

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
September 10, 1996

PRESENT:

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

STAFF MEMBERS:

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

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1. **INVOCATION**

The Mayor opened the meeting with an invocation.

2. **APPROVAL OF MINUTES - None**

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

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

Item 10.3.7 Proposed Storm and Waste Water Charges

Item 10.3.8 Councillor Hetherington - School Bus Drivers

The Municipal Clerk requested following items be deferred:

Item 7.2 Presentation - Private Rights of Way
(Presenter requested deferral of this item.)

Item 7.3 Motion of Councillor Hendsbee

Item 10.3.1 Resolution for Operating Budget

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

4. **BUSINESS ARISING OUT OF THE MINUTES - None**

5. **MOTIONS OF RECONSIDERATION - None**

6. **MOTIONS OF RESCISSION - None**

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Lake Banook Bridge - Motion of Councillor Schofield (deferred from Sept. 3/96)**

Councillor Schofield reviewed the status of the Lake Banook Bridge. He noted that the staff report has been received, and he has had the opportunity to review it. Councillor Schofield believed it is too late this year to construct the bridge, and it cannot be constructed in the spring as the water level cannot be lowered due to the World Canoe Championships to be held on Lake Banook. Councillor Schofield stated he spoke to the provincial and federal people involved in this issue, and they do not want the bridge constructed.

Councillor Schofield stated the Department of Transportation has no problem with running the trail along the ParkLo and this can be built at any time. Therefore, Councillor Schofield reintroduced his motion of August 20, 1996.

MOVED by Councillors Schofield and Cunningham that the decision made by Dartmouth City Council on 16 January 1996, regarding the Lake Banook Bridge, be put on hold until Regional Operations can arrange to finalize a detailed design of Option B (the trail along the ParkLo) and submit it to the Department of Transportation and Public Works for evaluation; and, the HRM holds a public meeting, if necessary, to finalize the matter.

Councillors Hetherington and Blumenthal expressed concerns regarding legal ramifications of the contract awarded for the bridge. Mr. Allen stated it was his understanding the contract has not been signed, but it was approved by the former Dartmouth City Council.

Mr. Blair Blakeney, Superintendent of Policy and Planning, Recreation and Leisure, stated construction of the bridge was to begin on September 1, 1996 and finish by October 15, 1996. He noted there is still four weeks left to complete the project. However, the project cannot be started until written approval is received from the Department of the Environment. Mr. Blakeney noted the Coast Guard approvals will be obtained shortly. There has been no indication of when the Department of Environment approval will be received.

Deputy Mayor Greenough felt the motion was premature as there are outstanding questions that need to be answered. Until these can be answered, the matter should be put on hold.

MOVED by Deputy Mayor Greenough and Councillor Stone that the motion on the floor be deferred until approvals are received from the Department of the Environment and the Coast Guard. MOTION PUT AND PASSED.

7.2 Presentation - Private Rights of Way (deferred from Sept. 3/96)

This item was deferred during Approval of the Order of Business.

7.3 Motion - Councillor Hendsbee (deferred from Sept. 3/96)

That Council accept a petition in accordance to the Nova Scotia Legislation "Private Ways Act" in order to grant permission for Naugle Sand and Gravel to gain access via a right of way easement to a parcel of property along the Provincial Highway Route 207 in the Three Fathom Harbour/Porter's Lake area.

This item was deferred during Approval of the Order of Business.

8. PUBLIC HEARINGS - None

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

Presentation:

9.1 Social Service Delivery (verbal)

Mr. Ron L'Esperance, Administration Income and Employment Support Services, and Mr. Bill Campbell, Regional Administrator, Halifax Region, made a presentation to Council regarding Social Service Delivery.

Councillor Hetherington asked when would the Department of Community Services no longer require funding from the municipality. He expressed concerns with residents having to pay for this service twice through provincial and municipal taxes. Mr. L'Esperance replied he expects the Minister will speak to the Mayor in the near future. He added the direction of the Province is clearly to move to a one tier system and the fiscal arrangements will be worked out through the broader welfare reform.

Councillor Hendsbee inquired about the status of former County employees with regards to their service recognition and seniority. Mr. Campbell replied NSGEU has agreed that the approximate 30 contract employees would be offered permanent status. All transferred employees have been asked to complete resumes and they are looking at anniversary dates for their previous employer. This date will be recognized by the Province for all their benefits (ie. vacation, sick leave, etc.) Regarding the issue of recognition of seniority, they are trying to work this through with the provincial Human Resources Department. He noted they did not have the authority to solve the seniority issue, and they have to work through the process with the NSGEU.

In response to Councillor Hendsbee's question regarding the delivery of home care services, Mr. L'Esperance replied they would have to raise this issue with the Department of Health. He stated they could do this and come back with a response.

Regarding continuing services at Cole Harbour Place, Mr. Campbell stated they hope to continue with two sites in that part of the County. One will be either in the Cole Harbour/Preston/Westphal area and one would be in Sheet Harbour.

Councillor Blumenthal raised concerns about the Community Services phone system indicating he has made several phone calls that were not returned. He also raised concern with the slow response time for emergency measures. Regarding the phones, Mr. Campbell replied the problems with the phone system are being worked on currently. He noted any Councillor who has complaints are welcome to contact him directly with the specifics. He agreed to provide Council with appropriate phone

numbers for his department. Regarding Emergency Measures, Mr. Campbell replied he could not comment on the specific case Councillor Blumenthal raised, but he asked Councillor Blumenthal to call him with the specifics and he would look into it.

Regarding locations of offices, Councillor Cooper asked that they consider transportation availability when making their decisions. Mr. Campbell replied they would not move to any sites that are not readily accessible to their clientele.

In response to a question from Councillor Dooks regarding initiatives to get people off welfare, Mr. L'Esperance replied they have a broad range of programs that they are re-examining. He reviewed the ones currently in place. Councillor Dooks stated he would like to see partnerships formed within the community by having clients working in the community to better life for residents in the community. Mr. L'Esperance replied in the process of welfare reform there will be a consultation process where these issues can be addressed.

Responding to a question from Councillor Snow regarding policing of the Social Services system, Mr. L'Esperance replied they are taking a very aggressive approach on this issue. A revenue recovery unit has been established this year and they are implementing a number of active measures.

Councillor Hendsbee stated the Grants Committee would welcome an opportunity to meet with representatives from Community Services to discuss grants.

10. REPORTS

10.1 Councillor Schofield

10.1.1 Dartmouth North Community Centre Board of Directors

- A letter from Jake Risk, Chair, Dartmouth North Community Centre, recommending that Shelley Clee be appointed to the Dartmouth North Community Centre Board of Directors, was before Council.

MOVED by Councillors Schofield and Hetherington that Shelley Clee be appointed to the Dartmouth North Community Centre as the interim Council appointment position until the spring of 1997. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Councillor Rankin

10.2.1 Letter - Policing Plan for the Province

- A letter dated August 8, 1996 from the Hon. Jay Abbass, Minister of Justice, regarding a Policing Plan for the Province of Nova Scotia, was before Council.

Councillor Rankin noted the report indicates the flexibility of the RCMP to respond to its provincial police responsibilities has diminished. However, he has not observed this problem. Several Councillors expressed similar comments. Councillor Rankin stated he did not see how this report reflects any kind of partnership with the municipality.

Councillor Hetherington suggested a letter be sent to the Minister of Justice stating Council's views and obtaining a promise that no decision would be made that would have cost implications to the citizens or an adverse affect on any police service. Mr. Meech agreed to draft a letter for the Mayor's signature and bring it to Council next week for their review.

10.3 Chief Administrative Officer

10.3.1 Resolution for Operating Budget

This item was deferred to next week during the Approval of the Order of Business.

10.3.2 School Trustee Rates

- An information report prepared by Barry S. Allen, Municipal Solicitor, regarding school area rates was before Council.

MOVED by Councillors Greenough and Hetherington that the report be received and filed. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.3 Mandatory Paving Boundary

- A report prepared by George McLellan, Commissioner, Regional Operations, regarding a mandatory paving boundary, was before Council.

MOVED by Councillors Hetherington and Snow that the former Halifax County Subdivision By-law, Schedule "Q", be amended by adding within its Subdivision By-law the Beaverbank and Upper Sackville areas as indicated in the staff report.

Councillor Cooper raised concerns about delays experienced by residents wanting roads paved. He asked that Mr. Meech follow up on this.

Councillor Hendsbee asked how the mandatory paving would be paid. Mr. Meech replied if the developer is applying for a subdivision permit they are required to pave the street.

Councillor Barnet requested a comment from the North West Planning Advisory Committee before this issue goes to a public hearing.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.4 Merkel House - 2445 Brunswick Street (supplementary report)

- A supplementary report prepared by George McLellan, Commissioner of Regional Operations, regarding Merkel House, was before Council. Also, letters from Heritage Trust of Nova Scotia, Heritage Canada and Theresa MacDonald regarding Merkel House, were before Council.

Councillor Downey asked if there was any legal action going to be taken against the owner of Merkel House, as it was his understanding he did not have the proper permits. Mr. Dan Norris, Heritage Planner, replied staff is preparing a supplementary report on this issue. Mayor Fitzgerald added it was his understanding legal action will be pursued. Mayor Fitzgerald noted Merkel House is the first heritage building to be lost in Halifax.

MOVED by Councillors Downey and Blumenthal that staff be requested to prepare a supplementary report for Council on September 24, 1996 regarding the whole Merkel House situation, including possible legal action against the owner, as well as responses to the letters received from Heritage Trust of Nova Scotia, Heritage Canada and Theresa M. MacDonald. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hendsbee suggested more strength should be placed in the heritage preservation methodology. He also asked that a letter be written to the Royal Bank expressing Council's disappointment in them not offering any assistance to preserve their history. Councillor Hendsbee also asked where the C&D material was taken as well.

10.3.5 Interest on Capital Charges

- A report prepared by Larry Corrigan, Commissioner of Corporate Services, recommending an interest rate to be applied to capital charges, was before Council.

MOVED by Councillors Hetherington and Sarto that the interest rate to be applied to capital charges will be the prime rate (in effect at the time of notification from Halifax Regional Municipality's banker), plus 4%.

In response to questions from Councillor Kelly, Mr. Corrigan replied Mr. Tynski indicated prime plus 4 percent does approximate HRM's long term interest costs.

MOTION PUT AND PASSED.

10.3.6 Marina Breakwater - Dartmouth Waterfront Project, Phase II

- A report prepared by Dan English, Commissioner of Community Services, recommending a lease agreement with the Halifax Port Corporation, was before Council.

MOVED by Deputy Mayor Greenough and Councillor Schofield that Council proceed with construction of the breakwater by authorizing the Mayor and Municipal Clerk to enter into a lease agreement with the Halifax Port Corporation for the water lot indicated in the staff report dated Sept. 4, 1996, for a three year term, with the rental rate set at \$3,022.00 per annum; further, that Council instruct staff to seek a long term lease agreement for this water lot to reflect the anticipated useful life of the breakwater, requiring a federal government Order to Council. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.7 Proposed Storm and Waste Water Charges

- A report prepared by Larry Corrigan, Commissioner of Corporate Services, regarding proposed storm and waste water charges, was before Council.

Mr. Ron Singer, Director, Finance, made a brief presentation regarding the proposed storm and waste water charges. Staff is recommendation that Council create a single blended rate of \$1.77/1000 gallons of water consumed, to be phased in for 1996/97 by holding former Bedford and County consumers at last year's rate and increasing the rate of Halifax and Dartmouth consumers to \$1.69/1000 gallons. Mr. Singer asked that Council give notice of motion for First Reading of By-Laws P-200 and P-201.

Councillors speaking against the recommendation made the following points:

- It is a form of tax increase.
- Dartmouth residents are being hit the hardest with the largest rate increase.
- There is legislation restricting the use of the pollution control funds.
- Residents outside of the harbour area will be brought into the harbour clean up funding.

Councillors speaking in favour of the recommendation made the following points:

- The proposed charges are fair as they resemble a user pay system.
- It is a short term solution that will not require residents to pay for something they are not receiving.
- This issue is a detail of the Operating Budget already accepted by Council.
- Some Councillors stated they would accept the recommendation for one year only.

In response to a question from Councillor Adams asking if it is feasible the pollution

control fund will ever be utilized, Mayor Fitzgerald replied the clean up will take place within five years.

Councillor Sarto requested the water bills indicate how much is for pollution control and how much is for waste water expenditures. Mr. Singer replied this can be done noting the amounts allocated for pollution control will not change this year.

In response to a question from Councillor Cunningham, Mr. Meech replied if the by-laws are not approved, the Operating Budget will need to be revisited for further revisions or an increase in taxes.

Councillor Kelly then made the following Notice of Motion.

Take Notice that at the regular meeting of the Halifax Regional Council to be held on September 24, 1996, I intend to introduce a motion to give First Reading to By-Laws P-200 and P-201 respecting Pollution Control Charges.

10.3.8 School Bus Drivers

- A report prepared by George McLellan, Commissioner, Regional Operations, regarding the Dartmouth School Bus Contract - Dartmouth School Board, was before Council.

Councillor Hetherington noted there is a report coming from staff later this week regarding this issue.

MOVED by Councillors Hetherington and Epstein that the issue of School Bus Drivers be deferred until September 17, 1996 on the condition the pending staff report goes out to everyone, including the union, no later than Friday, Sept. 13, 1996. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

11.1 Waste Water Discharge - By-Law W-100 - Third Reading

By-Law W-100, Respecting Wastewater Discharge, passed Second Reading on September 3, 1996 and was before Council for Third Reading.

MOVED by Councillors Epstein and Hetherington that By-Law W-100 be given Third Reading. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Retail Shopping Hours - By-Law R-100 - Third Reading

By-Law R-100, Respecting the Repeal of By-Laws and Ordinances, passed Second Reading on September 3, 1996 and was before Council for Third Reading.

MOVED by Councillors Cunningham and Snow that By-Law R-100, Respecting the Repeal of By-Laws and Ordinances, be given Third Reading.

Councillor Adams stated that members of the commercial community who deliberately violated the current ordinance should be charged. In his opinion, amalgamation is not a reason for changing store hours but an excuse. The small business owners will be the biggest losers and there will be job losses. Councillor Adams suggested Zellers in the South Centre Mall and the Canadian Tire Store in Spryfield will likely be closed in six months to one year.

Councillor Blumenthal stated store owners defying the ordinance should be fined for every day for the protection of those that do not open. Mr. Allen replied Police Services is investigating the situation.

Councillor Walker noted at the last meeting he requested a report on the status of the store owners remaining open and he has not received it yet. He also noted there are stores advertising their plans to remain open starting next week and onward. He asked if these people will be served notice they are breaking the law. Councillor Walker asked that this be included in his requested report.

Councillors Walker and Adams also expressed concerns with the process in which this issue was handled.

MOTION PUT AND PASSED.

12. ADDED ITEMS

Item 10.3.7 Proposed Storm and Waste Water Charges

Item 10.3.8 Councillor Hetherington - School Bus Drivers

13. NOTICES OF MOTION

Councillor Kelly

Councillor Kelly gave notice of motion regarding the First Reading of By-Laws P-200 and P-201 under Item 10.3.7.

Take Notice that at the regular meeting of the Halifax Regional Council to be held on September 24, 1996, I intend to introduce a motion to give First Reading to By-Laws P-200 and P-201 respecting Pollution Control Charges.

14. ADJOURNMENT

MOVED by Councillors Hetherington and Greenough that the meeting adjourn at 9:15 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk