to be developed, and that premise has not changed. The Councillor stated his support of this project going forward is contingent on that premise.

MOTION PUT AND PASSED.

4.4.13 Spring Weight Restrictions

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

MOVED by Councillors Snow and Greenough that it be recommended to Council that Council approve maximum vehicle weight restrictions as per Schedule A of the staff report on streets not shown in Schedule B of the report, from March 16, 1998 to April 26, 1998, and to authorize the Engineer to change the weight restrictions and list of exempted roads as conditions warrant .

Councillor Barnet expressed concern that last year some signs were not located in the same locations as in the past. The Councillor supported the motion and commended staff for moving ahead in this direction with respect to this issue.

MOTION PUT AND PASSED UNANIMOUSLY.

4.4.14 Committee of the Whole Meeting - March 24

- C A staff report prepared for Dan English, Acting Chief Administrative Officer, recommending that a Committee of the Whole meeting be held on March 24th commencing at 3:00 p.m., followed by the regularly scheduled Council meeting at 6:00 p.m., was before the Committee for consideration.

Councillor Walker expressed concern with the recommendation of holding a Committee of the Whole meeting in the afternoon. The Councillor noted a similar problem with the meeting schedule arises in June.

MOVED by Councillors Walker and Adams that it be recommended to Council that there be a Committee of the Whole meeting on March 24, commencing at 6:00 p.m. with a Public Hearing, and a Regular Council Session on March 31; further, that the June 9, 1998 Regular Session be cancelled due to the FCM Conference, and that the June 16, 1998 Committee of the Whole meeting be changed to a Regular Council Session; the June 23, 1998 Regular Council Session be changed to a Committee of the Whole meeting; and, that there be a Regular Council Session on June 30, 1998.

Several Councillors spoke against the motion, suggesting that the Committee of the Whole meeting be held during the afternoon of March 24th, as proposed in the report.

MOTION DEFEATED.

MOVED by Councillors Greenough and Cunningham that it be recommended to Council that there be a Committee of the Whole session commencing at 2:00 p.m. on Tuesday, March 24, 1998, followed by a Regular Council Session at 6:00 p.m. for Public Hearings.

Councillor Walker spoke against the motion stating it is difficult for the public to attend afternoon meetings.

MOTION PUT AND PASSED.

MOVED by Councillors Walker and Hendsbee that it be recommended to Council that the June 9, 1998 Regular Session be cancelled due to the FCM Conference, and that the June 16, 1998 Committee of the Whole meeting be changed to a Regular Council Session; the June 23, 1998 Regular Council Session be changed to a Committee of the Whole meeting; and, that there be a Regular Council Session on June 30, 1998. MOTION PUT AND PASSED.

6. ADDED ITEMS

6.1 Mayor Fitzgerald - Motion re: Invitation to Political Leaders in Nova Scotia to appear before Council

This item was dealt with at a Council meeting during the Special Session/Public Hearings held earlier in the evening.

6.2 Councillor Dooks - Municipal Tax Properties For Sale

Councillor Dooks requested that this item be carried over to the next week. Council agreed to the request.

6.3 Councillor Adams - Interim Tax Bills

Councillor Adams stated he received a number of phone calls with respect to the interim tax bills. Confusion was expressed, particularly in the Herring Cove area, with respect to the suburban and urban rate, and some individuals were charged the urban rate. Councillor Adams acknowledged that staff has done some work in correcting this issue, but he asked if the individuals affected could be notified of the changes. He also had some specific assessment inquires for which he passed the assessment account numbers to the Clerk.

7. ADJOURNMENT

MOVED by Councillors Greenough and Sarto that the meeting adjourn at 10:40 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk