

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES May 5, 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
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Larry Uteck
Graham L. Downey
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Bob Harvey
Barry Barnet
Peter Kelly
Jack Mitchell

ABSENT:

Councillors Larry Uteck (Regrets) (afternoon session)
Ron Hanson (evening session)

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 3:45 p.m.

1. **APPROVAL OF MINUTES: April 8, 16 and 20, 1998**

MOVED by Councillors Blumenthal and Greenough that the minutes of April 8, 16, and 20, 1998, be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

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

8.1 Councillor Kelly - Leaf and Yard Waste Collection Program

The following item was deleted from the agenda:

6.1 Presentation - Bishop's Landing - Jack Sheriff

MOVED by Councillors Greenough and Sarto that the Order of Business and Additions and Deletions be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. **BUSINESS ARISING OUT OF THE MINUTES**

4. **CERTIFICATE OF APPRECIATION - Boy Scouts of Canada**

This item was dealt with later in the meeting.

5. **REPORTS**

5.1 **CHIEF ADMINISTRATIVE OFFICER**

5.1.1 **Tender 98-041, Alterations - Computer Room, Market Mall**

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

MOVED by Councillors Sarto and Greenough that it be recommended to Council that Council award Tender #98-041, Alterations - Computer Room, Market Mall,

Duke Tower, Scotia Square to Gilson Construction for materials and services specified at the unit prices for a Total Tender Price of \$54,994.00, plus applicable taxes, with funding available from Capital Account #02-87018, Computer Facilities Upgrade. MOTION PUT AND PASSED UNANIMOUSLY.

5.1.2 Tender 98-043 - Janitorial Services, 11 Turner Drive

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

MOVED by Councillors Sarto and Greenough that it be recommended to Council that Council award the contract for Janitorial Services for 11 Turner Drive to the lowest evaluated bidder, Modern Building Cleaning Inc., for a three (3) year contract at a total cost of \$79,484.55 including H.S.T. MOTION PUT AND PASSED UNANIMOUSLY.

5.1.3 Tender 98-039: Three Hydraulic Ride on Turf Mowers

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

MOVED by Councillors Greenough and Barnet that it be recommended to Council that Council award Tender 98-039 for three (3) Hydraulic Ride On Turf Mowers to Eastern Turf Products Ltd., the lowest evaluated bidder, for a total tender price of \$52,764.30.

In response to questions from Councillor Kelly, Mr. Peter Ross, Manager, Procurement, stated this was the only bid that included a hydraulic mower, which is the only attachment that would perform the same duty. Mr. Ross noted that putting in this type of technology should reduce maintenance costs over the long term, which can be tracked by staff.

MOTION PUT AND PASSED UNANIMOUSLY.

5.1.4 Tender #98-045: Purchase of 1998 4-Door Sedan Unmarked Police Vehicles

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

MOVED by Councillors Sarto and Mitchell that it be recommended to Council that Council authorize the award of Tender #98-045 for the purchase of fourteen (14) 1998 Chevrolet Lumina unmarked vehicles to the lowest bidder meeting specifications, O'Regan Chev Olds, at a cost of \$265,972.00 plus H.S.T.

Councillor Blumenthal inquired about the possibility of utilizing Volvo vehicles to support the Volvo plant located in Nova Scotia. Mr. Meech stated there has been some on-going research as a result of Volvo coming forward with regard to a leasing arrangement. If it is deemed reasonable, a Volvo will probably be put in the fleet to obtain the benefit of the experience. Deputy Chief MacKinnon noted there is a slight hitch with respect to the buy-back provision in the lease agreement which staff is attempting to resolve. There has also been some indication that the company may cover the buy-back provision internally, at least while the vehicle is being tested by HRM.

Councillor Schofield asked if deferring this matter would cause any hardship for the Police Services. Deputy Chief MacKinnon replied the order has already been placed by Procurement for the four Lumina pursuit vehicles, and staff is attempting to capture the benefit of the current overproduction of Crown Victorias. The Deputy Chief noted there is still opportunity within other acquisitions by the Halifax Port Corporation to acquire one or more Volvos in the system.

Mr. Meech stated, provided the price is right, it is the intent of staff to purchase Volvos in the future.

Councillor Mitchell stated he had an opportunity to drive in the Volvo police vehicle, and suggested the next opportunity to purchase new vehicles should be used to purchase through Volvo.

Councillor Walker expressed concern with discussion of purchasing vehicles in the future without going to tender.

Councillor Hendsbee stated he supports a local preference policy, but noted competitive bidding should be respected through the tendering process. The Councillor expressed concern with the ordering of the vehicles before the tender has been approved by Council, stating it is inappropriate.

Councillor Stone stated policies have to be followed, if not, they should be changed. The Councillor suggested if Council wants to consider local companies, an approach may be to obtain a reasonable deal with the company and try the product as a pilot.

Councillor Greenough noted the staff recommendation before Committee is on the basis of the lowest bid meeting the specifications of the tender, and the appropriate process was followed. The Councillor noted Council was previously advised of this matter, and anyone who had objections was requested to reply to staff. Councillor Greenough stated he supports acquiring Volvos for traffic vehicles, if it is cost effective.

Councillor Cooper stated if looking at a local manufacturer is going to be done, it should be done through the company and not the dealer.

MOTION PUT AND PASSED UNANIMOUSLY.

5.1.5 Tender #98-048: Purchase of 1998 4-Door Police Pursuit Vehicles

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

MOVED by Councillors Stone and Hanson that it be recommended to Council that Council authorize the award of Tender #98-048 for the purchase of Twelve (12) 1998 Rear Wheel Drive Ford Crown Victoria Pursuit Vehicles to the lowest bidder meeting specifications, Wood Motors Limited at a cost of \$316,983.00 plus H.S.T. and four (4) Front Wheel Drive Chevrolet Lumina Pursuit Vehicles to the lowest bidder meeting specifications, Forbes Chev Olds, at a cost of \$82,500.00 plus H.S.T. MOTION PUT AND PASSED.

5.1.6 Award of Tender #97-358, Chipsealing of Gravel Roads

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

MOVED by Councillors Snow and Downey that it be recommended to Council that:

- 1. Merganser Avenue be added to the list of streets to be chipsealed under Tender #97-358, Capsuling of Gravel Roads.**
- 2. Award Tender #97-358, Capsuling, Gravel Roads, to Dexter Construction Co. Ltd., for materials and services specified in the unit prices quoted for a Total Adjusted Tender Price of \$150,040.00 and a Total Adjusted Project Cost of \$172,546.00, with funding from the Capital Account Number noted**

in the Budget Implications section of the staff report dated April 27, 1998.
MOTION PUT AND PASSED UNANIMOUSLY.

5.1.7 Request for Proposal #98-014 - Wide Area Network Services for HRM

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

MOVED by Councillors Stone and Snow that it be recommended to Council that Council authorize the award of Proposal #98-014 to the submission receiving the highest overall score, Maritime Tel and Tel, at a monthly cost of \$32,423.99 plus H.S.T. for a 24 month period. Funds are available in Operating Account #01-21411-2110.

CONFLICT OF INTEREST

Councillor Hanson declared a **Conflict of Interest** with respect to this matter, and did not vote on the motion, as he is a retired employee of Maritime Tel and Tel.

MOTION PUT AND PASSED UNANIMOUSLY.

5.1.8 Request for Proposal #98-044 - 1649 Brunswick Street (The Former School Board Offices)

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

MOVED by Councillors Hendsbee and Downey that it be recommended to Council that Council authorize the award of Proposal #98-044 to the submission receiving the highest overall score, Salter Street Films Limited, at a purchase price of \$711,000.00, plus all applicable taxes and adjustments with proceeds from the sale to be deposited in the Sale of Land Capital Reserve Account.

Councillor Schofield suggested, since this is a registered heritage property, that 10 percent of the money from the sale of this property should go to Heritage to provide funding for heritage properties. The Councillor requested a staff report examining this possibility.

MOTION PUT AND PASSED UNANIMOUSLY.

5.1.9 Operation of Materials Recovery Facility - RFP #98-016

- C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Committee for consideration.
- C Correspondence from Mr. Richard Gadoury, President, MRF Resource Group Limited, regarding the above, was circulated to the Committee.

Mr. Richard Gadoury, President, MRF Resource Group Limited, made a presentation to the Committee regarding the above. Mr. Gadoury stated he met with Mr. Jim Bauld, Operations Coordinator, Waste Resources, and it appears there was an error made in the total costs of operating this facility. As a result, MRF Resource Group resubmitted its figures to Mr. Bauld earlier today. Mr. Gadoury stated, as a function of those figures, it gives MRF Resource Group the lowest cost to run this facility.

To clarify, Mr. Mark Bernard, Manager, Waste Resources, stated the costs outlined in Table A of the staff report dated April 29, 1998, illustrate a blended price which does not necessarily indicate the real cost of this for five years. A blended price was used to compare the four proposals received.

Mr. Bernard stated based on the information received from MRF Resource Group, at the time of the closing of the tender, the costs in Table A are correct. Subsequent to the closing of the tender, staff requested each proponent to submit some information on revenue sharing. The information received from MRF Resource Group indicated its cost sharing was already included in the figures previously submitted. Therefore, Mr. Bernard advised the \$7.4 million figure remained the same. Mr. Bernard noted, as a result of some misunderstanding, further information was submitted by MRF Resource Group, claiming their revenue sharing was not included in the figures previously submitted. Staff reworked the figures with the new information provided by MRF, and determined the blended price to be about \$4.7 million. However, Mr. Bernard noted MRF Resource Group's total score would still put them fourth and, therefore, not considered in the award of this tender.

Mr. Gadoury stated, technically, MRF Resource Group is strong enough to run this facility, and reviewed previous work completed by the company. With respect to the point system used, Mr. Gadoury stated it is a subjective system.

In response to a question from Councillor Kelly, Mr. Bernard stated, prior to the information received earlier today, the bottom line figure for MRF Resource Group was \$4.7 million. Included in the new figures received earlier today, Mr. Bernard stated the revenue split was changed to 60/40 as opposed the previous one of 50/50. As the other proponents were

not offered the opportunity for new revenue splits, this information was not taken into consideration.

Councillor Hendsbee expressed concern with this matter, stating he would be prepared to see it go back for re-tender. Councillor Sarto stated he could support this tender being sent back to staff for clarification and a supplementary report.

Councillor Greenough inquired if there is an urgency to deal with this matter at this time, to which Mr. Bernard replied in the affirmative, as the new collection contracts and the organic cart program commence on July 1. With respect to the comment made by Mr. Gadoury regarding the subjectivity of the evaluation criteria, Mr. Bernard stated there are some subjective factors, but there are many specific items that were scored resulting in a reduction of the subjectivity.

MOVED by Councillors Barnet and Kelly that it be recommended to Council that Halifax Regional Municipality, subject to final negotiations, award a contract with Miller Waste Systems for the operation of the Materials Recovery Facility, for the period of July 1, 1998 to June 30, 2003.

MOVED by Councillors Hendsbee and Sarto that this matter be referred back to staff for clarification. MOTION LOST.

The vote was then taken on the main motion.

MOTION PUT AND PASSED.

5.1.10 Debenture Issue

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

MOVED by Councillors Greenough and Walker that it be recommended to Council that the Mayor and Municipal Clerk be authorized to sign the Issuing Resolution between Halifax Regional Municipality and the Nova Scotia Municipal Finance Corporation to enable the Halifax Regional Municipality to issue a debenture in the amount of \$35,000,000. MOTION PUT AND PASSED UNANIMOUSLY.

5.1.11 Fire Protection on Exempt Properties

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

MOVED by Councillors Blumenthal and Hetherington that it be recommended to Council that the due date for new Fire Protection billings sent out January 30, 1998, be extended to February 28, 1999.

Councillor Barnet spoke against the motion as it represents a form of tax being charged to parking lots, tennis courts, baseball fields, cemeteries, etc.

Councillor Walker inquired if money will be reimbursed to residents of the former City of Halifax. Mr. Ron Singer, Director, Finance, stated no charges are being written off. This is only allowing payment of the fire protection charges to be deferred for one year interest free. The charges will still be collected, but it will allow organizations receiving the bill for the first time to plan for the cost.

Councillor Walker suggested if certain regions do not want to pay the fire protection charge, an area rate can be placed on these areas to raise the funding.

Mr. Meech noted if everyone eligible for the deferral decides to take advantage of it, it will cost the Municipality \$5,000 in lost interest charges.

Mr. Anstey, Municipal Solicitor, stated HRM has the right to levy this as a charge against the properties that actually receive the service. If this rate was not charged, the revenue would have to be collected in another manner.

Councillor Cooper inquired if the tax exemption properties are being charged at the residential rate. Mr. Singer replied some are at the residential rate and some are at the commercial rate, depending on how the property is classified by the provincial Assessment Department. Councillor Cooper stated he could not support the motion until all exempt properties are charged at the residential rate.

Councillor Harvey suggested Council should proceed quickly with a further report on HRM's ability to separate land with buildings from just land. Also, as part of this report, what would be required in terms of changes to the HRM Act. The Councillor stated he would hope Council would request a follow-up report on this matter.

(Deputy Mayor Rankin assumed the Chair at 4:30 p.m.)

Councillor Kelly stated a staff report was requested during Operating Budget discussions regarding waiving this charge to churches, non-profit cemeteries, and service groups such

as the Lions Club. However, this report has not yet been received by Council. Also, the question was raised what the cost would be to extend the waiving of the charge to similar groups in the former City of Halifax. Councillor Kelly inquired when this information can be expected to be received. Mr. Singer replied it is staff's intent to bring the 1998-99 Operating Budget back to Council next week, at which time this information can be provided and Council can debate how the fire protection charge should be handled on a go forward basis. Mr. Singer noted the recommendation currently before Council only refers to 1997-98.

Councillor Kelly noted discussion also took place previously regarding doing away with what already has been charged, providing grants through the Grants Committee to offset the costs due to the current legislation, and having staff prepare the legislation under the new act to waive it. The Councillor suggested all this information should be brought forward at the same time to provide consistency in the debate. Councillor Kelly noted he will be bringing a petition forward next week containing over 700 names from the Bedford/Sackville area who are opposed to this type of charge.

MOVED by Councillors Kelly and Hetherington that this matter be deferred to the Operating Budget discussions, pending receipt of staff reports previously requested.

Mr. Meech noted a meeting to discuss the Operating Budget has been scheduled for the afternoon of May 12 to attempt to finalize the budgets, and this matter can be debated at that time.

Councillor Blumenthal requested that staff provide information on what the cost has been that the former City of Halifax has had to pay for the last three years and what funds will be reimbursed.

MOTION PUT AND PASSED.

5.1.12 Pollution Control Charges as defined in By-Law S-100 - Amended

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

MOVED by Councillors Greenough and Hetherington that it be recommended to Council that the split between the Environmental Control charge and the Wastewater charge per 1000 gallons be adjusted from \$0.87 and \$0.87 to \$0.82 and \$0.92 respectively, retroactive to April 1st for water billed by the Water

Commission. The total Pollution charge of \$1.74 would not be increased. MOTION PUT AND PASSED.

5.1.13 Halifax Regional Development Agency: Services to Urban Core

C A staff report prepared for Ken Meech, Chief Administrative Officer, regarding the above, was before Committee for consideration.

MOVED by Councillors Sarto and Blumenthal that it be recommended to Council that, at this time, the Halifax Regional Development Agency not provide services to the urban core. Staff will continue to work with the HRDA to determine the need and approach to facilitating community economic development in the urban core.

Councillor Hendsbee noted the RDA will be meeting next week to discuss this report and is looking forward to the opportunity to discuss it with staff and HRM to provide a more urban service for various organizations. Councillor Hendsbee stated he hopes Council will consider, during budget discussions, the possibility of reinstating the \$50,000 cut from the RDA in previous years budgets, to allow for possible partnering with the Federal and Provincial governments to obtain further funding to provide this service to the urban core.

Councillor Walker, in agreeing with the motion, stated he would like to see this matter come back to Council next year, before the budget, possibly in January. At that time, Council can look at expanding the RDA more into the urban areas. Councillor Harvey stated he would like a report from staff as soon as possible regarding staff continuing to investigate the possibilities of moving into the urban core.

MOTION PUT AND PASSED UNANIMOUSLY.

5.1.14 Acquisition of Lot 134 Buckingham Drive, Haliburton Hills

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

MOVED by Councillors Greenough and Walker that it be recommended to Council that Council approve the acquisition of Lot 134, located on Buckingham Drive in Haliburton Hills Subdivision and shown on the sketch attached to the staff report dated April 30, 1998, for \$21,000 as settlement in full plus any additional taxes and adjustments that may be applicable from Haliburton Hills Developments.

In response to a question from Councillor Cooper, Mr. Craig Hatt, Development Assistant, Real Estate Services, stated the phrase "plus any additional taxes and adjustments that may be applicable" is a standard phrase in all real estate acquisition reports.

Councillor Stone, referencing the report, suggested there should be a buffer area between the adjacent house and the parkland.

MOTION PUT AND PASSED UNANIMOUSLY.

5.1.15 Fultz House - Sackville Heritage Park

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

Councillor Harvey noted the intention of the community is to have the three separate parcels of land appear seamless as one park.

MOVED by Councillors Harvey and Barnet that it be recommended to Council that:

- 1. A Call for Expressions of Interest be issued for consultants to prepare a Conservation Plan for Fultz House and the Sackville Heritage Park, and**
- 2. Council approve an expenditure of up to \$10,000 from the Heritage Fund to develop the conservation plan in conjunction with the Sackville Heritage Park Advisory Committee and the community.**

Councillor Hendsbee asked for clarification as to what is meant by "heritage fund." Mr. Dan Norris, Heritage Coordinator, indicated the funds remaining in the heritage fund were based on an allocation of \$100,000 in 1996-97. There was a subsequent expenditure of \$80,000 which left \$20,000 in the fund. Mr. Norris stated there is a portion of work that did not proceed and these are funds that will be used for this study.

MOTION PUT AND PASSED UNANIMOUSLY.

Committee agreed to deal with Item 7.1 at this time.

7. CORRESPONDENCE

7.1 Request - Nova Scotia International Air Show, Roger Sorsdahl, Executive Director

- C Correspondence from Mr. Rodger Sorsdahl, Executive Director, Nova Scotia International Air Show, requesting permission for the Canadian Forces Snowbirds, the Northern lights, and the United States Navy Blue Angel Aerobatic flight teams, to fly over populated areas on the days of the Nova Scotia International Air Show, was before Committee for consideration.

MOVED by Councillors Hetherington and Greenough that it be recommended to Council that Council provide the Nova Scotia International Air Show written permission for the Canadian Forces Snowbirds, the Northern Lights, and the United States Navy Blue Angel Aerobatic flight teams, to fly over populated areas on the days of the Nova Scotia International Air Show. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Greenough and Blumenthal that the meeting recess at 4:55 p.m. until 6:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

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

(Councillor Hanson was not present when the meeting reconvened.)

4. CERTIFICATE OF APPRECIATION - BOY SCOUTS OF CANADA

Councillor Barnet introduced representatives from the Boy Scouts of Canada to receive a certificate of appreciation for their tree planting program. Mayor Fitzgerald presented the certificate.

ACKNOWLEDGEMENT

Mayor Fitzgerald acknowledged Mr. Jim Power, YMCA, who introduced the twelve exchange students from Kugluktuk, a community two hours by air from Yellowknife, who are visiting the Municipality as part of the YMCA student exchange program.

Three of the students from Kugluktuk participating in the exchange program expressed words of thanks to the YMCA and the residents of Halifax Regional Municipality for the warm hospitality extended to them during their stay in the area.

MOVED by Councillors Adams and Walker that Item 6.2 Presentation - Fencing for Properties in MacIntosh Estates - Collette Bonomo, be dealt with next on the agenda. MOTION PUT AND PASSED UNANIMOUSLY.

6.2 Fencing for Properties in MacIntosh Estates - Collette Bonomo

C Correspondence from residents of MacIntosh Estates Subdivision regarding fencing for properties, was before Committee for consideration.

Ms. Bonomo, representing residents of MacIntosh Estates Subdivision, made a presentation to the Committee regarding fencing for properties, making the following points:

C The development plans for this subdivision were approved by the Municipality in 1995-96. There was no site designated on these plans for pedestrian traffic, as is done for many other developments throughout the Municipality.

C Four private properties on the cul-de-sac directly border two commercial properties. There are also several other commercial properties and public facilities in the surrounding area.

C The affected properties have become a pedestrian thoroughfare for patrons of the nearby businesses and a receptacle for the litter left behind.

C Councillor Adams has approached the abutting businesses but Dairy Queen is only willing to assist with a commitment from Robins Donuts, which is not occurring.

A video was shown illustrating the trespassing problem in MacIntosh Estates. The video also showed similar developments in the Municipality that have pedestrian walkways.

Ms. Bonomo stated the only solution to this problem the residents can identify is to erect a chain link fence between the residential and commercial properties. The estimates obtained are approximately \$11,000. The residents are asking for immediate assistance to rectify this problem.

In response to a question from Councillor Stone, Ms. Bonomo stated if the residents have to correct the problem themselves, they will do so. However, they do not believe it is fair to expect the residents to pay to correct this situation, as it should never have existed.

Councillor Stone inquired if there is any way to pressure the commercial enterprises involved to assist in this matter. Councillor Adams replied he has contacted both and one is willing to cost share only if the other is in agreement, which they are not. The Councillor noted the residents are willing to pay for this, but they need some help, adding the problem has been occurring for a year and a half. Councillor Adams noted the quote of \$11,000 is

probably the lowest possible price, and this is with the residents installing the slats themselves.

MOVED by Councillors Adams and Walker that it be recommended to Council that a staff report be prepared, as soon as possible, exploring options of municipal assistance, with respect to fencing for properties in MacIntosh Estates, to include, but not limited to, the installation of a fence, cost sharing of a fence, or the installation of a walkway.

Councillor Cunningham suggested letters should be written to the businesses and their respective head offices, explaining the community problem and requesting assistance.

MOTION PUT AND PASSED UNANIMOUSLY.

5.1.16 Discussion of By-Law T-201 Respecting Tax Exemptions for Non-Profits

- C By-Law T-201 was before Council on December 9, 1997, at which time the Public Hearing was closed. The matter was now before the Committee for a recommendation to Council with respect to Second Reading.
- C A staff report prepared for Councillor David Hendsbee, Chair, Grant Committee, recommending that Council approve the recommended combined option for By-Law T-201, the recommended amendments to the December 10, 1997 proposed by-law, and an increase to the 1998-99 budget increase in order to cover the costs of the recommended exemptions, was before Committee for consideration.
- C A supplementary report prepared for Councillor David Hendsbee, Chair, Grant Committee, regarding the above, was circulated for the Committee's consideration.
- C Correspondence from Joan Vigneau, Home of the Guardian Angel; Karen Geddes, Alexandra Children's Centre; Shawn Healey, Taiso Gymnastics Training Centre; and, Scott Logan, Sport Nova Scotia, were circulated to the Committee.

With the use of overheads, Ms. Barbara Nehiley, Principal, Societal Issues and Initiatives, made a presentation to the Committee, outlining the rationale and background of the report. A copy of her presentation was included in the supplementary report.

Ms. Nehiley noted the following corrections in the supplementary report: Diman Lebanese Centre is located in Bedford, the Kinsman Club Hall in Sackville is located on Metropolitan

Avenue and the playground/park is located in Mapleridge Subdivision. Councillor Sarto noted St. George's Lawn Tennis Club is located in Dartmouth.

