

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
COMMITTEE OF THE WHOLE MINUTES

February 12, 2013

PRESENT: Mayor Mike Savage
Deputy Mayor Reg Rankin
Councillors: Barry Dalrymple
David Hendsbee
Bill Karsten
Lorelei Nicoll
Darren Fisher
Waye Mason
Jennifer Watts
Linda Mosher
Russell Walker
Stephen Adams
Matt Whitman
Brad Johns
Tim Outhit

REGRETS: Councillors: Gloria McCluskey
Steve Craig

STAFF: Mr. Mike Labrecque, Deputy Chief Administrative Officer
Mr. Martin Ward, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sherryl Murphy, Deputy Clerk
Ms. Jennifer Weagle, Legislative Assistant

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1. CALL TO ORDER

Mayor Savage called the meeting to order at 1:04 p.m.

2. APPROVAL OF THE MINUTES – NONE

3. SIDEWALK LOCAL IMPROVEMENT CHARGES (LIC) AND TAXES

A copy of the presentation was on file.

The following information was before Council:

- An supplementary information report dated February 6, 2013.
- An extract of the Regional Council minutes of July 5, 2011.
- A staff report dated June 16, 2011.
- An extract of the Regional Council minutes of February 28, 2012.
- A staff report dated January 19, 2012.
- An extract of the Committee of the Whole minutes of August 7, 2012.
- An information report dated July 24, 2012.

Mr. Bruce Fisher, Manager, Fiscal Policy and Financial Planning, presented to Committee of the Whole on sidewalk local improvement charges (LICs) and taxes. A copy of Mr. Fisher's presentation is on file.

Councillors Johns and Outhit joined the meeting at 1:15 p.m.

MOVED by Deputy Mayor Rankin, seconded by Councillor Nicoll, that Regional Council approve the local sidewalk costs funded by a local Sidewalk Area Rate and Arterial/Collector Sidewalk Costs funded by the General Rate.

Deputy Mayor Rankin indicated that he moved the alternative, as there is justification to sometimes have a varied tax rate. He noted that if rural residents are charged the area rate, they will expect sidewalks, and that many areas are not designated as pedestrian streets.

Mr. Fisher clarified, at the request of the Deputy Mayor, that the intent is for future sidewalks to be based on the ranking system.

Councillor Nicoll commented that simplification of the sidewalk taxation system was needed, and she is in support of the alternative as moved by Deputy Mayor Rankin. She noted that some residents in District 4 feel that they live in a rural area, but are classified as suburban. Councillor Nicoll suggested that the general tax rate should absorb the cost of certain engineering upgrades, when the decision for those upgrades are made by HRM, such as when the standard was upgraded from asphalt sidewalks to concrete, and residents were charged the difference.

Mr. Fisher clarified at the request of Councillor Nicoll that regional sidewalks, which include sidewalks on an arterial roadways and highways, under the alternative be a part of the general tax rate paid for by everyone, and local sidewalks will be paid for through a local area rate.

Councillor Walker indicated that he does not support the alternative motion on the floor. He indicated that the goal should be trying to fix the system so that it is easier to get a sidewalk, not harder. He indicated that residents are not willing to pay for sidewalks even when they are needed, such as on a route to school.

MOVED by Councillor Walker, seconded by Deputy Mayor Rankin, that the motion be amended to provide that the local sidewalk costs be funded from the urban/suburban tax rate.

Mr. Fisher clarified that the option costed-out by staff was based on the direction from Council for the general tax rate for all, as opposed to urban/suburban. He noted that the proposed amendment would not be a large change since rural is only about 10% of the tax base.

Deputy Mayor Rankin indicated that he would be in favour of the amendment as it would reduce the rural rate, and on the advice of the solicitor and with the agreement of members, he chose to withdraw his motion.

MOVED by Deputy Mayor Rankin, seconded by Councillor Nicoll, that Regional Council approve the local sidewalk costs funded by a local Sidewalk Area Rate and Arterial/Collector Sidewalk Costs funded by the General Rate. MOTION WITHDRAWN.

Mr. Fisher clarified that the amendment now on the floor would apply within the existing urban/suburban boundary, and rural areas would maintain their own tax rate for sidewalks.

Councillor Hendsbee noted that he was in support of Deputy Mayor's alternative motion which was withdrawn. He inquired what would happen if there was a cost-shared opportunity for infrastructure projects with other levels of government, and if these opportunities could be elevated on the priority list as they arise. Councillor Hendsbee also inquired how active transportation trails will factor into the equation. He noted that rural and urban standards for sidewalks are very different, commenting that paving the shoulders of rural roads would be acceptable as a sidewalk in rural areas.

Mr. Fisher clarified at the request of Councillor Karsten that local improvement charges are not applied for maintenance, only for upgrades and new infrastructure. Mr. Fisher also clarified that the stipulation that homes within one kilometer of a new sidewalk be included in paying for that sidewalk.

Councillor Karsten indicated that his preference would have been to spread the costs across the entire municipality, as opposed to the use of local improvement charges (LIC) and area rates.

Mr. Fisher, responding to questions from Councillor Karsten, clarified that the rule during planning for the capital budget is that 50% of sidewalks are through LIC, but the end result may vary from 50% because of individual circumstances. He further clarified that projected LICs end up being billed out at different times, and not all within the same year.

Councillor Dalrymple noted disappointment that this charge will be applied to suburban residents when many of them will never see a benefit from it. He noted that he would have been in favour of the one kilometer rule previously discussed.

Councillor Mosher indicated support for the motion, noting that the sidewalk priority rating system is based on a set criteria including pedestrian counts, student counts, etc. She noted that just because an area is charged the urban tax rate it does not necessarily have a sidewalk, citing the low number of sidewalks in the Spryfield, Armdale and Fairview areas, which are charged the urban rate. Councillor Mosher commented that traffic from rural residents traveling through urban areas create the necessity for sidewalks for the safety of residents and as an active transportation option.

Councillor Adams inquired how residents of a rural area would get a sidewalk if they wanted one. Mr. Fisher clarified that the request would be put forward by staff with input from the area councilor, to be paid for through an area rate.

Councillor Johns noted that although he is in favour of the one kilometer rule previously discussed, he is open to changes because the current system is very frustrating. He commented that through the Regional Planning process 5 years ago, suburban growth areas were identified and development is now taking place in these areas although the infrastructure is still not there. Mr. Fisher clarified that the approach being debated by Council does not add any additional funding for the construction of sidewalks.

MOVED by Councillor Johns that the motion be amended to include a distance of one kilometer in suburban areas for the charge of a sidewalk LIC.

The solicitor clarified that the motion was not a friendly amendment and the motion on the floor would first have to be voted on or withdrawn before Councillor Johns' motion could be considered. With the agreement of members, Councillor Johns withdrew his amendment, noting that he will not be voting in favour of the current motion on the floor.

MOTION WITHDRAWN.

Councillor Fisher asked for clarification of how the selected option would affect the average home. Mr. Bruce Fisher clarified that staff would have to come back with exact figures.

Councillor Watts noted that while simplifying the system is important, it is more important to get the sidewalks built that need to be built. She continued that having impediments to the construction of sidewalks affects active transportation in communities. Councillor Watts indicated that she would not support the one kilometer rule as she believes it would dilute the ability to create good sidewalk networks. She requested that Council support the motion in principle, asking for staff to come back with data for a decision to be made at another meeting in a week or two for this year's budget.

Councillor Whitman indicated that he is not comfortable imposing another tax on the residents of Hammonds Plains who will never see a sidewalk. He noted that the residents of this area have clearly indicated to him that they don't want to pay for sidewalks.

Councillor Outhit noted that HRM is too large to have taxes based on assessment only and not based on services. He commented that in an effort to make this system fair, Council needs to consider that there are benefits enjoyed by rural areas because of the larger HRM, such as community centres, bus services, arenas, etc. that rural communities could not have afforded on their own.

Responding to questions from Councillor Adams, Mr. Fisher clarified that if Council were to go with the one kilometer rule, it would benefit the suburban tax rate and would expand the urban property tax base.

At the request of Councillor Johns, Mr. Fisher discussed the number of kilometers of sidewalk in suburban and rural areas in HRM. Councillor Johns noted frustration with attempts to get a sidewalk constructed along a portion of Sackville Drive. He commented that if Sackville Drive is not a priority location for a sidewalk with 20,000 cars per day, the expectation for rural and suburban communities to be made a priority is unrealistic and he does not believe they should be charged for sidewalks.

Councillor Mason noted that residents of the rural commutershed and suburban areas use the infrastructure in urban areas to go to work on a daily basis. He used the example that everyone pays for the fire department although they have not necessarily ever had a fire.

Councillor Dalrymple spoke in favour of the one kilometer rule, which he feels is a fair compromise for suburban and rural communities.

Councillor Mosher spoke in favour of interim measures such as paving shoulders of roads instead of sidewalks, where appropriate, as a way to promote safe and healthy neighbourhoods.

Deputy Mayor Rankin noted concern that the suburban and urban tax rates would essentially be the same. Mr. Fisher concurred, noting that the only difference between urban and suburban tax rates currently are sidewalks.

At the request of Councillor Karsten, Mr. Fisher further explained the table of proposed and general rates included on page 3 of the February 6, 2013 information report, noting that the rural and suburban tax bases make up a relatively small portion of the total tax base.

The Mayor noted that recorded votes are not held during Committee of the Whole, unless there is a 2/3 majority vote of Council to set aside the Administrative Order One procedure.

MOVED by Councillor Hendsbee, seconded by Councillor Johns, that the rules of order be suspended to allow a recorded vote be held on the motion. MOTION PUT AND PASSED WITH A 2/3 MAJORITY.

MOVED by Councillor Walker, seconded by Deputy Mayor Rankin, that Halifax Regional Council approve the local sidewalk costs funded by a local Sidewalk Area Rate and Arterial/Collector Sidewalk Costs funded by the urban/suburban tax rate. MOTION DEFEATED. (5 in favour, 10 opposed)

Those voting in favour were: Councillors Fisher, Mason, Watts, Mosher, and Walker.

Those voting against were: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, Adams, Whitman, Johns, and Outhit.

Councillors McCluskey and Craig were not present for the vote.

MOVED by Councillor Johns, seconded by Councillor Whitman, that Halifax Regional Council adopt the Selected Option being that all sidewalk costs in the existing urban and suburban areas be funded from the urban & suburban General Rate on the condition that the modified general rate will be applied to properties in suburban area within 1 kilometer of an existing sidewalk.

At the request of Councillor Karsten, Mr. Fisher clarified that there would be residents in suburban areas of HRM that would be captured under the proposed scenario. Councillor Karsten noted he will not be supporting the motion.

At the request of Councillor Outhit, Mr. Fisher advised that the Selected Option as outlined in the February 6, 2012 staff report was brought forward by staff pursuant to Council direction from a previous Committee of the Whole meeting in August 2012.

Discussion ensued on the motion, with clarification from staff.

MOTION TO PUT AND PASSED. (8 in favour, 7 opposed)

Those voting in favour were: Deputy Mayor Rankin; and Councillors Dalrymple, Hendsbee, Mosher, Walker, Adams, Whitman and Johns.

Those voting against were: Mayor Mike Savage; and Councillors Karsten, Nicoll, Fisher, Mason, Watts, and Outhit.

Councillors McCluskey and Craig were not present for the vote.

4. ADJOURNMENT

The meeting was adjourned at 3:34 p.m.

Cathy J. Mellett
Municipal Clerk