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

Sister Joan O'Keefe, Metro Community Services Network

Sister O'Keefe spoke, on behalf of Deborah Dostal, representing the Metro Community Services Network. A copy of her presentation was provided for the record. The Metro Community Services Network is recommending the following:

- 1) That the tax exemption issue be clarified so that there is an understanding of why some organizations will have to pay partial tax while others will not.
- 2) That all agencies providing community service receive fair and equal treatment with regard to tax requirements.
- 3) That the Municipality will actively support agencies by finding alternative sources of funding to pay taxes.
- 4) That exemptions or partial exemptions be valid for periods longer than one year, especially if no changes have occurred in the use of property.
- 5) That the Municipality continue to fund grants to agencies.

Mr. Scott Logan, Sport Nova Scotia

Mr. Scott Logan, representing Sport Nova Scotia, addressed the Committee regarding the proposed By-Law. Mr. Logan reviewed his correspondence which was circulated to the Committee. In summary, Mr. Logan requested that Sport Nova Scotia and its property be included in By-Law T-201, and that tax exemption be provided for the square foot percentage of its building which is dedicated to "non-profit" operations (approximately 50% - 16,340 of 32,490 square feet.) Mr. Logan further requested that the same exemptions which apply to other non-profit groups also apply to Sport Nova Scotia (use of the residential tax rate with an exemption of 75%, phased in over 4 years).

Mr. Dan O'Halloran, The Waegwoltic

Mr. Dan O'Halloran, representing the Waegwoltic, addressed the Committee regarding the proposed By-Law, stating his concern is with the Waegwoltic not being included. Mr. O'Halloran stated the Waegwoltic provides recreational facilities for over 6,000 residents of the Municipality, including swimming, tennis, sailing, development of water skills and life saving, etc. If the Waegwoltic did not exist, there would be substantial added pressure on HRM facilities. Mr. O'Halloran stated some similar organizations are receiving 100 or 75

percent exemption. The Waegwoltic currently pays \$130,000 per year in taxes; and, in the past, had received a 25 percent exemption. Mr. O'Halloran requested that Council ensure what comes out of this process is fair and reasonable to all organizations and members of these organizations. In closing, Mr. O'Halloran requested the reinstatement of the 25 percent exemption for the Waegwoltic.

In response to questions from Councillor Blumenthal, Mr. O'Halloran stated a family membership costs about \$500 per year and membership is required to use the facilities. Responding to a question from Councillor Sarto, Ms. Nehiley stated taxation for the Waegwoltic is commercial based.

Councillor Uteck noted a number of clubs on the list being considered for exemption charge membership fees.

Mr. Bruce Morash, Lawrencetown Community Centre

Mr. Morash, representing the Lawrencetown Community Centre, spoke regarding the proposed By-Law, stating he believes the Centre should be 100 percent tax exempt, as it is owned by the community and operated by volunteers and provides many services to the community. In closing, Mr. Morash requested that the Committee take into consideration what this tax will mean to the Centre.

Councillor Barnet spoke against the recommendation making the following comments:

- C It appears some organizations are being treated differently.
- C Some sport facilities are exempt, and some are not.
- C Springfield Lake Recreation Centre has been exempt for 30 years. The property is owned by HRM and is fully maintained by volunteers. However, the proposed by-law still requires them to pay some tax.
- C The potential loss of volunteer effort has to be taken into consideration.
- C The by-law will cost HRM money in the end if it is passed, as volunteers will be lost and HRM employees will have to do the work currently done by the volunteers.

Councillor McInroy addressed the matter making the following comments:

- C The organizations should have been sent information more specific to their particular organization, rather than just a form letter.
- C The Councillor questioned HRM property being taxed.
- C There should be some sort of appeal process.

(Deputy Mayor Rankin assumed the Chair at 7:15 p.m.)

- C With respect to the Waegwoltic, there seems to be some unfairness.
- C Regarding community halls, consideration of tax exemption should be related to the cost savings as a result of the input of volunteers.

In response to questions from Councillor McInroy, Ms. Nehiley stated it is the intent that newly exempt organizations would have their exemption in effect for 1998-99 and those already 100 percent exempt would have that exemption remain in effect for 1997-98. If their exemption is being reduced from 100 percent, it would be phased in over a four year period.

Councillor McInroy requested staff to clarify the ownership of property listed as being owned by Clayton Developments. Ms. Nehiley stated it is her understanding the daycare centre rents the space from Clayton Developments. Councillor McInroy also requested staff to confirm if the property listed as the Cole Harbour Boys and Girls Club is owned by this organization or owned by a private individual.

Councillor Hetherington spoke on the matter making the following comments:

- C The revenue from most community centres that have bar facilities just covers the operating costs of those centres.
- C Senior care facilities are proposed to be required to pay 100 percent tax based on residential assessment, phased in over four years, while other organizations such as animal shelters and some recreation facilities are proposed to be 100 or 75 percent exempt.

In response, Ms. Nehiley noted the per diem funding from the Province for nursing homes includes funding to pay municipal taxes. Councillor Hetherington stated many residents of these facilities are private pay and, therefore, will be paying the tax. The Councillor suggested these facilities should have 100 percent exemption.

Councillor Blumenthal stated the Grant Committee has worked over a year on this by-law to ensure everyone pays some amount of tax and shares the burden. The Councillor stated Councillors are looking at their own districts and not the Municipality as a whole. Councillor Blumenthal stated he will resign from the Grant Committee this evening as it appears no matter how much work the Committee does, it is not enough.

Councillor Cunningham in addressing the matter made the following comments:

- C The Councillor expressed appreciation to the Grant Committee for the work it has done.

- C Recreational facilities, in particular, the boat clubs, reduce the burden on the Municipality.
- C Due to the location of the boat clubs, the assessments of these properties are high, and, therefore, so are the taxes.
- C Volunteers make the boat clubs an important part of the community.
- C The Councillor requested the proposed exemption for the boat clubs be reconsidered.

Councillor Snow also expressed thanks to the Grant Committee, making the following comments:

- C Carrolls Corner and Grand Lake Hall, both owned by HRM, will find it very difficult to pay taxes.
- C Taxation has taken the heart out of volunteers.
- C To be fair and reasonable, there is no reason why Sport Nova Scotia and the Waegwoltic cannot be added to the list.

Councillor Snow inquired about the tax status of Cheema Aquatic Club as it is located on Provincial Land. Mr. Anstey replied Provincial and Federal lands are only exempt if they are occupied in an official capacity by the government. Otherwise, the occupants of the land are taxable, although the land itself is not subject to a lien. Therefore, Cheema, as the occupant, would be liable for taxes. Councillor Snow noted Cheema has been tax exempt for the last 25 years. Ms. Nehiley noted it had this exemption as it was on the former County of Halifax Municipality By-Law 51.

Councillor Dooks spoke on the matter making the following comments:

- C The following corrections should be made to the proposed by-law: Club 75-80 is listed on the proposed by-law twice. The Sheet Harbour Snowmobile Club is listed as 75 percent exemption, and it should be 90 percent exemption. The Spry Harbour Atoms Club is a municipal property. It was purchased by HRM a few months ago. The Sheet Harbour Board of Trade is a museum.
- C There are many lodges and community centres in District 1 that provide recreational facilities for the community.
- C More information should have been provided to these organizations when they received their first tax bills explaining the process.
- C The idea of taxing homes for special care should not even be entertained.
- C With respect to senior social clubs, these clubs maintain the buildings, and provide important fellowship in the rural areas. If they are taxed, this opportunity will be lost.

With respect to homes for special care, Deputy Mayor Rankin noted non-profit is one sector, but there are also private operations that will be looking for the same consideration, and this will have increased financial implications.

(Mayor Fitzgerald resumed the Chair at 7:55 p.m.)

Speaking on the matter, Councillor Uteck expressed thanks to the Grant Committee and made the following comments:

- C Everyone is looking for consistency, and suggested Council should sit down and discuss this in more detail to obtain more perspective on the issue.
- C The Councillor would support adding Sport Nova Scotia to the list as it is composed of 75 percent HRM constituency.

Addressing the issue, Councillor Harvey also expressed thanks to the Grant Committee, making the following points:

- C Not all groups on the list are properly categorized, and some need to be reviewed.
- C The Councillor stressed the importance of volunteers, noting the volunteer effort in the Sackville community is equal to \$9 million, if HRM had to pay for the services.
- C More work needs to be done on this by-law to ensure the efforts of the volunteers are not driven away.

Councillor Stone addressed the issue, making the following comments:

- C The Councillor expressed thanks to the Grant Committee noting it has attempted to come up with a reasonable compromise.
- C Organizations being required to pay tax have the opportunity to apply for a grant for assistance if they have difficulty in paying this.
- C Everyone should be paying some tax, and this matter needs to be settled.
- C The proposed by-law may not be perfect, but it is a starting point.
- C Exceptions can be sent back to the Grant Committee for further review.

Councillor Walker, speaking in support of the recommendation, made the following points:

- C The non-profit portion of Sport Nova Scotia should be added to the by-law.
- C Any groups who are currently 100 percent exempt will not be required to pay taxes this year. This will provide them the opportunity for advanced planning.
- C Steps are in place to ensure organizations can stay in operation, such as the opportunity to apply for a grant to assist in the payment of taxes, if they are

experiencing difficulty. In response to a question from Councillor Dooks inquiring if organizations who apply for such a grant are guaranteed to receive it, Councillor Walker stated it would be difficult not to approve those requests.

In response to a question from Councillor Cooper, Councillor Hendsbee stated the 75 percent exemption was based on review of the previous municipal unit's by-laws. Councillor Cooper stated this by-law is making a statement that all organizations should be paying property tax for some services.

Councillor Cooper inquired if it is the intent to come back with an amendment to By-Law T-200 to outline the principles on which the exemption decisions are based. Mr. Anstey replied there is no reason why the principles could not be included in the by-law, but questioned the necessity. He noted, ultimately, Council adopts a list of properties and the extent to which they receive exemption, and this is what is implemented. All the by-law would normally set out would be a description of the property and the percentage of exemption. The principles would only be included if a mechanism was being provided for a committee to decide who would receive an exemption. Councillor Cooper stated he believed the principles should be included in the by-law, as this would identify the exemptions for different categories of organizations.

Councillor Schofield stated there are some revisions that need to be made, noting the Grant Committee came back with the best report it could, knowing there would be revisions.

Councillor Sarto expressed thanks to the Committee and staff for the work it has done on this By-Law, and made the following comments:

- C Most of the recommendations were based on financial statements and balance sheets, and those organizations who did not submit this information should be requested to do so.
- C The current tax assessment for Abenaki Aquatic Club is exorbitant and they cannot afford it. Family membership fees have been increased over the last several years.

With respect to organizations occupying HRM properties and buildings, Ms. Nehiley stated some may be running under the direction of an HRM department and are exempt. Those under lease agreements with HRM are independent of HRM and would be subject to taxes. The by-law attempts to provide some relief to these organizations.

Councillor Adams spoke on the matter making the following comments:

- C The Councillor would like to know the total dollar figures of the exemptions, rather than percentages.
- C Consistency is the key in dealing with tax exemptions.
- C It would not be fair to put any additional hardship on homes for senior care.

With respect to per diem rates for nursing homes, Councillor Hetherington replied this rate would reflect any taxes that are charged, but the private pay residents would be required to pay for the tax increase. The Councillor stated, currently, about 50 percent of the residents in these homes are private pay.

Councillor Mitchell spoke on the issue, expressing thanks to the Committee and staff, and made the following comments:

- C All recommendations made by the Grant Committee were done fairly, honestly and were based on information provided to staff.
- C Grant Committee meetings are open to all members of Council, but no one attends.
- C HRM should not be in the grant business.
- C Some groups have not provided the necessary financial information to the Committee.

In response to a question from Councillor Mitchell, Ms. Nehiley stated there are 59 new tax exemption applications yet to be considered.

Councillor Greenough also expressed thanks to the Grant Committee and staff, and made the following comments:

- C Without the volunteer resource, the impact on HRM would be tremendous.
- C The Councillor suggested the non-profit organizations that are primarily run by volunteers could be granted a 100 percent exemption. The groups that are run by paid staff could be evaluated by the criteria used by the Grant Committee.

Councillor Hetherington noted for-profit nursing homes would not be eligible to apply for tax exemption. The Councillor indicated he would be willing to serve on the Grant Committee.

In closing the debate, Councillor Hendsbee made the following comments:

- C The Councillor expressed thanks to the members of the Grant Committee and staff for their work on this matter.
- C This is a work in progress and refinements and adjustments are to be expected.

- C The Councillor is aware of and appreciates the value of volunteers in communities, and if there are particular problems in paying the tax, there are options, such as tax deferrals and grants.
- C The Committee attempted to bring forward a by-law that would provide equity and fairness across the region.
- C The Grant Committee experienced difficulty with the data on file regarding the organizations on the previous by-laws, such as addresses, assessment records, ownership status, etc. The organizations and Councillors need to assist to ensure the most accurate data is available to the Committee to make the best recommendation possible.
- C Comments brought forward this evening will be taken back to the Grant Committee for refinement of the By-Law.

MOVED by Councillors Hendsbee and Adams that it be recommended to Council that By-Law T-201 Respecting Tax Exemptions for Non-Profits be referred back to the Grants Committee for further review and revision.

Once this refinement is complete, Councillor Hendsbee stated the By-Law will be brought back to Committee of the Whole and then referred to Council for Second Reading.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Greenough requested that Council be informed of the date of the next Grant Committee meeting.

6. PRESENTATIONS

6.1 Bishop's Landing - Jack Sheriff

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

6.2 Fencing for Properties in MacIntosh Estates - Collette Bonomo

This item was dealt with earlier in the meeting.

7. CORRESPONDENCE

7.1 Request - Nova Scotia International Air Show, Rodger Sorsdahl, Executive Director

This item was dealt with earlier in the meeting.

8. ADDED ITEMS

8.1 **Councillor Kelly - Leaf and Yard Waste Collection Program**

Councillor Kelly agreed to defer this item to next week.

9. **ADJOURNMENT**

MOVED by Councillors Blumenthal and Dooks that the meeting adjourn at 9:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk